

TOWN OF BISHOP'S FALLS DEVELOPMENT REGULATIONS

2015-2025

(DRAFT)

| MARCH, 2016 |



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URBAN AND RURAL PLANNING ACT (2000) RESOLUTION TO ADOPT

Town of Bishop's Falls Development Regulations (2015-2025)

Under the authority of Section 16 of the Urban and Rural Planning Act (2000), the Town Council of Bishop's Falls adopts the Bishop's Falls Development Regulations (2015-2025).

The Development Regulations (2015-2025) were adopted by the Town Council of Bishop's Falls on the ____ day of _____, 2016.

Signed and sealed this ____ day of _____, 2016.

Mayor: _____
Robert Hobbs

(Council Seal)

Clerk: _____
Dan Oldford

CANADIAN INSTITUTE OF PLANNERS (CIP) CERTIFICATION

I certify that the Town of Bishop's Falls Development Regulations (2015-2025) have been prepared in accordance with the requirements of the Urban and Rural Planning Act (2000) of the Province of Newfoundland and Labrador.

MCIP: _____
Member of Institute of Planners (MCIP)
Robert Ross, MCIP



URBAN AND RURAL PLANNING ACT (2000) RESOLUTION TO APPROVE

Town of Bishop's Falls Development Regulations (2015-2025)

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Bishop's Falls:

- a) adopted the Bishop's Falls Development Regulations on the ___ day of _____, 2016.
- b) gave notice of the adoption of the Bishop's Falls Development Regulations by advertisement inserted on the ___ day and the ___ day of _____, 2016 in the _____ newspaper[s].
- c) set the ___ day of _____, at _____ a.m./ p.m. at the Town Hall, 2016, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Bishop's Falls approves the Bishop's Falls Development Regulations as adopted.

SIGNED AND SEALED this ___ day of _____, 2016.

Mayor: _____
Robert Hobbs

(Council Seal)

Clerk: _____
Dan Oldford

TABLE OF CONTENTS

OVERVIEW OF DEVELOPMENT REGULATIONS.....	1
MINISTER’S REGULATIONS	3
Short title.....	4
Definitions	4
Application	4
Interpretation.....	4
Notice of right to appeal	7
Appeal requirements	7
Appeal registration.....	8
Development prohibited.....	9
Hearing notice and meetings	9
Hearing of evidence	9
Board decision.....	10
Variances	10
Notice of variance	10
Residential non-conformity.....	11
Notice and hearings on change of use.....	11
Non-conformance with standards	11
Discontinuance of non-conforming use.....	11
Delegation of powers	12
Commencement.....	12

**TOWN OF BISHOP’S FALLS LAND USE ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS
[DEVELOPMENT REGULATIONS (2015-2025)]..... 13**

APPLICATION..... 13

1. Short Title..... 13
2. Interpretation 13
3. Commencement 13
4. Building Code and other Regulations..... 13
5. Council..... 14

PART I - GENERAL REGULATIONS..... 15

6. Compliance with Regulations 15
7. Permit Required 15
8. Form of Application 15
9. Register of Application..... 15
10. Permit to be Issued 15
11. Approval-in-Principle 16
12. Deferment of Application 16
13. Permit Not to be Issued in Certain Cases..... 17
14. Reasons for Refusing Permit..... 17
15. Discretionary Powers of Council 17
16. Development Permit..... 18
17. Right of Entry 19
18. Record of Violations..... 19
19. Stop Work Order and Prosecution..... 19
20. Delegation of Powers
(Refer to Minister’s Development Regulations, Section 18, January 2, 2001)..... 19
21. Compliance with Legislation 20
22. Variances
(Refer to Minister’s Development Regulations, Section 12, January 2, 2001)..... 20
23. Notice of Variance
(Refer to Minister’s Development Regulations, Section 13, January 2, 2001)..... 21
24. Notice of Application
(Refer to Minister’s Development Regulations, Section 13 and 15, January 2, 2001)..... 21
25. Service Levy..... 21
26. Financial Guarantees by Developer 22
27. Dedication of Land for Public Use..... 22
28. Reinstatement of Land..... 23

29.	Notice of Right to Appeal (Refer to Minister’s Development Regulations, Section 5, January 2, 2001).....	23
30.	Appeal Requirements (Refer to Minister’s Development Regulations, Section 6, January 2, 2001).....	23
31.	Appeal Registration (Refer to Minister’s Development Regulations, Section 7, January 2, 2001).....	24
32.	Development Prohibited (Refer to Minister’s Development Regulations, Section 8, January 2, 2001).....	24
33.	Appeal Board.....	25
34.	Appeals.....	25
35.	Hearing Notice and Meetings (Refer to Minister’s Development Regulations, Section 9, January 2, 2001).....	26
36.	Hearing of Evidence (Refer to Minister’s Development Regulations, Section 10, January 2, 2001).....	27
37.	Return of Appeal Fee	27
PART II – GENERAL DEVELOPMENT STANDARDS		28
38.	Site Suitability	28
39.	Lot Area.....	28
40.	Lot Frontage	28
41.	Existing Lot Area and Size Exceptions	28
42.	Side Yards.....	29
43.	Zero Lot Line and Other Comprehensive Development	29
44.	Line of Vision at Intersections.....	29
45.	Development in the Vicinity of a Public Right-of-Way	30
46.	Accesses and Service Streets	30
47.	Building Line and Setback	30
48.	Multiple Uses on One Lot	30
49.	Accessory Buildings and Access Ramps, Stairs and Decks	31
50.	Public Parks, Open Spaces, Trails and Playgrounds, and Conservation Uses	32
51.	Environmental Protection.....	32
52.	Stormwater Management	33
53.	Soil Removal and Deposit and Site Grading.....	34
54.	Services and Municipal Infrastructure	34
55.	Street Construction Standards.....	35
56.	Buffer Strips	35
57.	Unightly Property	35
58.	Offensive and Dangerous Uses	36

59.	Non-Conforming Use (Refer to Minister’s Development Regulations, Sections 14, 15, 16, 17, January 2, 2001)	36
60.	Off-Street Parking Requirements.....	37
61.	Off-Street Loading Requirements.....	39
62.	Subsidiary Residential Apartments.....	39
63.	Residential Care Use	39
64.	Home Based Businesses.....	40
65.	Height Exceptions	41
66.	Service Stations.....	41
67.	Mineral Exploration	42
68.	Wind Turbines.....	42
69.	Livestock Structures and Uses	43
70.	Advertisements.....	44
PART III - ADVERTISEMENTS.....		44
71.	Approval Required	44
72.	Form of Application	44
73.	On and off site Advertisement requirements.....	44
74.	signage approval Valid for Limited Period	45
75.	Removal of Advertisements.....	45
76.	Advertisements Exempt from Control.....	45
77.	Approval Subject to Conditions	47
78.	Non-Conforming Uses.....	47
PART IV - SUBDIVISION OF LAND.....		48
79.	Approval to Subdivide Required	48
80.	Services to be Provided.....	48
81.	Payment of Service Levies and Other Charges	49
82.	Approval to Subdivide Subject to Considerations	49
83.	Building APPROVAL Required	50
84.	No Permit Required	50
85.	Form of Application	50
86.	Subdivision Subject to Zoning.....	51
87.	Land for Public Open Space	51
88.	Structure in Street Reservation.....	52
89.	Subdivision Design Standards	52
90.	Engineer to Design Works and Certify Construction Layout	54
91.	Developer to Pay Engineer's Fees and Charges	55
92.	Street Works May Be Deferred.....	55

93.	Transfer of Streets and Infrastructure Works to Council.....	55
94.	Restriction on Sale of Lots.....	56
95.	Siting of Buildings and Landscaping Improvements	56
96.	Groundwater Supply Assessment and Reporting	56
PART V - USE ZONES.....		57
97.	Use Zones.....	57
98.	Map Interpretation	57
99.	Use Classes.....	58
100.	Permitted Uses.....	58
101.	Accessory Uses.....	58
102.	Discretionary Uses	58
103.	Uses Not Permitted.....	58

SCHEDULES:

SCHEDULE A – DEFINITIONS	59
SCHEDULE B – CLASSIFICATION OF USES OF LAND AND BUILDINGS.....	94
SCHEDULE C – USE ZONE TABLES.....	100
SCHEDULE D – OFF STREET PARKING AND LOADING REQUIREMENTS.....	165
SCHEDULE E – DEVELOPMENT DESIGN GUIDELINES	168
SCHEDULE F – LAND USE ZONING MAP (insert)	

OVERVIEW OF DEVELOPMENT REGULATIONS

The Development Regulations represent the companion community planning document to the Town of Bishop's Falls Municipal Plan (2015-2025). While the Municipal Plan provides for various land use classes and policy statements of Town Council to encourage and manage growth and development within the community over the next ten year period, the Development Regulations detail the regulatory approach and requirements for implementing the Municipal Plan policies with regard to land use zoning, development standards, and conditions for proposed land and building development.

The Development Regulations like the Town's Municipal Plan are authorized through the provisions of the Newfoundland and Labrador Urban and Rural Planning Act (2000), and as approved by the Department of Municipal Affairs and Town Council of Bishop's Falls. The Development Regulations apply to the entirety of the Town's designated planning area, which includes the Town's municipal boundary area, and additional planning area lands to the north, east and west.

The primary components of the Development Regulations include the following:

- Mandatory inclusion of the Ministerial Regulations from the Province that serve as the template for, and supersede, the Town's Development Regulations;
- General Regulations;
- General Development Standards;
- Regulations pertaining to Advertisements;
- Regulations for Subdivision of Land;
- use zone tables outlining the uses that shall or may be permitted, subject to standards and conditions, within the specific use zones applicable to the Town's land base and bodies of water;
- Off street parking and loading requirements; and,
- Permissive General Development Design Guidelines for specific zone uses.

The document provides for three Schedules that form an integral part of the Development Regulations document, including definitions of planning terms, a classification listing of indicative uses of land and buildings, and the listed uses, conditions of use and development standards and detailed requirements for the distinct use zones. How those zone requirements impact the land is illustrated on the Zoning Map, which is the companion map to the Development Regulations.

The Development Regulations represent a comprehensive local government management approach for regulating current and future land use development within the community. To determine if proposed developments comply with the Town's planning framework, readers are advised to consider the comprehensive effect of the Municipal Plan in concert with the Development Regulations. Town staff are available to assist as much as possible in interpreting policies and regulations. Provincial planners at MIGA are also available to assist in land use matters, especially respecting legislative interpretation.

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. John's, January 2, 2001.

Joan Marie Aylward
Minister of Municipal Affairs and Provincial Affairs

MINISTER'S 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*.

DEFINITIONS

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

APPLICATION

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

INTERPRETATION

4.
 - (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section.

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes:
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately

surrounding the structure, exclusive of any artificial embankment or entrenchment;

- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all 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;
- (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 (Land Use Zoning Map).

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

NOTICE OF RIGHT TO APPEAL

5.

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

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

APPEAL REQUIREMENTS

6.

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

- (2) Notwithstanding Regulation (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's may appoint an appeal board under Regulation 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 Regulation (1) or (2) within the 14 days referred to in Regulation 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to Regulation 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

APPEAL REGISTRATION

7.

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in Regulations 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 Regulation (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 Regulation (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

DEVELOPMENT PROHIBITED

8.

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

HEARING NOTICE AND MEETINGS

9.

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

HEARING OF EVIDENCE

10.

- (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under Regulation 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 Regulation 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.

- (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

BOARD DECISION

11.

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

VARIANCES

12.

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

NOTICE OF VARIANCE

13.

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

RESIDENTIAL NON-CONFORMITY

14.

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

NOTICE AND HEARINGS ON CHANGE OF USE

15.

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

NON-CONFORMANCE WITH STANDARDS

16.

Where a building, structure or development does not meet the development standards that are included within the 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 Regulation 108(2) of the Act with respect to the time by which a discontinued nonconforming use may resume operation.

DELEGATION OF POWERS

18.

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

COMMENCEMENT

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

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TOWN OF BISHOP'S FALLS LAND USE ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS [DEVELOPMENT REGULATIONS (2015-2025)]

APPLICATION

1. SHORT TITLE

These Regulations may be cited as the Town of Bishop's Falls Development Regulations (2015-2025).

2. INTERPRETATION

- (1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.
- (2) Words and phrases not defined in Schedule A shall have the meanings and interpretation that are commonly assigned to them in the context in which they are used in the Regulations.
- (3) Where measurements are used to identify lot area sizes, building setback distances and other numerical provisions, 'square metres' shall be also be referred as 'sm'; 'metres' also referred to as 'm'; 'square feet' also referred to as 'sf'; 'feet' also referred to as 'ft'; 'hectare' also referred to as 'ha'; and similar such numerical abbreviations shall be used.

3. COMMENCEMENT

These Regulations come into effect throughout the Bishop's Falls Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the *Newfoundland and Labrador Gazette*.

4. BUILDING CODE AND OTHER REGULATIONS

The Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other federal, provincial and municipal regulations and statute applicable to regulating or controlling the development, conservation and use of land in the Town of Bishop's Falls, shall be deemed in force under these Regulations, and shall apply to the entire Planning Area. Since the Town does not employ a Building Inspector on staff, it shall be the complete and sole responsibility of the development applicant/ property owner/ builder/ developer/ and/or permit holder proposing to construct a residential dwelling unit and/or any other building structure to fully comply with such Building Code and other regulations, and where so required to provide certification of compliance to the Town.

5. COUNCIL

In these Regulations, "Council" means the Council of the Town of Bishop's Falls, and reference to "Town" means both Council and administrative staff of the Town of Bishop's Falls.

PART I - GENERAL REGULATIONS

6. COMPLIANCE WITH REGULATIONS

No development, as defined by Schedule A and so permitted by the Use Zones of Schedule C of these Development Regulations, shall be carried out within the Planning Area except in accordance with the Bishop's Falls Municipal Plan (2015-2025) and these Regulations.

7. PERMIT REQUIRED

No person shall carry out any development within the Planning Area except where otherwise provided in these Regulations unless an application for a permit for the proposed development has been submitted to the Town, reviewed and considered, and subsequently approved and issued by Council. Council may further delegate through resolution, authority to Town staff such as the Town Manager and Town Clerk to review and consider specific permit applications submitted to the Town where such proposed uses are in general accordance with the Municipal Plan and Development Regulations.

8. FORM OF APPLICATION

- (1) An application for a development permit or for approval in principle shall be made to the Town only by the owner of the property proposed for development, or by a person authorized by the owner, on such application form as may be prescribed by Council, and every application shall include such plans, specifications, drawings and other supporting information as Council may require to effectively evaluate and consider the application. An application fee required by Council shall accompany the application.
- (2) Council shall make available to every applicant a copy of the application forms referred to in Regulation 8(1) and a description of the plans, specifications, and drawings that are required to be provided with the application and any other information or requirements applicable to the application.

9. REGISTER OF APPLICATION

Council shall keep a public 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.

10. PERMIT TO BE ISSUED

Subject to Regulations 9 and 10, a permit shall be issued for a development application proposed for land located within the Planning Area that conforms to and complies with:

- (1) The General Regulations and the General Development Standards outlined in Parts I and II respectively of these Regulations, the use zone provisions of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (2) the applicable standards specified within the Building Code and other ancillary codes and regulations as identified within Regulation 4.;
- (3) the advertisements requirements identified in Part III of these Regulations;
- (4) the subdivision provisions contained in Part IV of these Regulations;
- (5) Off street parking and loading specifications defined by Part VI; and,
- (6) any and all applicable approval requirements from the Province and other Authority having jurisdiction.

Council may additionally consider whether to utilize and apply in whole or in part the general design guidelines of Part VII of these Regulations with respect to specific and applicable land and building development proposals.

11. APPROVAL-IN-PRINCIPLE

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

12. DEFERMENT OF APPLICATION

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

consideration has not been deferred in accordance with Regulation 12(1), shall be deemed to be refused.

13. PERMIT NOT TO BE ISSUED IN CERTAIN CASES

Neither a permit nor approval in principle of a permit with development conditions attached, shall be issued for development within the Planning Area when the development permit application is determined by Council to be premature by reason of the site lacking adequate road access, power, drainage, sanitary sewer or domestic water supply services, fire protection services 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 infrastructure and/or other municipal services deemed deficient and necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

14. REASONS FOR REFUSING PERMIT

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

15. DISCRETIONARY POWERS OF COUNCIL

- (1) In considering an application for a permit or for approval in principle to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto. Council shall also consider any applicable report and recommendation submissions regarding the proposed development from a qualified engineer and/ or other qualified consultant, and shall further assess the general appearance of the development of the area, the amenity of the surroundings, potential environmental effects, availability of municipal services and utilities, public safety and convenience, and any other considerations which are, in Council's opinion, material and relevant. Notwithstanding the conformity of the application with the requirements of these Regulations, Council may as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.
- (2) Council will determine the uses that may or may not be developed in a use zone and those uses shall be listed in the Development Regulations as permitted, accessory, discretionary, or prohibited uses for that area. The Schedule A definitions shall provide substantial guidance to uses that are permitted and not permitted.

- (3) Council shall also discretionally determine the extent of applicability of the Development Design Guidelines of Part VII of these Regulations for specific land uses and development projects.
- (4) When approving or rejecting an application for a discretionary use, Council shall state in writing the basis for its decision.

16. DEVELOPMENT PERMIT

- (1) A plan or drawing which has been approved by Council and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining any other applicable permits or approvals under any other federal, provincial and/ or municipal regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed there-under.
- (2) Council may attach to a permit or to approval in principle such terms, conditions and requirements as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations, and with the policies of the Municipal Plan.
- (3) Where Council deems necessary, a temporary permit may be issued for a period not exceeding six months, which may be extended at the discretion of Council.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not substantially commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent Council from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.

- (6) Council may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by Council.
- (8) There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

17. RIGHT OF ENTRY

Council or any designated Town staff member or any other inspector representing Council 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.

18. RECORD OF VIOLATIONS

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

19. STOP WORK ORDER AND PROSECUTION

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development or work connected therewith.
- (2) A person who does not comply with an order made under Regulation 19 (1) is guilty of an offence under the provisions of the Urban and Rural Planning Act (i.e. 'the Act').

20. DELEGATION OF POWERS (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTION 18, JANUARY 2, 2001)

Council shall, where designating employees to whom a power is to be delegated under Section 109 of the Act, and as outlined in Regulation 7 of these Development Regulations, make that designation through Council resolution and in writing. Where so delegated by Council, Town staff may approve or reject such applications, and may outline conditions applicable to the proposed development. Town

staff may be further designated under Section 39 of the Urban and Rural Planning Act to issue a violation or summons respecting requirements of the Development Regulations.

21. COMPLIANCE WITH LEGISLATION

- (1) New development will comply with applicable acts and regulations including, but not limited to, the provincial Water Resources Act, Environmental Assessment Act, Lands Act, Municipalities Act, Historic Resources Act, Mineral Act, Forestry Act, Health and Community Services Act, Works, Services, and Transportation Act, and Building near Highways Regulation, as well as the federal Fisheries Act of Canada, Environmental Protection Act of Canada, and Canadian Migratory Bird Act.
- (2) Prior to issuing a development permit, Council shall require the applicant to provide confirmation, where applicable, that necessary provincial and federal approvals have been obtained.
- (3) If Council feels that a proposed development may trigger the requirements of the *Environmental Assessment Act*, or where specific site conditions are deemed by Council to be of environmental concern, the proponent will be advised to consult with the Department of Environment and Conservation before a development permit will be issued.
- (4) A development permit will not be issued if Council is aware that the proposed development would not comply with a particular provincial or federal act or regulation.
- (5) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

22. VARIANCES (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTION 12, JANUARY 2, 2001)

- (1) Where an approval or permit cannot be given by Council because a proposed development does not comply with the development standards identified within the Development Regulations, Council may vary the applicable development standards to a maximum of 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.

- (2) Council shall not allow a variance from the development standards specified within 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 10% variance even though the individual variances are separately no more than 10%.
- (3) Council shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.

23. NOTICE OF VARIANCE (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTION 13, JANUARY 2, 2001)

Where Council is to consider a proposed variance, Council shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance, and allow a minimum period of 7 days for response.

24. NOTICE OF APPLICATION (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTION 13 AND 15, JANUARY 2, 2001)

When a change in non-conforming use is to be considered under Regulation 59, or when the development proposed is listed as a discretionary use in Schedule C of the Development Regulations, Council shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area, and allow a minimum period of seven (7) days for response.

25. SERVICE LEVY

- (1) Council may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced, by the Town carrying out a public works improvement project either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to Council of constructing or improving the public works referred to in Regulation 25(1) that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
 - the amount of real property benefited by the public works related to all the real property so benefited; and,
 - the density of development made capable or increased by the public works.

- (4) Additional service levies other than for public works may apply for payment of open space associated with the development, for cost of on-site and off-site road construction and/ or upgrades, and other cost requirements as determined by the requirements for the development.
- (5) 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 determine.

26. FINANCIAL GUARANTEES BY DEVELOPER

- (1) Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) Where Council determines that additional information on a proposed development is required to address an environmental, an engineering or an infrastructure issue, a building or site development concern, or any other development consideration identified by Council, the applicant shall be solely responsible for the cost to engage such a certified and registered professional to provide a report and recommendation to Council.
- (3) The financial provisions pursuant to Regulation 26(1) may be made in the form of:
- (a) a cash deposit from the developer, to be held by Council, or;
 - (b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or;
 - (c) a performance bond provided by an insurance company or a bank, or;
 - (d) an annual contribution to a sinking fund held by Council, or;
 - (e) another form of financial guarantee that Council may approve.

27. DEDICATION OF LAND FOR PUBLIC USE

In addition to the requirements for conveyance and dedication of land under Regulation 89 (Subdivision Design Standards), Council may require the dedication of a percentage of the useable land area of any subdivision or other development for public use under Regulation 87 (Land for Public Open Space), and such land shall be conveyed to Council in accordance with the provisions of the Act.

28. REINSTATEMENT OF LAND

Where the use of land is discontinued or the intensity of its use is decreased, Council may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections, to cover or fill all wells, septic tanks or excavations, to engage professional expertise to conduct an environmental audit and to subsequently potentially remediate the site, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of Council and shall put the site in a clean and sanitary condition to the satisfaction of Council.

29. NOTICE OF RIGHT TO APPEAL (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTION 5, JANUARY 2, 2001)

Where Council makes a decision that may be appealed under Section 42 of the Urban and Rural Planning Act, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

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

30. APPEAL REQUIREMENTS (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTION 6, JANUARY 2, 2001)

- (1) The secretary of the Appeal Board at the Department of Municipal and Intergovernmental Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all Appeal Boards in the province and an appeal filed with that secretary within the time period referred to in Subsection 42(4) of the Urban and Rural Planning Act shall be considered to have been filed with the appropriate Appeal Board.
- (2) The fee required under Section 44 of the Urban and Rural Planning Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in Regulation 30(1) within the 14 days referred to in Subsection 42(4) of the Act.
- (3) The Appeal Board that hears the decision being appealed shall, subject to Subsection 44(3) of the Urban and Rural Planning Act, retain the fee paid to the Appeal Board.

- (4) Where an appeal of a decision and the required fee is not received by an Appeal Board in accordance with this section and Part VI of the Urban and Rural Planning Act, the right to appeal that decision shall be considered to have been forfeited.

31. APPEAL REGISTRATION (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTION 7, JANUARY 2, 2001)

- (1) Upon receipt of an appeal and fee as required under the Urban and Rural Planning Act and these regulations, the secretary of the Appeal Board as referred to in Regulation 30(1) shall immediately register the appeal.
- (2) Where an appeal has been registered, the secretary of the Appeal Board shall notify Council of the appeal and shall provide to Council a copy of the appeal and the documentation related to the appeal.
- (3) Where Council has been notified of an appeal, Council shall within one week of notification forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom Council has knowledge.
- (4) Upon receipt of the information under Regulation 31(3), the secretary of the board shall publish in a newspaper circulated in the Bishop's Falls area, a notice that the appeal has been registered.
- (5) A notice published under Regulation 31(4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

32. DEVELOPMENT PROHIBITED (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTION 8, JANUARY 2, 2001)

- (1) Immediately upon notice of the registration of an appeal, Council shall ensure that any development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Urban and Rural Planning Act apply to Council acting under Regulation 32(1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under Section 102 of the Urban and Rural Planning Act, Council shall not carry out work related to the matter being appealed.

33. APPEAL BOARD

The minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in Section 40 of the Urban and Rural Planning Act.

34. APPEALS

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

- (8) An Appeal Board shall consider and determine appeals in accordance with the Urban and Rural Planning Act and the municipal plan, scheme and regulations that have been registered under Section 24, of the Act, and having regard to the circumstances and merits of the case.
- (9) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.
 - (a) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct Council to carry out its decision or make the necessary order to have its decision implemented.
 - (b) Where Council may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
 - (c) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
 - (c) An Appeal Board shall, in writing notify the appellant and Council of the decision of the Appeal Board.

35. HEARING NOTICE AND MEETINGS (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTION 9, JANUARY 2, 2001)

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

36. HEARING OF EVIDENCE (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTION 10, JANUARY 2, 2001)

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under Regulation 35(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
- (2) An Appeal Board shall hear an appeal in accordance with Section 43 of the Urban and Rural Planning Act and these Regulations.
- (3) A written report submitted under Subsection 43(2) of the Urban and Rural Planning Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

37. RETURN OF APPEAL FEE

Where an appeal made by an appellant under Section 42 of the Urban and Rural Planning Act is successful, an amount of money equal to the fee paid by that appellant under Regulation 34(5) shall be paid to him or her by Council.

PART II – GENERAL DEVELOPMENT STANDARDS

38. SITE SUITABILITY

No building or structure or other development of land will be permitted on a site where it otherwise would be permitted under these Development Regulations where the proposed site is marshy, geologically unstable, excessively steep, or otherwise unsuitable for a proposed purpose by virtue of its soil, topography or environmental sensitivity, as assessed by a qualified consultant, or as otherwise determined by Council and/ or the Ministry of Environment and Conservation. In the case of environmentally sensitive area and steep slope sites, the non-developable and developable areas of the property need to be identified early in the application review.

39. LOT AREA

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

40. LOT FRONTAGE

No new residential, commercial, industrial, business park, institutional-civic, public building or other primary use building shall be erected on a lot that does not front directly on a public road or street.

41. EXISTING LOT AREA AND SIZE EXCEPTIONS

Where, at the time of the coming into effect of this Town of Bishop's Falls Municipal Plan and Development Regulations (2015-2025), a lot existed, which had been previously surveyed, and registered with the Registry of Deeds, but which does not comply with the lot area and lot frontage requirements of these Regulations, then these Regulations shall not prevent the issuing of a permit by Council for the erection of a building thereon, provided that:

- (a) the area of the lot is not less than seventy-five percent (75%) of the lot area standard established in these Regulations;
- (b) the lot frontage is not less than seventy-five percent (75%) of the lot frontage standard prescribed in these Regulations;

- (c) the yards, floor area, and lot coverage of the proposed building are not less than the standards defined in these Regulations;
- (d) the setback of the proposed building from a watercourse or wetland is not less than the required setbacks specified in these Regulations; and
- (e) all necessary approvals have been acquired from the Services NL and other applicable Provincial or Federal agencies.

42. SIDE YARDS

Except for comprehensively designed site developments, a side yard, which shall be kept clear of obstruction, shall be provided on the exposed sides of every building in every use zone in order to provide access for the maintenance of that building, to provide for fire and life safety emergency access, and to provide separation distance to an adjacent property.

43. ZERO LOT LINE AND OTHER COMPREHENSIVE DEVELOPMENT

The erection of dwellings which are designed to form part of a zero lot line development or other comprehensive development site layout which does not, with the exception of dwelling unit floor area, meet all of the requirements of the Use Zone Table in Schedule C, will be considered on the basis that the dwellings are designed to provide both privacy and reasonable access to natural daylight and the overall density within the proposed development conforms to these Development Regulations. The standards outlined in the Use Zone Table will additionally apply where the proposed layout adjoins other development.

44. LINE OF VISION AT INTERSECTIONS

So as to not obstruct the view of motorists and pedestrians:

- (a) All occupied and existing lands located within 7.0 metres (22.9 feet) of a street intersection shall be kept free of any advertisements, shrubs, plants, and any trees in excess of a height of 1.5 meters (4.92 feet) that will impede the clear line of vision for passing motorists and pedestrians; and,
- (b) No building or structure shall be permitted to be erected, moved, enlarged, or reconstructed on any land that is within 7.0 metres (22.9 feet) of a street intersection.

45. 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 Development Regulations, when upon the review by the Town and/ or an Engineer engaged by the Town, 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 other terms and conditions may be required for a development proposed 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.

46. ACCESSES AND SERVICE STREETS

- (1) Access from land or a building to a public road shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the road network system and Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) No driveway, vehicle access or other entryway to a parcel of land shall be closer than ten (10) metres (32.8 feet) to the street line of any street intersection.

47. BUILDING LINE AND SETBACK

- (1) Council, by resolution, may establish a building line on a public street and may require new buildings to be located on that building line, whether or not the building line conforms to the development standards set out in Schedule C of these Regulations.
- (2) Council may exempt an individual building from having to locate on the building line if physical, heritage or other conditions make this location unsafe or impractical, or more in keeping with the character of the immediate neighbourhood, or where enhanced streetscape aesthetics are desired with new developments, staggered building setbacks to front property line may be utilized to provide variation in streetscape design.

48. MULTIPLE USES ON ONE LOT

Where a single lot contains more than one permitted use, each specific use shall conform to the provisions of these Development Regulations that are applicable to that use.

49. ACCESSORY BUILDINGS AND ACCESS RAMPS, STAIRS AND DECKS

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the principal buildings on the site in character, use and size, and all proposed accessory buildings shall be contained on the same lot. Accessory buildings, except for a temporary on-site construction building for site construction drawings, equipment and tools storage, or workers lunch room as approved by Council, shall not be erected on a property before the principal building is constructed.
- (2) No accessory building or part thereof shall project in front of any building line.
- (3) Notwithstanding Regulation 49(2), Council may approve a location of an accessory building closer to the street line than the main dwelling where Council:
 - (a) considers that the proposed location complements the historical development pattern in the surrounding area, such as the heritage homes near Riverside Drive that have reduced setbacks;
 - (b) considers that the location as required under Regulation 49(2) would pose a hazard to road safety;
 - (c) finds that the physical limitations of the property would not allow for the development of an accessory building as required under Regulation 49(2); and,
 - (d) considers that the proposed location as required under Subsection 49(2) would adversely affect the view from neighbouring homes.
- (5) Council will give written notice to all persons whose land is in the immediate vicinity of the proposed development, and allow a minimum period of seven (7) days for response before approving an accessory building in a location other than is required in Regulation 49(2).
- (6) The setback requirements to property lines identified within the use zone tables of these Regulations shall apply to all accessory buildings.
- (7) Open or partially covered access ramps and stairs that are attached to a residential dwelling may be reasonably permitted within the minimum front, rear or side yard setback areas provided that such attachments to the principal building do not create a safety hazard or block sight lines of adjacent streets.
- (8) An open or partially covered deck that is attached to either a residential dwelling or a non-dwelling building shall not extend into the minimum permissible building line setback areas of a lot and shall not be closer than 1.0 metres (3.28 ft) to the side and rear lot lines of the property.

- (9) Ramps, stairs and decks that are attached to a building are not to be included in the calculation of building site coverage on a lot.

50. PUBLIC PARKS, OPEN SPACES, TRAILS AND PLAYGROUNDS, AND CONSERVATION USES

Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of public parks, open spaces, trails and playgrounds in any zones provided that such parks, open spaces, trails 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 Town for any future potential on-going maintenance costs.

51. ENVIRONMENTAL PROTECTION

- (1) Land and buildings proposed for development that are located adjacent to sensitive environmental features such watercourses, ponds and other bodies of water; wetlands; designated flood risk areas; and steep slope locations with a grade greater than 7 %, shall provide for separation to the top of bank or high water mark of the environmental feature in the form of a non-developable vegetated leave-strip buffer area.
- (2) Environmental setback distances shall be determined by the proposed use of land and/or building, and the proposed intensity of site development.
- (3) The following separation and setback distances from a building development to the top of bank and/ or edge of an environmental feature shall apply for all land and building development proposals adjacent to sensitive environmental features:
- (a) Fifteen (15.0) metres (49.2 feet) for one unit residential uses;
 - (b) Thirty (30.0) metres (98.4 feet) for all duplex and higher density residential uses, and for commercial, mixed use, business park, industrial, institutional-civic and other similar non-residential uses; and,
 - (c) A minimum of sixty (60.0) metres (198.6 ft) for all forestry, agricultural, gravel and other mineral extraction and processing uses, and other resource land use activities and operations.
 - (d) Any development that is proposed by an applicant to be located within the environmental setback buffer shall be supported by a qualified and certified environmental consultant's report and recommendations, where such report preparation cost is solely the financial responsibility of the applicant. Where a development is so recommended to be located within an environmental setback area, the report shall include a proposal for environmental compensation in the form of enhanced environmental protection on other areas of the site, or on

nearby adjacent properties, and as approved by Council and the Ministry of Environment and Conservation.

52. **STORMWATER MANAGEMENT**

- (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 in the opinion of a professional and NL certified civil engineer and/ or the Town, the development will create or aggravate adverse stormwater impacts, for example, excessive run-off onto adjacent properties, soil erosion, scouring and silt deposition of streams, or reduction of surface or groundwater quality. The development applicant may be required to engage at their own cost a qualified and certified consultant professional engineer with expertise in hydrology and storm water management design to address these site development issues to the satisfaction of Town Council.
- (2) New development may be required to implement storm water detention measures to manage and control stormwater runoff so that there is “no net increase” in storm water runoff from the site as a result of the proposed development.
- (3) Each development shall be provided with a drainage system that is adequate to prevent the retention of surface water on the development site; Council may require a retention pond or similar engineering approach be incorporated into storm drainage systems.
- (4) The grading of land, excavation of ditches, and erection of buildings or structures will not be undertaken in a manner that significantly increases stormwater runoff and erosion onto adjacent properties or into nearby watercourses.
- (5) New development shall provide for site landscaping and vegetation cover as stormwater management measures for newly graded property, particularly on sloping sites, with potential for runoff to adjacent lands and public roads and/or ditches.

