PLAN THE PEARL

Mount Pearl Municipal Plan Renewal

SECTION 15

DEVELOPMENT REGULATIONS

DECEMBER 2024

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

THE CITY OF MOUNT PEARL
DEVELOPMENT REGULATIONS, 2025-2035

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the City Council of Mount Pearl:

adopted the Development Regulations for the City of Mount Pearl on the _____ day of _____, 2025.

gave notice of the adoption of the Development Regulations for the City of Mount Pearl by advertisement inserted on the _____day of _____, and the _____ day of _____ 2025 in the local newspaper,

set the _____ day of _____, at _____at the City Hall, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the City Council of Mount Pearl approves the Development Regulations for the City of Mount Pearl as adopted (or as amended as follows).

SIGNED AND SEALED this _____ day of _____, 2025.

Mayor: _____

City Clerk: _____

Development Regulations/Amendment
REGISTERED
Number _____
Date _____
Signature _____

(Council Seal)

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

CITY OF MOUNT PEARL
DEVELOPMENT REGULATIONS, 2025-2035

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of Mount Pearl adopts the Mount Pearl Development Regulations, 2025-2035.

The Development Regulations (2025-2035) were adopted by the City Council of Mount Pearl on the ____ day of _____, 2025.

Signed and sealed this ___ day of _____, 2025.

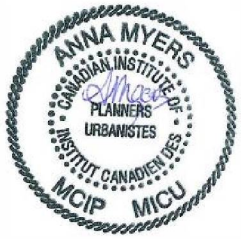
Mayor: _____

City Clerk: _____

City of Mount Pearl seal

CANADIAN INSTITUTE OF PLANNERS (CIP) CERTIFICATION

I certify that the City of Mount Pearl Development Regulations, 2025-2035 have been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000* of the Province of Newfoundland and Labrador.



Member of Canadian Institute of Planners (MCIP)

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1. AUTHORITIES AND RESPONSIBILITIES

1.1. APPLICABILITY

1) The Mount Pearl Development Regulations, 2025, are prepared pursuant to the authority of Section 35 of the *Urban and Rural Planning Act, 2000*.
2) These Development Regulations apply to:
    a. all persons proposing to undertake a land use and/or development within the Municipal Planning Area boundary, whether residents or non-residents; and,
    b. the Mayor and Councillors and their delegates as they make land use and development decisions.
3) All development, including the subdivision/severance of land, change of use of land, and accessory uses and accessory buildings, carried out within the Municipal Planning Area must have a permit issued by Council in accordance with the Mount Pearl Municipal Plan 2025 and these Development Regulations.

1.2. COMPLIANCE WITH STATUTES, REGULATIONS, POLICY, GUIDELINES AND STANDARDS

1. All Development within the Municipal Planning Area shall conform to:
    a. policies set out in the Mount Pearl Municipal Plan, 2025;
    b. requirements set out in the Mount Pearl Development Regulations, 2025;
    c. any other municipal regulation or bylaw in force in the Municipal Planning Area under the *Towns and Local Service Districts Act*;
    d. requirements of Federal and Provincial legislation, regulations, policies, guidelines, and standards, as amended from time to time, including, but not limited to, the National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code;
    e. the St. John's Urban Region Regional Plan (SJURRP).

2. If Council is aware that a proposed development may not comply with Provincial or Federal legislation, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.
3. Where these Development Regulations are more stringent than Provincial or Federal legislation, these Development Regulations shall apply.
4. Even though an applicant may receive a municipal permit, the applicant is responsible for ensuring compliance with all relevant Federal and Provincial legislation, regulations, policies and guidelines, and Municipal regulations under the *Towns and Local Service Districts Act*, prior to commencing a land use or development approved under these Development Regulations. Council may require proof of compliance prior to approval and a development permit shall not be issued if Council is

aware that the proposed development does not comply with a provincial or federal government requirement.

5. The applicant must undertake any requirements set out by the City as conditions to approval of the permit prior to the issuance of an occupancy permit.
6. The applicant is also responsible for ensuring compliance with all other City regulations, bylaws and policies.
7. The Development Regulations shall be subject to all Federal and Provincial legislation, regulations, policies and guidelines. Notwithstanding this requirement, these Development Regulations shall incorporate specific compliance requirements identified in the inter-governmental referral undertaken as part of the review process, as set out in Schedule A.

1.3. LEGAL EFFECT AND INTERPRETATION

Upon publication of the notice of registration of these Development Regulations in the Newfoundland and Labrador Gazette, the previous Development Regulations, 2010 and amendments are repealed and replaced in accordance with Section 24 (3) of the *Urban and Rural Planning Act, 2000*. Similarly, for amendments, publication in the Newfoundland and Labrador Gazette is required before they are in legal effect.

These Regulations may be cited as the "Mount Pearl Development Regulations, 2025" as prepared under the authority of Section 35 of the *Urban and Rural Planning Act, 2000.*

To assist with the interpretation of the Municipal Plan and Development Regulations, technical planning definitions are found in Schedule B, including definitions from the *Urban and Rural Planning Act, 2000* and the *Minister's Development Regulations 03/01* which cannot be amended by the Council. For the purposes of defining land uses and developments set out in the Land Use zones in Chapter 3, each use and development type or class is defined in Chapter 5 for the purposes of the City of Mount Pearl Development Regulations and definitions for the purposes of controlling signs are found in Chapter 7-Signs.

No City-specific interpretive definitions provided in these regulations are intended to contravene definitions included within the *Urban and Rural Planning Act, 2000.* Words and phrases not defined shall have the meanings and interpretation which are commonly assigned to them in the context in which they are used in the Development Regulations. Any references to sections made in the Development Regulations are considered to be references to these same Development Regulations unless otherwise indicated.

As required under Section 36 of the *Urban and Rural Planning Act, 2000*, the *Minister's Development Regulations 03/01* are included in these regulations (Schedule C).

1.4. DELEGATION OF AUTHORITY FOR IMPLEMENTATION

Under the authority of Section 109 (2) of the Urban and Rural Planning Act, 2000: “A council ….may appoint an employee of that council …to approve or reject applications, as designated by the council…to develop land in accordance with the appropriate plan and regulations and that employee may outline the conditions applicable to that development.” This delegation must be made in writing (Section 18, *Minister’s Development Regulations 03/01*)

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2. ADMINISTRATION OF THE REGULATIONS

This Section deals with the administration of processing applications for proposed land use and developments. It outlines when a Development Permit is required, the process for making an application for a permit, the decision-making process by Council or it's delegate, including the conditions and requirements that may be attached to the permit, the appeal process, and the enforcement responsibilities of the Council.

2.1. WHEN A DEVELOPMENT PERMIT IS REQUIRED

1) Council has the ability to determine the type of permits to be issued based on the development application submitted in conformity with the definition of development under Section 2(g) of the *Urban and Rural Planning Act, 2000*.
2) All development and subdivision of land carried out within the Municipal Planning Area shall have a Development Permit issued by Council in accordance with these Regulations, and any other by-law or regulation enacted by Council.
3) Development is not permitted on un-subdivided land unless the development would not prejudice the potential to subdivide and develop the land in the future (either as an additional building lot or future road access), and sufficient area is reserved to satisfy the yards, setbacks, and other development standards required in the Use Zone in which it is located, and the development standards shall be maintained when the adjacent land is developed. It must conform with Section 4.2.
4) No site work (clearing or grubbing) shall commence until a Development Permit is issued.

The definitions for development and subdivision from the *Urban and Rural Planning Act, 2000* are provided here for ease of reference:

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

a. making of an access onto a highway, road or way,
b. erection of an advertisement or sign,
c. construction of a building,
d. parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

and excludes the

e. carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
f. carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,

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

"Subdivision means the dividing of land, whether in single or joint ownership into 2 or more pieces for the purpose of development" (*Urban and Rural Planning Act, 2000).*

For further clarification regarding subdivision, no land over which there is an existing structure shall be subdivided for the purpose of creating distinct title to different dwelling units unless:

a. Each dwelling unit is entirely comprised within the new title and self-contained within the new lot with no common spaces or shared services;
b. The fire separation for each dwelling unit is confirmed; (this applies to buildings with zero lot line, such as townhomes or planned unit developments); and
c. A subsidiary apartment cannot be subdivided from the self-contained dwelling that it is constructed within.

2.2. NO DEVELOPMENT PERMIT REQUIRED

2.2.1 No Development Permit Required

1) The following land uses do not require Development Permit approval (unless located within an environmentally sensitive area in accordance with Schedule E), but must comply with applicable external Federal and Provincial provisions and requirements, if applicable:
    a. Removal, deposit, or grading of soil, sand, gravel, rock or other aggregate material if the activity involves less than 1 tandem truck loads within the yard of a dwelling for a purpose incidental to the enjoyment of the dwelling as a dwelling.
    b. Minor landscaping involving less than 1tandem truck load of material within the yard of a dwelling for a purpose incidental to the enjoyment of the dwelling as a dwelling (examples: minor backfilling, fire pits, walkways, non-structural retaining walls, flowerboxes).
    c. A passive recreational use such as a walking trail or picnic area (as discussed and approved by the City.
    d. Replacement of a septic tank (not including replacement of a septic field, or construction and installation of a new septic system).
    e. A conservation use to preserve natural areas.
    f. Storage structures/enclosures underneath patio/decks.
    g. Residential fences 2.0 m or less in height.
    h. Home Gardening (as set out in Section 5.2.11.2).
    i. Construction, demolition, and/ maintenance of patio/decks (examples: patios, steps, landings, wheelchair ramps) only if detached from the building.
    j. Driveway repairs and maintenance (excluding culvert replacement and/or widening).
    k. Non-structural interior renovations (replacing drywall, flooring or cabinetry and painting).

l. Non-structural exterior renovations (replacing windows or doors with the same size and location, siding, roofs, shingles and other exterior finishes).
m. Construction and/or maintenance of ditches or drainage channels (excluding those that lead to a publicly owned road or an environmentally sensitive feature (watercourse, waterbody, wetland, etc.) excluding ditches or drainage channels which are part of an engineered grading plan that has been accepted by the City and in effect.
n. Temporary swimming pools that are assembled and disassembled on a seasonal basis, or hot tubs measuring 8.0 m^2 or less.
o. A scaffold or other temporary building or structure incidental to the development, construction or work in progress, on premises for which a development or building permit has been granted, until such time as the work has been finished or abandoned.
p. Single detached dwellings.

2.2.2 Orders to Address Public Concern

An exemption from requiring a Development Permit under 2.2.1 shall not prevent Council in issuing orders that may be required to address a matter of public concern.

2.3. APPLICATION FOR A DEVELOPMENT PERMIT

2.3.1 Who Can Apply and How

1) An application for a Development Permit or for Approval in Principle (see 2.5.6) shall be made only by the owner, or by a person authorized by the owner, to Council on such form as may be prescribed by Council.
2) Council shall, on request, supply to every applicant a copy of the application forms and a description of the plans, specifications, and drawings required to be provided with the application. Council shall provide all available information and requirements to assist in the preparation of the application (Section 35 (1) (f) of the *Urban and Rural Planning Act, 2000*).
3) Council has the ability to determine typology of development permit to be issued based on development application submitted and approval in principle issued in conformity with the definition of development under Section 2(g) of the *Urban and Rural Planning Act, 2000*.

2.3.2 All Applications

An application for a Development Permit shall contain the information needed to satisfy the applicable requirements in these Regulations. Every application shall include:

a. such application forms, plans, specifications and drawings as Council may require;
b. the application and/or permit fees required by Council; and,
c. all information required to process the application in accordance with these Regulations. Such information shall include the following: as applicable:
    i. location of the site on a map;
    ii. details of proposed use: type, size and scale, colour and form of development, including landscaping;

iii. conformity with development standards for the zone in which the development occurs, including but not limited to, lot area, lot frontage, siting of structures, and building area and height, and general development standards set out in Chapter 4.0;
iv. contours and significant natural features which may include the following: wetlands, watercourses, drainage channels, and slopes that exceed 15 percent, existing vegetation, trees, and any other environmentally sensitive features;
v. existing streets, buildings, and land uses in the vicinity of the site;
vi. a conceptual layout of proposed streets, trails, other main elements of the development;
vii. proposed access/egress, off-street parking, loading requirements;
viii. a landscaping plan, including buffers and/or separation distances;
ix. proposed water supply, waste disposal and storm water drainage services; and,
x. a legal survey plan prepared by a registered Newfoundland and Labrador land surveyor or other proof of ownership acceptable to Council.

2.3.3 Discretionary Use Applications

Discretionary Uses may only be considered for an application to develop where:

a. the Discretionary Use is stated in the applicable Use Zone table (Chapter 3); and,
b. Council has at the applicant's expense, published a notice in a newspaper circulating in the area or provided other suitable notification (posting of notices in buildings, Social media, City website) of the application and considered any representations or submissions received in response to that advertisement. It is recommended that Council notify the neighbouring property owners directly regarding the proposed discretionary use.

In addition to the information requirements for lots and buildings in 2.3.2, an application for a Discretionary Use shall contain the following information relating to Discretionary Uses involving operation of a business/service, if applicable:

a. floor area to be used for Discretionary Use,
b. number of employees employed on site,
c. hours of operation and seasonal variation in hours of operation if applicable,
d. description of activities related to traffic, noise, fumes, or open storage of materials/equipment, and
e. Other operational information that may be requested by the City.

2.3.4 Planned Unit Developments

Definition: Planned Unit Development means an integrated planned development which may involve a use that responds to a unique market opportunity and involves special development standards not otherwise permitted in the zone. The most common example of a Planned Unit Development is a vacant land condominium/bare strata development consisting of a contiguous area to be planned, developed, operated, and maintained as a single entity and containing one or more structures with common areas

that belong to them, such as a box store complex, resort, multi-unit residential, or cluster development. A Planned Unit Development may be approved by Council in any land use zone as a development and/or subdivision.

Conditions

1) Required to submit a Planned Unit Development application (2.3.2 , 2.3.3 & 2.3.4);
2) A Planned Unit Development shall front onto a publicly maintained road and comply with use requirements of the Zone within which it is located.
3) Roads and services provided in a Planned Unit Development, whether they are publicly or privately owned, shall be designed and treated as if they were public roads, public services and public utilities for the purpose of approvals by the Authority and other agencies.
4) The Planned Unit Development shall comply with the requirements of the Municipal Plan or any scheme adopted under it, and with the land use zoning for the site as it pertains to land use, height, and have a suitable relationship to nearby land uses in respect to appearance, traffic requirements, and demands on municipal services; and, the Planned Unit Development would be prepared and reviewed by the Council according to its regular development approval process.
5) In a Planned Unit Development, the Council may also, at its discretion, approve the erection of buildings which are designed to form part of a zero lot line development provided that the buildings are designed to provide both privacy and reasonable access to natural daylight, and the overall density conforms to standards set out in the Use Zone Table, and Service NL requirements.
6) In addition to the information in 2.3.2, the following requirements shall apply to all proposed Planned Unit development applications involving new street construction or development of large sites for commercial (including commercial recreational), industrial, residential and public institutional development. A Planned Unit Development application would normally contain the following:

    i. Goals, objectives and land use policies for the development area;
    ii. Identification of developable area of site, indicating accommodation of site conditions such as poor drainage, steep slopes, flooding potential and rocky ground;
    iii. Proposed siting of new buildings, or additions, including building square footage area size, building height, and setback distances to property lines;
    iv. Building lot area coverage where applicable;
    v. Total number of proposed multi-unit residential dwellings, or strata unit commercial and/or industrial units, and interior floor plans;
    vi. Layout drawing of proposed parking area, total number and size of parking spaces and maneuvering aisles, access and egress locations to parking area, provisions for bicycle parking where applicable, landscape screening for parking areas and storm water management;
    vii. Identification of outdoor amenity and open space and recreation areas;
    viii. Identification of unenclosed storage areas and area size;
    ix. Overview of landscaping treatment and approach for the site development;
    x. Phasing of the development;
    xi. Street and servicing layout, including on-site road pattern and traffic and relation to surrounding community in conformance with City standards;

xii. Indicate any issues related to the long-term maintenance of streets and other services; and
xiii. if required, an amendment to the Municipal Plan and Development Regulations where the Planned Unit Development is not listed in the Use Zone table for the zone in which it occurs.

2.3.5 Temporary Use Applications

Definition: A temporary use permit means a permit for a development or the use of land that is limited in scope, duration, and frequency and is allowed to operate on a short-term basis, such as, a temporary outdoor market, mobile vendor, or exhibition grounds for an event.

Conditions

1) Notwithstanding the zoning of land, Council may allow the use of land or a building or structure for the following, provided the proposed building or structure is of a temporary nature and subject to such conditions deemed necessary by Council;

2) Required to submit an application with meeting information requirements of 2.3.2 , 2.3.3 & 2.3.4 as applicable.;

3) The permit may be for a period not exceeding 1 year and may be renewed on an annual basis.

4) "Restaurant - Mobile Take-Out/Canteen or Street Vendor" and "Mobile Street Vendor (Non-Food) or Office" shall be processed as Temporary Use applications.

2.4. OPTIONS WHEN A PROPOSAL DOES NOT FIT REGULATIONS

After providing the information required in section 2.3, it may become evident that the proposed development does not meet the requirements of the Development standards. The applicant can consider whether this could be addressed by:

- applying a variance;
- undertaking research to determine whether there is an issue of the use being a non-conforming use/development and subject to additional considerations; or
- whether an amendment to the Development Regulations should be requested to accommodate the needs of the proposal.

The following sections outline how these options apply.

2.4.1 Variances

1) Where the proposed development does not comply with any numeric requirement in the applicable use zone table set out in these Regulations for the zone in which the site occurs, Council may, in its discretion, provide a variance to the requirement to a maximum of ten percent (10%) if, in Council's opinion, compliance with the development standards would prejudice the proper development of

the land, building, or structure in question or would be contrary to public interest (the 10% is stipulated in the Minister's *Development Regulations 3/01* in Schedule D and cannot be amended by Council). The applicant may request the variance.

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

3) Council shall not permit a variance from the development standards where the proposed use would increase the non-conformity of an existing non-conforming development or would result in the creation of non-conformity of any existing legal development.

4) Where Council is to consider a proposed variance, Council shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, or by any other means approved by the Local Governance and Land Use Planning Division and allow a minimum period of seven (7) days for response. Notices shall be forwarded to property owners whose properties are located within a minimum 50 m offset of the land that is the subject of the variance.

2.4.2 Non-Conforming Uses & Non-Conforming Development

Refer to Section 108 of the *Urban and Rural Planning Act 2000* and Sections 14, 15, 16 and 17 of the *Ministerial Development Regulations* found in Schedule D.

1) If a non-conforming development or land use is discontinued after these Regulations came into legal effect, a right to resume a discontinued non-conforming use of land shall not exceed **two years** after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:

2) The building or use of land is clearly vacated or the building is demolished,

3) The owner or tenant has ceased paying residential or business taxes for that use, or The owner or tenant has stated in writing that the use has ceased.

4) Regarding a notice of an application to change a non-conforming use~~:~~ this shall be by advertisement in a newspaper circulating in the area, or by any other means approved by the Local Governance and Land Use Planning Division, and a minimum of seven (7) days shall be provided for persons to respond. (*Minister's Development Regulations 3/01*-see Schedule D). If notices are to be forwarded to properties in the immediate vicinity, notices shall be forwarded to property owners whose properties are located within a minimum 50 m offset of the land that is the subject of the change in non-conforming use.

2.4.3 Amendment to Development Regulations

1) A request to amend these Development Regulations may be made by any person and an application in the required form shall be submitted to the Council. This may also require an associated amendment to the Municipal Plan and/or the St. John's Urban Region Regional Plan.

2) All costs for the amendment are to be borne by the person requesting the amendment, (Section 27, the *Urban and Rural Planning Act, 2000*) except when initiated by Council.

3) Where an amendment request proposes to rezone privately owned lands (except when initiated by Council), the person requesting an amendment application shall be the property owner or a person operating under the owner's written consent. A copy of this written consent must accompany the application.

4) An amendment to the text of the Development Regulations and/or the Land Use Zoning Map which requires an associated amendment to the Municipal Plan must follow the amendment process set out in Sections 14 – 25 of the *Urban and Rural Planning Act, 2000*.

5) An amendment to the text of the Development Regulations and/or the Land Use Zoning Map which ***does not*** require an associated amendment to the Municipal Plan does not follow the full process set out in Sections 14-25 of the *Urban and Rural Planning Act, 2000*; however, Section 14 public consultation is required as part of the Council review process. Council then must adopt the amendment by resolution at a Regular Meeting of Council as per Section 35 (5) of the *Urban and Rural Planning Act, 2000.* The Amendment shall be submitted in the required form to the Local Governance and Land Use Planning Division for Registration.

6) Where a Municipal Plan amendment and/or Development Regulation amendment is requested, all, or some, of the following criteria may be considered:

    a. all of the criteria listed in the policies of the Plan;
    b. the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;
    c. the location of vehicular access points and the impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties;
    d. the exterior design in terms of bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;
    e. the potential impact of the development on surrounding natural features and heritage resources;
    f. constraints posed by the environment, including but not limited to, locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, and ground borne vibration may limit development;
    g. compliance of the proposed development with the provisions of the City's Municipal Plan and Development Regulations; and,

h. measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.

7) An applicant for a proposed change in land use may be required to provide information and details on the development and its likely impacts.

8) Under the authority provided in the *Urban and Rural Planning Act, 2000*, Council determines the uses that may or may not be developed in a Land Use zone on the Land Use Zoning map and those uses shall be listed in Chapter 3 as discretionary, permitted or prohibited uses. If Council refuses a request for an amendment, that decision cannot be appealed to the Department of Municipal and Provincial Affairs.

2.5. COUNCIL DECISION-MAKING

2.5.1 Discretionary Decision-Making Powers of Council

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

2.5.2 Timely Decision-Making

Applications properly submitted in accordance with these Regulations which have not been determined by Council and on which a decision has not been communicated to the applicant in a timely manner from the date of a complete application being received by Council, or its may be deemed to be refused.

2.5.3 Deferment of Application:

1) Council may, with the written agreement of the applicant, defer consideration of an application. Council may defer decisions on an application for a Development Permit and/or an application for an amendment to these Regulations.
2) If the application is not deferred within eighty (80) days of submission and no decision is made by Council, the application shall be deemed refused.
3) Council may defer decisions on an application for a Development Permit and/or an application for an amendment to these Regulations within a specified area where Council has directed that a planning study or other similar study pertaining to the future use and development of the specified area be undertaken. A decision to defer an application when a Council requests further information or studies does not allow an appeal under Section 42 (1) of the *Urban and Rural Planning Act, 2000.*
4) An application may be withdrawn only on receipt of a written request from the applicant.

2.5.4 Public Notice

Council shall, at the applicant's expense (Section 35 (1) of the Urban and Rural Planning Act, 2000), publish a notice of the application by any other means appropriate for the size and scope of the community and consider any representations or submissions received in response to that advertisement, for the following:

1) A change in a non-conforming use; notice of an application to change a non-conforming use shall be by reliable means as deemed appropriate by Council, and a minimum of seven (7) days shall be provided for persons to respond. (Minister's Development Regulations 3/01-see Schedule E);

2) A proposed development is listed as a discretionary use; notice of an application regarding a proposed discretionary use be by advertisement by any reliable means as deemed appropriate by Council, this may include providing notice given directly to persons whose land is in the immediate vicinity of the land that is subject to the proposed discretionary use, and a minimum of seven (7) days shall be provided for persons to respond.

3) A Planned Unit Development is proposed; Council shall publish a notice by any reliable means as deemed appropriate by Council, give public notice, and shall provide a minimum of fourteen (14) days for persons to respond;

4) If Council determines that the public should be notified of an application; notice of the application shall be by any reliable means as deemed appropriate by Council, and a minimum of seven (7) days shall be provided for persons to respond;

5) A Planning Impact Analysis is proposed; Council shall publish a notice by any reliable means as deemed appropriate by Council, give public notice, and shall provide a minimum of fourteen (14) days for persons to respond;

6) A variance: written notice of a variance application shall be given directly to persons whose land is in the immediate vicinity of the land that is the subject of the variance who are likely to be affected (Minister's Development Regulations 3/01-see Schedule E) and a minimum of seven (7) days shall be provided for persons to respond.

2.5.5 Briefing Sessions

Council may require a public meeting to be held in respect of any matter arising under these Regulations.

Council shall advertise or require the applicant to advertise the application by a minimum of one (1) advertisement in a newspaper circulating in the local area or by other reliable means as deemed appropriate by Council, at least ten (10) calendar days prior to the holding of a briefing session where the application shall be discussed.

The notice shall: (a) contain a general description of the application; (b) specify the date set for the briefing session at which the application is to be discussed; (c) specify the date set for receipt of written representation on the application by the City; (d) identify the place and time where the application can be viewed by the public; and (e) specify that Council shall cancel the briefing session if no written response is received by the deadline for the receipt of responses.

Council may make such effort as it deems reasonable to provide that written notices are mailed to the addresses of property owners, as identified on the current City's assessment role, within a radius of at least two hundred metres (200 metres) from the application site, a minimum of fourteen (14) calendar days prior to a briefing session where such application is discussed.

Notes of the proceedings of the briefing session shall be recorded and these notes, together with any written representations, shall be considered by Council when it makes its decision on the matter, which is the subject of the briefing session.

2.5.6 Approval of a Development Permit

1) A development written permit issued by Council or its designated staff shall constitute permission to develop in accordance with these Regulations.
2) This permission shall not relieve the applicant from full responsibility for obtaining all other permits or approvals prior to commencement of development and complying with all other regulations and statutes during development.
3) Council may attach conditions in writing to a development permit to ensure compliance with the Mount Pearl Municipal Plan 2025 and these Regulations, and the permit holder shall be responsible for full compliance with these conditions.
4) When approving a discretionary use, Council shall state in writing the basis for approval.
5) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one additional year; except for Signs (see Section 7.0).
6) No person shall change the application for which a development permit was issued unless written approval of the change has been issued by Council.
7) A copy of the permit, along with plans and specifications, shall be kept on the site until the development is completed.
8) A decision by Council on an application to undertake development can be appealed in accordance with Section 42 of the *Urban and Rural Planning Act, 2000*.

2.5.7 Permit Responsibilities of the Applicant

The applicant shall meet the requirements of the Mount Pearl Development Regulations 2025 and conditions attached to the permit to develop. Even though an applicant may receive a municipal development permit, the applicant is responsible for ensuring compliance with all relevant federal and provincial legislation, regulations, policies and guidelines prior to commencing a land use or

development approved under these Development Regulations. Council may require proof of compliance with federal or provincial requirements before issuing municipal approval.

2.5.8 Correction of Errors and Remedial Work

The approval of any plans or drawings or the issuance of a development permit shall not prevent Council or any officer from thereafter requiring the correction of errors or from ordering the cessation of, or remedial work on any development being carried out in the event that the same is in violation of these or any other regulations or statutes.

2.5.9 Revoke Permit

Council or any designated officer may revoke an approval and any subsequent permits for (1) failure by the holder~~,~~ to comply with these Regulations or any condition attached to the permit or (2) where the permit was issued contrary to the applicable regulations or (3) was issued on the basis of incorrect information or issued in error.

2.5.10 Fee for Permit

Council may charge fees for development approvals and permits in accordance with the annual Schedule of Fees adopted by Council. Council may change fees or introduce new fees during a year and such fees will be in effect immediately after such a decision is made without necessarily being shown on the annual Schedule of Fees adopted at the beginning of the year.

2.5.11 Written Reasons for Refusing a Permit or Setting Conditions on a Permit

1) Council shall, when refusing to issue a permit or attaching conditions to a permit:
    a. state the reasons for so doing;
    b. advise the applicant of their right to appeal (Section 42 of the *Urban and Rural Planning Act, 2000*; and,
    c. provide the decision in writing.
2) Where a development application for a land or building development or for an amendment to the Development Regulations has been refused by resolution of Council, an application for the same development, building or amendment shall not be considered within 12 months of the date of the previous refusal. New applications will only be considered within 12 months related to a previously rejected application where additional or revised information is submitted.

2.5.12 Refusal: Premature Development

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

services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

2) A permit shall not be issued for development within the Planning Area unless the owner of the property which is subject of the application remits payment of any and all outstanding taxes for the previous calendar year, and any and all other fees, or charges owed by the owner, whether or not the said taxes, fees or charges pertain to the property which is the subject of the application. Council may, in its sole discretion, waive this requirement upon the owner making satisfactory payment arrangements for such taxes, fees or charges.

2.5.13 Appeal

4) The person to whom a City's decision applies shall have the right to appeal that decision in accordance with Sections 40 to 46.2 of the *Urban and Rural Planning Act, 2000* and Sections 5 to 11 of the Development Regulations under that *Urban and Rural Planning Act, 2000*.

5) The applicant shall be informed of the right to appeal in the letter of refusal.

2.5.14 Register

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

2.6. SPECIAL REQUIREMENTS FOR DEVELOPMENT

2.6.1 Development Agreement

1) A development agreement is a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction detailing the obligations of both parties and specifying the standards and conditions that shall govern development of the property. The requirements and conditions outlined in a development agreement are considered to be additional conditions to a development permit.

2) These agreements can specify various elements of the development process ranging from phasing of a larger comprehensively planned community, to tax-sharing for retail development, to critical infrastructure responsibilities. Development agreements are most often used for Subdivision Developments as a condition of the permit, sometimes used in combination with a Planned Unit Development (Section 2.5.1) Scheme, Section 29 of the *Urban and Rural Planning Act, 2000,* in the form of a binding agreement that specifies the negotiated terms of the development, but these tools may also be used independently.

3) Where a Development Agreement is required as a condition of a Permit or approval in principle:
   a. The Development Agreement set out the terms specific to that agreement and shall be signed by the applicant and Council within two years of the approval granted by Council.
   b. Development cannot proceed until all conditions of the Development Permit are met and the Development Agreement is signed by the applicant and Council.
   c. Development cannot proceed until all conditions of the Development Permit are met and the Development Agreement is signed by the applicant and the Mayor and Chief Administrative Officer on behalf of Council.
   d. Approval given to a development under a Development Agreement is automatically null and void if the applicant or the operator of any facilities allowed under the Development Agreement is, in the opinion of Council, in violation of any of the terms of the Development Agreement or any other approvals for permits issued subsequent thereto.
   e. Any violation of the terms of the Development Agreement shall result in the immediate cessation of the development and, if damages have resulted, the full restitution therefore, together with any other penalties, fines, actions, and so forth as may be applicable in this instance.

2.6.2 Planning Impact Analysis

Council may require a Planning Impact Analysis (PIA) to evaluate any proposed land use, development and/or situation that affects the implementation of policies contained in the Municipal Plan.

A PIA may be required by Council to evaluate applications to determine the appropriateness of a proposed change in land use, and to identify potential issues and provide proposals for mitigation. The PIA shall document the criteria used in the application review process.

The Terms of Reference for a PIA shall be approved by Council prior to its execution and shall become an integral part of the report itself.

The PIA shall be prepared by qualified individuals/consultants. The report and any supporting studies may be prepared at the expense of the applicant, at Council's discretion. The report shall identify significant impacts, evaluate their importance, and recommend a Mitigation Plan indicating measures of control or mitigation, where appropriate.

Prior to the approval of a PIA, Council shall provide adequate time for a public review of the report, using the procedures for public notification as outlined in Section 2.5.4.

2.6.3 Financial Guarantees by Developer

Council may require a developer, before commencing a development, to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit (including landscaping). The financial provisions may be made in the form of:

   i. a cash deposit from the developer, to be held by Council;

ii. a security or guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer;
iii. a performance bond provided by an insurance company or a bank~~,~~
iv. an annual contribution to a sinking fund held by Council; or,~~.~~
v. another form of financial guarantee that Council may approve.

The financial guarantee shall be returned when the site has been restored and any conditions attached to the development permit have been carried out to Council's satisfaction.

2.6.4 Service Levy

Council may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of real property is enhanced by the carrying out of public works either on or off the site of the development (Section 136 of the *Towns and Local Service Districts* Act).

A service levy shall not exceed the cost, or estimated cost, including finance charges to Council of constructing or improving the public works referred to above that are necessary for the real property to be developed in accordance with these Regulations.

A service levy shall be assessed on the real property based on: (a) the amount of real property benefited by the public works related to all the real property so benefited, and (b) the density of development made capable or increased by the public work.

Council may require a service levy to be paid by the owner of the real property; (a) at the time the levy is imposed, (b) at the time development of the real property commences, (c) at the time development of the real property is completed, or (d) at such other time as Council may decide.

2.6.5 Require Land Conveyed for Public Work Purpose

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

2.6.6 Restoration of Land

Where the use of a site is discontinued, the intensity of its use is decreased, a development permit has been revoked or has expired, or a temporary development permit has expired, Council may order the developer, the occupier of the site, the owner, or all of them to restore the site, remove all or any buildings or erections, cover or fill all wells or excavations, and close all or any accesses, or to do any or all of these things, as the case may be, and the developer, occupier or owner shall carry out the order of Council and shall put the site in a clean and sanitary condition to Council's satisfaction.

2.7. ENFORCEMENT AUTHORITY

2.7.1 Delegation of Enforcement Authority

The *Urban and Rural Planning Act, 2000* provides for delegation of enforcement responsibilities under Section 109, where, an employee of a council may issue an order under the Section 102. An order made by an employee shall be confirmed by a majority vote of the members of the council present at the next meeting of that Council after the order is made and if the order is not confirmed in this manner, it shall be considered to be cancelled.

2.7.2 Right of Entry

Council or an officer 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 Council is empowered to regulate (Section 105 *of Urban and Rural Planning Act, 2000*).

2.7.3 Enforcement Authorities

1. Where it is determined that a use of land or development is contrary, or there is sufficient reason to believe it is contrary, to the Municipal Plan and Development Regulations, Council may initiate enforcement measures by issuing a stop work order pursuant to Section 102 of the *Urban and Rural Planning Act, 2000*. An order issued by council is subject to appeal under the *Urban and Rural Planning Act, 2000.*
2. A stop work order requires that person to stop the development or work connected with -the final adjudication in any prosecution arising out the of the development.
3. Every inspector shall keep a record of any violation of these Regulations and report that violation to Council.
4. A person who does not comply with an Order is guilty of an offence under the provisions of the *Urban and Rural Planning Act, 2000*.

3. LAND USE ZONES: USES, ACCESSORY USES & BUILDINGS, & HOME BUSINESSES

3.1. INTERPRETATION OF LAND USE ZONING AND DEVELOPMENT STANDARDS

3.1.1 Land Use Zones

1. The Municipal Planning Area is divided into Land Use Zones which are shown on the Land Use Zoning Maps attached to, and forming part of, these Regulations. For each zone, the intent and governing policies are set out in Section 3 of the Municipal Plan.

Interpretation of boundaries of the Use Zones shown on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No Development Regulation amendment shall be required in order to accommodate minor adjustments of the Use Zone boundaries.

Where the zoning overlaps municipal and provincial roadways, there shall be no encroachment of development onto the roadway owned by the City of the Department of Transportation and Infrastructure (TI) without the express written consent from the City or the Deputy Minister of TI. Any proponent shall be fully responsible to identify property and highways owned by the City or TI.

Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.

Where there is uncertainty regarding the existence of a watercourse identified on the zoning map, this can be confirmed in the field. If it is determined that the watercourse does not exist, the area in question shall be treated as if it is occurring within the surrounding zone.

The Municipal Plan states the objectives and policies for each of the land use designations including the establishment of the following zones:

LAND USE CLASS	LAND USE DESIGNATION FUTURE LAND USE MAP MUNICIPAL PLAN	LAND USE ZONE LAND USE ZONING MAP DEVELOPMENT REGULATIONS
CITY CENTRE	**CITY CENTRE**	1. City Centre (CC)
		2. City Centre-River's Edge (CC-R)
		3. City Centre-Topsail Road Gateway (CC-TR)
		4. City Centre-Waterford River (CC-W)
		5. City Centre-Waterford River-Riverside/Winston Avenue (CC-WRW)
COMMERCIAL	**COMMERCIAL**	6. Commercial Corridor (COM-C)
		7. Commercial-Neighbourhood (NC)
		8. Commercial-Regional (CR)
CONSERVATION	**CONSERVATION**	9. Environmental Protection (EP)
		10. Open Space, Parks and Trails (OSPT)
INDUSTRIAL	**INDUSTRIAL**	11. Industrial-Commercial (IC)
PUBLIC INSTITUTIONAL	**PUBLIC INSTITUTIONAL**	12. Community and Public Service (CPU)
		13. Utility (UT)
		14. Cemetery (CEM)
RESIDENTIAL	**RESIDENTIAL**	15. Residential Compact (RC)
		16. Residential Commercial (RCM)
		17. Residential High Density (RHD)
		18. Residential Low Density (RLD)
		19. Residential Medium Density (RMD)
		20. Residential Multi Unit (RMU)
		21. Residential Single Detached Dwelling (RSDD)

3.1.2 Land Use Zone Tables: Permitted and Discretionary uses

This Chapter provides Use Zone Tables which set out the Permitted and Discretionary Uses for each Zone. The standards, requirements, and conditions applicable to these Uses are set out in an associated Development Standards table with zone-specific conditions, in addition to the overall requirements set out in these Regulations. Sections 2.5.1 and 2.5.14 provide Council with discretion regarding decisions for both Permitted and Discretionary Uses.

3.1.2.1 Permitted Uses

Subject to these Regulations, Permitted Uses set out in the Use Zone Table shall be permitted by Council in that Use Zone provided that it meets the requirements of the Development Regulations.

3.1.2.2 Discretionary Uses

The Discretionary Uses listed in the Use Zone Tables may be permitted at the discretion of Council, provided that they are complimentary to uses listed as Permitted Uses, and that their development shall not inhibit or prejudice the existence or the development of the Permitted Uses.

Council shall be satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest.

Council is required to provide public notice of the application for a Discretionary Use in accordance with Section 2.5.4. Council shall consider any objections or representations which may have been received on the matter.

3.1.3 Accessory Uses & Accessory Buildings and Home Businesses

A permit is required for accessory uses & accessory buildings and home businesses. Definitions and examples are provided in Sections 3.4 and 3.5.

3.1.4 Uses Not Permitted

Uses that are not listed as Permitted or Discretionary Use on a Use Zone Table shall not be permitted in that Use Zone.

3.1.5 Uses Permitted in all Zones and requirements that apply in all zones

The following uses shall be permitted in all land use zones:

a. Conservation Land Use Class: 'Environmental protection' and 'Open space, park, & trail' uses (as set out in Section 5.5).
b. Mineral exploration not classed as 'Development' (as set out in Section 5.4.10).
c. Development associated with public infrastructure and services, including public transportation infrastructure and utilities (as set out in Section 5.8).
d. Subject to Sections 3.3 and 3.4, Accessory uses and accessory buildings provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use;

3.1.6 Development Standards and Requirements for all Development

1) All Development within the Municipal Planning Area shall conform to:
    a. Policies set out in the Municipal Plan;
    b. Development standards and conditions set out in the Development Regulations;
    c. Any other municipal regulation in force under the *Towns and Local Service Districts Act*; and,
    d. Requirements of Federal and Provincial legislation, regulations, policies and guidelines and standards, as amended from time to time.
2) If Council is aware that a proposed development may not comply with (1) (d) requirements, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.
3) Where these Development Regulations are more stringent than (1) (d), these Development Regulations shall apply.
4) The existing or proposed trail system within the City, identified in *Mount Pearl Walks (Trail Network Master Plan)*, shall employ appropriate construction techniques and shall include landscaped buffering as determined by Council. These trails are intended for pedestrian use such as walking, hiking, bicycling, and skiing, and in the interest of public safety motorized uses are prohibited.
5) Council shall consider measures to preserve natural features such as beaches, mature tree cover, areas of steep slopes and wetlands to support the preservation of ecosystems, landscape features, and areas of environmental significance. New development shall adhere to conditions specified by Council to preserve such features and minimize adverse environmental impacts.
6) Council shall ensure that public access to and along waterbodies is preserved. New development shall not be permitted to block or prevent public access by virtue of backfilling, depositing materials, erection of gates or fences unless specifically allowed as part of a development permit.
7) Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of public parks and playgrounds in any zones provided that such parks and playgrounds are not located in areas which may be unsafe and hazardous to their use, are not operated for commercial purposes, and are within the financial resource capacity of the City for any future potential ongoing maintenance costs.
8) Require infill development and outdoor storage to be sited in conformance with the building line setback with the following exceptions:
    - where it is desirable to be respectful of existing street lines within established streetscapes and a different building setback is allowed in the development standards of the zone in which the development occurs;
    - where it is determined necessary to undertake future road improvements, Council may establish building line setbacks on the basis of an approved road upgrading plan.

3.2. LAND USE ZONES

CITY CENTRE

3.2.1 City Centre (CC)

USE ZONE TABLE: CITY CENTRE (CC)
PERMITTED USES
Amusement Establishment/Use (5.3.1)
Bar/Licensed Liquor Establishment (5.3.6)
Business Support Service (5.3.8)
Child Care – Non-Residential (5.3.10)
Convenience Store (5.3.13)
Custom Manufacturing Service and Sales (5.3.14)
Garage, Public Parking/Taxi Stand (5.3.15)
General Service/Repair Shop (5.3.16)
Hotel or Inn (5.3.17)
Medical or Dental Clinic/Office (5.3.18)
Outdoor Commercial Patio (5.3.20)
Outdoor Market (5.3.21)
Personal Service (5.3.22)
Offices: Professional and Financial & related Support Services (5.3.23)
Restaurant-Full-Service Restaurant (5.3.25.2)
Retail (5.3.26)
Veterinarian Clinic (5.3.29)
Hostel (5.3.31)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Institutional Use (5.6.2)
Public Gathering Places -Indoor (5.6.4)
Public Gathering Places - Outdoor (5.6.5)
Sports and Recreation Facilities (5.6.6)
Apartment over Permitted use
Apartment Building (5.7.4)

USE ZONE TABLE: CITY CENTRE (CC)
PERMITTED USES
Plex housing-greater than 4 units (5.7.5)
Keeping of Bees (5.2.2.1)
DISCRETIONARY USES
Shopping Centres/ Retail Warehouse/Strip Mall (5.3.27)
Hostel (5.3.31)
Short Term Residential Rental (5.3.32)

Conditions

1) Development shall conform to the requirements of Section 3.1.6.
2) A Planning Impact Analysis may be required.
3) More than one (1) building may be constructed on a single parcel of land as a Planned Unit development.
4) The City Centre zone consists of two areas for which different development standards apply:
   a. the 'Centennial Square' area as identified in the 'Find Your Centre' report and shown below. Development standards for Centennial Square are designed to provide the flexibility to achieve the long term vision for this core area that is the heart of the City Centre.



Figure 35. Sketch showing a long-term development scenario for Centennial Square

Built Form Framework

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   b. The residential/commercial City Centre area which directly supports Centennial Square. The development standards for uses outside Centennial Square would be the Residential High Density zone for residential uses and the Commercial Corridor zone for non-residential uses.

