

TOWN OF POUCH COVE

SCHEDULE "C"

STANDARD CONDITIONS FOR ALL USE ZONES

The following conditions shall apply to all use zones listed under these Development Regulations.

1. General Development Regulations

An Approval in Principle or a Permit to Develop shall not be issued until the development application has been reviewed for compliance with the General Development Regulations, Parts I-V.

2. Interpretation of Zone Boundaries

Where possible the boundaries of the use zones follow identified features such as streets, fences, watercourses, transmission lines, or lot lines. Where there is any uncertainty, contradiction, or conflict concerning the intended location of a zoning boundary, the Authority shall interpret the exact location of the zoning boundary in a manner that is consistent with the intent and policies of the Municipal Plan without amendment to the Land Use Zoning Map.

3. Discretionary Uses

The discretionary uses listed in the use zone tables may be permitted at the discretion of Council, provided that they are complimentary to uses within the permitted use class, or that their development will not inhibit or prejudice the existence or the development of such uses. Reference should be made to the General Development Standards.

4. Referrals - General Approvals by Provincial and Federal Government Agencies and Departments

Prior to the issuance of a development permit for the foregoing developments, approvals must be obtained from the various agencies noted below:

Agriculture and Farming

Approvals must be obtained from the Department of Fisheries and Land Resources for any commercial farming operation. Service NL must approve all manure systems.

Crown Land

Approvals must be obtained from the Crown Lands Administration Division, Department of Fisheries and Land Resources. Applications are made to the Eastern Regional Lands Office, Howley Building, Higgins Line.

On-Site Services (Well and Sub-Service Systems)

Approvals involving installation of on-site water and sewer systems must be obtained from the Service NL.

Environmental Investigations

Approvals for any development that may have an environmental impact must be referred to Environmental Investigations, Service NL, and/or the Pollution Preventions Division, Department of Municipal Affairs and Environment.

Forestry

Permits for commercial and domestic woodcutting or other forestry related activities must be obtained from the Department of Department of Fisheries and Land Resources, Forest Management Unit 1, Paddy's Pond.

Mineral Workings, Mining and Mineral Exploration

Approvals and permits involving mining and quarrying and other development proposed to take place within 50 metres of a reserved sand or gravel pit or quarry; within 300 metres of an operational sand or gravel pit or quarry; or within 1000 meters of a quarry in which blasting may take placemust be obtained from the Department of Natural Resources, Mineral Lands Division.

Archaeology Discovery

During site excavation any artifacts or physical structures found of a historical nature shall be reported to the Provincial Archaeology Office, Department of Tourism, Culture, Industry and Innovation.

Waterways

Any development within a body of water involving alteration of a body of water must be approved or exempted by the following agencies:

Provincial

Development of Municipal Affairs and Environment, Water Resources Division – for any development within fifteen (15) metres of a body of water or the defined high water mark of a body.

Federal

Department of Fisheries and Oceans
Coast Guard Canada – Navigable Waters Act.
Fish Habitat Division

5. Development Over Easements

No permanent building shall be constructed over any known easement, whether that easement has been assigned to the Town of Pouch Cove, a department of the provincial or federal government, or any utility company (ie: Newfoundland Power, telephone, cable television, Crown land). Permanent buildings include, but are not limited to, all dwellings and accessory buildings.

4. Conservation of Natural Environment and Aesthetic Areas

Council may require agreements with developers and property owners aimed at preserving sensitive environmental areas and natural scenic areas. These areas may include sensitive vegetation, fish habitat, or water quality. Such agreements may include provisions such as designating of local conservation areas, maintenance of tree cover and maintenance of tree cover along rear yards, rivers, streams and shorelines.

5. Shoreline Buffers

Generally, no development will be permitted within 15 metres of rivers or streams, or shoreline of lakes and ponds. Certain public works and passive recreational open space uses may be permitted as long as they will not be detrimental to the environmental and aesthetic quality of the area. Development of these areas will be subject to the approval of the federal Department of Fisheries and Oceans, and/or the provincial Department of Municipal Affairs and Environment.

6. East Coast Trail and Municipal Walking Trails

Existing tree cover, vegetation and plant life within 15 metres of both sides of the East Coast Trail will be maintained to preserve the natural and aesthetic quality of the corridor. Council may, under its discretionary authority, allow development within the 10 metre to 15 metre portion of the buffer, provided a landscaping plan has been submitted and approved by Council, and the development will not negatively impact the trail. Council may also require the maintenance of existing vegetation, or the re-planting of appropriate vegetation, within the established corridor for walkways developed by the by the Town of Pouch Cove.

7. Transmission Lines and Power Corridor Easements

Transmission lines and power corridor easements shall be permitted in all land use zones.

8. Transportation Uses

Transportation uses such as roads associated with the construction and maintenance of transmission lines and power lines and other permitted or discretionary uses associated within the land use zone shall be at the discretion of Council.

9. Land Use Zones

The schedule contains tables for the following Use Zones:

Land Use Zone	Abbreviation	Page
Residential -1	R-1	1
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Mixed Development	MD	23
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USE ZONE TABLE

ZONE TITLE		RESIDENTIAL (R-1)					
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling, triplex, recreational open space.							
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Apartment building, tiny house (subdivision) see condition, place of worship, educational, convenience store, child care, home businesses (office, medical and professional service, personal service, and light industry uses – see condition), boarding house residential (bed and breakfast only), special care institutional uses (see condition), shop, cemetery, utilities, traditional agriculture (see condition) and antenna.							
STANDARDS	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (m ²) minimum	450	390*	350* (average)	200*	250*	280*	300*
Floor area (m ²) minimum	50	50*	50*	40*	50*	60*	70*
Frontage	15	26		36			
Minimum Frontage at Front Lot Line	10						
Building Line Setback (m) (minimum)	6	6	6	8			
Building Line Setback (m) (maximum)	30	30	30	30			
Sidyard Width (m)(min.) Major and Minor	3 and 1.5	3	3	3			
Rearyard Depth (m)(min.)	12	12	12	12			
Lot Coverage %(max.)	33	33**	33**	33**			
Height (max.)	8	8	10	10			
(See Conditions)							
* Per dwelling unit							

CONDITIONS FOR RESIDENTIAL (R-1) ZONE

1. **Subsidiary Apartments**

- (a) One subsidiary apartment may be permitted in a single dwelling.
- (b) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (c) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (d) Two off street parking spaces shall be required for the apartment.
- (e) The minimum floor area required is 40 m² for a one bedroom subsidiary apartment, plus 10 m² for each additional bedroom.
- (f) For lots without municipal water and sewer services, the Service NL shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.

2. **Corner Lots**

Properties situated on existing or proposed corner lots shall be deemed to have two street frontages and shall be required to maintain the minimum building line setback on both the primary and flanking streets as prescribed in the use zone table.