53. SOIL REMOVAL AND DEPOSIT AND SITE GRADING

- (1) A development permit is not required for removal, deposit, or grading of soil, sand, gravel, rock, or other aggregate material if the activity is part of an approved development project or affects less than 125 cubic metres of material.
- (2) No other excavation, removal, or depositing of material, or site grading, shall be carried out unless a Development Permit under these Regulations has been issued by Council.
- (3) Any excavation, removal and depositing of soil, sand, gravel, and rock, that requires a Development Permit may be issued a temporary permit provided the work is based on a grading plan, will result in an improved site for permitted uses, while retaining as much of the natural features of the land as possible. The following conditions shall be met:
 - (a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighbouring developed areas;
 - (b) Land intended for the activity or grading has a slope of less than 15%. Lands with a slope greater than 15% over a distance of five (5) or more metres shall be protected and shall not be developed except for development proposals that are accompanied and supported by a qualified geotechnical or other engineering certified and stamped report and recommendations, and are approved by Council;
 - (c) Resulting slopes are stable and without hazards;
 - (d) When the work is completed, areas in which natural vegetation has been removed shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation; and
 - (e) Storm water management and drainage is provided to a standard appropriate to the site, and as approved by a professional and NL certified civil engineer and upon review and endorsement by the Town, so as to not impair existing surface drainage or create erosion either on the site or on adjacent sites.

54. SERVICES AND MUNICIPAL INFRASTRUCTURE

Within any zone, the provision of public or municipal services, infrastructure and utilities are permitted. This applies to electrical services, light standards, traffic control devices, utility poles, highways and municipal directional signage, municipal water, sewer and storm water systems and associated underground utilities and pump houses, group mail boxes, roads and highways, and similar such municipal and public infrastructure, services and utilities required to service a growing community. The proposed design of the works and landscaping of any development of any land so used shall be reviewed by the municipality for its adequacy to protect the character and appearance of the area

where the works are to be installed. Private utilities such as major pipelines and transmission lines should be discussed with local authorities early in the planning stages; fibre optic services are similarly to be communicated to the local authority, prior to Council consideration of support for installation of these utilities.

55. STREET CONSTRUCTION STANDARDS

A new street may not be constructed except in accordance with the road design, specifications and standards adopted by Council. In the absence of such standards and specifications, the 'Municipal Water, Sewer and Roads Master Specifications' as published and amended by the Department of Municipal and Intergovernmental Affairs shall apply.

56. BUFFER STRIPS

- (1) Where any new or expanded industrial or business park development, permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the development shall provide a buffer strip not less than thirty (30) metres (98.4 feet) wide between any residential activity and the industrial or business park area. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be constructed and maintained on an on-going basis by the owner or occupier to the satisfaction of Council.
- (2) Where any new or expanded commercial, civic- institutional or other non-residential development adjoins a residential site, the owner of the site of the proposed development shall provide a buffer strip not less than ten (10) metres (32.8 feet) between the proposed development and the residential site.
- (3) Where any new residential subdivision is permitted to abut the rear or side property boundaries of an existing residential lot, a natural vegetation buffer or other structural barrier such as privacy fence may be required by Council and shall be constructed and maintained by the owner or occupier to the satisfaction of Council.

57. UNSIGHTLY PROPERTY

Council, in the case of existing unsightly property and/ or premises, as defined by Schedule A of these Development Regulations, may order by way of registered mail for the owner or occupier of property and/or buildings, to provide for adequate and suitable clean-up and remediation of the property and/or premises within a specified period of time.

Where an owner of an unsightly property or premises does not comply to remedy the deficiency as identified by the order from Council, including upon failure of the property owner to comply with

further notice by way of a registered letter from the Town, Council may proceed to take other action; Council may serve notice of entry to private property, and enter the site for the purpose to clean up the property and place the cost of such municipal work on the annual taxation levy for the subject property and/or building.

The provision of adequate and suitable landscaping or screening may also be made a condition of any development permit where, in the opinion of Council, the landscaping or screening is desirable to enhance site aesthetics and/ or to preserve neighbourhood character, to buffer adjacent land uses or to protect the environment by providing a vegetative leave strip adjacent to a water body.

58. OFFENSIVE AND DANGEROUS USES

No building or land shall be used for any purpose which may be dangerous by being structurally unsound or 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 through consideration of the land uses of Schedule C, and where such use is approved by any other authority having jurisdiction.

Council may consider a potential report and recommendations on a building deemed dangerous, or in relation to a land use activity, building or proposed use deemed offensive and dangerous, as prepared by a qualified consultant engaged solely by the property owner or a development applicant, as part of Council's review and consideration of the uses.

59. NON-CONFORMING USE (REFER TO MINISTER'S DEVELOPMENT REGULATIONS, SECTIONS 14, 15, 16, 17, JANUARY 2, 2001)

- (1) Notwithstanding the Municipal Plan, a development scheme or regulations made under the Urban and Rural Planning Act, 2000, Council shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the Act, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding Regulation 59(1), a right to resume a discontinued non-conforming use of land shall not exceed 12 months after that discontinuance.
- (3) A non-conforming building, structure or development under the Act that is allowed to continue under Regulation 59(1):

- (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council;
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed, except as provided for in Regulation 59(3)(h);
 - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it;
 - (e) may have the existing building extended by approval of Council where, in Council's opinion, the extension is not more than 50% of the existing building;
 - (f) where the non-conformance is with respect to the standards included in these Regulations, shall not be expanded if the expansion would increase the non-conformity;
 - (g) where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity, and an expansion must comply with the development standards applicable to that building, structure or development; and
 - (h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.
- (4) Where considering a non-conforming building, structure or development and before making a decision whether to vary an existing use of that non-conforming building, structure or development, Council, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

60. OFF-STREET PARKING REQUIREMENTS

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to accommodate the proposed use and /or building, and to ensure that the flow of traffic

on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.

- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards outlined in Part VI - Off-Street Parking and Loading Requirements of these Regulations.
- (3) Each parking space, except in the case of single or double dwellings, shall be made accessible by means of a hard surfaced right-of-way at least three (3) metres (9.8 feet) in width to ensure safe access by all vehicles including emergency responders. Parking for residential single and double dwellings shall be provided in the driveway area on the same lot as the dwelling; no parking in the front yard lawn areas shall be permitted. Parking space for apartments and higher density residential uses shall be provided in the rear yard where possible.
- (4) Parking facilities shall, except in the case of single and attached double dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than eight vehicles are required or permitted:
 - (a) parking space shall mean an area of land, not less than 15 m² (161.5 square feet) in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas; Council may identify smaller area size dimensions for a parking space for 'small cars';
 - (b) the parking area shall be constructed and maintained to the specifications and terms and conditions of the development permit approval by Council;
 - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development and nearby residential homes;
 - (d) except in zones that permit a service station, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - (e) no part of an off-street parking area shall be closer than 1.5 metres (4.9 feet) to the front lot line in any zone;
 - (f) access to parking areas in non-residential zones shall not be by way of a residential zone;
 - (g) 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;
 - (h) where a parking area is located within or abuts a residential zone, a natural or structural barrier at least 1.5 metres (4.9 feet) high shall be erected and

maintained along all lot lines between the parking area and the adjacent residential property; and,

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

61. 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, loading facilities shall be provided and maintained for the premises. Loading facilities shall not part of a street, but shall be comprised of one or more loading spaces, with dimensions of 15 metres (49.2 feet) in length, 4 metres (13.1 feet) in width, and having a vertical clearance of at least 4 metres (13.1 feet). Direct access to a street from the loading area or access by a driveway of a minimum width of 6 metres (19.7 feet) shall be provided to a street.
- (2) The number of loading spaces to be provided shall be determined on the basis of the size of the proposed building on the development site where one loading space is to be provided for development sites with building floor area space greater than 500 square metres (5,382.1 square feet), and two loading spaces to be provided for buildings with a floor area space greater than 2000 square metres (21,528.5 square feet).
- (3) The loading facilities required by this Regulation shall be so arranged that trucks or loading vehicles can manoeuvre clear of any street and so that it is not necessary for any loading vehicle to reverse onto or from a street.

62. SUBSIDIARY RESIDENTIAL APARTMENTS

Subsidiary residential apartments, as defined by Schedule A, shall be permitted as an accessory use in single unit residential dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

63. RESIDENTIAL CARE USE

A residential care use (i.e. family or group care home), as defined by Schedule A, is permitted in a single unit residential dwelling; the group home is to be adequate in size based upon the number of bedrooms to accommodate the number of persons living in the group, inclusive of staff, and provided that in the opinion of Council and from local residents' comments, the use of the dwelling does not materially differ

from, nor adversely affect, the amenities of the adjacent residences, or the neighbourhood in which it is located. Council may additionally require special access and safety features to be provided for the occupants.

64. HOME BASED BUSINESSES

- (1) Home Based Businesses may be considered by Council as a discretionary use in residential dwellings on the basis of specific conditions of use as defined by the 2005 Home Based Business Regulations, and as amended from time-to-time, including approval of a business license application from the Town, and the business use being clearly secondary to the primary residential use and appearance of the dwelling.
- (2) Home Based Businesses shall be entirely enclosed within a building and shall be generally limited to medical, professional and personal service uses that are of appropriate scale and type for the immediately adjacent residential neighbourhood character, including doctors' consulting rooms, physiotherapy offices, personal services such as hair salons and manicure and pedicure treatments, small appliance repair, arts and crafts, sporting goods repair, professional engineer or architect, child care and similar non-intrusive business operations that represent a good fit for residential locations. Home Based Businesses for multi-unit residential dwellings shall be limited to business and professional offices.
- (3) Not more than twenty-five (25) percent of the total floor area of the residential dwelling, to a maximum of 45.0 sm (484.4 sf) of the dwelling shall be used for a Home Based Business Use.
- (4) No wholesale sales or storage of goods is permitted, and all retail sales must be subsidiary to the approved Home Based Business Use.
- (5) No Home Based Business shall be permitted that involves activities and operations that are either hazardous or cause noticeable noise, vibration, odour, dust, fumes or inconvenience, or pose a nuisance to occupants of adjacent and nearby neighbourhood residential homes.
- (6) Home Based Businesses shall be limited in employees to the residents of the residential dwelling and no noticeable increase in motor vehicle traffic to the residential neighbourhood shall result from a Home Based Business.

- (7) No change in the type, class or extent shall be made to an approved Home Based Business without approval from the Town.
- (8) No Home Based Business license shall be issued for industrial uses, adult entertainment uses, motor vehicle or heavy equipment repair, tow trucks, taxis, real estate offices, and similar such uses.
- (9) Advertisement and signage for home based businesses shall be in accordance with Regulation 76 (b) and (c).

65. HEIGHT EXCEPTIONS

- (1) The height requirements prescribed in Schedule C of these Regulations may be waived in the case of telecommunication towers, masts and antennae, flagpoles, water towers, spires, belfries, wind turbines and generators, or chimneys, as determined by Council on the basis of the site location, adjacent land uses and community benefit.
- (2) Council may also permit the erection of buildings to a height greater than that specified in Schedule C on the basis that the building line setback and rear yard setbacks are adjusted as follows:
 - The building line setback shall be increased by two (2) metres (6.56 feet) for every one (1) metre increase in height; and,
 - The rear yard setback shall not be less than the minimum building line setback calculated as described above, plus an additional six (6) metres.

66. SERVICE STATIONS

The following requirements shall apply to all proposed service stations:

- (a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least four (4) metres (13.1 feet) from the front lot line.
- (c) Accesses into the service station site shall not be less than seven (7) metres (22.9 feet) wide and shall be clearly marked, and where a service station is located on a corner lot, to ensure safe vehicle movements, the minimum distance between an access into the site and the intersection of street lines at the junction of the two streets shall be ten (10) metres (32.8 feet). The lot lines of such corner lots shall be clearly indicated by landscaping improvements.

67. MINERAL EXPLORATION

Mineral exploration and quarrying operations related to aggregate resource deposits are identified within the agricultural and rural zones and are subject to provincial acts and regulations administered by the Mineral Lands Division, Department of Natural Resources. Mineral exploration is not supported by the Town in the more urban and built up areas of the community, located to the south of the Trans-Canada Highway.

68. WIND TURBINES

(1) Private Wind Turbines

Where permitted as a discretionary use by Council, the development of a private wind turbine (refer to definition in Schedule A) shall conform to the following standards and conditions:

Wind Turbine Development Standards				
STANDARDS	Lot Size (m ²)			
	<2000	2000	4000	>8000
Maximum number of wind turbine(s)	1	1	1	2
Maximum power generating capacity of wind turbine(s) (kilowatts –KW)	15KW	20KW	40KW	100KW (total collective)
Maximum tower height (metres)	10.25	12.25	18.5	30.5
Minimum separation distance from Tower and neighbouring residence (metres)	25	50	100	250
Minimum separation distance of the swept arc of the blade from residence on same lot (metres)	1	3	5	5
Minimum distance of the swept arc of the blade from side yard (metres)	Side yard requirements as in land use zone			
Separation distance between towers (metres)	Not Applicable			10
Lowest point of sweep area of rotor blade to finish grade (metres)	5	5	6	7

- (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.
- (c) 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.

- (d) Wind turbine tower(s) shall be located on a lot with minimum visual impacts on neighbouring properties.
- (e) The sweep area of the rotor blades on a wind turbine shall not cross over property lines.
- (f) Wind turbine(s) shall not be permitted in front of the building line.
- (g) 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.
- (h) 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.

(2) **Commercial Wind Turbines**

Where permitted by Council as a discretionary use, the development of a commercial wind turbine (refer to definition in Schedule A) shall meet applicable Federal and Provincial regulatory requirements, the provisions of this Regulation 68, and all other terms and conditions determined 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.

69. LIVESTOCK STRUCTURES AND USES

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

- (a) The structure shall be sited only within a use class permitted within these Regulations, and situated at least 600 metres (1968.5 ft) from a residence (except a farm residence or a residence which is a non-conforming use);
- (b) The structure shall only be located at least 60 metres (196.8 ft) from the boundary of the property on which it is proposed to be sited.
- (c) The structure shall be located at least 90 metres (295.3 ft) from the center line of any adjacent street;
- (d) The structure has been approved by the Agrifoods Development Branch –Department of Natural Resources.

70. ADVERTISEMENTS

Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations and the Protected Road Zoning Regulations under the Urban and Rural Planning Act, 2000.

PART III - ADVERTISEMENTS

71. APPROVAL REQUIRED

- (1) The Trans Canada Highway is designated as a Class 1 protected highway; and the Botwood Highway is designated as Class 2 protected highway under the Protected Road Zoning Regulations and require that any proposed development within the building control lines of these two roadways shall not be carried out unless a permit for the development has been issued by Service NL.
- (2) No advertisement, as defined by Schedule A, shall be erected or displayed on land, or upon or within water, in the Planning Area unless approval for the advertisement is first obtained from the Town.
- (3) In addition to meeting the requirement of Regulation 71(1), no advertisement shall be erected or displayed along the visual corridor of the Trans-Canada Highway or the Botwood Highway unless approval and permitting has also been obtained from Service NL.

72. FORM OF APPLICATION

Application for approval to erect or display an advertisement shall be made to Council in accordance with Regulation 8.

73. ON AND OFF SITE ADVERTISEMENT REQUIREMENTS

The following conditions shall apply to the erection or display of advertisements within the Planning Area of the Town of Bishop's Falls:

- (1) No advertisement shall be permitted to be erected or displayed within, on or over any highway or street reservation, or be located where an advertisement may impede the safety and convenience of adjacent streets, sidewalks, walking lanes and/or the general amenities and character of the surrounding area.
- (2) Proposed illuminated signs and advertisements shall generally only be permitted on approved commercial zoned sites. Council may consider at its discretion the potential use of illuminated signs at

non-commercial locations on the basis of proposed sign size and message content, proposed sign location, potential impacts to road safety and neighbouring properties, proposed time duration for the sign placement and overall benefit to the community for having an illuminated sign at a non-commercial location.

(3) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council. Advertisements affixed to the face of a building shall be limited in their size and as potentially considered by Council through the Development Design Guidelines of these Regulations, as applicable.

(4) All free-standing on-site advertisements shall be located within the property lines of the lot or site that is occupied by a use permitted within a use zone of these Regulations, and where such advertisement directly relates to the permitted use.

(5) No on-site advertisements shall exceed 4 square metres (43.06 sf) in total area size.

(6) Proposed off-site advertisements shall be located within a reasonable distance, as ascertained by Council, of the property location of the relevant advertised use, and shall only show on the advertisement the name and nature of the use or business, and the distance or direction to the use.

(7) Each advertisement for an off-site use shall not exceed 3 square metres (32.3 sf) in total area size.

74. SIGNAGE APPROVAL VALID FOR LIMITED PERIOD

In consideration of approval for a signage advertisement, Council at its discretion may impose a term limit for the advertisement.

75. REMOVAL OF ADVERTISEMENTS

Notwithstanding the provisions of these Regulations, Council may require the removal of any 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) not compatible with the character and/ or the amenities of the surrounding area.

76. ADVERTISEMENTS EXEMPT FROM CONTROL

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

- (a) on an approved single residential dwelling or within the front yard area of such dwelling, one non-illuminated nameplate identifying the occupants of the home not exceeding an area of 0.2 m^2 (2.1 square feet) in area size;
- (b) on a dwelling or within the front yard of a dwelling, one non-illuminated sign not exceeding 0.2 m^2 (2.1 square feet) in sign face area size in connection with the practice of a professional person carried on in the premises;
- (c) on a dwelling or within the front yard of a dwelling, one professional design non-illuminated sign not exceeding 0.2 m^2 (2.1 square feet), as so approved by Council for shape and material, for an approved home occupation business;
- (d) election signs are deemed as temporary, their placement shall not pose motor vehicle or pedestrian mobility safety, shall be located on private property or for roadway locations, by permission of the adjacent landowner, and all such signs shall be removed within 7 days of holding of the applicable election, or as determined otherwise by Council;
- (e) real estate advertising signs shall be non-illuminated and limited to one per property that is being advertised for sale, shall be placed upon the property for sale and shall not exceed 0.5 m^2 (5.4 square feet), unless otherwise approved by Council;
- (f) on neighbourhood commercial sites, one professional design sign not exceeding 0.75 m^2 (8.07sf) per 90 m^2 (968.78 sf) of commercial floorspace, and where signage for multi-stores is to be amalgamated into one landscaped site sign area located at the front lot line of the property, and as so reviewed by the Town for shape, material, and design.
- (g) on an agricultural holding or farm, a non-illuminated notice board not exceeding 1.0 m^2 (10.76 square feet) in area size and relating to the operations being conducted on the land;
- (h) on land used for forestry purposes, non-illuminated signs or notices not exceeding 1.0 m^2 (10.76 square feet) in area size and relating to forestry operations or the location of logging operations conducted on the land;
- (i) on land used for mining or quarrying operations, a non-illuminated notice board not exceeding 1.0 m^2 (10.76 square feet) in area size relating to the operation conducted on the land;
- (j) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1.0 m^2 (10.76 square feet) in area size;
- (k) 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 (32.28 square feet), whichever is the lesser;
- (l) for any highway directional sign, one sign not exceeding 1.0 m^2 (10.76 square feet) in size, or as so approved by appropriate authority; and,
- (m) for any Development Permit application public notification signs so authorized by the Town.

77. APPROVAL SUBJECT TO CONDITIONS

Approval for a sign may only be considered for the erection or display of advertisements which comply with the appropriate conditions and specifications outlined within Part III – Advertisements of these Development Regulations and with the Development Design Guidelines of Part VII of these Regulations, as applicable and may require approval and permitting by Service NL and the Department of Transportation and Works.

78. NON-CONFORMING USES

Notwithstanding other provisions of Part III, the erection or display of advertisements is permitted on a building or within the yard area of a building or on a parcel of land, the use of which is a nonconforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and in accordance with other conditions determined upon review of the application by Council for the subject non-conforming site.

PART IV - SUBDIVISION OF LAND

79. APPROVAL TO SUBDIVIDE REQUIRED

No land in the Planning Area shall be subdivided unless an application for the development of the subdivision is first made; the proposal is reviewed and considered by the Town; external agency comments and approvals where necessary are provided; the terms, conditions and requirements for the subdivision development are addressed; where applicable, a professional and NL certified civil engineer verifies the infrastructure required for the proposed development; and subdivision approval is obtained from Council.

80. SERVICES TO BE PROVIDED

- (1) No approval shall be considered for the development of subdivided land unless provisions satisfactory to Council have been made in the application for either full connection to all municipal services, or for verification of a safe supply of drinking water of sufficient quantity and a properly designed sewage disposal system (both as approved by Services NL), and a properly designed storm water management and drainage system have been provided. Any on-site and off-site roadway capacity and upgrades to support the subdivision are also to be addressed, and Council is to determine that the new subdivision infrastructure does not pose significant on-going maintenance costs to the Town.
- (2) Where the proposed subdivided land is for a residential subdivision that is to be serviced by individual wells, Council may determine that beyond the approval requirements for well water of Services NL, a groundwater assessment to determine well water quality and quantity may need to be undertaken by a professional and certified hydrologist engaged and paid by the subdivision applicant, that the well water be tested in accordance with the Canadian Drinking Water Guidelines and that a report with recommendations be submitted to Council for consideration.
- (3) No approval shall be issued for the development of subdivided land of three (3) or more lots that are located less than 500.0 metres (1,640.4 ft) from existing water and/or sewer mains unless provision has been made to connect the subdivision development to these piped services at the expense of the developer, and the land is appropriately zoned for serviced or semi-serviced development. The installation, construction materials, system design, and other requirements must meet the approval of a professional and NL certified civil engineer.

81. PAYMENT OF SERVICE LEVIES AND OTHER CHARGES

No approval shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by Council for connection to services and utilities, and the construction and/ or upgrade of streets deemed necessary for the proper development of the subdivision, for provision of open space and all other applicable service levies and other charges imposed under Regulations 25 and 27.

82. APPROVAL TO SUBDIVIDE SUBJECT TO CONSIDERATIONS

Approval to subdivide land will not be considered when the development of the subdivided land will not contribute to the orderly and sustainable growth of the municipality, will not demonstrate sound design principles, will cause undue environmental harm, or will result in an undue cost burden for the provision of municipal services. When reviewing and evaluating a subdivision application, Council shall, without limiting the generality of the foregoing, consider:

- (a) the location of the land and the proposed number of lots to be subdivided;
- (b) the provisions of the Municipal Plan and Development Regulations (2015-2025) affecting the site;
- (c) the availability of and the demand created for municipal infrastructure, municipal services, recreational amenities, schools and utilities;
- (d) an assessment of on-going capital and municipal financial costs related to the provision and maintenance of roads, other infrastructure, and services resulting from the subdivision;
- (e) the subdivision access location, and resulting traffic densities to be generated from the site development, the proposed subdivision road network , the potential need for off-site transportation improvements and how the subdivision will address pedestrian mobility, including the provision of right-of-way connections to existing and adjacent trail systems;
- (f) the land use, physical form and character of the proposed development site and the land use compatibility of the proposed subdivision with adjacent properties and the neighbourhood area;
- (g) the relationship of the project to existing or potential sources of nuisance;
- (h) the topography, soil and subsoil characteristics of the site, how the site is proposed to be graded, existing drainage patterns and potential for erosion impacts to adjacent and downstream properties, final grading plan for site development and the proposed storm water management approach for the subdivision;
- (i) natural features on or adjacent to the site such as ponds, streams, rivers, wetlands, topsoil, trees and other vegetation, and any walkway or trail provision for continued public access to ponds, for preservation of the water bodies and/ or for retention of trees, and scenic views;

- (j) potential environmental impacts of the proposed subdivision development with respect to watercourses, wetlands, steep slopes, drainage patterns, coastal resources, protected species and loss or fragmentation of natural habitat, and proposed environmental management approach to the site to address potential impacts;
- (k) proposed open space provisions, and the current/ proposed visual quality of the site;
- (l) availability of community and recreational facilities and schools to service the site;
- (m) energy conservation and other sustainable planning initiatives;
- (n) probable effects on the sustainability of important resource lands, particularly agricultural land, forestland, and aggregate resources; and,
- (o) other such matters as may affect the proposed development.

83. BUILDING APPROVAL REQUIRED

Notwithstanding the approval to subdivide land by Council, a separate approval from the Town for building shall be obtained for each building or structure proposed to be erected on the subdivided land, and no building approval for any building or structure shall be considered until the applicant has verified their responsibility of adherence and compliance with the National Building Code, and any applicable provincial building requirements and ancillary regulations pertaining to plumbing, electrical service, fire life safety and similar provisions, and with all the requirements of these Development Regulations with respect to the approval and development of the subdivided land. Council may further require at the building applicant's expense, to provide for a consulting engineer's verification that the said building complies with all applicable building and other code requirements.

84. NO PERMIT REQUIRED

The following land development and uses do not require development permit approval, but must comply with all applicable provisions and requirements of the Development Regulations and policies of the Municipal Plan (2015-2025), and with all applicable external Provincial approvals, as required:

- (a) the grubbing of soil, placing of fill, and other altering of the landscape (in accordance with Regulation 53);
- (b) a passive recreational use such as a walking trail or picnic area (as discussed and approved by the municipal recreation services);
- (c) the clearing and development of agricultural land (as approved by the Province), a forestry use for personal cutting of fuel wood, Christmas trees and similar domestic uses;
- (d) construction and installation of a septic system, as approved by Services NL; and,
- (e) a conservation use to preserve natural areas.

85. FORM OF APPLICATION

Application to develop a subdivision shall be made to Council in accordance with Regulation 8.

86. SUBDIVISION SUBJECT TO ZONING

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

87. LAND FOR PUBLIC OPEN SPACE

- (1) Where a parcel of land is proposed to be subdivided into three (3) or more lots, the developer shall dedicate to Council, at no cost to Council, an useable area of land equivalent to not more than 5% of the gross area of the subdivision land for public open space, or 25 square metres of open space for every dwelling unit permitted in the subdivision, whichever is the greater, provided that:
 - (a) where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated;
 - (b) if, in the opinion of Council, no public open space is required, the land may be used for such other public use as Council may determine;
 - (c) the location and suitability of any land dedicated under the provisions of Regulation 87 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;
 - (d) Council may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated; and,
 - (e) financial contributions received by Council in accordance with Regulation 87(1)(d) shall be reserved by Council for the purpose of the acquisition or development of land for public open space or other public purpose.

- (2) Land dedicated for public use in accordance with Regulation 87 shall be conveyed to Council and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.

- (3) Council shall require land to be reserved and remain undeveloped along the banks of any watercourse, other water bodies and similar sensitive environmental features, and this land may, at the discretion of Council, constitute the requirement of land for public use under Regulation 87(1).

- (4) As part of the subdivision review, Council may require that an environmental leave strip or buffer be provided adjacent to any river or other body of water, and this land may at

the discretion of Council, constitute the land requirement for public use under Regulation 87.

- (5) Before approving an application to subdivide land abutting or in the vicinity of a pond, Council will consider the effect of the proposed subdivision on public access to the pond. If there is concern that the development may impede public access to the pond, no permit will be issued for the development unless provision has been made for a public right-of-way to the pond and for the transfer of ownership of the right-of-way to the Town.
- (6) Before approving an application to subdivide land abutting or in the vicinity of a trail system, Council will consider the effect of the proposed subdivision on the connectivity of the trail network. No permit will be issued for the development unless provision has been made for a public right-of-way and for the transfer of ownership of the right-of-way to the Town.

88. STRUCTURE IN STREET RESERVATION

The placing within any street reservation of any structure (for example, a hydro pole, telegraph or telephone pole, fire hydrant, mail box, fire alarm, sign post) shall receive the prior approval of Council, and this may entail a review by a professional and NL certified civil engineer at the expense of the subdivision applicant. Council shall be satisfied on the question of public safety and safe vehicular movements, safe construction and relationship of the proposed structure to the adjoining buildings and other structures within the street reservation.

89. SUBDIVISION DESIGN STANDARDS

No approval shall be issued for the development of subdivided land under these Regulations unless the design of the subdivision conforms to the following standards:

- (a) The finished grade of streets shall not exceed 10 percent;
- (b) Cul-de-sacs shall have a turning circle with a driving surface diameter of not less than 30.0 metres (98.4 feet);
- (c) The maximum length of any cul-de-sac shall be:
 - i) 200.0m (656.2 feet) in areas served by or planned to be served by municipal piped water and sewer services;
 - ii) 300.0m (984.2 feet) in areas not served by or planned to be served by municipal piped water and sewer services; and

- iii) greater in length as described in Regulation 89(c)(i) and (ii) where it can be determined that the cul-de-sac will round out an existing subdivision only and where no alternative means of access can be acquired;
- (d) An emergency access for a cul-de-sac:
 - i) shall be located at the midway point of the cul-de-sac;
 - ii) have a right-of-way width of not less than six (3.0) metres (9.84 feet);
 - iii) shall connect directly with an adjacent public street;
 - iv) shall be no longer than the total length of the cul-de-sac;
 - v) shall be constructed to a standard specified by a certified engineer and approved by Council; and
 - vi) shall be conveyed to the ownership of Council;
- (e) No cul-de-sac shall be located so as to appear to terminate a collector street;
- (f) A new subdivision shall have street connections with an existing public street(s);
- (g) Every street intersection shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for at least 30.0 metres (98.4 feet) from the intersection;
- (h) No street intersection shall be closer than 60.0 metres (196.8 feet) to any other street intersection;
- (i) No more than four streets shall join at any street intersection;
- (j) No residential street block shall be longer than 490.0 metres (1,607.6 feet) between street intersections;
- (k) Required public street reservations shall be conveyed to the ownership of Council;
- (l) New residential streets shall be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum and maximum street design standards:

Street Design Standards

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk(s) Number
Arterial Streets	30 m	15 m	1.5 m	Minimum of 1 Maximum of 2
Collector Streets	20 m	15 m	1.5 m	2
Local Residential Streets: where more than 50% of the units are single or double dwellings;	15 m	9 m	1.5 m	1
where 50% or more of the units are townhouses or apartments.	20 m	9 m	1.5 m	2
Service Streets	15 m	9 m	1.5 m	Minimum of 0 Maximum of 2

- (m) No residential lot shall have a lot depth exceeding four times the frontage of the lot, except in the circumstances of a panhandle lot or backlot where the access road from the lot to the public street is deemed as part of the lot depth, or where existing subdivision patterns and lot configurations in the immediate neighbourhood area do not provide any alternative options for subdivision of land;
- (n) No residential lot shall abut a local street at both front and rear lot lines;
- (o) All designated archaeological sites on a property proposed to be subdivided shall be protected in accordance to the requirements of the Provincial Archaeological Office;
- (p) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed;
- (q) Council may require new subdivision lots to maintain existing trees and vegetation wherever feasible, and particularly on sloping lands and in the rear yards of proposed lots to effectively interface with adjacent residential lots and homes. Removal of trees and natural vegetation, or the development of an alternative landscaping within such natural buffers, will require the approval of Council; and,
- (r) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

90. ENGINEER TO DESIGN WORKS AND CERTIFY CONSTRUCTION LAYOUT

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers, on-site storm water management works and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities and works deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed, prepared by, and approved by a professional and NL certified civil engineer. Such designs and specifications shall, upon review and approval by Council, be incorporated in the plan of subdivision.
- (2) Upon approval by Council of the proposed subdivision, the engineer shall certify all work of the construction layout prior to the construction of the said works; upon such certification, the developer shall proceed to the construction and installation of the works, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the engineer, and approved by the Town, including all such water mains, hydrants, sanitary sewers, storm water management systems and all appurtenances and of all such streets and other utilities and works deemed necessary by the engineer and viewed as required by Council to service the said area.

91. DEVELOPER TO PAY ENGINEER'S FEES AND CHARGES

The developer shall pay to Council all relevant and applicable engineering fees and charges for the preparation and/or review of designs and specifications for the proposed works, and for the layout and supervision of site construction; such fees and charges being percentages of the total cost of materials and labour for the construction and installation of all works calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers of Newfoundland and in effect at the time the work is carried out.

92. STREET WORKS MAY BE DEFERRED

The construction and installation of all curbs and gutters, catch basins, sidewalks, walking lanes and paving specified by Council as being necessary, may be deferred upon approval by Council until a later stage of the work on the development of the subdivision, but if such deferment is granted, the developer shall deposit with Council before approval of the development application, an amount estimated by a professional and NL certified civil engineer as reasonably sufficient to cover the cost of construction and installation of the works, and where such amount is reviewed and approved by the Town.

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

93. TRANSFER OF STREETS AND INFRASTRUCTURE WORKS TO COUNCIL

- (1) The developer, following the approval of the subdivision of land and upon request of Council, shall transfer to Council by formal written agreement, at no cost to Council, 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 public streets, future public street reservations, public right-of-ways, or for other public use;
 - (b) all infrastructure services or public works, including streets, water supply and distribution, sanitary sewers, and storm drainage systems installed in the dedicated public areas of the subdivision, which are normally owned and operated by Council.

- (2) Before Council shall accept the transfer of lands, infrastructure services, or public works of any subdivision, a professional and NL certified civil engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.
- (3) 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.

94. RESTRICTION ON SALE OF LOTS

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

- (a) the lot can be served with satisfactory water supply and wastewater service, including an approved sewage disposal system, and that where applicable, adequate storm water management systems are provided for;
- (b) safe and engineered access to a public street is provided for the lots; and,
- (c) all other outstanding subdivision development requirements have been identified and are addressed to the satisfaction of Council.

95. SITING OF BUILDINGS AND LANDSCAPING IMPROVEMENTS

- (1) Each plan of subdivision shall make provision for the siting of buildings and for landscaping in a manner that respects natural grades, topography and vegetation so as to enhance the visual aspects of the completed development and to make the most use of existing site conditions.
- (2) Building siting, once approved by Council, shall not be changed without written application to and subsequent approval of Council.

