



Land Use Zoning, Subdivision & Advertisement Regulations 2014-2024

(Development Regulations)

Gazette date: November 6, 2015
Consolidation: No amendments as of November 13, 2015

prepared for:

Town Council of Placentia

prepared by:



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

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

- a) adopted the Placentia Development Regulations 2014-2024 on the 21 day of October ^{April} ~~2014~~ 2015.
- b) gave notice of the adoption of the Placentia Development Regulations by advertisement inserted on the 5th day and the 12th day of May 2015 in the *Compass* newspaper.
- c) set the 20th day of May at 7 p.m. at the Town Hall, Placentia, 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 Placentia approves the Placentia Development 2014-2024 with the changes recommended by the Commissioner's Report, as follows:

- a) Rezone property at 745-759 Main Road, Dunville from Commercial General to Residential
- b) Rezone certain property at Beach Road from Commercial General to Mixed Development

SIGNED AND SEALED this 28 day of September, 2015

Deputy Mayor:

Clerk:

Town of Placentia Regulation/Amendment	
REGISTERED	
Number	3800-2015-005
Date	October 29, 2015
Signature	<i>[Signature]</i>

(Council Seal)

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

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Placentia adopts the 2014-2024 Development Regulations.

Adopted by the Town Council of Placentia on the 21st day of April, 2015.


Signed and sealed this 2nd day of October, 2015.

Mayor: Wayne B. Power
Clerk: [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: Dennis W. Knight 

(MCIP Seal)

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**COUNCIL RESOLUTION TO ADOPT
TOWN OF PLACENTIA DEVELOPMENT REGULATIONS**

Under the authority of Section 35 of the *Urban and Rural Planning Act 2000*, the Town Council of Placentia adopts Part I to V and Schedule A (Definitions) of the Development Regulations in order to bring the Placentia Development Regulations into conformity with the *Urban and Rural Planning Act 2000*.

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

Signed and sealed this ____ day of _____, 20__.

Mayor: _____

Clerk: _____

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: _____

**COUNCIL RESOLUTION TO APPROVE
TOWN OF PLACENTIA DEVELOPMENT REGULATIONS**

Under the authority of Section 35 of the *Urban and Rural Planning Act 2000*, the Town Council of Placentia:

- a) adopted Part I to V and Schedule A (Definitions) of the Development Regulations on the ____ day of _____, 20 .
- b) gave notice of said adoption by advertisement inserted on the ____ day and the ____ day of _____, 20 in the _____ newspaper.
- c) set the ____ day of _____ at ____ p.m. at the _____ for the holding of a public hearing to consider objections and submissions.

Now under Section 35 of the Urban and Rural Planning Act 2000, the Town Council of Placentia approves the Placentia Development Regulations as adopted.

Signed and sealed this ____ day of _____, 20 .

Mayor: _____

(Council Seal)

Clerk: _____

NEWFOUNDLAND AND LABRADOR REGULATION 3/01

Approved under the authority of Section 36, Urban and Rural Planning Act, 2000, January 2, 2001 by the Honourable Joan Marie Aylward, Minister of Municipal and Provincial Affairs.

Short title

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

Definitions

2. In these regulations,

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

Application

- 3. (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.
- (2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.
- (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

Interpretation

- 4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
 - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
 - (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
 - (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
 - (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building

height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

(e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;

(f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;

(g) "established grade" means,

(i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

(ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;

(h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;

(i) "frontage" means the horizontal distance between side lot lines measured at the building line;

(j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;

(k) "lot area" means the total horizontal area within the lines of the lot;

(l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;

(m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;

(n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;

(o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;

(p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;

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

(r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;

(s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;

(t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;

(u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;

(v) "use" means a building or activity situated on a lot or a development permitted on a lot;

(w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;

(x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and

(y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

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

Notice of right to appeal

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

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

Appeal requirements

6. (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.

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

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

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

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

Appeal registration

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

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

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

Hearing of evidence

- 10.** (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
- (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

Board decision

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

Variances

- 12.** (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (3) An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

Notice of variance

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

Residential non conformity

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

Notice and hearings on change of use

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

advertisement.

Non-conformance with standards

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

Discontinuance of non-conforming use

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

Delegation of powers

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

Commencement

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

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TOWN OF PLACENTIA
LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS
(DEVELOPMENT REGULATIONS)

INTRODUCTORY STATEMENTS

Short Title

These Regulations may be cited as the Town of Placentia Development Regulations.

Interpretation

Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.

Words and phrases not defined in Schedule A shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

Commencement

These Regulations come into effect throughout the Placentia 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.

Municipal Code and Regulations

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

Authority

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

PART I - GENERAL REGULATIONS

1. Compliance with Regulations

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

2. Permit Required

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

3. Permit to be Issued

Subject to Regulations 9 and 10, a permit shall be issued for development within the Planning Area that conforms to:

- (a) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions
- (b) prescribed in Schedule C of these Regulations for the use zone in which the proposed

- development is located;
- (c) the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- (d) the standards set out in Part III of these Regulations in the case of advertisement;
- (e) the standards set out in Part IV of these Regulations in the case of subdivision;
- (f) the standards of design and appearance established by the Authority.

4. Permit Not to be Issued in Certain Cases

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

Development proposals shall receive approval from all required Government agencies such as Crown Lands Division, Service NL and Environment & Conservation before final approval is issued.

The National Building Code of Canada is to be followed for all development approved under these Development Regulations.

All privacy regulations under the Access to Information and Protection of Privacy Office are to be met in all cases.

5. Discretionary Powers of Authority

- (1) In considering an application for a permit or approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.
- (2) The Authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the Authority's regulations as discretionary, permitted or prohibited uses for that area

6. Variances (*Refer to Minister's Development Regulations, Section 12, January 2, 2001*)

- (1) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in development regulations, the Authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the Authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (2) The Authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than

10%.

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

7. Notice of Variance *(Refer to Minister's Development Regulations, Section 13., January 2, 2001)*

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

8. Service Levy

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

9. Financial Guarantees by Developer

- (1) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 9(1) may be made in the form of:
 - a) a cash deposit from the developer, to be held by the Authority, or;
 - b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or;
 - c) a performance bond provided by an insurance company or a bank, or;
 - d) an annual contribution to a sinking fund held by the Authority, or;
 - e) another form of financial guarantee that the Authority may approve.

10. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 98, the Authority may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with the provisions of the Act.

11. Reinstatement of Land

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

12. Form of Application

- 1) An application for a development permit or approval in principle shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.
- 2) The Authority shall supply to every applicant a copy of the application forms referred to in Regulation 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) Plans and drawings accompanying an application for development shall include all proposed buildings as well as accessory structures such as sheds, gazebos and greenhouses.

13. Register of Application

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

14. Deferment of Application

- 1) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- 2) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 14(1), shall be deemed to be refused.

15. Approval in Principle

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

16. Development Permit

- 1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with

these Regulations or any other regulations or statutes; and from compliance with all conditions imposed there under.

- 2) The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- 3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.
- 4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.
- 5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- 6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- 7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- 8) There shall be kept available on the premises where any work, matter or thing 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.

17. Reasons for Refusing Permit

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

18. Notice of Right to Appeal *(Refer to Minister's Development Regulations, Section 5)*

Where the Authority makes a decision that may be appealed under Part VI of the Urban and Rural Planning Act, the Authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

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

19. Appeal Requirements *(Refer to Minister's Development Regulations, Section 6)*

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

20. Appeal Registration *(Refer to Minister's Development Regulations, Section 7)*

- 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 6(1) and (2), shall immediately register the appeal.
- 2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.
- 3) Where the Authority has been notified of an appeal that Authority 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 including the names and addresses of the applicant and other interested persons of whom the Authority has knowledge.
- 4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate Authority, a notice that the appeal has been registered.
- 5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

21. Development Prohibited *(Refer to Minister's Development Regulations, Section 8)*

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

22. Appeal Board

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 Part VI, of the Urban and Rural Planning Act.

23. 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 the Authority 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.
- (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 the Authority to carry out its decision or make the necessary order to have its decision implemented.
- (11) Notwithstanding subsection (10), where the Authority 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, in writing notify the appellant and the appropriate Authority of the decision of the Appeal Board.

24. Hearing Notice and Meetings *(Refer to Minister's Development Regulations, Section 9, January 2, 2001)*

An Appeal Board shall notify the appellant, applicant, Authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.

25. Hearing of Evidence *(Refer to Minister's Development Regulations, Section 10)*

- 1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 9(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(2) 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.

26. Return of Appeal Fee

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 19(2) shall be paid to him or her by the Authority.

27. Notice of Application

- 1) When a change in non conforming use is to be considered under Regulation 60, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations, the Authority shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area.
- 2) When a variance is necessary under Regulation 6, and the Authority wishes to consider whether to authorize such a variance from development standards, the Authority shall give written notice of the proposed variance to all persons whose land is in the immediate vicinity of the land that is the subject of the variance.

28. Right of Entry

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

29. Record of Violations

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

30. Stop Work Order and Prosecution

- 1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- 2) A person who does not comply with an order made under Regulation 30(1) is guilty of an offence under the provisions of the Act.

31 Delegation of Powers *(Refer to Minister's Development Regulations, Section 18)*

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

PART II - GENERAL DEVELOPMENT STANDARDS

32. Accesses and Service Streets

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

33. Accessory Buildings

Except as otherwise described in these Regulations, all accessory buildings must comply with the requirements of this section.

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- (2) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials.
- (3) Exclusive of cold frames, decks, gazebos, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have a floor area of no greater than forty (40) percent of the dwelling lot coverage.
- (4) The height of an accessory building shall not exceed 6 metres.
- (5) Accessory buildings shall not be closer to the front lot line than the main building, 1.5 m to the side lot line, and 1.5 m to the rear lot line. However, changes may be made to these requirements at the discretion of the Authority in the instance of an unusual configuration of property. Accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire resistant construction and have a common firewall.
- (6) An open or partially enclosed deck attached to the dwelling or other building shall not extend into the minimum permissible front yard, and shall not be closer to the side or rear lot line than 1.5 m.

34. Accessory Uses (see also Section 4(c) of the Ministerial Development Regulations)

Subject to the conditions under Schedule C for a use zone, uses accessory to the permitted or discretionary use may be permitted. Examples include, but are not limited to:

- (a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, marina, or hotel (commercial - residential);
- (b) a gift or souvenir shop in a museum, hotel or other establishment;
- (c) an office and/or a small convenience store or catering establishment in a campground.

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

35. Advertisements

Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations.

