

Town of Bay Roberts

Development Regulations 2010-2020



December 2010



Prepared by:



CBCL LIMITED

Consulting Engineers
Project #: 083125

Urban and Rural Planning Act
Resolution to Adopt
Town of Bay Roberts
Development Regulations, 2010-2020

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Bay Roberts adopts the Bay Roberts Development Regulations 2010-2020.

Adopted by the Town Council of Bay Roberts on the _____ day of _____, 2011.

Signed and sealed this _____ day of _____, 2011.

Mayor: _____

Clerk: _____

Canadian Institute of Planners Certification

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

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

Urban and Rural Planning Act
Resolution to Approve
Town of Bay Roberts
Development Regulations, 2010-2020

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

- a) adopted the Bay Roberts Development Regulations 2010-2020 on the _____ day of _____, 2011.

- b) gave notice of the adoption of the Bay Roberts Development Regulations by advertisement, inserted on the _____ day and the _____ day of _____, 2011 in the _____.

- c) set the _____ day of _____ at 7:00 p.m. at the _____, Bay Roberts, 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 Bay Roberts approves the Bay Roberts Development Regulations 2010-2020 as adopted.

SIGNED AND SEALED this _____ day of _____, 2011.

Mayor: _____

Clerk: _____

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APPLICATION

1. Short Title

These Regulations may be cited as the Bay Roberts Development Regulations.

2. Interpretation

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

3. Commencement

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

4. 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 Bay Roberts shall, under these Regulations apply to the entire Planning Area.

5. Authority

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

PART I - PROVINCIAL DEVELOPMENT REGULATION

Newfoundland Regulations 3/01 Development Regulations Under the *Urban and Rural Planning Act, 2000*.



Published by Authority

NEWFOUNDLAND REGULATION 3/01

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

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

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| | 19. Commencement |

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, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.

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

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

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

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

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.

Variations 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.

PART II – 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. **Decisions of the Authority** - Decisions made by the Authority with respect to a permit required by these Regulations shall be made in writing, and state the reasons for a refusal of, or conditions placed upon, a permit. The Authority shall also advise the person to whom the decision applies of their right to appeal, in accordance with Section 42 of the *Act* and the requirements of Section 5, Part I, of these Regulations.
4. **Permit to be Issued** - Subject to Regulations 5 and 6, a permit shall be issued for development within the Planning Area that conforms to:
 - (1) The general development standards set out in Part III of these Regulations, the requirements of Part VI of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
 - (2) The standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
 - (3) The standards set out in Part IV of these Regulations in the case of signs;
 - (4) The standards set out in Part V of these Regulations in the case of subdivision;
 - (5) The standards of design and appearance established by the Authority.
5. **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.

- 6. Discretionary Powers of Authority** - In considering an application for a permit or for 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.
- 7. Form of Application**
- (1) Applications for a development permit or for approval in principle shall be
 - (a) made to the Authority only by the owner or by a person authorized by the owner;
 - (b) made on a form as may be prescribed by the Authority, including such plans, specifications and drawings as the Authority may require; and
 - (c) be accompanied by the appropriate fee set out in a Schedule of Fees as required by the Authority.
 - (2) The Authority shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 7(1) and a description of the plans, specifications and drawings required to be provided with the application.
- 8. Register of Applications** - 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.
- 9. 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 9(1), shall be deemed to be refused.

10. Approval in Principle

- (1) The Authority may grant approval in principle for a development or 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.

11. 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 thereunder.
- (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 a sign, which may be renewed in accordance with Part IV 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.

12. Notice of Application

- (1) The Authority shall provide public notice for a period of not less than:
 - a) 7 days - when considering a variance in accordance with Section 12 of Part I;
 - b) 14 days - when considering a change in non-conforming use in accordance with Section 15 of Part I; or development which is listed as a Discretionary use in Schedule C of these Regulations.
- (2) Where public notice is required, the costs of that notice shall be borne by the applicant.

13. Licenses, Permits and Compliance with Other Bylaws - Nothing in these Regulations shall exempt any person from complying with the requirements of any by-law in force within the Town of Bay Roberts, or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

14. 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.

15. 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.

16. 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 pull down, remove, stop construction, fill in, or destroy that building or development and may order the person restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 16(1) is guilty of an offence under the provisions of the *Act*.

17. 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 17(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 at
 - (a) the time the levy is imposed;
 - (b) the time development of the real property commences;
 - (c) the time development of the real property is completed; or
 - (d) such other time as the Authority may decide.

18. 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 license.

- (2) The financial provisions pursuant to Regulation 18(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 or irrevocable letter of credit 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.
- 19. Dedication of Land for Public Use** - In addition to the requirements for dedication of land under Regulation 87, Part V, the Authority may require the dedication of not more than 10% 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 Section 37 of the *Act*.
- 20. 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.

PART III – GENERAL DEVELOPMENT STANDARDS

- 21. Accesses and Service Streets** - 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. No vehicular access shall be closer than 15 metres to the street line of any street intersection.
- 22. Accessory Buildings**
- (1) May be located on the same lot as the main building(s) to which it is accessory; or on a lot adjoining the lot that contains the main building, where both lots are under the same ownership.
 - (2) No accessory building or part thereof shall project in front of any building line.
- 23. Accessory Uses Permitted** - Where these regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the use of the main building, be contained on the same lot and be balanced with the main building in terms of exterior finish, roof line, and pitch.
- 24. Advertisements** - Advertisements shall not be erected or displayed except in accordance with Part IV of these Regulations and the Use Zones tables in Schedule C of these Regulations.
- 25. Alterations to the Natural Environment** - Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect watercourses or adjacent property as a result of alterations to watercourses shall not be permitted. Topsoil or sods shall not be removed except with the approval of Council.
- 26. Archaeological Assessment** - In accordance with the Bay Roberts Municipal Plan, Policies G -18 Protection of Archaeological Resources the Authority may require an archaeological assessment for development in any use zone where archaeological resources are known to exist, or where they are likely to exist based on location and historical evidence. Applications for development on undeveloped land will be forwarded to the Provincial Archaeology Office, Department of Tourism, Culture and Recreation, for review and consideration under the *Historic Resources Act*.

- 27. Bed and Breakfast Establishments** - A Bed and Breakfast establishment, (See Definition 13, Schedule A), where permitted, shall be subject to the following conditions:
- (1) The use is in a single dwelling occupied as a residence by the operator of the business.
 - (2) No addition or alteration shall be undertaken which changes the roofline; increases the height of the building; or extends into the front or side yards of the lot, except for dormers and/or structures necessary for public safety such as fire escapes.
 - (3) The nature and scale of the proposed use is consistent with the adjoining development and the use does not detract from the residential character of the neighborhood.
 - (4) That a minimum of one (1) paved parking space per room, in addition to those required for the residential use, be provided on the lot.
 - (5) A parking area abutting a residential lot shall be appropriately screened by a fence, wall, or hedge of height not less than one (1) metre and located a minimum distance of 1 metre from the edge of the parking area.
 - (6) A single, non-illuminated, free-standing sign, not exceeding 0.20 square metres in area, shall be permitted, provided that the design of the sign is consistent with the residential character and amenity of the area.
 - (7) That the use is approved and licensed under the *Tourist Establishment Regulations*, 1996, of the Provincial Department of Tourism, Recreation and Culture.
- 28. Buffer Strips** – Where development is proposed that, in the opinion of the Authority, will have a visual impact on a highway, viewscape, or abutting land use, the Authority may require the owner of the site to provide a buffer strip not less than ten (10) metres wide to screen the development. The buffer shall include provision of such natural or structural barrier as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority.
- 29. Building Accessibility** - All public and institutional buildings shall be constructed in conformity with the *Buildings Accessibility Act and Regulations* to ensure accessibility for persons with physical and/or sensory disabilities.

- 30. Building Height** - The Authority may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rear yard requirements shall be varied as follows:
- (1) The building line setback shall be increased by 2 metres for every 1 metre increase in height.
 - (2) The rear yard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.

Exceptions - The height requirements prescribed in Schedule C of these regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 10% of the permitted height of the structure shall only be authorized under the provisions of Section 12, Part I, and with notice given under the provisions of Regulation 12(a) Part II Notice of Application.

- 31. Building Line Setback** - 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.
- 32. Easements and Emergency Access** - Where land is required for utility easements or emergency access, such land may be obtained for the appropriate agency (ie. Newfoundland Power) in the course of approving subdivision or other development applications.
- 33. Environmental Site Assessment** – In accordance with Municipal Plan Policy G-15, the Authority may require an environmental site assessment as a condition of approval for development of lands that were previously used for commercial or industrial purposes. Where such an assessment indicates the presence of hazardous materials, no development will be permitted until a full environmental site assessment has been undertaken and remediation measures implemented by a firm qualified to perform such work to the satisfaction of the Department of Environment and Conservation and the Authority.
- 34. Home Childcare Service** - Where permitted by the Town of Bay Roberts, childcare as a home occupation shall conform to the requirements of the *Child Care Services Act and Regulations*. Where required, a license to operate shall be obtained from the Department of Health and Community Services.
- 35. Home Occupations**
- (1) The following conditions shall apply to the use of a dwelling for a home occupation:
 - (a) The residence is occupied by the operator of the home occupation;
 - (b) The use is clearly subsidiary to the residential use, does not alter the residential character of the property, and does not detract from the residential character of the neighbourhood. The external

- appearance of the dwelling shall not be changed by the home occupation;
- (c) There are no more than 2 assistant employees employed on site in addition to a resident of the dwelling;
 - (d) Not more than 25 percent of the total floor area of the dwelling to a maximum of 45m² is devoted to the home occupation;
 - (e) There is no increase in the Gross Floor area of the dwelling unit;
 - (f) One off-street parking space, other than that required for the dwelling, is provided for every 18.5m² of floor space occupied by the home occupation;
 - (g) No wholesale, outdoor storage of goods or equipment is carried out, any retail sales are incidental and subsidiary to the approved use;
 - (h) On-site advertisements shall be non-illuminated with a maximum sign face area of 0.2 square metres and shall meet the requirements of the Authority in terms of shape and material construction;
 - (i) No change shall be made in the type, class, or extent of the occupation without a permit;
 - (j) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area;
 - (k) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot;
 - (l) The residential lot has sufficient area to accommodate the parking requirement of the dwelling unit and the home occupation.
- (2) **Home Occupations in Accessory Buildings** - In addition to the requirements set out in Regulation 35(1), a home occupation where permitted in a building subsidiary to a residential dwelling (ie. an accessory building) shall
- (a) Be located on the same lot as the residential use;
 - (b) The business shall be owned and operated by the occupants of the dwelling;
 - (c) No repairs to vehicles or heavy equipment are carried out;
 - (d) Activities associated with the use are carried on inside the accessory building, are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference, or in any other way result in a nuisance to the occupants of surrounding residences.

- 36. Landscaping** - All land except that used for customer parking and vehicle access shall be landscaped and maintained by the owner or occupier to the satisfaction of the Authority.
- 37. Livestock Structures and Uses** - Where permitted, no structure designed to contain more than five *animal units* (See No. 8, Schedule A: Definitions) shall be erected or used unless it complies with the following requirements:
- (1) The structure shall be at least 600m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone where agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from a Provincial or Federal Park.
 - (2) The structure shall be at least 60m from the boundary of the property on which it is to be erected.
 - (3) The structure shall be at least 90m from the centre line of a street.
 - (4) The erection of the structure shall be approved by the Department of Natural Resources (Agrifoods Branch) and the Department of Environment and Conservation.

No development for residential use shall be permitted within 600m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Natural Resources.

- 38. 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.
- 39. Lot Area and Size Exceptions** - Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by 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.

- 40. 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 street which has been constructed to standards established by the Authority.
- 41. Mineral Exploration** - Where permitted, mineral exploration activities shall meet the following conditions:
- (1) The Planned activities do not cause undue noise, significant ground disturbance or risks to the safety of residents of Bay Roberts.
 - (2) A plan to consult with and inform residents of the activity is submitted and approved by the Authority;
 - (3) All permits and approvals from federal and provincial agencies, including the Department of Natural Resources, Mines and Energy Branch, have been obtained;
 - (4) A site rehabilitation plan is submitted and approved by Council for exploration activities, which require trenching and/or the creation of cut lines through wooded areas, or other forms of ground disturbance;
 - (5) A refundable cash deposit of \$1,000.00 has been made to the Authority which shall be returned when the rehabilitation work has been completed in accordance with the development permit and to the satisfaction of the Authority.
- 42. Multiple Uses** - In any use zone where any land or building is used for more than one use, each use shall be required to meet the provisions of these regulations. Where there is a conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.
- 43. Municipal Public Works and Utilities** - The Authority shall ensure that municipal and public utility works such as telephone, water treatment, pollution control and electric utility facilities are constructed so that no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works shall be in keeping with adjacent uses and buffering, in the form of landscaped areas between any such works and adjacent uses is required.
- 44. Off-Street Loading Requirements**
- (1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15m long, 4m wide and having a vertical clearance

of at least 4m with direct access to a street or with access by a driveway of a minimum width of 6m 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 move clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

45. Offstreet Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking area, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking spaces for apartments shall be provided in the rear yard, where possible. In a Non-residential Zone, parking areas shall be provided within the limits of the zone in which the use is situated and not more than 200m distant from the use concerned.
- (4) Parking areas required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking areas for more than four vehicles are required or permitted
 - (a) Parking space shall mean an area of land, not less than 15m² in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
 - (b) The parking area shall be constructed and maintained to the specifications of the Authority;
 - (c) The lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - (d) A structure, not more than 3m in height and more than 5m² in area may be erected in the parking area for the use of attendants in the area;
 - (e) No part of any off-street parking area shall be closer than 1.5m 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 1m 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;
- (i) Entrance and exit ramps shall be no closer than 15 m from any corner or street intersection;
- (j) Parking standards to accommodate persons with disabilities shall meet the requirement of the *Buildings Accessibility Act and Regulations*;
- (k) Landscaping shall be provided on 5% of the parking area for lots less than 1,400m² in size, and 7.5% of the parking area for lots greater than 1,400m².

