

TOWN OF ROCKY HARBOUR

DEVELOPMENT REGULATIONS

2024

For submission to MAPA for s.15 review
24 January 2024

| | |
|-----------------------------------|-------|
| Development Regulations/Amendment | |
| <u>REGISTERED</u> | |
| Number | _____ |
| Date | _____ |
| Signature | _____ |

This stamp is applied when MAPA registers the document after eventual Council approval.

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Resolution to Adopt

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

Resolved by the Town of Rocky Harbour on the ____ day of _____, 20__

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

Mayor: _____

(Council Seal)

Clerk: _____

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached *Development Regulations 2024* document has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners:

(Seal)

Date: _____

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Resolution to Approve

Whereas the Council of the Town of Rocky Harbour adopted the proposed Development Regulations 2024 on the _____ day of _____, 20____, gave notices of their intention to so do by advertisements in the _____, a newspaper circulating in the Municipal Planning Area, on the _____ and _____ days of _____, 20____, appointed a commissioner to hold the required public hearing on the _____ day of _____, 20____, and considered the report of the commissioner, if any,

Resolved by the Town of Rocky Harbour on the ____ day of _____, 20____

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

Mayor: _____

(Council Seal)

Clerk: _____

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Appendix: Other Policies Related to Development But Not Part of Development Regulations 2024

SECTION A

NEWFOUNDLAND REGULATION 3/01

Development Regulations
under the
Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

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

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

Joan Marie Aylward

Minister of Municipal and Provincial Affairs

REGULATIONS

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19. Commencement

Short title

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

Definitions

2. In these regulations,

(a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;

(b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;

(c) "authority" means a council, authorized administrator or regional authority; and

(d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

Application

3. (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.

(2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.

(3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

Interpretation

4. (1) In development regulations and other regulations made with respect

to a planning area the following terms shall have the meanings indicated in this section

(a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;

(b) "accessory building" includes

(i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

(ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,

(iii) for commercial uses, workshops or garages, and

(iv) for industrial uses, garages, offices, raised ramps and docks;

(c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;

(d) "building height" means the vertical distance, measured in metres from the established grade to the

(i) highest point of the roof surface of a flat roof,

(ii) deck line of a mansard roof, and

(iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,

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

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

(f) "discretionary use" means a use that is listed within the

discretionary use classes established in the use zone tables of an authority's development regulations;

(g) "established grade" means,

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

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

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

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

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

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

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

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

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

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

(p) "prohibited use" means a use that is not listed in a use zone within

the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;

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

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

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

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

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

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

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

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

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

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

Notice of right to appeal

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

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

Appeal requirements

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

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

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

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

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

Appeal registration

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

(2), shall immediately register the appeal.

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

9. (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.

(2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

Hearing of evidence

10. (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.

(2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.

(3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.

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

Board decision

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

Variances

12. (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

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

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

Notice of variance

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

Residential non conformity

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

Notice and hearings on change of use

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

Non-conformance with standards

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

Discontinuance of non-conforming use

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

Delegation of powers

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

Commencement

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

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SECTION B

DEVELOPMENT REGULATIONS 2024 OF THE TOWN OF ROCKY HARBOUR APPLICATION

1. Short Title

These Regulations may be cited as the Town of Rocky Harbour Development Regulations 2024.

2. Interpretation

- (1) Words and phrases used in these Development Regulations 2024 shall have the meanings ascribed to them in Schedule A.
- (2) Words and phrases not defined in Schedule A shall have the meanings which are commonly assigned to them in the context in which they are used in the Development Regulations 2024.

3. Commencement

These Development Regulations 2024 come into effect throughout the Rocky Harbour Municipal Planning Area, hereinafter referred to as the Municipal Planning Area, on the date of publication of a notice to that effect in the Newfoundland Gazette.

4. Municipal Code and Development Regulations 2024

- (1) Any building code, including the National Building Code, the Plumbing Code, the Fire Code, the Electrical Code and any other ancillary code apply to the entire Municipal Planning Area unless expressly exempted.
- (2) The Authority does not perform reviews of engineering, architectural or other design subjects of buildings as may be found in the National Building Code and other codes, nor does the Authority provide building inspection services. Council does not issue occupancy permits.

5. Authority

In these Development Regulations 2024, "Authority" means the Council of

the Town of Rocky Harbour.

PART I - GENERAL REGULATIONS

6. Compliance With Regulations

- (1) No development shall be carried out within the Municipal Planning Area except in accordance with these Development Regulations 2024, unless expressly exempted.
- (2) The Minister's Development Regulations shall prevail where there is conflict with the Town of Rocky Harbour Development Regulations 2024.
- (3) The Development Regulations 2024 is a legal document, binding upon the Authority and any person or group using or proposing to use land anywhere within the Municipal Planning Area.
- (4) The Water Resources Act, provides for regulation of numerous aspects of management of water resources in the province. Administration of the regulations under the Act is by the Water Resources Management Division of the Department of Environment and Climate Change. All development applications including but not limited to the following topics may require approval under the Water Resources Act in addition to approval by the Authority under these Development Regulations 2024:
 - a. Development within 15 metres of a waterbody or water-course and in the shore waters thereof;
 - b. Discharge of any effluent off the subject property;
 - c. Work in any body of water;
 - d. Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
 - e. Construction of wharves, breakwaters, slipways and boat-houses;
 - f. Infilling or dredging associated with marine structures or other works;
 - g. Well drilling and use of private water supplies, and,
 - h. Any development in the Water Supply (WS) Zone.
- (5) A Department of Digital Government and Service NL permit is required for development along a provincial highway (including but not limited to fences, trees, vegetation, signs and structures),

- installation of a private sewage disposal system, or construction of a private water well.
- (6) Permits from the Department of Fisheries, Forestry and Agriculture may be required for any forestry activity including domestic cutting for fuel wood and commercial cutting. This includes the approval of forestry permits.
 - (7) Except as otherwise provided, temporary use of land is not permitted.
 - (8) Applicators of pesticides must be licensed and pesticide purchase, storage and use are subject to compliance with the *Pesticides Control Regulations 2012*.
 - (9) Areas within 5 metres of Control Survey Markers shall not be disturbed, pursuant to the *Lands Act*; any disturbance of them shall be reported to the GIS and Mapping Division of the Department of Fisheries, Forestry and Agriculture.
 - (10) All major developments and any located within 50 metres of the ocean shoreline shall be approved by the Provincial Archaeological Office. Any finding of historic artifacts or resources in any location shall be reported to the Provincial Archaeological Office and all work and activity on the site shall be stopped until the said Office has authorized resumption.
 - (11) Applicants for Council permits shall identify NL Hydro and Council infrastructure right-of-ways on site or adjacent to it, other easements, and the like, and the means of satisfactorily addressing them.

7. Permit Required

No person shall carry out any development within the Municipal Planning Area except where otherwise provided in these Development Regulations 2024 unless a permit for the development has been issued by the Authority.

8. Permit to be Issued

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

- (1) The general development standards set out in Part II of these

Development Regulations 2024, the requirements of Part V of these Development Regulations 2024, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Development Regulations 2024 for the use zone in which the proposed development is located;

- (2) Further to (1), the standards set out in any regulation or policy of the Authority regulating or controlling development, conservation and use of land and buildings and the supply of municipal water, sewer and street services;
- (3) The standards set out in Part III of these Regulations in the case of advertisement;
- (4) the standards set out in Part IV of these Regulations in the case of subdivision;
- (5) The standards of design and appearance established by the Authority.

9. Permit Not to be Issued in Certain Cases

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

Where a Crown Lands grant is required to enable a development, the Authority shall review the policies of the Municipal Plan 2024 and the Development Regulations 2024 in the course of considering their comments to make to Crown Lands on any proposed development, and shall not recommend or support the grant where they are not satisfied. Where a variance or discretionary approval or other approval pursuant to these Development Regulations 2024 or the Urban and Rural Planning Act, 2000, is required, such matters shall be considered and disposed satisfactorily before the grant is

recommended.

10. Discretionary Powers of Authority

- (1) In considering an application for a permit or approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan 2024 and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Development Regulations 2024, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.
- (2) 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 Development Regulations 2024 as discretionary, permitted or prohibited uses for that area. The Authority may specify matters to do with development but which are not uses and which are specified anywhere in these Development Regulations 2024, as approvable at the discretion of the Authority.

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

- (1) Where an approval or permit cannot be given by the Authority because a proposed development does not comply with development standards set out in Development Regulations 2024, the Authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the Authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (2) The Authority shall not allow a variance from development standards set out in Development Regulations 2024 if that variance, when considered together with other variances made or to be made

with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.

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

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

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

13. Service Levy

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

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

14. Financial Guarantees by Developer

- (1) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
 - (a) a cash deposit from the developer, to be held by the Authority, or;
 - (b) a guarantee by a bank, or other institution acceptable to the Council, for expenditures by the developer, or;
 - (c) a performance bond provided by an insurance company or a bank, or;
 - (d) an annual contribution to a sinking fund held by the Authority, or;
 - (f) another form of financial guarantee that the Authority may approve.

15. Dedication of Land for Park Land or Public Use

In addition to the requirements for dedication of land under Regulation 78, the Authority may require the dedication of a percentage of the land area of any subdivision or other development for park land or other public use, and such land shall be conveyed to the Authority in accordance with the provisions of the Act (see Regulation 78).

16. Reinstatement of Land

Where the use of land is discontinued or the intensity of its use is decreased, the Authority may order the developer, the occupier of the

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

17. Form of Application

- (1) An application for a development permit or approval in principle shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.
- (2) The Authority shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

18. Register of Application

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

19. Deferment of Application

- (1) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Development Regulations 2024 which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 19(1), shall be deemed to be refused.

20. Approval in Principle

- (1) The Authority may grant approval in principle for the erection, alteration or conversion of a building if, after considering an application for approval in principle made under these Development Regulations 2024, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Development Regulations 2024.
- (2) Where approval in principle is granted under this Regulation, it shall be subject to the subsequent approval by the Authority of such details as may be listed in the approval in principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.

21. Development Permit

- (1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Development Regulations 2024 but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Development Regulations 2024 or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Development Regulations 2024.
- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding the last day of the calendar year in which it was issued, which may be extended in writing by the Authority for further periods not exceeding two additional calendar years.
- (4) A permit is valid for one year from the date on which it was issued, and if the development has not commenced by that date, the

Authority may approve the renewal of the permit 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 Development Regulations 2024.

- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Development Regulations 2024 or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

22. Reasons for Refusing Permit

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

23. Notice of Right to Appeal *(Refer to Minister's Development Regulations, Section 5, January 2, 2001)*

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

- (a) person's right to appeal the decision to the board;

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

24. 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 Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all Appeal Boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate Appeal Board.
- (2) The fee required under section 44 of the Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (3) The Appeal Board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
- (4) Where an appeal of a decision and the required fee is not received by an Appeal Board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

25. 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 Act and these Development Regulations 2024, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Authority of the appeal and shall provide

to the Authority a copy of the appeal and the documentation related to the appeal.

- (3) Where the Authority has been notified of an appeal that Authority shall within one week of notification forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the Authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate Authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

26. Development Prohibited *(Refer to Minister's Development Regulations, Section 8, January 2, 2001)*

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

27. 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 Act.

28. Appeals

- (1) A person or an association of persons aggrieved of a decision that,

under the Development Regulations 2024, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:

- (a) an application to undertake a development;
- (b) a revocation of an approval or a permit to undertake a development;
- (c) the issuance of a stop work order; and
- (d) a decision permitted under the Act or another Act to be appealed to the board.

(2) A decision of the Authority to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.

(3) An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.

(4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.

(5) An appeal shall be made in writing and shall include

- (a) a summary of the decision appealed from;
- (b) the grounds for the appeal; and
- (c) the required fee.

(6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.

(7) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.

(8) An Appeal Board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under section 24, of the Act, and having regard to the circumstances and merits of the case.

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

(10) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct the Authority to carry out its decision or make the necessary order to have its decision implemented.

(11) Notwithstanding subsection (10), where the Authority may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.

(12) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.

(13) An Appeal Board shall, in writing notify the appellant and the appropriate Authority of the decision of the Appeal Board.

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

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

(2) An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

30. 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 29(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 Act and these Development Regulations 2024.

(3) A written report submitted under subsection 43(2) of the Act

respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.

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

31. Return of Appeal Fee

Where an appeal made by an appellant under section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under regulation 24(2) shall be paid to him or her by the Authority.

