

THE URBAN AND RURAL PLANNING ACT

TOWN OF CLARKE'S BEACH

**LAND USE ZONING, SUBDIVISION AND ADVERTISEMENT
REGULATIONS**

(DEVELOPMENT REGULATIONS)

Gazetted: December 17, 1993


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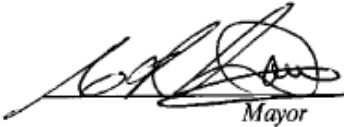
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(DEVELOPMENT REGULATIONS)

Published by Authority

The Council of the Town of Clarke's Beach hereby adopts the following Land Use Zoning, Subdivision and Advertisement Regulations as required by Section 36 of The Urban and Rural Planning Act.

Made and adopted by the Council of the Town of Clarke's Beach, on the 13 day of September, 1993.


Clerk


Mayor

Approved by me at St. John's this 8th day of December, 1993.


ARTHUR D. REID, M.H.A.
Carboner District
Minister of Municipal and Provincial Affairs

Table of Contents

APPLICATION	8
1. SHORT TITLE.....	8
2. INTERPRETATION.....	8
3. COMMENCEMENT	8
4. MUNICIPAL CODE AND REGULATIONS	8
5. AUTHORITY	8
PART I – GENERAL REGULATIONS	9
6. COMPLIANCE WITH REGULATIONS	9
7. PERMIT REQUIRED.....	9
8. PERMIT TO BE ISSUED.....	9
9. PERMIT NOT TO BE ISSUED IN CERTAIN CASES.....	9
10. DISCRETIONARY POWERS OF AUTHORITY	10
11. VARIANCES BY AUTHORITY	10
12. SERVICE LEVY	11
13. FINANCIAL GUARANTEES BY DEVELOPER.....	11
14. DEDICATION OF LAND FOR PUBLIC USE	12
15. REINSTATEMENT OF LAND	12
16. FORM OF APPLICATION	12
17. REGISTER OF APPLICATION	13
18. DEFERMENT OF APPLICATION	13
19. OUTLINE PLANNING PERMISSION	13
20. DEVELOPMENT PERMIT	13
21. REASON FOR REFUSING PERMIT.....	14
22. NOTICE OF APPLICATION.....	14
23. RIGHT OF ENTRY	15
24. RECORD OF VIOLATIONS	15
25. STOP WORK ORDER AND PROSECUTION	15

26. LOCAL BOARD OF APPEAL ESTABLISHED	15
27. APPOINTMENT OF LOCAL BOARD OF APPEAL.....	15
28. APPEAL BOARD TO ACT AS LOCAL BOARD OF APPEAL.....	16
29. APPEALS TO LOCAL BOARD OF APPEAL.....	16
30. EFFECT OF DECISION BY LOCAL BOARD OF APPEAL	17
31. DEVELOPMENT MAY NOT PROCEED	18
PART II – GENERAL DEVELOPMENT STANDARDS	19
32. ACCESSES AND SERVICE STREETS.....	19
33. ACCESSORY BUILDINGS.....	19
34. ADVERTISEMENTS.....	19
35. BUFFER STRIPS	19
36. BUILDING HEIGHT	20
37. BUILDING LINE AND SETBACK	20
38. FAMILY AND GROUP CENTRES	20
39. HEIGHT EXCEPTIONS	20
40. LIVESTOCK STRUCTURES AND USES.....	20
41. LOT AREA.....	21
42. LOT AREA AND SIZE EXCEPTIONS.....	21
43. LOT FRONTAGE	21
44. MOBILE HOMES	22
45. NON-CONFORMING USES	22
46. OFFENSIVE AND DANGEROUS USES	23
47. OFFSTREET PARKING REQUIREMENTS	23
48. OFF-STREET LOADING REQUIREMENTS	25
49. PARKS AND PLAYGROUNDS, AND CONSERVATION USES	25
50. SCREENING AND LANDSCAPING	25
51. SERVICES AND PUBLIC UTILITIES	25
52. SERVICE STATIONS.....	26
53. SIDEYARD	26
54. STREET CONSTRUCTION STANDARDS	26
55. SUBSIDIARY APARTMENTS	26
56. UNSUBDIVIDED LAND	26

57. ZERO LOT LINE AND OTHER COMPREHENSIVE DEVELOPMENT	27
PART 111 – ADVERTISEMENTS	28
58. PERMIT REQUIRED.....	28
59. FORM OF APPLICATION	28
60. ADVERTISEMENTS PROHIBITED INSTREET RESERVATION.....	28
61. PERMIT VALID FOR LIMITED PERIOD	28
62. REMOVAL OF ADVERTISEMENTS	28
63. ADVERTISEMENTS EXEMPT FROM CONTROL.....	28
64. APPROVAL SUBJECT TO CONDITIONS	29
65. NON-CONFORMING USES	29
PART 1V – SUBDIVISION OF LAND.....	30
66. PERMIT REQUIRED.....	30
67. SERVICES TO BE PROVIDED	30
68. PAYMENT OF SERVICE LEVIES AND OTHER CHARGES	30
69. ISSUE OF PERMIT SUBJECT TO CONSIDERATIONS	30
70. BUILDING PERMITS REQUIRED	31
71. FORM OF APPLICATION	31
72. SUBDIVISION SUBJECT TO ZONING.....	31
73. BUILDING LINES	31
74. LAND FOR PUBLIC OPEN SPACE.....	31
75. STRUCTURE IN STREET RESERVATION.....	32
76. SUBDIVISION DESIGN STANDARDS.....	33
77. ENGINEER TO DESIGN WORKS AND CERTIFY CONSTRUCTION LAYOUT	34
78. DEVELOPER TO PAY ENGINEER’S FEES AND CHARGES	35
79. STREET WORKS MAY BE DEFERRED	35
80. TRANSFER OF STREETS AND UTILITIES TO AUTHORITY	35
81. RESTRICTION ON SALE OF LOTS.....	36
82. GROUPING OF BUILDINGS AND LANDSCAPING.....	36
PART V – USE ZONES	37
83. USE ZONES	37
84. USE CLASSES.....	37
85. PERMITTED USES	37

86. DISCRETIONARY USES..... 37
87. USES NOT PERMITTED 38

SCHEDULES

SCHEDULE A – DEFINITIONS

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS

SCHEDULE C - USE ZONE TABLES

SCHEDULE D - OFF-STREET PARKING REQUIREMENTS

SCHEDULE E - LAND USE ZONING MAPS

Town of Clarke's Beach Municipal Plan
LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS
(DEVELOPMENT REGULATIONS)

APPLICATION

1. SHORT TITLE

These Regulations may be cited as the Clarke's Beach Development Regulations.

