

# REGULATIONS



## FUTURE CORNER BROOK

2012 Development Regulations







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# 2012 Development Regulations

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**NOTE:** Text that appears in brackets ( ) and is italicized and in bold face, indicates the date that an amendment has been made to that section **and the City of Corner Brook Amendment file number**. For further information please contact the Planning Division of the City of Corner Brook.

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MAPS C1, C2, C3, C4, AND C5 FORM PART OF AND ARE TO BE READ WITH THESE DEVELOPMENT REGULATIONS. MAPS A, B, C, D, E, AND F FORM PART OF AND ARE TO BE READ WITH THE INTEGRATED MUNICIPAL SUSTAINABILITY PLAN.

**City of Corner Brook**  
**Integrated Municipal Sustainability Plan**  
**2012 Development Regulations**

# **PART I - APPLICATION**

## **1. SHORT TITLE**

These Regulations may be cited as the City of Corner Brook Development Regulations.

## **2. INTERPRETATION**

- (1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.
- (2) Words and phrases not defined in Schedule A shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.
- (3) In the context of these Regulations, the terms “Integrated Municipal Sustainability Plan”, “IMSP”, “Municipal Plan” and “Plan” shall have the same meaning and refer to the City of Corner Brook Integrated Municipal Sustainability Plan.
- (4) In the context of these Regulations, the term “Council” shall mean the Corner Brook City Council as incorporated and continued under the City of Corner Brook Act RSNL 1990 Ch. C-15 and any similar or successor legislation.

**3. AUTHORITY**

In these Regulations, "Authority" means the Council of the City of Corner Brook or those employees so designated in writing by Council.

**4. DELEGATION**

- (1) Council may appoint an employee of the Council to approve or reject applications, as designated by the Council, to develop land in accordance with the appropriate plan and regulations and that employee may outline the conditions applicable to that development.
- (2) An employee of a Council may issue an order under section 102 of the Urban and Rural Planning Act.
- (3) An order made by an employee referred to in subsection (2) shall be confirmed by a majority vote of the members of the Council present at the next meeting of the Council after the order is made and if the order is not confirmed in this manner, it shall be considered to be cancelled.
- (4) Council shall, where designating employees to whom a power is to be delegated under subsection (1) and (2) above, make that designation in writing.
- (5) Notwithstanding any other provision herein, Council shall not delegate its discretion under Regulation 11. DISCRETIONARY POWERS OF AUTHORITY, Regulation 128. DISCRETIONARY USES, and/or Regulation 157. PROTECTED WATER SUPPLY AREA.
- (6) Notwithstanding any delegation of authority that Council may have granted to an employee or group of employees, Council may revoke such delegation(s) of authority at any time without cause or notice and Council may make a decision on any matter for which the delegation of authority would have otherwise applied at such times and in such matters as Council in its sole discretion deems appropriate.

**5. COMMENCEMENT**

These Regulations come into effect throughout the City of Corner Brook Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland Gazette.

**6. MUNICIPAL CODE AND REGULATIONS**

The National Building Code of Canada including the National Plumbing Code of Canada, the National Fire Code of Canada, the Canadian Electrical Code, the NFPA 101 - Life Safety Code and any other ancillary code and any Building Regulations, Occupancy and Maintenance Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the City of Corner Brook, shall, under these Regulations, apply to the entire Planning Area.

**7. COMPLIANCE WITH REGULATIONS**

No development shall be carried out within the Planning Area except in accordance with these Regulations.

**8. PERMIT REQUIRED**

- (1) No person, corporation, partnership or other organization shall carry out any development within the Planning Area, except where otherwise provided in these Regulations, unless a permit for the development has been issued by the Authority.
- (2) Development within the Planning Area shall be carried out in accordance with the Municipal Plan, these Regulations and any conditions set out in a development permit.



**9. PERMIT TO BE ISSUED**

Subject to Regulations 10 and 11, a permit shall be issued for development within the Planning Area that conforms to:

- (1) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (2) the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- (3) the standards set out in Part III of these Regulations in the case of advertisement;
- (4) the standards set out in Part IV of these Regulations in the case of subdivision;
- (5) the standards of design and appearance established by the Authority.

**10. PERMIT NOT TO BE ISSUED IN CERTAIN CASES**

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

**11. DISCRETIONARY POWERS OF AUTHORITY**

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

**12. VARIANCES BY AUTHORITY**

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

- (4) The variance shall not be contrary to the general intent or purposes of the Municipal Plan ~~or~~ or these regulations.
- (5) The variance is related to the specific property and is not general to land or buildings within the area.
- (6) The variance does not result from the intentional misconduct ~~or~~ or negligence of the owner in relation to the property.
- (7) The granting of the variance does not conflict with other regulations, undermine the quality of adjacent property or pose a threat to human health, safety or welfare.
- (8) The variance does not change the permitted use of the property.

### **13. NOTICE OF VARIANCE**

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

### **14. SERVICE LEVY**

- (1) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority of constructing or improving the public works referred to in Regulation 14(1) that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real property.

- (3) A service levy shall be assessed on the real property based on:
  - (a) the amount of real property benefitted by the public works related to all the real property so benefitted; and,
  - (b) the density of development made capable **by** or increased by the public work.
- (4) The Authority may require a service levy to be paid by the owner of the real property;
  - (a) at the time the levy is imposed;
  - (b) at the time development of the real property commences;
  - (c) at the time development of the real property is completed; or,
  - (d) at such other time as the Authority may decide.

## **15. DEVELOPMENT GUARANTEES**

- (1) The Authority responsible for regulations made under this Part may, in those regulations, require that a person, before starting a development, make financial provisions to guarantee the payment of service levies, ensure site reinstatement and enforce the carrying out of another condition attached to a permit or licence.
- (2) The form of a financial provision required under subsection (1) shall be determined by a council and may be:
  - (a) a cash deposit from the developer, to be held by the Authority, in accordance with the regulations made by them;
  - (b) a guarantee of a bank, or other institution acceptable to the Authority;



- (c) a performance bond provided by a corporation, authorized under the laws of Canada, or of the province to give it;
- (d) an annual contribution to a sinking fund held by the Authority as may be provided by their regulations; or
- (e) another form of financial guarantee that the Authority may approve.

## **16. DEDICATION OF LAND FOR PUBLIC USE**

In addition to the requirements for dedication of land under Regulation 116, the Authority may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with the provisions of the Act.

## **17. REINSTATEMENT OF LAND**

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

## **18. FORM OF APPLICATION**

- (1) An application for a development permit or for outline planning permission shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications, drawings and other information or studies as the Authority may require, and be accompanied by the permit fee required by the Authority.

- (2) The Authority shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 18(1) and a description of the plans, specifications and drawings required to be provided with the application.

## **19. REGISTER OF APPLICATION**

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

## **20. DEFERMENT OF APPLICATION**

- (1) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- (2) Notwithstanding (1), the Authority may defer consideration and decision of an application without the written agreement of the applicant and the applicant shall be so advised in writing that the application has been deferred and an explanation provided as to the reason for the deferment.
- (3) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant, or the applicant has not been advised of the status of the application in writing within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 20 (1), shall be deemed to be refused.

## **21. OUTLINE PLANNING PERMISSION**

- (1) The Authority may grant outline planning permission, or approval in principle, for a development or for the erection, alteration or conversion of a building if, after considering an application for outline planning permission made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where outline planning permission is granted under this Regulation, it shall be subject to the subsequent approval by the Authority of the details and conditions as may be listed in the outline planning permission or approval in principle, and City of Corner Brook Pre-application Guidelines, which shall also specify that further application for approval of these details shall be received not later than one year from the granting of outline planning permission. An extension period of one year may be allowed by the Authority upon written request and a satisfactory explanation provided by the applicant as to the reason why the extension is required.

## **22. LAND USE ASSESSMENT REPORT**

A Land Use Assessment Report shall be prepared when the compatibility of proposed uses has not been adequately evaluated, as determined by the Authority. The report must be prepared by accredited professionals, or other suitably qualified persons as determined by the Authority, to assess the impacts a proposed use or development may have on the social, economic and environmental sustainability of the adjacent properties, the City or the region.

- (1) Where determined by the Authority and in accordance with the Integrated Municipal Sustainability Plan, Land Use Assessment Report(s) will be required as part of the development application review process, as prepared by a qualified professional.
- (2) The Authority shall require a Land Use Assessment Report(s) be prepared when the compatibility of proposed uses has not been adequately evaluated, as determined by the Authority.

- (3) It shall be the responsibility of the applicant to prepare a Land Use Assessment Report and any supporting documentation.
- (4) The Land Use Assessment Report shall be prepared by accredited professionals, or other suitably qualified person as determined by the Authority, to assess the impacts a proposed use or development may have on the social, economic and environmental sustainability of the adjacent properties or uses, the City, or the region. The Authority shall determine the matters that would require assessment, which could include, but are not limited to, the following:
  - (a) impacts on the natural environment.
  - (b) impacts on the community.
  - (c) impacts on the function, operational costs and efficiency of municipal water, wastewater, stormwater, and transportation infrastructure.
  - (d) impacts on the quality of life of the citizens of Corner Brook.
  - (e) impacts on the local economy and the fiscal health of the City of Corner Brook.
  - (f) analysis of any other potential impacts pertinent to the goals, objectives and policies of the Municipal Plan.
- (5) The Terms of Reference for the Land Use Assessment Report shall be approved by the Authority and become an integral component of the Report itself.
- (6) The study area boundaries for the Land Use Assessment Report shall be determined by the Authority and included within the Terms of Reference.
- (7) Land Use Assessment Reports may require public consultation and/or review.



- (8) All expenses related to the preparation of a Land Use Assessment Report shall be the responsibility of the applicant.
- (9) Specific terms and conditions for development identified as a result of the Land Use Assessment Report may be required prior to development approval.

**23. MUNICIPAL SERVICES AREA BOUNDARY**

- (1) Future development will be directed to those lands within the planning area boundary that are serviced by, or planned to be serviced by, the municipal transportation, water and sewer services in order to ensure a more sustainable city by making better use of existing infrastructure, maintaining natural and rural areas, promoting pedestrian activity and retail streets and supporting more compact development.
- (2) Proposed development in areas outside the Municipal Service Area (MSA) boundary may be subject to a Land Use Assessment Report and other applicable conditions and requirements, as specified by the Authority, in order to demonstrate, to the satisfaction of the Authority, the necessity to develop beyond the MSA boundary.

**24. DEVELOPMENT PERMIT**

- (1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Authority may attach to a permit or to outline planning permission such conditions as it deems fit in order to ensure that the proposed development will be in

accordance with the purposes and intent of these Regulations.

- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part II of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statutes or where relevant information may become available which could have a significant impact upon the development.
- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the mater or thing until completion.

## **25. REASONS FOR REFUSING PERMIT**

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

**26. NOTICE OF APPLICATION**

The Authority may, and when a variance is necessary under Regulation 12 and the Authority wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 82 and/or Regulation 83, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for outline planning permission, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.

**27. RIGHT OF ENTRY**

The Authority, or an inspector designated by the Authority to administer these Regulations, may enter upon public or private land, and may at all reasonable times enter a building upon the land for the purpose of making surveys or inspections or obtaining information relative to the carrying out of any development, construction, alteration, repair or any other works which the Authority regulates.

**28. RECORD OF VIOLATIONS**

Inspectors shall keep a record of any violation of the Regulations which comes to their attention, and report infractions to the Authority.

**29. OFFENCE**

- (1) Where a violation has occurred, the Authority shall notify the developer of the nature of the infraction and shall prescribe remedial action.
- (2) Where the developer does not comply with the direction given in subsection (1), the Authority shall take action as prescribed in Part XI of the Act.

### **30. STOP WORK ORDER AND PROSECUTION**

- (1) Where a person begins a development contrary to these Regulations, the Authority may order that person to stop the development or any work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 30(1) is guilty of an offence under the provisions of the Act.
- (3) Orders so issued under Regulation 30(1) shall be confirmed by the Authority at the first meeting of Council following the issuance of the order.

### **31. RESTORATION OF LAND**

Where a permit to develop land has been issued by the Authority but development discontinues prematurely, is not fully executed according to the conditions of the permit, is cancelled due to a contravention of these regulations or where a temporary permit expires, the Authority may order the developer, or the owner, to remove all buildings or erections above ground, to cover or fill all wells or excavations, landscape as may be necessary to prevent erosion and to remove all accesses, or to do any of these things, and the developer, or the owner, shall carry out the order of the Authority and shall put the site in a clean and sanitary condition to the satisfaction of the Authority.

### **32. APPEAL BOARD TO ACT AS LOCAL BOARD OF APPEAL**

Where a Local Board of Appeal has not been appointed and approved by the Minister under Regulation 33(1), the appropriate Appeal Board established under the provisions of the Act shall be deemed to have been appointed as the Local Board of Appeal, and shall carry out the functions and exercise the same powers as if it were appointed a Local Board of Appeal under Regulations 33(1), but it shall not be obliged to hold appeal hearings within the Planning Area or to hear appeals within the time limits established under these Regulations.

### **33. APPEAL BOARDS**

- (1) The minister may, by order, establish those appeal boards that he or she considers necessary and shall assign to each appeal board a specific area of the province over which it shall have jurisdiction.
- (2) Notwithstanding subsection (1), the City of Corner Brook, may, for the planning area under its jurisdiction and in accordance with the development regulations, appoint a local appeal board and these regulations shall apply to the board.

### **34. BOARD STRUCTURE**

- (1) The Authority shall appoint to a board established under subsection 33(1), not fewer than 3 and not more than 5 persons.
- (2) A member of a board holds office for 3 years and may be reappointed for a further 3 years.
- (3) A board shall be presided over
  - (a) by a chairperson whom the Authority shall appoint from among the appointed members of the board; or
  - (b) in the absence of the chairperson, by another person who is a member of that board.

- (4) A majority of the members of a board constitutes a quorum.
- (5) A member of a board shall receive remuneration and shall be reimbursed for expenses incurred in the conduct of his or her duties in a manner that may be determined by the Lieutenant-Governor in Council.
- (6) The Authority may appoint a secretary to a board and shall determine the remuneration payable to that secretary.
- (7) The Authority shall establish
  - (a) rules of procedure for the board;
  - (b) notice periods that shall be required with respect to appeals; and
  - (c) the manner in which persons are to be notified with respect to appeals.
- (8) For the purpose of holding an inquiry under this or another Act, members of a board have all of the powers of a commissioner under the *Public Inquiries Act*.
- (9) In the conduct of an inquiry or a hearing, a board is not bound by the rules of evidence.
- (10) Where it is necessary for the purpose of an appeal, inquiry or other matter before a board, a member of the board or a person designated by the board may enter upon land and other property in order to inspect that land or property.

### **35. APPEALS**

- (1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate board where the decision is with respect to
  - (a) an application to undertake a development;
  - (b) a revocation of an approval or a permit to undertake a development;
  - (c) the issuance of a stop work order; and
  - (d) a decision permitted under this or another Act to be appealed to the board.
- (2) A decision of the Authority to adopt, approve or proceed with a plan, scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.
- (3) An appeal board shall not make a decision that does not comply with a plan, scheme and development regulations that apply to the matter being appealed.
- (4) An appeal made under this section shall be filed with the board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.
- (5) An appeal shall be made in writing and shall include
  - (a) a summary of the decision appealed from;
  - (b) the grounds for the appeal; and
  - (c) the required fee.
- (6) A board may meet as often as it considers necessary to conduct its work in an expeditious manner.

- (7) A person or group of persons affected by the subject of an appeal or their representatives may appear before a board and make representations concerning the matter under appeal.
- (8) A board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
- (9) A board shall consider and determine appeals in accordance with the Urban and Rural Planning Act and a plan, scheme and regulations that have been registered under section 24 of the Act and having regard to the circumstances and merits of the case.
- (10) In determining an appeal, a board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct the council, regional authority or authorized administrator to carry out its decision or make the necessary order to have its decision implemented.
- (11) Notwithstanding subsection (10), where the Authority may, in its discretion, make a decision, a board shall not make another decision that overrules the discretionary decision.
- (12) The decision of a majority of the members of a board present at the hearing of an appeal shall be the decision of the board.
- (13) A board shall, in writing notify the appellant and the Authority of the decision of the board.

**36. HEARING OF EVIDENCE - LOCATION**



- (1) Notwithstanding subsection 35(7), where
  - (a) due to the isolation of an area that is the subject of an appeal, it would be difficult or costly for a board to hear representations from the Authority or other person; or
  - (b) the parties to an appeal agree in writing, the Authority and other persons who are parties to the appeal may
  - (c) submit written arguments to the board; or
  - (d) present arguments by teleconference, telephone or other electronic means, and the board may deliberate and make a determination on the matter based upon those written or other submissions.
- (2) Where a board considers it necessary to visit and view a property that is the subject of an appeal, one member of that board or another person whom the board may authorize, may make that visit and, in writing, report to the board on the visit and viewing of the property.
- (3) Information provided to a board under subsections (1) and (2) shall be considered to have been provided in the same manner as evidence before a board during a hearing of an appeal under Regulation 35.

### **37. FEES**

- (1) The minister (Authority) may establish fees for the making of appeals.
- (2) A fee paid under subsection (1) shall be paid to the board hearing the matter and shall be retained by that board.

- (3) Where an appeal made under Regulation 35 is successful, an amount of money equal to the fee paid by the appellant under subsection (1) shall be paid to the appellant by the Authority that made the appealed decision.

**38. DEVELOPMENT MAY NOT PROCEED**

- (1) Where an appeal is made under Regulation 35, the development with respect to the appeal, work related to that development or an order that is under appeal shall not proceed or be carried out, pending a decision of the board.
- (2) Where, on appeal, a permit to develop is confirmed or ordered to be issued, the Authority shall issue the permit as confirmed or ordered.

**39. APPEAL TO COURT**

- (1) A decision of a board may be appealed to the court not later than 10 days after that decision has been received by the appellant.
- (2) An appeal of a decision of a board under subsection (1) may be made on a question of law or jurisdiction.
- (3) A board may be represented by counsel and heard on an appeal under this section.
- (4) The court shall either confirm or vacate the order of the board and where vacated the court shall refer the matter back to the board with the opinion of the court as to the error in law or jurisdiction and the board shall deal with the matter in accordance with that opinion.

**40. NOTICE OF RIGHT TO APPEAL**

Where an Authority makes a decision that may be appealed under Regulation 35, the Authority shall, in writing, at the time of making that decision, notify the person to whom the

decision applies of the

- (1) person's right to appeal the decision to the board;
- (2) time by which an appeal is to be made;
- (3) right of other interested persons to appeal the decision; and
- (4) manner of making an appeal and the address for the filing of the appeal.

#### **41. APPEAL REQUIREMENTS**

- (1) Where the City of Corner Brook appoints an appeal board under Regulation 35 of the Urban and Rural Planning Act, an appeal shall be filed with the secretary of that appointed board.
- (2) Where a Local Board of Appeal has been appointed and approved under Regulation 33, the Clerk of the Authority shall be the Secretary of that Local Board of Appeal.
- (3) The fee required under Regulation 37 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 35(4).
- (4) The board that hears the decision being appealed shall, subject to Regulation 37(3), retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Urban and Rural Planning Act, the right to appeal that decision shall be considered to have been forfeited.

#### **42. APPEAL REGISTRATION**

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations,

the secretary of the board as referred to in Regulation 41(1) and (2), shall immediately register the appeal.

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

#### **43. DEVELOPMENT PROHIBITED**

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

**44. HEARING NOTICE AND MEETINGS**

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

**45. HEARING OF EVIDENCE - PROCESS**

- (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under Regulation 44(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
- (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

**46. BOARD DECISION**

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

**47. RETURN OF APPEAL FEE**

Where an appeal made by an appellant under Regulation 35 is successful, an amount of money equal to the fee paid by that appellant under Regulation 37(2) shall be paid to him or her by the authority, and the Local Board of Appeal shall so order in its decision.

**48. APPEALS TO LOCAL BOARD OF APPEAL**

- (1) Any person may appeal to the Local Board of Appeal from a decision of the Authority made under these Regulations.
- (2) Where the Municipality has not appointed a Local Board of Appeal, the appeal fee shall be the fee established for the appeals.
- (3) The Local Board of Appeal shall make its decision known in writing to the Authority and to the appellant within two weeks of hearing the appeal.
- (4) The Local Board of Appeal shall consider and determine each appeal in accordance with the intent of these Regulations and the Municipal Plan and any further plan, scheme or regulations that are in force, having due regard to the circumstances and merits of the particular case and the use of discretionary powers by the Authority.
- (5) Every member of a Local Board of Appeal shall be subject to the provisions of the Municipalities Act with respect to conflict of interest as if he/she were a councillor elected under that Act.
- (6) The decision of a majority of the members of the Local Board of Appeal present, excluding all members prohibited from voting because of conflict of interest shall be the decision of the Board whose decision shall not be subject to further appeals to any other Appeal Board constituted under the Act.
- (7) If a Local Board of Appeal is unable to decide an appeal because of the conflict of interest of a majority of its members, the Authority shall, subject to the approval of the Minister, and for that appeal only, appoint other persons to replace those members so affected.

**49. AGRICULTURE AND FARMING**

Where required, approvals must be granted from the Department of Natural Resources for any commercial farming operation. Department of Government Services must approve manure systems.

**50. CROWN LANDS**

Approvals for development on crown land must be obtained from the Crown Lands Division, Department of Environment and Conservation.

**51. FORESTRY**

Were required, permits for commercial woodcutting or other forestry related activities must be obtained from the Department of Natural Resources, Forest Management Unit.

**52. MINERAL WORKINGS, MINING AND MINERAL EXPLORATION**

Approvals and permits must be obtained from the Department of Natural Resources, Mineral Lands Division.

**53. ARCHEOLOGY DISCOVERY**

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

**54. WATERSHEDS**

Recommendation is required from the Watershed Management Committee prior to any decision by Council to permit development within the designated watershed areas of the City of Corner Brook.

**55. 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**

Department of Government Services - for Crown Land referrals.

Department of Environment and Conservation, Water Resources Division

Any development within fifteen (15) metres of a body of water or the defined high water mark of a body of water must be approved by the Minister of Environment and Conservation.

**Federal**

Department of Fisheries and Oceans

Coast Guard Canada — *Navigable Waters Act*. Fish Habitat Division

**56. CONSERVATION OF NATURAL ENVIRONMENT OR AESTHETIC AREAS**

The Authority 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.

**57. SHORELINE BUFFERS**

Generally, no development will be permitted within 15 metres of rivers or streams, or shorelines of lakes and ponds or within 15 metres of the 1:20 year flood level of these features. 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 Environment and Conservation.



**58. VISUAL IMPACT ANALYSIS**

- (1) Within any zone whether the use is permitted or discretionary, the following developments may be subject to a Visual Impact Analysis, as part of a Land Use Assessment Report, before the Authority considers whether or not to approve the development:
  - (a) Commercial forest harvesting activities including related industry;
  - (b) Land clearing for agriculture including related industry;
  - (c) Pits, quarries, mines or oilfield development;
  - (d) Major roads and resource access roads;
  - (e) Transmission lines
  - (f) Buildings outside of defined urban areas or developed areas, existing at the time of these regulations coming into effect;
  - (h) Communication towers;
  - (i) Major infrastructure for flood control, dams, bridges etc.
  - (j) Any other development deemed by the Authority to warrant a Visual Impact Analysis.
- (2) Every applicant for a proposed development listed in (1) above that is subject to a Visual Impact Analysis shall provide the following information:
  - (a) Identify the total land ownership and that portion of it which it is proposed to develop.
  - (b) Specify the use proposed and the location and height of any proposed structure.
  - (c) Identify the finish and color of exterior building materials.
  - (d) Identify the proximity of proposed buildings to property lines and the

boundary of any area from which it is proposed to remove the natural ground cover.

- (e) In the case of a proposed use which is a pit, quarry, or other mineral working including a mine, indicate the extent and depth of the proposed excavation.
- (f) Show that a minimum of natural ground cover will be removed and that a sufficient amount will be retained or replaced to restrict the visual impact of the proposed development when viewed from the nearest point of the proposed development to the Trans Canada Highway and from points on the Trans Canada Highway to both the east and west.
- (g) Show graphically and pictorially how the development will be seen from the above noted points on the Trans Canada Highway or other viewscales or view planes as determined by the Authority.

# PART II - GENERAL DEVELOPMENT STANDARDS



**59. ACCESSES AND SERVICE STREETS**

- (1) Access shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

**60. ACCESSORY BUILDINGS – GENERAL**

In all non-residential, non-commercial and non-industrial zones where accessory buildings may be permitted as a detached building not used for a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land, the Authority, in its discretion, may determine the standards, requirements, and conditions, in accordance with Regulation 125(3), which shall apply for development of an accessory building and shall address, but not be limited to, the following:

- (1) determination as to the intended use of the building and whether it may be considered as an accessory building to the main building on the property or use of land.
- (2) the maximum size of the accessory building, expressed as a total percentage of lot size or maximum area.
- (3) the minimum distance from any property boundary.
- (4) the maximum height, measured from the lowest grade elevation to the highest point of the building.

- (5) the minimum separation distance between the accessory building and any other building or structure on the property.

**61. ACCESSORY COMMERCIAL AND INDUSTRIAL BUILDINGS**

- (1) The Authority reserves to right to determine whether a building on the commercial or industrial lot is an accessory building, or structure, to the main building(s) on the lot, or whether it is a primary building associated with the permitted and main use of the lot.
- (2) Accessory buildings shall be clearly incidental and complementary to the use of the main commercial or industrial building in character, use and size, and shall be contained on the same lot as the primary permitted building(s).
- (3) Accessory buildings for commercial and industrial uses shall meet the definitions as described in these Development Regulations.
- (4) An accessory building setback shall be no closer than the minimum building line setback for the applicable zone.
- (5) The minimum side yard requirement shall be two (2) metres from the side lot line for all commercial and industrial accessory buildings.
- (6) The minimum rear yard requirement shall be one (1) metre from the rear lot line for all commercial and industrial accessory buildings.
- (7) Additional Regulations regarding accessory buildings may be further set out in specific Use Zone Tables in Schedule C of this Regulation.
- (8) Accessory buildings shall have a combined total lot coverage of no greater than seven (7) percent to a maximum of 58 square metres.
- (9) Maximum height of an accessory building up to 3.7 metres in width is not to exceed

3.8 metres. Maximum height of accessory buildings 3.7 metres in width and over is not to exceed 4.5 metres in height, measured from the highest point of the roof ridge to the lowest point of ground contact with the accessory building.

- (10) Accessory buildings shall have a minimum separation distance of 2.0 metres from any other structure on the lot.
- (11) No part of an accessory building is permitted to be located above or beneath any land identified as a utility or other easement of the property.
- (12) Exterior cladding on accessory buildings should coordinate with the main building.
- (13) Mobile and/or temporary accessory buildings in the form of utility trailers or other container type structures may be permitted on the lot for a period of 60 days. Such temporary structures should be situated in accordance with the standards and conditions for accessory buildings and shall not interfere with driver site lines or pedestrian movement and must be contained entirely on the subject lot.
- (14) Temporary and/or mobile accessory buildings must be moved completely off the site upon expiry of the permit period and may not be renewed for a subsequent permit for a minimum of six months after expiry of the previous permit.

## **62. ACCESSORY RESIDENTIAL BUILDINGS**

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main dwelling in character, use and size, and shall be contained on the same lot.
- (2) An accessory building setback shall be no closer than the minimum building line setback for the applicable zone.
- (3) For internal lots, accessory buildings shall be set back a minimum of a one (1) metre from the rear and side lot lines.

- (4) Additional Regulations regarding accessory buildings may be further set out in specific Use Zone Tables in Schedule C of this Regulation.
- (5) Accessory buildings shall have a combined total lot coverage of no greater than seven (7) percent to a maximum of 58 square metres.
- (6) Accessory buildings located on any residential lot measuring one half acre or greater, may have a combined lot coverage of no greater than seven (7) percent of the lot, to a maximum of 140 square meters. The accessory building(s) must be subsidiary in size to the main dwelling on the lot and the size will be calculated as a total cumulative size of all buildings on the same lot. Any accessory building measuring 100 square meters or greater, to a maximum of 140 square meters, shall be located a minimum of 3 meters from the side or rear lot boundary. The height of the accessory building shall not exceed 5 meters, measured from the highest point of the roof ridge to the lowest point of contact with the accessory building.
- (7) For mobile/mini home residential zones, accessory buildings shall have a combined total lot coverage of no greater than seven (7) percent to a maximum of 32 square metres.
- (8) Maximum height of an accessory building up to 3.7 metres in width is not to exceed 3.8 metres. Maximum height of accessory buildings 3.7 metres in width and over is not to exceed 4.5 metres in height, measured from the highest point of the roof ridge to the lowest point of ground contact with the accessory building.
- (9) Accessory Buildings shall have a minimum separation distance of 2.0 metres from any structure other than a deck.
- (10) No part of an accessory building is permitted to be located above or beneath any land identified as a utility or other easement of the property.
- (11) Exterior cladding on accessory buildings shall match or coordinate with the main

dwelling.

- (12) Mobile and/or temporary accessory buildings in the form of utility trailers or other container type structures may be permitted on the lot for a period of 60 days. Such temporary structures should be situated in accordance with the standards and conditions for accessory buildings except where it is not physically possible to transport the structure to the appropriate location on the lot. In this circumstance, the mobile or temporary structure may be permitted to remain in the drive way or parking area; however, it shall not interfere with driver site lines or pedestrian movement and must be contained entirely on the subject lot.
- (13) Temporary, portable, assembled garages may be permitted on a site specific and temporary basis as an accessory building for a maximum of 150 days, and may be located in the drive way or parking area of the lot; however, it shall not interfere with driver site lines or pedestrian movement and must be contained entirely on the subject lot.
- (14) Temporary and/or mobile accessory buildings must be moved completely off the site upon expiry of the permit period and may not be renewed for a subsequent permit for a minimum of six months after expiry of the previous permit.