32. Notice of Application

- (1) When a change in non conforming use is to be considered under Regulation 49, or when the development proposed is listed as a discretionary use in Schedule C of the Development Regulations 2024, the Authority shall give written notice of the proposed matter to all persons whose land is in the immediate vicinity of the land that is the subject of the matter and shall also post the notice on any website or social media which the Authority uses for posting municipal notices, at least ten days prior to the date upon which the Authority will consider the matter.
- (2) When a variance is necessary under Regulation 11, and the Authority wishes to consider whether to authorize such a variance from development standards, the Authority shall give written notice of the proposed variance to all persons whose land is in the immediate vicinity of the land that is the subject of the variance and shall also post the notice on any website or social media which the Authority uses for posting municipal notices, at least ten days prior to the date upon which the Authority will consider the matter.

33. Right of Entry

The Authority, the Director, or any inspector may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations

or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Authority is empowered to regulate.

34. Record of Violations

Every inspector shall keep a record of any violation of these Development Regulations 2024 which comes to his knowledge and report that violation to the Authority.

35. Stop Work Order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these Development Regulations 2024, the Authority may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 35(1) is guilty of an offence under the provisions of the Act.

36 Delegation of Powers *(Refer to Minister's Development Regulations, Section 18, January 2, 2001)*

An Authority shall, where designating employees to whom a power is to be delegated under subsection 109(2) of the Act, make that designation in writing.

PART II - GENERAL DEVELOPMENT STANDARDS

37. Accesses and Service Streets

- (1) All developments shall front onto a publicly owned and maintained road or highway. The Authority may waive this requirement so as to provide access to land uses associated with agriculture, forestry, sawmilling, wind turbines, antennas, mineral workings or other resource extraction or management or similar uses, where the requirement that a use front onto a public street for access is unnecessary or undesirable, but such accesses shall not be recognized as public streets.
- (2) Street accesses shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (3) Any access to a provincial highway, including streets within the Municipal Planning Area which are provincial highways, must be approved by the Province of Newfoundland and Labrador.
- (4) No vehicular access shall be closer than 10 metres to the street line of any street intersection.
- (5) A new street may not be constructed except in accordance with and to the design and specifications laid down by the Authority.
- (6) See also Regulation 48 concerning frontage required on a public street.

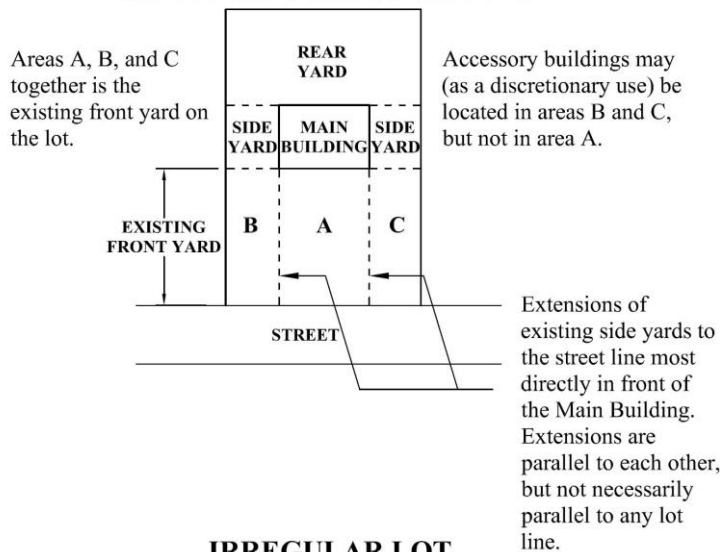
38. Accessory and Temporary Uses and Fences

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main building(s) on the lot in appearance, and shall be contained on the same lot unless exempted as provided in clause (2) or in the Use Zone Tables in Schedule C.
- (2) Storage buildings, garages, home workshops, boat sheds, boat houses, work boats, stages and wharves are deemed to be permitted accessory uses in all Use Zones, where there is a legally existing main building on the lot. Where permitted, boat sheds, slips, wharves and stages may be built to any lot line which corresponds to the high water mark; requirements for other yards shall continue to apply. Where such a use is proposed to be the main use on a separate lot, approval shall be subject to

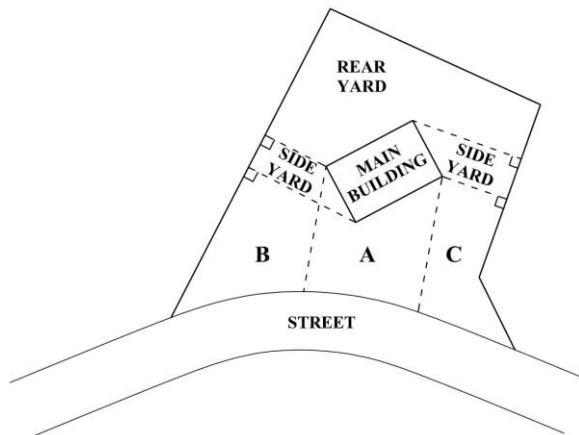
approval of the Authority as a discretionary use.

- (3) Dwellings or other land uses for human occupancy comprising temporary or portable structures (other than mobile homes), including but not limited to travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft are to be located only in permitted campgrounds or marinas and are otherwise prohibited, other than for one such unit as an accessory use on a lot on which a main residential building exists (for this purpose, outbuildings, sheds, garages, barns and the like are not to be deemed "main buildings" where located on an otherwise undeveloped lot). Placing such structures or land uses on undeveloped land shall not be approved. See Municipal Plan 2024 Section 6.3.13 (Temporary Uses).
- (4) No accessory building or part thereof shall project in front of any required building line or in front of building lines of an existing main building on the lot or buildings on abutting lots, except as may be prescribed in these Development Regulations 2024. Accessory buildings shall be located in the rear yard or side yard on the lot, except where topography or natural or built features on the lot or the street(s) providing access to the lot make it practically impossible to locate an accessory building in a side or rear yard, or, where the lot is so large and the configuration of main and accessory buildings so arranged that the appearance of one or more accessory buildings would not adversely affect the aesthetics of the area. In such cases, the Authority at its discretion may approve a site plan which would allow accessory buildings to be built in those portions of the existing front yard which are adjacent to each side lot line, each said portion lying between the side lot line and an extension of the existing side yard line on that side of the lot leading most directly to the street line, provided that the accessory building must not be in front of the building line of a main building on an abutting lot. To illustrate the concept for simple rectangular and irregularly shaped lots, refer to the following:

SIMPLE RECTANGULAR LOT



IRREGULAR LOT



Notwithstanding the foregoing, the Authority may at its discretion approve in any yard open sided or "see-through" accessory buildings in which there is only a ground level structure (or where side walls are not sheathed and in which the framing or supports of a roof provide for minimal blocking of the view of the dwelling structure from the street), such as gazebos, ground level decks with sun roofs, or carports not attached to the main building.

- (5) The sideyard requirements set out in the use zone tables in these Development Regulations 2024 shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two adjoining properties may be built to property boundaries provided they are of fire resistant construction and have a common firewall.

- (6) The location and features of an access ramp for a wheelchair or similar aid for mobility shall be exempt from the requirements of Regulation 38(1).
- (7) Fences are permitted subject to compliance with the Town of Rocky Harbour Fencing Regulations, as amended from time to time. Fences may be erected on a lot line, except where not in compliance with said Fencing Regulations.
- (8) Domestic cutting of fuel wood is deemed accessory to all uses.
- (9) Temporary uses for the following may be approved at Council's discretion:
 - a. Temporary storage and use of equipment, portable structures, and vehicles for short-term events such as community festivals and material laydown or parking for construction projects are permitted subject to conditions concerning length of term, safety and public health as directed by the Authority.
 - b. A habitation where not otherwise permitted, where extremely rare, severe and compelling compassionate reasons are deemed by the Authority sufficient to permit such use, for a non-renewable term of no more than one year to enable relocation to another place.

39. Advertisements

Advertisements shall not be erected or displayed except in accordance with Part III of these Development Regulations 2024.

40. Tourist Accommodations Subject to *Tourist Accommodations Act*

An accommodation for which an operator is required pursuant to the *Tourist Accommodations Act* and *Tourist Accommodations Regulations* to register a tourist accommodation before commencing operations, shall meet the following standards in addition to the ordinary requirements of these Development Regulations 2024:

- (1) The use shall be permitted or permitted subject to discretionary approval in the land use Zone in which it is located, pursuant to these Development Regulations 2024.
- (2) Parking spaces for residents, tourists, visitors and employees shall be of sufficient numbers, in excess of the requirements said in Regulation 51 if deemed necessary by the Authority, to

accommodate associated motor vehicle parking.

- (3) Water supply from the municipal water system and connection to the municipal sewer system shall be approved by the Authority.
- (4) Private water supplies and/or sewage disposal systems shall be authorized by the appropriate Certificate(s) of Approval from the provincial government.
- (5) Registered accommodations in the form of temporary or portable structures or uses including travel trailers, recreational vehicles, tents, outdoor spaces and vacant land for accommodation, boats and watercraft, shipping containers and the like shall be located in approved campgrounds or marinas, other than for one such unit as an accessory use on a lot on which a main residential building exists (for this purpose, outbuildings, sheds, garages, barns and the like are not to be deemed "main buildings" where located on an otherwise undeveloped lot).

41. Building Height

The Authority may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases advice shall be sought from the Council fire service as to their ability to manage the additional height, and the building line setback and rearyard requirements shall be varied as follows:

- (1) The building line setback shall be increased by 2 metres for every 1 metre increase in height.
- (2) The rearyard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.

42. Building Line and Setback

The Authority, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Development Regulations 2024. The Authority may also permit location of a building at a lesser setback but no less than the at least the average setback of the non-accessory buildings within 100 metres on abutting lots, where there is a building on each lot.

43. Family and Group Care Centres

- (1) Family and group care centre use is permitted in any dwelling that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Authority and subject to the discretion of the Authority, the use of the dwelling and the intended clientele do not materially and adversely affect the quiet enjoyment of the other properties or residents of the neighbourhood in which it is located.
- (2) The Authority may require certified architectural designs and operations plans for special access and safety features to be provided for the clientele, staff and neighborhood residents, and proof of issue (or intent to issue) of any licenses or permits required by authorities having jurisdiction for the specific clientele of the Centre, before the development is permitted.

44. Height Exceptions

The height requirements prescribed in Schedule C of these Development Regulations 2024 may be waived in the case of flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 10% of the permitted height of the structure shall only be authorized under the provisions of Regulation 11 and with notice given under the provisions of Regulations 12 and 32.

45. Keeping of Animals

- (1) A use of land to keep more than two animal units shall comply with the following requirements:
 - (a) Any structure shall be located only in an area zoned as Rural (RUR) in these Development Regulations 2024, and be at least 600 m from a residence (except a farm residence), or from an area designated as Residential (RES), or from a Provincial or Federal Park.
 - (b) Any structure shall be at least 60 m from the boundary of the property on which it is to be erected and at least 90 m from the centre line of a street.
 - (d) The design of structures and outdoor features and operations

plans for manure management and pasturing shall be approved by the Department of Fisheries, Forestry and Agriculture.

- (2) No development for residential use shall be permitted within 600 m of a lawfully existing use containing more than five animal units unless the development is first approved by the Department of Fisheries, Forestry and Agriculture.
- (3) Keeping of small animals such as dogs, cats, and small birds, as customarily kept as household pets in the community, is permitted where indicated in the use zone tables; small birds such as chickens, ducks, and geese may be kept, up to a total of 25 birds, including no more than one rooster. Such animals are to be kept in a manner assuring their well-being. Permits are not required for keeping of these animals, except for dogs if a dog licensing bylaw or policy is in place.
- (4) Keeping of larger animals as pets, such as horses and goats, in reasonable numbers is permitted where so provided in the use zone table. No more than two of each of horses, cows or goats, or other large animal species, or numbers of other species, in total no more than two animal units, may be kept as pets. The design of structures and outdoor features and operations plans for manure management and pasturing for keeping of such animals as pets must be approved by the Department of Fisheries, Forestry and Agriculture. Keeping of larger animals for agricultural purposes is permitted only in the Rural (RUR) or Special Conservation (SC) Zones.

46. Lot Area and Size Exceptions

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Development Regulations 2024 for the zone in which such lot is located.
- (2) Where any part of a lot is required by these Development Regulations 2024 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.

- (3) Where, at the time of coming into effect of these Development Regulations 2024, one or more lots already exist in any zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Development Regulations 2024, then these Development Regulations 2024 shall not prevent the issuing of a permit by the Authority for the erection of a permitted use thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Development Regulations 2024.