DEVELOPMENT STANDARDS	
CENTENNIAL SQUARE	
MINIMUM	
Lot Area (m2)	600
Frontage (m)	20
Floor Area Ratio	3
Building Line (m)	1.5
Side Yard	0
Rear Yard (m)	2.4
Distance between buildings	2.4
MAXIMUM	
Lot Coverage (%)	75
Building Height	Maximum of 12 storeys, stepping back above the sixth floor

DEVELOPMENT STANDARDS		
CITY CENTRE-OUTSIDE CENTENNIAL SQUARE		
	Residential	Non-Residential
MINIMUM		
Lot Area (m^2)	At Discretion of Council	At Discretion of Council
Frontage (m)	25	
Building Line (m)	7.5	6
Side Yard #1(m)	3	3
Side Yard #2 (m)	3	5
Flanking Side Yard (m)	7.5	6
Rear Yard (m)	10	10
MAXIMUM		
Lot Coverage (%)	45	50
Building Height	6 storeys	6 storeys**
*per dwelling unit		
**additional height to be determined by Council		

3.2.2 City Centre-River's Edge (CC-R)

USE ZONE TABLE: CITY CENTRE-RIVER'S EDGE (CC-R)
PERMITTED USES:
Amusement Establishment/Use (5.3.1)
Business Support Service (5.3.8)
Custom Manufacturing Service and Sales (5.3.14)
Hotel or Inn (5.3.17)
Medical or Dental Clinic/Office (5.3.18)
Personal Service (5.3.22)
Offices: Professional, Financial & related Support Services (5.3.23)
Restaurant-Full-Service Restaurant (5.3.25.2)
Retail (5.3.26)
Veterinarian Clinic (5.3.29)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Public Gathering Places -Indoor (5.6.4)
Sports and Recreation Facilities (5.6.6)
Townhouses (5.7.3)-only lands described in Condition 3 (c) and (4)
Apartment over Permitted use
Apartment Building (5.7.4)-only on lots facing Topsail Road & Riverview/Winston Avenue area
Plex Housing (5.7.5)-greater than 4 units -Only on lots facing Topsail Road
Plex Housing (5.7.5)-less than 4 units-only on lands described in Conditions 3 (c) & 4
Non-Market Housing -Assisted Living-Residential Personal Care Home (5.7.7.1)
Keeping of Bees (5.2.2.1)
DISCRETIONARY USES
Bar/Licensed Liquor Establishment (5.3.6)
Garage, Public Parking/Taxi Stand (5.3.15)
General Service/Repair Shop (5.3.16)
Outdoor Commercial Patio (5.3.20)
Resort-Accommodation Only (5.3.24.1)- only on lands described in Conditions 3 (c)

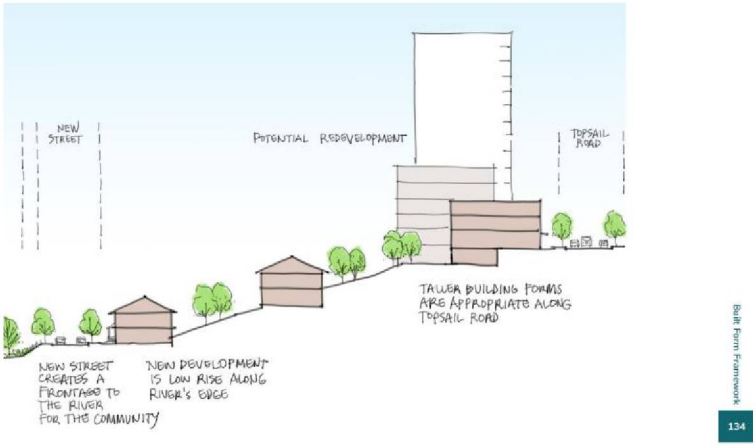
Conditions

1) Development shall conform to the requirements of Section 3.1.6.
2) A Planning Impact Analysis may be required.
3) More than one (1) building may be constructed on a single parcel of land as a Planned Unit development.
4) Residential Development at Topsail/Commonwealth/Waterford River location:
    a. This residential development would require the construction of a new local road as shown by blue arrow on the Development Scheme prepared for the 'Find Your Centre' report, see below.
    b. Development standards for higher density residential development (apartment buildings and plex housing) shall be the same as those set out in the Residential High Density Use Zone.



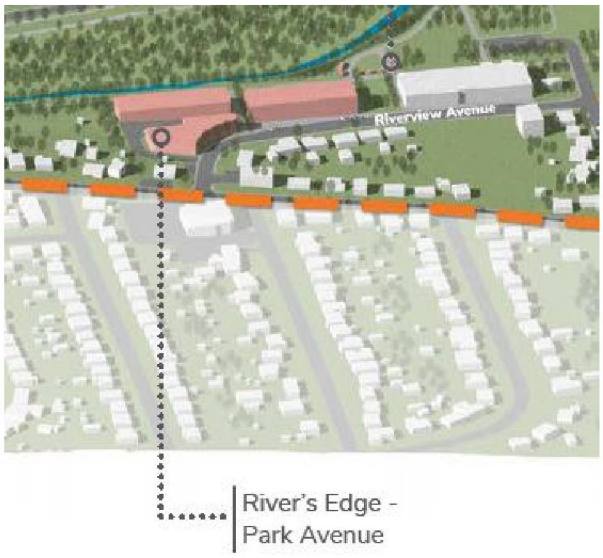
Figure 37. Development scheme for Topsail Road

    c. Higher density residential development (apartment buildings/plex housing) located on lands between lots facing Topsail Road/Commonwealth Ave and the City Centre-Waterford River zone shall be limited to low-rise structures located to blend into the hillside and protect the view to the river and the view from the river as recommended layout in the 'Find Your Centre' plan.



The height of development in Topsail/Commonwealth/Waterford River location is illustrated in this figure from 'Find Your Centre' report.

5) Residential Development at the Riverview/Winston Avenue location:
    a. Development standards for residential development shall be the same as those set out in the Residential Medium Density Use Zone.
    b. Apartment buildings in this location may have commercial uses on the main floor and apartments above.
    c. Development Principles:
        i. Siting & Massing:
            - There should be a strong, defined street edge along Riverview Avenue with a public building face that directly addresses the roadway.
            - Development along the edge of the T'Railway should present a public face to the trail itself. By facing the trail, the buildings are reinforcing the idea that the T'Railway is a valuable part of the City's circulation infrastructure, and strengthens the identity as a city in the park.
        ii. Articulation: The main entrance should face the street / trail and employ steps, porches, canopies, awnings, changes in roof lines, etc. that are in keeping with the character of the area;
        iii. Buildings should be relatable at a human scale and – if for retail/commercial use should feature larger windows, covered entries, and barrier free access to all commercial spaces.



DEVELOPMENT STANDARDS	
Development Standards for Apartment and Plex housing	
MINIMUM	
Lot Area (m^2)	140 per unit
Frontage (m)	25
Building Line (m)	7.5
Side Yard (m)	3
Flanking Side Yard (m)	7.5
Rear Yard (m)	10
MAXIMUM	
Lot Coverage (%)	45
Building Height	6 storeys*
*additional height at the discretion of Council	

DEVELOPMENT STANDARDS	
Development Standards for Non-residential development in City Centre-River's Edge zone at Riverview/Winston Avenue	
MINIMUM	
Lot Area (m^2)	At discretion of Council
Frontage (m)	30
Floor Area Ratio	5
Building Line (m)	6
Side Yard (m)	3
Flanking Side Yard (m)	10
Rear Yard (m)	10
MAXIMUM	
Lot Coverage (%)	65
Building Height	12 storeys*
*additional height to be determined by Council	

3.2.3 City Centre-Topsail Road Gateway (CC-TR)

Intersection of Topsail Road and Commonwealth: This is an extension of the recommendations 'Find Your Centre' report. Having high rise buildings on both sides of Topsail at this critical intersection will create a 'sense of arrival' as well as provide a logical location for businesses as an extension of the core City Centre at Centennial Square which has a limited land base.

USE ZONE TABLE: CITY CENTE-TOPSAIL ROAD GATEWAY (CC-TR)
PERMITTED USES:
Amusement Establishment/Use (5.3.1)
Business Support Service (5.3.8)
Custom Manufacturing Service and Sales (5.3.14)
Hotel or Inn (5.3.17)
Medical or Dental Clinic/Office (5.3.18)
Personal Service (5.3.22)
Offices: Professional, Financial & related Support Services (5.3.23)
Restaurant-Full-Service Restaurant (5.3.25.2)
Retail (5.3.26)
Veterinarian Clinic (5.3.29)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Public Gathering Places -Indoor (5.6.4)
Sports and Recreation Facilities (5.6.6)
Townhouses (5.7.3)-only lands described in Condition 3 (c) and (4)
Apartment over Permitted use
Apartment Building (5.7.4)-only on lots facing Topsail Road & Riverview/Winston Avenue area
Plex Housing (5.7.5)-greater than 4 units -Only on lots facing Topsail Road
DISCRETIONARY USES
Bar/Licensed Liquor Establishment (5.3.6)
Garage, Public Parking/Taxi Stand (5.3.15)
General Service/Repair Shop (5.3.16)
Outdoor Commercial Patio (5.3.20)

Conditions

1) Development shall conform to the requirements of Section 3.1.6.
2) More than one (1) building may be constructed on a single parcel of land as a Planned Unit development.
3) Development standards for residential development shall be the same as those set out in the Residential High Density Zone.
4) Apartment buildings may have commercial uses on the main floor and apartments above.

DEVELOPMENT STANDARDS	
City Centre-Topsail Road Gateway zone	
MINIMUM	
Building Line (m)	6
Side Yard #1(m)	3
Side Yard #2 (m)	5
Flanking Side Yard (m)	10
Rear Yard (m)	10
MAXIMUM	
Lot Coverage (%)	50
Building Height	12 storeys*
*additional height to be determined by Council	

3.2.4 City Centre-Waterford River (CC-W)

USE ZONE TABLE: CITY CENTRE-WATERFORD RIVER (CC-W)

Uses in this zone must align with the stipulations set out in the Water Resources Management Policy Directive as set out in Table 1 below

PERMITTED USES
{Parking} Garage, Public Parking/Taxi Stand (5.3.15)
Outdoor Commercial Patio (5.3.20)
Outdoor Market (5.3.21)
Restaurant-Full-Service Restaurant (5.3.25.2)
Retail (5.3.26)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Public Gathering Places - Outdoor (5.6.5)
Townhouses (5.7.3)
Apartment Building (5.7.4)
Keeping of Bees (5.2.2.1)
DISCRETIONARY USES
Hotel or Inn (5.3.17)
Resort-Accommodation Only (5.3.24.1)

Table 1 Water Resources Management Policy Directive regarding Flood Plain Management Policy (W.R. 96-1)		
TYPES OF USES **(WRMD definitions provided below)**	**FLOODWAY** **(1:20 year flood)**	**FLOODWAY FRINGE** **(1:100-year flood)**
Temporary alterations	Permitted	Permitted
Non-structural uses	Permitted	Permitted
Structures related to use of water resources	Permitted	Permitted
Minor structural or other projects	Permitted with conditions*	Permitted with conditions*
Other structures not used primarily for residential	Permitted with conditions*	Permitted with conditions*
Industrial Uses related to shipping (marine only)	Permitted with conditions*	Permitted with conditions*
Other industrial and commercial	Permitted with conditions**	Permitted with conditions*
Institutional	Not Permitted	Not Permitted
Residential and other institutional	Not Permitted	Permitted with conditions*
Hydraulic Structures	Permitted	Permitted

WRMD Types of Uses

In general, it is the policy of the Water Resources Management Division that flood plains and the buffer zone be preserved and left in their natural state. Recognizing that this is an ideal that would hinder significant benefits that could be derived from certain development in a flood plain and outweigh all risk of loss, damage or peril, this policy for flood plain management views any application to avail of land in flood risk areas in decreasing order of preference. These preferences are referred to hereafter as project categories.

a. Temporary alterations in a buffer zone, a climate change flood zone, a designated floodway fringe, a flood plain, a designated floodway, and lastly, the body of water itself.
b. Non-structural uses such as open space recreation, pasture, and wildlife habitat enhancement.
c. Structures related to use of water resources such as wharves, slipways, boathouses, pumping stations, storm or sewerage discharges.
d. Minor structural or other projects where only soil disturbance is involved such as constructed trails, pipelines, transmissions lines, roads, etc., assuming there will be no change in the grade of the land.
e. Other structures not used primarily for residential, commercial, industrial or institutional purposes where there will be a change in grade but not a building.

f. Industrial uses related to the marine shipping or fishing industries.
g. Other industrial and commercial development.
h. Institutional developments such as hospitals, senior citizens homes, homes for special care or schools where flooding could pose a significant threat should evacuation become necessary.
i. Residential and other institutional development.

WRMD Conditions

*where projects may be permitted with conditions, the following conditions will apply:

1) the ground floor elevation of the structure is higher than the 1:100-year flood level and the climate change flood zone (where designated), and,
2) the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties, and,
3) the structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
4) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc., and,
5) additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Act*.
6) Additions and Modifications to Existing Development: Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within the flood plain, will be assessed for suitability in the same way as the project category as a whole.

**This is a reference to Section 6.06 of the WRMD Policy which pertains to coastal waters.

Conditions and Development Standards Related to City Permitted and Discretionary uses

1) Development shall conform to the requirements of Section 3.1.6.
2) The uses that are listed as Permitted or Discretionary uses are subject to the WRMD Policy requirements including permitting and conditions attached to any permits.
3) Residential development must comply with development standards for the Residential Medium Density zone.
4) Non-residential development must comply with the development standards for the Commercial-Neighbourhood zone; except for commercial use of the first floor of an apartment building.

Conditions

1) The development standards for residential development in this zone shall be: 'Residential High Density' zone.

2) The development standards for non- residential development in this zone shall be at the discretion of Council.

3.2.5 City Centre-Waterford River: Riverview/Winston Avenue' Zone (CC-WRW)

USE ZONE TABLE: WATERFORD RIVER: RIVERVIEW/WINSTON AVENUE' (CC-WRW) Uses in this zone must align with the stipulations set out in the Water Resources Management Policy Directive and set out in Section 3.2.4.
PERMITTED USES
Community Garden (5.2.1)
Townhouses (5.7.3)
Apartment Building (5.7.4)
Plex Housing (5.7.9)-up to and including 4 units
Plex Housing (5.7.9)-greater than 4 units
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Keeping of Bees (5.2.2.1)
DISCRETIONARY USES
Assisted Living-Residential Personal Care Home (5.7.7.1)

Conditions

3) The development standards for this area would be: 'Residential High Density' zone.

4) Uses in this zone must align with the stipulations set out in the Water Resources Management Policy Directive and set out in Section 3.2.4.

COMMERCIAL

3.2.6 Commercial-Corridor (COM-C)

USE ZONE TABLE: COMMERCIAL CORRIDOR (COM-C)
PERMITTED USES
Amusement Establishment/Use (5.3.1)
Auto Body Shop (5.3.3)
Automotive Repair (5.3.4)
Automotive Sales and Service Establishment (5.3.5)
Bar/Licensed Liquor Establishment (5.3.6)
Building Supply Store (5.3.7)
Business Support Service (5.3.8)
Child Care – Non-Residential (5.3.10)
Service Club and Lodge (5.3.11)
Contractor, Limited (Small) (5.3.12)
Convenience Store (5.3.13)
Custom Manufacturing Service and Sales (5.3.14)
Garage, Public Parking/Taxi Stand (5.3.15)
General Service/Repair Shop (5.3.16)
Hotel or Inn (5.3.17)
Medical or Dental Clinic/Office (5.3.18)
Motel (5.3.19)
Outdoor Commercial Patio (5.3.20)
Outdoor Market (5.3.21)
Personal Service (5.3.22)
Offices: Professional, Financial & related Support Services (5.3.23)
Restaurant-Drive-Through and Take-Out (5.3.25.1)
Restaurant-Full-Service Restaurant (5.3.25.2)
Retail (5.3.26)
Shopping Centres/ Retail Warehouse/Strip Mall (5.3.27)
-Service Station – Residential (5.3.28.1)

USE ZONE TABLE: COMMERCIAL CORRIDOR (COM-C)

PERMITTED USES

Service Station –Highway (5.3.28.2)
Veterinarian Clinic (5.3.29)
Hostel (5.3.31)
Contractor, General (5.4.3)
Industrial - Light (5.4.7)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Protective and Emergency Services (5.6.3)
Public Gathering Places -Indoor (5.6.4)
Sports and Recreation Facilities (5.6.6)
Apartment over Permitted use
Apartment Building (5.7.4)
Plex Housing (5.7.5)-up to and including 4 units
Plex Housing (5.7.5)-greater than 4 units
Non-Market Housing -Assisted Living-Residential Personal Care Home (5.7.7.1)
Non-Market Housing -Non-Profit Housing (5.7.7.2)
Non-Market Housing -Supportive Housing (5.7.7.3)
Dormitory (5.7.8)
Keeping of Bees (5.2.2.1)

DISCRETIONARY USES:

Kennel (5.2.3)
Amusement Park/Attraction (5.3.2)
Resort-Accommodation & Recreation Uses (5.3.24.2)
Short Term Residential Rental (5.3.32)
Composting Facility (5.4.2)
Industrial - General (5.4.5)
Non-Market Housing -Transitional Housing (5.7.4.1)
Campground (5.3.9)

Conditions

1) Development shall conform to the requirements of Section 3.1.6.
2) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development.
3) A Planning Impact Analysis may be required.
4) Apartment Buildings: Development standards for apartment buildings shall be the same as those set out in the Residential High Density Use Zone.
5) Topsail Road Access: Access to Development from Topsail Road shall be limited. Where possible, new Development will contribute to a reduction or consolidation of Accesses;
6) Minimum Landscaping on Lot: 20 %
7) Except for driveways not exceeding a width of ten metres (10 m) and used exclusively for the circulation of motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter:
    a. all land within 3 m of a fronting street line;
    b. all land within 3 m of a flanking street line; and
    c. all land within 1 m of another lot line within the front yard only; and,
    d. open storage of goods and machinery, with the exception of vehicle sales lots and commercial garages, shall not be located in the front or flanking yard.

DEVELOPMENT STANDARDS	
COMMERCIAL CORRIDOR ZONE	
MINIMUM	
Building Line (m)	6
Side Yard #1(m)	3
Side Yard #2 (m)	5
Flanking Side Yard (m)	10
Rear Yard (m)	10
Landscaping	20%
MAXIMUM	
Lot Coverage	50%
Building Height	6 storeys*
*additional height to be determined by Council	

3.2.7 Commercial-Regional (CR)

USE ZONE TABLE: COMMERCIAL-REGIONAL (CR)
PERMITTED USES
Amusement Establishment/Use (5.3.1)
Amusement Park/Attraction (5.3.2)
Auto Body Shop (5.3.3)
Automotive Repair (5.3.4)
Bar/Licensed Liquor Establishment (5.3.6)
Building Supply Store (5.3.7)
Business Support Service (5.3.8)
Garage, Public Parking/Taxi Stand (5.3.15)
General Service/Repair Shop (5.3.16)
Hotel or Inn (5.3.17)
Medical or Dental Clinic/Office (5.3.18)
Motel (5.3.19)
Outdoor Commercial Patio (5.3.20)
Outdoor Market (5.3.21)
Personal Service (5.3.22)
Offices: Professional - Financial & related Support Services (5.3.23)
Restaurant-Drive-Through and Take-Out (5.3.25.1)
Restaurant-Full-Service Restaurant (5.3.25.2)
Retail (5.3.26)
Shopping Centres/Retail Warehouse/Strip Mall (5.3.27)
Service Station – Residential (5.3.28.1)
Service Station –Highway (5.3.28.2)
Veterinarian Clinic (5.3.29)
Hostel (5.3.31)
Industrial - Light (5.4.7)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Institutional Use (5.6.2)
Protective and Emergency Services (5.6.3)

USE ZONE TABLE: COMMERCIAL-REGIONAL (CR)

PERMITTED USES

Public Gathering Places -Indoor (5.6.4)
Sports and Recreation Facilities (5.6.6)
Apartment over Permitted use
Apartment Building (5.7.4)
Plex Housing (5.7.5)-greater than 4 units
Non-Market Housing -Assisted Living-Residential Personal Care Home (5.7.7.1)
Non-Market Housing -Non-Profit Housing (5.7.7.2)
Dormitory (5.7.8)
Keeping of Bees (5.2.2.1)

DISCRETIONARY USES:

Short Term Residential Rental (5.3.32)
Contractor, General (5.4.3)

Conditions

1) Development shall conform to the requirements of Section 3.1.6.
2) A Planning Impact Analysis may be required.
3) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development.

DEVELOPMENT STANDARDS	
DEVELOPMENT STANDARDS FOR COMMERCIAL REGIONAL ZONE	
MINIMUM	
Lot Area (m^2)	At discretion of Council
Frontage (m)	25
Floor Area Ratio	5
Building Line (m)	7.5
Side Yard #1(m)	3
Side Yard #2 (m)	3
Flanking Side Yard (m)	7.5
Rear Yard (m)	2.4
Landscaping	20%
MAXIMUM	
Lot Coverage (%)	65
Building Height	12 storeys*
* Minimum Internal Lot Line Setback : <9m high=3m ; >9m high= Minor side yard to increase by 1 m for every additional 3 m in building height;	
*additional height at the discretion of Council	

CONSERVATION

3.2.9 Environmental Protection (EP)

USE ZONE TABLE: ENVIRONMENTAL PROTECTION
Uses in this zone shall comply with the stipulations set out in the Water Resources Management Policy Directive as set out in Table 1 in the City Centre-Waterford River zone
PERMITTED USES
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Public Gathering Places -Indoor (5.6.4)-See Condition 3
Public Gathering Places - Outdoor (5.6.5) -See Condition 3
DISCRETIONARY USES
Outdoor Commercial Patio (5.3.20) -See Condition 3
Outdoor Market (5.3.21) -See Condition 3

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.
2) More than one (1) building may be constructed on a single parcel of land as a Planned Unit development.
3) Allows for interpretation or Information centres for education or tourism only
4) Development standards are at the Discretion of Council.

3.2.10 Open Space, Parks and Trails (OSPT)

USE ZONE TABLE: OPEN SPACE, PARKS AND TRAILS (OSPT)
PERMITTED USES
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Institutional Use (5.6.2)
Public Gathering Places - Outdoor (5.6.5)
Sports and Recreation Facilities (5.6.6)
DISCRETIONARY USES
Outdoor Commercial Patio (5.3.20)
Outdoor Market (5.3.21)
Public Gathering Places - Outdoor (5.6.5) -See Condition 3

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.
2) More than one (1) building may be constructed on a single parcel of land as a Planned Unit development.
3) Related to interpretation or Information centres for education or tourism only.
4) Where there may be an overlap with the Open Space, Parks and Trails zone, all uses in this zone shall comply with the stipulations set out in the Water Resources Management Policy Directive as set out in Table 1 in the City Centre-Waterford River zone.
5) Where the Open Space, Parks and Trails zone overlaps with the T'Railway Provincial Park, the administration and control of the T'Railway Provincial Park remains with the Parks Division, Government of Newfoundland and Labrador and any cooperative arrangements made between the City and the Provincial Government at any time.
6) Development Standards are at the discretion of Council.

INDUSTRIAL

3.2.11 Industrial-Commercial (IC)

USE ZONE TABLE: INDUSTRIAL COMMERCIAL (IC)
PERMITTED USES
Auto Body Shop (5.3.3)
Automotive Repair (5.3.4)
Building Supply Store (5.3.7)
Business Support Service (5.3.8)
Contractor, Limited (Small) (5.3.12)
Custom Manufacturing Service and Sales (5.3.14)
Garage, Public Parking/Taxi Stand (5.3.15)
General Service/Repair Shop (5.3.16)
Offices: Professional, Financial & related Support Services (5.3.23)
Restaurant-Drive-Through and Take-Out (5.3.25.1)
Retail (5.3.26)
Service Station – Residential (5.3.28.1)
Service Station –Highway (5.3.28.2)
Veterinarian Clinic (5.3.29)
Crematorium (5.4.1)
Composting Facility (5.4.2)
Contractor, General (5.4.3)
Energy Generation Facilities (5.4.4)-more discussion
Wind Turbines (5.4.1)
Industrial - General (5.4.5)
Industrial - Light (5.4.7)
Industrial Mall (5.4.8)
Natural Resource-Related Uses (5.4.9)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Protective and Emergency Services (5.6.3)
Keeping of Bees (5.2.2.1)

DISCRETIONARY USES

Kennel (5.2.3)
Industrial – Heavy And/or Hazardous (5.4.6)
Salvage/Scrap Yard (5.4.10)
Solid Waste Recycling/Disposal& Composting Site (5.4.11)

Conditions

1) Development shall conform to the requirements of Section 3.1.6.
2) Notwithstanding the standards in the Use Zone Table, Council may require the building line setbacks (building line) of new buildings to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street, and may allow buildings to be permitted to abut existing sidewalks.
3) Unimpeded emergency vehicle access of 4 metres shall be maintained between buildings, except where buildings are built with adjoining party walls.
4) A Planned Unit Development application may be required;
5) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development.
6) Buffer between residential and non-residential uses: A separations distance XXX (40 m) or a combination of separation distance and structural or vegetative landscaped buffer (see Chapter 4) between any non-residential use in this use zone and a residential use in this and any other zone. Buffers in this zone may be used to meet any land dedication requirements associated with development projects in this zone.
7) Landscaping
8) Minimum Landscaping on Lot: 20 %
9) Except for driveways not exceeding a width of ten metres (10 m) and used exclusively for the circulation of motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter:
    a. all land within 3 m of a fronting street line;
    b. all land within 3 m of a flanking street line; and
    c. all land within 1 m of another lot line within the front yard; and
    d. open storage of goods and machinery, with the exception of vehicle sales lots and commercial garages, shall not be located in the front or flanking yard.
        i. Landscaped Front Yard: The front yard shall be a minimum of eight metres (8 m) from the street line, to be used only for landscaping, outdoor display court, permitted access, driveways and permitted sign.
        ii. Required yards shall be landscaped, and the entire site and all buildings maintained in a neat, tidy manner including the

trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.

iii. All storage, freightage or trucking yard shall be enclosed or completely screened from any abutting residential, park or institutional zone by buildings, trees, landscaped features, or fences or a combination thereof.

10) In lieu of a sidewalk, the City may require a hard surface path of a minimum of 3-metres in width for pedestrian, cycle and other active transportation.
11) Additional Maximum Building Height: Council may allow the building height to be increased up to a maximum of twenty-four metres (24 m) provided that:
    a. the lot on which the building is proposed is not adjacent to an existing residential lot or residential zone,
    b. the architectural treatment of the building will be sympathetic and sensitive in design, material, and colour to its surrounding environment,
    c. Council shall be satisfied that the increase in the additional building height will not have a negative visual impact on a view plane, will not be considered out of character with the surrounding area, will not unduly cast shadows on adjacent properties, and will not create any adverse environmental impacts for adjacent or surrounding properties, and
    d. the increase in the additional building height shall be processed in accordance with Regulations 4.17 and 3.7.

DEVELOPMENT STANDARDS	
DEVELOPMENT STANDARDS FOR INDUSTRIAL-COMMERCIAL ZONE	
MINIMUM	
Lot Area (m^2)	1500
Frontage (m)	30
Building Line (m)	8
Side Yard (m)	5
Flanking Side Yard (m)	6
Rear Yard (m)	8
MAXIMUM	
Lot Coverage (%)	50
Height	6 storeys*
*additional height to be determined by Council	

PUBLIC INSTITUTIONAL

3.2.12 Community and Public Service (CPS)

USE ZONE TABLE: COMMUNITY AND PUBLIC SERVICE (CPS)
PERMITTED USES
Institutional Use (5.6.2)
Protective and Emergency Services (5.6.3)
Public Gathering Places -Indoor (5.6.4)
Public Gathering Places - Outdoor (5.6.5)
Sports and Recreation Facilities (5.6.6)
DISCRETIONARY USES
Outdoor Commercial Patio (5.3.20)
Outdoor Market (5.3.21)

Conditions

1. Development shall conform to the requirements of Section 3.1.6.
2. Notwithstanding the standards in the Use Zone Table, Council may require the building line setbacks (building line) of new buildings to complement the setbacks of existing conforming buildings on adjoining or nearby lots on the same street and may allow buildings to be permitted to abut existing sidewalks.
3. Landscaping

    a. Minimum Landscaping on Lot: 20 %
        i. Except for driveways not exceeding a width of 10 m and used exclusively for access purposes by motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter,
    b. All land within 3 m of a Front Lot Line
    c. All land within 3 m of a Flanking Street Line
    d. All land within 2 m of other Lot Lines

4)Fencing - A privacy fence at least 1.8 metres in height shall be required where the lot adjoins an existing residential lot or residential Use Zone.

DEVELOPMENT STANDARDS	
DEVELOPMENT STANDARDS FOR COMMUNITY AND PUBLIC SERVICE ZONE	
MINIMUM	
Lot Area (m^2)	Discretion of Council
Frontage (m)	30
Building Line (m)	10
Side Yard #1(m)	3
Side Yard #2 (m)	3
Flanking Side Yard (m)	10
Rear Yard (m)	6
MAXIMUM	
Lot Coverage (%)	50
Building Height	6 storeys*
*Additional height at the discretion of Council	

3.2.13 Utilities Zone (UT)

USE ZONE TABLE: UTILITIES (UT)
PERMITTED USES
Auto body shop (5.3.3)
Automotive repair (5.3.4)
Garage, Public Parking, taxi stand (5.3.15)
Contractor, General (5.4.3)
Energy Generation facilities (5.4.4)
DISCRETIONARY USES
Natural Resource-related (5.4.9)-limited to storage of materials

Conditions

1. Subject to all other applicable requirements as set out in 3.1.6.
2. Development standards are at the discretion of Council.
3. The area of the utility use shall be fenced in to ensure security of the use from the general public and shall be fenced in accordance with the Mount Pearl Fence Regulations.
4. The development of the lot shall include landscaping features that screen the building and equipment from public view from all adjacent streets and properties. A landscape plan that illustrates the vegetation and materials used to screen the utility use shall be prepared by the applicant and approved by Council.
5. Environment Report Required: Prior to a change of use of the land, Council shall require the applicant or developer to have an environmental report prepared indicating that the land is environmentally suitable for the change to the proposed use. The environmental report will be prepared by a qualified environmental consultant and under such terms of reference as approved by Council.

3.2.14 Cemetery (CEM)

USE ZONE TABLE: CEMETERY (CEM)
PERMITTED USES
Cemetery (5.6.1)
Public Gathering-Indoor (5.6.4)
Public Gathering-Outdoor (5.6.5)
Crematorium (5.4.1)
DISCRETIONARY USES
None listed at this time

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.
2) Development standards are at the discretion of Council.

RESIDENTIAL

3.2.15 Residential Compact (RC)

USE ZONE TABLE: RESIDENTIAL-COMPACT (RC)
PERMITTED USES
Community Garden (5.2.1)
Single Detached Dwelling (5.7.1)
Two Unit Dwellings -Semi-Detached Dwelling (5.7.2.1)
Two Unit Dwellings -Duplex (5.7.2.2)
Mini-Home (5.7.6)
Dwelling Unit Associated with a Place of Worship (5.7.11)
Accessory Residential Dwelling Units (5.7.12)
-Subsidiary Apartments (5.7.12.1)
-Garden Suite (Accessory Detached Dwelling Unit) (5.7.12.2)
-Garage Apartments (5.7.12.3)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Keeping of Bees (5.2.2.1)
DISCRETIONARY USES
Dormitory (5.7.8)
HOME BUSINESS
Home Business (3.5) sets out permitted and discretionary uses

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.
2) For Single Detached Dwellings and Two Unit Dwellings regardless of which zone in which they occur, the residential lot:
    a. May have up to a maximum of four dwelling units per lot with which may consist of:
        i. only one principal residential building per lot
        ii. a combination of subsidiary apartments, a Garage apartment or a Garden suite, subject to Section 5.7.13;

b. All dwelling units must comply with relevant National Building Code, Fire and Life Safety Codes, and specific development standards of the zone in which the lot is situated;
c. Must meet parking requirements;

3) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial *Condominium Act, 2009,* as amended, and, notwithstanding the development standards for the Residential Small Lot zone, shall comply with the following standards:

DEVELOPMENT STANDARDS		
DEVELOPMENT STANDARDS FOR RESIDENTIAL COMPACT ZONE		
	Single Detached Dwelling/Duplex/ Mini homes	Semi-Detached Dwelling
MINIMUM		
Lot Area (m^2)	200	200*
Frontage (m)	7.5	16
Building Line (m)	6	6
Side Yard #1(m)	1.5	1.5
Side Yard #2 (m)	1.5	1.5
Flanking Side Yard (m)	4.5	4.5
Rear Yard (m)	7.5	7.5
MAXIMUM		
Lot Coverage (%)	33	33
Building Height	3 storeys	3 storeys
*per dwelling unit		

3.2.16 Residential- Commercial (RCM)

USE ZONE TABLE: RESIDENTIAL-COMMERCIAL (RCM)
PERMITTED USES
Amusement Establishment/Use (5.3.1)
Business Support Service (5.3.8)
Child Care – Non-Residential (5.3.10)
Convenience Store (5.3.13)
Custom Manufacturing Service and Sales (5.3.14)
Garage, Public Parking/Taxi Stand (5.3.15)
General Service/Repair Shop (5.3.16)
Hotel or Inn (5.3.17)
Medical or Dental Clinic/Office (5.3.18)
Motel (5.3.19)
Outdoor Market (5.3.21)
Personal Service (5.3.22)
Offices: Professional & -Financial and related Support Services (5.3.23)
Restaurant-Full-Service Restaurant (5.3.25.2)
Retail (5.3.26)
Veterinarian Clinic (5.3.29)
Hostel (5.3.31)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Public Gathering Places -Indoor (5.6.4)
Sports and Recreation Facilities (5.6.6)
Apartment over Permitted use
Apartment Building (5.7.4)
Plex Housing (5.7.5)-up to and including 4 units
Plex Housing (5.7.5)-greater than 4 units
Non-Market Housing -Assisted Living-Residential Personal Care Home (5.7.7.1)
Non-Market Housing -Non-Profit Housing (5.7.7.2)
Non-Market Housing -Supportive Housing (5.7.7.3)
Accessory Residential Dwelling Units (5.7.12)
Keeping of Bees (5.2.2.1)

USE ZONE TABLE: RESIDENTIAL-COMMERCIAL (RCM)

DISCRETIONARY USES:

Community Garden (5.2.1)
Bar/Licensed Liquor Establishment (5.3.6)
Campground (5.3.9)
Restaurant-Drive-Through and Take-Out (5.3.25.1)
Service Station – Residential (5.3.28.1)
Short Term Residential Rental (5.3.32)
Shopping centres/Retail warehouse/Strip mail (5.3.27) – subject to Condition 3
Composting Facility (5.4.2)
Industrial - Light (5.4.7)
Industrial Mall (5.4.8)
Institutional Use (5.6.2)
Non-Market Housing -Transitional Housing (5.7.4.1)
Dormitory (5.7.8)
Assisted Living-Residential Personal Care Home (5.7.7.1)

Conditions

1) Development shall conform to the requirements of Section 3.1.6.
2) A Planning Impact Analysis may be required.
3) A shopping centre/retail warehouse/strip mall use within this zone shall meet the following requirements:
    a. the gross floor area of the shopping centre use shall not exceed 5000 m^2,
    b. the front yard shall be a minimum of six metres (6 m) from the street line to be used for nothing other than landscaping, permitted access, driveways, and identification sign,
    c. the shopping centre use shall meet all other development standards of this zone,
    d. the views from habitable rooms of surrounding residential dwellings and the amenity of outdoor spaces shall be respected in the design and siting of commercial buildings,
    e. landscaping of the shopping centre use shall screen outdoor parking, shipping, and storage areas directly visible from adjacent residential uses or areas.
    f. Snow piling areas shall be provided away from common fences with residential properties and away from streets, and
    g. Parking lots and motor vehicle circulation areas for the shopping centre use shall be situated to minimize the impact on adjoining residential properties.
4) More than one (1) building may be constructed on a single parcel of land as a Planned Unit development.

5) Landscaping: 20% except for driveways not exceeding a width of ten metres (10 m) and used exclusively for the circulation of motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter:
    a. all land within 3 m of a fronting street line;
    b. all land within 3 m of a flanking street line; and
    c. all land within 2 m of another lot line; and
    d. open storage of goods and machinery, with the exception of vehicle sales lots and commercial garages, shall not be located in the front or flanking yard.
6) Buffer between residential and non-residential uses: A separations distance of 40 m or a combination of separation distance and structural or vegetative landscaped buffer (see Chapter 4) between any non-residential use in this use zone and a residential use in this and any other zone. Buffers in this zone may be used to meet any land dedication requirements associated with development projects in this zone.

DEVELOPMENT STANDARDS	
DEVELOPMENT STANDARDS FOR APARTMENT BUILDING, PLEX HOUSING AND ASSISTED LIVING-RESIDENTIAL PERSONAL CARE HOME IN COMMERCIAL-RESIDENTIAL ZONE	
MINIMUM	
Lot Area (m^2)	150 + 25 per dwelling unit*
Frontage (m)	30 + 10m^2 per dwelling unit*
Building Line (m)	10*
Side Yard (m)	8*
Flanking Side Yard (m)	10*
Rear Yard (m)	12*
MAXIMUM	
Lot Coverage (%)	40
Building Height	12 storeys with additional height at the discretion of Council*

DEVELOPMENT STANDARDS	
DEVELOPMENT STANDARDS FOR COMMERCIAL AND INSTITUTIONAL USES IN COMMERCIAL-RESIDENTIAL ZONE	
MINIMUM	
Lot Area (m^2)	1200* (or at Discretion of Council?)
Frontage (m)	30 + 10m^2 per dwelling unit
Floor Area Ratio	3*
Building Line (m)	15*
Side Yard (m)	3*
Flanking Side Yard (m)	10*
Rear Yard (m)	10*
MAXIMUM	
Lot Coverage (%)	50*
Building Height	6 storeys with additional height at the discretion of Council*

3.2.17 Residential High Density (RHD)

USE ZONE TABLE: RESIDENTIAL HIGH DENSITY (RHD)
PERMITTED USES
Community Garden (5.2.1)
Single Detached Dwelling (5.7.1)
Two Unit Dwellings -Semi-Detached Dwelling (5.7.2.1)
Two Unit Dwellings -Duplex (5.7.2.2)
Townhouses (5.7.3)
Apartment Building (5.7.4)
Plex Housing (5.7.9)-up to and including 4 units
Plex Housing (5.7.9)-greater than 4 units
Mini-Home (5.7.6)
Non-Market Housing -Assisted Living-Residential Personal Care Home (5.7.7.1)
Non-Market Housing -Non-Profit Housing (5.7.7.2)
Non-Market Housing -Supportive Housing (5.7.7.3)
Non-Market Housing -Transitional Housing (5.7.7.4)
Boarding House/Lodging House (5.7.10)
Dwelling Unit Associated with a Place of Worship (5.7.11)
Accessory Residential Dwelling Units (5.7.12)
-Subsidiary Apartments (5.7.12.1)
-Garden Suite (Accessory Detached Dwelling Unit) (5.7.12.2)
-Garage Apartments (5.7.12.3)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Convenience Store (5.3.13)
Keeping of Bees (5.2.2.1)
DISCRETIONARY USES
Assisted Living-Residential Personal Care Home (5.7.7.1)
Dormitory (5.7.8)
Public Gathering Places -Indoor (5.6.4)
Short Term Residential Rental (5.3.32)
HOME BUSINESS
Homes Business (3.5) which sets out permitted and discretionary uses

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.
2) For non-residential Development standards:
    a. Commercial: The development standards of the Commercial-Neighbourhood zone shall apply;
    b. Institutional uses: The development standards of the Community and Public Service zone shall apply.
3) For Single Detached Dwellings and Two Unit Dwellings regardless of which zone in which they occur, the residential lot:
    a. May have up to a maximum of four dwelling units per lot with which may consist of:
        i. only one principal residential building per lot
        ii. a combination of subsidiary apartments, a Garage apartment or a Garden suite, subject to Section 5.7.13;
    b. All dwelling units must comply with relevant National Building Code, Fire and Life Safety Codes, and specific development standards of the zone in which the lot is situated;
    c. Must meet parking requirements;
4) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial *Condominium Act, 2009,* as amended, and, notwithstanding the development standards for the Residential Small Lot zone, shall comply with the following standards:

DEVELOPMENT STANDARDS			
DEVELOPMENT STANDARDS FOR RHD ZONE			
	Single Detached Dwelling/Mini home/Duplex	Semi-Detached Dwelling	Townhouse
MINIMUM			
Lot Area (m^2)	330	270*	135*
Frontage (m)	12	18	6*
Building Line (m)	7.5	7.5	7.5
Side Yard #1(m)	2.4	2.4	3
Side Yard #2 (m)	1.2	1.2	3
Flanking Side Yard (m)	7.5	7.5	7.5
Rear Yard (m)	8	8	8
MAXIMUM			
Lot Coverage (%)	40	40	40
Building Height	3 storeys	3 storeys	3 storeys
*per dwelling unit			

DEVELOPMENT STANDARDS	
DEVELOPMENT STANDARDS FOR APARTMENT, PLEX HOUSING & ASSISTED LIVING-RESIDENTIAL PERSONAL CARE HOME IN RESIDENTIAL RHD ZONE	
MINIMUM	
Lot Area (m^2)	140 per unit
Frontage (m)	25
Building Line (m)	7.5
Side Yard (m)	3
Flanking Side Yard (m)	7.5
Rear Yard (m)	10
MAXIMUM	
Lot Coverage (%)	45
Building Height	6 storeys

3.2.18 Residential Low Density (RLD)

USE ZONE TABLE: RESIDENTIAL LOW DENSITY (RLD)
PERMITTED USES
Community Garden (5.2.1)
Single Detached Dwelling (5.7.1)
Non-Market Housing -Assisted Living-Residential Personal Care Home (5.7.7.1)
Dwelling Unit Associated with a Place of Worship (5.7.11)
Accessory Residential Dwelling Units (5.7.12)
-Subsidiary Apartments (5.7.12.1)
-Garden Suite (Accessory Detached Dwelling Unit) (5.7.12.2)
-Garage Apartments (5.7.12.3)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Convenience Store (5.3.13)
Keeping of Bees (5.2.2.1)
DISCRETIONARY USE
Plex Housing (5.7.9)-up to and including 4 units
Two Unit Dwellings -Duplex (5.7.2.2)
Public Gathering Places -Indoor (5.6.4)
Short Term Residential Rental (5.3.32)
HOME BUSINESS
Home business (3.5) which sets out Permitted and Discretionary uses

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.
2) For non-residential Development standards:
   a. Commercial: The development standards of the Commercial-Neighbourhood zone shall apply;
   b. Institutional uses: The development standards of the Community and Public Service zone shall apply.

