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## DEFINITIONS

**ACCESS** means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street.

**ACCESSORY BUILDING** is:

- (a) A detached subordinate building not used as a dwelling, located on the same lot as the main building or use to which it is accessory, and which has a use which is customarily incidental or complimentary to the main use of the building or land:
- (b) for residential uses such as domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, or radio and television antennae,
- (c) for commercial uses such as workshops, garages, and
- (d) for industrial uses such as garages, offices, raised ramps and docks.

**ACCESSORY DWELLING UNIT** means a separate dwelling unit constructed within and subsidiary to the main use. The main use shall not be a single dwelling, double dwelling, row dwelling, or apartment building.

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

**ACT** unless the context indicates otherwise, means the *Urban and Rural Planning Act, 2000*.

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

**AGRICULTURE** means an agricultural operation that is carried on for commercial gain and includes:

- (a) the clearing, draining, irrigating or cultivation of land,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of agricultural field crops,
- (f) the production of fruit and vegetables and other specialty horticultural crops,
- (g) the production of eggs and milk,

- (h) the operation of agricultural machinery and equipment, including irrigation,
- (i) storage, use or disposal of organic wastes (manure) for farm purposes, and
- (j) any other agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward.

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

**ANTENNA** means a system that involves the transmission or receiving of data through radio waves, air monitoring, weather collection devices or other sources, typically forming part of a mast or tower which may be several hundred metres tall, either guyed or freestanding. Small monitoring structures are typically located near the base.

**APARTMENT BUILDING** means a building containing three or more dwelling units, but does not include a row dwelling or a single dwelling with a subsidiary apartment.

**APPLICANT** means a person who has applied to Council for approval to carry out development.

**APPEAL BOARD** means the appropriate Appeal Board established under the Act.

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

**APPROVAL IN PRINCIPLE** means that Council when considering a development application shall evaluate the application to the development requirements within the Town. If the proposed development meets the development requirements of the Town an approval in principle maybe given to the application. Final approval and issuance of a permit to commence development are subject to the agreement by the applicant to meet specified conditions as outlined by Council.

**AUTHORITY** means the Town Council of Pouch Cove, authorized administrator or regional authority.

**BACKLOT** means a lot characterized by the location of the residential lot generally at the rear of another residential lot, or otherwise separated from the public street which provides access, and by a narrower area extending from the rear residential lot to the public street.

**BED AND BREAKFAST** means a detached dwelling occupied by the property owner or the bed and breakfast host as a primary residence in which overnight accommodation and a breakfast meal are offered to registered guests for a fee. A Hospitality Home shall have the same meaning.

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

**BUFFER** means a formation of land or natural growth such as a berm, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible sites, uses or land use districts.

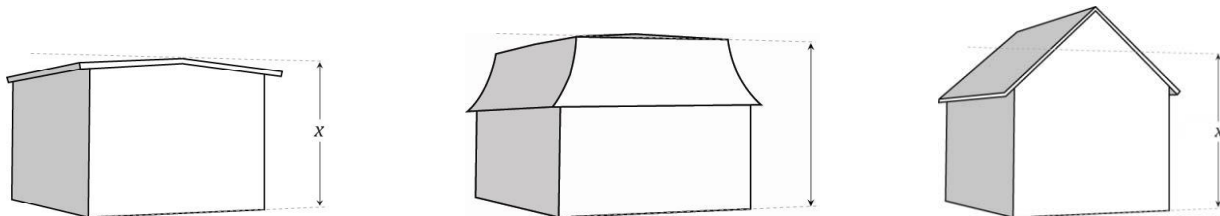
**BUILDING** means:

- (a) a structure, erection, excavation, alteration or improvement placed on, over or under land, or attached, anchored or moored to land; mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses;
- (b) a part of and fixtures on buildings referred to in (a) and (b), and
- (c) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (a) to (c).

**BUILDING HEIGHT** means the vertical distance, in metres, from established grade to the:

- a) highest point of the roof surface of a flat roof;
- b) deck line of a mansard roof; and
- c) mean height level between the eave and ridge of a gable, hip or gambrel roof.

In any case, a Building Height shall not include mechanical structures, smokestacks, steeples, and purely ornamental structures above a roof.



**BUILDING LINE** means a line established by the Council that runs parallel to the street line and is set at the closest point to a street that a building may be placed. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

**CHILD CARE FACILITY** means a building or part of a building in which services and care are regularly provided to children or adults, but does not include a school as defined by the Schools Act.

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

**CORNER LOT** means a lot deemed to have street frontages on both a primary and a flanking (secondary) street.

**CORNER LOT SIGHT TRIANGLE** means a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 1 metres above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres from the point of intersection.