2. INTERPRETATION

(1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule 'A'

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

3. COMMENCEMENT

These Regulations come into effect throughout the Clarke's Beach 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.

3(A). Urban and Rural Planning Act 2000 – Ministerial Development Regulations

The Ministerial Development Regulations (Ministerial Regulations), enacted under Section 35 of the Act, shall apply to development within the Planning Area. Where there is conflict between these and the Clarke's Beach Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Development Regulations are included with the Clarke's Beach Development Regulations.

[DRA-2003-2](#) and [NL 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 Regulations and/or controlling the development, conservation and use of land in force in the town of Clarke's Beach, shall, under these Regulations apply to the entire Planning Area.

5. AUTHORITY

In these Regulations, 'Authority' means the council of the Town of Clarke's Beach.

PART I – GENERAL REGULATIONS

6. COMPLIANCE WITH REGULATIONS

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

7. 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.

8. PERMIT TO BE ISSUED

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

- (a) The general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (b) The standards set out in the Building code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulation, and/or any other Municipal Regulation in force in the Planning Area regulating or controlling development, conservation and use of land buildings;
- (c) The standards set out in Part III of these Regulations in the case of advertisement;
- (d) The standards set out in Part IV of these Regulations in the case of subdivision.
- (e) The standards of design and appearance established by the authority.

9. PERMIT NOT TO BE ISSUED IN CERTAIN CASES

Neither a permit nor outline planning permission 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.

10. DISCRETIONARY POWERS OF AUTHORITY

In considering an application for a permit or for outline planning permission 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, its effect on the overall 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.

11. VARIANCES BY AUTHORITY

- (1) Where a permit cannot be granted because the proposed development does not comply with these Regulations, the Authority may in its discretion vary the requirements to literal conformity with the Regulations if, in the Authority's opinion, the requirements would prejudice the proper development of the land, building or structure in question, or be contrary to the public interest
- (2) Variance from these Regulations pursuant to Regulations 11(1) shall only be authorized in the following circumstances:
 - (a) If, in the opinion of the Authority, such variance is not contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme, plan or regulation pursuant thereto, and the public interest;
 - (b) If, prior to authorization of such variance, the Authority has considered its effect on adjoining properties;
 - (c) If the variance does not change the permitted use of the property;
 - (d) If the Authority is satisfied that the variance has not become necessary due to the intentional or negligent conduct of the owner or some other party acting with the owner's knowledge or consent;
 - (e) If, prior to authorization of such variance, the Authority has given notice of the application in accordance with Regulation 22 and has considered any objections or representations which may have been received on the matter.

- (3) Variance from these Regulations pursuant to Regulation 11 (1) shall not be authorized if such variance, when considered together with other variances made or to be made in respect of the same land, building or structure, would have a cumulative effect contrary to the general intent of these Regulations, the Municipal Plan, or any further scheme, plan or regulation pursuant thereto, even though the variances individually would not have such effect.

12. 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 12(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 benefitted by the public work related to all the real property so benefitted; and,
 - (b) The density of development made capable or increased by the public work.
- (4) The Authority may require a service levy to be paid by the owner of the real property;
 - (a) At the time the levy is imposed;
 - (b) At the time development of the real property commence;
 - (c) At the time development of the real property is completed; or,
 - (d) At such other time as the Authority may decide.

13. 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 13(1) may be made in the form of:
- (a) A cash deposit from the developer, to be held by the Authority; or,
 - (b) A guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer; or
 - (c) A performance bond provided by an insurance company or a bank; or
 - (d) An annual contribution to a sinking fund held by the Authority.

14. DEDICATION OF LAND FOR PUBLIC USE

In addition to the requirements for dedication of land under Regulation 74, the Authority may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with the provisions of the act.

15. REINSTATEMENT OF LAND

Where the use of land 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.

16. FORM OF APPLICATION

- (1) An application for a development permit or for outline planning permission shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.
- (2) The Authority shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 16(1) and a description of the plans, specifications and drawings required to be provided with the application.

17. REGISTER OF APPLICATION

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

18. 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 may 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 18(1), shall be deemed to be refused.

19. OUTLINE PLANNING PERMISSION

- (1) The Authority may grant outline planning permission for the erection, alteration or conversion of a building if, after consideration an application for outline planning permission 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 outline planning permission 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 outline planning permission, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of outline planning permission.

20. 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 outline planning permission such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purpose and intent of these Regulations.
- (3) Where 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 further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with part 111 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.

21. REASON FOR REFUSING PERMIT

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

22. NOTICE OF APPLICATION

The Authority may, and when a variance is necessary under Regulation 11, or when the development proposed is listed as a discretionary use in schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for outline planning permission, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.

23. 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.

24. 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.

25. STOP WORK ORDER AND PROSECUTION

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or any work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 25(1) is guilty of an offence under the provisions of the Act.

26. LOCAL BOARD OF APPEAL ESTABLISHED

A local board of Appeal shall be appointed to hear all appeals arising from these Regulations.

27. APPOINTMENT OF LOCAL BOARD OF APPEAL

- (1) The Authority may, subject to the approval of the Minister, appoint not less than three and not more than five persons to constitute the Local Board of Appeal.
- (2) The Authority under Regulation 27(1) shall not appoint elected or appointed officials of the Authority to be members of the Local Board of Appeal.
- (3) Every member of the Local Board of Appeal shall be appointed for such periods, not exceeding the term of office for the Authority, as may be deemed appropriate by the Authority, and shall be eligible for re-appointment.

- (4) The Local Board of Appeal shall be presided over by a Chairman appointed from among its members by the Authority or in the absence of the Chairman, such member as the members present shall from among themselves appoint.
- (5) A majority of the members of the Local Board of Appeal shall constitute a quorum.
- (6) The Authority may by two-thirds of its members provide for remuneration to be paid to members of the local Board of Appeal and may prescribe the amount.
- (7) Where a Local Board of Appeal has been appointed and approved under Regulation 27(1), the Clerk of the Authority shall be the Secretary of that Local Board of Appeal.