47. Home Based Businesses

Home based businesses of a type indicated in the "permitted" or "discretionary" use classes in the Use Zone Table for the zone in which the use is located may be permitted at the discretion of the Authority in a dwelling or on the lot upon which a dwelling is located provided that:

- (i) The use is clearly a subsidiary use to the residential use and does not substantially detract from the character of the neighbourhood.
- (ii) Open storage of goods, vehicles and equipment associated with the home based business is permitted provided that such open storage does not occupy more than 25% of the outdoor area of the lot and that such open storage area is screened with an opaque fence at least 1.8 metres in height. Open storage includes only the temporary parking or positioning of goods, vehicles and equipment outdoors and does not include activities such as materials processing, servicing of vehicles or equipment, or manufacturing activity concerning those items; actual work on or use of these items shall be carried on indoors. Open storage does not include operation of an outdoor market.
- (iii) Activities associated with the use (other than for open storage as indicated in (ii)) shall be carried on inside the dwelling unit or

inside one or more buildings separate from the dwelling unit but on the same lot.

- (iv) Not more than twenty-five (25) percent of the floor area of the dwelling unit up to a maximum of forty-five (45) square metres is devoted to the use, unless otherwise specified in the use zone tables, except that the entitlement to open storage area and the areas of accessory buildings are in addition to such maximum. The dwelling unit must continue to meet any dwelling unit minimum floor area requirement.
- (v) The use is operated by a resident(s) of the dwelling unit and does not employ more than three persons in addition to the resident household.
- (vi) Office uses shall be limited to small business services and professional offices.
- (vii) Light Industry uses shall be limited to production of baked goods, hand-made articles such as clothing and arts and crafts objects, or other craft or piece work, and servicing, processing or manufacturing of small equipment or goods.
- (viii) The use shall not generate sewage or water use substantially in excess of what is normal in the area and can be accommodated by the existing municipal road, water and sewer services.
- (ix) Activities associated with the use are not hazardous and do not cause substantial noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a significant nuisance to the occupants of surrounding residences.
- (x) Any number of buildings separate from the dwelling unit may be used in connection with one or more light industrial uses and each of them shall conform to the Accessory Building condition for the use zone.
- (xi) No sign will be permitted other than a name plate not exceeding 1.0 square metres in area and which is attached to the principal building. No illumination of the sign will be permitted.
- (xii) The Authority may require fencing, screening and separation or a

combination of the two to protect the amenity of adjacent uses.

- (xiii) Parking requirements are a minimum of one space for a subsidiary use. The minimum required parking for the dwelling must continue to be met.
- (xiv) The lot has sufficient area to accommodate the parking requirements of both the dwelling unit and the subsidiary use.
- (xv) No change in type, class or extent of the use shall be permitted except in accordance with a permit issued by the Authority.

48. Lot Frontage

Except where specifically provided for in Regulation 37(1) or in the Use Zone Tables in Schedule C of these Development Regulations 2024, no building shall be erected unless the lot on which it is situated fronts onto a street or forms part of a Comprehensive Development Scheme or a Development Scheme.

49. Non-Conforming Use *(Refer to Minister's Development Regulations, Section 14, 15, 16, 17, January 2, 2001)*

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under this Urban and Rural Planning Act, 2001, the Authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 12 months after the discontinuance of that use.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)
 - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Authority;

- (b) shall not be structurally modified except as required for the safety of the building, structure or development;
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
 - (d) may have the existing use for that building, structure or development varied by the Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;
 - (e) may have the existing building extended by approval of the Authority where, in the Authority'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 Development Regulations 2024, 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;
 - (g) where the building or structure is primarily zoned and used for residential purposes, it 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 but the residential building or structure, where being repaired or rebuilt, must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- (4) Before making a decision to vary an existing use of a non-conforming building, structure or development, the Authority, at the applicant's expense, shall publish a notice as required pursuant to Regulation 32 and shall consider any representations or submissions received in response to that advertisement.

50. Offensive and Dangerous Uses

- (1) No building or land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or which may emit

noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by the Authority and any other Authority having jurisdiction. This includes use of outdoor activities or features such as fire pits or devices for burning fuel wood or smoking foods, where located in close proximity to adjacent development.

(2) Specific reference further to (1) and Regulation 6 is made to the:

- a) *Environmental Protection Act,*
- b) *Air Pollution Control Regulations 2022,*
- c) *Water Resources Act, including but not limited to the Environmental Control Water and Sewage Regulations 2003,*
- d) *Pesticides Control Regulations 2012,*
- e) *Storage and Handling of Gasoline and Associated Products Regulations 2003,*
- f) *Used Oil and Used Glycol Control Regulations,*
- g) *Halocarbons Regulations,*
- h) *Municipalities Act, section 404,*

and associated regulations and Government of Newfoundland and Labrador government policies and guidelines.

51. Offstreet Parking and Loading Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the standards set out in in the "Parking Requirements" column in the table in Schedule B of these Development Regulations 2024, the *Classification of Uses of Land and Buildings*, except that where, in the opinion of the Authority, strict application of the requirements is impractical or unnecessary, for which the Authority may waive some or all of the requirements.

- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a durably surfaced right-of-way at least 3 m in width. Parking required in the Residential (RES) zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall where possible, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Development Regulations 2024, parking facilities for more than four vehicles are required or permitted:
 - (a) parking space shall mean an area of land, not less than 15 m² in area, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
 - (b) the parking area shall be constructed and maintained to the specifications of the Authority;
 - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - (d) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
 - (e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - (g) access to parking areas in non-residential zones shall not be by way of residential zones;

- (h) obstructions shall not be located with a parking space or parking area except for directional signs, the bases of lighting fixtures or curbs;
 - (i) where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority may modify or waive requirements or as a condition of a permit require the developer to pay a service levy in accordance with these Development Regulations 2024 in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.
- (6) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street. The number of loading spaces to be provided shall be determined by the Authority.

52. Natural Hazards to Building

- (1) All development must be above the current 4 metre above mean sea level contour except where otherwise specified in the use zone table applicable to the location, and set back at least 30 metres from the top of coastal cliffs or the high water mark for beaches without cliffs, to provide a buffer against coastal erosion, coastal storm surge, and sea level rise, except that the following are permitted (see also Regulation 6(4)):
- a) structures or land uses requiring direct access to salt water, including recreational open space class uses and trails, wharves, breakwaters, slipways and boathouses, if permitted in the applicable use zone table, and if approved such are to be constructed and operated in accordance with the Department of

Environment and Climate Change Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boat-houses;

- b) a lesser setback than 30 metres from the seashore, but in no case less than 15 metres, where certified by a professional engineer to demonstrate that any building(s) would be founded directly on sound bedrock rather than on surficial soils, loose rock, or severely fractured bedrock.
 - c) public works and utilities;
 - d) trails and associated amenities such as benches and warming huts and recreational open space class uses without buildings if permitted in the applicable use zone table;
 - e) enlargement or renovation of existing main building(s) which are located within the required setback from the shore, and accessory buildings which may be developed subject to the ordinarily applicable requirements in the use zone table.
 - f) mineral exploration and mineral workings if permitted in the applicable use zone table.
- (2) Any proposal for development of a site having a slope in excess of 20%, or cutting into the toe of such a slope, must be certified by a professional engineer as having low risk of mass movement of rock and soils in the form of landslides, slumps, debris flows, creep, avalanches, and rockfalls.
- (3) Ground disturbance, changing drainage of surface water flow so as to change sheet flow to channel flow, and removal of soils and vegetation within the buffer described in (1) shall be avoided or minimized.

53. Parks and Playgrounds, and Conservation Uses

Nothing in these Development Regulations 2024 shall prevent the designation of conservation areas or the establishment of parks and playgrounds in any zones, provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

54. Screening and Landscaping

The Authority may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Development Regulations 2024 shall then apply to that application. The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Authority, the landscaping or screening is desirable to preserve amenity, or protect the environment.

55. Services and Public Utilities

- (1) The Authority may within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned provided that the design and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area.
- (2) Public services include central water and sewer service infrastructure, including treatment plants, hydrants, pumping stations, outfalls, intakes and appurtenances; public streets and lanes; public trails and other recreational or cultural facilities not involving buildings, viewpoints; and, civic notices and traffic control.
- (3) The Authority may assess the proximity of a proposed structure to a public service feature as a public health, safety or noise consideration affecting the proposed structure, and may approve with conditions or refuse the application.

56. Service Stations

The following requirements shall apply to all proposed service stations:

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

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

57. Side Yards

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

58. Street Construction Standards

A new street may not be constructed except in accordance with good engineering practice and in particular to the Municipal Water, Sewer and Road Specifications promulgated by, and as amended from time to time by, the provincial government.

59. Subsidiary Apartments

Subsidiary apartments may be permitted where provided in the Use Zone Table applicable to their location.

60. Unsubdivided Land

Development is not permitted on unsubdivided land unless sufficient area is reserved to satisfy the yard and other allowances called for in the Use Zone in which it is located and the allowances shall be retained when the adjacent land is developed.

61. Zero Lot Line and Other Comprehensive Development; Flag Lots

- 1) The Authority may, at its discretion, approve the erection of structures which are designed to form part of a zero lot line development or other comprehensive development which does not, with the exception of dwelling unit floor area, meet the requirements of the Use Zone Tables in Schedule C, provided that any dwellings are designed to provide both privacy and reasonable access to natural daylight, the overall density within the layout conforms to the overall effect of minimum lot areas set out in the Use Zone Tables, and the use classes comply with the Use Zone Table of the zone in which it is located.

- (2) Development on a flag lot is permitted provided that the requirement for lot area is satisfied in the main body of the flag lot, and that the minimum interior dimension of the main body of the flag lot is at least the minimum frontage required. The location of a main or accessory building on a flag lot shall provide for yards in the main body of the lot of at least the dimensional minimum requirements of the building line setback, sideyard widths, and rearyard depths ordinarily required in the subject use zone, as if the main body of the flag lot were an ordinary lot where most or the whole width of the lot abuts the street. Whereas the ordinary meanings of side, front and rear yards are not relevant to a flag lot, any yard in a flag lot can be deemed the front, side or rear yard for this purpose. In a flag lot, the minimum width of the leg or prolongation which provides access to a street shall be 6 m at every point along its length, including the lot boundary where the flag lot fronts directly on a street, except that the Authority may approve at their discretion lesser widths at points where the effect of doing so is minor.

PART III - ADVERTISEMENTS

62. Permit Required

- a) Subject to the provisions of Regulation 67, no advertisement shall be erected or displayed in the Municipal Planning Area unless a permit for the advertisement is first obtained from the Authority, except that a permit from the Authority is not required where the location lies within the areas described in b).
- b) A permit shall be obtained from Service NL for erection or display of advertisements which are located:
 - i. within 100 metres of the centreline of Highway 430 if located within the municipal boundary, or,
 - ii. Within 400 metres of the centreline of Highway 430 if located outside the municipal boundary but within the municipal planning area boundary.

63. Form of Application

Application for a permit from the Authority to erect or display an advertisement shall be made to the Authority in accordance with Regulation 17.

64. Advertisements Prohibited in Street Reservation

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

65. Permit Valid for Limited Period

A permit granted under these Regulations for the erection or display of an advertisement shall be valid for one year from the date on which it was issued, as may be stated therein, but may be renewed at the discretion of the Authority for similar periods.

66. Removal of Advertisements

Notwithstanding the provisions of these Development Regulations 2024, the Authority may remove or require the removal of any advertisement which, in its opinion, is:

- (a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition,

- (b) dilapidated or otherwise detrimental to the aesthetic amenities of the surrounding area, or showing irrelevant or obsolete information such as advertising closed businesses or attractions.

67. Advertisements Exempt from Control

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

- (a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- (b) on an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land;
- (c) on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- (d) on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;
- (e) on land used for professional practice(s), one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on at that lot;
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- (g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of the facade or 3 m, whichever is the lesser;
- (h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

68. Sizes and Locations of Advertisements

Except as exempted by Regulation 67, the conditions which shall apply to the erection or display of an advertisement shall be as follows:

- i) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- ii) No advertisement shall exceed 1.5 square metres in area.
- iii) When an advertisement relates to a specific development not located on the same lot as the advertisement, it shall be located within a reasonable distance of the development, and only show thereon the name and nature of the development and the distance or direction to the premises to which it relates.

69. Non-Conforming Uses

Notwithstanding the provisions of Regulation 62, a permit may be used for the erection or display of advertisements on a building or within the courtyard of a building or on a parcel of land, the use of which is a non conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

PART IV - SUBDIVISION OF LAND

70. Permit Required

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

71. Services to be Provided

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

72. Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Authority for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 13 and 14.

