

town of CONCEPTION BAY SOUTH

Development Regulations 2011-2021



093114.00

Development Regulations

July 20, 2012

Consolidated Regulations

Updated to Jan. 30, 2026

Prepared For:



Prepared By:



Consolidated Development Regulations

Effective Date	Amendment	Description
June 21, 2013	Development Regulations Amendment No. 1, 2013	Allowed for the development of single dwellings fronting on local roads located within C-1 and C-2 zones. Text Only.
January 24, 2014	Development Regulations Amendment No. 2, 2013	Implements Municipal Plan Amendment No. 1, 2013. Rezoned land in Seal Cove from Open Space Conservation (OSC) to Residential Mixed (R-3) and Residential Low Density to accommodate a serviced residential subdivision at 1516 Conception Bay Highway. Map only.
March 21, 2014	Development Regulations Amendment No. 5, 2014	Revised Regulations with respect to portable signs and changeable message signs. Text only.
May 30, 2014	Development Regulations Amendment No. 4, 2013	Implements Municipal Plan Amendment No. 3, 2014. Rezoned land on the west side of Kirkston Avenue from Open Space Conservation (OSC) to Residential Medium Density (R-2). Map only.
May 30, 2014	Development Regulations Amendment No. 7, 2014	Revised Regulations to accommodate secure outside storage associated with industrial buildings in the Commercial/Light Industrial (CLI) zone and to accommodate equipment such as overhead cranes and specialized buildings which may exceed the maximum height requirements specified in the Commercial/Light Industrial (CLI) zone. Text only.
June 13, 2014	Development Regulations Amendment No. 3, 2013	Implements Municipal Plan Amendment No. 2, 2013. Rezoned Comprehensive Development Area (CDA) to Industrial General (IG) off Butlers Pit Road, behind existing residential and industrial properties on Conception Bay Highway, Seal Cove. Map only.
November 14, 2014	Development Regulations Amendment No. 8, 2014	Implements Municipal Plan Amendment No. 5, 2014. Rezoned land between Skylark and Juniper Place, Foxtrap from Rural (RUR) to Residential Medium Density (R-2). Map only.

May 22, 2015	Development Regulations Amendment No. 10, 2014	Implements Municipal Plan Amendment No. 6, 2014. Rezoned land on the west side of Emerald Creek Drive, Foxtrap from Open Space Conservation (OSC) to Residential Medium Density (R-2). Map only.
June 5, 2015	Development Regulations Amendment No. 14, 2015	Added provisions related to wall signs. Text only.
June 26, 2015	Development Regulations Amendment No. 12, 2015	Implements Municipal Plan Amendment No. 8, 2015. Rezoned land off Stanleys Road, Long Pond from Residential Medium Density (R-2) to Commercial Marine (CRM). Map only.
August 14, 2015	Development Regulations Amendment No. 15, 2015	Allows drive-throughs in the Commercial Main Street (C-1) zone. Text only.
August 21, 2015	Development Regulations Amendment No. 11, 2015	Implements Municipal Plan Amendment No. 7, 2015. Rezoned land at the intersection of Easons Road and Conception Bay Highway from Residential Medium Density (R-2) to Commercial Main Street (C-1). Map only.
August 12, 2016	Development Regulations Amendment No. 18, 2016	Implements Municipal Plan Amendment No. 11, 2016. Allows General Assembly Use in the Commercial/Light Industrial (CLI) zone. Text only.
April 21, 2017	Development Regulations Amendment No. 19, 2016	Implements Municipal Plan Amendment No. 12, 2016. Rezoned corresponding portions of land from Commercial-Light Industrial (CLI) to the Commercial Main Street (C-1) zone; from Residential Medium Density (R-2) to the Commercial Main Street (C-1) zone; and from Commercial-Light Industrial (CLI) to the Residential Medium Density Zone (R-2). Map Only.
June 9, 2017	Development Regulations Amendment No. 22, 2017	Implements Municipal Plan Amendment No. 15, 2017. Rezoned land from Open Space Conservation (OSC) to Residential Mixed (R-3). Map Only.
August 4, 2017	Development Regulations Amendment No. 24, 2017	Implements Municipal Plan Amendment No. 16, 2017. Rezoned land from Commercial Main Street (C-1) to Residential Multiple Unit (RMU). Map Only.
December 15, 2017	Development Regulations Amendment No. 25, 2017	Revised regulations with respect to the length of time that a portable sign permit remains valid. Text only.

December 15, 2017	Development Regulations Amendment No. 26, 2017	Allows flexibility to consider accessory building sizes in proportion to residential lot size. Text only.
December 29, 2017	Development Regulations Amendment No. 27, 2017	Added “Personal Service” as Discretionary Use in the Residential Low Density (R-1), Residential Medium Density (R-2), and Residential Mixed Density (R-3) zones. Text only.
October 12, 2018	Development Regulations Amendment No. 28, 2018	Aligns technical standards for digital and projected display / light emitting diode (LED) signage in the Town with Transportation Association of Canada guidelines, and allow Council discretionary authority to consider changeable message signs that advertise services and businesses not located on the same property as the sign itself. Text only.
June 7, 2019	Development Regulations Amendment No. 30, 2019	Differentiates maximum height for non-habitable structures from habitable buildings in the IG Zone. Text Only.
August 9, 2019	Development Regulations Amendment No. 32, 2019	Add “Market Uses” as a discretionary use within the CLI Zone. Text Only.
November 15, 2019	Development Regulations Amendment No. 31, 2019	Re-Zone Land at 825 CBH (Former Rona property) to Commercial Main Street (C-1) zone consistent with MPA 18, 2019. Map Only.
November 22, 2019	Development Regulations Amendment No. 29, 2018	Re-zone Land at 1637-1643 CBH to Residential Medium Density (R-2) zone consistent with SJURRPA 3, 2018 and MPA 17, 2018. Map Only.
March 20, 2020	Development Regulations Amendment No. 33, 2020	Clarify Grouped Dwellings Regulations. Text only.
March 20, 2020	Development Regulations Amendment No. 34, 2020	“Specific Use Regulations” for family and home based child care. Text only.
April 23, 2021	Development Regulations Amendment No. 35, 2020	Expands on the definition of accessory buildings related to non-building land uses and adds outdoor assembly uses. Text only.
August 20, 2021	Development Regulations Amendment No. 37, 2021	Complimentary Uses within the OSC zone. Text only.
October 21, 2021	Development Regulations Amendment No. 36, 2021	Re-zone land at 40 Foxtrap Access Road to Industrial General (IG) consistent with MPA 19, 2022. Added conditions within the IG Zone specific to 40 Foxtrap Access Road. Map and text.
November 18, 2022	Development Regulations Amendment No. 39, 2022	Rezone 512 CBH from R-2 and OSC to C-2. Map only.
November 18, 2022	Development Regulations Amendment No. 42, 2022	Re-Zone 1287-1293 CBH from R1 and OSC to R2. Map only.

December 30, 2022	Development Regulations Amendment No. 38, 2022	Re-Zone 73 Cherry Lane from R-1 to R-2. Map only.
December 30, 2022	Development Regulations Amendment No. DRA 43, 2022	Rezone 1621-1627 CBH from R-1 to R-3. Map only.
July 14, 2023	Development Regulations Amendment No. 41, 2022	Re-Zone 240-258 Anchorage Road from R1 to R2. Map only.
July 7, 2023	Development Regulations Amendment No. 46, 2023	Re-Zone 137-139 & 7-17 Aprils Lane from R1 to R2. Map only.
July 7, 2023	Development Regulations Amendment No. 47, 2023	Re-Zone 118 Red Bridge Road from OSR to R2. Map only.
March 1, 2024	Development Regulations Amendment No. 52, 2024	Revise Section 5.3.3 Regarding “Height and Finish”. Text only.
May 24, 2024	Development Regulations Amendment No. 50, 2024	Re-zone 1496 Conception Bay Highway from R-1 to R-2. Map only.
May 31, 2024	Development Regulations Amendment No. 51, 2024	Re-zone 1440 Conception Bay Highway from R-1 and R-3 to CLI. Map only.
June 7, 2024	Development Regulations Amendment No. 53, 2024	Re-Zone 2-10 Buckleys Lane from R1 to RMU. Map only.
June 14, 2024	Development Regulations Amendment No. 54, 2024	Re-Zone 1659 Conception Bay Highway from C2 to R1. Map only.
June 14, 2024	Development Regulations Amendment No. 55, 2024	Re-Zone 10-14 Jeffers lane from R2 to C1. Map only.
November 15, 2024	Development Regulations Amendment No. 57, 2024	Add definitions and modify sections 5.3 and 5.22 related to Residential Swimming Pools. Text only.
November 15, 2024	Development Regulations Amendment No. 58, 2024	Implement regulations for on site services in R2 zone. Text Only
January 10, 2025	Development Regulations Amendment No. 60, 2024	Modify Section 10.23.11 to remove restrictions at 40 Foxtrap Access Road. Text only.
March 14, 2025	Development Regulations Amendment No. 59, 2024	Re-Zone 961 & 963 Conception Bay Highway from R-2 to C-2. Map only.
August 29, 2025	Development Regulations Amendment No. 61, 2025	Re-zone 2703 & 2707 Topsail Road from R3 & R2 to C2 & clarify automotive repair garage uses in C-1 and C-2. Map and Text.
November 28, 2025	Development Regulations Amendment No. 45, 2022	Re-Zone 12-16 Rideouts Road from R-2 to RMU. Map only.
January 30, 2026	Development Regulations Amendment No. 65, 2025	Add definition for “Air Support Structures” and specify height allowance for Air Support Structure at 69 Gateway Drive in the RC Zone. Text only.

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Schedule A Classification of Land Uses and Buildings

Schedule B Land Use Zoning Map

1 Application

1.1 Title

These Regulations may be cited as the Conception Bay South Development Regulations.

1.2 Interpretation

Words and phrases used in these Regulations shall have the meanings ascribed to them in Section I and 2 of these regulations. Words and phrases not defined in these Regulations shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

1.3 Authority

In these Regulations, “Authority” means the municipal council of the Town of Conception Bay South hereby authorised to administer the Municipal Plan and these Regulations.

1.4 Commencement

These Regulations come into effect throughout the Conception Bay South Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of notice to that effect in the Newfoundland and Labrador Gazette.

1.5 Municipal Regulations

The National Building Code of Canada, Fire Code of Canada, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of Conception Bay South, shall, under these Regulations apply to the entire Planning Area.

1.6 Licenses, Permits and Compliance with Other Bylaws

Nothing in these regulations shall exempt any person from complying with the requirements of any by-law in force within the Town of Conception Bay South, or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

2 Definitions

- 1) **Access** means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street.
- 2) **Accessory Building** includes:
 - a) 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;
 - b) For residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets or radio and television antennae;
 - c) For commercial uses, workshops or garages; and
 - d) For industrial uses, garages, offices, raised ramps and docks.
- 2.1) Further to the sub section 2.2, an **Accessory Building** may also be located on the same lot as the non-building land use to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the land and, for open space and institutional uses, an accessory building can include service buildings and auxiliary power supply system.

(2021-04-23)

- 3) **Accessory Use** means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.
- 4) **Act** means the *Urban and Rural Planning Act, 2000*.
- 5) **Aggregate Related Industries** means crushing and screening, asphalt processing, concrete batching and mineral bulk storage.
- 6) **Agriculture** means horticulture, fruit growing, grain growing, seed growing, dairy farming, the keeping, 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, 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. For the purposes of these regulations, agriculture also includes the keeping or boarding of horses.
- 6.1) **Air Supported Structure** means a structure consisting of a pliable membrane which achieves and maintains its shape and support by internal air pressure.
- 7) **Amusement Use** means the use of land or buildings equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pinball games and slot machine arcades and billiard and pool halls.
- 8) **Animal Unit** means any one of the following animals or groups of animals:
 - 1 Bull
 - 1000 Broiler Chickens or roasters (1.8 - 2.3 kg each)

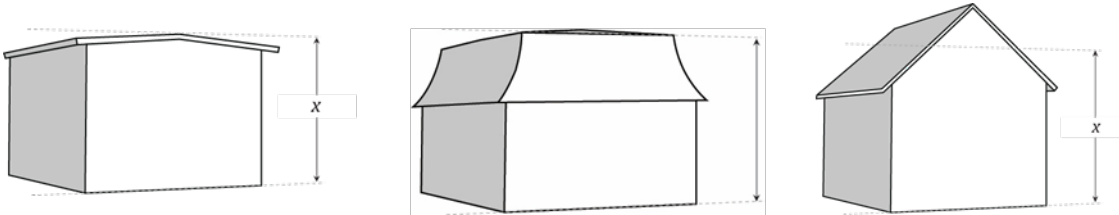
- 1 Cow (including calf)
- 100 Female Mink (including associated males and kits)
- 100 Female Rabbits (including associated males and litter)
- 4 Goats
- x Hogs (based on 453.6kg = 1 unit)
- 1 Horse (including foal)
- 125 Laying Hens
- 4 Sheep (including lambs)
- 1 Sow/Breed Sow (weaners and growers based on 453.6 kg = 1 unit)
- x Turkeys, ducks, geese (based on 2.268 kg = 1 unit)

- 9) **Appeal Board** means the appropriate Appeal Board established under the Act.
- 10) **Approval in Principle** means a preliminary approval of a development conditional upon the submission of additional plans and details before a development approval is issued.
- 11) **Arterial Street** means any streets in the Planning Area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the Zoning Map.
- 12) **Assisted Living Residential Complex** means a residential building designed for people seeking assisted home care by the content and layout of the dwelling units (varying in size, number of bedrooms, shared kitchens), provisions for common dining facilities, recreation areas, lounges, libraries, respite units, and the accessibility of all units and facilities to the physically challenged. Provision of services such as day-care for seniors, housekeeping, personal care, meal programs, physiotherapy, activity programs, outdoor recreation areas, and open space areas may also be provided. The use includes personal care homes but does not include a hospital.
- 13) **Automotive Repair Shop** means a development for the servicing and repair of motor vehicles. This definition includes but is not limited to transmission repair shops, muffler repair shops, tire shops, automotive glass shops, autobody repair, painting and detailing, and automotive upholstery shops.
- 14) **Bar** 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.
- 15) **Bed and Breakfast Establishment** means a single unit dwelling in which the resident supplies, for compensation, not more than 4 bedrooms for the temporary accommodation of travelers.
- 16) **Boarding House** means a dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.
- 17) **Building** means:
- a) A structure, erection, alteration or improvement placed on, over or under land, or attached, anchored or moored to land;
 - b) Mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses;

- c) A part of and fixtures on buildings referred to in (a) and (b); and
- d) 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 (a) to (c).

18) **Building Height** means the vertical distance, measured in metres from the established grade to the:

- a) Highest point of the roof surface of a flat roof;
- b) Deck line of a mansard roof; and
- c) Mean height level between the eave and the ridge of a gable, hip or gambrel roof; and
- d) in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof.



19) **Building Line** means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed.

20) **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids (fuel oil), gases, minerals, pipes, gravel, fertilizers and grain.

20.1) **Bulk Storage Tank** is any static storage tank, silo, elevator or other such structure where large quantities of raw or refined materials or industrial related goods such as liquids, fuels, oils, gases, minerals, fertilizers or grains along with their associated products is stored for transshipment purposes and does not include a supply tank that is connected to heating, manufacturing, or agricultural building where the bulk material is used for its ultimate purpose.

(DRA 30, 2019 / June 7, 2019)

21) **Business Office** means a room where business may be transacted, a service performed or consultation given but does not include the manufacturing of any product or the on-site retailing or selling of goods.

22) **Church** means a building dedicated to religious worship, including a church hall, church auditorium, parish hall, rectory, manse and day nursery operated by the church.

23) **Clinic** means a building used for medical, dental, surgical or therapeutical treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.

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

- 25) **Commercial School** means a school conducted for compensation and includes a music or language school, driving school, technology or trades school but does not include a day nursery, university or community college.
- 26) **Condominium** means a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
- 27) **Condominium Corporation** means the association which administers and maintains the common property and common elements of a condominium.
- 28) **Convenience Store** means a building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionery and grocery items, rental of video movies, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.
- 29) **Development** means the carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the:
- a) Making of an access onto a highway, road or way;
 - b) Erection of an advertisement or sign;
 - c) Construction of a building;
 - d) Parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation; and excludes the
and excludes the
 - e) Carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
 - f) Carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
 - g) 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
 - h) 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.
- 30) **Director** means the Director of Urban and Rural Planning.
- 31) **Discretionary Use** means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations.
- 32) **Dwelling, Apartment** means a building containing three or more dwelling units, but does not include a row dwelling.

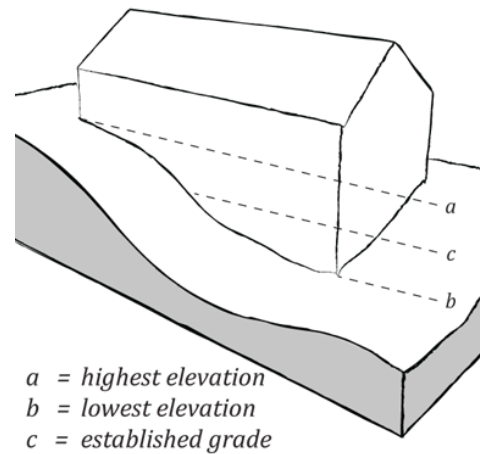
- 33) **Dwelling, Double** (or Duplex) means a building containing two dwelling units, placed one above the other, or side by side, but does not include a single dwelling containing a subsidiary apartment.
- 34) **Dwellings, Grouped** means two or more dwelling units that are contained within two or more single dwellings, double dwellings, row dwellings or apartment buildings, and any combination thereof on a lot.