28. APPEAL BOARD TO ACT AS LOCAL BOARD OF APPEAL

Where a Local Board of Appeal has not been appointed and approved by the Minister under Regulation 27(1), the appropriate Appeal Board established under the provisions of the Act shall be deemed to have been appointed as the Local Board of Appeal, and shall carry out the functions and exercise the same powers as if it were appointed a Local Board of Appeal under Regulation 27(1), but it shall not be obliged to hold appeal hearings within the time limits established under these Regulations.

29. APPEALS TO LOCAL BOARD OF APPEAL

- (1) The Local Board of Appeal shall hear appeals from decisions of the Authority made under these Regulations and shall either confirm the decision or recommend to the Authority that the decision be varied or reversed.
- (2) Any person may appeal to the Local Board of Appeal from a decision of the Authority made under these Regulations.
- (3) An appeal shall be submitted in writing to the Authority thirty days of the date of the decision appealed from and shall state the circumstances and grounds of the appeal.
- (4) Within one week of receiving an appeal, the Authority shall forward it to the Local Board of Appeal together with a copy of the application appealed from and all other correspondence, plans and pertinent information.
- (5) The Local Board of Appeal shall meet to hear an appeal within sixty calendar days after that appeal has been filed with the Authority, and shall make its decision known

- in writing to the Authority and to the appellant within two weeks of hearing the appeal.
- (6) The Authority, the appellant, and any other person likely to be affected by the appeal, shall be advised of the time and place of the appeal hearing by the Secretary at least one week before the appeal is to be heard.
 - (7) The Authority and the appellant are entitled, but are not bound, to appear before the Local Board of Appeal either personally or by representatives appointed by them.
 - (8) The local Board of Appeal shall consider and determine each appeal in accordance with the intent of these Regulations and the Municipal Plan and any further plan, scheme or regulations that are in force, having due regard to the circumstances and merits of the particular case and the use of discretionary powers by the Authority.
 - (9) In determining an appeal, the Local Board of Appeal shall be bound by the Municipal Plan and any further scheme or plan that is in force under the Act.
 - (10) Every member of a Local Board of Appeal shall be subject to the provisions of the Municipalities Act with respect to conflict of interest as if were a councilor elected under the Act.
 - (11) The decision of a majority of the members of the Local Board of Appeal present, excluding all members prohibited from voting because of conflict of interest shall be the decision of the Board whose decision shall not be subject to further appeals to any other Appeal Board constituted under the Act.
 - (12) If a Local Board of Appeal is unable to decide an appeal because of the conflict of interest of a majority of its members, the Authority shall, subject to the approval of the Minister, and for that appeal only, appoint other persons to replace those members so affected.

30. EFFECT OF DECISION BY LOCAL BOARD OF APPEAL

The Authority shall be bound to carry out the decision of the Local Board of Appeal, which decision shall be binding on all parties..

31. DEVELOPMENT MAY NOT PROCEED

Where an appeal is made from a decision of the Authority, the development concerned shall not proceed pending a decision on the appeal and the subsequent issue of all required permits.

PART II – GENERAL DEVELOPMENT STANDARDS

32. ACCESSES AND SERVICE STREETS

- (1) Accesses shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) No Vehicular access shall be closer than 10 meters to the street line of any street intersection.

33. ACCESSORY BUILDINGS

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- (2) No accessory building or part thereof shall project in front of any building line.
- (3) The side yard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located to the lot but accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire resistant construction and have a common firewall.

34. ADVERTISEMENTS

Advertisements shall not be erected or displayed except in accordance with part 111 of these Regulations.

35. BUFFER STRIPS

Where any industrial development permitted in any use zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) meters wide between any residential activity and the 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.

36. 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 meters for every 1 meter increase in height.
- (2) The rear yard shall not be less than the minimum building line setback calculated as described in (a) above plus 6 meters.

37. BUILDING LINE AND SETBACK

The Authority, by resolution, may establish building lines on any 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.

38. FAMILY AND GROUP CENTRES

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

39. HEIGHT 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 chimney's, but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

40. LIVESTOCK STRUCTURES AND USES

- 1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:

- a) The structure shall be at least 600 m from a residence (except a farm residence), from an area designated for residential use in an approved Plan, and from a Provincial or federal Park.
 - b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
 - c) The structure shall be at least 90 m from the center line of a street.
 - d) The erection of the structure shall be approved by the Department of Rural, Agriculture and Northern Development and the Department of the Environment.
- 2) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Rural, Agricultural and Northern Development.

41. 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 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.

42. LOT AREA AND SIZE EXCEPTIONS

Where, at the time of coming into effect of these Regulations, one or more lots already exists in any residential zone, within sufficient frontage or area to permit the owner or purchaser of such a lot or lots 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 standards set out in these Regulations.

43. 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 or forms part of a Comprehensive Development Scheme.

44. MOBILE HOMES

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

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

45. NON-CONFORMING USES

- (1) Any legal use of buildings or land at the date of the coming into effect of these Regulations may be continued, although not conforming with the Regulations of the Use Zone in which they are located:
 - (a) be continued; or;
 - (b) be changed another non-conforming use if after notice of an application to change the use has been given in accordance with Regulation 22 and consideration given to any objections or representations which may have been received on the matter, it is the authority's opinion, that the new use is more compatible with the permitted use(s) in the Use zone in which the building is located.

- (2) A building, which at the date of the coming into effect of these Regulations, is legally used for a purpose not permissible within the zone in which it is located, shall not be enlarged, extended, reconstructed, or altered structurally, unless such building is thereof to be used for a purpose permitted within that zone, provided that:
 - (a) The interior of such building may be permitted by the Authority to be reconstructed or altered, in order to render it more convenient or commodious for the same purpose for which at the date of the coming into effect of these Regulations such building was used;
 - (b) Any building which at the date of the coming into effect of these Regulations is being used in a zone where such use is not permissible may be permitted by the Authority to be altered structurally or extended by not more than fifty percent of its original floor area if such alterations or

extensions conform to all the requirements of these Regulations except those pertaining to land use, and are confined to the existing lot.

- (3) A building which at the date of coming into effect of these Regulations is legally used for any purpose but which does not conform to the Regulations of the Use Zone in which it is located, and which subsequently suffers damage or deterioration to an extent greater than fifty percent of its replacement value, excluding land, shall not be reconstructed except in conformity with the Regulations for the Use Zone in which such building is located, provided that:
 - (a) The owner of such building may within one year of such damage taking place make application to the Authority for a permit to reconstruct the building for the same purpose for which it was used at the date of coming into effect of these Regulations;
 - (b) The Authority shall before the expiration of sixty (60) days from the day on which a complete application is received to construct such a building,
 - i) Serve a notice of expropriation in accordance with the Act; or
 - ii) indicate its willingness to issue a permit to develop providing that the reconstruction of the building conforms to all the requirements of these Regulations except those pertaining to land use, and that any such development takes place within the existing curtilage of the lot.