3. **Building Line**

The Building Line is an arbitrary line running parallel to the street line and is set at the closest point to a street that a building may be placed as measured from the front lot line. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

4. **Discretionary Uses Classes**

The discretionary use classes listed in this table may be permitted at the discretion of Council 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.

5. **Dwelling Frontage**

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

6. Special Care Institutional Uses

- (a) Special Care Institutional Uses shall only be permitted at the discretion of Council.
- (b) Special Care Institutional Uses shall be limited to apartment style residence for seniors and homes for the aged.
- (c) One off-street parking space shall be provided for every dwelling unit.

7. Accessory Buildings (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards			
Standards	1,860m ²	1,861m ² to 4,050m ²	larger than 4,050m ²
Max. Floor Area	90m ²	110m ²	9% of total lot size
Max. Height	6.0m	7.5m	8.0m
Min. Side Yard & Rear Yard	1.5m		
Min. Distance from Another Building	2.4m		
Min. Distance from a Utility Easement	1.5m		

- (a) No accessory building shall be larger in area and height than the main residential dwelling.
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish unless in conformity with Regulation 38(4), Part II – General Development Standards. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area set out in the table above.
- (d) An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot (see also Regulation 38(4), Part II – General Development Standards).
- (e) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have discretion where the proposed accessory building will exceed the maximum floor area and height as indicated in the table above.
- (f) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.

8. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 3 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

9. Advertisements Relating to Offsite Uses

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

- (a) No advertisement shall exceed 3 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

10. Place of Worship and Educational Use

Where permitted, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling. The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

11. Convenience Store

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

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on-site parking, loading, buffering and landscaping.

12. Home Businesses - Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, and arts and crafts objects;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (k) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

13. Child Care

- (a) Child Care (a day care or day nursery operation) which services are regularly provided to pre-school children shall be at the discretion of Council.
- (b) A Child Care use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (c) Provision for off-street parking for a child care use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

14. Boarding House Residential

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

A “bed and breakfast” use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, under the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood;
- (b) the use is carried out by a resident/owner of the dwelling unit;
- (c) the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling;
- (d) one parking space shall be provided for each guest room on the lot;
- (e) Council may require the parking area to be screened by a fence, or hedge;
- (f) the maximum number of guest rooms shall be five (5), and
- (g) the establishment shall be licensed under the Tourist Establishment Regulations, as amended from time to time.

15. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Municipal Affairs and Environment.

16. Public Streets

All development shall have direct access onto a public street.

17. Servicing

- (a) Development shall be serviced by the Town's piped water and sewer systems, either existing or proposed. All new roads for a development shall be constructed to highest standards, and along with piped water and sewer services, shall be constructed at the cost of the developer.
- (b) Council shall require connection in areas within 50 metres of existing municipal services.
- (c) Council shall exercise discretion to determine the extent of water and sewer services in areas beyond 50 metres of existing services.

18. Traditional Agricultural Use

- (a) A traditional small-scale Hobby Farm use may be permitted at the discretion of Council provided the lot has a minimum area of 2,500 m².
- (b) Personal use home gardens involving root crops or fruits and keeping of 6 chickens (fowl) for personal use may be permitted on any existing residential lot.
- (c) Traditional agricultural uses such as root cellars may be permitted as stand-alone structures, at the discretion of Council, provided it can be clearly demonstrated that the root cellar is ancillary to an existing small-scale hobby and/or subsistence agricultural use. The height of traditional root cellars shall be no more than 2 metres with a floor area of no more than 12m².
- (d) Agricultural uses such as bee keeping which involves the raising of bees for honey may be permitted at the discretion of Council.
- (e) Livestock, such as large farm animals, may be permitted, but not limited to, one cow, or one pig, and shall be at the discretion of Council.
- (f) Horses (maximum one) may be permitted, provided the lot has a minimum area of 2,500 m² and is sufficient for a stable and exercising area. Additional horses may be permitted at the discretion of Council.

19. East Coast Trail

The East Coast Trail is a natural walking/hiking trail along Pouch Cove Harbour and along the coastline of Atlantic Ocean which forms part of a much larger coastal trail system. Council shall encourage the maintenance of the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

A 15 metre buffer shall be maintained along both sides of the trail to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

20. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed subdivision development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining property or infill lots.

21. Tiny House Subdivision

- (a) Tiny houses shall only be considered if they form part of a residential subdivision of a minimum of eight (8) lots designed specifically for tiny houses.
- (b) The location of a tiny house subdivision shall be determined by Council and subject to any conditions identified by Council outlined in a development agreement.
- (c) All other siting requirements of this land use zone shall apply.
- (d) Tiny houses shall be constructed on a permanent foundation and conform to the National Building Code.
- (e) Tiny houses shall have permanent provisions for living, sleeping, eating, cooking and sanitation.
- (f) An accessory building in this zone shall not exceed the size of the tiny house.

24. Animal and Kennels

The establishment of a new kennel will be subject to the following:

- (a) A kennel shall be permitted only as a home occupation;
- (b) A kennel shall be permitted only on a lot of 2,500 m² or more; and,
- (c) The kennel owner must adhere to such other terms and conditions established by Council aimed at minimizing or mitigating potential noise, order or other impacts on neighbouring land uses.
- (d) A permit issued for a kennel shall be renewed every year and the kennel may be subject to inspection.

25. Swimming Pool

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

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

USE ZONE TABLE

ZONE TITLE		RESIDENTIAL (R-2)
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling, triplex and recreational open space.		
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Apartment building, tiny house (subdivision) see condition, place of worship, educational, convenience store, child care, home businesses (office, medical and professional service, personal service, and light industry uses- see condition), boarding house residential (bed and breakfast only), special care institutional uses (see condition), shop, cemetery, utilities, traditional agriculture (see condition).		
STANDARDS		
Floor area (m ²) minimum	50**	
	Frontage (m) minimum	Lot area (m ²) minimum
Fully Serviced	15	450 m ²
Piped water and onsite septic disposal	24	1400 m ² *
On-Site Services	30	1860 m ²
Building Line Setback (m)*	8 m (min)	30 m (max)
Minimum Frontage at Front Lot Line (unserviced)	20	
Sidyard Width (m)(min.)	2	
Rearyard Depth (m)(min.)	15	
Lot Coverage %(max.)	33	
Height (max.)	8	
(See Conditions)		

* See condition

** Minimum floor area for single dwellings, duplexes and triplex shall be 50 m²

CONDITIONS FOR RESIDENTIAL (R-2) ZONE

1. Discretionary Uses Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council 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. Corner Lots

Properties situated on existing or proposed corner lots shall be deemed to have two street frontages and shall be required to maintain the minimum building line setback on both the primary and flanking streets as prescribed in the use zone table.

3. Infill Lots

Only properties considered as an infill lot may be considered for at an area of 1400 m² provided piped water is available.