3) For Single Detached Dwellings and Two Unit Dwellings regardless of which zone in which they occur, the residential lot:
    a. May have up to a maximum of four dwelling units per lot with which may consist of:
        i. only one principal residential building per lot
        ii. a combination of subsidiary apartments, a Garage apartment or a Garden suite, subject to Section 5.7.13;
    b. All dwelling units must comply with relevant National Building Code, Fire and Life Safety Codes, and specific development standards of the zone in which the lot is situated;
    c. Must meet parking requirements;

4) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial Condominium Act, 2009, as amended, and, notwithstanding the development standards for the Residential Small Lot zone, shall comply with the following standards:

DEVELOPMENT STANDARDS		
DEVELOPMENT STANDARDS FOR RESIDENTIAL LOW DENSITY ZONE		
	Single Detached Dwelling/Duplex	Plex housing
MINIMUM		
Lot Area (m^2)	585	Discretion of Council
Frontage (m)	18*	25
Building Line (m)	8	7.5
Side Yard #1(m)	3	3
Side Yard #2 (m)	1.2	3
Flanking Side Yard (m)	7.5	7.5
Rear Yard (m)	10	8
MAXIMUM		
Lot Coverage (%)	33	45
Building Height	3 storeys	3 storeys
*Per unit		

3.2.19 Residential Medium Density (RMD)

USE ZONE TABLE: RESIDENTIAL MEDIUM DENSITY (RMD)
PERMITTED USES
Community Garden (5.2.1)
Single Detached Dwelling (5.7.1)
Two Unit Dwellings -Semi-Detached Dwelling (5.7.2.1)
Two Unit Dwellings -Duplex (5.7.2.2)
Townhouses (5.7.3)
Apartment Building (5.7.4)
Plex Housing (5.7.9)-up to and including 4 dwelling units
Mini-Home (5.7.6)
Non-Market Housing -Assisted Living-Residential Personal Care Home (5.7.7.1)
Non-Market Housing -Non-Profit Housing (5.7.7.2)
Non-Market Housing -Supportive Housing (5.7.7.3)
Non-Market Housing -Transitional Housing (5.7.7.4)
Dwelling Unit Associated with a Place of Worship (5.7.11)
Accessory Residential Dwelling Units -Subsidiary Apartments (5.7.12.1)
Accessory Residential Dwelling Units -Garden Suite (5.7.12.2)
Accessory Residential Dwelling Units -Garage Apartments (5.7.12.3)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Personal Care home (Institutional-5.6.2)
Public Gathering Places -Indoor (5.6.4) -See Condition 3
Keeping of Bees (5.2.2.1)
DISCRETIONARY USES
Convenience Store (5.3.13)-See Condition 3
Offices: Professional, Financial & related Support Services (5.3.23) -See Condition 3
Retail (5.3.26) -See Condition 3
Plex Housing (5.7.9)-greater that 4 dwelling units
Dormitory (5.7.8)
Protective and Emergency Services (5.6.3)

USE ZONE TABLE: RESIDENTIAL MEDIUM DENSITY (RMD)
Discretionary Uses continued
Sports and Recreation Facilities (5.6.6) -See Condition 3
Child Care – Non-Residential (5.3.10)
Short Term Residential Rental (5.3.32)
HOME BUSINESS
Home business (3.5) which sets out Permitted and Discretionary uses

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.
2) Development standards for non-residential development are as follows:
    a. Commercial: The development standards of the Commercial-Neighbourhood zone shall apply;
    b. Institutional uses: The development standards of the Community and Public Service zone shall apply.
3) These uses are limited to collector roads only as identified in the Integrated Transportation Plan and summarized in Chapter…….including but not limited to Park Avenue and Ruth Avenue.
4) For Single Detached Dwellings and Two Unit Dwellings regardless of which zone in which they occur, the residential lot:
    a. May have up to a maximum of four dwelling units per lot with which may consist of:
        i. only one principal residential building per lot
        ii. a combination of subsidiary apartments, a Garage apartment or a Garden suite, subject to Section 5.7.13;
    b. All dwelling units must comply with relevant National Building Code, Fire and Life Safety Codes, and specific development standards of the zone in which the lot is situated;
    c. Must meet parking requirements;
5) Where the building design fits the configuration of a townhouse or apartment building; then the development standards of each shall be applied as set out for the Zone in which the building is located.
6) Townhouse Dwellings and Apartment Buildings:
    a. Council will pay particular attention to the location and siting of higher density residential townhouse dwellings and apartment buildings. Preferred locations shall include those adjacent to major traffic corridors, near public use and commercial facilities, and on large site area corner lots.
    b. Where a townhouse development is proposed to be constructed on one (1) parcel of land under singular ownership (which may be subject to the provincial *Condominium Act, 2009,* as amended), Council may consider the frontage standards of a total minimum frontage of 15 m will be required to provide adequate access to the building (as opposed to a per unit measurement).
    c. Where possible, parking for a townhouse residential use will be provided in the side or rear yard. Parking in the front may be considered at the discretion of Council. Accessory buildings for

individual dwellings units shall only be allowed in the side or rear yard where each dwelling unit is independently owned and contained within its own legal property survey. Townhouse developments may utilize innovative housing layouts and may include multi-user accessory buildings.

7) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial *Condominium Act, 2009,* as amended. These may be called Cluster Developments and shall meet the minimum requirements set out for Cluster Developments in the Residential Multi Unit zone.

DEVELOPMENT STANDARDS					
DEVELOPMENT STANDARDS FOR RESIDENTIAL MEDIUM DENSITY ZONE					
	Single Detached Dwelling/Duplex	Semi-Detached Dwelling	Townhouse	Plex housing-up to 4 units	Plex housing > 4 units
MINIMUM					
Lot Area (m^2)	450	398*	180*	450	Discretion of Council
Frontage (m)	15	18	6*	15	25
Building Line (m)	7.5	7.5	7.5	7.5	7.5
Side Yard #1(m)	2.4	2.4	3	2.4	2*
Side Yard #2 (m)	1.2	2.4	3	2.4	2*
Flanking Side Yard (m)	7.5	7.5	7.5	7.5	7.5
Rear Yard (m)	8	8	8	8	8
MAXIMUM					
Lot Coverage (%)	45	45	45	45	40
Building Height	3 storeys	3 storeys	3 storeys	3 storeys	3 storeys
*per dwelling unit-for variation on frontage, refer to Condition 6 (b)					

DEVELOPMENT STANDARDS	
DEVELOPMENT STANDARDS FOR APARTMENT, PLEX HOUSING (>4 UNITS) AND PERSONAL CARE HOME IN RESIDENTIAL MEDIUM DENSITY ZONE	
MINIMUM	
Lot Area (m^2)	140 per unit
Frontage (m)	25
Building Line (m)	7.5
Side Yard (m)	3
Flanking Side Yard (m)	7.5
Rear Yard (m)	10
MAXIMUM	
Lot Coverage (%)	45
Building Height	6 storeys

3.2.20 Residential Multi Unit (RMU)

USE ZONE TABLE: RESIDENTIAL MULTI UNIT (RMU)
PERMITTED USES
Community Garden (5.2.1)
Townhouses (5.7.3)
Two Unit Dwellings -Semi-Detached Dwelling (5.7.2.1)
Two Unit Dwellings -Duplex (5.7.2.2)
Apartment Building (5.7.4)
Plex Housing (5.7.9)-up to and including 4 units
Plex Housing (5.7.9)-greater than 4 units
Tiny Homes (5.7.6)-see Condition 3
Non-Market Housing -Assisted Living-Residential Personal Care Home (5.7.7.1)
Non-Market Housing -Non-Profit Housing (5.7.7.2)
Non-Market Housing -Supportive Housing (5.7.7.3)
Non-Market Housing -Transitional Housing (5.7.7.4)
Dwelling Unit Associated with a Place of Worship (5.7.11)
Accessory Residential Dwelling Units (5.7.12)
-Subsidiary Apartments (5.7.12.1)
-Garden Suite (Accessory Detached Dwelling Unit) (5.7.12.2)
-Garage Apartments (5.7.12.3)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Convenience Store (5.3.13)-Subject to Condition-see Condition 4
Offices: Professional, Financial & related Support Services (5.3.23) -Subject to Condition 4
Retail (5.3.26) -Subject to Condition 4
Keeping of Bees (5.2.2.1)
DISCRETIONARY USES
Single Detached Dwellings (5.7.1)- Subject to Condition 2
Dormitory (5.7.8)
Boarding House/Lodging House (5.7.10)
Institutional Use (5.6.2)

USE ZONE TABLE: RESIDENTIAL MULTI UNIT (RMU)
Protective and Emergency Services (5.6.3)-Subject to Condition 4
Public Gathering Places -Indoor (5.6.4)
Public Gathering Places - Outdoor (5.6.5)
Sports and Recreation Facilities (5.6.6)
Child Care – Non-Residential (5.3.10)-Subject to Condition 4
HOME BUSINESS
Home business (3.5) which sets out Permitted and Discretionary uses

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.
2) Development standards for non-residential development are as follows:
    a. Commercial: The development standards of the Commercial-Neighbourhood zone shall apply;
    b. Institutional uses: The development standards of the Community and Public Service zone shall apply.
3) Tiny homes are only allowed as a Tiny Home subdivision only in this zone.
4) For Single Detached Dwellings and Two Unit Dwellings regardless of which zone in which they occur, the residential lot:
    a. May have up to a maximum of four dwelling units per lot with which may consist of:
        i. only one principal residential building per lot
        ii. a combination of subsidiary apartments, a Garage apartment or a Garden suite, subject to Section 5.7.13;
    b. All dwelling units must comply with relevant National Building Code, Fire and Life Safety Codes, and specific development standards of the zone in which the lot is situated;
    c. Must meet parking requirements;
5) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial *Condominium Act, 2009,* as amended, and, notwithstanding the development standards for the Residential Small Lot zone, shall comply with the following standards:

DEVELOPMENT STANDARDS						
DEVELOPMENT STANDARDS FOR RESIDENTIAL MULTI UNIT ZONE						
	Two-unit Duplex	**Two-unit Semi Detached**	**Apartment Buildings**	**Townhouse**	**Plex housing-**	
					up to 4 units	**> 4 units**
MINIMUM						
Lot Area (m^2)	450	398*	650	135 per unit	450	Discretion of Council
Frontage (m)	15	18	25	5*	15	25
Building Line (m)	7.5	7.5	6	7.5	7.5	7.5
Side Yard #1(m)	2.4	2.4	2*	2*	2.4	2*
Flanking Side Yard (m)	7.5	2.4	6	7.5	7.5	7.5
Rear Yard (m)	8	7.5	6	6	8	8
Landscaping (%)	n/a	8	40	40	-	40
MAXIMUM						
Lot Coverage (%)	45	45	50	40	45	40
Building Height	3 storeys	3 storeys	12 storeys	3 storeys	3 storeys	3 storeys
*With additional height, require 1 metre for every 4 metres of additional building Height, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres						

DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS FOR CLUSTER DEVELOPMENT IN THE RESIDENTIAL MULTI UNIT ZONE

	Apartment including Personal Care homes (5.6.2) excluding Townhouses	Townhouse	Plex housing up to 4 units	Plex housing > 4 units
MINIMUM				
Lot Area (m^2)	Discretion of Council	135 per unit	252	324
Frontage (m)	20	20	14	18
Building Line (m)	6	6	6	6
Side Yard #1(m)	2***	6	2***	2***
Minimum distance between buildings	1.2	1.2	1.2	1.2
Flanking Side Yard (m)	6	6	6	6
Rear Yard (m)	6	6	6	6
Landscaping (%)	35	35	30	40
MAXIMUM				
Lot Coverage (%)				
Building Height	12 storeys	3 storeys	3 storeys	3 storeys

*** Two, each equal to 1 metre for every 4 metres of Building Height, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres

3.2.21 Residential Single Detached Dwelling (RSDD)

USE ZONE TABLE: RESIDENTIAL-SINGLE DETACHED DWELLING (RSDD)
PERMITTED USES
Community Garden (5.2.1)
Single Detached Dwelling (5.7.1)
Dwelling Unit Associated with a Place of Worship (5.7.11)
Accessory Residential Dwelling Units -Subsidiary Apartments (5.7.12.1)
Accessory Residential Dwelling Units -Garden Suite (Accessory Detached Dwelling Unit) (5.7.12.2)
Accessory Residential Dwelling Units -Garage Apartments (5.7.12.3)
Environmental Protection (5.5.1)
Open Space, Parks and Trails (5.5.2)
Keeping of Bees (5.2.2.1)
DISCRETIONARY USES
Dormitory (5.7.8)
Public Gathering Places -Indoor (5.6.4)
HOME BUSINESS
Home business (3.5) which sets out Permitted and Discretionary uses

Conditions

1) Subject to all other applicable requirements as set out in 3.1.6.
2) For Single Detached Dwellings and Two Unit Dwellings regardless of which zone in which they occur, the residential lot:
    a. May have up to a maximum of four dwelling units per lot with which may consist of:
        i. only one principal residential building per lot
        ii. a combination of subsidiary apartments, a Garage apartment or a Garden suite, subject to Section 5.7.13;
    b. All dwelling units must comply with relevant National Building Code, Fire and Life Safety Codes, and specific development standards of the zone in which the lot is situated;
    c. Must meet parking requirements;
3) More than one (1) building may be constructed on a single parcel of land as a Planned Unit Development in accordance with the provincial *Condominium Act, 2009,* as amended, and,

notwithstanding the development standards for the Residential Small Lot zone, shall comply with the following standards:

DEVELOPMENT STANDARDS	
RESIDENTIAL SINGLE DETACHED DWELLING ZONE	
Development Standards	**Single Detached Dwelling**
MINIMUM	
Lot Area (m^2)	330
Frontage (m)	12
Building Line (m)	7.5
Side Yard #1(m)	2.4
Side Yard #2 (m)	1.2
Flanking Side Yard (m)	7.5
Rear Yard (m)	8
MAXIMUM	
Lot Coverage (%)	40
Building Height	3 storeys
*per dwelling unit	

3.3. ACCESSORY USES

3.3.1 General Accessory Uses

Definition: Accessory Use as defined in the *Minster's Development Regulations 3/01* (see Schedule D) "…means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;"

Examples of accessory or subsidiary uses and buildings to a primary use include, but are not limited to, the following*: [to discuss further with the city as these are uses that will NOT require a permit]*

a. facilities for the serving of food and alcoholic beverages in an arena or other public gathering place, adult day care, senior's residence, or hotel;
b. childcare, catering, convenience and take-out food service may be permitted as an accessory use to a recreational facility, provided that they are contained within the building envelope of the recreational building;
c. a gift or souvenir shop in a museum, hotel or other public institutional establishment;
d. an office, convenience store, or small catering establishment in a campground;
e. a dock, wharf, slip or stage associated with a permitted use; exception includes a storage building and workshop only if it does not detract from the nature of the neighbourhood (see 3.4.2.5);
f. a storage building or workshop;
g. a subsidiary apartment or accessory detached dwelling unit which is a separate dwelling unit constructed subsidiary to a self-contained dwelling or commercial building;
h. a home business;
i. a residence only associated with a resource use, such as a farm house on an agriculture farm operation;
j. a satellite dish or similar device attached to a building;
k. a wind generator, solar panel, radio antenna, or similar device;
l. an office or storage building associated with a commercial building; and,
m. a workshop or storage building dock associated with an industrial use.

3.3.1.1 General Condition for all accessory uses

1) Shall conform to Use Zone Table in which the primary permitted use is located, unless otherwise stipulated in the conditions for accessory buildings in Section 3.4.

3.3.1.2 Outdoor Storage

1) Outdoor storage shall not be located in front of the font yard setback (building line), unless specified in the zone.
2) Outdoor storage shall not occupy more than 50% of the rear yard of a residential lot.

3) Outdoor storage of vehicles and equipment shall not be permitted except that transport vehicles may be parked in the open.
4) Council may require screening from the street and other surrounding development which may include fencing or landscaping.
5) Outdoor storage should be maintained with a stable surface to prevent raising or movement of dust, clay, mud, or loose particles.
6) Council may, where a development is unsightly or dangerous to health or safety, order the owner or occupier of the site to remove and dispose of unsightly or dangerous materials or buildings, or restore the unsightly or dangerous materials or buildings to a more acceptable and pleasing condition.
7) Required landscaped front yards shall not be used for the display of equipment or materials unless such display is permitted in by the development standards of the zone in which the development occurs.
8) Fenced outside storage areas shall not extend beyond the building line. In the case of corner lots, an outside storage area may be permitted in the flanking side yard if the area is screened by means of a berm, fence, or other landscaping measure as determined by Council.

3.4. ACCESSORY BUILDINGS

3.4.1 Accessory Buildings – General

Definition: Accessory Building is defined in the *Minster's Development Regulations 3/01 (*see Schedule D) and cannot be amended by Council:

"Accessory building" includes a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land; examples include:

for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae;
for commercial uses, workshops or garages, office or storage building; and,
for industrial uses, garages, offices, workshop or storage building, raised ramps and docks;"

General Conditions for all Accessory Buildings

1) Accessory buildings are permitted in each use class provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use.
2) Accessory buildings shall not be used for human habitation, except for Accessory Detached Dwelling Units.

3) Except for a temporary building for on-site construction drawings, equipment, and tools storage as approved by Council, an accessory building shall not be erected on a property before the principal building is constructed.
4) The side yard requirements set out in the applicable Use Zone Tables in 3.4.2.2 shall apply to accessory buildings wherever they are located on 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.
5) Quonset accessory buildings shall be permitted within the Rural and Rural-Industry zones only.
6) Accessory buildings shall not be located in an easement.
7) A Wharf/Boathouse/Slipway/Breakwater is subject to 3.4.2.5.
8) Where a public notice is required, Council will give written notice to all persons whose land is located within a minimum 50 m offset of the land that is the subject of the accessory building application and allow a minimum period of seven (7) days for response before approving the accessory building.
9) In making decisions with respect to accessory buildings requiring notice in accordance with 3.4.2.2, Council shall consider:

    a. the proposed use, size, location, design, height, and building materials for the accessory building;
    b. the size of the accessory building compared to the dwelling on the lot, the size of structures on neighbouring properties and~~,~~ a determination of neighbourhood character and fit;
    c. visibility of the structure from neighbouring properties and/or street;
    d. if the accessory building shall block a view and/or light from adjoining properties;
    e. an assessment of the site's characteristics such as a property configuration, topography, vegetation;
    f. proposed fencing and enhanced landscaping;
    g. Site conditions, such as topography and the presence of wetlands; and,
    h. any other on-site conditions that may warrant Council's considerations.

3.4.2 Accessory Building on Residential lot

1) An accessory building shall be clearly incidental and secondary to main building and shall be complementary to the main building in character, use, style and exterior finish.
2) No residential lot shall have more than three accessory buildings except as authorized by Council. For the purpose of this requirement, accessory buildings exempted under section 2.2 will not count towards this limit.
3) The placement of accessory buildings will not result in an exceedance of maximum lot coverage limits for the applicable zone.

4) Location:
    a. An accessory building shall be located on the same lot as the main dwelling.
    b. An accessory building shall not be erected or placed upon any easements.

c. An accessory building will be permitted only in the rear yard or side yard of the main dwelling except as otherwise authorized by Council.
d. Notwithstanding subsection (c), Council may approve a location of an accessory building closer to the building line than the main dwelling with public notice where:
    i. Council considers that the proposed location complements the historical development pattern in the surrounding area, such as the heritage homes near the harbour areas that have reduced setbacks;
    ii. Council considers that the location as required would pose a threat to road safety;
    iii. Council finds that the physical limitations of the property would not allow for the development of an accessory building as required;
    iv. Council considers that the proposed location as required would adversely affect the view from neighbouring homes;
    v. The property has a minimum lot area of 4,000 m^2 and a front yard that is sufficient enough so that the proposed location will not have an adverse effect on the enjoyment of surrounding properties or pose a threat to road safety; or,
    vi. On a corner lot, an accessory building may be located in front of the building line on the flanking yard provided the location does not impede visibility on the flanking street, and the accessory building is set back the required minimum front yard distance from the flanking street.

5) Accessory buildings shall not be used for commercial or industrial uses on a residential property, regardless of the use zone in which it is located, unless Council has issued a permit for such use.
6) Repairs to vehicles, other than minor vehicle maintenance, are prohibited in residential accessory buildings, such as repairing, painting, dismantling, or scrapping of vehicles or machinery .
7) No truck, bus, semi-trailer, or other vehicle body or shipping container shall be used as an accessory building.
8) An accessory building may be used for a home business as outlined in Home Business (3.5).
9) Exterior Cladding*:* With the exception of greenhouses, the exterior cladding of the accessory building should match or coordinate with the exterior siding of the main dwelling on the lot and should be residential in character.
10) Unless otherwise approved by Council, electrical services to an accessory building shall only be provided through the same service as the main dwelling.
11) Lot coverage: The maximum lot coverage of the main dwelling and accessory buildings on a lot shall not exceed the maximum lot coverage allowed in the zone development standard requirements.
12) The accessory building shall:
    a. Be no higher than the height of the main dwelling, and;
    b. Not have a ground area coverage larger than the main dwelling.

3.4.3 Accessory Buildings – Non-Residential Use Classes

General Conditions:

An accessory building associated with a non-residential use shall be permitted, subject to the following requirements:

1) An accessory building shall be located on the lot so that it has no undesirable impact on the private enjoyment of adjoining residential lots.
2) The use of an accessory building shall be directly related to the principal use or building on the lot.
3) *Maximum lot coverage:* Provided that the total lot coverage of all buildings on the property does not exceed the maximum coverage on the Development Standards table for the zone in which it occurs. No lot coverage requirement is set out specifically for a non-residential accessory building.
4) An accessory building shall not be erected or placed upon any easements.
5) An accessory building shall maintain a minimum side yard and rear yard of 2 metres and where it abuts a residential use this shall be 5 metres.
6) An accessory building shall maintain a minimum separation distance from the main building as required by the National Building Code.
7) Radio and television antennae should have a maximum height of 15 metres.
8) The exterior siding of an accessory building should match or be complimentary to the exterior siding of the principal building on the lot.

3.4.4 Swimming Pool

1) A swimming pool shall be permitted as an accessory use, subject to the following:

a. The swimming pool shall be located in the rear yard of a residential property. Council, at their discretion, may allow a swimming pool in the side yard of a residential property.
b. The swimming pool shall not encroach upon any easements.
c. The swimming pool shall not be located under any overhead power lines.
d. The swimming pool shall have a minimum setback of two (2) metres from any property boundary.
e. The area surrounding the swimming pool and pool deck must be fully enclosed by a fence (approximately two metres in height) to prevent people, especially children, from unauthorized access to the pool area.

3.5. HOME BUSINESS

3.5.1 Home Businesses as a Permitted or Discretionary Use or Prohibited

Definition: Home business means a subsidiary use of a dwelling or associated accessory building for commercial use involving the provision or sale of goods and/or services without detracting from the residential character of the property. This does not include Remote work (also known as work from home [WFH] or telecommuting)~~,~~ which is a type of flexible working arrangement that allows an employee to work from remote locations outside of corporate offices.

1) Home businesses that are Permitted uses include:

    a. Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer; office for consulting health professionals, trades or other professions or people working from home;
    b. Artisan and other home crafts;
    c. Music and dance lessons and educational tutoring;
    d. Telephone and mail order business;

2) Home businesses as discretionary uses, including but not limited to:
    a. Food preparation for catering services and baking;
    b. Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
    c. Care services, such as child care, or home-care; and similar occupations or businesses.
    d. Art gallery and framing shop;
    e. Pet grooming services;
    f. Bed and Breakfasts;
    g. Boarding house
    h. Home care-residential
    i. Furniture repair and upholstery;
    j. Sale of bedding plants and trees grown on the same lot;

3) Exclusions: A home business shall not include any business activity related to any of the following uses:
    a. Occupations that discharge or emit odors, noxious or toxic matter or vapors; heat, glare, noise and/or radiation.
    b. The salvage, storage, repair, maintenance or sales of motor vehicles, or motor vehicle engines or parts. Personal service related to vehicle cleaning/detailing are not necessarily excluded and can be considered as a discretionary use.
    c. Tow truck operations.
    d. The use of mechanical or electrical equipment except as those ordinarily utilized in purely domestic, household, recreational hobbies or a home office use.

e. Materials and commodities that involve delivery to and from the home business residence in such bulk or quantity as to require regular or frequent delivery by a commercial vehicle or trailer.
f. Business that results in traffic congestion, on street parking overflow, electrical interference, fire hazards or health hazards.
g. Veterinary clinics, pet breeding and boarding kennels. This is not intended to prevent a resident from the incidental care/disposition of family pets and/or their offspring.
h. Orchestra and band training.
i. Tannin salons or tattoo parlours or any business relating to these procedures.
j. Medical clinic.
k. Office uses that generate regular daily visits by clients, as in a clinic.
l. Public gathering use.
m. Warehouse outlet.
n. Contractors Yards;.
o. Any other use deemed by council that is not complimentary to the quiet enjoyment of a residential neighbourhood.

3.5.2 General Development Conditions for Home Businesses

1) The use is clearly subsidiary to the residential use, does not alter the character of the property or detract from the residential character of the neighbourhood. The primary use of the property remains residential, and the scope and intensity of the use classes is entirely compatible with the residential uses of the property and neighbourhood.
2) The external appearance of the dwelling or accessory building shall not be changed by the home business.
3) Activities associated with the home business are not hazardous and are not a nuisance to the occupants of adjacent dwellings. No mechanical equipment is used except that is reasonably consistent with the use of a dwelling.
4) The home business shall be owned and operated by at least 1 (one) resident of the dwelling. The property owner shall authorize an application for a home business by a resident who is not the owner of the property. Working within the residence, the home business is limited to up to 2 (two) employees or staff in addition to the owner(s)/operator(s).
5) There shall be no wholesale or outdoor storage or display of goods or equipment.
6) There shall be no use or storage of hazardous or dangerous materials.
7) Any retail sales are incidental and subsidiary to the approved use.
8) The residential lot has sufficient area to accommodate the parking and loading requirements of the dwelling unit and the home business. In addition to the two required parking spaces for a residential zone use, a home business shall provide one additional parking space for each non-resident employee working at such facility. The home business applicant should provide a site plan that indicates the parking space's location and any landscape improvements. If there shall be customer visits, adequate parking should be provided to ensure no parking on the street by

residents, staff, or customers from the property housing the home business. Parking should respect and maintain the residential character of the neighbourhood.

9) A non-illuminated identification sign not exceeding 0.2 m^2 in area shall be permitted provided that the sign is consistent with the residential character of the neighbourhood.
10) The use shall be carried out inside the dwelling unit or inside an accessory building located on the same lot. A home business inside a dwelling shall occupy no more than forty percent 40% of the total floor area of the dwelling unit.
11) The only home businesses that can be conducted outside the dwelling or accessory building are non-farm operation animal husbandry and market or home garden uses as defined under 'Residential Agriculture'.
12) Council may require fencing, screening, and/or a minimum buffer to protect the amenity of adjacent uses.
13) The home business shall not create traffic safety, congestion or parking issues. No home business shall operate between 9 pm and 7 am.
14) The home business shall adhere to all other conditions that Council considers necessary to protect the amenity of adjacent uses and the neighbourhood.
15) The home business shall not use water or generate sewage in excess of what is normal is the residential area and can be accommodated by the municipal water supply and sewage system.
16) Parking:
    a. In addition to the two required parking spaces for a residential zone use, a home business shall provide one additional parking space for each non-resident employee working at such facility in addition to the requirements identified in these Regulations.
    b. The Home Business applicant should provide a Site Plan that indicates the parking space's location and any landscape.

3.5.3 Development Conditions for Specific Home Businesses

3.5.3.1 Bed and Breakfast

Definition: Bed and breakfast, sometimes referred to as a hospitality home or inn, means an owner-occupied or owner-managed dwelling for paid temporary accommodation. The establishment may include a self-serving dining area for the use by overnight guests. Catered dining may be considered on a limited-use basis. It does not include a hotel, motel, or hostel.

Conditions:

1) The principal use of the residential dwelling unit shall continue to be a home for the ongoing occupation by a single family. Other use, such as for a Residential Care or Boarding use, shall require separate permits from a Bed and Breakfast use.
2) The person(s) operating the Bed and Breakfast shall hold a valid license issued by the agency/ agencies having jurisdiction or authority.

3) Bed and Breakfast amenities should include a minimum sleeping accommodation area per bedroom of 12 m^2 and a minimum of one full bathroom and washroom facilities with potable hot and cold water for every two bedrooms.
4) Shall conform to Use Zone Table and conditions for the zone in which it is located.
5) Outside of RES Plan designated areas, at Council's discretion, a catered dining area, or other subsidiary use may be permitted, provided the uses are clearly incidental and subsidiary to the approved use.
6) Off-street parking for a catered dining facility shall provide one space for every three (3) persons that may be accommodated at one time.

3.5.3.2 Boarding House

Definition: Boarding house or lodging house means a Single Detached Dwelling in which rooms are regularly rented to 3 or more persons other than the immediate family of the owner or tenant and no Boarding House permit is required for 1 or 2 boarders. Guests are semi-permanent boarders/lodgers, whereas hotel guests are travelers and transient guests. A corporately owned Boarding House with any number of boarders will require a permit; however, the land use activity will be considered to be a Single Detached Dwelling if there are no more than 2 boarders.

Conditions

1)Shall conform to Use Zone Table and conditions as well as the General Standards for Home Businesses.

3.5.3.3 Day Care: Residential

Definition: Day care: residential, or family and group care, means care provided within a Single Detached Dwelling in a home-like setting, for example: child, adult care (seniors) or disabled persons.

Conditions

1) The section of the street on which the use is located allows sufficient area and sight distance for safe and convenient drop off and pick up without hindering the safety and convenience of vehicular and pedestrian traffic on the street, or the development provides adequate off-street drop off or pick-up spaces satisfactory to Council.
2) The use is compatible with nearby uses; that is, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighborhood in which it is located.
3) For child care, the maximum number of children present at any time must be in accordance with Provincial requirements.
4) The operator of the day care shall maintain the dwelling in which the use is located as their primary residence.
5) A family group care centre use is permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff.
6) Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

4. GENERAL DEVELOPMENT STANDARDS

4.1. CHARACTER OF COMMUNITY, BUFFERS AND NUISANCE

4.1.1 Character of Community

1) Council shall require that development shall be laid out and designed in a manner that:
    a. Is compatible with the neighbourhood; ,
    b. Minimizes potential nuisance factors such as, the impact of traffic, noise, lighting, and signage on adjacent residential areas; w Where necessary, screening shall be required through the provision of trees, shrubs, banks and berms, landscaping or fencing; and,
    c. Reduces light pollution and control sky glow from external lighting by requiring that exterior lighting on buildings and properties be directed down and into the property to prevent excessive spilling of light into adjacent properties, dwellings or land use.

4.1.2 Buffers and Separation

1) Council may require buffers, screening and separation distances for a proposed development within the site of the development to be installed and maintained by the owner in order to provide:
    a. an acoustic barrier;
    b. an attractive visual continuity and appearance between development or on an individual site;
    c. delineation of an area;
    d. protection for the natural environment, and
    e. potential addition to the City's linear walkway system.
2) Council may require a landscaping or screening buffer between different or incompatible uses, which shall be maintained by the owner or occupier of the property to the satisfaction of Council, as follows:
    a. Between residential and non-residential uses which would consist of either a screen of a minimum height of 2.4 metres or other type of barrier to the satisfaction of Council; or
    b. Where an industrial, commercial or public institutional development is permitted in any Use Zone and abuts a street that is used as an access into a residential area or zone, a structural barrier, fence or other type of barrier may be required in the flanking street side yard by Council.
    c. Flanking Street Side Yards: Where an industrial, commercial or civic development permitted in any Use Zone abuts a street that is used as an access into a residential area or zone, a structural barrier or fence may be required in the flanking street side yard by Council and the structure or barrier shall be maintained by the owner or occupier of the property to the satisfaction of Council.

3) Council may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening and, for this purpose, may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application. The provision of adequate and suitable landscaping or screening may be made a condition of any Development Permit where, in the opinion of Council, the landscaping or screening is desirable to preserve amenity, or protect the environment.
4) Industrial Development: 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 industrial lot shall provide a landscaped buffer strip not less than ten metres (10 m) wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.
5) Commercial or Civic Development: Where any commercial or civic 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 commercial or civic lot shall provide a landscaped buffer strip not less than three metres (3 m) wide between any residential activity and the commercial area. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.
6) Commercial Development Adjacent to Residential areas Where a commercial development adjoins a residential lot or area:
    a. the views from habitable rooms of dwelling and the amenity of outdoor spaces shall be respected in the design and siting of commercial buildings;
    b. landscaping of the commercial properties shall screen outdoor parking, shipping and storage areas directly visible from adjacent dwellings;
    c. snow piling areas shall be provided away from common fences with residential properties and away from streets; and
    d. parking lots and motor vehicle circulation areas for commercial uses shall be situated to minimize the impact on adjoining residential properties.
7) The erection or construction of fences associated with existing or new developments shall be in accordance with the Mount Pearl Fence Regulations 2011 as amended.

4.1.3 Nuisance

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

4.1.4 Crime Prevention Through Environmental Design

New development shall prioritize the utilization of strategies outlined in CPTED to minimize risk of graffiti, mischief, and criminality that may interfere with the quality of life, safety, and well-being of residents and commercial properties.

4.2. LOT AND BUILDING SITING

4.2.1 Unsubdivided Land

Development is not permitted on unsubdivided land unless the development of the land would not prejudice its ability to be subdivided and further developed in the future (in accordance with the development standards within these Regulations) and sufficient area is reserved to satisfy the yard and other allowances required in the Use Zone in which the property is located. These requirements shall be retained when the adjacent land is developed.

4.2.2 Lot Size Integrity

1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, such that:

   a. The lot area, frontage, front yard, rear yard, and side yards are less than the minimums permitted by these Regulations for the zone in which such lot is located;

   b. The lot coverage of all buildings exceeds the maximum permitted by these Regulations for the zone in which such lot is located; and,

   c. The development standards within these Regulations for semi-detached dwellings and multi dwellings contemplate a development under the ownership by one owner/entity or condominium corporation. If the dwelling units are proposed to be located on separate parcels and sold, the development standards must be satisfied or each unit (with the exception of the side or rear yard requirement for the wall with which the dwelling units are attached). Multi dwellings that are separated horizontally may not be separated and sold with independent parcels of land.

4.2.3 Lot to Front on to a Publicly Maintained Road

All development shall front on to a publicly maintained road (Provincial or Municipal). Exceptions include: A development within a Planned Unit Development where there may be an internal road plan (which shall be set out in the Development Regulations); however, the Planned Unit Development shall front onto a publicly maintained road.

4.2.4 Building Line and Setbacks

1) Adequate building setback from roads shall be required in order to maintain road standards, consider public safety requirements for side/back/front yards, conform to the existing development pattern, and ensure adequate provision is made for light, privacy, and amenity.

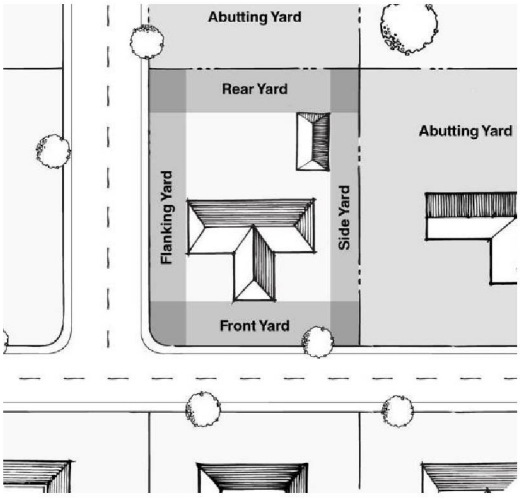
2) Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and take into consideration City service obligations, such as snow clearing.

3) To encourage a more interesting streetscape or to accommodate conformity with existing developed building line setbacks in an established neighbourhood, Council may allow change the minimum standard of setbacks as set out in the development standards of the residential zones (Chapter 3). Council, at its discretion, may allow development to complement existing building setbacks of adjoining properties by changing the building line to reflect the established pattern of the residential neighbourhood provided the development:

   a. does not create an obstruction to other dwellings on the street,
   b. is sympathetic to the location and setback of adjacent buildings,
   c. does not create a safety hazard, and
   d. is not a hindrance to municipal snow clearing or snow storage operations on the street.
   e. after notification of the proposed change is given to neighbouring property owners.

4) Where required, the building line in the ***Building Near Highways Regulation*** on a provincial highway, shall be adhered to.

4.2.5 Flanking or Corner Lots and Double Fronting Lots



1) In the case of a corner lot, a single dwelling may front on either road so long as the dwelling meets the required front, side and rear yard standards within the Use Zone Table applicable to the lot. The lot line facing the road on which the dwelling has its civic address shall be the front lot line and the other lot line is the flanking side yard.

2) Where a lot has frontage on both a local road and an arterial or collector road, preference will be given to frontage on the local road.

3) Within Planned Unit Developments, the City may determine the front lot line based on the orientation direction of the majority of adjacent neighbouring properties.

4.2.6 Residential Yard Encroachments

4.2.6.1 Side Yard

An unobstructed side yard shall be provided on the exposed sides of every building to provide access for the maintenance of that building and to provide separation distance between buildings for fire and safety protection. A side yard depth means the distance between the side lot line and the nearest side wall of a building on the lot.

4.2.6.2 Minor Front Yard Projections on a Residential Lot

1) No portion of a dwelling shall project into the minimum required residential yards except for the following circumstances and in accordance with the following provisions:
2) The following projections shall be permitted in the rear yard:
    a. chimney breast, eaves, sills or cornices not projecting more than one metre (1 m) into a required front yard;
    b. unenclosed steps with or without a landing;
    c. an unenclosed or enclosed porch that projects no more than two metres (2 m) into the required rear yard;
    d. a patio or veranda in accordance with the conditions as outlined in the specific Use Zone; and
    e. wheelchair ramps or other accessibility devices as approved by the Manager of Engineering Services.
3) The projection does not encroach upon or reduce the minimum amount of parking required for the lot and does not create an obstruction in the sight triangle for corner lots if applicable.
4) An enclosed stairwell is permitted to encroach two (2) metres into a required rear yard and shall not be located within any easement or right-of-way.

4.2.6.3 Residential Interior Corner Lot

Where a residential corner lot abuts upon two parts of the same street and is situated within a crescent street or cul-de-sac, Council may permit an accessory building or an attached garage to encroach upon the Flanking Street Side Yard provided that:

a. the encroachment is on that portion of the lot that is designated as the flanking street side yard and not the front yard of the lot;
b. the setback of the accessory building or attached garage ensures sufficient distance to accommodate a parking space off the City's road right of way;
c. the location of the accessory building or attached garage does not create a visual obstruction to sight lines or hinders the City's snow clearing operations;
d. The attached garage complies with the minimum rear yard requirement.

4.2.6.4 Residential Stairwells and Stairwell Enclosures

1) A stairwell shall not be permitted in a side yard unless the stairwell meets the minimum side yard setback requirement.

2) In the case of an existing side yard stairwell within the major side yard (2.4 metre), Council shall permit the enclosure of the stairwell subject to the following requirements:
    a. the enclosed stairwell is no closer than one decimal two metres (1.2 m) to the side lot line,
    b. the enclosed stairwell is not located within a utility easement, and
    c. the enclosed stairwell does not direct water onto the abutting property.
3) An enclosed stairwell may be permitted closer than one decimal two metres (1.2 m) to the side lot line subject to the following requirements:
    a. the stairwell is not located within a utility easement; and
    b. the abutting property owner provides a certified copy of an easement agreement (registered at the Registry of Deeds) to allow access to perform maintenance on the structure.

4.2.6.5 Wheelchair Ramps or Other Accessibility Devices

Wheelchair ramps or other accessibility devices may be installed only as approved by the Manager of Engineering Services.

4.2.6.6 Residential Patios, Decks, Balconies, and Verandas

Patios, decks, balconies and verandas associated with residential uses shall be permitted subject to the following requirements:

1) Any stairs or steps providing ground level access to a patio, deck, balcony, or veranda shall maintain a one metre (1 m) setback from any lot line.
2) A patio shall meet the following development standards:
    a. minimum front yard setback: six metres (6 m) provided the patio does not encroach upon or reduce the number of off-street parking spaces required for the residential use;
    b. minimum side yard: one decimal two metres (1.2 m);
    c. minimum rear yard depth: one decimal two metres (1.2 m);
    d. maximum height: at ground level or up to a maximum of zero decimal six metres (0.6 m) above ground level;
    e. if a roof is constructed as part of the patio or deck, or the patio or deck and the roof are attached to the building, the patio or deck will be considered an extension to the building; the roof will be complimentary to the dwelling to which it is attached and will be designed in a manner that is sensitive to surrounding properties; and the maximum height of the roof over the patio or deck shall be 3.1 m; and
    f. Council may permit at its discretion permit the erection of a patio in the minor side yard that is bordering onto a flanking street with an adjacent City owned Open Space intended for snow storage purpose.
3) A deck shall meet the following development standards:
    a. a deck is not permitted in a front yard;
    b. minimum side yard: one decimal two metres (1.2 m);
    c. minimum rear yard depth: six metres (6 m) unless otherwise determined by Council;
    d. maximum height: greater than zero decimal six metres (0.6 m) above the established grade and up to but not higher than the first storey of the dwelling; and
    e. if a roof is constructed as part of the patio or deck, or the patio or deck and the roof are attached to the building, the patio or deck will be considered an extension to the building; the

roof will be complimentary to the dwelling to which it is attached and will be designed in a manner that is sensitive to surrounding properties; and the maximum height of the roof over the patio or deck shall be 3.1 m.

4) A balcony shall meet the following development standards:
    a. a balcony is not permitted within the building line setback;
    b. minimum side yard width: two metres (2 m);
    c. minimum rear yard depth: six metres (6 m); and
    d. a balcony shall not extend beyond a maximum projection of two metres (2 m) into any yard.
5) A veranda shall meet the following development standards:
    a. minimum side yard width: two metres (2 m); and
    b. a veranda shall not extend beyond a maximum projection of one decimal five metres (1.5 m) into any yard.
6) A porch and/or veranda may be permitted in the front yard subject to the following:
    a. A porch with a maximum floor area of 3 square metres may be permitted to project a maximum of 1.2 metres beyond the minimum front yard (or minimum building line established by Council) provided the area will not be utilized as a habitable part of a dwelling;
    b. A porch must be enclosed with walls and a roof;
    c. A veranda may be permitted to project a maximum of 1.2 metres beyond the minimum front yard (or minimum building line established by Council);
    d. A veranda shall not be enclosed with a mesh screen material;
    e. No part of the veranda may be used as a habitable room;
    f. A veranda may extend across the entire front façade of the main dwelling subject to any conditions contained in the City Regulations, and;
    g. A combination of porch and veranda may be permitted, subject to conditions above, provided that the area of the porch section does not exceed the maximum of 3 square metres.
7) A front deck may be permitted subject to the following:
    a. A deck shall be no closer than 4 metres to the street line, and the maximum a deck may project beyond the minimum front yard (or minimum building line established by Council) shall be 3.6 metres;
    b. The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling. Council reserves the right to a lower level where appropriate;
    c. The maximum width of the deck shall be 3.6 metres; and,
    d. The closest point of a deck shall be 1.2 metres from side boundary, with the exception of an accessibility deck required.
    e. There will be no structure such as a gazebo (roofed shelter with no walls) associated with a deck in the front yard;

4.2.7 Outdoor Display Court

An Outdoor Display Court means the use of a portion of the landscaped front yard for the organized display of equipment and vehicles, which are available for sale to the general public by an approved occupant in the main building on the lot. An outdoor display court shall be permitted subject to the following conditions:

a. The provision of a plan for review and approval by Council.
b. The display is to be associated with an approved main use in building.
c. The display court is to be located solely on the subject property and not within the City's street right of way.
d. A minimum three metre (3 m) setback requirement of the display court from any property boundary.
e. The outdoor display court shall not be located within the sight triangle of the driveway and street, nor within any easements, not within three metres (3 m) of any service lateral, in appropriate distance from utility lines and guy wires, and is to maintain proper sight lines of the building from the street.
f. The outdoor display court shall not exceed forty percent (40%) of the overall landscaped frontage measurement in length.
g. The outdoor display court shall not be located within the front yard parking lot and shall not reduce the minimum number of parking spaces required for the main uses on the lot.
h. The outdoor display court shall be subject to the review and approval of a landscaping plan which includes tree, shrub and sod plantings as per Mount Pearl Landscaping Regulations and Guidelines.
i. Acceptable surfacing for the display court shall be hard surfacing and its access shall be continuous with the parking lot. The parking surface for the equipment is to be level. Gravel shall not be permitted as a surfacing material.
j. Depending on the size of equipment and if the display court includes a raised platform, the City requires the provision of soil bearing capacity numbers and stamped Engineering drawings. The parking surface for the equipment needs to be level.
k. Any lighting is to be focused onto the equipment or vegetation, and not into oncoming traffic or adjacent properties. Flashing lights are not permitted.
l. The outdoor display court is not to impede winter snow clearing operations. The City is not liable if equipment is damaged during routine maintenance operations.

4.2.8 Multiple Uses on One Lot

1) Where two or more different uses may exist on a single lot, more than one main building may be permitted provided that each use shall conform to all requirements in these regulations that are applicable to that use.

2) Multiple uses may not be permitted where the Authority determines that the proposed use would not be compatible with existing uses~~,~~ on, or adjacent to, the lot by reason of safety, amenity, appearance, or nuisance.

3) Where more than one main building is developed on a single lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in the Use Zone Table applicable to the lot. These allowances shall be maintained when the adjacent land is developed.

4) Within residential zones where the primary permitted uses are single detached dwellings or semi-detached dwellings, only one principal building may be permitted on a lot or property. Where a lot or property within a residential zone is to be used for purposes other than a residential use, the lot or property may contain multiple buildings, as long as the buildings all contain the same use. Other use zones may allow more than one principle use building on a property, but such siting shall be regulated by site layout and requirements for setback to property lines, parking, landscaping and buffers, environmental limitations, and other separation distance provisions. Where more than one principal use building is contained within a single lot or property, the buildings must maintain a minimum separation distance between buildings of three (3) metres (or greater where required by the National Building Code or other provisions within these Regulations).