(2020-04-02)

- 35) **Dwelling, Row** means three or more dwelling units at ground level in one building, each unit separated vertically from the others.
- 36) **Dwelling, Single Detached** means a dwelling containing one main dwelling unit which is not attached to another dwelling.
- 37) **Dwelling, Townhouse** means three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls.
- 38) **Dwelling Unit** means a self-contained unit consisting of one or more habitable rooms used or designed as living quarters for one household, including kitchen and bathroom.
- 39) **Engineer** means a professional engineer employed or retained by the Authority.
- 40) **Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

41) **Established Grade** means:

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



- 42) **Existing** means legally existing as of the effective date of these Regulations.
- 43) **Family Child Care** means a service where not more than seven children receive childcare in the home of the person providing the childcare.

(2020-03-20)

- 44) **Family and Group Care Centre** means 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" or "Halfway House".

- 45) **Floor Area** means the total area of all floors in a building measured to the outside face of exterior walls.
- 46) **Forestry Use** means commercial silviculture and the production of timber or pulp and uses associated with a forestry use, including sawmills, vehicle and equipment storage and maintenance buildings and yards.
- 47) **General Industry** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance.
- 48) **Group Child Care Use** means the use of a building or part of a building in which services and activities are regularly provided to seven (7) or more children defined in the Child Care Services Act but does not include a school as defined by the Schools Act.
- 49) **Hazardous Industry** means the use of land or buildings for industrial purposes involving the use of materials or processes which because of their inherent characteristics, constitute a special fire, explosion, radiation or other hazard.
- 50) **Home Occupation** means an accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.
- 51) **Home Office** means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation of business activity.
- 51.1) **Hot Tub** means an indoor or outdoor prefabricated vessel with a maximum depth greater than 0.4m but not more than 0.91m and a water surface area of less than 4m² for immersion of one or more bathers and may include an a jetted or whirlpool device driven by air or water, whether described as hot up, spa or using any other name but does not include a “portable pool”, “swimming pool”, “swim spa” or “wading pool” as defined by these Regulations.

(2024-11-15)

- 52) **Inspector** means any person appointed or engaged by the Town to inspect, survey or otherwise evaluate land or development or by any federal or provincial authority or the agent thereof.
- 52.1) **Infill Development** means developing or redeveloping structures on vacant or underutilized parcels of land within existing urban or suburban areas that are already largely developed utilizing and/or enhancing existing infrastructure, such as roads, utilities, and public services.

(2024-11-15)

- 53) **Kennel** means a building or premise where domestic household animals and birds are boarded for breeding or otherwise.
- 54) **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.
- 55) **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of

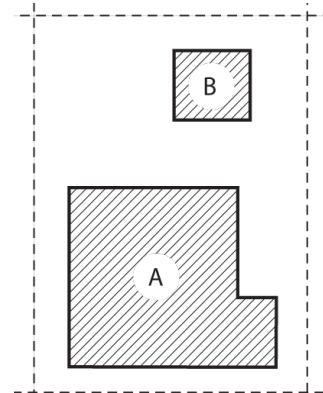
which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.

- 56) **Light Industry** means 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.
- 57) **Loading Space** means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.
- 58) **Local Street** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.
- 59) **Lot** means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building.

60) **Lot Area** means the total horizontal area within the lines of the lot.

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

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



62) **Lot line** means an outer boundary for a specific lot.

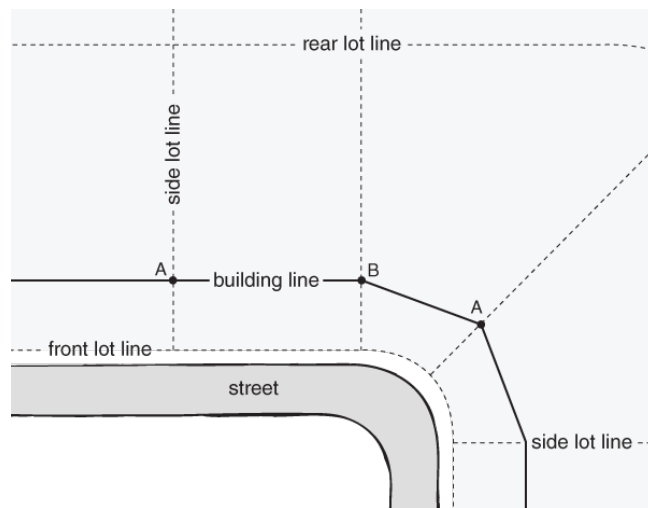
63) **Lot line, Front** means the line dividing a lot from the street. For a corner lot, the shorter lot line adjacent to the street shall be deemed the front lot line and the longer lot line abutting the street shall be deemed the flanking lot line.

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

65) **Lot line, Rear** means the lot line on the opposite side of the front lot line.

66) **Lot line, Side** means the lot lines perpendicular to the front and rear lot lines.

67) **Lot line, Flanking** means a lot line which abuts the street on a corner lot.



- 68) **Main Building** means any building in which is carried on the principal purpose for which the lot is used.
- 69) **Marina** means a public or private facility operated as a commercial recreational use, used for the docking, mooring and storage of boats, ships and any other marine craft and their accessory equipment.
- 70) **Mineral Working** means land or buildings used for the working or extraction of any naturally occurring substance, including a pit or quarry.
- 71) **Mini Home** means a form of mobile home which has a pitched roof and traditional house-type exterior siding, windows and doors, designed to be connected to piped water and sewer, electricity and telephone, with or without basement installation, suitable for year round occupancy.
- 72) **Mobile Home** or mini home means a transportable factory-built single family dwelling unit:
- a) Which complies with space standards substantially equal to those laid down in the current edition of the National Building Code of Canada and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
 - b) Which is designed to be transported to a mobile or mini home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation; and
 - c) Connected to piped water, piped sewer, and utilities in order to be suitable for year round occupancy.
- 73) **Non-Conforming Use** means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.
- 74) **Open Market** means a building or approved vending site where individual vendors operating from stalls, booths or other defined areas offer for sale food or goods items such as fresh fruit and vegetables, meat, fish and eggs, garden plants, baked foodstuffs, handicrafts and second-hand goods.
- 75) **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.
- 76) **Owner** means a person or an organization of persons owning or having the legal right to use the land under consideration.
- 77) **Parking Lot** means an open area of land other than a street or an area within a structure for the parking of vehicles.
- 78) **Parking Space** means an area of land or building for the temporary parking or storage of motor vehicles.
- 79) **Permitted Use** means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

80) **Planned Development** means an area of a minimum contiguous size, as specified by the Regulations, to be planned, developed, operated, and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas.

80.1) **Port Facility** is an area that includes a wharf, pier, breakwater or other work or installation located in, on or adjacent to navigable waters and includes any land to which it is attached or other adjacent lands necessary for the operation of the port.

(2019-06-07)

80.2) **Portable Swimming Pool** means a temporary water facility designed for recreational use with a water depth less than 0.91m and a maximum water surface area of less than 10.5m² that is placed on the ground and constructed from materials such as vinyl, plastic, or inflatable components, allowing for easy assembly and disassembly.

(2024-11-15)

81) **Private Boathouse** means a building constructed to house a boat, boats or related material, in which no business, occupation or service is conducted for profit and which excludes a private garage.

82) **Private Club** means a building used as a meeting place for members of an organization and may include a lodge and recreational or service club.

83) **Prohibited Use** means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone.

84) **Public Use** means any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries and other public buildings and structures.

85) **Recreational Use** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, walking trails, and similar uses.

86) **Restaurant** means 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.

87) **Salvage Yard** means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site.

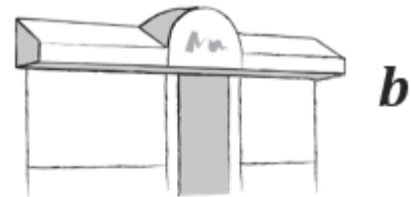
88) **Screening** means the method by which a view of one site from another adjacent site is shielded, concealed or hidden.

89) **Service Station** means any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing and polishing of motor vehicles.

- 90) **Service Street** means a street constructed parallel to or close to another street for the purpose of limiting direct access to that street.
- 91) **Shop** means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, an amusement use, a general garage, or a service station.
- 92) **Shopping Centre** means a group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.
- 93) **Sign** means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities, and boarding or similar structures used for the display of advertisements.

For the purposes of these regulations, the following definitions apply to signs:

- a) **Billboard** means a sign displaying only third party advertising;
- b) **Canopy Sign** means a sign that has a structure of rigid or non-rigid material on a framework sheltering an area or forming a sheltered walk;
- c) **Changeable Message Sign** means a sign which has or incorporates one or more of the following features: moving parts, moving or changing images, changing text, or moving or intermittent lights;
- d) **Directory Sign** means a sign with more than one establishment and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logo;
- e) **Ground Sign** means a sign supported by one or more uprights, placed permanently in the ground;
- f) **Group Sign** means a ground sign on which more than one activity, business; organization, enterprise, industry or service is being advertised;



g) **Illuminated Sign** means a sign that emits artificial light or is illuminated by a light focused upon, or chiefly directed at, the surface of the sign;



k

h) **Off-Site Sign** means any sign intended for the purpose of announcing direction to a particular sight;

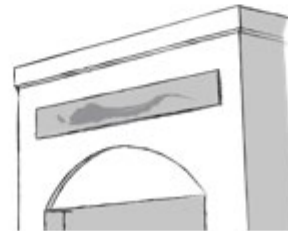
i) **On-Site Sign** means any sign (permanent or temporary) located wholly within the confines of the owner's property;



m

j) **Portable sign** means a sign designed to be mobile and not located permanently in a fixed location. This includes vehicles and trailers with advertising markings/ designs or carrying signage, placed for the sole purpose of advertising;

k) **Projecting Sign** means any sign that is wholly or partly dependent upon a building for support and projects from the wall or face of a building or structure;



p

l) **Pylon sign** means a sign affixed to, supported by or placed upon the ground which is supported by one or more uprights and is not attached to any building;

m) **Roof Sign** means a sign fixed; placed upon or supported by the roof of a building;

n) **Sponsorship Sign** means a sign which recognizes by name or logo, crest, insignia, trademark or emblem only a sponsor of a recreational, cultural or educational facility or programme.

o) **Temporary sign** means a sign, not permanently installed or in a fixed position, that advertises a business, site, event or activity for a limited period of time; and

p) **Wall sign** means a sign which is painted on or attached directly against the surface of a building.

94) **Sign Face Area** means the total area in height and width of the entire advertising device, excluding posts and includes any framing or border around the actual lettering or graphics. Irregular shaped signs shall have their area determined by the maximum dimensions of the sign face. Where a sign has two faces or more, the maximum area is permitted for each of the two faces.

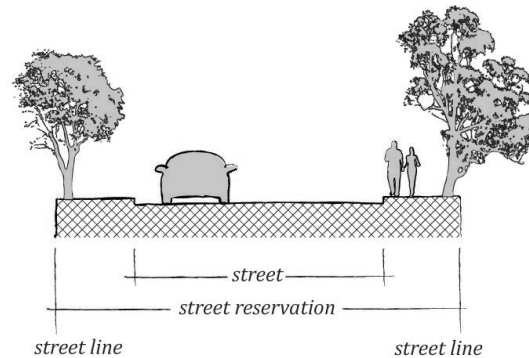
95) **Sign Placard** means that part of a sign face that contains the information about an individual activity, business or service. A sign face may be comprised of one or more sign placards.

96) **Sign Height** means the vertical distance measured at right angles from the highest point of the sign or sign structure to the finished grade directly below.

97) **Street** means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles.

98) **Street Line** means the edge of a street reservation as defined by the authority having jurisdiction.

99) **Street Reservation** means an area determined by Council that is reserved for a street, a future street or future street improvements.



100) **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, including buildings, walls, signs and fences.

101) **Subdivision** means the dividing of land, whether in single or joint ownership, into two or more pieces for the purpose of development.

102) **Subsidiary Apartment** means a self-contained dwelling unit which includes a kitchen and bathroom constructed within and subsidiary to a single or double dwelling.

103) **Swimming Pool (Residential)** means any in-ground or above-ground structure, whether or not enclosed within a building or dwelling, that is capable of containing water with depth greater than 0.61m and includes swimming pools, non-portable pools, but excludes hot tubs, portable swimming pools, wading pools, and swim spas as defined by these Regulations.

(2024-11-15)

103.1) **Swim Spa** means a type of compact, in-ground or above-ground recreational water facility designed primarily for exercise, relaxation, and therapeutic purposes. It combines features of both a swimming pool and a hot tub, and includes a current-generating system that allows for continuous swimming or resistance training in a smaller space than a standard pool. Swim spas may or may not have built-in seats, hydraulic or pneumatic jets, and heating elements.

(2024-11-15)

104) **Take-Out Food Service** means a building in which the primary purpose is the preparation and sale of meals or refreshments for consumption off the premises.

105) **Temporary Use** means a use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

106) **Use** means a building or activity situated on a lot or a development permitted on a lot.

107) **Use Zone** or **Zone** means an area of land including buildings and water designated on the Zoning Map to which the uses, standards and conditions of a particular Use Zone Table apply.

108) **Utility** means any public or private system, works, plant, equipment or services which furnishes services at approved rates to or for the use of the general public.

109) **Variance** means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the Authority's regulations.

110) **Veterinary Clinic** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures.

110.1) **Wading Pool** means a portable, prefabricated vessel intended for temporary use designed primarily for water-based play by children with a maximum water depth of less than 0.4m, has a water surface area less than 2.65m², and does not include accommodation or fixtures for circulation or treatment of water.

(2024-11-15)

111) **Warehouse** means a building used primarily for the storage of goods and materials.

112) **Watercourse** means any lake, pond, river, stream or other body of water.

113) **Wetland** means the land usually or at any time occupied by water, where the water table is at or is just above the surface of the land either permanently or intermittently, depending upon the class of the wetland which includes bogs, fens, marshes, swamps and shallow water zones along shorelines of bodies of water.

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

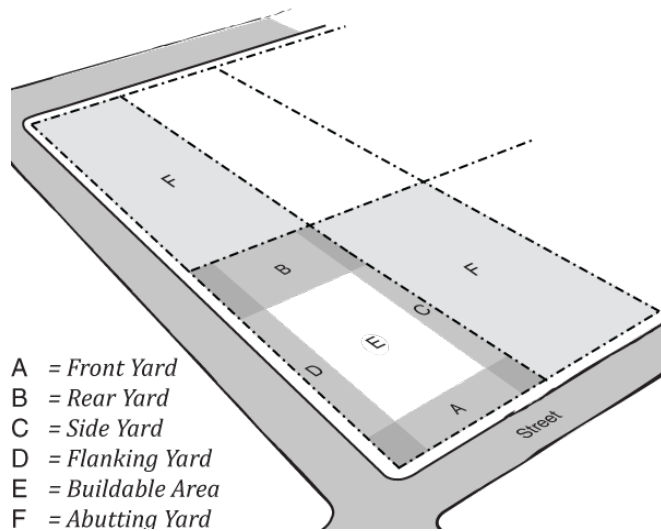
115) **Yard, Rear** means the distance between the rear lot line and the rear wall of the main building on a lot.

116) **Yard, Side** means the distance between the side lot line and the nearest side wall of a building on the lot.

117) **Yard, Front** means the distance between the front lot line of a lot and the front wall of the main building on the lot.

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

119) **Yard, Abutting** means the yard of an abutting lot which shares a lot line of subject property.



120) **Zoning Map** means the map or maps attached to and forming a part of the Authority's regulations.

3 Provincial Development Regulations

These regulations have been reproduced and re-formatted from the official version available online at <http://assembly.nl.ca/Legislation/sr/regulations/rc010003.htm> and are current at the time of registration of these Regulations. As the regulations may be amended, an official printed or electronic version provided by the Newfoundland and Labrador House of Assembly shall supersede those listed below.

3.1 Short title

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

3.2 Definitions

In these regulations,

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

3.3 Application

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

3.4 Interpretation

- 1. In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
 - a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
 - b) "accessory building" includes
 - i. a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land;
 - ii. for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae;
 - iii. for commercial uses, workshops or garages; and
 - iv. for industrial uses, garages, offices, raised ramps and docks.
 - c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
 - d) "building height" means the vertical distance, measured in metres from the established grade to the

- i. highest point of the roof surface of a flat roof;
- ii. deck line of a mansard roof; and
- iii. mean height level between the eave and the ridge of a gable, hip or gambrel roof; and
- iv. and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- g) "established grade" means,
 - i. where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - ii. where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- k) "lot area" means the total horizontal area within the lines of the lot;
- l) "lot coverage" means the combined area of all buildings on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
- q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- u) "street line" means the edge of a street reservation as defined by the Authority having jurisdiction;

- v) "use" means a building or activity situated on a lot or a development permitted on a lot;
 - w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
 - x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the Authority's regulations; and
 - y) "zoning map" means the map or maps attached to and forming a part of the Authority's regulations.
2. An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the Authority's regulations as discretionary, permitted or prohibited uses for that area.

3.5 Notice of right to appeal

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

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

3.6 Appeal requirements

- a) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.
- b) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- c) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- d) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- e) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

3.7 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 subsections 6(1) and (2), shall immediately register the appeal.
2. Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.

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

3.8 Development prohibited

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

3.9 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.

3.10 Hearing of evidence

1. A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
2. A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
3. A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
4. In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

3.11 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.

3.12 Variances

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.

3.13 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.