73. Issue of Permit Subject to Considerations

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

- (a) the location of the land;
- (b) the availability of and the demand created for schools, services, utilities;
- (c) the provisions of the Municipal Plan 2024 and these Development Regulations 2024 affecting the site;
- (d) the land use, physical form and size of buildings anticipated to be developed on the new lots and the character of adjacent

developments related to the same factors;

- (e) the transportation network and traffic densities affecting the site;
- (f) the relationship of the project to existing or potential sources of nuisance;
- (g) topography, soil and subsoil characteristics of each lot, and the related difficulty or cost of landscaping and access;
- (h) the drainage of the site and potential for affecting drainage of adjacent land;
- (i) natural features such as lakes, streams, topsoil, trees and shrubs;
- (j) prevailing winds;
- (k) visual quality;
- (l) pedestrian and cycling access to public spaces, such as play areas, beaches, public trails, and community facilities;
- (m) energy conservation;
- (n) such other matters as may affect the proposed development.

74. Building Permits Required

Notwithstanding the approval of a subdivision by the Authority, a separate building permit shall be obtained for each building proposed to be erected in the area of the subdivision, and no building permit for any building in the area shall be issued until the developer has complied with all the provisions of these Development Regulations 2024 with respect to the development of the subdivision.

75. Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 17.

76. Subdivision Subject to Zoning

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

77. Building Lines

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

78. Land for Park Land or Other Public Use

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

- a) where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
- b) if, in the opinion of the Authority, no land for park land is required, the land may be used for such other public use as the Authority may determine, or, the Authority may waive the requirement;
- c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;
- d) the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
- e) money received by the Authority in accordance with Regulation 78(1) (d) shall be reserved by the Authority for the purpose of the acquisition or development of land for park land or other public use provided that:
 - i. where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;

- ii.if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
 - iii.the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;
 - iv.the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - v.money received by the Authority in accordance with Regulation 78(1)(d) above, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Development Regulations 2024, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (3) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, or as a public trail, in any location within or outside the area of the subdivision, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 78(1).

79. Structure in Street Reservation

The placing within any street reservation of any structure (for

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

80. Subdivision Design Standards

No permit shall be issued for the development of a subdivision under these Development Regulations 2024 unless the design of the subdivision conforms to the following standards:

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) Unless not reasonably possible, streets shall form a closed loop pattern, avoiding use of cul de sac streets.
- (c) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m. A temporary cul de sac turning circle may be approved where the cul de sac street is eventually to be extended as shown on an approved layout of future streets.
- (d) The maximum length of a cul de sac shall be:
 - (i) 200m in areas served by or planned to be served by municipal piped water and sewer services.
 - (ii) 300m in areas not served by or planned to be served by municipal piped water and sewer services.
- (e) No cul de sac shall be located so as to appear to terminate a provincial government highway.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within five degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street

intersection.

- (j) No residential street block shall be longer than 490 m between street intersections.
- (k) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to a minimum of a 11.5 m street reservation, pavement width of 9 m, and sidewalk width of 1.5 m. The Authority shall specify the number of sidewalks (on one or both sides of the street) but may waive the requirement.
- (l) No lot in the Residential (RES) Zone which is intended for residential purposes shall have a depth exceeding four times the frontage.
- (m) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (n) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (o) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land, and each lot shall be laid out so as to maximize the usefulness of the land to the eventual occupant, with regard to positioning of buildings, driveways, and outdoor storage and activity areas.

81. Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Authority to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. The design shall conform to good engineering practice and in particular to the Municipal Water, Sewer and Road Specifications promulgated by, and as amended from time to time by, the

Department of Municipal Affairs. Such designs and specifications shall, upon approval by the Authority, be incorporated in the plan of subdivision.

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

82.' Developer to Pay Engineer's Fees and Charges

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

83. Street Works May Be Deferred

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

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

84. Transfer of Streets and Utilities to Authority

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

85. Restriction on Sale of Lots

The developer shall not develop or dispose of any lot within a

subdivision for the purposes of development and no building permit shall be issued until the Authority is satisfied that:

- (a) the lot can be served with satisfactory water supply and sewage disposal systems, and;
- (b) satisfactory access to a street is provided for the lots (see also Regulation 48).

86. Grouping of Buildings and Landscaping

- (1) Each plan of subdivision may make provision for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development and to make the most use of existing topography and vegetation.
- (2) Building groupings, once approved by the Authority, shall not be changed without written application to and subsequent approval of the Authority.

PART V - USE ZONES

87. Use Zones

- (1) For the purpose of these Development Regulations 2024, the Municipal Planning Area is divided into Use Zones which are shown on the Zoning Maps attached to and forming part of these Development Regulations 2024.
- (2) Subject to Regulation 87(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Development Regulations 2024, to be read in conjunction with other requirements and conditions of the Development Regulations 2024.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

88. Use Classes

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

89. Permitted Uses

- (1) Subject to these Development Regulations 2024, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Table in Schedule C shall be permitted by the Authority in that Use Zone.
- (2) Where the permitted use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses under that title shall be permitted, and likewise where the permitted use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses under that

title shall be permitted.

90. Discretionary Uses

- (1) Subject to these Development Regulations 2024, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Development Regulations 2024, the Municipal Plan 2024, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 32 and has considered any objections or representations which may have been received on the matter.
- (2) Where the discretionary use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses under that title shall be permitted, and likewise where the discretionary use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses under that title shall be permitted, subject to the provisions of subsection (1).

91. Uses Not Permitted

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

SCHEDULE A

DEFINITIONS

ACCESS: A way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street. *(Refer to Minister's Development Regulations, January 2, 2001)*

ACCESSORY BUILDING:

- (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.

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

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

ACT: The Urban and Rural Planning Act, 2000.

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

AGRICULTURE: Horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of animals for pet or commercial uses including raising of livestock or any other creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the

use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.

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

ANIMAL UNIT: Any one of the following animals or groups of animals:

1 bull;

1000 broiler chickens or roosters (1.8 - 2.3 kg each);

1 cow (including calf);

100 female mink (including associated males and kits);

4 goats;

4 hogs (based on 453.6 kg = 1 unit);

1 horse (including foal);

125 laying hens;

4 sheep (including lambs);

1 sow or breed sow (including weaners and growers based on 453.6 kg = 1 unit);

500 turkeys, ducks, geese (based on 2,268 kg = 1 unit).

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

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

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

ANTENNA: an electrical device that converts electric currents into propagating electric and magnetic fields in the form of waves (i.e. radio waves or electromagnetic waves) and vice versa (Reference: Safety Code 6: Health Canada's Radiofrequency Exposure Guidelines). For the purpose of this Development Regulation 2024, "antenna" has the same meaning as "antenna system", which is a structure located outside of the walls and roofs of building structures or attached to them, supporting equipment for the said purpose, comprising a mast or tower which is either self supporting, attached to a building or another structure, or stayed with anchored guy wires, or some combination thereof, wherein antennas

which are shorter than 15 metres in height are classed as “short”, those 15 metres or taller as “tall”.

AUTHORITY: the Town of Rocky Harbour.

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

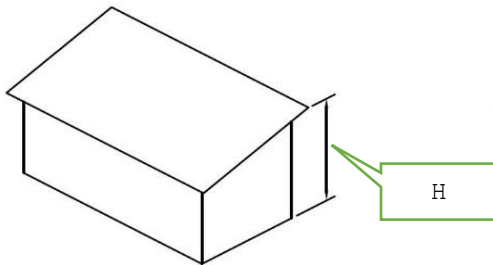
BUILDING: Every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses,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

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

- (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof.
- (Refer to Minister’s Development Regulations, January 2, 2001)*

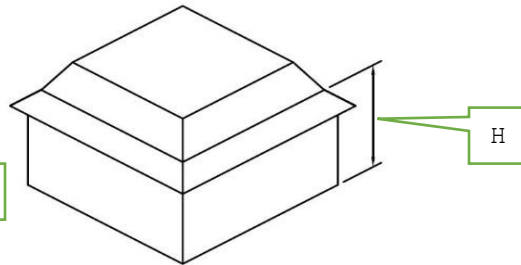
Note: informal illustrations are shown below to assist with interpretation of building height H.

(i) The highest point of the roof surface of a flat roof



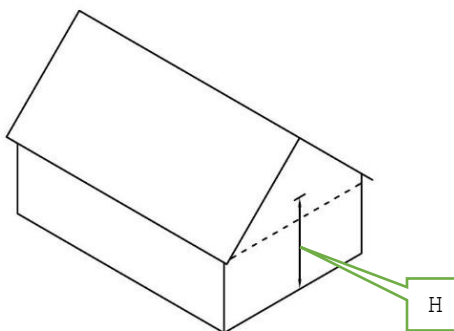
Flat Roof

(ii) The deck line of a mansard roof

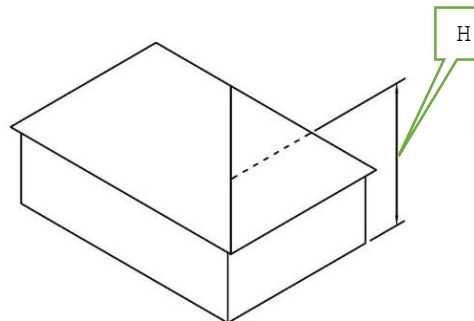


Mansard Roof

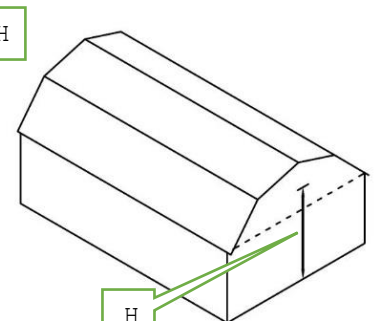
(iii) The mean height level between eave and ridge of a gable, hip or gambrel roof:



Gable Roof



Simple Hip Roof



Gambrel Roof

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

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

CONVENIENCE STORE: A small retail store that carries limited lines of goods, such as a partial line of groceries, housewares, and clothing; gifts; speciality

items; and, other goods, and which has a floor area dedicated to retail sales (including storage area) not exceeding 100 square metres.

COTTAGE: see Seasonal Residence.

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

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

- (a) the making of an access onto a highway, road or way;
- (b) the erection of an advertisement or sign;
- (c) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time; and shall exclude:
- (d) the carrying out of works for the maintenance, improvement or other alteration or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- (e) the carrying out by a highway Authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
- (f) the carrying out by any local Authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (g) the use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

DEVELOPMENT REGULATIONS: Regulations respecting development that have been enacted by the relevant Authority, ie: these Development Regulations 2024 of the Town of Rocky Harbour.

DISCRETIONARY USE: A use that is listed within the discretionary use classes established in the use zone tables of an Authority's these Development Regulations

2024. (Refer to Minister's Development Regulations, January 2, 2001)

DIRECTOR: The Director of Urban and Rural Planning or successor official.

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

DWELLING OR DWELLING UNIT: A self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household. The entrance to the dwelling must be one that can be used without passing through the living quarters of some other person or group of persons.

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

ESTABLISHED GRADE:

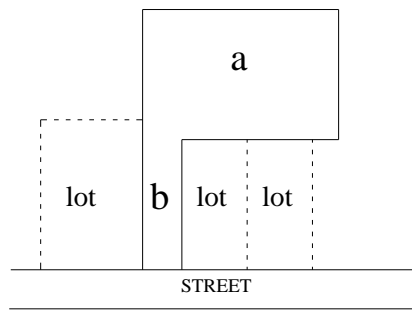
- (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
- (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment. (Refer to Minister's Development Regulations, January 2, 2001)

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

FLAG LOT: A lot characterized by a shape in which the lot's main body of land is located some distance from a street, typically lying behind other lots located along the street line, and in which the main body of the lot is joined to the street by a narrower leg or prolongation which is part of the flag lot; an easement or right of way across another lot so as to gain access to a street does not create a flag lot. A flag lot is so named because its shape in a simple rectangular configuration resembles a flag on a pole, where the main body of the lot is separated from the street and access to the street is along the part of the lot having the narrow pole shape (the street lies at the foot of the pole). The "pole" or narrow leg or prolongation lying between the main body of the lot and the street may be of any configuration, not necessarily of uniform width; the minimum width thereof is stated in Regulation 61.