### **63. ACCESSORY USE**

Accessory uses may be permitted in any Use Zone where the use is considered to be subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted use or discretionary use. Application for the accessory use shall be made in the same manner as for other developments.

### **64. ADVERTISEMENTS**

- (1) Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations and in accordance with the provisions of the use zone tables in



which they are proposed to be erected or displayed.

- (2) Advertisements shall not be erected or displayed adjacent to provincial highways except in accordance with the Highway Sign Regulations.

## **65. BUFFER STRIPS**

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority. Parking areas, driveways, accesses or activities defined as developments that are associated with and/or connected to the permitted or discretionary use shall not be permitted within this buffer strip.

## **66. BUILDING HEIGHT**

The Authority may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rear yard requirements shall be varied as follows:

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

## **67. BUILDING LINE AND SETBACK**

The Authority, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines,

whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.

As per Regulation 111, the Authority shall consider the land use, physical form and character of adjacent developments when issuing a permit. To ensure that infill development proposals adhere to this standard, unless stated otherwise, all new residential buildings shall be located (1) on or in close proximity behind the front setback for the applicable zone, or (2) in line with the average building line for the adjacent buildings on the street. Should the latter fall within the front setback for the zone, the authority may establish a building line as per the above standard.

## **68. COASTAL BUFFER**

- (1) All new development, including structures approved for erection on reclaimed land or historically augmented coastline, to be located where the current elevation is less than 2.5 metres above the ordinary high water mark, shall require basement foundations to be built to the 2.5 metre contour elevation above the ordinary high water mark, and adhere to those additional standards and requirements of the Department of Environment “Policy for Development in Shore Water Zones” document, and as amended as necessary.
- (2) No residential development shall be permitted within the 2.5 metre elevation above the ordinary high water mark other than those developments meeting the requirement of Regulation 68(1) and occurring within a Waterfront Mixed Use Zone.
- (3) Notwithstanding regulation 68(2) above, any existing dwelling may be permitted to expand provided that the expansion does not further reduce the existing elevation nor result in habitable space below the 2.5 metre contour.
- (4) Regulation 68(1) does not apply to: residential accessory buildings; marine dependent uses including marinas, boathouses, jetties, wharves, moorings, and other docking or ramping facilities; non-building open space uses, and temporary

uses permitted in accordance with these Regulations.

- (5) Every application for a development pursuant to this Regulation shall be accompanied by the appropriate plans identifying elevations, contours and lot grading information to confirm that the proposed development will meet the standards of this Regulation.
- (6) All applications for development occurring within the Coastal Buffer area will require confirmation by an Engineer licensed to practice in the province of Newfoundland and Labrador, on all required plans, to the satisfaction of the Authority, that the high water mark referenced to proposed development elevations is in conformance with these standards.
- (7) The Authority may require that a Land Use Assessment Report be prepared for any proposed development or extension to existing development within the Coastal Buffer area, meeting with the satisfaction of the Authority.
- (8) For purposes of determining development elevation standards, the “high water mark” shall be as defined by the Department of Environment’s “Policy for Development in Shore Water Zones” document or equivalent standard document so recognized by provincial departments and includes provision for re-establishing the “high water mark” based on changing environmental conditions.

## **69. COMPREHENSIVE DEVELOPMENT PLAN**

The Authority may permit comprehensive development of a specified parcel of land within a zone where the development requires a level of detail that cannot be anticipated through the regular development standards of the zone and would otherwise be considered premature for development due to the site lacking adequate street access, municipal services, fire protection or being beyond the natural development of the area at the time, through the preparation of a Comprehensive Development Plan. The plan shall include a vision and design principles for the subject lands, as well as their relationship to the

surrounding context. The plan shall also include provision for land use, road design, water, sewer and storm water services, fire protection, parking, site access, service access, pedestrian movement, public access, landscaping, built form, locations of public spaces and development standards. Comprehensive Development Plans may be prepared for any zone and may also require the preparation of a Land Use Assessment Report.

## **70. COMPREHENSIVE RESIDENTIAL DEVELOPMENT**

The Authority may, at its discretion, approve the erection of multi-unit residential buildings which form part of a comprehensive development or layout which does not meet the frontage requirements of the Use Zone Table in Schedule C, provided that the buildings are designed to provide both privacy and reasonable access to natural daylight and the overall density within the layout conforms to the regulations and standards set out in the Use Zone Table apply where the development adjoins other development and where the development has the necessary direct access to and frontage on a street. It includes areas defined as Back lot Comprehensive Development or Comprehensive Development and specific conditions and standards for comprehensive development are further described in the Back lot Comprehensive Development Plan Guidelines and may be subject to the preparation of a Comprehensive Development Plan.

## **71. FAMILY AND GROUP CARE CENTRES**

Family group care centre use is permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Authority, the use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences, or the neighbourhood in which it is located. The Authority may require special access and safety features to be provided for the occupants before occupancy is permitted.

## **72. FLOOD RISK**

- (1) Within a floodway (1:20 year flood risk),
  - (a) New development is restricted to non-building uses such as roads and associated structures, agriculture, open space and recreation, service corridors and to minor structures related to utilities and marine activities;
  - (b) The placement of imported fill is prohibited unless it is specifically required as a flood proofing measure or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.
- (2) Within a floodway fringe (1:100 year flood risk):
  - (a) New buildings and structures, provided they are flood proofed, may be permitted, except for
    - (i) residential institutions such as hospitals, senior citizen homes, homes for special care and any other use where flooding could pose a significant threat to the safety of residents if evacuation becomes necessary,
    - (ii) Police stations, fire stations and other facilities that may provide emergency services during a flood including government offices,
    - (iii) Schools, and
    - (iv) Uses associated with the storage, warehousing or the production of hazardous materials including gas stations.
  - (b) The placement of imported fill shall be limited to that required for flood proofing, flood risk management or for public infrastructure provided that

appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.

- (c) Crown Land shall not be released for any development involving building in either the flood way or floodway fringe.
- (d) Within the floodway, existing buildings or structures damaged beyond economic repair shall not be replaced unless:
  - (i) the replacement building or structure has no greater floor area than the original building or structure at or below the defined flood proofing elevation;
  - (ii) the replacement building or structure is flood proofed; and
  - (iii) the replacement building or structure does not impede water flows or contribute to an increase in flood risk.
- (e) Within the floodway, existing uses, such as residential, commercial, industrial and institutional buildings, are encouraged to undertake flood proofing measures to reduce the risk of flood damage or relocate.
- (f) Any expansion of existing buildings and structures must be balanced against the risks to human safety and property and the possibility of exacerbating upstream and downstream flooding. Any expansion of existing buildings and structures in the floodway must not increase the area of the structure at or below the defined flood proof elevation.
- (g) Plans and regulations must identify flood risk areas mapped under the Canada- Newfoundland Flood Damage Reduction Program, and contain policy statements and regulations consistent with Provincial Land Use Policy.

- (h) There are areas in Newfoundland and Labrador that are known to be subject to localized flooding but have not been mapped under the Canada-Newfoundland Flood Damage Reduction Program. Development vulnerable to flood damage, such as houses, businesses and institutions, is discouraged in these areas. Plans and regulations must identify any locally known flood risk areas and contain policy statements and regulations consistent with Provincial Land Use Policy.
- (i) For those areas without a plan and/or regulations in which flood risk areas have been mapped under the Canada-Newfoundland Flood Damage Reduction Program, all applications for development within the floodway and floodway fringe shall be referred to the Minister of Municipal and Provincial Affairs in accordance with section 47 of the Urban and Rural Planning Act, 2000. The Minister shall determine the outcome of the application after evaluating it against this Provincial Land Use Policy and the risks to public safety and property. Any such development must not contribute to upstream or downstream flooding or result in a change to flood water flow patterns.
- (j) Development in the floodway, floodway fringe and in a 15 metre buffer around these zones as well as any area known to be subject to flooding must obtain prior written approval of the Minister of Environment and Conservation in accordance with section 48 of the Water Resources Act.

### **73. FLOOR AREA**

The total area of all floors in a building measured to the outside face of exterior walls and when calculating, shall include the basement floor area, provided that the finished interior height of the basement floor area to be included meets the National Building Code of Canada requirements for ceiling height; but does include areas identified as a crawl space as outlined by the National Building Code of Canada.

## **74. HEIGHT EXCEPTIONS**

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of Regulation 12.

## **75. HERITAGE**

- (1) The Authority may designate property within the City of Corner Brook as a Heritage Property, in accordance with The City of Corner Brook Heritage Designation Regulation.
- 2) Any property so designated as a Heritage Property shall be subject to all applicable regulations of The City of Corner Brook Heritage Regulation.
- 3) The new owner of a Heritage Property must give notice of the change of ownership to council within sixty days after becoming owner of the property.
- 4) No sign or advertisement shall be posted or erected on or adjacent to a Heritage Property without a permit from the Authority.
- 5) The following signs shall be exempt from the requirement to obtain a permit to post or erect a sign on or adjacent to a Heritage Property;
  - (a) Signs erected by the city, the Province of Newfoundland and Labrador, and the Government of Canada, including traffic or similar regulation devices.
  - (b) Signs in windows including writing or lettering directly on the surface of a window and visible from the exterior.



- (c) Signs which bear the name, use or date of erection of a building or commemorating a person or event.
- (d) Signs at a construction site which denote the architect, engineer, contractors or others involved with the project, provided such signs are removed upon completion of construction.
- (e) Signs required to be maintained by law or government order or regulation.
- (f) Non-illuminated real estate signs advertising a property for sale provided the sign does not exceed 1m<sup>2</sup>.
- (g) Signs erected during municipal, provincial or federal elections and must be removed within two (2) days after the election date.

## **76. HOME BASED BUSINESS/OFFICE**

A home based business or home based office may be permitted in any dwelling type which is identified as eligible to operate a home based business, in any use zone where that dwelling is a permitted, discretionary or legal non-conforming use, subject to the following:

- (1) The business must be operated by a resident of the dwelling unit (owner or tenant).
- (2) If the business owner is not the property owner, a letter from the property owner authorizing the home based business or office must be submitted with the application.
- (3) All business activities must be conducted from within the dwelling unit or from a separate building contained on the same lot as the dwelling unit.
- (4) The types of business that may be considered as a home based business or office are further defined in the Use Zone Tables of these Regulations, where the home based business is permitted at the discretion of the Authority.

- (5) Other regulations with regard to the use and operation of a home based business or office shall be further identified in the Use Zone Tables of these Regulations, where the use is permitted at the discretion of the Authority.
- (6) When considering an application for home based business or office, the Authority shall give notice of the application by notifying the neighbours in the vicinity of the proposed use. Furthermore, wider public notice must also be given by advertising on the City's website, by publishing a public notice in a newspaper circulating in the area, or by other means deemed appropriate.
- (7) No exterior alterations can be made to the dwelling unit that are not consistent with the residential character of the buildings and property.
- (8) There shall be no outside storage of materials, goods, or equipment related to the home based business or office.
- (9) A maximum of 2.0 cubic metres of storage may be permitted within a dwelling and a maximum of 4.0 cubic metres of storage may be permitted within a garage, shed or other accessory building on the lot.
- (10) Storage of hazardous, explosive or flammable material is not permitted.
- (11) No regular parking of commercial vehicles except for one vehicle with a payload capacity of no greater than two (2) tons or a domestic vehicle bearing the name, address, etc. of the home based business or office, will be permitted on the lot. Required parking for the dwelling unit must continue to be met.
- (12) Repairs to any type of motorized vehicles or heavy equipment or any type of motorized equipment are not considered to be a home based business use.

- (13) Activities in relation to the use must not produce any noise, vibration, smoke, dust, odour, heat, glare, electrical, television or radio interference detectable beyond the boundaries of the building.
- (14) Deliveries of merchandise, goods, or equipment to the home based business or office must not cause a nuisance or inconvenience to other residents of the neighbourhood.
- (15) Music, art or any other type of instruction or lessons carried out at the property are limited to three people at any one time.
- (16) No change in the type or extent of the service provided by the home based business or office may be made without being approved by the Authority.
- (17) No on-street parking shall be permitted in association with the home based business or office.

## **77. LIVESTOCK STRUCTURES AND USES**

- (1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:
  - (a) The structure shall be at least 600 m from a residence (except a farm residence), from an area designated for residential use in an approved Plan, and from a Provincial or Federal Park.
  - (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
  - (c) The structure shall be at least 90 m from the centre line of a street.
  - (d) The erection of the structure shall be approved by the appropriate provincial government department of agency having jurisdiction over the matter.

- (2) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the appropriate provincial government department or agency having jurisdiction over the matter.

## **78. LOT AREA**

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

## **79. LOT AREA AND SIZE EXCEPTIONS**

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

## **80. LOT FRONTAGE**

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street, including a condominium owned or other private

street, or forms part of a Comprehensive Development Scheme.

**81. MOBILE OR MINI HOMES**

- (1) Groups of more than five (5) mobile or mini homes shall be located only in approved mobile or mini home parks and mobile or mini home subdivisions in Residential Use Zones so designated and shall conform to the requirements of the Provincial Mobile Home Development Regulations currently in effect.
- (2) No development permit shall be issued for a mobile or mini home lot unless it conforms with the requirements of Regulation 134 of the Mobile Home Development Regulations.

**82. NON-CONFORMING USES**

- (1) Notwithstanding a plan, scheme or regulations made under the Urban and Rural Planning Act, the Authority shall, in accordance with these regulations made under the Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act, of the plan, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 6 months after that discontinuance unless otherwise provided by regulation.
- (3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1)
  - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the minister or appropriate council, regional authority or authorized administrator;

- (b) shall not be structurally modified except as required for the safety of the building, structure or development;
- (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
- (d) may have the existing use for that building, structure or development varied by the appropriate council, regional authority or authorized administrator to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
- (e) may have the existing building extended by the appropriate council, regional authority or authorized administrator where, in its opinion that extension is not more than 50% of the existing building;
- (f) where the non-conformance is with respect to the standards included in development regulations, shall not be expanded if the expansion would increase the non-conformity; and
- (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

### **83. NON-CONFORMITY - RESIDENTIAL**

A residential building or structure referred to in Regulation 82(3)(g) must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

- (1) The interior of such building may be permitted by the Authority to be reconstructed or

altered, in order to render it more convenient or commodious for the same purpose for which such building is legally used

- (2) A building which is legally used for any residential purpose but which does not conform to the Regulations of the Use Zone in which it is located, and which subsequently suffers damage or deterioration to an extent greater than fifty percent of its replacement value, excluding land, shall not be reconstructed except in conformity with the Regulations for the Use Zone in which such building is located, provided that:
- (a) the owner of such building may within one year of such damage taking place make application to the Authority for a permit to reconstruct the building for the same purpose for which it was legally used.
  - (b) the Authority shall before the expiration 8 weeks or fifty-six (56) days from the day on which a complete application is received to construct such a building:
    - (i) serve a notice of expropriation in accordance with the Act, or;
    - (ii) indicate its willingness to issue a permit to develop providing that the reconstruction of the building conforms to all the requirements of these Regulations except those pertaining to land use, and that any such development takes place within the existing curtilage of the lot, or;
    - (iii) A decision to defer a decision with respect to an application will be in accordance with Regulation 20(1) of these Regulations.

**84. NOTICE AND HEARINGS ON CHANGE OF USE**

Where considering a non-conforming building, structure or development under Regulation 82(3)(d) and before making a decision to vary an existing use of that non-conforming building, structure, or development, the Authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

**85. NON-CONFORMANCE WITH STANDARDS**

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

**86. NON-CONFORMING - DISCONTINUANCE OF USE**

The Authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Urban and Rural Planning Act with respect to the time by which a discontinued non-conforming use may resume operation.

**87. OFFENSIVE AND DANGEROUS USES**

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



**88. OFFSTREET PARKING REQUIREMENTS**

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of single dwellings, double dwellings and attached dwellings connected in a row or town housing development, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings, and within that Residential Zone. Parking space for apartments shall be provided in the rear yard where possible, and shall be adequately screened from any adjoining residential use, where deemed necessary by the Authority. In a Non-residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
  - (a) parking space shall mean an area of land, not less than 15 m<sup>2</sup> in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;

- (b) the parking area shall be constructed and maintained to the specifications of the Authority;
- (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
- (d) a structure, not more than 3 m in height and more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area;
- (e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
- (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
- (g) access to parking areas in non-residential zones shall not be by way of residential zones;
- (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1.5 metres in height shall be erected and maintained along all lot lines;
- (i) unless otherwise stated in the regulations, where a parking area is in or abuts a residential property, a buffer area at least 2 metres in width shall be maintained along all adjoining residential property boundaries and may be landscaped or left in a natural state, as specified by the Authority. .
- (j) parking space for multi-unit apartment buildings in non-residential zones shall be provided in accordance with the parking requirements as specified in Schedule D of these Regulations, with the exception of parking required in the Downtown Zone, where parking may be as specified by the Authority, having

regard for the provision of alternative parking arrangements and other relevant and material considerations.

- (k) driveways for all developments shall be designed as per the specifications of condition (6).
  - (l) Notwithstanding condition (k), the width of residential driveways shall not exceed 30 feet or fifty (50) percent (whichever is less) of the frontage allotted for the dwelling measured at the street edge. This calculation applies to each section of a duplex or row/town housing development and includes any requirement for a subsidiary apartment and/or home base business. For example, a duplex with each unit having 11 m of frontage at the street edge would allow for each unit to have a driveway of no greater than 5.5 m wide or a combined driveway width of 11 meters.
  - (m) where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.
- (6) The definitions below apply to the standards in the following table to be used when calculating driveway measurements and design criteria:
- (a) Residential - development consisting of single family residences or residential complexes containing up to 4 units.
  - (b) Commercial - office, retail, institutional, or multiunit residential (5 or more dwelling units) development primarily serving passenger vehicles but occasionally accommodating service trucks.

- (c) Industrial - development that primarily serves truck traffic, such as warehousing and truck terminal facilities.

#### Driveway Standards

	Residential (metres)	Commercial (metres)	Industrial (metres)
One-way access width (minimum)	3.0	4.5	5.0
Two-way access width (minimum)	3.0	7.2	9.0
Required number of driveways / accesses	1	1	1
Curb radius (R) (minimum)	3.0	4.5	9.0
Intersection Type	"T"	"T"	"T"
Minimum separation from street line of street intersection	10*	10*	10*
Minimum Separation between driveway and property boundary.	1.0	3.0	3.0
	<b>Arterial</b>	<b>Collector</b>	<b>Local</b>
Maximum driveway grade within street right-of-way	HV: 1.0% L-M: 1-3%	L-M: 1.0-4.0%	min. use: 1.0-6.0%
Maximum driveway grade on-site	HV: +4.0% / -2.0% L-M: +8.0% / -4.0%	L-M: +10.0% / -4.0%	min.use: +12.0% / -7.0%
Notes: High volume (HV) : >1500v/d, moderate (M) : >750 to 1500 v/d, low (L): 25 to 750 v/d, min. use (mu): ≤ v/d.  *Separations between street line of street intersections may be greater if required by the Transportation Association of Canada manual (most recent version)			

## 89. OFF-STREET LOADING REQUIREMENTS

- (1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street.
- (2) The number of loading spaces to be provided shall be determined by the Authority.
- (3) The loading facilities required by this Regulation shall be so arranged that vehicles

can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

## **90. PARKS AND PLAYGROUNDS, AND CONSERVATION USES**

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

## **91. SCREENING AND LANDSCAPING**

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

## **92. SERVICES AND PUBLIC UTILITIES**

The Authority may within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned provided that the design and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area.

**93. SERVICE STATIONS**

The following requirements shall apply to all proposed service stations:

- (1) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (2) Pump islands shall be set back at least 4 metres from the front lot line.
- (3) Accesses shall be not be less than 7.2 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

**94. SIDE YARDS**

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

**95. STREET CONSTRUCTION STANDARDS**

A new street may not be constructed except in accordance with and to the design and specifications set out by the Authority.

**96. SUBSIDIARY APARTMENTS/SECONDARY RESIDENTIAL SUITES**

Subsidiary apartments/secondary suites may be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling. No subsidiary apartment/secondary suite shall be greater than 80% of the main dwelling's gross floor area. Any secondary dwelling unit greater than 80% of the main dwelling's floor area shall be classified as a double dwelling and shall follow the standards outlined for such.

**97. UNSUBDIVIDED LAND**

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

**98. ZERO LOT LINE DEVELOPMENT**

The Authority may, at its discretion, approve the erection of dwellings which are designed to form part of a zero lot line development or development which does not, with the exception of dwelling unit floor area, meet the requirements of the Use Zone Table in Schedule C, provided that the dwellings are designed to provide both privacy and reasonable access to natural daylight and the overall density within the layout conforms to the regulations and standards set out in the Use Zone Table apply where the development adjoins other development.

**99. GARDEN SUITES**

The Authority reserves the right to approve a garden suite as a discretionary residential use, in applicable use zones and in accordance with the standards, conditions and requirement of the Use Zone Table for garden suites. The intent of the use is to provide separate living quarters for a family member(s) or guest(s) of the owner of the main single family dwelling on the lot. It may not be used as a commercial residential property for sale, lease or rent and ownership of the garden suite must remain vested with the owner of the main dwelling. A garden suite must have a separate water and sewer service, connected to the municipal main service infrastructure or provided from the main dwelling unit on the lot, unless it is in future subdivided from the original property, in which case it must then be provided with separate, independent municipal services directly connected to the main municipal service infrastructure and meet the minimum lot size for a single dwelling in a Residential Special Density Zone.

# PART III - ADVERTISEMENTS





**100. PERMITS REQUIRED**

Subject to the provisions of Regulation 105, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority.

**101. FORM OF APPLICATION**

Application for a permit to erect or display an advertisement shall be made to the authority in accordance with Regulation 18.

**102. ADVERTISEMENTS PROHIBITED IN STREET RESERVATION**

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

**103. PERMIT VALID FOR LIMITED PERIOD**

A permit granted under these Regulations for the erection or display of an advertisement shall be for a limited period, not exceeding two years, but may be renewed at the discretion of the Authority for similar periods. The time period for permits for temporary advertisements shall be as specified in the Use Zone Tables where temporary advertisements are allowed.

**104. REMOVAL OF ADVERTISEMENTS**

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

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

- (2) detrimental to the amenities of the surrounding area.

### **105. ADVERTISEMENTS EXEMPT FROM CONTROL**

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

- (1) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area;
- (2) on an agricultural holding or farm, a notice board not exceeding 1 m<sup>2</sup> in area and relating to the operations being conducted on the land;
- (3) on land used for forestry purposes, signs or notices not exceeding 1 m<sup>2</sup> in area and relating to forestry operations or the location of logging operations conducted on the land;
- (4) on land used for mining or quarrying operations, a notice board not exceeding 1 m<sup>2</sup> in area relating to the operation conducted on the land;
- (5) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area in connection with the practice of a professional person carried out in the premises and to whom a development permit for Home Based Business has been issued.
- (6) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding three (3) square metres in area;
- (7) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;

- (8) on any parking lot directional signs and one sign not exceeding 1 m<sup>2</sup> in size, identifying the parking lot.

## **106. APPROVAL SUBJECT TO CONDITIONS**

A permit may only be issued for the erection or display of advertisement which comply with the appropriate conditions and specifications set out in the Use Zone Tables in Schedule C of these Regulations.

### **106.1. ADVERTISEMENT SIZE EXCEPTION**

*(22 June 2017)*

Notwithstanding the conditions regulating the maximum size of an advertisement in applicable sections Advertisements Relating to Offsite Uses as set out in the Use Zone Tables of these Regulations, a digital “Ground Sign” or “Pylon Sign” meeting the definition in these Development Regulations and the City of Corner Brook “Third Party Signage Regulation”, may, in a Use Zone in which an off-site advertisement is permitted or discretionary, at the discretion of the Authority, be permitted to exceed the maximum size of an offsite sign in a Use Zone subject to the following:

- (a) the maximum overall dimension of the sign area may not exceed 10.0 square metres;
- (b) the overall size of the (ground) sign, including the sign area, must still be within the maximum total allowable advertisement size permitted for the lot, calculated as a percentage of the building façade area. If more than one (ground) sign advertisement is located on a lot, the total of all signs must still be within the total percentage for offsite advertisement display as set out in the applicable Use Zone Tables;
- (c) the Authority shall give notice of the application for a permit or for outline planning permission for a “Ground Sign” or “Pylon Sign” that will exceed the maximum size as set out in the applicable Use Zone Tables, by public advertisement in a newspaper

circulating in the area and by any other means deemed necessary to adequately notify the general public. The public notice shall provide an opportunity for public comment on the application;

- (d) notification shall be given to property owners within 100 metres distance of the proposed location of the sign who may be affected by the erection of the sign; and
- (e) the advertisement complies with all other applicable regulations of the City of Corner Brook.

## **106.2     ADVERTISEMENTS ON VACANT PROPERTY**

*(22 June 2017)*

Only ground or pylon digital signs may be erected on vacant property, in zones where they may be permitted, subject to the following conditions:

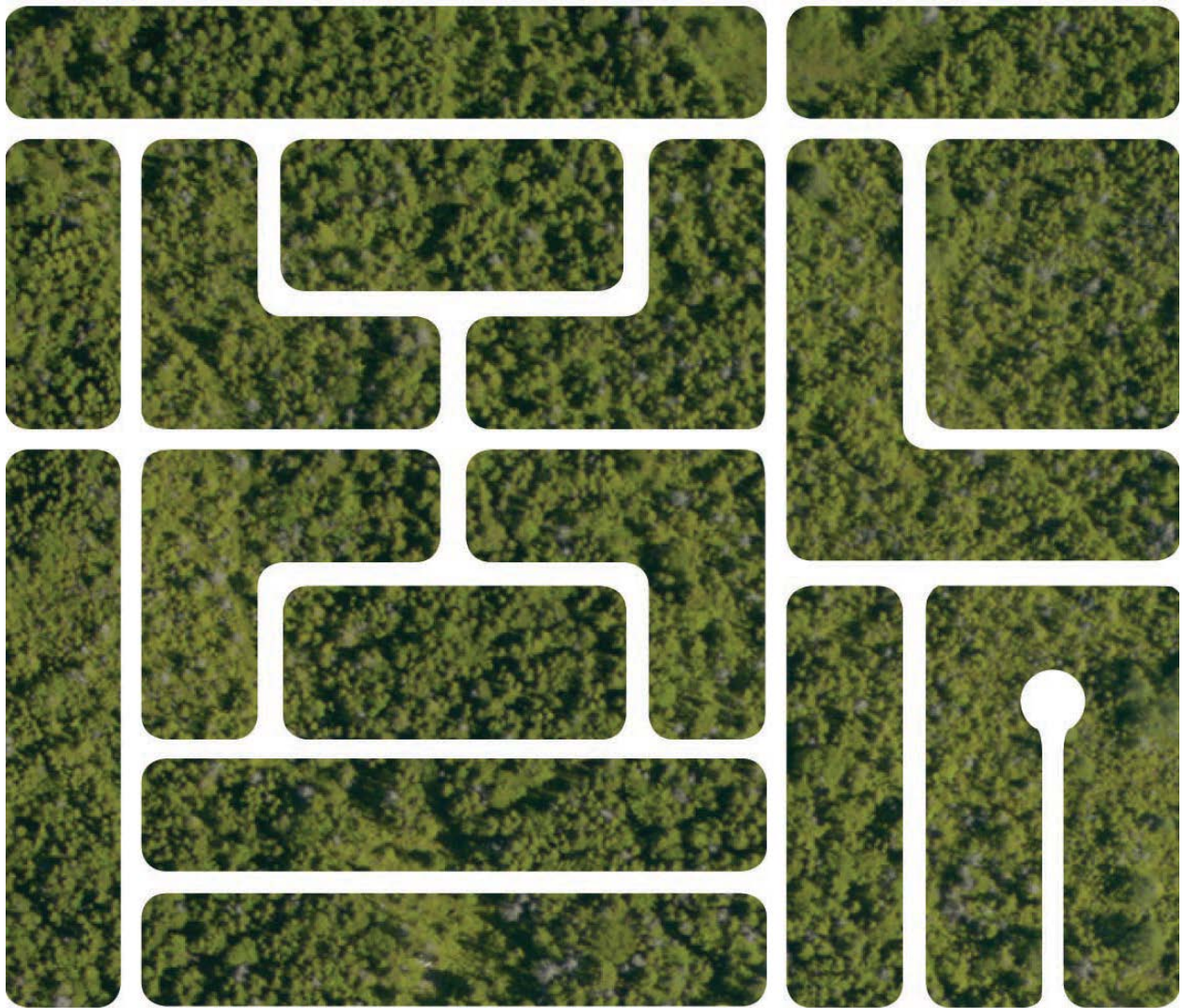
- (a) the sign must comply with the City of Corner Brook Third Party and Digital Signage Regulations;
- (b) the maximum size of a ground or pylon sign on vacant land shall be 10.0 Square metres;
- (c) only one ground or pylon sign may be permitted on any single vacant parcel of land;
- (d) separation distances between this and another ground or pylon sign on another lot, vacant or containing a building(s) shall be as set out in the City of Corner Brook Third Party and Digital Signage Regulation;
- (e) all other setbacks from property boundaries, residential zones and intersections shall be as set out in the City of Corner Brook Third Party and Digital Signage Regulation;
- (f) a ground or pylon sign shall be erected on a vacant parcel of land in a manner that will not interfere with the required development standards of a building that may subsequently be developed on the property; and
- (g) the Authority shall give notice of the application for a permit or for outline planning permission for a ground or pylon sign on vacant land, by public advertisement in a newspaper circulating in the area and by any other means deemed necessary to

adequately notify the general public. The public notice shall provide an opportunity for public comment on the application.