46. Outdoor Storage - Where permitted, outdoor storage of materials, goods and machinery must meet the following conditions:

- (1) Storage areas shall not occupy more than 50% of the site area and shall not be located in the front yard or in any required buffer areas;
- (2) Storage areas shall be enclosed by an opaque wall or fence not less than 2 metres in height, constructed of uniform materials approved by Council;
- (3) Storage areas shall have a stable surface to prevent raising or movement of dust, clay, mud and loose particles;
- (4) There shall be no unscreened or unfenced storage of vehicles or other machinery or equipment except transport vehicles which may be parked in the open provided their parking area is landscaped.

47. Outdoor Swimming Pools - Where a swimming pool is an accessory use to a residential or commercial use, it shall:

- (1) Be enclosed by a fence having a minimum height of 1.8 metres (6 ft) from the established grade and located a minimum of 1.8 metres from the water surface perimeter, and have a gate, equipped with self-closing; self-latching devices placed at the top and on the inside of the gate;
- (2) Not exceed 7.0% of the area of the lot;
- (3) Not encroach upon any easement;
- (4) Not be placed over any existing, on-site septic system.

- 48. 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 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.
- 49. Satellite Dish Antenna** - Where permitted, Satellite dish antenna shall be subject to the following conditions:
- (1) There shall be one satellite dish per lot;
 - (2) The satellite dish antenna shall not be located in the front yard or flanking side yard of a lot;
 - (3) The maximum diameter of the satellite dish is 3 metres;
 - (4) The maximum height of:
 - (a) A ground-mounted antenna shall be 4.6 metres measured from the top of the antenna to ground level.
 - (b) A roof-mounted antenna shall be 4.6 metres measured from the top of the antenna to the roof.
 - (c) The satellite dish antenna does not obstruct views from other properties;
 - (5) The satellite dish must not obstruct right-of-way or encroach any easements.
- 50. Screening and Landscaping** - The Authority may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application. The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Authority, the landscaping or screening is desirable to preserve amenity or to protect the environment.
- 51. Service Stations** - Where permitted, development of an automobile service station and garage shall conform to the following conditions:
- (1) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side;
 - (2) Pump islands shall be set back at least 4 metres from the front lot line.
 - (3) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3m of the street or lot line.
 - (4) Accesses shall not be less than 7 metres wide and shall be clearly marked.
 - (5) Where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the center line of the junction. The lot line between entrances shall be clearly indicated.

- 52. Side Yards** - Side yards shall be kept clear of obstruction and shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building.
- 53. Soils and Drainage** - Development shall only be permitted on lands having soil and drainage conditions that are suitable to permit the proper siting and development of the proposed uses.
- 54. Soil Removal and Deposit and Site Grading** - A development permit is not required for removal or deposit of soil, or the excavation and removal of excavated material or grading, 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, removal and deposit of material or grading requires a development permit under these Regulations.
- 55. Storage and Screening of Refuse Containers** - Refuse containers used for the collection or storage wastes from a commercial use shall be screened by fence or within an enclosure so that it is not visible from adjacent properties, public roads, residential development or public areas.
- 56. 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 liquid or other dangerous goods.
- 57. Street Classification** - For the purposes of these regulations, streets within the Town are classified as follows:

Street	Classification
Conception Bay North Bypass Road and Access Road	Arterial Highway
Conception Bay North Highway (Route 70)	Arterial Highway
Water Street, Shearstown Road	Collector Street
All other streets	Local Roads

- 58. Subsidiary Apartments** - Where permitted, subsidiary apartments shall be limited to single dwellings. Two off-street parking spaces are required. Minimum floor area requirements for a subsidiary apartment are 40 square metres for one bedroom, plus 10 square metres for each additional bedroom.

- 59. Watercourse Protection Buffers** - In accordance with the Bay Roberts Municipal Plan, Policy EP- 6 – Development Adjacent to Waterbodies - proposed development or land use activity adjacent to a stream, pond, coastline or wetland will be required to retain a natural buffer where no removal or disturbance of vegetation or alteration of topography will be permitted as follows:

Type of Waterbody	Required Buffer
Marine coastline	100 m measured from the top of the bank or high water mark whichever is greater See Regulation 59 (1)
Stream, pond or wetland visible on a 1:50,000 scale topographic map	25 m from the high watermark See Regulation 59 (1)
Minor streams or drainage channels not showing on a 1:50,000 topographic map	15m unless approved by the Department of Environment and Conservation under Section 48 of the <i>Water Resources Act</i> .

- (1) High Water Level - For the purposes of interpretation, the high water level of a water body is taken to be the 1:100 year return period water level. For a fresh water body, this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both.

In marine situations, the level must include maximum waves, wind setup, storm surge, and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design. Where an embankment exists along a coastline, the high water level shall be interpreted as being at the top of the embankment.

- (2) **Larger Buffer Requirements** - The Authority may require a larger buffer area around a waterbody where identified floodplains, steep slopes or unstable soil conditions (for example) could result in damage to watercourses and fish or wildlife habitat as a result of development.
- (3) **Development not requiring a buffer area** - Buffer areas are not required for conservation structures such as those designed to control flooding and erosion, bridges, pathways and sewer lines, or where permitted, for the construction of wharves and docks, or marine related industrial uses where permitted in Schedule C of these regulations. Such development shall meet provincial environmental guidelines, and be approved by the Water Resources Management Division, Department of Environment and Conservation. If fish habitat is affected, approval from Fisheries and Oceans Canada is required.

- 60. Water Pressures/Fire Flows** - Development may be refused where water pressures and fire flows cannot be guaranteed.
- 61. 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.
- 62. Zero Lot Line and Other Comprehensive Development** – The Authority may, in 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.
- 63. Services and Public Utilities** – The Authority may within any use zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned provided that the design and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area.

PART IV – SIGNS

64. Purpose - The purpose of these Regulations is to:

- (1) Ensure that businesses, services, and other enterprises can effectively communicate to the public by the use of signs;
- (2) Provide for reasonable, orderly and effective display of outdoor advertising compatible with their surroundings;
- (3) Protect pedestrians and motorists from hazardous conditions that result from signs that are located improperly, structurally unsafe or obscure vision;
- (4) Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the Community; and

65. Definitions – the following definitions shall apply to signs erected in Bay Roberts:

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.

Billboard means a sign displaying only third party advertising;

Canopy Sign means a sign that has a structure of rigid or non-rigid material on a framework sheltering an area or forming a sheltered walk.

Directory Sign means a sign with more than one establishment and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logo.

Facial Wall Sign means a sign attached directly to or painted upon a building wall, where the sign face is parallel to the wall of the building to which it is attached.

Ground Sign means a sign supported by one or more uprights, placed permanently in the ground.

Group Sign means a ground sign on which more than one activity, business; organization, enterprise, industry or service is being advertised.

Illuminated Sign means a sign that emits artificial light or is illuminated by a light focused upon, or chiefly directed at, the surface of the sign.

Multi-faced Sign means a sign that has more than two sign faces and shall be considered to be one sign.

Off-Site Sign means any sign intended for the purpose of announcing direction to a particular sight

On-Site Sign means any sign (permanent or temporary) located wholly within the confines of the owner's property.

Portable Sign means a sign designed to be mobile and not located permanently in a fixed location. This includes vehicles and trailers with advertising markings/ designs or carrying signage, placed for the sole purpose of advertising.

Projecting Sign means any sign that is wholly or partly dependent upon a building for support and projects from the wall or face of a building or structure.

Roof Sign means a sign fixed; placed upon or supported by the roof of a building.

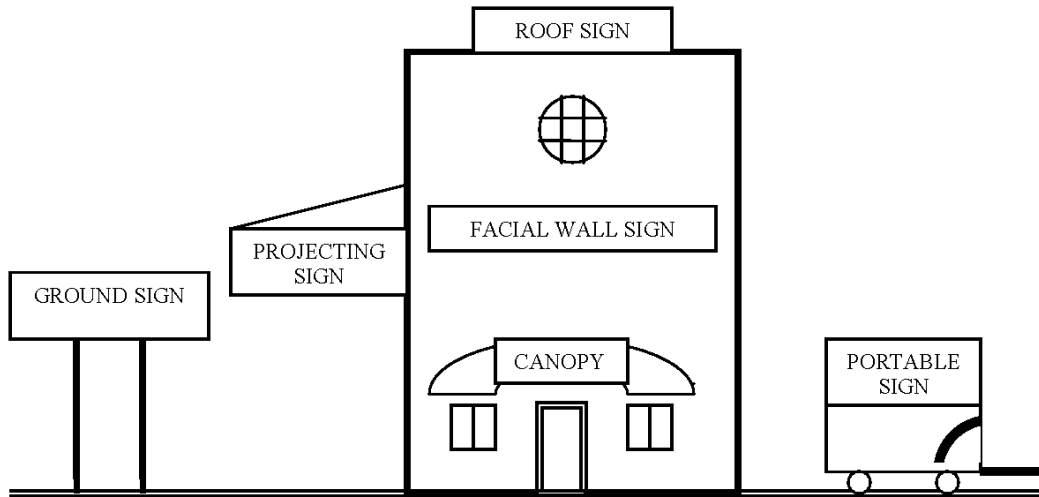
Sign Face Area – means the total area in height and width of the entire advertising device, excluding posts and includes any framing or border around the actual lettering or graphics. Irregular shaped signs shall have their area determined by the maximum dimensions of the sign face. Where a sign has two faces or more, the maximum area is permitted for each of the two faces.

Sign Placard means that part of a sign face that contains the information about an individual activity, business or service. A sign face may be comprised of one or more sign placards.

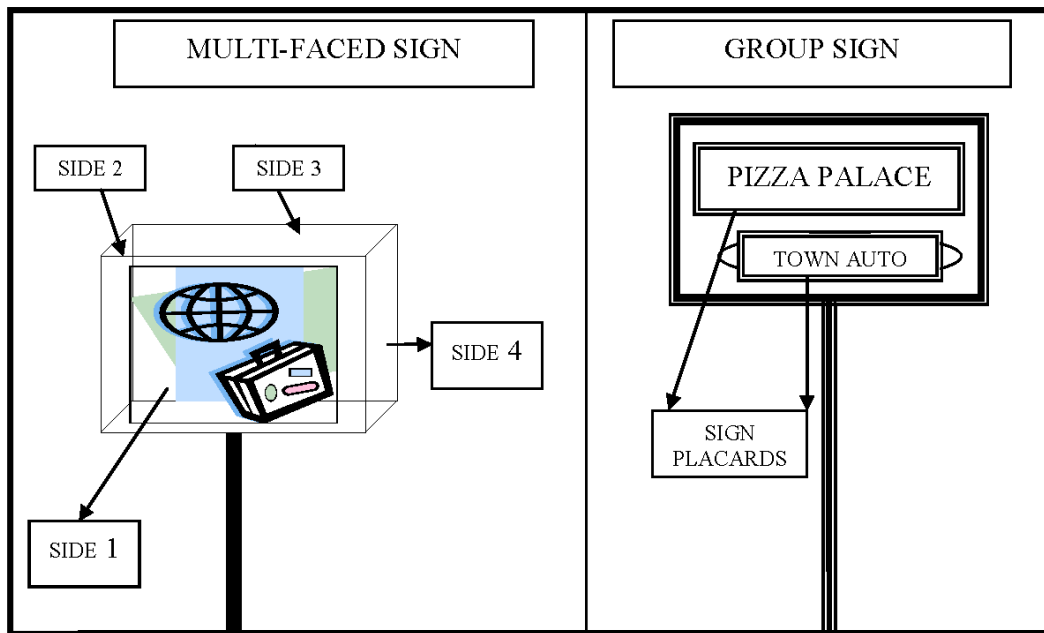
Sign Height means the vertical distance measured at right angles from the highest point of the sign or sign structure to the finished grade directly below;

Temporary sign means a sign, not permanently installed or in a fixed position, that advertises a business, site, event or activity for a limited period of time.

Figure 1. Sign Types



Source: Corbett Consulting



Source: Corbett Consulting

66. **Permit Required** - Subject to the provisions of Regulation 71, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Authority. A permit shall be valid for a period not exceeding two years, but may be renewed at the discretion of the Authority for a similar period.

- 67. Provincial Highway Sign Regulations** - All signs or advertisements to be erected within the boundaries of the Town of Bay Roberts must be approved in accordance with these Regulations. Where provisions of the Bay Roberts Development Regulations 2010-2020 are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by provincial Departments under the **Provincial Highway Sign Regulations**, the more restrictive regulations shall apply.
- 68. Form of Application** - Application for a permit to erect or display a sign shall be made to the authority in accordance with Regulation 7, Part II.
- 69. Signs Prohibited in Street Reservation** – Unless otherwise permitted by these Regulations (Highway Sign Regulations for example), no sign shall be permitted to be erected or displayed within, on or over any highway or street reservation unless otherwise permitted in this bylaw.
- 70. Removal of Signs** - Notwithstanding the provisions of these Regulations, the Authority may require the removal of any sign which, in its opinion, is:
- (1) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;
 - (2) detrimental to the amenities of the surrounding area.
- 71. Exempt from Control Signs** - The following signs may be erected or displayed in the Planning Area without application to the Authority:
- (1) Memorial or historical plaques or tablets;
 - (2) A flag of any governmental, religious, charitable or fraternal organization;
 - (3) One nameplate not exceeding 0.2 m² in area on a dwelling or within the courtyard of a dwelling;
 - (4) A notice board not exceeding 1 m² in area and relating to the operations being conducted on the land on an agricultural holding or farm;
 - (5) Signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on land used for forestry purposes;
 - (6) A notice board not exceeding 1 m² in area relating to the operation conducted on land used for mining or quarrying operations;
 - (7) One nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises on a dwelling or within the courtyard of a dwelling;
 - (8) One notice board not exceeding 1 m² in area on any site occupied by a church, school, library, art gallery, museum, institution or cemetery;

- (9) 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; on the principal facade of any commercial, industrial or public building;
- (10) Parking lot directional signs not exceeding 1 m² in size, on a parking lot identifying the parking lot;
- (11) Construction signs that identify the architects, engineers, contractors and other construction details, provided that they do not exceed 6 square metres in area and are removed within fourteen days of the beginning of the intended use of the project;
- (12) Real estate signs advertising the sale, rent or lease of a premise, not exceeding 0.5 square metres in area in residential zones and 1.5 square metres in area in all other zones, limited to one such sign per property;
- (13) No more than two off-site directional signs for an “open house event” not exceeding 0.5 square metres in area and 1 metre in height. These signs will be permitted to be placed the day before the open house and must be removed the day after. Signs that are not removed may be removed by the municipality and will be returned to the real estate agent for a payment of a fee established by the Authority;
- (14) Signs that identify a residential subdivision provided the sign is located on the developed parcel and that the sign does not exceed 3 square metres in area or 3 metres in height;
- (15) Sign placards that are replacing existing placards;
- (16) Signs identifying or advertising a nonprofit civic, charitable or benevolent event provided that they do not exceed 6 square metres in area, and are located for a period of not more than 21 days before the event to seven days after the event;
- (17) Temporary political campaign signs provided that they are not located prior to the calling of the election to which they refer and are removed within 48 hours after the election;
- (18) Special sale or closeout sale signs not exceeding 6 square metres in area, provided that no business shall post said signs for more than thirty (30) days in any one calendar year;
- (19) Signs identifying the name and/or address of an apartment building of more than six units provided that the sign shall
 - (a) have a maximum of two sign faces not exceeding 2.2 square metres in area for each sign face;
 - (b) not project beyond the boundaries of the property on which they are located;
 - (c) not exceed one in number;
 - (d) if a ground sign is used, be setback 1 m from the public right-of-way or any other driveway entrance; and

- (e) conform to, other than the above-mentioned provisions, the standards for signs by types as outlined in Section 85.