4.2.9 Civic Numbering

A civic number on properties with a building shall be easily visible from the street for fire and emergency services.

4.2.10 Heritage Building or Structure

Where Council designates a building or structure as a heritage building or structure, no person shall pull down or demolish the designated heritage building or structure except for life safety reasons or to carry out a public work, nor shall the exterior of the heritage building or structure be repaired or altered without the written approval of Council. For the purposes of these Regulations, the following buildings are designated as Heritage Buildings: Admiralty House Museum and Archives, 365 Old Placentia Road.

4.2.11 Cluster Development

Cluster Development means two or more buildings, each of which is comprised of any of the following: Apartment Building, Townhouse, Plex Housing, or any combination thereof, on one lot, as a condominium or common ownership. A cluster development may include Personal Care Facilities (larger than residential home), including but not limited to such examples as, nursing or senior's homes, family and group care centres which would be included under Institutional use(5.6.2) whether publicly or privately funded.

4.2.12 Buildings and Dwelling Units per lot

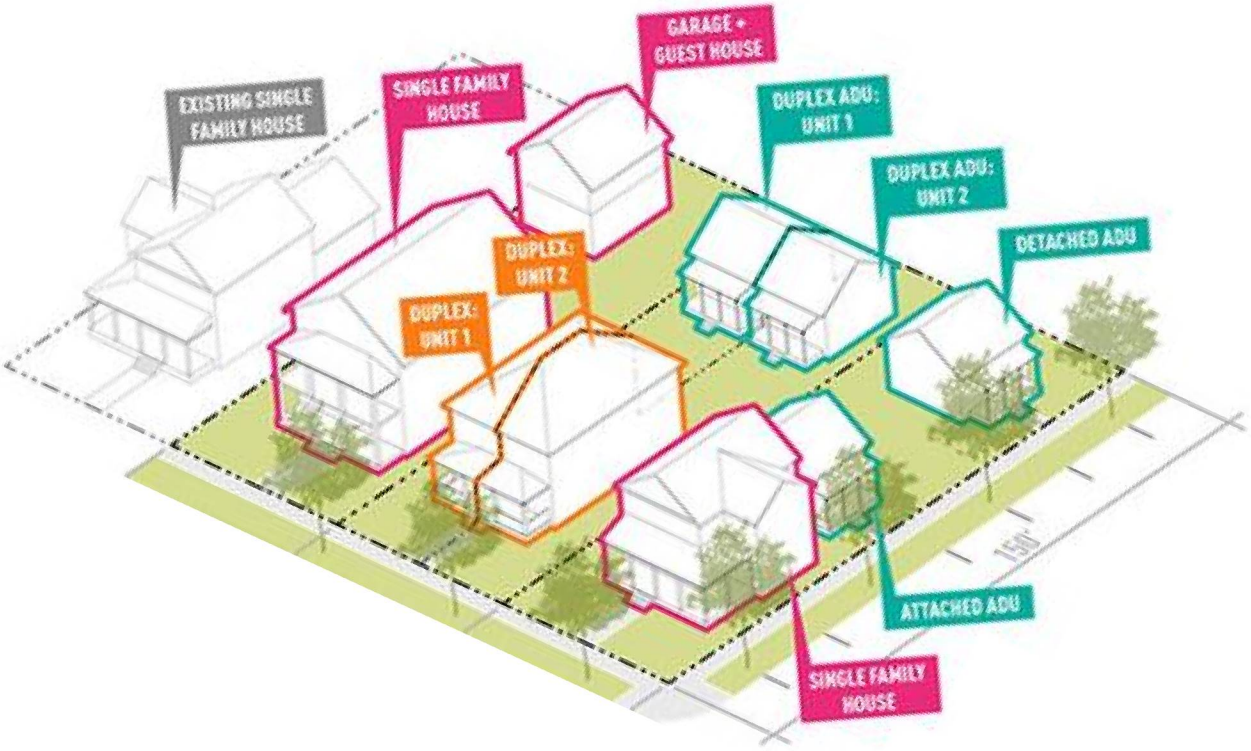
4.2.12.1 Principal Buildings per Lot

1) In residential zones, there shall be no more than one principal building per lot.
2) In non-residential zones, more than one building may be erected on a single lot as specified in the Development Regulations, provided, that development standards, and any other requirements shall be met for each building as though it were a principal building on an individual lot.

3) Notwithstanding 4.2.12.1, Cluster Developments in any zone may have more than one principal building per lot.

4.2.12.2 Dwelling Units per Lot

1) For Single Detached Dwellings and Two Unit Dwellings regardless of which zone in which they occur, the residential lot:
    a. May have up to a maximum of four dwelling units per lot with which may consist of:
        i. only one principal residential building per lot
        ii. a combination of subsidiary apartments, a Garage apartment or a Garden suite, subject to Section 5.7.13;
    b. All dwelling units must comply with relevant National Building Code, Fire and Life Safety Codes, and specific development standards of the zone in which the lot is situated;
    c. Must meet parking requirements;
2) For Townhouses, Apartments Buildings, Plex Housing, the City may set standards rewarding the number of units in the zone in which the structure occurs.


EXISTING SINGLE FAMILY HOUSE
SINGLE FAMILY HOUSE
GARAGE + GUEST HOUSE
DUPLEX ADU: UNIT 1
DUPLEX ADU: UNIT 2
DETACHED ADU
DUPLEX: UNIT 2
DUPLEX: UNIT 1
150'
ATTACHED ADU
SINGLE FAMILY HOUSE

4.2.13 Commercial and Industrial Satellite Dishes

A satellite dish associated with a commercial or industrial use shall be permitted to the following conditions:

a. unless otherwise determined by Council, there shall be one satellite dish per lot;
b. the satellite dish shall not be located in the front yard or flanking side yard of a lot, unless the area surrounding the satellite dish is screened from public view by an adequate natural buffer or screen, the dish is consistent with the surrounding development of the area and the satellite dish does not create any visual obstruction to adjacent developments or passing vehicular traffic.
c. the maximum diameter of the satellite dish shall be four metres (4 m). (d) the maximum height of:
d. a ground-mounted satellite dish shall be seven decimal five metres (7.5 m) measured from the top of the dish to ground level.
    i. a roof-mounted satellite dish shall be four decimal six metres (4.6 m) measured from the top of the dish to the roof.
    ii. the satellite dish does not obstruct views from other properties.
e. the satellite dish is anchored to the building or site to withstand the appropriate wind loads as determined by Council.
f. the satellite dish design, structure and colour are complimentary and sensitive to both the development to which it is attached or situated and the immediate surrounding properties. In cases where Council deems it appropriate, a satellite dish will be required to be screened or landscaped in accordance with Council's requirements.
g. where a satellite dish exceeds the maximum diameter or height requirements of a use zone, Council may use its discretion to consider the increase in the additional diameter or height of the satellite dish provided the application is processed in accordance with Regulations 3.7 and 4.17.

4.2.14 Accessory Buildings per Lot

1) Unless otherwise specified in the zone in which the lot is located, more than one accessory building is permitted on a lot which has at least one principal building, subject to:
    a. Requirements of Section 3.4;
    b. In residential zones, the building footprint total of all accessory buildings including accessory residential dwelling shall not exceed total lot coverage.

4.2.15 Additional Maximum Building Height

1) Council may permit the erection of buildings of a height greater than that specified in the development standards for each zone or for any use defined in Chapter 5, but in such cases the building line setback and rear yard requirements shall be modified as follows:
    a. the building line setback shall be increased by two metres (2 m) for every one metre (1 m) increase in height, and
    b. the rear yard shall not be less than the minimum building line setback calculated as described in Regulation 6.4.1 above plus six metres (6 m).

2) Council may, at its discretion, approve a development additional building height hat exceeds the maximum height standard as set out in (1) provided that:
    a. the development is suitable to the physical conditions, municipal servicing and road capacity of the area;
    b. without limiting the generality of the foregoing, consideration shall be given to the:
    c. location of the land,
    d. form and character of adjacent developments,
    e. implications for the transportation system,
    f. proposed design of the development and its relationship to adjacent areas,
    g. height, bulk, and density of the development in relation to surrounding uses,
    h. impact of the development on view sheds, snow loading, and shadowing of adjacent properties, and
    i. lot is of a sufficient size and area to meet all other development standards of the Use Zone in Section 3 and the parking requirements in Section 8;
    j. the application is processed with public notification (2.5.4).

4.2.16 Building Height Exceptions

1) The height requirements prescribed in these Regulations may be waived in the case of communication masts and antennas, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than twenty percent (20%) in the permitted height of the structure shall only be authorized under the provisions of 2.4.1-variances.

4.2.17 Building Design Considerations

1) Building Orientation: Wherever possible, development or the siting of a building on a lot will be configured to optimize winter solar exposure and shall take into consideration street/building layout, shading, landscaping, and on-site parking..
2) Building Exterior Quality : All building materials for exterior finish will be subject to approval of Council in respect to acceptable visual quality and design appearance. Any outside elements including exposed ductwork, outside air conditioning units, cooling towers and tanks are subject to the approval of Council in respect to acceptable visual quality.

4.2.18 Below grade development

1)Below grade development shall be permitted in accordance with the following conditions:

    a. The limits of the building below grade shall remain within the subject property boundaries.
    b. Any portion of the building above grade shall meet the required development standards within the associated use zone schedule.
    c. The below grade development shall not have any negative impact on any existing or proposed servicing or City infrastructure, existing or proposed roads or adjoining properties.
    d. An easement shall be registered at the Registry of Deeds illustrating the location of the below grade development.
    e. An agreement shall be signed that, even though below grade development is permitted to encroach into required minimum side yard, no additional vertical development shall occur.

f. The development shall not be below any established water table.
g. Onsite parking requirements for below grade uses shall be the same for above grade use requirements.
h. The development shall be unlikely to adversely affect the possible widening or future development of streets and lanes.

4.2.19 Heat Pump, Mini-Split Heat Pump, Air Conditioner, or External Fan

1) A heat pump, air conditioner or external fan shall be located:
    a. in the flanking street side yard or rear yard of the principle building of the lot of property on which the heat pump, air conditioner or external fan is situated;
    b. no closer than 2.4 m from a side lot line of the lot or property on which the heat pump, air conditioner or external fan is situated ; and
    c. no closer than 3 m to a door or window of a dwelling on an adjoining lot.
2) Upon receipt of a noise complaint about a heat pump, mini-split heat pump, air conditioner or external fan unit, the unit shall be inspected and certified to be in appropriate working order by a company certified to service the equipment. Proof of inspection and certification must be made available upon request by the City. If the noise continues and exceeds the noise level permitted for a heat pump, mini-split heat
3) pump, air conditioner or external fan unit, the property owner will be required to undertake noise mitigation measures or relocate the unit.
4) A heat pump shall be placed on a concrete base that rests on or in the ground, or equivalent.
5) A mini-split heat pump shall:
    a. be located in any yard of the principle building of the lot or property on which the mini-split heat pump is situated;
    b. be attached securely to the principle building of the lot or property on which the mini-split heat pump is situated as per the manufacturer's specifications, or equivalent, and in a manner that prevents any potential vibration of the equipment during operation or attached securely to a concrete base resting on or in the ground; and
    c. not generate noise exceeding 55 dBA at the property boundary. If a mini-split heat pump is found to be exceeding that limit, noise mitigation measures shall be employed to reduce the noise level to a maximum of 55 dBA.

4.3. LANDSCAPING

1) No site work (clearing or grubbing) shall commence until a development permit is issued including conditions regarding existing site vegetation and proposed landscaping treatment.

2) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit for a new development or the renovation of an existing building that includes site work, where, in the opinion of the City, the landscaping or screening is desirable to preserve amenity and/or protect the environment. Adequate and suitable landscaping will be comprised of, at a minimum, a ground covering (for example, grass, other natural vegetative species, tree mulch, decorative stone, etc.) which covers all exposed soil surfaces to prevent erosion and provide sediment control.

3) Where no buildings have been constructed, landscaping conditions of a permit or the standard minimum of suitable ground cover requirement shall be achieved within 18 months of completion of the work approved in the development permit.

4) Where a residential or commercial building has been constructed, landscaping (including driveways) must be completed within the following timeframes:

    a. Front yard landscaping (and flanking side yard, when applicable) must be completed within 12 months of the date an Occupancy Permit had been issued; and,

    b. Rear yard landscaping must be completed within 12 months of the date an Occupancy Permit had been issued for the dwelling constructed upon such lot.

5) Council may require a landscape deposit or a financial guarantee in the amount to cover the costs of the landscaping of the lot or area as a condition of the Development Permit:

    a. The deposit shall be paid prior to the issuance of the applicable permit by the City.

    b. The deposit shall be returned upon the successful completion of the landscaping to the satisfaction of the City.

    c. The amount of the landscape deposit may be set at the amount required to meet minimum suitable ground cover to prevent soil erosion among any other landscaping requirements identified in the development permit or the general development regulations. Where the City undertakes to complete landscaping and the costs incurred exceed the deposit that was collected, the excess costs may be recovered as a civil debt to the City.

    6) A landscape plan, if required by the City, to accompanying a permit application~~,~~ should include~~,~~ any additional standards that may be included in the City's Subdivision Design and Construction Standards.

4.3.1 General

(a) Under the direction of Council, the limits of new development shall be delineated in the field and site work will be restricted to that area in order to minimize disruption on the remaining and surrounding natural vegetation.

(b) All areas that are disrupted by construction shall be reinstated by the developer using natural landscaping with a minimum of topsoil and grass sods. Wherever grass is a requirement for the development of a lot or space, a minimum topsoil depth of 150 mm will be required for the planting of grass or the laying of grass sods.

(c) Slopes shall have a maximum vertical slope ratio of 2:1 and shall be landscaped with topsoil and grass sods or hydro seeded as determined by the Engineering Department.

(d) Whenever an alternate landscaping treatment is approved by Council and the treatment includes ornamental gravel, the developer or property owner shall ensure that:

i. an appropriate retaining wall or border is constructed to contain the gravel within the lot boundaries and along paved driveways, vehicular circulation areas, and parking areas, and

ii. the area between the border and the sidewalk or curb be maintained with grass in accordance with these Regulations.

(e) The landscaping of properties and lots shall be in accordance with the Mount Pearl Landscaping Guidelines as adopted by Council.

(f) A landscape deposit in the amount to cover the costs of the landscaping of the lot or area shall form a condition of the Development Permit and shall be paid prior to the issuance of the applicable permit by the City. The deposit shall be returned upon the successful completion of the landscaping to the satisfaction of the City. The amount of the landscape deposit shall be as outlined in the Landscaping Guidelines as approved by Council.

4.3.2 Subdivisions

1) Wherever possible, natural areas should be maintained in their natural state and the destruction of these natural areas by development shall be minimized. If the natural area is a part of a public open space area, the developer shall prepare a landscape plan integrating the natural areas with the portions of the open space area that is to be developed for recreational purposes. The plan will illustrate the grading relationships between developed and natural areas of the park.
2) Minimum landscaping of the recreational open space area shall be topsoil and grass sods or hydro seed as determined by the Parks and Community Services Department.
3) Where it is determined by Council that berming or a swale is required, or that major sloping occurs within, or outside, the normal boundaries of a lot, it shall be the developer's responsibility to landscape the berm, swale or slope with a minimum of grass. A landscape deposit will form a part of the subdivision agreement to be returned upon the acceptance of the area by the City.

4) The subdivision developer shall landscape all public open space areas that abut landscaped lots prior to proceeding with another phase within the subdivision development.

4.3.3 Residential

1) The front, side, and rear yards of a residential lot shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative landscaping treatment to this shall be proposed in the form of a landscaping plan prepared by a certified member of a recognized landscaping organization which is recognized by the City to offer such landscaping expertise and service.
2) With the exception of row dwellings and apartment building lots, the minimum area to be landscaped in the front yard of a residential lot is 50% unless otherwise determined by Council. Where a residential property abuts a publicly owned open space snow storage buffer immediately adjacent to a public road intersection, the entire front yard area, including the buffer located between the front lot line and the front wall of the dwelling, may be considered in the calculation of the 50% landscaped front yard requirement subject to the review and approval by Council. (2016-02-12)
3) The front yard landscaping of row dwellings and apartment building lots will be determined by City staff as part of the application and plan review process.
4) A minimum of one tree shall be planted per six metres (6 m) of lot frontage as part of the initial landscaping feature of the lot.
5) The driveway shall be paved.
6) Off-street parking shall be in accordance with Chapter 8.

4.3.4 Commercial and Public Institutional

1) A minimum of 20% of the lot shall be landscaped.
2) The front, side, and rear yards of a commercial lot shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative to this requirement shall be proposed in the form of a landscaping plan prepared by a certified member of a recognized landscaping organization which is recognized by Council to offer such landscaping expertise and service.
3) On every lot, a minimum of one tree shall be planted for every eight metres (8 m) of lot frontage.
4) For smaller lot developments (frontages of 30 m or less), the proposed landscaping shall be indicated on the site plan.
5) On larger lots (frontages greater than 30 m), a landscape plan shall be required as a condition of the development and the appropriate amount of landscaping as determined by the City shall be illustrated on the landscaping plan.
6) The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas in all yards (front, side, and rear), shall be paved and curbed.

4.3.5 Industrial

1) In the landscaped front yard of an industrial lot, a combination of natural landscaping elements shall be required as part of the development or redevelopment of the lot.
2) The required side and rear yards of an industrial lot shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative landscaping treatment to this requirement shall be proposed in the form of a landscaping plan prepared by a certified member of a recognized landscaping organization which is recognized by Council to offer such landscaping expertise and service.
3) A landscape plan shall be required as a condition of the development and the appropriate amount of landscaping as determined by the Planning and Development Department shall be illustrated on the landscaping plan.
4) The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas, in all yards in the front, side, and rear yards (with the exception of exterior storage yards), shall be paved with curbing extending from the front of the property up to the limits of the rear wall of the building

4.4. MUNICIPAL SERVICES AND PUBLIC UTILITIES

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

4.4.1 Fully Serviced Development

The development or redevelopment of land shall only be permitted on the basis of the main or principal use or building being connected to the City's water, sanitary, and storm sewer systems.

4.4.2 Access and Streets

1) An access on a municipal road shall be located as specified by the Council. Access(es) shall be located to the specification of Council to ensure the greatest possible convenience and safety of the street system and Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.

2) All access to a provincial highway is determined by the Department of Transportation and Infrastructure (access permits are administered by Service NL).

3) No new vehicular access shall be closer than:

    a. 10 metres to the street line of an existing street intersection of a local road, or

    b. 20 metres to the street line of an existing street intersection in the case of a collector or arterial road.

4) Where a proposed new street would result in a pre-existing driveway being located within this limit, the Developer shall offer to relocate the existing driveway at their cost. A property owner who does not wish to have their driveway relocated may decline and keep it at its pre-existing location and this would not prevent a Developer from proceeding to construct the new street.

5) Council may require the provision of service streets to reduce the number of individual accesses to an adjacent street.

6) A new street may not be constructed except in accordance with and to the design and specifications established by Council.

7) Where Council has adopted an access plan, the location of accesses to existing and new developments shall be in accordance with that plan.

8) Access shall be located so that there is no visual obstruction for drivers of vehicles entering or exiting the development; therefore, to protect sightlines (view) of motorists and pedestrians:

    a. All occupied lands within 7 metres of a street intersection should be kept free of any structures, shrubs, plants, and trees that shall impede the line of vision clear for motorists and pedestrians; and,

    b. No building or structure should be permitted to be erected, moved, enlarged, or reconstructed on any land that is within 7 metres of a street intersection.

9) In order to control access to streets, Council may, by the adoption of an Access Plan:

    a. Determine the number, location and layout of accesses to a street;

    b. Require an access to a service street, where direct access to an arterial street is not desirable;

    c. Require two or more properties to share a joint access to an arterial street where individual accesses would not be desirable; and,

    d. Where Council has adopted an access plan, the location of accesses to existing and new developments should be in accordance with that plan.

10) All residential lots shall have a 6 meter wide driveway access. Greater widths or multiple accesses may be approved by the City's Public Works Department but shall not exceed 50% of the lot's frontage. Low back curb shall be installed as required.

11) Corner lots may be permitted to have a driveway access from the flanking street as per the approved subdivision plan.

12) Lots on the corner of a local road and a collector or arterial road shall have their driveway placed on the local road and may not have an access onto the arterial or collector road unless there are material physical limitations to meeting this requirement. Corner lots on the corner of a collector and arterial road shall have their driveway placed on the collector road and may not have an access onto the arterial road unless there are material physical limitations to meeting this requirement.~~.~~

4.4.3 Storm Water Management

1) All development shall adhere to the "Mount Pearl Stormwater Management Policy".

2) Land shall be used and graded in such a manner that run-off from the land or development does not negatively impact adjoining properties. No development shall be permitted when, in the opinion of the City Engineer, the development will create or aggravate adverse stormwater impacts, for example, excessive run-off onto adjacent properties, soil erosion, scouring and silt deposition in streams, or the reduction of surface or groundwater quality.

3) All occupied land shall be provided with adequate surface water drainage over the whole area of the property to prevent ponding and to prevent run-off to adjacent properties with suitable arrangements for the disposal of surface water without eroding or flooding.

4) Where conflicts arise between two private property owners regarding stormwater management and runoff, the City shall not be liable for resolving such matters between private parties.

5) Development of land should be undertaken with the objective of achieving zero net run off or 'no net increase' with respect to on-site storm water runoff.

6) Development may require the construction of private stormwater detention systems that are owned and maintained by the property owner to achieve zero net run off. Exceptions may be made for subdivisions that avail of larger public stormwater detention systems.

7) Where development results in the discharge of storm water into a wetland, waterbody, or watercourse, such discharge should be designed to minimize any environmentally detrimental effects on the receiving water or watercourse and should be designed and constructed in accordance with the requirements and conditions of Council.

8) Consideration should be given to green approaches to storm water management, as well as storm water retention ponds or similar engineering solutions.

9) A stormwater plan may be required as part of a development application; and where there are concerns regarding stormwater runoff, Council may require the applicant to engage a qualified engineer with expertise in hydrology and storm water management design to address site concerns to the satisfaction of the City.

10) Applications for planned unit developments shall also comply with the requirements of the City's Subdivision Design and Construction Standards and the City's Stormwater Management Policy.

4.4.4 Soil Removal, Soil Deposition and Site Grading

1) A development permit shall be required for the excavation, removal, deposit or site grading of soil, sand, gravel, rock or other aggregate material that exceeds one (1) tandem truck loads) in volume. A separate permit shall not be required where the City has issued a permit for a larger development project.

2) Any excavation, removal, depositing, or grading of soil, sand, gravel, rock, or other aggregate material that requires a permit may be issued a temporary permit provided the work is based on a grading, stormwater management, and landscaping plan acceptable to the City, which will result in an improved site for permitted uses. The following conditions shall be met:

   a. When the excavation, removal, deposit or grading is complete, the resulting slopes shall be stable and without hazards, and stormwater management shall be provided in accordance with Section 4.5.2 of these Regulations;
   b. When the work is completed, all exposed soil surfaces shall be landscaped (for example, grass, other natural vegetative species, tree mulch, decorative stone, etc.) to prevent erosion and provide sediment control; and,
   c. A deposit may be required to ensure the approved proposal is carried out to the satisfaction of the City.

4.4.5 Development in the Vicinity of a Public Right-Of-Way

1) Land development and the erection of buildings and structures will not be permitted on any site where it would otherwise be permitted under these regulations~~,~~ when, upon the review by the City's Engineer, the development would impede public passage on a public right-of-way or interfere with any legal right of Council to develop or improve the right-of-way for public access and recreation.

2) A minimum setback or set other terms and conditions may be required for a proposed development in the vicinity of a public right-of-way to ensure the development will not obstruct or otherwise impede public passage along the right-of-way.

4.4.6 Architectural/Engineering Design

1) Where a building is not governed by Part 9 of the National Building Code of Canada, the building plans, municipal water and/or sewer connection design (if applicable), and/or stormwater management proposal (if applicable) must be certified by a professional Architect or Engineer licensed to practice in the Province of Newfoundland and Labrador.
2) Where a building is governed by Part 9 of the National Building Code of Canada, the building plans, municipal water and/or sewer connection design (if applicable), and/or stormwater management proposal (if applicable) may be required to be certified by a professional Architect or Engineer licensed to practice in the Province of Newfoundland and Labrador where required by Council or the Code.

4.4.7 Antennae

1) Although telecommunications are within federal jurisdiction, the policy of the City with regard to antennae include:
   a. Insignificant antennas which are less than fifteen metres (15 m) in height and may be integrated into another structure such as on a utility pole, on an existing tower, or on a rooftop or architectural element of a building. Insignificant antennas may be permitted at the

discretion of Council in all designations, provided there is no negative impact on adjacent lands or uses.

b. Significant antennas are fifteen metres (15 m) or more in height and may be permitted at the discretion of Council in all designations except Residential, Public Institutional, and Conservation designations and subject to a discretionary use public consultation process.

5. LAND USE & DEVELOPMENT DEFINITIONS AND CONDITIONS

5.1. INTERPRETATION

The land use definitions provide a description of the use or development in terms of its structural form and level of activity generated in terms of pedestrian or vehicular traffic, noise, visual appearance, and any other considerations that constitute the impact the neighbourhood, street, or zone in which it occurs. The examples provided are not intended to be exhaustive so that if a new use with a modern 'label' fits a category of use defined under a land use class, Council may apply the relevant regulations and conditions accordingly. Wherever possible, the goal was to achieve consistency with federal and provincial terminology and definitions.

All development uses shall conform with the development standards set out for the zone in which the development or use occurs as set out in Section 3 with the Use Zone Tables.

5.2. AGRICULTURE LAND USE CLASS

5.2.1 Community Garden

Definition: A Community Garden is a piece of land gardened or cultivated by a group of people individually or collectively. Normally in Community Gardens, the land is divided into individual plots. Each individual gardener is responsible for their own plot and the yielding or the production of which belongs to the individual. The Community Garden may be owned by the City or a group of individuals or community organization.

Conditions

1) A Community Garden is for plant use only.
2) Community Gardens are to be maintained in a neat and tidy fashion.
3) All disturbed areas not comprising the area of the Community Garden are to be reinstated with a minimum of grass sods to the satisfaction of the City.
4) Structures on the site are only for the storage of gardening equipment and implements or greenhouses and must have a permit from the City.

5.2.2 Residential Agriculture

Definition: Residential Agriculture means a site where the residential use is the primary use of the site but there are agricultural activities that are compatible within a residential setting. Residential agriculture that is conducted as a home business as determined at the discretion of Council must meet the requirements for a home business.

5.2.2.1 Keeping of Bees

1) A beehive use shall be subject to the following conditions:
    a. a maximum of two (2) beehives may be kept for each subject property;
    b. a beehive to be installed on the ground:
        i. shall be installed in the rear yard of the subject property;
        ii. shall be a minimum of three decimal seventy-five metres (3.75 m) from any property boundary;
        iii. fencing, hedging, or other suitable barrier of a minimum height of one decimal eight three metres (1.83 m) which extends a minimum distance of four decimal five metres (4.5 m) past the nearest point of the beehive shall be established to
        iv. direct bees away from neighbouring buildings; and
        v. the entrance of the beehive shall be aimed away from neighbouring buildings;
    c. a beehive to be installed on a rooftop:
        i. hall be a minimum of two decimal five metres (2.5 m) from any property boundary; and
        ii. the rooftop shall be able to support the beehive;
        iii. a water source shall be provided for the bees on the same property as the beehive(s);
2) the individual proposing to install and maintain the beehive shall submit written confirmation that the individual is trained in the keeping of bees or will be mentored by an existing beekeeper who has more than two (2) years' experience caring for bees in Newfoundland and Labrador;
3) the beehive structure shall be a type with moveable frames that are easily removed for visual inspection without causing damage to the frames or comb; and

5.2.2.2 Home Gardening

Definitions Home Gardening means recreational gardening that consists of accessory non-business gardening activity on a residential lot that may include, but is not limited to, horticulture, vegetable and fruit growing; but not a Community Garden or gardening as a Home Business.

Conditions

1) A permit is not required for a home garden that does not involve permanent structures, on-site sales, or construction of a greenhouse.
2) Any sale of produce must be clearly incidental to the primary source of income; and the determination of home gardening as a Home Business is at the discretion of Council and can be regulated as such.

5.2.3 Kennel

Definition: Kennel means a building or portion thereof used for the care and/or boarding of more than four (4) household pets that do not ordinarily reside on the property, excluding livestock, with or without veterinary care, and includes an animal shelter.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
2) where external runs shall be provided as part of the kennel:
    a. The use shall be limited to locations in the Use Zone which do not abut residential zones or uses Council shall be satisfied that the kennel shall not impact upon surrounding residential neighbourhoods; and
    b. The outside perimeter of all areas related to the kennel where animals are kept shall be enclosed by a solid fence or fence and a solid hedge at least 1.8 metres in height to screen the areas from adjacent properties.
3) All buildings related to the kennel should contain at least 8 cm of insulation in all exterior walls and ceiling for the purpose of soundproofing.
4) All buildings, pens and runs shall be sited not less than 15 metres from any property line, and council may set conditions regarding the placement of buildings, pens and runs to maximize separation distances from pre-existing residences.
5) A Single Detached Dwelling may be allowed on the site of the Kennel on the following conditions:
    a. It is clearly demonstrated to Council that the operation is a bona fide Kennel from which the owner derives a major portion of his or her income;
    b. It is clearly demonstrated to Council that full-time habitation on the site is necessary for the successful operation of the Kennel;

5.3. COMMERCIAL LAND USE CLASS

5.3.1 Amusement Establishment/Use

Definition: Amusement Establishment/Use means the use of land or a building or a part thereof used by the public for indoor non-sport games, including but are not limited to, billiard and pool halls, bingo hall, mechanical amusement games (more than three game machines), or video games. It does not include those on the premises of a hotel or bar.

Conditions

1) The use shall not be located within one hundred and fifty metres (150 m) of a school, a place of worship, or a personal care use.
2) The use shall not abut a residential lot or use unless the amusement use is a unit within a retail centre or mall and provided the amusement use is not one of the end units of the centre or mall. Shall address traffic access/egress and on-site movement as well as parking.
3) For a temporary permit, the applicant shall address site rehabilitation after event.

5.3.2 Amusement Park/Attraction

Definition: Amusement Park/Attraction means an outdoor area where buildings or structures may be permanently or temporarily erected for the purpose of amusement, entertainment or education of a large number of people; including but are not limited to, a circus, carnival, midway show, race-track, sideshow, fairgrounds, or similar exhibition which may have mechanically or electrically operated amusement rides or games, and theme parks.

Conditions

1) Shall address traffic access/egress and on-site movement as well as parking.
2) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.

5.3.3 Auto Body Shop

Definition: Auto Body Shop consists of a building or a clearly defined space on a lot used for the storage and repair of motor vehicles including body repair, painting and detailing, but does not include a service station or an automobile repair shop or an automotive sales establishment.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
2) There shall be no outdoor storage of inoperable vehicles or vehicle parts on the premises and no scrapping of vehicles shall be permitted.

3) Shall apply measures to minimize any noise, spray or fumes through the installation of appropriate equipment; and all waste fluids and tires shall be disposed of in accordance with applicable provincial regulations.
4) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
5) A parking area abutting a residential lot should be appropriately screened by a fence, wall, or hedge of height of about 2.4 metres and located a minimum distance of 1 metre from the edge of the parking area.

5.3.4 Automotive Repair

Definition: Automotive Repair means a development for the servicing and repair of motor vehicles. This definition includes but is not limited to transmission repair shops, muffler repair shops, tire shops, automotive glass shops, auto body repair, painting and detailing, and automotive upholstery shops, but does not include an Automotive Sales and Service Establishment, a Service Station, or salvage or wrecking and recycling yard.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
2) There shall be no outdoor storage of inoperable vehicles or vehicle parts on the premises and no scrapping of vehicles shall be permitted.
3) Outline measures to minimize any noise, spray or fumes through the installation of appropriate equipment; and all waste fluids and tires shall be disposed of in accordance with applicable provincial regulations.
4) A parking area abutting a residential lot should be appropriately screened by a fence, wall, or hedge of height of about 2.4 metres and located a minimum distance of 1 metre from the edge of the parking area.

5.3.5 Automotive Sales and Service Establishment

Definition: Automotive Sales and Service Establishment means a lot, building or structure used for the display and sale of new or new and used motor vehicles, including trucks and mobile homes; and may include the servicing, repair, cleaning, polishing, and lubrication of motor vehicles; the sale of automotive accessories and related products; and the leasing or renting of motor vehicles.

Conditions

1) The developer shall submit a Development application (2.2.2 & 2.2.4), which shall include the following:
    a. The number and location of parking spaces including customer parking,
    b. Ingress and egress of the parking lot,
    c. Motor vehicle circulation pattern around the lot,

d. Location of any building on the lot, and
e. Area to be landscaped and screened and the type of landscaping to be used.

2) The automotive sales use shall have a principal building on the lot in which the business is conducted. The principal building shall include washroom facilities and should be connected to municipal water and sewer services where such services exist. Where municipal water and sewer services do not exist, the washroom facilities of the principal building be approved by and meet the requirements of the Service NL.
3) Council may require that the automotive sales lot be paved, and provided with drainage, lighting, curbs, and landscaping in accordance with the requirements of Council.
4) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
5) All required approvals shall be obtained by the applicant from the Provincial Government prior to approval of development permit.

5.3.6 Bar/Licensed Liquor Establishment

Definition: Bar/Licensed Liquor Establishment means a development licensed for the sale of alcoholic beverages to the public, for consumption within the premises and where entertainment and meals may be provided. Typical uses include but are not limited to, dance clubs, cabarets, nightclubs, lounges, tavern, neighbourhood pubs and bars, brewpubs, beverage rooms, private clubs, cocktail lounges, and similar uses. A Bar/Licensed Liquor Establishment does not include a restaurant which has received approval for the sale of alcohol.

Conditions

1) Recommend consideration of a separation distance of 100 m from a residential lot.
2) Appropriate noise and separation measures to reduce noise impact on surrounding properties shall be indicated in the development application.

5.3.7 Building Supply Store

Definition: Building Supply Store means a building or land on which building and construction supplies and home improvement materials are sold and stored including both indoor and outdoor storage areas; and may have seasonal sales, such as garden centres with associated greenhouse.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
2) Outdoor Storage areas of supplies shall be screened and/or fenced in order to prevent unsightly property to the satisfaction of Council.

5.3.8 Business Support Service

Definition: Business Support Service means development used to provide support services to businesses which are characterized by one or more of the following features: the use of mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance, custodial or security service, and the sale, rental, repair or servicing of office equipment, furniture and machines.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.

5.3.9 Campground

Definition: Campground (including RV campgrounds) means a public or privately-operated facility offering overnight to seasonal camping experiences for 3 or more tent sites or serviced recreational vehicle sites, associated rental cabins, and including accessory administrative offices, convenience store, laundry facilities, sanitary facilities, recreational hall and associated recreational uses that cater to short-term guests, not to year-round residents, and does not include industrial, work or construction camps or permanent mobile home or mini-home parks.

Conditions

1) A proposed campground shall require a Planned Unit Development application (2.2.2 & 2.2.4) satisfactory to Council containing the following information:
    a. Location and size of camp and trailer sites;
    b. Internal roads and accesses and parking areas;
    c. Parking areas for proposed campground;
    d. Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, staff accommodations, and outdoor and indoor recreation facilities;
    e. Water supply and waste disposal;
    f. Landscaping for proposed campground;
    g. Buffers and screening between the site and other nearby land uses;
    h. Delineation of the property to be developed on a legal survey;
    i. Where deemed necessary by Council, a phasing plan for development;
    j. On-site water and sewer services shall meet minimum standards required by Council and relevant Provincial agencies; and,
    k. Washroom facilities, recreational areas, parking areas, and similar facilities directly associated with the development shall not be located on separate properties.
2) All camp sites and on-site facilities that form part of the development shall be accessible only via the internal road network of the development.
3) The development permit shall specify the maximum number of campsites for different uses such as tents, trailers, and RVs that shall be permitted on the site.
4) No expansion or alteration of a campground, other than repairs and maintenance, shall take place without the approval of Council.

5) The operation shall comply with all regulations of Council pertaining to noise and unruly behaviour.
6) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.

5.3.10 Child Care – Non-Residential

Definition: Child Care – Non-Residential means a building, or part of a building, in which personal care services are regularly provided to children for group day care, family day care, pre-school, play school, out-of-school care, specialized day care, and emergency day care, all as licensed and regulated by the Province of Newfoundland and Labrador under the *Child Care Regulations, 2017*, as amended from time to time, but does not include a school as defined by the *Schools Act, 1997*. (Note: Child Care - Residential is found under Home Business (3.5)).

Conditions

1) Shall be duly licensed and approved, staffed, equipped and operated in accordance with the requirements of the agencies having jurisdiction or authority.
2) Shall meet off-street parking requirements specified in these Regulations. Consideration shall be given to ensure that the street on which the use is located allows sufficient area and sight distance for the safe and convenient drop off and pick up of children without hindering the safety and convenience of vehicular and pedestrian traffic on the street, or the development provides adequate off-street drop off or pick-up spaces satisfactory to Council.

5.3.11 Service Club and Lodge

Definition: Service Club and Lodge means a building or structure used by a non-profit association or organization for fraternal, social, or recreational purposes, including but not limited to such examples as, the Lion's Club, Kinsmen Club. A Service Club and Lodge can also be an Accessory Use,

Conditions

1) A Service Club and Lodge can also be an Accessory Use (refer to section 3.4.1).

5.3.12 Contractor, Limited (Small)

Definition: Contractor, Limited (Small) means a building or part thereof providing services for electrical, plumbing, heating, painting and similar contractor services to individual households including accessory sale of goods associated with this service and where there is no accessory manufacturing or fleet of vehicles consisting of more than 4 vehicles.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
2) Recommend that all materials are within an enclosed building.

5.3.13 Convenience Store

Definition: Convenience Store means a building which is used as a retail store providing a range of household and grocery items, and may include, but not limited to, postal services or take-out, and may be licensed to sell alcohol, but is not a supermarket. The Convenience Store may also be a subsidiary use within a primary use, including but not limited to such examples as~~,~~ a Service Station or Single Detached Dwelling or public institutional building

Conditions

1) The store may form part of, or be attached to, a Single Detached Dwelling, Service Station, or be a stand-alone building.
2) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities or adjoining properties.
3) No regular parking of commercial vehicles or trailers will be permitted.
4) Council will pay particular attention to site access, the effects of the uses on traffic flow, and increased traffic congestion in the area.
5) There shall be no wholesale or outdoor storage of materials, equipment, or products.
6) Adequate provision for on-site parking, loading, buffering and landscaping shall be provided.
7) The hours of operation are appropriate to the nature of the building and surrounding neighbourhood.
8) As a home business, on-site advertisements shall be non-illuminated, with a maximum sign face area of $0.2m^2$ ($2.15\ ft^2$) and shall meet all other requirements of Council in terms of shape and construction material.
9) The use will not use water or generate sewage in excess of what can be accommodated by the municipal water supply and sewage system or on-site water and sewage system.
10) A freestanding Convenience Store or Drive-Through and Take-Out Restaurant on a separate lot shall comply with the development standards tables established for non-residential buildings.
11) The Drive-Through and Take-Out Restaurant use shall be subject to the conditions set out in 5.3.25.1.
12) A Drive-Through and Take-Out Restaurant associated with a Convenience Store should be subject to the following standards:
    a. A Drive-Through and Take-Out Restaurant should have a parking area or stacking lane with a minimum length before the pick-up window, as determined by Council during the review of the application based on the anticipated on the level of traffic to be generated as indicated in the application;
    b. Order boards and signage shall be designed to minimize impact on adjacent residential or public/institutional uses; and,
    c. As determined by Council: A buffer consisting of a sound-proof fence and landscaping may be required adjacent to residential uses. A fence, berm, and landscaping or a combination of these elements shall be used to reduce headlight glare, lighting, and noise from the drive-thru Take Out; garbage receptacles shall be placed either before the pick-up window or after the pickup window.

    13) A convenience store within an apartment building shall meet the following requirements:

a. the maximum floor area does not exceed the size of an apartment unit in the building or 100 m^2, whichever is the lesser;
b. it is situated on the principal entrance level floor;
c. adequate noise separation shall be maintained between any commercial use and the apartment units in the apartment building through the installation of soundproofing materials;
d. adequate venting shall be installed in the commercial use;
e. hours of operation are appropriate to the nature of the building and the operation does not create a nuisance;
f. a fire exit for the exclusive use of the convenience store shall be provided;
g. signage for the commercial use shall be unobtrusive; and
h. a separate entrance(s) for the exclusive use of the convenience store use shall be provided, unless the entrance to the convenience store use is immediately adjacent to a lobby or foyer and patrons of the convenience store use are not required to pass by the individual entrances of the apartment units.

5.3.14 Custom Manufacturing Service and Sales (Small/Artisan)

Definition: Custom Manufacturing Service and Sales (Small/Artisan) means a building where goods are stored, produced, assembled, or repaired to consumer specifications and sold at retail on the premises and may include, but not limited to, welding, sheet metal, woodworking, flooring and tile contractors, and machine shop.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.

5.3.15 Garage, Public Parking/Taxi Stand

Definition: Garage, Public Parking/Taxi Stand means a building or area other than a private garage where motor vehicles are kept or stored for remuneration which does not include any automatic car washing establishment, an Automotive Sales and Service Establishment or a Service Station.

Conditions

1) Recommend that appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.

5.3.16 General Service/Repair Shop

Definition: General Service/Repair Shop means an outlet for servicing, repairing, installing, or renting items and equipment, without limiting the generality of the foregoing, includes but is not limited to the following examples, radio, television, and computer service and repair shops; locksmith shops; small appliance service or repair shops; household and limited contractor service or repair shops; tools and equipment rental shops.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.

5.3.17 Hotel or Inn

Definition: Hotel or Inn means a commercial establishment offering lodging and guest services to travelers and sometimes to permanent residents, and may have restaurants, meeting rooms, conference facilities, a lounge, stores, etc., that are available to the general public. In general, to be called a Hotel or Inn (not a bed and breakfast), an establishment shall have a minimum of five letting rooms accessed from within the building, at least three of which shall have ensuite private bathroom facilities.

Conditions

1) The Hotel or Inn shall be registered and approved by the Government of Newfoundland and Labrador.
2) A Hotel or Inn is for temporary accommodation. The unit is not a place of residence or dwelling. Units may be rented on a temporary basis but not as an open-ended monthly apartment.
3) Housekeeping services including cleaning, provision of clean linen and towels (daily or weekly) shall be provided.
4) Access to units shall be through or associated with a clearly defined lobby. Exterior access to units can be provided as long as access to each unit is from a common parking lot on the site.
5) Units shall not have individual driveways to the street. Parking shall be provided in a parking lot with parking spaces and aisles and access for the overall parking lot to the street.
6) The Hotel or Inn shall have an overall cohesive design including a prominent lobby, pleasant appearance from the street, clear parking lot street entrance and design with a dust free surface, and landscaping (trees, shrubs, lawn) in setbacks and open areas.
7) There shall not be separate utility connections or utility billing or addressing for individual rooms.
8) Temporary accommodations for seasonal staff can be provided onsite.

5.3.18 Medical or Dental Clinic/Office

Definition: Medical or Dental Clinic/Office means a building or part thereof used by qualified physicians, dentists, osteopaths, counselors, or other drugless practitioners, including their staff and patients, for the purpose of out-patient consultation, diagnosis and office treatment. A Medical or Dental Clinic/Office may include accessory uses, including but not limited to such examples as, waiting and treatment rooms, laboratories, dispensaries and administrative offices. A Medical or Dental Clinic/Office does not include accommodation for overnight patient care or operating room facilities.

5.3.19 Motel

Definition: Motel means an establishment providing accommodation for travelers or the transient public that consists of one or more than one building containing four or more attached accommodation units accessible from the exterior only and may or may not have facilities for serving meals.