36. Agriculture and Farming

- (1) Approvals must be obtained from the Department of Natural Resources for any farming operation that falls within its jurisdiction.
- (2) Except for infill development any *residential development* within 600 metres of a structure containing more than five animal units must be referred to the Departments of Natural Resources and Government Services for a recommendation. The Authority shall not issue a permit contrary to the recommendation.
- (3) Any livestock structure (barn) containing more than five animal units must be located at least 600 metres from a non-farm dwelling in an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park, unless:
 - (a) otherwise approved by the Soils and Lands Management Division of the Department of Natural Resources and the Department of Government Services; and,
 - (b) notice of the application has been given in accordance with Regulation 27 of the Development Regulations.
- (4) Unless otherwise determined in consultation with the Departments of Natural Resources and Government Services, and unless notice of the application has been given in accordance with Regulation 27 of the Development Regulations, the barn containing more than five animal units shall be at least 60 m from the boundary of the property on which it is to be erected and at least 90 m from the centre line of a street.
- (5) The erection of the barn containing more than five animal units shall be approved by the Departments of Natural Resources and Government Services before a permit is issued by the Authority.

37. Archaeological Sites

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

38. Buffers - Designated Trails and Public Open Space

- (1) Along designated trails and public open spaces, the Authority may require that a buffer of fifteen (15) metres be provided by the developer between a development permitted under a zone and a designated trail, public amenity area, or public open space as set forth on the Zoning Maps. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

- (2) The proposed location of the East Coast Trail.
 - (a) Development within 125 metres either side of the Trail shall be subject to review and approval by the Authority after consultation with the East Coast Trail Association and relevant Provincial Government agencies with the intent of complying with the Municipal Plan policy that protects the East Coast Trail as a hiking/walking trail occurring in a natural environment.
 - (b) No development shall be allowed on Crown Land within the 125 metre buffer of the Trail except that related to trail development or other uses compatible with trail use, except for:
 - (i) cultural and heritage uses, such as the development of the Vieux Fort site on Mount Pleasant as shown in the Cultural Heritage District Development Scheme;
 - (ii) wharves and related marine uses, provided that adequate buffering is provided from the Trail itself;
 - (iii) public utilities and essential services - provided these are suitably buffered from the Trail and impacts are minimized.
 - (c) Where land is privately held or leased, then development is reviewed in accordance with Clause 2 (a) of this section.

39. Buffers - Dunville By Pass Proposed Arterial Road

The approximate (subject to engineering design) location of the Dunville By-Pass is shown on the Zoning Maps. Any development within the corridor as delineated on the zoning maps of this proposed highway shall be referred to the Department of Works, Services and Transportation for review prior to the granting of a permit.

40. Buffers - Non-Residential

Where any non-residential use, including a Mineral Working (see Regulation 58) abuts a residential use or area, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential use. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

41. Building Line and Setbacks

- (1) The Authority, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.
- (2) In measuring building lines and setbacks, the street line shall be the centre line of the public street on which the building fronts.
- (3) For irregular-shaped lots, street setback requirements shall be met using the shortest distance between the lot boundary and the street.
- (4) In accordance with the Building Near Highways Regulations 1997, the building line along Provincial highways shall not be less than that specified under the Building Near Highways Regulations. The affected highways are:

- (a) Highway 100 (Argentia-Cape Shore Highway from the Trans Canada Highway to the Freshwater turnoff) wherein the minimum building line is 30 metres from the centre-line of the Highway;
- (b) Highway 100 from the Freshwater intersection and via Beach Road, Bond's Path and Point Verde, wherein the minimum building line is 20 metres from the centre-line of the highway;
- (c) Highway 91 - Southeast Road from the intersection of Highway 100 to the end of the Planning Area boundary, wherein the minimum building line is 15 metres from the centre-line of the highway; and,
- (d) Highway 100-10 - Southeast Placentia Road (also known as the Colinet Access or Beaver Pond Road), wherein the minimum building line is 10 metres from the centre-line of the highway.

42. Campground

- (1) A campground may only be permitted as a discretionary use, provided a plan of the development is submitted in a format satisfactory to the Authority, showing and specifying:
 - (a) camping sites - location and sizes;
 - (b) roads and accesses;
 - (c) parking areas;
 - (d) accessory uses, such as laundry facilities, storage areas, showers, snack-bar, and convenience stores and the caretaker residence, and any other building or facility accessory to the campground facility;
 - (e) water supply and waste disposal services;
 - (f) landscaping;
 - (g) buffers, and screening between the campground and existing and future residential development;
 - (h) the land to be developed on legal survey prepared by a Newfoundland Land Surveyor;
 - (i) where deemed, necessary by the Authority, a phasing plan of the campground.
 - (2) Commercial uses, washroom facilities, laundromats, and similar facilities, and parking areas and recreational areas shall not be located adjacent residential areas.
 - (3) All sites and facilities shall only be accessed by the internal road network of the campground.
 - (4) A suitable located on the property and planted with materials approved by the Authority and/or privacy fence of a design approved by the Authority, shall be provided where the development abuts a public road, right of way, and/or a present or future residential neighbourhood.
- Any buffering or screening shall be properly maintained by the owner, and not allowed to fall into disrepair or become unsightly.
- (5) The owner and/or the operator shall ensure that all bylaws and regulations of the Authority pertaining to noise, rowdy behaviour, and litter are complied with.
 - (6) Where deemed necessary by the Authority, a deposit sufficient to cover the cost the buffer and screening shall be deposited with the Authority, and then subsequently returned by the Authority upon satisfactory completion of the work, or, used by the Authority to complete the work in accordance with the approved plan.

(7) The permit for a campground shall specify the maximum number of units and sites - in the form of tents, recreational vehicles, and so forth - that may be accommodated on the site at any one time. This number shall not be exceeded.

(8) Any expansion or alteration to a campground shall be subject to review by Council, and except for repairs and maintenance, shall be treated as a discretionary use application.

43. Comprehensive Development and Development Schemes

A Comprehensive Development Scheme prepared under Section 29, Urban and Rural Planning Act, would normally include the following:

- goals, objectives and land use policies for the development area,
- phasing of the development,
- street and servicing layout,
- provision for recreation needs of the development area,
- accommodation of site conditions such as poor drainage, steep slopes, flooding potential and rocky ground,
- any issues related to the long-term maintenance of streets and other services,
- any required amendment to the Municipal Plan and Development Regulations for adoption by the Authority.

The Scheme would be prepared and reviewed by the Authority according to its regular development approval process.

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

44. Cultural Heritage District

(1) The Cultural Heritage District (as outlined on Zoning Map 2B) applies to a variety of zones within the historic core of the municipality.

(2) Permitted and Discretionary Uses

The permitted and discretionary uses in this zone are the same as the permitted and discretionary uses which are set out in the zones that fall within the boundaries of the Cultural Heritage District.

Notwithstanding the requirements of Regulation 50 concerning development in the Flood Risk Areas, subject to a determination by the Minister of Environment and Conservation, the restoration of certain forts and historic sites and the adaptive reuse of heritage properties can be entertained.

(3) Standards of Development and Other Requirements

- (a) Except as otherwise noted below, the requirements for the zones lying within the Cultural Heritage District shall prevail.

- (b) The Heritage Advisory Committee shall review and advise on development for compliance with policies relating to the protection and development of the Cultural Heritage District in accordance with the provisions of these Regulations and the Municipal Plan.
- (c) Development shall comply with the requirements of the Municipal Plan for the Cultural Heritage District.
- (d) No development shall be permitted on military sites and other sites of historic and/or cultural interest, including trails and lands pertaining to such sites, as set out for the Cultural Heritage District in the Municipal Plan unless it is to improve or otherwise develop or restore the site for cultural and/or historical interpretation purposes and complementary - such as recreational and tourism - purposes after proper analysis, design, and planning has taken place and been approved. Any use shall be a permitted or discretionary use under a zone included within the District.
- (e) Protection of views of landmarks - the Heritage Advisory Committee may recommend that any building exceeding two storeys and/or ten metres in height and/or otherwise being significantly larger than other buildings in the immediate area be assessed for its impact on the view or views of a landmark. The Authority may approve, approve subject to conditions, or refuse a permit based upon this assessment.

In addition to any other views that may be protected, views from Castle Hill to Blockhouse, Sacred Heart Church, and Ambrose Shea Bridge shall be protected.

- (f) Landscaping - A landscape plan shall be required for any new major development, such as:
 - new commercial, industrial and institutional or public development
 - apartment buildings and other larger residential developments;
 - subdivisions of five or more lots and developments on larger vacant blocks of land.
- (g) The Heritage Advisory Committee, subject to the approval of the Authority, may require that the landscaping plan be prepared by a qualified landscape designer or similarly qualified person.
- (h) The landscape plan shall set out the landscaping of yards and the treatment and design of driveways and walks.
- (i) The landscape plan, within the Heritage Conservation Zone provide for fencing, and where appropriate, may provide for fencing elsewhere in the Cultural Heritage District.
- (j) Subdivision Standards - Notwithstanding Part III, to facilitate integrated design, the Authority may permit a reduction in the minimum allowable road reservation under the subdivision design standards of Part III to 12 metres for residential streets, and 15 metres for collector streets, and minimum pavement widths of 9 and 7 metres respectively.

45. Discretionary Use Classes

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

46. Dwellings on Lot

Not more than one single or double dwelling shall be permitted on a lot unless it is part of a comprehensive development.

47. Environmental Protection

(1) Before approving development of a very steep site, the Authority may require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional. The review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters.

(2) The Authority shall ensure that the proposal is not inappropriate by reason of:

- (a) precipitating or contributing to a pollution problem in the area; or
- (b) creation of erosion and/or sedimentation.

(3) The Authority shall consider the suitability of the site in terms of steepness of grades, soil and geographic conditions, location of watercourses, marshes, swamps, or bogs when reviewing a development proposal.

48. Family and Group Care Centres

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

49. Fences

(1) Except as otherwise set out in Schedule C or in a Fence Regulation adopted under the Municipalities Act, the requirements of this Section shall apply to all fences.

(3) For the purpose of this Section a fence includes a vertical physical barrier constructed out of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes, and, that portion of a retaining wall which projects above the surface of the ground which it supports.

(4) Fences shall not be constructed to impede access for fire fighting purposes and shall not enclose or be within 1.5 metres (5 feet) of a fire hydrant.

Sight Lines:

(5) No fence shall be permitted to be erected that obscures a clear view of street intersections, pedestrian pathways, driveways or other points of access or egress of vehicles or pedestrians. Front fencing shall be located on the property line or at the discretion of Council in order to facilitate snow clearing.