96. GROUNDWATER SUPPLY ASSESSMENT AND REPORTING

To protect existing neighbourhood area wells and to ascertain potential impacts of the proposed subdivision development to the neighbourhood area aquifer supply capacity, and to determine adequate well water quantity and quality of the proposed development in accordance with the Canadian Drinking Water Guidelines, a groundwater assessment report completed by a certified hydrologist engineer may be required to be paid for and submitted by the subdivision applicant to the Town as part of the conditions for consideration of subdivision approval where a rural residential subdivision of three (3) or more lots is to be serviced by individual wells.

PART V - USE ZONES

97. USE ZONES

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones, which are shown on the Land Use Zoning Map forming part of these Regulations.
- (2) Subject to Regulation 97 (3), the permitted use classes, discretionary use classes, and where applicable accessory and prohibited use classes, the zone standards and development requirements, and terms and conditions, applicable to each Use Zone are identified in the Use Zone Tables in Schedule C of these Regulations.
- (3) If ambiguity arises concerning the context, application or interpretation of the use, standards, requirements and conditions applicable in a Use Zone, or where such specific information is not included within the Use Zone Tables in Schedule C, Town staff, where necessary, shall interpret the Use Zone Tables to address an inquiry based upon the intent of meaning within Schedules A, B, C, and D as applicable, and if such interpretation is not accepted, Town staff shall provide the relevant background information and their interpretation in a report and recommendation for Town Council. Council shall consider the findings and interpretation of Town staff and render a final decision and interpretation on the matter.
- (4) Where there is a conflict between these Development Regulations and the NL Ministerial Regulations, the Ministerial Regulations shall apply.

98. MAP INTERPRETATION

- (1) The 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 zoning amendment shall be required to allow minor adjustments of the Use Zone boundaries. 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 Map.
- (2) Where a lot is divided into more than one zone on the land use Zoning Map, each such portion of the lot shall be used in accordance with the zoning provisions of the applicable use zone established in Schedule C of these Development Regulations. Where a zone boundary is shown approximately at a lot line, it shall be deemed to be at the boundary

of the lot line unless the location of the zone can be justified otherwise (such as a portion of a property running into a watershed boundary).

99. USE CLASSES

The specific uses included in each Use Class as identified in the Use Zone Tables in Schedule C shall be determined in accordance with the definitions of various land use planning terms provided within Schedule A, as well as reference where necessary to the classification of uses of land and buildings and examples outlined in Schedule B.

100. PERMITTED USES

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

101. ACCESSORY USES

Subject to these Regulations, the uses that fall within the Accessory Use Classes identified in the appropriate Use Zone Table in Schedule C shall be permitted in that Use Zone.

102. DISCRETIONARY USES

Subject to these Regulations, the uses that fall within the Discretionary Use Classes identified in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with Regulation 24 and has considered any objections or representations which may have been received on the matter.

103. USES NOT PERMITTED

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes identified within the appropriate Use Zone Tables in Schedule C, or for those uses that are not adequately defined by Schedule A – Definitions or so interpreted by the Town, shall generally not be permitted in that Use Zone, unless a proposed use is very similar in meaning and intent with the listed permitted and discretionary uses. Use zone interpretation issues shall be addressed through adherence to Regulation 97(3).

SCHEDULE A - DEFINITIONS

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.

ACCESS RAMPS, STAIRS AND DECKS: means an attachment to a building to provide for access.

ACCESSORY BUILDING: refers to the following:

- i) A detached subordinate and secondary building that is not used as a habitable dwelling, located on the same lot as the main building or use to which it is accessory and which has a use that is customarily incidental or complementary to the main use of the building or land, and, other than accessory buildings and structures for agricultural uses and for temporary equipment storage and worker lunch room/similar uses related to major on-site construction projects, an accessory building is not constructed on a property until the principal use building is erected;
- ii) For residential uses, domestic garages, carports, ramps, sheds, equipment and tools storage building, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae represent indicative accessory use buildings;
- iii) For commercial uses, workshops, equipment and tools storage, garages, and greenhouses are representative accessory use buildings;
- iv) For industrial uses, garages, offices, equipment and tools storage, raised ramps and docks are deemed to be accessory use structures and buildings; and,
- v) Where an accessory building is clearly a secondary building on a property and is generally significantly smaller in square footage area size than the principal building.

ACCESSORY USE: means a land use that is allowed as a secondary and incidental activity or building to a primary permitted land use within a zone category, as identified within the Development Regulations.

ACCESSORY APARTMENT RESIDENTIAL: means a residential use of more than four apartment units located on the second storey, and above, a ground floor commercial zone use.

ACCESSORY EMPLOYEE RESIDENTIAL: means a self-contained apartment residential dwelling use of a maximum floor area size not exceeding 110 sm (1,184.07 sf) that is secondary to a commercial or industrial use, and that is located entirely within the principal building and is used for the accommodation of an employee of the business operating from the principal building. In a Civic-

Institutional zone, an accessory residential use may be located in a detached residential dwelling with a maximum floor area size of 130.06 sm (1,400 sf).

ACCESSORY RESIDENTIAL BOARDING: means a boarding or lodging house residence in which a maximum of three bedrooms are regularly rented on a monthly basis to persons other than the immediate family of the owner or tenant.

ACCESSORY RETAIL USE: means an accessory use associated with an Industrial or Business Park Zone business use activity such as manufacturing, where the retail product from the business use activity may be offered for sale to the public, provided that the Accessory Use is located entirely within the principal building on site and is limited to 25 percent of the floor area of the principal building.

ACT: means the Urban and Rural Planning Act (2000) of Newfoundland Labrador (NL), and all amendments related thereto.

ADJACENT: means a property or land use having a common boundary with another property or land use; has similar meaning as adjoining.

ADULT ENTERTAINMENT: means any premises or part thereof where objects and/or services, including entertainment, of a sexual nature, except contraceptives and authorized pharmaceutical prescriptions, are sold or offered for sale, and includes all entertainment products and services, adult entertainment dancing and striptease, body rub parlour, unlicensed massage studios, adult movie theatre, adult video store, escort service and similar.

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

AGRICULTURE: means an agricultural operation that is carried on for personal or commercial gain or reward or in the hope or expectation of gain or reward, and includes:

- (a) the clearing, draining, irrigating, or cultivation of land;
- (b) the raising of livestock, including poultry;
- (c) the raising of bees;
- (d) the production of agricultural field crops;

- (e) the production of fruit and vegetables and other specialty horticultural crops, including organic crops;
- (f) the operation and harvesting of cranberry fields;
- (g) the operation of a tree nursery, a greenhouse and the harvesting of peat;
- (h) the production of eggs and milk;
- (i) the operation of agricultural machinery and equipment, including irrigation pumps;
- (j) storage, use, or disposal of organic wastes for farm purposes;
- (k) the preparation of a farm product for distribution from the farm gate, including cleaning, grading, and packaging;
- (l) the on-farm processing of farm products for the purpose of preparing farm products for wholesale or retail consumption;
- (m) the operation of pick-your-own farms, roadside stands, farm produce stands, and tourist operations as part of a farm operation; and
- (n) any other agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

AGGREGATE RESOURCE: means a deposit of sand and gravel of sufficient quality and volume to be quarried. Aggregate deposits provide the sand and gravel for concrete, the upper layer of road bases, winter sand, etc., and are thus a vital resource.

ALL-TERRAIN VEHICLE: means an unlicensed recreational vehicle typically with four travel wheels that is able to traverse rough and uneven terrain, but where such vehicles are not permitted to be operated upon or over a municipal or provincial road.

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

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

- (a) 1 horse, cow, steer, bull, mule, donkey, bison, buffalo, or pig, including offspring until weaning;
- (b) 1 sow or breed sow (including weaners and growers based on 453.6 kilograms = 1 unit);
- (c) X hogs (based on 453.6 kilograms = 1 unit);
- (d) 3 llama or alpaca including offspring until weaning;
- (e) 6 sheep or goats including offspring until weaning;
- (f) 10 ostriches, emus or fur bearing animals, excluding fox or mink, including offspring until weaning;
- (g) 125 laying hens;

- (h) X rabbits, chickens, turkeys, ducks or geese (based on 2,268 kg = 1 unit); or,
- (i) 100 broiler chickens or roosters (1.8 to 2.3 kilograms each).

ANTENNA: means a tower structure for transmitting and receiving signals for television, radio, mobile, cellular, telephone, digital, satellite and other telecommunications services to various users. Such apparatus is intended to be sited and located on institutional and civic use and other building rooftops, on utility poles, and where appropriate and permitted as stand-alone facilities on other zoned sites, and as approved by Industry Canada.

APARTMENT BUILDING: means a higher density residential building containing more than four dwelling units, with a common front door entrance and foyer that leads to a hallway for individual dwelling unit access but does not include a row dwelling.

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

APPLICANT: means a person who has applied to an authority such as to the Town through submission of a proposal in the application form as required by the Town for an approval or permit to carry out a land or building development.

APPURTENANCES: refer to architectural features added to the main body of a building, including awnings, canopies, balconies, turrets, spires, dormers and chimneys.

ARTERIAL STREET: means a dedicated public street or roadway that serves and functions as a main traffic artery or vehicular route within the Town.

ASSEMBLY: means a Use which provides for the gathering of persons for religious, funeral, charitable, philanthropic, civic, cultural, artistic, recreational, social services, catering, service club, entertainment, educational and similar community group and organizational purposes; includes concert halls, drive-in theatres, libraries, museums, municipal government offices, churches, funeral homes, monasteries, cultural and community centres and events and accessory restaurants and lounges, banquet halls, outdoor concerts, auditoriums, schools and colleges, child care and day care centres, arenas, swimming pools, exhibition grounds, and various similar community facilities, functions, hubs and events.

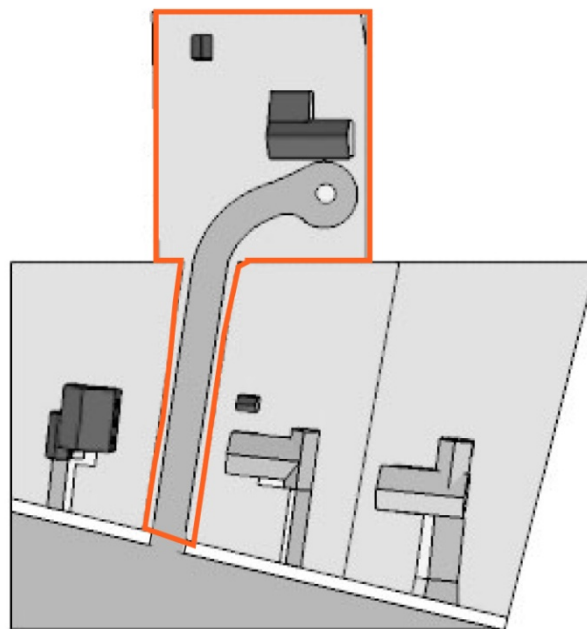
AUTHORITY: refers to Town Council and other authorized administrators such as the Province of NL, or a regional administrative entity.

AUTO BODY REPAIR: represents a commercial use type of land for the repair, painting, fabrication and detailing of the body of auto motor vehicles.

AUTOMOTIVE REPAIR: means a commercial use of land for the repair and maintenance of motor vehicles; excludes occasional oil change and other minor repairs to motor vehicles by the owner/tenant of a residential property on land where such an owner/tenant resides.

BACKLOT: refers to a residential lot that is either located behind other property that has direct frontage on a public street but where a backlot has its own frontage to a public street by way of a driveway access that forms part of the backlot parcel and in this instance is also known as a panhandle lot due to its shape and configuration, as illustrated by the following sketch:

Illustrative Sketch of (Back Lot) Panhandle Lot



BARE LAND STRATA: refers to the subdivision of land into residential lots and common property as regulated by the NL Condominium Act, where the bare land strata lots may be sold as individual lots, and where the common property on the subdivision site such as internal roads, infrastructure services, parkland, recreational and amenity facilities are deemed as common assets and property to all bare land strata owners, and where such common land and infrastructure must be maintained by the lot owners.

BED AND BREAKFAST: means a discretionary use for an owner-occupied or owner-managed establishment providing paid temporary accommodation for tourists or the travelling public for up to a

maximum of six (6) persons in three (3) guest bedrooms of. 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. Other uses that may be considered under this definition include hospitality home and inn.

BEVERAGE CONTAINER RETURN CENTRE: means a use located entirely within an enclosed building for collecting, sorting, refunding, storing and preparing empty beverage containers and bottles for shipping to processing centres.

BODY OF WATER or water bodies includes a natural aquatic resource that is in the form of a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, wetland, and other flowing or standing water, and the adjacent land usually or at any time occupied by that body of water.

BUILDING: means every constructed structure used or intended for supporting or sheltering any residential, commercial, industrial, comprehensive development, public use and other like uses or occupancies, and also means every erection, alteration or improvement whatsoever placed on, over or under land, or water, or attached to an existing building, and any part of a building as so defined, including any fixtures that form part of a building, and includes a mobile home.

BUILDING APPROVAL: refers to process of considering application proposal submissions to the Town to erect a building or structure on land located within the Municipal Boundary area. Consideration to construct a building commences upon application to the Town by a property owner/authorized representative on the basis of the following:

- that a site plan in an acceptable format is submitted by the property owner to the Town to identify where the building or structure will be situated on the subject property;
- that the building applicant confirms and verifies that all applicable federal and provincial building code and similar plumbing/electrical/ fire life safety/ environmental regulations related to site and building construction will be the responsibility of the property owner/building applicant;
- that the proposed building or structure meets the zoning and development standards requirements of the Development Regulations;
- that all other relevant building construction, infrastructure servicing and site development provisions required by the Town are addressed by the applicant and approved by the Town; and,
- that the Town may require a building applicant, at their cost, to engage a consultant engineer to verify that the proposed building has been constructed in accordance with all regulatory and building code requirements.

Construction of a building or structure shall not be commenced without approval of the Town.

BUILDING FOOTPRINT: means the horizontal area size of a building envelope or footprint on the ground upon which it is constructed.

BUILDING HEIGHT: means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure.

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.

BUFFER: means a neutral and preserved area of land that is generally undeveloped and is designed to separate and save from harm different adjacent land uses; the buffer area may be required to be enhanced with hard or soft landscaping improvements to provide for a more effective separation between adjacent land uses.

BUSINESS PARK: means an employment generating quasi-industrial use that predominantly conducts the entirety of its business within a principal building, and upon a standard of higher site, landscaping and building design aesthetics, and includes all manufacturing, assembling, processing, distribution, high technology, and similar operations and where outside storage related to the primary business activity is limited.

C

CAFÉ: means a small or inexpensive restaurant serving light or easily prepared meals, food and refreshments.

CAMPGROUND: means an area and use of land, managed as a unit, for the temporary overnight accommodation of the traveling public in tents, camper vehicles, recreational vehicles, and/or any combination of three (3) or more camp buildings, trailers, or bunkhouses, used on a short term or seasonal basis, and where the accessory uses could include a campground administrative office for guest registration, clubhouse, snack bar, laundry, convenience store, swimming pool, washrooms, showers and recreational facilities. Private campgrounds shall be deemed as commercial uses while municipal campgrounds as part of a larger open space area shall be deemed as a Recreational Open Space use.

CAR WASH: means a commercial facility for washing, cleaning and detailing of automotive motor vehicles.

CEMETERY: means a facility or land area reserved and dedicated to the burial of the dead and includes a crematorium, mausoleum, mortuary and related maintenance facility.

CHILD CARE FACILITY: means a building or part of a building in which daycare services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the *Day Nurseries Act*, but does not include a school as defined by the Schools Act.

CHILD CARE: means a discretionary use for the Home Base Business care of a maximum of six pre-school and/ or school aged children within a single unit residential home.

CHURCH: means a facility and amenity buildings that provide for the assembly of persons of any religious denomination for religious, place of worship and charitable purposes.

CIVIC - INSTITUTIONAL USE: means a use providing for public assembly functions, office and governance services by federal, provincial and municipal governments, and also institutional facilities such as a hospital, school, college or library board, and may include a municipal office, various government department offices, police and fire services, libraries, museums and archives, art galleries, a cemetery, courts of law, correctional facility, meeting rooms and associated community programs such as a food bank facility.

CLUB OR LODGE: means a building or structure used by a non-profit or private organization for fraternal, social, meeting or recreational purposes.

COLLECTOR STREET: means a street or road that is designed to link local streets with arterial streets.

COMMERCIAL USE: means a use providing for the sale or rental of goods or services, for the provision of personal and general services, or for the servicing and repair of goods and vehicles; without limiting the generality of the foregoing, includes retail sales, catering uses, convenience stores, amusement and entertainment, gift/specialty and other shops, department stores, personal services, food and restaurant, offices, tourism facilities of hotels and motels, private golf courses, private campgrounds, indoor recreation facilities including squash courts/ fitness clubs, indoor and outdoor markets, household and non-household services and repairs, and such similar commercial uses for local residents and the travelling public; excludes an industrial use, agriculture, waste management, warehousing, and wholesale uses.

COMMERCIAL KENNEL: means a business use of land for the boarding and breeding of dogs and cats and where such use in Bishop's Falls is limited to a discretionary use in either an Industrial zone or on Agricultural and Rural Residential properties greater than 2.0 hectare (4.9 acres) in area size, and for all permitted properties on the basis of 10 dogs per hectare and 20 cats per hectare.

COMMERCIAL RESIDENTIAL: means any premises such as hotels and motels, hostels, tourist cottages and residential clubs operated to provide sleeping accommodation to the traveling or recreating public and includes services and facilities in connection with the accommodations.

COMPACT DEVELOPMENT: refers to a land use planning form of land and building development that seeks to maximize economically efficient use of municipal services and infrastructure, and of the land supply, through a denser and highly designed urban pattern of growth.

COMPLETE COMMUNITY: means a model of land use planning where a community becomes more resilient and sustainable by increasingly providing for a wide variety of housing choices for local residents, and by providing for increased opportunities to shop, to work, to attend school, recreate, volunteer, attend community and cultural events and fully partake in other community events without having to continually get into the automobile and drive to another community.

CONDOMINIUM: means a highly designed modern higher density residential building containing more than four dwelling units, with a common front door entrance and foyer that leads to a hallway for individual dwelling unit access but does not include a row dwelling.

CONGREGATE CARE: means a care facility for senior and elderly residents, and others in need of care, where each resident has an individual residential apartment, and where the principal congregate care building also provides for common facilities for dining, recreation, social activities, and amenity uses such as woodworking rooms, hairdressing services and nursing offices.

CONNECTOR: means a local street that carries traffic to adjoining local streets and collector streets.

CONSERVATION: means a use where land is held, preserved, protected and/or reserved for environmental preservation, for an existing or future highway, for future potential land development, and other land uses benefiting the community.

CONTRACTORS YARD: means an area used for the storage of construction materials, supplies, equipment, tools, stockpiles of useable construction materials, and other items including temporary storage containers, construction trailers, and temporary office trailers.

CONVENIENCE STORE: means a retail commercial establishment supplying groceries, sundries, and other daily household necessities to the immediate surrounding area.

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 the Council of the Town of Bishop’s Falls having jurisdiction of the Bishop’s Falls Municipal Plan and Development Regulations.

CULTURAL USE: means a local land use or activity that involves heritage, historic, artistic, musical, customary, ethnic, and social expression of local values for economic, tourism, community, and entertainment benefit and enjoyment.

CUL-DE-SAC: means a single access local road terminating in roadway flare turning radii or bulb.

D

DENSITY: means a measurement of the intensity of use or development on a lot which is typically calculated as either allowable building site coverage on a lot or the number of residential dwelling units per acre of land that are permitted.

DEPARTMENT STORE: refers to a commercial business outlet that is customarily part of a larger regional or national chain of multiple commercial retail stores, and may include clothing apparel sales, house ware goods, hardware items, general merchandise, food and grocery, automotive accessories, furniture, flooring, sporting goods, pharmacy, office supplies and similar various retail items.

DEVELOPABLE AREA: means the area of a lot or property that may be reasonably built upon and developed, and does not include any pond, river, stream, wetland, bog, marsh or other environmentally sensitive lands, and does not include the area of the property that is characterized by geotechnical limitations, unless certified by an engineer, and unstable soils, and does not include those portions of the property specifically excluded from land development in accordance with the provisions of the Provincial Policy for Flood Plain Management.

DEVELOPMENT: means the carrying out of any activity or operation in the process of making of any material change on, over, or under any land or building within the Town’s Planning Area boundary, or in making any material change in the use, or the intensity of use, of any land, water, building or premise for any purpose, and as otherwise determined by Town Council, and shall include the following:

- (a) The carrying out of any building, engineering, construction, mining, forestry or other operations in, on, over or under land;
- (b) Construction, erection, alteration, expansion or addition of buildings and structures;
- (c) Disturbance of soils, including the making of grade and elevation changes on land, the making of drainage alterations on land and/or erosion impacts to adjacent lands, or the deposition or removal of soils from any property or land, and/or the removal, alteration, disruption or destruction of vegetation;

- (d) Construction of roads, trails, docks, wharves and bridges, and construction of any access to highways and roads,
- (e) Provision and maintenance of sewer, water and drainage services, utility corridors, dams and flood protection works;
- (f) Erection of an advertisement or sign; and,
- (g) The parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time;

and excludes the:

- (h) 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, the use and/ or the structural integrity of the building;
- (i) 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;
- (j) 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;
- (k) landscaping improvements to commercial and industrial sites; and,
- (l) use of a building or land within the yard area of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a residential dwelling, such as gardening and landscaping.

DEVELOPMENT DESIGN GUIDELINES: refer to provisions of the Development Regulations where site/ landscaping/ signage/ building design information and direction is provided to help Council and Town staff manage the form and character of building and site design through general guidelines for various higher density residential uses, and for commercial, industrial and specific civic-institutional developments, as discretionally determined for application by Council.

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 Town outlines identifies conditions and requirements for the applicant to adhere to as part of the application approval.

DEVELOPMENT REGULATIONS: means land use regulations and by-laws respecting land use management, and land and building development, that have been enacted by the relevant authority under the Urban and Rural Planning Act (2000), and serve as a companion community planning document to the Municipal Plan.

DEVELOPMENT SCHEME: refers to a specific land use plan for a localized area of the community, often referred to as a Neighbourhood Plan, where the Plan is prepared on the basis of defined site and land use requirements.

DIRECTOR: means the Provincial Director of Urban and Rural Planning.

DISCRETIONARY USE: means a use considered by Council on a discretionary basis to determine whether such use is appropriate for a particular property, site, land use zone and neighbourhood area.

Application for a discretionary use is to be advertised to the public in accordance with the provisions of the Urban and Rural Planning Act.

DISTANCE: means the shortest separation, measured on a horizontal plane, between a lot line or street line and the nearest part of a building or structure.

DOMESTIC ANIMALS: means dogs, cats, birds, hamsters, gerbils, guinea pigs, fish, rabbits or other similar animals kept solely as household pets for the personal enjoyment and/or companionship of the resident of a property, and where the number of such outside area pets shall not exceed five (5) in total, or over three (3) of the same species . Exotic animals such as python snakes are not permitted as domestic pets within Bishop’s Falls.

DOUBLE DWELLING: means a building containing two residential dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment; a double dwelling is often also referred to as a duplex residential dwelling.

DRINKING ESTABLISHMENT: means a commercial operation, assembly hall, club, restaurant or lounge in which the sale and consumption of liquor is licensed under the *Liquor Control Act*, and in which entertainment may be provided.

DRIVEWAY: means a vehicular passageway connected to a public or private thoroughfare, and providing ingress and egress from a lot.

DWELLING (SINGLE) UNIT: means a self-contained residential unit that consists of one or more habitable rooms, where such rooms are used or designed as the living quarters for one household, and that provides for only one cooking facility or kitchen, and for the interpretation of the use zones of these Development Regulations includes single dwellings in the form of either a constructed residential house and a modular home.

E

ENGINEER: means a professional engineer employed or retained by Town Council that is certified and registered to work in NL, or where such an engineer is engaged by a land use development applicant.

ENTERTAINMENT USE: means a musical, non-profit theatre, artistic or similar performing and visual arts facility for community, cultural and leisure entertainment.

ESTABLISHED GRADE:

- 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.

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.

F

FENCE: means a constructed barrier that divides and separates property, and which may also provide privacy, security, protection and as a landscape feature. A fence is only to be constructed and installed in accordance with Bishop's Falls Fence Regulations as adopted, and as amended from time-to-time, and with siting and height requirements of the Development Regulations; except for an agricultural or farm use for livestock and other similar animals, no fences within residential areas are to use barbed or razor wire materials.

FLOOD CONTROL AREA: refers to the Province of NL Department of Environment and Conservation - Water Resources Division designated area of land within a community that is subjected to periodic flooding and is further subject to provincial control with respect to use development of land.

FLOOD PLAIN: means a body of water adjacent to the Exploits River which is inundated or covered with water on average at least once in 100 years.

FLOODWAY: means the portion of a flood plain where the most frequent flooding occurs at least once every 20 years, and where the flow of water is fastest.

FLOODWAY FRINGE: refers to the portion of a flood plain where less frequent flooding occurs, and where the flow of water is considered to be tranquil; on average, flooding occurs once every 100 years.

(Other) FLOOD RISK AREA: represents an area where flooding is known or has some probability to occur due to unique or unusual circumstances such as areas subject to shoreline recession, areas downstream of dams, and areas adjacent to other watercourses in the community that are potentially susceptible to flooding.

FLOOR AREA: means the total area of all floors in a building, not including the basement, measured to the outside face of exterior walls.

FORESTRY: refers to the industrial activity or operation of cutting, removal, and/or processing of trees and timber resources on land within the Town's Planning Area, and includes the replanting of removed trees and forest cover.

FRONTAGE: means the horizontal distance between side lot lines measured at the street line or, in the case of a lot on the turning circle of a cul-de-sac, the horizontal distance measured at the building line.

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

G

GARAGE: means an accessory building erected for the storage of motor vehicles as an accessory use to a main building on the lot. For duplex residential uses, a garage shall be attached to the principal building.

GARDEN CENTRE: means the use of land, buildings, or structures or part thereof for the purpose of buying or selling plants, lawn and garden equipment, furnishings, and supplies.

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

GENERAL SERVICE: means a commercial shop for servicing, repairing, installing, or renting things and equipment, including but not limited to the following examples: radio or television service or repair

shops; computer servicing; locksmith shops; small appliance service or repair shops; household service or repair shops; dry cleaners, and similar commercial services.

GRADE: means the finished level of the ground at the exterior walls of a building or structure.

GREENHOUSE: means a building whose roof and sides are made largely of glass or other transparent or translucent material for the cultivation of plants for subsequent sale, transplanting, or personal use.

H

HAZARD LANDS: refer to property at risk to land development and/or habitation because of the property characteristics of geotechnical or soil stability concerns, or of flood risks, and are not to be approved for development without approval from the province, as applicable, or as determined as required by the Town to be certified by a professional geotechnical or hydrological engineer.

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

HEIGHT: means, in relation to a building or structure, the vertical distance as measured from mean grade to the highest point on such building or structure.

HIGH WATER MARK: refers to that location adjacent to a water body where water typically rises to, or has the potential to extend to, and is typically revealed by water staining and vegetation types.

HIGHWAY COMMERCIAL: means the provision of primarily commercial services to meet the needs of the travelling public, and over the longer term future to provide for enhanced local and regional commercial services, on large lot area properties fronting on the Trans-Canada Highway, and on major arterial streets leading into the community; and without limiting the generality of the foregoing, includes hotels and motels, restaurants and food services, service stations, police stations, bus terminals, truck services, auto repair services, general garage, auto sales, car, truck, recreational vehicle and similar dealerships, car wash, drive through commercial, outdoor market, recreational open space, building supply stores, grocery store, department store, gardening centres, convenience store, movie theatre, veterinary, funeral home, beverage container return centre, light manufacturing with no unenclosed storage, warehousing and similar uses. All such uses require highway access and other approval from the Province before being considered by the Town.

HISTORIC BUILDING: means a building designated by Council as being of historic importance, or of cultural or heritage value.

HOBBY FARMING: means the pursuit of small-scale cultivation or production of plants and animals especially for relaxation and is considered non-commercial as it is outside of one's regular occupation.

HOBBY GREENHOUSE: means an accessory building or structure to a residential use, made mainly of glass or plastic, for household legal cultivation of plants, including for food production, where the greenhouse structure does not exceed 25.0sm (269.1sf) in area size for properties less than 0.8ha (1.97acres) located in the non-serviced areas of the community, and does not exceed 14.0sm (150.7sf) for residential properties within the serviced urban area; excludes cultivation of mushrooms.

HOME-BASED BUSINESS (HOME OCCUPATION): means a discretionary business use to an approved residential dwelling where a resident conducts a profession or occupation that is clearly secondary to the primary residential use of the property and is in accordance with the provisions defined by the Town's 2005 Home Based Business Regulations; excludes uses such as adult entertainment, tow truck operations and similar and other uses that are not in character with the residential use of the neighbourhood. An application for the establishment of a Home Based Business must be submitted for approval by the Town.

HORSE BOARDING STABLE: means a building, structure, or premises used for the feeding, housing, and exercising of horses for gain or profit.

HOSPITAL: refers to an institutional facility that serves as the primary health, medical and emergency care centre located in the community.

HOUSE: refers to a single unit residential dwelling structure that is intended to be located on a residential lot on the basis of one house building for each separate legal property.

HOUSEHOLD: refers to the persons, related or non-related, living as a residential unit within a single residential dwelling, on the general basis of a maximum of two persons within each legally constructed bedroom within the dwelling.

HOUSEHOLD SIZE: refers to a calculation to ascertain the average number of residents living within one residential dwelling unit as determined by dividing the total population of Bishop's Falls by the total number of residential dwelling units.

I

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.

INDUSTRIAL USE: means the use of buildings and land for employment generating business uses including manufacturing, processing, assembling, fabricating, storing, distributing and production operations and their related office uses, hydro power generation, trucking and distribution sites, Light Industry, contractors yards, general garage, warehouse and wholesaling buildings, and similar light and heavier industrial uses that do not interfere by reason of smoke, vibration, smell, toxic fumes, grit, soot, ash, dust, glare, electrical or electronic interference, noise or appearance, with the use / amenity/ and/or enjoyment of an adjacent lot or surrounding area. Excludes a Special Industrial Use.

INDUSTRIAL USE, SPECIAL: means the discretionary use of land, with or without a building, for the use of specific industrial operations that may pose land use compatibility and siting challenges with adjacent land uses, and include business activities and operations such as asphalt plants, propane tank storage and servicing outlets, Auto Body Repair, concrete and cement processing plants, gravel sorting/crushing and processing, abattoirs, septic tank services, waste reduction and transfer plants, industrial lay down yards, commercial composting operations, commercial mushroom growing, commercial kennels, heavy vehicles repair and equipment storage, tow truck business, auto salvage, Salvage Yard, wrecking of goods/materials and things, storage and recycling of used tires, sawmills, particle board and woodchip operations, biomass facilities, and similar industrial business uses.

INFILL DEVELOPMENT: means economically efficient development or redevelopment of land occurring following completion of the initial development of the area, and where such development typically occurs on lands located within existing infrastructure serviced and built up areas, and through a compact and more highly designed form of land and housing development.

INFILL LOT: means a lot or property which exists, or is created by further subdivision, as a form of economically efficient residential development within an existing built-up and developed area of a neighbourhood.

INFRASTRUCTURE: for the purpose of these Development Regulations, refers to municipal and public infrastructure services of roads, sanitary sewer, municipal water and storm water drainage works, pumping and booster stations, pressure reducing facilities, solid waste treatment and similar municipal and other provincial works and services.

INSPECTOR: means any person appointed and engaged as an Inspector by Council or by any federal or provincial authority or the agent thereof.

INSTITUTION: means a building or part thereof occupied or used by persons who are either involuntarily detained, or detained for penal or correctional purposes, and whose liberty is restricted, or those persons who require special care or treatment because of age, mental or physical limitations or medical conditions.

K

KEEPING OF LIVESTOCK: means the raising, maintenance or use of livestock.

KITCHEN: means, at a minimum, a portion of a dwelling unit containing a fridge, stove or other cooking appliance, sink and lower and upper cabinets; each residential dwelling unit is to have a kitchen.

L

LAND: includes land covered and not covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of these buildings and structures, and where such tract of land may be conveyed by deed.

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 on-going maintenance of a combination of lawn, shrubs, flowering plants, trees, vegetative ground cover, and other horticultural and/or architectural treatments and elements.

LANDSCAPE SCREEN: means a visual barrier or buffer area on a development site that is planted with trees, shrubs or other landscape vegetation, and which may be combined with a raised landscape mound, a decorative fence or a brick, stone or masonry wall, so as to minimize the view of the use of the property from public view, or to separate a parking area from an adjacent property, or as to screen a hydro junction box or refuse container area, or to obscure vehicle lights from the development site into an adjacent building or property.

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

LIVESTOCK: means any species of poultry, cattle, sheep, swine, goats, llamas, or horses, which are normally been kept and raised on farms and used or intended for use as food or food related purposes, or for riding (e.g. horses), or for improving animal nutrition, breeding or management if intended for use for profit or otherwise.

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.

LOCAL STREET: means a street that is part of the municipal road network that is intended to serve local residential and other land use areas, and connects to the more major municipal collector and arterial streets.

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

LOT AREA: means the total horizontal area within the lot lines of the lot, and often referred to as the area size of the lot.

LOT, CORNER: means a lot having two or more adjacent sides fronting on two or more intersecting roadways.

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

LOT DEPTH: means the shortest distance within the lot between the front lot line and the rear lot line.

LOT FRONTAGE: means the front portion of a lot or property determined as the width between two side lot lines measured at the street or building line of a lot, which directly abuts and joins an adjacent public street or road.

LOT GRADING: refers to development activity of altering the surface of the land through the excavation of the cutting and filling of native soil on property; for any development activity on land, the Town may require a property owner or a land development applicant to provide information on the proposed lot grading, including the extent of excavation proposed for the development site; the initial property grades and the elevation contours of the proposed post-construction grades of the property; how the grade changes to the property will interface with adjacent lands; any changed drainage patterns from the site development; and any and all proposed remedial lot grading and drainage strategies.