72. Approval Subject to Conditions - A permit may only be issued for the erection or display of signs which comply with the appropriate conditions and specifications set out in the Use Zone Tables in Schedule C of these Regulations.

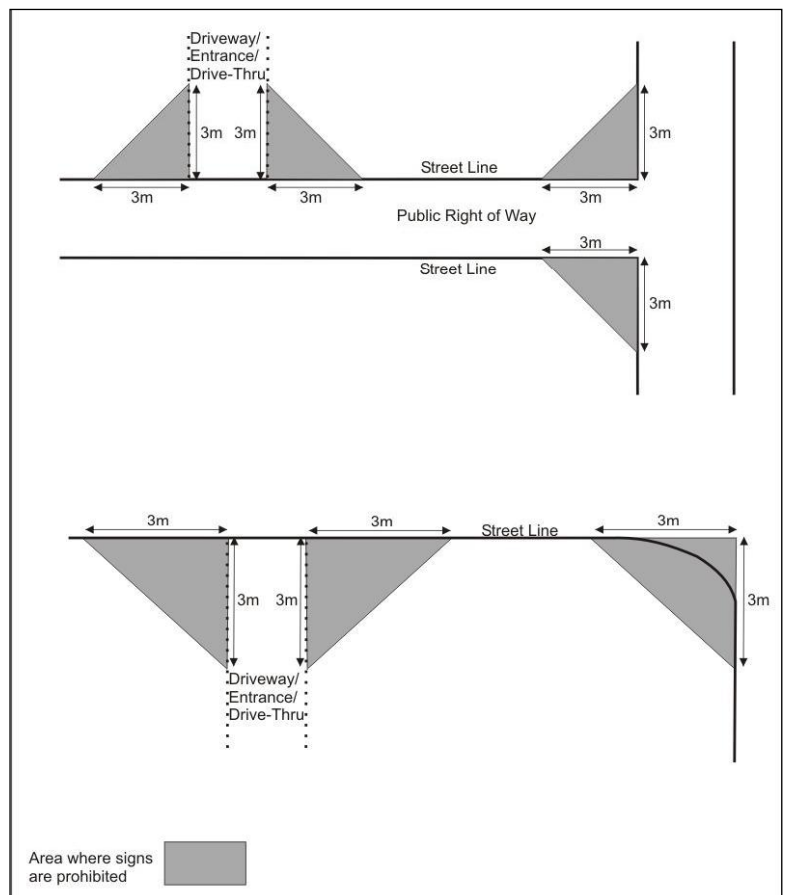
73. Non-Conforming Uses - Notwithstanding the provisions of Regulation 66, a permit may be issued for the erection and display of signs for a non-conforming use, provided the advertisement does not exceed the size and type of sign which could be permitted if the development was in a Use Zone appropriate to its use.

74. Non-Conforming Signs – A sign in existence at the date of coming into effect of these Regulations which is not in accordance with the provisions of these Regulations may continue to exist provided the sign is maintained and in good repair, and does not pose a safety hazard or obstruction. It may be modified or replaced provided such modification or replacement is in accordance with these Regulations.

75. Signs Prohibited - Notwithstanding any other sections of this By-law, the following signs are not permitted:

- (1) Signs which imitate a traffic control device or contain the words "Stop", "Go Slow", "Caution", "Danger", "Warning" or similar words.
- (2) Signs that obstruct the vision of drivers or the effectiveness of any traffic control device. All signs, except traffic control signs and fascia signs, shall meet the sight line provisions as shown in Figure 2.

Figure 2. Sightlines at Intersections



- (3) Signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.
- (4) Signs that are flashing, have moving illumination, or that vary in lighting intensity or in color, or that cause glare for motorists.
- (5) Signs attached to trees.
- (6) Signs that display obscene, indecent or immoral material.
- (7) Illuminated fascia signs on building walls facing a side lot line, where a single-family dwelling is located on the adjacent lot.
- (8) Roof Signs

76. General Standards for Signs

- (1) All signs must be located on the property where the person/activity/business being advertised is located unless otherwise permitted in this bylaw.
- (2) Lettering on signs and advertisements shall not be freehand, unless it is done neatly and artistically with all letters in correct proportion. Signs or advertisements must be visually inspected and their appearance approved by Council prior to emplacement.
- (3) The development officer may require an engineered stamped drawing for a new sign where there is concern about structural stability, wiring and other additional concerns needed to ensure the sign is safe and secure.
- (4) Signs in all zones must be maintained in good condition (no peeling paint, rotting wood) and not present a safety hazard (in terms of structural stability, wiring, etc.).
- (5) No sign shall obstruct a means of ingress/egress from a door, window or fire escape.
- (6) No sign shall be placed, erected, structurally altered, located or relocated so as to be closer to an energized utility line or utility line equipment than the distances specified in the following table:

Phase to Phase Voltage of Energized Electrical Utility Line or Utility Line Equipment	Distance
Up to 750 v	900mm
750 v – 100,000 v	3.6m
100,001 v – 250,000 v	5.2m
250,001 v – 345,000 v	6.1m

77. Provisions by Sign Type - Notwithstanding any other provisions of these Regulations, the following provisions shall apply to sign types in all zones. The

general standards for each sign type are shown below, while the zone-specific standards are set out in Regulation 78. If a sign type is not listed under a specific zone, then that sign type is not permitted in that zone.

- (1) **Off-site Business Identifier or Directional Signs** shall be permitted in any non-residential zone provided that:
 - (a) Content of sign shall be limited to the name of the development, a directory of businesses in the development and the directional and/or distances;
 - (b) All off-site signs shall be located within a radius of 2km of the development;
 - (c) The location and orientation of the sign has been approved by the Authority;
 - (d) A landscaped area of not less than 5m from the base of the sign shall be maintained.

- (2) **Temporary/Portable Signs** include mobile signs, banners and other temporary signs and may be permitted provided that:
 - (a) Permits shall only be issued for a period of 30 days and may not be renewed for a period of 90 days. Temporary signs not removed within 7 days of the permit expiration may be removed by the Town of Bay Roberts and will be returned to the permit holder subject to a removal charge as may be established by the Authority.
 - (b) The sign does not encroach upon easements, right-of-ways or private property and must not obscure other permanent signs, nor impair visibility of traffic, or pedestrians.
 - (c) Approval by the Canadian Standards Association (or other recognized authority as approved by the Town of Bay Roberts) for portable lighted signs, and bear the C.S.A. approval decal on the sign. If the sign is considered mobile, it shall be fully approved and licensed by the Motor Vehicle Registration Division, Department of Works, Services and Transportation.
 - (d) The advertisement is securely anchored as approved by the Town of Bay Roberts.

- (3) **Canopy Signs**, where permitted, must meet the following conditions:
 - (a) The length of the canopy cannot extend more than 1 metre beyond the wall of the building to which it is attached.
 - (b) The canopy cannot project more than 1 metre over the public sidewalk or a pedestrian walkway, and shall not extend over the portion of the public right-of-way traveled upon by motorized vehicles.
 - (c) The canopy shall be self-supporting and shall not have supports that rest upon the sidewalk or public right-of-way.

- (4) **Facial Wall Signs**, where permitted, must:
- (a) Be limited to a height not exceeding 1.8 metres from the bottom of any of the sign placards, individually or in combination, to the top thereof.
 - (b) Not exceed the greater of either 2 metres in length, or fifty percent of the horizontal dimension of the wall upon which the sign or signs are located.
 - (c) Not project more than 23 cm from the walls on which they are located.
- (5) **Ground signs**, where permitted, must:
- (a) Be entirely located within the property boundaries of the business or enterprise. During the months from December to April, the sign shall be set back from the front lot line a distance of one half the height of the sign so as not to obstruct snowclearing operations.
 - (b) Be limited to one in number for every 30 metres of frontage.
- (6) **Projecting wall signs**, where permitted, must:
- (a) Not project beyond the public sidewalk onto the portion of the public right-of-way traveled upon by motorized vehicles.
 - (b) Not project above the eaves, parapet or roofline of a building.
 - (c) Not be permitted to swing freely without the installation of a suitable catch chain or other control device.
- (7) **Home Occupation signs**, where permitted, must:
- (a) Not be illuminated.

78. Signs Permitted in Use Zones

Land Use Zone				
Type of Sign	Number of Signs	Maximum Sign Area	Height	Minimum Setback
Residential Zones (R-1, R-2)				
Home Occupation & Bed and Breakfast sign	1 per dwelling unit	0.2 m ²	N/A	N/A
Mixed Development (MD)				
Canopy	N/A	See General Standards	Min 2.2m above sidewalk Max 1.8m from top to bottom	N/A
Facial Wall Sign	1 per business on walls not adjacent to a residence	See Regulation 76, 77	See Regulation 76, 77	N/A
Ground Sign	1 per 30m frontage	5m ²	Max 3m	N/A
Projecting Wall Sign	1 per business	2m ²	Minimum 3m	1m
Off-site Sign	1	3m ²	Max 3m	See Regulation 76, 77
Temporary Sign	1 Sign per property	5 m ²	Max 3m	See Regulation 76, 77
Commercial (C)				
Canopy	1 per business	See Regulation 76, 77	Min 2.2m above sidewalk Max 1.8m from top to bottom	N/A
Facial Wall Sign	1	3m ²	See Regulation 76, 77	N/A
Ground Sign	1	5m ²	Max 3m	1
Projecting Wall Sign	1	2m ²	Minimum 3m	N/A
Off-site Sign	1	3m ²	Max 3m	See Regulation 76, 77
Temporary Sign	1 Sign per property	5m ²	Max 3m	See Regulation 76, 77

Industrial General (IG) , Industrial Marine (IM), Industrial Development Area (IDA)				
Type of Sign	Number of Signs	Maximum Sign Area	Height	Minimum Setback
Canopy	1 per business	See Regulation 76, 77	Min 2.2m above sidewalk Max 1.8m from top to bottom	N/A
Facial Wall Sign	N/A	See Regulation 76, 77	See Regulation 76, 77	N/A
Ground Sign	1 per 30m Frontage	5m ²	Max 10m	1m
Projecting Wall Sign	1 per business	2 m ²	Minimum 3m	4.5m
Off-site Sign	1	3m ²	Max 3m	See Regulation 76, 77
Temporary Sign	1 Sign per property	2 m ²	Max 3m	See Regulation 76, 77
Billboard	Only in locations as identified by the Authority			
Open Space Recreation (OSR)				
Canopy	1	See Regulation 76, 77	Min 2.2m above sidewalk Max 1.8m from top to bottom	N/A
Facial Wall Sign	1	3 m ²	See Regulation 76, 77	N/A
Ground Sign	1	5m ²	Max 3m	1m
Projecting Wall Sign	1 per business	2 m ²	Minimum 3m	N/A
Off-site Sign	1	3m ²	Max 3m	See Regulation 76, 77
Temporary Sign	1 Sign per property	2 m ²	Max 3m	See Regulation 76, 77

Mad Rocks Comprehensive Development Area (CDA), Environmental Protection (EP)				
Type of Sign	Number of Signs	Maximum Sign Area	Height	Minimum Setback
Ground Sign	Limited to Interpretive signage along trails	0.2m ²		
Rural (RU)				
Canopy	1 per business	See Regulation 76, 77	Min 2.2m above sidewalk Max 1.8m from top to bottom	N/A
Facial Wall Sign	N/A	See Regulation 76, 77	See Regulation 76, 77	N/A
Ground Sign	1 per 30m Frontage	5m ²	Max 10m	1m
Projecting Wall Sign	1 per business	2m ²	Minimum 3m	4.5m
Off-site Sign	1	3m ²	Max 3m	See Regulation 76, 77
Temporary Sign	1 Sign per property	2m ²	Max 3m	See Regulation 76, 77
Billboard	Only in locations as identified by the Authority			
Highway Reserve (HR)				
As permitted by the Department of Transportation and Works under the Provincial Highway Sign Regulations.				