46. OFFENSIVE AND DANGEROUS USES

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

47. OFFSTREET PARKING REQUIREMENTS

- (1) For every building, structure or use to be erected, enlarge or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.

- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surface right-of-way at least 3m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwellings. Parking space for apartments shall be provided in the rear yard where possible. In Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
 - (a) Parking space shall mean an area of land, not less than 15 m squared in size, capable of being used for the parking of the 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 adjacent development;
 - (d) A structure, not more than 5 m squared in height and more than 5 m in area may be erected in the parking area for the use of attendants in the area;
 - (e) Except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - (f) No part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - (g) Access to parking areas in non-residential zones shall not be way of residential zones.
 - (h) Where parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines.
 - (i) 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.

48. OFF-STREET LOADING REQUIREMENTS

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

49. PARKS AND PLAYGROUNDS, AND CONSERVATION USES

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

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 protect the environment.

51. SERVICES AND PUBLIC UTILITES

The Authority may within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the

proper operation of the public service or public utility concerned provided that the design and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area.

52. SERVICE STATIONS

The following requirements shall apply to all proposed service stations;

- (a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 meters from the front lot line.
- (c) Accesses shall not be less than 7 meters wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 meters and the lot line between entrances shall be clearly indicated.

53. SIDEYARD

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

54. STREET CONSTRUCTION STANDARDS

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

55. SUBSIDIARY APARTMENTS

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

56. UNSUBDIVIDED 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.

57. ZERO LOT LINE AND OTHER COMPREHENSIVE DEVELOPMENT

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

PART III- ADVERTISEMENTS

58. PERMIT REQUIRED

Subject to the provisions of Regulations 63, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority.

59. FORM OF APPLICATION

Application for a permit to erect or display an advertisement shall be made to the Authority in accordance with the Regulation 16.

60. ADVERTISEMENTS PROHIBITED INSTREET RESERVATION

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

61. PERMIT VALID FOR LIMITED PERIOD

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

62. REMOVAL OF ADVERTISEMENTS

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

- (a) Hazardous to road traffic by reason of its siting, color, illumination, or structural condition; or,
- (b) Detrimental to the amenities of the surrounding area.

63. ADVERTISEMENTS EXEMPT FROM CONTROL

The following advertisement may be erected or displayed in the Planning Area with application to the Authority:

- (a) On a dwelling or within the curtilage of a dwelling, on nameplate not exceeding 0.2m squared in area;
- (b) On an agriculture holding or farm , a notice board no exceeding 1 m squared in area and relating to the operations being conducted to the land;
- (c) On land used for forestry purposes, signs or notices not exceeding 1 m squared in area and relating to forestry operations or the location of logging operations conducted on the land;
- (d) On land used for mining or quarrying operations, a notice board not exceeding 1 m squared in area relating to the operation conducted on the land;
- (e) On a dwelling or within the curtilage of a dwelling, on nameplate not exceeding 0.2 m squared in area in connection with the practice of a professional person carried on in the premises;
- (f) On any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m squared in area.
- (g) On the principal façade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that façade or 3 m, whichever is the lesser.
- (h) On any parking lot directional signs and one sign not exceeding 1 m squared in size, identifying the parking lot.

64. APPROVAL SUBJECT TO CONDITIONS

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

65. NON-CONFORMING USES

Notwithstanding the provisions of Regulation 58, a permit may be issued for the erection or display of advertisements on a building or within the curtilage of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

PART 1V – SUBDIVISION OF LAND

66. 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.

67. SERVICES TO BE PROVIDED

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

68. PAYMENT OF SERVICE LEVIES AND OTHER CHARGES

No permit shall be issued for the development of a subdivision until an 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 12 and 13.

69. ISSUE OF PERMIT SUBJECT TO CONSIDERATIONS

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

- (a) The location of the land;
- (b) The availability of and the demand created for schools, services and utilities
- (c) The provisions of the Plan and Regulations affecting the site;
- (d) The land use, physical form and character of adjacent developments;
- (e) The transportation network and traffic densities affect the site;
- (f) The relationship of the project to existing or potential sources of nuisance;
- (g) Soil and subsoil characteristics;
- (h) The topography of the site and its drainage;
- (i) Natural features such as lakes, streams, topsoil, trees and shrubs;
- (j) Prevailing winds;
- (k) Visual quality;

- (l) Community facilities;
- (m) Energy conservation;
- (n) Such other matters as may affect the proposed development.

70. 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.

71. FORM OF APPLICATION

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 16.

72. SUBDIVISION SUBJECT TO ZONING

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

73. BUILDING LINES

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

74. LAND FOR PUBLIC OPEN SPACE

(1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 m for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:

- (a) Where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;

- (b) If, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
 - (c) The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;
 - (d) The Authority may accept from the developer in lieu of such area or areas of land the payment of 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 74 (1) (d) above, shall be reserved by the Authority for the purpose of the Authority 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 issued by the Authority for the purposes of any development that conforms with the requirements, 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 74(1).

75. 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.

76. SUBDIVISION DESIGN STANDARDS

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:

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

	Street reservation	Pavement width	Sidewalk width	Sidewalk Number
Arterial	30 m	15 m	1.5 m	Discretion of Council
Collector streets	20 m	15 m	1.5 m	2
Local Residential streets:				
-Where more than 50% of the units are single or double dwellings	15 m	9 m	1.5 m	1
-Where 50% or more of the units are row houses or apartments	20 m	9 m	1.5 m	2
Service Streets	15 m	9 m	1.5 m	Discretion of Council

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

77. ENGINEER TO DESIGN WORKS AND CERTIFY CONSTRUCTION LAYOUT

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Authority to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by 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

own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Authority to service the said area.

78. DEVELOPER TO PAY ENGINEER'S FEES AND CHARGES

The developer shall pay to the Authority all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction; such fees and charges being percentages of the total cost of materials and labor 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.