4. Building Line

The Building Line is an arbitrary line running parallel to the street line and is set at the closest point to a street that a building may be placed as measured from the front lot line. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

5. Accessory Buildings (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards			
Standards	1,860m ²	1,861m ² to 4,050m ²	larger than 4,050m ²
Max. Floor Area	90m ²	110m ²	9% of total lot size
Max. Height	6.0m	7.5m	8.0m
Min. Side Yard & Rear Yard	1.5m		
Min. Distance from Another Building	2.4m		
Min. Distance from a Utility Easement	1.5m		

- (a) No accessory building shall be larger in area and height than the main residential dwelling.
- (b) Accessory buildings shall located be on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish unless in conformity with Regulation 38(4), Part II – General Development Standards. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area set out in the table above.
- (d) An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot (see also Regulation 38(4), Part II – General Development Standards).
- (e) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have discretion where the proposed accessory building will exceed the maximum floor area and height as indicated in the table above.

- (f) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.

6. Convenience Stores

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

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on site parking, loading, buffering and landscaping.

7. Boarding House Residential

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

A “bed and breakfast” use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, under the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood;
- (b) the use is carried out by a resident/owner of the dwelling unit;
- (c) the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling;
- (d) one parking space shall be provided for each guest room on the lot;
- (e) Council may require the parking area to be screened by a fence, or hedge; and
- (f) the maximum number of guest rooms shall be five (5).
- (g) the establishment shall be licensed under the Tourist Establishment Regulations, as amended from time to time.

8. Home Businesses - Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (k) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

9. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Municipal Affairs and Environment.

10. Child Care

- (a) Child Care (a day care or day nursery operation) which services are regularly provided to pre-school children shall be at the discretion of Council.
- (b) A Child Care use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (c) Provision for off-street parking for a child care use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

11. Special Care Institutional Uses

- (a) Special Care Institutional Uses shall only be permitted at the discretion of Council.
- (b) Special Care Institutional Uses shall be limited to apartment style residence for seniors and homes for the aged.
- (c) One off-street parking space shall be provided for every dwelling unit.

12. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 3 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

13. Advertisements Relating to Offsite Uses

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

- (a) No advertisement shall exceed 3 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

14. Traditional Agricultural Use

- (a) A traditional small-scale Hobby Farm use may be permitted at the discretion of Council provided the lot has a minimum area of 2,500 m².
- (b) Personal use home gardens involving root crops or fruits and keeping of 6 chickens (fowl) for personal use may be permitted on any existing residential lot.

- (c) Traditional agricultural uses such as root cellars may be permitted as stand-alone structures, at the discretion of Council, provided it can be clearly demonstrated that the root cellar is ancillary to an existing small-scale hobby and/or subsistence agricultural use. The height of traditional root cellars shall be no more than 2 metres with a floor area of no more than 12m².
- (d) Agricultural uses such as bee keeping which involves the raising of bees for honey may be permitted at the discretion of Council.
- (e) Livestock, such as large farm animals, may be permitted, but not limited to, one cow, or one pig, and shall be at the discretion of Council.
- (f) Horses (maximum one) may be permitted, provided the lot has a minimum area of 2,500 m² and is sufficient for a stable and exercising area. Additional horses may be permitted at the discretion of Council.

15. East Coast Trail

The East Coast Trail is a natural walking/hiking trail along Pouch Cove Harbour and along the coastline of Atlantic Ocean which forms part of a much larger coastal trail system. Council shall encourage the maintenance of the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

A 15 metre buffer shall be maintained along both sides of the trail to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

16. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed subdivision development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining property or infill lots.

17. Servicing

- (a) When available, new residential development shall be serviced by Town water and sewer and shall be installed at the cost of the developer.
- (b) Council shall require connection in areas within 50 metres of existing water and sewer (if available).
- (c) When available, Council shall exercise discretion to determine the extent of water and sewer in areas beyond 50 metres of existing service(s).

18. Tiny House Subdivision

- (g) Tiny houses shall only be considered if they form part of a residential subdivision of a minimum of eight (8) lots designed specifically for tiny houses.
- (h) The location of a tiny house subdivision shall be determined by Council and subject to any conditions identified by Council outlined in a development agreement.
- (i) All other siting requirements of this land use zone shall apply.
- (j) Tiny houses shall be constructed on a permanent foundation and conform to the National Building Code.
- (k) Tiny houses shall have permanent provisions for living, sleeping, eating, cooking and sanitation.
- (l) An accessory building in this zone shall not exceed the size of the tiny house.

19. Public Streets

All development shall have direct access onto a public street.

20. Animal and Kennels

The establishment of a new kennel will be subject to the following:

- (a) A kennel shall be permitted only as a home occupation;
- (b) A kennel shall be permitted only on a lot of 2,500 m² or more; and,
- (c) The kennel owner must adhere to such other terms and conditions established by Council aimed at minimizing or mitigating potential noise, order or other impacts on neighbouring land uses.
- (d) A permit issued for a kennel shall be renewed every year and the kennel may be subject to inspection.

21. Swimming Pool

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

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

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL (R-3)
PERMITTED USES – see Regulation 89. Single dwelling, double dwelling, triplex and recreation open space.	
DISCRETIONARY USES – see Regulation 32 and 90. Boarding house residential (bed and breakfast only), convenience store, child care, home businesses (office, medical and professional service, personal service, and light industry Uses see condition), cemetery, traditional agriculture (see condition) and antenna.	

CONDITIONS FOR RESIDENTIAL (R-3)

1. Development Standards

The development standards for this zone shall be as follows:

- | | |
|---------------------------------------|---------------------|
| a) Minimum Lot Size | 4050 m ² |
| b) Minimum Frontage | 45 m |
| c) Minimum Floor Area | 50 m ² |
| d) Minimum Building Line Setback | 10 metres |
| e) Maximum Building Line setback | 30 metres |
| f) Minimum Frontage at Front Lot Line | 30 metres |
| g) Minimum Sideyard Width | 2 metres |
| h) Minimum Rearyard Depth | 15 metres |
| i) Maximum Height | 8 metres |
| j) Maximum Lot Coverage | 33 % |

2. Development Standards Piped Water Only

Where piped municipal water can be extended, the following development standards shall be as follows:

a) Minimum Lot Size	1860 m ²
b) Minimum Frontage	30 m
c) Minimum Floor Area	50 m ²
d) Minimum Building Line Setback	10 metres
e) Maximum Building Line setback	30 metres
f) Minimum Sideyard Width	2 metres
g) Minimum Rearyard Depth	15 metres
h) Maximum Height	8 metres
i) Maximum Lot Coverage	33 %

3. Discretionary Uses Classes

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

4. Corner Lots

Properties situated on existing or proposed corner lots shall be deemed to have two street frontages and shall be required to maintain the minimum building line setback on both the primary and flanking streets as prescribed in the use zone table.