**107. NON-CONFORMING USES - ADVERTISEMENTS**

Notwithstanding the provisions of Regulation 100, a permit may be used for the erection or display of advertisements on a building or within the curtilage of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

# PART IV - SUBDIVISION OF LAND



**108. PERMIT REQUIRED**

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

**109. SERVICES TO BE PROVIDED**

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

**110. PAYMENT OF SERVICE LEVIES AND OTHER CHARGES**

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Authority for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 14 and 15

**111. ISSUE OF PERMIT SUBJECT TO CONSIDERATIONS**

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

- (1) the location of the land;
- (2) the availability of and the demand created for schools, services, and utilities;
- (3) the provisions of the Plan and Regulations affecting the site;

- (4) the land use, physical form and character of adjacent developments;
- (5) the transportation network and traffic densities affecting the site;
- (6) the relationship of the project to existing or potential sources of nuisance;
- (7) soil and subsoil characteristics;
- (8) the topography of the site and its drainage;
- (9) natural features such as lakes, streams, topsoil, trees and shrubs;
- (10) prevailing winds;
- (11) visual quality;
- (12) community facilities;
- (13) energy conservation;
- (14) such other matters as may affect the proposed development.

**112. BUILDING PERMITS REQUIRED**

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

**113. FORM OF APPLICATION**

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 18.



**114. SUBDIVISION SUBJECT TO ZONING**

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

**115. BUILDING LINES**

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

**116. LAND FOR PUBLIC OPEN SPACE**

- (1) For all residential subdivision developments over four (4) lots, and before the development commences, the developer shall dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the total land area to be developed (including all roads), or 25 m<sup>2</sup> for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space. Should the Authority determine that the greater of these two options be inadequate for the needs of the area, the Authority reserves the right to increase the percentage to an appropriate size of land of not more than that required for a neighbourhood park at 1.6 hectares. Where the Authority determines that suitable land is not available or does not require a park in the area, the Authority may accept from the developer, a sum of money, in lieu of land, equal to the current market value of the area of land, calculated in accordance with the following: The going rate of land for lots being sold in the subdivision multiplied by the area of land required in accordance with the description above. For greater clarity, the said going rate shall be the average of the going rate (either price per square metre or price per square foot) for three lots in the subdivision. For example: Lot 1 sale price per square metre of \$XXX + Lot 2 sale price per square metre of \$YYY + Lot 3 sale price per square metre of \$ZZZ added together and then averaged determines the rate. The average rate is then multiplied by the area of land required by the Authority (10% of gross area x average rate =

total) or  $\{25 \text{ m}^2\} \times \{\text{no. of lots}\} \times \text{average rate} = \text{total}\}$ .

- (2) For all commercial and industrial developments over 2000 square metres in area, and before the development commences, the developer shall dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the total land area to be developed (including all roads), or the payment of a sum of money, equal to the value of the land in its undeveloped state, calculated at current fair market value, of the 10% area of land required to be dedicated for open space.
- (3) If, in the opinion of the Authority, no public open space is required within the area of the subdivision, the land may be used for such other public use as the Authority may determine.
- (4) The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose.
- (5) Money received by the Authority in accordance with Regulation 116(1) and (2) above, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- (6) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (7) The Authority may require, from any type of development, of a size appropriate for the stated use, to be reserved and remain undeveloped along the banks of any river,

brook or pond, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 116(1) and (2).

**117.     STRUCTURE IN STREET RESERVATION**

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

**118.     SUBDIVISION DESIGN STANDARDS**

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

- (1)     The finished grade of streets shall not exceed 10 percent, unless otherwise approved by the Authority.
- (2)     Every cul-de-sac shall be provided with a right-of-way turning circle of a diameter of not less than 36 m.
- (3)     The maximum length of any cul-de-sac, measured from the streetline of the intersecting street to the beginning of the bulb of the cul-de-sac, shall be:

200 metres in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility.

- (4)     No cul-de-sac shall be located so as to appear to terminate a collector street.
- (5)     New subdivisions shall have street connections with an existing street or streets.

- (6) Intersections shall be constructed with a minimum distance of 60 metres between the street lines of intersecting streets, as measured along the thru street.
- (7) No more than four streets shall join at any street intersection.
- (8) No residential street block shall be longer than 490 m between street intersections.
- (9) No lot designed and intended for residential development shall have a depth exceeding four times the frontage unless otherwise approved by the Authority.
- (10) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (11) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (12) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

#### **119. ENGINEER TO DESIGN WORKS AND CERTIFY CONSTRUCTION LAYOUT**

Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Authority to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by a Professional Engineer licensed to practice in the province of Newfoundland and Labrador (referenced further as “the Engineer”). Such designs and specifications shall, upon approval by the Authority, be incorporated in the plan of subdivision.

- (1) Upon approval by the Authority of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and

thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Authority to service the said area.

**120. DEVELOPER TO PAY ENGINEER'S FEES AND CHARGES**

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

**121. SECURITIES**

Subdivision securities shall be retained by the Authority as per the “Subdivision Design Procedures for the City of Corner Brook”.

**122. TRANSFER OF STREETS AND UTILITIES TO AUTHORITY**

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority, at no cost to the Authority, and clear of all liens and encumbrances:
  - (a) lands in the area proposed to be developed or subdivided which are approved and designated by the Authority for public uses as streets, or other rights-of-way, or for other public use;
  - (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are

normally owned and operated by the Authority.

- (2) Before the Authority shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify their satisfaction with the installation.
- (3) The Authority shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Authority.

### **123. RESTRICTION ON SALE OF LOTS**

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

- (1) the lot can be served with satisfactory water supply and sewage disposal systems, and;
- (2) satisfactory access to a street is provided for the lots.

### **124. GROUPING OF BUILDINGS AND LANDSCAPING**

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

# PART V - USE ZONES



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

**125. USE ZONES**

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 125(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

**126. USE CLASSES**

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

**127. PERMITTED USES**

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



**128. DISCRETIONARY USES**

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 26 and has considered any objections or representations which may have been received on the matter.

**129. USES NOT PERMITTED**

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

This regulation applies to all parking areas, driveways, accesses, uses and areas or activities defined as development that area subsidiary to, associated with and/or connected to the permitted or discretionary use.

**129.1 USES PERMITTED IN ALL ZONES**

Despite any other regulation and in accordance with the following table, the uses hereunder shall be considered as permitted or discretionary by Council in any zone within the Municipal Planning Area. *(August 23, 2019)*

**PERMITTED USES****DISCRETIONARY USES**

- ATV/Snowmobile Trails

# SCHEDULE A: DEFINITIONS

In these Development Regulations, the following terms shall have the meanings indicated in this section.

**ACCESS:** A way used or intended to be used by vehicles, pedestrians or animals in order to go from a road, street or highway to land adjacent to it or to go from that land onto the street.

**ACCESSORY BUILDING:** includes:

- (1) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
- (2) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
- (3) for commercial uses, workshops or garages, and
- (4) for industrial uses, garages, offices, raised ramps and docks;

**ACCESSORY USE:** A use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;

**ACT:** Unless the context indicates otherwise, Act means the *Urban and Rural Planning Act*.

**ADVERTISEMENT:** Any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, whether two dimensional or three dimensional, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction; excluding such things employed wholly as a memorial, or

functional advertisement of Councils, or other local authorities, public utilities and public transport undertakers, and including any boarding or similar structure used or adapted for use for the display of advertisements.

**AGRICULTURE:** Horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly and may, at the Authority's discretion, include primary processing of onsite products.

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

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

- (1) 1 bull;
- (2) 1000 broiler chickens or roosters (1.8 - 2.3 kg each);
- (3) 1 cow (including calf);
- (4) 100 female mink (including associated males and kits);
- (5) 4 goats;
- (6) X hogs (based on 453.6 kg = 1 unit);
- (7) 1 horse (including foal);
- (8) 125 laying hens;
- (9) 4 sheep (including lambs);

(10) 1 sow or breed sow (including weaners and growers based on 453.6 kg = 1 unit);

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

**ANTENNA:** Any exterior apparatus such as wires, poles, rods, or reflecting dishes used for the transmission or reception of television, radio, telephone or data signals from other antennae or satellites.

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

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

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

**APPROVAL IN PRINCIPLE:** The preliminary approval of an application relating to the development subject to later submission to the Authority, for consideration and approval, which does not permit development, of details not stated in the application.

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

**ATV/SNOWMOBILE TRAIL:** Means a single trail or network of trails, corridors, and/or accesses designed mainly for use by motorized snow vehicles or all-terrain vehicles (as defined under the *Motorized Snow Vehicles and All-Terrain Vehicles Regulations, CNLR 1163/96*). In addition to off-street facilities, this use may also include portions of the street right-of-way that may serve as linkages within the trail network. As accessory to an ATV/Snowmobile trail, this use may also incorporate active transportation modes including, but not limited to, hiking, horse riding, walking/running, cycling, cross country skiing, or snow-shoeing. *(August 23, 2019)*

**AUTHORITY:** The Council of the City of Corner Brook or its employees so designated by

Council, to approve or reject applications, to develop land in accordance with the appropriate plan and regulations, and may outline conditions applicable to that development.

**BACK LOT COMPREHENSIVE DEVELOPMENT:** Multi-unit residential development occurring in the back or rear lands of existing residential properties that have some degree of street frontage in order to provide direct access to the property for both residents and emergency and other service related vehicles and which all or part of the development may be located perpendicular to a city street or which may be surrounded by other residential property, with the exception of the necessary frontage, meeting with the satisfaction of the Authority. In the context of these regulations, this term is synonymous with the term “Comprehensive Development” or “Back lot Development.

**BASEMENT:** A habitable portion of a building which is partly or wholly underground, and has not more than half of the distance between the floor level and underside of the ceiling joists above the adjacent finished grade elevation.

**BED AND BREAKFAST:** A single, double or row dwelling, occupied by the property owner or the Bed and Breakfast host as a primary residence, in which at least one, and up to four rooms, offer overnight accommodation and a meal (breakfast) to registered guests, for a fee. The owner or tenant of the dwelling remains in residence for the duration of the rental period(s).

**BIODEGRADABLE WASTE** – any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food, garden, paperboard, and paper waste, and includes agricultural, aquaculture, and forestry waste.

**BOARDING HOUSE:** A dwelling in which at least 2 rooms, but not more than four, are regularly rented to persons other than the immediate family of the owner or tenant and the owner or tenant resides at the dwelling while the rooms are being rented.

**BUFFER:** A berm, row of trees or shrubs, hedge, fence or distance separation that provides

a barrier between incompatible sites, uses or districts.

**BUILDING:** means:

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

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

- (1) highest point of the roof surface of a flat roof,
- (2) deck line of a mansard roof, and
- (3) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof.

**BUILDING LINE:** A line established by the Authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed.

**BUILDING PERMIT:** A document authorizing the construction of a new building, demolition and/ or alteration of a building on an approved lot.

**BUILDING SEPARATION:** The minimum distance between two buildings on adjoining parcels of land, or on the same parcel or land.

**CAMPGROUND:** Land which is used for the purpose of providing temporary lodging in tents or recreational vehicles and which may contain water, sewer and electrical services.

**CARWASH:** A building or structure used for the purpose of washing vehicles and includes self-serve manual wash operations or full service automated facilities.

**CATERING:** A use such as a restaurant, cafe, bar or lounge which supplies food and/or beverages to be consumed on the premises.

**CEMETERY:** Land used for the purpose of properly burying, or containing in a secure facility, human remains in accordance with legal, social and public health requirements. It may also include land used for the purpose of burying or containing animal remains.

**CONSERVATION:** The use of land in such a way as to conserve and enhance its natural or scenic resources, for the protection of features such as streams, water supplies, flood plains and steep slopes.

**CHILDCARE:** A building or part of a building in which services and activities are regularly provided to pre-school and other children during the daytime period and as further defined under the Child Care Services Act but does not include a school as defined by the Schools Act. This definition includes day care centres, child care uses or day nurseries that may be regulated or unregulated, but does not include family childcare, as defined by the province of Newfoundland and Labrador's Health and Community Services Department.

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

**COMPREHENSIVE DEVELOPMENT:** Multi-unit residential development occurring in the back or rear lands of existing residential properties that have some degree of street frontage in order to provide direct access to the property for both residents and emergency and other service related vehicles and which all or part of the development may be located

perpendicular to a city street or which may be surrounded by other residential property, with the exception of the necessary frontage, meeting with the satisfaction of the Authority .

**COMPREHENSIVE DEVELOPMENT PLAN:** A plan approved by the Authority for the development within a zone requiring a comprehensive development plan. The plan shall include a vision and design principles for the subject lands, as well as their relationship to the surrounding land use context. It shall include plans for land use, road design, water, sewer and storm water services, fire protection, parking, site access, service access, pedestrian movement, public access, landscaping, built form, locations of public spaces and development standards. This definition of a Comprehensive Development Plan also applies to comprehensive development for residential purposes, or Backlot Comprehensive Development.

**CONDOMINIUM:** A structure of two or more units that can be in the form of an apartment building, office building, or other multiple-unit complex which contains single and double dwellings, in which the interior space of the units is individually owned and the balance of the real property, including land and building common area(s) which includes, but is not limited to, all driveways, common grounds, passageways, parking areas, elevators, outside hallways, recreation and landscaped areas, is owned in common by the owners of the individual units.

**CONSERVATION:** the use of land in such a way as to conserve and enhance its natural or scenic resources, for the protection of features such as streams, water supplies, flood plains and steep slopes.

**CONTRACTOR'S YARD:** Land used for the purpose of storing equipment, vehicles, goods, supplies, or other material which may be used by a contractor or the owner/operator of the premises for the carrying out of any activity of a business, or which may be necessary to the operation of a business or commercial or industrial activity. The yard may be enclosed by a fence or other barrier or may be open and accessible and may include building or other



accessory use, as defined in these Regulations.

**DECK:** A flat floored, roofless area adjoining or attached to a dwelling or other building. A deck may be accessed by steps, direct access to a building or both and may be located on any floor of a building (i.e. an upper storey or cantilevered balcony).

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

- (1) making of an access onto a highway, road or way,
- (2) erection of an advertisement or sign,
- (3) construction of a building,
- (4) parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, and excludes the
- (5) carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (6) carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- (7) carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose, and
- (8) use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

**DEVELOPMENT PERMIT:** A document authorizing a development issued pursuant to these Development Regulations.

**DEVELOPMENT REGULATIONS:** These regulations respecting development that have been enacted by the Authority and regulations made under sections 34 to 38 of the Urban and Rural Planning Act.

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

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

**DWELLING UNIT:** A suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities.

**ENGINEER:** An engineer who is a member of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador, employed or retained by the Authority.

**ESTABLISHED GRADE:** means,

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

**EXISTING:** In existence on the effective date of the Development Regulations.

**FAMILY CHILDCARE:** Care provided to children in the family child care provider's home to a maximum of six children, and as further defined by the province of Newfoundland and Labrador's Health and Community Services Department.

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

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

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

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

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

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

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

**FRONT YARD DEPTH:** The distance between the front lot line of a lot and the closest point of the building facade of the main building on the lot. The front yard depth is synonymous with front setback.

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

**GARDEN SUITE:** A garden suite, sometimes called a granny flat, is a self-contained dwelling unit without a basement, located in the rear or side yard of a lot containing an existing, permanent, single dwelling. It is equipped with its own kitchen, living area, a maximum of two bedrooms, bathroom and storage space. It does not have a subsidiary unit and is detached from the primary dwelling on the lot.

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

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

**GRADE:** The ground elevation established for the purpose of regulating the height of a building. The building grade shall be the finished ground elevation adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the finished ground elevation for each face of the building.

**GROSS FLOOR AREA:** The total of the floor areas of a building(s), above or below grade, measured between the exterior faces of the exterior walls of the building at each floor level but does not include crawlspace area.

**GROUND SIGN:** Means a sign affixed to the ground, intended as a permanent structure, and which is supported by one or more uprights or braces (pylons) in or upon the ground, which may be a static sign or a digital sign and includes what is commonly also referred to as a "pylon" sign. *(22 June 2017)*

**HALL OF RESIDENCE:** Hall of Residence is defined as a residence for students in or near a

college or university. A Hall of Residence must be owned and operated by a university or college and be located on or within 1 km from an existing bus route within the City of Corner Brook.

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

**HERITAGE PROPERTY:** Any property designated as such under Regulation 75 and in accordance with The City of Corner Brook Heritage Regulation.

**HOME BASED BUSINESS:** An accessory use of a dwelling unit, or an accessory building on the lot, for a business which is secondary and incidental or subsidiary to the primary use of the dwelling as a residence and does not change the residential character of the building or site and is operated by a resident of the dwelling (owner or tenant).

**HOME BASED OCCUPATION:** The types of home based businesses that may be permitted in residential dwellings, as defined in “Home Based Business” and are identified in the Use Zone Tables.

**HOME BASED OFFICE:** A business which utilizes an office in the residential unit as the primary location of the business activity and where customers may visit and the business product is created from within the office area through use of a computer terminal or other office equipment. It does not include the home office of a self-employed person or contractor who works off-site to generate the employment income and who is considered to operate a mobile business.

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

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

(1) are involuntarily detained, or detained for penal or correctional purposes, or whose

liberty is restricted, or;

- (2) require special care or treatment because of age, mental or physical limitations or medical conditions.

**KENNEL:** An establishment for the keeping, breeding and raising of domesticated animals for personal or business interest.

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

**LANDSCAPING:** The development of land by altering the topography and ground cover and may include, but shall not be limited to, the use of turf, plants, shrubs, trees, retaining walls and fences.

**LANDSCAPING PLAN:** A scaled drawing illustrating a design for a landscaped area which specifies the number, species, height and calliper of trees and shrubs, the size, colour and texture of hard landscaping elements, areas of grass, edging details, cross sections and details of any construction and details of any other features or horticultural elements.

**LAND USE ASSESSMENT REPORT:** A report prepared by accredited professionals, or other suitably qualified persons as determined by the Authority, to assess the impacts a proposed use or development may have on the social, economic and environmental sustainability of the adjacent properties, the City or the region and is prepared when the compatibility of proposed uses has not been adequately evaluated.

**LICENSED CANNABIS RETAIL:** Means a cannabis store as defined under the Liquor Corporation Act, as amended from time to time.

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

**LIMITED MANUFACTURING USE:** A small-scale manufacturing use which is entirely enclosed within a building, and where the discharge of noise, radiation, odorous, toxic or noxious matter, and similar impacts, across a lot line does not occur and the use would not be classified as light industry. *(29 August 2025)*

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

**LODGING HOUSE:** A dwelling in which at least 2 rooms, but not more than four, are regularly rented to persons other than the immediate family of the owner or tenant and the owner or tenant resides at the dwelling while the rooms are being rented.

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

**LOT AREA:** The total horizontal area within the lines of the lot.

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

**LOT DEPTH:** The length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

**LOT WIDTH:** The distance between the side lot lines at a point midway between the front and rear of the lot and approximately parallel to the street line.

**MINERAL WORKING:** Land or buildings used for the working, stockpiling or extraction of rock, mineral, peat, aggregate or any naturally occurring substance and includes a quarry.

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

- (1) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
- (2) which is designed to be:
  - (a) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
  - (b) connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

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

**MOBILE OR MINI HOME SUBDIVISION:** A mobile or mini home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile or mini home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of



a municipality or public authority, and where the development is classified as a mobile or mini home subdivision by the Authority.

**MUNICIPAL SERVICE AREA:** Those lands that are currently, or planned to be, served by the City's municipal transportation, water and sewer services (sanitary and storm).

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

**OFFICE:** A room or rooms where business may be transacted, service performed or a consultation given but shall not include the manufacturing of any product or the retail selling of goods.

**ORGANIC WASTE TREATMENT FACILITY:** means a solid waste facility where biodegradable waste is treated.

**OUTDOOR MARKET:** The sale of goods or products at an open property where temporary facilities or open stalls are used to hold and display the goods being sold. Examples may include farmer's markets, fish markets, flea markets or other types of goods.

**OUTDOOR STORAGE:** The storage of merchandise, goods, inventory, material or equipment which are not intended for immediate sale or use, by locating them on a lot exterior to a building.

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

**PARTY WALL:** A wall, jointly owned and jointly used by two parties under easement agreement or by right in law, and erected at or upon a line separating two parcels of land, each of which is, or is capable of being, a separate real-estate entity.

**PASSIVE RECREATIONAL USE:** Recreational use not requiring buildings and not altering the

soil or topography, with the exception of walking or hiking trails, such as open space and environmental or natural areas.

**PATIO:** A recreation area that adjoins a dwelling which is often paved or covered with some other hard surface such as brick or stone and is adapted for outdoor dining or other leisure use.

**PERMITTED USE:** A use that is listed within the permitted use classes set out in the use zone tables of the Authority's development regulations.

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

**PLANNING AREA:** The Corner Brook Municipal Planning Area established under the Urban and Rural Planning Act.

**PORCH:** A covered entrance to a dwelling or building, with enclosed walls, roof and a door, and shall not be used as a habitable part of the building.

**PRIVATE STREET:** Any street, road or highway or any other way designed or intended for use for the passage of vehicles and pedestrians, owned by the developer or Condominium Corporation and maintained at private expense, and is accessible to Fire Department vehicles and equipment and other service and emergency vehicles/equipment.

**PROHIBITED USE:** A use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that the Authority specifies as not permitted within a use zone.

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

**RECREATIONAL OPEN SPACE:** Land set aside for uses which are predominantly conducted in the open or partially enclosed or screened facilities such as playing fields, parks, playgrounds, driving ranges, golf courses, and sliding or water parks.

**RECREATIONAL VEHICLE LOT:** Land and/or buildings, not exceeding 3 acres or 1.21 hectares, used for the sale, supply or storage of recreational vehicles, including, but not limited to: all types of travel trailers and motor homes, all-terrain vehicles, boats and other watersport vehicles, and snowmobiles, but does not include cars and light passenger trucks.

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

**RIGHT-OF-WAY:** The horizontal distance measured between the edges of a street, road or highway street line reservation as defined by the Authority having jurisdiction and where public or other service utilities are located, including sidewalks, street lighting and water and sewer service infrastructure.

**ROW DWELLING:** Three or more dwelling units at ground level in one building, each unit separated vertically from the others but is not considered to be an apartment building.

**SCHEME:** A scheme established in accordance with section 29 of the Urban and Rural Planning Act.

**SCREENING:** Structures, trees, fence, shrubs or plants that obscure an area for public view or from view of neighbouring properties.

**SEASONAL RESIDENCE:** A dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters and shall have the same meaning as “cottage”.

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

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

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

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

**SHOPPING CENTRE:** A group of shops and complementary uses, including such uses as restaurants, offices, medical clinics, business and personal services and movie theatres, which may or may not be contained under one roof, with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments

**SIDEYARD:** A yard extending from the front yard to the rear yard between the side boundary of the lot and the wall of the main building thereon.

**SIDE YARD WIDTH:** The distance between the side lot line and the nearest side wall of a building on the lot.

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

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

**SINGLE DWELLING:** One building containing a single dwelling unit for the use of one family or household, placed on its own lot, and may include a subsidiary apartment/secondary suite.

**SOLID WASTE:** means a use where garbage and waste is collected, stored, and/or treated permanently in open or covered pits or temporarily indoors or outdoors for further processing or treatment off-site and may include administrative functions associated with the use. Offices and indoor storage (warehouses) may be accessory uses."

**STREET:** A street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles.

**STREET LINE:** The edge of a street reservation as defined by the Authority having jurisdiction.

**SUBDIVISION:** The dividing of land, whether in single or joint ownership, into two or more pieces (including lots) for the purpose of development.

**SUBSIDIARY APARTMENT/SECONDARY SUITE:** A separate dwelling unit constructed within and subsidiary to a self-contained dwelling and shall conform to the conditions of the National Building Code of Canada.

**SUITE:** A single room or series of rooms of complementary use, operated under a single tenancy, and including dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

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

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

**TEMPORARY USE:** A development or the use of land limited in scope, duration and frequency and is allowed to operate on a short-term basis for a specified time period, not to exceed one year, but may be extended upon approval by the Authority.

**TEMPORARY USE PERMIT:** A permit for certain uses, of a limited scope, duration and frequency that are allowed to operate on a short-term basis. These temporary uses shall be conducted so they do not have long-term impacts upon permitted uses, the character of the area in which they are proposed to be located, and people living and working in the area. The intent is to define these uses and identify standards and criteria for governing their scope, duration and frequency.

**THIRD PARTY ADVERTISEMENT / SIGN:** – means any outdoor sign that advertises goods and services that are not available upon the same property or premises where the sign is located. *(22 June 2017)*

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

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

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

**VEHICLE DEALERSHIP:** An authorized sales agency for the sale, supply and storage, up to a maximum of 200 vehicles on-site, of cars and light passenger trucks and may include, as an accessory use, the sale and supply of other motorized vehicles, to be included in the total number of vehicles permitted on the lot, and may also include attached service bay areas or garages for the servicing and repair of vehicles.

**VEHICLE STORAGE LOT:** Land, not exceeding 3 acres or 1.21 hectares, used exclusively for the outside storage of vehicles but does not include any buildings and no business

operations are conducted at the site.

**VERANDAH:** A roofed open deck portico attached to the exterior, or forming an integral part of the structure, of a dwelling or other building, but does not have enclosed walls or windows.

**YARD:** An open space on the same site as a building and which is unoccupied and unobstructed from the ground upward.

**ZONING MAP:** The map or maps attached to and forming a part of the Authority's regulations.

## SCHEDULE B: Classification of Uses of Land and Buildings

# SCHEDULE B: CLASSIFICATION OF USES OF LAND AND BUILDINGS

**NOTE:** The classification of uses set out in the following table is based on **Table 3.1.2.1 – Major Occupancy Classification & A-3.1.2.1. (1) Major Occupancy Classification** of the National Building Code of Canada 2010. This classification is referred to in Regulation 125.

### CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses intended for the production and viewing of the performing arts.	(a) Theatre	<ul style="list-style-type: none"><li>• Motion picture theatres</li><li>• T.V. Studios (admitting an audience)</li><li>• Live Theatres</li></ul>
	2. General Assembly Uses	(a) Cultural and Civic	<ul style="list-style-type: none"><li>• Libraries</li><li>• Museums</li><li>• Art Galleries</li><li>• Court Rooms</li><li>• Meeting Rooms</li><li>• Council Chambers</li></ul>
		(b) General Assembly	<ul style="list-style-type: none"><li>• Community Halls</li><li>• Lodge Halls</li><li>• Dance Halls</li><li>• Gymnasias</li><li>• Auditoria</li><li>• Bowling Alleys</li></ul>
		(c) Educational	<ul style="list-style-type: none"><li>• Schools</li><li>• Colleges (non-residential)</li><li>• University</li></ul>
		(d) Place of Worship	<ul style="list-style-type: none"><li>• Churches and similar places of worship.</li><li>• Church Halls</li></ul>
		(e) Passenger Assembly	<ul style="list-style-type: none"><li>• Passenger Terminals</li></ul>



## SCHEDULE B: Classification of Uses of Land and Buildings

GROUP	DIVISION	CLASS	EXAMPLES
			<ul style="list-style-type: none"> <li>• Bus terminal (16 plus passengers)</li> </ul>
		(f) Club and Lodge	<ul style="list-style-type: none"> <li>• Private Clubs and</li> <li>• Lodges (non-residential)</li> </ul>
		(g) Catering	<ul style="list-style-type: none"> <li>• Restaurants</li> <li>• Bars</li> <li>• Lounges</li> </ul>
		(h) Funeral Home	<ul style="list-style-type: none"> <li>• Funeral Homes and Chapels</li> <li>• Crematoria</li> </ul>
		(i) Child Care	<ul style="list-style-type: none"> <li>• Day Care Centres</li> <li>• Child nurseries</li> </ul>
		(j) Amusement	<ul style="list-style-type: none"> <li>• Electronic Games</li> <li>• Arcades</li> <li>• Poolrooms</li> </ul>
	3. Arena-type Uses	(a) Indoor Assembly	<ul style="list-style-type: none"> <li>• Arenas</li> <li>• Armouries</li> <li>• Ice Rinks</li> <li>• Indoor Swimming</li> <li>• Pools</li> </ul>
	4. Open-air Assembly Uses	(a) Outdoor Assembly	<ul style="list-style-type: none"> <li>• Bleachers</li> <li>• Grandstands</li> <li>• Outdoor Ice Rinks and Swimming Pools</li> <li>• Amusement Parks and Fair-grounds</li> <li>• Exhibition Grounds</li> <li>• Drive-in Theatres</li> <li>• Campgrounds</li> <li>• RV Parks</li> <li>• Farmers' markets (outdoor)</li> </ul>
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	<ul style="list-style-type: none"> <li>• Jails</li> <li>• Penitentiaries</li> <li>• Police Stations (with detention quarters)</li> <li>• Prisons</li> <li>• Psychiatric</li> <li>• Hospitals (with detention quarters)</li> <li>• Reformatories</li> </ul>
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	<ul style="list-style-type: none"> <li>• Children's Homes</li> <li>• Convalescent Homes</li> <li>• Homes for Aged</li> <li>• Hospitals</li> <li>• Infirmarys</li> </ul>

## SCHEDULE B: Classification of Uses of Land and Buildings

GROUP	DIVISION	CLASS	EXAMPLES
			<ul style="list-style-type: none"> <li>• Orphanages</li> <li>• Psychiatric Hospitals</li> <li>• Sanatoria</li> <li>• Medical Treatment Centres</li> </ul>
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	<ul style="list-style-type: none"> <li>• Single Detached Dwellings</li> <li>• Family and Group Homes</li> </ul>
		(b) Double Dwelling	<ul style="list-style-type: none"> <li>• Semi-detached Dwelling</li> <li>• Duplex Dwellings</li> <li>• Family &amp; Group Homes</li> </ul>
		(c) Row Dwelling	<ul style="list-style-type: none"> <li>• Row Houses</li> <li>• Town Houses</li> <li>• Family &amp; Group Homes</li> </ul>
		(d) Apartment Building	<ul style="list-style-type: none"> <li>• Apartments</li> <li>• Family &amp; Group Homes</li> </ul>
	2. General Residential Uses	(a) Collective Residential	<ul style="list-style-type: none"> <li>• Residential Colleges and Schools</li> <li>• University and College</li> <li>• Halls of Residence</li> <li>• Convents and Monasteries</li> <li>• Nurses and Hospital Residences</li> </ul>
		(b) Boarding House Residential	<ul style="list-style-type: none"> <li>• Boarding Houses</li> <li>• Lodging Houses</li> <li>• Bed and Breakfast</li> </ul>
		(c) Commercial Residential	<ul style="list-style-type: none"> <li>• Hotels and Motels</li> <li>• Hostels</li> <li>• Residential Clubs</li> </ul>
		(d) Seasonal Residential	<ul style="list-style-type: none"> <li>• Summer Homes and Cabins</li> <li>• Hunting and Fishing Cabins</li> </ul>
		(e) Mobile Home	<ul style="list-style-type: none"> <li>• Mobile Homes</li> <li>• Mini Homes</li> </ul>
D. BUSINESS AND PERSONAL SERVICE USES	1. Business, Professional and Personal Service Uses	(a) Office	<ul style="list-style-type: none"> <li>• Offices, including Government Offices</li> <li>• Banks</li> </ul>

## SCHEDULE B: Classification of Uses of Land and Buildings

GROUP	DIVISION	CLASS	EXAMPLES
		(b) Medical and Professional	<ul style="list-style-type: none"> <li>• Medical Offices and Consulting Rooms</li> <li>• Dental Offices and Surgeries</li> <li>• Legal Offices</li> <li>• Similar Professional Offices</li> </ul>
		(c) Personal Service	<ul style="list-style-type: none"> <li>• Barbers</li> <li>• Hairdressers</li> <li>• Beauty Parlours</li> <li>• Small Appliance</li> <li>• Repairs</li> <li>• Pet groomers</li> <li>• Family Child Care (6 children or less)</li> </ul>
		(d) General Service	<ul style="list-style-type: none"> <li>• Self-service Laundries</li> <li>• Dry-Cleaners (not using flammable or explosive substances)</li> <li>• Small Tool and Appliance Rentals</li> <li>• Travel Agents</li> <li>• Car Washes (automated or self serve but no gasoline sales)</li> <li>• Recycling Collection Depots (no processing)</li> <li>• Animal crematoria</li> </ul>
	1. Business, Professional & Personal Service Uses (continued)	(e) Communications	<ul style="list-style-type: none"> <li>• Radio Stations</li> <li>• Telephone Exchanges</li> </ul>
		(f) Police Station	<ul style="list-style-type: none"> <li>• Police Stations (without detention quarters)</li> </ul>
		(g) Taxi Stand	<ul style="list-style-type: none"> <li>• Taxi Stands</li> <li>• Bus Stands (up to 15 passengers)</li> </ul>
		(h) Take-out Food Service	<ul style="list-style-type: none"> <li>• Take-out Food Service</li> </ul>
		(i) Veterinary	<ul style="list-style-type: none"> <li>• Veterinary Surgeries</li> </ul>
	E. MERCANTILE USES	1. Retail Sale and Display Uses	
		(a) Shopping Centre	<ul style="list-style-type: none"> <li>• Shopping Centres</li> </ul>
		(b) Shop	<ul style="list-style-type: none"> <li>• Retail Shops and Stores</li> </ul>

## SCHEDULE B: Classification of Uses of Land and Buildings

GROUP	DIVISION	CLASS	EXAMPLES
			<ul style="list-style-type: none"> <li>• Showrooms</li> <li>• Department Stores</li> </ul>
		(c) Indoor Market	<ul style="list-style-type: none"> <li>• Market Halls</li> <li>• Auction Halls</li> </ul>
		(d) Outdoor Market	<ul style="list-style-type: none"> <li>• Market Grounds</li> <li>• Auction Grounds</li> <li>• Animal Markets</li> <li>• Produce and Fruit Stands</li> <li>• Fish Markets</li> <li>• Market Shops</li> </ul>
		(e) Convenience Store	<ul style="list-style-type: none"> <li>• Confectionary Stores</li> <li>• Corner Stores</li> <li>• Gift Shops</li> <li>• Specialty Shops</li> </ul>
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	<ul style="list-style-type: none"> <li>• Bulk Storage of hazardous liquids and substances</li> <li>• Chemical Plants</li> <li>• Distilleries</li> <li>• Feed Mills</li> <li>• Lacquer, Mattress, Paint, Varnish, and Rubber Factories</li> <li>• Manufacturing or Production of Hazardous Liquids or Substances</li> <li>• Spray Painting</li> </ul>
	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	<ul style="list-style-type: none"> <li>• Factories</li> <li>• Cold Storage Plants</li> <li>• Freight Depots</li> <li>• General Garages</li> <li>• Warehouses</li> <li>• Workshops</li> <li>• Laboratories</li> <li>• Laundries</li> <li>• Planing Mills</li> <li>• Printing Plants</li> <li>• Contractors' Yards</li> <li>• Recycling Processing Facilities</li> <li>• Vehicle Dealerships</li> </ul>
		(b) Service Station	<ul style="list-style-type: none"> <li>• Gasoline Service Stations</li> <li>• Gas Bars</li> </ul> <p>(may include accessory car washes)</p>

## SCHEDULE B: Classification of Uses of Land and Buildings

GROUP	DIVISION	CLASS	EXAMPLES
			<ul style="list-style-type: none"> <li>• -Service Station</li> </ul>
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	<ul style="list-style-type: none"> <li>• Light Industry</li> <li>• Parking Garages</li> <li>• Indoor Storage</li> <li>• Warehouses</li> <li>• Workshops</li> <li>• Storage Using Bulk Containers or Trailers</li> <li>• Recreational Vehicles Lots</li> <li>• Vehicle Storage Lots</li> </ul>
G. NON BUILDING USES	1. Uses not directly related to building	(a) Agriculture	<ul style="list-style-type: none"> <li>• Commercial Farms</li> <li>• Hobby Farms</li> <li>• Market Gardens &amp; Nurseries</li> <li>• Livestock Production</li> </ul>
		(b) Forestry	<ul style="list-style-type: none"> <li>• Tree Nurseries</li> <li>• Silviculture</li> </ul>
		(c) Mineral Working	<ul style="list-style-type: none"> <li>• Quarries</li> <li>• Pits</li> <li>• Mines</li> <li>• Oil Wells</li> </ul>
		(d) Recreational Open Space	<ul style="list-style-type: none"> <li>• Playing Fields</li> <li>• Sports Grounds</li> <li>• Parks</li> <li>• Playgrounds</li> <li>• Community Gardens</li> <li>• Walking/Hiking trails</li> </ul>
		(e) Conservation	<ul style="list-style-type: none"> <li>• Watersheds (domestic water supply and other)</li> <li>• Buffer Strips</li> <li>• Flood Plains</li> <li>• Archaeological,</li> <li>• Architectural, Historical and Scenic Sites</li> <li>• Steep Slopes</li> <li>• Wildlife</li> <li>• Sanctuaries</li> </ul>
		(f) Cemetery	<ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Graveyards (including mausoleums and columbaria)</li> <li>• Crematoriums (when in conjunction with a</li> </ul>

## SCHEDULE B: Classification of Uses of Land and Buildings

GROUP	DIVISION	CLASS	EXAMPLES
			mausoleum) <ul style="list-style-type: none"> <li>Animal Cemeteries (including crypts)</li> </ul>
		(g) Scrap Yard	<ul style="list-style-type: none"> <li>Car Wrecking Yards</li> <li>Junk Yards</li> <li>Scrap Dealers</li> <li>Recycling Facilities or Plants</li> </ul>
	1. Uses not directly related to building (continued)	(h) Solid Waste	<ul style="list-style-type: none"> <li>Solid Waste Disposal</li> <li>Sanitary Land Fill</li> <li>Incinerators</li> <li>Organic Waste Treatment Facility</li> </ul>
		(i) Animal	<ul style="list-style-type: none"> <li>Animal Pounds</li> <li>Kennels</li> <li>Zoos</li> <li>Animal Breeders (other than domestic dogs or cats)</li> </ul>
		(j) Antenna	<ul style="list-style-type: none"> <li>TV, Radio and Communications Transmitting and Receiving Masts and Antennae</li> </ul>
		(k) Transportation	<ul style="list-style-type: none"> <li>Airfields</li> <li>Railway Yards</li> <li>Docks and Harbours</li> <li>Bus Terminals</li> </ul>
		(l) Motorized Recreation	<ul style="list-style-type: none"> <li>ATV/Snowmobile Trail</li> </ul>

# SCHEDULE C: USE ZONE TABLES

**NOTE:**

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

The schedule contains tables for the following Use Zones:

<u>Zone Title</u>	<u>Zone Symbol</u>
Residential Special Density	RSD
Residential Low Density	RLD
Residential Medium Density	RMD
Residential High Density	RHD
Mobile/Mini Home Residential	MHR
Mosaic Residential	MR
Comprehensive Residential Development Area	CRDA
Townsite Residential	TR
Townsite Commercial	TC
Downtown Residential	DTR
Downtown Commercial	DTC
Downtown Smithville	DTS
General Commercial	GC
Residential/Commercial Mix	RCM

Highway and Tourist Commercial	HTC
Shopping Centre	SC
Large Scale Commercial	LSC
Waterfront Mixed Use	WMU
General Industrial	GI
Light Industrial	LI
Hazardous Industrial	HI
Community Service	CS
Innovation District	ID
Open Space	OS
Cemetery	C
Environmental Protection	EP
Environmental Conservation	EC
Protected Water Supply Area	PWSA
Rural	R
Solid Waste/Scrap Yard	SW/SY
Mineral Working	MW
Special Management Area	SMA

The maps bearing the titles City of Corner Brook Integrated Municipal Sustainability Plan 2012 - Maps A through F and signed by the Mayor and the Clerk under the seal of the City, shall be an integral part of these Regulations.

In all Use Zone Tables, unless otherwise stated, those sections of the tables titled “PERMITTED USES CLASSES”, refer to requirements of Regulation 127, and “DISCRETIONARY USE CLASSES”, refer to requirements of Regulations 26 and 128.



**USE ZONE TABLE**

**130. RESIDENTIAL SPECIAL DENSITY**

**PERMITTED USE CLASSES** - (see Regulation 127)

Single dwelling, recreational open space\*.

\*(See condition no. 8)

**DISCRETIONARY USE CLASSES** - (see Regulations 26 and 128)

Double dwelling, antenna, child care, garden suite, home based occupation\*, boarding house\*\*.

\*(See condition no. 2), \*\*(See condition no. 9)

STANDARDS	WHERE PERMITTED				
	Single Dwelling	Double Dwelling			
Lot area (m <sup>2</sup> ) minimum	836	578*			
Floor area (m <sup>2</sup> ) minimum	110	110*			
Frontage (m) minimum	21	27			
Building Line Setback (m) (min)	min: 8	min: 8			
Side yard Width (m) (minimum)	1.2 3	3 3			
Rear yard Depth (m) (minimum)	12	12			
Lot Coverage (%) Maximum	33	33			
Height (m)	8	8			
*Per dwelling unit.(See Conditions)					

(31 Jan 2014)

**CONDITIONS FOR RESIDENTIAL SPECIAL DENSITY ZONE****1. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 62, Accessory Residential Buildings, in Part II of these Development Regulations.

**2. Home Occupation/Home Office**

Home based occupations include the following: home office, personal service, medical and professional service, family child care. A home based occupation or home office may be permitted at the discretion of Council, subject to the following conditions:

- (a) The use is clearly a subsidiary use to the single dwelling, double dwelling use classes and does not detract from the residential character of the neighbourhood.
- (b) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the permitted use and that no repairs to vehicles or heavy equipment are carried out.
- (c) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (d) Activities associated with the use shall be carried out inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.
- (e) Not more than twenty-five percent of the floor area of the dwelling unit up to a maximum of forty-five square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirements.
- (f) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident on site.

- (g) Office uses shall be limited to small business services and professional offices.
- (h) Personal Service uses for the purpose of this condition shall include small scale production of baked goods, handmade articles such as clothing and arts and crafts and small business services.
- (i) There is no outside storage of goods or materials on the lot.
- (j) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (l) One building only, separate from the dwelling unit, may be used in connection with a Personal Service use and shall conform to the Accessory Building condition for this use zone.
- (m) No sign will be permitted other than a name plate not exceeding .2 sq. metres in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority may require fencing, screening or separation to protect the amenity of adjacent uses.
- (o) Parking requirements are as set out in Schedule D, however a minimum of one space is required for a home occupation. The minimum required parking for the dwelling unit must continue to be met.
- (p) No change in type, class or extent of the use shall be permitted except in

accordance with a development permit issued by the Authority.

- (q) Family child care occupations shall be limited to a maximum of six children and shall conform to the guidelines and standards as set out by the province of Newfoundland and Labrador's Health and Community Services Department.
- (r) A maximum of fifty percent (50%) of the total floor area may be utilized for family child care.

### **3. Building Line Setback**

The Authority reserves the right to decrease the building line setback requirement for single dwelling and double dwelling to 7.5 metres where, in the opinion of the Authority, the reduced setback will not have a negative impact on surrounding development, taking into account the existing street line, street -right of way width and other factors that may be relevant.

### **4. Rear Yard**

The Authority reserves the right to reduce the rear yard requirement for single dwelling and double dwellings to 11 metres, where, in the opinion of the Authority, the reduction to the rear yard area will result not in a negative impact on the adjoining properties. An extension into the rear yard may be permitted provided that the extension comprises no more than 33% percent of the length of the main rear wall of the dwelling and protrudes no more than 2 metres into the rear yard. The remainder of the rear yard must be maintained at the required standard.

### **5. Corner Lots**

The building line on the side lot line of a corner lot may be 6.4 m when the Authority is satisfied that public safety and amenity are maintained.

**6. Porches and Verandahs in Front of Building Line of Dwelling Unit**

- (a) A porch, with a maximum floor area of 3 square metres, may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property, provided the area will not be utilized as a habitable part of a dwelling.
- (b) A porch must be enclosed with walls and a roof.
- (c) A verandah may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property.
- (d) A verandah may not be enclosed with walls and/or windows; however, a mesh screen material may be attached to the exterior sides of the verandah.
- (e) No part of the verandah may be used as a habitable room.
- (f) A verandah may extend across the entire front facade of the main dwelling, subject to the conditions listed.
- (g) A combination of porch and verandah may be permitted, subject to (a) and (c) above, provided that the area of the porch section of the structure does not exceed a maximum of 3 square metres.
- (h) The closest point of any part of a porch or verandah shall be a minimum of 5 metres from the front property boundary.

**7. Deck in Front of Building Line of Single or Double Dwelling**

A deck may be permitted to project in front of the building line of a single or double dwelling subject to the following conditions:

- (a) A deck shall be no closer than 4 metres to the street line and the maximum distance a deck may project in front of the building line shall be 3.6 metres.
- (b) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling or such lower level as the Authority may consider appropriate.
- (c) The maximum height of any part of the deck shall be 1.2 metres above the deck's floor level, with the exception of part of the structure necessary to support a second storey deck, above the main floor deck.
- (d) The maximum width of a deck shall be 3.6 metres.
- (e) The Authority may require the area beneath the floor of the deck to be enclosed in order to maintain a neat and tidy appearance.
- (f) A deck shall not be used for storage purposes.
- (g) The Authority may require all decks permitted under this condition, or all decks on a particular street or in a neighbourhood to be constructed with specified materials and be of a specific colour or finish in order to maintain amenity.
- (h) The closest point of any deck shall be a minimum of 1.2 metres from the side property boundary, with the exception of a deck that is necessary to provide access to a door exiting into the side yard..

**8. Recreational Open Space**

Uses in this classification in this Use Zone are limited to parks and playgrounds.

**9. Boarding House**

Uses in this classification are limited to the Bed and Breakfast example of boarding

house, and are subject to the following conditions:

- (a) Each Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

#### **10. Garden Suites**

A garden suite may be permitted as a discretionary residential use subject to the following conditions:

- (a) A garden suite shall only be permitted on a residential single dwelling lot having a minimum lot area of 1500 square metres.
- (b) Garden suites are not permitted on double dwelling lots.
- (c) A garden suite must be subsidiary in size to the primary single family dwelling on the lot.
- (d) Only one (1) garden suite shall be permitted per lot.
- (e) A garden suite may not contain a subsidiary apartment unit.
- (f) A garden suite shall not project beyond the building line of the main single family dwelling nor the building line of the immediate adjacent properties.
  - (i) Notwithstanding (f) above, where the main dwelling is located at a greater and sufficient distance from the minimum building line setback, a garden suite may be permitted to be located in front of the main building on the lot, provided that it does not project into the minimum building line

setback area and is in keeping with the building line of the surrounding residential properties. The garden suite may also be required to be screened if necessary, to the satisfaction of the Authority, to reduce any visual impact to the neighbouring properties. *(31 Jan 2014)*

- (g) A garden suite shall have a minimum separation distance of 4.2 metres between it and the single family dwelling.
- (h) A garden suite shall have a minimum rear yard setback of 8 metres.
- (i) A garden suite may not be subdivided from the original lot unless it is to be subdivided from the original lot in order to change the use to a single dwelling unit and meet all development standards and requirements for a single dwelling unit and lot of the zone, including minimum floor area, minimum lot area, side yard, setback and rear yard standards, parking, access and independent municipal services, connected to the main municipal service infrastructure.
- (j) A garden suite must have a separate water and sewer service, which may be provided from the main dwelling unit on the lot. If the garden suite is capable of being subdivided from the original lot and single dwelling, in accordance with 11(g), new water and sewer lines must be installed and connected to the main municipal service infrastructure.
- (k) All applicable Building, Fire, and Life Safety Codes must be adhered to for garden suites when constructed plus all other codes or bylaws in effect by the Authority.
- (l) A garden suite may not contain a basement.
  - (i) Notwithstanding (l) above, a garden suite may be developed as part of an accessory building use on the lot such as a garage or shed, and the garden suite may be constructed above or directly adjacent to the accessory building



use. Such accessory building use attached to the garden suite will not be construed as a basement area of the garden suite but as a separate use or building; however, the structure would be required to meet all Building, Fire and Life Safety Codes for construction of the building to ensure the safety of the building occupants.

(ii) Notwithstanding 10.(v), the total floor area of a garden suite attached to an accessory building shall be calculated as the total of the habitable floor area, or living space, of the garden suite. The floor area of the accessory building portion of the development will be calculated separately as part of the total accessory residential building allowance permitted on the lot.

*(31 Jan 2014)*

- (m) A garden suite may contain a maximum of two bedrooms.
- (n) A garden suite must be accessible to fire department and other emergency vehicles at all times.
- (o) A garden suite may not be used as a commercial residential property for rent or lease by the owner of the main dwelling unit on the lot to persons other than a family member or guest of the owner of the main dwelling unit.
- (p) A garden suite shall be owned by the owner of the primary dwelling and shall not be sold as a condominium unit.
- (q) A garden suite must remain as part of the real property of the main dwelling, unless legally subdivided from the original lot in accordance with the applicable requirements for subdivision of the property, after which it will become a separate single dwelling on its own lot.
- (r) A garden suite may be constructed on site or be transported as a modular unit to the lot, but may not include a mobile or mini-home.

- (s) The minimum side yard, front setback, and rear yard development standards as the main dwelling unit on the lot must also be maintained for a garden suite.
- (t) In addition to that required for the primary dwelling, a minimum of one (1) additional parking space shall be provided for the garden suite.
- (u) Electrical service to the garden suite shall be located underground, whenever possible to avoid additional overhead wires or poles within a residential lot and to improve the aesthetics of the development.
- (v) A garden suite shall have a maximum total floor area of 70 square metres.
  - (i) Notwithstanding (v) above, on residential lots measuring 4045 square metres (approximately one acre) in area, or greater, the maximum size of a garden suite may be increased to 110 square metres. *(31 Jan 2014)*
- (w) The combined total lot coverage of all accessory buildings on the lot, including the garden suite, shall not exceed 7%.
- (x) The finished structure of a garden suite must be undifferentiated from on-site and adjacent existing structures in terms of quality of construction and the appearance of permanence in addition to meeting the National Building Code of Canada and other applicable guidelines and codes deemed appropriate by the Authority.
- (y) A garden suite should relate to the primary single dwelling on the lot in terms of materials, roof form, and general architectural style. The intent, however, is not to create a “miniature version” of the primary dwelling.
- (z) A garden suite must be assigned an individual address to ensure identification and location in the event of an emergency and such address

must be clearly indicated and visible from the street frontage. This identification may include a sign, maximum size .2 square metres, within the front setback area of the lot, indicating the presence of the garden suite at the rear of the main dwelling unit.

- (aa) On a corner lot, a garden suite shall be set back equal to the front setback and flanking side yard standards of the primary single dwelling.

#### **11. Discretionary Use Classes**

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

**USE ZONE TABLE**

**131. RESIDENTIAL LOW DENSITY**

**PERMITTED USE CLASSES** - (see Regulation 127)

Single dwelling, recreational open space\*

\*(See condition no. 9)

**DISCRETIONARY USE CLASSES** - (see Regulations 26 and 128)

Double dwelling, row dwelling, apartment building, antenna, child care, home based occupation\*, boarding house\*\*.

\*(See condition no. 3), \*\*(See condition no. 10)

STANDARDS			WHERE PERMITTED				
	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING**			
				1-Bed Apt.	2-Bed Apt.	3-Bed Apt.	4-Bed Apt.
Lot area (m²) Minimum (mi)	mi: 650	mi: 450 *	340 *Average	mi: 240 *	mi: 320 *	mi: 360 *	mi: 400 *
Floor area (m²) Minimum	110	110 *	100 *	50 *	60 *	70 *	80 *
Frontage (m) minimum	20	25	10*	Apt. Bldg. - 5 Units or more		Apt. Bldg. - 4 Units or less	
				30		26	
Building Line Setback (m) (min)	mi: 8	min: 8	min: 9	9-one storey 10-two storey		9-one storey 10-two storey	
Side yard Width (m) (minimum)	1.2 3	3 3	3 3	5		4	
Rear yard depth (m) (minimum)	12	12	12	15		14	
Lot coverage (%) Maximum	33	33	33	33		33	
Height (m) Maximum	8	8	8	10		8	
*Per dwelling unit.(See Conditions)							
**No greater than four bedrooms shall be permitted in an apartment unit.							

(31 Jan 2014)

**CONDITIONS FOR RESIDENTIAL LOW DENSITY ZONE****1. Residential Density**

In each Residential Low Density Zone there shall be not more than 33% apartment units, row housing units or a combination of apartment and row housing units, the remainder being either single or double dwellings or a combination of single and double dwellings.

**2. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 62, Accessory Residential Buildings, in Part II of these Development Regulations.

**3. Home Occupations/Home Office**

Home based occupations include the following: home office, personal service, medical and professional service, family child care. A home based occupation or home office may be permitted at the discretion of council, subject to the following conditions:

- (a) The use is clearly a subsidiary use to the single dwelling, double dwelling, row dwelling use classes and does not detract from the residential character of the neighbourhood.
- (b) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the permitted use and that no repairs to vehicles or heavy equipment are carried out.
- (c) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (d) Activities associated with the use shall be carried out inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.

- (e) Not more than twenty-five percent of the floor area of the dwelling unit up to a maximum of forty-five square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirements.
- (f) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident on site.
- (g) Office uses shall be limited to small business services and professional offices.
- (h) Personal Service uses for the purpose of this condition shall include small scale production of baked goods, handmade articles such as clothing and arts and crafts and small business services.
- (i) There is no outside storage of goods or materials on the lot.
- (j) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (l) One building only, separate from the dwelling unit, may be used in connection with a Personal Service use and shall conform to the Accessory Building condition for this use zone.
- (m) No sign will be permitted other than a name plate not exceeding 0.2<sup>2</sup> m in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority which may require fencing, screening or separation to protect the amenity of adjacent uses.
- (o) Parking requirements are as set out in Schedule D, however a minimum of one space is required for a home occupation. The minimum required parking for the dwelling unit must continue to be met.

- (p) No change in type, class or extent of the use shall be permitted except in accordance with a development permit issued by the Authority.
- (q) Family child care occupations shall be limited to a maximum of six children and shall conform to the guidelines and standards as set out by the province of Newfoundland and Labrador's Health and Community Services Department.
- (r) A maximum of fifty percent (50%) of the total floor area may be utilized for family child care.

#### **4. Building Line Setback**

The Authority reserves the right to decrease the building line setback requirement for single dwelling and double dwelling to 7 metres where, in the opinion of the Authority, the reduced setback will not have a negative impact on surrounding development, taking into account the existing street line, street -right of way width and other factors that may be relevant.

#### **5. Rear Yard**

The Authority reserves the right to reduce the rear yard requirement for single dwelling and double dwelling to 11 metres, where, in the opinion of the Authority, the reduction to the rear yard area will not result in a negative impact on the adjoining properties.

At the discretion of the Authority:

- (a) The rear yard depth may be measured from the closest point of that portion of the rear wall of the main building which forms a minimum of 66% of the length of the elevation of the rear wall.
- (b) An extension from the rear wall of the main building on the lot comprising no greater than 34% of the length of the rear wall elevation and extending no greater than 2 metres into the rear yard area may be permitted.

- (c) The rear yard distance for apartment buildings shall be measured from the closest point of the rear wall of the main building which forms a minimum of 85% of the rear wall.

## **6. Corner Lots**

The building line on the side lot line of a corner lot may be 6 metres when the Authority is satisfied that public safety and amenity are maintained.

## **7. Porches and Verandahs in Front of Building Line of Dwelling Unit**

- (a) A porch, with a maximum floor area of 3 square metres, may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property, provided the area will not be utilized as a habitable part of a dwelling.
- (b) A porch must be enclosed with walls and a roof.
- (c) A verandah may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property.
- (d) A verandah may not be enclosed with walls and/or windows; however, a mesh screen material may be attached to the exterior sides of the verandah.
- (e) No part of the verandah may be used as a habitable room.
- (f) A verandah may extend across the entire front facade of the main dwelling, subject to the conditions listed.
- (g) A combination of porch and verandah may be permitted, subject to (a) and (c) above, provided that the area of the porch section of the structure does not exceed a maximum of 3 square metres.



- (h) The closest point of any part of a porch or verandah shall be a minimum of 5 metres from the front property boundary.

**8. Deck in Front of Building Line of Single or Double Dwelling**

A deck may be permitted to project in front of the building line of a single or double dwelling subject to the following conditions:

- (a) A deck shall be no closer than 4 metres to the street line and the maximum distance a deck may project in front of the building line shall be 3.6 metres.
- (b) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling or such lower level as the Authority may consider appropriate.
- (c) The maximum height of any part of the deck shall be 1.2 metres above the deck's floor level, with the exception of part of the structure necessary to support a second storey deck, above the main floor deck.
- (d) The maximum width of a deck shall be 3.6 metres.
- (e) The Authority may require the area beneath the floor of the deck to be enclosed in order to maintain a neat and tidy appearance.
- (f) A deck shall not be used for storage purposes.
- (g) The Authority may require all decks permitted under this condition, or all decks on a particular street or in a neighbourhood to be constructed with specified materials and be of a specific colour or finish in order to maintain amenity.
- (h) The closest point of any deck shall be a minimum of 1.2 metres from the side property boundary, with the exception of a deck that is necessary to provide access to a door exiting into the side yard.

## **SCHEDULE C: Use Zone Tables**

### **9. Recreational Open Space**

Uses in this classification are limited to parks and playgrounds.

### **10. Boarding House**

Uses in this classification are limited to the Bed and Breakfast example of boarding house, and are subject to the following conditions:

- (a) Each Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

### **11. Discretionary Use Classes**

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

**USE ZONE TABLE**

**132. RESIDENTIAL MEDIUM DENSITY**

**PERMITTED USE CLASSES** - (see Regulation 127)

Single dwelling, double dwelling, recreational open space.

**DISCRETIONARY USE CLASSES** - (see Regulations 26 and 128)

Row dwelling, apartment building, place of worship, educational, convenience store, antenna, child care, boarding house residential, home based occupation\*.

\*(See condition no. 6)

STANDARDS			WHERE PERMITTED				
	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING**			
				1-Bed Apt.	2-Bed Apt.	3-Bed Apt.	4-Bed Apt.
Lot area (m <sup>2</sup> ) Minimum (mi)	mi: 450	mi: 335 *	240 * Aver- age	mi: 160*	mi: 200*	mi: 225*	mi: 240*
Floor area (m <sup>2</sup> ) Minimum	80	80 *	65 *	40 *	50 *	60 *	70 *
Frontage (m) Minimum (mi)	mi: 15	mi: 22	mi: 10*	Apt. Bldg. - 5 Units or more		Apt. Bldg. - 4 Units or less	
				25		23	
Building Line Setback (m) (min)	mi: 7	mi: 7	mi: 8	8-one storey 10-two storey		8-one storey 9-two storey	
Side yard Width (m) (minimum)	1.2 3	3 3	3 3	5		4	
Rear yard depth (m) (minimum)	8	8	10	14		12	
Lot coverage (%) Maximum	33	33	33	33		33	
Height (m) Maximum	8	8	10	10		8	
*Per Dwelling Unit(See Conditions)							
**No greater than four bedrooms shall be permitted in an apartment unit.							