(6) Properties located on corner lots (except in the Heritage Conservation Zone) shall have no fences with a height in excess of 0.75 metres (2.5 feet) above the grade of the street line within 15 metres from the point of intersection of the two street lines where one of the streets is an arterial or

collector street, or 8 metres from the point of intersection of the two street lines where the two streets are local streets.

(7) Except for the Heritage Conservation Zone and except as otherwise provided, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line at the intersection of a driveway and a road where in the opinion of the Council it impedes sight lines.

Maximum Height between the Building Line and the Street Line:

(8) Except for the Heritage Conservation Zone and unless required for screening, no fence shall be greater than 0.75 metres in height between the building line and the street line.

(9) Notwithstanding the above, Council may specify the location and height of a fence in the Heritage Conservation Zone adjacent to an intersection where it may affect the safety or appearance of the neighbourhood.

Maximum Height:

(10) The maximum height of a fence shall not exceed 1.8 metres in the Residential, Mobile Home and Heritage Conservation Zones.

(11) The maximum height of a fence in the Mixed Development, Commercial, Commercial General, Institutional, Industrial, Industrial Argentina, Rural, Open Space and Protected Watershed zones shall not exceed 3 metres.

Fence Materials:

(12) The material or materials used in the erection and repair of a fence, shall only be of a type which meets the approval of the Council.

Fence Maintenance:

(13) Every person who owns a fence shall maintain such fence in a good state of repair. For the purpose of this section, “good state of repair” shall mean:

- (a) the fence is complete and in a structurally sound condition and plumb and securely anchored and protected by weather -resistant materials;
- (b) fence components are not broken, rusted, rotten or in a hazardous condition;
- (c) all fences have a suitable finish and that stained or painted fences are maintained free of peeling; and
- (d) the fence does not present an unsightly appearance deleterious to abutting land or to the neighborhood.

Electrical Fence and Barbed Wire Fence:

(14) No person shall erect an electrical fence on any land, unless required for the containment of livestock or the protection of crops from marauding animals.

(15) No person shall erect a fence consisting wholly or partly of barbed wire or other barbed material except along the top of any fence in excess of 2.1 metres enclosing a lot used for commercial or industrial purposes provided the industrial or commercial lot does not abut a residential lot or residential use zone.

Snow Fence:

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

Swimming Pool Fence:

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

Order to Remove Fence:

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

Public Authorities:

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

Responsibility for Damage:

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

50. Flood Risk Areas

(1) Flood Risk Areas - **Floodway, Floodway Fringe and Special Policy Area**, as shown on the Flood Risk Areas Map of the Municipal Plan. Notwithstanding the zoning, certain uses may not be permitted within a Flood Risk Area, or may be subject to certain conditions.

(2) No permit for development within any of the Flood Risk Areas shall be issued by the Authority until written approval has been given by the Minister of Environment and Conservation.

(3) Changes to existing uses that increase the floor area or numbers of persons using the property shall be approved by the Minister of Environment and Conservation.

(4) Any development in the Flood Risk Areas shall have roads, wharves, utilities and drainage placed to take account of the 1-in-100 year flood or wave level.

(5) Within the Floodway Area, the following use types, groups and classes can be permitted:

- (a) existing uses;
- (b) temporary alterations in a buffer zone, a designated floodway fringe, a flood plain, a designated floodway, and the body of water itself (see Department of Environment Policy Directive W.R. 96-1);
- (c) non-structural uses, including conservation, open space recreation, and, fences; and,

- (d) structures related to use of water resources such as wharves, slipways, boathouses, pumping stations, storm or sewerage discharges.
- (6) Within the Floodway Fringe Area:
- (a) temporary alterations in a buffer zone, a designated floodway fringe, a flood plain, a designated floodway and the body of water itself;
 - (b) non-structural uses such as conservation and open space recreation;
 - (c) structures related to use of water resources such as wharves, slipways, boathouses, pumping stations, storm or sewerage discharges;
 - (d) minor structural or other projects where only soil disturbance is involved such as trails, pipelines, transmissions lines, roads where there will be no change in the grade of the land;
 - (e) other structures not used primarily for residential, commercial, industrial or institutional purposes;
 - (f) industrial uses related to shipping or the fishing industry;
 - (g) business and personal service uses, mercantile uses, and other industrial uses;
 - (h) assembly uses, institutional uses, and residential uses;
- can only be permitted if:
- (i) the ground floor elevation of the structure is higher than the 1 in 100 year flood level, and,
 - (ii) the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties, and,
 - (iii) the structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
 - (iv) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc.
- (7) The Special Policy Area can be developed in accordance with the requirements for the Floodway Area. However, it may be developed in accordance with the requirements of the Floodway Fringe Area (less stringent requirements) if a comprehensive plan is adopted to ensure that surface drainage in existing developed areas is not disrupted by new development along Southeast Arm and cause flooding.
- (8) The minimum freeboard and useable floor elevation is based on the 1 in 100 year flood/wave level of 2.04 metres geodetic for the Floodway, 1.75 metres for the Floodway Fringe, and, 1.75 metres for the Special Policy Area.

- (9) Excepting accessory buildings, in Floodway the minimum freeboard is 0.6 m, and the minimum floor elevation is 2.64 metres geodetic. In Floodway Fringe, the minimum freeboard is 0.6 m, and the minimum floor elevation is 2.35 m geodetic. In Special Policy Area the minimum freeboard is 0.6 m, and the minimum floor elevation is 2.35 m geodetic.
- (10) The building shall be anchored in a manner to prevent flotation during floods.
- (11) Electrical and mechanical equipment shall be located at or above the minimum floor elevation or must meet standards established by the Authority intended to provide for safety and continued electrical service during floods and to eliminate flood loss for mechanical systems.
- (12) Plumbing shall be designed to eliminate sewer and storm drain backflow into the building, either by equipping fixtures below the minimum floor elevation with a back water valve; keeping fixtures above the minimum floor elevation; or eliminating gravity flow drains below the minimum floor elevation. Plumbing shall be designed to prevent floodwater contamination to the main water line.
- (13) Other methods to meet the aims of flood proofing buildings may be approved, subject to review at the cost of the proponent, by an engineer or similarly accredited professional.
- (14) Within the Flood Risk Areas, the Authority shall, by written notice accompanying any development permit, inform the permit holder that the area is subject to flooding and that any building or land use permitted by the Authority is undertaken at the permit holder's own risk.

51. Forestry

- (1) Approvals for woodcutting or other forestry related activities must be obtained from the provincial Department of Natural Resources - Forest Management Unit.
- (2) Any non-forestry activity in a Forest Resource Area (Domestic and Commercial Cutting areas) must be approved by the Forest Management Unit.

52. Home Business

Where permitted, medical, professional, personal service and light industrial uses in the form of personal services, professional offices, light manufacturing, workshops, warehouses and similar uses shall be subject to the following conditions:

- (a) The use is clearly subsidiary to the residential use and the primary use of the property remains residential;
- (b) The use is either entirely enclosed within the dwelling and the use does not change the appearance of the dwelling, or is entirely enclosed within an accessory building;
- (c) No more than 25 percent of the total floor area of the dwelling, up to a maximum of 45 square metres, is devoted to such a use, even when the use is in an accessory building;
- (d) No outdoor activities or storage associated with the use shall be permitted and no repairs to vehicles or heavy equipment shall be carried out;
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, traffic or inconvenience and are not a nuisance to the occupants of adjacent dwellings;

- (f) Any retail sales are incidental and subsidiary to the approved use;
- (g) If the use is conducted from an accessory building, the total floor area of the use does not exceed that set out in clause (c) of this section.

53. Lot Area

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.
- (2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

54. Backlot Development

Development of ‘backlot’ properties behind existing residences will normally not be permitted unless there is sufficient land available for the additional houses to have standard frontage on a publically maintained street. In specific circumstances (such as when a person owns a regulation-size building lot but there is not enough land available for full public street frontage), backlot development may be considered on a discretionary basis. In such cases, the following requirements will be met:

- Full clearance for water and sewer services issued by the Authority.
- To ensure that the development will not prejudice the use of adjacent lands, Council will assess the potential use of adjoining areas. Where there is potential for additional development in the area, Council will satisfy itself that the lot and access road are properly located and that the road can accommodate future development. In such cases, the owner will be required to acquire title to sufficient land to accommodate a future municipal road, considering factors such as grades and sight lines, the width to conform to these Regulations.
- Where there is no potential for additional development of adjacent lands, the access road will be treated as a private driveway. If the decision is made to approve, a covenant shall be attached to the deed that the access road to a public street remain private.
- In order that the Authority can meet its commitments for public safety and emergency services, the dwelling unit on a backlot shall not be further than 32 metres from a public street that can be used year-round by service and emergency vehicles.

55. Lot Area and Size Exceptions

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

56. Lot Frontage

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

57. Mineral Exploration

Where permitted mineral exploration is subject to the following conditions:

- (a) mineral exploration which is not classed as development by virtue of appreciable soil disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Authority;
- (b) all applicable Provincial requirements are satisfied, including those of Government Services, Environment & Conservation, and Natural Resources;
- (c) no mineral exploration may proceed unless a permit is issued by the Authority for any facilities and access roads and/or other uses of land related to the activity of mineral exploration that constitutes development under these Development Regulations;
- (d) mineral exploration that requires the construction or erection of any sort of support facility such as a building, a drill rig, and/or access road shall not be permitted within 300 metres of areas zoned for residential, heritage, mixed development, commercial, institutional, industrial and recreational open space purposes unless it can be established that such an activity will not cause a nuisance to the users or occupants of these areas area and or that it is of such short duration that the nuisance is minimal, and furthermore, that the activity within this 300 metres buffer is treated as a discretionary use;
- (e) where appreciable soil disturbance occurs, the Authority shall require that financial and/or other satisfactory guarantees be made for the proper landscaping of sites used for mineral exploration.

58. Mineral Working - Quarries and Pits

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

No residential development shall be permitted closer than 300 metres to a mineral working unless the Authority and the Department of Natural Resources are satisfied that such development will not adversely affect the operations of the existing or proposed mineral working.

(1) Separation from Adjacent Uses

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

- (a) Existing or Proposed Residential Development
 - where no blasting is involved 300 metres
 - where blasting is involved 1000 metres

(b)	Any Other Existing or Proposed Development	150 metres
(c)	Public Highway or street	50 metres
(d)	Protected Road	90 metres
(e)	Body of Water or Watercourse	50 metres

(2) Highway 100 and Argentia - Mineral Workings Visual Impact Control

In order to preserve the appearance of the Gateway, no visible mineral workings shall be permitted off Highway 100, the road into Argentia and off Highway 100 through Point Verde (the Downs excluded). Before a permit is issued, an assessment shall be carried out of the proposed mineral working's visual impact, and if it is visually intrusive, then a permit shall either be refused, or, the development shall be required to provide screening in accordance with a landscaping plan approved by Council.