5. Building Line

The Building Line is an arbitrary line running parallel to the street line and is set at the closest point to a street that a building may be placed as measured from the front lot line. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

6. Accessory Buildings (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards			
Standards	1,860m ²	1,861m ² to 4,050m ²	larger than 4,050m ²
Max. Floor Area	90m ²	110m ²	9% of total lot size
Max. Height	6.0m	7.5m	8.0m
Min. Side Yard & Rear Yard	1.5m		
Min. Distance from Another Building	2.4m		
Min. Distance from a Utility Easement	1.5m		

- (a) No accessory building shall be larger in area and height than the main residential dwelling.
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish unless in conformity with Regulation 38(4), Part II – General Development Standards. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area set out in the table above.
- (d) An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot (see also Regulation 38(4), Part II – General Development Standards).
- (e) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have discretion where the proposed accessory building will exceed the maximum floor area and height as indicated in the table above.
- (f) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.

7. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 3 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

5. Advertisements Relating to Offsite Uses

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

- (a) No advertisement shall exceed 3 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

9. Convenience Store

Convenience stores may only be permitted as a discretionary use provided that:

- (a) The convenience store forms part of the residential dwelling and shall not exceed more than 25% of the total floor area of the building, to a maximum of 45 m².
- (b) The convenience store must front directly onto a public road.
- (c) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (d) Adequate provision for on site parking, loading, buffering and landscaping.
- (e) A convenience store shall not be located on single access or dead end roads, unless on a corner lot at the intersection with a main road.

10. Home Businesses - Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, and personal service uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices;
- (b) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.

- (c) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (d) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (e) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (f) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (g) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (h) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (i) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

11. Child Care

- (a) Child Care (a day care or day nursery operation) which services are regularly provided to pre-school children shall be at the discretion of Council.
- (b) A Child Care use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (c) Provision for off-street parking for a child care use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

12. Boarding House Residential (Tourist Home/Bed and Breakfast)

A tourist home/bed and breakfast use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, under the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood;
- (b) the use is carried out by a resident/owner of the dwelling unit;
- (c) the dwelling in which the tourist home/bed and breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling;
- (d) one parking space shall be provided for each guest room on the lot;
- (e) Council may require the parking area to be screened by a fence, or hedge;
- (f) the maximum number of guest rooms shall be five (5), and
- (g) the establishment shall be licensed under the Tourist Establishment Regulations, as amended from time to time.

13. Buffer (around waterways and waterbodies)

No development shall be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Municipal Affairs and Environment.

14. Traditional Agricultural Use

- (a) A traditional small-scale Hobby Farm use may be permitted at the discretion of Council provided the lot has a minimum area of 2,500 m².
- (b) Personal use home gardens involving root crops or fruits and keeping of 6 chickens (fowl) for personal use may be permitted on any existing residential lot.
- (c) Traditional agricultural uses such as root cellars may be permitted as stand-alone structures, at the discretion of Council, provided it can be clearly demonstrated that the root cellar is ancillary to an existing small-scale hobby and/or subsistence agricultural use. The height of traditional root cellars shall be no more than 2 metres with a floor area of no more than 12m².
- (d) Agricultural uses such as bee keeping which involves the raising of bees for honey may be permitted at the discretion of Council.
- (e) Livestock, such as large farm animals, may be permitted, but not limited to, one cow, or one pig, and shall be at the discretion of Council.
- (f) Horses (maximum one) may be permitted, provided the lot has a minimum area of 2,500 m² and is sufficient for a stable and exercising area. Additional horses may be permitted at the discretion of Council.

15. East Coast Trail

The East Coast Trail is a natural walking/hiking trail along Pouch Cove Harbour and along the coastline of Atlantic Ocean which forms part of a much larger coastal trail system. Council shall encourage the maintenance of the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

A 15 metre buffer shall be maintained along both sides of the trail to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

16. Steep Slopes and Flood Plains

Applications for sites having slopes greater than 20%, or potentially subject to flooding or any other hazards such as landslides, shall not be permitted unless the site has a geo-physical assessment conducted by a Professional Engineer or other person qualified to make a determination, to ensure development can take place without endangerment to health or safety.

17. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed subdivision development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining property or infill lots.

18. Servicing

- (a) When available, new residential development shall be serviced by Town water and sewer and shall be installed at the cost of the developer.
- (b) Council shall require connection in areas within 50 metres of existing water and sewer (if available).
- (c) When available, Council shall exercise discretion to determine the extent of water and sewer in areas beyond 50 metres of existing service(s).

19. Animal and Kennels

The establishment of a new kennel will be subject to the following:

- (a) A kennel shall be permitted only as a home occupation;
- (b) A kennel shall be permitted only on a lot of 2,500 m² or more; and,
- (c) The kennel owner must adhere to such other terms and conditions established by Council aimed at minimizing or mitigating potential noise, order or other impacts on neighbouring land uses.
- (d) A permit issued for a kennel shall be renewed every year and the kennel may be subject to inspection.

20. Swimming Pool

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

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

USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT (MD)
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling; double dwelling, recreation open space and open space conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Row dwelling, apartment building, collective residential, commercial residential, boarding house residential, cultural and civic, general assembly, passenger assembly, club and lodge, catering, funeral home, child care, indoor assembly, medical & professional, office, personal service, home businesses (office, medical and professional service, personal service, and light industry Uses - see condition), general service, communications, taxi stand, police station, medical treatment and special care (home for the aged only), take-out food service, shop, convenience store, light industry, cemetery, sewerage treatment and antenna.	

CONDITIONS FOR MIXED DEVELOPMENT ZONE

1. Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Building Line Setback 8 metres
- (b) Minimum sideyards 5 metres
- (c) Minimum Rearyard 10 metres
- (d) Maximum Height 10 metres
- (e) Minimum Floor area 50 m²

NOTE: Residential development shall conform to the standards of the Residential (R-1) Land Use Zone.

2. Accessory Buildings for Residential Use (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards			
Standards	1,860m ²	1,861m ² to 4,050m ²	larger than 4,050m ²
Max. Floor Area	90m ²	110m ²	9% of total lot size
Max. Height	6.0m	7.5m	8.0m
Min. Side Yard & Rear Yard	1.5m		
Min. Distance from Another Building	2.4m		
Min. Distance from a Utility Easement	1.5m		

- (a) No accessory building shall be larger in area and height than the main residential dwelling.
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish unless in conformity with Regulation 38(4), Part II – General Development Standards. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area set out in the table above.
- (d) An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot (see also Regulation 38(4), Part II – General Development Standards).
- (e) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have discretion where the proposed accessory building will exceed the maximum floor area and height as indicated in the table above.
- (f) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from being used as accessory buildings.