3.14 Residential non-conformity

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

3.15 Notice and hearings on change of use

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

3.16 Non-conformance with standards

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

3.17 Discontinuance of non-conforming use

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

3.18 Delegation of powers

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

3.19 Commencement

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

4 General Regulations

4.1 Development Approval Required

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

4.2 Compliance with Regulations

Development shall be carried out and maintained within the Planning Area in accordance with the Municipal Plan, these Regulations, conditions stated in a Development Approval, and any other by-law or regulation enacted by the Authority.

4.3 Decisions of the Authority

Decisions made by the Authority with respect to a Development Approval required by these Regulations, shall be made in writing and state the reasons for a refusal of, or conditions contained within the Development Approval. The Authority shall also advise the person to whom the decision applies of their right to appeal, in accordance with Section 42 of the Act and the requirements of Section 3, Regulation 5 of these Regulations.

4.4 Development Approval to be Issued

Subject to Regulations 4.5 and 4.6, a Development Approval shall be issued for development within the Planning Area that conforms to:

- a) The policies expressed in the Municipal Plan and any further scheme, plan, or regulation pursuant thereto;
- b) The general development standards set out in Section 5 of these Regulations, the requirements of Section 10 of these Regulations including the use classes, standards, requirements, and conditions prescribed for the use zone in which the proposed development is located;
- c) The standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal and Property Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- d) The standards set out in Section 7 of these Regulations in the case of subdivision;
- e) The standards set out in Section 8 of these Regulations in the case of signs; and
- f) The standards of design and appearance established by the Authority.

4.5 Approval Not to be Issued in Certain Cases

No approvals 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 the services deemed necessary by the Authority and such cost shall attach to and upon the property in respect of which it is imposed.

4.6 Discretionary Powers

In considering an application 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 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.

4.7 The Application

1. Applications to carry out development shall be made only by the owner or person authorized by the owner to the Authority, on such form as may be prescribed by the Authority. Every application shall include such plans, specifications and drawings and be accompanied by the appropriate fee, as required by the Authority.
2. The Authority shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 4.7(1) and a description of the plans, specifications and drawings required to be provided with the application.

4.8 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.

4.9 Deferment of Application

1. An application properly submitted in accordance with these Regulations shall be determined within eight (8) weeks of the receipt thereof by the Authority.
2. The Authority may defer consideration of an application where additional information or consideration is required.
3. Where no decision on an application has been made within 8 weeks of its submission, the application shall be deemed to be refused.
4. The Authority may defer decisions on an application within a specified area where the Authority has directed that a planning study or other similar study pertaining to the future use and development of the specified area be undertaken.

4.10 Approval in Principle

1. An application for a proposed development shall include;
 - a) a description of the proposed development;
 - b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands;
 - c) submission of detailed plans; and
 - d) any additional information that may be required by the Authority.
2. The Authority may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations, and attach conditions that are
 - a) required to be met prior to the issuance of a development approval; and
 - b) necessary to ensure the development occurs in a manner consistent with the policies of the Plan and these Regulations.
3. An Approval in Principle shall be valid for 2 years.
4. No development shall be carried out under an Approval in Principle.

5. The Authority may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the application.

4.11 Development Approval

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 development approval shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from
 - a) full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development;
 - b) having the work carried out in accordance with these Regulations or any other regulations or statutes; and
 - c) compliance with all conditions imposed there under.
2. The Authority may attach to a development approval 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, development approvals 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.
4. A Development Approval is valid for two years. If the development has commenced, the Development Approval shall be renewed annually until the development is complete;
5. No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
6. Any changes or modifications to plans or drawings shall be approved by the Authority.
7. There shall be kept available on the premises where any work, matter or thing is being done for which a Development Approval has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

4.12 Revoke Development Approval and Permit

The Authority may revoke an approval and any subsequent permits for failure by the applicant or developer to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued contrary to the applicable regulations, or was issued on the basis of incorrect information.

4.13 Correction of Errors and Remedial Work

The approval of any plans or drawings or the issuance of a Development Approval or permit shall not prevent the Authority or any officer from thereafter requiring the correction of errors or from ordering the cessation of, or remedial work on any development being carried out in the event that the same is in violation of these or any other regulations or statutes.

4.14 Public Notice

1. The Authority shall provide public notice for a period of not less than:
 - a) 7 days including publication of a notice in a locally circulated newspaper on at least one occasion - when considering a variance in accordance with Section 3.12;
 - b) 14 days including publication of a notice in a locally circulated newspaper on at least two occasions - when considering a change in a non-conforming use in accordance

with Section 3.15 or development which is listed as a Discretionary use in Section 10 of these Regulations; and

- c) 7 days including publication of a notice in a locally circulated newspaper on at least one occasion - when considering an accessory building under authority of Sections 5.3(2)(b) and 5.3(3)(b).
2. The Authority may require public notice of any development application where, in the opinion of the Authority, such notice is required for information and public consultation purposes.
3. The Authority shall require the cost of the public notice, or portion thereof, be paid by the applicant and that such notice shall be by public advertisement in a newspaper circulating in the area or by any other means deemed necessary or appropriate by the Authority.

(2017-12-15)

4.15 Land Use Impact Assessment

1. Assessment Required – The Authority may require a Land Use Impact Assessment to evaluate any proposed land use or development that affects the policies contained in the Municipal Plan.
2. Terms of Reference – The Terms of Reference for a Land Use Impact Assessment shall be prepared and approved by the Authority.
3. Impact Assessment Report - The report and any supporting studies shall be prepared at the expense of the applicant unless otherwise determined by the Authority.
4. Mitigation Plan – The report shall identify significant impacts, evaluate their importance, and recommend measures of control or mitigation, where appropriate.
5. Public Review –The Authority shall provide adequate time for public review and comment with regards to the items to be addressed in the Terms of Reference for the Land Use Impact Assessment. The Authority may provide an opportunity for public review and comment on the Land Use Impact Assessment report prior to its approval.

4.16 Environmental Site Assessment and Remediation

The Authority may require an environmental site assessment as a condition of approval for development of lands where site contamination is known or reasonably believed to have occurred. Where such an assessment indicates the presence of hazardous materials, no development will be permitted until the site has been remediated in accordance with relevant federal and provincial regulations regarding contaminated sites.

4.17 Archaeological Assessment

Where archaeological resources are known to exist, or where they are likely to exist based on location or historical evidence, applications for development will be forwarded to the Historic Resources Division, Department of Tourism, Culture and Recreation for review and consideration under the Historic Resources Act. The Authority or the Historic Resources Division may require an archaeological assessment. This assessment must be reviewed by the Historic Resources Division. The Authority may apply conditions for the protection and preservation of any archaeological resources.

4.18 Right of Entry

The Authority, the Director, or any inspector, enforcement officer or other person or persons authorized by the municipality, may enter upon any public or private land and

may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Authority is empowered to regulate.

4.19 Stop Work Order and Prosecution

1. Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to pull down, remove, stop construction, fill in or destroy that building or development and may order the person restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development; and
2. A person who does not comply with an order made under Regulation 4.19(1) is guilty of an offence under the provisions of the Act.

4.20 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 in accordance with Section 149(2) of the *Municipalities Act*.
2. A service levy shall not exceed the cost, including finance charges to the Authority of constructing or improving the public works referred to in Regulation 4.20(1) that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real property;
3. A service levy shall be assessed on the real property based on:
 - a) The amount of real property benefited by the public works related to all the real property so benefited; and
 - b) The density of development made capable or increased by the public work.
4. The Authority may require a service levy be paid by the owner of the real property benefited and may specify the time for payment. The amount of each service levy will be outlined in the Town's Fee Structure.

4.21 Financial Guarantees by Developer

1. The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence;
2. The financial provisions pursuant to Regulation 4.21(1) may be made in the form of:
 - a) A cash deposit from the developer, to be held by the Authority, or;
 - b) An irrevocable Letter of Credit issued by a bank, or;
 - c) A performance bond provided by an insurance company or a bank.

4.22 Dedication of Land for Public Use

The Authority may require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

4.23 Reinstatement of Land

The developer, the site occupier, the owner, or any of them is required to restore the site to the satisfaction of the Authority where the use of land is discontinued, the

intensity of the use is decreased, a Development Approval has been revoked, or a Temporary Permit has expired.

5 General Development Standards

5.1 Accesses and Service Streets

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

5.2 Accessory Buildings

1. Accessory buildings may be located on the same lot as the main building(s) to which it is accessory; or, notwithstanding the definition of an accessory building set out in Section 2 of these Regulations, on a lot adjoining the lot which contains the main building, where both lots are under the same ownership; and
2. An accessory building shall not be erected or placed upon any easements
3. Accessory buildings associated with non-residential uses:
 - a. Shall be designed and build to minimize impacts on any adjacent residential uses;
 - b. The cumulative lot coverage of accessory buildings shall not exceed 6% of the lot area;
 - c. Shall not be closer than 1.5m to any adjacent residential property boundary; and
 - d. Where the accessory building is adjacent to a boundary of a residential zone or use, the accessory building must not include windows or doors that face the residential zone or property unless such features are required by the National Building Code or are primarily intended for emergency egress.

5.3 Residential Accessory Buildings

In addition to the requirements of Section 5.2, Residential Accessory buildings including detached indoor swimming pools, but excluding swimming pool and other structures listed in Section 5.22, shall be subject to the following requirements:

1. On a lot that is less than 1150m² in area, the cumulative lot coverage of accessory building(s) on the lot shall not exceed 6%.
2. On a lot that is greater than or equal to 1150m² but less than 4050m² in area, the cumulative lot coverage of accessory building(s) on the lot
 - a. shall not exceed 70m², or
 - b. at the discretion of Council and following public consultation, may be permitted to a maximum of 6% of the lot area, provided that the lot coverage of the accessory building(s) does not exceed the lot coverage of the dwelling.
3. On a lot that is greater than or equal 4050m² in area, the cumulative lot coverage of accessory building(s) on the lot
 - a. shall not exceed 70m², or
 - b. at the discretion of Council and following public consultation, may be permitted to a maximum of 6% of the lot area.
4. In this section, lot area shall include the cumulative lot area for both the main lot and the adjoining lot where a proposed accessory building is considered under Section 5.2(1) of these Regulations.

(2024-11-15)

5.3.1 Placement on the Lot

1. An accessory building including detached indoor swimming pools, but excluding swimming pool and other structures listed in Section 5.22, shall not be placed any closer than 1.5 metre from a side or rear yard line, or 0.3 metres from an easement, or 3 metres from the main building or any other building.
2. Where no reasonable options are available, an accessory building, may be placed in front of the dwelling only where:
 - a) The slope of the lot, and/or natural screening effectively blocks the view of the building from the street and adjoining properties;
 - b) The building can be set back to the minimum building line setback for the residential dwelling;
 - c) A site plan is submitted showing the relationship of buildings on the lot and the location of the proposed building;
 - d) The building is balanced with the main building in terms of exterior finish, roof line and pitch;
 - e) The placement of the building will not have a negative effect on neighbouring properties.

(2024-11-15)

5.3.2 Number of Accessory Buildings on a Lot

A residential lot may be permitted to have more than one accessory building. For example, a residential lot may have a garage, tool shed, greenhouse, and/or outdoor swimming pool. In any case, the cumulative lot coverage for all accessory buildings on a lot shall not occupy more than 50% of the available rear yard area of the residential lot.

Only one accessory building of the same type (i.e., not more than one garage) is permitted on a residential lot.

(2017-12-15)

5.3.3 Height and Finish

1. In addition to Regulation 5.7, an accessory building shall not be higher than the residence, or constructed so as to have a negative impact on adjoining properties.
2. Accessory buildings shall be designed to be complimentary to the general surroundings and the exterior finish of the main building.

(2024-03-01)

5.3.4 Occupancy

An accessory building shall not be used for human habitation.

5.4 Accessory Uses Permitted

Where these regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the use of the main building and be contained on the same lot as the main building or an adjoining lot where both lots are under the same ownership.

5.5 Buffers

1. Where any industrial, commercial, public or institutional development permitted in any Use Zone abuts an existing or proposed residential use, the owner of the site of the development shall provide a buffer strip of not less than
 - a) Ten metres (10) wide between the industrial area and any residential use; and
 - b) Three metres (3) wide between any commercial or civic area and any residential use.
2. 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.
3. The Authority may require a security deposit to ensure that a required buffer is put in place.

5.6 Building Accessibility

All public and institutional buildings shall be constructed in conformity with the *Buildings Accessibility Act* and *Regulations* to ensure accessibility for persons with physical and/or sensory disabilities.

5.7 Building Height

With the exception of accessory buildings, the Authority may permit the erection of buildings of a height greater than that specified in the use zones set out in Section 10 but in such cases the building line setback and rear yard requirements shall be varied as follows:

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

5.8 Building Line and Setback

1. The Authority, by resolution, may establish building lines on an existing 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 use zones set out in Section 10 of these Regulations.
2. Where a development constitutes infill on an existing developed street, the Authority may set the minimum building line setback to enable the development to fit into the streetscape with respect to adjoining properties and the general area.

5.9 Fences

No fence shall be erected, replaced or repaired unless a permit for construction has been issued by the Town in accordance with the *Town of Conception Bay South Fence Regulations* and the *Conception Bay South Road Reservation Regulations*.

5.10 Development in Hazard Areas

1. In addition to development complying with the development standards and conditions outlined in the Use Zones set out in Section 10, the following conditions will also apply to development located within areas identified as high and moderate Hazard Vulnerability identified on Map 2 Environmental Overlay Map of the Municipal Plan.
 - a) New residential development shall be prohibited in areas identified as high hazard;

- b) Where proposed residential development is located in any area identified as Moderate Hazard, the Authority shall require a site specific study in the form of a Land Use Impact Assessment, prepared by suitably qualified person(s) to evaluate the level of hazard risk, taking into consideration the susceptibility of the proposed development to storm surges, erosion or flooding. Such studies will consider elevation, topography and geomorphology.
- c) For commercial, industrial or other non-residential development located in areas identified as High Hazard, the Authority shall require a site specific study in the form of a Land Use Impact Assessment, prepared by suitably qualified person(s) to evaluate the level of hazard risk, taking into consideration the susceptibility of the proposed development to storm surges, coastal erosion or flooding. Such studies will consider elevation, topography and geomorphology;
- d) Development, where permitted in any area identified as moderate or high hazard may also be required to assess the biophysical impact on the coastal ecosystem including the potential to contaminate (hazardous materials storage), harmful disruption of natural habitats and disruption of natural coastal processes such as littoral drift;
- e) The Authority may require additional engineering design or other measures to mitigate identified hazards as a condition of development, or may refuse development where, in the opinion of the Authority, identified hazards cannot be mitigated.

5.11 Heritage Buildings/Properties

1. Alteration of buildings or lands identified by the Town and/or the Newfoundland and Labrador Heritage Foundation as heritage buildings/properties may be permitted providing the alteration is consistent with the heritage features of the building/property. Where new uses are proposed for heritage buildings, such uses may be permitted provided the use does not significantly alter the exterior of the building.
2. A designated Heritage building or structure shall not be removed or demolished except where, in the opinion of the Authority, the building or structure has deteriorated to an extent that it cannot be preserved, where the structure poses a hazard to public safety, and all options for preservation have been evaluated in consultation with the Conception Bay South Heritage Advisory Board, the Newfoundland and Labrador Heritage Foundation and any other local heritage organizations with an interest in the structure or property.

5.12 Landscaping

5.12.1 General

1. The Authority may require the limits of new development to be delineated in the field, and if so, site work will be restricted to that area in order to minimize disruption on the remaining and surrounding natural vegetation.
2. All areas that are disrupted by construction shall be reinstated by the developer using natural landscaping with a minimum of topsoil and grass sods.
3. Slopes shall have a maximum vertical slope ratio of 2:1 and shall be landscaped with topsoil and grass sods or hydro seeded.
4. A landscape deposit in the amount to cover the costs of the landscaping of the lot or area shall form a condition of the Development Approval and shall be paid prior to the issuance of the applicable permit by the Town. The landscaping must be completed to the satisfaction of the Authority within two years of the issuance of the permit. If no landscape inspection is completed within this two year period, the deposit may be forfeited. The amount of the landscape deposit shall be as outlined in the Schedule of Fees established by the Authority.

5.12.2 Residential

1. The front and side yards of a residential lot shall be landscaped with a minimum treatment of grass and related natural vegetation.
2. With the exception of row dwellings and apartment building lots, the minimum area to be landscaped in the front yard of a residential lot is 50%.
3. A minimum of one tree shall be planted in the front yard per six metres (6 m) of lot frontage as part of the initial landscaping feature of the lot.
4. The driveway and any parking areas shall be paved or completed with a hard surface acceptable to the Authority;

5.12.3 Commercial, Public and Institutional Uses

1. The front, side, and rear yards of a commercial lot shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative to this requirement shall be proposed in the form of a landscaping plan prepared by a certified member of a recognized landscaping organization which is recognized by the Authority to offer such landscaping expertise and service.
2. On every lot, a minimum of one tree shall be planted for every eight metres (8 m) of lot frontage.
3. For smaller lot developments (frontages of 30 m or less), the proposed landscaping shall be indicated on the site plan.
4. On larger lots (frontages greater than 30 m), a landscape plan shall be required as a condition of the development and the appropriate amount of landscaping as determined by the Authority shall be illustrated on the landscaping plan.
5. The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas in all yards (front, side, and rear), unless otherwise approved by the Authority, shall be paved and curbed.