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. An interior side lot line shares a common lot line with an adjacent lot; an exterior side lot line represents a side lot line adjacent to a street.

M

MARKET, INDOOR / OUTDOOR: means a use to provide for the seasonal and/or occasional display and sale of goods and services.

MINERAL WORKING: means land or buildings used for the working or extraction of any naturally occurring substance. Related grading, sorting and crushing uses are deemed to be processing uses requiring an industrial use zone.

MINIMUM LOT SIZE: means the smallest area into which a property may be subdivided.

MINK: means a discretionary use of land for the raising of fur bearing animals for commercial gain and shall be limited in their siting location to Rural zoned areas on the basis of a minimum parcel size of 8.09 hectares (20.0 acres), an approved site layout in relation to adjoining lands and neighbours, an approved waste management plan, and approval from the Province and Council. The raising of fox and similar animals for commercial gain shall also be subject to the land use requirements identified for mink.

MIXED USE: means a land use zone of two or more primary principal uses.

MOBILE HOME (Mini Home): means a transportable factory built and assembled CSA Z240 approved trailer structure on wheels intended for residential dwelling use but sometimes also proposed for use as an accessory building for an office or other use. Mobile homes are not a permitted use as a new residential dwelling or as an accessory building within these Development Regulations except as a

replacement unit for an existing residential mobile home. Double wide mobile homes that are placed and set up on a permanent poured concrete foundation, and approved for connection to utilities and infrastructure, and provincial approvals where applicable, may be considered for residential use within the Rural Residential Zone.

MODULAR HOME: means a residential dwelling of a minimum 6.5m (21.3 feet) width, constructed of finished sections of a complete dwelling that are factory built in accordance with CSA standards, and intended for transport to a residential lot and after placement on a poured concrete foundation and connected to infrastructure and utility services, as required and approved, is for use as a principal residence as a single unit dwelling.

MOTOR VEHICLE: means a motor vehicle defined by the Provincial Act related to automobiles and other motor vehicles.

MUNICIPALITY: refers to the local government authority and also refers to the Town.

N

NATURAL BOUNDARY: refers to the visible high water mark of any pond, river, stream, wetland, marsh or other body of water where the presence or action of water of the water are so common and usual, and so long continued in all ordinary years as to mark upon the soil of the bed of the pond, river, stream, wetland, marsh or other body of water, a character distinct from that of its banks, in respect of vegetation, as well as in respect to the nature of the soil itself.

NATURAL GRADE: means the normally existing topography, or the topography established as a component of subdivision servicing and site development on the property prior to any construction.

NEIGHBOURHOOD COMMERCIAL: means the limited commercial sale of goods and provision of services to meet the daily shopping convenience and needs of nearby residential neighbourhoods in the form of an individual store not exceeding a total floor area of 140 sm (1,507.0 sf) or small groups of shops not exceeding a total floor-space of 929 sm (10,000 sf), and where such commercial uses include limited retail, personal services, offices and restaurants in the representative form of small food and variety stores, small appliance repair and hair stylists, administrative/ medical/ professional offices, cafes and similar small scale commercial outlets that are in appropriate scale and character with the immediate and nearby neighbourhood.

NEW STREET: refers to a street that is newly-constructed at the time of development, and includes new extensions to existing streets.

NEWFOUNDLAND LABRADOR: is also referred to as NL.

NON-CONFORMING USE: refers to a land use which is not permitted by the updated Development Regulations but where such use existed prior to the date of the Development Regulations coming into effect, the non-conforming use retains legal right of use in accordance with specified conditions as outlined within the Urban and Rural Planning Act and the Minister’s Regulations.

NOXIOUS USE: means a use of land or building, which from its nature or operation, creates a nuisance, or is liable to become a nuisance, offensive or dangerous by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other material. Municipal infrastructure operations and services such as the new developed Wastewater Treatment facility, current sewer outfalls to the Exploits River, and similar municipal initiatives are exempt from the Noxious Use definition.

NURSING HOME: means a special care facility or residence licensed under Provincial legislation, in which the proprietor supplies lodging primarily to seniors and elderly residents and in addition, may provide nursing, medical, or similar care and treatment. For the purpose of these Development Regulations, the meaning shall also include senior care facilities and homes, convalescent homes, homes for aged and hospice facilities.

O

OFFICE: means a use providing for administrative, governmental, professional services and general office functions, and includes accounting and bookkeeping, advertising, architectural, consulting, engineering, geological, planning and design, surveying, attorney, counseling, data processing, scientific and research, employment agency, social services, public relations, insurance, travel agency, realty offices and similar commercial and administrative office functions and uses, including a supportive office to a larger industrial use, a recreational open space use or for the management of mobile home park, campground or similar site developments; excludes tow truck offices, storage compounds, manufacturing and storage of any product for sale.

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.

OPEN SPACE: means land set aside to protect and conserve natural areas. Open space may include woodlands, fields, walking trails, and passive recreational facilities, but shall not include structures such as buildings, tennis courts, parking lots, or other impervious land uses.

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

P

PARENT PARCEL: means the original parcel of land that was, or is proposed to be, the subject of a plan of subdivision.

PARK: means an open space recreational area of land preserved for the ongoing active and passive recreational needs of local residents, but excludes golf courses and environmentally sensitive areas.

PARKING LOT: means an open area of a property or site which is designed in accordance with the standards established by the Development Regulations to accommodate the parking of motor vehicles of clients, customers, employees, members, residents or tenants, and where such vehicles have a gross vehicle weight of 4,500 kilograms (9,921 pounds) or less.

PARKING SPACE: means a space within a building or parking area on a property for the parking of one motor vehicle, and where the dimensions of the parking space are defined by Regulation 60 of the Development Regulations.

PASSIVE RECREATIONAL FACILITY: 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 off-road motorized vehicles.

PERMANENT STRUCTURE: means a building or part thereof or any built structure which includes a foundation or permanent base of earth, rock, concrete or other materials.

PERMITTED USE: means a use that is listed within the permitted use classes set out in the use zone tables of Council's Development Regulations.

PERSONAL SERVICE: means a building or part thereof in which commercial services are provided and administered to the individual and personal needs of persons, and without limiting the generality of the

foregoing, includes barber shops, hairdressing establishments, beauty salons, shoe repair, tailors, photographic studios, and similar commercial services.

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

PLACE OF WORSHIP: means a building commonly used for public worship by any religious organization and may include a church, a rectory or manse, place of worship hall, auditorium, day nursery or religious school associated with, or accessory thereto.

PLANNING AREA: means that provincially designated land area of Bishop's Falls that has been identified for land use management policies of the Municipal Plan and regulations of the Development Regulations, and includes the Town's Municipal Boundary Area.

POND FRONTAGE: means the horizontal distance between two side lot lines measured at their points of intersection with the shoreline reservation or high water mark of the pond, whichever is greater.

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 within the discretionary use classes of the Development Regulations; it also refers to a use that an authority specifies as not being permitted within a use zone.

PUBLIC RIGHT-OF-WAY: means a route across private or Crown land that may be followed, but not deviated from, by members of the public. A public right-of-way may serve the same function as a public street or road, but is not publicly-maintained. No new buildings for residential use shall be built on property with only public right-of-way access unless alternative and appropriate access, as approved by the Town Council or an engineer engaged by the Town, and Provincial approvals as applicable, is provided.

PUBLIC STREET OR ROAD: means a portion of land for the purpose of a street, road, or highway, which has the following characteristics:

- it is designed for the public passage of vehicles and pedestrians and is accessible to fire trucks and other emergency vehicles;
- it includes all road related infrastructure, for example, the roadway itself, side ditches, culverts, and bridges; and,
- its maintenance is the responsibility of Council or the Provincial Department of Transportation.

PUBLIC USE: means lands that are zoned as Civic-Institutional to provide and serve for the assembly, civic, cultural, spiritual, recreational, health care, educational and institutional needs of the community.

Q

QUALIFIED CONSULTANT: means a registered, certified 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 at the sole financial cost of a development applicant or property owner as part of a Development Permit or other development 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 matters.

R

REAL PROPERTY: means not only land and whatever building or structure is erected thereon, or vegetation growing thereon, or affixed thereto, but also rights issued to, annexed to, and exercisable within or about, the land.

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

RECREATION FACILITY: means a building used for indoor sports activities and/or public assembly events.

RECREATIONAL OPEN SPACE: means a recreational use conducted outdoors that may be designed and equipped for the conduct of sports and/or leisure activities, and may include a multi-use trail, nature interpretation centre, active and passive parks, municipal campground, playground, outdoor skating rink, picnic area, playing field, tennis court, or similar uses.

RECREATIONAL VEHICLE: means a vehicle designed as a temporary seasonal dwelling for travel, recreational and vacation use, and which is either self-propelled or mounted on, or pulled by another vehicle, and includes a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer, camper van, converted school bus and boat. A Recreational Vehicle is not permitted to be used as a permanent dwelling unit within Bishop's Falls.

RECYCLING FACILITY: means the industrial use of land for depositing, storing, separating, dismantling, salvaging, treating, renovating, or redistributing, discarded materials, such as paper, glass, plastics, timber, metals, manufacturing cut-offs, household goods and oils.

REGISTRATION refers to the official date of the effect of the Development Regulations.

REMAINDER LOT: means the remaining area of a parent parcel of land that is being subdivided into one or more lots.

RESIDENTIAL USE: means a dwelling unit use providing for the accommodation and home life of a person or persons as a family or not.

RESIDENTIAL CARE: means a residential use within a single unit dwelling accommodating up to, but not more than, four (4) persons with physical and/ or emotional disabilities (exclusive of staff) in a home-like neighbourhood location. Subject to the size limitation, this definition also includes, but is not limited to the facilities called "Group Homes", "Family and Group Homes", and "Foster Homes". Methadone clinics, homes for drug addiction care and facilities intended for residents of early release from correctional facilities are not permitted within a Residential Care Use, but require specific zoning for the Civic- Institutional Zone.

RESIDENTIAL INFILL: refer to Infill Development.

RESIDENTIAL, SEASONAL: means a residential use of one dwelling unit for temporary seasonal accommodation in a smaller summer cabin or cottage structure, or hunting and fishing cabins, and sited in detached non-urban rural locations, and not sited within a designated flood risk area or other environmentally sensitive areas, and where such use is not intended as permanent living quarters.

RESIDENTIAL, SINGLE UNIT: means a residential use of one dwelling unit on one lot in the form of a typical detached wood frame residential house or modular home, of various building sizes, and used exclusively by one household for residential purpose, and on residential lots of varying parcel size densities as identified by the Town of Bishop's Falls Development Regulations.

RESIDENTIAL, TWO UNIT: means a residential use of two side by side attached dwelling units on a lot, each with separate entrances, and often referred to as duplex residential units, but not including a single unit residential use with a subsidiary basement apartment; newly developed such uses within Bishop's Falls are intended to provide for enhanced design façade treatments, as approved by the Town, to the exterior of the building.

RESIDENTIAL, THREE UNIT: or commonly known as a three-plex is intended to be a well-designed higher density residential building that provides for three separate dwelling units but has the appearance of a larger single unit residential home.

RESIDENTIAL, FOUR UNIT: or commonly known as a four-plex is intended to be a well-designed higher density residential building that provides for four separate dwelling units but has the appearance of a larger single unit residential home.

RESIDENTIAL USE, ROWHOUSE: means an inferior designed and older form of building construction for attached multi-unit residential dwellings where individual unit identity is lacking.

RESIDENTIAL USE, TOWNHOUSE: means a highly designed building and landscaped residential use located within the urban serviced area and consisting of three or more dwelling units on a lot or site that may be either attached or detached residential dwelling units, and if attached, there shall be a maximum of six attached dwelling units; each dwelling unit with a Townhouse Residential Use shall have some degree of individual unit identity, a private entrance and direct ground level access to the outside and to private open space other than a balcony or sundeck.

RESIDENTIAL SUBDIVISION: means the development of subdivided land into two or more parcels for the purpose of developing residential housing dwelling units.

RESTAURANT, FULL-SERVICE: means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises.

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

RESOURCE USE: means a use providing for the management and extraction of primary forest materials, and excludes all manufacturing and processing except preliminary grading.

RETAIL: means a commercial use providing for the sale of tangible goods, wares, merchandise, materials and other items where the customer can take away the purchased goods for their household or business use, and includes grocery and department stores, hardware and general merchandise stores, pharmacy, convenience, book and liquor stores, automotive parts, second hand stores and similar commercial goods stores. Within this definition, retail use excludes restaurants, adult entertainment stores and pawnshops.

RIVER FEATURE: means land adjoining or near the Exploits River that forms part of the marine river environment, including river banks, beaches, adjacent wetlands and marshes, shoreline cliffs, rock platforms, and rock crevices.

ROAD: at the municipal level refers to a dedicated street allowance, constructed to a municipal standard, including drainage, street lighting, and potential sidewalks and/or walking lanes, to provide for the transportation movement of licensed, registered and authorized motor vehicles, bicycles, pedestrian and other non-motorized modes of mobility, excluding motorized scooters and devices for seniors and the disabled; and where the road network consists of the local residential streets located in subdivisions, larger collector roads that move traffic from residential streets, and arterial roads that serve as the primary traffic arteries of the municipal road network.

RURAL: means the more detached and forested geographical areas of the Town that are not serviced with sanitary sewer.

RURAL RESIDENTIAL: refers to a new residential land use zone class for the Town wherein acreage residential parcels are to be permitted through subdivision and development approval consideration by the Town, and through approval of Services NL for septic approval, fire protection, well water quantity and quality, and other considerations, and where residential homes to be built are intended to conform to general design guidelines as determined by Council.

S

SALVAGE YARD: means an industrial use of a building, warehouse, yard, or other premises where scrap metal, motor vehicles, and vehicular parts are collected and are wrecked, crushed, demolished, sorted, disassembled, repaired and resold.

SENIOR'S HOUSING: refers to variable types of residential dwellings and housing forms and care facility buildings to meet the emerging needs of residents of the community who are growing older, and more aged.

SERVICE STATION: means a commercial use of any land or building for the sale of petroleum products, automotive parts and accessories, and may also include accessory uses for minor repairs of motor vehicles, washing and polishing of motor vehicles, and a convenience store.

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.

SETBACK: means the horizontal minimum separation distance between a building or a structure to the front, rear and side property lot lines on a land development site, and for the required separation distance of all site buildings and development proposed adjacent to various water bodies, to environmentally sensitive and flood plain areas, as measured to top of bank locations of such water and environmental features.

SEPTIC EFFLUENT DISPOSAL SYSTEM: refers to the on-site development of a provincially approved Services NL system of a septic effluent receiving tank, piped distribution system and an effluent disposal in-ground field within a property so as to allow residential and other land use human habitation of building developments.

SEWER SPECIFIED AREA: refers to that geographical area of the Town where municipal sanitary sewer is available or may be extended, as defined by Town Council.

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

SHOPPING CENTRE: means a group of shops and complementary commercial uses with an integrated and landscaped designed parking lot and which is planned, developed and designed as a commercial development site containing a minimum of 5 retail establishments.

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

SIDEYARD: means the distance between an interior or an exterior side lot line and the nearest side wall of any building on the lot.

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 Bishop's Falls, 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, unless supported by a geotechnical engineer report for Council's consideration.

SLOPE, MINOR: means those steep slopes that cover less than a one hectare (2.47 acres) area size, and where Council may consider, upon qualified consultant geotechnical review, grading of the land for such development as infill residential proposals within the traditional community locations.

SMALL-SCALE AGRICULTURE: see Hobby Farming.

STORAGE: is an accessory use and refers to the accumulation of goods and materials, and to the area where the goods and materials are kept. Storage is generally intended to be contained and enclosed within a building, but where located outside, the storage is intended to be screened from public view and to be generally minimized in area size in relation to the area size of the principal building on site.

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

STREET LINE: means the edge of a public street or road reservation as defined by Council having jurisdiction.

STREETSCAPE: means the visual appearance or view that may be observed along a public street, composed of natural and man-made components including buildings, paving, walking lanes, trees and other plantings, street hardware such as light standards and other miscellaneous elements that comprise the street form.

STRUCTURE: means anything constructed or erected which requires location on the ground or sunk into water, or is an attachment to the ground or water, and includes sheds, platforms, decks, gazebos, tanks, poles, towers, antenna, wharfs, swimming pools, wind turbines and covered structures for building supplies and similar materials. All such structures require issuance of a building permit and/ or approval from the Town. A fence that is less than 1.5 m (4.92 ft) in height that is used as site landscaping shall not be deemed a structure.

SUBDIVISION OF LAND: means the dividing or consolidation of land, whether in single or joint ownership, into two or more parcels of land for the purpose of development, and in accordance with the permitted minimum lot area sizes of the applicable zone where the land is located.

SUBSIDIARY APARTMENT: means an accessory use for a secondary residential dwelling unit that is contained typically within the basement of an owner occupied single family residential dwelling unit, has its own external access to the outside and is separated from the principal dwelling by an approved Canadian Building Code firewall separation; the size of the subsidiary residential apartment shall not exceed 40% of the habitable floor space of the principal dwelling unit, and shall have a maximum floor space of 90.0sm (968.7sf). Proposals for a Subsidiary Apartment shall apply to the Town for development approval of same, and shall further provide to the Town satisfactory confirmation of subsidiary apartment construction compliance to federal and provincial building codes and related electrical, plumbing, and fire life safety regulations. The Town may further require an applicant to engage at their cost an engineer to verify that the subsidiary apartment has been constructed in compliance with all applicable national building code and other building requirements and regulations. The subsidiary apartment may subsequently be subject to an annual service levy for use of additional municipal services of water and sewer, and refuse collection, as determined by Council. Council may consider a subsidiary apartment for seniors as a granny suite built as an attachment to the main floor of the principal residential use building.

SUSTAINABLE DEVELOPMENT: refers to a land use planning approach that undertakes a comprehensive process for the management and use of land, including the identification and preservation of the non-developable areas of a site, before determining the potential use of and density of other remaining portions of the property for development, and where such development contributes both positive short term and longer range environmental, economic, social and cultural benefits to a community.

I

TAVERN: means a building use licensed or licensable under the NL Liquor Control Act where alcoholic beverages are served, with or without food services, and with or without entertainment, and includes a nightclub.

TOP OF BANK: means the point closest to the natural boundary of an environmentally sensitive or floodplain 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 the Town of Bishop's Falls, including both Town Council and municipal staff.

U

UNENCLOSED STORAGE: means the storage and accumulation of materials outside of a building and without any screening to buffer the storage from public view.

UNLICENSED VEHICLE: means a motor vehicle as defined by the Provincial Motor Vehicle Act that does not have a valid license prominently displayed on it.

UNSIGHTLY PROPERTY AND PREMISES: Properties within the Town of Bishop's Falls are required to be maintained at an acceptable level of appearance, landscape maintenance and building physical condition. Unsightly describes a property or premises having one or more of the following characteristics:

- (a) The accumulation of junk, filth, litter, brush, discarded materials, refuse, rubbish, garbage or graffiti;
- (b) Fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting;
- (c) Landscaping that is dead or is damaged, or that is characterized by a lack of maintenance and/or uncontrolled growth;
- (d) A lowering in quality of the safe condition or appearance of a building or structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive lack of maintenance; or
- (e) Any other similar conditions of disrepair, deterioration and public safety risks, regardless of the condition of other properties in the neighbourhood.

URBAN: means that development area of the community that is located to the south of the Trans-Canada Highway, and as generally representing the sanitary sewer and water serviced part of the Town that provides for an urban density form of land and building development for residential, commercial, industrial, and other land uses. Non-urban refers to those locations of the community that are not deemed as urban.

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.

UTILITIES: refers to electrical transmission and distribution lines, fibre optic transmission and similar utility corridor transmission services.

UTILITY EASEMENT: for the purpose of these Development Regulations, refers to a right of way legal instrument over land that allows the development and passage of all applicable utilities and municipal services and infrastructure.

V

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 these Development Regulations.

VIEWSCAPE: means an area that can be seen from a specific vantage point location where the view may be deemed as scenic to the natural or built environment and is intended to be protected.

VETERINARY CLINIC: means an establishment used by veterinarians, or practitioners in related specialties, for the purpose of practicing veterinary medicine and where animals are admitted for examination or treatment, and where limited laboratory and other diagnostic services may be offered on an outpatient basis, but excludes a kennel.

W

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.

WAREHOUSE: means an industrial use where a building, structure or part thereof is used for the storage, distribution and wholesaling of merchandise or large quantities of goods.

WATER BODY: refers to ponds, the Exploits River and other natural water systems.

WATER PROTECTION AREA: means those designated land areas of the Town that are protected from land development to preserve the integrity of the community's water supply area.

WATER SPECIFIED AREA: means that geographical area of Town, located to the south of the Trans-Canada Highway, where piped municipal water service is available or where it may be extended.

WATERCOURSE: means the full width and length, including the bed, banks, side and shoreline, or any part, of a river, stream, spring, brook, reservoir, canal, or other natural or artificial channel open to the

atmosphere, the primary function of which is the conveyance or containment of water, whether the flow is continuous or not.

WATERSHED: means the surface area contained within a divide above a specified point on a river, stream, or creek or other flowing body of water;

WETLAND: means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions, and includes swamps, marshes, bogs and estuaries; Wetlands are environmentally sensitive areas and are predominantly non-developable except for uses such as cranberry production, as approved by environmental and agricultural Departments of the Province of NL.

WIND TURBINE: means a wind turbine with a generator designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is suitable for use by the electrical grid. The following are supplemental definitions related to wind turbines.

Blade: means an element of a wind turbine, which acts as a part of an air foil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Sub-station: means an electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local power grid.

Sweep Area: means the area that the blades of a wind turbine travel through during one complete revolution.

Tower: means the tubular structure or metal grids, above grade, that supports the nacelle and rotor assembly of a wind turbine.

Tower Foundation: means the tower support structure, below grade, that supports the entire weight of the wind turbine. It shall also include any foundations or anchors used by supporting guide wires.

Tower Height: means the height from grade to the highest vertical point of the tower, excluding the wind turbine assembly or blades.

Tower Total Height: means the height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.

Wind Turbine – Commercial: means one or more wind turbine and generator, which has a collective energy rating of greater than 100 KW. Generated electricity is intended for use by the owner/developer and may be connected to the local power distribution grid for the purpose of selling surplus power. Wind turbine(s) shall include but not be limited to wind turbine generators, operations and maintenance buildings and any other structures associated with the development of wind power generated electricity.

Wind Turbine – Private: means a maximum of two wind turbines and generators, which have a collective energy rating 100 KW or less and are used to supply or supplement the supply of electricity to a private residence, business, other commercial uses, public, rural, mixed, open space and recreational uses, as well to a municipal or other civic building or facility. The electrical system may be connected to the local distribution power grid for the purpose of selling surplus power.

Y

YARD: 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.

Z

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.

ZONE: means a defined area, including land or water, to which a uniform set of regulations pertaining to uses, density, development standards, and terms and conditions of use apply.

ZONING MAP: means the land use zone map that is attached to and forms an official part of these Development Regulations.

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS

NOTE: The classification of uses set out in the following table is based on the Classification of Typical Occupancies as substantially included as Table 3.1.2.A of the *National Building Code of Canada 2005*.

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY and CIVIC USES	1. Assembly Uses for the performing arts	(a) Theatre	Movie theatres Concert hall
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Art Galleries Court Rooms Meeting Rooms Municipal Government Offices and Buildings
		(b) General Assembly	Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys
		(c) Educational	Schools Colleges (non- residential)
		(d) Place of Worship	Churches and similar places of worship. Church Halls Temples
		(e) Passenger Assembly	Passenger Terminals
		(f) Club and Lodge	Private Clubs and Lodges (non-residential)
		(g) Catering	Restaurants Cafe Bars Lounges Taverns

GROUP	DIVISION	CLASS	EXAMPLES
		(h) Funeral Home	Crematoria, Funeral Homes and Chapels
		(i) Child Care	Day Care Centres
		(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms
	3. Arena-type Uses	(a) Indoor Assembly	Arenas and Ice Rinks Armouries Indoor Swimming Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks Outdoor Swimming Pools Amusement Parks Fair-grounds Exhibition Grounds Drive-in Theatres
B. INSTITUTIONAL (CARE OR DETENTION) USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations (with detention facilities) Prisons Psychiatric Hospitals (with detention) Reformatories
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for Aged Seniors Care Facilities Nursing home Hospitals Infirmarys Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Modular Homes Double-Wide Mobiles (Rural Res.) Residential Care and Group Homes Accessory Residential

GROUP	DIVISION	CLASS	EXAMPLES
			Subsidiary Apartments
		(b) Double Dwelling	Semi-detached Dwellings Double or duplex Dwellings Residential Care and Group Homes
		(c) Multi Dwelling	Town Houses and Row Houses
		(d) Apartment Building	Apartments Condominiums
	2. General Residential Uses	(a) Collective Residential	Residential Colleges and Schools Convents & Monasteries Nurses and Hospital Residences
		(b) Boarding House Residential	Accessory Residential Boarding Lodging Houses Bed and Breakfast
		(c) Commercial Residential	Hotels & Motels Hostels Tourist Cottages
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins Campgrounds
		(e) Mobile Homes	Mobile Homes
	D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office
(b) Medical & Professional			Medical Offices and Consulting Rooms Nursing Clinic Dental Offices & Surgeries Legal Offices Similar Professional Offices
(c) Personal Service			Barbers Hairdressers Beauty Parlours Health spa Fitness gym Tailor Arts and crafts instruction
(d) General Service			Self-service Laundries Dry Cleaners Small Appliance Repairs

GROUP	DIVISION	CLASS	EXAMPLES
			Tool and Appliance Rentals Travel Agents
		(e) Communications	Radio Stations Telephone Exchanges
		(f) Police Station	Police Stations (without detention facilities)
		(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service (not including a mobile vendor)
		(i) Veterinary	Veterinary Clinics
E. MERCANTILE USES	1. Retail Sale and Display Uses	(a) Shopping Centre	Shopping Centres
		(b) Shop	Retail Shops and Stores, Showrooms, Food Stores and Department Stores
		(c) Indoor Market	Market Halls Auction Halls
		(d) Outdoor Market	Farmers Market Grounds Mobile Vendor Produce and Fruit Stands Fish Stalls Automotive Dealerships
		(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops
F. INDUSTRIAL USES (HIGH, MEDIUM AND LOW HAZARD)	1. Industrial uses involving highly combustible and hazardous substances and processes	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Paint, Varnish, and Rubber Factories Spray Painting
	2. General Industrial Uses involving Limited Hazardous Substances and Processes	(a) General Industry	Factories Cold Storage Plants Freight Depots General Garages Warehouses

GROUP	DIVISION	CLASS	EXAMPLES
			Workshops Laboratories Laundries Sawmills and planing mills Printing Plants Contractors' Yards
		(b) Service Station	Gasoline Service Stations Gas Bars
		(a) Light Industry	Light Industry Business Parks Parking Garages Indoor Storage Warehouses Workshops
G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens & Nurseries
		(b) Forestry	Tree Nurseries Silviculture Harvesting
		(c) Mineral Working	Pits and Quarries Mines Oil and Gas Wells
		(d) Recreational Open Space	Sports Grounds and Playing Fields Parks Playgrounds Trails Picnic areas Interpretative Signage
		(e) Conservation	Watersheds Buffer and Environmental Leave Strips Flood Plains Steep Slopes Wildlife Sanctuaries Wetlands
		(f) Cemetery	Cemeteries Graveyards
		(g) Scrap Yard	Car Wrecking Yards

GROUP	DIVISION	CLASS	EXAMPLES
			Junk Yards Scrap Dealers
		(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels Zoos
		(j) Antenna	TV, Radio and Telecommunications Transmitting and Receiving Masts and Towers Antenna
		(k) Transportation	Airfields Marine facilities and Docks
		(l) Wind Turbine	Private Wind Turbine Commercial Wind Turbine

SCHEDULE C - USE ZONE TABLES

Schedule C of these Development Regulations presents key information to the zoning management of land within Bishop's Falls. The twenty (20) distinct land use zones that are to apply to land within the Town's Planning Area are introduced, including their zone acronym symbols. General zoning provisions that apply to all use zones are outlined, and each individual zone category is detailed for permitted, accessory and discretionary uses, terms and conditions for use.

This aspect of the Development Regulations needs to be read in unison with the Town's Land Use Zoning Map that applies various zone designations to lands throughout the community.

The various land use zones that apply to the Town are listed as follows:

Zone Title	Zone Symbol
Residential Medium Density	RMD
Single Unit Residential	RS
Compact Residential	RC
Two Unit Residential	RT
Multi Unit Residential	RM
Mixed Use	MIX
Comprehensive Development Area	CDA
Rural Residential	RR
Mobile Home Park	MHP
Town Centre	TC
General Commercial	GC
Neighbourhood Commercial	NC
Highway Commercial	HC
Industrial	IND

Business Park	BPK
Civic - Institutional	CVI
Recreational Open Space	ROS
Conservation	CON
Agriculture	AG
Rural	RUR

The following General Provisions are applicable to all and/or specific Use Zones.

General Provisions applicable to All Use Zones:

(1) Upkeep and Maintenance Requirements

All properties located within the Planning Area, including all land, buildings, structures, dwellings, fences, sheds, garages, parking lots, driveways, landscaping and all appurtenances shall be maintained in a state of good condition and repair, and as otherwise directed and ordered by Town Council as the enforcement authority. Failure to upkeep and maintain buildings and property may necessitate remedial actions by the Town to address resolution of the identified maintenance and occupancy issues on private property.

(2) Uses Allowed/ Prohibited Uses

Except for non-conforming uses legally existing at the effective date of these Regulations, each property located within the Planning Area, shall only be used for the permitted and companion accessory uses outlined within the land use zone that applies to each property. However where approved by Council on the basis that a proposed discretionary use is complementary to the permitted use classes within a zone, or that the development of a proposed discretionary use will not inhibit or prejudice the existence or the development of the permitted uses on a site, each property may be able to utilize a discretionary use listed within the land use zone. Additional terms and conditions may apply to the allowed uses of land.

Where a use is not listed or interpreted as being permitted or discretionary in accordance with the definitions of Schedule B and/or the Classification of Uses of Land and Buildings of Schedule C, such uses shall be deemed to be not allowed within that use zone.

(3) Principal Buildings Per Lot

Within single unit, compact, double dwelling and rural residential zones, only one principal building may be permitted on a lot or property. Other use zones may allow more than one principal use building on a property but such development shall be regulated by approved site layouts through requirements for setbacks to property lines, parking provisions, landscaping and screening needs, environmental limitations, and other separation distance requirements.

(4) Accessory Use

An accessory building or structure may not be constructed on any lot or parcel of land prior to the establishment of the principal building and use of the land on a property. However approval may be considered by Council for an accessory building or structure to be placed on a property for a defined temporary period to house tools and equipment, or to serve as an office, first aid station and/ or lunch room for workers constructing the main building use on the property. An accessory use building shall not be used for human habitation.

(5) Siting For Buildings on Strata Lots

Setbacks for buildings and structures in a bare land strata title or condominium development in accordance with the NL Condominium Act shall be measured from the internal strata lot boundaries and buildings in accordance with the setback requirements of the applicable zone.

(6) Minimum Residential Floor Area

- (a) Any building to be erected and used for a single unit, compact, and/ or rural residential dwelling shall not contain less than 79.0 square metres (850.3 square feet) of finished floor area of the residential building.
- (b) Any building to be erected and used for a double dwelling/ duplex residential use shall not contain less than 60.0 metres (645.3 square feet) of finished floor area per dwelling unit.
- (c) Any self-contained dwelling unit to be constructed as part of a larger three-plex, four-plex, apartment, row-house, townhouse or similar RM building, and used within a multi-unit RM zone development, shall not contain less than 47.0 square metres (505.9 square feet) of finished floor area.

(7) Use of Mobile Homes and Trailers and Vehicles

- (a) No new building approvals to use or to occupy a mobile home or trailer as a dwelling unit, except for replacement of existing mobile homes, shall be permitted. Double-wide mobile homes that are to be placed on a permanent concrete foundation may be considered as a discretionary use within the Rural Residential Zone. Modular Homes, as

defined by Schedule A, are allowed in all applicable residential zones as a permitted single dwelling.

- (b) No truck, bus, semi-trailer, freight container, other vehicle body, shipping container or a structure of any similar nature, or a camper, tent or similar use, shall be used as a residential dwelling unit for human habitation in any zone. This provision does not apply to recreational vehicles or trailers or tents and similar used for camping purposes on a temporary and interim seasonal basis.

(8) Complementary Yard Setbacks

To maintain the neighbourhood character of the community, where a site development of a higher density is to be sited adjacent to a lower density development, through the development permit approval consideration process for the higher density use of land, enhanced landscaping, retention of specific natural features such as trees and vegetation, and additional separation buffers may be required on the proposed higher density site to effectively interface the side lot lines of the two land uses.

(9) Development with Pond Frontage

- (a) Development proposed with frontage to a pond shall be sited and landscaped to minimize the visual impact of buildings viewed from the pond and from other land fronting on the pond. The required landscaping may include selective retention of trees and shrubs between shoreline and buildings and appropriate planting of new landscaping features.
- (b) Council may require a plan of subdivision or a development application to be accompanied by a professionally prepared landscape drawing or similar quality plan showing vegetation to be retained, areas to be graded, and areas of planting, including plants to be used.
- (c) The front yard setback to a pond for building development may be established anywhere upland from the pond setback requirement as outlined in Regulation 51 of these Regulations, provided where applicable the proposed building does not impact the on-site septic system location as approved by Services NL. The setback buffer around the pond shall remain in place to protect water quality. Council will further review each application for development with pond frontage based on its own merits.

(10) High Water Mark Buffers

A minimum 15 metre wide undisturbed buffer along the high water mark of all bodies of water in the area shall be maintained with respect to proposed development. Proponents must apply to the Water Resources Management Division for a permit under Section 48 of the Water

Resources Act for any work, inclusive but not limited to fording, culverts, bridges, stream diversions, infilling and dredging in any fresh body of water, including wetlands.

(11) Development in Wetlands and Waterbodies is Prohibited

The Water Resources Management Division will not approve development within wetland areas, infilling of water bodies for development, nor the diversion of streams to accommodate development.