79. STREET WORKS MAY BE DEFERRED

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

80. TRANSFER OF STREETS AND UTILITIES TO AUTHORITY

(1) The developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority, at no cost to the Authority, and clear of all lines and encumbrances:

- (a) All lands in the area proposed to be developed or subdivided which are approved and designed by the Authority for public use as streets, or other rights-of-way, or for other public use;

- (b) All services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Authority.

- (2) Before the Authority shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.

- (3) The Authority shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Authority.

81. RESTRICTION ON SALE OF LOTS

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

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

82. GROUPING OF BUILDINGS AND LANDSCAPING

- (1) Each plan of subdivision shall make provisions for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development and to make the most use of existing topography and vegetation.
- (2) Building groupings, once approved by the Authority, shall be changed without written application to and subsequent approval of the Authority.

PART V – USE ZONES

83. 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 83 (3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

84. 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.

85. 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.

86. 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 regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 22 and has considered any objections or representations which may have been received on the matter.

87. USES NOT PERMITTED

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

SCHEDULE A – DEFINITIONS

“ACCESS” means a way, intended for use by vehicles, pedestrians or animals as a means of going from a road, street or highway to land adjacent to it.

“ACCESSORY BUILDING” includes:

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

[DRA-2003-2](#) and [NL Gazette](#)

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

[DRA-2003-2](#) and [NL Gazette](#)

“ACT” means the Urban and Rural Planning Act.

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

“AGRICULTURE” means horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of

food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose, and “Agriculture” shall be construed accordingly.

“AMUSEMENT USE” means the use of land or buildings equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pin ball games and slot machine arcades and billiard and pool halls.

“ANIMAL UNIT” means any one of the following animals or groups of animals:

1 Bull

1000 Broiler Chicken or roasters (1.8-2.3 kg each)

1 Cow (including calf)

100 Female Mink (including associated males and kits)

100 Female Rabbits (including associated males and litter)

4 Goats

X Hogs (based on 453.6 kg = 1 unit)

1 Horse (including foal)

125 Laying Hens

4 Sheep (including lambs)

1 Sow or Breed Sow (including weaners and growers based on 453.6 kg = 1 unit)

X Turkeys, Ducks, Geese (based on 2,268 kg = 1 unit)

“APARTMENT BUILDING” means a building containing three or more dwelling units, but does not include a row dwelling.

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

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

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

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

“BUILDING HEIGHT” means the vertical distance, measured in meters, from the established grade to:

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

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

[DRA-2003-2](#) and [NL Gazette](#)

“BUILDING LINE” means a line established by the Authority to set the horizontal distance between the closest point of a building and the street line.

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

[DRA-2002-1](#) and [NL Gazette](#)

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

“DAY CARE CENTER” or “DAY NURSERY” means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full

daytime period as defined under the Day Nurseries Act, but does not include a school as defined by the Schools Act.

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

- a) The making of an access onto a highway, road or way;
- b) The making of an advertisement or sign;
- c) The parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time.

and shall exclude:

- d) The carrying out of works for the maintenance, improvement or other alternation or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- e) The carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
- f) The carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- g) The use of any building or land within the curtilage of a dwelling houses for any purpose incidental to the enjoyment pf the dwelling house as such.

“DIRECTOR” means the Director of Urban and Rural Planning.

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

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

“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.**

[DRA-2003-2](#) and [NL Gazette](#)

“ENGINEER” means a professional engineer or retained by the Authority.

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

“FLOOR AREA” means the totally area of all floors in a building measured to the outside face exterior walls.

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

“FRONT YARD DEPTH” means the distance between the front lot line of a lot and the front wall of the main building on the lot.

“GARAGE” means a building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.

“GENERAL INDUSTRY” means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance; and “industry” shall be construed accordingly.

“GENERAL GARAGE” means land or building used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.

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

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

“INSTITUTION” means a building or part thereof occupied or used by persons who:

- (a) Are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted; or
- (b) Require special care or treatment because of age, mental or physical limitations or medical condition

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

“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.

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

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

“LOT” means any plot, tract or parcel of land which can be considered as a unit of land for a particular use or building.

“LOT COVERAGE” means the combined area of all buildings on the lot measured at the level of the lowest floor above the established grade expressed as a percentage of the total area of the lot.

“LOT AREA” means the total horizontal area within the lot lines of the lot.

“MINERAL WORKING” means land or building used for the working or extraction of any naturally occurring substance.

“MOBILE HOME” means a transportable factory-built single family dwelling unit:

- (a) Which complies with space standards substantially equal to those laid down in the Canadian Code for Residential construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes; and,
- (b) Which is designed to be:
 - (i) Transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers or on a permanent foundation; and,
 - (ii) Connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

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

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

“OWNER” means any person, firm or corporation controlling the property under consideration.

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

“REAR YARD DEPTH” means distance between the rear lot line and the rear wall of the main building on the lot.

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

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

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

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

“SERVICE STREET” means a street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

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

“SHOPPING CENTER” means a group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

“SIDEYARD WIDTH” means the distance between a side lot line and the nearest side wall of any building on the lot.

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

“STREET” means any street, road or highway or any other way designed or intended for public use for the passage of vehicles and pedestrians, owned by the Authority or other public agency and maintained at public expense, and is accessible to Fire Department vehicles and equipment.

“STREET LINE” means the edge of a street, road or highway reservation as defined by the authority having jurisdiction.

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

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

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

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

“USE ZONE” OR “ZONE” means an area of land including buildings and water designed on the Zoning Map to which the uses, standards and conditions of a particular Use Zone Table in Schedule C of the Regulations relate.

“ZONING MAP” means the map or maps attached to and forming part of the Regulations.

SCHEDULE B

CLASSIFICATION OF USES OF LAND A BUILDINGS

NOTE: The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.2.1A of the National Building Code, 1980. This classification is referred to in Regulation 84.