3) Screening

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

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

(4) Fencing

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

(5) Water Pollution

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

(6) Water Ponding

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

(7) Erosion Control

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

(8) Site Maintenance

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

(9) Access Roads

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

(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.

(11) Operating Plant and Associated Processing and Manufacturing

- (a) The Authority may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
- (b) all permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.
- (c) the Authority may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

(12) Termination and Site Rehabilitation

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

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

- (e) if the mineral working contains reserves of material sufficient to support further extraction operations, the Authority may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

59. Municipal Services - Unserviced Development

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

60. Non-Conforming Uses

See Section 108 of the Urban and Rural Planning Act and Sections 14, 15, and 16 of the Ministerial Development Regulations.

61. Non-Conforming Use - Discontinuance

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

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

62. Offensive and Dangerous Uses

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

63. Outdoor Assembly and Indoor Assembly Uses

- (1) Approval of an outdoor assembly or indoor assembly development will be withheld if its effect on the environment, traffic, visual impact, noise production, or its general suitability within the context of its proposed location are not acceptable to the Authority.
- (2) All buildings associated with such development must have properly finished exteriors. Grounds, including accesses and parking areas must be landscaped to the Authority's satisfaction.
- (3) To ensure that safety and aesthetics are integral considerations in the development of any such proposal, a site plan clearly depicting in proper scale and proportion the layout of the land and all activities, buildings, parking areas and accesses must be included with any proposal for an outdoor recreation development having one or kinds of activity on site; for extensions to any existing outdoor activity on site; or for additional activities at the site of any existing outdoor recreation development. Depending upon the size and complexity of the proposed development, Council may require any such site plan to be drawn by an engineer, surveyor, or other qualified person.

64. Parking Requirements

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

(a) parking stall width -	2.75 metres
parking stall length or depth -	5.80 metres
aisle width, parking stalls across from each other -	7.30 metres
aisle width, other obstruction -	7.30 metres
driveway width -	7.00 metres.

Where the parking stall is horizontal to the curb, the minimum length of the stall shall be 7.00 metres, and the minimum aisle width (if applicable) shall be at least 4.00 metres, more if deemed necessary by the Authority.

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

- (6) Other requirements for parking areas are as follows:
 - (a) the parking area shall be constructed and maintained to the specifications of the Authority;
 - (b) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - (c) a structure, not more than 3 m in height and more than 5 m⁵ in area may be erected in the parking area for the use of attendants in the area;
 - (d) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - (e) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - (f) access to parking areas in non-residential zones shall not be by way of residential zones;
 - (g) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;

- (h) where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

65. Off-Street Loading Requirements

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

66. Parks and Playgrounds, and Conservation Uses

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

67. Protected Road

Development within the Argentia Access Road Route 100 Protected Road corridor shall be referred to the Department of Government Services for approval before approval is granted by the Authority.

68. Screening and Landscaping

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

69. Services and Public Utilities

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

70. Service Stations

The following requirements shall apply to all proposed service stations:

- (a) all gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side;
- (b) pump islands shall be set back at least 4 metres from the front lot line;

- (c) accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

71. Side Yards

A sideyard 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.

72. Soil Removal and Deposit and Site Grading

- (1) If, as part of another development, quarry material is to be removed and sold or otherwise disposed of, then a separate quarry permit shall be issued once development approval is granted by the Authority. A copy of this permit must be forwarded to the Department of Natural Resources, Mineral Lands Division.
- (2) Although a quarry permit may be required, no development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 cubic metres of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Regulations.
- (3) Removal or deposit of soil, or the excavation and removal of excavated material or grading which requires a development permit may be issued a temporary permit provided the work is based on a grading plan, will result in an improved site for use classes permitted in the Zone where it is located, and meets the following conditions:
 - (a) land intended for the activity or grading has a slope of less than 25%;
 - (b) resulting slopes are stable and without hazards;
 - (c) when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation; and
 - (d) drainage must be provided to the satisfaction of Council, and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- (4) A development permit for the activities described in (3) above shall not be issued until a cash deposit of \$500.00 has been made to the Authority. The deposit shall be returned when the work has been completed in accordance with the development permit and to the satisfaction of the Council.

73. Solid Waste Disposal Site and Scrap Yard

- (1) Solid Waste Disposal Site Buffer - Where applicable, development within 1.6 km of a Solid Waste Disposal/Incinerator Site shall be referred to the Department of Government Services for approval.
- (2) Separation from Adjacent Uses - Unless the Authority is satisfied that the solid waste site or scrap yard will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no solid waste site or scrap yard shall be located closer than the minimum distances set out below to the specified development or natural feature:

Type of Development	Minimum Distance from Solid Waste Site or Scrap Yard
Existing or proposed residential development	300 metres
Any other developable area or area likely to be developed during the life of the mineral working	150 metres
Public highway or street	50 metres
Watercourse or water body	50 metres
Protected Road	90 metres

(3) Screening - A solid waste site or scrap yard shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:

- (a) Where tree screens exist between the solid waste site or scrap yard and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority or, at the discretion of the Authority, condition 73(2) must be undertaken.
- (b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the solid waste site or scrap yard from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.
- (c) Where natural topography creates a visual screen between a solid waste site or scrap yard and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- (d) Where effective screening for any solid waste site, scrap yard or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, the Authority may refuse to permit the use or associated activity.

(4) Fencing - The Authority may require the solid waste site or scrap yard to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

74. Street Construction Standards

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

75. Subsidiary Apartments

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

76. Un-subdivided Land

Development is not permitted on un-subdivided 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.

77. Waterways - Development in Waterways and in Waterways Reservations or Buffers

(1) The minimum width of a buffer along a watercourse shall be 20 m from the high water mark of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.

(2) The only uses that may be permitted in the buffer area of a watercourse are fences, trails and uses, including accessory uses, requiring direct access to a body of water, subject to the approval of the Water Resources Division of the Department of Environment & Conservation, Department of Fisheries and Oceans Canada and where applicable, the Department of Government Services for Crown Lands and referrals. Fences may also be permitted in a buffer, provided legal public access is not restricted and the vegetative buffer is retained.

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

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

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

- Government Service Centre of the Department of Government Services for Crown Lands and referrals;
- Coast Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act;
- Fish Habitat Division of the Department of Fisheries and Oceans;
- Water Resources Division of the Department of Environment and Conservation.

78. Mobile Home Development

(1) Groups of more than five mobile homes shall be located only in approved mobile home parks and mobile home subdivisions in Residential Use Zones so designated and shall conform to the requirements of the Provincial Mobile Home Development Regulations currently in effect.

(2) No development permit shall be issued for a mobile home lot unless it conforms with the requirements of Regulation 23 of the Mobile Home Development Regulations.

PART III - ADVERTISEMENTS

See definition of ‘Advertisement’ in Schedule A.

79. Permit Required

No advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority. Permit for erection or display of advertisement on Provincial Highways shall be obtained from the Government Service Centre.

Valid Period

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 the Authority for similar periods.

80. Form of Application

Application for a permit to erect or display an advertisement shall be made to the Authority in accordance with Regulation 12.

81. Advertisements Prohibited in Street Reservation

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

82. Siting of Advertisements

No advertisement shall:

- a) interfere with sight distance requirements for the safe movement of traffic, or;
- b) interfere with any utility poles, towers or wires, or related apparatus or equipment.

Removal of Advertisements

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

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

83. Advertisements Exempt from Control

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

- a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- b) on an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land;
- c) on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- d) on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;

- e) on a dwelling or the grounds of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises;
- f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

84. Approval Subject to Conditions

A permit may only be issued for the erection or display of advertisements which comply with the appropriate conditions and specifications set out in the Use Zone Tables in Schedule C of these Regulations.

85. Non-Conforming Uses

Notwithstanding the provisions of Regulation 60, a permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

86. Advertisements - Temporary Signs

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

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

A renewal permit for a temporary sign may only be issued after thirty days have passed since the original permit has expired.

87. Advertisements and Signs near Highways

Pursuant to Newfoundland Regulation 85/99 - Highway Signs Regulations 1999, the Provincial Government has designated “control lines” alongside each provincially maintained route. These lines extend 400 metres from the highway centrelines, except that the control area is reduced within Municipal Boundaries to 100 metres from the centreline of a provincial highway.

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

88. Advertisements Relating to Onsite Uses

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

- (a) the size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area;
- (b) the maximum size of any onsite sign shall be at the discretion of the Authority.

89. Advertisements Relating to Offsite Uses

The conditions to be applied to the erection and display of an advertisement, whether related to a permitted use or not related to a specific land use, shall be as follows:

- (a) the advertisement shall not exceed 3 square metres (32 square feet) in area;
- (b) when advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name, nature and distance or direction to the premises to which they relate; and
- (c) the location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street intersections, the location of nearby buildings and the preservation of the amenities of the surrounding area.

PART IV - SUBDIVISION OF LAND

90. Permit Required

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

91. Services to be Provided

No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Authority have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system.

92. Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Authority for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 8 and 9.

93. Issue of Permit Subject to Considerations

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

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

94. Building Permits Required

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

95. Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 12.

96. Subdivision Subject to Zoning

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

97. Building Lines

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

98. Land for Public Open Space

1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 m² 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, the Authority shall determine the percentage of land to be dedicated;
- b) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
- c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;
- d) the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
- e) money received by the Authority in accordance with Regulation 98(1)(d), shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.

(2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.

(3) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 98(1).

99. Structure in Street Reservation

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

100. Subdivision Design Standards

(1) The standard for the design and construction of all work related to Subdivision development shall be the Government of Newfoundland and Labrador Municipal Water, Sewer, and Roads Specifications.

(2) No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the standards below.

- (a) Streets where there are municipal sewer and water services shall be paved with asphalt and provided with curb and gutter.
- (b) The finished grade of streets shall not exceed 10 percent.
- (c) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
- (d) The maximum length of any cul de sac shall be:
 - (i) 200m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility;
 - (ii) 300m in areas not served by or planned to be served by municipal piped water and sewer services.
- (e) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.
- (f) No cul de sac shall be located so as to appear to terminate a collector street.
- (g) New subdivisions shall have street connections with an existing street or streets.
- (h) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (i) No street intersection shall be closer than 60 m to any other street intersection.
- (j) No more than four streets shall join at any street intersection.
- (k) No residential street block shall be longer than 490 m between street intersections.
- (l) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	discretion of Council
Collector Streets	15 m	12 m	1.5 m	discretion of Council
Local Streets	15m	10 m	1.5 m	discretion of Council

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

101. Engineer to Design Works and Certify Construction Layout

1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Authority to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by an Engineer certified to practise in the province of Newfoundland and Labrador. Such designs and specifications shall, upon approval by the Authority, be incorporated in the plan of subdivision.