3. Dwelling Frontage

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

4. Corner Lots

Properties situated on existing or proposed corner lots shall be deemed to have two street frontages and shall be required to maintain the minimum building line setback on both the primary and flanking streets as prescribed in the use zone table.

5. Discretionary Use Classes

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

6. Buffer for Residential Uses

Where a non-residential use abuts a residential use, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site

along the lot lines, consistent with the visibility requirements for traffic safety. Alternatively, Council may increase the sideyard and rearyard requirements on the non-residential site to provide additional separation from the abutting residential use.

7. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 3 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

8. Advertisements Relating to Offsite Uses

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

- (a) No advertisement shall exceed 3 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

9. Home Businesses - Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations, businesses operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices;
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, arts and crafts objects, and workshops;
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition height and floor area limit for this zone; child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (k) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

10. Place of Worship and Educational Use

Where permitted, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling. The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

11. Convenience Store

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

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on site parking, loading, buffering and landscaping.

12. Child Care

- (a) Child Care (a day care or day nursery operation) which services are regularly provided to pre-school children shall be at the discretion of Council.
- (b) A Child Care use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (c) Provision for off-street parking for a child care use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

13. Boarding House Residential

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

A “bed and breakfast” use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, under the following conditions:

- (a) the use does not detract from the residential character of the neighbourhood;
- (b) the use is carried out by a resident/owner of the dwelling unit;
- (c) the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling;
- (d) one parking space shall be provided for each guest room on the lot;
- (e) Council may require the parking area to be screened by a fence, or hedge;
- (f) the maximum number of guest rooms shall be five (5), and
- (g) the establishment is licensed under the Tourist Establishment Regulations, 1994, as amended from time to time.

14. Outdoor Storage

Outdoor storage will not be permitted in frontyards. It may be permitted in sideyards and rear yards. Council may require fencing or other forms of screening to prevent an unsightly appearance.

15. Outdoor Market

An outdoor market may include a used car lot, provided due consideration is given to the size and scale of the development relative to the site and to surrounding uses. Due consideration shall also be given to buffering, off-street parking, traffic movement, congestion, and safe access.

16. General and Light Industrial Uses

General industrial uses shall be small scale light industrial uses such as small workshops and warehouses, and autobody repair shops shall be permitted provided that;

- (a) The use shall constitute entirely or partly the livelihood of a person living in the specified dwelling;
- (b) Activities associated with the use shall be carried on in building separate from the residential dwelling;
- (c) One building only, separate from the dwelling, and located in the rear or side yard a minimum of 2 m from any lot line, and having a maximum floor area of 75 m² and a height of no more than 6 m, may be used in connection with the general or light industrial use;
- (d) Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference;
- (e) Retail sales are incidental and subsidiary to the approved use and there is no outdoor storage of equipment or materials.
- (f) No change is made in the type, class or extent of the use without a permit.
- (g) Adequate on-site parking, loading, buffering and landscaping is provided.

17. Service Station

A Service Station may be permitted only in the form of pump islands to dispense motor vehicle fuel and only in conjunction with a Convenience Store on the same site.

18. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Municipal Affairs and Environment.

19. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed subdivision development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining property or infill lots.

20. Traditional Agricultural Use

- (a) A traditional small-scale Hobby Farm use may be permitted at the discretion of Council provided the lot has a minimum area of 2,500 m².
- (b) Personal use home gardens involving root crops or fruits and keeping of 6 chickens (fowl) for personal use may be permitted on any existing residential lot.
- (c) Traditional agricultural uses such as root cellars may be permitted as stand-alone structures, at the discretion of Council, provided it can be clearly demonstrated that the root cellar is ancillary to an existing small-scale hobby and/or subsistence agricultural use. The height of traditional root cellars shall be no more than 2 metres with a floor area of no more than 12m².
- (d) Agricultural uses such as bee keeping which involves the raising of bees for honey may be permitted at the discretion of Council.
- (e) Livestock, such as large farm animals, may be permitted, but not limited to, one cow, or one pig, and shall be at the discretion of Council.
- (f) Horses (maximum one) may be permitted, provided the lot has a minimum area of 2,500 m² and is sufficient for a stable and exercising area. Additional horses may be permitted at the discretion of Council.

21. Animal and Kennels

The establishment of a new kennel will be subject to the following:

- (a) A kennel shall be permitted only as a home occupation;
- (b) A kennel shall be permitted only on a lot of 2,500 m² or more; and,
- (c) The kennel owner must adhere to such other terms and conditions established by Council aimed at minimizing or mitigating potential noise, order or other impacts on neighbouring land uses.
- (d) A permit issued for a kennel shall be renewed every year and the kennel may be subject to inspection.

22. Swimming Pool

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

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

USE ZONE TABLE

ZONE TITLE	COMMERCIAL GENERAL (CG)
<p>PERMITTED USE CLASSES - (see Regulation 89) Theatre, cultural and civic, office, medical and professional, personal service, shop, child care, convenience store, passenger assembly, commercial residential, service station, cultural civic, shop, outdoor assembly and recreation open space.</p>	
<p>DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Clubs and lodges, amusement, general assembly, taxi stand, police station, funeral home, indoor market, office, general services, veterinary, light industry, educational, place of worship, catering, funeral home, outdoor market, service station, take-out food service, general industry, and antenna.</p>	

CONDITIONS FOR COMMERCIAL GENERAL ZONE

1. Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Building Line Setback 15 metres
- (b) Minimum Sideyard Width 5 metres
(except where buildings are built with adjoining party walls)
- (c) Minimum Rearyard Depth 10 metres
- (d) Maximum Height 15 metres

2. Discretionary Uses Classes

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

3. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet

the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.

- (b) No advertisement shall exceed 3 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

4. Advertisements Relating to Offsite Uses

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

- (a) No advertisement shall exceed 3 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

5. General Industry

General industry uses may be permitted provided they operate without hazard or intrusion and without detriment to the surrounding area by reason of noise, vibration, smell, and fumes. Council may require such uses to be screened from view using landscaping or fences.

6. Buffer (around waterways and waterbodies)

No development will be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Municipal Affairs and Environment.

7. Light Industry

Light industry is restricted to use that are nonhazardous, and do not create any negative impacts on adjoining properties.

8. Open Storage

Outdoor storage of materials, goods and machinery shall meet the following conditions, and any other requirement of the Use Zone in which they are located:

- (a) Where it is not the primary use of land, storage areas shall not be located in the front yard.
- (b) Where storage areas are not screened from general view by vegetation or topography, a storage area may be required to be enclosed by an opaque wall or fence not less than 2 metres in height constructed of uniform materials and approved by Council.
- (c) Storage of vehicles or other machinery or equipment, except transport vehicles which may be parked in the open provided their parking area is landscaped and suitably located, shall be prohibited in areas where there is no screening or fencing.
- (d) Buffer areas shall not be used as storage areas.