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts.	(a) Theatre	Motion Picture Theatres, T.V. Studios admitting an audience.
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Court rooms Meeting Rooms Council chambers
		(b) General Assembly	Community Halls Lodge Halls Dance Halls Gymnasia Auditoria Bowling Alleys
		(c) Educational	Schools, Colleges (non-residential)
		(d) Place of Worship	Churches and similar places of worship. Church Halls
		(e) Passenger Assembly	Passenger Terminals
		(f) Club and Lodge	Private Clubs and Lodges (non-residential)
		(g) Catering	Restaurants Bars Lounges
		(h) Funeral Home	Funeral Homes and Chapels
		(i) Child care	Day Care Centers
		(j) Amusement	Electronic Games Arcades Pinball Parlors Poolrooms

	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armories Ice Rinks Indoor Swimming Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly (b) Campground	Bleachers Grandstands Outdoor Ice Rinks And swimming pools Amusement Parks and Fair-grounds Exhibition Grounds Drive-in Theaters Campgrounds Recreational Vehicle Travel Trailer Campgrounds DRA-2002-1 and NL Gazette
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations with detention quarters Prisons Psychiatric Hospitals with detention quarters Reformatories
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for the Aged Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family and Group Homes
		(b) Double Dwelling	Semi-detached Dwellings Duplex Dwellings Family and Group Homes

C. RESIDENTIAL USES (continued)		(c) Row Dwelling	Row Houses Town Houses Family and Group Homes
		(d) Apartment Building	Apartments Family and Group Homes
	2. General Residential Uses	(a) Collective Residential	Residential Colleges and Schools University and College Halls of Residence Convents and Monasteries Nurses and Hospital Residences
		(b) Boarding House Residential	Boarding Houses Lodging Houses
		(c) Commercial Residential	Hotels and Motels Hostels Residential Clubs
		(d) Seasonal Residential	Summer Homes and Cabins Hunting and Fishing Cabins
		(e) Mobile Homes	Mobile Homes
D. BUSINESS AND PERSONAL SERVICE USES	1. Business, Professional and personal Service Uses	(a) Office	Offices, including Government Offices Banks
		(b) Medical and Professional	Medical Offices and Consulting Rooms Dental Offices and Surgeries Legal Offices Similar Professional Offices
		(c) Personal Service	Barbers Hairdressers Beauty Parlors Small Appliance Repairs

	1. Business, Professional and personal Service Uses (continued)	(d) General Service	Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals Travel Agents
		(e) Communications	Radio Stations Telephone Exchanges
		(f) Police Station	Police Stations without detention quarters
		(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service
		(i) Veterinary	Veterinary Surgeries
E. MERCANTILE USES	1. Retail Sale and Display Uses	(a) Shopping center	Shopping centers
		(b) Shop	Retail Shops and Showrooms Department Stores
		(c) Indoor Market	Market Halls Auction Halls
		(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit stands Fish Stalls
		(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes	(a) Hazardous Industry	Bulk Storage of flammable and hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint,

			Varnish, and rubber Factories Spray Painting
F. INDUSTRIAL USES (continued)	2. General Industrial Uses involving Limited Hazardous substances and processes	(a) General Industry	Factories Cold storage plants Freight depots General Garages Warehouses Workshops Laboratories Planning Mills Printing Plants Contractors Yards
		(b) Service Station	Gasoline Service Stations Gas Bars
	3. Light, Non- hazardous or Non- intrusive Industrial Uses	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops
G. NON-BUILDING USES	1. Uses not directly related to buildings	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens and Nurseries
		(b) Forestry	Tree Nurseries Silviculture
		(c) Mineral Working	Quarries Pits Mines Oil Wells
		(d) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds
		(e) Conservation	Watersheds Buffer Strips Flood Plains Architectural, Historical and Scenic Sites Steep Slopes Wildlife Sanctuaries

G. NON-BUILDING USES (continued)	1. Uses not directly related to Buildings (continued)	(f) Cemetery	Cemeteries Graveyards
		(g) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels Zoos
		(j) Antenna	TV, Radio, and Communications Transmitting and Receiving Masts and Antennae
		(k) Transportation	Airfields Railway Yards Docks and Harbors

SCHEDULE C
USE ZONE TABLES

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

The schedule contains tables for the following Use Zones:

- Residential
- Mixed Development
- Commercial - Highway
- Recreational Open Space
- Rural
- Conservation - Watershed Area

USE ZONE TABLE

Zone Title	Residential	(Clarke's Beach)
Permitted Uses Classes – (see Regulation 85)		
Single dwelling, and recreational open space and conservation.		
Discretionary Uses Classes – (see Regulations 22 and 86)		
Mobile homes, boarding house residential, double dwelling, row dwelling, subsidiary apartment, apartment building, churches, cemetery, educational, convenience store, medical and professional, personal services, child care, agriculture and campground, general industry (commercial garage only, see Condition 15), light industry (workshop only, see Condition 15)		
DRA-2002-1 and NL Gazette DRA-2014-3 and NL Gazette		

Standards	Where Permitted						
	Single Dwelling	Double Dwelling	Row Dwelling	Apartment Building			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (m ²) minimum	650	550 *	450 * (average)	300 *	400 *	450 *	500 *
Floor area (m ²) minimum	110	110 *	100 *	50 *	60 *	70 *	80 *
Frontage (m) minimum	20	35	14 * (average)	42			
Building Line Setback (m) (minimum)	**	**	**	**			
Sideyard Width (m) (minimum)	1	1	1	5			
Rearyard Depth (m) (minimum)	15	15	15	15			
Height (m) maximum	12	12	12	12			
Maximum Lot Coverage (%)	33	33	33	33			
See Conditions							
* Per Dwelling							

CONDITIONS

1. Residential Density

In each Residential Zone there shall be not more than 30% apartment units, row housing units or a combination of apartment and row housing units, the remainder being either single or double dwellings or a combination of single and double dwellings.

2. Discretionary Uses - Site Standards

Where permitted, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.

3. Educational Uses

The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

4. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the following conditions:

- (i) The store shall form part of, or be attached to a dwelling unit.
- (ii) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (iii) Off-street parking for at least two automobiles shall be provided for the use of customers
- (iv) Not more than one convenience store shall be permitted for every 100 dwelling units in the zone.

5. Medical, Professional and Personal Service Use

Medical, professional and personal service uses may be permitted as a discretionary use in a dwelling unit in the form of doctors' consulting rooms, personal services, small business services, small appliance repair and sporting goods repair service and similar uses provided that:

- (i) The use is clearly a subsidiary use to the residential use and does not detract from the residential character of the neighbourhood.

- (ii) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to vehicles or heavy equipment are carried out.
- (iii) Activities associated with the use are not hazardous and do not cause noticeable noise, odor, dust or fumes, or inconvenience and are not a nuisance to the occupants of adjoining residences.
- (iv) Not more than twenty-five (25) percent of the total floor area of the dwelling up a maximum of forty-five square metres is devoted to the use.
- (v) No change shall be made in the type, class or extent of service provided without a permit.
- (vi) Landscaping and adequate off-street parking with well-defined, restricted entrances and exits are provided.