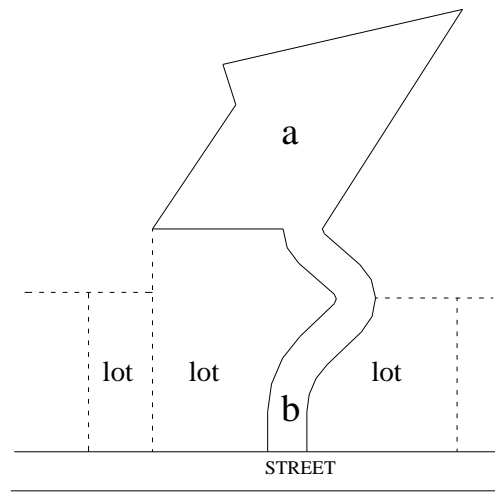
To illustrate the concept:

RECTANGULAR SHAPE



a: main body of the flag lot

IRREGULAR SHAPE



b: leg or prolongation of the flag lot to provide access to a street

FLANKAGE YARD DEPTH: means the distance between a street line, other than the street line on the street which is deemed to be the street which features the front lot line, and the nearest side wall of any building on the lot; generally refers to the yard on longer street line of a lot on a street corner which otherwise would be deemed to be a side yard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MINERAL EXPLORATION: the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of “development” under the Urban and Rural Planning Act. “Mineral” and “quarry material” for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial Mineral Act and Quarry Materials Act, 1998, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

MINERAL WORKING: an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. “Quarry material” for the purpose of interpreting the definition of mineral working is as defined in the provincial Quarry Materials Act, 1998. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

MINING: an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial Mineral Act administered by the Department of Natural Resources. “Mineral” for the purpose of interpreting the definition of mining is as defined under the Mineral Act. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the Mineral Act dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland but a quarry material in Labrador.

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

- (a) which complies with space standards substantially equal to those laid down

in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;

(b) which is designed to be:

(i) transported on its own wheels and chassis to a mobile home lot, and subsequently permanently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;

(ii) connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy;

iii) constructed with exterior features and finishes typical of conventionally built single dwellings in the community.

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

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

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

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

PARKING AREA: means an open area containing parking spaces and any interior aisles and lanes necessary for parking and movement of motor vehicles.

PARKING SPACE: means a space exclusive of any driveways or interior aisles or lanes, upon which one motor vehicle may be parked .

PERMITTED USE: means a use that is listed within the permitted use classes set out in the use zone tables in these Development Regulations 2024. (*Refer to Minister's Development Regulations, January 2, 2001*)

PETROLEUM EXPLORATION AND EXTRACTION: separate land use classes involving the exploration and extraction, respectively, of petroleum resources and for which the requisite permits have been issued by the Department of Natural Resources.

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

PROHIBITED USE: means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an Authority specifies as not permitted within a use zone. (*Refer to Minister's Development Regulations, January 2, 2001*)

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

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

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

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

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

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

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

SHOPPING CENTRE: A group of shops and complementary uses with integrated parking

and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

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

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

SIGN: means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements. *(Refer to Minister's Development Regulations, January 2, 2001)*

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

STREET LINE: means the the edge of a street reservation as defined by the Authority having jurisdiction. *(Refer to Minister's Development Regulations, January 2, 2001)*

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

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

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

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

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

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

2001)

VARIANCE: means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of these Development Regulations 2024. (*Refer to Minister's Development Regulations, January 2, 2001*)

WETLAND: an area which is saturated by surface or ground water sufficient to support, and which under normal circumstances supports a prevalence of vegetation typically adapted for life in the saturated soil conditions, and includes swamps, marshes, bogs, fens and similar areas.

WHARF: see Boat Shed

WIND ENERGY SYSTEM or WIND TURBINE: means a mechanical system for the conversion of wind energy to useful electrical or mechanical energy; a typical wind energy system consists of a tower or mast supporting a rotating apparatus including a rotor, generator and mechanical drives, and ancillary devices related to the control and maintenance of the system. A tower supported wind turbine is self-supporting whereas a mast is stayed with guy wires; for the purpose of these Regulations, the words "tower" and "mast" are used interchangeably. A wind turbine wherein the tower is shorter than 15 metres in height to the top of the vertical axis structure of a vertical axis wind turbine or the rotor hub of a horizontal axis wind turbine is classed as "short", those 15 metres or taller as "tall".

YARD: An open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in these Regulations. Yard types are front yards, side yards, rear yards and flankage yards.

ZONING MAP: The map or maps attached to and forming part of these Development Regulations 2024. (*Refer to Minister's Development Regulations, January 2, 2001*)

SCHEDULE B

CLASSIFICATION OF USES OF LAND AND BUILDINGS

The classification of uses set out in the following table is largely based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 1980**, modified to suit terms used in the Municipal Plan 2024 and the Development Regulations 2024. This classification is referred to in Regulation 88.

| GROUP | DIVISION | CLASS | EXAMPLES | PARKING REQUIREMENT (NUMBER OF SPACES) |
|------------------|-------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| A. ASSEMBLY USES | 1. Assembly Uses for the production and viewing of the performing arts. | (a) Theatre | Motion Picture Theatres T.V. Studios admitting an audience. | 1 space for every five seats or if no seats, 1 space for each 50 square metres of floor area devoted to public occupancy |
| | 2. General Assembly Uses | (a) Cultural and Civic | Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers | |
| | | (b) General Assembly-halls and active exercise uses | Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys | |
| | | (c) Educational | Schools Colleges (non-residential) | Lesser of 2 spaces for each classroom or 25 students |
| | | (d) Child Care | Day Care Centres | |
| | | (e) Place of Worship | Churches and similar places of worship. Church Halls | 1 space for every five seats or if no seats, 1 space for each 100 square metres of floor area devoted to public occupancy |
| | | (f) Passenger Assembly | Passenger Terminals | |
| | | (g) Club and Lodge | Private Clubs and Lodges (non-residential) | |
| | | (h) Catering | Restaurants Bars Taverns | |
| | | (i) Funeral Home | Funeral Homes and Chapels | |
| | | (j) Amusement | Electronic Games Arcades Pinball Parlours Poolrooms | |

| GROUP | DIVISION | CLASS | EXAMPLES | PARKING REQUIREMENT (NUMBER OF SPACES) |
|------------------------------|----------------------------------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. ASSEMBLY USES (continued) | 3. Arena-type Uses | (a) Indoor Assembly | Arenas Armouries Ice Rinks Indoor Swimming Pools | 1 space for every five seats or if no seats, 1 space for each 100 square metres of floor area devoted to public occupancy, or more as determined by the Authority for uses featuring large outdoor spaces |
| | 4. Open-air Assembly Uses | (a) Outdoor Assembly | Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks Fair-grounds Exhibition Grounds Drive-in Theatres | |
| B. INSTITUTIONAL USES | 1. Penal and Correctional Institutional Uses | (a) Penal and Correctional Detention | Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories | 1 space for every 2 beds or clientele spaces |
| | 2. Special Care Institutional Uses | (a) Medical Treatment and Special Care | Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmarys Orphanages Psychiatric Hospitals Sanatoria | |
| C. RESIDENTIAL USES | 1. Residential Dwelling Uses | (a) Single Dwelling | Single Detached Dwellings Family and Group Care Centre | 2 spaces for single dwelling plus 1 for subsidiary apartment |
| | | (b) Double Dwelling | Semi-detached Dwelling Duplex Dwellings Family and Group Care Centre | |

| GROUP | DIVISION | CLASS | EXAMPLES | PARKING REQUIREMENT (NUMBER OF SPACES) |
|---------------------------------------|------------------------------------------------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| C. RESIDENTIAL USES (continued) | 1. Residential Dwelling Uses (continued) | (c) Row Dwelling | Row Houses Town Houses Family and Group Care Centre | 2 spaces for each dwelling unit |
| | | (d) Apartment Building | Apartments Family and Group Care Centre | |
| | 2. General Residential Uses | (a) Collective Residential | Residential Colleges and Schools University and College Halls of Residence Convents and Monasteries Nurses and Hospital Residences | 2 spaces for the landlord's or superintendent's dwelling in the same building if any, plus 1 for each rental bed |
| | | (b) Boarding House Residential | Boarding Houses Lodging Houses Bed and Breakfasts | |
| | | (c) Commercial Residential | Hotels and Motels Hostels Residential Clubs | |
| | | (d) Seasonal Residential | Summer Homes and Cabins Hunting and Fishing Cabins | |
| | | (e) Campgrounds and Marinas | Campgrounds Recreational Vehicle Parks Marinas | 1 space for each cabin or per spot or berth in marinas or campgrounds or RV parks |
| | | (f) Mobile Home | Mobile Homes other than in mobile home parks Family and Group Care Centre | See single dwelling |
| | | (g) Mobile Home Park | Mobile home parks | See single dwelling |
| | | | | |
| D. BUSINESS and PERSONAL SERVICE USES | 1. Business, Professional, and Personal Service Uses | (a) Office | Offices (including Government Offices) Banks | 1 space for each 20 square metres of floor area |
| | | (b) Medical and Professional | Medical Offices and Consulting Rooms Dental Offices and Surgeries Legal Offices Travel agents Similar Professional Offices | |
| | | (c) Personal Service | Barbers and hairdressers Beauty Parlours Small Appliance Repairs | |

| GROUP | DIVISION | CLASS | EXAMPLES | PARKING REQUIREMENT (NUMBER OF SPACES) |
|---------------------------------------------------|-----------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| D. BUSINESS AND PERSONAL SERVICE USES (continued) | 1. Business, Professional and Personal Service Uses (continued) | (d) General Service | Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals | 1 space for each 20 square metres of floor area, or more as determined by the Authority for uses featuring large outdoor spaces |
| | | (e) Communications | Radio Stations Telephone Exchanges | |
| | | (f) Protection | Police Stations without detention quarters Fire stations Ambulance stations Search and rescue buildings | |
| | | (g) Taxi Stand | Taxi Stands | |
| | | (h) Take-out Food Service | Take-out Food Service | |
| | | (i) Veterinary | Veterinary Surgeries | |
| | | | | |
| E. MERCANTILE USES | 1. Retail Sale and Display Uses | (a) Shopping Centre | Shopping Centres | |
| | | (b) Shop | Retail Shops and Stores and Showrooms Department Stores | |
| | | (c) Indoor Market | Market Halls Auction Halls | |
| | | (d) Outdoor Market | Market Grounds Animal Markets Produce and Fruit Stalls Fish Stalls | |
| | | (e) Convenience Store | Confectionary Stores Corner Stores Gift Shops Specialty Shops | |

| GROUP | DIVISION | CLASS | EXAMPLES | PARKING REQUIREMENT (NUMBER OF SPACES) |
|----------------------|-----------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| F. INDUSTRIAL USES | 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, Mattress, Paint, Varnish, and Rubber Factories Spray Painting | 1 space for each 100 square metres of floor area, or more as determined by the Authority for uses featuring large outdoor spaces |
| | 2. General Industrial Uses involving Limited Hazardous Substances and Processes. | (a) General Industry | Factories Cold Storage Plants Freight Depots General Garages Warehouses Workshops Laboratories Laundries Planing Mills Printing Plants Contractors' Yards | |
| | | (b) Service Station | Gasoline Service Stations Gas Bars | |
| | 3. Light, Non-hazardous or Non-intrusive Industrial Uses. | (a) Light Industry | Light Industry Parking Garages Indoor Storage Warehouses Workshops | |
| G. NON-BUILDING USES | 1. Uses not directly related to building | (a) Agriculture | Commercial Farms Hobby Farms Market Gardens and Nurseries | As directed by the Authority |
| | | (b) Forestry | Tree Nurseries Silviculture Domestic cutting for fuel wood | |
| | | (c) Mineral Exploration and Mineral Working | Separate classes of uses as defined in Schedule A. | |
| | | (d) Mining | As defined in Schedule A. | |

| GROUP | DIVISION | CLASS | EXAMPLES | PARKING REQUIREMENT (NUMBER OF SPACES) |
|----------------------------------|-------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------|
| G. NON-BUILDING USES (continued) | 1. Uses not directly related to building. (continued) | (e) Petroleum Exploration and Petroleum Extraction | As defined in Schedule A, comprising separate land uses of exploration and extraction. | As directed by the Authority |
| | | (f) Recreational Open Space | Playing Fields Sports Grounds Parks Playgrounds Trails | |
| | | (g) Conservation | Watersheds Buffer Strips Flood Plains Wildlife Sanctuaries | |
| | | (h) Cemetery | Cemeteries Graveyards | |
| | | (i) Scrap Yard | Car Wrecking Yards Junk Yards Scrap Dealers | |
| | | (j) Solid Waste | Solid Waste Disposal Sanitary Land Fill Incinerators | |
| | | (k) Animal | Animal Pounds Kennels Zoos | |
| | | (l) Antenna or Wind Turbine | TV, Radio and Communications Transmitting and Receiving Masts Antennas Wind turbines | |
| | | (m) Transportation | Airfields Railway Yards Docks and Harbours Boathouses Fishing stages Marinas | |

Schedule C

USE ZONE TABLES

NOTE

This schedule contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purpose of these Development Regulations 2024. The tables also indicate the required standards of development and may also include conditions affecting some or all of the use classes.