5.12.4 Industrial

1. In the landscaped front yard of an industrial lot, a combination of natural landscaping elements shall be required as part of the development or redevelopment of the lot.
2. The required side and rear yards of an industrial lot shall be landscaped with a minimum treatment of grass and related natural vegetation.
3. A landscape plan shall be required as a condition of the development and the appropriate amount of landscaping as determined by the Planning Department shall be illustrated on the landscaping plan.
4. The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas, in all yards (front, side, and rear yards with the exception of exterior storage yards), shall be paved.

5.13 Property Maintenance

Where any development or use of land, in the opinion of the Authority, is unsightly, the Authority may:

- a) Require the owner or occupier to provide adequate and suitable landscaping or screening in accordance with the Conception Bay South Landscaping Guidelines;
- b) Require the submission of an application giving details of the landscaping or screening;
- c) Order the property cleaned up under the Conception Bay South Occupancy and Maintenance Regulations or the Waste Disposal and Property Regulations.

5.14 Lot Area

1. No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, 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; and
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.

5.15 Lot Area and Size Exceptions

1. The Authority may approve development of a dwelling on a lot that exists at the time of coming into effect of these Regulations that has insufficient frontage or area to permit the owner or purchaser of the lot to comply with the provisions of these Regulations.
2. Such approvals shall only be issued where the lot coverage is not greater; and the yards and floor area are not less than the standards set out in these Regulations.

5.16 Lot Frontage

Except where specifically provided for in the Use Zones set out in Section 10 of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street constructed to standards established by the Authority.

5.17 Minor Front and Flanking Yard Projections on a Residential Lot

1. No portion of a dwelling shall project into the minimum front and flanking yard of a building except in accordance with the following provisions:
 - a) The following projections shall be permitted:
 - i. chimney breast, eaves, sills or cornices not projecting more than one metre (1 m) into a required front yard depth;
 - ii. unenclosed steps with or without a landing;
 - iii. an unenclosed or enclosed porch, patio or veranda that projects no more than two metres (2 m) into the established building line setback for the lot;
 - iv. wheelchair ramps or other accessibility devices as approved by the Authority.
2. The projection does not encroach upon or reduce the minimum amount of parking required for the lot.
3. The projection does not encroach upon or create an obstruction in the sight triangle for corner lots.

5.18 Multiple Uses

In any use zone where any land or building is used for more than one use, each use shall be required to meet the provisions of these regulations. Where there is a conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

5.19 Non-conforming Uses

In addition to the provisions of Section 108 of the *Urban and Rural Planning Act* and Section 3.14 – 3.17 of the Provincial Development Regulations in Section 3 of these Regulations, non-conforming uses shall meet the following requirements:

1. Where a non-conforming use ceases to exist for a period of more than one year, new uses for the property and/or building must conform to the current land use

designation and development must meet the development standards as outlined in these Regulations. The Authority may consider extending non-conforming use rights beyond one year following discontinuance of a nonconforming use to a maximum of 18 months.

2. A use shall be considered to be discontinued where:
 - a) the use of the land or building ceases;
 - b) the Town has received a request to remove the use from the tax roll;
 - c) services are discontinued;
 - d) the scale or intensity of the activity results in change in the type of use;
 - e) the addition of new activities or the modification of old activities is considered remote from previous activities; or if
 - f) the new or modified activities can be shown to create undue additional or aggravated problems for the municipality, the local authorities, or the neighbours, as compared with what went before.
3. In the event that a non-conforming use is damaged, destroyed by fire, or has deteriorated, redevelopment of the site as a non-conforming use and its continuation as a non-conforming use will be permitted by the Authority; and
4. 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.

5.20 Non-Conformity with Respect to Standards

Notwithstanding Section 5.19(4), existing dwellings in the Residential Low Density (R-1), Residential Medium Density (R-2), and Residential Mixed (R-3) land use zones that are non-conforming with respect to standards, may be re-built or replaced in the same non-conforming manner provided the non-conformity is not increased. The Authority shall consider the impact on the general appearance of the area, surrounding residential properties, the road reservation and future road improvements and any other matters that the Authority believes to be material.

5.21 Outdoor Storage

Outdoor storage will not be permitted in front yards unless it is clearly demonstrated that such storage is a necessary function of a commercial or industrial operation in terms of display and access to the storage area (i.e., building supply operations, etc). Outdoor storage may be permitted in side yards and/or rear yards. The Authority may require fencing or other forms of screening where quantity and/or type of material would lead to unsightly appearance.

5.22 Residential Swimming Pool

A **residential swimming pool, hot tub, swim spa, portable pool** and/or **wading pool**, or other similar structures may be permitted as an accessory use on residential property subject to the following conditions:

- a) No written permit is required from the Town for the temporary placement of a **wading pool**, as defined by the Regulations, on condition that the wading pool is drained of all water when not in use or when unattended by a person responsible for the property.
- b) A **portable swimming pool**, as defined by the Regulations, must be drained of all water when not in use or when unattended by a person responsible for the property.

- c) A detached indoor **swimming pool** shall be regulated in the same manner as if it were an accessory building provided by sections 5.2 and 5.3 of these Regulations and any indoor swimming pool shall be constructed so that the pool bottom lower than the subgrade foundation elevation of any building within 5m of the pool.
- d) An indoor **swimming pool, swim spa, or hot tub** inside a dwelling or within a detached accessory building, shall be designed and constructed in accordance with any requirements established by the latest editions of the National Building Code of Canada, Plumbing Code of Canada, Canadian Electrical Code, as adopted by the authorities having jurisdiction over those codes.
- e) An in-ground **swimming pool** shall be constructed so that the pool bottom is lower than the subgrade foundation elevation of any building within 5m of the pool.
- f) The separation distance between an in-ground **swimming pool** and any adjacent building(s) shall consider any lateral loads imposed on soils between the pool and the foundation(s) of those building(s).
- g) An outdoor **swimming pool** may be located in the rear yard of a residential property such that it is a minimum of 2m from any property boundary.
- h) An outdoor **swimming pool, portable swimming pool, swim spa, or hot tub** may be located in the side yard of a residential property where it is setback at least 2m more than the established front building line on the property and that it is a minimum of 2m from any property boundary other than the front lot line.
- i) Lights used to illuminate any **swimming pool, portable swimming pool, swim spa or hot tub** shall be arranged and shaded so that light does not directly shine onto adjacent properties or public areas.
- j) A **swimming pool** shall be enclosed by a fence constructed in accordance with the *Conception Bay South Fence Regulations*.
- k) A **swim spa or hot tub** shall be enclosed by a fence constructed in accordance with the *Conception Bay South Fence Regulations*, or be equipped with a locking cover satisfactory to the Town, and which cover shall be closed and locked when the swim spa or hot tub is not in use or when unattended by a person responsible for the property.
- l) The cumulative lot coverage for all **swimming pools, portable swimming pools, swim spas and hot tubs** on a single lot shall not exceed 6.0% of the lot area. **Wading pools** are exempt from the cumulative lot coverage calculation.
- m) No **swimming pool, portable swimming pool, swim spa or hot tub** shall encroach upon any easement.
- n) No **swimming pool, portable swimming pool, swim spa or hot tub** shall be placed over any existing on-site septic system.
- o) No **swimming pool, portable swimming pool, swim spa or hot tub** shall be drained into a municipal sanitary sewer system nor onto an adjacent private property.
- p) Before any water from a **swimming pool, portable swimming pool, swim spa or hot tub** is discharged or drained to the environment, a natural, manmade, or municipal storm water system, the water shall be de-chlorinated, or otherwise filtered and / or treated so as to prohibit the deposition of deleterious substances into water frequented by fish, or to any place, under any conditions, where that discharge may enter waters frequented by fish.

- q) Where any proposed structure under this section includes electrical or plumbing components, other than CSA approved or ULC listed elements that require no electrical or plumbing modifications, electrical permits and certifications are required from Digital Government and Service NL, and an appropriate permit from the Town will be required reflective of the necessary plumbing work.
- r) An above ground **swimming pool** or **portable swimming pool** that has been approved by the Town through issuance of a written permit that is disassembled and stored annually will not require further or annual permits where the pool size, depth and location does not change. Should an above ground **swimming pool** or **portable swimming pool** not be installed for two consecutive years, the approval and permit shall be considered lapsed and a new application would be required prior to installation of any above ground **swimming pool** or **portable swimming pool** at the property.
- s) Any other condition(s) on development approval or a permit as may be reasonably imposed by the Town in consideration of the specific circumstances of the property and immediate surroundings where the **swimming pool, portable swimming pool, swim spa** or **hot tub** will be placed.
- t) Where there is conflict between this section and any other section of these Regulations, the more stringent requirement shall prevail.

(2024-11-15)

5.23 Planned Unit Development (PUD)

A Planned Unit Development may be approved by the Authority in any zone as a development and/or subdivision on public or private services, subject to the following requirements:

- a) The PUD complies with the requirements of the Municipal Plan, any scheme adopted under it, and with the development standards of the particular use zone(s);
- b) Be integrated with surrounding land uses with respect to street and pedestrian access, appearance, traffic requirements, and demands on municipal services;
- c) Include streets and services constructed to standards and conditions required by the Authority; and
- d) Be developed according to a Development Agreement having a Planned Unit Development Plan attached thereto, satisfactory to and between the owners of the land and the Authority, registered in the Registry of Deeds of Newfoundland.

5.24 Provincial T'Railway Park

1. Development of lands adjacent to the T'Railway may be required to provide a buffer in the form of a natural separation or structure between the development and the T'Railway.
2. In considering applications for development adjacent to the T'Railway, the Authority may require that pedestrian access to the T'Railway from the development be provided as a condition of development. Where required, the pedestrian access shall be constructed and maintained to the specifications established by the Authority.
3. Proposals for any development that crosses the right-of-way of the Newfoundland T'Railway Park shall be referred to the Departments of Tourism, Culture and Recreation and Environment and Conservation for review, comment and approval.

5.25 Servicing Development

1. Development of back lands or beyond the end of existing public streets, will only be permitted on the basis of full municipal water and sewer servicing except where it is permitted as part of an approved Residential Estate Lot Subdivision.
2. Where permitted, private on-site septic systems, shall be properly designed, installed and maintained. Approval for the design and installation of on-site septic systems is required from the Digital Government and Service NL.
3. Where development on the basis of water supply wells (either in un-serviced infill areas or in a Residential Estate subdivision) an assessment of groundwater quantity and quality may be required in accordance with the *Provincial Department of Environment and Conservation Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells, 2009*. Where there is insufficient groundwater yield to support any development proposed on the basis of a well, the Authority shall refuse the development.
4. Single dwellings as infill development may be approved with on-site well and/ or septic systems along existing public streets where there are no municipal water and / or sanitary sewer services, subject to the following conditions:
 - a) The lot must meet the minimum frontage and lot area requirements for un-serviced development as set out in the appropriate zone;
 - b) Installation of municipal water / sewer services by the Town is reasonably unlikely within the next ten years based on the street's position on the Town's Water and Sewer Priority List;
 - c) That the adjacent properties on the same street are serviced by private on-site water and / or sanitary sewer systems;
 - d) Where the property owner is unable to come to a cost sharing agreement with other property owners that would be serviced by their extension of municipal water and / or sewer to the subject property;
 - e) That the property is more than 100m from the nearest municipal water and / or sanitary sewer mains that would need to be extended to service the property;
 - f) That development beyond the last developed property on any street only occur if the property can already be reasonably be serviced by at least one existing municipal service, be it water or sanitary sewer;
 - g) If, in the opinion of the Authority, development can only be undertaken where provision of private on-site water and or sanitary sewer systems would not have a negative impact on adjacent properties or the Town's future ability to provide municipal water and / or sanitary sewer services to the area; and
 - h) Other than improvements to existing roads such as conveyance of land for future road upgrades, re-alignment of intersections, widening or completion of turning areas, no road shall be extended to accommodate the infill development.

(2024-11-15)

5.26 Side Yards

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

5.27 Soils and Drainage

Development shall only be permitted on lands having soil and drainage conditions that are suitable to permit the proper siting and development of the proposed uses.

5.28 Soil Removal, Deposit and Site Grading

1. Removal or placement of soil or other material, or alteration to the natural grade or drainage of a property which adversely affects a watercourse or adjacent property shall not be permitted.
2. Alteration of hillsides with slopes greater than 30% shall be prohibited.
3. Where not part of an approved development, any land disturbance that involves removal or deposition of soil or other material on a property, or any excavation within a lot carried out so as to change the natural grade of the lot, or, if in an approved subdivision the grade established in the grading plan, shall require approval from the Authority. Applications submitted to the Authority will be required to show the full extent of disturbance that is intended. A Land Use Impact Assessment Report may be required to assess geotechnical aspects, visual and environmental impacts, as well as impacts on adjoining properties and land use zones; and
4. Where alterations to the landscape are approved, financial guarantees may be required to ensure adequate site rehabilitation and/or landscaping.

5.29 Storage and Screening of Refuse Containers

Refuse containers used for the collection or storage waste from a commercial use shall be positioned to have minimal visual impact from the road, be screened by fence or similar structure and shall not be placed in a front or flanking yard.

5.30 Storage of Flammable Liquids

Uses and structures for the on-site bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and be surrounded by such buffers and landscaping as the Authority may require to prevent damage to adjacent uses by fire, explosion or spillage of flammable liquid or other dangerous goods.

5.31 Street Construction Standards

Unless otherwise permitted by the Authority, new streets must be constructed in accordance with and to the design and specifications in the *Town of Conception Bay South Municipal Engineering Standards*.

5.32 Storm Water Management

1. Land shall be used and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damages to other properties.
2. Development of land shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
3. Where development results in the discharge of water into a wetland, waterbody, or watercourse such discharge shall be designed and constructed in accordance with the requirements and conditions prescribed by the Authority.

5.33 Subsidiary Apartments

Subsidiary apartments shall be limited to single and double dwellings. For the purposes of calculating lot area and yard requirements, it shall be considered part of the single dwelling. Provision shall be made for at least one off-street parking space for a subsidiary apartment.

5.34 Watercourse Protection

1. No development shall be permitted within 15 metres of the high water mark of any body of water or wetland without approval from the Department of Environment and Conservation, and, if fish habitat is affected, from Fisheries and Oceans, Canada. The Authority may require larger buffer areas around watercourses where identified flood plains, steep slopes, unstable soil or other conditions could result in damage to watercourses and wildlife habitat as a result of development. For the purposes of assessing applications in areas at risk of flooding, the high water mark shall be the 1:100 year flood level.
2. The Authority shall require that water crossings, bridges, culverts, stream diversions and stormwater management devices, are planned, designed and constructed so as to ensure that fish habitat and passage are preserved, and where possible, enhanced.
3. Filling in or alterations of wetlands shall be prohibited. Where development is proposed adjacent to a wetland area identified on Map 2 Environment Overlay Map (Schedule A of the Municipal Plan), the Town may require the developer to undertake a wetland analysis study to delineate more precisely the limits of the wetland in order to establish appropriate setbacks for the development.

5.35 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.

5.36 Zero Lot Line and Other Comprehensive 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 other comprehensive layout which does not, with the exception of dwelling unit floor area, meet the requirements of the Use Zones set out in Section 10, 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 layout adjoins other development.

6 Specific Use Regulations

6.1 Automotive Sales

1. An automotive sales use, where permitted, shall be subject to the following conditions:
 - a) The automotive sales use shall have a building on the lot in which the business is conducted.
 - b) The automotive sales lot shall be paved and shall provide drainage, lighting, curbs, and landscaping in accordance with the requirements of the Authority.
 - c) The automotive sales use shall be licensed under the *Automobile Dealers Act* prior to the use commencing.
2. Proposals for establishing an automotive sales use will be required to include a development plan showing:
 - a) The number and location of parking spaces,
 - b) Ingress and egress of the parking lot,
 - c) Motor vehicle circulation pattern around the lot,
 - d) Location of any building on the lot,
 - e) Area to be landscaped and screened and the type of landscaping to be used, and
 - f) Customer parking in accordance with Section 9 of these regulations.

6.2 Bed and Breakfast Establishment

A Bed and Breakfast establishment, where permitted shall be subject to the following conditions:

- a) The use is in a single dwelling occupied as a residence by the operator of the business;
- b) No addition or alteration shall be undertaken which changes the roof line, increases the height of the building, or extends into the front or sideyards of the lot, except for dormers and/or structures necessary for public safety such as fire escapes;
- c) The nature and scale of the proposed use is consistent with the adjoining development and the use does not detract from the residential character of the neighbourhood;
- d) That a minimum of one (1) paved parking space per room, in addition to those required for the residential use, be provided on the lot;
- e) A parking area abutting a residential lot shall be appropriately screened by a fence, wall, or hedge of height not less than one (1) metre and located a minimum distance of 1 metre from the edge of the parking area;
- f) A single non-illuminated free standing sign not exceeding 0.28 square metres in area and a fascia sign not exceeding 0.20 square metres in area shall be permitted provided that the design of the sign is consistent with the residential character and amenity of the area; and
- g) That the use is approved and licenced under the Provincial *Tourist Establishment Regulations*, 1996.

6.3 Boat Houses, Wharves and Docks

The construction of boat houses, docks and wharves shall meet the following requirements:

- a) A boathouse shall be used for the storage and maintenance of recreational boats and where proposed as an accessory use to a residential use, shall conform to the conditions concerning building size set out in Regulation 5.2-5.4.
- b) Wharves and docks will require approval from the Departments of Environment and Conservation and Fisheries and Oceans Canada.

- c) Where any boathouse, wharf or dock is proposed to be constructed in an area identified as a high or medium hazard area, the Authority may require appropriate studies and design in accordance with Regulation 5.10.