(12) Wharves, Boathouses, Slipways, and Breakwaters

A permit under Section 48 of the Water Resources Act is no longer required for some marine structures. However, proponents must follow new guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses as on the Government of Newfoundland and Labrador website:

<http://www.env.gov.nl.ca/env/waterres/regulations/appforms/index.html>. A permit will be required for any infilling or dredging work associated with these structures or other works in a body of water.

(13) Where Landscaping is Required

Where Council determines that landscaping improvements are required as part of a land development proposal through the Development Permit process, Council may require a landscape deposit for the landscaping requirements be submitted to the Town to ensure the approved landscape proposal is carried out to its satisfaction.

(14) Water and Sewer Services

(a) Municipal Services

On streets serviced with municipal water and/or sewer infrastructure services, no residential lot or new dwelling will be approved that is not connected to these services. Any development requiring water and/or sewer services that will be connected to publicly owned and operated drinking water and/or wastewater systems may require approval under Sections 36 and 37 of the Water Resources Act.

(b) On-Site Services

In areas not accessible to municipal services (located more than 500.0 metres (1,640.4 feet) from services):

- i) No residential lot, new dwelling or other new development will be approved that does not have on the same lot as the principal building, a private drinking water source and sewage treatment system that has received the necessary

Provincial approvals and that meets the requirements established by the Town;
and

- ii) Shared private domestic water wells and sewage treatment systems serving two or more homes located on separate lots will not be permitted.

(15) Wind Turbines - Private

Where permitted at the discretion of Council, the development of a private wind turbine (refer to definition in Schedule A) shall conform to the site development standards and conditions outlined in Regulation 68 of Part II – General Development Standards, as well as to conform to all additional terms and conditions that may be required by Council pursuant to its approval consideration of the private wind turbine on the basis of the specific site circumstances and neighbourhood character.

(16) Contractor Yards

Contractor Yards for the storage of materials, equipment and vehicles related to the construction industry, shall only be located as primary permitted uses on General Commercial and Industrial zoned sites, except where permitted at the discretion of Council on a temporary basis on residential properties larger than 929 sm (10,000 sf) and where 50% of all materials, equipment and vehicles on the site are stored within a building, and where the remaining 50% of materials, equipment and vehicles on the site are screened from public view by a combination of fencing and landscaping. Construction materials, equipment and vehicles are permitted to be stored on all properties under current and ongoing site and building development construction.

(17) Swimming Pools

A swimming pool may be identified as permitted as an accessory use in specific use zones, subject to the following:

- (a) The swimming pool shall be located in the rear yard of a property wherever feasible;
- (b) The swimming pool shall not encroach upon any easements or rights of way;
- (c) The swimming pool shall not be located under any overhead power lines;
- (d) The swimming pool shall have a minimum setback of 2.0 metres (6.56 feet) from any property boundary; and
- (e) The area surrounding the swimming pool and pool deck must be fully enclosed by a fence of an approximate two metre height (6.56 feet), and a locked gate to prevent people, especially children, from unauthorized access to the pool area.

(18) Trans Canada Highway Realignment

Proponents of developments adjacent to the Trans Canada Highway should submit development plans to the Department of Transportation and Works for review and approval with respect to the

realignment of the Trans Canada Highway and new interchange configuration at Bishop's Falls East corresponding with the Sir Robert Bond Bridge replacement project.

(19) Future Divided Highway Extension

Proponents of development adjacent to the Trans Canada Highway should submit development plans to the Department of Transportation and Works for review and approval with respect to the future possibility of the divided highway extension from Grand Falls –Windsor heading east.

(20) Exploits Valley Airstrip

Development plans adjacent to the Exploits Valley Airstrip must be reviewed and approved by the Department of Transportation and Works prior to the commencement of any development work to ensure the safe operation of any aircraft during daylight and nighttime hours. Construction in the vicinity of the airstrip must also comply with the requirements of Transport Canada Regulations with respect to the type and height of operation or structure(s).

(21) Archaeological Site(s)

One known archaeological site is located within the Planning Area Boundary, and is protected under the Historic Resources Act. The site is DgAu-06 and is shown on both the Future Land Use Map and the Land Use Zoning Map. A 100 metre buffer must be maintained around this site. Any proposed development along the Exploits River must be forwarded to the Provincial Archaeology Office for review and approval prior to the commencement of any development work.

(22) Newfoundland T'Railway Provincial Park

The Newfoundland T'Railway Provincial Park passes through the Bishop's Falls Planning Area. This resource is managed by the Department of Environment and Conservation and any proposed development that seeks access to the T'Railway must be reviewed and approved by the Department prior to the commencement of any development work.

(23) Flood Risk

The Town of Bishop's Falls has a history of flooding. Caution should be exercised with respect to development adjacent to the banks of the Exploits River. Proponents are advised to consult with the Department and Conservation and seek flood information contained with the Bishop's Falls Flood information Map produced by the Department.

(24) Mineral Workings

Several areas of potential moderate to high aggregate deposits have been identified by the Department of Natural Resources, Mineral Lands Division and require consideration so as to meet current and future demand for construction aggregate.

- (a) As some of these identified areas are within the Wooddale Agricultural Development Area, the Wooddale Land Development Advisory Authority must approve any mineral workings activities in this area. The quarrying of these mineral resources shall be allowed pending approval by the Department of Natural Resources Agrifoods Development Branch and the Mineral Lands Division.
- (b) The Bishop's Falls Planning Area contains a number of quarries most of which are covered by current permits and these activities shall be allowed to continue.
- (c) The Bishop's Falls Planning Area contains several locations where past mineral licenses upon which mineral exploration occurred. Past mineral licences are areas in which mineral exploration is likely to resume in the future. The resumption of past mineral licenses as well as new mineral licenses leading to mineral exploration shall be allowed, pending approval by the Department of Natural Resources, Mineral Lands Division.

(25) Municipal Plan Policies

All Use Zones shall further comply with all applicable Policy Statements of the Municipal Plan.

RESIDENTIAL MEDIUM DENSITY ZONE (RMD)

(1) Zone Intent: The intent of the RMD zone is to serve as the primary residential housing zone for the built up and established neighborhoods of Bishop's Falls through the provision of serviced residential lots. Additional zones with more specific density and development standards have been added for the consideration of Council and proponents of new comprehensive developments.

(2) Uses of Land:

The following land uses shall be permitted or considered within the RMD Zone.

Permitted Use

- Single Dwelling
- Double Dwelling
- Recreational Open Space
- Conservation

Accessory Uses

- Accessory Building
- Hobby Greenhouse (subject to conditions)
- Off Street Parking
- Storage
- Subsidiary Apartment (subject to conditions)
- Swimming Pool

Discretionary Uses

- Row Dwelling
- Apartment Building
- Place of Worship
- Educational
- Convenience Store
- Medical and Professional
- Personal Service
- Antenna
- Collective Residential
- Boarding House Residential
- Residential Care

Bed and Breakfast (subject to conditions)

Child Care (subject to conditions)

Contractors Yard (subject to conditions)

Home Based Business (subject to conditions)

Development Standard Required	Single Dwelling	Double Dwelling	Row Dwelling	Apartment building			
				1 bedroom apt unit	2 bedroom apt unit	3 bedroom apt unit	4 bedroom apt unit
Lot Area (s.m.) (min)	450 m ²	390 m ²	350 m ² average	200 m ²	250 m ²	280 m ²	300 m ²
Floor Area (s.m.) (min)	80 m ²	80 m ²	65 m ²	40 m ²	50 m ²	60 m ²	70 m ²
Frontage along street (m.) (min)	15 m	26 m	12 m average	36 m	36 m	36 m	36 m
Building setback (m) (min)	6 m	6 m	8 m	8 m	8 m	8 m	8 m
Sideyard setback (m) (min)	1 m	1 m	1 m	5 m	5 m	5 m	5 m
Rearyard depth (m) (min)	14 m	14 m	14 m	14 m	14 m	14 m	14 m
Lot Coverage (%)	33 %	33 %	33 %	33 %	33 %	33 %	33 %
Building height (m) (max)	8 m	8 m	10 m	10 m	10 m	10 m	10 m

(3) Conditions for the RMD Use zone:

- a. **Servicing Requirements:** All newly created RMD lots or existing RMD zoned sites shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required by Council, or otherwise provide financial guarantees to Council for provision of such services, prior to the approval consideration by the Town of building development for any RMD lots.
- b. **Property Landscaping/ Site Design:**
 - i. The homeowner of a Residential dwelling within the RMD zone shall provide for the following landscape elements on the RMD lot:
 - The front yard area shall be seeded with grass, or otherwise vegetated and landscaped in keeping with neighbourhood area character and homes, and maintained on an ongoing basis;
 - The front yard area, except for the driveway area and a garage, shall not be used for the parking of vehicles; and,
 - ii. New subdivision developments of 3 or more RMD lots, through Development Permit approval consideration, may be required to provide for street tree planting, in a species as approved by the Town, in the front yard area of each adjacent lot and at tree planting spacing intervals of every 9.0 m (29.52 ft).
- c. **Off Street Parking:**
 - i. All parking areas on RMD lots shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and provide safe access.
 - ii. Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.
- d. **Residential Density:**

In the RMD zone, there shall be not more than 50% apartment units, row housing units or a combination of apartment and row housing units, the remainder being either single or double dwellings or a combination of single and double dwellings.
- e. **Parks and Playgrounds:**

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

f. **Boarding House:**

A boarding or lodging house is permitted in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed five (5) persons.

g. **Site Standards – Place of Worship and Educational Uses:**

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

h. **Convenience Stores:**

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

- i. The store shall form part of, or be attached to, the dwelling unit.
- ii. The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.

i. **Medical, Professional, and Personal Service Uses:**

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

- i. The use is clearly subsidiary to the residential use and does not detract from the residential character of the neighbourhood.
- ii. No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to vehicles or heavy equipment are carried out.
- iii. Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, or inconvenience and are not a nuisance to occupants of adjoining residences.
- iv. Not more than twenty-five percent (25%) of the total floor area of the dwelling, up to a maximum of forty-five square metres, is devoted to the use.
- v. No change shall be made in the type, class, or extent of services provided without a permit.

j. **Accessory Buildings:**

Accessory buildings shall have a lot coverage no greater than 7% and a height of no more than 3 metres.

RESIDENTIAL SINGLE UNIT ZONE (RS)

- (1) Zone Intent:** The intent of the RS zone is to serve as the primary single unit detached residential housing zone for Bishop's Falls through the provision of serviced residential lots at a minimum lot size of 558.0 square metres (sm) [6006.5 square feet (sf)].
- (2) Servicing Requirements:** All newly created RS lots or existing RS zoned sites shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required by Council, or otherwise provide financial guarantees to Council for provision of such services, prior to the approval consideration by the Town of building development for any RS lots.

(3) Uses of Land:

The following land uses shall be permitted or considered within the RS Zone.

Permitted Use

Residential Care

Single Unit Residential (subject to provisions of RS Conditions of Use 1.)

Conservation

Accessory Uses

Accessory Building

Accessory Residential Boarding (subject to provisions of RS Conditions of Use 2.)

Garage

Hobby Greenhouse (subject to provisions of RS Conditions of Use 3.)

Off Street Parking

Open Space

Park

Storage

Subsidiary Apartment (subject to provisions of RS Conditions of Use 4.)

Swimming Pool

Discretionary Uses

Bed and Breakfast

Child Care (subject to provisions of RS Conditions of Use 5.)

Contractors Yard (subject to provisions of RS Conditions of Use 6.)

Home Based Business (subject to provisions of RS Conditions of Use 7.)

(4) RS Conditions of Use:

1. No two identical house designs are encouraged to be repeated adjacent, or opposite, to each other. Side and front yard setbacks for two adjacent homes may be required to be staggered to create streetscape interest and various private yard open space areas.
2. Only one of the following uses, a Residential Care use, an Accessory Boarding Use, a Subsidiary Apartment, or a Bed and Breakfast use, shall be permitted within a Single Unit Residential dwelling.
3. A Hobby Greenhouse shall not exceed a building area size of 14.0 sm (150.7 sf).
4. A Subsidiary Apartment proposal shall be approved by the Town, provide confirmation of compliance to Building Code and other applicable residential dwelling unit construction regulations and may be also subject to additional municipal utility fees for water and sewer use.
5. A Child Care use as a discretionary Home Based Business shall be duly licensed and approved, staffed, equipped and operated in accordance with the applicable policies and regulations of the Province, and no two Child Care uses operating as a Home Based Business from a residential home shall be located within 300.0 metres (984.2 feet) from another Child Care use.
6. A Contractors Yard may be considered as a discretionary use on residential zoned properties larger than 929sm (10,000 sf) in area size on a temporary basis for a period not exceeding six (6) months, with potential consideration of approval for an additional 6 months, and where 50% of all storage associated with the use is stored entirely within an accessory building, and the remaining storage of materials, equipment and vehicles are screened from public view.
7. Home Based Businesses are to be considered as Discretionary Uses by the Town in accordance with the Town of Bishop's Falls 2005 Home Based Business Regulations and Regulation 64.

(5) RS Zone and Building Development Standards Requirements:

All RS lots created by subdivision and all single detached residential homes, and accessory buildings, built thereon shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Area Size	558.0 sm (6,006.5 sf)
Minimum Lot Frontage	18.0 m (59.05 ft)
Minimum Lot Depth	30.0 m (98.4 ft)
Minimum Front Lot Line Setbacks (for two adjacent lots)	6.0 m (19.68 ft) or 5.5 m (18.0 ft)
Minimum Rear Lot Line Setback	7.5 m (24.6 ft)
Minimum Interior Side Lot Line Setbacks (for two side lot lines)	1.5 m (4.92 ft) and 3.0 m (9.8 ft)
Minimum Exterior Side Lot Line Setback	3.75 m (12.3 ft)
Maximum Height of Principal Building	8.0 m (26.25 ft)
Maximum Height of Accessory Building	5.0 m (16.4 ft)
Minimum Accessory Building Side and Rear Yard Setbacks	1.5 m (4.92 ft)

Maximum Lot Coverage	40 % of lot area
Minimum Area of Principal Building Footprint	79.0 sm (850.3 sf)

(6). Property Landscaping/ Site Design:

1. The homeowner of a Single Unit Residential dwelling within the RS zone shall provide for the following landscape elements on the RS lot:

- The front yard area shall be seeded with grass, or otherwise vegetated and landscaped in keeping with neighbourhood area character and homes, and maintained on an ongoing basis;
- The front yard area, except for the driveway area and a garage, shall not be used for the parking of vehicles; and,

2. New subdivision developments of 3 or more RS lots, through Development Permit approval consideration, may be required to provide for street tree planting, in a species as approved by the Town, in the front yard area of each adjacent lot and at tree planting spacing intervals of every 9.0 m (29.52 ft).

(7). Off Street Parking:

1. All parking areas on RS lots shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and provide safe access.
2. Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

COMPACT RESIDENTIAL ZONE (RC)

- (1) **Zone Intent:** The intent of the RC zone is to provide for efficient use of the serviced area land supply for subdivision development of smaller single unit detached residential housing lots of a minimum area size of 372.0 square metres (sm) [4004.3 square feet (sf)], and through enhanced attention to house design and siting.
- (2) **Servicing Requirements:** All newly created RC lots shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required, or to otherwise provide financial guarantees for provision of such services, prior to the approval consideration by the Town of building development for any RC lots.
- (3) **Uses of Land:** The following land uses shall be permitted or considered within the RC Zone:

Permitted Uses

Residential Care

Single Unit Residential (subject to provisions of RC Conditions of Use (1))

Conservation

Accessory Uses

Accessory Building

Accessory Residential Boarding (subject to provisions of RS Conditions of Use (2))

Garage

Hobby Greenhouse (subject to provisions of RS Conditions of Use (3))

Off Street Parking

Open Space

Park

Storage

Subsidiary Apartment (subject to provisions of RS Conditions of Use (4))

Swimming Pool

Discretionary Uses

Bed and Breakfast

Child Care (subject to provisions of RS Conditions of Use (5))

Home Based Business (subject to provisions of RS Conditions of Use (7))

(4) RC Conditions of Use:

1. Proposals for Compact Residential development shall provide as determined by Council for site and house design information for Council to review, in accordance with the general design guidelines of these Development Regulations.
2. No two identical house designs are encouraged to be repeated adjacent, or opposite, to each other.
3. Side and front yard setbacks for two adjacent homes may be required to be staggered to create streetscape interest and various private yard open space areas.

(5) Zone and Building Development Standards Requirements:

All RC lots created through subdivision and all single detached residential homes, and accessory buildings, built thereon shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Area Size	372.0 sm (4,004.3 sf)
Minimum Lot Frontage	16.0 m (52.49 ft)
Minimum Lot Depth	25.0 m (82.0 ft)
Minimum Front Lot Line Setbacks (for two adjacent lots)	5.0 m (16.4 ft) or 5.5 m (18.0 ft)
Minimum Rear Lot Line Setback	7.0 m (23.0 ft)
Minimum Interior Side Lot Line Setbacks (for two side lot lines)	1.25 m (4.1 ft) and 3.0 m (9.8 ft)
Minimum Exterior Side Lot Line Setback	3.75 m (12.3 ft)
Maximum Height of Principal Building	8.0 m (26.25 ft)
Maximum Height of Accessory Building	5.0 m (16.4 ft)
Minimum Accessory Building Side and Rear Yard Setbacks	1.5 m (4.92 ft)
Maximum Lot Coverage	40 % of lot area
Minimum Area of Principal Building Footprint	79.0 sm (850.3 sf)

(6) Property Landscaping/ Site Design:

1. The homeowner of a Compact Residential dwelling within the RC zone may be required to provide for the following house design and landscape elements on a lot:
 - Compact Lot house designs, where deemed required by Council, shall be in accordance with the general design guidelines of these Development Regulations; a prominent front façade design of each small lot home is required;
 - The front, side and rear yard areas shall be seeded with grass, or otherwise vegetated and landscaped in keeping with neighbourhood area character and homes, and maintained on an ongoing basis;
 - The front yard area, except for the driveway area and a garage, shall not be used for the parking of vehicles.

2. New subdivision developments of 3 or more RC lots, through Development Permit approval consideration, may be required to provide for street tree planting, in a species as approved by the Town, in the front yard area of each adjacent lot and at tree planting spacing intervals of every 9.0 m (29.52 ft).

(7) Off Street Parking:

1. All parking areas on RC lots shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and provide safe access.
2. Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

TWO-UNIT RESIDENTIAL ZONE (RT)

- (1) **Zone Intent:** The intent of the RT zone is to serve as the new zone category for the future development of two unit (i.e. duplex) residential housing in Bishop's Falls through the provision of serviced residential lots of a minimum lot size of 790.0 sm (8503.7 sf).
- (2) **Servicing Requirements:** All newly created RT lots, and existing lots proposed for a RT use, shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required, or to otherwise provide financial guarantees for provision of such services, prior to the approval consideration by the Town of building development for any RT lots.

(3) **Uses of Land:**

The following land uses shall be permitted or considered within the RT Zone.

Permitted Uses

Residential Care

Two -Unit Residential (subject to provisions of RT Conditions of Use (1), (2), (3), (4) and (5))

Conservation

Accessory Uses

Accessory Building

Garage (subject to provisions of RT Conditions of Use (4))

Hobby Greenhouse (subject to provisions of RS Conditions of Use (3))

Off Street Parking

Open Space

Park

Storage

Swimming Pool

Discretionary Uses

Home Based Business (subject to provisions of RS Conditions of Use (7))

(4) RT Conditions of Use:

1. Proposals for Two Unit Residential development may be required to provide for site and house design information for Council to review, in accordance with the general design guidelines of these Development Regulations as applicable. No two identical house designs are encouraged to be repeated adjacent, or opposite, to each other. The front façade of duplex residential uses may be required to incorporate design articulation to reduce building massing through a recessed building facade, building material variation and front door entry design emphasis.
2. Two Unit Residential house developments shall be developed as side by side residential dwelling units, with each sharing a common boundary wall.
3. A maximum of four two unit residential buildings are to be sited adjacent to each other unless superior site and building design considerations are approved by Council.
4. A Garage use with a Two Unit Residential development shall be in the form of an attached garage.
5. Two Unit Residential uses shall provide for a fully landscaped yard area upon construction completion of the house to prevent site erosion and to aesthetically blend in with the adjacent residential neighbourhood.

(5) Zone and Building Development Standards Requirements:

All RT lots created through subdivision and all duplex residential buildings and accessory buildings built thereon, shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Area Size	790.0 sm (8,503.7 sf)
Minimum Lot Frontage	22.0 m (72.18 ft)
Minimum Lot Depth	33.0 m (108.2 ft)
Minimum Front Lot Line Setbacks (for two adjacent lots)	6.0 m (19.68 ft)
Minimum Rear Lot Line Setback	7.5 m (24.6 ft)
Minimum Interior Side Lot Line Setbacks (for two side lot lines)	2.25 m (7.4 ft)
Minimum Exterior Side Lot Line Setback	3.75 m (12.3 ft)
Maximum Height of Principal Building	9.0 m (29.53 ft)
Maximum Height of Accessory Building	5.0 m (16.4 ft)
Minimum Accessory Building Side and Rear Yard Setbacks	1.5 m (4.92 ft)
Maximum Lot Coverage	40 % of lot area
Minimum Area of Principal Building Footprint	120.0 sm (1,291.7 sf)

(6) Property Landscaping/ Site Design:

1. The developer of a Two Unit Residential dwelling within the RT zone shall provide for the following house design and landscape elements on each portion of the duplex lot:

- The front, side and rear yard areas shall be seeded with grass, or otherwise vegetated and landscaped in keeping with neighbourhood area character and homes, and maintained on an on-going basis by the property owner;
- The front yard area, except for the driveway area and the attached garage, shall not be used for the parking of vehicles; and,

2. New subdivision developments of 3 or more RT lots, through Development Permit approval consideration, may be required to provide for street tree planting, in a species as approved by the Town, in the front yard area of each dwelling unit on each adjacent lot and at tree planting spacing intervals of every 9.0 m (29.52 ft).

(7) Off Street Parking:

1. All parking areas on RT lots shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and provide safe access.
2. Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

MULTI UNIT RESIDENTIAL ZONE (RM)

- (1) **Zone Intent:** The intent of the RM zone is to serve as the zone category for the future development of higher density residential housing to a maximum of two storeys in Bishop's Falls through the provision of serviced residential lots of a minimum lot size of 2023.5 sm (21,781.4 sf) for three and four unit residential dwellings within one principal building, and a minimum lot size of 4047.0 sm (43,562.9 sf) for higher density residential projects for row house, townhouse, apartment and condominium buildings, congregate care facilities for seniors and others in need of care, and higher density bare land strata development forms as in compliance as applicable with the NL Condominium Act.
- (2) **Servicing Requirements:** All newly created RM lots shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required, or to otherwise provide financial guarantees for provision of such services, prior to the approval consideration by the Town of building development for any RM lots.

(3) **Uses of Land:**

The following land uses shall be permitted or considered within the RM Zone.

Permitted Uses (subject to provisions of RM Conditions of Use (1), (2), (3) and (4))

Apartment

Bare Land Strata (subject to provisions of RM Conditions of Use (5))

Condominium

Four Unit Residential Use

Row House Residential Use

Three Unit Residential Use

Townhouse Residential Use

Accessory Uses

Accessory Building (subject to provisions of RM Conditions of Use (6))

Garage

Hobby Greenhouse (subject to provisions of RS Conditions of Use (3))

Off Street Parking

Open Space

Park

Swimming Pool

Discretionary Uses

Home Based Business (subject to provisions of RS Conditions of Use (7) and RM Conditions of Use (7)).

(4) RM Conditions of Use:

1. All RM uses are limited to a two storey maximum height due to limitations of local emergency firefighting equipment, except as otherwise approved by Council through other building code and fire-fighting provisions.
2. RM uses may be subject to the general design guidelines of these Regulations for site layout, building design, landscaping, parking area and signage provisions, as determined by Council.
3. RM uses shall provide for significant landscaped treatment to the front, side and rear yard areas of the development site and to adjacent land uses.
4. RM uses shall provide for a minimum finished floor area of 47.0 sm (505.9 sf) for each residential dwelling unit.
5. The minimum lot size for small lot residential homes within a bare land strata development shall be 372.0 sm (4,004 sf).
6. Accessory buildings on a RM site, except for parking use and as considered by Council through the general design guidelines, shall be limited to one accessory building on each development site.
7. Home Based Businesses for multi-unit residential dwellings shall be limited to business and professional offices.
8. RM residential dwellings shall keep no more than 3 household pets per dwelling unit.

(5) Zone and Building Development Standards Requirements:

All RM lots created through subdivision and all RM residential buildings and accessory buildings built thereon, shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Area Size (for three and four multi-units)	2023.5 sm (21,781.4 sf)
Minimum Lot Area Size (for multi-unit projects>4 units)	4047.0 sm (43,562.9 sf)
Minimum Lot Frontage (for three and four multi-units)	25.0 m (82.02 ft)
Minimum Lot Frontage (for multi-unit projects>4 units)	30.0 m (98.42 ft)
Minimum Lot Depth (for three and four multi-units)	45.0 m (147.63 ft)
Minimum Lot Depth (for multi-unit projects>4 units)	80.0 m (262.47 ft)
Minimum Front Lot Line Setback (for three and four multi-units)	6.0 m (19.68 ft)
Minimum Front Lot Line Setback (for multi-unit projects>4 units)	7.5 m (24.6 ft)
Minimum Rear and Side Lot Line Setbacks	7.5 m (24.6 ft)
Maximum Height of Principal Building	10.0 m (32.8 ft)
Maximum Height of Accessory Building	5.0 m (16.4 ft)
Minimum Accessory Building Front Lot Line Setback	10.0 m (32.8 ft)
Minimum Accessory Building Side and Rear Yard Setbacks	5.0 m (16.4 ft)
Maximum Lot Coverage of all Buildings	40 % of lot area
Minimum Principal Building Footprint	120.0 sm (1,291.7 sf)

(6) Amenity Space

1. All RM developments that contain 16 dwelling units or more shall provide a common social, meeting room, arts/crafts or recreational indoor amenity space for use by all residents of the development, at a rate of 2.8 sm (30.1 sf) per dwelling unit.
2. For RM developments that contain 10 or more dwelling units, either a level children's play area with play equipment shall be provided by the developer for a minimum area of 100.0 sm (1,076.4 sf), or for seniors oriented developments, a similar sized finished outdoor area of shade trees, rest benches with other amenities shall be provided.
3. All RM developments shall provide for outdoor recreation, leisure, children's playground, vegetable/flower gardens or similar outdoor amenity space for use by all residents of the development, at a rate of at least 50 sm (538 sf) per dwelling unit.
4. Landscaping and/or screening shall be provided to define private outdoor space for each residential dwelling unit of RM projects that have ground level access.
5. Outdoor amenity space shall be a useable area on the development site and shall have a slope of 5 % or less.

(7) Property Landscaping/ Site Design:

1. All RM development permit proposals shall provide proposed property landscaping and site design information that pertains building design, landscape treatment to setback areas and amenity space, screening for parking areas and waste receptacles, and features such as tree planting, as outlined within the RM Development Design Guidelines, and as determined by Council.

2. All RM sites proposed to be located adjacent to existing single unit residential dwellings shall in the minimum provide for and maintain a landscaped screen or decorative fence, or combination of both, as approved by Council, of not less than 2.0 m (6.56 ft) in height on all property lines adjoining adjacent single unit residential homes, and as further determined by Council.

(8) Off Street Parking:

1. Off street parking shall be in accordance with the provisions of Part VI of these Development Regulations.
2. Off street parking areas for RM uses shall be designed in accordance with the development design guidelines of these Regulations, as determined by Council.
3. Visitor parking areas are encouraged to have a landscape screen of not less than 1.0 m (3.28 ft) in height.

MIXED USE ZONE (MIX)

- (1) **Zone Intent:** The intent of the MIX zone is to serve as the zone category for the future development of various RS, RC, RT and RM residential dwelling uses on one development site, and in accordance with the uses of land, conditions of use, zone and building standards requirements, amenity space, property landscaping/site design and off street parking requirements specified within each use zone category for each proposed residential dwelling use type.
- (2) **Servicing Requirements:** All proposed MIX development sites shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required, or to otherwise provide financial guarantees for provision of such services, prior to the approval consideration by the Town of building development for any MIX lots.
- (3) **Uses of Land:**
The following land uses shall be permitted or considered within the MIX Zone.

Permitted Uses

Residential Care (only for RS, RC and RT zone uses)
 Single Unit Residential (subject to provisions of RS Conditions of Use (1) and RC Conditions of Use (1))
 Two Unit Residential (subject to provisions of RT Conditions of Use (1), (2) and (3))
 RM Permitted Uses (subject to provisions of RM Conditions of Use (1), (2), (3), (4) and (5))
 Conservation

Accessory Uses

Accessory Residential Boarding (subject to provisions of RS Conditions of Use (2))
 Accessory Building
 Garage (subject to provisions of RT Conditions of Use (4))
 Hobby Greenhouse (subject to provisions of RS Conditions of Use (3))
 Off Street Parking
 Open Space
 Park
 Subsidiary Apartment (subject to provisions of RS Conditions of Use (4))
 Swimming Pool

Discretionary Uses

Bed and Breakfast (only for RS and RC zone uses)

Child Care (only for RS and RC zone uses and subject to provisions of RS Conditions of Use (5))

Home Based Business (subject to provisions of RS Conditions of Use (7) and RM Conditions of Use (7))

(4) MIX Conditions of Use:

Dependent upon the proposed residential use and dwelling unit type, all applicable Conditions of Use of the RS, RC, RT and RM zone categories shall apply.

a. Zone and Building Development Standards Requirements:

- i. All residential lots created through subdivision and all MIX residential buildings and accessory buildings built thereon, shall comply with the minimum zone and building standards requirements and maximum lot coverage provisions, as identified within the applicable RS, RC, RT and RM zone categories.

b. Amenity Space:

All RM proposed uses shall be subject to the Amenity Space provisions of the RM Zone.

c. Property Landscaping/ Site Design:

All RS, RC, RT and RM proposed residential uses shall comply with the applicable landscaping and site design provisions of the relevant zone category requirements, as well as to the specific landscaping and site design requirements determined by Council through review of the development proposal and in conjunction with the general development design guidelines of these Regulations.

d. Off Street Parking:

- i. All residential lots created through subdivision and all MIX residential buildings and accessory buildings built thereon, shall comply with the minimum zone and building standards requirements and maximum lot coverage provisions, as identified within the applicable RS, RC, RT and RM zone categories
- ii. Off street parking shall be in accordance with the provisions of Part VI of these Development Regulations.
- iii. Off street parking requirements shall additionally be in compliance with the provisions of the applicable zone category for the proposed residential use.

COMPREHENSIVE DEVELOPMENT AREA ZONE (CDA)

- (1) **Zone Intent:** The intent of the CDA zone is to serve as the zone category to preserve existing uses until comprehensive land use planning and site servicing evaluation takes place for Council's consideration for future site development through rezoning to another use zone or zones of these Regulations.
- (2) **Servicing Requirements:** All future development of CDA sites shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required, or to otherwise provide financial guarantees for provision of such services, prior to the approval consideration by the Town of building development for any CDA lots.

(3) **Uses of Land:**

The following land uses shall be permitted within the CDA Zone.

Permitted Uses

No uses are permitted except those related to maintenance and current operation of existing uses.

Accessory Uses

No accessory uses are permitted except those related to maintenance and current operation of existing uses.

Discretionary Uses

Agriculture

Forestry

Recreational Open Space

(4) **CDA Conditions of Use:**

- (1) The erection or display of advertisements, as specified within Regulation 76, is allowed without application to the Town. No other advertisements are allowed within the CDA zone.

RURAL RESIDENTIAL ZONE (RR)

(1) Zone Intent: The intent of the RR zone is to serve as the zone category to create opportunity through rezoning and subdivision approval for the development of non-serviced highly landscaped acreage residential lots and well-designed detached single unit homes in the Thirteen Mile Crossing, Grenfell Heights and Botwood Highway areas.

(2) Servicing Requirements: All newly created RR lots shall receive approval from Services NL for an on-site septic effluent disposal system and for an adequate quality and quantity of well water service for domestic use. RR lots shall also provide for approved access and upgrade of adjacent municipal roads to a paved standard with drainage to provide for emergency vehicle access and public safety, as applicable and as required by the Town. For proposed RR subdivisions of three or more lots, Regulation 96 may further apply, as determined by Council through subdivision consideration.

(3) Uses of Land:

The following land uses shall be permitted within the RR Zone.

Permitted Uses

Residential Care
Single Unit Residential
Conservation

Accessory Uses

Accessory Building
Accessory Residential Boarding (subject to provisions of RS Conditions of Use (2))
Garage
Hobby Farming
Hobby Greenhouse
Off Street Parking
Open Space
Park
Storage
Subsidiary Apartment (subject to provisions of RS Conditions of Use (4))
Swimming Pool

Discretionary Uses

Agriculture (farm gates, cranberry operations, greenhouses, root crop production, market vegetable gardens and the like)
Bed and Breakfast

Child Care (subject to provisions of RS Conditions of Use (5))
Commercial Kennel (subject to provisions of RR Conditions of Use (1))
Contractors Yard (subject to provisions of RS Conditions of Use (6))
Double Wide Mobile Home (subject to RR Conditions of Use (2))
Home Based Business (subject to provisions of RS Conditions of Use (7))
Wind Turbine (Private)

(4) RR Conditions of Use:

(1) Commercial Kennels for dogs and/or cats shall only be permitted on non-urban lots with a minimum area size of 2.0 hectares (ha) (4.94 acres (ac)) and larger. The Kennel structure shall be sound-proofed and together with the fence enclosure area, shall be setback a minimum of 100.0 m (328.08 ft) from all lot lines of the property.

(2) Council may consider a proposal for a professionally landscaped acreage lot and a well-designed double wide mobile home on the basis that the dwelling is to be placed on permanent poured concrete foundation, is appropriate in character to other acreage residential homes in the neighbourhood and conforms to Site, Building and Landscape Development Design Guidelines (4) of the RR development design guidelines of these Regulations, as determined by Council.