PART V – SUBDIVISION OF LAND

- 79. 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.
- 80. 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.
- 81. 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 17 and 18.
- 82. 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:
- (1) The location of the land
 - (2) The availability of, and the demand created for, schools, services and utilities
 - (3) The provisions of the Plan and Regulations affecting the site
 - (4) The land use, physical form and character of adjacent developments
 - (5) The transportation network and traffic densities affecting the site
 - (6) The relationship of the project to existing or potential sources of nuisance
 - (7) Soil and subsoil characteristics
 - (8) The topography of the site and its drainage
 - (9) Natural features such as lakes, streams, topsoil, trees and shrubs
 - (10) Prevailing winds
 - (11) Visual quality
 - (12) Community facilities
 - (13) Energy conservation
 - (14) Such other matters as may affect the proposed development.
- 83. Proposals for Subdivision of Land** - Proposals for the subdivision of lands for residential, commercial and industrial development shall be required to provide information on:
- (1) The physical features of the site, including development opportunities and constraints, the location of mature stands of vegetation, including any vegetation to be retained.
 - (2) The layout of proposed lots and streets.

- (3) How the proposed subdivision relates to existing development and roads on adjacent lands, and provide for future access to undeveloped lands in the area.
 - (4) The compatibility between the subdivision and surrounding land uses, both existing and future.
 - (5) The volume and type of traffic that will be generated by the development.
 - (6) Proposed servicing, including water and sewer, storm water management, and utilities.
 - (7) In residential subdivisions, the locations of neighbourhood mail receptacles.
 - (8) A landscaping plan which shows the location of dedicated open space and plantings.
- 84. Form of Application** - Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 7.
- 85. Subdivision Subject to Zoning** - The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Zoning Maps.
- 86. Building Lines** - The Authority may establish building lines for any subdivision street and require any new building to be located on such building lines.
- 87. 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 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 87(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 87(1).
- 88. 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.
- 89. Development Agreement** - As a condition of approval for new developments, the Authority shall require a developer to enter into an agreement with the Municipality. Such agreements shall include specifications for water and sewer infrastructure, storm drainage, streets, sidewalks, open space, as well as school bus stops and neighbourhood mailboxes, where required.
- 90. Subdivision Design Standards** - Unless otherwise specified in the *Town of Bay Roberts Municipal Engineering Standards* the design of a subdivision permitted under these Regulations shall conform to the following standards:
- (1) The finished grade of streets shall not exceed 10 percent.
 - (2) Every cul de sac shall be provided with a turning circle of a diameter not less than 30m.
 - (3) The maximum length of any cul de sac shall be 200m in areas served by or planned to be served by municipal piped water and sewer services, as shown on the map and letter of agreement signed by Municipality and the Minister of Municipal Affairs in connection with municipal five-year capital works program eligibility (Limit of Servicing Agreement).
 - (4) Emergency vehicle access to a cul de sac shall be not less than 3m wide and shall connect the head of the cul de sac with an adjacent street.
 - (5) No cul de sac shall be located so as to appear to terminate a collector street.
 - (6) New subdivisions shall have street connections with an existing street or streets.
 - (7) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30m from the intersection.
 - (8) No street shall be closer than 60m to any other street intersection.
 - (9) No more than four streets shall join at any street intersection.

- (10) No residential street block shall be longer than 490m between street intersections.
- (11) 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	30m	15m	1.5	Discretion of Council
Collector Streets	18m	10m	1.5m	2
Local Residential Streets:	12.2m	7.3m	1.5m	1
Service Streets	12.2m	7.3m	1.5m	Discretion of Council

- (12) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (13) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (14) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (15) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

91. Engineer to Design Works and Certify Construction Layout

- (1) Plans an specification for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Authority to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the 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 or her own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by Authority to service the said area.

- 92. Developer to Pay Engineer's Fees and Charges** - The developer shall pay to the Authority all 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.
- 93. Street Works May Be Deferred** - The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority may be deferred until a later stage of the work on the development. Prior to approval, the developer shall deposit with the Authority, an amount estimated by the Engineer as sufficient to cover construction and installation costs. In the later stage of the work of development, the Authority shall call for tenders for 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 shall be credited to the developer.
- 94. Transfer of Streets and Utilities to Authority**
- (1) Where required by the terms of a Subdivision Agreement, 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 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 or her 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.

- 95. 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:
- (1) The lot can be served with satisfactory water supply and sewage disposal systems, and;
 - (2) Satisfactory access to a street is provided for the lots.
- 96. 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.

PART VI – USE ZONES

97. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 97(3), the permitted and discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

98. 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.

99. 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.

100. 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 12 and has considered any objections or representations which may have been received on the matter.

101. Prohibited Uses - Uses that do not fall within the Permitted or Discretionary Use Classes, or are specifically listed as a Prohibited Use in the appropriate Use Zones Tables in Schedule C, shall not be permitted in that Use Zone.

SCHEDULE A - DEFINITIONS

1. **Access** means a way used or intended to be used by vehicles, pedestrians or animals in order to go from street to adjacent or nearby land or to go from that land to the street.
2. **Accessory Building** includes:
 - (a) A detached subordinate building not used as a dwelling, located on the same lot, or on a lot adjacent to the main building to which it is an accessory, and which has a use that is customarily incidental and complementary to, the main use of the building or land;
 - (b) For residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets or radio and television antennae;
 - (c) For commercial uses, workshops or garages; and
 - (d) For industrial uses, garages, offices, raised ramps and docks.
3. **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.
4. **Act** means the *Urban and Rural Planning Act, 2000*.
5. **Agriculture** means horticulture, fruit, grain or 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, 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. "Agriculture" shall be construed accordingly.
6. **Amusement Use** means the use of land or buildings equipped for the playing of electronic, mechanical or other games and amusements including electronic games, pinball games and slot machine arcades and billiard and pool halls.
7. **Animal Hospital** means a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

8. **Animal Unit** means any one of the following animals or groups of animals
 - 1 bull;
 - 1000 broiler chickens or roosters (1.8 - 2.3 kg each);
 - 1 cow (including calf);
 - 100 female mink (including associated males and kits);
 - 4 goats;
 - X hogs (based on 453.6 kg = 1 unit);
 - 1 horse (including foal);
 - 125 laying hens;
 - 4 sheep (including lambs);
 - 1 sow or breeding sow (including weaners and growers based on 453.6 kg = 1 unit);
 - X turkeys, ducks, geese (based on 2,268 kg = 1 unit).
9. **Apartment Building** means a building containing three or more dwelling units, but does not include a row dwelling.
10. **Appeal Board** means the appropriate Appeal Board established under the Act.
11. **Auto Body Shop** means a building or a clearly defined space on a lot used for the storage, repair and servicing of motor vehicles including body repair and painting but does not include an automobile service station or an automobile sales establishment.
12. **Automobile Washing Establishment** means a building or part thereof used for the operation of automobile washing equipment which is automatic or manual.
13. **Bed and Breakfast Establishment** means a single unit dwelling in which the resident supplies, for compensation, bedrooms for the temporary accommodation of travelers.
14. **Boarding House** means a dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.
15. **Boardwalk** means an elevated public pedestrian walkway constructed over a public street or along a hiking trail, ocean front or beach.
16. **Building** means:
 - (a) A structure, erection, alteration or improvement placed on, over or under land, or attached, anchored or moored to land,
 - (b) Mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
 - (c) A part of, and fixtures on, buildings referred to in (a) and (b), and
 - (d) An excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in (a) or (c).

17. **Building Height** means the vertical distance, measured in meters from the established grade to the
- (a) Highest point of the roof surface of a flat roof,
 - (b) Deck line of a mansard roof,
 - (c) Mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above the roof.
18. **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 (See figure 1).

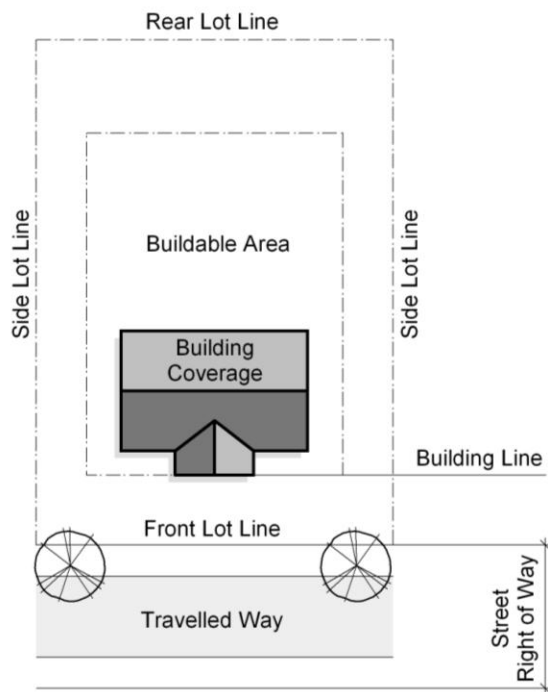


Figure 1. Building and Lot Lines

19. **Business Office** means a room where business may be transacted, a service performed or consultation given, but does not include the manufacturing of any product or the on-site retailing or selling of goods.
20. **Campground** means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes, but does not include a mobile home park.
21. **Church** means a building dedicated to religious worship and include a church hall, church auditorium, Sunday School, parish hall, rectory, manse and day nursery operated by the church.

22. **Clinic** means a building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor in his or her residence.
23. **Convenience Store** means a building used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items, rental of video movies, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.
24. **Craft Shop** means a building used for retailing or wholesaling of arts and handicrafts.
25. **Custom Workshop** means a building or part of a building used by a trade, craft or a guild for the manufacture in small quantities of made-to-measure clothes or articles and includes upholstering, repair, refinishing of antiques and other art objects, but does not include metal, spinning or woodworking or furniture manufacturing.
26. **Daycare Centre or Day Nursery** means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the **Childcare Services Act**, but does not include a school as defined by the **Schools Act**.
27. **Development** means the carrying out of building, engineering, mining or other operations in, on over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the
- (a) Making of an access onto a highway, road or way,
 - (b) Erection of an advertisement or sign,
 - (c) Construction of a building,
 - (d) Parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,
- And excludes
- (e) Carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
 - (f) Carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
 - (g) Carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose; and
 - (h) Use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

28. **Director** means the Director of Urban and Rural Planning (*now called the Director of Engineering and Land Use*).
29. **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.
30. **Domestic and Household Arts** includes dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, or otherwise making household ornaments, articles of clothing, personal effects or toys.
31. **Double Dwelling (or Duplex)** means a building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.
32. **Dwelling, Townhouse** means three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls.
33. **Dwelling Unit** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.
34. **Engineer** means a professional engineer employed or retained by the Authority.
35. **Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
36. **Established Grade** means,
- (a) Where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building, exclusive of any artificial embankment or entrenchment. (See Figure 2).

- (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 an artificial embankment or entrenchment.

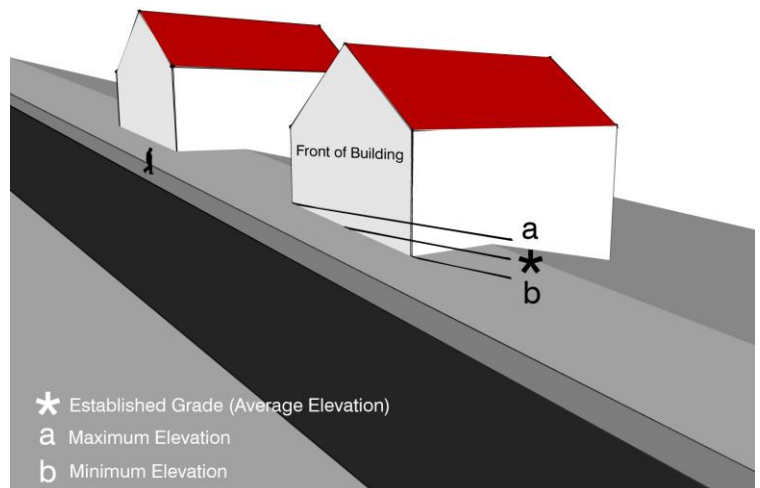


Figure 2. Established Grade of a Building

37. **Existing** means legally existing as of the effective date of these Regulations.
38. **Family and Group Care Centre** means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, the facilities called "Group Homes", "Halfway House", and "Foster Home".
39. **Farm Market** means a building in which farm or garden produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.
40. **Flanking Yard** means the side yard of a corner lot which side yard extends from the front yard the rear yard between the flanking lot line and the nearest main wall of any main building or structure (See Figure 3).
41. **Floor Area** means the total area of all floors in a building measured to the outside face of exterior walls.
42. **Forestry Use** means commercial silviculture and the production of timber or pulp and uses associated with a forestry use, including sawmills, vehicle and equipment storage and maintenance buildings and yards.
43. **Frontage** means the horizontal distance between side lot lines measured at the building line.
44. **Front Yard Depth** means the distance between the front lot line of a lot and the front wall of the main building on the lot.
45. **Garage** means a building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.
46. **General Garage** means land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.
47. **General Industry** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance. "Industry" shall be construed accordingly.
48. **Hazardous Industry** means the use of land or buildings for industrial purposes involving the use of materials or processes which because of their inherent characteristics, constitute a special fire, explosion, radiation or other hazard.
49. **Home Child Care Service** means a service where not more than six (6) children receive child care in the home of the person providing the child care.

50. **Home Occupation** means an accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.
51. **Home Office** means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation of business activity.
52. **Indoor Recreational Use** means a building for leisure activities such as bowling alleys, fitness, racquet and curling clubs, arenas and gymnasias.
53. **Inspector** means any person appointed and engaged as an Inspector by the Authority or by any federal or provincial authority or the agent thereof.
54. **Institution** means a building or part thereof occupied or used by persons who:
- (a) Are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;
 - (b) Require special care or treatment because of age, mental or physical limitations or medical conditions.
55. **Kenel** means a building or premise where domestic household animals and birds are boarded for breeding or otherwise.
56. **Land** includes land covered by water, and buildings and structures on, over, under the soil and fixtures that form part of those buildings and structures.
57. **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or two provide a screen between properties in order to mitigate objectionable features between them.
58. **Light Industry** means use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.
59. **Loading Space** means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.
60. **Local Street** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.
61. **Lodging House** means a dwelling in which at least two (2) rooms are regularly rented to persons other than the immediate family of the owner or tenant.