**COUNCIL** means the Municipal Council of the Town of Pouch Cove.

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

- (a) making of an access onto a highway, road or way,
- (b) erection of an advertisement or sign,
- (c) construction of a building,
- (d) the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation, and excludes,
- (e) the carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (f) the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- (g) the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of streets or other land for that purpose,
- (h) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of a dwelling house as a dwelling.
- (i) the creation of a pedestrian or vehicular road, lane, driveway or trail by means of clearing land or disturbing the natural ground surface and/or vegetation, as well as erecting bridges, curbs, steps, rails, signs or installing culverts.

**DEVELOPMENT AGREEMENT** means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out.

**DEVELOPMENT REGULATIONS** means Regulations and by-laws respecting development that have been enacted by Council.

**DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of the Council's Development Regulations.

**DOUBLE DWELLING** means one building containing two dwelling units, placed one above the other, side by side, or joined by a carport with separate lot areas dedicated to each unit, but does not include a single dwelling containing a subsidiary apartment.

**DRAINAGE PLAN** means a report, prepared by a professional person such as an engineer, based on a bio-physical assessment of a residential subdivision lot(s) to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining land.

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

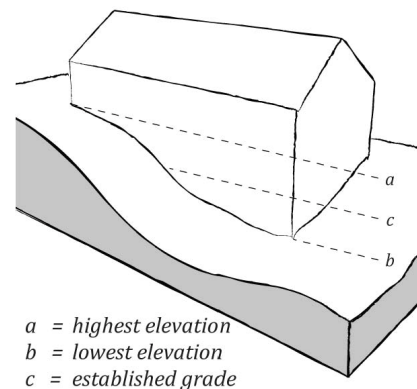
**ECOSYSTEM** means a biological community of interacting organisms and their physical environment functioning as an ecological unit.

**ENGINEER** means an engineer who is a member of the Association of Professional Engineers and Geoscientists of Newfoundland, employed or retained by the Council.

**ESTABLISHED BUILDING LINE** means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon in the past.

**ESTABLISHED GRADE** means:

- a) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of that building exclusive of any artificial embankment or entrenchment;
- b) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment.



**FAMILY CHILD CARE USE** means a building or part of a building in which services and activities are regularly provided for up to six (6) children as defined in the *Child Care Services Act*, but do not include a school as defined by the *Schools Act*.

**FLANKING STREET** means the secondary street bordering a corner lot.

**FLOODWAY** means the inner portion of a flood risk area where the risk of flood is greatest, on average once in twenty years and where the flood depths and water velocities are greatest.

**FLOODWAY FRINGE** means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and flood waters are shallower and slower.

**FLOOD PROOFING** means structural and/or non-structural measures incorporated in the design of a building or structure which reduce or eliminate the risk of flood damage by ensuring that the ground floor elevation is higher than the projected flood level and that the building can be exited without hindrance in the event of a flood.

**FLOOR AREA** means the total area of all floors of a building measured to the outside face of exterior walls.

**FORESTRY** means the use of land for the purpose of forest and woodland management including the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber, and includes reforestation and silviculture.

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

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

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

**GENERAL GARAGE** means land or buildings used for the repair, maintenance and storage of motor vehicles and may include the sale of petroleum products.

**GENERAL INDUSTRY** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, preparing, processing, testing, salvaging, breaking up, demolishing, or treating any article, commodity or substance, and “Industry” shall be construed accordingly.

**GROUP CHILD CARE USE** means a building or part of a building in which services and activities are regularly provided for seven (7) or more children as defined in the *Child Care Services Act*, but do not include a school as defined by the *Schools Act*.

**GROUP HOME** means a dwelling unit accommodating not more than 6 persons, exclusive of staff, in a home-like setting where staff provide care and supervision. This definition includes, but is not limited to, the facilities called “Transition House” and “Foster Home”.

**HABITAT** means the natural home or environment for the life and growth of an animal, plant or other organism.

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

**HOBBY FARM** means a small-scale farm plot or kitchen garden or barn associated with a residence for bee keeping, keeping of livestock, growing root crops, or other agriculture uses including the sale of agricultural products beyond personal use.

**HOME OCCUPATION** means a secondary use of a dwelling unit or its accessory building by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity, and subsidiary to a residential use. Also referred to as a “Home based Business”, and classified as an “Office” use.

**HOME OFFICE** means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office uses which do not involve visitation by clients, customers, or the general public to the site, nor the employment of non-residents, and subsidiary to a residential use. Also referred to as a “Home Based Business”, and classified as an “Office” use.

**HOSPITALITY HOME** means a dwelling unit in which at least 2 rooms are regularly rented, and includes the uses commonly referred to as “Bed and Breakfast”, and “Boarding House”.

**INFILL LOT** means a typical empty lot between existing dwellings on a residential street. An infill lot may also mean land available between existing buildings.