Conditions

1) The Motel shall be approved by the Government of Newfoundland and Labrador.
2) Units may be rented on a temporary basis but not as an open-ended monthly apartment.
3) A Motel unit is for temporary accommodation. The unit is not a place of residence or dwelling. No individual can abide in the units in a particular Motel for more than three months out of every calendar year.
4) Housekeeping services including cleaning, provision of clean linen and towels (daily or weekly) shall be provided.
5) Access to units may be through or associated with a clearly defined lobby. Exterior access to units can be provided as long as access to each unit is from a common parking lot on the site.
6) Units shall not have individual driveways to the street. Parking shall be provided in a parking lot with parking spaces and aisles and access for the overall parking lot to the street and shall meet off-street parking requirements specified in these Regulations.
7) The Motel shall have an overall cohesive design including a prominent lobby, pleasant appearance from the street, clear parking lot street entrance and design with a dust free surface, and landscaping (trees, shrubs, lawn) in setbacks and open areas.
8) There shall not be separate utility connections or utility billing or addressing for individual rooms.

5.3.20 Outdoor Commercial Patio

Definition: Outdoor Commercial Patio means any outdoor area used in conjunction with any establishment licensed under the *Liquor Control Act, 1990* where meals or refreshments are served to the public for consumption on the premises.

Conditions

1) An Outdoor Commercial Patio should not accommodate more than 50 percent (50%) of the licensed capacity of the restaurant with which the patio is associated, or 50 persons, whichever is greater.
2) It is recommended that no Outdoor Commercial Patio be permitted in any yard facing or abutting a residential zone or abutting a yard or lane facing or abutting a residential zone unless:
    a. It is located a minimum of 30 m from the residential zone; and
    b. It is screened and physically separated from the residential zone by a building, structure or wall that is at least 2 metres in height so that noise from the outdoor patio is mitigated.
3) Unless otherwise determined by Council, an Outdoor Commercial Patio should have a minimum setback of 1.5 metres from any lot line.
4) The location of an Outdoor Commercial Patio on a lot should not obstruct the view or path of pedestrian and vehicular traffic that accesses or egresses to or from a street onto or out of the lot.

5) The Outdoor Commercial Patio shall not encroach on or eliminate any required parking or loading space, driveway or aisle for the lot on which it is located.
6) The Outdoor Commercial Patio shall be so located on the lot as to not interfere with snow clearing and snow operations of Council.
7) No Outdoor Commercial Patio should be located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential use zone.
8) Any outdoor lighting should be directed toward or onto the Outdoor Commercial Patio area and away from adjoining properties and streets.
2) Parking spaces should be required for the gross floor area associated with the Outdoor Commercial Patio use at the same ratio as for restaurants**.**

5.3.21 Outdoor Market

Definition: Outdoor Market means the sale of goods or products at an open property permanent buildings or in the large parking lot of an existing commercial use where temporary facilities or open stalls may be used to hold and display the goods being sold. Examples may include, but are not limited to, farmers markets, fish market, flea markets , seasonal markets (Christmas trees),or other types of goods.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the permit to reduce noise impact on surrounding properties.
2) Requires sufficient off street/highway parking for customers and ensure that the sight lines (visual) or sign distance at any intersection is not obstructed.
3) If located on an existing large parking lot of a commercial use, the outdoor market use shall not compromise the parking and access/egress requirements of that use.
4) The outdoor market operator shall have the written permission of the land owner for outdoor market use to meet the requirements to apply for the permit.

5.3.22 Personal Service

Definition: Personal Service means a building or part of a building used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects; and where the sale of retail of goods, wares, merchandise, articles, or things is only accessory to the provisions of such service. Examples include, but are not limited to, barbershops, hairdressers, beauty salons, health and wellness centres/spas, tanning salons, tattoo parlours, tailors, dressmakers, photography studio, music studio, handmade crafts, shoe repair shops, dry cleaning or laundromat. This Use Class does not include medical and dental clinics and excludes any manufacturing or fabrication of goods for sale.

Conditions

1) Shall meet off-street parking requirements.
2) Council may require buffers, fencing, separation distances or access/egress conditions to ensure that potential impacts on adjacent properties is minimized.

5.3.23 Offices: Professional, Financial and Associated Support Services

Definition: Offices (professional, financial and associated support services) means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include medical or dental clinics or government services. Typical uses include, but are not limited to: the offices of lawyers, accountants, engineers, planners and architects; offices for real estate and insurance firms; other consulting services such as organizational management, wellness, life coaching; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

5.3.24 Resort – Tourist Establishment

5.3.24.1 Resort-Accommodation Only

Definition: Resort-Accommodation Only means the use of land, buildings and structures that may provide sleeping accommodations, communal or individual facilities for cooking and serving of meals for guests or a restaurant and provide limited onsite recreation uses, such as tennis, lawn bowling, health spa, swimming pools, sightseeing, camping, indoor recreational activities and other similar uses, plus gift and craft shops and the furnishing of equipment, supplies or services to guests in connection with any of the foregoing activities and may include accommodation for operators and staff. This category also includes commercial rental cottages or a tourist cabin development.

5.3.24.2 Resort-Accommodation & Recreation Uses

Definition: Resort-Accommodation & Recreation Uses means the use of land, buildings and structures that may provide sleeping accommodations, communal or individual facilities for cooking and serving of meals for guests or a restaurant and provide recreation uses, such as golfing, tennis, lawn bowling, marinas, health spa, swimming pools, angling and other watersport activities, hunting and recreational shooting, cross-country skiing, sightseeing, camping, hiking, indoor recreational activities and other similar uses, plus gift and craft shops and the furnishing of equipment, supplies or services to guests in connection with any of the foregoing activities and may include accommodation for the operator and staff. This category also includes commercial rental cottages or a tourist cabin development.

5.3.25 Restaurants

5.3.25.1 Drive-Through and Take-Out

Definition: Restaurants - Drive-Through and Take-Out means a building designed to allow drivers to remain in their vehicles before and during an activity on the site. Food and drink are prepared then sold to the public for immediate consumption either within an eating area inside or outside of the building, or within the patron's own motor vehicle onsite, or for elsewhere off the premises. It may include a seating area for in-house consumption and parking for in-house patrons. It is not licensed to sell alcoholic beverages.

Conditions

1) Council may require the applicant to undertake a Planning Impact Assessment to assess the impact of the proposed Drive-Through and Take-Out use and mitigation measures where the Drive-Through and Take-Out use is in close proximity to residential uses.
2) A Drive-Through and Take-Out restaurant should have a stacking lane with a minimum length before the pick-up window, as determined by Council based on the projected level of traffic to be generated by the Drive-Through and Take-Out use as listed below, and the stacking lane length may be modified on the basis of the recommendations of a Planning Impact Assessment. Drive-Through and Take-Out stacking lanes should not be located between the street and the building.
3) Drive-Through and Take-Out stacking lanes shall be located away from adjacent residential and institutional uses whenever possible and no Drive-Through and Take-Out stacking lane, order window, or order board should be located within 3 m of a lot line abutting a residential use.
4) Drive-Through and Take-Out stacking lanes should be separated by raised islands, be well signed to provide for ease of use and located so as to avoid crisscrossing of lanes.
5) Order boards with an intercom shall be designed to minimize noise impact on adjacent residential or institutional uses.
6) A buffer consisting of a sound-proof fence and landscaping shall be provided adjacent to residential uses. A fence, berm, and landscaping or a combination of these elements should be used to reduce headlight glare, order board lighting, and noise from the Drive-Through and Take-Out use. Garbage receptacles should be placed either before the pick-up window or after the pickup window as determined by Council.
7) If the use of any land, building or structure is composed of a combination of Drive-Through and Take-Out use and any one or more other uses, those uses should not be construed as accessory to one another and all provisions pertaining to each use shall apply.

5.3.25.2 Full-Service Restaurant

Definition: Full-Service Restaurant means a building or part of a building wherein the primary purpose is the preparation of food for sale to the public for consumption within the building and may include a take-out area, but does not include a drive-through. It is characterized by the provision of table service, including buffet service and may also be licensed to serve alcoholic beverages.

Conditions

1) Refer to Outdoor Commercial Patio for standards related to outdoor areas.

5.3.25.3 Mobile Take-Out/Canteen or Street Vendor

Definition: Restaurant - Mobile Take-Out/Canteen or Street Vendor means a mobile food preparation motorized vehicle or non-motorized cart offering food and non-alcoholic beverages for immediate consumption that subject to the requirements of the *Towns and Local Service Districts Act* and the *Highway Traffic Act, 1990*. No person shall, at any time, operate a mobile canteen, an approved vending site or a vending operation in the City without a permit issued by Council with the exception of:

a. A person selling newspaper door to door;
b. A child or youth selling goods to raise funds for school activities or non-profit youth groups;
c. Selling on behalf of an organization located within the City providing that the sale of goods is to support the purposes of the organization and is not for personal gain;
d. Occasional selling of goods or foods on a business property outside the building where those goods or foods are usually sold by that business; or,
e. Door to door sales of goods or services.

Conditions

The use of land for the parking of a vehicle or trailer for a period of time for vending purposes, including the sale of refreshment shall be subject to the following conditions:

1) The application shall be processed as a Temporary Use application.
2) The parking of a vehicle or trailer shall not be located on any required landscaped yards.
3) The parking of a vehicle or trailer shall only be permitted if the lot has a sufficient parking area to accommodate the parking requirements of the principal building or use on the lot, the subsidiary vehicle or trailer use, and associated parking for patrons/customers.
4) The parking of a vehicle or trailer shall not hinder lot access or egress or create an obstruction to vehicles entering or exiting the lot.
5) If a vehicle or trailer is used for the purpose of the preparation, cooking, and/or sale of food and/or refreshments, the following approvals are required prior to the placement of the vehicle or trailer on the lot:
    a. Approval from the Fire Department regarding the appliances to be used and the required fire suppression measures, and

b. Approval from Digital Government and Service NL regarding the storage and preparation of food and/or refreshments.

6) A vehicle or trailer may be required to provide, or have access to, washroom facilities as determined by Council.
7) Litter will be managed in a manner as determined by Council.
8) The use shall be in accordance with the City of Mount Pearl's Mobile Canteen Regulations.
9) Council shall limit the length of the Development Permit to a maximum of one year and the permit may be renewed on an annual basis if the applicant wishes to continue the use. The permit shall expire of the 31st day of December following the date of issue.
10) The permit issued to the operator shall be displayed in full view to the public.
11) Permits for mobile canteens, approved vending sites or vending operations shall be issued to an owner, operator or agent of such mobile canteen, approved vending site or vending operation and shall not be transferable.
12) The vendor shall not use the mobile take-out/canteen for the purpose of either temporary or permanent habitation or any overnight accommodation.

5.3.26 Retail

Definition: Retail means a building or part of a building used for the retail or consignment sale of goods, wares, substances, or merchandise directly to the public within an enclosed building, including, but not limited to, a drug store, bakery, appliance or clothing store, or art studio and gallery, indoor market, furniture and appliance sales (& showroom) and shops, garden centres (without a nursery); and including services such as animal grooming. This use class does not include the sale of gasoline, heavy agricultural and industrial equipment, wholesale goods, automotive and recreation vehicle sales/rentals, flea market, gas bars, greenhouses service stations , and box store or warehouse sales. Accessory uses may include the assembly or repair of products sold on site or public services, including but not limited to such examples as, postal services or pharmacy or landscaping and garden products.

5.3.27 Shopping Centres/ Retail Warehouse/Strip Mall

Definition: Shopping Centres/Retail Warehouse/Strip Mall means a large single-level individual store with a minimum of 1000 m^2 gross retail floor space; or a condominium-style row development of stores (strip mall) normally containing retail shops (including box stores), restaurant, offices, personal service businesses, medical or dental clinic and may have seasonal sales, such as garden centres.

Conditions

1) Parking lots and motor vehicle circulation areas for the shopping centre use shall be situated to minimize the impact on adjoining residential properties.
2) For the commercial-residential zone, the following conditions apply to shopping centre use:
    a. the gross floor area of the shopping centre use shall not exceed five thousand square metres (5,000 m^2),
    b. the front yard shall be a minimum of six metres (6 m) from the street line to be used for nothing other than landscaping, permitted access, driveways, and identification sign,

c. the shopping centre use shall meet all other development standards of the Use Zone,
d. the views from habitable rooms of surrounding residential dwellings and the amenity of outdoor spaces shall be respected in the design and siting of commercial buildings,
e. landscaping of the shopping centre use shall screen outdoor parking, shipping, and storage areas directly visible from adjacent residential uses or areas.
f. Snow piling areas shall be provided away from common fences with residential properties and away from streets, and

5.3.28 Service Station

Definition: Service Station means land or building used exclusively for the sale/installation of petroleum products (oil or lubricant change) and may include minor repair to vehicles, cleaning and maintenance essential to the actual operation of vehicles, and the sale of automotive accessories; but does not include an automotive body repair shop or automotive sales establishment. Service Stations are classified as: Residential or Highway as outlined below.

Conditions that apply to both Residential and Highway Service Stations:

Minimum Standards for all Service Stations and gas bars, notwithstanding the development standards of the Use Zone in which a Service Station or gas bar is located, a Service Station and/or gas bar shall be subject to the following conditions:

1) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side, except in the case of propane, diesel, and kerosene pumps, which may access from one side.
2) Pump islands and canopies shall be set back at least 4 metres from the landscaped front or side yards.
3) Accesses should not be less than 7 metres wide and shall be physically established with either a raised island, high back curb, or roadside ditching 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 is recommended to be 10 metres and the lot line between entrances shall be clearly indicated.
4) Surface runoff shall be directed to an oil/water separator before being discharged into a storm sewer or other drainage system.
5) Minimum of 2 access points for access/egress.
6) Landscaping may be required along front and exterior lot lines.

5.3.28.1 Service Station – Residential

Definition: Service Station-Residential is a Service Station as defined above which may have a Convenience Store, snack bar, Drive-Through and Take-Out restaurant subordinate to the main use but is not a truck stop (as in a Service Station – Highway), but may be only a gas bar selling fuel only.

Conditions

1) All Service station requirements apply.

2) Council may require the applicant to undertake a Planning Impact Assessment to assess the impact of the proposed Service Station - Residential and mitigation measures where the Service Station-Residential Use is in close proximity to residential uses.
3) Notwithstanding the development standards of the Use Zone in which a service station or gas bar is located, a service station and/or gas bar shall be subject to the following conditions:
    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 four metres (4 m) from the required landscaped front or side yards;
    c. accesses shall not be less than seven metres (7 m) 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 ten metres (10 m) and the lot line between entrances shall be clearly indicated.

Lot Area (minimum)	900 m2
Lot frontage (minimum)	48 m; or 35 m along each street at intersection
Building Height (maximum)	1 storey
Building Line (minimum)	6 m
Building Line – Canopies (minimum)	3 m

5.3.28.2 Service Station –Highway

Definition: Service Station-Highway means a Service Station which includes a Convenience Store and other services for the travelling public; and may include a Full-Service Restaurant, truck stop, and services for transport trucks.

Conditions

1) All Service station requirements apply.
2) Provide adequate separation of areas intended primarily for trucks from areas for cars, buses, recreational vehicles, vehicle washes, repair areas, trash enclosure areas and other traveler services waste dumping, passive recreation and structures, including but not limited to such examples as, a visitor information centre.

5.3.29 Veterinarian Clinic

Definition: Veterinarian Clinic means a building, structure or parts thereof where one or more registered veterinarian surgeons including associated staff provide examinations and surgical or medical treatment to domestic pets, animals or livestock, and may include treatment rooms, laboratories, dispensaries and associated offices.

Conditions

1) Facilities for the overnight care of animals undergoing treatment may be permitted indoors and is considered incidental to the hospital use.
2) A Kennel is not permitted in association with a Veterinarian Clinic.

5.3.30 Mobile Street Vendor (Non-Food) or Office

Definition: Mobile Street Vendor (Non-Food) or Office means a mobile vehicle or non-motorized cart merchandise under the *Towns and Local Service Districts Act* and the *Highway Traffic Act, 1990*.

Conditions

The use of land for the parking of a vehicle or trailer for a period of time for vending purposes shall be subject to the following conditions:

1) The application shall be processed as a Temporary Use application.
2) The vehicle or trailer shall not be located on any required landscaped yards of a principal building.
3) The parking of a vehicle or trailer shall only be permitted if the lot has a sufficient parking area to accommodate the parking requirements of the principal building or use on the lot, the subsidiary vehicle or trailer use, and associated parking for patrons/customers.
4) The parking of a vehicle or trailer shall not hinder lot access or egress or create an obstruction to vehicles entering or exiting the lot.
5) Litter will be managed in a manner as determined by Council.
6) A vehicle or trailer shall be required to provide, or have access to, washroom facilities as determined by Council.
7) Council shall limit the length of the permit to a maximum of one year and the permit may be renewed on an annual basis if the applicant wishes to continue the use. The permit shall expire on the 31st day of December following the date of issue.
8) The permit issued to the operator shall be displayed in full view to the public.
9) Permits for mobile street vending or office sites or operations shall be issued to an owner, operator or agent of such vehicle or trailer, approved vending site or vending operation and shall not be transferable.
10) The vendor shall not use the vehicle or trailer for the purpose of either temporary or permanent habitation or any overnight accommodation.

5.3.31 Hostel

Definition: Hostel means a building which provides commercial short term rentals, typically, a single room in a building or dwelling with shared bathrooms and kitchens.

Conditions

1) Units may be rented on a temporary basis but not as an open-ended monthly apartment. A Hostel room is for temporary accommodation. The unit is not a place of residence or dwelling. No individual can abide in the units in a particular hostel for more than three months out of every calendar year.
2) Hostels may offer organized and managed cooperative cleaning and cooperative kitchen.
3) There shall not be separate utility connections or utility billing or addressing for individual rooms.

5.3.32 Short Term Residential Rental

Definition: Short-Term Residential Rental (STRR) means any rental of overnight accommodations in all or part of a Single Detached Dwelling, such as a subsidiary apartment, or a Semi-Detached Dwelling (double dwelling) that is not a Bed & Breakfast, Boarding house, Hostel, or Group home. Note that this would include a stand-alone boarding house or lodging house where the owner is not resident. STRR are also commonly referred to as 'Air BnBs'.

Conditions

1) Short-Term Residential Rental (STRR) uses shall have a permit from the City and are only allowed as a discretionary use and where such dwelling units are well maintained and attractive to the intended tourism accommodation use and surrounding residential neighbourhood.
2) Neighbourhood consultation shall be undertaken prior to issuance approval of a new STRR permit.
3) All STRRs shall be licensed under appropriate provincial regulations, including but not limited to such examples as, the Tourist Establishment Regulations including Service NL approvals and proof of appropriate insurance coverage.
4) If individual bedrooms are intended to be rented separately, every bedroom available to be rented shall have parking spaces (one for every bedroom). If single detached dwelling, subsidiary apartment, or semi-detached dwelling is intended to be rented as one unit, the STRR shall meet off-street parking requirements specified in these Regulations.
5) A STRR is not permitted within a mobile home.
6) Council shall have the discretion to enact the following measures as needed:
    a. limit the density of a combination of Short-Term Rentals and Bed and Breakfast operations in a neighbourhood;
    b. a moratorium on new STRRs;
    c. set a percentage of all housing stock that can be STRR, and when that is met new licenses will only be issued when a license is retired;
    d. require that STRRs must be owner-occupied (like a bed and breakfast);
    e. require that only residents of the City of Mount Pearl can own a STRR;
    f. limit the number owner per individual or corporation. Where a corporation owns a STRR, Council may limit number of STRR owned by a director(s) of the corporation;
    g. prohibit Hotel/Motel operations from having STRRs as part of their accommodation offerings;
    h. Allow an Accessory Building, accessory dwelling unit, boat house or other structure to be used as a STRR.
7) Use shall not result in increased traffic congestion in the area.
8) No wholesale sales or outdoor storage of goods shall be carried out and any retail sales shall be incidental to the approved use.
9) The use will not use water or generate sewage in excess of what can be accommodated by the municipal water supply and sewage system or on-site water and sewage system.
10) On-site advertisements shall be non-illuminated, with a maximum sign face area of 0.2m2 (2.15 ft2) and shall meet all other requirements of Council in terms of shape and construction material.

11) At Council's discretion, a catered dining area, or other subsidiary use may be permitted, provided the uses are clearly incidental and subsidiary to the approved use and the hours of operation are limited.
12) Off-street parking for a catered dining facility shall provide one space for every three (3) persons that may be accommodated at one time.

5.4. INDUSTRIAL LAND USE CLASS

5.4.1 Crematorium

Definition: Crematorium means a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses.

Conditions

1) A buffer between the crematorium and a sensitive land use, such as, a higher intensity land use with a concentration of employees, may be required at the discretion of the Council.
2) All crematory facilities should be located within an enclosed building that meets building and fire code requirements.
3) All applicable local, provincial, and federal laws and regulations shall be met.
4) Shall meet off-street parking requirements of these Regulations.

5.4.2 Composting Facility

Definition: Composting facility means a processing use that converts solid waste, including plant debris, decayed organic matter, municipal solid waste or agricultural waste, into a material to be used or sold for the purpose of fertilizing and conditioning the soil for growing produce and nursery plantings.

Conditions

1) Recommend special attention to storage. Where storage will be within 15 m of, and visible from, an adjacent property or the road, a buffer consisting of a fence, berm, landscaping or a combination of these elements shall be used to provide adequate screening.

5.4.3 Contractor, General

Definition: Contractor, General means on-site storage, both indoor and outdoor, and maintenance for materials, construction equipment or vehicles including heavy equipment, temporary storage containers, construction trailers, and temporary office trailers normally associated with the contractor services for provision of building construction, landscaping, concrete, and electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor service only. Equipment repair is limited to the ownership use class does not include professional, financial and associated support services or equipment repair service to the public (i.e., a garage)

Conditions

1) Where parking will be within 15 metres of, and visible from, an adjacent property or the road, a buffer consisting of a fence, berm, landscaping or a combination of these elements shall be used to provide adequate screening.
2) Accesses should not be less than 7 metres wide and shall be physically established with either a raised island, high back curb, or roadside ditching and, where located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction is recommended to be 10 metres and the lot line between entrances shall be clearly indicated.

5.4.4 Energy Generation Facilities

Definition: Energy generation facilities means a facility constructed for the purpose of generating electrical energy from wind, solar or small hydro means.

5.4.4.1 General Energy Generation Conditions

1) The following requirements shall apply to wind, solar, and small hydro generating facilities:

    a. Energy utilities are subject to the approval of relevant provincial and federal departments, agencies, and public utilities, including the Department of Industry, Energy and Technology and Transport Canada. The design and location of such utilities should take into consideration their impact on nearby land uses and persons, the environment, archaeological resources, and other matters that Council may deem to be significant. A wind, solar, or small hydro generator within a built-up residential area shall be limited to a single unit that serves an individual property.

    b. An adequate separation distance shall be maintained between wind generators and nearby buildings and structures to prevent damage to persons and properties due to a failure of a generator or any of its components or the shedding of ice.

    c. Unless specifically exempted by Council or other relevant agencies, the design, construction and location of an energy utility shall be certified by a professional engineer who has consulted with the required agencies.

5.4.4.2 Wind Turbines

Definition: Wind turbine generator means a structure designed to convert wind energy into mechanical or electrical energy. A wind turbine may include, but not be limited to, wind turbine, generator, operations and maintenance buildings, meteorological towers, collector grids and electrical substations. A Wind Farm or Wind Park means more than one wind turbine generator located on a lot.

Conditions

Private Non-commercial Wind Turbines

1) Private non-commercial turbines shall primarily be for the generation of electrical power for the property a residential use, for business owners and for varied public use buildings and other similar sites, but not for outside sale. Notwithstanding condition 4 where Council determines that the

proposed parcel size and wind turbine height is not sufficient to mitigate impacts to adjacent properties, the wind turbine proposal may be denied by Council.

2) Where permitted as a discretionary use by Council, the development of a private wind turbine shall conform to the following standards and conditions:
    a. The development of a private wind turbine(s) on a lot shall be for the primary use of the property owner. Electricity produced shall address the consumption needs of buildings and facilities located on the subject property. Surplus electricity shall be secondary in nature to the primary use and may be connected to the local power grid for the purpose of selling surplus power.

    b. All development shall meet applicable Federal and Provincial regulatory requirements, in particular those applying to safety and environmental concerns.

3) The development of the wind turbine(s) shall not create hazards or negative impacts on neighbouring properties. In cases where there are potential conflicts or impacts between a proposed development and neighbouring property, the turbine developer may be required to provide to Council a qualified consultant report with recommendations to ensure that adequate buffers or screening are maintained to reduce the potential impacts on adjoining properties, and to provide for other mitigation measures that may be necessary to reduce the impacts.

4) Wind turbine tower(s) shall be located on a lot with minimum visual impacts on neighbouring properties.

5) The sweep area of the rotor blades on a wind turbine shall not cross over property lines.

6) Wind turbine(s) shall not be permitted in front of the building line.

7) Wind turbine tower(s) shall be designed and constructed to meet design loads for operational requirements including ice build-up. The blades shall either have de-icing capabilities or be constructed of a material (ex. poly carbonate composite) that resists ice build-up.

8) Should the wind turbine cease operations for a period longer than 2 years, the turbine, towers, and any related infrastructure shall be removed from the property.

Commercial Wind Turbines

1) Where permitted by Council as a discretionary use, the development of a commercial wind turbine shall meet applicable Federal and Provincial regulatory requirements, the provisions of this Section, and all other terms and conditions as required by Council in consideration of the proposal, the proposed site and location, adjacent land uses, scenic views, rural character of the community and other factors relevant to such site approval consideration.
2) The development shall not create hazards or any negative impacts on neighbouring properties. In cases where there are potential conflicts or impacts between a proposed development and neighbouring property, Council may require the developer to ensure that adequate buffers or screening are maintained to reduce the impacts on adjoining properties or other mitigation measures that may be necessary to reduce the impacts.
3) The wind turbine tower shall be located to minimize visual impacts on the City.

4) Access to the site shall be restricted and shall include: fencing, gate, and signage posted as to the property owner, company name, twenty-four (24) hour emergency telephone number, and warnings of dangers to trespassers.

5.4.5 Industrial - General

Definition: Industrial - General means development used principally for one or more of the following activities:

a. The processing of raw materials;

b. The making, manufacturing or assembling of semi-finished or finished goods, products or equipment;

c. The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial zones;

d. The storage of trans-shipping of materials, goods and equipment;

e. The distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or resale;

f. transport establishments, which include the use of land, buildings, structures or parts thereof, where commercially licensed trucks, transports and buses are rented, leased, loaded or unloaded, serviced or repaired, kept for hire, stored or parked for dispatching as common carriers or where goods are temporarily stored for further shipment. Fuel and petroleum products may be dispensed and parts and accessories sold;

g. data centres (building(s) that house computing facilities like servers, routers, switches and firewalls, as well as supporting components like backup equipment, fire suppression facilities and air conditioning); or the training or personnel in general industrial operations.

Examples include, but are not limited to, factories, fish processing plants, marine service centres, cold storage plants, freight depots, concrete plant, general garage, industrial-related warehouses, welding shops, vehicle body repair and paint shops/depots, and similar uses. This use class does not include utility services or the preparation of food and beverages for direct sale to the public or similar agricultural activities listed in Section 5.2.

Conditions

1) Minimum of 2 access points for access/egress;
2) Surface runoff shall be directed to an oil/water separator before being discharged into a storm sewer or other drainage system;
3) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.

4) Where it deems necessary, the City shall require the provision of buffering by the developer which shall be to the satisfaction of the City.
5) Bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner
6) The use shall not cause or promote fires or other hazards and does not emit noxious, offensive, or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses.
7) The use shall not abut a residential area or highway.
8) That an appropriate separation distance between adjacent residential developments and the general industry use or hazardous use shall be maintained as determined by Council; and
9) The use shall receive the approval of the relevant Federal and Provincial authorities having jurisdiction over such uses from an environmental, occupational health and safety, fire and life safety point of view prior to Council approval of such uses.

5.4.6 Industrial – Heavy And/or Hazardous

Definition: Industrial-heavy and/or hazardous means industrial uses, which, by their nature, generate noise, fumes, odours, and are hazardous or obnoxious. This would include manufacturing uses which are required to be registered under the Environmental Assessment Act, including but not limited to such examples as:

- Processing of meat, fish and poultry products
- Feed Mills
- Distilleries, breweries or wineries (excluding micro-breweries)
- Manufacture of rubber products such as tires and tubes
- Manufacture of plastic products
- Leather and allied products such as leather tanneries
- Manufacture of textile products
- Sawmills, planning mills, shingle mill products industries
- Paper and allied products manufacturing
- Manufacturing, refining and fabricating of metal products
- Manufacturing of clay products, cements, and other non-metallic mineral
- products
- Refining of petroleum products
- Manufacture of chemical and chemical products including industrial, agricultural, plastics and synthetic resins, paints and varnishes, soaps and cleaning compounds
- Other manufacturing uses including photographic films and plates, floor tiles and coated fabrics manufacturing.

Conditions

1) Bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner.

2) The use shall not cause or promote fires or other hazards and does not emit noxious, offensive, or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses.
3) The use shall not abut a residential area or highway.
4) That an appropriate separation distance between adjacent residential developments and the general industry use or hazardous use shall be maintained as determined by Council; and
5) The use shall receive the approval of the relevant Federal and Provincial authorities having jurisdiction over such uses from an environmental, occupational health and safety, fire and life safety point of view prior to Council approval of such uses.

5.4.7 Industrial - Light

Definition: Industrial-light means the use of any land or buildings for any industrial-general 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, unsightly outdoor storage, refuse matter, or effluent. Examples include but are not limited to, a recycling depot, wholesale and warehouse uses, self-service storage malls, rental storage uses, commercial – custom service, catering services, industrial bakeries, food processing, micro-distillery for cider/beer/spirits, light manufacturing and assembly (clothing, furniture, consumer electronics), broadcast studio, and similar uses; but does not include a salvage/scrap yard.

Conditions

1) Light industry uses should be conducted and wholly contained within an enclosed building and shall not be obnoxious by reason of noise, vibration, odour, dust, smoke, unsightly outdoor storage, refuse matter, or water carried waste. Such uses shall not involve the use of chemical processes which result in the emission of gases, use of significant volumes of water or which generate significant levels of truck traffic.
2) For self-service storage malls, the following conditions apply:
    a. storage within the self-service storage mall shall be restricted to dead storage only;
    b. the storage of flammable or hazardous chemicals and explosives is prohibited;
    c. personal service and general industry uses shall not be permitted within or as part of a self-service storage mall;
    d. minimum distance between storage buildings shall be six metres (6 m); and
    e. outdoor storage of vehicles shall not be permitted in any yard or the self-service storage use that fronts onto a road and the area for outdoor storage shall be screened so that the outdoor storage use is not visible to the public.

5.4.8 Industrial Mall

Definition: Industrial mall means a building or a group of buildings designed, developed, owned and managed as a unit in which separate spaces are leased or occupied by permitted industrial uses. No more than 30 percent of the gross floor area of an industrial mall is used for accessory office or related commercial uses.

Conditions

1) Required to submit a Planned Unit Development Application (2.2.2 & 2.2.4)

5.4.9 Natural Resource-Related Uses

Definition: Natural resource-related uses means the use of land or buildings for any commercial or industrial development directly associated with, or requiring proximity to, farm operation, fisheries, forestry or mineral working industries; for example, processing of meat, fish and poultry products, feed mills, sawmills, planing mills, single mill products industries, asphalt plant, gravel crushing operation sand may include, but not limited to, such uses as animal husbandry services, produce or grain storage/processing facilities, farm machinery sales and service outlets, feed and seed warehouse and associated retail outlets, including a nursery or garden centre, and for forestry, mineral working and fishing industries this could include a laydown area for gear and equipment.

5.4.10 Salvage/Scrap Yard

Definition: Salvage/scrap yard means an area of land or lot including any building or structure used for the receipt, storage, sale, re-sale and processing of waste or surplus automobile, transportation vehicles or industrial equipment, including any parts or pieces that have been removed, but does not include a solid waste recycling/disposal and composting site.

Conditions

1) A scrap yard or solid waste storage or disposal site shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:
    a. Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens should be retained in a 30 metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets shall be prevented. The tree screens shall be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance.
    b. Where vegetation dies or is removed from the 30 metres strip, the Council may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of Council or, at the discretion of Council, where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berm should be constructed to a height sufficient to prevent visibility of any part of the use from adjacent uses (exception forestry and agriculture) or adjacent public highways and streets. The berm shall be landscaped to the Council's satisfaction.
        i. It is recommended that a visual screen fence satisfactory to the City of at least 2.4 metres in height be erected around the area used for outdoor storage;
        ii. Where it is located within or adjacent to a commercial, residential or institutional area or development, there is no outdoor storage;

2) Unless the Council is satisfied that the use shall not create a nuisance and shall not adversely affect the amenity of the specified development or natural feature, no scrap yard or solid waste storage or disposal site shall be located closer than the minimum distances set out below to the specified development or natural features:
    a. Existing or proposed Residential Development - 300 metres
    b. Any other developed area or area likely to be developed during the life of the scrap yard or solid waste storage or disposal site- 150 metres
    c. Public highway or street- 50 metres
    d. Protected road - 90 metres
    e. Water body or watercourse- 50 metres
3) Fencing should be provided around the perimeter of the site, with a lockable gate at any entrance point. The type of fencing may accommodate with the natural site features.

5.4.11 Solid Waste Recycling/Disposal and Composting Site

Definition: Solid waste recycling/disposal and composting means a waste disposal site as defined by the *Waste Diversion Regulations, 2005* under the *Environmental Protection Act, 2002,* including but not limited to such examples as, waste transfer stations, composting or recycling.

Conditions

1) A vegetated or landscaped buffer zone of at least 15 metres around the perimeter of the use, in order to minimize any potential nuisance associated with noise, dust, or odors, or any objections based on visual aesthetics is provided;
2) There is adequate availability of utilities, including water, sewer, and electricity, to provide water for firefighting and wash down of floors, electrical power for machinery and lighting, and for staff amenities;
3) The volume of material to be handled and/or stored is provided and the facility designed with sufficient capacity to handle peak material volumes;
4) Measures to prevent storm water and runoff from contacting waste materials shall be required and all waste containers used should be leak proof or provide for the collection and treatment of contaminated water and other liquids. Proper disposal of contaminated water shall be ensured;
5) Fencing should be provided around the perimeter of the site, with a lockable gate at any entrance point. The type of fencing may accommodate with the natural site features;
6) Containers intended to receive organic waste shall be required to have lids, screens, or covers that shall prevent access by bears and other predators, rodents, and birds, or be placed inside predator-proof enclosures;
7) Where organic wastes are involved, buildings should be specifically designed to prevent infestation by rats and other small mammals, and to be predator-proof.
8) If the solid waste recycling/disposal or composting site is visible from a public street or highway or a developed area, then the visual buffer is required to a height sufficient to prevent visibility.
9) No solid waste disposal site shall be located closer than 1.6 kilometers from a residential development.

5.5. CONSERVATION LAND USE CLASS

5.5.1 Environmental Protection

Definition: Environmental Protection means areas where development is restricted due to the natural features of the site for purposes of conservation or protection of habitat, wetlands, resource management, viewscapes or other special designations under legislation; or site unsuitability due to erosion control, steep slopes, flood control and water supply protection.

Conditions that apply to both zones:

1) Nothing in these Regulations shall prevent the designation of environmental protection areas in any zone.
2) Council shall not permit development vulnerable to flooding in areas known to be subject to local flooding.
3) Require that development of passive recreation facilities, including but not limited to such examples as, walking or nature trails, and associated interpretation programs do not have an adverse impact on the natural environment and residential properties.
4) The City may require that any development near a designated trail or water course be reviewed by the City to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the City may require that the buffer be provided by the developer.

5.5.2 Open Space, Parks and Trails

Definition: 'Open space, parks and trails' means a generally undeveloped space or environmentally sensitive area maintained for the preservation of natural heritage, wildlife and the environment where the quality of the environment and naturalness of an area is the focus of the recreational experience; activities and development are limited to passive recreation such as trails, boardwalks, picnic areas with gazebos or open sided shelters, playgrounds, lighting, washrooms, emergency shelter, access and parking for scenic views or associated with park, playground, and trails, cenotaphs and signage. This does not include recreation facilities listed in Public Institutional (5.6).

Conditions

1) Shall meet Use Zone Site Development Standards and conditions;
2) Nothing in these Regulations shall prevent the designation of parks and playgrounds in any zones provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.
3) Parks and playgrounds may be located on backland but shall have at least one 5-metre-wide vehicular access directly onto a public street.
4) Public toilet facilities associated with a park or trail development requires review by the Council in consultation with Service NL in order to meet provincial regulatory requirements.
5) It is recommended that trails have a 3 metres width as a pedestrian corridor with/without use by bicycles.

6) Council may require a screen or vegetative buffer between a trail and adjacent land uses to ensure that nuisance factors are minimized, and trail activities do not hinder the enjoyment of property.

5.6. PUBLIC/INSTITUTIONAL LAND USE CLASS

5.6.1 Cemetery

Definition: Cemetery means a facility or land area reserved and dedicated to the burial of the dead and includes a columbarium, mausoleum, mortuary and related maintenance facility. A discretionary accessory use might include a crematorium (a facility containing a certified furnace or similar device intended for use in the incineration of human or animal corpses) subject to conditions.

Conditions

1) Council may require a landscape plan to be submitted as part of the Development Application. The landscape plan shall illustrate areas of landscaping in relation to the burial plots and shall identify the location and types of plant species that are to be planted.
2) It is recommended that a minimum 6-metre wide buffer should be maintained between any lot line of the cemetery and areas designated for burial purposes and, within this buffer, trees and shrubs are to be planted to provide a landscaped screen between the cemetery uses and abutting properties.
3) Council may require a fence to be constructed and erected along all lines of the cemetery.
4) A cemetery use shall receive the approval of the Department of Digital Government and Service NL.
5) A crematorium is subject to the conditions of section 5.4.1.

5.6.2 Institutional Use

Definition: Institutional Use means the use of land or buildings for public purposes, whether publicly or privately funded, where people may gather in larger numbers to access a regional or a municipal-wide service, including but not limited to:

a. Hospitals;

b. Government Offices;

c. Educational Facilities;

d. Convention Centres or major cultural centres, including but not limited to such examples as, provincial Arts and Culture Centres;

e. Recreation Complex, including but not limited to such examples as, an arena, multi-use sports and entertainment centres, roller rinks, swimming pools;

f. Personal Care Facilities (larger than residential home), including but not limited to such examples as, nursing or senior's homes, family and group care centres (see Section 5.7.7); and,

g. Penal and correctional detention centres.

Conditions

1) Temporary accommodations for contractual staff can be provided onsite.
2) For Personal Care Facilities-Non-residential (Nursing Homes and Family & Group Homes/Care Centres), the following standards apply:
   a. The development shall be tailored to the needs of the persons occupying the development in accordance with their condition.
   b. The overall design of the development – including road layout, landscaping, building design and location, parking areas, and so forth – shall be attractive and compatible with other uses in the vicinity.
   c. A single management authority should be responsible for the maintenance of properties within the development.
   d. Building types can be as necessary to serve the purposes of the development, including a variety of dwelling types, care facilities, and communal facilities such as storage rooms, hobby rooms, workshops, and garages.
   e. Adequate noise separation shall be maintained between the use and adjoining dwelling units in an apartment building.
   f. a fire exit for the exclusive use of the facility shall be provided.
   g. a separate entrance for the exclusive use of the facility use shall be provided unless the parking as required in these Regulations shall be provided and reserved for the exclusive use of the facility use and identified as such on the parking lot.
   h. a minimum of 5 m^2 of net floor space per person should be provided for use by the facility users, this aggregate floor space should be utilized for the purpose of group amenity areas and individual rest areas.

5.6.3 Protective and Emergency Services

Definition: Protective and Emergency Services means a development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of equipment and vehicles, which is necessary for the local distribution of utility services. Typical uses include police stations, fire stations and ancillary training facilities.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce nuisance impact on surrounding properties.

5.6.4 Public Gathering Places -Indoor

Definition: Public Gathering Places-Indoor means a building or part thereof designed and equipped to be used for public gatherings for entertainment, religious (place of worship), cultural, civic, educational, charitable, philanthropic or social purposes and may include, but are not limited to, a movie theatre, playhouse, museum, art gallery, place of worship, funeral home, community or cultural centre, or library. These are smaller than regional institutional uses, like a hospital or college campus, as the

patrons generally are not such a broad segment of society and therefore does not create the same level of activity in terms on onsite use and traffic.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
2) Where permitted as a discretionary use on a Use Zone Table in Chapter 3, a place of worship or an educational use shall conform to the frontage, building line setback, side yard, rear yard, lot coverage and height requirement specified for a non-residential building.
3) Shall meet off-street parking requirements specified in these Regulations.
4) Crematory facilities may be allowed as a discretionary accessory use to a funeral home when the funeral home is the principal use, subject to meeting the following conditions:
    a. A buffer between the crematorium and a sensitive land use, including but not limited to such examples as, residential, day care, school or higher intensity land use, may be required at the discretion of the Council based on the following guideline, that the buffer be a minimum of 70 m from a residential or sensitive land use, including but not limited to such examples as, elementary or secondary schools, day-care unless there are extenuating physical characteristics of the site that would provide natural screening;
    b. All crematory facilities shall be located within an enclosed building that meets building and fire code requirements; and,
    c. All applicable local, provincial, and federal laws and regulations shall be met.

5.6.5 Public Gathering Places - Outdoor

Definition: Public Gathering Places-Outdoor means an open-air assembly use requiring the minimum of permanent facilities, and included, but is not limited to, facilities in the form of, or similar to, an outdoor worship service, and informal outdoor recreation, including, but not limited to, a picnic or barbecue area, playground and walking or jogging trails; but does not include sport and recreation facilities or a recreation complex.

Conditions

1) Appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties.
2) The use shall not negatively impact upon the associated activities such that the combined uses create a public safety or health concern or inconvenience.
3) The use shall not be permitted in close proximity to a residential area where, in the opinion of Council, the use or its associated activities shall create a nuisance, such as the generation of fumes, noise, vibration, litter, and lighting, affecting the nearby residential area.
4) Where it is determined by Council, for public safety and convenience, that fencing is required, the area of the use shall be fenced in accordance with the requirements of Council.

5) Where it is determined by Council that washroom facilities are required, the use shall be required to provide washroom facilities in accordance with the requirements of Service NL and Council.
6) Where it is determined by Council, a security deposit shall be required to be submitted to the City for the cleanup of the site and surrounding area of litter and debris which is generated by the activities or the use. The security deposit shall be returned upon the site and surrounding properties being left in a clean state that is satisfactory to Council.

5.6.6 Sports and Recreation Facilities

Definition: Sports and Recreation Facilities means land and a building, structure or part thereof, not part of a large institutional building, designed and equipped to be used for athletic and leisure activities, and may include, but not limited to, a health and fitness centre, bowling alley, curling rink; tennis, squash, handball and badminton courts; sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, and informal outdoor recreation, including but not limited to such examples as, cycle, walking or jogging tracks; but does not include a recreation complex but may include Public Gathering-Outdoor uses.

Conditions

1) The activity is not unduly detrimental to the wider amenity of the area including neighbouring uses and appropriate noise and separation measures shall be incorporated into the development to reduce noise impacts.

5.6.7 Indoor Firearms Shooting Range

Definition: Indoor Firearms Shooting Range means an enclosed building that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions.

Conditions

1) The use is fully enclosed within a building.
2) The building in which the use is located shall have a bullet trap, a ventilation system to remove air contaminated by firing and be designed as per the document “Range Design and Construction Guidelines” as administered by the Canadian Firearms Program (CFP) of the RCMP.
3) The use shall have approval from all applicable Provincial and Federal agencies.
4) The use is subject to the Shooting Clubs and Shooting Ranges Regulations (SOR/98212) as administered by the Canadian Firearms Program (CFP) of the RCMP.