The schedule contains tables for the following Use Zones:

| | |
|----------------------------------|------|
| Residential | Res |
| Mixed Development | MD |
| Tourism Commercial | TC |
| Industrial/Commercial | IC |
| Public Recreational and Cultural | PRC |
| Environmental Protection A | EP-A |
| Environmental Protection B | EP-B |
| Special Conservation | SC |
| Water Supply | WS |
| Rural | RUR |

USE ZONE TABLE

| ZONE TITLE | RESIDENTIAL (RES) | (ROCKY HARBOUR) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------|
| Permitted Use Classes - (see Regulation 89) (1) Single dwelling class, (2) Double dwelling class, (3) Mobile home class, (4) Keeping of animals as pets of a number and species as stated in Regulation 45. | | |
| Discretionary Use Classes - (see Regulations 32 and 90) (1) Comprehensive developments, including commercial residential class uses and the following use classes as accessory uses provided that they are incidental to the main purpose of the residential development: catering, personal service, general service, shop, outdoor market and convenience store, (2) Row dwelling class, (3) Apartment building class, (4) Collective residential class, (5) Boarding house class, (6) Theatre class, (7) Cultural and civic class, (8) Educational class, (9) Place of worship, (10) Funeral home class, (11) Child care class, (12) Subsidiary apartments in single dwellings, mobile homes or accessory buildings, (13) Agriculture uses and keeping of animals for any reason other than for the keeping of pets, as stated in Regulation 45, (14) Wharves, boat sheds, stages and docks where they are the main use. | | |

| STANDARDS | WHERE PERMITTED | | | | | | |
|------------------------------------------------------------------------------------------------------|------------------|--------------------------------------------------|-------------------|--------------------|------------|------------|------------|
| | Single Dwelling, | Double Dwelling, Mobile Home, Seasonal Residence | Row Dwelling | APARTMENT BUILDING | | | |
| | | | | 1 Bed Apt. | 2 Bed Apt. | 3 Bed Apt. | 4 Bed Apt. |
| Lot area** (square metres) mini- mum | 650 | 490* | 350* (average) | 200* | 250* | 280* | 300* |
| Floor area (m²) minimum | none | 56* | 56* | 40* | 50* | 60* | 70* |
| Frontage (m) minimum | 15 | 12* | 12* (average) | 36 | | | |
| Building Line Setback (m) (minimum) – front yard and flankage yard depth | 6 | 6 | 6 | 8 | | | |
| Sidyard Width Minor (m) (minimum) | 2 | 2 | 2 | 5 | | | |
| Sidyard Width Major (m) (minimum) | 4 | 4 | 4 | 5 | | | |
| Rearyard Depth (m) (minimum) | 9 | 9 | 9 | 14 | | | |
| Lot Coverage (%) (maximum) | 33 | 33 | 33 | 33 | | | |
| Height (maximum) | 8 | 8 | 10 | 10 | | | |
| * per dwelling unit. | | | | | | | |
| ** see Condition 4 for lots serviced by private water supply and/or private sewage disposal systems. | | | | | | | |

CONDITIONS

1. Discretionary Use Classes

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

2. Discretionary Uses – Non-residential uses

Unless otherwise specified in the Use Zone Table or in these conditions, non-residential discretionary use classes involving buildings shall conform to the frontage, building line setback, sideyard, rearyard, and lot coverage requirements specified for a single dwelling. See Regulation 41 for heights greater than 8 metres.

3. Home Businesses

Home business uses must comply with Regulation 47.

4. Lot Area and Dimensions—Unserviced Lots

The minimum lot area and dimensions are as required by the Province of Newfoundland and Labrador for use of private water supplies and/or private sewage disposal systems and as may be required for access.

5. Development Below 4 Metre Contour Line

The requirement of Regulation 52(1) for development to be above the current 4 metre above mean sea level contour shall apply only to the undeveloped coastline running southward from the fish plant at the end of Main Street South.

6. Subdivision Development

- (1) Refer to the Subdivision of Land section which forms Part IV of these Development Regulations 2024 for general requirements.
- (2) With regard to residential subdivision design for locations in the Residential (RES) Zone and in addition to the requirements of Part IV of these Development Regulations 2024 the Authority may require that:
 - a) street, layout and placement of building lots conform to natural features and topography as much as possible and that the configuration of central sewer services be such that sewage flow requiring pumping is minimized or avoided;
 - b) at least two accesses from the subdivision to the street network be provided in the first phase of development or a street plan provide for reserves for further phases on adjacent lands, except in the case of cul de sac streets;
 - c) waterbodies and watercourses not be altered and, if possible, integrated with open space and park areas;
 - d) original trees and plant growth be left on building lots and open space areas;
 - e) open space areas be landscaped and free of garbage and refuse.

USE ZONE TABLE

| ZONE TITLE | MIXED DEVELOPMENT (MD) | (ROCKY HARBOUR) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------|
| Permitted Use Classes - (see Regulation 89) | | |
| 1. Single dwelling class, 2. Double dwelling class, 3. Mobile home class, 4. Recreational open space class, 5. Conservation class, 6. Cemetery class, 7. Keeping of animals as pets of a number and species as stated in Regulation 45, 8. General garage class use at 48 Main Street South (see Condition 5). | | |
| Discretionary Use Classes - (see Regulations 32 and 90) | | |
| 1. Comprehensive developments, 2. All other residential group except mobile home park class, 3. Subsidiary apartments in single dwellings, mobile homes or accessory buildings, 4. Assembly group, including electric vehicle charging stations, 5. Special care institutional division, 6. Business & personal service group, including electric vehicle charging stations, 7. Mercantile group, including electric vehicle charging stations, 8. Agriculture uses and keeping of animals for any reason other than for the keeping of pets, as stated in Regulation 45, 9. Wharves, boat sheds, stages and docks where they are the main use, | | |

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are compatible or complementary to uses within the permitted use classes and provided that they are not of a scale of building or amount of land required which would significantly detract from the overall attractiveness of the area or the amenity of nearby residential uses.

3. Development Standards and Conditions

The development standards and conditions for this zone shall be the same as for single dwellings in the Residential (RES) zone.

4. Development Below 4 Metre Contour Line

The requirement of Regulation 52(1) for development to be above the current 4 metre above mean sea level contour shall apply only to the undeveloped

coastline running southward from the fish plant at the end of Main Street South.

5. General Garage Use at 48 Main Street South

The following conditions shall apply to development of a general garage use at 48 Main Street South, in addition to all other conditions in the Development Regulations:

- 1) The sale of motive fuels, including gasoline, diesel fuel, propane, or electrical recharge facilities for motor vehicles, is prohibited. Retail sale of packaged fuels, such as refilled BBQ propane tanks or camp stove fuel is permitted.
- 2) Opaque fences are required along the side lot lines from the street line to a point beyond any areas or buildings used for general garage purposes toward the rear lot line. Said fences are to be 2 metres in height and constructed of materials of a type customarily used for fences in residential areas in the community, and not including barbed wire or chain link features.
- 3) Storm water shall be directed away from neighboring lots.
- 4) Unpaved areas are to be landscaped in grass or other vegetation and kept in a well maintained condition."
- 5) Any exterior lighting is to be subdued and directed away from neighboring lots, and the fixtures shall be mounted no higher than 6 metres from established grade.
- 6) One sign is permitted, to be mounted on the face of the principal building in which the general garage activity is conducted, of no more than one square metre in area, not internally lighted, and of an attractive design.
- 7) Open storage of goods and parking of vehicles associated with all non-residential uses on the lot is permitted provided that such open storage does not occupy more than 25% of the outdoor area of the lot. The lot coverage of all non-residential buildings shall be no greater than 20%.
- 8) Any new buildings in which the general garage activity takes place shall comply with the standards for height and yards applicable to the Zone, except that the maximum height shall be 8 metres.

USE ZONE TABLE

| ZONE TITLE | TOURISM COMMERCIAL (TC) | (ROCKY HARBOUR) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------|
| Permitted Use Classes - (see Regulation 89) | | |
| <ol style="list-style-type: none"> Existing developments that legally existed when this Municipal Plan 2024 came into effect. New developments which are permitted in the Mixed Development (MD) Zone and which are located on privately owned land. Developments authorized in accordance with a "development scheme" made pursuant to s.29 of the <i>Urban and Rural Planning Act 2000</i>, after the Municipal Plan 2024 comes into effect. | | |
| Discretionary Use Classes - (see Regulations 32 and 90) | | |
| <ol style="list-style-type: none"> New developments which are permitted as discretionary uses in the Mixed Development (MD) Zone and which are located on privately owned land. | | |

CONDITIONS

1. Discretionary Use Classes

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

2. Development Standards and Conditions

The development standards and conditions for this zone shall be the same as for single dwellings in the Residential (RES) zone, other than for developments located in the above said development scheme.

USE ZONE TABLE

| ZONE TITLE | INDUSTRIAL/COMMERCIAL (IC) | (ROCKY HARBOUR) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-----------------|
| Permitted Use Classes - (see Regulation 89) <ol style="list-style-type: none"> 1. Industrial group, including electric vehicle charging stations, 2. Business & personal services group, including electric vehicle charging stations, 3. Mercantile group uses, including electric vehicle charging stations, 4. Keeping of animals as pets of a number and species as stated in Regulation 45. 5. Electric vehicle charging stations. | | |
| Discretionary Use Classes - (see Regulations 32 and 90) <ol style="list-style-type: none"> 1. Comprehensive developments, 2. Assembly group uses, including electric vehicle charging stations, 3. Institutional group uses, including electric vehicle charging stations, 4. Short antennas and short wind turbines—see Section 6.3.1 (9) in the Municipal Plan 2024 and Definitions, 5. In the Industrial/Commercial designation lying along Dump Road: tall antennas and tall wind turbines (see Section 6.3.1 (9) in the Municipal Plan 2024 and Definitions) and mineral and petroleum exploration and mineral workings, mining and petroleum extraction. | | |

CONDITIONS

1. Discretionary Use Classes

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

2. Development Standards

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

- | | |
|----------------------------------------------------------------------|-----------|
| (a) Minimum Building Line Setback-front yard and flankage yard depth | 8 metres |
| (b) Minimum Sideyard Width on one side | 3 metres |
| on other side | 4 metres |
| (c) Minimum Rearyard Depth | 10 metres |
| (d) Maximum Height | 15 metres |

3. Protection of Residential Use

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

4. Wind Turbines and Antennas

- (1) The minimum setback of the towers of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade for safety reasons related to ice shedding from the blades. In addition, guy wires and anchors of antennas and wind turbines must be on the same lot as the tower.
- (2) See Municipal Plan Section 6.3.1, Policy 9(b) for guidance concerning the jurisdiction of the Government of Canada for regulating antennas and the role of Council in dealing with applications for antenna developments. See the Definition of Antenna in Schedule A.

5. Development Below the 4 Metre Contour Line

The requirement of Regulation 52(1) for development to be above the current 4 metre above mean sea level contour shall apply only to the undeveloped coastline running southward from the fish plant at the end of Main Street South.

USE ZONE TABLE

| ZONE TITLE | PUBLIC RECREATIONAL AND CULTURAL (PRC) (ROCKY HARBOUR) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Permitted Use Classes - (see Regulation 89) | |
| 1. Recreational open space class, 2. Conservation class, 3. Theatre class, 4. Cultural and civic class, 5. General Assembly class, 6. Child care class, 7. Keeping of animals as pets of a number and species as stated in Regulation 45, 8. Indoor and outdoor assembly classes uses, 9. Dog parks. | |
| Discretionary Use Classes - (see Regulations 32 and 90) | |
| 1. Educational class, 2. Take-out food service class, 3. Outdoor market class, 4. Short antennas and short wind turbines—see Section 6.3.1 (9) in the Municipal Plan 2024 and Definitions, 5. Electric vehicle charging stations. | |

CONDITIONS

1. Discretionary Use Classes

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

2. Development Standards

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

- | | |
|------------------------------------------------------------------------|------------|
| (i) Minimum Building Line Setback - front yard and flankage yard depth | 6 metres |
| (ii) Minimum Sideyard Width on one side | 2.3 metres |
| on other side | 4 metres |
| (iii) Minimum Rearyard Depth | 10 metres |
| (iv) Maximum Height | 15 metres |

4. Parking

Additional parking for special events may be required by the Authority in addition to any parking requirements stated in Regulation 51.