(3) The keeping of other pets shall be limited to 5 in number, provided that no more than 3 pets are of any one species.

(4) A maximum of one unlicensed motor vehicle shall be parked on the property, unless such motor vehicles are stored within a completely enclosed building.

(5) No shipping containers or similar structures shall be used as an accessory building, for a storage use, or for another use on the property.

(6) RR zoned properties, landscaped areas and residential dwellings shall be maintained to a standard as approved initially by Council.

(7) All RR proposals may be subject to site, building and landscape development design review in accordance with the RR development Design Guidelines of these Regulations, as determined by Council.

(5) Zone and Building Development Standards Requirements:

All RR lots created by subdivision and all single detached residential homes, doublewide mobile homes where so approved and accessory buildings, built thereon shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Area Size	0.4047 hectare (1.0 acres)
Minimum Lot Frontage	22.0 m (72.18 ft)
Minimum Lot Depth	60.0 m (196.85 ft)
Minimum Front Lot Line Setbacks (for two adjacent lots)	10.0 m (32.8 ft)
Minimum Rear Lot Line Setback	15.0 m (49.21 ft)
Minimum Interior Side Lot Line Setbacks (for two side lot lines)	4.0 m (13.1 ft)
Minimum Exterior Side Lot Line Setback	6.0 m (19.68 ft)
Maximum Height of Principal Building	8.0 m (26.25 ft)
Maximum Height of Accessory Building	5.0 m (16.4 ft)
Minimum Accessory Building Side and Rear Yard Setbacks	4.0 m (13.1 ft)
Maximum Lot Coverage	40 % of lot area
Minimum Principal Building Footprint	100.0 sm (1,076.43 sf)

(6) Property Landscaping/ Site Design:

1. The homeowner of a Single Unit Residential dwelling, or a double wide mobile home where so approved, within the RR zone shall provide for the following minimum landscape elements on the RR lot:

- The front yard area shall be seeded with grass, or otherwise vegetated and landscaped in keeping with neighbourhood area character and homes, and maintained on an ongoing basis;
- The front yard area, except for the driveway area and a garage, shall not be used for the parking of vehicles;

2. New subdivision developments of 3 or more RR lots, through approval consideration, may be required to provide for street tree planting, in a species as approved by the Town, in the front yard area of each adjacent lot and at tree planting spacing intervals of every 9.0 m (29.52 ft); and,

3. Additional property landscaping and site design considerations shall be reviewed by Council in accordance with the RR Development Design Guidelines.

(7) Off Street Parking:

1. All parking areas on RR lots shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and provide safe access.

2. Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

MOBILE HOME PARK ZONE (MHP)

(1) Zone Intent: The intent of the MHP zone is to serve as the zone category for potential future mobile home (mini home) park developments at a site density of a minimum of 20 to a maximum of 40 single wide mobile home dwellings.

(2) Servicing Requirements: All future development of MHP sites shall be fully serviced with municipal water, sanitary sewer, paved internal roads and off-site access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required, or to otherwise provide financial guarantees for provision of such services, prior to the consideration of development approval by Council for a mobile home park and related future residential and other approved uses.

(3) Uses of Land:

The following land uses shall be permitted or considered within the MHP Zone.

Permitted Uses

Mobile Home (subject to provisions of MHP Conditions of Use (1), (2), (3) and (4))

Accessory Uses

Accessory Building

Garage

Hobby Greenhouse (subject to provisions of RS Conditions of Use (3))

Off Street Parking

Open Space

Park

Storage

Swimming Pool

Discretionary Uses

Convenience Store

Home Based Business (subject to provisions of RS Conditions of Use (7))

Office (subject to provisions of MHP Conditions of Use (5))

(4) MHP Conditions of Use:

- (1) The density of a Mobile Home Park shall not exceed 20 dwelling units per hectare (8 units per acre) of site area.
- (2) The minimum parcel size for one mobile home dwelling pad/lot shall be 340sm (3,660 sf). Regulation 43 may apply to the siting of mobile home dwelling units on individual mobile home pads/lots.
- (3) As part of rezoning consideration, the Mobile Home Park applicant shall select a site that is more distant from the more valuable developable land near the core of the community, and shall address all provisions for site layout of the mobile home units, access to the site and internal road circulation, accessory buildings, amenity uses, off street parking, landscaping, signage and interface considerations to adjacent lands, and other site development issues as required by the Town.
- (4) Mobile Home Park developments are intended be strata titled for individual lot ownership, or on a rental basis, and all costs for internal site servicing for water, sewer, storm drainage, roads, street lights, refuse collection and disposal, snow clearing and similar servicing requirements, are the sole responsibility of the Mobile Home Park owner(s).
- (5) An Office use shall be directly related to the administrative function of the Mobile Home Park.

(5) Zone and Building Development Standards Requirements:

All MHP development sites created by subdivision, all proposed properties proposed for a MHP use, and all individual mobile homes and accessory buildings, where so approved and built thereon shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Area Size of MHP development site	2.0 hectare (4.9 acres)
Minimum Lot Frontage of MHP development site	50.0 m (164.04 ft)
Minimum Lot Depth of MHP development site	120.0 m (393.70 ft)
Minimum Frontage of Mobile Home pad/lot to internal road	12.0 m (39.37 ft)
Minimum Front Lot Line Property Setbacks (for mobile homes)	10.0 m (32.8 ft)
Minimum Rear Lot Line Property Setback (for mobile homes)	15.0 m (49.21 ft)
Minimum Interior Side Property Line Setbacks (for mobile homes)	4.5 m (14.76 ft)
Minimum Exterior Side Property Line Setback (for mobile homes)	6.0 m (19.68 ft)
Maximum Height of Principal Building (mobile home)	4.5 m (14.76 ft)
Maximum Height of Accessory Building	5.0 m (16.40 ft)
Minimum Accessory Building Yard Setbacks	6.0 m (19.68 ft)
Maximum Lot Coverage	40 % of lot area

(6) Amenity Space:

(1) All new MHP developments shall provide either an indoor amenity space at a rate of at least 2.8sm (30.0 sf) per mobile home unit and/or proposed mobile home pad/lot for recreational, meeting room or similar leisure activity for use by residents of the MHP development, or shall provide for an useable landscaped outdoor amenity space in the form of a developed shade area park area, a children's playground or similar improved recreational/leisure amenity at a rate of at least 7.0sm (75.3sf) per mobile home unit and/or proposed mobile home pad/lot.

(7) Property Landscaping/ Site Design:

(1) The front entry to all new MHP sites shall provide for prominent front entry landscaping.

(2) The internal road providing paved access to the mobile home lots shall provide for street tree plantings at 9.0m (29.5 ft) spacing on both sides of the road.

(3) An office and convenience store building on the site, where so approved, and an indoor amenity building where provided, shall be designed to accentuate the aesthetics of the site, and shall provide for landscaping.

(8) Off Street Parking:

(1) All parking areas on MHP sites shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and provide safe access.

(2) Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

TOWN CENTRE ZONE (TC)

(1) Zone Intent: The intent of the TC zone is to serve as the zone category for future development of diverse pedestrian oriented business uses and mixed commercial / residential opportunities within the historic downtown commercial core area.

(2) Servicing Requirements: All future development of TC sites shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required, or to otherwise provide financial guarantees for provision of such services, prior to development approval consideration by Council for a TC use and other approved uses.

(3) Uses of Land:

The following land uses shall be permitted or considered within the TC Zone.

Permitted Uses

Commercial Use (except automobile sales, repair or servicing)
and specifically including the following noted uses:

Amusement Use

Assembly

Café (subject to provisions of TC Conditions of Use (2))

Club or Lodge

Commercial Residential

Convenience Store

Cultural Use

Department Store

Entertainment Use

Full Service Restaurant (subject to provisions of TC Conditions of Use (2))

Market, Indoor / Outdoor

Office

Open Space

Park

Personal Service

Retail

Shop

Shopping Centre

Accessory Uses

Accessory Apartment Residential (subject to provisions of TC Conditions of Use (3))

Storage

Parking Lot (subject to provisions of TC Conditions of Use (6) and (7))

Discretionary Uses

Accessory Building (subject to provisions of TC Conditions of Use (5))

Apartment (subject to provisions of TC Conditions of Use (3))

Condominium (subject to provisions of TC Conditions of Use (3))

Drinking Establishment

General Service

Take Out Restaurant

Veterinary Clinic

(4) TC Conditions of Use:

(1) The design and appearance of TC uses and buildings will be reviewed in accordance with the Development Design Guidelines of these Regulations, and as determined by Council. The design and siting intent shall be to maximize lot coverage and to provide a sidewalk oriented pedestrian shopping experience.

(2) A full service restaurant or café use may utilize an outside and/or sidewalk area on or adjacent to its property for a customer seating area upon approval from Council; retail sales and outdoor display areas may also be considered for use of the adjacent sidewalk space with the TC downtown area.

(3) Residential uses in the TC downtown area shall be primarily focussed on accessory residential apartments that are sited on the second floor above ground floor commercial space. Higher density apartment and condominium proposals may be considered for siting within the downtown core to add a customer base to TC businesses.

(4) Advertisements and signs shall be minimized and primarily limited to façade signage on the building face, and as approved by Council.

(5) An accessory building use shall not be considered as a discretionary use unless the applicant can substantiate its critical role to the principal building on site and to the successful use of the property and business operation; setbacks, siting and design shall be at the discretion of Council.

(6) Parking for TC uses shall be sited to the rear and/or side of the lot wherever feasible and access over pedestrian sidewalks shall be minimized in site design. Where all required parking spaces cannot be provided on site, or on another property owned or leased by the applicable TC business owner and located within 200 m (656.17 ft) of the subject property, Council may consider a payment of cash-in-lieu of parking at a standardized per space amount, with such funds to be directed to the purchase and/or upgrade of other parking areas owned by the Town within or near the downtown commercial core.

(7) Refuse containers and waste management areas shall be fully enclosed with a well-designed fence to shield appearance from public view.

(8) Other proposed commercial uses not listed as permitted, accessory or as discretionary within this zone shall be interpreted and determined by the Town in accordance with the definitions provided within these Regulations, and in the context of similar such uses and classes.

(5) Zone and Building Development Standards Requirements:

All new TC lots created by subdivision and all commercial and other buildings built thereon shall comply with the following zone requirement development standards:

Development Standard	Zone Requirement
Minimum Lot Area Size	500sm (5382.13 sf)
Minimum Lot Frontage	10.0 m (32.8 ft)
Minimum Setback from Front Lot Line	0.0 m (0.0 ft)
Minimum Rear Lot Line Setback	0.0 m (0.0 ft)
Minimum Rear Lot Line Setback where parking provided on site	6.0 m (19.68 ft)
Minimum Interior and Exterior Side Lot Line Setbacks	0.0 m (0.0 ft)
Maximum Height of Principal Building	10.0 m (32.8 ft)
Maximum Height of Accessory Building	3.0 m (9.84 ft)
Minimum Lot Coverage of TC Building	60 % of lot area

(6) Property Landscaping/ Site Design:

(1) The intent of siting orientation for all TC buildings shall be to face the street with incorporation of prominent front store entrances, recessed window displays to appeal to pedestrian traffic, heritage articulation on the building face wherever feasible, use of awnings for weather protection and to use planters and hanging baskets as landscaping features.

(2) Blank walls on existing TC buildings may be considered by Council for historic theme painted murals.

(7) Off Street Parking:

1. All parking areas on TC sites shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and to provide safe access.
2. New and expanded downtown development sites shall incorporate wherever feasible provision for bicycle parking at a rate of one parking space in every bicycle rack for every 250 sm (2,691.06 sf) of new floor space, and at a ratio of one bicycle parking space for every 5 multi-unit residential dwelling units.
2. Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

GENERAL COMMERCIAL ZONE (GC)

(1) Zone Intent: The intent of the GC zone is to serve as the zone category to manage the development of businesses located primarily on the westerly extension of Main Street that are primarily dependent on the automobile to access such business sites.

(2) Servicing Requirements: All future development and expansion of existing GC sites shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required, or to otherwise provide financial guarantees for provision of such services, prior to development approval consideration by Council for a GC use and other approved uses.

(3) Uses of Land:

The following land uses shall be permitted or considered within the GC Zone.

Permitted Uses

Commercial Use (except automobile body repair) and specifically including the following noted uses:

Assembly

Automotive Repair (subject to provisions of GC Conditions of Use (8))

Auto sales and dealership

Beverage Container Return Centre

Bus terminal

Car Wash (subject to provisions of GC Conditions of Use (9))

Child Care Facility

Club or Lodge

Commercial Residential

Conservation

Convenience Store

Cultural Use

Department Store

Full Service Restaurant

Funeral Homes

Garden Centre

General Garage (subject to provisions of GC Conditions of Use (8))

General Service

Office

Open Space

Park

Personal Service

Retail

Service Station (Regulation 66 applies and GC Condition of Use (4))

Shopping Centre

Take Out Restaurant

Unenclosed Storage (subject to provisions of GC Conditions of Use (2), (6) and (7))

Veterinary Clinic

Accessory Uses

Accessory Apartment Residential

Accessory Building (subject to provisions of GC Conditions of Use (10))

Accessory Employee Residential

Storage (subject to provisions of GC Conditions of Use (2), (6) and (7))

Parking Lot

Discretionary Uses

Antenna

Drinking Establishment (subject to provisions of GC Conditions of Use (11))

Place of Worship

Tavern (subject to provisions of GC Conditions of Use (11))

(4) GC Conditions of Use:

(1) TC Conditions of Use (8) shall apply to the uses permitted or considered within the GC zone. GC proposed uses shall represent an appropriate fit for the immediately adjacent neighbourhood, and where deemed required by the Town such uses are to provide for an effective site layout and enhanced landscaping to achieve neighbourhood compatibility.

(2) A permitted commercial use shall be located within a completely enclosed building, except for:

Outdoor display or sales area for garden supplies and other retail goods;

Outdoor lumber storage associated with building supply stores;

Motor vehicle sales;

Storage uses that are to be screened from public view; and,

Parking uses.

(3) Buildings for a GC use are intended to have a well-designed streetscape appearance and to be complemented with landscaping. No asphalt parking areas are encouraged to directly adjoin the front of a principal building but shall consider provision for an automobile curb stop and a landscape edge between the asphalt and the building face.

- (4) Proposed sites for a Service Station use shall be a minimum lot area size of 1,300 sm (13,993.5 sf), and may include the provision for an outside amenity area that includes a shade area and a rest bench as part of the landscaping considerations for the site.
- (5) In addition to other requirements of these Regulations, site layout and development for commercial zone uses shall particularly comply with Regulation 46 (Accesses and Service Streets), Regulation 60 (Off Street Parking) and Regulation 61 (Off Street Loading Requirements)
- (6) Outside storage uses are intended to be minimized on commercial sites and as an accessory use, the cumulative area size of the footprint of the outside storage materials is to be generally less in area size than the square footage size of the principal building.
- (7) Storage for building materials associated with a hardware or lumber supplies store are encouraged to be located within a covered structure and sited to the rear of the principal building, and as determined by Council through design review consideration of the proposed development.
- (8) Automotive repair businesses and general garages shall be limited to the outside storage of a maximum of six motor vehicles, licensed or unlicensed, for more than three consecutive days, and where such vehicles are screened from public view.
- (9) A car wash use shall provide for an oil-water separator within the storm water drainage system.
- (10) Accessory buildings are to be secondary to the principal building on a commercial site, shall not be located within the front area of the site and shall be generally in design compatibility of the principal building, as approved by Council.
- (11) A drinking establishment shall only be sited on sites where compatibility with the adjacent neighbourhood can be achieved through effective site design, landscaping and noise abatement, and where operating hours of the business are compatible with any nearby residential uses.

(5) Zone and Building Development Standards Requirements:

All GC lots created by subdivision and all expansion of existing GC uses where so approved, and all accessory buildings built thereon, shall comply with the following zone requirement development standards:

Development Standard	Zone Requirement
Minimum Lot Frontage	22.0 m (72.18 ft)
Minimum Lot Depth	30.0 m (98.42 ft)
Minimum Front Lot Line Setbacks	10.0 m (32.8 ft)
Minimum Rear Lot Line Setback	6.0 m (19.68 ft)
Minimum Interior Side Lot Line Setbacks	4.0 m (13.12 ft)
Minimum Side Lot Line Setbacks (for drive through businesses)	6.0 m (19.68 ft)
Minimum Exterior Side Lot Line Setback	4.5 m (14.76 ft)
Maximum Height of Principal Building	10.0 m (32.8 ft)
Maximum Height of Accessory Building	4.0 m (13.12 ft)
Minimum Accessory Building Front Lot Line Setback	12.0 m (39.37)
Minimum Accessory Building Side and Rear Yard Setbacks	4.0 m (13.12 ft)
Minimum Separation of Accessory Building to Principal Building	2.5 m (8.2 ft)
Minimum Lot Coverage of Principal Buildings	15 % of lot area
Maximum Lot Coverage of all Buildings	70 % of lot area

(6) Property Landscaping/ Site Design:

- (1) Site development of new building uses on the westerly end of Main Street and on other GC locations shall strive to provide for an appealing building face and frontage to the street, complemented by site landscaping, minimization of outside storage and site design compatibility with the immediately adjacent neighbourhood.
- (2) Site layout, building design, landscaping provisions and other site development considerations shall be determined by Council through the application of the development design guidelines of these Regulations.

(7) Off Street Parking:

1. All parking areas on GC sites shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and to provide safe access.
2. Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

NEIGHBOURHOOD COMMERCIAL ZONE (NC)

(1) Zone Intent: The sustainable intent of the NC zone is to provide a zone category to allow low impact businesses to locate within or adjacent to residential neighbourhoods to serve the day to day shopping convenience of nearby residents.

(2) Servicing Requirements: All future development and expansion of existing NC sites shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required, or to otherwise provide financial guarantees for provision of such services, prior to development approval consideration by Council for a NC use and other approved uses.

(3) Uses of Land:

The following land uses shall be permitted or considered within the NC Zone.

Permitted Uses

Neighbourhood Commercial (subject to provisions of NC Conditions of Use (1) to (8) inclusive)

Accessory Uses

Accessory Apartment Residential

Accessory Building (subject to provisions of GC Conditions of Use (10))

Accessory Employee Residential

Parking Lot

Discretionary Uses

Child Care Facility

Take Out Restaurant

(4) NC Conditions of Use:

(1) Neighbourhood commercial uses include limited retail, personal services, offices and restaurants in the representative form of small food and variety stores, small appliance repair and hair stylists, administrative/ medical/ professional offices, cafes and similar small scale commercial outlets that are in appropriate scale and character with the immediate and nearby neighbourhood.

(2) All neighbourhood commercial uses and activities shall occur within an enclosed building; individual neighbourhood commercial stores shall not exceed a total floor area of 140 sm (1,507.0 sf) or small groups of neighbourhood commercial shops within one site development shall not exceed a total floor-space of 929 sm (10,000 sf).

(3) Neighbourhood commercial building developments in excess of 275 sm (2,960.17 sf) of floor area shall provide for an outside landscaped amenity area location on the site that provides for shade areas, rest benches and decorative and flowering plantings.

(4) Neighbourhood commercial uses may be located within existing residential homes that are converted in design to appropriately fit the proposed use.

(5) Advertisements and signage for neighbourhood commercial uses is to be minimized in area size, given that the market audience for the use are neighbourhood area residents; Regulation 76 (f) shall apply.

(6) All waste management and refuse containers for the site shall be fully enclosed within a screened fenced area.

(7) Parking locations on the site shall be so designed to prevent the illumination and glare of auto headlights into adjacent residential yards and homes; fencing may be required to prevent such offsite glare.

(8) All NC site and building development proposals are intended to be reviewed by Council in relation to the outlined NC Development Design Guidelines of these Regulations.

(5) Zone and Building Development Standards Requirements:

All NC lots created by subdivision and all expansion of single detached residential homes proposed for conversion to Neighbourhood Commercial, and accessory buildings, built thereon shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Frontage	22.0 m (72.18 ft)
Minimum Lot Depth	30.0 m (98.43 ft)
Minimum Front Lot Line Setbacks	4.5 m (14.76 ft)
Minimum Rear Lot Line Setback	6.0 m (19.68 ft)
Minimum Interior Side Lot Line Setbacks	3.0 m (9.84 ft)
Minimum Exterior Side Lot Line Setback	6.0 m (19.68 ft)
Maximum Height of Principal Building	10.0 m (32.8 ft)
Maximum Height of Accessory Building	5.0 m (16.4 ft)
Minimum Accessory Building Front Yard Setback	6.0 m (19.68 ft)
Minimum Accessory Building Side and Rear Yard Setbacks	4.0 m (13.1 ft)
Minimum Lot Coverage of Principal Buildings	20 % of lot area
Maximum Lot Coverage of all Buildings	50 % of lot area

(6) Property Landscaping/ Site Design:

(1) Enhanced provision for site design and landscaping shall be considered for all proposed new Neighbourhood Commercial uses to enable successful integration and fit within the immediate and adjacent residential neighbourhood, as determined and approved by Council through the development design guidelines of these Regulations.

(2) NC Conditions of Use (3) shall additionally apply where applicable.

(3) Design attention to the pedestrian and to bicycles is encouraged, and shall be provided by separating auto parking areas from pedestrian and bicycle spaces through curb stops, dedicated walking areas and distinct access/egress locations where feasible given site size and location.

(4) Paved and parking areas of the site shall be encouraged to provide for an automobile curb stop and a landscaped interface to the principal building; asphalt shall generally not directly adjoin a building.

(7) Off Street Parking:

1. All parking areas on NC sites shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and to provide safe access.

2. Neighbourhood Commercial sites shall consider the provision of bicycling parking into site design.

3. Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

HIGHWAY COMMERCIAL ZONE (HC)

(1) Zone Intent: The intent of the Highway Commercial Zone is to primarily provide for the commercial needs of the travelling public on development sites adjacent to the Trans-Canada Highway on a site specific basis.

(2) Servicing Requirements: All proposed future development sites for Highway Commercial Uses will be determined in conjunction with the Province for viability of provision of safe access/ egress from the Trans-Canada Highway, and if so approved, provision of services is required. In non-serviced locations, septic effluent disposal and provision for adequate domestic water service is required, as approved by Services NL. Provision for onsite and offsite storm water management will additionally be required by the Town for newly developed HC sites. Where future HC development sites are located in close proximity to municipal water and sewer services, proposed developments wishing to utilize these services will be required to provide for an engineering servicing plan for extension and connection to the Municipal infrastructure services of water and sanitary sewer at the proponent's cost. Minimization of highway access and egress locations for a number of successive HC development sites is intended to be pursued through a service road network. Other site and off-site servicing and infrastructure requirements for Highway Commercial uses will be determined at time of site development application review, and prior to development approval consideration by Council for a HC use and other approved uses.

(3) Uses of Land:

The following land uses shall be permitted or considered within the HC Zone.

Permitted Uses

Highway Commercial Use

Accessory Uses

Accessory Apartment Residential

Accessory Building (subject to provisions of HC Conditions of Use (7))

Accessory Employee Residential

Office use associated with Highway Commercial Use

Parking Lot

Storage (subject to provisions of HC Conditions of Use (3), (4) and (5))

Discretionary Uses

Antenna

Drinking Establishment (subject to provisions of HC Conditions of Use (8))

Place of Worship

Wind Turbine

(4) HC Conditions of Use:

(1) Site development and proposed buildings for a HC use are intended to have a well-designed and landscaped streetscape appearance to the Trans-Canada Highway as considered through the development design guidelines of these regulations, and as determined by Council. Treed, shaded and landscaped rest and picnic areas are encouraged to be provided as part of site design to provide leisure opportunities for travelling public. No asphalt parking areas are encouraged to be developed directly adjacent to the front of a principal building but shall consider provision for an automobile curb stop and a landscape edge between the asphalt and the building face.

(2) Proposed sites for a Service Station use shall be a minimum lot area size of 1.0 hectare (2.47 acres), and shall be encouraged to include the provision for an outside amenity area that includes a shade area and a rest bench as part of the landscaping considerations for the site.

(3) Outside storage uses are intended to be minimized on commercial sites and as an accessory use, the cumulative area size of the footprint of the outside storage materials is intended to be less in area size than the square footage size of the principal building.

(4) Storage locations for building materials associated with a hardware or lumber supplies store are recognized as likely larger in area size than the principal building footprint, but such lumber and related materials storage areas are encouraged to be located within a covered structure and sited to the rear of the principal building, and as determined by Council through the design review of the proposed development.

(5) Automotive repair businesses and general garages shall be limited to the outside storage of a maximum of six motor vehicles, licensed or unlicensed, for more than three consecutive days, and where such vehicles are screened from public view.

(6) A car wash use shall provide for an oil-water separator within the storm water drainage system.

(7) Accessory buildings are to be secondary to the principal building on a commercial site, shall not be located within the front area of the site and shall be generally in design compatibility of the principal building, as approved by Council.

(8) Proposed Highway Commercial uses, and particularly consideration of a drinking establishment use, shall only be located on sites where compatibility with the adjacent residential neighbourhood to the south of the highway, can be achieved through effective site separation distances, site design, provision of landscaping and noise abatement options such as fencing, and where operating hours of the business are compatible with any nearby residential uses.

(9) Crime Prevention through Environmental Design (CPTED) principles shall be pursued in consultation with local police services in the design and site layout of all CH development projects.

(10) In addition to other provincial highway requirements of these Regulations, site layout and development for commercial zone uses shall particularly comply with Regulation 46 (Accesses and Service Streets), Regulation 60 (Off Street Parking) and Regulation 61 (Off Street Loading Requirements). The use of service streets to minimize highway access and egress locations is also to be pursued.

(5) Zone and Building Development Standards Requirements:

All HC lots created by subdivision and all expansion of existing sites where so approved, and all accessory buildings built thereon, shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Area Size	1.0 hectare (2.47 acres)
Minimum Lot Frontage	60.0 m (196.85 ft)
Minimum Lot Depth	100.0 m (328.08 ft)
Minimum Front Lot Line Setbacks (for Principal Building)	10.0 m (32.8 ft)
Minimum Rear Lot Line Setback	25.0 m (49.21 ft)
Minimum Interior Side Lot Line Setbacks	5.0 m (16.4 ft)
Minimum Exterior Side Lot Line Setback	10.0 m (32.8 ft)
Maximum Height of Principal Building	10.0 m (32.8 ft)
Maximum Height of Accessory Building	5.0 m (16.4 ft)
Minimum Accessory Building Interior Side Yard Setbacks	4.0 m (13.1 ft)
Minimum Accessory Building Exterior Side Yard Setbacks	10.0 m (32.8 ft)
Minimum Accessory Building Rear Yard Setbacks	15.0 m (49.21 ft)
Minimum Lot Coverage for all Buildings	5 % of lot area
Maximum Lot Coverage	50 % of lot area

(6) Property Landscaping/ Site Design:

(1) Enhanced provision for site design and landscaping shall be encouraged for all proposed Highway Commercial uses to enable an appealing visual presence and safe integration and fit with the priority traffic movements of the Trans-Canada Highway, and to interface new HC developments effectively with the immediate and adjacent residential neighbourhoods located to the south of the Highway as applicable, and as considered and approved by Council through the development design guidelines.

(2) Site development considerations shall extend to meeting unique needs of traveling public such as dedicated parking and site layout areas for long haul truckers, motorcyclists and for landscaped rest and shade areas.

(3) Lighting and signage for HC sites shall be approved by the Province. Lighting shall not spillover in glare and illumination to travelling motorists or to adjacent residential areas, where applicable.

(7) Off Street Parking:

(1). All parking areas on HC sites and highway access/egress thereto shall be approved by the Province.

(2). All primary parking areas on HC sites shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and to provide safe access and vehicular movement.

(3). Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

INDUSTRIAL ZONE (IND)

(1) Zone Intent: The intent of the Industrial Zone is to provide a zone category for continued operation of existing manufacturing and other local industrial businesses, and to facilitate employment and economic expansion and growth opportunities in new and current industrial sites along the River on Exploits Avenue, on industrial sites on west Main Street and with other new locations in the community. Because of the nature of the use, the wastewater treatment plant is zoned Industrial. Industrial expansion within the Sunset Drive area is to occur upon rezoning change from CDA. Special Industrial Uses will be considered by Council as discretionary uses.

(2) Servicing Requirements: All newly created IND lots or expansion of existing industrial zoned sites shall be fully serviced with municipal water, sanitary sewer service, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required by Council, or otherwise provide financial guarantees to Council for provision of such services, prior to development approval consideration by Council for a IND use and other approved uses.

(3) Uses of Land:

The following land uses shall be permitted or considered within the IND Zone.

Permitted Uses

Industrial Use (subject to provisions of IND Conditions of Use (1 to 7))

Wastewater Treatment Plant

Accessory Uses

Accessory Building

Accessory Employee Residential

Accessory Retail

Café

Office use associated with Industrial Use

Outdoor amenity space

Parking Lot

Showroom

Storage

Unenclosed Storage

Discretionary Uses

Antenna

Hazardous Industry

Recycling Facility

Special Industrial Use (subject to provisions of IND Conditions of Use (8))

Storage of Recreational Vehicles

Wind Turbine

(4) IND Conditions of Use:

(1) A principal building with site coverage of not less than 20 % of the area size of the property shall be encouraged in the IND zone for an Industrial use located on a property of 1.21 ha (3.0 acres) or less in area size. Properties that are 1.21 ha (3.0 acres) and larger in area size shall be targeted to provide for principal building site coverage of not less than 10 % of the property area size. Site layout, building and site design shall be further encouraged to provide for enhanced property development appearance to the street and to the passing public through attention to the front façade of the building, limiting building massing, screening provisions for storage, efficient internal motor vehicle circulation and parking areas complimented with landscaping features.

(2) Industrial operations with more than 30 employees shall include outside amenity shade and landscaped areas for their employees. One residential dwelling, contained entirely within the principal building, for an employee is permitted as an accessory use.

(3) Unenclosed storage as an accessory use shall be encouraged not exceed the floor area size of the principal building, unless such storage is located within a structure and is otherwise screened from adjacent residential streets by significant landscape treatment and approved fencing materials, and as determined by Council through development approval consideration.

(4) Multi-unit industrial developments consisting of individual unit spaces with a maximum floor area size mix of 140 sm to 185 sm (1,507 sf to 1,991.39 sf) within one building are permitted. The unit spaces may be either rented or owned on a strata ownership basis.

(5) A café with a maximum floor area size of 140 sm (1,507 sf) shall be permitted as an accessory use within a larger industrial site or multi-unit building development.

(6) Mini storage uses, while not meeting intended employment targets for an industrial use, shall be designed in a manner that incorporates effective building materials and landscaping features.

(7) Where an industrial development permitted in the IND or BPK zone abuts an existing or proposed residential area, or where the industrial use is separated from the residential area by a road only, the property owner of the industrial development site shall be encouraged through site design consideration by Council to provide on the industrial property a landscaped area of a minimum 30 m (98.43 ft) in width between the industrial property boundary and the adjacent residential area to serve as screening and as a buffer area. Such landscaping may include any combination of natural existing vegetation and/ or newly planted shrubbery, trees, flowering shrubs, and raised berms or decorative fencing. Such landscaping shall be maintained by the property owner on an ongoing basis.

(8) Discretionary use consideration of Special Industrial proposals shall include factors of site location and adjacent land uses, land use compatibility, infrastructure requirements, local firefighting

capabilities, potential nuisance/ noise/ smell impacts, risk management and dangerous goods assessment, remedial strategies to address land use impacts, site traffic demands on local road network, number of employment opportunities, likely assessed value of property improvements and municipal taxation revenue to be generated, and community benefit. Proposed site layout, principal buildings, screening of storage and landscaping provisions shall further be considered.

(5) Zone and Building Development Standards Requirements:

All IND lots created by subdivision and all expansion of existing industrial sites where so approved, and all accessory buildings built thereon, shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Area Size	0.2 hectare (0.5 acres)
Minimum Lot Frontage	30.0 m (98.42 ft)
Minimum Lot Depth	60.0 m (196.85 ft)
Minimum Front Lot Line Setbacks (Principal/ Accessory Buildings)	10.0 m (32.8 ft)
Minimum Rear Lot Line Setbacks (Principal/ Accessory Buildings)	15.0 m (49.21 ft)
Minimum Side Lot Line Setbacks (Principal/ Accessory Buildings)	5.0 m (16.04 ft)
Minimum Exterior Side Lot Line Setback (Principal/ Accessory Buildings)	6.0 m (19.68 ft)
Maximum Height of Principal Building	15.0 m (49.21 ft)
Maximum Height of Accessory Building/ Structure	10.0 m (32.8 ft)
Minimum Accessory Building / Structure Side Yard Setbacks	5.0 m (16.04 ft)

(6) Property Landscaping/ Site Design:

(1) All IND site development proposals are intended to be considered, in part, through the development design guidelines and are to include provisions for site layout, building façade design, screening of storage and provision for landscaping.

(2) IND Condition of Use (7) shall additionally apply.

(7) Off Street Parking:

(1) All primary parking areas on IND sites shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and to provide safe access and vehicular movement.

(2) Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

BUSINESS PARK ZONE (BPK)

(1) Zone Intent: The intent of the Business Park Zone is to provide a zone category for more comprehensive and highly designed industrial sites of existing manufacturing, assembling, processing, wholesaling, warehousing, transportation and other intended job intensive industrial operations, and to facilitate further expansion and growth opportunities in new and current Business Park industrial sites located on Domenic Avenue.

(2) Servicing Requirements: All newly created BPK lots or expansion of existing BPK industrial zoned sites shall be fully serviced with municipal water, sanitary sewer service, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required by Council, or otherwise provide financial guarantees to Council for provision of such services, prior to development approval consideration by Council for a BPK use and other approved uses.

(3) Uses of Land:

The following land uses shall be permitted or considered within the BPK Zone.