6. Accessory Buildings

Accessory buildings shall have a floor area no greater than 95 square meters or 10 percent of the lot coverage, whichever is the lesser and a height of no more than 6 meters.

[DRA-2003-2](#) and [NL Gazette](#)

7. Protection for Residential Uses

Adverse effects of any proposed development on adjacent residential uses shall be prevented or minimized through proper site planning and the provision of buffering by the developer to the satisfaction of the Authority.

8. Protection of Water Sources and Environment

All development applications within 15 metres of a waterbody or watercourse or that may otherwise have a negative effect on the environment shall be subject to the review and approval of the Environmental Investigations Division of the Department of Environment and Lands.

9. Park and Playgrounds

Parks and Playgrounds may be located on backlands but shall have at least one 5 metre wide vehicular access directly onto a public street and shall have fences, hedges or barriers which shall not be higher than 1 metre when located in front of the building line.

10. Lot Area

Subject to the requirements of the Department of Health or Environment and Lands, the area of land required per dwelling unit shall be determined in accordance with the water and sewer services available.

11. Subsidiary Apartments

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

12. Subdivision Development

- (i) Refer to the Subdivision of Land section which forms Part IV of these Regulations.
- (ii) With regard to residential subdivision design and in addition to the requirements of Part IV of these Regulations the Authority may require that;
 - (a) street layout and placement of building lots conform to natural features and topography as much as possible and a grid pattern be avoided;
 - (b) at least two accesses from the subdivision to a collector or arterial street be provided;
 - (c) waterbodies and watercourses be not altered and, if possible, integrated with open space and park areas;
 - (d) original trees and plant growth be left on building lots and open space areas;
 - (e) open space areas be landscaped and free of garbage and refuse.

13. Occupancy Permits

All dwellings must have properly finished exteriors and an occupancy permit must be issued by the Authority before the dwelling may be inhabited.

14. Campground

- (1) A campground may only be permitted as a discretionary use, provided a plan of the development is submitted in a format satisfactory to Council, showing and specifying:**
 - (i) camping sites – locations and sizes;**
 - (ii) roads and accesses;**

- (iii) parking areas;**
 - (iv) accessory uses, such as laundry facilities, storage areas, showers, snack-bar, and convenience stores and the caretaker residence, and any other building or facility accessory to the campground facility;**
 - (v) water supply and waste disposal services;**
 - (vi) landscaping;**
 - (vii) buffers, and screening between the campground and existing and future residential development;**
 - (viii) the land to be developed on legal survey prepared by a Newfoundland Land Surveyor;**
 - (ix) where deemed, necessary by the Town, a phasing plan of the campground.**
- (2) Commercial uses, washroom facilities, laundromats, and similar facilities, and parking areas and recreational areas shall not be located adjacent residential areas and shall only be accessed by the internal road network of the campground.**
- (3) All sites shall only be accessed by the internal road network of the campground.**
- (4) A suitable buffer of 10 meters depth located on the property and planted with materials approved by the Town and/or privacy fence at least 2.4 meters in height and of a design approved by the Town, shall be provided where the development abuts a public road, right of way, and/or a present or future residential neighborhood.**
- Any buffering or screening shall be properly maintained by the owner, and not allowed to fall into disrepair or become unsightly.**
- (5) The owner and/or the operator shall ensure that all bylaws and regulations of the Town pertaining to noise, rowdy behavior, and litter are complied with.**
- (6) Where deemed necessary by the Town, a deposit sufficient to cover the cost the buffer and screening shall be deposited with the Town, and then subsequently returned by the Town upon satisfactory completion of the work, or, used by the Town to complete the work in accordance with the approved plan.**

- (7) The permit for a campground shall specify the maximum number of units and sites – in the form of tents, recreational vehicles, and so forth – that may be accommodated on the site at any one time. This number shall not be exceeded.**
- (8) Any expansion or alteration to a campground shall be subject to review by Council, and except for repairs and maintenance, shall be treated as a discretionary use application.**
- (9) Failure to comply with any conditions of the discretionary use permit may result in the Town ordering the immediate cessation of the use for which the permit was issued.**

[DRA-2002-1](#) and [NL Gazette](#)

15. Building Line Setback

The minimum building line setback shall be 8 meters, except for infill lots where the average building line set back of nearby properties is less.

Council shall establish the building line setback for infill lots, that is, lots within a built-up area surrounded by other development.

[DRA-2003-2](#) and [NL Gazette](#)

ZONE TITLE	MIXED DEVELOPMENT	(Clarke's Beach)
PERMITTED USE CLASSES - (see Regulation 85)		
All use classes within the residential dwelling uses division.		
DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)		
All use classes in the general assembly division, collective residential, commercial residential, all use classes in the business or personal services use group, all use classes in the mercantile group except shopping centre, service station, light industry, cemetery, and antenna.		

CONDITIONS

1. Development Standards

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

- | | |
|-----------------------------------|-----------|
| (i) Minimum Building Line Setback | 8 metres |
| (ii) Minimum Sideyards Width | 5 metres |
| (iii) Minimum Rearyard Dept. | 10 metres |
| (iv) Maximum Height | 10 metres |

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

[DRA-2003-2](#) and [NL Gazette](#)

2. Advertisements Relating to Onsite Uses

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

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

3. Advertisements Relating to Offsite Uses

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

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

4. Accessory Building

Accessory buildings shall have a floor area no greater than 95 square metres, or 10 percent of the lot coverage, whichever is the lesser and a height of no more than 6 meters.

[DRA-2003-2](#) and [NL Gazette](#)

5. Discretionary Use Classes

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

6. Access

The number of accesses to the street shall be limited by their design to the satisfaction of the Authority, having regard to the safety and efficiency of the street for both vehicles and pedestrians.

7. Protection for Residential Use

Adverse effects of any proposed development on the adjacent existing residential use shall be prevented or minimized through proper site planning and the provision of buffering by the developer to the satisfaction of the Authority.

ZONE TITLE	COMMERCIAL - HIGHWAY (Clarke's Beach)
PERMITTED USE CLASSES - (see Regulation 85)	
Passenger assembly, catering, commercial residential, police station, shop, convenience store.	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)	
Personal service, general service, taxi stand, take-out food service, indoor market, outdoor market, recreational open space, antenna, service station.	