9. Effects on Surrounding Areas

Any development in this use zone shall be generally acceptable within the context of surrounding development and so shall not create unacceptable amounts of noise, traffic, fumes, dust or other pollution or otherwise present a nuisance, hazard or eyesore, especially with respect to existing or potential residential development.

10. Convenience Stores and Shops

- (a) A convenience store or shop shall front directly onto a publicly maintained road.
- (b) Convenience stores shall not negatively affect residential amenities of adjoining properties. Outside storage shall be prohibited, except for that incidental and related to the residential use.
- (c) Landscaping and adequate off street parking with clearly defined entrance and exit points shall be provided.
- (e) Convenience stores shall not be located on single access or dead end roads, unless on a corner lot at the intersection with a main road.

12. Service Stations and Garages

Service stations and garages may be approved by Council provided:

- (a) All gasoline pumps shall be located on pump islands designed for such purposes, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 metres from the front lot line.
- (c) Any access 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 centre line of any access shall be at least 30 metres from the centre line of the junction.
- (d) Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system.

13. Drainage and Landscape Plan

Where there are known or suspected water or land issues pertaining to a proposed subdivision development, Council may require a drainage and/or landscape plan to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining property or infill lots.

14. Effects on Surrounding Areas

Any development in any zone must be generally acceptable within the context of surrounding development and so must not create unacceptable amounts of noise, traffic, fumes, dust or other pollution or otherwise present a nuisance, hazard or eyesore, especially with respect to existing or potential residential development.

15. Residential Buffer

In the case of a residential development locating adjacent to an existing or proposed non-residential use or zone, Council may require the developer of the residential use to provide a buffer. Any such buffer shall be made up of hedges, trees, shrubs, earthen berms or structural barriers that will sufficiently mitigate noise, visual unpleasantness and other undesirable effects. Trees and shrubs existing on the site prior to development which could form all or part of a buffer shall not be removed.

16. East Coast Trail

The East Coast Trail is a natural walking/hiking trail along Pouch Cove Harbour and along the coastline of Atlantic Ocean which forms part of a much larger coastal trail system. Council shall encourage the maintenance of the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

A 15 metre buffer shall be maintained along both sides of the trail land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

USE ZONE TABLE

ZONE TITLE	INDUSTRIAL MARINE (IM)
PERMITTED USE CLASSES - (see Regulation 89) General Industry, light industry, related to boat building and repair, fish harvesting and processing, excluding and use for the processing or storage of fish offal, and transportation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Passenger assembly, service station, all use classes in the professional and personal service uses group, shop, recreational open space, antenna.	

CONDITIONS FOR INDUSTRIAL MARINE ZONE

1. Industrial Uses Abutting Residential Areas

Where any marine industrial use abuts an existing or proposed residential area, or is separated by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than 30 metres wide between any marine industrial building or activity and the residential area. The buffer shall include the provision of grass strips, hedges, trees or shrubs and shall be maintained by the owner or occupier to the satisfaction of Council.

2. Street and Municipal Services

All marine industrial uses must be provided with streets and municipal services designed for industrial use. Any industrial use must provide adequate off-street parking facilities for all employees. Customer parking may be provided in the street right-of way by the construction of suitable bays in which parked vehicles will not interfere with moving traffic.

3. Services

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

4. Street Access

Any marine industrial uses abutting an arterial street shall contain adequate service streets to provide access to individual sites. These service streets shall have a limited number of connections with such arterial streets.

5. No marine industrial building or site activity shall be permitted closer than 20 metres to any public street.

6. Side and Rear Yards

No side or rear yard shall be required where a lot abuts navigable water, but all development occurring in, on, over or under navigable water must have the approval of Transport Canada under the *Navigable Waters Protection Act*, and, where the development would occupy Crown land covered by water, an appropriate title from the Crown must first be obtained.

7. Outdoor Storage

Outdoor storage shall not be permitted. Council may require fencing or other forms of screening or buffers to prevent an unsightly appearance.

8. Storage of Flammable Liquids

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spills of flammable liquid.

9. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 3 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

10. Advertisements Relating to Offsite Uses

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

- (a) No advertisement shall exceed 3 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (a) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

USE ZONE TABLE

ZONE TITLE	PUBLIC BUILDINGS (PB)
PERMITTED USE CLASSES - (see Regulation 89) Educational, cultural and civic uses, general assembly, indoor assembly, outdoor assembly, government or public offices, place of worship, recreational open space, child care and police station..	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Theatre, passenger assembly, catering, amusement, collective residential, general industry, light industry, taxi stand, club or lodge, antenna, medical and professional, funeral home, cemetery, and take-out food service, and antenna.	

CONDITIONS FOR PUBLIC BUILDINGS ZONE

1. Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Building Line Setback 10 metres
- (b) Minimum Sideyards 5 metres
- (c) Minimum Rearyard 15 metres
- (d) Maximum Height 15 metres

2. Discretionary Use Classes

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

3. Offices

Government offices, banks, and other offices of a public nature shall be permitted in this zone. Commercial offices or offices associated with a business operation shall not be permitted.

4. Catering

Catering may be permitted in associations with a permitted use such as church functions, weddings, parties, etc. Catering use will only be permitted as a temporary use by Council.

5. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 3 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

6. Advertisements Relating to Offsite Uses

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

- (a) No advertisement shall exceed 3 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

7. Child Care

A day care or day nursery (i.e. a child care operation in which services are regularly provided to seven or more children), is subject to the following conditions:

- (a) A day care may operate as a stand-alone building subject to Council’s discretion.
- (b) The day care is in accordance with all applicable provincial laws and regulations.
- (c) For a residential dwelling, the use will not occupy more than 70 m² or 40% of the floor area, whichever is less.
- (d) Provision for off-street parking will be required as per the off-street parking requirements, Schedule D of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (f) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, lounges, night clubs, and amusement uses.

8. General and Light Industry Uses

General and Light Industry uses shall be restricted to Municipal Depots and Yards, Salt Sheds, Firehalls, Firefighting Training Grounds, or other similar uses for a municipal, provincial, or federal government entity.

USE ZONE TABLE

ZONE TITLE	RECREATION OPEN SPACE (ROS)
PERMITTED USE CLASSES - (see Regulation 89) Recreational open space, outdoor assembly and conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Indoor assembly, cultural and civic, club and lodge, catering, take-out food service, and antenna.	

CONDITIONS FOR RECREATION OPEN SPACE ZONE

1. Discretionary Use Classes

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

2. Catering and Take-Out Food Service

A catering and/or take-out food service use may be considered on a discretionary basis provided it serves recreational activities only.

3. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 3 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

4. Advertisements Relating to Offsite Uses

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

- (a) No advertisement shall exceed 3 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

5. Accessory Building

An accessory building may be permitted in association with a cemetery and shall have a maximum floor area of no more than 20 m². Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line and a maximum height of an accessory building shall be 4 metres.