62. **Lot** means a plot, tract, or parcel of land which can be considered as a unit of land for a particular use or building.
63. **Lot Area** means the total horizontal area within the lines of the lot.
64. **Lot Coverage** means the combined area of all buildings 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.
65. **Main Building** means any building in which is carried on the principal purpose for which the lot is used.
66. **Marina** means a public or private facility operated as a commercial recreational use, used for the docking, mooring an storage of boats, ships and any other marine craft and their accessory equipment.
67. **Mineral Working** means land or buildings used for the working or extraction of any naturally occurring substance.
68. **Mini Home** means a form of mobile home which has a pitched roof and traditional house-type exterior siding, windows and doors, designed to be connected to piped water and sewer, electricity and telephone, with or without basement installation, suitable for year round occupancy.
69. **Mobile Home** means a transportable factory-built single family dwelling unit:
- (a) Which complies with space standards substantially equal to those laid down in the current edition of the **National Building Code of Canada** and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
 - (b) Which is designed to be:
 - (i) Transported on its own wheels an chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
 - (ii) Connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.
70. **Mobile Home Subdivision** means a mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Authority.

71. **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.
72. **Nursing Home** means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and approved by the Departments of Government Services and Lands, and Health and Community Services.
73. **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.
74. **Owner** means a person or an organization of persons owning or having the legal right to use the land under consideration.
75. **Parking Lot** means an open area of land other than a street or an area within a structure for the parking of vehicles.
76. **Parking Space** means an area of land or building for the temporary parking or storage of motor vehicles.
77. **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.
78. **Pit and Quarry Working** carries the same meaning as Mineral Working.
79. **Private Club** means a building used as a meeting place for members of an organization and may include a fraternity, a labour union hall, a lodge and recreational or service club.
80. **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.
81. **Public Use** means any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries and other public buildings and structures.
82. **Rear Yard Depth** means the distance between the rear lot line and the rear wall of the main building on a lot (See Figure 3).
83. **Recreational Use** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, walking trails, and similar uses.

84. **Recycling Depot** means premises on which recoverable materials such as newspaper, glassware, and metal cans are separated prior to shipment but does not include any processing of the materials or a salvage yard.
85. **Restaurant** means a building or part thereof, designed or intended to be used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.
86. **Rest/Retirement Home** means a residential facility or part thereof which is not a nursing home or group home, in which, for hire or gain, lodging is supplied in at least 10 retirement dwelling units. Meals are supplied for the occupants in a common kitchen and dining facility and other communal facilities, such as nursing care, may be provided. Accommodation shall be intended for the lodging of retired or elderly persons.
87. **Row Dwelling** means three or more dwelling units at ground level in one building, each unit separated vertically from the others.
88. **Salvage Yard** means an area of land used for the storage, handling or processing of and sale of scrap material and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall **not** include a hazardous waste material storage or disposal site.
89. **Satellite Dish Antenna** means a device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be solid, open mesh, or bar-configured structure in the shape of a shallow dish or parabola.
90. **Screening** means the method by which a view of one site from another adjacent site is shielded, concealed or hidden.
91. **Seasonal Residence** means a dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as a permanent living quarters.
92. **Service Station** means any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing and polishing of motor vehicles.
93. **Shop** means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, an amusement use, a general garage, or a service station.

94. **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/service establishments.
95. **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.
96. **Sideyard Depth** means the distance between the side lot line and the nearest side wall of a building on the lot. (See Figure 3).
97. **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.
98. **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.
99. **Street Line** means the edge of a street reservation as defined by the authority having jurisdiction.
100. **Street Right-of-Way** means a strip of land acquired by reservation, dedication or forced dedication intended to be occupied or occupied by a public street, road or highway (See Figure 1).
101. **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, including buildings, walls, signs and fences.
102. **Subdivision** means the dividing of land, whether in single or joint ownership, into two or more pieces for the purpose of development.
103. **Subsidiary Apartment** means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling.
104. **Take-Out Food Service** means a building in which the primary purpose is the preparation and sale of meals or refreshments for consumption off the premises.
105. **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.
106. **Tourist Trailer Park** means an establishment comprising land or premises under single ownership used or intended to be used for the parking of tourist trailers on a temporary or seasonal basis, such as for a day, a week or for a season.

107. **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.
108. **Utility** means any public or private system, works, plan, equipment or services which furnishes services at approved rates to or for the use of the general public.
109. **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.
110. **Veterinary Clinic** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures.
111. **Warehouse** means a building used primarily for the **storage** of goods and materials.
112. **Warehousing and Distribution Centre** means a building used for the storage, wholesaling and distribution of goods and materials.
113. **Watercourse** means any lake, pond, river, stream or other body of water.
114. **Wetland** means the land usually or at any time occupied by water, where the water table is at or is just above the surface of the land either permanently or intermittently, depending upon the class of the wetland which includes bogs, fens, marshes, swamps and shallow water zones along shorelines of bodies of water.
115. **Watershed** means the area of land drained by a given stream, river or lake.

116. **Yard** means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in these Regulations (See Figure 3).

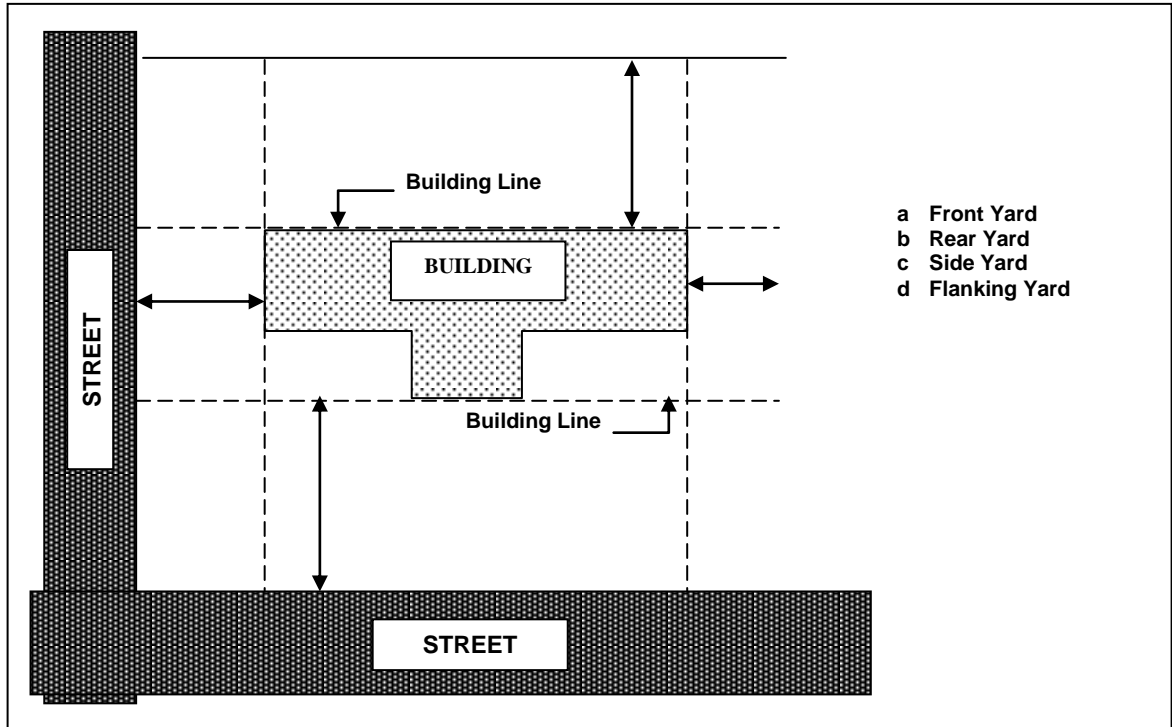


Figure 3. Yards¹

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

¹ *Figure 3 reprinted with permission from Nova Scotia Department of Municipal Affairs, Model Land Use Bylaw, 1993.*

SCHEDULE B – CLASSIFICATION OF LAND AND BUILDINGS

1. Residential Uses		
Division	Use Class	Examples
1. Residential Dwelling Uses	Single Dwelling	<ul style="list-style-type: none"> • Single Detached Dwellings • Family and Group Homes
	Double Dwelling	<ul style="list-style-type: none"> • Duplex Dwellings • Semi-detached Dwelling • Family and Group Homes
	Row Dwelling	<ul style="list-style-type: none"> • Row Houses • Town Houses • Family and Group Homes
	Apartment Building	<ul style="list-style-type: none"> • Apartments • Family and Group Homes • Rest/Retirement Home • Sponsored Seniors Residence
2. General Residential Uses	Collective Residential	<ul style="list-style-type: none"> • Convents & Monasteries • Dormitories • Nurses & Hospital Residences • Residential Colleges & Schools • University & College Halls of Residence
	Boarding House Residential	<ul style="list-style-type: none"> • Bed & Breakfast Establishment • Boarding Houses • Lodging Houses
	Commercial Residential	<ul style="list-style-type: none"> • Hostels • Hotels & Motels • Residential Clubs
	Seasonal Residential	<ul style="list-style-type: none"> • Hunting & Fishing Cabins • Summer Homes & Cabins
	Manufactured Housing	<ul style="list-style-type: none"> • Mini Home • Mobile Homes • Mobile Home Park

2. Assembly Uses		
Division	Use Class	Examples
1. Assembly Uses for the production and viewing of performing arts.	Theatre	<ul style="list-style-type: none"> • Motion Picture Theatres • Opera Houses • Television Studios Admitting an Audience • Theatres
2. General Assembly Uses	Cultural & Civic	<ul style="list-style-type: none"> • Art Galleries • Council Chambers • Court Rooms • Libraries • Meeting Rooms • Museums
	General Assembly	<ul style="list-style-type: none"> • Auditoria • Bowling Alleys • Community Halls • Dance Halls • Exhibition Halls • Fitness Clubs • Gymnasias • Lodge Halls
	Educational	<ul style="list-style-type: none"> • Colleges (non-residential) • Private Schools • Public Schools
	Place of Worship	<ul style="list-style-type: none"> • Church Halls • Churches & Similar Places of Worship • Manse
	Passenger Assembly	<ul style="list-style-type: none"> • Passenger Stations & Depots • Recreational Piers/Docks
	Club & Lodge	<ul style="list-style-type: none"> • Private Clubs & Lodges (non-residential)
	Catering	<ul style="list-style-type: none"> • Bars • Lounges • Restaurants • Taverns
	Funeral Home	<ul style="list-style-type: none"> • Crematoria • Funeral Homes & Chapels
	Child Care	<ul style="list-style-type: none"> • Day Care Centres • Home Child Care Service
	Amusement	<ul style="list-style-type: none"> • Electronic Games Arcades • Pinball Parlours • Poolrooms
3. Arena-type Uses	Indoor Assembly	<ul style="list-style-type: none"> • Arenas • Armouries • Ice Rinks • Indoor Swimming Pools
4. Open-air Assembly Uses	Outdoor Assembly	<ul style="list-style-type: none"> • Amusement Parks & Fair-grounds • Bleachers • Exhibition Grounds • Grandstands • Outdoor Ice Rinks & Swimming Pools • Open-air theatres

3. Business & Personal Service Use		
Division	Use Class	Examples
1. Business, Professional & Personal Service Uses	Office	<ul style="list-style-type: none"> • Banks • Business & Government Office • Home Office
	Medical & Professional	<ul style="list-style-type: none"> • Clinic • Dental Offices & Surgeries • Legal Offices • Medical Offices & Consulting Rooms • Similar Professional Offices
	Personal Services	<ul style="list-style-type: none"> • Barbers • Beauty Parlours • Domestic & Household Arts • Hairdressers • Small Appliance Repairs
	General Service	<ul style="list-style-type: none"> • Automobile Washing Establishment • Dry Cleaners (not using flammable or explosive substances) • Self-service Laundries • Small Tool & Appliance Service & Rentals
	Communications	<ul style="list-style-type: none"> • Radio Stations • Telephone Exchanges
	Police Station	<ul style="list-style-type: none"> • Police Stations Without Detention Quarters
	Taxi Stands	<ul style="list-style-type: none"> • Taxi Stands
	Take-out Food Service	<ul style="list-style-type: none"> • Take-out Food Service
	Veterinary	<ul style="list-style-type: none"> • Animal Hospital • Veterinary Clinic

4. Institutional Uses		
Division	Use Class	Examples
1. Penal & Correctional Institutional Uses	Penal & Correctional Detention	<ul style="list-style-type: none"> • Hospitals (with detention quarters) • Penitentiaries • Police Stations (with detention quarters) • Prisons • Reformatories
2. Special Care Institutional Uses	Medical Treatment & Special Care	<ul style="list-style-type: none"> • Children's Homes • Convalescent Homes • Hospitals • Infirmaries • Orphanages • Nursing Home • Reformatories

5. Retail Uses		
Division	Use Class	Examples
1. Retail Sale & Display Uses	Shopping Centre	<ul style="list-style-type: none"> • Shopping Centres
	Shop	<ul style="list-style-type: none"> • Automobile Sales Establishment • Department Stores • Retail Shops • Stores & Showrooms • Supermarket
	Indoor Market	<ul style="list-style-type: none"> • Auction Halls • Exhibition Hall • Market
	Outdoor Market	<ul style="list-style-type: none"> • Animal Markets • Fish Stalls • Market Grounds • Produce & Fruit Stands
	Convenience Store	<ul style="list-style-type: none"> • Confectionary Stores • Corner Stores • Gift Shops • Specialty Shops • Video Stores

6. Industrial Uses		
Division	Use Class	Examples
1. Industrial Uses Involving Highly Combustible & Hazardous Substances & Processes	Hazardous Industry	<ul style="list-style-type: none"> • Bulk Plants for Flammable Liquids • Bulk Storage Warehouses for Hazardous Substances • Chemical Manufacturing or Processing Plants • Distilleries • Dry-cleaning Plants • Feed Mills • Lacquer, Mattress, Paint, Varnish, & Rubber Factories • Spray Painting Operations • Wastepaper Processing Plants
	General industry	<ul style="list-style-type: none"> • Aggregate-Related Industries • Aircraft Hangars • Autobody Shop • Bulk Storage Facility • Cold Storage Plants • Contractor' Yards • Concrete Plants • Factories • Fish Processing Plants • Freight Depots • General Garages • Laboratories • Laundries • Planing Mills/Printing Plants • Sawmill • Warehouses • Workshops
	Service Station	<ul style="list-style-type: none"> • Automobile Washing Establishment • Gas Bars • Gasoline Service Stations
3. Light, Non-hazardous or Non-intrusive Industrial Uses	Light Industry	<ul style="list-style-type: none"> • Custom Workshops • Indoor Storage • Light Industry • Parking Garages • Recycling Depot • Warehouses & Distribution Centres • Wholesale Rooms • Workshops