CONDITIONS FOR COMMERCIAL GENERAL ZONE

1. Development Standards

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

- | | |
|-----------------------------------|-----------|
| (i) Minimum Building Line Setback | 15 metres |
| (ii) Minimum Sideyard Width | 5 metres |
| (iii) Minimum Rearyard Depth | 10 metres |
| (iv) Maximum Height | 10 metres |

2. Advertisements Relating to Onsite Uses

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

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

3. Advertisements Relating to Offsite Uses

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

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

4. Discretionary Use Classes

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

5. Outdoor Storage

Outdoor storage shall be located on the rearyard of the lot so as to have minimum visual impact from the street.

6. Services

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

7. Buffer Strips

Where any industrial development permitted in this zone abuts a residential area, or is separated from it by a road only, the developer shall provide a buffer strip not less than 10 metres wide between any residential use and the industrial area. The buffer shall include the provision of a natural or structural barrier, as deemed necessary by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

ZONE TITLE	RECREATION OPEN SPACE (Clarke's Beach)
PERMITTED USE CLASSES - (see Regulation 85)	Recreational open space, conservation, indoor assembly, outdoor assembly.
DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)	Theatre, cultural and civic.

CONDITIONS

1. Discretionary Use Classes

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

2. Development Standards

The development standards for this zone shall be as follows:

- | | |
|-----------------------------------|-----------|
| (i) minimum building line setback | 10 metres |
| (ii) minimum sideyard width | 5 metres |
| (iii) minimum rearyard depth | 10 metres |
| (iv) maximum height | 15 metres |

3. Protection of Water Sources and Environment

All development applications shall be subject to the review and approval of the Environmental Investigations Division of the Department of Environment and Lands.

ZONE TITLE	RURAL	(Clarke's Beach)
PERMITTED USE CLASSES - (see Regulation 85)		
Agriculture, forestry, fishing, conservation and recreational open space		
DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)		
Single dwelling, veterinary, outdoor market, recreational open space, cemetery, seasonal residential.		

CONDITIONS

1. Advertisements Relating to Onsite Uses

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

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

2. Advertisements Relating to Offsite Uses

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

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

3. Discretionary Use Classes

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

4. Single Dwelling

A single dwelling may be permitted only as accessory to a permitted or an approved discretionary use after two (2) years in operation. Such a dwelling shall also be subject to the review and approval of the Department of Environment and Lands and the Department of Health.

5. Agricultural Development

Applications for agricultural development shall be referred to the Department of Forestry and Agriculture and the Department of Environment and Lands for review and approval.

6. Sanitary Landfill Buffering

No development shall be located closer than 1600 metres to the sanitary landfill unless reviewed and approved by the Department of Environment and Lands.

7. Protection of Water Sources and Environment

All development applications shall be subject to the review and approval of the Water Resources Division of the Department of Environment and Lands.

8. Protection of Fish Habitat

All applications for development on the North and South Rivers or on any other water body or watercourse in the Clarke's Beach municipality shall be subject to review, assessment and authorization by Fisheries and Oceans Canada.

ZONE TITLE	CONSERVATION - WATER SUPPLY AREA	(Clarke's Beach)
PERMITTED USE CLASSES - (see Regulation 85)		
Conservation		
DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)		
Recreational open space, and uses compatible or complementary to permitted uses.		

CONDITIONS

1. Discretionary Use Classes

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

2. Protection of Water Resources and the Environment

All development applications in the Conservation Zone shall be subject to the review and approval of the Environmental Investigations Division of the Department of Environment and Lands.

3. Protection of Fish Habitat

All applications for development adjacent to fresh or salt water within conservation zones shall be subject to the review, assessment and authorization of Fisheries and Oceans Canada.

SCHEDULE D

OFF-STREET PARKING REQUIREMENTS

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

GROUP	DIVISION	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
A	1	(a) Theatre	One space for every 5 seats.
	2	(a) Cultural and Civic	One space for every 50 square metres of gross floor area.
		(b) General Assembly	One space for every 10 square metres of gross floor area.
		(c) Educational	Schools- 2 spaces for every classroom. Further education- 1 space for every 5 persons using the facilities (students, faculty and staff).
		(d) Place of Worship	One space for every 5 seats.
		(e) Passenger Assembly	As specified by the Authority.
		(f) Club and Lodge	One space for every 3 persons that may be accommodated at one time.

		(g) Catering	One space for every 3 customers that may be accommodated at one time.
		(h) Funeral Home	One space for every 10 square metres of gross floor area.
		(i) Child Care	One space for every 20 square metres of gross floor area.
		(j) Amusement	One space for every 10 square metres of gross floor area.
	3	(a) Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
	4	(a) Outdoor Assembly	As specified by the Authority.
B	1	(a) Penal and Correctional Detention	As specified by the Authority.
	2	(a) Medical Treatment and Special Care	One space for every 2 patients.
C	1	(a) Single Dwelling	Two spaces for every dwelling unit.
		(b) Double Dwelling	Two spaces for every dwelling unit.
		(c) Row Dwelling	Two spaces for every dwelling unit.
		(d) Apartment Building	Three spaces for every 2-dwelling units.
	2	(a) Collective Residential	As specified by the Authority.
		(b) Commercial Residential	One space for every guest room.
		(c) Seasonal Residential	One space for every residential unit.
		(d) Mobile Home	Two spaces for every dwelling unit.
D	1	(a) Office	One space for every 20 square metres of gross floor area.

		(b) Medical and Professional	One space for every 20 square metres of gross floor area.
		(c) Personal Service	One space for every 20 square metres of gross floor area.
		(d) General Service	One space for every 20 square metres of gross floor area.
		(e) Communications	As specified by the Authority.
		(f) Police Station	As specified by the Authority.
		(g) Taxi Stand	As specified by the Authority.
		(h) Take-out Food Service	One space for every 20 square metres of gross floor area.
		(i) Veterinary	One space for every 20 square metres of gross floor area.
E	1	(a) Shopping Centre	One space for every 15 square metres of gross floor area.
		(b) Shop	One space for every 20 square metres of gross floor area.
		(c) Indoor Market	As specified by the Authority.
		(d) Outdoor Market	As specified by the Authority.
		(e) Convenience Stores	One space for every 20 square metres of gross floor area.
F	1	(a) Hazardous Industry	One space for every employee.
	2	(a) General Industry	One space for every employee.
		(b) Service Station	One space for every 20 square metres of gross floor area.
	3	(a) Light Industry	One space for every employee.