Permitted Uses

Industrial Use (subject to provisions of IND Conditions of Use (1 to 7))

Accessory Uses

Accessory Building

Accessory Employee Residential

Accessory Retail

Café

Child Care Facility (subject to provisions of BPK Conditions of Use (2))

Office use associated with Industrial Use

Outdoor amenity space

Parking Lot

Showroom

Storage

Unenclosed Storage

Discretionary Uses

Antenna

Wind Turbine

(4) BPK Conditions of Use:

- (1) IND Conditions of Use (1) to (7) inclusive shall apply to BPK zone uses.
- (2) A child care facility may be pursued as an accessory use to a larger BPK site development to provide for child care services for primarily employees of the nearby industrial operations.

(5) Zone and Building Development Standards Requirements:

All BPK lots created by subdivision and all expansion of existing BPK zoned sites where so approved, and accessory buildings built thereon, shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Area Size	0.3 hectare (0.74 acres)
Minimum Lot Frontage	30.0 m (72.18 ft)
Minimum Lot Depth	60.0 m (196.85 ft)
Minimum Front Lot Line Setbacks (Principal/ Accessory Buildings)	10.0 m (32.8 ft)
Minimum Rear Lot Line Setbacks (Principal/ Accessory Buildings)	15.0 m (49.21 ft)
Minimum Interior Side Lot Line Setbacks (Principal/ Accessory Buildings)	5.0 m (16.04 ft)
Minimum Exterior Side Lot Line Setbacks (Principal/ Accessory Buildings)	6.0 m (19.68 ft)
Maximum Height of Principal Building	15.0 m (49.21 ft)
Maximum Height of Accessory Building / Structure	10.0 m (32.8 ft)
Minimum Accessory Building/ Structure Side Yard Setback	5.0 m (16.04 ft)

(6) Property Landscaping/ Site Design:

- (1) All BPK site development proposals may be considered, in part, through the development design guidelines and are to include provisions for site layout, building façade design, screening of storage and provision for landscaping.
- (2) IND Condition of Use (7) shall additionally apply.

(7) Off Street Parking:

- (1) All primary parking areas on BPK sites shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and to provide safe access and vehicular movement.
- (2) Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

CIVIC- INSTITUTIONAL ZONE (CVI)

(1) Zone Intent: The intent of the Civic-Institutional Zone is to provide a zone category for significant government offices and services, public assembly, cultural, religious, educational, medical treatment and health facilities, non-profit and private uses, public and recreational buildings, children and senior care services and facilities, police/ fire and corrections buildings, and similar community uses.

(2) Servicing Requirements: All newly created CVI lots or expansion of existing CVI zoned sites within the serviced urban area shall be fully serviced with municipal water, sanitary sewer, paved road access with walking lanes and sidewalks as required, provision for onsite and offsite storm water management and other services as required by Council, or otherwise provide financial guarantees to Council for provision of such services, prior to development approval consideration by Council for a CVI use and other approved uses. Proposed CVI uses located in non-serviced locations shall receive approval of Services NL for septic effluent disposal and domestic water, as well as addressing on and off-site access and storm water management requirements.

(3) Uses of Land:

The following land uses shall be permitted or considered within the CVI Zone.

Permitted Uses

Assembly
 Civic-Institutional
 Cemetery (subject to CVI Conditions of Use (5))
 Child Care Facility (subject to CVI Conditions of Use (2))
 Congregate Care (subject to CVI Conditions of Use (3))
 Conservation and Open Space
 Cultural and heritage uses
 Entertainment Use
 Hospital
 Institution (subject to CVI Conditions of Use (4))
 Nursing Home (subject to CVI Conditions of Use (3))
 Office (subject to CVI Conditions of Use (2))
 Place of Worship
 Public Use
 Recreation Facility

Accessory Uses

Accessory Building

Accessory Employee Residential (subject to CVI Conditions of Use (6))

Indoor/ Outdoor Market

Parking Lot

Recreational playing fields associated with schools

Storage and Unenclosed Storage (subject to CVI Conditions of Use (7))

Discretionary Uses

Antenna

Club or Lodge

Residential Use/ Commercial Use (subject to CVI Conditions of Use (3), (6) and (8))

(4) CVI Conditions of Use:

(1) Civic-Institutional Uses may be considered in part through the development design guidelines of these Regulations for site layout, building design, access and parking configuration and provision of landscaping.

(2) Civic-Institutional uses such as for child care, for offices and for similar uses may be either a primary or accessory use on a CVI zoned site.

(3) Congregate Care and Nursing Home Facilities are intended to be only sited within the serviced urban area in close proximity to other community services and facilities.

(4) Proposed correctional and similar detention facilities shall have a minimum property area size of 4.04 ha (10.0 acres), and shall provide for a minimum of three times the property development setback requirements of this CVI zone.

(5) Cemetery and accessory uses shall be preserved exclusively for cemetery, crematorium and similar burial services.

(6) An accessory employee residential use shall be limited to one accessory dwelling per property, and shall be solely for a caretaker, employee, as a rectory to a church, or similarly related to the principal use, and if not to be located within the Principal Building, such dwelling unit shall be sited in accordance with the development setbacks, height requirements and lot coverage provisions of the RS zone.

(7) Unenclosed storage shall be encouraged to be limited in area size to less than 10 % of the floor area size of the principal building.

(8) For existing Civic-Institutional Uses such as schools and churches that are closed and cease operation, re-use consideration as a discretionary use for various commercial, tourism related, restaurant, office and employment generating uses, and for residential conversion, may be considered by Council.

(5) Zone and Building Development Standards Requirements:

All CVI lots created by subdivision and all expansion of existing zoned sites where so approved, and accessory buildings built thereon, shall comply with the following development standard zone requirements and maximum lot coverage:

Development Standard	Zone Requirement
Minimum Lot Area Size within Serviced Urban Area	929 sm (10,000 sf)
Minimum Lot Area Size within Non-Serviced Area	1 ha (2.47 acres)
Minimum Lot Frontage	25.0 m (82.02 ft)
Minimum Lot Depth	35.0 m (114.83 ft)
Minimum Front Lot Line Setback	10.0 m (32.8 ft)
Minimum Rear Lot Line Setback	15.0 m (49.21 ft)
Minimum Interior Side Lot Line Setbacks	7.5 m (24.6 ft)
Minimum Exterior Side Lot Line Setback	15.0 m (49.21 ft)
Maximum Height of Principal Building	15.0 m (49.21 ft)
Maximum Height of Accessory Building	5.0 m (16.4 ft)
Minimum Accessory Building Front, Side and Rear Yard Setbacks	10.0 m (32.8 ft)
Maximum Lot Coverage	60 % of lot area

(6) Property Landscaping/ Site Design:

(1) All CVI buildings, landscaping provisions and site layout shall strive to incorporate design provisions to integrate successfully with adjacent residential properties and to provide for an attractive streetscape presence.

(2) Lighting for parking lot areas and buildings on CVI sites shall not cause glare and illumination into adjacent residential homes and /or properties.

(3) Signage and advertising for CVI sites shall be generally limited to one site sign per property, and as approved by the Town.

(7) Off Street Parking:

(1) Parking lot design for Place of Worship and similar high traffic uses shall provide for minimization of access/egress locations to adjacent streets, and are encouraged to incorporate pedestrian safety elements from the parking area to the principal building. Parking areas are to provide for onsite and offsite storm water management requirements related to runoff from paved parking areas, and also provide for landscaping elements on the perimeters of the parking lot to visually soften the image of the asphalt parking area surface.

(2) All primary parking areas on CVI sites shall be of a durable surface that is capable to accommodate the weight of emergency vehicles and to provide safe access and vehicular movement.

(3) Part VI of these Development Regulations, Off Street Parking and Loading, shall additionally apply.

RECREATIONAL OPEN SPACE ZONE (ROS)

(1) Zone Intent: The intent of the Recreational Open Space Zone is to provide for passive and active parks, playgrounds, tennis courts, natural open spaces such as walking trails and picnic areas, the train trestle bridge, recreational facilities and similar uses for local residents.

(2) Servicing Requirements: Where public use buildings and facilities for recreation are pursued within the ROS zone, such buildings and facilities shall only occur with full urban infrastructure services, and as required by the Town. Non-urban ROS uses that require buildings will be assessed for servicing needs on a case specific basis.

(3) Uses of Land:

The following land uses shall be permitted or considered within the ROS Zone.

Permitted Uses

Campground (subject to ROS Condition of Use (1))

Civic Use (subject to ROS Condition of Use (2))

Open Space

Park

Recreation Open Space

Accessory Uses

Accessory Building (subject to ROS Condition of Use (3))

Advertisements (subject to ROS Condition of Use (3) and Part III Advertisements)

Assembly (subject to ROS Condition of Use (3))

Office (subject to ROS Condition of Use (3))

Off Street Parking

Discretionary Uses

Dwelling Unit (subject to ROS Condition of Use (4))

Indoor/ Outdoor Market (subject to ROS Condition of Use (5))

(4) ROS Conditions of Use:

- (1) A Campground use, and including a marina, shall be maintained and operated by the recognized authority or owner of the property.
- (2) A Civic use shall be limited in the ROS zone to recreational facilities such as a swimming pool, arena and similar municipal operated recreational facilities, exhibition or fairgrounds, and public washrooms.
- (3) An Accessory Building, Advertisements, an Assembly use, and/ or an Office shall be limited to those uses directly related to recreation and open space activities. An Office use may have a small commercial catering component to service recreation, open space or campground patrons.
- (4) A Dwelling Unit for a secondary residential use of a ROS zoned site shall be limited to one per property, shall be solely used for a caretaker, employee or similar person engaged on the site, and shall be sited no closer than 6.0 m (19.68 ft) to all lot lines with a maximum building height of 10.0 m (32.8 ft).
- (5) Council may consider the occasional use of an Indoor/ Outdoor Market on ROS lands for community fund raising and similar initiatives.

(5) Zone and Building Development Standards Requirements:

- (1) All ROS lots created by subdivision and all existing ROS zoned lands shall not be subject to regulation provisions for minimum lot area size, lot frontage and lot coverage.
- (2) All principal buildings for a ROS facility shall maintain setbacks to property lines as follows:
 - 10.0 m (32.8 ft) to front lot line;
 - 15.0 m (49.21 ft) to rear lot line;
 - 6.0 m (19.68 ft) to all other lot lines.
- (3) All accessory buildings on a ROS site shall maintain a 7.5 m (24.6 ft) setback to the front and rear lot lines and 4.5 m (14.76 ft) to side lot lines.
- (4) The maximum building height for a principal building or structure within the ROS zone shall not exceed 15.0 m (49.21 ft).
- (5) The maximum height for an accessory building or structure within the ROS zone shall be 10.0 m (32.8 ft).

(6) Off Street Parking:

Requirements for Off Street Parking shall be in accordance with Part VI of these Regulations.

CONSERVATION ZONE (CON)

(1) Zone Intent: The intent of the Conservation Zone is to hold, protect and/ or reserve land for environmental preservation, for an existing or future highway or road, for potential future land development and for other similar land uses of benefit to the community.

(2) Servicing Requirements: No servicing of CON lands is required except as exists and is currently maintained on such lands, and as future uses and servicing needs are identified.

(3) Uses of Land:

The following land uses shall be permitted or considered within the CON Zone.

Permitted Uses

Conservation (subject to CON Condition of Use (1))

Accessory Uses

Advertisements (subject to CON Condition of Use (2))

Discretionary Uses

Recreation and Open Space (subject to CON Condition of Use (3))

Community Mailboxes

(4) CON Conditions of Use:

(1) No land or building development shall occur within the CON zone, except as considered and permitted by the Town and in compliance with provincial regulations.

(2) Advertisements shall be directly related to the permitted use, and shall be subject to Part III Advertisements and the signage provisions and approval from Service NL and the Department of Transportation and Works as applicable.

(3) Recreation and Open Space uses shall be limited to the development of a pedestrian trail and through the discretionary consideration of Council for similar low impact uses.

AGRICULTURE ZONE (AG)

(1) Zone Intent: The intent of the Agriculture Zone is to identify and preserve lands for agricultural use and to allow on-going agriculture activities and operations. Permitted, accessory and discretionary uses established in this zone shall be managed in a manner to preserve the water quality of Peter's River.

(2) The Agrifoods Development Branch of the Department of Natural Resources has a mandate to protect all existing and future agricultural activity. The Department monitors all known agricultural properties, farm gate locations, and developed farmland and areas of agricultural interest the Bishop's Falls area. The Wooddale Agricultural Development Area is within the Agricultural Zone. Any activities within this area must be approved by the Wooddale Land Development Advisory Authority as per the Lands Act and must be comply with the Regulations.

(3) The Department of Natural Resources, Agrifoods Development Branch has identified Areas of Agricultural Interest east of the existing Wooddale Agricultural Development Area and intends to extend the Wooddale Agricultural Development Area designation to these lands. Thus approval shall be sought from the Wooddale Land Development Advisory Authority for any activities proposed within this area to ensure compliance with the Lands Act and its Regulations.

(4) Servicing Requirements: Any building development on non-serviced AG zoned lands shall receive approval from Service NL for septic effluent disposal and domestic water for an accessory residence to an agricultural use. Offsite road access to the agricultural operation shall be of a standard to provide for the intended use, public safety and emergency vehicle access, as determined as part of development approval consideration by Council for an AG use and other approved uses.

(5) Uses of Land:

The following land uses shall be permitted or considered within the AG Zone.

Permitted Uses

Agriculture (subject to AG Condition of Use (1))

Conservation

Accessory Uses

Accessory Building

Accessory Residential Boarding (subject to AG Condition of Use (2))

General Garage (subject to AG Condition of Use (3))

Greenhouse

Horse Boarding Stable (subject to AG Condition of Use (4))

Residential (subject to AG Conditions of Use (2))

Unenclosed Storage (subject to AG Condition of Use (5))

Discretionary Uses

Antenna

Commercial Kennel

Mineral Workings (subject to AG Conditions of Use (7), (8), (9))

Wind Turbine

(6) AG Conditions of Use:

(1) New agriculture activities, buildings and structures within the Bishop's Falls AG zone areas, including barns for livestock, manure management and other farm practices shall comply fully with the provisions of the Department of Natural Resources, Agrifoods Development Branch, and shall further provide for the following minimum setback requirements:

- Where a barn building or structure is to contain more than three Animal Units, the barn shall be sited a minimum of 60.0 m (196.8 ft) from the nearest watercourse, wetland or well water supply, and from all property lines; and a setback distance of 90.0 m (295.28 ft) from the centre line of the most adjacent street; and 600.0 m (1,968 ft) from the nearest residential use, except for a residence associated with the agriculture use.
- Manure storage setbacks will be dependent on the type of storage - if the manure is contained in either a concrete or synthetic enclosure, the minimum setback distance to any watercourse, wetland or well water supply shall be 60.0 m (196.8 ft), and for all other manure storage types, the setback shall be a minimum of 100.0 m (328.08 ft) from any watercourse, wetland or well water supply.

(2) Where an Accessory Residential Boarding or a detached Residential dwelling unit is proposed within an AG zone, the occupants of the residential uses shall be employed, engaged or directly associated with the AG use. The development of residential uses shall be further subject to the following conditions:

- In the circumstance of an agriculture use involving a livestock or poultry operation, suitable structures for the livestock or poultry must be substantially completed before the residential use is permitted;
- With root crop production as an agricultural use, a minimum of 6 ha (14.83 acres) of land must be in cultivation and production for at least two years;
- For agriculture uses involving greenhouse production, a minimum of 400.0 sm (4,305.71 sf) of greenhouse space must be constructed, and interior earth for the greenhouse prepared for cultivation; and,

(3) The accessory use of a General Garage is intended to allow for the repair, maintenance and storage of farm machinery, equipment and vehicles related to the agricultural use but where the sale of gasoline and other farm fuels such as diesel is not allowed.

- (4) A Horse Boarding Stable shall only be an accessory use to an agriculture use and shall fully comply with the regulations and policy directives of the Department of Natural Resources, Agrifood Development Branch.
- (5) Unenclosed storage on Agricultural zoned properties shall not occur in the front yard area of the property, and shall be screened from public view, wherever feasible.
- (6) A barn built to a height of 15.0 m (49.21 ft) shall provide for onsite water storage where feasible for potential firefighting purposes.
- (7) Several areas of potential moderate to high aggregate resources have been identified by the Department of Natural Resources, Mineral Lands Division and require consideration so as to meet current and future demand for construction aggregate. As some of these identified areas are within the Wooddale Agricultural Development Area, the Wooddale Land Development Advisory Authority must approve any activities in this area. Council shall allow the quarrying of these mineral resources as a discretionary use pending approval by the Department of Natural Resources Agrifoods Development Branch and the Mineral Lands Division.
- (8) The Bishop's Falls Planning Area contains a number of quarries most of which are covered by current permits and these activities shall be allowed to continue.
- (9) The Bishop's Falls Planning Area contains several locations where past mineral licenses upon which mineral exploration occurred. Past mineral licences are areas in which mineral exploration is likely to resume in the future. As a discretionary use, Council shall allow the resumption of past mineral licenses as well as new mineral licenses leading to mineral exploration, pending approval by the Department of Natural Resources, Mineral Lands Division.

(7) Zone and Building Development Standards Requirements:

All AG lots created by subdivision and all expansion of existing AG zoned sites where so approved, and all residential and non-farm accessory buildings built thereon, shall comply with the following development standard zone requirements:

Development Standard	Zone Requirement
Minimum Lot Area Size	2.0 hectare (4.94 acres)
Minimum Lot Frontage	50.0 m (164.04 ft)
Minimum Lot Depth	80.0 m (262.47 ft)
Minimum Front Lot Line Setbacks	10.0 m (32.8 ft)
Minimum Rear Lot Line Setback	15.0 m (49.21 ft)
Minimum Side Lot Line Setbacks	8.0 m (26.25 ft)
Maximum Height of Principal Residential Building	10.0 m (32.8 ft)
Maximum Height of Barn Structure	15.0m (49.21 ft)
Maximum Height of Accessory Building	5.0 m (16.4 ft)

RURAL ZONE (RUR)

(1) Zone Intent: The intent of the Rural Zone is to provide land use zone management regulations for the non-developed outlying rural locations of the Town's Planning Area. Within this zone, preservation of land is the predominant land use, followed by agricultural uses, forestry and mineral workings; lands that contain sensitive environmental features, have significant water features or provide for public access for recreational activity are also regulated. It is intended that general industry uses such as sawmills and planing mills shall be restricted to accessory uses to permitted rural resource operations such as agriculture and forestry.

(2) Servicing Requirements: No uses shall be permitted in the Rural Zone, which require either now or in the future, municipal services of water and sanitary sewer from the Town of Bishop's Falls. Any proposed uses within the RUR Zone shall provide for adequate off road access to meet the needs of the use, as determined by the Town upon consideration of development application.

(3) Uses of Land:

The following land uses shall be permitted or considered within the RUR Zone.

Permitted Uses

Agriculture (green house, tree nursery, the production of vegetable crops and farm gate stands, etc., and subject to RUR Conditions of Use (1))

Cemetery

Conservation

Environmentally Sensitive Area

Forestry, Mineral Workings and Resource Use (subject to RUR Conditions of Use (1), (2), (3), (4) and (6))

Open Space

Transportation (subject to RUR Conditions of Use (5))

Accessory Uses

Accessory Building (subject to RUR Conditions of Use (6))

Discretionary Uses

Antenna

Assembly (outdoor)

Seasonal Residential (subject to RUR Conditions of Use (7))

Utilities

Wind Turbine

(4) RUR Conditions of Use:

(1) The Agrifoods Development Branch of the Department of Natural Resources has a mandate to protect all existing and future agricultural activity. The Department monitors all known agricultural properties, farm gate locations, and developed farmland and areas of agricultural interest the Bishop's Falls planning area. Any agricultural activities proposed within this zone must be approved by the Department of Natural Resources, Agrifoods Development Branch to ensure compliance with the Lands Act and its Regulations.

(2) All proposals for a Forestry Use that involve the commercial extraction of trees shall receive permit approval from the Province. Where deemed required, the Town may request from the Province additional detail on the proposed forestry permit, including indicative information on the following issues:

- The proposed forest site areas to be harvested and the amount of timber resources to be removed;
- The proposed timeframe for the forestry extraction activity;
- Setback distances to adjacent land uses and preference for maintenance of a treed 30.0m (98.42 ft) visual buffer to adjacent roads;
- Proposed additional visual screens and buffers to nearby and further distance public views;
- Proposed access roads and volume of off-site truck and other traffic to be generated from the use;
- Identification of any accessory uses such as maintenance and repair of equipment and unenclosed storage.
- The manner that the proposed forestry use adheres to Best Management Practices for forestry;
- Where any environmentally sensitive areas, protected flora or endangered species are present on the proposed forestry site, whether an environment assessment report to address potential impacts has been carried out; and,
- Whether a tree-replanting scheme has been provided and whether any financial guarantees to ensure its implementation have been required.

(3) Forestry use proposals that go beyond extraction and preliminary grading, and seek more substantive processing, upon further dialogue with the Province and upon consideration by Council, may be required to apply to the Town for rezoning for an industrial use, or for a similar temporary use approval.

(4) All mineral workings operations including quarrying and exploration shall require permit approval from the Department of Natural Resources, Mineral Lands Division. Where deemed necessary, Council may request that the Department of Natural Resources, Mineral Lands Division provides additional detail on the proposed gravel or mineral working permit, including indicative information on the following issues:

- The proposed site area and boundary locations, and how the site will be accessed;
- The commencement date of the pit and quarry activity and its estimated working life;
- The estimated volume of gravel to be removed and the daily truck traffic and volumes to result from the use;
- Details on the proposed mineral workings activity operation, equipment to be used, the use of water in any operational process, the employment levels anticipated to be achieved, and proposed site improvements such as accessory buildings;
- Setback distances to adjacent land uses and preference for maintenance of a treed 40.0m (131.2 ft) visual buffer to adjacent roads;
- Identification of any environmentally sensitive areas on or adjacent to the site, and whether an assessment of potential environmental impacts has been conducted and whether recommendations for site management of issues such as silt control, soil erosion, potential effects on area aquifer and on and off-site watercourses, operational noise levels and noise abatement strategies, and proposed fencing control and site security for public safety have been considered as part of permit approval; and,
- Whether a site reclamation plan has been submitted and whether provision of financial guarantees to ensure implementation of the reclamation plan have been required, as applicable.

(5) The intent of mineral workings and quarrying activities is to be limited to the resource activity use of extraction and preliminary grading. Any proposed crushing, sorting and manufacturing use related to the gravel activity, upon discussion with the Department of Natural Resources, Mineral Lands Division, and consideration by Council with respect to the magnitude of the proposed operation, may be required to apply for a rezoning to an industrial zone.

(6) Transportation is included as a permitted use to provide continued support for the small airstrip located off the Botwood Highway in the northeastern portion of the Planning Area.

(7) An accessory building to a permitted use shall be allowed on the basis that the building or structure is sited in accordance with the RUR zone development standard requirements, and where the permitted use is for an interim period, the Accessory Building shall be removed upon cessation of the permitted use.

(8) A seasonal residential use may be considered by Council as a discretionary use for either summer cottage or cabin development, or for hunting and/or fishing, within the rural zone on the basis of the site location, site access, adjacent land uses, a minimum lot size area of 0.4 ha (0.98 acre), adequate servicing for septic effluent disposal and other requirements as determined by Council on a site specific basis.

(9) Zone and Building Development Standards Requirements:

All RUR development sites and accessory buildings/ structures shall have a minimum lot size area of 4.05 ha (10.0 acres) and maintain a minimum building setback to all property lines of 30.0 m (98.42 ft).

SCHEDULE D – OFF STREET PARKING AND LOADING REQUIREMENTS

OFF STREET PARKING

The off-street parking requirements for uses in the various use classes outlined in Schedule B shall be as defined in the following table.

Other requirements for parking and loading spaces are outlined within Regulations 60 and 61, Part II – General Development Standards of these Development Regulations. Disabled parking spaces shall be provided for each commercial and other use so defined by the Canadian Building Code.

In the case of developments that propose to include uses in more than one use class, these parking and loading standards shall be regarded as cumulative.

Adequate off-street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the educational facilities, passenger assembly, child care, medical treatment and special care, commercial residential and take-out food service-use classes.

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

GROUP	DIVISION	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
B	1	(a) Penal and Correctional Detention	One space per 100 square metres of gross floor area.
	2	(a) Medical Treatment and Special Care	One space for every 20 s.m. of gross floor area, or one space for every two patients, whichever is greater.
C	1	(a) Single Dwelling (b) Double Dwelling (c) Row Dwelling (d) Apartment Building / Condominium apts (e) Subsidiary apartment	Two spaces for every dwelling unit. Two spaces for every dwelling unit. Two spaces for every dwelling unit. Two spaces for every 2-4 dwelling units. One space for every apartment unit.
	2	(a) Collective Residential (b) Commercial Residential (c) Seasonal Residential (d) Mobile Home	As specified by the Authority. One space for every guest room. One space for every residential unit. Two spaces for every dwelling unit.
D	1	(a) Office (b) Medical and Professional (c) Personal Service (d) General Service (e) Communications (f) Police Station (g) Taxi stand (h) Take-out Restaurant (i) Veterinary	One space for every 20 square metres of gross floor area. One space for every 20 square metres of gross floor area. One space for every 20 square metres of gross floor area. One space for every 20 square metres of gross floor area. As specified by the Authority. As specified by the Authority. As specified by the Authority. One space for every 20 square metres of gross floor area. One space for every 20 square metres of gross floor area.
E	1	(a) Shopping Centre (b) Shop (c) Indoor Market (d) Outdoor Market (e) Convenience Stores	One space for every 20 square metres of gross floor area. One space for every 20 square metres of gross floor area. As specified by the Authority. As specified by the Authority. One space for every 20 square metres of gross floor area.
F	1	(a) Hazardous Industry	One space for every employee.
	2	(a) General Industry (b) Service Station	One space for every employee. One space for every 20 square metres of gross floor area, and one space for every employee.
	3	(a) Light Industry	One space for every employee.

LOADING

Loading space requirements will be determined through review of the development application proposal and in accordance with Regulation 61. At a minimum, one loading space is required for all development sites with a building floor area space greater than 500.0 sm (5,382.1 sf), and two loading spaces are required for all buildings with a floor area space greater than 2000.0 sm (21,528.52 sf).

SCHEDULE E – DEVELOPMENT DESIGN GUIDELINES

1. PURPOSE

- (1) The Development Design Guidelines support the goals of the Municipal Plan to provide for enhanced land development requirements and building design guidelines for higher density residential and other uses of land, and to achieve an enhanced sense of place for the community. The design guidelines are enabled by the NL Urban and Planning Act but are intended to be implemented as determined as required by Council on a discretionary and case specific basis. The design guidelines will further serve as an information resource for Town staff in reviewing and considering various development proposals and application submissions.
- (2) Within these Regulations, the Development Design Guidelines are intended to be general in nature and applied to new land and building development proposals on a discretionary basis by Council on the basis of the proposed development site location, the type/ density and intensity of the proposed land use, the visibility of the site within the community, the neighbourhood character and adjacent land uses and where Council so determines that enhanced site and building design guidelines will be of benefit to the community.
- (3) The guidelines are established to pursue the following:
 - a) A higher standard of sense of place in both residential and non-residential areas;
 - b) Enhanced attention to building form and character by incorporating basic design elements for site planning, site layout and function, and building appearance;
 - c) Emphasis on site landscaping, planting of trees, creation of open spaces, giving attention to the pedestrian and minimizing site signage; and,
 - d) Retaining natural features and vegetation on sites, and maintaining local history through the use of architectural design elements

2. APPLICATION

- (1) Council may consider upon submission and review of a Development Permit or other application, that there is community benefit to apply the Design Guidelines in whole, or in part. If the Guidelines are to apply, the intent is for new building and site developments to incorporate all or a number of the development design criterion as determined by Council for the specific types of land uses discussed within this Part VII, and prior to development approval consideration by Council for the said use and other approved uses;
- (2) Development applicants of such proposals are to review the applicable guidelines and to incorporate the design intent of the guidelines within their proposed development. The applicant is to also provide a statement of rationale to the Town how the guidelines have been adhered to;

- (3) At the discretion of Council, certain design guidelines may be waived;
- (4) In the event of a conflict between the Development Design Guidelines and the requirements outlined within the individual zone categories of the Development Regulations, the latter shall take precedent.

3. GENERAL PROVISIONS

- (1) All development proposals for higher intensity uses of land, including projects for intensive residential housing of RC single unit compact lots and RT duplexes, RM multi-unit residential, TC Town Centre and all commercial developments (GC, NC and HC), IND industrial and BPK business park proposals and CVI civic-institutional uses may be required to consider the design guidelines as part of their site and building design. Building additions greater than 111.48sm (1,200.0sf) to existing multi-unit residential, commercial, industrial, and civic-institutional use buildings, may also be considered for application of the general design guidelines.
- (2) All development proposals determined by Council for consideration of the design guidelines may also be required to provide to the Authority for review and evaluation of the development application, the proposed property development details as follows:
 - a) Site plan information that identifies the legal dimensions and area size of the property, site topography and identification of all environmentally sensitive features, property servicing, existing buildings and vegetation, and adjacent land uses and buildings;
 - b) Comprehensive site layout development information including proposed principal and accessory buildings siting, parking access, egress and circulation, unenclosed storage, screening and landscaped areas;
 - c) Building façade and design appearance, and building elevation drawings;
 - d) Site landscape plan; and,
 - e) Signage detail.

4. COMPREHENSIVE SITE LAYOUT DEVELOPMENT INFORMATION

Depending on the density and size of the proposed development, in addition to the submitted site plan information, a land development applicant may additionally be required to provide any or all of the following information on the proposed site development:

- a) Identification of developable area of site;
- b) Proposed siting of new buildings, or additions, including building square footage area size, building height, and setback distances to property lines;
- c) Building lot area coverage and floor area ratio where applicable;
- d) Total number of proposed multi-unit residential dwellings, or strata unit commercial and/or industrial units, and interior floor plans;
- e) 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 drainage management;

- f) Identification of outdoor amenity and open space improvement areas;
- g) Identification of unenclosed storage areas and area size; and,
- h) Overview of landscaping treatment and approach for the site development.

5. BUILDING DESIGN

In addition to the property development details and/ or comprehensive site layout information, a land development applicant may also be required to provide all or a degree of the following building design information on the proposed site development:

- a) The front, rear and building side elevation views of all buildings proposed for the site;
- b) Detailed building design articulation elements such as for the front entrance, facades, roof lines, cornices and window placement and trim, and design attention to the building form and character to avoid monotony of design, use of blank walls and massing of the building;
- c) Building materials and colour schemes;
- d) Coordination of design of all buildings on site, and integration with the design character of the adjacent neighbourhood;
- e) Integration of site design elements of landscaping, parking and amenity areas with building design; and,
- f) A statement of rationale of how the proposed building design meets the intent of the design guidelines.

6. LANDSCAPE PLAN

In addition to the property development details, comprehensive site layout information, and/ or building design information, a land development applicant may also be required to provide the following landscape plan information on the proposed site development:

- a) Landscape plans shall be for the entire site and shall include all proposed new plantings of hedges, shrubbery, trees, flowering plants, groundcover and grass areas, as well as existing landscaping, including trees proposed to be retained;
- b) Landscape improvements shall include those identified minimum landscape requirements within the applicable zone category for the proposed use;
- c) Landscape plans shall focus on the front and exterior side yard areas to the adjacent streets, on the front entrance to the principal building and on landscape treatments that complement the exterior of the principal building;
- d) Landscape plans shall additionally be encouraged to provide for screening of unenclosed storage areas, to minimize offsite glare from vehicle lights from the parking area, to screen rooftop heating, ventilation and air conditioning systems, and to provide for privacy and separation from adjacent land uses;

- e) All site developments shall be encouraged to provide for landscaping between the asphalt area of the parking area and the building face;
- f) Landscape plans are to include all proposed fences, masonry walls and landscape berms; and,
- g) A statement of rationale of how the proposed landscape design meets the intent of the design guidelines.

7. SIGNAGE DETAIL

To complement any or all of the property development details, comprehensive site layout information, building design criterion and/ or the landscape plan provided to Council, a land development applicant may be required to further provide the following signage detail information on the proposed site development:

- a) Provision for how the signage design is in accordance with Part III of these Regulations;
- b) Proposal for how signage will be complimentary to the overall site, building and landscape design for the development project;
- c) Multi-tenant use of a commercial, industrial or other zoned sites shall be encouraged to utilize one shared sign;
- d) Decorative landscape treatment to the base of site signage shall be encouraged to be incorporated with the landscape plan for the development; and,
- e) A statement of rationale of how the proposed signage detail meets the intent of the design guidelines.

8. DEVELOPMENT DESIGN APPROVAL

Where the proposed design for a development is approved by Council as part of the approval conditions of the Development Permit or other development application, the application shall be deemed by Council to be subject to the following conditions:

- a) The development design approval shall be valid for a two year period from the date of approval of the development application by the Council;
- b) Upon expiration of the two year period, and in the absence of an extension from Council, a new approval for the development's design will be required;
- c) No development determined by Council to be subject to design approval shall be issued except in compliance to the approved development design;
- d) All site, building, landscape and signage detail approved by the Council for the development design shall be adhered to in site construction and development, except for minor changes as subsequently approved by Council; and,
- e) A Landscape Letter of Credit to ensure suitable growth and adaptation of the landscape planting materials as part of the site development may be required by Council.

GENERAL DESIGN GUIDELINES, BY LAND USE ZONE:

9. COMPACT RESIDENTIAL (RC) AND TWO UNIT RESIDENTIAL (RT) DEVELOPMENT DESIGN GUIDELINES

Development Design Intent

The intent of design guidelines for RC compact single unit residential lots and RT duplexes is to address house and siting design so as to successfully integrate the smaller lot size development and two unit residential uses into predominant single family residential neighbourhoods.

Design Objectives

- (1) To facilitate a high standard of building design, site compatibility and site aesthetics that lead to neighbourhood cohesiveness;
- (2) To minimize the impact of intensive residential development on existing neighbourhoods;
- (3) To provide for a mix of housing forms, choices, densities and affordability opportunities for residents;
- (4) To pursue a more sustainable form of residential development in Bishop's Falls through economic efficient growth patterns of capitalizing on existing urban services and infrastructure; and,
- (5) To promote a neighbourhood environment that focuses on social interaction and pedestrian mobility.