6.4 Drive Through Use

1. A Drive-Through Restaurant or Take-Out Food Use shall have a stacking lane with a minimum length before the pick-up window, as determined by the Authority on the level of traffic generated by the drive-through use as listed below, and the stacking lane length may be modified on the basis of the recommendations of a Land Use Impact Assessment:

Level of Generation	Minimum Stacking Lane Length
High Generator	72 m
Medium Generator	54 m
Low Generator	36 m

2. A minimum of six metres (6 m) after the pick-up window to on-site aisle or parking area.
3. A Drive-Through Use related to a shop or bank use shall have a stacking lane with a minimum length of eighteen metres (18 m) from the pick-up window or automated teller machine and a minimum of six metres (6 m) after the pick-up window or automated teller machine to the on-site aisle or parking area.
4. Drive-through stacking lanes should be separated by raised islands, be well signed to provide for ease of use and located so as to avoid crisscrossing of lanes.
5. Order boards with an intercom shall be designed to minimize noise impact on adjacent residential or institutional uses. The Authority may require the applicant to undertake a Land Use Impact Assessment to assess the proposed Drive-Through Use and mitigation measures where the Drive-Through Use is in close proximity to residential uses.
6. No drive-through stacking lane, order window, or order board shall be located within three metres (3 m) of a lot line abutting a residential use.
7. A buffer consisting of a sound-proof fence and landscaping shall be provided adjacent to residential uses. A fence, berm, and landscaping or a combination of these elements shall be used to reduce headlight glare, order board lighting, and noise from the Drive-Through Use.

6.5 Autobody Repair

Where permitted, autobody repair shops shall meet the following requirements:

1. There shall be sufficient on-site parking on the lot for the parking and/or storage of vehicles awaiting repair and for employees;
2. There shall be no outdoor storage of inoperable vehicles on the premises and no scrapping of vehicles shall be permitted;
3. A parking area abutting a residential lot shall be appropriately screened by a fence, wall, or hedge of height not less than one (1) metre and located a minimum distance of 1 metre from the edge of the parking area;
4. Measures are taken to minimize any noise, spray or fumes generated from the use through the installation of appropriate equipment; and
5. All waste fluids and tires shall be appropriately disposed of in accordance with applicable provincial regulations.

6.6 Home or Family Childcare Use

Where permitted by the Town of Conception Bay South, Childcare as a Home Occupation shall conform to the requirements of the *Childcare Services Act* and *Regulations*. Where required, a licence to operate shall be obtained from the Director of Child Care Services, Department of Health and Community Services.

6.7 Home Occupations

6.7.1 General

The following conditions shall apply to the use of a dwelling for a home occupation:

- a) Where the proposed use is a barber, hairdresser, beauty or tanning salon, esthetician salon/spa or other similar use, the use may be permitted under the following conditions:
 - i) Notwithstanding section 6.7.1(d) of these regulations, the business is limited to one service provider who must be a resident of the dwelling where the business is located,
 - ii) No more than two overlapping client appointments are permitted at any one time, and
 - iii) Notwithstanding section 6.7.1(f) of these regulations, a minimum of two parking spaces are required to accommodate the business in addition to parking required for the dwelling. Parking associated with the business must be arranged so that each space is individually accessible from a public street;
(2017-12-29)
- b) The residence is occupied by the operator of the Home Occupation;
- c) The use is clearly subsidiary to the residential use, does not alter the residential character of the property, and does not detract from the residential character of the neighbourhood. The external appearance of the dwelling shall not be changed by the home occupation;
- d) There are no more than 2 assistant employees employed on site in addition to a resident of the dwelling;
- e) Not more than 25 percent of the total floor area of the dwelling is devoted to the home occupation and there is no increase in the Gross Floor area of the dwelling unit;
- f) One off-street parking space, other than that required for the dwelling, is provided for every 18.5 m² of floor space occupied by the home occupation;
- g) No wholesale, outdoor storage of goods or equipment is carried out, any retail sales are incidental and subsidiary to the approved use;
- h) On-site advertisements shall be non-illuminated with a maximum sign face area of 0.2 square metres and shall meet the requirements of the Authority in terms of shape and material construction;
- i) No change shall be made in the type, class, or extent of the occupation without a permit;
- j) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area;
- k) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot; and
- l) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.

6.7.2 Home Occupations in Accessory Buildings

In addition to the requirements set out in Regulation 6.7.1, a Home Occupation where permitted in an accessory building on a residential lot shall:

- a) Not include any autobody, off-road vehicle or heavy equipment repair or salvage, painting/ detailing or sales;
- b) The business shall be owned and operated by the occupants of the dwelling; and
- c) Activities associated with the use are carried on inside the accessory building, are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.

6.7.3 Home Office

In addition to the requirements set out in Regulation 6.7.1, a Home Office:

- a) Shall not occupy more than 25 percent of the total floor area of the dwelling;
- b) Have no exterior open storage or display of goods, materials or equipment;
- c) Must have no employees other than a resident of the dwelling;
- d) Shall have no signage associated with the Home Office use;
- e) Proposed Office uses which exceed 20 m² in area shall be processed as a discretionary use.

6.7.4 Family Child Care

Where listed as either a permitted or discretionary use, Family Child Care uses as a home-based business use within a single or double dwelling may be approved subject to the following conditions:

- a) The use is approved by the governing authority under the Child Care Regulations (NLR 39/17);
- b) The use is located within a dwelling;
- c) Section 6.7.1(e) does not apply to Family Child Care Uses;
- d) A Family Child Care use may co-occupy up to 50% the total floor area of the dwelling unit;
- e) The section of the street on which the use is located allows sufficient area and sight distance for the safe and convenient drop off and pick up of children without hindering the safety and convenience of vehicular and pedestrian traffic on the street, or the development provides adequate off-street drop off or pick up spaces satisfactory to the Authority; and
- f) The use is compatible with nearby uses.

6.8 Livestock Structures and Uses

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 or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zones set out in Section 10, and, 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; and

- d) The erection of the structure shall be approved by the Department of Natural Resources, Agrifoods Branch, and the Department of Environment and Conservation.

6.9 Mineral Exploration

Where permitted, Mineral exploration activities shall meet the following conditions:

- a) The planned activities do not cause undue noise, significant ground disturbance or risks to the safety of residents of Conception Bay South;
- b) A plan to consult with and inform residents of the activity is submitted and approved by the Authority;
- c) All permits and approvals from federal and provincial agencies including the Department of Natural Resources have been obtained;
- d) A site rehabilitation plan is submitted and approved by the Authority for exploration activities which require trenching and/or the creation of cutlines through wooded areas, or other forms of ground disturbance; and
- e) A refundable deposit as specified by the Authority is required. The deposit shall be returned when the rehabilitation work has been completed in accordance with the development permit and to the satisfaction of the Authority.

6.10 Places of Worship

The following standards shall apply to places of worship:

Development Standards	Standard (metres)
Building Line Setback (Min)	12
Side Yard (min)	5
Rear Yard (min)	10
Building Height (max)	10

6.11 Parks and Playgrounds, and Conservation Uses

The Authority may permit the establishment of recreational spaces (public parks, playgrounds, trails and open spaces) in any use zone if the location of the development is not adjacent to a hazardous or incompatible use, or in an area not compatible for such a recreational use. Where a proposed park or playground does not front on a public street, one 5-metre wide vehicular access to a public street shall be provided.

6.12 Personal Care Use

Personal care uses, including nursing homes and assisted living facilities, where permitted in residential use zones, shall be designed and developed in such a manner that respects the privacy and enjoyment of surrounding residential properties. Personal Care uses shall:

- a) Be licensed by the Provincial Department of Health and Community Services (where required);
- b) Have paved access and parking area;
- c) The Authority may require a privacy fence to be constructed; and
- d) Meet the following lot standards:

	Standard
Lot Frontage (min)	30m

Building Line Setback (Min)	10m or consistent with the building line setback as established by existing lots on the street
Side Yard (min)	5m
Rear Yard (min)	10m
Lot Coverage (max)	50%
Landscaping	20%

6.13 Service Stations

Where permitted, development of an automobile service station and garage, shall conform to the following conditions:

- a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side;
- b) Pump islands shall be set back at least 4 metres from the front lot line;
- c) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3 m of the street or lot line;
- d) Accesses shall not be less than 7 metres wide and shall be clearly marked; and
- e) Where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the intersection. The lot line between entrances shall be clearly indicated.

6.14 Telecommunications Structures and Antennas

Telecommunications structures or antennas shall comply with all applicable provincial and federal (Industry Canada) regulations. The Authority shall provide input to Industry Canada regarding the impact of proposed telecommunications towers and their potential impact on the community.

6.15 Grouped Dwellings

Grouped Dwellings, where permitted, shall be subject to the following conditions and requirements:

- a) Grouped dwellings shall be subject to the requirements of the National Building Code of Canada with respect to minimum separation distances from other buildings within the same property.
- b) Grouped dwellings shall be maintained in single ownership unless subdivision of the property is approved by the Authority in accordance with Part 7 of these Regulations or the where units are owned by individuals and the balance of the property is owned and maintained as common elements within a Condominium Corporation established under the *Condominium Act, 2009*.

(2020-03-20)

7 Subdivision of Land

7.1 Permit Required

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

7.2 Services to be Provided

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

7.3 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 4.20 and 4.21.

7.4 Issue of Permit Subject to Considerations

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

- a) The location of the land;
- b) The availability of and the demand created for schools, services, and utilities;
- c) The provisions of the Plan and Regulations affecting the site;
- d) The land use, physical form and character of adjacent developments;
- e) The transportation network and traffic densities affecting the site;
- f) The relationship of the project to existing or potential sources of nuisance;
- g) Soil and subsoil characteristics;
- h) The topography of the site and its drainage;
- i) Natural features such as lakes, streams, topsoil, trees and shrubs;
- j) Prevailing winds;
- k) Visual quality;
- l) Community facilities;
- m) Energy conservation; and
- n) Such other matters as may affect the proposed development.

7.5 Proposals for Subdivision of Land

Proposals for subdivision of lands for residential, commercial and industrial development shall be required to provide information on:

- a) The physical features of the site including development opportunities and constraints, the location of mature stands of vegetation, areas of potential hazard;
- b) The layout of proposed lots and streets;
- c) How the proposed subdivision relates to existing development, roads and pedestrian pathways on adjacent lands, and provide for future access to undeveloped lands in the area;

- e) The compatibility between the subdivision and surrounding land uses, both existing and future;
- f) The volume and type of traffic that will be generated by the development;
- g) Proposed servicing, including water and sewer, storm water management, and utilities;
- h) In residential subdivisions, the proposed locations of neighbourhood mail receptacles; and
- i) A grading and landscaping plan, which shows the location of, dedicated open space and plantings.

7.6 Subdivision Agreement

As a condition of approval for new developments, the Authority shall require a developer to enter into a subdivision agreement with the Municipality. Such agreements shall include specifications for water and sewer infrastructure, storm drainage, streets, sidewalks, landscaping, open space, as well as bus stops and neighbourhood mailboxes where required.

7.7 Building Lines

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

7.8 Land for Public Open Space

1. Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than ten percent (10%) of the gross area of the subdivision for useable public open space, subject to the following requirements:
 - a) Where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
 - b) 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.
2. The Authority may require from the developer a payment of a sum of money in lieu of such area or areas of land, equal to the value of the land which would otherwise be required to be dedicated.
3. Money received by the Authority in accordance with Regulation 7.8(2), shall be reserved for the purpose of the acquisition or development of land, facilities or infrastructure for public open space or other public purpose.
4. 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.
5. The Authority may require a strip of land 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 7.8.(1).

7.9 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.

7.10 Landscaping

7.10.1 Residential lots

All residential lots in new subdivisions shall include landscaping in accordance with Regulation 5.12 and the Conception Bay South Landscaping Guidelines. Where it is determined by the Authority that berming or a swale is required, or that major sloping occurs within, or outside, the normal boundaries of a lot, it shall be the developer's responsibility to construct the berm, swale or slope to the satisfaction of the Authority, prior to any building permit being issued. Landscaping of any required berm, swale or slope shall be completed with a minimum of grass cover prior to final occupancy being issued. A landscape deposit for any berm, swale or slope within a development will form a part of the subdivision agreement to be returned upon the acceptance of the area by the Department of Engineering and Public Works.

7.10.2 Natural Areas

Wherever possible, sensitive areas should be maintained in their natural state and the destruction of these natural areas by development shall be minimized. If the natural area is a part of a public open space area, the developer shall prepare a landscape plan integrating the natural areas (including the grading relationships) with the portions of subdivision that is to be developed for recreational open space.

7.10.3 Open Space Areas

1. All open space areas to be conveyed to the Authority shall be graded in accordance with the approved subdivision site grading plan.
2. Minimum landscaping of the recreational open space area shall be topsoil and grass sods or hydro seed as determined by the Department of Recreation and Leisure Services. Landscaping and fencing, if required, must be completed prior to conveyance to the Authority.
3. During construction of the subdivision, the open space area may be used to store fill or other materials or equipment. However, the subdivision developer shall landscape all public open space areas that abut landscaped lots prior to proceeding with another phase within the subdivision development in accordance with the requirements set out in the subdivision agreement.

7.11 Subdivision Design Standards

7.11.1 General

Unless otherwise specified in the Town of Conception Bay South Municipal Engineering Standards the design of a subdivision permitted under these Regulations shall conform to the following standards:

- a) The finished grade of streets shall not exceed 10 percent;
- b) New subdivisions shall have street connections with an existing street or streets;
- c) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection;
- d) No street intersection shall be closer than 60 m to any other street intersection;

- e) No more than four streets shall join at any street intersection;
- f) Residential lots shall not be permitted which abut a local street at both front and rear lot lines;
- g) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed;
- h) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.
- i) No residential street block shall be longer than 490 m between street intersections; and
- j) Streets in residential subdivisions shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	Discretion of the Authority
Collector Streets	20 m	15 m	1.5 m	2
Local Residential Streets:				
where more than 50% of the units are single or double dwellings	12.2 m	10.5 m	1.5 m	1
where 50% or more of the units are row houses or apartments	15 m	10.5 m	1.5 m	2
Local Residential Streets, Unserviced	12.2 m	10.5 m	1.5 m	1 placement at the discretion of the Authority
Service Streets	15 m	10.5 m	1.5 m	Discretion of the Authority
Within Planned Unit Developments	15 m	10.5 m	1.5 m	1

7.11.2 Cul de sac Streets

1. Every cul de sac shall be provided with a turning circle of a diameter of not less than 34m.
2. The maximum length of any cul de sac shall be 200 m.
3. Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.
4. No cul de sac shall be located so as to appear to terminate a collector street.

7.12 Engineer to Design Works and Certify Construction Layout

1. Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Authority to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the Authority, be incorporated in the plan of subdivision; and
2. Upon approval by the Authority of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and

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

7.13 Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority as being necessary, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Authority before approval of his application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. Any amount so deposited with the Authority by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

7.14 Deposit of Securities

As a condition of a permit to develop a subdivision and as part of a Development Agreement to subdivide, the applicant shall deposit with the Authority a security to cover the cost of all the subdivision improvements and completion thereof. These securities shall be payable after approval by the Authority and before issuance of a construction permit under these Regulations.

7.15 Transfer of Streets and Utilities to Authority

1. Where required by the terms of a Subdivision Agreement, the developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority, at no cost to the Authority, and clear of all liens and encumbrances:
 - a) All lands in the area proposed to be developed or subdivided which are approved and designated by the Authority for public uses as streets, or other rights-of-way, or for other public use; and
 - 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 his satisfaction with their installation; and
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.

7.16 Restriction on Sale and Development of Lots

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

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

8 Signs

8.1 Permit Required

Subject to the provisions for signs set out in Section 10 and Regulation 8.6, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Authority.

8.2 Provincial Highway Sign Regulations

All signs or advertisements to be erected within the boundaries of the Town of Conception Bay South must be approved in accordance with the Highway Sign Regulations. Where provisions of the Conception Bay South Development Regulations 2011-2021 are inconsistent with the Highway Sign Regulations respecting advertising signs on or near public highways, the more restrictive regulations shall apply. For the purposes of these regulations, the Conception Bay Highway (Route 60), the Conception Bay South Bypass Road (Route 2) and the Foxtrap Access Road are identified provincial highways administered by the Department of Transportation and Works.

8.3 Form of Application

Application for a permit to erect or display a sign shall be made to the Authority in accordance with Regulation 4.7.

8.4 Signs Prohibited in Street Reservation

No sign shall be permitted to be erected or displayed within, on or over any highway or street reservation unless otherwise permitted in this bylaw.

8.5 Removal of Signs

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

- a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;
- b) detrimental to the amenities of the surrounding area.