2) Upon approval by the Authority of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Authority to service the said area.

102. Developer to Pay Engineer's Fees and Charges

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

103. Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority as being necessary, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Authority before approval of his application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works.

In the later stage of the work of development, the Authority shall call for tenders for the work of construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to the Authority the amount of the excess. If the contract price is less than the deposit, the Authority shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Authority by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

104. Transfer of Streets and Utilities to Authority

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

105. Restriction on Sale of Lots

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

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

106. Grouping of Buildings and Landscaping

- a) 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.
- b) Building groupings, once approved by the Authority, shall not be changed without written application to and subsequent approval of the Authority.

PART V - USE ZONES

107. Use Zones

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

108. Use Classes

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

109. Permitted Uses

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

110. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 27 and has considered any objections or representations which may have been received on the matter.

111. Uses Not Permitted

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

SCHEDULE A

DEFINITIONS

ACCESS: 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. *(Refer to Minister's Development Regulations, January 2, 2001)*

ACCESSORY BUILDING:

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

(Refer to Minister's Development Regulations, January 2, 2001)

ACCESSORY USE: A use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use. *(Refer to Minister's Development Regulations, January 2, 2001)*

ACT: The Urban and Rural Planning Act, 2000.

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

AMUSEMENT USE: 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: Any one of the following animals or groups of animals:

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

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

APPLICANT: A person who has applied to an Authority for an approval or permit to carry out a development.

APPEAL BOARD: The appropriate Appeal Board established under the Act.

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

AUTHORITY: The Town Council of Placentia.

BACKLOT DEVELOPMENT: development behind existing residences without direct access onto a public road, or with insufficient frontage to have direct access onto a public road.

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

BUILDING: Every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses, and any part of a building as so defined and any fixtures that form part of a building.

BUILDING HEIGHT: The vertical distance, measured in metres from the established grade to the:

- i) highest point of the roof surface of a flat roof,
- ii) deck line of a mansard roof, and
- iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof.

(Refer to Minister's Development Regulations, January 2, 2001)

BUILDING LINE: A line established by an Authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed. *(Refer to Minister's Development Regulations, January 2, 2001)*

For the purpose of measuring building line setbacks, the street line shall be the centre line of the public roadway on which a building fronts.

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

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

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

- a) the making of an access onto a highway, road or way;
- b) the erection of an advertisement or sign;
- 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:
 - the carrying out of works for the maintenance, improvement or other alteration or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;

- 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;
- 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;
- the use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

DEVELOPMENT REGULATIONS: Regulations respecting development that have been enacted by the relevant Authority.

DEVELOPMENT SCHEME: A scheme prepared for the development of land, as defined in Section 29, The Urban and Rural Planning Act, 2000.

DISCRETIONARY USE: A use that is listed within the discretionary use classes established in the use zone tables of an Authority's development regulations. *(Refer to Minister's Development Regulations, January 2, 2001)*

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

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

EASEMENT: For the purpose of these regulations, an easement or right-of-way is an agreement that confers on the Authority the right to use a landowner's property for a specified purpose (e.g., a sewer or water line). While the requirements may vary, the width of an easement for utility purposes in Placentia averages 6 metres (20 feet).

ENGINEER: A professional engineer employed or retained by the Authority.

ESTABLISHED GRADE:

- 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.

(Refer to Minister's Development Regulations, January 2, 2001)

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

FLOOR AREA: The total area of all floors in a building measured to the outside face of exterior walls. *(Refer to Minister's Development Regulations, January 2, 2001)*

FRONTAGE: The horizontal distance between side lot lines measured at the building line. *(Refer to Minister's Development Regulations, January 2, 2001)*

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

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

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

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

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

INSPECTOR: Any person appointed and engaged as an Inspector by the Authority or by any federal or provincial Authority or the agent thereof.

INSTITUTION: A building or part thereof occupied or used by persons who:

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

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

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

LOCAL STREET: A street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.

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

LOT: Any plot, tract or parcel of land which can be considered as a unit of land for a particular use or building. *(Refer to Minister's Development Regulations, January 2, 2001)*

LOT AREA: The total horizontal area within the lot lines of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

LOT COVERAGE: The combined area of all buildings on the lot measured at the level of the lowest floor above the established grade expressed as a percentage of the total area of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

MANAGER: The Manager of Urban and Rural Planning.

MINERAL WORKING: Land or buildings used for the working or extraction of any naturally occurring substance.

MOBILE HOME: A transportable factory-built single family dwelling unit:

- a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
- b) which is designed to be:
 - 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;
 - 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.

A mobile home may also be used temporarily to provide daytime use on construction sites or for work camp accommodation.

A modular home is also factory built but is typically shipped to a location in two or more sections (or modules).

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

NON-CONFORMING USE: means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone. *(Refer to Minister's Development Regulations, January 2, 2001)*

OWNER: means a person or an organization of persons owning or having the legal right to use the land under consideration. *(Refer to Minister's Development Regulations, January 2, 2001)*

PERMITTED USE: means a use that is listed within the permitted use classes set out in the use zone tables of an Authority's development regulations. *(Refer to Minister's Development Regulations, January 2, 2001)*

PIT AND QUARRY WORKING: Carries the same meaning as Mineral Working.

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. *(Refer to Minister's Development Regulations, January 2, 2001)*

REAR YARD DEPTH: means the distance between the rear lot line and the rear wall of the main building on the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

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

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

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

SERVICE STATION: 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: A street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

SHOP: 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: A group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

SHOWROOM: 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.

SIDE YARD DEPTH: means the distance between a side lot line and the nearest side wall of any building on the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

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. *(Refer to Minister's Development Regulations, January 2, 2001)*

STREET: means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles. *(Refer to Minister's Development Regulations, January 2, 2001)*

STREET LINE: is defined in the *Minister's Development Regulations, January 2, 2001* as the edge of a street reservation as defined by the Authority. For the purpose of measuring building lines and setbacks, the street line is defined by the Authority as the centre line of the public street on which the building fronts.

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

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

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

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

USE: means a building or activity situated on a lot or a development permitted on a lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

USE ZONE or ZONE: means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply. *(Refer to Minister's Development Regulations, January 2, 2001)*

VARIANCE: means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the Authority's regulations. *(Refer to Minister's Development Regulations, January 2, 2001)*

ZONING MAP: The map or maps attached to and forming part of the Authority's regulations. *(Refer to Minister's Development Regulations, January 2, 2001)*

SCHEDULE B

CLASSIFICATION OF USES OF LAND AND BUILDINGS

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, 1980**. This classification is referred to in Regulation 84.

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 Home	Funeral Homes and Chapels
		(i) Child Care	Day Care Centres
		(j) Amusement	Electronic Games, Arcades, Pinball Parlours, Poolrooms

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES (continued)	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
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 Homes for Aged, Hospitals, Infirmaries Orphanages, Psychiatric Hospitals, Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family & Group Homes
		(b) Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, Family & Group Homes
		(c) Row Dwelling	Row Houses, Authority Houses Family & Group Homes
		(d) Apartment Building	Apartments, Family & Group Homes

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
C. RESIDENTIAL USES (continued)	2. General Residential Uses (continued)	(a) Collective Residential	Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nurses and Hospital Residences
		(b) Boarding House Residential	Boarding Houses Lodging Houses
		(c) Commercial Residential	Hotels & Motels, Hostels Residential Clubs
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins
		(e) Mobile Homes	Mobile Homes
D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices), Banks
		(b) Medical & Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries 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

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional & Personal Service Uses (continued)	(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 and 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 sub-stances. Chemical Plants Distilleries, Feed Mills, Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
F. INDUSTRIAL USES (continued)	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	Factories, Cold Storage Plants Freight Depots, General Garages Warehouses, Workshops, Laboratories Laundries, Planing Mills, Printing Plants Contractors' Yards
		(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 & Nurseries
		(b) Forestry	Tree Nurseries, Silviculture
		(c) Mineral Working	Quarries, Pits, Mines, Oil Wells
		(d) Recreational Open Space	Playing Fields, Sports Grounds, Parks Playgrounds
		(e) Campground	A site used for tenting, which may be equipped with e.g., cooking grills and water
		(f) Conservation	Watersheds, Buffer Strips, Flood Plains Architectural, Historical and Scenic Sites Steep Slopes, Wildlife Sanctuaries
		(g) Cemetery	Cemeteries, Graveyards
		(h) Scrap Yard	Car Wrecking Yards, Junk Yards Scrap Dealers

CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
G. NON-BUILDING USES (continued)	1. Uses not directly related to building. (continued)	(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds, Kennels, Zoos
		(j) Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
		(k) Transportation	Airfields, Railway Yards, Docks and Harbours

SCHEDULE C

USE ZONE TABLES

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

The schedule contains tables for the following Use Zones:

Residential	RES
Mobile Home Park	RMH
Residential Seasonal	RS
Heritage Conservation	HC
Mixed Development	MD
Commercial	COM
Commercial General	CG
Institutional	I
Industrial	IND
Rural	RU
Open Space	OS
Mineral Working	MW
Protected Water Supply	PWS

Before any approval is granted or permit is issued, the Authority must consider the relevant provisions under Part II of the Development Regulations, and any other Part, Schedule or Requirement of the Development Regulations.

USE ZONE TABLE

ZONE TITLE RESIDENTIAL (RES) (Placentia)				
PERMITTED USE CLASSES - (see Regulation 108) Conservation, Bed and Breakfast, Boarding House, Double Dwelling, Public Utility and Single Dwelling.				
DISCRETIONARY USE CLASSES - (see Regulations 5, 45 and 109) Agriculture, Apartment Building, Child Care, Convenience Store, Cultural and Civic, Educational, Forestry, Place of Worship, Row Dwelling, General Service (Home Business), Light Industry (Home Business), Marina, Personal Service (Home Business), Medical and Professional (Home Business), Office (Home Business), Recreational Open Space, Antenna and Taxi Stand (2 car).				
REQUIREMENTS - MUNICIPAL SEWER AND WATER				
	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING
Lot area (sq. m.) minimum	450*	390*	350* (average)	280*
Floor Area (m ²) minimum	74	74	65	
Frontage (m) minimum	15	26	12 (average per unit)	20 m for first three; 6.6m per unit, four and more up to 36 m maximum
Building Line Setback (m) (minimum)	8	8	8	8
Sideyard Width (m) (minimum)	1.5	1.5	1.5	5
Sideyard Width (m) Flanking Road (minimum)	8	8	8	8
Rearyard Depth (m) (minimum)	9	9	9	15
Lot Coverage (%) maximum	33	33	33	33
Height (m) maximum	8	8	10	10
NOTES: * per dwelling unit.				