5.7. RESIDENTIAL LAND USE CLASS

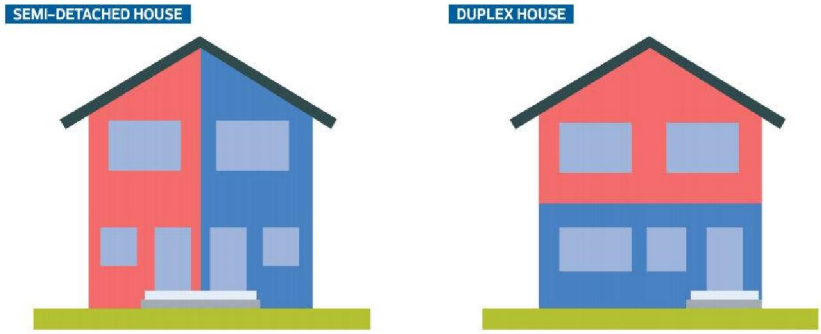
5.7.1 Single Detached Dwelling

Definition: Single Detached Dwelling means a detached dwelling containing one main dwelling unit which has a private entrance, and which is not attached to another dwelling; and- does not include mobile homes or recreational vehicles, but does include mini-homes or tiny homes; and may contain a subsidiary apartment.



5.7.2. Two Unit Dwellings

There are two forms of Two Unit Dwellings, as shown in the illustration.



5.7.2.1 Semi-Detached Dwelling

Definition: Semi-Detached Dwelling (also referred to as a double dwelling) means a building containing two dwelling units, where each dwelling unit has a private entrance as compared to apartment buildings with a common entrance, where the units are side by side, but does not mean a Single Detached Dwelling containing a subsidiary apartment. Both units shall front on to a publicly maintained road. They can be owned as a condominium unit of two dwelling units or separately with each dwelling unit owned in fee simple.

5.7.2.2 Duplex

Definition: Duplex means a Building containing two Dwelling Units, constructed one above the other, each having an individual entrance, provided that no Dwelling Unit shall be wholly in the basement of the Building, as a condominium or common ownership; a duplex could be two dwelling units side-by-side under one roof and under one ownership; a duplex is not a single detached dwelling with a subsidiary apartment.



5.7.3 Townhouses

Definition: Townhouse (or townhome) is a single-family home that shares one or more walls with other independently-owned units. They are often in rows of uniform homes and may be two stories or taller. Residents own their interior and exterior walls, lawn, and roof, as well as the insurance for both their home and property. Residential Townhouses are usually three or more dwelling units, each unit separated vertically from the others, each of which shall have an independent entrance to a front and rear yard immediately abutting the front and rear walls of the unit, and each of which may be located on a separate lot. All units shall front on to a publicly maintained road.



5.7.4 Apartment Building

Definition: Apartment Building means a building containing three or more dwelling units which have a shared entrance and hallway but does not include a row dwelling, Townhouse, or a subsidiary apartment. It may be a rental property or a condominium ownership arrangement.

Conditions

1) The size and design of the apartment building and the site layout shall be compatible with the character of the surrounding neighbourhood;
2) The proposed building shall provide adequate access for vehicles and pedestrians and adequate off-street parking, and shall not generate an excessive amount of traffic for a residential area;
3) The proposed apartment building shall have an adequate buffer along any property line that borders lower-density residential uses. Council may require a fence, berm, wall, or landscaping for the buffer.
4) Commercial uses may be permitted in multiple-unit apartment buildings where:
    a. The proposed use is located on the ground floor of the apartment building;
    b. The commercial use shall serve local needs of the residents and surrounding neighbourhood; and,
    c. The use shall not detract from the residential character of the neighbourhood by virtue of generating excessive noise or traffic.



5.7.5 Mini-Home

Definition: Mini-Home means a sectional prefabricated dwelling designed for transportation after fabrication to a site, typically transported by means of flat-bed trucks and coupled together mechanically and electrically to form a single structure situated on a permanent foundation, either a full basement or crawlspace, or slab on grade, or other acceptable permanent foundation as determined by Council, but does not include a mobile home. Mini-Homes do not have axles or a chassis. A Mini-Home shall be >50 m^2; it is not a Tiny Home.

- **Mini-Home Park:** means a development under single or joint ownership, cared for and controlled by an operator where individual Mini-Home lots are rented or leased with or without 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 the, are the responsibility of park management. It does not travel trailer park, campground or group dwellings.
- **Mini-Home Subdivision:** means a 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 Mini-Home lots and where the maintenance of streets and services is the responsibility of a municipality or public authority. A mobile home may not be located within a mini home subdivision.

Conditions

1) Mini-Home may be located outside a Mini-Home park or subdivision provided that the design is compatible with housing design of existing homes in the neighbourhood.
2) A Mini-Home subdivision/park is required to submit a Planned Unit Development Application (2.2.2 & 2.2.4).

5.7.6 Tiny Homes

Definitions: Tiny Home means a residential single dwelling unit intended for year-round use designed to be used with a permanent foundation and has permanent provisions for living, sleeping, eating, cooking and sanitation, typically with a maximum floor area of <50 m^2.

Conditions

1) Tiny Homes shall be constructed to the requirements of the National Building Code.
2) The location of a Tiny Home subdivision shall be determined by Council in the Residential Multi-Unit (RMU) zone and subject to any conditions identified by Council.
3) Shall meet Residential Multi-Use Zone Development Standards and conditions; that is, all other siting requirements of the residential land use zone shall apply.
4) Tiny Homes shall have permanent provisions for living, sleeping, eating, cooking and sanitation.
5) An accessory building in the Tiny Home Subdivision shall not exceed the size of the Tiny Home.
6) A Planned Unit Development application is required as part of the application to develop a Tiny Home subdivision.

5.7.7 Non-Market Housing

Definition: Non-Market Housing is based on the principle that at some point during the development or operation of the housing accommodation, there is an investment by a level of government, private business, or non-profit organization that allows the cost of that housing to be offered to renters or owners at a price that is less than the current market value. There is no single model used for Non-Market Housing.

Condition

1) The buildings used for Non-Market Housing shall be listed as a permitted or discretionary use in the Zone (Chapter 3) where the Non-Market Housing is proposed to be located.

5.7.7.1 Assisted Living-Residential Personal Care Home

Definition: Assisted Living-Residential Personal Care Home means housing with supports or independent living or personal care home-residential: Housing for seniors and people with physical and/or mental disabilities that includes on-site hospitality and personal-care support services (i.e., Level 1 & 2 care) and does not include people requiring 'supportive housing' described in 5.7.7.3.

Conditions

1) the use does not detract from the residential character of the neighbourhood;
2) the development of the property and design of the building on the property is in such a manner that it respects the privacy and enjoyment of surrounding residential properties;
3) the use is licensed by the Provincial Department of Health;
4) the lot shall have a minimum frontage of thirty metres (30 m);
5) the maximum lot coverage shall be fifty percent (50%);
6) the minimum lot area shall be nine hundred square metres (900 m2);
7) the minimum setback shall be ten metres (10 m), or consistent with the building line setback as established by the existing lots on the street;
8) the minimum minor side yard distance shall be three metres (3 m);
9) the minimum rear yard depth shall be six metres (6 m);
10) minimum landscaping shall be twenty percent (20%);
11) access and parking area shall be paved; and
12) unless otherwise determined by Council, a privacy fence shall be required to be constructed along the perimeter of the property.

5.7.7.2 Non-Profit Housing:

Definition: Non-Profit Housing means a housing development providing housing for low/no income people who cannot afford market housing; i.e., Newfoundland & Labrador Housing, Co-op housing.

5.7.7.3 Supportive Housing:

Definition: Supportive Housing means housing that provides on-site supports & services to residents (regardless of age) who cannot live independently for the following reasons:

- Are homeless or at risk of homelessness;
- Require supports with mental health and/or addictions, and/or multiple complex needs (i.e., children-at-risk removed from home but not in foster care); or,
- Recent release from incarceration.

This can include a 'group home' - Definition: A group home is a Single Detached Dwelling used for children or young people who cannot live with their families, people of any age with chronic disabilities including adults or seniors, or people with dementia. Typically, there are no more than six residents. There is at least one trained care-giver onsite 24-hours a day.

5.7.7.4 Transitional Husing:

Definition: Transitional Housing means housing for residents for between 30 days and three years. It aims to transition individuals to long-term, permanent housing.

Conditions

1) The use and appearance of the dwelling shall not materially differ from, or adversely affect, the amenities of adjacent dwellings or the neighbourhood.
2) Council may require special access and safety features to be provided to the occupants before occupancy is permitted.
3) A personal care or group home is permitted in a dwelling unit that is adequate in size to accommodate the number of persons living in the group, inclusive of staff.

5.7.8 Dormitory

Definition: Dormitory means a building, sometimes referred to as residence hall, primarily providing sleeping and residential quarters for large numbers of people, including but not limited to such examples as, boarding school, high school, college or university students, also including medical residence for staff, religious organizations, or private companies providing accommodations for staff in a Single Detached Dwelling, Semi-Detached Dwelling, Apartment Building or Hostel.

Conditions

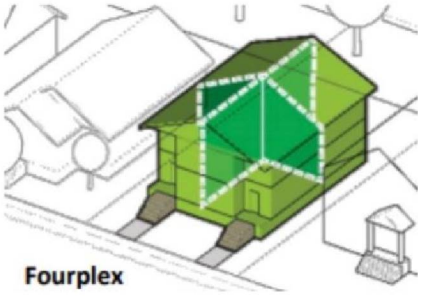
1) Units may be rented as an open-ended monthly arrangement for the purposes set out in the definition, they are not intended for commercial Short Term Residential Rental.

2) Dormitories may offer organized and managed by cooperative cleaning and cooperative kitchen arrangements.
3) The Dormitory shall have an overall cohesive design, pleasant appearance from the street, clear parking lot street entrance and design with a dust free surface, and landscaping (trees, shrubs, lawn) in setbacks and open areas.
4) There shall not be separate utility connections or utility billing or addressing for individual rooms.

5.7.9 Plex Housing

Definition: Plex Housing consists of a building containing 3 or more independent dwelling units which may rented or owned separately and may be configured as follows:





a. side-by-side as townhouses where each unit faces the street and the units can be owned individually in which case the development standards for a townhouse shall apply; this configuration may also be used as rental housing; however, the owner has the option of selling individual units as they will have been constructed to meet townhouse standards;
b. Side-by-side as townhouses on a lot where the housing might not necessarily face the street and the overall plex building shares with a common vehicle access to the site and on-site parking; therefore, apartment development standards apply;
c. Three-plex or four-plex building where at least one Dwelling Unit is entirely or partially above another with the entire Building being on one lot, with a separate indoor entrance, corridors and stairs or with exterior separate entrances and stairs, which may be rented or owned as a condominium; therefore, three-plex and four-plex development standards apply;

Conditions

1) Where the building design fits the configuration of a townhouse or apartment building; then the development standards of each shall be applied as set out for the Zone in which the building is located.
2) Required to submit a Planned Unit Development application (2.2.2 & 2.2.4).



Quadplex on Corner Lot-
Building oriented as described in 5.7.9 (b)



Plex housing layout for Infill lot



Four-plex oriented as townhomes, with garage parking

5.7.10 Boarding House/Lodging House

Definition: Boarding House/Lodging House means a dwelling in which the proprietor supplies, for a fee, sleeping accommodation with board for at least three persons and not more than ten persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment but does not include a hostel. A dwelling with two or fewer tenants shall not be considered a Boarding House provided the owner also resides in the dwelling.

Conditions

1) A Boarding House/Lodging Room shall not be used for commercial Short Term Residential Rental.

2) The Dormitory shall have an overall cohesive design, pleasant appearance from the street, clear parking lot street entrance and design with a dust free surface, and landscaping (trees, shrubs, lawn) in setbacks and open areas.

3) There shall not be separate utility connections or utility billing or postal addressing for individual rooms.

5.7.11 Dwelling Unit Associated with a Place of Worship

Definition: A dwelling unit associated with a place of worship means a residence for the minister, priest, preacher, principal leader or caretaker and the family who is directly associated with the place of

worship only. The dwelling unit associated with a Place of Worship cannot be used as a Short Term Residential Rental or for uses unrelated to the legitimate activities associated with the Place of Worship.

Conditions

1) The residence shall be restricted to:
    a. a subsidiary apartment located within the place of worship.
    b. a Single Detached Dwelling unit situated on the same lot as the place of worship subject to the following conditions, the Single Detached Dwelling shall:
        i. be located in such a manner as to be severable as a lot fronting onto a publicly maintained road or as a backlot development
        ii. have sufficient land to meet the residential zone standards;
        iii. maintain a minimum separation distance of six metres (6 m) between the single detached dwelling and the place of worship.

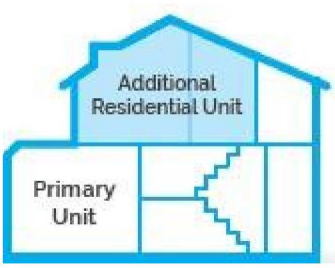
5.7.12 Accessory Residential Dwelling Units

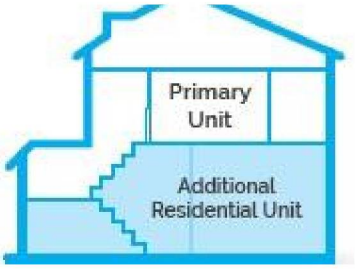
5.7.12.1 General Requirements

An Accessory Residential Dwelling mean and accessory dwelling unit which may consist of a detached building on a lot with a primary residential dwelling or a dwelling unit within a detached garage; or a subsidiary dwelling unit within or attached to the principal dwelling or attached carport. The Accessory Residential Dwelling unit shall be constructed according to National Building Code standards including Fire and Life Safety, as well as meet the development standards and other applicable regulations set out in the Development Regulations. Accessory Residential Dwellings may include, but not limited to Garden Suites, Subsidiary Apartments or Garage Apartments as defined in the sections below.

1) Parking
    a. A minimum of one parking space for each additional residential dwelling unit.
    b. At least one legal, off-street parking space at least 3 metres by 6 metres located in a garage, carport or side yard for the principal single detached dwelling unit.
    c. Each parking space can be stacked behind the legal, off-street parking space.
    d. The number of driveways or parking accesses off of each street should be minimized. Accessory Residential Dwelling Units shall have an unobstructed walkway from the parking area to the outside entrance.
2) Services:
    a. In fully serviced areas, water and sewer connections should be through the same utility connections as for the main house. Lines showing the location of each new service to the accessory building (water, sanitary, etc.) with dimensions relative to the existing building and lot lines.
    b. Notes indicating the type of material, size of piping and depth of each service. (water, sanitary, etc.)
3) Application must meet requirements of National Building Code including Fire and Life Safety and show the following information:

a. All floor plans of the principal house must be submitted, and should show the following:
b. Total square footage of each floor level measured to the outside of exterior walls.
c. The floor level containing the additional residential dwelling unit must indicate the size of the additional residential dwelling unit measured to the inside face of exterior walls and to the inside face of interior separating walls.
d. Location of fire separations and fire doors.
e. Room sizes and room names (e.g.: washroom, bedroom)
f. Ceiling heights for each room, including any reduced heights under bullheads.
g. Window sizes, including any window wells, and interior and exterior sill heights.
h. Type of wall and ceiling finishes in all rooms. (e.g.: ½" drywall)





i. Location of stairs.
j. Location and size of all doors.
k. Location of all smoke alarms and carbon monoxide alarms.
l. Location of all plumbing fixtures, including host and apartment laundry facilities.
m. Location of heating outlets in each room.

4) External staircases required for access to an upper story should not be in a front or exterior side yard.
5) Locate additional entrances at the side of the main unit. Use the porch or other architectural feature to complement/shield additional front facing doors and/or split entrances within an interior foyer.

5.7.12.2 Subsidiary Apartments

Definition: A subsidiary apartment means a separate dwelling unit constructed within or attached to, and subsidiary to, a single detached dwelling or a permitted commercial use.

Conditions

1) The subsidiary apartment will be clearly secondary to the single detached dwelling or Two Unit Dwelling or a permitted commercial use.
2) Subsidiary apartment(s) will be completely self-contained dwelling unit with facilities for cooking, sleeping and bathing.
3) Only one subsidiary apartment may be constructed within the basement of or attached to the main floor of a single detached dwelling or a single commercial building.
4) The total floor area of a subsidiary apartment must be a minimum of 40 m^2 and will be limited in floor area size to not more than 40% of the total floor area of all storeys of the dwelling unit, excluding the garage floor area and common spaces serving both dwelling units.
5) The number of subsidiary apartments for a single commercial building will be at the discretion of Council.

5.7.12.3 Garden Suite (Accessory Detached Dwelling Unit)

Definition: A Garden Suite means an accessory detached residential building on a residential lot that consists of one self-contained Dwelling Unit without a basement and located within the rear yard or side yard of a lot and [partially or] wholly within the rear yard setback. A Garden Suite is detached from the primary dwelling on the lot. It may be constructed onsite or transported as a modular unit to the lot but cannot include a mobile home or recreation vehicle or trailer of any sort.

ACCESSORY DETACHED DWELLING UNIT DEVELOPMENT STANDARDS	
MINIMUM	
Side Yard & Rear Yard	1.2 m
Distance from another building	2.4 m
Front Yard	6.0 m
MAXIMUM	
Height	May be 2 storeys; but not higher than the principal residence onsite
Size - Ground Coverage	• ADDU only 60% of total coverage of the principal dwelling; • Cannot occupy more than [30%?] of the total area of the backyard, including all other accessory buildings and structures

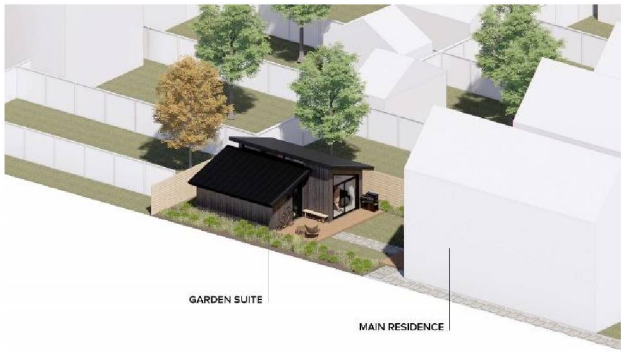
Conditions

1) The accessory detached dwelling unit will be clearly secondary to the single detached -dwelling and shall have a ground area coverage less than the ground area coverage of the single detached-dwelling.
2) Only one (1) accessory dwelling unit may be constructed on a residential lot
3) The applicant is responsible to submit a surveyors location plan prior to the issuance of a permit for an accessory dwelling unit.
4) An accessory detached dwelling unit shall be placed on a cement pad or footing (no basement) or similar footing unless otherwise approved by Council.
5) An accessory detached dwelling unit shall be connected to municipal water and/or sewer services.
6) An accessory detached dwelling unit shall have an accessible, hard surfaced, barrier-free exterior pathway from the primary door of the accessory dwelling unit to the parking space designated for the accessory dwelling unit.
7) An accessory detached dwelling unit shall remain under the ownership of the owner of the primary dwelling and shall not be subdivided from the property containing the primary dwelling and sold or sold as a separate condominium unit.
8) An accessory detached dwelling unit may be constructed on site or be transported as a modular unit to the lot but shall not include a mobile home or a Recreational Vehicle.
9) Accessory detached dwelling units may not be constructed on lots which have shared driveways/private roads with other lots or on lots which have a backlot-style configuration.
10) An accessory detached dwelling unit will be permitted only in the rear yard or side yard of the main dwelling except as otherwise authorized by Council.



Image 1: View of garden suite on lot 10 metres wide and 36 metres deep





5.7.12.5 Garage Apartments

Definition: A garage apartment means a dwelling unit built within the walls of and on top of a detached garage or a carport may be attached to the principal residential structure on the lot. It has an entrance either from a common indoor landing or directly from the exterior of the structure that is separate from the vehicle entrance to the detached garage.



Above Garage

Apartment above



Detached Garage

Conditions

1) When an additional residential dwelling unit is located above a detached garage, the maximum building height cannot exceed the overall building height of the main dwelling. A Garage Apartment shall only be allowed on the second storey of detached garage or the second storey of an attached carport.
2) Garage Suites are only permitted on lots with single family housing.



Garage Conversion

5.8. PUBLIC INFRASTRUCTURE AND UTILITIES

5.8.1 Communications

Definition: Communications means a television, radio, cell phone, or transmission tower or antenna, as well other communications transmitting or receiving building or infrastructure and includes wireless communications facilities, such as, infrastructure regulated by the federal government that enables wireless communications including broadcast antennas, cellular phone towers including private antenna systems for ham radio and citizen band radio, mounted on the ground or on another structure such as a rooftop.

Conditions

1) Council may, within any zone, permit land or a building to be used in conjunction with telecommunications structures or antennas subject to the following standards:
    a. shall meet Industry Canada standards; and,
    b. where it is deemed feasible, a new telecommunications structure or antenna shall share existing telecommunications structure or antenna infrastructure or shall modify or replace an existing telecommunications structure or antenna to accommodate the new and existing telecommunications structure or antenna provided the changes to the existing telecommunications structure or antenna do not detract from the appearance and character of the surrounding properties.
2) The colour, location, and design of a new telecommunications structure or antenna shall not detract from the appearance and character of the surrounding properties and do not negatively impact aesthetically on adjacent lands and uses.
3) The site or the building on which the telecommunications structure or antenna is erected or situated should be landscaped or treated in a manner to minimize the visual impact on the surrounding area.
4) Council may permit land or a building to be used in conjunction with antennas subject to the following conditions.
    a. Where it is deemed feasible, a new antenna shall share existing antenna infrastructure provided the proposed changes to the existing infrastructure do not detract from the appearance and character of the surrounding property.
    b. The colour, location, and design of a new antenna shall not detract from the appearance and character of the surrounding properties and land uses. The site of the building on which the proposed antenna would be situated shall be landscaped or treated in such a manner to minimize the visual impact of the antenna.
    c. An antenna less than fifteen metres (15 m) in height may be permitted at the discretion of Council in any land use zone and shall be processed in accordance with Regulation 4.17.
    d. An antenna fifteen metres (15 m) in height or more may be permitted at the discretion of Council in all zones except residential use zones, the Community and Public Service use zone, and the Conservation use zone, and shall be processed in accordance with Regulation 4.17. The minimum setback from any residential use zone for such an antenna shall be three times the height of the tower or 150 metres, whichever is greater.

5.8.2 Easement

Definition: Easement means the right to use land, most commonly for access to other property, or as a right-of-way for utility service.

Conditions:

1) No permanent building shall be constructed over any known Easement, whether that Easement has been assigned to the City, a department of the provincial or federal government, or any utility company (i.e.: Newfoundland Power, telephone, cable television, Crown Land) unless written permission is obtained from the agency and the City. Permanent buildings include accessory buildings.
2) Access to these Easements by service providers shall be preserved.

5.8.3 Utilities

Definition: Utilities means a development that comprises a system or works including municipal services used to provide one or more of the following for public consumption, benefit, convenience or use:

a. water;
b. sewage disposal;
c. drainage;
d. fuel;
e. electric power;
f. waste management;
g. streets and street lighting;
h. telecommunications;
i. and includes minor buildings and the thing that is provided for public consumption, benefit, convenience or use but does not include a water treatment plant, sewage treatment plant, solid waste landfill, or power plant (including energy generating facilities in 5.4.4).

Conditions:

1) Shall meet Use Zone Site Development Standards and conditions.
2) Water treatment plant, sewage treatment plant, solid waste landfill, or power plant shall be reviewed as required by the development application process for the purposes of establishing conditions for development and ensuring appropriate referrals are made to agencies, including but not limited to, Environmental Assessment Division, Waste Management Division, etc.
3) No adverse effect on adjacent land uses is created.
4) The size and appearance of such works shall be in keeping with adjacent uses.
5) Provision should be made for screening or buffering in the form of landscaped areas between uses. Wherever possible, the location of public utilities and associated easements shall have due consideration for the reasonable development of the property and shall be so located as to minimize the impact on the usability and aesthetics of the land.
6) Council shall encourage innovative practices that minimize the allocation of land for easement purposes and that enhance the quality of design and aesthetics in our urban environment.

6. SUBDIVISION OF LAND

6.1. APPLICATION

6.1.1 Requirement for permit

1) No land in the Municipal Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from Council. The application for a permit shall be made in accordance with Section 2.3.
2) Updated legal property surveys (for the newly created lots, consolidation of property, and the residual lot) shall be provided to the City prior to the issuance of a permit to subdivide.
3) Development is not permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other allowances called for in the Use Zone in which it is located, and the allowances shall be retained when the adjacent land is developed.

6.1.2 Application of this chapter

1) The provisions in this Chapter of the Development Regulations shall apply to the following:
   a. The subdivision of land under single ownership into four (4) or more lots, including the residual lot;
   b. Construction, upgrading, or extension of an existing public street by a party other than municipal, provincial, or federal governments; and/or
   c. Minor subdivisions of three (3) or fewer lots, including the residual lot, which require new public or private road construction, the installation of utility infrastructure, or water and sewer services (other than private connections).

2) The requirements of this Chapter shall not apply to the following:
   a. Where the parcel being created is to be used solely for the unattended equipment necessary for:

      i. the operation of community water, storm or sanitary sewer systems;
      ii. public utilities, including electrical substations or generating stations;
      iii. air or marine navigational aids;
      iv. any other similar public service or utility (including wind turbine 'farms');
      v. Cemeteries;
      vi. Resource uses set out in the Rural zone; or,
      vii. Conservation, open space, park uses.

   b. Minor subdivisions of three (3) or fewer lots (including the residual lot) which do not require new public or private road construction or the installation of utility infrastructure or water and sewer services (other than private connections) these shall comply with the development standards of the Use Zone.

6.1.3 Subdivision Subject to Zoning

The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Land Use Zoning maps and associated Development standards.

6.1.4 Subdivision Permit Subject to Considerations

1) A permit shall not be issued when, in the opinion of Council, the development of a subdivision does not contribute to the orderly growth of the City, does not demonstrate sound design principles, will cause undue environmental harm, or will result in an undue cost burden for the provision of municipal services.
2) In considering an application, Council shall, without limiting the generality of the foregoing, consider:
    a. the location of the land;
    b. the availability of and the demand created for schools, services, and utilities;
    c. the provisions of the Municipal Plan and Regulations affecting the site;
    d. the land use, physical form, and character of adjacent developments;
    e. the transportation network and traffic densities affecting the site;
    f. the relationship of the project to existing or potential sources of nuisance;
    g. soil and subsoil characteristics;
    h. the topography of the site and its drainage;
    i. natural features such as lakes, streams, topsoil, trees and shrubs and potential environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, storm water generation and control, and loss or fragmentation of habitat,
    j. prevailing winds;
    k. visual quality;
    l. community facilities;
    m. municipal costs related to the provision and maintenance of roads, other infrastructure, and municipal services;
    n. energy conservation; and,
    o. such other matters as may affect the proposed development.

6.1.5 Restriction on Sale of Lots

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

- the lot can be serviced with satisfactory water supply and sewage disposal systems,
- satisfactory access to a street is provided for the lots, and
- the lot meets the minimum development standards for the Use Zone in which the lot is located.

6.1.6 Building Permits Required

Notwithstanding the approval of a subdivision and a permit to subdivide land by Council, a separate building permit shall be obtained for each building proposed to be erected in the area of the subdivision, and no building permit for any building in the area shall be issued until the developer has complied with

all the provisions of these Regulations with respect to the development of the subdivision and/or in accordance with the terms of an approved Subdivision Development Agreement.

6.1.7 Subdivision Development Agreement

Where a Subdivision Development Agreement is required as a condition of a Subdivision Development Permit, the requirements set out in Section 2.6.1 must be met.

6.1.8 Fees, Service Levies, and Development Charges

6.1.8.1 Subdivision Fees

The applicant shall pay a subdivision application fee as determined by Council at the time of submitting a Development Application to subdivide. The subdivision application fee may be calculated on a per-lot basis for every lot created by the subdivision of land, exclusive of the residual lot. This fee may be calculated in addition to any other fee or charge required under the regulation addressing Development Charges.

6.1.8.2 Service Levies and Local Improvement Assessments

1) The applicant shall be required to pay all service levies and local improvement assessments identified by Council for connection to services, utilities, streets, and for the construction or improving of capital works funded by Council or under Council's direction which benefit and accommodate the development or subdivision. The service levies or local improvement assessments shall be paid in such amount and in such form as determined by Council as a condition of permit or as a condition of a Subdivision Development Agreement to subdivide land and such payment shall be agreed upon prior to construction occurring on the land.

2) This section shall not affect any outstanding levies and/or assessments that were determined prior to the enactment of these Regulations or set out in the Subdivision Design and Construction Standards.

3) The applicant shall pay the cost of all capital works necessary to serve the proposed development or subdivision.

6.1.8.3 Development Charge

A development charge shall be in addition to the subdivision application fee and any other fees, assessments, levies, or land dedications required under Regulations 5.3.1 and 5.3.2. Where Council requires the dedication of land for public recreational purposes under Regulation 5.8, the amount of the development charge shall be reduced by the value of the raw land so dedicated, along with the value of any equipment required and/or specified by Council. The development charge shall be paid as a condition of permit or as part of the Subdivision Development Agreement to subdivide land.

6.1.9.4 Deposit of Securities

As a condition of a permit to develop a subdivision and as part of a Subdivision Development Agreement to subdivide, the City may require an applicant to deposit with the City a security to cover the cost of all the subdivision improvements and completion thereof (refer to the requirements of the City of Mount Pearl Residential Subdivision Standards). These securities should be payable after approval by Council and before issuance of a permit under these Regulations.

6.1.9.5 Water and Sewer Fees

To meet the requirements of the Towns and Local Service District Act, the City shall implement water and sewer charges based on usage. The City reserves the right to require the installation of meters to determine usage of water and sewer or apply any other reasonable measure in order to charge for these services accordingly.

6.2. SUBDIVISION DESIGN STANDARDS

6.2.1 General Subdivision Standards

1) No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:
    a. No cul-de-sac shall be located so as to appear to terminate a collector street.
    b. New subdivisions shall have street connections with an existing street or streets.
    c. No more than four (4) streets shall join at any street intersection.
    d. No residential street block shall be longer than 450 metres between street intersections.
    e. No lot intended for residential purposes shall have a depth exceeding four times the frontage, except for infill development on existing streets where environmental features or lot configurations in the immediate neighbourhood area do not provide options for further subdivision of land.
    f. Residential lots shall not be permitted which abut a local street at both front and rear lot lines, except where otherwise allowed in these regulations.
2) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
3) Where any new residential subdivision is permitted to abut the rear or side boundaries of an existing residential or commercial lot, a natural vegetation buffer or other structural barrier, such as a privacy fence, may be required to be constructed and maintained by the owner or occupier to the satisfaction of Council.
4) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.
5) Where an infill lot(s) are subdivided along an existing City owned street, a sidewalk must be constructed, to the City's standards, along the entire frontage of the lot(s) (including the residual lot).
6) The City shall, where development of the sidewalk is not possible at the time of subdivision, require conveyance of land from the property owner to accommodate the sidewalk (if required) and payment of funds in the amount required to construct the sidewalk.

7) Streets in residential subdivisions shall be designed in accordance with the approved Residential Subdivision Standards of Council. In the absence of such standards, streets shall conform to the following minimum standards:

Minimum Standards for Streets (m=metres)				
Type of Street	Street Reservation	Carriageway or Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	Council Discretion
Collector Streets	20 m	9 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 multi-unit structures	20 m	9 m	1.5 m	2
Service streets	15 m	9 m	1.5	Council Discretion

6.2.2 Water and Sewer Services

1) No permit shall be issued for the development of a subdivision unless provisions satisfactory to Council have been made in the application for connection to municipal services, or for verification of a safe supply of drinking water of sufficient quantity, and a properly designed storm drainage system so as not to affect adjoining and nearby properties.
2) Where a parcel of land fronts on a street containing municipal water and/or sewer service(s), all development must connect to the service(s).

6.2.3 Land for Undeveloped Public Open Space

1) Where developing a subdivision requiring the construction of a new street or extension of an existing street, or a planned unit development consisting of three (3) or more buildings, the developer shall dedicate to Council, at no cost to the City, a useable area of land equivalent not less than ten percent (10%) of the gross area of the residential subdivision or 25.0 square metres for every dwelling unit proposed, whichever is greater, for undeveloped public open space, subject to the following requirements:
    a. where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated;

    b. if, in the opinion of Council, no undeveloped public open space is required, the land may be used for such other public use as Council may determine;

c. the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion, is incapable of development for any purpose or is dedicated for municipal infrastructure required in relation to the proposed development (ex. Stormwater retention pond, ditching, etc.). Council may, at their discretion, accept land owned by the developer which is located within the planning area but outside of the boundaries of development of the proposed subdivision or planned unit development;

d. Council may accept from the developer, in lieu of such area or areas of land, the payment of a sum of money equal to the corresponding percentage of the appraised market value of the gross area of land;

e. Council may accept a combination of land and money to satisfy the requirement for undeveloped public open space. Where it is determined that less than 10% undeveloped public open space is required to be conveyed in this section, the developer may propose to perform improvements to the land conveyed. The value of any proposed improvements shall be not less than the value of money that would otherwise be required to be paid to the City (ex. Installation of playground, walking trail, tennis courts, etc.); and,

f. money received by the Authority in accordance with subsections (d) and (e) above shall be reserved by the City for the purpose of the acquisition or development of land for undeveloped public open space or other public purpose.

2) Where subdividing land along an existing publicly maintained street, Council may require the conveyance of a portion of the lands if required for current or planned municipal infrastructure or correcting the street reservation to the City's current standards (including widening of the reservation for a sidewalk or walking path).
3) Land dedicated for undeveloped public use in accordance with this Regulation shall be conveyed to the City and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of undeveloped public open space or other public purposes.
4) Buffer areas for watercourses, waterbodies and coastline identified in Schedule E of these Regulations shall be reserved and remain undeveloped. Council may, at their discretion, consider these areas to be transferred to their ownership toward the requirement of land for undeveloped public open space.
5) Before approving an application to subdivide land abutting or in the vicinity of a waterbody, the effect of the proposed subdivision on public access to the waterbody will be considered. If there is concern that the development may impede public access to the waterbody, no permit will be issued unless provision has been made for a public right-of-way to the waterbody and for the transfer of ownership of the right-of-way to the City.
6) Before approving an application to subdivide land abutting or in the vicinity of an existing or proposed trail system, either the T'Railway Provincial Park or a City trail identified in the City's Trails Master Plan,[Is there a City Trail Plan the effect of the proposed subdivision on trail buffering, and the ability to construct the trail and connectivity of the trail network will be considered. No permit will be issued for the development unless provision has been made for required buffering and a public right-of-way

to access the trail network and for the transfer of ownership of the right-of-way to the City. Where a trail is proposed to be developed through land proposed to be subdivided, the proposed trail corridor shall be conveyed to the ownership of the City, which shall be considered toward the requirement of land for undeveloped public open space. Council may accept an adjusted trail corridor location within the property as long as the overall development of the trail is not impacted.

6.2.4 Landscaping Requirements in Subdivisions

1) Wherever possible, natural areas should be maintained in their natural state and the destruction of these natural areas by development should be minimized.

2) Minimum landscaping of the recreational open space area shall be topsoil and grass seed, as determined by the City. Mulch, pebbles or other materials may also be considered at the discretion of the City.

3) Where it is determined by Council that berming or a swale is required, or that major sloping occurs within, or outside, the normal boundaries of a lot, it shall be the developer's responsibility to landscape the berm, swale or slope with a minimum of grass.

4) A landscape deposit may be required as part of the Subdivision Development Agreement to be returned upon the acceptance of the area by the City.

6.2.5 Tiny House Subdivision

A Tiny House subdivision means a concept proposal, approved by Council, to subdivide property into a minimum of eight (8) or more tiny house residential lots subject to conditions outlined in a Subdivision Development Agreement. The subdivision plan shall provide the same information as any other residential subdivision as set out in this Chapter.

6.3. SUBDIVISION ENGINEERING STANDARDS AND APPROVALS

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the requirements established by Council in the "Residential Subdivision Standards" as approved by Council.

6.3.1 Engineer to Design Works and Certify Construction Layout

Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers, and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins, and all other utilities deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed and prepared by an Engineer licensed to practice in the province of Newfoundland and Labrador and approved by the City's Engineer. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision. City staff may prepare and design drawings for City projects as directed by Council.

Upon approval by Council of the proposed subdivision, the City 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 the developer's own cost and in accordance with the approved designs and specifications and the construction layout certified by the City's Engineer, of all such water mains, hydrants, sanitary sewers, and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

6.3.2 Water, Sewer and Stormwater Installation

1) Unless otherwise determined by Council, developers of property will be responsible for the costs and provision of water , sewer and stormwater services to the development and such services shall be in accordance with the City's municipal engineering standards.

6.3.3 Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks, and paving specified by Council as being necessary, may, at Council's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with Council, before approval of the application, an amount estimated by the City's Engineer to be reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the development, Council shall call for tenders for the 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 City the amount of the excess. If the contract price is less than the deposit, the City shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the City 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.

6.3.4 Construction of Utilities

Within any street reservation, the placing of any utility structure or service such as a hydro pole, telephone pole, underground hydro service boxes, internet or cable services, Canada Post group mail boxes, fire hydrant, fire alarm or sign post, shall receive the prior approval of the Authority with regard to the proposed location of utilities, safe construction, required easements and the relationship to other structures within the street reservation and to adjoining buildings.

The developer shall perform all work of construction layout prior to the construction and installation of the necessary utilities, other than subdivision improvements, in accordance with the approved designs, plans and specifications, under the supervision and direction of the Manager of Engineering Services.

Upon completion of the construction of all the necessary utilities, other than the subdivision improvements, the utility company shall issue a certificate certifying satisfactory completion of the construction. The utility company shall issue the certificate of completion which the City Engineer will approve.

6.3.5 Subdivision Improvements

6.3.5.1 Deferment of Subdivision Improvements

The development of subdivision improvements may, if Council so orders in writing, be deferred until such time as Council may decide.

6.3.5.2 Deposit of Securities

As a condition of a permit to develop a subdivision and as part of a Subdivision Development to subdivide, the applicant shall deposit with the City a security to cover the cost of all the subdivision improvements and completion thereof. These securities shall be payable after approval by Council and before issuance of a construction permit under these Regulations.

6.3.5.3 Construction Following Deposit Monies

If the applicant provides a security to cover the requirements of Regulation 6.3.3, Council, at its discretion, may:

a. direct that the applicant be responsible for the development and completion thereof; or
b. call for tenders for the work of completing the subdivision improvements, award the contract therefore, but shall not be obligated to accept the lowest or any tender. If a contract is awarded, the amount deposited by the applicant shall be applied towards payment of the contract costs. If the contract costs exceed the said deposit, the applicant shall pay to the City the amount of excess, and if the contract price is less than the deposit, the City shall refund to the applicant the amount by which the deposit exceeds the contract price.

6.3.5.4 Construction by Applicant

Notwithstanding anything in these Regulations, Council may, upon the written request of the applicant, permit the applicant at their own expense to complete the subdivision improvements to the satisfaction of the Manager of Engineering Services. In such event, progress payments shall be paid to the applicant out of the securities deposited in accordance with Section 2.6.4 in proportion to work completed to the satisfaction of Council.

6.3.5.5 Maintenance Deposit Subdivision Improvements

Upon completion of the subdivision improvements to the satisfaction of Council, the applicant shall deposit with the City securities satisfactory to Council in the sum of ten percent (10%) of the cost of the subdivision improvements, for such period as Council may require, provided such period shall not be less than one (1) year from the completion of the subdivision improvements.

6.3.6 Structures in Street Reservation

No structures shall be placed within any street reservation of any structure (e.g., a utility pole, bus shelter, fire hydrant, mail box, fire alarm, school bus shelter, sign post) without prior approval of Council which shall take into consideration safety considerations, such as, sight lines, obstructions, safe construction, and the relationship of the structure to the adjoining buildings and other structures within the street reservation, and relationship to the movement of vehicles and pedestrians.

6.3.7 Transfer of Streets and Utilities to Council

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

7. SIGNS AND ADVERTISEMENTS

7.1. PERMIT REQUIRED

1. No sign as defined by in this chapter shall be

erected or displayed in the Municipal Planning Ar

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7.2. DEFINITIONS

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

a. “Above the surface of the ground” means measured vertically from the horizontal projection of the highest point of the ground immediately below a sign as determined by Council to the highest point of the sign or the pole as determined by Council.

b. “Banner Sign” means a sign produced on cloth, paper, fabric or other combustible material of any kind, either with or without frames.

c. “Bench Sign” means a sign painted, located on or attached to any part of the surface of a bench, seat, or chair placed adjacent to a public place or street.

d. “Billboard Sign” means a sign and its structure and component parts which are intended to advertise or call attention to any matter, object, event or person, where the sign face is usually leasable and where the subject matter may or may not be related to a use at or around the parcel of land on which the Billboard Sign is located.

e. “Building face” means the total area of a building between the finished surface of the ground and the eaves of any architectural elevation.

f. “Bus shelter advertisement” means an advertisement that is painted, located on, attached, or forms part of a bus shelter placed or erected adjacent to or on a public place or street.

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

h. “Changeable Message Sign” means an illuminated sign advertising a variety of goods and services offered which may or may not be located on the same property where the sign is located, and may have moving parts, changing images or text, or moving or intermittent lighting..

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

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

k. “Election Sign” means any sign used to promote a candidate or party during a municipal, provincial or federal election.

l. “Electrical Sign” means a sign that utilizes an electrical source.

m. “Ground Sign or Pylon Sign” means a sign affixed to, supported by or placed upon the ground whether the ground is paved or unpaved, and which is supported by one or more uprights, in or upon such ground and not attached to any building.

n. “Illuminated Sign” means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

o. “Inflatable Signs” means a sign or display that is capable of being expanded by air or other gas and used as a temporary basis to advertise a product or event.

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

q. “Marquee Sign” means a sign printed upon, or attached to a marquee.

r. “Menu Board Sign” means a sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business.

s. “Off-site directional Sign” means a sign which directs traffic to a specific property, business or event and the sign is located on a property or building separate from the property, business or event to which it relates. A Billboard Sign is not an off-site directional sign.

t. “Pre-menu Board Sign” means a sign erected as part of a drive-through facility and only used to display products and services available in association with a drive-through business.

u. “Portable Sign” means an illuminated or non-illuminated sign which is movable from one location to another and which is not attached to a fixed structure or does not have supports imbedded in the ground.

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

w. “Real estate Sign” means a sign pertaining to the sale or lease of the premises or a portion of the premises, on which the sign is located.

x. “Roof Sign” means a sign that is erected, constructed and maintained above the roof of a building, within the peripheral dimension of such building and fastened or attached to or supported on such roof.

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

z. “Sign face” means the area or display surface used for the advertisement or message.

aa. “Sight Triangle” means a triangular- shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The triangular-shaped portion of land is formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 7.5 m measured along the street from the point of intersection of the street lines where the posted speed limit is 50 km/h or less. For speed with posted speed limits greater than this, the sight triangle to be determined by the City.

bb. “Wall Sign” means a sign which is painted on or attached directly against the surface of or against or within a recess in the wall or a column or other perpendicular portion of a building and approximately parallel thereto and which extends not more than 30 cm (11.8 in) from the architectural feature on which it is attached, and shall include a fascia sign.

7.3. FORM OF APPLICATION

Application for a permit to erect or display a sign shall be made to Council in accordance with section 2.2.2.

7.4. SIGNS PROHIBITED IN STREET RESERVATION

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

7.5 PERMIT VALID FOR LIMITED PERIOD

Off-site Directional Signs, which direct traffic to a commercial or industrial development or use, shall not be permitted.

Stationary Vehicle Signs, which are signs or advertisements attached, affixed or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying a sign or advertisement shall not be permitted, unless otherwise determined by Council.

7.6 PERMIT VALID FOR LIMITED PERIOD

A Sign Permit issued for the erection or display of a sign may be issued for a limited period, and may be renewed at the discretion of Council for similar periods.