6. Club and Lodge

Club and lodge uses may be permitted provided it is subsidiary to a recreational use.

USE ZONE TABLE

ZONE TITLE	RECREATION PARK (RP)
PERMITTED USE CLASSES - (see Regulation 89) Recreational open space, campgrounds or trailer parks, tourist cabins (rental), outdoor assembly, convenience store, outdoor market (see condition).	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Commercial residential, catering and take-out food service, indoor assembly, light industry, amusement, shop, club and lodge, and antenna.	

CONDITIONS FOR RECREATION PARK ZONE

1. Discretionary Use Classes

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

2. Catering

Catering uses, including take-out food service use, may be considered on a discretionary basis provided it serves recreational park activities only.

3. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

4. Commercial Residential

Commercial residential uses shall be limited to the building and rental of single or multi-unit tourist cabins.

5. Advertisements Relating to Offsite Uses

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

- (a) No advertisement shall exceed 1.5 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

6. Accessory Building

An accessory building may be permitted in association with a permitted use and shall have a maximum floor area of no more than 20 m².

7. Outdoor Market

Outdoor Markets shall be limited to Market Grounds, Produce and Fruit Stands, Sale of Firewood, Sale of New or Used recreational trailers and RVs, recreational boats, and off-road vehicles.

8. Shop

Shops shall be limited to goods/wares consistent with recreational uses.

9. Club and Lodge

Club and lodge uses may be permitted provided it is subsidiary to a recreational use.

USE ZONE TABLE

ZONE TITLE	CONSERVATION (CON)
PERMITTED USE CLASSES - (see Regulation 89) Open Space, Conservation, and cemetery.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Agriculture, forestry, transportation, water treatment plant, sewerage treatment, and antenna.	

CONDITIONS FOR CONSERVATION ZONE

1. Discretionary Use Classes

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

2. Forestry, Agriculture, and Existing Uses

Selective forestry activities, agriculture, and the maintenance and limited extension of existing uses may be permitted provided they cause no detrimental effect on open space uses.

3. Cemetery

Cemeteries which are located separately from a church shall be permitted in the Conservation zone.

4. Accessory Building

An accessory building may be permitted in association with a cemetery and shall have a maximum floor area of not more than 20 m². Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line and a maximum height of an accessory building shall be 4 metres.

USE ZONE TABLE

ZONE TITLE	RURAL (RUR)
PERMITTED USE CLASSES - (see Regulation 89) Agriculture, forestry, recreational open space, and conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Outdoor assembly, single dwelling, veterinary, outdoor market, general industry, service station, mineral working, recreational open space, animal, antenna, water treatment plant, wind power and fire fighter training facility.	

CONDITIONS FOR RURAL ZONE

1. Discretionary Use Classes

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

2. Development Standards

The development standards for uses in this zone shall be determined case-by-case and shall conform to the standards for the same uses in other zones.

3. Single Dwellings

Single residential dwellings may be permitted in conjunction with a permitted use such as agriculture. The agricultural uses shall be a commercial business and the full time farmer shall obtain a minimum of 50 % of his or her gross income from the farm operation. The commercial operation shall be in operation for a minimum of two years before Council will approve any residential development.

4. General Industry

General Industrial uses and associated accessory uses may be permitted by Council provided that:

- (a) The use is restricted to maintenance and repair of equipment, processing and storage

- related to agriculture, forestry or mineral working uses,
- (b) The proposed use will not have an adverse visual impact on the built-up areas of the Town and Council may require that the site be screened or not visible from public roads and the built-up area,
- (c) The proposed use will not generate an increase in traffic on roads in the built-up areas of the Town, and
- (d) The proposed site can be developed without negative impact on the natural environment and amenities of the Town, including watercourses and ponds.

5. Mineral Working

Council may permit mineral working subject to the following conditions:

- (a) Mineral Workings, approved as a discretionary use, shall be subject to all the conditions of the Mineral Working Zone.
- (b) Mineral Workings, approved as a discretionary use, in this zone shall be temporary for 1 year where the developer must reapply to the Authority to continue operations each successive year (approval for which shall not be guaranteed).
- (c) Effective tree screens shall be maintained around the periphery of any mineral working. Where trees are not present to create an effective screen, Council may require the installation of a landscaped embankment or fence.
- (d) Topsoil removed for mineral working shall be retained for restoration of the site.
- (e) No mineral working shall be conducted which causes danger or nuisance to the public.
- (f) No mineral working shall be permitted within the view of a designated scenic road.
- (g) Proposed mineral working operations will be evaluated carefully by Council in conjunction with the Department of Natural Resources.
- (h) No mineral working shall unacceptably reduce the quality of water in a watercourse or waterbody. Any access road which crosses a watercourse shall have a bridge or culvert according to the regulations of the Department of Municipal Affairs and Environment.
- (i) No mineral working shall result in the excavation of land below the level of the water table nor cause the ponding of water. However, settling ponds may be permitted with the approval of the Department of Municipal Affairs and Environment.
- (j) No mineral working shall be carried out in a manner which causes the erosion of adjacent land.
- (k) The mineral working shall be kept clean of refuse, abandoned vehicles and equipment, and derelict buildings.
- (l) Upon completion of mineral working, and when there is no intention to re-open such operations, all buildings and machinery shall be removed from the site and the site restored so as not to constitute a danger to the public or present an unsightly appearance.

6. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 3 m² in area.

7. Advertisements Relating to Offsite Uses

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

- (a) No advertisement shall exceed 3 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and the amenities of the surrounding area.

8. Seasonal Residential

Seasonal residential use and recreation cottage use shall not be permitted within the Rural land use zone.

9. Wind Turbines

A wind turbine may be permitted as a discretionary use in this zone provided that:

- (a) the proposed use does not create a hazard to nearby properties in the form of height and noise and does not negatively affect the use and enjoyment of nearby properties.
- (b) The tower shall not exceed 15 metres in height as measured from the base.
- (c) the tower shall not be located closer than 200 metres from the nearest dwelling, other than the property owner; and
- (d) the tower shall be removed from the site after two (2) years of non-operational use.

USE ZONE TABLE

ZONE TITLE	MINERAL WORKING (MW)
PERMITTED USE CLASSES - (see Regulation 89) Mineral Working	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Agriculture. Forestry and antenna.	

CONDITIONS FOR MINERAL WORKING ZONE

1. Separation from Adjacent Uses

Unless the Authority is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

Minimum Distance of Pit and Quarry Workings	
From:	
Existing or proposed Residential Development	
- where no blasting is involved	300 metres
- where blasting is involved	1000 metres
Any other developed area or area likely to be developed during the life of the pit or quarry working.	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres

2. Screening

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

- (a) Where tree screens exist between the mineral working 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 or, at the discretion of the Authority, condition 4(b) must be undertaken.
- (b) 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 mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.
- (c) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- (d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, the Authority may refuse to permit the use or associated activity.