8.6 Signs Exempt from Control

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

- a) Memorial or historical plaques or tablets;
- b) A flag, sign or crest of any governmental, religious, charitable or fraternal organization;
- c) One nameplate not exceeding 0.2 m² in area on a dwelling or within the courtyard of a dwelling;
- d) A notice board not exceeding 1 m² in area and relating to the operations being conducted on the land on an agricultural holding or farm;
- e) Signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on land used for forestry purposes;
- f) A notice board not exceeding 1 m² in area relating to the operation conducted on land used for mining or quarrying operations;

- g) One nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises on a dwelling or within the courtyard of a dwelling;
- h) One notice board not exceeding 1 m² in area on any site occupied by a church, school, library, art gallery, museum, institution or cemetery;
- i) 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, on the principal facade of any commercial, industrial or public building;
- j) Parking lot directional signs not exceeding 1 m² in size, on a parking lot identifying the parking lot;
- k) Construction signs that identify the architects, engineers, contractors and other construction details, provided that they do not exceed 6 square metres in area and are removed within fourteen days of the beginning of the intended use of the project;
- l) Real estate signs advertising the sale, rent or lease of a premise, not exceeding 0.5 square metres in area in residential zones and 1.5 square metres in area in all other zones, limited to one such sign per property;
- m) No more than two off-site directional signs for an “open house event” not exceeding 0.5 square metres in area and 1 metre in height. These signs will be permitted to be placed the day before the open house and must be removed the day after. Signs that are not removed may be removed by the municipality and will be returned to the real estate agent for a payment of a fee established by the Authority;
- n) Signs that identify a residential subdivision provided the sign is located on the developed parcel and that the sign does not exceed 3 square metres in area or 3 metres in height;
- o) Sign placards that are replacing existing placards;
- p) Signs identifying or advertising a nonprofit civic, charitable or benevolent event provided that they do not exceed 6 square metres in area, and are located for a period of not more than 21 days before the event to seven days after the event;
- q) Temporary political campaign signs provided that they are not located prior to the calling of the election to which they refer and are removed within 48 hours after the election;
- r) Special sale or closeout sale signs not exceeding 6 square metres in area, provided that no business shall post said signs for more than thirty (30) days in any one calendar year;
- s) Signs identifying the name and/or address of an apartment building of more than six units provided that the sign shall:
 - i. have a maximum of two sign faces not exceeding 2.2 square metres in area for each sign face;
 - ii. not project beyond the boundaries of the property on which they are located;
 - iii. not exceed one in number;
 - iv. if a ground sign is used, be setback 1 m from the public right-of-way or any other driveway entrance.

8.7 Non-Conforming Uses

Notwithstanding the provisions of Regulation 8.1, a permit may be issued for the erection and display of signs for a non-conforming use, provided the advertisement does not exceed the size and type of sign which could be permitted if the development was in a Use Zone appropriate to its use.

8.8 Non-Conforming Signs

A sign in legal existence at the date of coming into effect of these Regulations which is not in accordance with the standards of these Regulations may continue to exist provided the sign is maintained and in good repair, and does not pose a safety hazard or obstruction. It may be modified or replaced provided such modification or replacement is in accordance with these Regulations.

8.9 Signs Prohibited

Notwithstanding any other sections of these Regulations, the following signs are not permitted in the Planning Area:

- a) Signs which imitate a traffic control device or contain the words "Stop", "Go Slow", "Caution", "Danger", "Warning" or similar words;
- b) Signs that obstruct the vision of drivers or the effectiveness of any traffic control device. All signs, except traffic control signs and fascia signs, shall meet the sight line provisions as shown in Figure 2;
- c) Signs attached to trees or utility poles; and
- d) Illuminated fascia signs on building walls facing a side lot line, where a single-family dwelling is located on the adjacent lot.
- e) Deleted. (2018-10-12)
- f) Deleted. (2018-10-12)

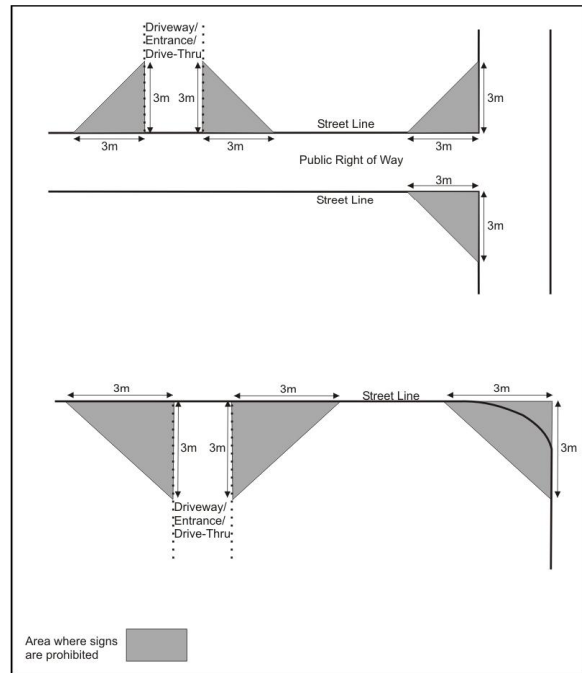


Figure 2. Sightlines at Intersections

8.10 General Standards for Signs

1. All signs must be located on the property where the person/activity/ business being advertised is located unless otherwise permitted in this bylaw.
2. Lettering on signs and advertisements shall not be freehand, unless it is done neatly and artistically with all letters in correct proportion. Signs or advertisements must be visually inspected and their appearance approved by the Authority prior to emplacement.
3. The Authority may require an engineered stamped drawing for a new sign where there is concern about structural stability, wiring and other additional concerns needed to ensure the sign is safe and secure.
4. All signs must be maintained in good condition (no peeling paint, rotting wood) and not present a safety hazard (in terms of structural stability, wiring, etc.).
5. No sign shall obstruct a means of ingress/egress from a door, window or fire escape.
6. No sign shall be placed, erected, structurally altered, located or relocated so as to be closer to an energized utility line or utility line equipment than the distances specified in the following table:

Phase to Phase Voltage of Energized Electrical Utility Line or Utility Line Equipment	Distance
Up to 750 v	900mm
750 v – 100,000 v	3.6m
100,001 v – 250,000 v	5.2m
250,001 v – 345,000 v	

7. Every sign erected shall display the name and phone number of the sign contractor.
(2014-03-21)

8.11 Temporary Signs

A permit may be issued for a temporary sign for a maximum period of 90 days. Temporary signs not removed within 7 days of the permit expiration may be removed by the Town of Conception Bay South and will be returned to the permit holder subject to a removal charge as may be established by the Authority.

8.12 Provisions by Sign Type

The following provisions shall apply to sign types where permitted in a use zone:

1. **Portable Signs**, shall meet the following requirements:
 - a) The maximum sign face shall be 9m², with a height of not more than 3m;
 - b) Not more than one sign is permitted at any one time on any property having a frontage of 20m or less. On lots with frontages greater than 20 m, no more than one sign is permitted per business operating from the property. A minimum separation distance of 12 metres shall be maintained between each portable sign where more than one sign is permitted on a property;
 - c) The sign shall not encroach upon easements, right-of-ways or private property and must not obscure other permanent signs, impair visibility of traffic or pedestrians;
 - d) Approval by the Canadian Standards Association (or other recognized authority as approved by the Town of Conception Bay South) for portable lighted signs, and bear the C.S.A. approval decal on the sign. If the sign is considered mobile, it shall be fully approved and licensed by the Motor Vehicle Registration Division, Department of Transportation and Works. ;
 - e) The advertisement is securely anchored as approved by the Authority; and
 - f) A portable sign permit may be valid for a period of up to one year; and is not subject to renewal. A further permit for a portable sign may be issued, upon application and payment of required processing and permit fees, after a permit has expired.
(2017-12-15)
 - g) The sign shall be set back a minimum distance of 1.5 m from the front and flanking street property lines;
 - h) All advertising on the sign shall be devoted to goods and services offered on the property on which the sign is located.
(2014-03-21)
2. **Canopy Signs**, may be permitted on the wall of a building subject to the following conditions:
 - a) The length of the canopy cannot extend more than 1 metre beyond the wall of the building to which it is attached;
 - b) The height of the canopy cannot exceed 1.8 m from top to bottom;
 - c) No portion of a canopy sign shall overhang a public street right of way;
(2018-10-12)
 - d) The canopy shall be self-supporting and shall not have supports that rest upon the sidewalk or public right-of-way;
 - e) The lowest portion of the canopy must be a minimum of 2.2m above the ground; and
 - f) The canopy sign shall not abut a residential lot or zone.

3. *Changeable Message Sign*, a free-standing changeable message sign or a changeable message sign placed within an existing ground sign or within a wall sign shall meet the following requirements:

(2018-10-12)

- a) Any proposed changeable message sign advertising goods and services offered on properties other than the subject property where the sign is located, and notwithstanding its otherwise compliance with these regulations, shall be at the discretion of Council after public notification and consultation as if the proposed sign were a discretionary use and in accordance with Section 10.7 of these Regulations;

(2018-10-12)

- b) the property on which the sign is to be located has a minimum frontage of 30 m;
c) the maximum area of the sign face shall not exceed 7 m² except in the Mainstreet Improvement Area located on both sides of Route 60 between Terminal Road and the Manuels Access Road where the maximum area of the sign face shall not exceed 1.5m²;
d) the maximum overall height of the sign from the Established Grade (see section 2.41(b)) to the top of the sign shall be no greater than 5m;
e) the sign shall be set back from traffic decision points a distance equal to the stopping sight distance based on the roadway posted speed as defined in the Transportation Association of Canada's Geometric Design for Canadian Roads;

(2018-10-12)

- f) the sign shall not be located closer than 2 m to the front or flanking street lot line;
g) the sign shall not be located closer than 2 m to a side lot line;
h) the sign shall not be located within the limits of a utility or municipal easement;
i) a separation shall be maintained between signs when on the same side of the street so as to preserve a sight or visual plane;
j) the sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the travelling public;
k) the sign shall not be located within 30 m of a residential zone located on the same side of the street and shall not be oriented such that it faces an abutting residential zone or residential lot;
l) lighting of the sign shall not be directed toward the street and shall not adversely affect neighbouring areas;
m) the sign shall be anchored and secured in accordance with the requirements of the Town's Department of Engineering and Public Works;
n) the sign and foundation shall be constructed in accordance with engineered drawings prepared, signed and sealed by a professional engineer of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador; and
o) The changeable message sign face shall:
i. have a maximum illumination level of 1,000 lumens;
ii. have an instantaneous transition from one image or format to the next;
iii. have a minimum image display time of 8 seconds;
iv. be shielded to reduce glare in a manner acceptable to the Authority;
v. have a positive contrast orientation;
vi. not have animation;
vii. not have flashing, strobe, intermittent or moving lights; and

- viii. not have lights in a colour or combination of colours which in the opinion of the Authority, may be misinterpreted as an emergency/warning device or vehicle or other traffic control device;
 - ix. shall be turned off between midnight and 6 am;
 - x. shall be automatically adjustable so that it does not increase the light levels (illuminance) adjacent to the changeable message sign by more than 3.0 lux above the ambient light level; and
 - xi. shall not be erected in such a manner so that it is within the background of an existing or proposed traffic control signal from an approaching driving lane.
- p) Any proposed changeable message sign will be assessed for its impacts on traffic and surrounding properties in accordance with the “Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines” published by the Transportation Association of Canada in March 2015.

(2018-10-12)

4. Wall Signs must:

- a) Be limited to a height not exceeding 1.8 metres from the bottom of any of the sign placards, individually or in combination, to the top thereof;
- b) Not exceed the greater of either 2 metres in length, or fifty percent of the horizontal dimension of the wall upon which the sign or signs are located; and
- c) Not project more than 23 cm from the walls on which they are located.
- d) The Authority may, in its discretion, allow an increase in the maximum height and width of a wall sign based on an assessment of building characteristics and location.

(2015-06-05)

5. Ground signs must:

- a) Be entirely located within the property boundaries of the business or enterprise to which they are associated;
- b) Have a maximum height of 8m and a maximum sign face area of 9 m²; and
- c) Be limited to one in number for every 30 metres of frontage.

6. Projecting wall signs must:

- a) Have a minimum of 3m of vertical clearance above the surface of the ground;
- b) No portion of the sign shall overhang a public street right of way;
- c) Not project above the eaves, parapet or roofline of a building; and
- d) Not be permitted to swing freely without the installation of a suitable catch chain or other control device.

(2018-10-12)

7. Deleted.

(2018-10-12)

8. There should be no more than one free-standing premises sign per property. Free-standing premises signs may include a Changeable Message Sign, a Ground Sign or a Group Sign and may include advertising for more than one business operating from the property.

9. **Sponsorship Signs** shall meet the following requirements:

- a) Sponsorship signs shall not be individually illuminated;
- b) A ground sign, a changeable message sign, a portable sign or a billboard sign except for a digital scoreboard shall not be permitted as sponsorship signs;

- c) Sponsorship signs may be affixed to permanent fencing or placed on a wall or bleachers or similar permanent structures forming part of the recreational, cultural or educational facility;
- d) Sponsorship signs can only be erected on the recreational, cultural or educational facility that was sponsored by the individual or company recognized on the sponsorship sign or where the sponsored programme is being offered;
- e) Sponsorship signs can only be erected on a recreational, cultural or educational facility owned, leased or operated by the Town; and
- f) The Town shall determine the appropriate size, design, construction and placement of each sponsorship sign.

9 Off-Street Parking and Loading

9.1 Offstreet Parking Requirements

For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street 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.

9.2 General Parking Requirements

The number of parking spaces to be provided for any building, structure or use or occupancy shall conform to the following requirements:

Development or Use	Minimum Off-Street Parking Requirement
Assembly	
Theatre Place of Worship	One space for every 5 seats
Cultural and Civic	One space for every 50 square metres of gross floor area.
General Assembly Funeral Amusement Indoor Assembly	One space for every 20 square metres of gross floor area
Educational	Schools – 2 spaces for every classroom Further education – 1 space for every 5 persons using the facilities (students, faculty and staff)
Club and Lodge Catering	One space for every 3 persons that may be accommodated at one time.
Child Care	One space for every 20 square metres of gross floor area.
Institutional	
Medical Treatment and Special Care Rest/Retirement Home	One space for every 2 patients One occupant parking space for every two retirement dwelling units; One visitor parking space for every four retirement dwelling units; and 0.85 parking space per staff member.
Residential	
Single Dwelling Double Dwelling Row Dwelling	Two spaces per dwelling unit
Apartment Building Grouped Dwelling (2020-04-02)	Three spaces for every 2-dwelling units
Subsidiary Apartment	One space
Mobile Home Park	One space for each dwelling unit plus one visitor parking space for each four dwellings
Commercial Residential	One space for every guest room

Business and Personal Service Use	
Office Medical and Professional Personal Service General Service Take-Out Food Service Veterinary	One space for every 20 square metres of gross floor area.
Retail	
Shopping Centre	One space for every 15 square metres of gross floor area
Shop Convenience Store	One space for every 20 square metres of gross floor area
Industrial	
Hazardous Industry General Industry Light Industry	One space for every employee
General Garage	Five spaces per service bay plus one space per employee
Service Station	One space for each employee on shift and one space per pump

(DRA 33, 2020, DATE)

9.3 Unspecified Parking Standards

For every use, building, or structure not specified in 9.2, the requirement shall be as determined by the Authority.

9.4 Residential Off-Street Parking Spaces

Parking of vehicles on residential lots shall be on the hard surfaced area of the lot approved for the off-street parking space or spaces. The parking of vehicles shall not be permitted on the landscaped portion of the front yard or flanking street side yard of the lot or property.

9.5 Parking Space Standard

Each parking space, except in the case of single and double dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in Residential Zones shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.

9.6 Reversing Onto a Street

The parking facilities required by this Regulation shall, except in the case of single or double dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

9.7 Parking Area

Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:

- a) The parking area shall be constructed and maintained to the specifications of the Authority;
- b) Parking space shall mean an area of land, not less than 15 m² in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
- c) a parking area and an adjoining driveway shall be paved and shall provide drainage, lighting, curbs, and landscaping in accordance with requirements of the Authority;
- d) The lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
- e) A structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
- 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 m in height shall be erected and maintained along all lot lines; and
- i) 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.

9.8 Parking Relief

At the discretion of the Authority, an applicant may be relieved of all or part of the parking required under Regulation 9.2 provided that the applicant is able to show that, because of the particular characteristics of the development, the actual parking requirements within the foreseeable future are expected to be lower than those required by the Authority.

9.9 Cumulative Requirements

In the case of developments including uses in more than one use class, these standards shall be regarded as cumulative.

9.10 Drop-Off and Pick Up Areas

Adequate off street provision for drop-off and pick-up of persons shall be provided in developments where determined by the Authority to be required.

9.11 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; and
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.

10 Use Zones

10.1 Identification of Zones

For the purpose of these Regulations, the Planning Area is divided into Use Zones which are illustrated on the Zoning Map attached to and forming part of these Regulations.

10.2 Zoning Plan

The Conception Bay South Zoning Plan consists of the following and shall form part of these regulations:

Schedule B: Map 1 - Land Use Zoning Map

10.3 Interpretation of Zone Boundaries

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

10.4 Use Zones

For the purpose of these Regulations, the Planning Area is divided into the following Use Zones and their extent, location, and boundaries are show on the Conception Bay South Land Use Zoning Map. The abbreviations in this section have been used to identify individual Use Zones on the Zoning Map.

Provisions for development in each use zone as set out in tables showing the use or classes of uses which may be permitted, or which may be considered as discretionary or prohibited uses. The tables also indicate the required standards and conditions of development.

<u>Use Zones</u>	<u>Abbreviation</u>
------------------	---------------------

Residential	
--------------------	--

Residential Low Density	R-1
Residential Medium Density	R-2
Residential Mixed	R-3
Residential Estate Lot	REL
Residential Multiple Unit	RMU
Residential Mobile Home	RMH

Commercial and Industrial	
----------------------------------	--

Commercial Main Street	C-1
Commercial General	C-2
Commercial Local	C-3
Regional Centre	RC
Commercial Marine	CM
Commercial Marine Recreation	CMR

Commercial/Light Industrial	CLI
Industrial General	IG
Open Space	
Open Space Recreation	OSR
Open Space Conservation	OSC
Resource	
Mineral Working	MW
Rural	R
Agriculture	A
Comprehensive Development Area	CDA
Public Use	P
Highway Reserve	HR

10.5 Environment Overlay Map

In order to identify environmentally sensitive and natural hazard areas, refer to Schedule A: Environmental Overlay Map 2 of the Conception Bay South Municipal Plan.