5. Wind Turbines and Antennas

- (1) The minimum setback of the towers of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade for safety reasons related to ice shedding from the blades. In addition, guy wires and anchors of antennas and wind turbines must be on the same lot as the tower.
- (2) See Municipal Plan Section 6.3.1, Policy 9(b) for guidance concerning the jurisdiction of the Government of Canada for regulating antennas and the role of Council in dealing with applications for antenna developments. See the Definition of Antenna in Schedule A.

6. Development Below the 4 Metre Contour Line

The requirement of Regulation 52(1) for development to be above the current 4 metre above mean sea level contour shall apply only to the undeveloped coastline running southward from the fish plant at the end of Main Street South.

USE ZONE TABLE

| ZONE TITLE ENVIRONMENTAL PROTECTION A & B (EP-A, EP-B) (ROCKY HARBOUR) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Permitted Use Classes - (see Regulation 89)</p> <p>Conservation class, Enlargement or renovation of existing main buildings, and, new buildings which are accessory thereto.</p> |
| <p>Discretionary Use Classes - (see Regulations 32 and 90)</p> <p>Recreational open space class not involving buildings. Agricultural class uses.</p> |

CONDITIONS

1. Discretionary Use Classes

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

2. Natural Hazards

- a) Regulation 52 applies except that the requirement of Regulation 52(1) for development to be above the current 4 metre above mean sea level contour shall apply only to the undeveloped coastline running southward from the fish plant at the end of Main Street South.
- b) For clarity, see Regulation 6(4)(9) for the requirement for setback from Bottom Brook.

3. Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Building Line Setback - front yard and flankage yard depth 6 metres
- (b) Minimum Sideyard Width 3 metres
- (c) Minimum Rearyard Depth 9 metres
- (d) Maximum Height 12 metres

USE ZONE TABLE

| ZONE TITLE | SPECIAL CONSERVATION (SC) | (ROCKY HARBOUR) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------|
| Permitted Use Classes - (see Regulation 89) | | |
| 1. Conservation class, 2. Agriculture class uses involving keeping of animals, only in the Community Pasture areas. | | |
| Discretionary Use Classes - (see Regulations 32 and 90) | | |
| 1. Agriculture class uses including keeping of animals other than in the Community Pasture areas, 2. Forestry class, 3. Recreational open space class. | | |

CONDITIONS

1. Discretionary Use Classes

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

2. Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Building Line Setback front yard and flankage yard depth 6 metres
- (b) Minimum Sideyard Width 3 metres
- (c) Minimum Rearyard Depth 9 metres
- (d) Maximum Height 12 metres

3. Agricultural and Forestry Uses

Agricultural use involving keeping of animals and forestry uses are to be in accordance with a management plan approved by Council and the Department of Fisheries, Food and Agriculture. See Regulation 45 concerning keeping of animals.

4. Buildings Not Permitted

Buildings other than boardwalks or decks are not permitted except as uses accessory to approved uses.

USE ZONE TABLE

| ZONE TITLE | WATER SUPPLY (WS) | (ROCKY HARBOUR) |
|------------------------------------------------------------------------|-------------------|-----------------|
| Permitted Use Classes - (see Regulation 89) | | |
| Conservation and other uses compatible with the water supply function. | | |
| Discretionary Use Classes - (see Regulations 32 and 90) | | |
| Forestry uses related to management and use of the water supply. | | |

CONDITIONS

1. Discretionary Use Classes

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

2. Forestry

Forestry may be considered as a discretionary use, provided the development is beneficially related to the water supply function of the area and in accordance with a forestry management plan approved by the Department of Fisheries, Forestry and Agriculture and the Authority.

USE ZONE TABLE

| ZONE TITLE | RURAL (RUR) | (ROCKY HARBOUR) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|
| Permitted Use Classes - (see Regulation 89) <ol style="list-style-type: none"> 1. Agriculture class, 2. Forestry class, 3. Outdoor market class, 4. Mineral and petroleum exploration classes, 5. Recreational open space class, 6. Conservation class, 7. Keeping of animals as pets of a number and species as stated in Regulation 45. Keeping of animals for agricultural purposes, including animals which may otherwise be kept as pets, is permitted. | | |
| Discretionary Use Classes - (see Regulations 32 and 90) <p>All other uses including comprehensive developments and electric vehicle charging stations, except for:</p> <ol style="list-style-type: none"> 1. Solid waste class, 2. Seasonal residential class (cottages) where located north of Highway 430. | | |

CONDITIONS

1. Discretionary Use Classes

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

2. Development Standards

The development standards for this zone shall be as follows:

- | | |
|-------------------------------------------|-----------|
| (a) Minimum Building Line Setback - front | |
| Yard and flankage yard depth | 6 metres |
| (b) Minimum Sideyard Width | 3 metres |
| (c) Minimum Rearyard Depth | 9 metres |
| (d) Maximum Height | 15 metres |

3. Accessory Buildings

The requirements of Regulation 38(1) and (2) shall not apply.

4. Agricultural Development

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

5. Wind Turbines and Antennas

- (1) The minimum setback of the towers of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade for safety reasons related to ice shedding from the blades. In addition, guy wires and anchors of antennas and wind turbines must be on the same lot as the tower.
- (2) See Municipal Plan Section 6.3.1, Policy 9(b) for guidance concerning the jurisdiction of the Government of Canada for regulating antennas and the role of Council in dealing with applications for antenna developments. See the Definition of Antenna in Schedule A.

6. Visibility of New Large Mineral Workings, Mines and Petroleum Extraction

The Authority will not approve new large-scale mineral workings, mines and petroleum extraction and related activities from taking place within general view of developed areas of the community.

7. Mineral Workings, Mining and Petroleum Extraction

1) Exploration

- i. In addition to other requirements concerning environmental protection and safety, the Authority will consider best practices in mineral exploration and petroleum exploration, in consultation with the Mineral Lands Division of the Department of Natural Resources, and include conditions in approving exploration applications.
- ii. Conditions may include conditions concerning proximity of activities to existing development, limiting hours of mechanized operations, requirements to restore areas where ground has been disturbed, removal of vehicles, equipment and trash when finished, restoration of roads, trails, vegetation and drainage features, and the like.
- iii. The Authority may require a site restoration surety and/or other guarantees of satisfactory compliance.

1) Mineral Workings, Mining and Petroleum Extraction

- a) No mineral working, mining, petroleum extraction or associated activity shall be located any closer than the minimum distances listed in the table below to the specified developments or natural features unless, after consulting nearby residents, concerned government departments and those involved in any kind of land use within the surrounding general area, the Authority is satisfied that the working will not have a negative effect on other development, potential development or natural features and provided all other applicable regulations and plan policies are respected.

| Area or Feature | Minimum Distance of Mineral Workings, Mines or Petroleum Extraction Structures and Activities from Area or Feature: |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Boundaries of the Water Supply (WS) Zone | 300 metres* |
| Boundaries of the Special Conservation (SC) Zone | 100 metres |
| From abutting private property, and must have written permission of abutting property owner | 15 metres* |
| Public highways or streets or public trails | 90 metres |
| Waterbody, including the sea or watercourse (30 metres if water body is a wetland or ephemeral watercourse)* | 50 metres |
| Where a minimum required distance was originally observed when choosing the location of a mineral working, mine or petroleum extraction, the said use shall not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development towards the said use. | |
| * These criteria are found in the Standard Terms and Conditions for all quarry permits, leases and subordinate quarry permits issued pursuant to the Quarry Materials Regulations under the Quarry Materials Act (O.C. 96/248). Those not marked * are devised by the Authority. | |

b) Environmental Protection and Security:

i. Water Pollution

No mineral working, mine or petroleum extraction or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road which crosses a brook or

stream shall be bridged or culverted at the crossing in accordance with provincial government regulations.

ii. Water Ponding

No mineral working, mine or petroleum extraction shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation of ponding of water in any part of the site. Settling ponds may be permitted with the approval the provincial government.

iii. Erosion Control

No mineral working, mine or petroleum extraction shall be carried out in a manner so as to cause erosion of adjacent land.

iv. Site Maintenance

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

v. Access Roads

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

vi. Stockpiling Cover Material

All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from active disturbed areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

c) Operating Plant and Associated Processing and Manufacturing

- i. The Authority may permit processing and manufacturing use associated with mineral working, mine or petroleum extraction provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
- ii. All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of resources.

d) Termination and Site Rehabilitation

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

- i) All buildings, machinery and equipment shall be removed.
- ii) All reconstructed slopes shall be graded to slopes less than 20

degrees or to the slope conforming to that existing prior to the mineral working, mine or petroleum extraction.

- ii. Topsoil and any organic materials shall be respread over the entire disturbed area.
- iii. The access road(s) shall be ditched or barred to the satisfaction of the Authority.
- iv. If the mineral working, mine or petroleum extraction contains reserves of material sufficient to support further extraction operations, the Authority may require the work described above to be carried out only in areas of the site where extraction has depleted reserves.

e) Screening and Fencing

A mineral working, mine or petroleum extraction shall be screened or fenced in the following manner where it is visible from a public street or highway, public park, developed area, or area likely to be developed during the life of the use:

- i. Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority.
- ii. Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the use from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets and public parks. The berms shall be landscaped to the Authority's satisfaction.
- iii. Where natural topography creates a visual screen between a mineral working, mine or petroleum extraction and adjacent public highways and streets or public parks or other land use (excepting forestry and agriculture), additional screening may not be required.
- iv. The Authority may require the mineral working site, mine or petroleum extraction or parts thereof, to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

Appendix

Other Policies Related to Development But Not Part of Development Regulations 2024

The following Policies of the Town of Rocky Harbour are appended for information. They are not part of the Development Regulations 2024 and may be amended, added to, or repealed without necessity of amendment to these Development Regulations 2024:

- Entrance Policy
- Fence Regulations
- Development Permit Application

ENTRANCE POLICY

In an effort to create a consistent Entrance Policy that would treat all residents fairly, the Town has adopted the following guidelines for new/existing access to residential and commercial properties:

1. All new developments that require access to residential and commercial properties will be the sole responsibility of the property owner.
2. All new developments that are located on the municipal roads and require a culvert, will be required to install a minimum size culvert between 16-24".
3. The size of the culvert will be determined by the Town's Public Works Committee/ Staff.

Please Note: In some circumstances, the culvert that is required may be smaller/ larger pending on the location of the property. For example, if a property is located in a flood zone, then the resident may be required to install a much larger culvert and if a property is located in an area with very little water impact, then a smaller culvert may be approved to be installed. This is subject to a site visit and approval by the Public Works Committee/ Staff.

4. All new developments that are located along a Municipal Road will require a municipal access permit from the Town Council, if a culvert is required then this will be determined by the Town Council Public Staff / Committee. Applications can be found on the Town of Rocky Harbour's website:
https://rockyharbour.ca/wp-content/uploads/2022/02/rh_regs_building_specs.pdf
5. All new developments that are located along a Provincial Road will require a highway access permit from Service NL, if a culvert is required then this will be determined by the Department of Transportation and Works. Applications can be found on the Service NL website:
<https://www.gov.nl.ca/dgsnl/licenses/land-dev/highway/>
6. All culverts must be rip rapped at both ends with flat armour stone rock or concrete foundation. Size of the rock/ concreted will depend on the size of the culvert being installed.
7. All damages that are done during the installation of the culvert(s) which includes damages to roads, sidewalks, and asphalt, etc. are solely the responsibility of the property owner.
8. If the Town Council is required to carry out repairs, then the town has the right to carry out these repairs and charge back the full amount to the property owner.
9. If there is damage caused to a culvert by the Town Council, the Town Council will assume responsibility to repair the culvert.

10. If a culvert is raised or sunk due to freeze and thaw and is impacting the water flow the Town will carry out repairs to drop or raise the culvert but will not purchase a new culvert. As well, if pavement needs to be cut and removed, it will be the responsibility of the property owner for replacement and maintenance of the area and driveway.
11. In the event that a culvert needs to be replaced, the property owner is responsible for purchase of the culvert and replacement of asphalt if necessary. The Town Council can carry out culvert replacement (labour & equipment only), at no cost to the owner.

This “Culvert Policy” may be subject to yearly review and amendment.

FENCE REGULATIONS

Pursuant to the power conferred by Part XVI – Regulations. Section 414, number (2) hh of the Municipalities Act 1999, the Rocky Harbour Town Council has made the following regulation.