REQUIREMENTS - MUNICIPAL WATER AND DIRECT DISCHARGE TO SEA		
	Single Dwelling	Double Dwelling
Lot area (sq. m.) minimum	450	390*
Floor Area (sq. m.) minimum	74	74
Frontage (m) minimum	15	26
Building Line Setback (m) (minimum)	8	8
Sideyard Width (m) (minimum)	1.5	1.5
Sideyard Width (m) Flanking Road (minimum)	8	8
Rearyard Depth (m) (minimum)	9	9
Lot Coverage (%) maximum	33	33
Height (m) maximum	8	8
NOTES: (1) * per dwelling unit. (2) Only single and double dwellings allowed with municipal water and direct discharge to the sea. (3) “Sea” includes salt-water inlets.		

REQUIREMENTS SEPTIC TANK FIELD SEWAGE DISPOSAL AND/OR WELL WATER SUPPLY		
	Single Dwelling	Double Dwelling
Lot area (sq. m.) minimum	1860 sq. m. or as determined by Service NL - whichever is greater	1860 sq. m.* or as determined by the Service NL - whichever is greater
Floor Area (sq. m.) minimum	74	74
Frontage (m) minimum	30	30
Building Line Setback (m) (minimum)	10	10
Sideyard Width (m) (minimum)	2	2
Sideyard Width (m) Flanking Road (minimum)	10	10
Rearyard Depth (m) (minimum)	15	15
Lot Coverage (%) maximum	33	33
Height (m) maximum	8	8
Notes: (1) * per dwelling unit. (2) Only single and double dwellings allowed with septic tank field sewage disposal and/or well water supply.		

CONDITIONS FOR THE RESIDENTIAL ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Agriculture and Forestry

Agriculture and Forestry are permitted as discretionary uses in the Residential Zone provided that:

- (a) the uses are compatible with nearby residential uses, and the development will not inhibit or prejudice the development of land in the environs of the development for residential purposes;
- (b) the uses are situated on the property of the owner/operator of the use.

3. Apartment Buildings and Row Dwellings

Apartment buildings and row dwellings may be permitted as discretionary uses provided:

- (a) the proposed building(s) has or have an exterior design which is sensitive to the residential character of the area and is compatible with the scale and density of the surrounding uses; and,
- (c) the development is connected to the municipal sewer and water systems, and the Authority is satisfied that municipal water and sewer services are adequate to accommodate the proposed development.

4. Bed and Breakfast, Boarding House

Bed and breakfast and boarding house are permitted, provided:

- (a) the proposed building has an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings;
- (b) the development is landscaped in a manner compatible with the surrounding residential area;
- (c) the use is located in a single dwelling and all requirements for a single dwelling in this zone are met; and
- (d) the parking requirements under Schedule D are met.

5. Child Care and Convenience Stores

A permit may only be issued for a child care facility or convenience store provided the development satisfies the following requirements:

- (a) conformity with the lot area, frontage, building line setback, side yard, rear yard, lot coverage and height requirements for a single dwelling;
- (b) on-site parking is provided in accordance with the standards established in Schedule D; and
- (c) the use conforms to the residential character of the area, and does not affect residential amenity of adjoining properties.

6. Cultural and Civic, Educational and Place of Worship Site Standards

Cultural and civic, educational and place of worship uses shall conform to the following development standards:

(a)	Minimum building line setback	10 metres
(b)	Minimum side yard width	5 metres
(c)	Minimum rear yard depth	15 metres
(d)	Maximum height	15 metres

Lot area shall be sufficient to accommodate the building and associated parking.

7. Flood Risk Areas (see Regulation 50)

8. Home Business

A Home Business is a discretionary use, subject to Part II of these Development Regulations. A Home Business in an accessory building is a discretionary use.

9. Marina

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

10. Municipal Services

All permitted and discretionary uses, except apartment buildings and row dwellings, must be connected to municipal sewer and water systems within 200 metres of the development. Apartment buildings and row dwellings must be connected to municipal sewer and water systems.

11. Subsidiary Apartment

See Regulation 75.

12. Taxi Stand

A Taxi Stand may be permitted as a discretionary use, provided:

- (a) the taxi stand does not have more than two cars operating out of it and not more than two cars park at the operation at any one time;
- (b) taxi dispatch is handled from the residence of the owner or operator of the use;
- (c) the operation is compatible with the residential character of the neighbourhood.

As established in the Municipal Plan, backland development may be considered by the Authority on a discretionary basis, provided the following requirements are met:

- (a) Full clearance for water and sewer services issued by the Authority.
- (b) Where there is potential for additional development in the area, the Authority will satisfy itself that the lot and access road are properly located and that the road can accommodate future development. In such cases, the owner will be required to acquire title to sufficient land to accommodate a future municipal road, considering factors such as grades and sight lines. The specific width will be determined in accordance with these Development Regulations.
- (c) Where there is no potential for additional development of adjacent lands, the access road will be treated as a private driveway. If the decision is made to approve, a covenant shall be attached to the deed requiring that the access road leading to a public street remain private in future.
- (d) In order that the Authority can meet its commitments for public safety and emergency services, the dwelling unit on a backland lot shall not be further than 32 metres from a public street that can be used year-round by service and emergency vehicles.
- (e) Infilling of development on laneways already containing houses may be permitted, but will be evaluated carefully by the Authority, considering the above factors.

USE ZONE TABLE

ZONE TITLE	MOBILE HOME PARK (RMH)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
Conservation, Mobile home, Public Utility and Antenna.		
DISCRETIONARY USE CLASSES - (see Regulations 5, 45 and 109)		
Recreational open space.		

MOBILE HOME LOT REQUIREMENTS	
Lot area (m ²) minimum per dwelling unit	360
Lot Frontage (m) minimum per dwelling unit	12.2
Building line setback (m) minimum	6
Side yard width (m) minimum - one side - second side	1.2 3.7
Rear yard depth (m) minimum	2.6
Lot coverage (%) maximum	33

CONDITIONS FOR THE MOBILE HOME PARK ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Municipal Services

(1) A mobile home park shall be fully serviced with water and sewer connected to the municipal water and sewer system. The cost of installing water and sewer and connecting them to the municipal water and sewer system and their on-going maintenance shall be the responsibility of the developer. Each mobile home shall be serviced with water and sewer.

- a. The development and maintenance of site facilities including underground services, communal areas and garbage collection are the responsibility of the mobile home park developer and/or operator.

3. Road Standards

- (1) Development of a mobile home park shall conform to the applicable Subdivision Design Standards laid out in Part III of these Regulations.
- (2) The development and maintenance of access roads and snow clearance are the responsibility of the mobile home park developer and/or operator.

4. Mobile Home Park Development Standards

- (1) A perimeter buffer of 7.6 metres consisting of natural vegetation shall be maintained along all boundaries of the mobile home park. No mobile home, mini home or accessory building shall be located within this buffer.
- (2) The maximum density of the mobile home park shall be 16 mobile homes or mini homes per gross hectare.
- (3) No more than one mobile home or mini home shall be placed on each mobile home lot.
- (4) Vacant lots shall be maintained so not to become derelict or otherwise deteriorate.

5. Mobile Home Lot Development Standards

- (1) A mobile home lot must be provided with a mobile home stand capable of supporting the maximum anticipated load of the mobile home throughout all seasons of the year without settlement or other movement.
- (2) A mobile home stand must be designed to fit the dimensions of the particular mobile home positioned on the mobile home stand and must be paved or provided with some other hard surface.
- (3) A mobile home stand shall be required to be supported and secured by foundation walls, piers, posts or other means, carried to a depth sufficient to prevent movement by frost and sufficient to support the anticipated load at such points on its chassis frame as required.
- (4) Anchors in the form of eyelets embedded in concrete, screw augers or arrow head anchors, or alternative devices acceptable to the Authority must be provided at all corners of the mobile home stand and at additional points where necessary to secure the mobile home against the forces exerted by wind or other naturally occurring forces.

- (5) Anchors or devices must be connected to each anchor point of the mobile home chassis frame by a cable or other device approved by the Authority.
- (6) Anchors and connections must be made capable of withstanding a tension of at least 2,180 kilograms.
- (7) A mobile home shall be placed on an approved mobile home lot, and in a manner allowing it to be placed and removed from the lot without interfering with other lots.
- (8) Mobile homes will be blocked with approved materials so that there will be a minimum clearance of 0.6 metres from the underside of the steel beam frame to the ground. The maximum clearance will be 1.2 metres from the underside of the frame to the ground.
- (9) When a mobile home is in the correct position and secured in place, the open space beneath it will be skirted with minimum 1.25 centimetre plywood or equivalent, secured to a minimum 5 centimetre by 5 centimetre framing on 60 centimetre centres. The skirting must be acceptable to the Authority and have an accessible, removable panel to give access to service connections.

6. Outdoor Living Area

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

7. Attached Structures

- (1) No attached structure shall have a floor area greater than 10 percent of the area of the lot upon which the mobile home is located or 70 square metres, whichever is the lesser.
- (2) The minimum lot clearances outlined in the Zone Table shall apply to an attached structure.
- (3) Every attached structure shall be designed to be architecturally similar in appearance to the mobile home.

8. Accessory Buildings

See Regulation 33, except that:

- (1) The maximum height of an accessory building shall not exceed 4 metres in this zone;
- (2) An accessory building will only be permitted in the rear yard of the mobile home or mini home. It shall be no closer than 1.5 metres to another building and 1 metre from any property line.

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL SEASONAL (RS)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
Conservation, Public Utility, Recreational Open Space and Seasonal Residential		
DISCRETIONARY USE CLASSES (See Regulations 5, 45 and 109)		
Agriculture, Forestry and Antenna		

CONDITIONS FOR THE RESIDENTIAL SEASONAL ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Lot Area

Lot area shall be determined by the Department of Government Services and shall be sufficient to accommodate the long-term functioning of an on-site septic disposal system and a private well.

3. Forest Resources

Unless it is part of an approved plan for residential seasonal development, no development shall be approved unless it has been reviewed by the Department of Natural Resources, Forest Resource Unit.

4. Protected Body of Water - Beaver Pond and Tributaries

No development, removal of vegetation or alteration of topography will be permitted by the Authority within the stream or pond bed, embankment, or in a strip of land 30 horizontal metres from the shoreline of Beaver Pond or its tributaries until the proposal is referred to Fisheries and Oceans Canada for advice regarding impact on fish habitat and mitigative measures.