7. Non-Building Uses		
Division	Use Class	Examples
1. Uses Not Directly Related to Building	Agriculture	<ul style="list-style-type: none"> • Commercial Farms • Hobby Farms • Market Gardens & Nurseries • Open Market
	Forestry	<ul style="list-style-type: none"> • Silviculture • Sawmills • Tree Nurseries
	Mineral Working	<ul style="list-style-type: none"> • Mineral Exploration • Mines • Oil Wells • Pits • Quarries
	Recreational Open Space	<ul style="list-style-type: none"> • Campgrounds • Golf Courses • Hiking Trails • Parks • Playing Fields • Playgrounds • Sports Grounds • Tourist Trailer Parks
	Conservation	<ul style="list-style-type: none"> • Architectural Historic Sites • Boardwalks • Buffer Strips • Nature Trails • Scenic Lookout Sites • Watersheds • Wildlife Sanctuaries
	Cemetery	<ul style="list-style-type: none"> • Cemeteries • Graveyards
	Scrap Yard	<ul style="list-style-type: none"> • Car Wrecking Yards • Junk Yards • Salvage Yard • Scrap Dealers
	Solid Waste	<ul style="list-style-type: none"> • Incinerators • Recycling Plants • Sanitary Land Fill • Solid Waste Disposal
	Animal	<ul style="list-style-type: none"> • Animal Pounds • Kennels • Zoos
	Antenna	<ul style="list-style-type: none"> • Cellular Communications Towers • Satellite Dish Antenna • Television, Radio & Communications • Transmitting & Receiving Masts & Antennae
	Transportation	<ul style="list-style-type: none"> • Airfields • Boathouses • Docks & Harbours • Wharves & Marinas

SCHEDULE C

USE ZONE TABLES

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

SCHEDULE C INCLUDES:	PAGE
General Provisions for All Use Zones	2
Residential I (R1)	4
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Mixed Development (MD)	12
Commercial (C)	16
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Industrial Marine (IM)	20
Industrial Development Area (IDA)	22
Open Space Recreation (OSR)	24
Rural (RU)	25
Environmental Protection (EP)	31
Highway Reserve (HR)	32
Mad Rocks Comprehensive (CDA) Development Area	33

GENERAL PROVISIONS FOR ALL USE ZONES

In addition to the provisions of Part III - General Development Standards of these Regulations, the following provisions will apply to all Use Zones within Bay Roberts Municipal Planning Area:

- 1. Accessory Buildings** - In addition to the requirements set out in Regulations 22 and 23, Part III - General Development Regulations
 - a) An accessory building shall not be used for human habitation.
 - b) A residential accessory building shall not be placed any closer 1m from a rear or side lot line, or 1 m from the main building or any other building.
 - c) In residential areas, no accessory building shall be higher than the residence, or constructed so as to block a view and/or light from adjoining properties. The maximum height of any accessory building shall be 3.7 metres.
 - d) No accessory building shall cover more than seven (7) percent of the lot area.
 - e) The sideyard width for any accessory building shall be the same as the sideyard requirements for the dwellings in that zone, with the exception of an accessory building located in a rearyard.
 - f) If any accessory building cannot meet the sideyard requirements for the zone it may be only located in a rearyard.
 - g) No accessory building shall project in front of any building line.
 - h) Non-residential accessory buildings, when abutting a residential zone, shall not be located within 5 metres of the abutting residential property or zone.

- 2. Development Along Provincial Highways** - All applications for development along Route 70 require approval for access from the Department of Transportation and Works.

- 3. Development on Steep Slopes** - Before approving development of a site having a slope greater than 15%, the Authority shall require submission of a review of the development proposal by a certified engineer, landscape architect, or similar qualified professional. The review shall evaluate the visual impact of cut and fill and any backfilling on the surrounding area, the adequacy of site grading, drainage and landscaping, and the potential impact of the development on adjacent lands.

- 4. Parking Areas** - In addition to the requirements for off-street parking set out in Regulation 45, Part III - General Development Standards, the following standards shall apply where a parking lot for more than four vehicles is required or permitted:
- (a) The parking lot shall be constructed with a stable surface that is treated to prevent the rising of dust or loose particles;
 - (b) Entrance and exit ramps shall be no closer than 15m from any corner or street intersection.
 - (c) Parking standards to accommodate persons with disabilities shall meet the requirement of the provincial *Buildings Accessibility Act and Regulations*.
 - (d) Landscaping is provided on 5% of the parking area for lots less than 1,400 m² in size, and 7.5% of the parking area for lots greater than 1,400m².
- 5. Watercourse Protection Buffers** – See Regulation 59, Part III General Development Standards.
- 6. Shoreline Development** –In accordance with Policy G-11 of the Municipal Plan, an engineering study may be required for development proposed within 100m of the high water mark of the coastal shoreline (measured from the top of the bank). The study will assess the extent of coastal erosion and recommend appropriate setbacks for development to ensure public safety.

RESIDENTIAL I (R1)

PERMITTED USE CLASSES - (see Regulation 99)	DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12, Part II)
<ul style="list-style-type: none"> ➤ Conservation ➤ Single Dwelling ➤ Double Dwelling ➤ Home Office (See Condition 5b) 	<ul style="list-style-type: none"> ➤ Agriculture (see Condition 9) ➤ Antenna ➤ Apartment Building ➤ Boarding House Residential (See Condition 6) ➤ Cemetery (See Condition 2) ➤ Child Care (See Condition 4) ➤ Collective Residential ➤ Convenience Store (See Condition 3) ➤ Cultural and Civic ➤ Light Industry (See Condition 5) ➤ Medical and Professional (See Condition 5) ➤ Office (See Condition 5) ➤ Personal Service (See Condition 5) ➤ Place of Worship ➤ Recreational Open Space ➤ Row Dwelling ➤ Subsidiary apartment (See Condition 7) ➤ Utilities

Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.1 Residential.

Conditions

1. Residential Standards	Where Permitted					
	Single Dwelling	Double Dwelling	Row Dwelling	Apartment Buildings		
				1 Bed-room	2 Bed-room	3 Bed-room
Lot area (m2) (minimum)	330	275	250 Average	170 *	210 *	230 *
Floor area (m2) (minimum)	70	35 per unit	10 *	40 *	50 *	60 *
Frontage (minimum) Serviced Lots	12	20	10 * Average	30		
Building Line Setback (m) (minimum)	6	6	8	8		
Sideyard Width (m) (minimum)	1.5m	1.5	1.5	5		
Rearyard (m) (minimum)	6	14	14	14		
Lot Coverage (%) (maximum)	33	33	33	33		
Height (m) (maximum)	8	8	10	10		
Servicing – All residential development in this use zone must be connected to the town’s municipal water and sewer system.						
Street - Must front on and have direct access to a public street						

2. **Cemetery** - A cemetery may be permitted only where it is associated with a place of worship and where it will not prejudice future residential development or lower residential amenity.

3. **Convenience Stores** - Convenience stores, may be permitted under the following conditions:
 - (a) The store forms part of, or is attached to a self-contained dwelling unit.
 - (b) The retail use shall be subsidiary to the residential character of the area, and shall not detract from residential amenities of adjoining properties.
 - (c) Off-street parking for at least five automobiles shall be provided for the use of customers.
 - (d) Specific attention will be paid to site access and the effects of the store on traffic flow.
 - (e) A convenience store which is part of or attached to a self-contained dwelling unit shall not have a floor area exceeding twenty-five (25) percent of the total floor area for that unit

4. **Home Childcare Service** - See Regulation 34, Part III, General Development Standards.

5. **Home Occupations**
 - (a) Professional and personal Service, retail sales and light industry uses may be permitted as home occupations where they can meet the requirements of Regulation 35, Part III of these regulations.
 - (b) Home Offices - A home office, including medical and professional offices, shall be permitted in a dwelling unit where it conforms to the following requirements:
 - i) It does not exceed 45m² in floor area
 - ii) There is no exterior open storage or display of goods, materials or equipment;
 - iii) It must be operated by a resident of the dwelling unit and non-residents shall not be employed in the Home Office;
 - iv) No change in the type, class or extent of the Home Office shall be permitted except with the approval of the Authority.

6. **Lodging House/Bed and Breakfast Establishment** - A single dwelling may be used for a lodging house or Bed and Breakfast Establishment provided that:
 - (a) No addition or alteration shall be undertaken which changes the roof line; increases the height of the building; or extends into the front or sideyards of the lot, except for dormers and/or structures necessary for public safety such as fire escapes;
 - (b) Parking is provided as required in Schedule D and only in the side and/or rear of the lot, but not within the required yard.
 - (c) For Bed and Breakfast Establishments, the use conforms with the requirements of Regulation 27, Part III of these regulations.

7. **Subsidiary Apartments** - Subsidiary apartments may be permitted in accordance with Regulation 58, Part III General Development Standards.
8. **Accessory Buildings** –In addition to Condition 1, General Provisions for all Use Zones, accessory buildings shall be limited to a floor area no greater than 7% of the lot area, but in no case shall an accessory building exceed a floor area of 50 m² and a height of no more than 3 metres (10 feet). See also Regulation 22, Part III and Municipal Plan Policy R-7.
9. **Home Based Agriculture – Municipal Plan Policy G-21** - Small scale agriculture for home use is considered accessory to residential development, and not a separate form of development. Livestock may only be kept on residential property where the lot is of a sufficient size to allow safe, nuisance free dissipation of wastes. The number of animals must not exceed that which can be considered reasonable for the needs of the full-time residents of the home. Approval of the Government Service Centre shall be required for keeping livestock in conjunction with a residential use.

RESIDENTIAL II (R2)

<p>PERMITTED USE CLASSES - (see Regulation 99)</p> <ul style="list-style-type: none"> ➤ Conservation ➤ Single Dwelling ➤ Double Dwelling ➤ Office (See Condition 6b) 	<p>DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12, Part II)</p> <ul style="list-style-type: none"> ➤ Agriculture (see Condition 3) ➤ Antenna ➤ Apartment Building ➤ Boarding House Residential (See Condition 7) ➤ Cemetery ➤ Child Care (See Condition 5) ➤ Convenience Store (See Condition 4) ➤ Educational ➤ Light Industry (See Condition 6) ➤ Medical and Professional (See Condition 5) ➤ Mobile Homes and Mini Homes (See Conditions 8) ➤ Office (See Condition 6) ➤ Personal Service (See Condition 6) ➤ Place of Worship ➤ Recreational Open Space ➤ Row Dwelling ➤ Subsidiary apartment (See Condition 9) ➤ Utilities
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Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 3.5 Residential.

Conditions

1. Residential Standards	Where Permitted					
	Single Dwelling	Double Dwelling	Row Dwelling	Apartment Buildings		
				1 Bed-room	2 Bed-room	3 Bed-room
Lot area (m2) (Minimum)	450	390	350 Average	200 *	250 *	280 *
Floor area (m2) (minimum)	80	40 per unit	65 *	40 *	50 *	60 *
Frontage (minimum) Serviced Lots	15m where lot is infill on an existing street 18m where part of a subdivision on a new/proposed street	15	12 * Average	36		
Building Line Setback (m) (minimum)	8	8	8	8		
Sidyard Width (m) (minimum)	2m	2	1.5	5		
Rearyard Depth (m) (minimum)	8	10	10	14		
Lot Coverage (%) (maximum)	33	33	33	33		
Height (m) (maximum)	8	8	10	10		

Water and Sewer – All residential development in this use zone must be connected to the town’s municipal water and sewer system where available. Lot sizes for development in partially serviced or unserviced areas shall be subject to approval of the Government Service Centre as follows:

Proposed Servicing	Lot Area
With a municipal piped water supply, and sewage disposal by septic tank and tile field	1400m ²
With a well water supply and connection to a municipal sewer	1400m ²
With a well water supply and sewage disposal by septic tank and tile field	1860m ²

Street – Development must front on and have direct access to a public street.

2. **Accessory Buildings** –In addition to Condition 1, General Provisions for all Use Zones, accessory buildings shall be limited to a floor area no greater than 7% of the lot area, but in no case shall an accessory building exceed a floor area of 50 m². and a height of no more than 3 metres (10 feet). See also Regulation 22, Part III and Municipal Plan Policy R-7.

3. **Home Based Agriculture – Municipal Plan Policy G-21** - Small scale agriculture for home use is considered accessory to residential development, and not a separate form of development. Livestock may only be kept on residential property where the lot is of a sufficient size to allow safe, nuisance free dissipation of wastes. The number of animals must not exceed that which can be considered reasonable for the needs of the full-time residents of the home. Approval of the Government Service Centre shall be required for keeping livestock in conjunction with a residential use.

4. **Convenience Stores** - Convenience stores may be permitted under the following condition:
 - (a) The store forms part of, or is attached to a self-contained dwelling unit.
 - (b) The retail use shall be subsidiary to the residential character of the area, and shall not detract from residential amenities of adjoining properties.
 - (c) Off-street parking for at least five automobiles shall be provided for the use of customers.
 - (d) Specific attention will be paid to site access and the effects of the store on traffic flow.
 - (e) A convenience store which is part of or attached to a self-contained dwelling unit shall not have a floor area exceeding twenty-five (25) percent of the total floor area for that unit

5. **Home Childcare Service** - See Regulation 34, Part III, General Development Standards.