**INSPECTOR** means a person appointed as an inspector by the Council.

**LAND** includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of those buildings and structures.

**LANDSCAPING** means the development of land by altering the topography and ground cover and may include the use of turf, plants, shrubs, trees, retaining walls and fences.

**LANDSCAPE PLAN** means a two dimensional scaled concept plan showing the land or lot boundaries which would include proposed development of the land by using turf, plants, shrubs, trees, retaining walls and fences for aesthetic or practical purposes. A Landscape Plan may include, but not limited to, the arrangement or modifying land features, such as tree retention or planting, garden edging or retaining, planting, screening, fencing or earthwork (alteration or drainage).

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

**LIVESTOCK OPERATION** means a livestock operation of agricultural animals confined in one location which consists of 5 or more animal units at a given point in time.

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

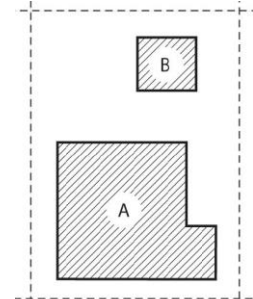
**LOT** means a plot, tract or parcel of land that can be considered as a unit of land for a particular use or building.

**LOT AREA** means the total horizontal area within the lines of a lot.



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

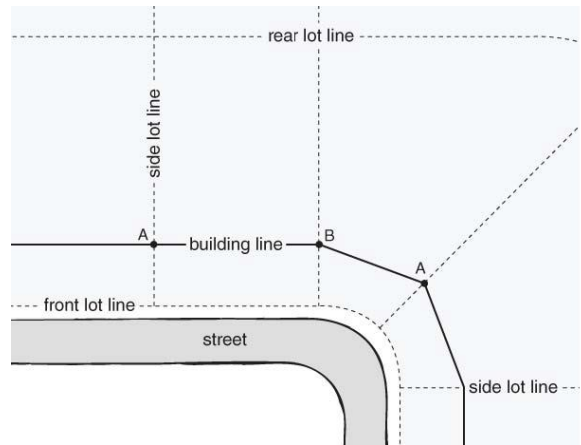
$$\text{Lot coverage} = \frac{\text{Area of A} + \text{Area of B}}{\text{Lot area}}$$



**LOT FRONTAGE** means the horizontal distance between side lot lines measured at the building line (the distance between points A and B in illustration at right).

**LOT LINE, REAR** means the lot line on the opposite side of the front lot line.

**LOT LINE, SIDE** means the lot lines perpendicular to the front and rear lot lines.



**LOT LINE, FLANKING** means a lot line which abuts the street on a corner lot.

**MINERAL WORKING** means land or buildings used for the working, stockpiling or extraction of rock, mineral, peat or aggregate material, and will include a “quarry”.

**MINI HOME** means a factory produced single dwelling complying with the National Building Code and having the appearance of a mobile home.

**MINISTER** shall mean the Minister of Municipal Affairs, unless otherwise specified.

**MODULAR HOME** means a residential dwelling built in modules in a factory complete with kitchen, bedrooms, bath, etc, as may be pre-set in a house and transported to the building site for joining and placement on a foundation. Modular home construction shall conform to the National Building Code and the Town of Pouch Cove Development Regulations.

**MUNICIPAL PLAN** means a plan adopted by the Council as a Municipal Plan pursuant to the *Urban and Rural Planning Act, 2000*.

**NATURAL ENVIRONMENT** means living and non-living things occurring naturally in a region. It encompasses the interaction of all living species, climate, weather, and natural resources.

**NATURAL RESOURCES** means materials or substances such as minerals, forests, water, and fertile land that occur in nature and may be used for economic gain.

**NON-CONFORMING USE** means a legally existing use that is not listed as a permitted use or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

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

**PERMIT TO DEVELOP** means the general term referring to all permits or licenses approved by Council and shall include all conditions, agreements or provisions attached thereto.

**PERMITTED USE** means a use that is listed within the permitted use classes set out in the use zone tables of these Development Regulations.

**PLANNING AREA** means a regional planning area and a municipal planning area established under section 6 and 11 of the *Act*. For the purpose and context of these regulations, the Planning Area shall mean the area within the municipal boundaries of the Town of Pouch Cove.

**PRIMARY STREET** means the street on which a development fronts and is referenced in the civic address.

**PRIVATE ROAD (SHARED DRIVEWAY)** means a roadway within private property that are privately owned, maintained and used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons. Their main function is to provide access to the private land. Most private roads are not designed to the same standards as public streets.

**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 Council specifies as not permitted within a use zone.

**PUBLIC STREET** means a main road or thoroughfare owned and maintained by the Authority, such as a provincial highway or local street, available to the public for pedestrian use or vehicular transportation.

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

**RESERVATION** means a distance 15 metres from the high water mark of a lake, pond, river, or seashore or foreshore, restricted from development and forming an easement for public access and movement as required by the *Lands Act*. Council may also determine the Reservation of the East Coast Trail as a distance from either side of the Trail restricted from development.