10.6 Permitted Uses

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

10.7 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zones 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 and has considered any objections or representations which may have been received on the matter.

10.8 Prohibited Uses

Uses that do not fall within the Permitted or Discretionary Use Class, or are specifically identified as a Prohibited Use shall not be permitted in that Use Zone

10.9 Classification of Land Uses and Buildings

Schedule A contains a table listing of classes of uses and provides examples of specific uses for each use class. Using the Schedule A, the Authority can interpret a proposed use and determine whether it is permitted, discretionary or prohibited in the applicable use zone.

10.10 Residential Low Density Zone (R-1)

10.10.1 Permitted Uses

Conservation
Home Office
Single Dwelling
Subsidiary Apartment
Family Child Care
Parks, playgrounds, trails and open space
Outdoor Assembly (limited to the proposed splash/ice pad and performance stage at the Bishops Road Community Park)
Telecommunications Structures and Antenna
Utilities

10.10.2 Discretionary Uses

Agriculture
Bed and Breakfast
Child Care
Family and Group Care Home
Public School
Place of Worship
Boat houses, wharves and docks
Home Occupations –Light industry such as manufacturing of crafts, art; medical and professional service; <i>personal service (2017-12-29)</i> ; Private School for teaching individuals or small groups including such things as music, art or craft, but excluding nursery or pre-school education.

10.10.3 Lot Requirements

<i>Standard</i>	<i>Single dwelling</i>	<i>Single dwelling (unserviced)</i>
Minimum lot area (m ²)	680	1860
Minimum floor area (m ²)	100	100
Minimum frontage (m)	21	30
Minimum building line setback (m)	10	10
Minimum side yard	1.5 and 3	1.5 and 3
Minimum flanking yard setback (m)	8	8
Minimum rear yard depth (m)	13	13
Maximum lot coverage (%)	33	33
Maximum height (m)	8	8

10.10.4 Deleted

(2025-11-15)

10.10.5 Development in Heritage District

Development within the area identified as a Heritage District on the Land Use Zoning Map, shall be required to be of similar exterior finish, height, colour, bulk, setback, scale and architectural design of existing buildings in the district. New development shall be required to retain trees, and existing trees and rock walls. Landscaping, fencing and lighting shall be consistent with the character of the heritage district.

10.10.6 Burnt Island

Only 1 residential lot shall be permitted in the area of land known as Burnt Island in Long Pond.

10.10.7 Family and Group Care

May be permitted in a dwelling where the use of the dwelling does not differ from or adversely affect the amenities of the adjacent residences or the neighbourhood.

10.10.8 Public Schools and Places of Worship

Public schools and places of worship shall only be permitted on arterial or collector roads.

10.10.9 Permitted Signs

Signs associated with Home Occupations in accordance with Regulation 6.6.

10.11 Residential Medium Density Zone (R-2)

10.11.1 Permitted Uses

Conservation
Office
Single Dwelling
Double Dwelling
Family Child Care
Subsidiary Apartment
Apartment Buildings (to a maximum of 4 units)
Row Dwellings (to a maximum of 4 units)
Group Dwellings (to a maximum of 4 units) (2020-04-02)
Parks, playgrounds, trails
Telecommunications Structures and Antenna
Utilities

10.11.2 Discretionary Uses

Agriculture
Apartment Buildings (5 to 10 units)
Row Dwellings (5 to 10 units)
Grouped Dwellings (5 to 10 units) (2020-04-02)
Bed and Breakfast
Child Care
Convenience Store
Family and Group Care Home
Assisted Living Facility (under 80 beds)
Home Occupations including light industry such as manufacturing of crafts, art; Medical and professional services; <i>Personal Services (2017-12-29); and</i> Private School for teaching individuals or small groups including such things as music, art or craft, but excluding nursery or pre-school education
Place of Worship
Public School
Boat houses, wharves and docks

10.11.3 Lot Requirements

<i>Standard (* per unit)</i>	<i>Single</i>	<i>Single, on site services</i>	<i>Single, semi serviced</i>	<i>Double</i>	<i>Row</i>	<i>Apartment</i>	<i>Grouped</i>
Minimum lot area (m ²)	450	1860	1400	280*	220*	210*	210*

Minimum lot frontage (m)	15	30	23	15	6m/unit	30	30
Minimum building line setback (m)	10	10	10	10	10	10	10
	The minimum building line setback along Lawrence Pond Road north of Route 2, shall be set at 12m to ensure future functioning of the street as a collector road.						
Minimum side yard	1.2	1.2	1.2	1.2	3	5	5
Minimum flanking yard	8	8	8	8	8	8	8
Minimum rear yard	10	10	10	10	8	10	10
Maximum lot coverage	33%						
Maximum building height	8	8	8	8	10	10	10

(2025-11-15)

10.11.4 Convenience Stores

Convenience Stores may be permitted where:

- a) They are located next to an arterial or collector street, preferably at an intersection.
- b) Off-street parking for at least five vehicles shall be provided.

10.11.5 Apartment Uses

Multiple unit dwellings between 4 and 10 units may be considered where they are to be located in areas close to commercial areas along the Conception Bay Highway, or along collector streets connecting to Route 2.

10.11.6 Family and Group Care

May be permitted in a dwelling where the use of the dwelling does not differ from or adversely affect the amenities of the adjacent residences or the neighbourhood.

10.11.7 Assisted Living Facilities

Assisted living facilities such as nursing homes or seniors residences that include various assisted living options may be permitted up to a maximum of 50 beds. Such facilities shall be sited in built up areas of the community, close to commercial areas or on a collector street and serviced with municipal water and sewer services. Such uses shall be compatible with surrounding uses and be provided with adequate parking, landscaping, good vehicular and pedestrian access, amenity space and landscaping.

10.11.8 Public Schools and Places of Worship

Public schools and places of worship shall only be permitted on arterial or collector roads.

10.11.9 Permitted Signs

Signs associated with Home Occupations in accordance with Regulation 6.6. Canopy, Facial Wall sign, Ground Sign for Convenience Stores, Homes for Special Care, Childcare and Places of Worship.

10.12 Residential Mixed Zone (R-3)

10.12.1 Permitted Uses

Apartment Building (max 10 units)
Child Care
Conservation, Parks and Playgrounds
Office
Single Dwelling
Double Dwelling
Row Dwelling
Place of Worship
Grouped Dwellings (max 10 units) (2020-04-02)
Public School
Family Child Care
Telecommunications Structures and Antenna
Utilities

10.12.2 Discretionary Uses

Bed and Breakfast
Business, Professional and Personal Service uses
Convenience Store
Cultural and Civic
General Assembly
General Service
Grouped Dwellings (greater than 10 units) (2020-04-02)
Home Occupations (Personal Service Uses only) (2017-12-29)
Shop

10.12.3 Lot Requirements – Residential Uses

Development standards for residential uses shall conform to standards in the Residential Medium Density (R-2) use zone.

10.12.4 Lot Requirements – Non-Residential Uses

Minimum building line setback (m)	12
Minimum side yard	5
Minimum flanking yard setback (m)	8
Minimum rear yard depth (m)	10
Maximum height (m)	10

10.12.5 Outdoor Storage

May only be permitted in side yards and/or rear yards. The Authority may require fencing or other forms of screening where quantity and/or type of material would lead to unsightly appearance.

10.12.6 Permitted Signs

Canopy Sign, Facial and Projecting Wall Sign, Ground Sign, and Changeable Message Sign.

(2018-10-12)

10.13 Residential Estate Lot (REL) Zone

10.13.1 Permitted Uses

Conservation
Home Office
Single Dwelling
Family Child Care
Parks and Playgrounds
Telecommunications Structures and Antenna
Utilities

10.13.2 Discretionary Uses

Agriculture
Bed and Breakfast
Parks, playgrounds, trails and open space
Boat houses, wharves and docks
Home Occupations – light industry such as manufacturing of crafts, art.

10.13.3 Lot Requirements

<i>Standard</i>	<i>Single dwelling</i>
Minimum building line setback (m)	10
Minimum side yard	3
Minimum flanking yard setback (m)	8
Minimum rear yard depth (m)	15
Maximum height (m)	10

10.13.4 Lot density

- a) Residential Estate lot subdivisions in the form of large lot residential development or conservation design development shall consist of a minimum of fourteen residential lots.
- b) Maximum density of 1 unit per 4000 square meters permitted where a traditional large lot development is proposed where all land with the exception of any required public space will remain privately owned.
- c) Maximum density of 1 unit per 2000 square meters (calculated over the total area of land proposed for development) may be permitted where 50% of the land proposed for the development will be retained as conservation lands in a conservation design subdivision.



Traditional Large Lot Residential Development



Conservation Design Residential Development

10.13.5 Application Requirements

In addition to the requirements of Section 7 Subdivision of Land, applications for residential estate lot and conservation design subdivisions will be considered according to the following two-stage process:

Stage 1 Preliminary Site Assessment

In addition to the information required for applications for subdivision development in Section 7.5 applicants will be required to assess the parcel(s) of land proposed for development and identify areas within it for conservation where development should be avoided. The assessment shall identify the following primary conservation features of the site:

- a) Wetlands and watercourses
- b) Rock outcroppings
- c) Agricultural soils/previous agricultural cultivation
- d) Groundwater recharge areas

It shall also assess and identify

- a) Scenic views from within and onto the site from the surrounding area illustrated through maps and photographs
- b) Areas of mature forest
- c) Existing and proposed trail networks, rights of way or traditional pathways.

Submissions of proposals for development shall be accompanied by

- a) a Letter of Intent stating the rationale for the proposed development, total ha of the site and total ha of potential development area;
- b) a map of the property showing the conservation features and the potential development areas proposed for development;
- c) Preliminary proposed sewage treatment system and identification of soils and other conditions capable of supporting the proposed system.

- d) The results of a Level 1 Groundwater Assessment Report prepared in accordance with the Department of Environment and Conservation Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells.

The Authority may require a site meeting to review the site, the areas identified for conservation and for development, and require refinement of the preliminary site plan information.

Stage 2 Conceptual Design

Using the information from Stage I, a concept plan for the development will be required that includes:

- a) The location and type of proposed land uses
- b) Total ha of the site, total ha of development area and number of dwelling unit
- c) Proposed frontage, and front, side and rear yard setbacks for each lot/unit
- d) Where all land is to remain in private ownership, the area of disturbance (not to exceed 20% per lot) for each lot/unit including areas for grading, lawns, pavement, buildings and septic system areas.
- e) Where a conservation design subdivision is proposed, the proposed locations of communal or individual septic system areas;
- f) Total ha and location of areas to be retained as conservation areas and a breakdown of total ha to be retained in non-municipal ownership.
- g) Proposed trails or trail networks.

The application shall include

- a) A Level 2 Groundwater assessment report prepared in accordance with Department of Environment and Conservation Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells.
- b) Proposed sewage treatment system prepared with sufficient level of information to determine if it is feasible to service the development;
- c) Stormwater management plan;
- d) A maintenance plan for long term care of wells and septic systems for any communal system not managed by a condominium Corporation pursuant to the Condominium Act.
- e) Conservation Space Management Plan for the long term management of the conservation areas.

10.13.6 Permitted Signs

Signs associated with Home Occupations in accordance with Regulation 6.6.

10.14 Residential Multiple Unit (RMU)

10.14.1 Permitted Uses

Apartment Building (min 10 units)
Assisted Living Facility (min 75 personal care beds)
Double Dwellings
Grouped Dwellings (minimum of 10 units) (2020-04-02)
Conservation
Parks and Playgrounds
Row Dwellings (min 10 units in a row)
Office
Telecommunications Structures and Antenna
Utilities

10.14.2 Discretionary Uses

Convenience Store
Child Care
Medical and Professional
Personal Service

10.14.3 Development Standards

<i>Standard</i>	<i>Apartment Buildings, Assisted Living Facilities & Grouped Dwellings</i>
Minimum lot area (m ²)	650
Minimum lot frontage (m)	30
Minimum building line setback (m)	10
Minimum side yard width (m)	5
Minimum flanking yard width (m)	8
Minimum rear yard depth (m)	12
Maximum lot coverage (%)	33
Maximum building height	12

(2020-04-02)

10.14.3.1 DOUBLE AND ROW DWELLINGS

Development standards for double and row dwellings shall conform to standards for those uses within the Residential Medium Density (R-2) use zone.

(2020-04-02)

10.14.4 Convenience Store, Medical and Professional and Personal Service Uses within an Apartment Building or Residential Care Facility

Commercial uses within an apartment building shall meet the following requirements:

- a) The maximum floor area does not exceed 100m²;

- b) The use is located on the principal entrance level floor of the apartment building;
- c) Adequate noise separation shall be maintained between the commercial use and the apartment units in the building;

10.14.5 Permitted Signs

Canopy, ground sign, facial and projecting wall signs.

10.15 Residential Mobile Home (RMH)

10.15.1 Permitted Uses

Conservation
Mobile Home
Home Office
Family Child Care
Parks and playgrounds
Telecommunications Structures and Antenna
Utilities

10.15.2 Discretionary Uses

Child Care
Convenience Store
Home occupations in the form of light industry such as manufacturing of crafts, art; medical and professional services.

10.15.3 Lot Requirements

<i>Standard</i>	<i>Permitted uses</i>	<i>Discretionary uses</i>
Minimum lot area (m ²)	375	540
Minimum frontage (m)	12	18
Minimum building line setback (m)	3	3
Minimum side yard	1.5 and 2.75	1.5
Minimum flanking yard setback (m)	8	8
Minimum rear yard depth (m)	1.5	3
Maximum lot coverage (%)	33%	33%

10.15.4 Convenience Store

Convenience stores may only be permitted where they are part of an approved development plan.

10.15.5 Buildings

Accessory buildings to the principal residential use shall be permitted on any home site but shall not:

- Be used for human habitation;
- Be located within 1.2 m of any building.
- Does not exceed more than 10 percent of the area of the lot and having a height no greater than the height of the dwelling.

10.15.6 Parking

The following general provisions will apply to all parking requirements:

- Parking shall be provided upon the lot, or within 8 meters of the use for which the parking is required;
- Individual parking spaces shall have minimum dimensions of 2.7 m by 5.5 m.

10.15.7 Open Space Requirements

A minimum of 10 percent of the gross land area shall be provided as common recreational open space for the residents. Areas containing storage areas, roadways and streets, open space on home sites, and parking spaces shall not be considered as forming any part of the open space requirement. These amenity areas may include playgrounds, walking trails, a community center, sports fields and waterways.

10.15.8 Permitted Signs

A maximum of two identification signs for the Mobile Home Park having a maximum height 3 meters above the ground and a maximum area of 5 square meters may be permitted, as well as a lighted sign showing lot layout and numbers of dwellings as a means of assisting emergency vehicles.

10.15.9 Landscaping Areas

The front yard and the main access/entryway to a mobile home park shall be landscaped.

10.15.10 Permitted Encroachments

The following encroachments will be permitted into required side yards:

- a) Sills, eaves, canopies or other architectural features - 61 cm.
- b) Porches, sun decks and steps - 1.5 m.

On a corner where yards are required no fence, sign, hedge, bush or tree or any other structure, vehicle or vegetation shall be placed or permitted to grow higher than 0.6 m (2 ft.) above the grade of the center line of the streets that abut the home site within the triangular area included within the street lines for a distance of 6 m, (19.7 ft.) from their point of intersection.

10.16 Commercial Main Street Zone (C-1)

10.16.1 Permitted Uses

Apartment Building
Apartment Units
Bank
Child Care
Communications
Conservation
Convenience Store
Cultural and Civic
General Assembly
General Service uses including drycleaning and laundromats
Health Club
Hotel
Indoor Market
Medical and Professional
Office
Parks
Passenger Assembly
Personal Service
Place of Worship
Restaurant
Shop including shopping centre, retail shops, supermarkets
<i>Single Dwelling</i> (2013-06-21)
<i>Take-out Food Service</i> (2015-08-14)
Taxi Stand
Theatre
Veterinary Clinic
Telecommunications Structures and Antenna
Utilities

10.16.2 Discretionary Uses

Amusement	Service Stations
Automotive Repair Shop	Wharves, docks, marinas
Automobile Sales Establishment	
Bars and Lounges	
Club and Lodge	
Private and Public schools	
Funeral Home	
Light Industry	
Outdoor Market	

10.16.3 Lot Requirements

Minimum building line setback (m)	10
Minimum side yard	3
Minimum flanking yard setback (m)	8
Minimum rear yard depth (m)	10
Maximum height (m)	15

10.16.4 Abutting Zone Provisions

Where a lot located within this zone abuts a lot in a residential, open space recreation, conservation or public/institutional zone, the following standards shall apply:

- a) The minimum setback of the commercial use from the abutting lot line shall be 10 m;
- b) No outdoor display shall be permitted in an abutting yard in the commercial use zone;
- c) No open storage shall be permitted in the abutting side yards in the commercial use zone;
- d) No outdoor storage shall be permitted in the abutting rear yards of commercial and industrial properties except where a 2 m high privacy fence is provided; and
- e) No portion of a parking space within a commercial zone shall be permitted in any abutting yard except where a 2 m high fence is provided in which case there shall be no parking within 2 m of the side or rear lot line in the commercial zone.

10.16.5 Access to Residential Streets

Commercial development shall front on and have access to the Conception Bay Highway, unless otherwise provided for in any scheme or development plan approved by the Authority.

10.16.6 Apartment Units

Apartment Units may be permitted above or below permitted main floor commercial uses where a single dwelling is converted to a commercial use.