6. Home Occupations

- a) Professional and personal Service, retail sales and light industry uses may be permitted as home occupations where they can meet the requirements of Regulation 35, Part III of these regulations.
- b) **Home Offices** - A home office, including medical and professional offices, shall be permitted in a dwelling unit where it conforms to the following requirements:
 - i) It does not exceed 45m² in floor area
 - ii) There is no exterior open storage or display of goods, materials or equipment;
 - iii) It must be operated by a resident of the dwelling unit and non-residents shall not be employed in the Home Office;
 - iv) No change in the type, class or extent of the Home Office shall be permitted except with the approval of the Authority.

- 7. Lodging House/Bed and Breakfast Establishment** - A single dwelling may be used for a lodging house or Bed and Breakfast Establishment provided that the use conforms with the requirements of Regulation 27, Part III of these regulations.

- 8. Mobile/Mini Homes** – In accordance with Municipal Plan Policy R-10, a mobile home may be permitted provided the structure meets the following conditions within three months from the date it arrives on the lot:

- a) The home is placed on a permanent foundation or otherwise permanently supported and fixed, with wheels and axles removed, and shall be provided with a visible foundation or skirting acceptably similar in appearance to foundations of dwellings in the immediate area.
- b) The home shall be new, certified as meeting construction standards set by the Canadian Standards Association, or, where a used home, certified as meeting the standards specified above, or such prior standards, found on inspection to be in excellent condition and safe and fit for residential occupancy.
- c) The exterior siding, trim material, and roofing, is uniform and in good repair.

- 9. Subsidiary Apartments** - Subsidiary apartments may be permitted in accordance with Regulation 58, Part III General Development Standards.

MIXED DEVELOPMENT (MD)	
<p>PERMITTED USE CLASSES (see Regulation 99)</p> <ul style="list-style-type: none"> ➤ Apartment Building ➤ Conservation ➤ Double Dwelling ➤ Row Dwelling ➤ Single Dwelling ➤ Office (See Condition 6b) 	<p>DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12, Part II)</p> <ul style="list-style-type: none"> ➤ Agriculture (See Condition 8) ➤ Antenna ➤ Boarding House Residential ➤ Business, General, Professional and Personal Service uses (See Condition 5) ➤ Childcare ➤ Collective Residential ➤ Commercial Residential (See Condition 4) ➤ Cultural and Civic Uses ➤ General Assembly Division (all use classes) ➤ General Industry (See Condition 5) ➤ Light Industry (See Condition 5) ➤ Mobile Home (See Condition 7) ➤ Office (See Condition 5) ➤ Place of Worship ➤ Recreational open space ➤ Retail Sale and Display uses (except shopping centre) ➤ Service Station (See Condition 10) ➤ Theatre ➤ Utilities ➤ Veterinary

Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.2 Mixed Development Policies.

Conditions

1. Development Standards

Residential Development (Private Dwellings)

Conditions of the Residential II (R2) zone shall apply.

Non- Residential Development

Minimum Building Line Setback	8 metres (unless greater distance specified by the Department of Works, Services and Transportation)
Minimum Sideyards	5 metres
Minimum Rearyard	10 metres
Maximum Height	10 metres

- 2. Abutting Zone Provisions** - Where a lot located within the Mixed Development zone abuts a lot in the Residential use zone, the following standards shall apply to proposals for non-residential uses:

 - a) The minimum setback of the commercial use from the abutting lot line shall be 10 m.
 - b) No open storage or outdoor display shall be permitted in an abutting yard in the commercial use zone.
 - c) No portion of a parking space within the Mixed Development Use Zone shall be permitted in any abutting yard except where a 2 m high fence is provided in which case there shall be no parking within 1.5 m of the side or rear lot line in the commercial zone.
- 3. Buffer for Residential Uses** - Where a proposed non-residential use abuts a residential use within the Mixed Development Use Zone, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site along the lot lines, consistent with the visibility requirements for traffic safety. Alternatively, Council may increase the sideyard and rearyard requirements on the non-residential site to provide additional separation from the abutting residential use.
- 4. Commercial Residential** - Commercial residential uses shall be limited to accommodations for use by the travelling public.
- 5. Home Occupations** - Home based occupations may be permitted in the Mixed Development Zone on a residential lot or in an accessory building subsidiary to the residential use, if the activity is carried out by a resident of the dwelling and provided they meet the requirements of Regulation 35, Part III of these regulations. The following use classes shall be restricted to the category of home occupation activities and may only be permitted on a developed residential lot:

- a) **Light Industry Use Class** - The Light Industry Use Class shall be limited to the manufacture and ancillary retail sales of goods produced or repaired on the residential lot and shall be limited to those commonly associated with small scale production of specialty goods or foods.
 - b) **Hazardous Industry Use Class** - Hazardous industrial uses shall be limited to those directly associated with autobody repair shops and spray painting. Autobody shops on the residential lots shall be limited to one operating bay and not more than 45 m² in floor area.
 - c) **General Industry Use Class** -The general industry use class shall be limited to the uses and condition as follows when such uses are classified as a home occupation carried out on a residential building lot.
 - i) Contractors yards shall be limited to a maximum of two pieces of equipment or vehicles, excluding one transportation trailer. All equipment or vehicles shall be stored within the sideyard requirements for that building lot.
 - ii) General garages shall not be more then 45 sq m in floor area.
 - d) **Medical, Professional and Personal Service Uses** - may be permitted as a discretionary use in the form of medical clinics, offices or similar uses if the use is clearly subsidiary to the residential use.
 - e) **Retail Sales** - Retail sales on a residential lot may be permitted only if the sales are ancillary and subsidiary to a specified home occupation use class. The retail sales must be directly related to goods manufactured on a residential lot or to a service provided on the residential lot. The retailing of specialized goods not produced on the residential lot shall be ancillary to an activity carried out under the office use class.
 - f) **Home Office** - A home office shall be permitted in a dwelling unit where it conforms to the following requirements:
 - i) It does not exceed 45m² in floor area
 - ii) There is no exterior open storage or display of goods, materials or equipment;
 - iii) It must be operated by a resident of the dwelling unit and non-residents shall not be employed in the Home Office;
 - iv) No change in the type, class or extent of the Home Office shall be permitted except with the approval of the Authority.
6. **Outdoor Storage** - In addition to Regulation 46, Part III of these Regulations, the Authority may permit open storage of materials, goods and machinery, provided the following conditions are met:
- a) Open storage shall not occupy more than 50% of the site area and shall

- b) not be located in the front yard or in any required buffer areas.
 - b) Open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of materials approved by the Authority.
 - c) Open storage shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud and loose particles.
 - d) Open storage of vehicles and equipment shall not be permitted except that transport vehicles may be parked in the open.
7. **Mobile Homes and Prefabricated Buildings** - Mobile home or prefabricated dwelling may be developed if it meets all site development standards for single dwellings and is deemed by Council to be visually and generally compatible with the area.
8. **Agriculture Use** - Agriculture use shall be limited to small scale commercial greenhouses and nurseries.
9. **Non-Residential Development near Private Dwellings** - Before approving any non-residential development near existing or proposed private dwellings or Residential zones, Council must be satisfied that the proposed non-residential development:
- a) will not give rise to excessive noise or other forms or pollution,
 - b) will not generate vehicle traffic which is above the level acceptable to adjacent residential amenities,
 - c) will not cause an unacceptable nuisance or hazard to adjacent residential uses and,
 - d) in general, can be considered acceptable to the amenity of residential uses.
10. **Service Stations** – Service stations may be permitted and developed in accordance with Regulation 51 Part III General Development Standards.

COMMERCIAL(COM)

PERMITTED USE CLASSES

(see Regulation 99)

- Business, Professional and Personal Service Uses Division
- Catering (See Condition 3)
- Commercial Residential
- Convenience Store
- Cultural and Civic
- Indoor market
- Office
- Service Station
- Shop
- Passenger Assembly
- Theatre
- Police Station

DISCRETIONARY USE CLASSES

(see Regulation 100 and Regulation 12, Part II)

- Agriculture (See Condition 5)
- Animal
- Antenna
- Amusement Use
- Apartment Building
- Catering (See Condition 3)
- Child Care
- Club and Lodge
- Commercial Residential
- Educational
- Funeral Home
- General Assembly
- Indoor Assembly
- Light Industrial (See Condition 4)
- Medical Treatment and Special Care
- Outdoor Market
- Recreational Open Space
- Shopping Centre
- Take-Out Food Service
- Taxi Stand
- Utilities
- Veterinary Clinic

Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.3 Commercial Policies.

Conditions

1. Development Standards	Standard (metres)
Building Line Setback (m) (minimum)	15m See Condition 2
Side Yard (min) (except where buildings are built with adjoining party walls)	5
Rear Yard (min)	10
Building Height (max)	15
Where municipal water and/or sewer services are not available, land area requirements shall be subject to the requirements of the Government Service Centre.	

2. **Building Line Setbacks** – Buildings shall be placed on commercial lots so that building setbacks are consistent with adjacent development, and are located to ensure adequate parking, snow storage, access and sightlines. The minimum building line setback may be reduced where there are depth limitations such as along south side of Water Street. Greater building setbacks may be required by the Department of Transportation and Works where development is proposed along Provincial Highways.

3. **Catering** - Taverns and lounges shall be considered a permitted use, only where they are to be included as part of, and within the building envelope, of a commercial accommodations establishment. Free standing bars and lounges shall be considered and processed as a Discretionary use.

4. **Light Industrial Uses** – Light Industrial uses that may be considered include small custom workshops, wholesale rooms, indoor storage. Such uses must not require large outdoor storage yards.

5. **Agriculture** - Agriculture shall be limited to commercial greenhouses and nurseries.

6. **Accessory Buildings** - Non-residential accessory buildings, in any zone, when abutting a residential zone, shall not be located within 5 metres of the abutting residential property or zone. See also Section 33, Part II.

INDUSTRIAL GENERAL (IG)	
<p>PERMITTED USE CLASSES (see Regulation 99)</p> <ul style="list-style-type: none"> ➤ General Industry ➤ Light Industry 	<p>DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12, Part II)</p> <ul style="list-style-type: none"> ➤ Agriculture (See Condition 3) ➤ Antenna ➤ Catering (See Condition 6) ➤ Office ➤ Service Station ➤ Shop ➤ Transportation ➤ Utilities

Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.4 Industrial Policies.

Conditions

- Discretionary Uses** – Except where part of an approved development plan, the conditions for development in the Industrial Land Use Zone are:

1.Development Standards	Standard (metres)
Building Line Setback (min)	10 (unless greater distance specified by the Department of Transportation and Works)
Side Yard (min)	5
Rear Yard (min)	15
Building Height (max)	15
Where municipal water and/or sewer services are not available, land area requirements shall be subject to the requirements of the Government Service Centre.	

- Storage of Flammable Liquids** - - Shall be in accordance with Regulation 56, Part III General Development Standards.
- Agriculture** - Agriculture uses shall be limited to commercial greenhouses and nurseries.

4. **Accessory Buildings** - Non-residential accessory buildings, in any zone, when abutting a residential zone, shall not be located within 5 metres of the abutting residential property or zone. See also Section 33, Part II.
5. **Industrial Uses** - Adequate emergency services and fire fighting capability designed to meet the potential needs of the proposed industrial use must be available. Industrial development shall be directly accessible from a publicly maintained road, unless it is necessary for it to be located elsewhere for safety reasons, or to be close to a resource, or as a requirement of a government department or agency, or if deemed necessary by Council for aesthetic reasons.
6. **Catering uses** – May be permitted as an accessory use to a permitted use. An example would be a restaurant in a service station.

INDUSTRIAL MARINE (IM)	
<p>PERMITTED USE CLASSES (see Regulation 99)</p> <ul style="list-style-type: none"> ➤ Fishing Sheds ➤ Fishery ➤ General Industry ➤ Light Industry ➤ Marinas ➤ Transportation ➤ Warehouses ➤ Wharves & Docks 	<p>DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12, Part II)</p> <ul style="list-style-type: none"> ➤ Antenna ➤ Hazardous Industry ➤ Office (<i>See Condition 4</i>) ➤ Passenger Assembly ➤ Shop (<i>See Condition 4</i>) ➤ Utilities

Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.4 Industrial Marine Policies.

Conditions

- Discretionary Uses** – Except where part of an approved development plan, the conditions for development in the Industrial Marine Land Use Zone are:

Development Standards	Standard (metres)
Building Line Setback (min)	To be determined by Council
Side Yard (min)	5
Rear Yard (min)	To be determined by Council
Building Height (max)	15
Note: Where the National Building Code of Canada prescribes higher standards than those in this table, Council shall use the standards of the Building Code	

- Storage of Flammable Liquids** – Shall be in accordance with Regulation 56, Part III General Development Standards.
- Uses to be Marine-Related** - All development in this zone must be related to a marine industry, or to a use requiring direct access to the ocean.

4. **Office and Shop Uses** - Office and Shop uses must be associated with a Permitted use.
5. **Accessory Buildings** - Non-residential accessory buildings, in any zone, when abutting a residential zone, shall not be located within 5 metres of the abutting residential property or zone. See also Section 33, Part II.
6. **Industrial Uses** - Adequate emergency services and fire fighting capability designed to meet the potential needs of the proposed industrial use must be available. Industrial development shall be directly accessible from a publicly maintained road, unless it is necessary for it to be located elsewhere for safety reasons, or to be close to a resource, or as a requirement of a government department or agency, or if deemed necessary by Council for aesthetic reasons.

INDUSTRIAL DEVELOPMENT AREA (IDA)

<p>PERMITTED USE CLASSES (see Regulation 99)</p> <ul style="list-style-type: none"> ➤ Conservation ➤ Fishery ➤ General Industry ➤ Light Industry ➤ Transportation ➤ Warehouses ➤ Wharves & Docks 	<p>DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12, Part II)</p> <ul style="list-style-type: none"> ➤ Agriculture (See Condition 6) ➤ Animal ➤ Antenna➤Catering (See Condition 2) ➤ Communications ➤ Convenience Store (See Condition 2) ➤ Forestry (See Condition 6) ➤ General service ➤ Hazardous Industry ➤ Indoor Market (See Condition 2) ➤ Mineral Working (See Condition 6) ➤ Office ➤ Outdoor Market ➤ Passenger Assembly ➤ Recreational Open Space ➤ Scrap Yard ➤ Service Station ➤ Shop (See Condition 2) ➤ Shopping Center ➤ Take-out Food Service ➤ Taxi Stand ➤ Utilities
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*Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.4 Industrial Marine Policies.*

Conditions

1. **Discretionary Uses** – Except where part of an approved development plan, the conditions for development in the Industrial Development Area Land Use Zone are:

<i>Development Standards</i>	Standard (metres)
Building Line Setback (min)	To be determined by Council
Side Yard (min)	5
Rear Yard (min)	To be determined by Council
Building Height (max)	15
Note: Where the National Building Code of Canada prescribes higher standards than those in this table, Council shall use the standards of the Building Code.	