7.7 REMOVAL OF SIGNS

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

a. hazardous to road traffic by reason of its siting, colour, illumination, image, message, or structural condition; or,

b. detrimental to the amenities of the surrounding area**.**

7.8 SIGNS EXEMPT FROM CONTROL

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

1) General exemptions:

a. on a single residential dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area size;

b. on an agricultural holding or farm, a notice board not exceeding 1.0 m² in area size and relating to the operations being conducted on the land;

c. on land used for forestry purposes, signs or notices not exceeding 1.0 m² in area size and relating to forestry operations or the location of logging operations conducted on the land;

d. on a dwelling or within the yard of a dwelling, one nameplate not exceeding 0.2 m² in area size in connection with the practice of a professional person carried on in the premises;

e. on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1.0 m² in area size;

f. on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3.0 m^2 whichever is the lesser;

g. on any parking lot directional signs and one sign not exceeding 1.0 m^2 in size, identifying the parking lot;

h. Off-site directional signs related to a charitable, non-profit or municipally sponsored event, which direct traffic to a community facility or event are exempt from requiring a Sign Permit provided only one sign is erected per street intersection, the sign is erected for the duration of the event, and the location, size, and construction of the sign conforms to the requirements of 7.9.10 (i).

i. election signs of any candidate or political party during a federal, provincial, municipal, or election, subject to the provisions of Section 77(2) of these Regulations;

j. temporary signs relating to Federal, Provincial or Municipal public works;

k. notices required by law to be posted;

l. regulatory, warning, directional, guide or informational signs erected by a Federal, Provincial or Municipal Authority or a community group approved by Council;

m. signs placed by a utility company to indicate danger;

n. non-illuminated real estate signs not exceeding 0.46 m^2 in total area advertising the sale or rent of a building or lot upon which the sign is located subject to the provisions of Section 77(3) of these Regulations;

o. a flag, emblem or insignia of any nation, country or province;

p. one construction or subdivision sign not exceeding 9 m^2 (96.9 ft^2) in total area related to the development of a property providing such sign is located on the site on which the construction is being carried out and is removed at the conclusion of the development, or subdivision or at such time as determined by Council; and,

q. Signs with existing Provincial and/or Municipal approvals.

2) Election Signs

Election signs shall be subject to the following conditions:

a. The erection of election signs are for a temporary period and such signs are deemed to be temporary signs.

b. One permit is required to be obtained by a candidate, the candidate's official agent or representative, for standard size election signs prior to the placement or erection of election signs throughout the Planning Area.

c. A condition of the permit is the submission of a $250.00 deposit which is refundable upon the removal of the election signs within seven (7) days after the date of the election. If the Candidate fails to remove his or her election signs within seven (7) days after the date of the election, Council will remove and destroy the signs, the $250.00 deposit will be forfeited to Council and the Candidate shall be responsible for the cost of the removal and disposal of such signs.

d. A standard size election sign shall not exceed a measurement of one decimal two metres (1.22 m) by two decimal four metres (2.44 m) and a maximum area of three decimal zero square metres (3.0 m2).

e. All other non standard size election signs shall be subject to the relevant sections and permits as required in Section 7.

f. Election signs associated with a political party's nomination process shall not be erected or installed earlier than twenty-one days prior to the date set for the nomination meeting.

g. Election signs associated with a municipal election shall not be erected or installed earlier than thirty days prior to the date of the municipal election.

h. Election signs associated with a federal or provincial election shall not be erected or installed prior to the official issuing of the election writ.

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

j. The erection of election signs shall be permitted on vacant land owned by the City, provided the signs do not cause an obstruction to the travelling public or the work of Council, and provided the signs are not located within the far limits of the carriageway at any street intersection.

k. Election signs shall not be affixed or attached to existing municipal buildings, structures or signs.

l. On Election Day, election signs shall not be located within thirty metres (30 m) from the entrance of a polling station.

3) Real Estate Signs

Real estate signs exempt from control shall be subject to following conditions:

a. No real estate sign shall be affixed to any utility pole or municipal building, structure or sign or be erected or placed on publicly owned land without the permission of the property owner.

b. There shall be a limit of one double-faced sign per property or for every 30 m of lot frontage.

c. A corner lot may carry two double-faced signs, one sign for each street.

d. Portable real estate open house signs shall also be permitted provided their placement does not obstruct vehicular or pedestrian movement, and the duration of such placement is limited to the time of the actual open house.

e. A real estate sign marking that the property is "sold" may appear for a limit of two weeks from the date of the closing of the transaction.

f. If the real estate agent fails to remove his or her signs within two weeks from the date of the closing the transaction, Council may remove them and dispose of them and the agent shall be responsible for the cost of the removal and disposal of such signs.

7.9 APPROVAL SUBJECT TO CONDITIONS

1) Sign Permit

A permit may only be issued for the erection or display of signs which comply with the appropriate conditions and specifications set out in this chapter.

2) Refusal of permit

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

3) Bench and Bus Shelter Signs and Advertisements

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

4) Stationary Vehicle Signs

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

5) Sight Triangle

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

6) Electrical or Illuminated Signs

Every electrical or illuminated sign shall be approved by a certified organization that is accepted by the Province of Newfoundland and Labrador and the Standards Council of Canada. A licensed electrician shall undertake the electrical hook up of the sign. A copy of the electrical permit shall be submitted to the City upon request. Illuminated signs may be required to be switched off during certain periods of the night, depending on their location. This will be determined by Council on a case by case basis.

7) Easements

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

8) Engineering Design Requirements

Signs shall be designed, constructed, and erected to withstand the ice load and wind load requirements as determined by the City. The following types of signs will require signed and sealed approval by a Professional Engineer with the Association of Professional Engineers and Geoscientists Newfoundland and Labrador (PEGNL):

- Billboard Sign
- Changeable Message Sign
- Ground Sign or Pylon Sign (at City's discretion)
- Portable Sign (at Council's discretion)
- Roof Sign
- Wall Sign (at discretion of the City)

9) Other Required Information

In the case of an electrical or illuminated sign, the electrical certification's approval sticker shall be displayed on the sign. Y of the electrical permit shall be submitted to the City upon request.

10) Signs

a. Banner Sign

A Banner Sign shall not be suspended across any street unless the City grants its approval. A Banner Sign attached to a face of a building, fence or other structure shall be considered in a like manner to a Wall Sign.

b. Billboard Sign

A Billboard Sign shall be permitted provided:

i. The maximum sign face of a single billboard shall not exceed 21.5 m^2. Where Council deems appropriate, a double or "super sign" may be permitted but shall not exceed 43 m^2 for a sign face.

ii. Unless otherwise determined by Council, the maximum overall height of the sign from the surface above the ground to the top of the sign shall be 8.5 m.

iii. The sign shall be set back a minimum distance of 15 m from the intersection of streets.

iv. The sign shall not be located closer than 5 m to the front or flanking street lot line.

v. The sign shall not be located closer than 3 m to a side lot line.

vi. Not more than two signs are permitted on a lot provided that each sign may have two leasable areas mounted back to back and the total maximum sign face of each sign shall not exceed 21.5 m2 per sign face, with the exception of a "super sign" which shall not exceed 43 m^2 per sign face and, if approved, would comprise the total number of billboard signs permitted on a single lot.

vii. A minimum separation distance of 100 m shall be maintained between signs when on the same side of the street and in the same line of sight or visual plane.

viii. A single-faced sign shall be located not more than 2 m from the wall of a building and shall be parallel to the wall and shall not extend beyond the end of the wall and the height of the roofline of the building to which it is attached.

ix. A wall-mounted billboard shall not block natural light from a window of the building to which the billboard is attached.

x. The sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the traveling public.

xi. The sign shall not conflict with adjoining architectural lines or forms or have the effect of materially obscuring the effect of the landscapes.

xii. The sign shall not be located within 60 m to a residential zone and shall not be oriented such that it faces an abutting residential zone or residential lot.

xiii. Lighting of the sign shall not be directed toward the street and shall not adversely affect neighboring areas.

xiv. The sign shall be anchored and secured in accordance with the requirements of the City.

xv. The sign shall be constructed in accordance with engineered drawings approved by the City.

c. Canopy Sign

A canopy or awning sign shall be permitted on a wall of a building provided: a) The canopy or awning sign does not abut a residential lot or zone.

i. The minimum vertical clearance beneath the sign to above the surface of the ground shall be 2.2 m.

ii. The sign may extend the full length of a building, and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap-around signs.

iii. The sign does not project more than 3 m from the wall of the building or structure to which it is attached.

iv. The sign shall not extend over public land or streets except where approved by Council.

v. The sign shall not extend over a driving area or parking surface except where approved by Council.

vi. The sign shall be anchored or secured to the building in accordance with the requirements of the City.

d. Ground Sign or Pylon Sign

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

ii. The sign shall have a maximum overall vertical height of 8.5 m above the surface of the ground.

iii. The sign shall have a maximum overall horizontal length of 6.0 m.

iv. The maximum area for the sign face shall be 51 m^2 exclusive of the sign's supports and mounts.

v. The sign shall be setback a minimum distance of half the height of the sign from the property's front lot line.

vi. The sign shall be setback a minimum distance of 1 m (3.3 ft) from the property's side lot lines.

vii. The sign shall have a minimum separation distance of 2 m (6.6 ft) to an adjoining dwelling, apartment, school or church.

viii. There shall not be any electrical component of the sign within 1 m (3.3 ft) above the surface of the ground.

ix. A minimum separation distance of 15 m (49.2 ft) shall be maintained between ground or pylon signs located on abutting properties.

x. The ground or pylon sign shall not be permitted to be located along the lot line that abuts a residential lot.

xi. Where there is more than one ground or pylon sign permitted per lot, there shall not be more than one ground or pylon sign for every 30 m (98.4 ft) of lot frontage.

xii. The sign shall be anchored and constructed in accordance with the engineering drawings approved by Council.

e. Inflatable Sign

Inflatable signs shall be permitted subject to the following conditions:

i. A limit of one rooftop or ground inflatable sign per lot or for every 30 m of lot frontage.

ii. The sign shall be setback from a lot line, a minimum distance of 1.5 m times the inflated height of the sign.

iii. The sign shall not interfere or obstruct access to or from a lot.

iv. The sign may be illuminated internally or externally but shall not contain flashing or intermittent lighting or lighting which creates glare when viewed by on-coming traffic or by abutting residential uses.

v. The maximum height and size of the sign shall be determined at the discretion of Council but shall be in accordance with and relevant to standard model sizes and dimensions available from balloon or inflatable sign manufacturers.

vi. The sign shall be anchored or secured in accordance with the requirements of the City.

vii. The time limit for the sign permit shall be specific to the duration of the event to which the sign is related but shall not exceed 30 days. Upon expiration of the sign permit, the permit may be renewed for another 30 day period provided Council is satisfied that the sign is being maintained to Council's satisfaction and the sign conforms to the Regulations and the conditions attached to the permit.

viii. If, in the opinion of Council, the sign is a hazard or unsafe to the public, the sign shall be removed immediately upon notice.

f. Marquee Sign

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

i. The minimum vertical clearance beneath the sign to above the surface of the ground shall be 3 m.

ii. The sign may extend the full length of a marquee but in no case shall such sign project beyond the ends of such a marquee.

iii. A marquee sign shall not extend over public land or streets except where approved by Council.

iv. The sign shall be anchored or secured to the building in accordance with the requirements of the City.

g. Menu Boards

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

i. There shall be one pre-menu board and one menu board per drive-through on a lot.

ii. The maximum area for the sign face of a pre-menu board shall be 2 m^2.

iii. The pre-menu board sign shall have a maximum height of 3 m above the surface of the ground.

iv. The maximum area for the sign face of a menu board shall be 4.1 m^2 for a single face.

v. The menu board sign shall have a maximum height of 3 m above the surface of the ground.

h. On- Site Traffic Directional Sign

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

i. There shall be no limit to the number of on-site traffic directional signs on a lot.

ii. An on-site traffic directional sign shall be confined to directing motor vehicle or pedestrian traffic and includes such signs as an entrance sign, an exit sign or a motor vehicle parking direction sign.

iii. The maximum area for the sign face shall be 0.75 m^2 for a single face.

iv. The sign shall have a maximum height of 1.2 m above the surface of the ground.

i. Off-Site Directional Sign

Off-site directional signs, which direct traffic to a commercial or industrial development or use, shall not be permitted. Off-site directional signs related to a charitable, non-profit or municipally sponsored event, which direct traffic to a community facility or event exempt from requiring a Sign Permit and shall be permitted subject to he following:

i. only one sign is erected per street intersection

ii. the signs are erected for the duration of the event only

iii. The maximum area for the sign face shall be 0.75 m2 for a single face.

iv. The sign shall have a maximum height of 1.2 m above the surface of the ground.

j. Portable Sign (Bold Sign)

A portable sign shall be permitted provided:

i. No person other than an individual or a corporation possessing a valid Portable Sign Company License shall place, erect or lease Portable Signs within the City.
ii. The applicant for a Portable Sign Company License shall make application for such license to the City.
iii. The fee for a Portable Sign Company License shall be set by Council.
iv. A Portable Sign Company License shall be valid for one (1) year from the date of issuance.
v. Every Portable Sign shall:
    a. display the name and contact phone number of the Portable Sign Company;
    b. display an identification number; and
    c. be of a design approved by the City.
vi. The sign shall have a maximum of two sign faces.
vii. The maximum sign face area shall be 6.0 m^2 each sign face.
viii. The maximum overall height of the sign from ground level to the top of the sign shall be 2.5 m.
ix. The sign shall be set back a minimum distance of 1.5 m from a lot line. Where the sign is on a corner lot, the sign shall not be located within the sight triangle.

x. Not more than one sign is permitted at any one time on any property having a frontage of less than 20 m. On lots with frontages greater than 20 m, a minimum separation distance of 15 m shall be maintained between each portable sign.

xi. The sign must be located on the property on which the business is located unless otherwise approved by Council and the property owner.

xii. The sign shall not interfere or obstruct access to or from a lot.

xiii. The sign shall not be placed on a portion of a lot that abuts a residential zone or existing residential lot.

xiv. If the sign is illuminated, the sign shall be of a design approved by the Canadian Standards Association (CSA) and bear the CSA approval decal on the sign.

xv. The sign shall be constructed in accordance with engineered drawings approved by Council.

xvi. The portable sign permit shall be valid for a period of 90 days from the date of issue by Council. Upon expiration of the sign permit, the sign is to be removed or a new sign application submitted to Council and such permits may be renewed for further periods of 90 days upon application and approval.

k. Sidewalk Sign

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

i. The sign shall only be displayed or erected on the public street abutting the business and only in cases where it is not possible because of the size of the lot, to locate a ground or portable sign entirely on the lot on the same lot as the business for which the sign applies.

ii. The sign shall have a maximum height of 1 m.

iii. The sign shall have a maximum of two sign faces.

iv. The sign shall have a maximum sign face of 0.55 m^2 for each sign face.

v. The sign shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times.

vi. The sign shall not be located within 3 m of a driveway access.

vii. The sign shall be located as close to the building face as possible and maintain a minimum unobstructed sidewalk width of 1.5 m.

viii. The sign shall be secured in accordance with the requirements of the City.

l. Projecting Sign

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

i. The minimum vertical clearance beneath the sign above the surface of the ground shall be 3 m.

ii. The maximum overall projection of the sign from the building shall be 3 m.

iii. The sign is a rigid sign and its design and construction does not permit it to swing in the wind.

iv. A projecting sign shall not extend over public land or streets except where approved by Council.

v. A projecting sign shall not extend over a driving area or parking surface except where approved by Council.

m. Roof Sign

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

i. The sign shall not exceed the maximum permitted height of a building as specified in the use zone in which the building is located.

ii. The height of a roof sign shall respect the scale of the building and neighborhood where it is located. The maximum height of a roof sign located on a flat roof building shall be 2 m, whereas the maximum height of a roof sign located on a pitch roof shall be half the height of the roof pitch.

iii. The sign shall not project beyond the exterior wall or walls of the building to which it is attached.

iv. The electrical wiring of a roof sign shall be in accordance with the requirements of the current National Building Code. A copy of the electrical permit shall be submitted to the City upon request.

v. The sign shall be anchored or secured to the building in accordance with the requirements of the City.

vi. The sign shall be constructed in accordance with engineered drawings approved by Council.

n. Wall Sign

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

i. A wall sign may be placed on a wall or building abutting any street or public highway provided the wall sign does not immediately face a residential lot or zone.

ii. Unless otherwise determined by Council, the total area of all wall signs on any one architectural elevation of a building shall not exceed 20% of the building face.

iii. The length of the sign shall not be longer than the horizontal measurement of the wall or building facade to which it is attached and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap around signs.

iv. A wall sign shall not project more than 30 cm from the wall of the building.

v. Where permitted by Council, a wall sign projecting over public property shall be erected with a vertical clearance not less than 7.6 cm above the surface of the ground.

vi. The wall sign shall be of an architectural scale and styling that is, in the opinion of Council, in keeping with architectural scale and styling of the building to which it is attached.

vii. No wall sign shall be permitted to cover any part of a required exit in a building or obstruct free access thereto or egress there from.

viii. The sign shall be anchored or secured to the building in accordance with the requirements of the City.

o. Changeable Message Sign

A Changeable Message Sign, a free-standing changeable message sign or a changeable message sign advertising goods and services offered on properties other than the property where the sign is located, shall be permitted subject to the following conditions and notwithstanding its otherwise compliance with these regulations:

i. be at the discretion of Council after public notification and consultation as if the proposed sign were a discretionary use;

ii. the property on which the sign is to be located has a minimum frontage of 30 m;

iii. the maximum overall height of the sign from the Established Grade to the top of the sign shall be no greater than 5 m;

iv. the sign shall be set back from traffic decision points a distance equal to the stopping sight distance based on the roadway posted speed as defined in the Transportation Association of Canada' s Geometric Design for Canadian Roads;

v. the sign shall not be located closer than 2 m to the front or flanking street lot line;

vi. the sign shall not be located closer than 2 m to a side lot line;

vii. the sign shall not be located within the limits of a utility or municipal easement;

viii. a separation shall be maintained between signs when on the same side of the street so as to preserve a sight or visual plane;

ix. the sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the travelling public;

x. the sign shall not be located within 30 m of a residential zone located on the same side of the street and shall not be oriented such that it faces an abutting residential zone or residential lot;

xi. lighting of the sign shall not be directed toward the street and shall not adversely affect neighbouring areas;

xii. the sign shall be anchored and secured in accordance with the requirements of the City;

xiii. the sign and foundation shall be constructed in accordance with engineered drawings prepared, signed and sealed by a professional engineer of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL);

xiv. The changeable message sign face shall:

- have a maximum illumination level of 1,000 lumens;
- have an instantaneous transition from one image or format to the next;
- have a minimum image display time of 8 seconds;
- be shielded to reduce glare in a manner acceptable to the Authority;
- have a positive contrast orientation;
- not have animation;
- not have flashing, strobe, intermittent or moving lights;
- not have lights in a colour or combination of colours which in the opinion of the Authority, may be misinterpreted as an emergency/ warning device or vehicle or other traffic control device;
- shall be turned off between midnight and 6 am;
- shall be automatically adjustable so that it does not increase the light levels (illuminance) adjacent to the changeable message sign by more than 3.0 lux above the ambient light level;
- shall not be erected in such a manner so that it is within the background of an existing or proposed traffic control signal from an approaching driving lane; and,
- Any proposed changeable message sign will be assessed for its impacts on traffic and surrounding properties in accordance with the “Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines" published by the Transportation Association of Canada in March 2015.

p. Multi-Tenant Building

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

q. Signs Along Provincially Maintained Roads

The Government of Newfoundland and Labrador Highway Sign Regulations, 1999, apply to all highways constructed and maintained by the Department Transportation and Infrastructure. The erection or placement of any sign within the road right-of-way that is provincially maintained is therefore subject to dual jurisdiction, and must meet the conditions of the provincial government as well as the City of Mount Pearl, as follows:

i. The sign shall be approved in accordance with the provincial Highway Sign Regulations, and a highway signage permit must be obtained from the appropriate provincial government authority.

ii. The sign shall meet the conditions of the City of Mount Pearl for the particular type of sign as outlined in the use zone in which the sign is located.

r. Cessation of Use

Upon the cessation of a use, event or a business, any sign or advertisement associated with that ceased use, event or business shall be removed within thirty (30) days of the cessation of the use, event or business. If the property or signage owner fails to remove the sign or advertisement, the Council may remove them and dispose of them and the owner shall be responsible for the cost of the removal and disposal of such signs.

s. Application to Existing Signs and Advertisement

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

t. Signs or Advertisements not Specifically Covered

Signs and/or advertisements not specifically covered in these regulations shall be considered on a case by case basis at Council's discretion.

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8 PARKING AND OFF-STREET LOADING

8.1 PARKING

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

2) Council can vary the off-street parking requirements outlined in Schedule B for non-residential properties if it is concerned that the required size of a particular parking area will generate excessive stormwater runoff, and if it deems that the required parking space is more than is necessary for normal parking demand.

8.2 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 loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 metres long, 4 metres wide, and having a vertical clearance of at least 4 metres with direct access to a street or with access by a driveway of a minimum width of 6 metres to a street.

2) The number of loading spaces to be provided shall be determined by Council.

3) The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

8.3 PARKING LOT

A parking lot is subject to the following requirements.

1) The parking area shall be on a lot of not more than zero decimal five hectares (0.5 ha).
2) The owner of the parking lot shall submit to Council an acceptable development plan illustrating the following information:
    a. the number and location of parking spaces,
    b. ingress and egress of parking lot,
    c. area to be landscaped and screened and type of landscaping to be used, and
    d. profiles illustrating grade elevations of the partnering area to the satisfaction of Council.
3) An agreement between the owner of the land and Council, including an approved development plan, shall be registered at the Registry of Deeds of Newfoundland and Labrador restricting the use of such land to parking.

8.4 DRIVE-THROUGH

A drive-through use shall be subject to the following conditions.

1) A Drive-through Restaurant or Take-Out Food Use shall have a stacking lane with a minimum length before the pick-up window, as determined by Council on the level of traffic generated by the drive-through use as listed below, and the stacking lane length may be modified on the basis of the recommendations of a Land Use Impact Assessment:

Level of Generation	Minimum Stacking Lane Length
High	72 m
Medium	54 m
Low	36

and a minimum of six metres (6 m) after the pick-up window to on-site aisle or parking area.

2) A Drive-through Use related to a shop or bank use shall have a stacking lane with a minimum length of eighteen metres (18 m) from the pick-up window or automated teller machine and a minimum of six metres (6 m) after the pick-up window or automated teller machine to the on-site aisle or parking area.
3) Drive-through stacking lanes shall not be located between the street and the building.
4) Drive-through stacking lanes shall be located away from adjacent residential and institutional uses whenever possible.
5) Drive-through stacking lanes should be separated by raised islands, be well signed to provide for ease of use and located so as to avoid crisscrossing of lanes.
6) No drive-through stacking lane, order window, or order board shall be located within three metres (3 m) of a lot line abutting a residential use.
7) A buffer consisting of a sound-proof fence and landscaping shall be provided adjacent to residential uses. A fence, berm, and landscaping or a combination of these elements shall be used to reduce headlight glare, order board lighting, and noise from the Drive-through.

8.5 PARKING STANDARDS

1) For every building, structure or use to be erected or enlarged, 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 on-street parking of vehicles associated with that building, structure, or use. Off-street parking requirements are set out in Section B.3.
2) Each parking space, except in the case of a single detached, semi-detached or multi dwelling, shall be made accessible by means of a right-of-way at least 3 metres wide.
3) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings.
4) Parking space for apartment buildings shall be provided in the rear yard where possible.

5) Non-residential parking spaces shall be provided not more than 200 metres from the use for which the parking is required.
6) The parking facilities required by this Regulation shall, except in the case of single detached, semi-detached or multi dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
7) Where Council permits parking horizontal to the curb, the minimum length of the stall shall be 7 metres and the aisle width shall be at least 4 metres, or more if deemed necessary by Council.
8) For any other parking lot configuration, the requirements shall as be as specified by Council, but in no instance, shall the requirements be less than that specified for perpendicular parking spaces.
9) Other requirements for parking areas are as follows:

10) The parking area shall be constructed and maintained to the specifications of Council,
    a. Lights for illumination of the parking area shall be arranged so as to divert the light away from adjacent development.
    b. Except on a service station or industrial lot, no gasoline pump or other service station equipment shall be located or maintained in a parking area.
11) Where Council deems that strict application of the parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in lieu of the provision of a parking area, and Council shall use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.

12) Where, in these Regulations, a parking area for more than eight vehicles are required or permitted:

    a. a parking area and an adjoining driveway shall provide drainage, lighting, curbs, and landscaping in accordance with requirements of Council.
    b. no part of any off-street parking area shall be closer than 2 metres to any lot line in any zone.
    c. a structure, not more than 3 metres in height and more than 5 m^2 (53.8 square feet) in area may be erected in the parking area for the use of attendants in the area.
    d. access to a parking area in non-residential zones should not be by way of residential zones.
    e. the driving surface of a driveway access to a parking area from a public street shall not be less than 6 metres (19.7 feet) in width.
    f. where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1.8 metre in height should be erected and maintained along all lot lines abutting the residential zone.
    g. the parking area shall be of sufficient size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas.
    h. The construction of parking areas shall require the construction of private stormwater detention systems that are owned and maintained by the property owner to achieve zero net run off. Exceptions may be made for subdivisions that avail of larger public stormwater detention systems.

8.6 DESIGNATED MOBILITY IMPAIRED PARKING SPACES

For any development where parking spaces for person with disabilities are required pursuant to the *Buildings Accessibilities Regulations* under the *Building Accessibility Act* (Newfoundland and Labrador), such spaces shall be provided on the basis of one parking space per lot or four percent (4%) of the total number of required parking spaced provided on the lot, whichever is greater, according to the regulations, and such parking space or spaces should be designated and marked in accordance with the Designated Mobility Impaired Parking Regulations under the *Highway Traffic Act, 1990* (Newfoundland and Labrador) and the *Buildings Accessibilities Act, 1990*.

8.7 OFF-STREET PARKING REQUIREMENTS

1) This parking standards outlined in this chapter apply to the specified use regardless of which zone the use is located within; exception: these standards do not apply to Planned Unit Developments and to proposed uses within the City Centre Land Use Zone
2) Every Development shall have off-street parking in accordance with these Regulations and provincial Designated Mobility Impaired Regulations.
3) Where the calculation of required parking spaces results in a fractional number, that number shall be rounded to the nearest whole number with 0.5 rounded up to the next whole number.
4) Cumulative requirements: In the case of development that includes more than one use, these requirements shall be regarded as cumulative.
5) The parking required by this regulation shall, except in the case of dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
6) Council may relieve an applicant of all or part of the parking required under these regulations provided that the applicant is able to show that, because of the particular characteristics of the development, the actual parking requirements within the foreseeable future are expected to be lower than those required by City requirements by submitting a Parking Report.

USE	MINIMUM PARKING SPACES
Apartment Building And Dwelling Units in a Commercial or Industrial zone	Dwelling Size Studio 0.8 1 Bedroom Dwelling 0.9 2 Bedroom Dwelling 1.0 3 Bedroom Dwelling 1.2 or Greater Visitor parking: 0 visitor parking spaces for the first 7 Dwellings; 1 visitor parking space per 7 Dwellings thereafter
Assisted Care	1 space for every 10 beds
Auto Sales establishment	1 space for every 30 m2 of Gross Floor Area for the building and 1 space for every automobile stored, kept or displayed for sale

USE	MINIMUM PARKING SPACES
Bar/Liquor establishment	1 parking space for every 10 m2 of Gross Floor Area
Bed and Breakfast	1 parking space for every 2 guest rooms or suites used as a part of the Bed and Breakfast
Day Centre (Commercial)	1 parking space for every 3 employees together with 1 parking space for every 100 m2 of Gross Floor Area
Day Centre (Residential)	1 parking space for every 3 employees together with 1 parking space for every 15 m2 of Gross Floor Area
Dry Cleaning Establishment	1 parking space for every 100 m2 of Net Floor Area
Hotel/Inn	1 parking space for every 4 guest rooms or suites together with 1 parking space for every 5 m2 of banquet/conference/meeting space
Light Industrial	1 parking space for every 150 m2 of manufacturing/storage area, provided this is not less than 3 parking spaces per tenant or establishment
Lodging house	1 parking space for every 2 rented rooms or suites used as a part of the Lodging House
Medical or Dental office (health & wellness-15 m2)	1 parking space for every 20 m2 of Gross Floor Area
Personal Care Home	1 space for every 5 Units
Personal Service	1 parking space for every 30 m2 of Net Floor Area or 1.5 parking spaces for every work station, whichever is greater
Public Gathering-Indoor	1 parking space for every 15 m2 of Gross Floor Area; or one parking space for every 5 seats or one parking space per 10 seats if in conjunction with a shopping centre
Residential Use – except Apartment building, etc. above	1 parking space for every Dwelling Unit – including subsidiary apartments and accessory dwelling units
Retail	1 parking space for every 30 m2 of Net Floor Area
School	1 parking space per 30 m2 of classroom area
Service Station Office	1 parking space for every 50 m2 of Gross Floor Area
Shopping Centre	1 parking space for every 40 m2 of gross leasable area.
Townhouse Cluster	1 parking space per Dwelling Unit
Veterinary	1 parking space for every consultation/treatment room
Unspecified	At discretion of the City.

PARKING REPORT

Where an applicant wishes to provide a different number of parking spaces other than that required by this Section, Council shall require a Parking Report.

Notwithstanding Subsection (1), Council may require a Parking Report as part of any Development application review process.

A Parking Report shall address at a minimum: parking generation rates for the Development including pre- and post-development; parking duration (short/long term); available parking in the area (private/ public on-street, parking lots and garages); effects on traffic and local parking; traffic to and from the Development; neighbourhood impact; other available transit options.

A Parking Report, and any supporting studies or plans, shall be prepared at the expense of the applicant.

CASH IN LIEU

Where requested by the applicant, Council may accept the following:

1) Provision of a cash-in-lieu payment in satisfaction of all or part of the parking requirements in an amount as may be established by Council from time to time;
2) Shared parking agreement where the shared Parking Lot or Parking Garage is located within 400 metres of the Development; or
3) A combination of cash-in-lieu and shared parking.

BICYCLE PARKING

Developments containing an Apartment Building, Office Use and/or Retail Use shall providing parking space for bicycles as follows:

TYPE OR NATURE OF BUILDING	BICYCLE PARKING REQUIREMENTS
Apartment Building	1 bicycle parking space for every 2 residential units
Office Use with 500 m2 to 3200 m2 of Net Floor Area	2 bicycle parking spaces
Office Use greater than 3200 m2 of Net Floor Area	4 bicycle parking spaces for every 3200 m2
Retail Use with 500 m2 to 3200 m2 of Net Floor Area	2 bicycle parking spaces
Retail Use greater than 3200 m2 of Net Floor Area	4 bicycle parking spaces for every 3200 m2

1) Bicycle parking spaces shall be provided on the same Lot as the Development.
2) Bicycle Parking spaces shall be located near the building entrance and be equipped with a device to allow the bicycle to be secured.
3) Where bicycle parking cannot be provided Council may accept the provision of a cash-in-lieu payment in satisfaction of all or part of the bicycle parking requirement in an amount as may be established by Council from time to time.

8.8 OFF-STREET LOADING REQUIREMENTS

1) Where Council deems necessary, for every building, structure or use requiring the shipping, loading or unloading of animals, goods, wares or merchandise, one or more loading spaces shall be provided and maintained on the lot measuring at least 15 metres long and 4 metres wide with a vertical clearance of at least 4 metres. The space shall have direct access to a public street or to a driveway of a minimum width of 6 metres that connects to a public street.

2) The number of loading spaces to be provided shall be determined by Council during application review.

3) The loading spaces required by this Regulation shall be designed so that vehicles can maneuver clear of any street and so that it would not be necessary for any vehicle to reverse onto or from a street.

8.9 Commercial Driveways And Parking Areas

The following conditions shall apply to commercial driveways and parking areas.

1) All driveways and required parking areas and truck loading areas shall be paved with asphalt or other approved hard surfacing. A continuous concrete curb shall be installed and maintained on all entrances, driveways and parking areas up to the rear wall of the building unless otherwise determined by Council.

2) Driveways are to have a minimum gradient of zero decimal five percent (0.5%) and a desirable maximum of six percent (6%).

3) Access driveways to the property shall be a minimum seven decimal five metres (7.5 m) wide and a maximum of twelve metres (12 m) wide with a nine metre (9 m) turning radius.

4) Parking areas are to have a minimum gradient of two percent (2%) and a desirable maximum gradient of four percent (4%).

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SCHEDULES

SCHEDULE A: PROVINCIAL AND FEDERAL INTEREST REQUIREMENTS

As set out in Section 1.3, the Development Regulations shall be subject to all Federal and Provincial legislation, regulations, policies and guidelines. Given that requirements of the federal and provincial agencies change over time and other exigencies, applicants are responsible to ensure that all appropriate federal and provincial permits and approvals have been secured prior to the use and/or development of land within the Municipal Planning Area boundary. The federal and provincial departments are responsible for the administration and enforcement of their requirements.

Notwithstanding this requirement, these Development Regulations shall incorporate specific compliance requirements as set out in the comments provided as part of the Intergovernmental Land Use Committee referral and Provincial Interest information provided on the Provincial Government Land Use Atlas, as

A.1 Climate Change Division, Department of Environment and Climate Change

1) Take into consideration available data regarding provincial climate change projections to be considered in development stages. These projections suggest that extreme precipitation events will become more intense, for example:
    a. On a 24-hour basis, a 1-in-100 year storm is expected to bring 167 mm of precipitation by mid-century, an increase from the current climate's 137 mm (22% growth); and
    b. On a 12-hour basis, a 1-in-100 year storm is expected to bring 150 mm of precipitation by mid-century, an increase from the current climate's 122 mm (23% growth).

A.2 Crown Land Administration Division, Department of Fisheries, Forestry and Agriculture

1) The use of Crown land is subject to the City of Mount Pearl Municipal Plan and Development Regulations, including zoning and permitting requirements.
2) Approvals shall be obtained from the appropriate Regional Lands Office, Government of Newfoundland and Labrador; applications are made to the Regional Lands Office.
3) Crown land applications shall be recommended for approval by the Council regarding the use and development of the land prior to approval for issuance of title by the Lands Branch of the Government of Newfoundland and Labrador.

A.3 Department of Digital Government and Service NL

1) Service NL permits: Council shall require compliance with Department of Digital Government and Service NL requirements, before issuing permits. These include, but are not limited to: on-site services, highway signs; electrical permits; building accessibility; access to highways; tanning salon and/or Personal services establishment; Food establishment licence; public markets/farmer's markets; meat plant; pool; wastewater or water system approval; tobacco sales; water supply testing; cemetery; waste management; fuel storage and handling; asphalt, boiler; pressure vessel and compressed gas installation. The Development Regulations shall provide greater detail on: on-site services, highway signs; building accessibility; access to highways.

2) Signs along Highways: The City of Mount Pearl, by agreement with the Government of Newfoundland and Labrador administers the Highway Sign Regulations (under Section 3.1) as they apply to the erection or display of signs or advertisements on Provincial Highways in the City. Refer to Chapter 7.
3) Access to Highways: Any change in use or zoning of property which requires or uses direct or indirect access to a provincial road may be considered a change in use pursuant to the department's policy for highway access management. This policy applies to direct and indirect access points whether new, existing or historical in nature. Proponents shall be responsible to apply to the Department of Digital Government and Service NL for assessment or re-assessment of access. There is no guarantee of access approval.
4) 15 m Building Near Highway: Within 15-metres of either side of the provincial highway, the City shall refer development applications to the Digital Government and Service NL Division for comment, as per *Building Near Highways Regulations, 1997*.

A.4 Environmental Assessment, Department of Environment and Climate Change

1) Council shall review applications regarding requirements for registration for an Environmental Assessment review under Section 28 of the *Environmental Protection Regulations, 2003*. If Council is aware that a proposed development may trigger the requirements of the Environmental Protection Act, 2002, the proponent shall be advised to consult with the Environmental Assessment Division and a development permit cannot be issued until this process is complete. Note, however, that it remains the responsibility of the proponent to meet the requirements of the *Environmental Protection Regulations, 2003*.

A.5 GIS & Mapping Division, Department of Fisheries, Forestry and Agriculture

1) Control Survey markers are shown on the Land Use zoning map. Council shall inform the GIS and Mapping Division when a proposed development is proposed in the vicinity of a survey Control Monument.

A.6 Mineral Lands Division, Department of Industry, Energy and Technology

Note that the Division requires the statutory definitions for mineral exploration and mineral working and to be included in the Development Regulations (see chapter 5). The definition for mining was not included as the land are for the City is highly unlikely to be subject to this use.

1) Geological Hazards
    a. Municipal planning and development should consider a 100-year planning period and incorporate the impacts of climate change on potential slope hazards. Proposed development on, above, or below steep slopes (>15°; 26.8%) and excavations into the toe of steep slopes should be evaluated to assess the risk of slope movements, particularly near slopes in unconsolidated materials or unstable bedrock. This should be conducted on a case by-case basis, as factors that could increase the risk (e.g. bedrock type or amount of overburden) will vary along a designated steep slope and may change over time. The GSNL recommends that proposed development on, above, or below steep slopes and excavations into the toe of steep slopes should be evaluated by a qualified geotechnical professional to assess the risk for slope

movements, particularly in areas of thick till or other unconsolidated materials. The City addresses steep slopes in Chapter 4.

b. Planners should consider all risks associated with development in steeply sloping areas; a comprehensive risk assessment from a geotechnical engineer or other qualified professional may be warranted. Vegetative buffers and engineering solutions that will mitigate potential adverse effects and limit erosion near steep slopes should be considered. Municipalities with planning authority may choose to remove areas susceptible to slope-related hazards from future development through re-zoning efforts. For More Information, contact Project Geologist, Geological Survey of Newfoundland and Labrador.

c. Moderate to steep slopes have been identified on the south side of Kenmount Hill, north of Blackmarsh Road. Any development within this area should be guided by geotechnical experts who can advise on best approaches to mitigate slope hazards.

2) Quarries

a. For any quarry development within the Municipal Planning Area, a 300 m Quarry referral buffer is mandatory for the following reasons:

i. Residential development shall not be allowed to encroach on the areas identified with aggregate potential by the Mines Branch;

ii. Applications for development within the **300 m Quarry referral buffer** shall be referred to the Mineral Lands Division for comment prior to approval.

3) Mineral Exploration

a. Mineral exploration that is not a development is allowed as a permitted use in all zones.

b. Mineral exploration that is a development are allowed as a discretionary use in all zones.

4) Removal of Quarry materials, site grading, soil deposit

a. No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects **less than 125 m^3** of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Development Regulations.

b. Removal or deposit of soil, topsoil, sods, or the excavation and removal of excavated material or grading requiring a development permit, shall meet the following conditions:

i. land intended for the activity or grading has a slope of less than 25%;

ii. resulting slopes are stable and without hazards;

iii. when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;

iv. drainage shall be provided to the satisfaction of Council and shall be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites; The above requirements may be incorporated in a grading plan

c. Development is restricted in environmentally sensitive areas such as steep slopes, and areas prone to landslides and rockfall.

d. For approved developments where the extraction of quarry materials is occurring or may be expected occur, the City shall send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, at quarries@gov.nl.ca. Note that quarry materials

include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat. It is important that the Mineral Lands Division have the documentation necessary to distinguish excavation associated with an approved development from excavation that constitutes quarrying; possessing development permits for developments which may involve excavation will assist greatly in making this distinction.

A.7 National Codes and Regulations

1) The National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code, and any other ancillary code and other municipal regulations or bylaws regulating or controlling the development, conservation, and use of land shall, under these Development Regulations apply to the entire Municipal Planning Area.

A.8 Newfoundland and Labrador Hydro- Easements

1) Any development in the vicinity of the NL Hydro easements or structures shall be referred to NL Hydro and other utilities to ensure that there are no conflicts. The City shall consult NL Hydro for all development applications at the time the application is made to the City. Requests for access roads underneath transmission lines shall be made to NL Hydro. Hydro shall not provide service to facilities, building, etc. in our right of ways and reserves the right to remove any buildings that impede our upgrade, maintenance or repair work. Any costs to remove impediments shall be at the owner's expense.

A.9 Parks Division, Department of Tourism, Culture, Arts and Recreation

1) The Newfoundland T'Railway Provincial Park: Management of the NL T'Railway Provincial Park lies within the Department of Tourism, Culture, Arts and Recreation – Parks Division. Specialized permits for the NL T'Railway are available through Parks Division for Temporary Vehicular Use and for Construction and Use.

A.10 Pollution Prevention Division, Department of Environment and Climate Change

1) Waste Disposal and Litter (Environmental Protection Act, 2002, Part IV)
    a. Waste receptacles shall be installed at all active areas for use by workers.
    b. All waste material shall be considered, prior to disposal, for reuse, resale or recycling.
    c. Waste materials not reused, resold or recycled, shall be disposed at an approved waste disposal site, provided the owner/operator is willing to accept such waste and the local Service Newfoundland and Labrador (SNL) has agreed with the disposal of the waste materials at the site.
2) Air Quality Management (Environmental Protection Act, 2002, Part VI)
    a. All activities associated with this proposal are subject to Air Pollution Control Regulations, 2004; http://assembly.nl.ca/Legislation/sr/regulations/rc040039.htm.
    b. Schedule E of the regulations prohibits the open burning of tires; plastics; treated lumber; asphalt and asphalt products; drywall; demolition waste; hazardous waste; biomedical waste; domestic waste; trash, garbage, or other waste from commercial, industrial or municipal operations; manure; rubber; tar paper; railway ties; paint and paint products; fuel and lubricant containers; used oil; animal cadavers; hazardous substances; materials

disposed of as part of the removal or decontamination of equipment, buildings or other structures.

3) Pesticides (Environmental Protection Act, 2002, Part IX)
    a. All pesticide purchase, storage, and use are subject to compliance with the Pesticides Control Regulations, 2012, http://assembly.nl.ca/Legislation/sr/regulations/rc120026.htm. The regulations stipulate that an applicator shall be licensed for the class of pesticide which is intended to be applied. Also, the regulations stipulate that an operator cannot purchase pesticides without the appropriate license(s).
    b. If the use of a pesticide(s) is required (e.g. for the control of insects, diseases, weeds, vegetation), the Pesticides Control Section of the Department shall be notified.
4) Storage and Handling of Gasoline and Associated Products (Environmental Protection Act, 2002)
    a. Petroleum storage and handling, associated with construction and operation of this project/facility, shall be in compliance with the Storage and Handling of Gasoline and Associated Products Regulations, 2003, as amended, http://assembly.nl.ca/Leqislation/sr/requlations/rc030058.htm.
    b. All petroleum storage tanks shall be registered with Service NL in accordance with the GAP Regulations and all leaks/spills shall be reported to the 24-Hour Environmental Emergency spill Line at 709-772-2083 or 1-800-563-9089.
    c. Oils, greases, diesel, gasoline, hydraulic and transmission fluids should be stored at least 100 m from any body of water. Re-fuelling and maintenance activities should also occur at least 100 m from any body of water and on level terrain.
    d. An environmental emergency contingency plan shall be developed for alt storage tank systems. This plan details information regarding the location of spill response equipment and a trained contractor, in the event of a spill.
5) Used Oil and Used Glycol Control Regulations (Environmental Protection Act, 2002; Used Oil Control Regulations)
    a. The proponent shall maintain constant compliance with the Used Oil Control Regulations, http://assembly.nl.ca/Leqislation/sr/requlations/rc020082.htm.
    b. Waste oils and used lubricating oil shall be retained in a tank or closed container, and disposed of by a company licensed for handling and disposing of used oil products.
6) Halocarbon (Environmental Protection Act, 2002; Halocarbon Regulations)
    a. Any use of regulated substances, for example in fire suppression systems, associated with the proposed activity is subject to the Halocarbon Regulations, http://assembly.nl.ca/Leqislation/sr/regulations/rc050041. htm.6.5.10

A.11 Provincial Archaeology Office

1) If an archaeological site or artefact is discovered during development of a property, the development shall stop and Council shall consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed. Any accidental discoveries of historic resources shall also be reported by the City to the Provincial Archaeology Office.

2) Before approval is granted for a major development such as a subdivision or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for comments.