(31 Jan 2014)

**CONDITIONS FOR RESIDENTIAL MEDIUM DENSITY ZONE****1. Residential Density**

In each Residential Medium Density Zone there shall be not more than 50 per cent apartment units, row housing units or a combination of apartment and row housing units, the remainder being either single or double dwellings or a combination of single and double dwellings.

**2. Discretionary Uses - Site Standards**

Where permitted, a place of worship an educational use, a child care use and boarding house residential use shall conform to the frontage, building line setback, sideyard, rear yard, lot coverage and height requirements specified for a single dwelling.

**3. Educational Uses**

The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

**4. Convenience Stores**

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

- (a) The store shall form part of, or be attached to a single dwelling.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not detract from residential amenities of adjoining properties.
- (c) Advertisement of the use shall not exceed three (3) square metres in area.
- (d) A minimum of 2 off street parking spaces is required for the use of customers or as is set out in Schedule D, whichever is the greater. This requirement is in

addition to the parking requirements for the dwelling.

- (e) A maximum of 25 percent of the habitable floor area of the dwelling up to a maximum floor area of 45 sq. metres may be used as a convenience store. The minimum required floor area of the dwelling must continue to be met.

## **5. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 62, Accessory Residential Buildings, in Part II of these Development Regulations.

## **6. Home Occupation/Home Office**

Home based occupations include the following: home office, personal service, medical and professional service, family child care. A home based occupation or home office may be permitted at the discretion of council, subject to the following conditions:

- (a) The use is clearly a subsidiary use to the single dwelling, double dwelling, row dwelling use classes and does not detract from the residential character of the neighbourhood.
- b) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the permitted use and that no repairs to vehicles or heavy equipment are carried out.
- (c) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (d) Activities associated with the use shall be carried out inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.
- (e) Not more than twenty-five percent of the floor area of the dwelling unit up to a

maximum of forty-five square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirements.

- (f) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident on site.
- (g) Office uses shall be limited to small business services and professional offices.
- (h) Personal Service uses for the purpose of this condition shall include small scale production of baked goods, handmade articles such as clothing and arts and crafts and small business services.
- (i) There is no outside storage of goods or materials on the lot.
- (j) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (l) One building only, separate from the dwelling unit, may be used in connection with a Personal Service use and shall conform to the Accessory Building condition for this use zone.
- (m) No sign will be permitted other than a name plate not exceeding 0.2<sup>2</sup> m in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority which may require fencing, screening or separation to protect the amenity of adjacent uses.

- (o) Parking requirements are as set out in Schedule D, however a minimum of one space is required for a home occupation. The minimum required parking for the dwelling unit must continue to be met.
- (p) No change in type, class or extent of the use shall be permitted except in accordance with a development permit issued by the Authority.
- (q) Family child care occupations shall be limited to a maximum of six children and shall conform to the guidelines and standards as set out by the province of Newfoundland and Labrador's Health and Community Services Department.
- (r) A maximum of fifty percent (50%) of the total floor area may be utilized for family child care.

**7. Side yards**

- (a) The Authority reserves the discretion to decrease the major side yard requirements to 1.2 metres for a single dwelling.
- (b) The Authority reserves the discretion to decrease one side yard of a double dwelling to 1.2 metres, if the double dwelling is side by side.

**8. Building Line Setback**

The Authority reserves the right to decrease the building line setback requirement for single dwelling and double dwelling to 6.5 metres where, in the opinion of the Authority, the reduced setback will not have a negative impact on surrounding development, taking into account the existing street line, street -right of way width and other factors that may be relevant.

**9. Rear Yard**

The Authority reserves the right to reduce the rear yard requirement for single dwelling and double dwelling to 7.25 metres, where, in the opinion of the Authority, the reduction to the rear yard area will not result in a negative impact on the adjoining properties.

At the discretion of the Authority:

- (a) The rear yard depth may be measured from the closest point of that portion of the rear wall of the main building which forms a minimum of 66% of the length of the elevation of the rear wall.
- (b) An extension from the rear wall of the main building on the lot comprising no greater than 34% of the length of the rear wall elevation and extending no greater than 2 metres into the rear yard area may be permitted.
- (c) The rear yard distance for apartment buildings shall be measured from the closest point of the rear wall of the main building which forms a minimum of 85% of the rear wall.

**10. Corner Lots**

The building line on the side lot line of a corner lot may be 5 metres where the Authority is satisfied that public safety and amenity are maintained.

**11. Boarding House Residential**

- (a) Each boarding house/lodging house or Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each room that is available to be



rented to a boarder or as a Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

**12. Porches and Verandahs in Front of Building Line of Dwelling Unit**

- (a) A porch, with a maximum floor area of 3 square metres, may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property, provided the area will not be utilized as a habitable part of a dwelling.
- (b) A porch must be enclosed with walls and a roof.
- (c) A verandah may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property.
- (d) A verandah may not be enclosed with walls and/or windows; however, a mesh screen material may be attached to the exterior sides of the verandah.
- (e) No part of the verandah may be used as a habitable room.
- (f) A verandah may extend across the entire front facade of the main dwelling, subject to the conditions listed.
- (g) A combination of porch and verandah may be permitted, subject to (a) and (c) above, provided that the area of the porch section of the structure does not exceed a maximum of 3 square metres.
- (h) The closest point of any part of a porch or verandah shall be a minimum of 5 metres from the front property boundary.

**13. Deck in Front of Building Line of Single or Double Dwelling**

A deck may be permitted to project in front of the building line of a single or double dwelling subject to the following conditions:

- (a) A deck shall be no closer than 4 metres to the street line and the maximum distance a deck may project in front of the building line shall be 3.6 metres.

- (b) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling or such lower level as the Authority may consider appropriate.
- (c) The maximum height of any part of the deck shall be 1.2 metres above the deck's floor level, with the exception of part of the structure necessary to support a second storey deck, above the main floor deck.
- (d) The maximum width of a deck shall be 3.6 metres.
- (e) The Authority may require the area beneath the floor of the deck to be enclosed in order to maintain a neat and tidy appearance.
- (f) A deck shall not be used for storage purposes.
- (g) The Authority may require all decks permitted under this condition, or all decks on a particular street or in a neighbourhood to be constructed with specified materials and be of a specific colour or finish in order to maintain amenity.
- (h) The closest point of any deck shall be a minimum of 1.2 metres from the side property boundary, with the exception of a deck that is necessary to provide access to a door exiting into the side yard..

#### **14. Intensification**

The Authority reserves the right to reduce the minimum lot area and frontage requirements for single and double dwellings to that of the residential high density standards subject to:

- (a) the proposed development includes no more than 3 single lots or 2 double lots in connection, and
- (b) the side yard width and rear yard depth requirements of the zone are maintained.

- (c) At the discretion of the Authority, the front setback distance may be increased where the new dwelling on the lot meets the minimum required frontage, side yard, and rear yard standards for an intensification development. If the setback is substantial due to an especially large or deep lot, adequate buffering in the form of fencing, vegetation or other screening, shall be provided by the developer of the intensification property in order to protect the aesthetics, amenity, privacy and function of the adjoining properties or neighbourhood.

**15. Discretionary Use Classes**

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

**USE ZONE TABLE**

**133. RESIDENTIAL HIGH DENSITY**

**PERMITTED USE CLASSES** - (see Regulation 127)

Single dwelling, double dwelling, row dwelling, apartment building and recreational open space.

**DISCRETIONARY USE CLASSES** - (see Regulations 26 and 128)

Place of worship, educational, convenience store, collective residential, child care, boarding house residential, antenna, home based occupation\*.

\*(See condition no. 6)

STANDARDS	WHERE PERMITTED						
	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT** BUILDING			
				1 Bed Apt	2 Bed Apt	3 Bed Apt	4 Bed Apt
Lot area (m²) Minimum (mi)	mi: 375	mi: 275*	200 *	135 *	170 *	185 *	200 *
Floor area (m²) minimum	70	70 *	60 *	40 *	50 *	60 *	70*
Frontage (m) Minimum (mi)	mi: 12	mi: 20	(average) 10 *	Apt. Bldg. - 5 Units or more		Apt. Bldg. - 4 Units or less	
				25		23	
Building Line Setback (m) (minimum)	mi: 6	mi: 6	mi: 8	8-one storey 10-two storey		8-one storey 9-two storey	
Side yard Width (m) (minimum)	1.2 3	3 3	3 3	5		4	
Rear yard Depth (m) (minimum)	8	8	8	14		12	
Lot Coverage (%) Maximum	33	33	33	33		33	
Height (m)	8	8	8	10		8	
*Per Dwelling Unit(See Conditions) **No greater than four bedrooms shall be permitted in an apartment unit.							

(31 Jan 2014)

**CONDITIONS FOR RESIDENTIAL HIGH DENSITY ZONE****1. Residential Density**

In each Residential High Density Zone there shall be not more than 50% apartment units, row housing units or a combination of apartment and row housing units, the remainder being either single or double dwellings or a combination of single and double dwellings.

**2. Site Standards – Discretionary Uses**

Where permitted, a place of worship, an educational use, a boarding house use, a collective residential use and a child care use shall conform to the minimum frontage, building line setback, side yard and rear yard requirements and the maximum lot coverage and height requirements specified for a single dwelling.

**3. Educational Uses**

The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

**4. Convenience Stores**

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

- (a) The store shall form part of, or be attached to a dwelling unit.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Advertisement to the building shall not exceed three square metres in area.
- (d) A minimum of 2 off-street parking spaces is required for the use of customers or as is set out in Schedule D, whichever is the greater. This requirement is in

addition to the parking requirements for the dwelling.

- (e) A maximum of 25 percent of the habitable floor area of the dwelling up to a maximum floor area of 45 sq. metres may be used as a convenience store. The minimum required floor area of the dwelling must continue to be met.

**5. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 62, Accessory Residential Buildings, in Part II of these Development Regulations.

**6. Home Occupations/Home Office**

Home based occupations include the following: home office, personal service, medical and professional service, family child care. A home based occupation or home office may be permitted at the discretion of council, subject to the following conditions:

- (a) The use is clearly a subsidiary use to the single dwelling, double dwelling, row dwelling use classes and does not detract from the residential character of the neighbourhood.
- (b) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the permitted use and that no repairs to vehicles or heavy equipment are carried out.
- (c) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (d) Activities associated with the use shall be carried out inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.
- (e) Not more than twenty-five percent of the floor area of the dwelling unit up to a maximum of forty-five square metres is devoted to the use. The dwelling unit

must continue to meet the dwelling unit minimum floor area requirements.

- (f) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident on site.
- (g) Office uses shall be limited to small business services and professional offices.
- (h) Personal Service uses for the purpose of this condition shall include small scale production of baked goods, handmade articles such as clothing and arts and crafts and small business services.
- (i) There is no outside storage of goods or materials on the lot.
- (j) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (l) One building only, separate from the dwelling unit, may be used in connection with a Personal Service use and shall conform to the Accessory Building condition for this use zone.
- (m) No sign will be permitted other than a name plate not exceeding 0.2<sup>2</sup> m in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority which may require fencing, screening or separation to protect the amenity of adjacent uses.

- (o) Parking requirements are as set out in Schedule D, however a minimum of one space is required for a home occupation. The minimum required parking for the dwelling unit must continue to be met.
- (p) No change in type, class or extent of the use shall be permitted except in accordance with a development permit issued by the Authority.
- (q) Family child care occupations shall be limited to a maximum of six children and shall conform to the guidelines and standards as set out by the province of Newfoundland and Labrador's Health and Community Services Department.
- (r) A maximum of fifty percent (50%) of the total floor area may be utilized for family child care.

**7. Side yards**

- (a) Council reserves the discretion to decrease the major side yard requirement to 1.2 metres for a single dwelling.
- (b) Council reserves the discretion to decrease one side yard of a double dwelling to 1.2 metres, if they are adjacent to each other.

**8. Rear Yard**

The Authority reserves the right to reduce the rear yard requirement for single dwelling and double dwelling to 7.25 metres, where, in the opinion of the Authority, the reduction to the rear yard area will not result in a negative impact on the adjoining properties.

At the discretion of the Authority:

- (a) The rear yard depth may be measured from the closest point of that portion of the rear wall of the main building which forms a minimum of 66% of the



length of the elevation of the rear wall.

- (b) An extension from the rear wall of the main building on the lot comprising no greater than 34% of the length of the rear wall elevation and extending no greater than 2 metres into the rear yard area may be permitted.
- (c) The rear yard distance for apartment buildings shall be measured from the closest point of the rear wall of the main building which forms a minimum of 85% of the rear wall.

**9. Corner Lots**

The building line on the side lot line of a corner lot may be 5 metres when the Authority is satisfied that public safety and amenity are maintained.

**10. Boarding House Residential**

- (a) Each boarding house/lodging house or Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each room that is available to be rented to a boarder or as a Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

**11. Porches and Verandahs in Front of Building Line of Dwelling Unit**

- (a) A porch, with a maximum floor area of 3 square metres, may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property, provided the area will not be utilized as a habitable part of a dwelling.
- (b) A porch must be enclosed with walls and a roof.

- (c) A verandah may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property.
- (d) A verandah may not be enclosed with walls and/or windows; however, a mesh screen material may be attached to the exterior sides of the verandah.
- (e) No part of the verandah may be used as a habitable room.
- (f) A verandah may extend across the entire front facade of the main dwelling, subject to the conditions listed.
- (g) A combination of porch and verandah may be permitted, subject to (a) and (c) above, provided that the area of the porch section of the structure does not exceed a maximum of 3 square metres.
- (h) The closest point of any part of a porch or verandah shall be a minimum of 5 metres from the front property boundary.

**12. Deck in Front of Building Line of Single or Double Dwelling**

A deck may be permitted to project in front of the building line of a single or double dwelling subject to the following conditions:

- (a) A deck shall be no closer than 4 metres to the street line and the maximum distance a deck may project in front of the building line shall be 3.6 metres.
- (b) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling or such lower level as the Authority may consider appropriate.
- (c) The maximum height of any part of the deck shall be 1.2 metres above the deck's floor level, with the exception of part of the structure necessary to support a second storey deck, above the main floor deck.

- (d) The maximum width of a deck shall be 3.6 metres.
- (e) The Authority may require the area beneath the floor of the deck to be enclosed in order to maintain a neat and tidy appearance.
- (f) A deck shall not be used for storage purposes.
- (g) The Authority may require all decks permitted under this condition, or all decks on a particular street or in a neighbourhood to be constructed with specified materials and be of a specific colour or finish in order to maintain amenity.
- (h) The closest point of any deck shall be a minimum of 1.2 metres from the side property boundary, with the exception of a deck that is necessary to provide access to a door exiting into the side yard..

### **13. Intensification**

Intensification development in this zone is subject to the following:

- (a) the proposed development includes no more than 3 single lots or 2 double lots in connection, and
- (b) the side yard width and rear yard depth requirements of the zone are maintained.
- (c) At the discretion of the Authority, the front setback distance may be increased where the new dwelling on the lot meets the minimum required frontage, side yard, and rear yard standards for an intensification development. If the setback is substantial due to an especially large or deep lot, adequate buffering in the form of fencing, vegetation or other screening, shall be provided by the developer of the intensification property in order to protect the aesthetics, amenity, privacy and function of the adjoining properties or neighbourhood.

**14. Discretionary Use Classes**

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

**USE ZONE TABLE**

**134. MOBILE/ MINI HOME RESIDENTIAL**

<p><b>PERMITTED USE CLASSES</b> - (see Regulation 127)</p> <p>Mobile or Mini Home</p>
<p><b>DISCRETIONARY USE CLASSES</b> - (see Regulations 27 and 128)</p> <p>Recreational open space, convenience store, antenna, single dwelling, home based occupation*.</p> <p>*(See condition no. 10)</p>

STANDARDS	
Lot Area (sq.m) (Minimum)	366 sq.m (min.)
Floor area (sq.m) (Minimum)	60 sq.m.
Floor area (sq.m) (Maximum)	Single Unit 100 sq.m. Double Wide Unit 170 sq.m.
Lot Frontage (m) (Minimum)	12.2 m.
Rear yard depth (Minimum)	2.6 m.
Side yards width (Minimum)	1.2 m. & 3 m.
Building line setback (Minimum)	5 m. min. & 6.5 m. max.
Lot coverage (%) (Maximum)	33
Height (m)	6 m.

*(31 Jan 2014)*

**CONDITIONS FOR MOBILE/MINI-HOME RESIDENTIAL ZONE**

**1. Advertisement Requirements**

- (a) The erection or display of advertisements specified in Part II Regulation 63. (a) is permitted without application to the Authority.
- (b) No other advertisements are permitted in this zone.

**2. General Conditions**

- (a) A mobile or mini home lot must be provided with a mobile home stand capable of supporting the maximum anticipated load of the mobile home throughout all seasons of the year without settlement or other movement.
- (b) A mobile or mini home stand must be designed to fit the dimensions of the particular mobile home plus extensions positioned on the mobile home stand and must be paved or provided with some other hard surface.
- (c) A mobile or mini home on a Mobile Home Stand shall be supported and secured by foundation walls, piers, posts or other means, carried to a depth sufficient to prevent movement by frost and sufficient to support the anticipated load at such points on its chassis frame as required.
- (d) Anchors in the form of eyelets embedded in concrete, screw augers or head anchors or alternative devices acceptable to the Authority must be provided at all corners of the mobile home stand and at additional points where necessary to secure the mobile home against the forces exerted by wind.
- (e) Anchors or devices must be connected to each anchor point of the mobile or mini home chassis frame by a cable or other device approved by the Authority.
- (f) Anchors and connections must be capable of withstanding a tension of at least 2,180 kilograms.

- (g) A mobile or mini home must be provided with skirting acceptable to the Authority extending from the bottom of each mobile home to the ground, having a readily accessible, removable panel not less than 1 meter by 0.66 metres to give access to service connections.
- (h) A mobile or mini home will be placed on the lot so that it can be placed and removed without interfering with other lots.

### **3. Design Standards**

The following mobile home subdivision design standards shall apply in addition to other subdivision design standards which may be in effect.

- (a) The maximum density of each mobile home subdivision shall be 20 mobile homes per hectare.
- (b) A mobile home subdivision may be developed to contain a maximum of fifty (50) mobile home lots.

### **4. Mini Homes**

The housing type commonly referred to as mini homes will be considered as a mobile home for the purposes of this use zone, provided its characteristics are substantially the same as a mobile home.

### **5. Outdoor Living Area**

A mobile home lot shall have a minimum of 40 square metres of outdoor living area. This area shall be located in the rear yard or side yard, or a combination of both, of the mobile home. The purpose of the outdoor living area is to provide an area for privacy, recreation and amenity.

**6. Services**

Development with plumbing shall connect to the municipal water and sewer system and shall have the required minimum frontage on a public street. Sewer lines shall contain back water valves.

**7. Recreational Open Space**

Parks and playgrounds may be located on back land but shall have at least one 5-metre wide vehicular access directly onto a public street.

**8. Convenience Store**

A convenience store may be permitted as a discretionary use under the following conditions:

- (a) The store shall form part of, or be attached to a mobile home.
- (b) The retail use shall be subsidiary to the dwelling and in keeping with the residential character of the area, and shall not adversely affect residential amenities of adjoining properties.
- (c) Off-street parking for at least two automobiles shall be provided for customer use.
- (d) Not more than one convenience store shall be permitted for every 100 mobile homes in the zone.
- (e) The maximum floor area of a convenience store shall be 40 square metres and shall not infringe on the minimum floor area of the dwelling.
- (f) Advertisement of the building shall not exceed three (3) square metres in area.



**9. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 62, Residential Accessory Buildings, in Part II of these Development Regulations.

**10. Home Occupations/Home Office**

Home based occupations include the following: home office, personal service, medical and professional service, family child care. A home based occupation or home office may be permitted at the discretion of council, subject to the following conditions:

- (b) The use is clearly a subsidiary use to the single dwelling, double dwelling, row dwelling use classes and does not detract from the residential character of the neighbourhood.
- (b) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the permitted use and that no repairs to vehicles or heavy equipment are carried out.
- (c) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (d) Activities associated with the use shall be carried out inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.
- (e) Not more than twenty-five percent of the floor area of the dwelling unit up to a maximum of forty-five square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirements.
- (f) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident on site.

- (g) Office uses shall be limited to small business services and professional offices.
- (h) Personal Service uses for the purpose of this condition shall include small scale production of baked goods, handmade articles such as clothing and arts and crafts and small business services.
- (i) There is no outside storage of goods or materials on the lot.
- (j) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (l) One building only, separate from the dwelling unit, may be used in connection with a Personal Service use and shall conform to the Accessory Building condition for this use zone.
- (m) No sign will be permitted other than a name plate not exceeding 0.2<sup>2</sup> m in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority which may require fencing, screening or separation to protect the amenity of adjacent uses.
- (o) Parking requirements are as set out in Schedule D, however a minimum of one space is required for a home occupation. The minimum required parking for the dwelling unit must continue to be met.
- (p) No change in type, class or extent of the use shall be permitted except in

accordance with a development permit issued by the Authority.

- (q) Family child care occupations shall be limited to a maximum of six children and shall conform to the guidelines and standards as set out by the province of Newfoundland and Labrador's Health and Community Services Department.
- (r) A maximum of fifty percent (50%) of the total floor area may be utilized for family child care.

**11. Discretionary Use Classes**

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

**135. MOSAIC RESIDENTIAL**

Single dwelling, double dwelling, row dwelling, apartment building and recreational open space.

Place of worship, educational, convenience store, collective residential, child care, boarding house residential, antenna, home based occupation\*.

\*(See condition no. 7)

Single Dwelling - S			Double Dwelling - D			Row Dwelling - R		
Lot Designation	Lot Area (m <sup>2</sup> ) minimum (mi)	Floor Area min (m <sup>2</sup> )	Frontage (m) minimum (mi) maximum (ma)	Building Line Setback (m) minimum	Side-yard Width (m) minimum	Rear-yard Depth (m) minimum	Lot Coverage (%) maximum	Height (m) maximum
Category: 1								
1-S	mi: 375	70	mi: 12 ma: 14	mi: 8 ma: 10	1.2 3	8	33	8
1-D	mi: 275*	70*	mi: 20 ma: 22	"	3 3	"	"	"
1-R	200* Average	60*	Average / min: 10*	"	"	"	"	"

\*Per Dwelling Unit (See Conditions)

Frontage maximums can be increased when addressing (1) street flanking side yards for corner lots, (2) irregular shaped lots on cul-de-sacs and (3) tight turns on streets with a centreline radius of less than 60 meters (See conditions for corner lots).

Category: 2								
Lot Designation	Lot Area (m <sup>2</sup> ) minimum (mi)	Floor Area min (m <sup>2</sup> )	Frontage (m) minimum (mi) maximum (ma)	Building Line Setback (m) minimum	Side-yard Width (m) minimum	Rear-yard Depth (m) minimum	Lot Coverage (%) maximum	Height (m) maximum
2-S	mi: 450	80	mi: 15 ma: 19	mi: 8 ma: 10	1.2 3	"	"	"
2-D	mi: 365*	80*	mi: 22 ma: 24	"	3 3	"	"	"
2-R	240* Average	65*	Average / min: 10*	"	"	"	"	"
Category: 3								
3-S	mi: 650	110	mi: 20	mi: 8 ma: 10	1.2 3	"	"	"
3-D	mi: 450*	110*	mi: 25	"	3 3	"	"	"
3-R	340* Average	100*	Average / min: 10*	"	"	"	"	"
Category: 4								
S-4	mi: 836	110	mi: 21	mi: 8 ma: 10	3 3	"	"	"
D-4	mi: 578*	110*	mi: 27	"	"	"	"	"

\*Per Dwelling Unit (See Conditions)

Frontage maximums can be increased when addressing (1) street flanking side yards for corner lots, (2) irregular shaped lots on cul-de-sacs and (3) tight turns on streets with a centreline radius of less than 60 meters (See conditions for corner lots).

**Apartment Buildings** - Go to next page

Apartment Buildings - A      A-1,2,3,4 = number of bedrooms									
	Lot Area (m²) minimum (mi)	Floor Area min (m²)	Frontage (m) minimum		Building Line Setback (m) minimum	Side- yard Width (m) min.	Rear- yard Depth (m) min.	Lot Coverage (%) maximum	Height (m) max.
A-1	mi: 160*	40*	Apt. Bldg. 5 Units or More	25	One story: mi: 8 ma: 10	5	14	33	10
A-2	mi: 200*	50*							
A-3	mi: 225*	60*	Apt. Bldg. 4 Units or Less	23	Two story: mi: 10 ma: 12	4	12	"	8
A-4	mi: 240*	70*							

\*Per Dwelling Unit (See Conditions)

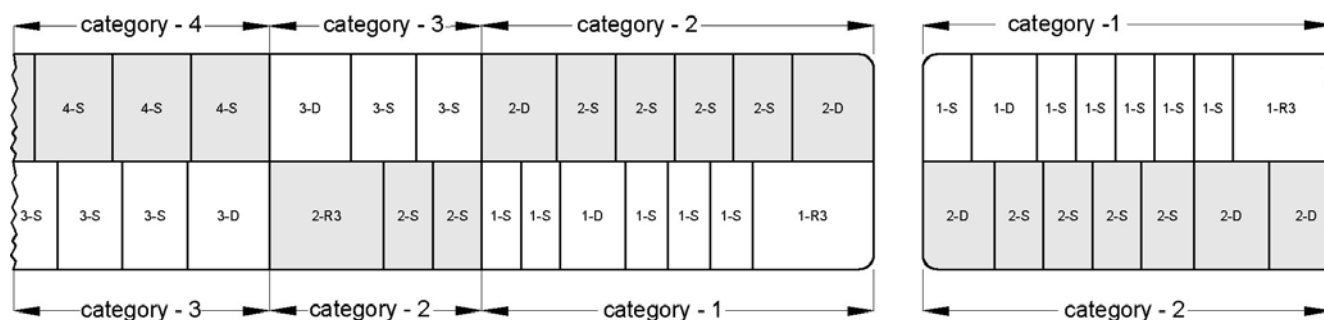
Frontage maximums can be increased when addressing (1) street flanking side yards for corner lots, (2) irregular shaped lots on cul-de-sacs and (3) tight turns on streets with a centreline radius of less than 60 meters (See conditions for corner lots).

## CONDITIONS FOR MOSAIC RESIDENTIAL ZONE

### 1. Comprehensive Development Plan

Areas zoned as Mosaic Residential shall require a Comprehensive Mosaic Residential Development Plan for the entire zone, illustrating a balance of residential dwelling types and lots sizes.

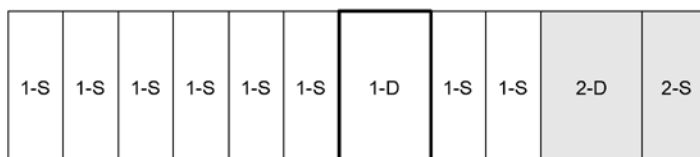
In the Plan, Mosaic subdivision design should result in streets with staggered categories in gradation of density. The lot **categories 1-4** establish the overall level of residential density to be designed for a row of lots along one side of a mosaic street. Similar to the standards for residential high, medium, low and special density, categories then offer **lot designation** options and accompanying standards to choose from when laying out individual lots within a category, i.e., single dwelling (S), double dwelling (D), row dwelling (R) and those additional standards for apartment buildings. The diagram below offers a **sample** of Mosaic site planning.



This Plan shall include a road layout; a plan for provision of water, sewer and other municipal servicing; a parking strategy; a pedestrian and landscape plan with locations for new public space and access or linkage to proximal neighbourhoods or amenities; identification of other proposed uses; and, take into account the physical, social and economic impacts of the development on the City, adjacent areas, and supporting infrastructure.

**2. Lot Layout and Designation**

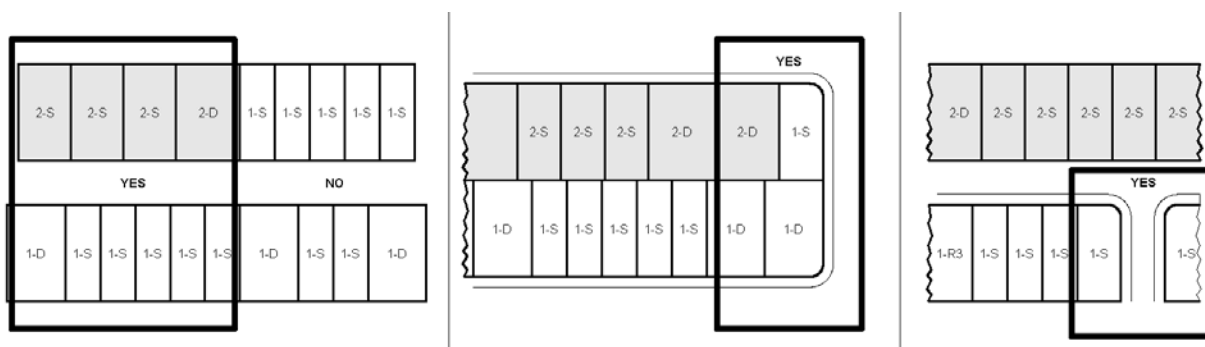
- (a) Where feasible, streets shall be planned with a minimum of three (3) separate mosaic categories with each category having a lot from at least two (2) different designations.
- (b) Each street shall, where feasible, restart a gradation category within the length of the street.
- (c) No one category shall encircle others or dominate a node.
- (d) No more than six (6) single dwelling lots (S) shall occur in contiguity unless the seventh (7<sup>th</sup>) lot is designated as a double (D) or row dwelling (R). Continuation of single dwelling lots following this configuration shall be limited to two (2) at which point a different category and designation must occur.