Upon receiving advice from Fisheries and Oceans Canada, the Authority may approve a proposed development, removal of vegetation, or alteration of topography and attach such conditions it deems necessary for the preservation of the body of water as fish habitat or to prevent environmental degradation.

USE ZONE TABLE

ZONE TITLE	HERITAGE CONSERVATION (HC)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
Apartment Building, Bed and Breakfast, Boarding House, Conservation, Double Dwelling, General Service (Home Business), Light Industry (Home Business), Marina, Personal Service (Home Business), Medical and Professional (Home Business), Office (Home Business), Public Utility, Recreational Open Space, Row Dwelling, Single Dwelling and Antenna.		
DISCRETIONARY USE CLASSES - (see Regulations 5, 45 and 109)		
Catering, Club and Lodge, Commercial Residential, Convenience Store, Cultural and Civic, Educational, General Assembly, Medical and Professional, Office, Place of Worship, Personal Service, Shop and Taxi Operation (one or two car).		

CONDITIONS FOR THE HERITAGE CONSERVATION ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Development Standards

(1) The development standards for residential uses in this zone shall be as follows:

- | | |
|-----------------------------------|------------|
| (a) Minimum Building Line Setback | 3.0 metres |
| (b) Minimum Side yards Width | 1.5 metres |
| (c) Minimum Rear yard Depth | 4.0 metres |

(2) The development standards for all other uses in this zone shall be as follows:

- | | |
|-----------------------------------|-------------|
| (a) Minimum Building Line Setback | 5.0 metres |
| (b) Minimum Side yards Width | 5.0 metres |
| (c) Minimum Rear Yard Depth | 10.0 metres |

3. Building Appearance (Existing Buildings)

- (1) Building plans must be submitted for any proposed exterior alteration including additions and extensions to existing buildings. Such plans must be approved by Council before construction is initiated.
- (2) Any renovation of an existing building in the Heritage Conservation zone shall respect the historic character of the zone in terms of overall style, massing and bulk, material, architectural scale and features, and shall conform to the requirements set out in any design scheme or plan approved by Council.
 - (a) Original architectural design elements and features, such as corner boards, cornices, brackets, window architraves, and doorway pediments shall be maintained. Exact copies, using contemporary materials, can be used to replace the features. The restoration of original features is encouraged.
 - (b) The number, size, shape and orientation of windows and the style of windows shall have the same appearance as the original building at the time of its initial construction.
 - (c) The direction, slope, architectural style and arrangement of the roof must match that of the original at the time the building was initially constructed. Architectural features, such as dormer windows, cornices and brackets, shall be maintained. The restoration of these original features is encouraged.
 - (d) Exterior siding shall be visually compatible with the historic character of the area and surrounding buildings.
- (3) Any extension or addition to an existing building shall respect the historic character of the zone, and where there is an approved design scheme or plan, shall comply with the requirements of that scheme or plan.
 - (a) The building height shall not exceed the height prevailing for the use type in this zone or the original height of the structure, whichever is historically more appropriate.
 - (b) The size, proportion and pattern of windows, roof shape and design, and exterior siding must be the same as that of the original building.

4. Building Appearance (New Development)

The appearance of a new building in the zone shall be visually compatible with existing buildings in terms of overall style, massing and bulk, material, architectural scale and features, and must not diminish the overall historic appearance of the Historic Conservation zone. Where Council has approved a design scheme or plan, any new development shall conform to that scheme or plan.

- (1) The building height shall not exceed the height prevailing for the use type in this zone. If there is no comparable use, the maximum height shall not exceed 8 metres or two storeys.

(2) The ratio of height to width of the building must be compatible with existing buildings in the zone.

(3) The number, size, location and spacing of windows and exterior doors must be compatible with existing buildings in the zone.

(4) The use of traditional architectural features, such as corner boards, cornices, brackets, window architraves and doorway pediments, is encouraged.

5. Flood Risk Areas (see Regulation 50)

6. Municipal Services

All development shall be connected to municipal sewer and water services.

7. Parking Exemption

Council may exempt a development within the Heritage Conservation Area from all or part of the parking required under Schedule D, provided it is satisfied that such exemption will not create negative impacts on nearby residential uses or businesses.

8. Subsidiary Apartment (see Regulation 75)

USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT (MD)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
Conservation, Bed and Breakfast, Boarding House, Double Dwelling, Public Utility, Recreational Open Space, Single Dwelling and Antenna.		
DISCRETIONARY USE CLASSES - (see Regulations 5, 45 and 109)		
Apartment Building, All Use Classes in the Business and Personal Services Use Group, Catering, Cemetery, Child Care, Commercial Residential, Cultural and Civic, Educational, Light Industry, All Use Classes in the Mercantile Group Except Shopping Centre, Place of Worship, Row Dwelling, General Service (Home Business), Light Industry (Home Business), Marina, Personal Service (Home Business), Medical and Professional (Home Business), Office (Home Business), Service Station, and Antenna.		

CONDITIONS FOR THE MIXED DEVELOPMENT ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Development Standards

(1) The development standards for this zone shall be as follows:

- | | |
|-----------------------------------|-----------|
| (a) Minimum Building Line Setback | 8 metres |
| (b) Minimum Side yards Width | 5 metres |
| (c) Minimum Rear yard Depth | 10 metres |
| (d) Maximum Height | 10 metres |

(2) Residential development shall conform to the standards of the Residential Zone.

3. Flood Risk Areas (see Regulation 50)

4. Landscaping and Surfacing

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

5. Municipal Services

All permitted and discretionary uses must be connected to municipal water and sewer systems.

6. Open Storage

The Authority may permit open storage of materials and goods, provided the following conditions are met:

- (a) Open storage shall not occupy more than 50 percent of the site area and shall not be located in the front yard or in any required setback or buffer areas;
- (b) Open storage shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Authority; and
- (c) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

7. Subsidiary Apartment (see Regulation 75)

USE ZONE TABLE

ZONE TITLE	COMMERCIAL (COM)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
Business and Personal Service Uses Group, Catering, Commercial Residential, Conservation, Mercantile Uses Group, Public Utilities and Antenna.		

CONDITIONS FOR THE COMMERCIAL ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Development Standards

The development standards for this zone shall be as follows:

- | | |
|---|-----------|
| (a) Minimum Building Line Setback | 4 metres |
| (b) Minimum Side yard Width except where buildings are built with adjoining party walls | 5 metres |
| (c) Minimum Rear yard Depth | 10 metres |
| (d) Maximum Height | 15 metres |

3. Flood Risk Areas (see Regulation 50)

4. Landscaping and Surfacing

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

5. Municipal Services

All uses must be connected to municipal water and sewer systems.

6. Open Storage

The Authority may permit open storage of materials and goods, provided the following conditions are met:

- Open storage shall not occupy more than 50 percent of the site area and shall not be located in the front yard or in any required setback or buffer areas;
- Open storage shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Authority; and
- Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

USE ZONE TABLE

ZONE TITLE	COMMERCIAL GENERAL (CG)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
All uses in the Assembly Use Groups, Commercial Residential, All Classes in the Business and Personal Service Uses Group, Conservation, All Use Classes in the Mercantile Uses Group, General Industry, Light Industry, Public Utility, Recreational Open Space, Service Station and Transportation and Antenna.		

CONDITIONS FOR THE COMMERCIAL GENERAL ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Development Standards

- | | |
|---|-----------|
| (a) Minimum Building Line Setback
(See also Regulation 41) | 4 metres |
| (b) Minimum Sideyard Width | 5 metres |
| (c) Minimum Rearyard Depth | 10 metres |
| (d) Maximum Height | 15 metres |
| (e) Residential development shall conform to the standards of the Residential zone. | |

3. Flood Risk Areas (see Regulation 50)

4. Landscaping and Surfacing

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

5. Municipal Services

All uses must connect to municipal sewer and water systems.

6. Outdoor Storage

The Authority may permit open storage of materials and goods, provided the following conditions are met:

- (a) Open storage shall not occupy more than 50 percent of the site area and shall not be located in the front yard or in any required setback or buffer area;
- (b) Open storage shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Authority; and
- (c) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

7. Road Frontage

All use classes, except for conservation and public utility must front onto a public road.

USE ZONE TABLE

ZONE TITLE	INSTITUTIONAL (I)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
Child Care, Collective Residential, Conservation, Cultural and Civic, Educational, General Assembly, Indoor Assembly, Medical and Professional, Medical Treatment and Special Care, Office, Outdoor Assembly, Place of Worship, Public Utility, Recreational Open Space and Antenna.		

CONDITIONS FOR THE INSTITUTIONAL ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Development Standards

The development standards for this zone shall be as follows:

- | | |
|-----------------------------------|-----------|
| (a) Minimum Building Line Setback | 10 metres |
| (b) Minimum Side yard Width | 5 metres |
| (c) Minimum Rear yard Depth | 15 metres |
| (d) Maximum Height | 15 metres |

3. Flood Risk Areas (see Regulation 50)

4. Municipal Infrastructure

All uses must be connected to municipal water and sewer services. All use classes, except for conservation, public utility and recreational open space must front onto a public road.

USE ZONE TABLE

ZONE TITLE	INDUSTRIAL (IND)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
General Industry, Service Station, Light Industry, Outdoor Assembly, Passenger Assembly, General Assembly, Indoor Assembly, Convenience Store, Public Utility, Recreational Uses, Transportation, Conservation, and Antenna.		
DISCRETIONARY USE CLASSES - (see Regulations 5, 45 and 109)		
Hazardous Industry, Solid Waste Disposal and Scrap yard.		

CONDITIONS FOR THE INDUSTRIAL ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Development Standards

- | | |
|---|-----------|
| (a) Minimum Building Line Setback
See also Regulation 41. | 12 metres |
| (a) Minimum Sideyard Width - minor - up to a building height of 6 metres | 3 metres |
| (c) Minimum Sideyard Width - minor - building height 6 metres or greater - one metre per 6 metres of height or part thereof, up to a minimum sideyard width of 5 metres | |
| (d) Minimum Sideyard Width - major | 5 metres |
| (e) Minimum Sideyard Width - corner lot | 10 metres |
| (d) Minimum Rearyard Depth | 10 metres |
| (e) Maximum Height | 18 metres |
| (f) Maximum Floor Area, 50% of lot coverage | |

3. Other Requirements

- Parking Lot Gradients - minimum 2% and maximum 4%
- Driveway Gradients - minimum 0.5% and maximum 6%
- Driveway Widths - minimum 7.5 m with a 7.5 m radius
- Tractor-trailer turnarounds - all sites shall be laid out so as to permit the full turnaround of tractor-trailers wholly within the site
- Parking - notwithstanding Schedule D:
 - Warehousing - one parking space per 90 square metres of floor space;
 - Manufacturing - one parking space per 50 square metres of floor space;
 - Office - one parking space per 25 square metres of floor space.