A.12 Realty Services, Department of Transportation and Infrastructure (TI)

1) A referral to TI is required in situations where a property with an existing access point on a provincial road which is intended to be rezoned as it may constitute a change in use under TI's access policy.
2) There shall be no encroachment on property or highways owned by the Department of Transportation and Infrastructure (TI) without express written consent from the Deputy Minister. Any proponent shall be fully responsible to identify property and highways owned by TI.

A.13 Water Resources Management Division, Department of Environment & Climate Change

1) The City of Mount Pearl does not permit un-serviced subdivision development; therefore, the sections of the Intergovernmental Land Use Report setting out the requirements for such subdivision has not been included in the following requirements. If this policy changes in the future, then the compliance requirements set out in Section 1.2 apply.
2) For the purposes of interpretation of the following requirements the definition from the *Water Resources Act, 2002,* for "body of water" is provided: "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water;

Conditions:

1) Water Resources Management Division Policies

Under the authority of the *Water Resources Act, 2002*, the Water Resources Management Division (WRMD) is responsible for the management of water resources of the province of Newfoundland and Labrador. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province. Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the *Water Resources Act, 2002* and the *Environmental Protection Act*, *2002* including Policy Directives:

a. W.R.91-1-Infilling Bodies of Water;
b. W.R. 95-1- Policy for Land and Water Related Developments in Protected Public Water Supply Areas
c. W. R. 96-1-Policy for Flood Plain Management
d. W.R. 97-1-Development in Shore Water Zones;
e. W.R. 97-2-Development in Wetlands;
f. Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses; and,
g. Environmental Control Water and Sewage Regulations, 2003.

2) New residential development or treatment systems
3) New residential development or treatment systems connecting to the municipal water and sewer system obtains approval under Section 36 and 37 of the Water Resource Act, 2002.
4) Any work in or within 15 metres of Bodies of Water

The proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 48 for any work in or within fifteen (15) metres of a body of water (including wetlands) prior to the start of the work. The application forms and requirements for when a Section 48 permit are required can be found here https://www.gov.nl.ca/ecc/waterres/regulations/appforms/

5) Flood Risk Area

The proposed work is within a designated flood risk area, including the 1:20 Floodway and 1:100 Floodway Fringe which are subject to c.W. R. 96-1-Policy for Flood Plain Management. The proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 for any work within this designated flood risk area prior to the start of construction. Also, any work within this designated flood risk area must comply with this Department's Policy for Flood Plain Management: https://www.gov.nl.ca/ecc/waterres/regulations/policies/flood-plain/

6) Non-Domestic Water Use for Any Purpose

Prior to the start of construction, the proponent must apply for and obtain a water use licence under the Water Resources Act, 2002 for the use of water from any water source for any purpose. This must be stated for all non-domestic uses with an existing, new or planned water use from any water source.

7) Development in Shore Water Zones
    a. The proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 for any work in Shore Water Zones prior to the start of construction. Also, any work in the Shore Water Zones must comply with this Department's Policy for Development in Shore Water Zones: https://www.gov.nl.ca/ecc/waterres/regulations/policies/shore-water/.
    b. On-site sewerage disposal systems are prohibited within 30 metres from a waterbody or watercourse.
8) Groundwater

Please use a licensed driller for your well installation. A full list of licensed drilling companies is available here https://www.gov.nl.ca/ecc/waterres/cycle/groundwater/well/well-drillinglicense-holders/

9) Constructing a Non-Domestic Well

The proponent must apply for and obtain a Permit for Constructing a Non-Domestic Well under the Water Resources Act, 2002, specifically Section 58 for drilled well(s) along with following necessary groundwater monitoring requirements prior to the start of construction. Contact: Groundwater Section

10) Un-serviced Subdivision
    a. A proponent will be required to complete a Level I Groundwater Assessment as per the Department's Guidelines: Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells https://www.gov.nl.ca/ecc/files/waterresregulations-appforms-unserviced-subdivision-gw-assessment-guidelines-dwh-revisions.pdf under the Water Resources Act, 2002, specifically Section 62.

b. These guidelines require a Level II Groundwater Assessment in the event of known water quality issues. A completed report must be submitted, reviewed and approved by this Department prior to any permitting by Service NL for waste disposal or septic systems within the proposed subdivision.
c. A proposed subdivision greater than 4 lots requires a Level I Groundwater Assessment. For proposed subdivisions between 5 to 14 lots, if a Level I Groundwater Assessment's findings recommend a Level II Groundwater Assessment this Department may request a Level II Groundwater Assessment be undertaken. A proposed subdivision of greater than 14 lots requires both a Level I and a Level II Groundwater Assessment. A Level I Groundwater Assessment generally will consist of a description of the hydrogeology, site characterization, and description of sustainable groundwater quality and quantity for the area. A Level II Groundwater Assessment will require the information in a Level I Groundwater Assessment and additional information as outlined in the Guidelines. Additional data includes information obtained from test well installation(s) and water quality testing. Contact: Groundwater Section.

11) Water Resources Act - Environmental Control Water and Sewage Regulations
    a. All waters discharged from the proposed site, during construction and operation, are subject to compliance with the Environmental Control Water and Sewage Regulations, 2003, http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm.

A.14 Wildlife Division, Department of Fisheries, Forestry and Agriculture

1) To protect general wildlife habitat and landscape connectivity, the City shall require the following measures to be considered when reviewing applications in the vicinity of waterbodies:
    a. a riparian buffer of 30 metres minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas as recommended by the Wildlife Division;
    b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors; and,
    c. indicate a minimum percentage of forest to be maintained during lot clearing.
    d. vegetation clearing to be done outside the May 01 to July 31 period, to minimize disturbance during that sensitive breeding/ young rearing (some Raptor species start breeding in March so their presence would need to be confirmed previous to development activity).
2) Under the *Endangered Species Act, 2001:* "A person shall not disturb, harass, injure, or kill an individual of a species designated as threatened, endangered, or extirpated". Prior to permitting any large-scale vegetation clearing such as residential developments, The City of Mount Pearl shall check with the Atlantic Canada Conservation Data Centre (ACCDC, adamdurocher@gov.nl.ca) for an up-to-date list of species listed under the Newfoundland and Labrador Endangered Species Act (NLESA) or designated as provincially "Rare" and follow recommended practices with regard to protection of identified species.

SCHEDULE B: INTERPRETATION OF TECHNICAL TERMS USED IN THE DEVELOPMENT REGULATIONS

This section contains definitions of the technical terms used in the Municipal Plan and Development Regulations in order to ensure that they are correctly interpreted.

Terms and words in these regulations which are defined in the *Urban and Rural Planning Act, 200*0 and *Development Regulations, 2000*, have the meaning expressed in that Act and cannot be amended by the Council. These are identified by a logo, as noted below:



= Definitions from the *Urban and Rural Planning Act, 2000* (the Act); these cannot be amended by Council; and,



= Definitions from the *Minister's Development Regulations* under the *Urban and Rural Planning Act, 2000;* these cannot be amended by Council.

Words and phrases used in these Regulations shall otherwise have the meanings as set out in the following definitions. These can be amended by the Council and can be identified by the absence of a logo. Any other terms and words have the meaning as generally understood in the English language. Additional definitions have been provided for interpretive guidance.

Definitions

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

ACCESSORY BUILDING  includes:

(i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

(ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,

(iii) for commercial uses, workshops or garages, and

(iv) for industrial uses, garages, offices, raised ramps and docks.

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

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

ADAPTIVE REUSE means the development of a new use for an older building or for a building originally designed for a specific purpose.

ADJACENT LAND means land that is contiguous to, physically touching, or shares a boundary with~~,~~ the parcel of land that is the subject of an application and includes land that would be contiguous if not for a highway, road, river or stream.

ADJUDICATOR means a person appointed by the Minister of Municipal and Provincial Affairs to hear appeals authorized under the *Urban and Rural Planning Act, 2000* and the regulations.

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

AUTHORITY means a council, authorized administrator or regional authority.

BACK LOT means a lot that does not abut a street line.

BALCONY means a raised structure that is attached to a main building and has a walking surface greater than one storey above the established grade at the ground level of that face of the building and the structure does not have a permanent roof.

BASEMENT means that portion of a building, between two floor levels, which is partly underground and which has at least one-half of its height from finished floor to the underside of the first floor joists above grade.

BELOW GRADE DEVELOPMENT is the development of a portion or portions of a building completely below grade which does not have any immediate above grade vertical development and does not include a basement.

BUFFER means a berm, wall or opaque fence, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible uses intended to obstruct or reduce the noise, lighting glare, unsightly views or any other nuisance of one land use or property onto another.

BUILDING means

(i) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,

(ii) mobile structures, vehicles and marine vessels industrial and other similar uses,

(iii) a part of and fixtures on buildings referred to in subparagraphs (i) and (ii), and

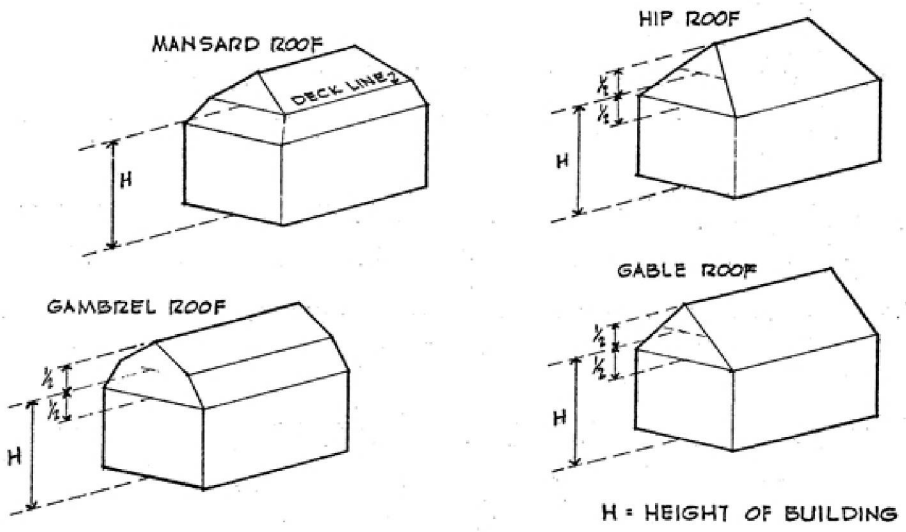
(iv) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (i) to (iii).

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

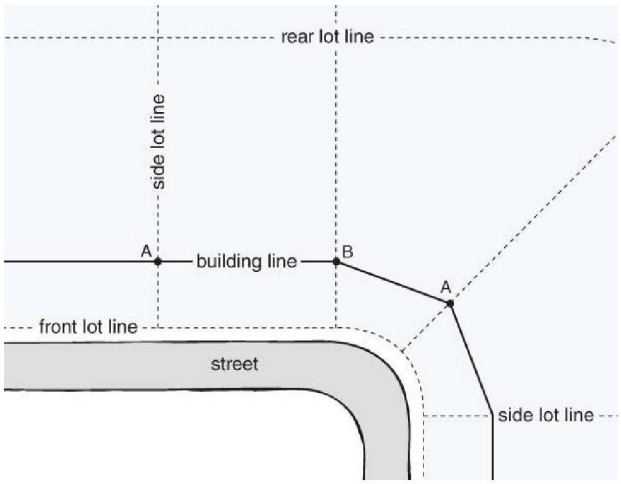
(i) highest point of the roof surface of a flat roof,

(ii) deck line of a mansard roof, and

(ii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof.



BUILDING LINE means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed.



BUILDING CONTROL LINE means a conceptual line paralleling the centre line of a Protected Road at a distance perpendicular to the road in order to delineate the area for the application of these regulations; a Protected Road is a road designated under the *Protected Road Zoning Regulations, 1996* under the *Urban and Rural Planning Act, 2000.*

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

COUNCIL means a council as defined in the City of Corner Brook Act, City of Mount Pearl Act, *Municipalities Act, 1999* and the City council as defined in the City of St. John's Act.

COURT "court" unless the context indicates otherwise, means the Supreme Court of Newfoundland and Labrador.

DECK means a raised structure that has a walking surface within one storey of the established grade at the ground level of that face of the building, which may or may not be attached to a main building, which does not have a permanent roof.

DEPARTMENT means the department presided over by the minister.

DENSITY means a measurement of the intensity of use or development on a lot which is typically calculated as either lot coverage or the number of residential dwelling units per acre of land.

DEVELOPABLE AREA means the area of a lot or property that may be built upon and developed, and does not include any pond, river, stream, wetland, marsh, environmentally sensitive area, steep slopes, protected archaeological sites and unstable soils, and other similar portions of the property.

DEVELOPMENT PERMIT refers to an application to Council where consideration to authorize and allow a land and/or building development to proceed is undertaken by Council, and where so authorized, the City outlines identify conditions and requirements for the applicant to adhere to as part of the Development Permit application approval.

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

(i) making of an access onto a highway, road or way,

(ii) erection of an advertisement or sign,

(iii) construction of a building,

(iv) parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation, and excludes the

(v) carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,

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

(vii) carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose, and

(viii) use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

DEVELOPMENT REGULATIONS means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority; and development regulations means regulations made under sections 34 to 38.

DISCRETIONARY USE means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations.

DRIVEWAY means a vehicular passageway connected to a public or private thoroughfare, and providing ingress and egress from a lot.

DWELLING UNIT means a self-contained unit consisting of one or more habitable rooms used or designed as an independent and separate housekeeping establishment or living quarters for one household, including kitchen and sitting, sleeping and sanitary facilities, and does not include a coach or rail car, mobile home, or any vehicle. A dwelling unit is a permanent place of residence for a household and not intended as temporary accommodation for the transient unless otherwise provided by approval of a Short Term Residential accommodation use in the land use zone in which the dwelling unit occurs.

EASEMENT means the right to use land, most commonly for access to other property, or as a right-of-way for utility service.

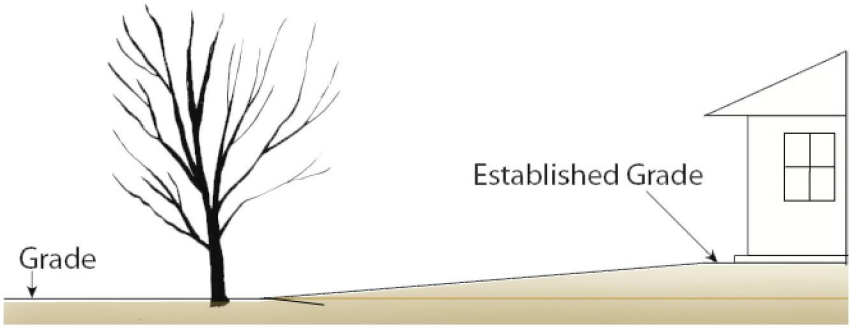
ENTRANCE CANOPY means a prominent architectural feature that is ornamental and may extend above the building height. An entrance canopy serves to define and articulate the entrances and individual units in the façade of a multi-tenant commercial building.

ENVIRONMENTALLY SENSITIVE AREA: means an area of land with significant ecological value that is easily disrupted by human activity, and may include steep slopes, riparian areas, cliffs, springs, wet and unstable soils, watercourses, water bodies and wetlands.

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.



FENCE includes railing, wall, line of posts, wire, gate, boards or other similar substances used to separate or divide any parcel of land or part thereof from any other parcel of land or part thereof, immediately adjacent thereto or to establish a property boundary.

FLAG LOT means a large lot which does not meet the minimum frontage standard of the Use Zone at the street line and where access to the lot is by a narrow right-of-way or driveway.

FLOOD PROOFING means the structural and/or non-structural measures incorporated in the design of a building or structure which reduce or eliminate the risk of flood damage by ensuring that the ground floor elevation is higher than the projected flood level and that the building can be exited without hindrance in the event of a flood.

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

FLOOR AREA RATIO means the gross floor area of all buildings or structures on a lot divided by the total lot area.

$$\text{Floor Area Ratio} = \frac{\text{Gross Floor Area}}{\text{Total Lot Area}}$$

horizontal between measured line.

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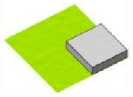
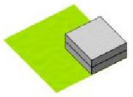
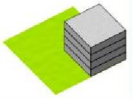
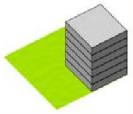
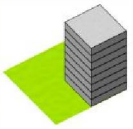
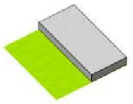
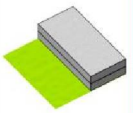
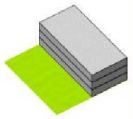
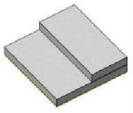
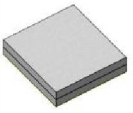
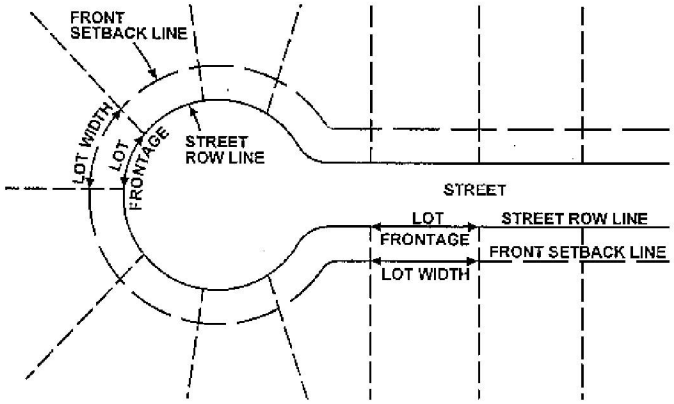
25%					
50%	not possible				
100%	not possible	not possible			

FRONTAGE

means the distance side lot lines at the building

Lot Frontage and Lot Width



GRADE (as applying to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a Building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

GROSS FLOOR AREA means the total area of all floors in a building measured to the outside face of exterior walls.

GROSS LEASABLE AREA (GLA) means the total floor area of a building including basements, mezzanines and upper floors minus common areas including public walkways, malls, public toilets, service facilities and joint service facilities.

HERITAGE BUILDING OR AREA means a building or area designated under Section 200 of the Municipalities Act, 1999, set out as follows:

"200. (1) A building, structure or land designated by a council as a heritage building, structure or land shall not be demolished or built upon nor the exterior of the building or structure altered, except under a written permit of the council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

(2) A council may establish a heritage advisory committee to advise the council on regulations made with respect to heritage buildings, structures and lands and the preservation of the real property designated under that section."

HIGH WATER MARK-means the limit or edge of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself.

HOUSEHOLD PET means a companion animal that is kept primarily for a person's company or entertainment rather than as a working animal, livestock or a laboratory animal. The most popular pets are dogs and cats; other animals commonly kept include, but are not limited to, rabbits; ferrets; rodents, such as gerbils, hamsters, chinchillas, rats, mice, and guinea pigs; avian pets, such as parrots, passerines; reptile pets, such as turtles, lizards, and snakes; aquatic pets, such as fish, amphibians like frogs and salamanders.

IMPERVIOUS SURFACE refers to any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to roofs, parking and driveway areas, asphalt, cement or any other hard and difficult to penetrate surface.

INFILL LOT An infill lot is a lot that has municipal water and sewer service that does not meet the lot dimensions for the development standards for the zone in which it is situated, and the lot and cannot be brought into conformance because existing development prevents the acquisition of land to bring it into conformance without putting those adjacent properties out of conformance. This does not include a substandard property abutting vacant land.

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

INTERIOR LOT means a lot other than a corner lot.

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

LANDSCAPED AREA-means a portion of a development site which is reserved and used to enhance the visual appearance of the property through the planting and required ongoing maintenance of a combination of lawn, shrubs, flowering plants, trees, vegetative ground cover, and other horticultural and/or architectural treatments and elements.

LANDSCAPE FRONTAGE means the area of the front yard between side lot lines measured at the front property boundary, which includes landscaped areas and excludes all paved driveway areas..

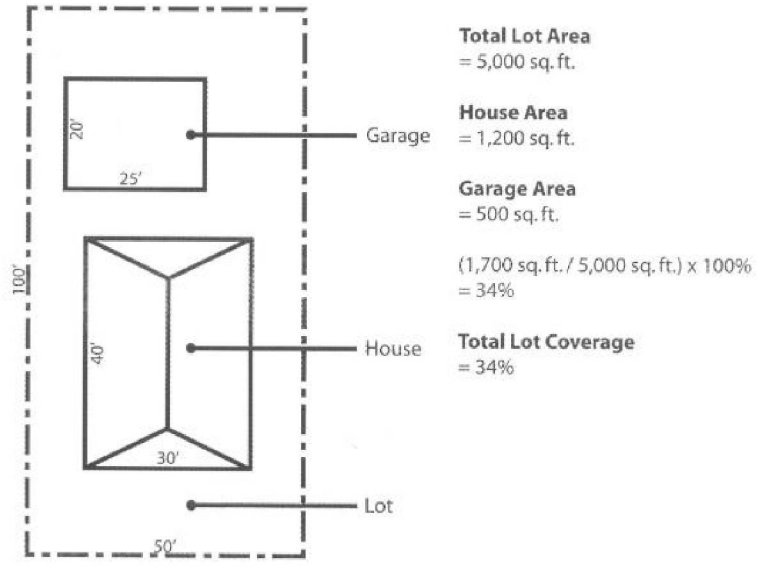
LIVESTOCK means an animal typically found on an agricultural operation and kept for personal or commercial gain or reward, or in the hope or expectation of gain or reward, which may include (but not limited to) monetary gain or production of food (for either personal use or commercial sale) through either the animal itself or a biproduct (for example, eggs, milk, wool). Livestock animals include horses, cow, steer, bull, mule, donkey, bison, buffalo, pig, fox, mink, llama, alpaca, sheep, goats, ostrich, emu, hens, rabbits (not kept within a dwelling unit as a household pet), chickens, turkey, ducks, geese, chicks, or a comparable animal.

LIVESTOCK FACILITY means a building used or intended to be used to confine or house livestock or a confined livestock area and includes a structure or area used or intended to be used to store manure.

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

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

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



LOT DEPTH means the shortest distance within the lot between the front lot line and the rear lot line**.**

LOT LINE means a line forming a boundary of a property or parcel of land, and may either be a front, rear or side lot line.

LOT LINE, FRONT means the lot line that is common to a street and the lot, and in the case of a corner lot, the shortest lot line facing the street shall be the front lot line.

LOT LINE, REAR means the lot line that is opposite to the front lot line~~,~~ and extends along the rear of the lot or property.

LOT LINE, SIDE means a lot line that is not the front or rear lot line, and that extends from the front lot line at a street to the rear of the lot~~,~~ and is common to an adjoining lot or street.

MINISTER means the minister appointed under the *Executive Council Act* to administer this Act.

MUNICIPALITY includes a City incorporated under the *City of Corner Brook Act*, *City of Mount Pearl Act* and the *City of St. John's Act* and a municipality as defined in the *Municipalities Act, 1999.*

NET FLOOR AREA means eighty percent (80%) of gross floor area.

NON-FARM USE~~:~~ means a use of land in the Agriculture zone, such as a residential single dwelling.

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

NUISANCE means anything that is obnoxious, offensive or interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses. This may include that which creates or is liable to create a nuisance through emission of noise, smoke, dust, odour, heat, light, fumes, fire or explosive hazard; results in the unsightly or unsafe storage of goods, salvage, junk, waste or other materials; poses a hazard to health and safety; or adversely affects the amenities of the neighbourhood or interferes with the rights of neighbours to the normal use and enjoyment of any land or building.

OFF STREET PARKING means an accessory use for a parking area which is designed to accommodate motor vehicles associated with a permitted use on a lot. The front lawn and yard area of residential dwelling units, with or without a subsidiary apartment, shall not be used for off street parking.

OUTDOOR DISPLAY COURT means the use of a portion of the landscaped front yard for the organized display of equipment and vehicles, which are available for sale to the general public by an approved occupant in the main building on the lot.

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

PATIO means an exterior structure, constructed at or slightly above the established grade that may or may not be attached to the main building.

PASSIVE RECREATION: means a recreation activity that generally does not require a developed site, and includes such uses as hiking, walking, and cross country ski trails, as well as outdoor interpretation services, but not including sports fields, structures, or development to accommodate offroad motorized vehicles.

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

PLAN unless the context indicates otherwise, means a regional plan and a municipal plan established under section 8 or 10; (regional plan or municipal plan).

PLANNING AREA unless the context indicates otherwise, means a regional planning area and a municipal planning area established under sections 6 and 11.

PORCH means a roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building

PRINCIPAL BUILDING means a building or structure containing the principal permitted use on a property, where all portions of such building or structure share a common foundation, well and roof structure.

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

existing municipal water and/or sewer services to the closest lot line of the parcel(s) to be developed.

RECREATION VEHICLE OR RECREATIONAL TRAILER means a vehicle or portable structure designed to provide temporary living accommodation which is either self-propelled or mounted on, or pulled by another vehicle, and includes a travel/holiday trailer, camper trailer, truck camper, motorhome, fifth wheel trailer, tent trailer, travel trailer, camper van or recreational trailer or other similar vehicle, but not a mobile home or mini-home. A converted bus is not a recreation vehicle.

QUALIFIED CONSULTANT means a registered and professionally designated individual who is trained to provide an informed opinion on a particular land use development issue or development proposal for parcel of land, through preparation and submission of a certified report with recommendations for Council's consideration; such Qualified Consultant may be required to be engaged by a development applicant or property owner as part of a Development Permit or other proposal application, and as a requirement of Council's consideration of a land use, environmental, agricultural, geotechnical, hydrological, architectural, civil or structural engineering, or similar matter.

REGION means a region as defined in the *Municipalities Act, 1999*.

REGIONAL AUTHORITY means a regional authority established under section 7 of the Act;

scheme means a scheme established under section 29 of the Act.

SCHEME means a scheme established under section 29.

SECOND STOREY means the storey immediately above the first storey.

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

SLOPE means the rate of vertical change of ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance. Within Mount Pearl, where slopes exceed 25 % over a distance of 5 or more metres (16.4 feet), the slope shall be defined as a steep slope where no buildings, structures, or placement or removal of fill will be generally permitted. No development shall occur on any sloping lands that are designated as Restricted by the St. John's Urban Region Regional Plan.

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it, or, if there is no floor above it, that portion between the top of such floor and the ceiling above it.

FIRST STOREY means the storey having its floor level not more than two metres (2 m) above grade

SECOND STOREY means the storey immediately above the first storey.

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

ARTERIAL STREET: means a public street or road constituting a main traffic artery in the City.

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

CONNECTOR: means a local street that carries traffic to adjoining local streets and collector streets.

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.

SERVICE STREET: means a street constructed parallel to or in close proximity to a higher level collector or arterial street for the purpose of limiting direct access to the adjacent street.

STREETSCAPE: means the scene as may be observed along a public street, composed of natural and man-made components including the front façade of buildings, paved areas, landscaping and vegetative plantings, street hardware, storage locations and miscellaneous structures.

STREET LINE means the edge of a street reservation as defined by the authority having jurisdiction.

SUBDIVISION means the dividing of land, whether in single or joint ownership into 2 or more pieces for the purpose of development.

SUSTAINABLE DEVELOPMENT: means development that meets the needs of the present without compromising the ability of future generations to meet their own needs, and in the context of the Municipal Plan and Development Regulations will consider environmental, community, and fiscal sustainability.

TOP OF BANK: means the point closest to the natural boundary of an environmentally sensitive area where a break in the slope of land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres (49.2 feet) measured perpendicularly from the break.

TOWN means a town as defined in the *Municipalities Act, 1999*.

UNOBSTRUCTED WALKWAY means an unobstructed walkway means a path of travel providing access to the principal entrance of an additional dwelling unit (attached) or additional dwelling unit (detached), and shall be unencumbered by obstructions including but not limited to: stairs, decks and porches (except those which form part of the path of travel to the principal entrance); parking spaces; driveways; chimney breasts; window wells; balconies; secure outdoor areas associated with pools; mechanical, heating, ventilation, air-conditioning equipment and utility meters; or amenity structures such as playgrounds, garden trellises, and pergolas. An unobstructed walkway may be shared between more than one Dwelling Unit on a lot.

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

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

VARIANCE means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations.

VERANDA means a raised structure that is attached but incidental to the main building, that is attached to or integrated with another structure such as the entry stair, porch, or deck, and that may or may not have a permanent roof or overhang.

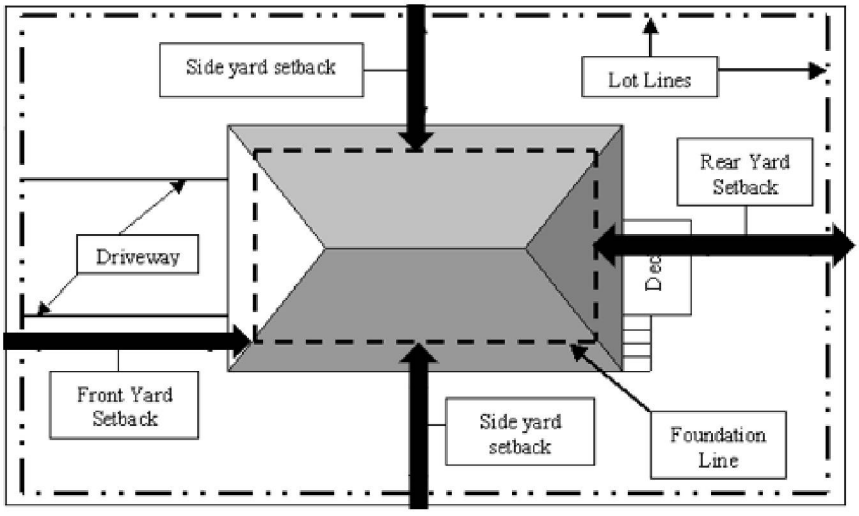
VIEW SHED means an area that can be seen from a vantage point and the area can encompass a scenic view of either the built or natural environment

WALKWAY: refers to a public access route for pedestrians or non-motorized vehicles, and which typically provides access connection between two streets, or from a street to community open space and recreational amenity or facility.

YARDS – (sometimes called lot lines or setbacks) means, in relation to any building, structure, or use on a lot, that part of the lot between such building, structure, or use and a lot line that is created by a setback - refer to the diagram below for an illustration of the following definitions:

FRONT YARD DEPTH otherwise called the building line or front yard setback, means setback from the property line on the street that the building is fronting on, shown as the front yard setback in the drawing below; note that the yard setbacks from the boundaries of the property.

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



SIDE YARD DEPTH means the distance between the side lot line and the nearest side wall of a building on the lot.

ZERO LOT LINE: means a form of development where buildings are permitted to be located on one or more lot lines with no yard and separation between the building and the lot line.

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

SCHEDULE C: MINISTER'S DEVELOPMENT REGULATIONS

UNDER THE URBAN AND RURAL PLANNING ACT, 2000

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St. John's, Newfoundland and Labrador, Canada

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

Table of Regulations **Main Site** **How current is this regulation?**

NEWFOUNDLAND AND LABRADOR
REGULATION 3/01

Development Regulations
under the
Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

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

Dated at St. Johns, January 2, 2001.

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

1. Short title

2. Definitions

3. Application

4. Interpretation

5. Notice of right to appeal

6. Appeal requirements

7. Appeal registration

8. Development prohibited

9. Hearing notice and meetings

10. Hearing of evidence

11. Board decision

12. Variances

13. Notice of variance

14. Residential non conformity

15. Notice and hearings on change of use

16. Non-conformance with standards

17. Discontinuance of non-conforming use

18. Delegation of powers

19. Commencement

Short title

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

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Definitions

2. In these regulations,

(a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;

(b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;

(c) "authority" means a council, authorized administrator or regional authority; and

(d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

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Application

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

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

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

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Interpretation

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

(a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;

(b) "accessory building" includes

(i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

(ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,

(iii) for commercial uses, workshops or garages, and

(iv) for industrial uses, garages, offices, raised ramps and docks;

(c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;

(d) "building height" means the vertical distance, measured in metres from the established grade to the

(i) highest point of the roof surface of a flat roof,

(ii) deck line of a mansard roof, and

(iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,

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

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

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

(g) "established grade" means,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Notice of right to appeal

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

(a) persons right to appeal the decision to the board;

(b) time by which an appeal is to be made;

(c) right of other interested persons to appeal the decision; and

(d) manner of making an appeal and the address for the filing of the appeal.

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Appeal requirements

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

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

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

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

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

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Appeal registration

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

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

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

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

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

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Development prohibited

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

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

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

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Hearing notice and meetings

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

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

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Hearing of evidence

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

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

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

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

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Board decision

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

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Variances

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

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

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

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Notice of variance

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

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Residential non-conformity

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

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Notice and hearings on change of use

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

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Non-conformance with standards

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

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Discontinuance of non-conforming use

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

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Delegation of powers

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

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Commencement

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

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SCHEDULE D: NON-CONFORMING USE PROVISIONS

Non-Conforming Uses or Non-Conforming Development

(Refer to Section 108(2) of the *Urban and Rural Planning Act 2000* and Sections 14, 15, 16, and 17 of the *Ministerial Development Regulations* found in the appendices) *Ministerial Development Regulations*.
The following excerpts set out the requirements for non-conforming uses.
Section 108(2) of the *Urban and Rural Planning Act 2000*:
“"non-conforming use" means a legally existing use that is not. listed as a permitted or discretionary use for the use zone in which it is located, or which does not meet the development standards for that use zone;” …

“**108.** (1) Notwithstanding a plan, scheme or regulations made under this Act, the minister, a council or regional authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the plan, scheme or regulations made with respect to that kind of development or use.

(2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 6 months after that discontinuance unless otherwise provided by regulation under this Act.

(3) A building, structure or development that does not conform to a scheme, plan or regulations made under this Act that is allowed to continue under subsection (1)

(a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the minister or appropriate council, regional authority or authorized administrator;

(b) shall not be structurally modified except as required for the safety of the building, structure or development;

(c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;

(d) may have the existing use for that building, structure or development varied by the appropriate council, regional authority or authorized administrator to a use that is, in their opinion more compatible with a plan and regulations applicable to it;

(e) may have the existing building extended by the appropriate council, regional authority or authorized administrator where, in its opinion that extension is not more than 50% of the existing building;

(f) where the non-conformance is with respect to the standards included in development regulations, shall not be expanded if the expansion would increase the non-conformity; and

(g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.”

Excerpt - Sections 14, 15, and 16 of the *Ministerial Development Regulations 3/01.*

“**Residential non-conformity**

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

Notice and hearings on change of use

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

Non-conformance with standards

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

Discontinuance of non-conforming use

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

[End of quote]

SCHEDULE E: LAND USE ZONING MAP

SCHEDULE F: USE ZONE TABLES

CITY CENTRE AND COMMERCIAL ZONES (2 pages) **Legend:** P=Permitted Use d=Discretionary Use Uses are defined in chapter 5-Note reference to section)	City Centre (CC)	CC-Riverview	CC-Waterford[1]	Comm-Corridor	Comm-Neighbourhood	Comm-Regional	Comm-Resid.	Commonwealth	Industrial-Commercial
COMMERCIAL USES									
Amusement Establishment/Use (5.3.1)	P	P		P		P	P	P	
Amusement Park/Attraction (5.3.2)				d		P			
Auto Body Shop (5.3.3)				P		P	P		P
Automotive Repair (5.3.4)				P		P	P		P
Automotive Sales and Service Establishment (5.3.5)				P					
Bar/Licensed Liquor Establishment (5.3.6)	P	d	d	P		P	P	d	
Building Supply Store (5.3.7)				P		P	P		P
Business Support Service (5.3.8)	P	P		P		P	P		P
Campground (5.3.9)							d		
Child Care – Non-Residential (5.3.10)	P			P	P		P	P	
Service Club and Lodge (5.3.11)				P	P			P	
Contractor, Limited (Small) (5.3.12)				P			P		P
Convenience Store (5.3.13)	P			P	P		P	P	
Custom Manufacturing Service and Sales (5.3.14)	P	P		P			P	P	P
Garage, Public Parking/Taxi Stand (5.3.15)	P	d	P	P		P	P		P
General Service/Repair Shop (5.3.16)	P	d		P	d	P	P	P	P
Hotel or Inn (5.3.17)	P	P	d	P		P	P	P	
Marina (5.3.18) -probably n/a; unless at Power's Pond									
Medical or Dental Clinic/Office (5.3.19)	P	P		P	d	P	P	P	
Motel (5.3.20)				P		P	P		
Outdoor Commercial Patio (5.3.21)	P	d	P	P	d	P		d	
Outdoor Market (5.3.22)	P		P	P	d	P	P	P	
Personal Service (5.3.23)	P	P		P	P	P	P	P	
Offices:Profess-Financial&relatedSupportServices (5.3.24)	P	P		P	d	P	P	P	P
Resort – Tourist Establishment (5.3.25)		d	d	d					
Resort-Accommodation Only (5.3.25.1)		d	d						
Resort-Accommodation & Recreation Uses (5.3.25.2)				d					
Restaurant-Drive-Through and Take-Out (5.3.26.1)	d			P		P	d		P
Restaurant-Full-Service Restaurant (5.3.26.2)	P	P	P	P	d	P	P	P	
Retail (5.3.27)	P	P	P	P	d	P	P	P	P
Shopping Centres/ Retail Warehouse/Strip Mall (5.3.28)	d			P		P	P		
-Service Station – Residential (5.3.29.1)				P	d	P	P		P
-Service Station –Highway (5.3.29.2)				P		P	P		P
Veterinarian Clinic (5.3.30)	P	P		P		P	P	P	P

[1] **Subject to WRMD Policy 96-1 restrictions;**

CITY CENTRE AND COMMERCIAL ZONES (2 pages) **Legend:** P=Permitted Use d=Discretionary Use Uses are defined in chapter 5-Note reference to section)	**City Centre (CC)**	**CC-Riverview**	**CC-Waterford[1]**	**Comm-Corridor**	**Comm-Neighbourhood**	**Comm-Regional**	**Comm-Resid.**	**Commonwealth**	**Industrial-Commercial**
Hostel (5.3.32)	d			P		P	P	P	
Short Term Residential Rental (5.3.33)	d			d		d	d	d	
INDUSTRIAL **U**SES									
Crematorium (5.4.1)									P
Composting Facility (5.4.2)				d			d		P
Contractor, General (5.4.3)				P		d			P
Energy Generation Facilities (5.4.4)-more discussion									
Wind Turbines (5.4.1)									P
Industrial - General (5.4.5)				d					P
Industrial – Heavy And/or Hazardous (5.4.6)									d
Industrial - Light (5.4.7)				P		P	d		P
Industrial Mall (5.4.8)							d		P
Mineral Exploration (Development) (5.4.9)									
Mineral Working (5.4.10)									
Natural Resource-Related Uses (5.4.11)									P
Salvage/Scrap Yard (5.4.12)									d
Solid Waste Recycling/Disposal& Composting Site (5.4.13)									d
CONSERVATION USES									
Environmental Protection (5.5.1)	P	P	P	P	P	P	P	P	P
Open Space, Parks and Trails (5.5.2)	P	P	P	P	P	P	P	P	P
PUBLIC/INSTITUTIONAL USES									
Cemetery (5.6.1)									
Institutional Use (5.6.2)	P					P	P		
Protective and Emergency Services (5.6.3)				P		P			P
Public Gathering Places -Indoor (5.6.4)	P	P		P	P	P	P	P	
Public Gathering Places - Outdoor (5.6.5)	P		P						
Sports and Recreation Facilities (5.6.6)	P	P		P		P	P	P	P
RESIDENTIAL USES									
Apartment over Permitted use	P	P		P		P	P	P	
Townhouses (5.7.3)			P		P			P	
Apartment Building (5.7.4)	P	P	P	P		P	P	P	
Plex Housing (5.7.5)-up to and including 4 units				P	P		P		
Plex Housing (5.7.5)-greater than 4 units		P		P	P	P	P	P	
Non-Market Housing -Assisted Living-Residential Personal Care Home (5.7.8.1)		P		P	P	P	P	P	
Non-Market Housing -Non-Profit Housing (5.7.8.2)				P		P	P	P	
Non-Market Housing -Supportive Housing (5.7.8.3)				P	P		P		
Non-Market Housing -Transitional Housing (5.8.4.1)				d			d		
Dormitory (5.7.9)				P	P	P	d		
Accessory Residential Dwelling Units (5.7.12)					P				

RESIDENTIAL ZONES Legend: P=Permitted Use d=**Discretionary Use** Uses are defined in chapter 5-Note reference to section)	RC	RHD	RLD	RMD	RMU	RSDD
RESIDENTIAL USES						
Single Detached Dwelling (5.7.1)	P	P	P	P	d	P
Two Unit Dwellings -Semi-Detached Dwelling (5.7.2.1)	P	P		P	P	
Two Unit Dwellings -Duplex (5.7.2.2)	P	P	d	P	P	d
Townhouses (5.7.3)		P		P	P	
Apartment Building (5.7.4)		P		P	P	
Plex Housing (5.7.5)-up to and including 4 units		P	P	P	P	d
Plex Housing (5.7.5)-greater than 4 units		P		d	P	
Mini-Home (5.7.6)	P	P		P		
Tiny Homes (5.7.7)-only allowed as a tiny home subdivision in RMU						
Non-Market HousingAssisted Living-ResidentialPersonal Care Home (5.7.8.1)		P	P	P	P	P
Non-Market Housing -Non-Profit Housing (5.7.8.2)		P		P	P	
Non-Market Housing -Supportive Housing (5.7.8.3)		P		P	P	
Non-Market Housing -Transitional Housing (5.7.8.4)		P		P	P	
Dormitory (5.7.9)	d	d		d	d	
Boarding House/Lodging House (5.7.10)		P		d	d	
Dwelling Unit Associated with a Place of Worship (5.7.11)	P	P	P	P	P	P
Accessory Residential Dwelling Units (5.7.12)	P	P	P	P	P	P
-Subsidiary Apartments (5.7.12.1)	P	P	P	P	P	P
-Garden Suite (Accessory Detached Dwelling Unit) (5.7.12.2)	P	P	P	P	P	P
-Garage Apartments (5.7.12.3)	P	P	P	P	P	P
CONSERVATION USES						
Environmental Protection (5.5.1)	P	P	P	P	P	P
Open Space, Parks and Trails (5.5.2)	P	P	P	P	P	P
PUBLIC/INSTITUTIONAL USESS						
Institutional Use (5.6.2)					d	
Protective and Emergency Services (5.6.3)				d	d	
Public Gathering Places -Indoor (5.6.4)	d	d	d	P	d	
Public Gathering Places - Outdoor (5.6.5)					d	
Sports and Recreation Facilities (5.6.6)				d	d	
SPECIFIC COMM/IND USES IN RES.ZONES (not HomeBusinesses)						
Child Care – Non-Residential (5.3.10)[2]				d	d	
Convenience Store (5.3.13)3		P	P	P	P	P
Offices:Profess-Financial&relatedSupportServices (5.3.24) [3]				P	P	
Retail (5.3.27) [3]				P	P	
Short Term Residential Rental (5.3.33)		d	d	d		d
Home Businesess (3.5)	P	P	P	P	P	P

[2] **Subject to conditions related to location**

CONSERVATION AND COMMUNITY & PUBLIC SERVICE ZONES **Legend:** P=Permitted Use d=**Discretionary Use** Uses are defined in chapter 5-Note reference to section)	OSPT	EP	CEMETERY	COMMUNITY & PUBLIC SERVICE	
CONSERVATION USES					
Environmental Protection (5.5.1)	P	P	P	P	
Open Space, Parks and Trails (5.5.2)	P	P	P	P	
PUBLIC/INSTITUTIONAL USES					
Cemetery (5.6.1)			P		
Institutional Use (5.6.2)	P[3]			P	
Protective and Emergency Services (5.6.3)				P	
Public Gathering Places -Indoor (5.6.4)				P	
Public Gathering Places - Outdoor (5.6.5)	P	P		P	
Sports and Recreation Facilities (5.6.6)				P	
SPECIFIC COMMERCIAL USES					
Outdoor Commercial Patio (5.3.21)					
Outdoor Market (5.3.22)					
Public Gathering Places - Outdoor (5.6.5)[4]					

[3] **Limited to institutional facilities related to recreation**

[4] **Related to interpretation or Information centres for education or tourism only**