REGULATIONS

1. Interpretation: In these regulations unless context otherwise requires:
 - (a) “Act” means, The Municipalities Act, 1999, Chapter M-24.
 - (b) “Council” means, Town Council of Rocky Harbour
 - (c) “Town” means, The Town of Rocky Harbour as defined in Order-of-Council dated the 25th day of March 1966 or any amendments thereto, make or continued under the provision of the Act.
 - (d) “Town Clerk” means, Town Clerk of the Town of Rocky Harbour.
2. All fences erected or repaired within the Town limits shall be constructed of material which meets the approval of Council.
3. All fences erected or repaired within the Town limits shall require a written permit from Council prior to work starting.
4. All fences are to be constructed a minimum distance of 25 feet from the centerline of any secondary street and a minimum of 33 feet from the centerline of primary streets (Main Street North, Main Street South, Payne’s Path, Pond Road, West Link Road), unless otherwise approved by Council.
5. All fences are to be constructed on owner’s property therefore; all side and rear fence construction must be installed on the owner’s property lines.
6. Fence height is to be measured from the ground to the top of the fence.
 - (a) Fences fronting on a street shall be constructed to a maximum height of 4 feet.
 - (b) Fences siding on adjacent properties and back lots shall be constructed to a maximum height of 6 feet.
 - (c) Any variance from (a) or (b) shall only be approved by a motion of Council.

7. All shores and supporting posts for fence construction are to be placed on the inside portion of the fence and pickets are to be placed on the outside portion towards road/ adjacent properties.
8. In older areas of Town where land is not available to meet regulations set out in number 4, fence construction approval will be at the discretion of Council.
9. In the event that a property owner is given permission to construct a fence closer than regulations set out in number 4, the property owner takes full responsibility for any damage done due to snow clearing and road work, even if given special approval by Council.
10. In the event that a fence is deemed, by Council, to be in a state of disrepair, Council has the authority to request an upgrade or demolition of the fence. Otherwise, the Town will take the necessary action to remove the fence and charge all costs back to the property owner.
11. Notwithstanding the provisions of these regulations, any fence, which is considered a hazard or interferes with pedestrians or vehicular traffic, shall be removed upon an order of Council.
12. Any person who violates any of the provisions of these regulations shall be guilty of an offense and shall be liable on summary of conviction to a fine not exceeding Two Hundred Dollars (\$200.00).
13. These regulations were amended and adopted by Council at a meeting held on November 8, 2022 and will come into effect immediately, and may be cited as the Town of Rocky Harbour's (FENCE REGULATIONS, 2022).

The Town of Rocky Harbour adopted its Fence Regulations on 8th day, November, 2022.

DEVELOPMENT PERMIT APPLICATION

Print form at size to suit.

| Office Use Only | | | | |
|-----------------|--------|----------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| File No. | Zoning | Variance | Discretionary Use | Receipt Date |
| | | | | <div style="display: flex; justify-content: space-around; margin: 0;"> <div style="text-align: center; width: 10%;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> D </div> <div style="text-align: center; width: 10%;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> M </div> <div style="text-align: center; width: 10%;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> Y </div> </div> |

| | | |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| NAME | ADDRESS | TELEPHONE: |
| | | FAX: |
| EMAIL ADDRESS | TYPE of DEVELOPMENT <input type="checkbox"/> Residential <input type="checkbox"/> Accessory Building <input type="checkbox"/> Commercial <input type="checkbox"/> Land <input type="checkbox"/> Extension <input type="checkbox"/> Temporary: travel trailers, RVs, tents, open area camping, boats <input type="checkbox"/> Other | LOCATION of DEVELOPMENT |

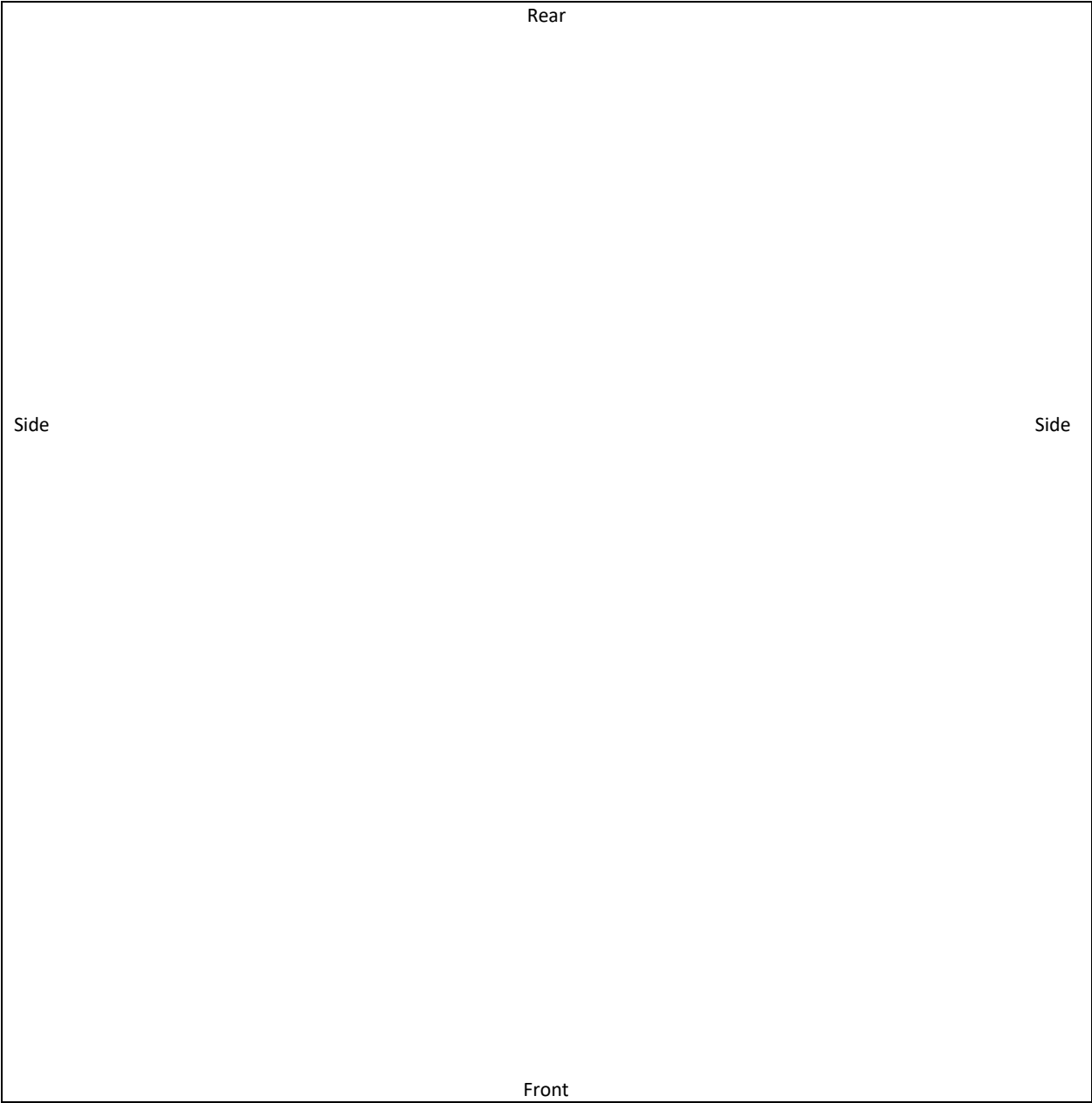
1. DESCRIBED PROPOSED DEVELOPMENT.....
2. SIZE OF LAND TO BE DEVELOPED Front.....Side.....Area.....
3. SIZE OF BUILDING.....Set back from Road Center.....
4. LIST ANY BUILDING TO BE DEMOLISHED.....
5. EXCAVATION: Yes.....No.....Depth from finished grade to footing.....
6. FOUNDATION TYPE.....Walls Thickness..... Size of Footing.....X.....
 Piers Size.....X.....Size of Footing.....X.....
7. CONCRETE: Type..... reinforced: Yes ☐ No ☐ Waterproofing ☐ or Damp Proofing ☐
8. DRAINS: ☐ perimeter ☐ under floor ☐ sump pump
9. 8. EXTERIOR WALLS: ☐ frame ☐ solid masonry ☐ other (specify).....
10. 9. EXTERIOR FINISH: ☐ wood ☐ brick ☐ stucco ☐ other (specify).....
11. 10. CHIMNEYS: ☐ brick ☐ prefabricated size of flue(s).....X.....X.....

| MEMBER | SPAN | SIZE/THICKNESS | MATERIAL & GRADE |
|-------------------------------|------|----------------|------------------|
| ▪ BEARING PARTIONS (studs) | | | |
| ▪ OTHER PARTIONS (studs) | | | |
| ▪ COLUMNS UNDER GIRDERS | | | |
| ▪ GIRDERS | | | |
| ▪ FLOOR JOISTS (other floors) | | | |
| ▪ CEILING JOISTS | | | |
| ▪ RAFTERS | | | |
| ▪ TRUSS | | | |
| ▪ ROOF SHEATHING | | | |
| ▪ WALL SHEATHING(exterior) | | | |
| ▪ SUB FLOORING | | | |
| ▪ TILE UNDERLAY | | | |
| ▪ BASEMENT FLOOR | | | |

12. INTERIOR FINISH: ☐ gyproc ☐ plaster ☐ paneling ☐ other (specify).....
13. WINDOWS: Type of frame Wood.....Metal.....Flashing.....

- 14. DOORS: Type of frame Wood.....Metal.....Exterior Size.....Interior Size.....
- 15. INSULATION: Type and Thickness, Exterior Walls.....Ceiling.....floor (if applicable).....
- 16. ROOFING: Type..... Grade or Weight..... Eavestrough ☐ yes ☐ no
- 17. PLUMBING: ☐ 3 piece ☐ extra plumbing specify.....
(All plumbing must be installed to the specifications of the National Building Code of Canada)
- 18. ELECTRICAL SERVICE: Source of power.....
(All wiring must be installed in compliance with the Electrical Code of Newfoundland and Labrador)
- 19. HEATING SYSTEM: Type of system.....Location of fuel storage.....
- 20. WATER SUPPLY: (Show location on plot plan) ☐ dug well ☐ drilled well ☐ other (specify).....
- 21. SEWAGE DISPOSAL: (Show location on plot plan) Type.....
- 22. GARBAGE DISPOSAL: Method of disposal.....
- 23 PARKING: ☐ garage ☐ carport ☐ parking pad number of cars.....
- 24. ESTIMATED CONSTRUCTION VALUE: (Materials & Labour).....

PLOT PLAN:



Stipulation:

When footings have been framed but before pouring, contact the Town Office (709)458-2376 so that the site can be inspected to confirm that the building size complies with the Town regulations

Electrical Wiring:

All wiring must be installed in accordance with Newfoundland and Labrador Electrical Code Regulations and a separate permit obtained from the Chief Electrical Inspector or the Newfoundland and Labrador Power Commission.

Plumbing:

All plumbing systems must be installed in accordance with the specifications set out in the National Building Code of Canada

Note to Applicant:

- All work undertaken needs to be in accordance with the **National Building Code** and responsibility for compliance with the code is with the home owner and/or developer/ contractor.
- Application must be accompanied by a copy of the required plans and specifications, survey of the property and a location plan
- Application to construct an accessory building (shed/ garage) must be accompanied by a scaled plot plan showing. The location of proposed development in relation to existing structures and distance to all boundaries from the proposed development.
- Construction must be 50 feet from centre of Main Road, 40 feet from centre of by-road, and 15 feet from any existing building.
- Yards shall be as specified in Development Regulations 2024.
- Sump pumps, floor drains, weeping tile, roof drains, etc. shall not be connected to the sewer system
- All culverts to be installed at the property owner's expense and installed as per Town's specifications, minimum size to be determined by the town.
- Land Development includes clearing of land, landscaping, changing the grade of the property, ditching, drainage, and water flow. Applicant is responsible for any impact that it may cause to neighbouring properties or town infrastructure.

Expiry & Renewal:

This permit is valid for 1 year from the date it is issued. If extension is required there will be a fee at the cost of the permit at the time or renewal.

Expected Date of Completion.....

I.....Of.....in the Province of Newfoundland and Labrador, do solemnly declare that plans, specifications and statements herein contained in this said application conform, to the best of my knowledge, to the requirements of the Rocky Harbour Development Regulations and, where applicable, the National Building code of Canada, and are made with full knowledge of the circumstances connected with same and that the above Regulations will be complied with in the development whether specified herein or not. I make this solemn declaration, conscientiously believing it to be true and knowing that it is the same force and effect as if made under oath.

Dated at.....this.....day of.....20.....

SIGNATURE.....WITNESS TO SIGNATURE.....