*(31 Jan 2014)*

- (e) No more than 3 double dwelling lots (D) shall occur in contiguity.
- (f) Lots of same category shall not back onto or be situated opposite of each other except where a run wraps around a cul-de-sac or crescent, or continues in a row on one side of a street.

*(31 Jan 2014)*



*(31 Jan 2014)*

- (g) Category-1 lots shall not be located at the end of a cul-de-sac.
- (h) No residential lot shall have a depth exceeding four times the frontage unless otherwise approved by the authority.



**Row Dwellings**

- (a) No more than six (6) row dwellings shall occur in contiguity and shall be separated from additional row dwellings by a minimum of two (2) single or double dwelling lots.
- (b) Lots designated for row dwellings shall have the designation letter followed by the number of dwellings planned in connection. For example, a lot planned for three-unit row dwelling in a category-1 areas would be shown on a plan as 1-R3.

**Apartment Buildings**

- (a) Lots designated for apartment buildings shall be located within or at the end of a row of Category-1 lots and shall not be located directly across from or connected to Category-3 or Category-4 lots, and
- (b) shall have the designation letter followed by the number of units planned for the apartment, not the number of bedrooms. For example, a lot planned for 30 unit apartment buildings shall be shown on a plan as A30. Separate plan and profile drawings showing the designation and arrangement of 1 and/or 2 and/or 3 and/or 4 bedroom apartments within a proposed apartment building will be required to accompany the overall site plan in order for proper assessment of required amount and location of parking and other features associated with the number of inhabitants planned for the building.

**Corner Lots**

- (a) The street flanking side yard of a corner lot shall be a minimum of five (5) meters.

**3. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 62, Accessory Residential Buildings, in Part II of these Development Regulations.

**4. Rear Yard**

The Authority reserves the right to reduce the rear yard requirement for single dwelling and double dwelling to 7.25 metres, where, in the opinion of the Authority, the reduction to the rear yard area will not result in a negative impact on the adjoining properties.

**5. Side Yard**

*(11 September 2015)*

At the discretion of Council one side yard of a double dwelling, of any category of lot, may be decreased from 3 metres to 1.2 metres, if the double dwelling is side by side. In exercising its discretion, Council shall consider the impact on surrounding development, taking into account the established side yard requirement of the adjacent undeveloped lot(s) as well as any existing adjacent side yard of developed lot(s).

**6. Subdivision & Consolidation of Land**

- (a) In order to ensure the integrity of the Mosaic residential density plan, subdivision or consolidation of residential lots shall not be permitted.
- (b) Notwithstanding condition (a), the authority may, upon development of no less than 60% percent of the original site plan, permit the subdivision of lots originally designated for apartment buildings into Category-1 designations only. Subdivision for this purpose shall conform to the requirements for Lot Layout and Designation.
- (c) A Comprehensive Mosaic Residential Development Plan shall conform to the requirements of the Subdivision Design Procedures and Engineering Standards for the City of Corner Brook.

**7. Convenience Stores**

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

- (a) The store shall form part of, or be attached to a dwelling unit located within 150 meters of a node or intersection.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.

- (c) Advertisement to the building shall not exceed three square metres in area.
- (d) A minimum of 2 off-street parking spaces is required for the use of customers or as is set out in Schedule D, whichever is the greater. This requirement is in addition to the parking requirements for the dwelling.
- (e) A maximum of 25 percent of the habitable floor area of the dwelling up to a maximum floor area of 45 sq. metres may be used as a convenience store. The minimum required floor area of the dwelling must continue to be met.

**8. Home Occupations/Home Office**

Home based occupations include the following: home office, personal service, medical and professional service, family child care. A home based occupation or home office may be permitted at the discretion of council, subject to the following conditions:

- (a) The use is clearly a subsidiary use to the single dwelling, double dwelling, row dwelling use classes and does not detract from the residential character of the neighbourhood.
- (b) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the permitted use and that no repairs to vehicles or heavy equipment are carried out.
- (c) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (d) Activities associated with the use shall be carried out inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.
- (e) Not more than twenty-five percent of the floor area of the dwelling unit up to a maximum of forty-five square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirements.

- (f) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident on site.
- (g) Office uses shall be limited to small business services and professional offices.
- (h) Personal Service uses for the purpose of this condition shall include small scale production of baked goods, handmade articles such as clothing and arts and crafts and small business services.
- (i) There is no outside storage of goods or materials on the lot.
- (j) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (l) One building only, separate from the dwelling unit, may be used in connection with a Personal Service use and shall conform to the Accessory Building condition for this use zone.
- (m) No sign will be permitted other than a name plate not exceeding 0.22 m in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority which may require fencing, screening or separation to protect the amenity of adjacent uses.
- (o) Parking requirements are as set out in Schedule D; however a minimum of one space is required for a home occupation. The minimum required parking

for the dwelling unit must continue to be met.

- (p) No change in type, class or extent of the use shall be permitted except in accordance with a development permit issued by the Authority.
- (q) Family child care occupations shall be limited to a maximum of six children and shall conform to the guidelines and standards as set out by the province of Newfoundland and Labrador's Health and Community Services Department.
- (r) A maximum of fifty percent (50%) of the total floor area may be utilized for family child care.

**9. Boarding House Residential**

- (a) Each boarding house/lodging house or Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each room that is available to be rented to a boarder or as a Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

**10. Deck in Front of Building Line of Single or Double Dwelling**

A deck may be permitted to project in front of the building line of a single or double dwelling subject to the following conditions:

- (a) A deck shall be no closer than 4 metres to the street line and the maximum distance a deck may project in front of the building line shall be 3.6 metres.
- (b) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling or such lower level as the Authority may consider

appropriate.

- (c) The maximum height of any part of the deck shall be 1.2 metres above the deck's floor level, with the exception of part of the structure necessary to support a second storey deck, above the main floor deck.
- (d) The maximum width of a deck shall be 3.6 metres.
- (e) The Authority may require the area beneath the floor of the deck to be enclosed in order to maintain a neat and tidy appearance.
- (f) A deck shall not be used for storage purposes.
- (g) The Authority may require all decks permitted under this condition, or all decks on a particular street or in a neighbourhood to be constructed with specified materials and be of a specific colour or finish in order to maintain amenity.
- (h) The closest point of any deck shall be a minimum of 1.2 metres from the side property boundary, with the exception of a deck that is necessary to provide access to a door exiting into the side yard..

**11. Porches and Verandahs in Front of Building Line of Dwelling Unit**

- (a) A porch, with a maximum floor area of 3 square metres, may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property, provided the area will not be utilized as a habitable part of a dwelling.
- (b) A porch must be enclosed with walls and a roof.
- (c) A verandah may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line

setback, whichever is in effect for the property.

- (d) A verandah may not be enclosed with walls and/or windows; however, a mesh screen material may be attached to the exterior sides of the verandah.
- (e) No part of the verandah may be used as a habitable room.
- (f) A verandah may extend across the entire front facade of the main dwelling, subject to the conditions listed.
- (g) A combination of porch and verandah may be permitted, subject to (a) and (c) above, provided that the area of the porch section of the structure does not exceed a maximum of 3 square metres.
- (h) The closest point of any part of a porch or verandah shall be a minimum of 5 metres from the front property boundary.

## **12. Parking**

Where feasible, parking spaces for apartments shall be provided in the rear yard, and shall be adequately screened from any adjoining residential use.

## **13. Discretionary Uses**

- (a) The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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.
- (b) Where permitted, a place of worship, an educational use, a boarding house use, a collective residential use and a child care use shall conform to the minimum frontage, building line setback, side yard and rear yard requirements and the lot coverage and height requirements specified for a Category-2, single dwelling.

**USE ZONE TABLE**

**136. COMPREHENSIVE RESIDENTIAL DEVELOPMENT AREA**

<p><b>PERMITTED USE CLASSES</b> - (see Regulation 127)</p> <p>None Permitted.</p>
<p><b>DISCRETIONARY USE CLASSES</b> - (See Regulation 26 and 128)</p> <p>None Permitted.</p>

**CONDITIONS**

**1. Non-conforming Uses**

Regulation 82 and/or Regulation 83 apply to legal use of buildings or land as non conforming uses in this zone.

**2. Advertisement Requirements**

- a) The erection or display of advertisements specified in Part II Regulation 64 is permitted without application to the Authority.
- b) No other advertisements are permitted in this zone.

**3. Developments and Improvements**

No major developments or improvements shall take place in this zone until a comprehensive development plan has been adopted by the Authority.



**USE ZONE TABLE**

**137. TOWNSITE RESIDENTIAL**

**PERMITTED USE CLASSES** - (see Regulation 127)

Single dwelling, double dwelling, recreational open space.

**DISCRETIONARY USE CLASSES** - (see Regulations 26 and 128)

Row dwelling, place of worship, child care, home based occupation\*, boarding house residential\*\*.

\* (See condition no. 3), \*\*(See condition no. 8)

STANDARDS			WHERE PERMITTED
	Single Dwelling	Double Dwelling	Row Dwelling
Lot area (m <sup>2</sup> ) Minimum (mi)	mi: 375	mi: 275*	200 *
Floor area (m <sup>2</sup> ) Minimum	70	70*	60*
Frontage (m) Minimum (mi)	mi: 12	mi: 20	min: 10*
Building Line Setback (m) Minimum (mi)	mi: 3	mi: 3	mi: 6
Side yard Width (m) (minimum)	1.2 3	3 3	3 3
Rear yard depth (m) (minimum)	8	8	10
Lot coverage (%) Maximum	33	33	33
Height (m) Maximum	8	8	10
*Per Dwelling Unit (See Conditions).			

**CONDITIONS FOR TOWNSITE RESIDENTIAL ZONE****1. Site Standards - Discretionary Uses**

Where permitted, a place of worship, a child care use and boarding house residential use shall conform to the frontage, building line setback, side yard, rear yard, lot coverage and height requirements specified for a single dwelling.

**2. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 62, Accessory Residential Buildings, in Part II of these Development Regulations.

**3. Home Occupations/Home Office**

Home based occupations include the following: home office, personal service, medical and professional service, family child care. A home based occupation or home office may be permitted at the discretion of council, subject to the following conditions:

- (a) The use is clearly a subsidiary use to the single dwelling, double dwelling, row dwelling use classes and does not detract from the residential character of the neighbourhood.
- b) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the permitted use and that no repairs to vehicles or heavy equipment are carried out.
- (c) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (d) Activities associated with the use shall be carried out inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.

- (e) Not more than twenty-five percent of the floor area of the dwelling unit up to a maximum of forty-five square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirements.
- (f) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident on site.
- (g) Office uses shall be limited to small business services and professional offices.
- (h) Personal Service uses for the purpose of this condition shall include small scale production of baked goods, handmade articles such as clothing and arts and crafts and small business services.
- (i) There is no outside storage of goods or materials on the lot.
- (j) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (l) One building only, separate from the dwelling unit, may be used in connection with a Personal Service use and shall conform to the Accessory Building condition for this use zone.
- (m) No sign will be permitted other than a name plate not exceeding 0.2<sup>2</sup> m in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority which may require fencing, screening or separation to protect

the amenity of adjacent uses.

- (o) Parking requirements are as set out in Schedule D, however a minimum of one space is required for a home occupation. The minimum required parking for the dwelling unit must continue to be met.
- (p) No change in type, class or extent of the use shall be permitted except in accordance with a development permit issued by the Authority.
- (q) Family child care occupations shall be limited to a maximum of six children and shall conform to the guidelines and standards as set out by the province of Newfoundland and Labrador's Health and Community Services Department.
- (r) A maximum of fifty percent (50%) of the total floor area may be utilized for family child care.

#### **4. Side yards**

- a) The Authority reserves the discretion to decrease the major side yard requirements to 1.2 metres for a single dwelling.
- b) The Authority reserves the discretion to decrease one sideyard of a double dwelling to 1.2 metres, if the double dwelling is side by side.

#### **5. Building Line Setback**

Due to the original development plan, the dwellings in Townsite are typically located closer to their front property boundaries than in other residential neighbourhoods and therefore have a reduced front setback area. In order to preserve the original building lines and historical characteristics of the streets in the zone, no further reduction to the established street lines shall be approved and no additional exterior construction including, but not limited to, decks, verandahs, steps, or porches, shall

be permitted within the front setback area, nor shall any variance be considered to the front setback standard for dwellings in this zone.

- (a) A deck, porch, verandah, steps, or ramp shall not be constructed within the minimum building line setback.

**6. Rear Yard**

The Authority reserves the right to reduce the rear yard requirement for single dwelling and double dwelling to 7.25 metres, where, in the opinion of the Authority, the reduction to the rear yard area will not result in a negative impact on the adjoining properties.

**7. Corner Lots**

The building line on the side lot line of a corner lot may be 5 metres where the Authority is satisfied that public safety and amenity are maintained.

**8. Boarding House Residential**

- (a) Each boarding house/lodging house or Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each room that is available to be rented to a boarder or as a Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

**9. Porches in Front of Building Line of Dwelling Unit**

- (a) A porch of 1.2 metres beyond the existing building line, with a maximum floor area of three (3) square metres may be permitted provided that

- (i) the area will not be utilized as a habitable part of a dwelling,
- (ii) the porch is enclosed with walls and roof, and
- (iii) no portion of the construction shall 'protrude into the minimum established building line setback.

**10. Intensification**

Intensification projects shall be permitted on a discretionary basis where

- (a) the proposed development includes no more than 3 single lots or 2 double lots in connection, and
- (b) the setback requirements of the zone are maintained.

**11. Discretionary Use Classes**

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

**USE ZONE TABLE**

**138. TOWNSITE COMMERCIAL**

**PERMITTED USE CLASSES** (See Regulation 127)

Theatre, cultural and civic, general assembly, place of worship, club and lodge, child care, apartment building, commercial residential, office, medical and professional, personal service, general service, communications, shop\*\*, indoor market, conservation, convenience store. \*\* (See condition no. 15)

**DISCRETIONARY USE CLASSES** (See Regulations 26 and 128)

Educational, collective residential, indoor market, outdoor market, catering\*, recreational open space, antenna, boarding house residential, single, double and row dwelling.  
\* (See condition no. 11)

**CONDITIONS**

**1. Development Standards**

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

- |       |  |              |
|-------|--|--------------|
| (i)   | Minimum Building Line Setback  | 0 metres     |
| (ii)  | Maximum Building Line Setback  | 4 metres     |
| (ii)  | Minimum Side yard width, except where<br>buildings are built with adjoining party walls. | 2 & 5 metres |
| (iii) | Minimum Rear yard Dept   | 10 metres    |
| (iv)  | Maximum Height   | 16 metres    |

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in

this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.
- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area. *(22 June 2017)*

**3. Advertisement Relating to Offsite Uses /Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite



advertisements.

*(22 June 2017)*

#### **4. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

#### **5. Apartments Attached to Shops or Businesses**

Where apartments are attached to shops or other businesses, they are required to meet the Residential High Density (RHD) Zone requirements for apartment buildings for floor area and overall residential densities. A portion of the structure or site, equivalent to thirty (30) percent of the floor area of the dwelling units shall be developed as Amenity Areas which are properly designed indoor and/or outdoor spaces for the use of the tenants and includes balconies, roof terraces, recreation rooms and playgrounds. This Amenity Area shall be calculated or included as part of

the lot area, so that the lot area required in these regulations shall include the Amenity Area.

**6. Boarding House Residential**

- (a) Each boarding house/lodging house and Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each room that is available to be rented to a boarder or as a Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

**7. Overhanging Advertisements and Canopies on City Right-of-Ways**

- (a) Permission to erect overhanging advertisements or canopies on street reservations shall be subject to a license agreement between the City and the owner or tenant of the property or "lessee."
- (b)
  - (i) An overhanging advertisement shall not exceed 2.7 square metres in area and shall not project more than 1 metre from the building facia including attachments.
  - (ii) Overhanging advertisements shall be restricted to the onsite use.
  - (iii) A canopy shall not project more than 1.2 metres from the building facia including attachments.
- (c) The general appearance of an advertisement or canopy shall be assessed considering the amenity of the surroundings, availability of utilities, public safety and convenience. It must also be aesthetically pleasing.
- (d) Overhanging advertisements or canopies containing advertisements shall

form part of the maximum allowable advertisement for the site (reference 2 (ii) relating to advertisement of Onsite Uses).

- (e) The Authority may conditionally approve or refuse any overhanging advertisement or canopy on street reservations.
- (f) For the purpose of this zone, overhanging advertisements shall be permitted over street reservations.

#### **8. Front Setback and Rear Yard**

When infilling (new development) or redeveloping (replacing the previous development on the site) in the Townsite Commercial zone, the Authority reserves the discretion to decrease the front setback, side yard and rear yard standards where the Authority is satisfied that the location of the building on the site can be constructed to be consistent with surrounding development and where public safety and amenity are maintained. Parking will be as specified by the Authority.

#### **9. Side yard**

When infilling,(new development), redeveloping (replacing the previous development) on the site, or extending or repairing an existing development in the Townsite Commercial zone, the Authority reserves the discretion to decrease the side yard standard to the side property boundary where the Authority is satisfied that the location of the building on the site can be constructed to be consistent with surrounding development and where public safety and amenity are not compromised. Other relevant factors will also be taken into consideration including, but not limited to, the condition, function and aesthetic or design of any adjacent development. Any wall constructed on the side boundary shall be constructed as a party wall.

#### **10. Apartment Buildings**

Apartment buildings in the Townsite Commercial zone shall meet the Residential High Density development standards for any required standard(s) not specified in

the Use Zone Table. Parking shall be as specified in Schedule D, unless otherwise specified by the Authority.

**11. Catering**

Only restaurants of this use classification shall be permitted as a discretionary use in this zone.

**12. Intensification****(a) Parking**

- (i) Surface or above-grade parking areas should be located at the rear of buildings where possible and parking between a public street and the building line will only be permitted when parking at the rear cannot be accommodated. Existing parking areas between a public street and the Building Line are permitted to continue.

- (b) Notwithstanding the general regulations of this zone, the following conditions shall apply to developments within this zone:

- (i) Drive-thru uses will not be permitted. Existing drive-thru uses are permitted to continue as non conforming uses.
- (ii) Maximum building height: 16 metres (5 storeys).
- (iii) Minimum building height: 6.5 metres (two-storeys).
- (iv) Residential uses will not be permitted on the ground floor.
- (v) A minimum of 60% of the building frontage onto the street must be glazed.

**13. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, in Part II of these Development Regulations.

**14. Discretionary Use Classes**

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

**15. Shop***(03 August 2018)*

In this zone, the shop classification of use specifically excludes a Licensed Cannabis Retail use.

## **USE ZONE TABLE**

### **139. DOWNTOWN RESIDENTIAL**

#### **PERMITTED USE CLASSES** - (see Regulation 127)

Single dwelling, double dwelling, boarding house residential, row dwelling, recreational open space, conservation, apartment building\*.

\*(See condition no. 12)

#### **DISCRETIONARY USE CLASSES** (See Regulations 26 and 128)

Cultural and civic, general assembly, place of worship, club and lodge, catering\*, child care, office, medical and professional, personal service, general service, take-out food service, convenience store, home based occupation\*\*.

\*(See condition no. 7), \*\*(See condition no. 10)

## **CONDITIONS**

### **1. Development Standards**

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

- |       |   |                |
|-------|---|----------------|
| (i)   | Minimum Building Line Setback                                   | 4 metres       |
| (ii)  | Minimum Side Yard width (unless constructed with a party wall)* | 1.2 & 3 metres |
| (iii) | Minimum Rear Yard Depth   | 8 metres       |
| (iv)  | Maximum Height  | 12 metres      |

\*Party walls shall only be permitted with the approval of both property owners and in conformance with the National Building Code of Canada and any other applicable Code or Standard. \*\*See Condition

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.
- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

*(22 June 2017)*

**3. Advertisement Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and

the preservation of the amenities of the surrounding area.

- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

#### **4. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

#### **5. Apartments attached to Businesses**

Where apartments are attached to businesses, they are required to meet the Residential High Density (RHD) Zone requirements for apartment buildings for floor



area and overall residential densities. A portion of the structure or site, equivalent to thirty (30) percent of the floor area of the dwelling units shall be developed as amenity areas which are properly designed indoor and/or outdoor spaces for the use of the tenants and includes balconies, roof terraces, recreation rooms and playgrounds. This amenity area shall be calculated or included as part of the lot area, so that the lot area required in these regulations shall include the Amenity Area.

**6. Boarding House Residential**

- (a) Each boarding house/lodging shall and Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each room that is available to be rented to a boarder or as a Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

**7. Catering**

Only restaurants of this use classification shall be permitted as a discretionary use in this zone.

**8. Convenience Stores**

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

- (a) The store shall form part of, or be attached to a dwelling unit.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Advertisement to the building shall not exceed three square metres in area.

- (d) A minimum of 2 off-street parking spaces is required for the use of customers or as is set out in Schedule D, whichever is the greater. This requirement is in addition to the parking requirements for the dwelling.
- (e) A maximum of 25 percent of the habitable floor area of the dwelling up to a maximum floor area of 45 sq. metres may be used as a convenience store. The minimum required floor area of the dwelling must continue to be met.

**9. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 62, Accessory Residential Buildings, in Part II of these Development Regulations.

**10. Home Occupations/Home Office**

Home based occupations include the following: home office, personal service, medical and professional service, family child care. A home based occupation or home office may be permitted at the discretion of council, subject to the following conditions:

- (a) The use is clearly a subsidiary use to the single dwelling, double dwelling, row dwelling use classes and does not detract from the residential character of the neighbourhood.
- (b) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the permitted use and that no repairs to vehicles or heavy equipment are carried out.
- (c) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (d) Activities associated with the use shall be carried out inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.

- (e) Not more than twenty-five percent of the floor area of the dwelling unit up to a maximum of forty-five square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirements.
- (f) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident on site.
- (g) Office uses shall be limited to small business services and professional offices.
- (h) Personal Service uses for the purpose of this condition shall include small scale production of baked goods, handmade articles such as clothing and arts and crafts and small business services.
- (i) There is no outside storage of goods or materials on the lot.
- (j) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (l) One building only, separate from the dwelling unit, may be used in connection with a Personal Service use and shall conform to the Accessory Building condition for this use zone.
- (m) No sign will be permitted other than a name plate not exceeding 0.2<sup>2</sup> m in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority which may require fencing, screening or separation to protect

the amenity of adjacent uses.

- (o) Parking requirements are as set out in Schedule D, however a minimum of one space is required for a home occupation. The minimum required parking for the dwelling unit must continue to be met.
- (p) No change in type, class or extent of the use shall be permitted except in accordance with a development permit issued by the Authority.
- (q) Family child care occupations shall be limited to a maximum of six children and shall conform to the guidelines and standards as set out by the province of Newfoundland and Labrador's Health and Community Services Department.
- (r) A maximum of fifty percent (50%) of the total floor area may be utilized for family child care.

#### **11. Floor Area**

Single, double and row dwellings shall meet the Residential High Density development standards for floor area.

#### **12. Apartment Buildings**

Apartment buildings in the Downtown Residential Zone shall meet the Residential High Density development standards for any required standard(s), with the exception of the side yard requirement, which shall be no less than five (5) meters each side, not specified in the Use Zone Table.

#### **13. Porches and Verandahs in Front of Building Line of Dwelling Unit**

- (a) A porch, with a maximum floor area of 3 square metres, may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the

property, provided the area will not be utilized as a habitable part of a dwelling.

- (b) A porch must be enclosed with walls and a roof.
- (c) A verandah may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property.
- (d) A verandah may not be enclosed with walls and/or windows; however, a mesh screen material may be attached to the exterior sides of the verandah.
- (e) No part of the verandah may be used as a habitable room.
- (f) A verandah may extend across the entire front facade of the main dwelling, subject to the conditions listed.
- (g) A combination of porch and verandah may be permitted, subject to (a) and (c) above, provided that the area of the porch section of the structure does not exceed a maximum of 3 square metres.
- (h) The closest point of any part of a porch or verandah shall be a minimum of 5 metres from the front property boundary.

**14. Deck in Front of Building Line of Single or Double Dwelling**

A deck may be permitted to project in front of the building line of a single or double dwelling subject to the following conditions:

- (a) A deck shall be no closer than 4 metres to the street line and the maximum distance a deck may project in front of the building line shall be 3.6 metres.
- (b) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling or such lower level as the Authority may consider

appropriate.

- (c) The maximum height of any part of the deck shall be 1.2 metres above the deck's floor level, with the exception of part of the structure necessary to support a second storey deck, above the main floor deck.
- (d) The maximum width of a deck shall be 3.6 metres.
- (e) The Authority may require the area beneath the floor of the deck to be enclosed in order to maintain a neat and tidy appearance.
- (f) A deck shall not be used for storage purposes.
- (g) The Authority may require all decks permitted under this condition, or all decks on a particular street or in a neighbourhood to be constructed with specified materials and be of a specific colour or finish in order to maintain amenity.
- (h) The closest point of any deck shall be a minimum of 1.2 metres from the side property boundary, with the exception of a deck that is necessary to provide access to a door exiting into the side yard.

#### **15. Rear Yard**

At the discretion of the Authority:

- (a) The rear yard depth may be measured from the closest point of that portion of the rear wall of the main building which forms a minimum of 66% of the length of the elevation of the rear wall.
- (b) An extension from the rear wall of the main building on the lot comprising no greater than 34% of the length of the rear wall elevation and extending no greater than 2 metres into the rear yard area may be permitted.

- (c) The rear yard distance for apartment buildings shall be measured from the closest point of the rear wall of the main building which forms a minimum of 85% of the rear wall.

**16. Discretionary Use Classes**

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

## USE ZONE TABLES

### **140. DOWNTOWN COMMERCIAL**

**PERMITTED USE CLASSES** (See Regulation 127)

Theatre, cultural and civic, general assembly, place of worship, passenger assembly, club and lodge, catering, funeral home, child care, commercial residential, office, medical and professional, personal service, general service, communications, police station, taxi stand, take-out food service, veterinary, shopping centre, shop, indoor market, conservation, convenience store.

**DISCRETIONARY USE CLASSES** (See Regulations 26 and 128)

Educational, amusement, indoor assembly, apartment building\*, collective residential, outdoor market, service station, recreational open space, antenna, boarding house residential, single, double and row dwelling, medical treatment and special care\*\*, animal\*\*\*

\*(See condition no. 10) \*\*(See condition no. 14) \*\*\* (See condition no. 15)

## CONDITIONS

### **1. Development Standards**

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

- |       |   |              |
|-------|---|--------------|
| (i)   | Minimum Building Line Setback   | 0 metres     |
| (ii)  | Maximum Building Line Setback   | 4 metres     |
| (iii) | Minimum Side yard width (except where buildings<br>are constructed with a party wall) | 2 & 5 metres |
| (iv)  | Minimum Rear yard   | 10 metres    |
| (v)   | Maximum Height  | 24 metres    |



**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.
- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

*(22 June 2017)*

**3. Advertisement Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and

the preservation of the amenities of the surrounding area.

- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

#### **4. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

#### **5. Apartments Attached to Shops or Businesses**

Where apartments are attached to shops or other businesses, they are required to meet the Residential High Density (RHD) Zone requirements for apartment buildings for floor area and overall residential densities. A portion of the structure or site, equivalent to thirty (30) percent of the floor area of the dwelling units shall be

developed as Amenity Areas which are properly designed indoor and/or outdoor spaces for the use of the tenants and includes balconies, roof terraces, recreation rooms and playgrounds. This Amenity Area shall be calculated or included as part of the lot area, so that the lot area required in these regulations shall include the Amenity Area.

**6. Boarding House Residential**

- (a) Each boarding house/lodging house or Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each room that is available to be rented to a boarder or as a Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

**7. Overhanging Advertisements and Canopies on City Right-of-Ways**

- (a) Permission to erect overhanging advertisements or canopies on street reservations shall be subject to a license agreement between the City and the owner or tenant of the property or "lessee."
- (b)
  - (i) An overhanging advertisement shall not exceed 2.7 square metres in area and shall not project more than 1 metre from the building fascia including attachments.
  - (ii) Overhanging advertisements shall be restricted to the onsite use.
  - (iii) A canopy shall not project more than 1.2 metres from the building fascia including attachments.
- (c) The general appearance of an advertisement or canopy shall be assessed considering the amenity of the surroundings, availability of utilities, public

safety and convenience. It must also be aesthetically pleasing.

- (d) Overhanging advertisements or canopies containing advertisements shall form part of the maximum allowable advertisement for the site (reference 2 (ii) relating to advertisement of Onsite Uses).
- (e) The Authority may conditionally approve or refuse any overhanging advertisement or canopy on street reservations.
- (f) For the purpose of this zone, overhanging advertisements shall be permitted over street reservations.

## **8. Front Setback and Rear Yard**

When infilling (new development) or redeveloping (replacing the previous development on the site) in the Downtown, the Authority reserves the discretion to decrease the front setback and rear yard standards where the Authority is satisfied that the location of the building on the site can be constructed to be consistent with surrounding development and where public safety and amenity are maintained. Parking will be as specified by the Authority.

## **9. Side yard**

When infilling, (new development), redeveloping (replacing the previous development) on the site, or extending or repairing an existing development in the Downtown Commercial, the Authority reserves the discretion to decrease the side yard standard to the side property boundary where the Authority is satisfied that the location of the building on the site can be constructed to be consistent with surrounding development and where public safety and amenity are not compromised. Other relevant factors will also be taken into consideration including, but not limited to, the condition, function and aesthetic or design of any adjacent development.

**10. Apartment Buildings**

Apartment buildings in the Downtown Commercial zone shall meet the Residential High Density development standards for any required standard(s) not specified in the Use Zone Table. Parking shall be as specified in Schedule D, unless otherwise specified by the Authority.

**11. Intensification****(a) Parking**

- (i) Surface or above-grade parking areas will not be permitted between a public street and the Building Line. Existing parking areas between a public street and the Building Line are permitted to continue as non-conforming uses.