3. Fencing

The Authority may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

4. Water Pollution

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Municipal Affairs and Environment.

5. Water Ponding

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Municipal Affairs and Environment.

6. Erosion Control

No mineral working shall be carried out in a manner so as to cause erosion of adjacent land.

7. Site Maintenance

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

8. Access Roads

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

9. 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 quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

10. 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 aggregate resources.

11. The Authority may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

Termination and Site Rehabilitation

12. Upon completion of the mineral working, the following work shall be carried out by the operation:

- (a) All buildings, machinery and equipment shall be removed.
- (b) All pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working.
- (c) Topsoil and any organic materials shall be re-spread over the entire quarried area.
- (d) The access road to the working shall be ditched or barred to the satisfaction of the Authority.

13. If the mineral working 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 aggregate reserves.

14. Short-term Mineral Workings

The following conditions shall apply to a Mineral Working which is subject to a Department of Natural Resources and Energy Quarry Permit or which is proposed for a duration of less than five years. The Authority may require an applicant for a development permit under this condition to meet the stipulations set out in condition 18 below, if the Authority determines that the size of the parcel or of the proposed mineral working, or the size of the aggregate resource in the surrounding area is sufficiently large or the duration is sufficiently long to warrant the application of condition 18.

- (a) An application for a development permit for the proposed Mineral Working use shall be accompanied by a detailed sketch or sketches satisfactory to the Authority which shall show the location of physical site features and extraction and processing features required by the Authority, including but not limited to:
 - (i) the general area of the location of the mineral working;
 - (ii) boundaries of the parcel to be mined (ie. land covered by the development application);
 - (iii) extent of the site area to be mined;
 - (iv) roads, parking and loading areas and entrance and exit to the site;
 - (v) waterbodies within the boundaries;
 - (vi) waterbodies within 250 metre radius of the boundary;
 - (vii) channels or ponds to be removed, shifted and created; and
 - (viii) the location of any building or structure and equipment which will be located on the site.

- (b) Upon completion of the mineral working operations on the site, the developer shall meet the conditions set out above and any other condition(s) stated in the development permit that the Authority deems necessary for restoration of the site.
- (c) A temporary development permit may be issued for a maximum of one year and may not be renewed after five consecutive years. Upon expiry of the development permit the Authority shall inspect the site to confirm compliance with the development permit and development regulations.

15. Long-term Mineral Workings

The following conditions shall apply to a Mineral Working subject to a Department of Natural Resources and Energy Quarry Lease or of a duration of 5 years or greater.

- (a) An application for a development permit shall include a Mineral Working Development Plan satisfactory to the Authority for the proposed Mineral Working use, which shall include a site plan showing the location of physical site features and extraction and processing features required by the Authority including but not limited to:
 - (i) boundaries of the parcel to be mined;
 - (ii) extent of site area(s) to be mined;
 - (iii) buildings and structures on the site;
 - (iv) roads, parking and loading areas and entrance and exit to the site;
 - (v) fences, berms and landscaping provided for screening;
 - (vi) waterbodies and channels to be removed, shifted and created;
 - (vii) location and expected maximum height of stockpiles of mined ores, sand and gravel;
 - viii) location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores, and the manufacturing of concrete and stone products;
 - (ix) the probable location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the Reclamation plan; and
 - (x) intended phases of mining operations to be carried out over all portions of the site.
- (b) An application for a development permit shall include a Mineral Working Reclamation Plan satisfactory to the Authority for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of the Authority a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan if necessary in the form of a grading and landscape plan or plans.

16. Financial Guarantee

- (a) The developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to the Authority.
- (b) The financial guarantee shall be the greater of (a) \$5,000 per hectare, prorated on the basis of area to a minimum of \$500, or (b) an amount to cover the costs of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
- (c) The financial guarantee shall be returned when the Reclamation Plan has been carried out or the development terminated and any conditions attached to the development permit have been met to the satisfaction of the Authority."

17. Permit Fee

The development permit fee for a Mineral Working use shall be determined by the Authority in an amount sufficient to cover the review of the Development and Reclamation Plans or the detailed sketch as required above, and determination of the amount of the financial guarantee described in section 16 above by a professional engineer, ongoing inspection of the site for conformity with the named Plans or sketches and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation for purposes of return or cancellation of the financial guarantee.

18. Buffer (around waterways)

The area 15 metres in width on each side of rivers, ponds and tributary streams shall be left in a natural state. Its precise limits shall be identified and determined by the Federal Department of Fisheries and Oceans and Provincial Department of Municipal Affairs and Environment, Water Resources Management Division.

USE ZONE TABLE

ZONE TITLE	AGRICULTURE (Ag)
PERMITTED USE CLASSES - (see Regulation 89) Agriculture, forestry, animal, conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Veterinary, outdoor market, general industry, mineral working, antenna, and single dwelling.	

CONDITIONS FOR AGRICULTURE ZONE

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not adversely affect the quality or quantity of water identified as a water supply source.

2. Forestry, Agriculture, and Existing Uses

Selective forestry activities, agriculture, and the maintenance and limited extension of existing uses may be permitted provided they cause no detrimental effect on water quality.

3. Single Dwelling

Single residential dwellings may be permitted in conjunction with a permitted use such as agriculture or forestry. The agricultural use shall be a commercial business and the full time farmer shall obtain a minimum of 50 % of his or her gross income from the farm operation. The commercial operation shall be in operation for a minimum of two years before Council will approve any residential development.

4. Buffer (around waterways)

The area 15 metres in width on each side of rivers, ponds and tributary streams shall be left in a natural state. Its precise limits shall be identified and determined by the Federal Department of Fisheries and Oceans and Provincial Department of Municipal Affairs and Environment, Water Resources Management Division.

USE ZONE TABLE

ZONE TITLE	CEMETERY (CM)
PERMITTED USE CLASSES - (see Regulation 89) Cemetery.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) None.	

CONDITIONS FOR CEMETERY ZONE

1. Accessory Building

An accessory building may be permitted in association with a cemetery and shall have a maximum floor area of not more than 20 m². Accessory buildings shall be located a minimum of 1 metre from a side and rear lot line and shall have a height of not more than 4 metres.

USE ZONE TABLE

ZONE TITLE	WATERSHED (WAT)
PERMITTED USE CLASSES - (see Regulation 89) Conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Forestry, agriculture, recreation open space, water treatment plant and antenna.	

CONDITIONS FOR WATERSHED ZONE

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not adversely affect the quality or quantity of water identified as a water supply source.

2. Forestry, Agriculture, and Existing Uses

Selective forestry activities, agriculture, and the maintenance and limited extension of existing uses may be permitted provided they cause no detrimental effect on water quality.

3. Recreation

Only passive recreational activities such as hiking and skiing shall be permitted in the watershed area.