**RESTAURANT** means a building or part of a building, licensed for the purpose of serving meals and includes a “Snack Bar”.

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

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

**SCREENING** means a fence, berm, trees, hedge, wall or building used to separate areas or functions which detract from the appearance of the streetscape and the view from the surrounding areas.

**SERVICE STATION** means a building, including gas pumps, used for the sale of petroleum products, and may include general merchandise, minor automotive repairs, and washing of vehicles.

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

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

**SHOPPING CENTRE** means a group of retail stores with integrated parking which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

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

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

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

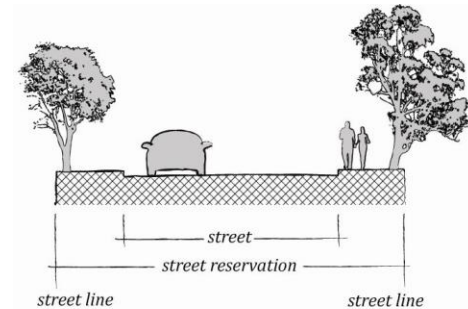
**SINGLE DWELLING** means one building containing a single dwelling unit for the use of one family, placed on its own lot, and can include a subsidiary apartment.

**SITE PERMIT** means a permit issued by the Town of Pouch Cove for any earth disturbance or other earthwork including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, road maintenance, and the moving, depositing, stockpiling or storing of soil, rock, or earth materials.

**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.

**STREET LINE** means the edge of the right of way of a street reservation as defined by the authority having jurisdiction.

**STREET RESERVATION** means an area determined by Council that is reserved for a street, a future street or future street improvements.



**SUBDIVISION** means the dividing of land, whether in single or joint ownership, into 2 or more pieces which conforms to these Regulations.

**SUBDIVISION (RESIDENTIAL)** means a concept proposal approved by Council to subdivide property into residential lots subject to conditions outlined in a development agreement. It generally shows topographic information and natural features, such as rivers and vegetation. The concept proposal will also identify proposed residential lots which may typically require infrastructure such as streets drainage, culverts pavement, sidewalks and curbs.

**SUBSIDIARY APARTMENT** means a separate dwelling unit constructed within and subsidiary to a single dwelling.

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

**TINY HOUSE** means a residential single dwelling unit intended for year-round use designed to be used with a permanent foundation and has permanent provisions for living, sleeping, eating, cooking and sanitation, typically with a maximum floor area of 50m<sup>2</sup> (approximately 538 sq. ft.). Tiny houses shall be constructed to the requirements of the National Building Code.

**TINY HOUSE SUBDIVISION** means a concept proposal, approved by Council to subdivide property into a minimum of eight (8) or more tiny house residential lots subject to conditions outlined in a development agreement. It generally shows topographic information and natural features, such as rivers and vegetation. The concept proposal will also identify proposed residential lots which may typically require infrastructure such as streets drainage, culverts pavement, sidewalks and curbs.

**USE** means a building or activity situated on a lot or a development permitted on a lot.

**USE ZONE or ZONE** means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply.

**VARIANCE** means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage, or any other numeric requirement of the applicable use zone table of the Council's regulations.

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

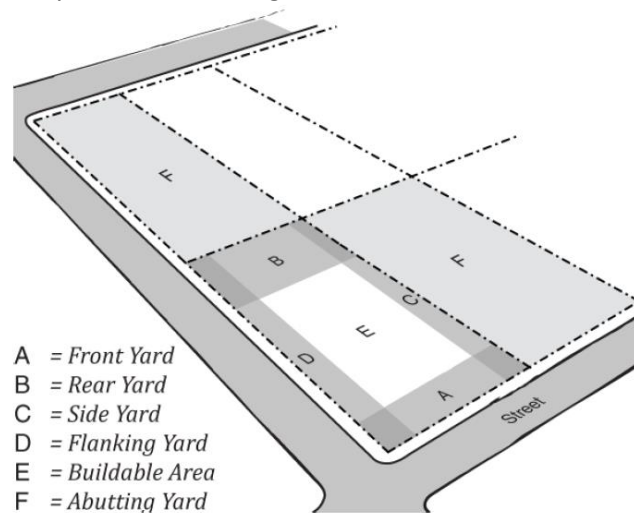
**YARD, REAR** means the distance between the rear lot line and the rear wall of the main building on a lot.

**YARD, SIDE** means the distance between the side lot line and the nearest side wall of a building on the lot.

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

**YARD, FLANKING** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any main building or structure

**YARD, ABUTTING** means the yard of an abutting lot which shares a lot line of subject property.



**ZONING MAP** means the map or maps attached to and forming part of the Town of Pouch Cove Development Regulations.