**(b) Commercial Ground Floor Height**

- (i) For all non-residential uses, the ground floor height (floor-to-ceiling) must be at least 3.8 metres.

**(c) Regulations for buildings fronting Main Street, Herald Avenue, Broadway and West Street ('the Shopping Streets') notwithstanding the general regulations of this zone, the following conditions apply to buildings fronting Main Street, Herald Avenue, Broadway and West Street:**

- (i) Drive-thru uses will not be permitted. Existing drive-thru uses are permitted to continue as non-conforming uses.
- (ii) Maximum Building Height: 16 metres (5 storeys).
- (iii) Where Building Height exceeds 10 metres, the building must be set back an additional 1.5 metres from the ground floor façade.

- (iv) Minimum building height: 6.5 metres or two-storeys.
- (v) Notwithstanding condition 14(b) above, buildings located on the west side of West Street may not exceed 10 metres (3 storeys) to protect views to Three Bear Mountain.
- (vi) Residential uses will not be permitted on the ground floor.
- (vii) A minimum of 60% of the building frontage onto the street must be glazed

**12. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, in Part II of these Development Regulations.

**13. Discretionary Use Classes**

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

**14. Medical Treatment and Special Care**

*(03 August 2018)*

The medical treatment and special care classification of use, limited to children's homes, convalescent homes, homes for the aged, orphanages, infirmaries, sanatoria and medical treatment centres, may be permitted at the discretion of the Authority where they may be considered as a public use, providing a service to the community and regional area.

**15. Animal**

*(17 August 2018)*

Animal use in the Downtown Commercial zone pertains only to the exclusive indoor kenneling of non-canine household pets.

**USE ZONE TABLE**

**141. DOWNTOWN SMITHVILLE**

**PERMITTED USE CLASSES** (See Regulation 127)

Theatre, cultural and civic, general assembly, place of worship, passenger assembly, club and lodge, catering, shop, child care, commercial residential\*\*, office, medical and professional, personal service, general service, communications, police station, indoor market, outdoor market, conservation, apartment building\*\*

\*\* (See condition no. 7)

**DISCRETIONARY USE CLASSES** (See Regulations 26 and 128)

Educational, amusement, indoor assembly, collective residential\*\*, recreational open space, take-out food service, convenience store, animal\*\*\*, limited manufacturing\*\*\*\*

\*\* (See condition no. 7) \*\*\* (See condition no.12) \*\*\*\* (See condition no. 13)

**CONDITIONS**

*(17 August 2018)*

**1. Development Standards**

- |     |   |                         |
|-----|---|-------------------------|
| (a) | Minimum Building Height   | 6.5 metres or 2-storeys |
| (b) | Maximum Height  | 24 metres               |
| (c) | Minimum Building Line Setback   | 0 metres                |
| (d) | All other development standards to be determined through a Comprehensive Development Plan |                         |

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and



convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.

- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

*(22 June 2017)*

### **3. Advertisement Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

**4. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

**5. Non-Conforming Uses**

Regulation 82 and/or Regulation 83 apply to legal use of buildings or land as non-conforming uses in this zone.

**6. Developments and Improvements**

- (a) Existing uses within this zone may continue.

- (b) No major developments or improvements shall take place in this zone until a Comprehensive Development Plan has been adopted by the Authority for the entire area or a portion thereof, as the Authority deems necessary.
- (c) Some limited uses may be permitted subject to satisfactory servicing, road access and fire protection, provided that the uses will not inhibit or prejudice the remaining land from comprehensive development.
- (d) Costs associated with preparation of a Comprehensive Development Plan shall be the responsibility of the Applicant.
- (e) A Comprehensive Development Plan shall include land use, road layout, water, sewer and storm water services, parking, site access, service access, pedestrian movement and public access to the water's edge, landscaping, built form, locations of public spaces and development standards.
- (f) A Comprehensive Development Plan for this area shall be supported by a Land Use Assessment Report, which shall include, but is not limited to, assessment and mitigation of flood risk and assessment and mitigation of potential hazardous materials on the site or within the soil. The Comprehensive Development Plan and Land Use Assessment Report may be combined.

**7. Residential Uses Restrictions**

Residential uses shall not be permitted at or below the ground level of any building in this zone. Apartment buildings that are not developed as part of a mixed-use commercial development must utilize the ground floor for non-habitable activities or parking. The ground floor of commercial residential or collective residential uses shall not be utilized as habitable rooms.

**8. Parking**

Above-grade or surface parking shall not be permitted between a public street or public open space and the Building Line.

**9. Drive-Thru Uses**

Drive-thru facilities will not be permitted in the Downtown Smithville zone.

**10. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, in Part II of these Development Regulations.

**11. Discretionary Use Classes**

*(15 May 2015)*

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

**12. Animal**

*(17 August 2018)*

Animal Use in the Downtown Smithville zone pertains only to the exclusive indoor kennelling of non-canine house pets.

**13. Limited Manufacturing Use**

*(29 August 2025)*

A Limited Manufacturing Use in this zone shall not exceed 250 square metres in gross floor area.

**USE ZONE TABLE**

**142. GENERAL COMMERCIAL**

**PERMITTED USE CLASSES** - (see Regulation 127)

Theatre, cultural and civic, passenger assembly, catering, funeral home, child care, office, medical and professional, personal service, general service, communications, police station, taxi stand, veterinary, shop\*\*, indoor market, service station, apartments - (attached to shops or other business), take-out food service and convenience store.

\*\* (See condition no. 9)

**DISCRETIONARY USE CLASSES** - (see Regulations 26 and 128)

General assembly, educational, place of worship, amusement, collective residential, commercial residential, apartment building\*, outdoor market, recreational open space, antenna, club and lodge,

\* (See condition no. 6)

**CONDITIONS**

**1. Development Standards**

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

- |       |  |              |
|-------|--|--------------|
| (i)   | Minimum Building Line Setback  | 4 metres     |
| (ii)  | Minimum Side yard Width, except where buildings are built with adjoining party walls | 2 & 5 metres |
| (iii) | Minimum Rear yard Depth  | 10 metres    |
| (iv)  | Maximum Height   | 15 metres    |

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.
- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area. *(22 June 2017)*

### **3. Advertisement Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

**4. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

**5. Apartments Attached to Shops or Other Business**

Apartments attached to shops or other business are required to meet the Residential High Density (RHD) Zone requirements for apartment buildings for floor area and overall residential densities. A portion of the structure or site, equivalent to thirty (30) percent of the floor area of the dwelling units shall be developed as Amenity Areas which are properly designed indoor and/or outdoor spaces for the use of the tenants and includes balconies, roof terraces, recreation rooms and playgrounds. This Amenity Area shall be calculated or included as part of the lot area, so that the lot area required in these regulations may include the Amenity Area.

**6. Apartment Building**

Apartment Buildings in this zone shall be required to meet the Residential High Density standards for all other setbacks not specified in this use zone table. Parking shall be as required for apartment buildings in Schedule D.

**7. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, in Part II of these Development Regulations.

**8. Discretionary Use Classes**

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

**9. Shop**

*(03 August 2018)*

In this zone, the shop classification of use specifically excludes a Licensed Cannabis Retail use.



**USE ZONE TABLE****143. RESIDENTIAL/COMMERCIAL MIX****PERMITTED USE CLASSES** - (See Regulation 127)

Child care, office, medical and professional, personal service, general service, taxi stand, shop\*\*, apartment building, take-out food service, convenience store, single dwelling\* double dwelling\*.

\*(See condition no. 12)    \*\*(See condition no.17)

**DISCRETIONARY USE CLASSES** - (See Regulations 26 and 128)

Veterinary, educational, amusement, commercial residential, boarding house residential, communications, antenna, club and lodge, row dwelling, home based occupation\*, catering\*\*, service station\*\*\*.

\*(See condition no.6)    \*\*(See condition no. 10)    \*\*\* (See condition no. 13)

**CONDITIONS****1. Development Standards**

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

(i)	Minimum Building Line Setback	6 metres
(ii)	Minimum Sideyard Width	2 & 3 metres
(iii)	Minimum Rearyard Depth	10 metres
(iv)	Maximum Height	8 metres

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

(a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and

convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.

- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

*(22 June 2017)*

### **3. Advertisement Relating to Offsite Uses/ Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

### **4. Temporary Advertisement for Commercial Uses Only**

Temporary advertisements relating to commercial uses located in this Zone shall be

issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

**5. Apartments Attached to Shops or Other Businesses**

Apartments attached to shops or other businesses are required to meet the Residential High Density (RHD) Zone requirements for apartment buildings for floor area and overall residential densities. A portion of the structure or site, equivalent to thirty (30) percent of the floor area of the dwelling units shall be developed as Amenity Areas which are properly designed indoor and/or outdoor spaces for the use of the tenants and includes balconies, roof terraces, recreation rooms and playgrounds. This Amenity Area shall be calculated or included as part of the lot area, so that the lot area required in these regulations may include the Amenity Area.

**6. Home Occupations/Home Office**

Home based occupations include the following: home office, personal service, medical and professional service, family child care. A home based occupation or

home office may be permitted at the discretion of council, subject to the following conditions:

- (a) The use is clearly a subsidiary use to the single dwelling, double dwelling, row dwelling use classes and does not detract from the residential character of the neighbourhood.
- (b) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the permitted use and that no repairs to vehicles or heavy equipment are carried out.
- (c) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (d) Activities associated with the use shall be carried out inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.
- (e) Not more than twenty-five percent of the floor area of the dwelling unit up to a maximum of forty-five square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirements.
- (f) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident on site.
- (g) Office uses shall be limited to small business services and professional offices.
- (h) Personal Service uses for the purpose of this condition shall include small scale production of baked goods, handmade articles such as clothing and arts and crafts and small business services.
- (i) There is no outside storage of goods or materials on the lot.
- (j) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing

municipal road, water and sewer services.

- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (l) One building only, separate from the dwelling unit, may be used in connection with a Personal Service use and shall conform to the Accessory Building condition for this use zone.
- (m) No sign will be permitted other than a name plate not exceeding 0.2<sup>2</sup> m in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority which may require fencing, screening or separation to protect the amenity of adjacent uses.
- (o) Parking requirements are as set out in Schedule D, however a minimum of one space is required for a home occupation. The minimum required parking for the dwelling unit must continue to be met.
- (p) No change in type, class or extent of the use shall be permitted except in accordance with a development permit issued by the Authority.
- (q) Family child care occupations shall be limited to a maximum of six children and shall conform to the guidelines and standards as set out by the province of Newfoundland and Labrador's Health and Community Services Department.
- (r) A maximum of fifty percent (50%) of the total floor area may be utilized for family child care.

**7. Boarding House Residential**

- (a) Each boarding house/lodging house or Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each room that is available to be rented to a boarder or as a Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

**8. Porches and Verandahs in Front of Building Line of Dwelling Unit**

- (a) A porch, with a maximum floor area of 3 square metres, may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property, provided the area will not be utilized as a habitable part of a dwelling.
- (b) A porch must be enclosed with walls and a roof.
- (c) A verandah may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property.
- (d) A verandah may not be enclosed with walls and/or windows; however, a mesh screen material may be attached to the exterior sides of the verandah.
- (e) No part of the verandah may be used as a habitable room.
- (f) A verandah may extend across the entire front facade of the main dwelling, subject to the conditions listed.
- (g) A combination of porch and verandah may be permitted, subject to (a) and (c) above, provided that the area of the porch section of the structure does not exceed a maximum of 3 square metres.

- (h) The closest point of any part of a porch or verandah shall be a minimum of 5 metres from the front property boundary.

**9. Deck in Front of Building Line of Single or Double Dwelling**

A deck may be permitted to project in front of the building line of a single or double dwelling subject to the following conditions:

- (a) A deck shall be no closer than 4 metres to the street line and the maximum distance a deck may project in front of the building line shall be 3.6 metres.
- (b) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling or such lower level as the Authority may consider appropriate.
- (c) The maximum height of any part of the deck shall be 1.2 metres above the deck's floor level, with the exception of part of the structure necessary to support a second story deck, above the main floor deck.
- (d) The maximum width of a deck shall be 3.6 metres.
- (e) The Authority may require the area beneath the floor of the deck to be enclosed in order to maintain a neat and tidy appearance.
- (f) A deck shall not be used for storage purposes.
- (g) The Authority may require all decks permitted under this condition, or all decks on a particular street or in a neighbourhood to be constructed with specified materials and be of a specific colour or finish in order to maintain amenity.
- (h) The closest point of any deck shall be a minimum of 1.2 metres from the side property boundary, with the exception of a deck that is necessary to provide access to a door exiting into the side yard.

**10. Rear Yard**

At the discretion of the Authority:

- (a) The rear yard depth may be measured from the closest point of that portion of the rear wall of the main building which forms a minimum of 66% of the length of the elevation of the rear wall.
- (b) An extension from the rear wall of the main building on the lot comprising no greater than 34% of the length of the rear wall elevation and extending no greater than 2 metres into the rear yard area may be permitted.
- (c) The rear yard distance for apartment buildings shall be measured from the closest point of the rear wall of the main building which forms a minimum of 85% of the rear wall.

**11. Catering**

Only restaurants of this use classification shall be permitted as a discretionary use in this zone.

**12. Single and Double Dwelling**

In order to conform to the surrounding residential character and amenity in adjacent residential zones, when determining development standards for single and double dwellings, other than those listed in the use zone table, either the Residential Medium Density or Residential High Density development standards may be applied.

**13. Service station**

Service stations in this use zone shall be restricted to sites that are able to provide the required minimum buffer area for industrial uses in proximity to residential uses or zones, in accordance with Regulation 65.



**14. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of either Regulation 62 - Accessory Residential Buildings, or Regulation 61 - Accessory Commercial and Industrial Buildings, in Part II of these Development Regulations, depending on whether the accessory building is being developed on a residential or a commercial lot.

**15. Intensification**

The Authority reserves the right to reduce the front yard setback requirements for single and double dwellings to that of the Residential High Density standards subject to:

- (a) the proposed development includes no more than 3 single lots or 2 double lots in connection, and
- (b) the side yard width and rear yard depth requirements of the zone are maintained.
- (c) At the discretion of the Authority, the front setback distance may be increased where the new dwelling on the lot meets the minimum required frontage, side yard, and rear yard standards for an intensification development. If the setback is substantial due to an especially large or deep lot, adequate buffering in the form of fencing, vegetation or other screening, shall be provided by the developer of the intensification property in order to protect the aesthetics, amenity, privacy and function of the adjoining properties or neighbourhood.

**16. Discretionary Use Classes**

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

**17.    Shop**

*(03 August 2018)*

In this zone, the shop classification of use specifically excludes a Licensed Cannabis

Retail use

**USE ZONE TABLE****144. HIGHWAY AND TOURIST COMMERCIAL****PERMITTED USE CLASSES** - (see Regulation 127)

Passenger assembly, catering, commercial residential, police station, service station.

**DISCRETIONARY USE CLASSES** - (see Regulations 26 and 128)

Personal service, general service, taxi stand, take-out food service, convenience store, indoor market, outdoor market, recreational open space, antenna.

**CONDITIONS****1. Development Standards**

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

(i)	Minimum Building Line Setback	15 metres
(ii)	Minimum Side yard Width	2 & 5 metres
(iii)	Minimum Rear yard Depth	10 metres
(iv)	Maximum Height	10 metres

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

(a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.

- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Not withstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area. *(22 June 2017)*

### **3. Advertisement Relating to Offsite Uses/ Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

**4. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

**5. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, in Part II of these Development Regulations.

**6. Discretionary Use Classes**

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

**USE ZONE TABLE**

**145. SHOPPING CENTER**

<b>PERMITTED USE CLASSES</b> - (see Regulation 127)	
Shopping centre, shop*	*(See condition no.6)
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 26 and 128)	
Service station, antenna, taxi stand, catering	

**CONDITIONS**

**1. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) Building advertisement coverage shall not exceed eight (8) percent of the building facade area. (This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary sign).
- (c) Onsite advertisement would be at the discretion of the Authority, but is not to exceed ten (10) square metres in area. This ten (10) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area at

the discretion of the Authority, regardless of building facade area.

- (e) Not withstanding (b) and (c) and (d) above;

The Authority reserves the right to permit three (3) on-site advertisements to a maximum of 12 square metres each, where, in the opinion of the Authority, the size of the sign is appropriate to the use and size of the development and will not detract from the site or present a nuisance by its size and illumination, to the adjacent properties. The Authority reserves the right to give public notice when considering the advertisement.

*(22 June 2017)*

## **2. Advertisements Relating to Offsite Uses / Third Party Advertisement**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

## **3. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement

will be permitted per site).

- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

**4. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, Part II of these Development Regulations.

**5. Discretionary Use Classes**

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

**6. Shop**

*(03 August 2018)*

In this zone, the shop classification of use specifically excludes a Licensed Cannabis Retail use



**USE ZONE TABLE**

**146. LARGE SCALE COMMERCIAL**

<p>PERMITTED USE CLASSES - (see Regulation 127)</p> <p>Shopping Centre, shop</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 26 and 128)</p> <p>Service station, antenna, taxi stand, theatre, office, catering, commercial residential* general industry**</p> <p>*(See condition no. 4) ***(See condition no. 5)</p>

**CONDITIONS**

**1. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) Building advertisement coverage shall not exceed eight (8) percent of the building facade area. (This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary sign).
- (c) Onsite advertisement would be at the discretion of the Authority, but is not to exceed ten (10) square metres in area. This ten (10) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area at the discretion of the Authority, regardless of building facade area.

- (e) Notwithstanding (b) and (c) and (d) above;

The Authority reserves the right to permit three (3) on-site advertisements to a maximum of 12 square metres each, where, in the opinion of the Authority, the size of the sign is appropriate to the use and size of the development and will not detract from the site or present a nuisance by its size and illumination, to the adjacent properties. The Authority reserves the right to give public notice when considering the advertisement.

*(22 June 2017)*

## **2. Advertisements Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

## **3. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an

application will be considered for the same site. (Only one (1) advertisement will be permitted per site).

- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

#### **4. Commercial residential**

Commercial residential uses, limited to hotels and motels, may be permitted at the discretion of the Authority at suitable locations in the Large Scale Commercial zone provided that they are complementary to uses within the permitted use class or that their development will not inhibit or prejudice the existence of the development of such uses. Furthermore, commercial residential uses may only be considered at appropriate sites which have adequate water, sewer, and fire protection services necessary for the size and scale of the development and that meet with the satisfaction of the Authority. The use must be accessible by fire department and other emergency vehicles. All parking for commercial residential uses must be available within the lot on which the use is developed. Commercial residential uses may not be located adjacent to or near any industrial use, as determined by the Authority, if such adjacent or nearby use involves the bulk storage of hazardous materials which may be considered to pose a danger or nuisance to users of the commercial residential use. Adequate buffering and/or screening may be required between commercial residential uses and existing industrial uses and such buffering shall be installed and maintained as the developer's (of the commercial residential

lot) responsibility.

**5. General Industry**

Uses in this classification shall be restricted to vehicle dealerships with a maximum of 200 vehicles on-site, including cars and light passenger trucks and may include, as an accessory use, the sale and supply of other motorized vehicles, to be included in the total number of vehicles permitted on the lot, and may also include attached service bay areas or garages for the servicing and repair of vehicles.

*(27 February 2015)*

**6. Accessory Building**

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, Part II of these Development Regulations.

**7. Discretionary Use Classes**

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

**USE ZONE TABLE****147. WATERFRONT MIXED USE****PERMITTED USE CLASSES – (See Regulation no. 127)**

Theatre, cultural and civic, indoor assembly, outdoor assembly, place of worship, educational, passenger assembly, club and lodge, catering, child care, commercial residential, office, personal service, general service, police station, take-out food service, shop\*\*, indoor market, outdoor market, conservation, recreational open space, convenience store (accessory use only), light industry\*, general industry\*

\* (See condition no. 8)    \*\* (See condition no. 14)

**DISCRETIONARY USE CLASSES – (See Regulation no. 26 and 128)**

Medical and professional, communications, amusement, collective residential, apartment building\*

\*(See condition no. 7)

*(22 June 2017)*

**CONDITIONS****1. Development Standards**

- |     |  |           |
|-----|--|-----------|
| (a) | Maximum Height   | 20 metres |
| (b) | Minimum Building Line Setback  | 0 metres  |
| (c) | Minimum Building Setback from the water's edge*  | 10 metres |
| (d) | All other development standards to be determined through a Comprehensive Waterfront Development Plan |           |

\* as defined by the ordinary high water mark

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.
- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

*(22 June 2017)*

### **3. Advertisement Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

**4. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

*(22 June 2017)*

**5. Non-Conforming Uses**

Regulation 82 and/or Regulation 83 apply to legal use of buildings or land as non-conforming uses in this zone.

**6. Developments and Improvements**

- (a) No major developments or improvements shall take place in this zone until a Comprehensive Development Plan has been adopted by the Authority for the

entire area or a portion thereof of the Waterfront Mixed Use Zone, as the Authority deems necessary.

- (b) Some limited uses may be permitted subject to satisfactory servicing, road access and fire protection, provided that the uses will not inhibit or prejudice the remaining land from comprehensive development. No development shall be permitted in the Curling Waterfront Mixed Use Zone area prior to approval of a Comprehensive Development Plan by the Authority.
- (c) Costs associated with preparation of a Comprehensive Development Plan shall be the responsibility of the applicant and /or the developer.
- (d) Notwithstanding, conditions 2 (a), (b), and (c) above, development proposals for light-industrial or commercial uses in the defined as The Port Waterfront Mixed Use Zone may be approved prior to the preparation and approval of the Comprehensive Development Plan, provided that they are in keeping with the vision, goals and policies of this Plan.
- (e) A Comprehensive Development Plan for the Waterfront Mixed Use Zone shall include land use, road layout, water, sewer and stormwater services, fire protection parking, site access, service access, pedestrian movement and public access to the water's edge, landscaping, built form, locations of public spaces and development standards.

*(22 June 2017)*

**7. Residential Uses in The Port**

Residential uses shall not be permitted in The Port Waterfront Mixed-Use area.

**8. Industrial Uses**

It is preferred that industrial uses permitted under this standard are marine related in order to best utilize the unique attributes of waterfront locations.

**9. Public Access**

All Comprehensive Development Plans shall provide for continuous public access to the water's edge, except where there is a significant risk to public safety or where



public access would inhibit the commercial function of The Port.

**10. Public Open Space**

The City of Corner Brook shall require dedication of a minimum of public open space as part of any Comprehensive waterfront Development Plan. Dedication of the public open space will be required prior to issuance of a building permit of any significant development in the area.

**11. Parking**

Above-grade or surface parking shall not be permitted between a public street or public open space and the Building Line.

**12. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 60, Accessory Buildings - General, in Part II of these Development Regulations.

**13. Discretionary Use Classes**

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

**14. Shop**

*(03 August 2018)*

In this zone, the shop classification of use specifically excludes a Licensed Cannabis Retail use

**USE ZONE TABLE**

**148. GENERAL INDUSTRIAL**

<p><b>PERMITTED USE CLASSES</b> (see Regulation 127)</p> <p>General industry, service station, light industry, taxi stand, passenger assembly and animal.</p>
<p><b>DISCRETIONARY USE CLASSES</b> (see Regulations 26 and 128)</p> <p>Outdoor assembly, Transportation, catering, child care, all use classes in the business and personal service uses group, shop****, recreational open space, antenna, convenience store, hazardous industry*, commercial residential**, amusement, general assembly***.</p> <p>*(See condition no. 6) ** (See condition no. 8) *** (See condition no. 9)</p> <p>****(See condition no.12)</p>

**CONDITIONS**

*(03 August 2018)*

**1. Development Standards**

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

(i)	Minimum Building Line Setback	10 metres
(ii)	Minimum Side yard Width	2 and 5 metres
(iii)	Minimum Rear yard Depth	15 metres
(iv)	Maximum Height	15 metres

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

(a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and

convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.

- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed ten (10) square metres in area. This ten (10) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above; advertisement on any lot may be permitted up to 3 square metres in area regardless of the building facade area.
- (e) Notwithstanding (b) and (c) and (d) above;

The Authority reserves the right to permit an on-site advertisement to a maximum of 12 square metres, where, in the opinion of the Authority, the size of the sign is appropriate to the use and size of the development and will not detract from the site or present a nuisance, by its size illumination, to the adjacent properties. The Authority reserves the right to give public notice when considering the advertisement.

*(22 June 2017)*

### **3. Advertisement Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

#### **4. Temporary Advertisements**

Temporary advertisements located in this Zone shall be issued under the following conditions:

- (a) The advertisement is not to exceed three (3) months in operation, and is to be removed for a minimum of six (6) months before the advertisement can be relocated on the same site. (Only one (1) advertisement is to be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement is to be located within the property boundary, and each application would be assessed on its own merits based on its specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection, and is to be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

#### **5. Services**

Industrial development 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.

#### **6. Hazardous Industry**

The uses permitted in this class are limited to the bulk storage of flammable and

hazardous liquids and substances and the total volume of storage on each lot shall not exceed 341,000 litres or 90,000 USWG.

- (a) The siting of such hazardous industrial uses shall take place in such a manner that the site conditions meet all municipal, provincial, and federal regulations with regard to site boundary distances and adequate separations from other industrial uses.
- (b) Separation distances shall be appropriate to maintain public safety, fire safety and landslope separation for the protection of the amenity of surrounding uses.
- (c) The use does not abut or is sufficiently far removed from a residential neighbourhood, public assembly use, community service use or a street where an alternative route is not available.
- (d) The use may only be located where an adequate municipal water supply is available or where an alternative adequate water volume and water pressure can be obtained according to all regulating agencies.
- (e) The authority may also impose other conditions as deemed necessary from an environmental, occupational health and safety, fire and life safety and aesthetic point-of-view.

**7. Landscaping, Screening and Outdoor Storage**

- (a) Where land designated industrial or any industrial development abuts or is close to an existing or proposed residential land use or recreational/public land use, then the owner or developer of the industrial site shall provide a strip not less than 10 metres wide between any industrial activity or any new industrial building and such residential, recreational or public use area. The buffer shall include the provision of such natural or structural barrier as may be required and shall be maintained by the owner or occupier to the satisfaction of the Authority.

- (b) Where vegetation of sufficient width and density to constitute a satisfactory visual screen does not exist, dies, or is removed from the 10-metre buffer strip, the Authority may require conditions (a) and (b) to be undertaken to the satisfaction of the Authority”
  - (i) Berms shall be constructed to a height sufficient to prevent or minimize visibility of the use from adjacent residential, recreational or public uses.
  - (ii) Plantings shall contain tree and shrub species with a minimum 50% coniferous species mix and be of a suitable size/height to function as a visual screen when installed or replaced.
- (c) The outdoor storage of goods, materials or equipment shall be conducted as neatly and orderly as possible giving consideration to the overall site appearance and visual or other impact upon adjoining industrial uses or nearby residential or other areas. Consideration will also be given as to the storage of materials and equipment with regard to the safety of authorized personnel and general public where applicable. Outdoor storage is prohibited in the building line setback.
- (d) Driveway and parking areas shall be paved or constructed with an alternative hard surface material in order to maintain the functional and visual quality of the parking area. Gravel or other loose material shall not be permitted for use in driveways or parking areas.

## **8. Commercial Residential**

Commercial residential uses, limited to hotels and motels, may be permitted at the discretion of the Authority at suitable locations in the General Industrial zone provided that they are complementary to uses within the permitted use class or that their development will not inhibit or prejudice the existence of the development of such uses. Furthermore, commercial residential uses may only be considered at appropriate sites which have adequate water, sewer, and fire protection services

necessary for the size and scale of the development and that meet with the satisfaction of the Authority. The use must be accessible by fire department and other emergency vehicles. All parking for commercial residential uses must be available within the lot on which the use is developed. Commercial residential uses may not be located adjacent to or near any industrial use, as determined by the Authority, if such adjacent or nearby use involves the bulk storage of hazardous materials which may be considered to pose a danger or nuisance to users of the commercial residential use. Adequate buffering and/or screening may be required between commercial residential uses and existing industrial uses and such buffering shall be installed and maintained as the developer's (of the commercial residential lot) responsibility.

**9. General Assembly**

Uses in this classification shall be limited to gymnasias, bowling alleys and other similar indoor recreational/fitness facilities.

*(13 May 2016)*

**10. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, in Part II of these Development Regulations.

**11. Discretionary Use Classes**

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

**12. Shop**

*(03 August 2018)*

In this zone, the shop classification of use specifically excludes a Licensed Cannabis Retail use

**USE ZONE TABLE**

**149. LIGHT INDUSTRIAL**

**PERMITTED USE CLASSES** - (see Regulation 127)

Light industry, service station, animal, amusement, catering, taxi stand, general service, general industry\*

\*(See condition no. 7)

**DISCRETIONARY USE CLASSES** - (see Regulations 26 and 128)

Transportation, passenger assembly, child care, all use classes in the business and personal service uses group, shop\*\*\*, recreational open space, convenience store, funeral home, antenna, hazardous industry\*, general assembly\*\*.

\*(See condition no. 6) \*\*(See condition no. 9) \*\*\* (See condition no.12)

**CONDITIONS**

*(13 May 2016)*

**1. Development Standards**

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

- |       |                               |                |
|-------|-------------------------------|----------------|
| (i)   | Minimum Building Line Setback | 8 metres       |
| (ii)  | Minimum Side yard Width       | 2 and 5 metres |
| (iii) | Minimum Rear yard Depth       | 12 metres      |
| (iv)  | Maximum Height                | 15 metres      |

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and



convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.

- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed seven (7) square metres in area. This seven (7) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

- (e) Notwithstanding (b) and (c) and (d) above;

The Authority reserves the right to permit an on-site advertisement to a maximum of 12 square metres, where, in the opinion of the Authority, the size of the sign is appropriate to the use and size of the development and will not detract from the site or present a nuisance, by its size illumination, to the adjacent properties. The Authority reserves the right to give public notice when considering the advertisement.

*(22 June 2017)*

### **3. Advertisement Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of

streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

#### **4. Temporary Advertisements**

Temporary advertisements located in this Zone shall be issued under the following conditions:

- (a) The advertisement is not to exceed three (3) months in operation, and is to be removed for a minimum of six (6) months before the advertisement can be relocated on the same site. (Only one (1) advertisement is to be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement is to be located within the property boundary, and each application would be assessed on its own merits based on its specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection, and is to be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

#### **5. Services**

Industrial development 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.

**6. Hazardous Industry**

The uses permitted in this class are limited to the bulk storage of flammable and hazardous liquids and substances and the total volume of storage on each lot shall be determined by the Authority, in consultation with ServiceNL.

- (a) The siting of such hazardous industrial uses shall take place in such a manner that the site conditions meet all municipal, provincial, and federal regulations with regard to site boundary distances and adequate separations from other industrial uses.
- (b) Separation distances shall be appropriate to maintain public safety, fire safety and landscape separation for the protection of the amenity of surrounding uses.
- (c) The use does not abut or is sufficiently far removed from a residential neighbourhood, public assembly use, community service use or a street where an alternative route is not available.
- (d) The use may only be located where an adequate municipal water supply is available or where an alternative adequate water volume and water pressure can be obtained according to all regulating agencies.
- (e) The authority may also impose other conditions as deemed necessary from an environmental, occupational health and safety, fire and life safety and aesthetic point-of-view.

**7. General Industry Class**

Only general garages of the general industry class shall be permitted in this zone.

**8. Screening and Outdoor Storage**

Where land designated industrial abuts or is close to a residential land use, then the owner of such industrial site shall provide an adequate buffer strip between any new industrial building or exterior industrial activity and such residential area. The buffer shall include the provision of such natural or structural barrier as may be required and shall be maintained by the owner or occupier to the satisfaction of the Council.

The outdoor storage of goods, materials or equipment shall be conducted as neatly and orderly as possible giving consideration to the overall site appearance and visual or other impact upon adjoining industrial uses or nearby residential or other areas. Consideration will also be given as to the storage of materials and equipment with regard to the safety of authorized personnel and general public where applicable. Outdoor storage is prohibited in the building line setback.

**9. General Assembly***(13 May 2016)*

Uses in this classification shall be limited to gymnasias, bowling alleys and other similar indoor recreational/fitness facilities.

**10. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, in Part II of these Development Regulations.

**11. Discretionary Use Classes**

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

**12. Shop***(03 August 2018)*

In this zone, the shop classification of use specifically excludes a Licensed Cannabis Retail use

**USE ZONE TABLE**

**150. HAZARDOUS INDUSTRIAL**

<b>PERMITTED USE CLASSES</b> - (see Regulation 127) Hazardous industry.
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 26 and 128) Antenna, transportation.

**CONDITIONS**

**1. Development Standards**

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

i)	Minimum Building Line Setback	20 metres
(ii)	Minimum Side yard Width	20 metres
(iii)	Minimum Rear yard Depth	20 metres
(iv)	Maximum Height	14 metres

or such higher standards as may be prescribed in the National Building Code of Canada, or by the Authority, depending on the specific use of the building or site.

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

(a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and

convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.

- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed seven (7) square metres in area. This seven (7) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

- (e) Notwithstanding (b) and (c) and (d) above;

The Authority reserves the right to permit an on-site advertisement to a maximum of 12 square metres, where, in the opinion of the Authority, the size of the sign is appropriate to the use and size of the development and will not detract from the site or present a nuisance, by its size illumination, to the adjacent properties. The Authority reserves the right to give public notice when considering the advertisement.

*(22 June 2017)*

### **3. Advertisement Relating to Offsite Uses**

The conditions to be applied to the erection or display of advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of

streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

#### **4. Temporary Advertisements**

Temporary advertisements located in this Zone shall be issued under the following conditions:

- (a) The advertisement is not to exceed three (3) months in operation, and is to be removed for a minimum of six (6) months before the advertisement can be relocated on the same site. (Only one (1) advertisement is to be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement is to be located within the property boundary, and each application would be assessed on its own merits based on its specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection, and is to be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

#### **5. Services**

Industrial development 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.

**6. Use and Structures**

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

**7. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 61, Accessory Commercial and Industrial Buildings, in Part II of these Development Regulations.

**8. Discretionary Use Classes**

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



**USE ZONE TABLE**

**151. COMMUNITY SERVICE**

**PERMITTED USE CLASSES - (see Regulation 127)**

Educational, cultural and civic, general assembly, place of worship, child care, recreational open space, offices, indoor assembly, outdoor assembly, police station, medical treatment and special care

**DISCRETIONARY USE CLASSES - (see Regulations 26 and 128)**

Medical and professional, passenger assembly, club and lodge, communications, collective residential, taxi stand, convenience store, antenna, funeral home, penal and correctional detention\*, veterinary, shop\*\*

\*(See condition no. 5) \*\*(See condition no. 8)

**CONDITIONS**

*(29 Sept 2017)*

**1. Development Standards**

The development standards for this zone shall be as follows:

- |    |                               |              |
|----|-------------------------------|--------------|
| a) | Minimum building line setback | 10 metres    |
| b) | Minimum side yard width       | 2 & 5 metres |
| c) | Minimum rear yard depth       | 12 metres    |
| d) | Maximum height                | 15 metres    |

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of the adjacent streets and sidewalk and the general

amenities of the surrounding areas.

- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed seven (7) square metres in area. This seven (7) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

*(22 June 2017)*

### **3. Advertisement Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

### **4. Temporary Advertisements**

Temporary advertisements located in this Zone shall be issued under the following conditions:

- (a) The advertisement is not to exceed three (3) months in operation, and is to be removed for a minimum of six (6) months before the advertisement can be relocated on the same site. (Only one (1) advertisement is to be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement is to be located within the property boundary, and each application would be assessed on its own merits based on its specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection, and is to be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

**5. Penal and Correctional Detention**

Other than jails with detention quarters, which is subject to the requirements for Discretionary Use, all other uses in this use classification shall also be subject to a Land Use Assessment Report which will address any matters which the Authority considers material and relevant to the application, including, but not limited to: provision for water, sanitary/storm sewer, and fire protection services; street access, exterior physical appearance of the facility; proximity to residential and other land uses; potential impacts upon nearby residential or other land uses; parking and traffic; public safety and convenience; and its effect on the overall development of the area. Furthermore, an application for secure detention facilities will be subject to a public consultation process, appropriate to the nature and scale of the development.

**6. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 60,

Accessory Buildings - General, in Part II of these Development Regulations.

**7. Discretionary Use Classes**

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

**8. Shop Use**

*(29 Sept 2017)*

The shop classification of use, limited to the smaller scale shop and store examples, may be considered at the discretion of the Authority where it is considered subsidiary to a permitted use of a place of worship, educational, or medical treatment and special care classification of use, and where it is complementary to and supports the activities and programs of the permitted community service use. Furthermore, it must be operated by the community service provider and within the curtilage of the building or lot on which the building is located. It may not be subdivided from the original property nor may it be operated by a person or organization not associated with the permitted use.

**USE ZONE TABLE**

**152. INNOVATION DISTRICT**

**PERMITTED USE CLASSES – (see Regulation 127)**

Educational, cultural and civic, general assembly, theatre, place of worship, day care centre, recreational open space, office, indoor assembly, outdoor assembly, police station, medical treatment and special care, medical and professional, personal service, general service, catering\*, shop (as an accessory use)\*\*, convenience store (as an accessory use), recreational open space, conservation.

\*(See condition no. 8) \*\*(See condition no.11)

**DISCRETIONARY USE CLASSES – (see Regulations 26 and 128)**

Passenger assembly, club and lodge, communications, collective residential, taxi stand, convenience store, antenna, funeral home, amusement, veterinary, apartment building, commercial residential, take-out food service, shop\*\*, light industry, service station\*.

\*(See condition no. 9) \*\* (See condition no.11)

**CONDITIONS**

**1. Development Standards**

The development standards for this zone shall be as follows:

- |       |                               |           |
|-------|-------------------------------|-----------|
| (i)   | Minimum Building Line setback | 6 metres  |
| (ii)  | Minimum side yard width       | 4 metres  |
| (iii) | Minimum rear yard depth       | 12 metres |
| (iv)  | Maximum height                | 20 metres |

**2. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

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

shall meet the requirements of the Authority, having regard to the safety and convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.

- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed seven (7) square metres in area. This seven (7) square metres is to be part of the eight (8) percent as described in Section (bi) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

*(22 June 2017)*

### **3. Advertisement Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

### **4. Temporary Advertisements**

Temporary advertisements located in this Zone shall be issued under the following conditions:

- (a) The advertisement is not to exceed three (3) months in operation, and is to be removed for a minimum of six (6) months before the advertisement can be relocated on the same site. (Only one (1) advertisement is to be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement is to be located within the property boundary, and each application would be assessed on its own merits based on its specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection, and is to be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

**5. Parking**

Surface or above-grade parking will not be permitted between the Building Line and the Building Lot Line facing a public street.

**6. Traffic and Road Capacity**

A Traffic Study and Road Capacity Study shall be approved by the Authority prior to the issuance of a building permit for any significant development within the zone. Where appropriate, the City of Corner Brook may choose to conduct the study or may require that a study be prepared at the expense of the Applicant. Where appropriate, the Authority may require that the Applicant implement the recommendations of the Traffic and Road Capacity Study as a condition of development approval.

**7. Accessory Building**

Accessory buildings in this zone shall conform to the requirements of Regulation 60, Accessory Buildings – General, in Part II of these Development Regulations.

**8. Drive-thru**

When a drive-thru function of a catering use (or other type of drive-thru window service) is proposed in the Innovation District, it may be considered as an accessory use to a permitted or discretionary use when developed as part of a comprehensive development. Access to the drive-thru windows and all driving or parking lanes associated with the drive-thru function must be contained entirely on the private lot and may not be accessed directly from a street.

**9. Service Station**

When a service station use, limited to a gas bar, is proposed in the Innovation District, it may be considered as an accessory use to a permitted or discretionary use and when developed as part of a comprehensive development, located on the same private lot as the main permitted or discretionary use. Direct access to a gas bar or any parking or lanes associated with the gas bar function will not be permitted directly from a street.

**10. Discretionary Use Classes**

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

**14. Shop**

*(03 August 2018)*

In this zone, the shop classification of use specifically excludes a Licensed Cannabis Retail use



**USE ZONE TABLE**

**153. OPEN SPACE**

<p><b>PERMITTED USE CLASSES</b> - (see Regulation 127)</p> <p>Recreational open space</p>
<p><b>DISCRETIONARY USE CLASSES</b> - (see Regulations 26 and 128)</p> <p>Theatre, cultural and civic, catering*, indoor assembly, outdoor assembly, take-out food service, convenience store, antenna, transportation.</p> <p>*(See condition no. 2)</p>

**CONDITIONS**

**1. Development Standards**

The development standards for this zone shall be as follows:

- |    |                               |           |
|----|-------------------------------|-----------|
| a) | Minimum building line setback | 10 metres |
| b) | Minimum side yard width       | 5 metres  |
| c) | Minimum rear yard depth       | 15 metres |
| d) | Maximum height                | 15 metres |

**2. Catering**

This use classification shall be restricted to restaurants when considered to be an accessory use to a permitted recreational open space use.

**3. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 60, Accessory Buildings - General, in Part II of these Development Regulations.

**4. Non-conforming Residential Use**

Existing non-conforming residential dwellings within an Open Space Zone shall be required to comply with the development standards consistent with residential

**5. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of advertisements on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.
- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

*(22 June 2017)*

**6. Advertisement Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of Third Party advertisements 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) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.
- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

## **7. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

*(22 June 2017)*

**8. Discretionary Use Classes**

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

**USE ZONE TABLES**

**154. CEMETERY**

**PERMITTED USE CLASSES** (See Regulation 127)

Cemetery

**CONDITIONS**

**1. Advertisement Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, 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 three (3) square metres in area.

**2. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 60, Accessory Buildings - General, in Part II of these Development Regulations.

**USE ZONE TABLE**

**155. ENVIRONMENTAL PROTECTION**

<p><b>PERMITTED USE CLASSES</b> - (see Regulation 127)</p> <p>Conservation, forestry</p>
<p><b>DISCRETIONARY USE CLASSES</b> - (see Regulations 26 and 128)</p> <p>Agriculture, recreational open space, antenna</p>

**CONDITIONS**

**1. Watercourse Buffer**

The cutting or harvesting of trees will not be permitted within 50 metres of any watercourse within a watershed and may be subject to further regulations enacted under the City of Corner Brook Act.

**2. Scenic Value**

Wood cutting will not be permitted in areas where it will have a detrimental effect on the amenities of scenic value of an area.

**3. Discretionary Use Classes**

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

**USE ZONE TABLE**

**156. ENVIRONMENTAL CONSERVATION**

<p><b>PERMITTED USE CLASSES</b> - (see Regulation 127)</p> <p>Conservation</p>
<p><b>DISCRETIONARY USE CLASSES</b> - (see Regulations 26 and 128)</p> <p>Recreational open space*, antenna**</p> <p>*(See condition no. 2) **(See condition no. 3)</p>

**CONDITIONS**

**1. Conservation Uses**

The cutting or harvesting of trees will not be permitted within 50 metres of any watercourse within a watershed and may be subject to further regulations enacted under the City of Corner Brook Act.

**2. Recreational Open Space**

Only walking or hiking trails of this land use classification shall be permitted as discretionary uses in this zone and it must be demonstrated to the satisfaction of the Authority that the trail will be of minimal impact to any land or permitted use of land in the zone.

**3. Antenna**

No antenna will be permitted in this zone as a discretionary use if it is determined that the installation or erection of the structure(s) will result in degradation or negative impact upon adjacent or other conservation land in the zone (i.e. road construction to access the installation site).

**4. Discretionary Use Classes**

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



**USE ZONE TABLE**

**157. PROTECTED WATER SUPPLY AREA**

<p><b>PERMITTED USE CLASSES</b> - (see Regulation 127)</p> <p>None</p>
<p><b>DISCRETIONARY USE CLASSES</b> - (see Regulations 26 and 128)</p> <p>General industry, light industry, agriculture, forestry, mineral working, recreational open space, conservation, antenna.</p>

**CONDITIONS**

**1. Discretionary Use Classes**

All uses listed as discretionary in this Use Zone Table and any other activity within the designated protected water supply areas shall conform with the “Corner Brook Sustainable Watershed Management Plan”.

Any new development in a designated water supply area will be assessed as a Discretionary Use and as such will require public consultation prior to a decision by Council. The Discretionary Use Classes listed in this table may be permitted provided that they will not in the opinion of Council reduce or impair the quality and/or quantity of the water resource within the water supply area.

The Council shall refuse a development application if in the opinion of Council it appears the proposed development may reduce or impair the quality and/or quantity of the resource within the water supply area.

Notwithstanding the other policies in this Plan and the requirements of the Development Regulations, no land use activity shall be permitted within the Municipal Plan Area or within a protected water supply area serving as a potable water supply for the City or Corner Brook that is deemed deleterious to the quality and/or quantity of this valuable resource.

**2. Recreational Open Space**

Only walking or hiking trails of this land use classification shall be permitted as

discretionary uses in this zone and it must be demonstrated to the satisfaction of the Council that the trail will be of minimal impact to any land and that there will be no negative effect on the quality and/or quantity of the water resource within the water supply area.

**3. Antenna**

No antenna will be permitted in this zone as a discretionary use if it is determined that the installation or erection of the structure(s) will result in degradation or negative impact upon on the quality and/or quantity of the water resource within the water supply area, either as a direct result of constructing or erecting the antenna structure or any road construction to access the antenna site.

**4. Conservation Uses**

- (a) The cutting or harvesting of trees will not be permitted within the buffer zones that are identified in the “Corner Brook Sustainable Watershed Management Plan” and the cutting or harvesting of trees may be subject to additional conditions as specified by the Council.
- (b) Wood cutting will not be permitted in areas where it will have a detrimental effect on the amenities of scenic value of an area.

**USE ZONE TABLE**

**158. RURAL**

PERMITTED USE CLASSES - (see Regulation 127)

Agriculture, forestry.

DISCRETIONARY USE CLASSES - (see Regulations 26 and 128)

Outdoor assembly, single dwelling, single dwelling (existing), veterinary, outdoor market, general industry, service station, mineral working, recreational open space, conservation, transportation, animal, antenna, hazardous industry\*, cemetery\*\*, solid waste\*\*\*

\*(See condition no. 8) \*\*(See condition no. 9) \*\*\* (See condition no. 11)

**CONDITIONS**

**1. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, 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 five (5) square metres in area.

**2. Advertisements Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of a Third Party 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) Each advertisement shall not exceed three (3) square metres in area.
- (b) The location, siting and illumination of each advertisement shall be to the

satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

*(22 June 2017)*

**3. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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. Single Dwelling**

One single dwelling may be permitted with a farm or forestry operation and it must be demonstrated to the satisfaction of the Authority that the residence onsite is necessary to the successful operation of the use and the minimum lot size for inclusion of a dwelling is to be 3 hectares. The agricultural or forestry use must be in active operation for a minimum of two years prior to an application for a dwelling use onsite.

**5. Single Dwelling (Existing)**

When determining whether an existing dwelling may be replaced by new construction, extensively renovated, repaired or extended, consideration will include, but not be limited to, the following:

- (a) The dwelling must already exist in the zone at the coming into effect of these Development Regulations.
- (b) The lot on which the dwelling is located shall not be located in an area where the Authority has determined that existing houses are to be eventually removed in order to clear the area of all development, either for safety reasons or to accommodate new or different development under the existing land use designation/zone or a proposed new land use designation/zone.
- (c) The land on which the dwelling is located is not on a slope of 20% or greater,

nor are there any other inherent or obvious hazard(s) or potential hazard(s) that would have a negative impact on the replacement or redevelopment of the existing dwelling or on adjacent lands. Should the topography where the dwelling is located exceed 20 % and major renovations, extension or replacement of the dwelling is proposed, a Land Use Assessment Report will be required to address how the development will be accommodated, taking into account the slope and any other relevant considerations.

- (d) The replacement of an existing dwelling is to result in a single dwelling unit only. Double dwellings, row dwellings or apartment buildings will not be permitted to replace an existing dwelling unit, regardless of whether the original dwelling was double dwelling or contained a subsidiary apartment unit, nor will a subsidiary apartment/secondary suite to the main dwelling unit be permitted.
- (e) An application to replace an existing dwelling in accordance with the above criteria will be assessed on an individual basis.
- (f) The dwelling must be accessible to fire department and other emergency vehicles and located on a recognized city street where municipal snow clearing and other maintenance is normally carried out.
- (g) Where fire protection or access may be considered deficient, the owner or applicant requesting to repair, extend or replace the single dwelling may be required to upgrade, install, or otherwise improve the capacity to provide fire protection service or access to a level that is satisfactory to the City of Corner Brook. All costs associated with this will be the responsibility of the owner or developer.
- (h) Where one or more municipal services are absent, the City of Corner Brook assumes no responsibility to provide any service which is not currently available. The owner or developer may undertake the cost and responsibility to install any services to the single dwelling if approved by the City of Corner Brook.
- (i) As an existing single dwelling is deemed to be a discretionary use of the Rural Zone, the owner of the dwelling being repaired, extended or replaced may be required to sign a Development Agreement whereby the owner of the property

agrees to the above conditions and understands that the City of Corner Brook will continue to allow other Permitted and Discretionary Uses of the zone to be developed.

*(22 June 2017)*

**6. General Industry**

Where permitted as a discretionary use, General Industry will be restricted to maintenance and repair of equipment, processing and storage related to agriculture or forestry uses.

**7. Mineral Working**

Where permitted as a Discretionary Use, the conditions relating to Mineral Working Zones shall apply.

**8. Hazardous Industry**

- (a) A hazardous industrial manufacturing use has been developed in a Rural Zone in the proximity of Lady Slipper Road. Due to the nature and material of the product and manufacturing process at the site, no use or activity what-so-ever shall be permitted within a one (1) kilometre radius of the building(s) of this site. Uses proposed beyond the buffer area may be subject to a Land Use Assessment Report.
- b) The following limitations apply to hazardous industrial uses that involve the bulk storage of flammable and hazardous liquids and substances:
  - (i) The total volume of storage on each lot shall not exceed 341,000 litres or 90,000 USWG.
  - (ii) The siting of such hazardous industrial uses shall take place in such a manner that the site conditions meet all municipal, provincial, and federal regulations with regard to site boundary distances and adequate separations from other industrial uses.

- (iii) Separation distances shall be appropriate to maintain public safety, fire safety and land slope separation for the protection of the amenity of surrounding uses.
- (iv) The use does not abut or is sufficiently far removed from a residential neighbourhood, public assembly use, community service use or a street where an alternative route is not available.
- (v) The use may only be located where an adequate municipal water supply is available or where an alternative adequate water volume and water pressure can be obtained according to all regulating agencies.
- (vi) The authority may also impose other conditions as deemed necessary from an environmental, occupational health and safety, fire and life safety and aesthetic point-of-view.

**9. Cemetery**

Where permitted as a Discretionary Use, cemeteries shall be restricted to animal cemeteries. Any new human cemeteries shall be restricted in this zone to land located directly adjacent to or near Mt. Patricia Cemetery.

**10. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 60, Accessory Buildings - General, in Part II of these Development Regulations.

**11. Solid Waste**

Solid Waste in this zone shall not include sanitary landfills.

**USE ZONE TABLE**

**159. SOLID WASTE/SCRAPYARD**

<p><b>PERMITTED USE CLASSES</b> - (see Regulation 127)</p> <p>Scrap yard, solid waste</p>
<p><b>DISCRETIONARY USE CLASSES</b> - (see Regulations 26 and 128)</p> <p>Antenna, general industry*</p> <p>*(See condition no. 6)</p>

**CONDITIONS**

**1. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, 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 five (5) square metres in area.

**2. Advertisements Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of a Third Party 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) Each advertisement shall not exceed three (3) square metres in area.
- (b) The location, siting and illumination of each advertisement shall be to the



satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area. *(22 June 2017)*

**3. Separation from adjacent uses**

Unless the Authority is satisfied that the use will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no SCRAPYARD or solid waste storage or disposal site shall be located closer than the minimum distances set out below to the specified development or natural feature:

**Minimum Distance of Scrap yard or Solid Waste**

**Storage or Disposal Site**

Existing or proposed Residential Development	300 metres
Any other developed area or area likely to be developed during the life of the scrap yard or solid waste use	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Water body or watercourse	50 metres

*(22 June 2017)*

**4. Screening**

A scrap yard or solid waste storage or disposal site shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:

- (a) Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens 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 of sufficient width and density to constitute a visual screen does not exist, dies or is removed from the 30-metre strip, the Authority may require condition (a) and/or (b) be undertaken to the satisfaction of the Authority:

- (i) Berms to be constructed to a sufficient height to prevent visibility of any part of the use from adjacent uses (except forestry or agriculture) or adjacent public highway or street. The berms shall be landscaped to the satisfaction of the Authority.
  - (ii) Plantings shall contain native species as much as possible, with a minimum 50% coniferous mix and shall be planted at a minimum height of 3 metres, prior to issuance of an occupancy permit.
- (b) Where natural topography creates a visual screen between a scrap yard or solid waste or disposal site and adjacent public highway, street or other land uses (except forestry or agriculture), additional screening may not be required.
- (c) Where effective screening or natural topography or conditions cannot be installed or utilized as required to adequately screen the scrap yard or solid waste use, or where the site is highly visible from a distance, the Authority may refuse to permit the use or associated activity.

## **5. Fencing**

The Authority may require Scrap yard Use Classes or Solid Waste Use Classes to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

## **6. General Industry**

The General Industry Classification of Uses of Land and Buildings is restricted to

recycling operations and may be considered when the operation can be carried out effectively from the site. The material required for the activity must form part of the normally disposed of substances at the site and the operation must not require or create a demand for municipal water and sewer services.

**7. Accessory Building**

Accessory buildings in this zone shall conform to the requirements of Regulation 60, Accessory Buildings - General, in Part II of these Development Regulations.

**8. Discretionary Use Classes**

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

**USE ZONE TABLE****160. MINERAL WORKING**

<b>PERMITTED USE CLASSES</b> - (see Regulation 127) Mineral Workings.
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 26 and 128) Antenna.

**CONDITIONS****1. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, 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 five (5) square metres in area.

**2. Advertisements Relating to Offsite Uses / Third Party Advertisements**

The conditions to be applied to the erection or display of a Third Party 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) Each advertisement shall not exceed three (3) square metres in area.
- (b) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of

streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area. *(22 June 2017)*

### 3. Separation from Adjacent Uses

Unless the Authority is satisfied that the mineral 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:

### 4. Pit or Quarry Working

	<u>Minimum Distance of Pit or Quarry Working</u>
Existing or proposed Residential Development	300 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
Water body or watercourse	50 metres

### 4. 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 mineral working 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 mineral working use

from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the mineral working 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 2(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.

## 5. 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.

**6. Water Pollution**

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any water body 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 Environment and Lands.

**7. Water Ponding**

No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation or ponding of water in any part of the site. Settling ponds may be permitted with the approval of the Department of Environment and Lands.

**8. Erosion Control**

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

**9. Site Maintenance**

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

**10. Access Roads**

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

**11. 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.

**12. Operating Plant and Associated Processing and Manufacturing**

The Authority may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.

**13. Building location**

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.

**14. Separation distances**

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.

**15. Termination and Site Rehabilitation**

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.

**16. Reserve material**

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.

**17. Accessory Building**

Accessory buildings in this zone shall conform to the requirements of Regulation 60, Accessory Buildings - General, in Part II of these Development Regulations.

**18. Discretionary Use Classes**

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

**USE ZONE TABLE****161. SPECIAL MANAGEMENT AREA****PERMITTED USE CLASSES – (See Regulation 127)**

None permitted.

**DISCRETIONARY USE CLASSES – (See Regulation 26 and 128)**

None permitted.

**CONDITIONS****1. Non-Conforming Uses**

Regulation 82 and/or Regulation 83 apply to legal use of buildings or land as non-conforming uses in this zone.

# SCHEDULE D: OFF-STREET PARKING REQUIREMENTS

1. The off-street parking requirements for uses in the various use classes set out in Schedule B shall be as set out in the following table, or as specified by the Authority at its discretion, having regard for the existing parking requirements and any public parking availability, and any surplus or deficiency of parking in the general area that may result as an impact of any change to the established parking standards, which may be approved.
2. In the case of developments including uses in more than one use class, these standards shall be regarded as cumulative.
3. Adequate off-street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the educational, passenger assembly, child care, medical treatment and special care, commercial residential and take-out food service use classes.

GROUP	DIVISION	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
A	1	(a) Theatre	One space for every 5 seats.
	2	(a) Cultural and Civic	One space for every 50 square metres of gross floor areas.
		(b) General Assembly	One space for every 10 square metres of gross floor area.
		(c) Educational	Schools - 2 spaces for every classroom. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
		(d) Place of Worship	One space for every 5 seats.
		(e) Passenger Assembly	As specified by the Authority.
		(f) Club and Lodge	One space for every 3 persons that may be accommodated at one time.
		(g) Catering	One space for every 3 customers that may be accommodated at one time.
		(h) Funeral Home	One space for every 10 square metres of gross floor area.
		(i) Child Care	One space for every 20 square metres of gross floor area or as specified by the Authority.
		(j) Amusement	One space for every 10 square metres of gross floor

GROUP	DIVISION	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
			area or as specified by the Authority.
	3	(a) Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
	4	(a) Outdoor Assembly	As specified by the Authority.
B	1	(a) Penal and Correctional Detention	As specified by the Authority.
	2	(a) Medical Treatment and Special Care	One space for every 2 patients or as specified by the Authority.
C	1	(a) Single Dwelling	One space for every dwelling unit.
		(b) Double Dwelling	One space for every dwelling unit.
		(c) Row Dwelling	One space for every dwelling unit.
		(d) Apartment Building	One space for every dwelling unit plus one space for every four units.
	2	(a) Collective Residential	As specified by the Authority.
		(b) Boarding House Residential	As specified by the Authority in Schedule C.
		(c) Commercial Residential	One space for every guest room.
		(d) Mobile Homes	One space for every dwelling unit.
D	1	(a) Office	One space for every 28 square metres of gross floor area.
		(b) Medical and Professional	One space for every 28 square metres of gross floor area.
		(c) Personal Service	One space for every 28 square metres of gross floor area.
		(d) General Service	One space for every 28 square metres of gross floor area.
		(e) Communications	As specified by the Authority.
		(f) Police Station	As specified by the Authority.
		(g) Taxi Stand	As specified by the Authority.
		(h) Take-out Food Service	One space for every 20 square metres of gross floor area.
		(i) Veterinary	One space for every 28 square metres of gross floor area.
E	1	(a) Shopping Centre	One space for every 20 square metres of gross floor area.
		(b) Shop	One space for every 28 square metres of gross floor area or as specified by the Authority.
		(c) Indoor Market	As specified by the Authority.
		(d) Outdoor Market	As specified by the Authority.
		(e) Convenience Stores	One space for every 28 square metres of gross floor area or as specified by the Authority.
F	1	(a) Hazardous Industry	One space for every employee.
	2	(a) General Industry	One for each 37 square metres of floor area or for each 5 employees or less whichever is greater.
		(b) Service Station	One space for every 20 square metres of gross floor area.
	3	(a) Light Industry	One for each 37 square metres of floor area or for each 5 employees or less whichever is greater.

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