4. Landscaping and Surfacing

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

5. Outdoor Storage

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

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

6. Services

Industrial development shall not be permitted in this zone unless adequate services and fire fighting capability designed to meet the needs of the particular industrial uses permitted, are available.

7. Storage of Flammable Liquids

All uses and structures for the on-site bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as the Authority may require in order to prevent damage to adjacent uses by fire, explosion or spillage of flammable liquids.

8. Convenience Store

Convenience stores shall not be permitted unless they directly service a permitted or discretionary use or their employees.

9. Mineral Workings Buffer

Unless the Authority is satisfied that the proposed use shall not impose limitations on the mineral working and shall not be negatively affected because of proximity to a mineral working, no development shall be permitted closer than 150 metres to a mineral working.

USE ZONE TABLE

ZONE TITLE	RURAL (RU)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
Agriculture, Conservation, Forestry, Mineral Exploration, Public Utility, Recreational Open Space and Antenna.		
DISCRETIONARY USE CLASSES - (see Regulations 5, 45 and 109)		
Animal, Campground, Cemetery, General Industry, Marina, Mineral Working, Seasonal Residential, Single Dwelling and Solid Waste Disposal.		

CONDITIONS FOR RURAL ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. General Industry

(1) General industry shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses, or to those unsuitable to sites adjacent to urban uses. Examples of the latter are industrial uses involving hazardous substances such as bulk fuel storage; requiring large lots; or featuring outdoor activities such as heavy equipment storage or maintenance.

(2) Unless the Authority is satisfied that the general industry use will not create a nuisance and will not adversely affect the amenity of the surrounding area, the Authority shall require the provision of buffering by the developer to the satisfaction of the Authority.

3. Mineral Workings Visual Impact Control - Highway 100 – “Argentia Access Road”, “Cape Shore Highway” and the access to Argentia

Except for the Downs area of Point Verde (zoned Mineral Workings), no mineral workings shall be permitted off Highway 100 and off the access to Argentia (the Argentia Access) which is visible from the highway or the access to Argentia. Any application for a mineral working having access from Highway 100 or the Argentia Access or which accessed from another direction, but likely to be visible, shall be accompanied by a site plan and plan of operation which will indicate the relevant features of the operation and its visual impact on the roads.

If the proposed mineral working is visually intrusive, then a permit shall either be refused, or, the development shall be required to provide screening in accordance with a landscaping plan prepared by the applicant and approved by the Authority.

4. Forest Resource Area

No development shall be approved in a Forest Resource Area unless approved by the Department of Natural Resources.

5. Single Dwelling and Seasonal Residential Dwelling

Dwellings may be permitted only as accessory to a permitted or an approved discretionary use after two years of operation. A Seasonal Residential Dwelling may only be permitted in areas traditionally used for such purposes that have appropriate access and adequate provision for waste disposal, provided such seasonal residential dwellings do not conflict with the resource based uses permitted in this zone.

6. Waste Disposal Sites - Abandoned

Any proposed development for the re-use of the abandoned waste disposal sites in Placentia and Freshwater, or within 100 metres of these sites, shall be referred to the Department of Government Services and Lands before a permit is issued. Applications for the re-use of these abandoned waste disposal sites must be approved by the Department of Government Services.

USE ZONE TABLE

ZONE TITLE	OPEN SPACE (OS)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
Campground, Conservation, Indoor Assembly, Marina, Other Public and Private Recreational Facilities , Outdoor Assembly, Public Utility, and Recreational Open Space		
DISCRETIONARY USE CLASSES - (see Regulations 5, 45 and 109)		
Agriculture, Forestry and Antenna.		

CONDITIONS FOR THE OPEN SPACE ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Development Standards

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

3. Flood Risk Areas (see Regulation 50)

USE ZONE TABLE

ZONE TITLE	MINERAL WORKING (MW)	(Placentia)
PERMITTED USE CLASSES - (see Regulation 108)		
Conservation, Mineral Working, Mineral Exploration, Public Utility, and Antenna.		
DISCRETIONARY USE CLASSES - (see Regulations 5, 45 and 109)		
Agriculture, Forestry, Scrap Dealer and Solid Waste.		

CONDITIONS FOR THE MINERAL WORKING ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. General Development Standards

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

USE ZONE TABLE

Zone Title	PROTECTED WATER SUPPLY (PWS)	(Placentia)
PERMITTED USE CLASSES (see Regulation 108)		
Conservation, and Public Utility		
DISCRETIONARY USE CLASSES (See Regulations 5, 45 and 109)		
Forestry, Mineral Exploration, Mineral Working and Antenna		

CONDITIONS FOR THE PROTECTED WATER SUPPLY ZONE

1. General Conditions

Except as otherwise described below, see Parts I, II and III and Schedules A, B, and D of the Placentia Development Regulations.

2. Referrals

All development applications with the Watershed Protection zone shall be referred to and approved by the Minister of Environment. A certificate of environmental approval must be obtained from the Department of Environment for any development activity in the Zone.

3. Development in the Protected Water Supply Zones

(1) Except as otherwise indicated regarding the Larkin's Pond Protected Water Supply and the South East River Protected Water Supply, permitted development in the Protected Water Supply designation shall be limited to land use activities and structures related to the provision of domestic water and passive recreation.

(2) Existing developments will be allowed to continue unless it is established that these are impairing water quality. Expansion and upgrading of existing uses, buildings or facilities must obtain prior written approval from the Department of Environment and Conservation.

(3) Re-use of existing buildings and structures may be permitted provided:

- (a) the use is not deemed to more environmentally intrusive than the original use and will not impair domestic water quality or quantity;
- (b) no chemicals or petroleum products are stored on the property;
- (c) no vehicles or machinery are stored or maintained on the property;
- (d) approval from the Department of Environment and Conservation is obtained.

(4) Suitable vegetative buffers and development setbacks shall be provided around each of the bodies of the water in the Protected Water Supply designation.

(5) Larkin's Pond

At the discretion of Council new single dwellings may be permitted on an infill (between two developed lots) basis along existing public roads within the Larkin's Pond Protected Water Supply.

(6) South East River

Subject to the controls on mineral workings set out in the Municipal Plan and subject to the approval of the Departments of Environment and Conservation and Natural Resources, mineral workings may be permitted.

Subject to the approval of the Departments of Environment and Conservation and Natural Resources, forestry may be permitted.

(7) Wyse's Pond

See Condition 3 – sub-clauses (1), (2), (3) and (4).

4. Forestry

(1) No forestry activities shall be permitted in the Larkin's Pond Protected Water Supply Area.

(2) On lands shown as being Forestry Resource Area on the Zoning Maps, the Authority shall consult with the Department of Natural Resources before approving any development, as well as securing the approval of the Department of Environment and Conservation.

5. Protected Body of Water

No development, removal of vegetation or alteration of topography will be permitted by the Authority within the stream or pond bed, embankment, or in a strip of land 30 horizontal metres from the shoreline of Southeast River and its tributaries until the proposal is referred to Fisheries and Oceans Canada for advice regarding impact on fish habitat and mitigative measures.

Upon receiving advice from Fisheries and Oceans Canada, the Authority may approve a proposed development, removal of vegetation, or alteration of topography and attach such conditions it deems necessary for the preservation of the body of water as fish habitat or to prevent environmental degradation.

6. Protective Buffers

A buffer strip of undisturbed vegetation shall be retained along the shoreline of all waterbodies in the Watershed Protection zone. The buffer shall be adequate to prevent siltation of water bodies, retain natural drainage features, preserve natural values of affected streams and ponds, prevent public access and protect fish habitat and wildlife. The protective buffer shall meet the following requirements:

Water Body	Minimum Width of Buffer Zone
Intake Pond or Lake	150 metres
River Intake	150 metres for a distance of 1 kilometre upstream and 100 metres downstream
Main River Channel	75 metres
Major Tributaries, Lakes or Ponds	50 metres
Other Water Bodies	30 metres

SCHEDULE D

GUIDE TO OFF-STREET PARKING

1. The off-street parking requirements for land uses set out in Schedule B are addressed in the following table. They include some uses existing in the Authority and some that may be contemplated by Council at a future date.
2. In the case of developments that include more than one land use, these standards shall be regarded as cumulative.
3. Adequate off-street provision for drop-off and pickup of persons shall be provided in developments where required, such as uses within the education, passenger assembly, child care, medical treatment and special care, commercial residential and take-out food service use classes.

GROUP	DIV	CLASS	MINIMUM REQUIREMENTS
A	1	a) Theatre	One space for every 5 seats
	2	a) Cultural & Civic	One space/50 square meters of gross floor area.
		b) General Assembly	One space/10 square meters of gross floor area.
		c) Educational	Schools – 2 spaces/classroom Further education – 1 space/5 persons using the facilities (students, faculty & staff).
		d) Place of Worship	One space/5 seats
		e) Passenger Assembly	As specified by the Authority
		f) Club & Lodge	One space/3 persons that may be accommodated at one time
		g) Catering	One space/3 persons that may be accommodated at one time
		h) Funeral Home	One space/10 square meters of gross floor area
		i) Child Care	One space/20 square meters of gross floor area
		j) Amusement	One space/10 square meters of gross floor area
	3	a) Indoor Assembly	As specified by the Authority
	4	a) Outdoor Assembly	As specified by the Authority
B	1	a) Penal & Correctional Detention	As specified by the Authority
	2	a) Medical Treatment &	One space/2 patients

		Special Care	
C	1	a) Single Dwelling	Two spaces/dwelling unit
		b) Double Dwelling	Two spaces/dwelling unit
		c) Row Dwelling	Two spaces/dwelling unit
		d) Apartment Building	Three spaces/2 dwelling units
	2	a) Collective Residential	As specified by the Authority
		b) Commercial Residential	One space/guest room
		c) Seasonal Residential	One space/residential unit
		d) Mobile Home	Two spaces/dwelling unit
D	1	a) Office	One space/20 square meters of gross floor area
		b) Medical & Professional	One space/20 square meters of gross floor area
		c) Personal Service	One space/20 square meters of gross floor area
		d) General Service	One space/20 square meters 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/20 square meters of gross floor area
		i) Veterinary	One space/20 square meters of gross floor area
E	1	a) Shopping Centre	One space/15 square meters of gross floor area
		b) Shop	One space/20 square meters 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/20 square meters of gross floor area
F	1	a) Hazardous Industry	One space/employee
	2	a) General Industry	One space/employee
		b) Service Station	One space/20 square meters of gross floor area
	3	a) Light Industry	One space/employee