Development Design Guidelines

- (1) All RC lot, house and landscape design are to consider traditional and historic housing designs in Bishop's Falls such as older small lot homes adjacent to the Exploits River, as well as craftsman housing designs with pitched roofs as a basis for the form and character of developing intensive residential homes within existing neighbourhoods. No two identical RC house designs are to occur adjacent or opposite to each other. Side and front yard setbacks for two adjacent homes are additionally required to be staggered to create streetscape interest and various private yard open space areas;
- (2) The front façade of the RT residential buildings shall not be blank but shall include prominent and identifiable design articulation building forms and features such as appurtenances, porches, verandas and stoops so as to promote the home's exterior living space and street orientation to enhance social interaction and contribute to the ambiance of the neighbourhood;

- (3) All RC and RT dwellings shall have their principal façade and entry facing the front lot line and the street;
- (4) Columns and posts at the front entry shall be spaced no farther apart than they are tall;
- (5) The front facades of RC and RT homes should be finished with more than one finish material, and where more than one material is used, traditionally heavier materials such as stone and brick shall be located below lighter building materials such as wood, and fiber cement board;
- (6) Unless designed as a continuous architectural theme, adjacent RC and RT lot buildings shall be visually distinct from each other;
- (7) At least two of the following design elements should vary for each RC and RT residential building along a street: (a) building materials; (b) roofline; (c) windows; (d) building recesses; (e) building setbacks; (f) height; (g) entries; (h) colour; (i) building form; or (j) architectural details.
- (8) Use of wood and materials such as hardy-board for building cladding, and incorporation of other architectural details such as to accent window trim and doorways, and cornices, is encouraged;
- (9) Use of heritage colours is encouraged;
- (10) Vinyl siding as a predominant form of building cladding is not encouraged;
- (11) Blank walls along the side and rear of the home are not encouraged, the side and rear elevations of homes shall have design variation through the use of windows, different building materials and colours, and building recesses and other articulation;
- (12) Windows are intended to be framed with design detail materials, and should include a sill that is wider than the window opening;
- (13) Windows should be oriented to make best use of passive solar;
- (14) Downspouts should match rain gutters in material and finish, and where feasible all roof drains should be recharged into the site;
- (15) Parking is encouraged to be provided on-site within garages and where parking is to be accommodated at the front of the house in a driveway area, the side yard areas of the driveway shall be landscaped. Where parking is to be provided within a garage, design attention shall include recessing the front of a garage from the house and use of similar design features and materials as the façade of the house;
- (16) All buildings should reflect environmentally responsible design and construction practices, and include consideration of Energy Star and other energy efficiency programs;
- (17) All areas of a RC or RT lot located outside of the building envelope are encouraged to be fully landscaped and maintained with grassed areas, a variety of shrubs, hedges, and flowering plants, and preferably a minimum of one street tree in the front yard area;
- (18) Conservation and energy efficiency should be considered in the design of landscaped areas and in the selection of plantings through:
 - a. Retention of existing mature trees and vegetation where feasible;
 - b. The use of native and/ or drought resistant plant species;

- c. Designing the landscaping to moderate the effect of the wind, to provide shade in the summer and to allow daylight into residential dwellings; and,
- d. Allowing natural drainage and permeation throughout the site;
- e. Fences, garden walls or hedges should be used along all side lot lines, and along lot lines which abut alleys; and,
- f. The front yard area of all RC and RT lots shall provide for an attractive landscape area and a pleasing streetscape view.

10. MULTI-UNIT RESIDENTIAL (RM) DEVELOPMENT DESIGN GUIDELINES

Development Design Intent

The intent of development design for RM multi-unit residential development (which include three unit dwellings, four unit buildings, apartments, row-houses, townhouses, condominiums, seniors care facilities, et al) is to promote orderly and compatible development of higher density residential forms of housing within the urban area by facilitating a high standard of building design, livability and site aesthetics, and minimizing potential conflicts with existing residential neighbourhoods.

Design Objectives

- (1) To facilitate a high standard of building design, site compatibility and site aesthetics that lead to neighbourhood cohesiveness;
- (2) To minimize the impact of multi-unit residential development on the character of existing neighbourhoods;
- (3) To provide for a mix of housing forms, choices, densities and affordability opportunities for residents in various locations of the community;
- (4) To pursue a more sustainable form of residential development in Bishop's Falls through economic efficient growth patterns of capitalizing on existing urban services and infrastructure; and,
- (5) To encourage residential development densities that can support the community's commercial land uses and help to improve over the longer term, specific commercial nodes such as the Station Street downtown core area.

Building Design Guidelines

- (1) Design and siting of new multi-unit residential buildings are encouraged to preserve and maximize views of the existing neighbourhood, to enhance privacy and livability of the neighbourhood, to add attractive residential design to the neighbourhood, and to not overwhelm the character of the neighbourhood;

- (2) All multi-unit residential projects, especially those for senior's congregate care, are encouraged to include provisions for universal accessibility including power assisted door openers, wide doorways, weather protection and exterior safety lighting, as well as specific dwelling unit design considerations;
- (3) Building materials, colour and architectural design of all multi-unit residential projects should complement the existing neighbourhood character and the natural landscape;
- (4) A common architectural theme of building form and character is encouraged to be used throughout the residential project while emphasizing strong individual dwelling unit identity through smaller design components;
- (5) The livability of all new multi-unit residential dwelling units with regard to views and sunlight shall be considered in the building design through utilization of staggered building elevations, having all units above grade, and locating landscaped open spaces next to windows and adjacent buildings;
- (6) All multi-unit residential developments are intended to face the street, or give the appearance of facing the street, so as to provide an attractive street front orientation through attention to the building façade, unique building entrances, landscaping and fence treatment along the street;
- (7) Multi-unit residential developments adjacent to lower density residential homes shall create a transition in building mass and form, and where feasible, concentrate density to the centre of the development site, and locate lower density components of the development adjacent to nearby lower density residential homes;
- (8) Buildings in the future that may be more than two storeys in height should be set back further than adjacent one and two storey houses so that the multi-unit residential buildings seem smaller from the street;
- (9) Clustering of buildings on sites with environmentally sensitive areas or significant natural areas is encouraged;
- (10) Small clusters of townhouse units are a preferred design for townhouse developments;
- (11) Townhouse developments that contain more than three units per structure should provide variation in building facades to help reduce the visual length of individual buildings, and incorporate design components such as porch covered and ground level door entries that express strong individual unit identity so as to avoid significant repetition in adjacent dwelling units;
- (12) Larger apartment buildings and long rows of building frontages that reflect too much building massing, are strongly encouraged to avoid large expanses of any one building cladding material, and instead incorporate architectural detail design elements that break up building massing through incorporation of variation in colour, building wall recesses and articulation such as chimneys, projections and balconies, strategically placed windows and doors, use of varying

- building materials, and attention to appropriate and compatible roof forms to reduce and provide relief to building monotony;
- (13) Blank and/or flat building facades on all sides of a multi-unit residential development shall be avoided through the differentiating design articulation attention to wall lines and texture, use of protrusions such as bay windows, and innovative use of building materials;
 - (14) Balconies and ground level patios of multi-unit residential buildings shall be designed with initial attention to the usability of the space by the resident, and secondly to the overall design of the building to ensure a cohesive attractive building image;
 - (15) Recessed or semi-recessed balconies are preferred over projecting balconies that have the appearance of being 'tacked on';
 - (16) Adequate storage space should be provided within each multi-unit dwelling or within a common area of a building so as to avoid 'clutter' of storage on balconies, patio areas and garages;
 - (17) The exposed undersides of balconies and porches that are visible from the street should be covered with exterior finishes to provide a finished appearance to public view;
 - (18) All proposed flat roofs shall be encouraged to incorporate a prominent articulated cornice treatment;
 - (19) Screening of mechanical equipment, especially mechanical systems sited on rooftops, is encouraged and, wherever possible, integrated into the architecture of the development;
 - (20) Garage doors as part of a multi-unit residential development should not individually face the street but rather should be recessed behind the main building façade, grouped in pairs between adjacent residential units to allow individual unit entrances and facades to achieve more visual prominence to the street, or have garages sited in a manner that avoids multi-driveway accesses to the adjacent street;
 - (21) Pedestrian pathways, with adequate lighting and landscaping treatment, are encouraged throughout multi-unit developments to connect the residential dwelling units with the site parking areas, and with the sidewalks;
 - (22) Site design elements such as park benches, formal open space courtyards, shade areas and community gardens are encouraged with multi-unit residential sites;
 - (23) Fencing for screening purposes should complement the overall site and building design by being in short lengths, and constructed of materials similar to the building design, or of decorative brick;
 - (24) The size, height, location and design of multi-unit residential project name signs shall be architecturally integrated into the overall design of the form and character of project buildings; and,
 - (25) Integration of Crime Prevention Through Environmental Design (CPTED) principles and design elements into building form and character considerations from local police services is encouraged.

Landscape Guidelines

- (1) Attractive site landscaping that creates visual interest and identity, a pleasing street image, and a buffer to adjacent land uses, is intended to be incorporated into the design and development of all multi-unit residential projects;
- (2) In addition to the landscaping objectives of the RM zone, the intent for multi-unit residential sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating vegetated swales and rain gardens into the parking lot areas to capture and absorb rainwater runoff;
- (3) The frontage of new multi-unit residential developments should be entirely landscaped with specific attention to providing deciduous street tree species and a variety of plant materials and treatments, some of which should achieve substantial size at maturity, and in creating visual landmarks of hard and soft landscaping features on significant street corners and at locations of high visibility;
- (4) All multi-unit residential buildings should have immediately adjacent landscaped areas that include shrubbery and flowering plants;
- (5) The use of landscaping pockets of vegetation such as flowering shrubs within a well maintained and cut grassed area is encouraged throughout the site, and in side yard and perimeter areas of the site, the use of decorative brick walkways to open space elements such as shade areas, park benches and formal courtyards is encouraged;
- (6) Large continuous open spaces on the site should be used to serve as a landscaped buffer to adjacent properties and buildings, and to provide privacy and access to sunlight for residents;
- (7) In non-apartment multi-unit development sites, each dwelling unit shall be provided with its own private open space, and landscape attention to the site shall delineate private open space from the more public open space areas;
- (8) Use of attractive fencing materials, including decorative masonry walls, should be complimented by landscaping treatment at the base, but long monotonous lengths of fencing on the RM site is not encouraged; and,
- (9) Where on site community vegetable gardens are to be provided to residents, water from rooftop runoff and downspouts should be redirected into rain barrels for later irrigation use, or directly into vegetated areas.

Design of Parking Areas

- (1) Successful site design of multi-unit residential projects extends to blending the parking areas of higher density residential developments into the overall site design goals for form and character. For apartment residential developments, wherever feasible, parking is encouraged to

sited underground, and where parking for multi-unit residential projects is not underground, surface parking areas will be considered for design attention;

- (2) Surface parking areas are not encouraged to be located within the building setback areas for the site, and they should be visually screened as much as possible from streetscape and frontage view through the use of landscape hedges, raised landscape berms, sloped grassed or flower bed areas, or by design elements such as decorative and brick fences;
- (3) Access to parking areas should occur from a rear lane whenever possible, and where access is to originate from a street, the number of site access and egress locations shall be minimized to maintain the streetscape appearance of the development, and to minimize disruption to pedestrian movement on the sidewalks adjacent to the street;
- (4) 'Viewing aisles' into the development and into the parking areas to maintain site safety should be integrated into site screening considerations;
- (5) Multi-unit residential developments with large parking requirements shall attempt to break up the surface parking locations into several smaller parking nodes, and connect the parking nodes with internal shared driveways;
- (6) Townhouse and similar multi-unit residential projects should not create individual driveway access to the street for each dwelling unit but through site design layout, shall coordinate the site parking to provide for a minimum number of access locations to the street;
- (7) The use of alternative construction materials to asphalt such as paving stones, brick or aggregate concrete is encouraged to complement the overall landscape design of the site; and,
- (8) Pedestrian pathways that are clearly articulated and landscaped are encouraged to be provided to connect the multi-unit residential buildings with the site's parking areas, and to the sidewalks of the abutting streets.

Signage and Other Design Considerations

- (1) The size, height and design of multi-unit project name signs are to be architecturally integrated into the overall design of the site buildings and landscaping; and,
- (2) Refuse collection containers and recycling storage areas are encouraged to be sited within buildings, underground or in the minimum, fully enclosed with attractive fencing and roofing, if necessary, that complements the principal building materials, or screened to an adequate height by similar landscape treatment.

11. RURAL RESIDENTIAL (RR) DEVELOPMENT DESIGN GUIDELINES

Development Design Intent

The intent of development design for Rural Residential (RR) development is to provide for a high quality housing and landscaped acreage property for individuals seeking a quieter lifestyle on larger size non-urban parcels in the Thirteen Mile Crossing, Grenfell Heights and Botwood Highway areas.

Design Objectives

- (1) To pursue a sustainable form of residential development in Bishop's Falls through utilization of vacant land areas to the north of the Trans-Canada Highway for quality acreage residential development based upon approved septic effluent disposal and domestic water;
- (2) To facilitate a high standard of building design, site compatibility and site aesthetics that lead to RR neighbourhood character and cohesiveness;
- (3) To provide for a mix of housing forms, choices and densities for residents in various locations of the community.

Site, Building and Landscape Development Design Guidelines

- (1) All proposed new subdivisions and newly created lots for Rural Residential developments shall be considered by Council for review on the basis of the proposed site/ building and landscape design identified within the RR development design guidelines.
- (2) Design and siting of new rural residential buildings are encouraged to add attractive residential design to the rural area, to preserve trees and the natural environment, to enhance privacy and livability of new residential homes, and to complement the natural ambiance of the large lot acreage size character of the development;
- (3) The front façade of the RR residential buildings shall not be blank but shall include prominent and identifiable design articulation building forms and features such as appurtenances, porches, verandas and stoops so as to promote the home's exterior living space and street orientation;
- (4) Where Council determines that a double wide mobile home may be permitted on a RR lot, the dwelling may require front entry, window treatment, porch additions and roofline design improvements, and be further complemented with significant site landscaping improvements to provide for a superior site quality residential lot and home;
- (5) All RR dwellings shall have their principal façade and entry facing the front lot line and the street;
- (6) Columns and posts at the front entry shall be encouraged to be spaced no farther apart than they are tall;

- (7) The front facades of RR homes should be finished with more than one finish material, and where more than one material is used, traditionally heavier materials such as stone and brick shall be located below lighter building materials such as wood, and fiber cement board;
- (8) Unless designed as a continuous architectural theme within a subdivision, adjacent RR residential homes shall be visually distinct from each other;
- (9) At least two of the following design elements should vary for each RR residential building within a development or adjacent to each other on a street: (a) building materials; (b) roofline; (c) windows; (d) building recesses; (e) building setbacks; (f) height; (g) entries; (h) colour; (i) building form; or (j) architectural details.
- (10) Use of wood and materials such as hardy-board for building cladding, and incorporation of other architectural details such as to accent window trim and doorways, and cornices, is encouraged;
- (11) Use of heritage colours is encouraged;
- (12) Vinyl siding as building cladding is not encouraged;
- (13) Blank walls along the side and rear of the home are not encouraged, the side and rear elevations of homes shall instead be encouraged to have design variation through the use of windows, different building materials and colours, and building recesses and other articulation;
- (14) Windows are intended to be framed with design detail materials, and should include a sill that is wider than the window opening;
- (15) Windows should be oriented to make best use of passive solar;
- (16) Downspouts should match rain gutters in material and finish, and where feasible all roof drains should be recharged into the site;
- (17) Parking is encouraged to be provided on-site within garages and where parking is to be accommodated at the front of the house in a driveway area, the side yard areas of the driveway shall be landscaped. Where parking is to be provided within a garage, design attention shall be encouraged to include recessing the front of a garage from the house and use of similar design features and materials as the façade of the house;
- (18) All buildings should reflect environmentally responsible design and construction practices, and include consideration of the Energy Star and other energy efficiency programs;
- (19) All areas of a RR lot located outside of the building envelope are encouraged to be fully landscaped and maintained with a balanced mix of existing natural vegetation, and new grassed areas, a variety of shrubs, hedges, and flowering plants, and the planting of trees in the front yard area;
- (20) Conservation and energy efficiency should be considered in the design of landscaped areas and in the selection of plantings through:
 - Retention of existing mature trees and vegetation where feasible;
 - The use of native and/ or drought resistant plant species;
 - Designing the landscaping to moderate the effect of the wind, to provide shade in the summer and to allow daylight into residential dwellings; and,

- Allowing natural drainage and permeation throughout the site; and,
- (21) The front yard area of all RR lots shall provide for an attractive landscape area and a pleasing streetscape view.

12. COMMERCIAL (TC, GC, NC AND HC) DEVELOPMENT DESIGN GUIDELINES

Development Design Intent

The intent of development design guidelines for Town Centre, General Commercial, Neighbourhood Commercial and Highway Commercial development projects is to promote enhanced building design, expanded provisions for site landscaping, increased opportunities for pedestrians and attractive and functional site layout and presentation for all new and expanded commercial developments in Bishop's Falls.

Design Objectives

- (1) The form and appearance of new commercial buildings should reflect the desired character and pattern of development in the local area of the community where the building is to be constructed by incorporating appropriate architectural building styles, features, materials, size and scale, and as compatible with the applicable commercial zone;
- (2) To encourage a high standard of site and building design to reflect the unique historical and future focus of the community;
- (3) In order to reinforce the outstanding natural environment and Exploits River setting of Bishop's Falls, extensive use of landscaping and general 'greening' of commercial sites is encouraged to be pursued;
- (4) Promote sustainable development with provision for the bicycle, streetscape trees, reduction in impermeable surfaces and fostering local economic growth;
- (5) To facilitate a pedestrian scale with new commercial developments by reducing the building setbacks to property lines, and bringing the stores closer to the street, providing for more shade areas, rest benches and amenity areas within commercial developments, creating more streetscape visual appeal, and making parking lot areas safer for the pedestrian; and,
- (6) To promote short and longer term commercial development and economic growth within the Station Street downtown precinct.

Building Design

- (1) While it is acknowledged that existing commercial developments in the community have limited or no consistent building and landscape design pattern, new commercial development is intended to be coordinated with regard to building siting, form and character by encouraging a more aesthetically attractive and appealing streetscape and site appearance;
- (2) Building form and character is intended to include designing new buildings that are pleasant to look at, by providing for design attention and variation to the storefront façade, roof lines, exterior finish, colours and materials, and limiting the size and massing of buildings. Flat roof lines, blank expanses of exterior walls, buildings that appear to be temporary structures and asphalt paving that abuts the building face are commercial construction practices that are not encouraged;
- (3) The streetscape created by new building forms should complement each other and those existing buildings on adjacent sites, thereby avoiding monotony, but creating a positive visual effect;
- (4) Exterior finishes of new commercial buildings should be wood, brick, finished and textured concrete, natural stone or other materials of warm appearance. Substantial areas of unfinished concrete or metal cladding should be avoided;
- (5) Significant corners of new commercial buildings should be given added design emphasis with vertical architectural features, appurtenances and roof cornice elements;
- (6) Where a commercial building or development is located at a street intersection, the building design appearance shall be orientated to have the building 'front' all the adjacent streets;
- (7) New building development should be sited to have the building frontage on the main street alignment;
- (8) Buildings should be designed and located on a site to minimize impacts to adjacent land uses such as residential, to preserve views, to retain mature trees, to setback from any environmentally sensitive areas and retain natural vegetation, and to accommodate the natural grades of the site as much as possible to ensure that minimal site grading is required;
- (9) Within the CG zone, new commercial developments are encouraged to site closer to the front lot line and provide for attractive storefront design through façade attention, articulated window design and prominent store entry locations, and for enhanced pedestrian elements such as widened walkways and rest benches and overhead weather protection, and planting of deciduous street trees;
- (10) Large lot commercial developments within the CG zone shall provide for site development of buildings that are coordinated with each other, and are connected by pedestrian sidewalk linkages and incorporation of public spaces for open space amenity areas, public art, and shade areas with rest benches;
- (11) Within the CH zone, site development will involve greater attention to the streetscape and Trans-Canada Highway appearance of buildings and site landscaping, and while pedestrian focus

is not as pronounced as in the CG zone, superior site landscaping and an attractive storefront façade and use of murals depicting the community's history, as approved by Council, on exterior building walls are encouraged;

- (12) Commercial developments within the CN zone will involve the siting and design of buildings to respect the residential character of the neighbourhood through a smaller commercial scale of buildings, to provide for a design theme that is compatible with the neighbourhood, significant site landscaping to provide for an effective transition from residential to commercial land uses and attention to parking area design to prevent lighting glare spilling over to residential areas;
- (13) Commercial growth through new building development and building renovation in the downtown TC zone will be encouraged to consider the historic elements and character of this historic commercial core, and integrate this existing character with new design concepts through significant attention on the ground level storefront façade width and height, to storefront window patterns and placement, storefront entrances, pedestrian weather protection, colours and materials, to the building design treatment of the second storey, to the roof lines, to the building sides to avoid massing, and to proposed lighting for the building, parking areas and for signage;
- (14) Future potential TC development on possible new commercial zoned properties nearer the Exploits River should be part of an overall design concept plan for the area that may include site design incorporation of significant open space amenities and building design elements of extensive use of exposed wood timbers and local materials;
- (15) New building development in all commercial zones is encouraged to achieve an attractive streetscape view in conjunction with significant site landscaping, and convenient, well lit and safe pedestrian access from the parking area to the principal building;
- (16) All new commercial buildings shall be designed from the perspective of universal access for disabled and other persons and provide for multiple curb let downs, power assisted door openers, weather protection and other design elements;
- (17) Screening of mechanical equipment, especially mechanical systems sited on rooftops, is encouraged and, wherever possible, integrated into the architecture of the development; and,
- (18) In consultation with local police services, integration of Crime Prevention through Environmental Design (CPTED) principles and design elements into building form and character considerations is desired in the design of all new and all significantly renovated commercial developments.

Design Guidelines for Specific Commercial Developments

- (1) Hotel development on commercial lands shall represent a prominent building form with superior architectural detail and building materials, complemented with a landscape design that has an emphasis on street and site perimeter trees, and raised flower beds with shrubbery;

- (2) Shopping Centre development on commercial lands may require a traffic impact analysis to determine potential traffic volume flows to the existing street network, and all shopping centre proposals shall include site design principles of significant perimeter and internal site landscaping, limiting the expanse of single parking lot areas and providing attention to pedestrian safety from their cars to the shopping centre stores, and providing for highly designed buildings that utilize wood and local aggregate material in storefront facades; and,
- (3) A Service Station use on a commercial site shall be encouraged to pursue site and building design that is visually appealing to the streetscape, with an emphasis on 'greening' the site.

Landscape Guidelines

- (1) Attractive and substantial site landscaping that creates visual interest and identity, a pleasing street and pedestrian image, acts a buffer to adjacent land uses, screens parking and paved areas of the site, and emphasizes the natural environment character of Bishop's Falls, is encouraged to be incorporated into the design and development of all commercial development projects;
- (2) In addition to the above landscaping guideline, the intent for commercial development projects is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating oil-water separators in the catch basins of parking lot drains to cleanse parking lot runoff waters before they enter watercourses;
- (3) The frontage of new commercial developments, and other lot areas adjacent to a street, except for specific developments within the TC zone, should be entirely landscaped with a minimum 3.0m (9.8ft) wide landscape boulevard to serve as the primary buffer area between the adjacent street and the paved area of the site, with specific attention to providing within the landscape boulevard area, deciduous street tree species and a variety of plant materials and treatments, some of which should achieve substantial size at maturity, and in creating visual landmarks of hard and soft landscaping features on significant street corners and at locations of high visibility;
- (4) Street trees on a commercial site should be a minimum of 1.8m (5.9ft) in height at time of planting, and planted at a ratio of one tree for every three parking spaces on site;
- (5) Use of hedges, floral displays, lawns with park benches, brickwork fences, shade areas and ornamental lights is also encouraged to be included in the site landscape plan;
- (6) On large sites such as for shopping centre developments, landscaping may also consider the provision of public art or features such as water fountains and outside landscaped amenity, courtyard or plaza areas;
- (7) Unenclosed storage areas are encouraged to be sited to the rear of buildings and screened by landscaping or well-maintained quality fencing;

- (8) Large parking areas shall be encouraged to incorporate landscape features to create separated clusters of parking spaces and enable safe pedestrian circulation; and,
- (9) A Landscape Letter of Credit may be required by Council from the commercial development applicant to ensure successful planting of landscape material and ongoing maintenance for a minimum two year period.

Parking Area Design

- (1) Since commercial site parking areas will be highly visible from adjacent streets, and the development design objective is to 'soften' the hard appearance of parking lot areas, the intent is for surface parking lots to be screened as much as possible from streetscape view by use of landscape hedges, grassed and raised landscape berms, and in specific locations, by attractive good-quality fencing;
- (2) No asphalt paving of a parking area is encouraged to directly abut a building face but rather an interface landscape area is sought to be planted between the car stops of the parking lot and the side of the building wherever feasible;
- (3) Large parking areas for commercial sites shall be encouraged to be broken up through the use of internal site landscaping islands that are curbed and planted with trees, raised pedestrian walkways and rest bench areas, and connective vehicle maneuvering aisles;
- (4) Commercial buildings should be strategically located on development sites to ensure safe pedestrian movement from the surface parking areas by initiatives such as maintaining clear public walking access to the entrance of commercial storefronts;
- (5) Short term bicycle parking facilities such as bike racks, should be sited in well-lit locations close to building entrances;
- (6) Loading and service areas shall be located to the rear and side of commercial buildings, removed from the main site parking areas and all pedestrian movements;
- (7) Parking areas shall be designed to support and assist disabled persons, and all disabled parking spaces shall be located close to the building entrance;
- (8) All surface parking spaces shall be clearly marked and painted with white parking space lines, and where smaller car parking spaces are to be used, 'small cars' shall be clearly painted on the parking spaces;
- (9) The amount of asphalt surfaces on commercial parking lots is encouraged to be minimized through consideration of use of more permeable surface treatments such as decorative pavers and bricks; and,
- (10) Lighting for commercial parking lots shall not 'spill-over' and create glare on adjacent properties.

Signage and Other Design Considerations

- (1) The size, height and design of commercial development name signs shall be architecturally integrated into the overall design of the site, and be generally limited to one sign per site, or on the basis of overall site frontage for large commercial developments; and,
- (2) Refuse collection containers and recycling storage areas are encouraged to be sited within buildings, or in the minimum, fully enclosed with attractive fencing and roofing, if necessary, that complements the principal building materials, or screened to an adequate height by similar landscape treatment.

13. INDUSTRIAL (IND) AND BUSINESS PARK (BPK) DEVELOPMENT DESIGN GUIDELINES

Development Design Intent

The intent of development design for industrial and business park development projects is to compliment new local industrial growth with enhanced site, building and landscape design opportunities.

Design Objectives

- (1) The building form and appearance of new industrial and business park projects should reflect the desired character and pattern of development in the local area of the community where the use is to occur by incorporating appropriate architectural and functional building styles, features, materials, size, scale, and site layout needs, and as compatible with the applicable industrial and/or business park zone;
- (2) The Business Park zoned sites on Dominic Avenue are intended to achieve a higher level of both building and site design so as to more fully elevate new development projects into the character of the community and to create a business environment and setting that acts as a magnet to encourage expansion of Business Park developments; and,
- (3) Industrial zoned sites predominantly located along the Exploits River and on the westerly segment of Main Street, and in the Sunset Drive area, are intended to focus more on overall site design, screening of storage and achieving an improved level of visual appearance.

Site Design

- (1) New buildings, structures, and expansions or additions thereto, on business park sites, are intended to be designed in a manner to reflect an appealing public appearance by being located as close to the adjacent street as possible, accentuated with an attractive front of building orientation to the street and complimented with well-maintained site landscaping;

- (2) Building design for Industrial zoned sites are also encouraged to create a strong building façade presence to the street
- (3) Overall site planning and development should address the entire property, and any environmentally sensitive areas should be identified, fenced and preserved;
- (4) Open space areas shall be created wherever possible on an industrial site, particularly within setback areas, and for employee amenity areas;
- (5) Site landscaping is encouraged to assume a greater role in overall site design and site layout so as to achieve goals of creating permeable areas for site drainage, and to generally 'green' the site to reflect the natural setting of the community;
- (6) Wherever achievable, new developments are encouraged to incorporate Low Impact Development (LID) techniques such as rain gardens, vegetated swales, separation of impervious surfaces, and/ or redirecting water from drain pipes into rain barrels and other systems for watering site landscaping;
- (7) Lighting of parking and outside work areas shall not illuminate adjacent or nearby properties to an intensity greater than existing street lights adjacent to nearby impacted sites;
- (8) Exterior site storage is encouraged to be minimized, and where storage uses are present, storage is intended to be located away from public view as much as possible, and where necessary enclosed by an opaque or translucent screen, or otherwise screened by raised landscape berms, trees and substantial site landscaping;
- (9) Refuse collection and recycling areas are to be completely screened by landscaped vegetation or by fencing material that compliments the building design;
- (10) Loading areas are encouraged to be located to the rear or side of a building where a building façade does not face a street, and designed in keeping with the appearance of the principal building; and,
- (11) Signage is to be coordinated with the overall design of the site and landscaping.

Building Design

- (1) Buildings within the BPK zone are to be designed to create an appealing visual relationship between buildings and streetscape;
- (2) Design detail for all new industrial and business park buildings will be encouraged to consider the proposed building's bulk and size, and its height and massing in relation to neighbourhood area, and what building materials are to be used, and what level of landscape improvements are to be made to the building setback areas and parking locations, and additionally consider:
 - (a) Orientating the building to the street to present an attractive public 'face' for the industrial operation;
 - (b) Locating the office component of a new building to the front of the building and using materials such as glazing to highlight the building front;

- (c) Differentiating one face of the building from another by utilizing different architectural features, colours and materials;
- (d) Ensuring individual unit identity to units in multi-tenant buildings;
- (e) Providing for finished treatment of open space on the site through attractive and well maintained landscaping;
- (f) Addressing the aesthetic impact and visual exposure of building;
- (g) Varying the design appearance of the roof line, and considering all roof top equipment, stacks, roof vents, and mechanical systems as part of the overall building design, and group and screen as much as possible;
- (h) Discouraging the exposed surfaces of buildings to be finished with metal cladding or unpainted concrete blocks in the BPK zone; and,
- (i) Determining that manufactured mobile structures are not deemed as an appropriate building form in any industrial zone except for temporary structures used during site construction.

Landscaping Guidelines

- (1) Attractive and substantial site landscaping that creates visual interest and identity, a pleasing street and pedestrian image, acts a buffer to adjacent land uses, screens storage, parking and paved areas of the site, and emphasizes the natural environment character of Bishop's Falls, are sought to be incorporated into the design and development of all industrial development projects;
- (2) In addition to these outlined landscaping objectives, the intent for industrial and business park development sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating oil-water separators in the catch basins of parking lot drains to cleanse parking lot runoff waters before they enter watercourses;
- (3) The frontage and streetscape sides of new industrial developments in the BPK zone should be landscaped with a minimum width landscape boulevard, as determined by Council through review of the development proposal, to serve as the primary buffer area between the adjacent street and the building area of the site, with specific attention to providing within the landscape boulevard area, deciduous street tree species and a variety of plant materials and treatments, some of which should achieve substantial size at maturity, and in creating visual landmarks of hard and soft landscaping features on significant street corners and at locations of high visibility;
- (4) Street trees on a business park or an industrial site should be a minimum of 1.8m (5.9ft) in height at time of planting, and planted at a ratio of one tree for every four parking spaces on the perimeter of the site;

- (5) Use of hedges, floral displays, lawns with park benches, brickwork fences, shade areas and ornamental lights is also encouraged to be included in the front building area and employee amenity areas;
- (6) Wherever possible, use of raised landscape berms to screen parking and storage areas of a site is encouraged; and,
- (7) The overall site development is encouraged to maximize the positive impact of finished open space.

Parking Area Design

- (1) Employee parking areas and loading bays are not encouraged to be located within the setback area between the building and the street;
- (2) Since site parking areas will be highly visible from adjacent streets in the industrial and business park zones, the development design objective is to 'soften' the hard appearance of parking lot areas; surface parking lots shall be encouraged to be screened as much as possible from streetscape view by use of landscape hedges, grassed and raised landscape berms, and in specific locations, by attractive good-quality fencing.

14. CIVIC-INSTITUTIONAL (CVI) USE DEVELOPMENT DESIGN GUIDELINES

Development Design Intent

The intent of development design guidelines for civic and institutional use projects is to strive for superior design appearance for new government buildings, assembly and cultural facilities, and community and residential care institutions.

Design Objectives

- (1) The form and appearance of new civic use buildings and institutional facilities should reflect the desired character and pattern of development in the local area of the community where the building is to be constructed by incorporating appropriate architectural building styles, features, materials, size and scale, and as compatible with the adjacent neighbourhood area;
- (2) To encourage a high standard of site and building design to reflect the unique historical and future focus of the community; and,
- (3) In order to reinforce the outstanding natural environment, forested and Exploits River setting of Bishop's Falls, extensive use of landscaping and open space, and general 'greening' of public use sites will be pursued.

Building, Site and Landscaping Guidelines

- (1) Site development shall be in general accordance with the design guidelines for commercial and business park projects with a prominent building sited to the street, and complemented with superior site landscaping and attention to layout of parking areas;
- (2) Building design for new civic use buildings and educational/ hospital and similar institutional facilities are encouraged to be in general accordance with the intent of the guidelines for GC and similar commercial buildings; and,
- (3) Landscaping guidelines shall also be in general accordance with the intent of the landscape design guidelines expressed for both Business Park and GC development design guidelines.

Parking Area and Signage Design Guidelines

- (1) Parking area design guidelines shall be in general accordance with the intent of parking provisions for commercial, industrial and business park projects; and,
- (2) Signage design guidelines will be in general accordance with the intent of GC, BPK and similar zoned areas site signage provisions.