2. **Development Scheme** - Council may require that any development conform to requirements of a development scheme, or that it be situated in a manner that will ensure access for further inland development.
3. **Shoreline Industrial Areas** - Development at Bears Cove where ocean frontage is available shall be limited to marine oriented activities and uses.
4. **Storage of Flammable Liquids** – Shall be in accordance with Regulation 56, Part III General Development Standards.
5. **Industrial Uses**
- a) Industrial uses within 90 metres of residential development or areas zoned for residential use shall be limited to Light Industrial uses.
 - b) Adequate emergency services and fire fighting capability designed to meet the potential needs of the proposed industrial use must be available.
 - c) Industrial development shall be directly accessible from a publicly maintained road, unless it is necessary for it to be located elsewhere for safety reasons, or to be close to a resource, or as a requirement of a government department or agency, or if deemed necessary by Council for aesthetic reasons.

- 6. Agriculture, Forestry and Mineral Working Uses** - Agriculture and Mineral Working uses may be permitted on an interim basis a under a temporary permit, provided that
- a) Council may issue temporary permits for agriculture and mineral working uses prior to development of other uses in the area or preparation of a development scheme (condition 4).
 - b) Mineral Workings shall be restricted to land west of the bypass highway, and
 - i) the development will not prejudice the long term development of the zone for industrial, commercial and other uses listed above;
 - ii) no buildings shall be permitted in association with these uses, other than portable, movable equipment or small office or storage facilities to be removed when the use ceases; and
 - iii) the uses shall meet the requirements set out for them in the Rural zone.
 - c) Agriculture uses shall be restricted to horticulture, greenhouses, and similar nursery operations.

OPEN SPACE RECREATION (OSR)	
<p>PERMITTED USE CLASSES - (see Regulation 99)</p> <ul style="list-style-type: none"> ➤ Conservation ➤ General Assembly (See <i>Condition 3</i>) ➤ Recreational open space ➤ Outdoor assembly 	<p>DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12 Part II)</p> <ul style="list-style-type: none"> ➤ Antenna ➤ Indoor Assembly (See <i>Condition 3</i>) ➤ Utilities ➤ Take out food service (See <i>Condition 2</i>)

Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.5 Open Space Recreation.

1. **Conditions** - the conditions for development in the Open Space Recreation Land Use Zone are:

Development Standards	Standard (metres)
Building Line Setback (min)	10 m
Side Yard (min)	5
Rear Yard (min)	To be determined by Council
Building Height (max)	15
Note: Where the National Building Code of Canada prescribes higher standards than those in this table, Council shall use the standards of the Building Code	

2. **Take-out Food Service** - A take-out food service use may be permitted, provided it is restricted to the preparation or sale of food to be consumed on-site during specific outdoor events, such as concerts or fairs or sports tournaments, and its hours of operation are limited to the duration of such events. Such uses may be permitted within the building envelope of recreational facility buildings, as an accessory use to the recreational use.
3. **Indoor Assembly** – uses shall be limited to arenas, swimming pools and community recreation centres.

RURAL (RU)	
<p>PERMITTED USE CLASSES - (see Regulation 99)</p> <ul style="list-style-type: none"> ➤ Agriculture ➤ Conservation ➤ Forestry 	<p>DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12 Part II)</p> <ul style="list-style-type: none"> ➤ Animal ➤ Antenna ➤ Cemetery ➤ General Industry (See Condition 5) ➤ Light Industry ➤ Mineral Working (See Condition 2) ➤ Office (See Condition 4) ➤ Outdoor Assembly (See Condition 5) ➤ Outdoor Market ➤ Recreational Open Space (See Condition 2) ➤ Scrap Yard (See Condition 8) ➤ Single Dwelling (See Condition 3) ➤ Transportation (See Condition 5) ➤ Utilities ➤ Veterinary

Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.6 Rural and Resource Policies.

Conditions

1. **Development Standards** - The development standards for this zone shall be determined by Council and shall conform with any requirements of government departments and agencies. Development standards of other zones shall be used as guidelines.

2. **Mineral Workings** - The conditions for mineral workings in the Rural and Resource Land Use Zone are:
 - a) **Separation from Adjacent Uses** - No mineral working shall be in general view of urban development or scenic areas. Mineral workings must also conform with the minimum distances from other development as set out below, unless after consulting appropriate government departments, Council is satisfied that the use will not create a nuisance and will not

adversely affect the amenity of the specified development or natural feature:

Adjacent Land Use	Minimum Separation Distance
Any other developed area or area likely to be developed during the life of the pit or Quarry working	300m
Public Street or Highway	50m
Waterbody or watercourse	30
Explosive blasting related to aggregate extraction activities shall not be permitted within 1,000 metres of an area in which residential development is permitted.	

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

- i) Where tree screens exist between the mineral working and adjacent public streets or other land uses, 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 is prevented. Tree screens must be maintained by the owner of the mineral working. Where vegetation dies or is removed from the 30 metre strip, the Authority may require new trees to be planted to fill in the area affected.
- ii) 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.
- iii) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses, additional screening may not be required.
- iv) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in ii-iii above, the Authority may refuse to permit the mineral working or associated activity.

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

- d) **Water Pollution** - No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit and 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.
- e) **Water Ponding** - No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit and 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.
- f) **Erosion Control** - No mineral working shall be carried out in a manner so as to cause erosion of adjacent land.
- g) **Site Maintenance** - The mineral working shall be kept clean of refuse, abandoned equipment and any derelict buildings.
- h) **Access Roads** - During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Authority.
- i) **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.
- j) **Operating Plant and Associated Processing and Manufacturing** - 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.
- k) **Future Extraction** - All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as no to interfere with the present or future extraction of aggregate resources.
- l) **Separation Distance** - 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.

- m) **Termination and Site Rehabilitation** - Upon completion of the mineral working, the following work shall be carried out by the operation:
- i) All buildings, machinery and equipment shall be removed.
 - ii) 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.
 - iii) Topsoil and any organic materials shall be respread over the entire quarried area.
 - iv) The access road to the working shall be ditched or barred to the satisfaction of the Authority.

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.

3. **Single Dwelling** - A single dwelling shall be associated with and subsidiary to an agricultural use.
4. **Office** - An Office use may be permitted if it is part of and subsidiary to another permitted or discretionary use.
5. **General Industry, Assembly, Transportation and Communication Uses**
- a) General Industrial uses may be permitted in the form of maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.
 - b) A General Industry, Assembly or Transportation Use may be permitted if it meets the following criteria:
 - i) the use is unsuitable for location near urban development because it interferes with the amenity and use of adjacent lands by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot ash, dust or glare; or
 - ii) general industry and transportation activities which require large areas for open storage and handling of materials, goods and equipment and whose buildings are accessory to the open storage and handling; or
 - iii) Large scale Assembly Class uses; and
 - iv) capable of being serviced by on-site water supply and sanitary sewage disposal;
 - v) capable of being screened from public roads and lands designated for urban uses;
 - vi) generating low volumes of traffic; and

- vii) capable of operations with no deleterious effect on the environment including quality of water in any stream, pond or bog.

6. **Blueberry Management Units** - Development in Blueberry Management Units is restricted to management and harvesting of blueberries except with the permission of the Land and Soil Management Division of the Department of Forest Resources and Agrifoods. No structures or dwellings may be erected within a blueberry management unit.
7. **Aggregate Resource** - In the Aggregate Resource areas shown on the zoning maps, Mineral Workings may be permitted subject to the requirements of this zone. Other uses which would not prejudice development of Mineral Working uses (pits, quarries) may be permitted. Where Blueberry Management Unit overlaps with an Aggregate Resource area, the proposed mineral working shall be referred to the Land and Soil Management Division of the Department of Forest Resources and Agrifoods.
8. **Scrap Yards**
 - a) **Fencing** - Council may require scrapyards to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.
 - b) **Screening** - A scrapyard shall be screened in the following manner where it would be visible from a public street or highway, developed area, or area likely to be developed during the life of the use:
 - i) Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30- metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30- metre strip, Council may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of Council or, at the discretion of Council, Condition 17(ii) must be undertaken.
 - ii) 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 use from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to Council's satisfaction.
 - iii) Where natural topography creates a visual screen between a scrapyard and adjacent public highways and streets or other land use (excepting forestry and agriculture), additional screening may not be required.

iv) Where effective screening for any scrapyards cannot be installed or located as required in (i) - (iii) above, or where the site is highly visible from a distance, Council may refuse to permit the use or associated activity.

c) **Separation from Adjacent Uses** - Unless Council is satisfied that the use will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no scrapyards or solid waste storage or disposal site shall be located closer than the minimum distances set out below to the specified development or natural feature:

Adjacent Land Use	Minimum Separation Distance
Existing or proposed residential development	300m
Other development or areas that may be developed during the life of the scrapyards	150m
Public Street or Highway	50m
Waterbody or watercourse	50m

ENVIRONMENTAL PROTECTION (EP)	
<p>PERMITTED USE CLASSES (see Regulation 99)</p> <ul style="list-style-type: none"> ➤ Conservation 	<p>DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12, Part II)</p> <ul style="list-style-type: none"> ➤ Agriculture (See Condition 4) ➤ Antenna ➤ Recreational Open Space (See Condition 3) ➤ Transportation (See Condition 1) ➤ Utilities

Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.7 Environmental Protection Policies.

Conditions

1. **Wharves and Docks** - Wharves and docks may be permitted along the coastline where it can be shown that the development will not have a negative impact on the environment or reduce or harm fish and waterfowl habitat. Such development will require a referral to the Department of Fisheries and Oceans and the Water Resources Management Division, Department of Environment and Conservation.

2. **Recreational Open Space** - Recreational open space uses are limited to municipal parks, walking and hiking trails and small accessory structures.

3. **Wetland Stewardship Zone** - Applications for development located within the Stewardship Zone within wetland areas shall be reviewed by Council to ensure that sensitive waterfowl habitats are preserved and protected. Council shall refer development proposals within sensitive wetland habitat to Wildlife Division, Department of Environment and Conservation, for review and comment. Council may use mitigating measures to reduce any habitat degradation that may result from development within the Zone. (See Municipal Plan Policies EP- 3 and EP-4.)

4. **Agriculture** – Agriculture uses shall be limited to pasture or forage lands. No farm-related buildings or manure storage facilities will be permitted.

HIGHWAY RESERVE (HR)	
PERMITTED USE CLASSES - (see Regulation 99) ➤ Conservation	DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12 Part II) ➤ Antenna ➤ Utilities

Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.8 Highway Reserve.

Conditions

- 1. Referral to the Department of Transportation and Works** - Proposals for development immediately adjacent to the Highway Reserve shall be referred to the Department of Transportation and Works for review and comment prior to a decision of the Authority. No development shall be permitted that would negatively affect the functioning of the Conception Bay North Highway or accesses to it.

MAD ROCKS COMPREHENSIVE DEVELOPMENT AREA (CDA)	
PERMITTED USE CLASSES - (see Regulation 99) ➤ Conservation	DISCRETIONARY USE CLASSES (see Regulation 100 and Regulation 12 Part II)

Refer to **Bay Roberts Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.9 Comprehensive Development Area – Mad Rocks Heritage Area

Conditions

1. **Uses Permitted** – Until such time as a Comprehensive Development Plan is prepared for this area, no new development in the form of buildings will be permitted. Existing uses may be permitted to continue.

SCHEDULE D OFF-STREET PARKING REQUIREMENTS

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

USE CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Assembly Uses	
Theatre	One space for every 5 seats.
Cultural and Civic	One space for every 50 square metres of gross floor areas.
General Assembly	One space for every 10 square metres of gross floor area.
Educational	Schools - 2 spaces for every classroom. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
Place of Worship	One space for every 5 seats.
Passenger Assembly	As specified by the Authority.
Club and Lodge	One space for every 3 persons that may be accommodated at one time.
Catering	One space for every 3 customers that may be accommodated at one time.
Funeral Home	One space for every 10 square metres of gross floor area.
Child Care	One space for every 20 square metres of gross floor area.
Amusement	One Space for every 10 square metres of gross floor area
Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
Outdoor Assembly	As specified by the Authority.

USE CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Institutional	
Penal and Correctional Detention	As specified by the Authority.
Medical Treatment and Special Care	One space for every 2 patients.
Residential	
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every 2-dwelling units.
Collective Residential	As specified by the Authority.
Commercial Residential	One space for every guest room.
Seasonal Residential	One space for every residential unit.
Manufactured Housing	Two spaces for every dwelling unit.
Business and Personal Service Uses	
Office	One space for every 20 square metres of gross floor area.
Medical and Professional	One space for every 20 square metres of gross floor area.
Personal Service	One space for every 20 square metres of gross floor area.
General Service	One space for every 20 square metres of gross floor area.
Communications	As specified by the Authority.
Police Station	As specified by the Authority.
Taxi Stand	As specified by the Authority.
Take-out Food Service	One space for every 20 square metres of gross floor area.
Veterinary	One space for every 20 square metres of gross floor area.

Retail Uses	
Shopping Centre	One space for every 10 square metres of gross floor area.
Shop	One space for every 15 square metres of gross floor area.
Indoor Market	As specified by the Authority.
Outdoor Market	As specified by the Authority.
Convenience Stores	One space for every 15 square metres of gross floor area.
Industrial Uses	
Hazardous Industry	One space for every employee.
General Industry	One space for every employee.
Service Station	One space for every 20 square metres of gross floor area.
Light Industry	One space for every employee.