10.16.7 Light Industrial

Canopy Sign, Changeable Message Sign, Facial and Projecting Wall Sign, Ground Sign and Pylon signs shall be permitted. Light Industrial which have a retail or showroom component may be permitted. The use must be conducted and wholly contained within an enclosed building and shall not be obnoxious by reason of noise, vibration, odour, dust, smoke, unsightly outdoor storage, refuse matter or water carried waste. Such uses shall not involve the use of chemical processes which result in the emission of gases, use of significant volumes of water or which generate significant levels of truck traffic.

(2014-03-21)

10.16.8 Shopping Centre

Shopping centres may be permitted where they front onto the Conception Bay Highway, providing standards determined by the Authority are met with respect to parking, access and traffic flow, servicing and impacts upon adjoining uses (visual, traffic, noise, light, etc.).

10.16.9 Single Dwelling

Single dwellings permitted within this zone shall be limited to existing dwellings or new single dwellings fronting onto a local street. New single dwellings shall not front onto Conception Bay Highway or any primary collector or arterial street.

Existing dwellings can be structurally modified, reconstructed, and repaired/rebuilt provided the standards of the Residential Medium Density (R-2) use zone are complied with. Replacement of a single dwelling shall meet the following requirements:

- a)** The single new dwelling is constructed on the same lot as the original single dwelling;
- b)** The single dwelling complies with the standards of the Residential Medium Density (R-2) zone; and
- c)** The existing single dwelling is demolished upon occupancy of the new dwelling.

New single dwellings on local roads shall comply with the standards of the Residential Medium Density (R-2) zone and shall be complementary to and shall not prejudice commercial development along Conception Bay Highway.

(2013-06-21)

10.16.10 Permitted Signs

Portable Sign, Canopy Sign, Changeable Message Sign, Facial and Projecting Wall Sign, Ground Sign.

10.17 Commercial General Zone (C-2)

10.17.1 Permitted Uses

Apartment Unit
Bank
Child Care
Communications
Conservation
Convenience Store
Cultural and Civic
Funeral Home
General Assembly
General Service uses including drycleaning and Laundromats
Health Club
Indoor Market
Medical and Professional
Office
Passenger Assembly
Personal Service
Place of Worship
Restaurant
Shop including department stores, retail shops, supermarkets
Single Dwelling (2013-06-21)
Take-out Food Service (without Drive-Through)
Taxi Stand
Veterinary Clinic
Telecommunications Structures and Antenna
Utilities

10.17.2 Discretionary Uses

Amusement	Shopping Centre
Antenna	
Apartment Building	
Automotive Repair Shop	
Automobile Sales Establishment	
Bars and Lounges	
Car Wash	
Club and Lodge	
General Assembly	
Hotel	
Light Industry	
Outdoor Market	
Service Station	

10.17.3 Lot Requirements

Minimum building line setback (m)	10
Minimum frontage (m)	30
Minimum side yard	5
Minimum flanking yard setback (m)	8
Minimum rear yard depth (m)	10
Maximum height (m)	15

10.17.4 Apartment Units

Apartment Units may be permitted above or below permitted main floor commercial uses where a single dwelling is converted to a commercial use

10.17.5 Light Industrial Uses

Light industry uses may must be conducted and wholly contained within an enclosed building and shall not be obnoxious by reason of noise, vibration, odour, dust, smoke, unsightly outdoor storage, refuse matter, or water carried waste. Such uses shall not involve the use of chemical processes which result in the emission of gases, use of significant volumes of water or which generate significant levels of truck traffic.

10.17.6 Permitted Signs

Portable sign, canopy sign, facial and projecting wall signs, ground signs and changeable message sign.

10.17.7 Single Dwelling

Single dwellings permitted within this zone shall be limited to existing dwellings or new single dwellings fronting onto a local street. New single dwellings shall not front onto Conception Bay Highway or any primary collector or arterial street.

Existing dwellings can be structurally modified, reconstructed, and repaired/rebuilt provided the standards of the Residential Medium Density (R-2) use zone are complied with. Replacement of a single dwelling shall meet the following requirements:

- a) The single new dwelling is constructed on the same lot as the original single dwelling;
- b) The single dwelling complies with the standards of the Residential Medium Density (R-2) zone; and
- c) The existing single dwelling is demolished upon occupancy of the new dwelling.

New single dwellings on local roads shall comply with the standards of the Residential Medium Density (R-2) zone and shall be complementary to and shall not prejudice commercial development along Conception Bay Highway.

(2013-06-21)

10.18 Commercial Local Zone (C-3)

10.18.1 Permitted Uses

Child Care
Convenience Store
Personal and Professional Service
Medical and Professional
Office
Telecommunications Structures and Antenna
Utilities

10.18.2 Discretionary Uses

Restaurants
Recreational Open Space
Take Out Restaurants

10.18.3 Lot Requirements

Minimum building line setback (m)	10
Minimum frontage (m)	30
Minimum side yard (m)	5
Minimum flanking yard setback (m)	8
Minimum rear yard depth (m)	10
Maximum height (m)	15

10.18.4 Take-out Restaurants

Take-out restaurants will not be permitted to include a drive-through service.

10.18.5 Permitted Signs

Canopy signs, facial and projecting wall signs, and ground signs.

10.19 Regional Centre Zone (RC)

10.19.1 Permitted Uses

Amusement
Catering
Child Care
Convenience Store
Conservation
Cultural and Civic
Educational
General Service
General Assembly
Hotels
Indoor Assembly
Medical and Professional
Office
Personal Service
Police Station
Service Station
Shop
Shopping Centre
Take-out Food Service
Telecommunications and Antenna
Theatre
Veterinary
Utilities
Existing Uses

10.19.2 Discretionary Uses

General Industry including Service Station
Indoor Market
Light Industry
Outdoor Market

10.19.3 Lot Requirements

Minimum building line setback (m)	12
Minimum side yard	10
Minimum flanking yard setback (m)	10
Minimum rear yard depth (m)	8
Maximum height (m)	15
Minimum lot frontage (m)	45
Maximum lot coverage	50%
Minimum landscaping lot coverage	12%

10.19.3.1 Notwithstanding the foregoing, the maximum building height of an air supported structure at 69 Gateway Drive shall be 30m.

(January 30, 2026)

10.19.4 Landscaping Standard

Notwithstanding the Requirements of Regulation 5.12, the following landscaping requirement shall apply to development in the Regional Centre Use Zone:

1. There shall be a landscaped area of at least 12 metres in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetative ground cover) and trees or shrubs shall be planted at a minimum rate of one per each 5 metres.
2. The Authority may reduce the depth of the landscaped area abutting the front lot line subject to the following conditions:
 - a) A landscaped area of at least 5 metres in depth is provided. This landscaped area shall run the length of and directly abuts the front lot line excluding driveway openings.
 - b) The developer submits a landscape plan that is satisfactory to the Authority. The landscape plan shall show an increased density of plantings and shall show different spacing and/or cluster planting to complement the proposed development and overall character of the area. Trees, shrubs or ornamental features will be planted or placed at density greater than one per each 4 metres.
 - c) The developer is responsible for undertaking the landscaped work in accordance with the approved landscaped plan and the requirements and conditions of the Authority.
3. The landscaped area along the front lot line is not to be used for snow storage purposes.
4. The developer shall extend the landscaping to the curb or sidewalk.
5. If the material used for ground cover is other than sod (such as ground cover perennials, mulching or ornamental gravel), the material shall be appropriately contained and secured so not to spill onto the sidewalk or street.
6. All disturbed areas shall be re-instated with topsail and sod.
7. Flanking street side yard, side yard and rear yard shall be grassed (or other appropriate vegetative ground cover). Trees or shrubs shall be planted at a minimum rate of one per each 5 metres along the flanking street.
8. The Authority encourages the retention or reinstatement of natural vegetation. In addition, the use of natural landscape features is encouraged.

10.19.5 Access Control

In order to control access to the streets, the Authority may determine:

- a) the number, location and layout of accesses to a street;
- b) require access to a service or internal road system in order to provide a connection between various uses and reduce the number of accesses onto the street; and
- c) require two or more properties to share a joint access to the street where individual access is not desirable.

10.19.6 Appearance and Maintenance

1. All buildings shall be of good architectural design.
2. All buildings, parking lots, driveways and accesses, and landscaping shall be maintained in a state of good condition and in a neat and tidy manner including the trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
3. Building lines shall be parallel and perpendicular to the street line.

10.19.7 Signs

Canopy Sign, Changeable Message Sign, Facial and Projecting Wall Sign, Ground Sign and Pylon signs shall be permitted. Notwithstanding Regulation 8.10 and 8.12, the following standards shall apply to signs in the Regional Centre use zone.

1. Pylon signs greater than 3 metres in height shall be designed and certified by a Professional Engineer registered to practice in Newfoundland and Labrador. The Professional Engineer shall certify that the sign is designed, constructed and erected to withstand ice and wind loads.
2. One pylon sign shall be permitted per street frontage of a lot subject to the following conditions:
 - a) The size, shape, illumination and material construction of the sign shall be to the satisfaction of the Authority, having due regard to the safety and convenience of users of adjacent streets, sidewalks and the general amenity of the surrounding area;
 - b) The sign does not create an obstruction for vehicular traffic into and out of the lot.
 - c) The sign shall have a maximum overall height of 6 metres above the surface of the ground;
 - d) The maximum area for the sign face shall be 24 square metres;
 - e) There shall not be any electrical component of the sign within 1 metre above the surface of the ground.
 - f) A minimum separation of 15 metres shall be maintained between pylon signs located on abutting properties.
3. Notwithstanding these requirements and the requirements in Section 8 of these Regulations, signs for buildings housing two or more uses or occupancies shall be limited to one pylon sign per street frontage for the whole building. Such pylon sign shall display the advertisement for all uses or occupancies in the building.
4. One pylon sign may be erected at the intersection of the Conception Bay Bypass and Legion Road for the sole purpose of identifying the regional centre and uses established within the centre. This sign shall have a maximum overall height of 20 metres above the surface of the ground;
5. The provincial Highway Sign Regulations apply within 100 metres of all highways constructed and maintained by the Department of Transportation and Works. The erection or placement of any sign within 100 metres of the road right of way of the Conception Bay Bypass must meet the conditions of the Highway Sign Regulations. A Highway Sign permit must be obtained from the Government Service Centre before the Authority will issue a permit for the sign.

(2014-03-21)

10.19.8 Wall Sign

1. A wall sign shall be permitted on a wall abutting any street subject to the following conditions:
 - a) Unless otherwise determined by the Authority, the total area of all wall signs on any wall shall not exceed 20 percent of the wall face.
 - b) The length of the sign shall not be longer than the horizontal measurement of the wall face to which it is attached and shall not extend beyond the end of the wall to which it is attached with the exception of wrap around signs.
 - c) The wall sign shall be of an architectural scale and styling that is, in the opinion of the Authority, in keeping with the architectural scale and styling of the building to which it is attached.

- d) A wall sign shall not cover any part of a required exit or obstruct free access or egress.

10.19.9 Temporary/Portable Signs

Notwithstanding Regulation 8.12 (1), temporary or portable signs are not permitted in the Regional Centre (RC) zone.

10.19.10 Parking

1. Shops and shopping centres over 4500 square metres shall be exempt from the parking standards outlined in Section 9. The Authority shall specify the required parking based on an evaluation of the proposed uses, internal areas accessible to the public, the number of employees and the range of uses (shop, warehousing, distribution, and/or serving of meals or refreshments) within the building.
2. All parking lots shall be paved and shall provide drainage, lighting, curbs and landscaping in accordance with the requirements of the Authority.

10.19.11 Screening

Screening shall be required where outdoor storage extends beyond the front of the building. A solid screen in the form of a natural or structural barrier, as may be required by the Authority, shall be installed along the outdoor storage yard abutting or adjacent to the road. The screening shall be maintained by the owner or occupier to the satisfaction of the Authority.

10.19.12 Day Care Centre

1. A Day Care Centre shall be permitted provided that:
 - a) Provincial Regulations are met;
 - b) The use is complementary to and will not prejudice adjacent uses;
 - c) The location provides sufficient area and sight distances for the safe and convenient drop off and pick up of children without hindering vehicular and pedestrian traffic on the street;
 - d) The outdoor play area shall not be located in front of the building or within the flanking street side yard. The outdoor play area shall be suitably fenced.

10.19.13 Educational

1. Educational uses shall be permitted provided that:
 - a) Provincial Regulations are met;
 - b) The use is complementary to and will not prejudice adjacent uses; and
 - c) The use is restricted to colleges and post secondary training schools.

10.19.14 Existing Uses

Existing uses shall be permitted to continue.

10.19.15 General Industry and Light Industry

1. General industrial or light industrial uses may be permitted at the discretion of the Authority provided:
 - a) The use is complementary to and will not prejudice development of adjacent uses or the overall development concept;
 - b) The use is located between the Conservation Open Space zone and the St. John's municipal boundary;
 - c) The use shall not be obnoxious by reason of noise, vibration, odour, dust, smoke, unsightly outdoor storage, refuse matter, water carried waste or parking of commercial motor vehicles;

- d) The use shall not involve the use of chemical process which result in the emission of gases, use of significant volumes of water, discharge significant wastewater or which generate significant levels of truck traffic;
- e) The use shall not involve the use, processing or storage of any hazardous materials or products;
- f) The use shall not occupy land that the Authority considers suitable for retail, assembly, business and personal service, or recreational open space uses;
- g) The use shall not negatively affect land zoned as Conservation Open Space; and
- h) Each proposal will be evaluated to ensure that there is sufficient municipal service capacity and that there is sufficient capacity on provincial and town streets.

10.19.16 Outdoor Market and Indoor Market

1. Outdoor market or indoor market uses may be permitted at the discretion of the Authority provided:
 - a) The use shall not include the keeping, display or sale of live animals;
 - b) The use is complementary to and will not prejudice development of adjacent uses or the overall development concept;
 - c) The use is located between the Open Space zone and the St. John's municipal boundary; and;

The use shall not be obnoxious by reason of noise, odour, dust, unsightly outdoor storage, refuse, debris or commercial vehicle parking.

10.20 Commercial Marine Zone (CM)

10.20.1 Permitted Uses

Convenience Store
Conservation
Cultural and Civic
Marina
Passenger Assembly
Shop
Restaurant
Utilities
Transportation
Telecommunications Structures and Antenna

10.20.2 Discretionary Uses

Club and Lodge
General Assembly
General Industry
Light Industry
Recreational Open Space
Take-out Restaurant

10.20.3 Lot Requirements

Minimum building line setback (m)	5
Minimum side yard	5
Minimum flanking yard setback (m)	8
Minimum rear yard depth (m)	10
Maximum height (m)	15

10.20.4 Club and Lodge

The Club or Lodge shall only provide meals, beverages and services to members of the marina.

10.20.5 Industrial Uses

Industrial uses such as those which provide services to marine users and the fishing industry may be permitted. Such uses include boat building, repair and servicing facilities and fish processing plants.

10.20.6 Permitted Signs

Canopy Signs, facial wall and projecting signs, ground signs.

10.21 Commercial Marine Recreation Zone (CMR)

10.21.1 Permitted Uses

Conservation and Trails
Marina
Wharves and docks
Utilities
Telecommunications Structures and Antenna
Utilities

10.21.2 Discretionary Uses

Club and Lodge
Cultural and Civic
Passenger Assembly
Recreational Open Space
Shop

10.21.3 Lot Requirements

Minimum building line setback (m)	5
Minimum side yard	5
Minimum flanking yard setback (m)	8
Minimum rear yard depth (m)	10
Maximum height (m)	15

10.21.4 Club and Lodge

Club and lodges will be limited to providing services to marina users only.

10.21.5 Marinas

Marinas shall meet the following requirements:

- a) Provide and maintain public access to the shoreline via a walkway, path or trail, located, designed and constructed to the satisfaction of the Authority;
- b) Parking shall be provided for both vehicles and boat trailers with adequate turning areas within the parking lot;
- c) Outdoor storage areas for boats or other equipment shall be landscaped and screened to the requirements of the Authority;
- d) Marinas shall be serviced with a supply of potable water and facilities for the collection and disposal of wastewater in a manner acceptable to the Authority;
- e) No marina shall be developed without all required permits and approvals from applicable federal and provincial agencies.

10.21.6 Permitted Signs

Ground Sign

10.22 Commercial / Light Industrial Zone (CLI)

10.22.1 Permitted Uses

Telecommunications and Antenna
Conservation
General Assembly (2016-08-12)
Light Industry
Office
Utilities

10.22.2 Discretionary Uses

General Industry
Passenger Assembly
Indoor Market
Recreational Open Space
Service Station
Shop
Take-out Food Service
Taxi Stand

(DRA 32, 2019 / August 9, 2019)

10.22.3 Lot Requirements

Minimum building line setback (m)	20
Minimum side yard	5
Minimum flanking yard setback (m)	8
Minimum rear yard depth (m)	15
Maximum height (m)	15

The Authority may, in its discretion, allow an increase in the maximum height provided that the additional height does not have a negative visual impact and does not create an adverse impact on adjacent properties.

(2014-05-30)

10.22.4 Shop

Retail uses may be permitted in this zone provided that:

- In the opinion of the Authority the use is not more appropriately located in the Commercial Main Street (C-1) Use Zone; and
- The retail use is deemed to be unsuitable for a pedestrian oriented environment by nature of its size, extensive use of land, outdoor storage and/or its need for direct access.
- Examples of retail uses which may be permitted to locate in this zone are: building supply and masonry products outlets, vehicle and heavy equipment sales, gardening supply and furniture outlets, boat and marine sales.

10.22.5 Outdoor Storage

Outdoor storage may be permitted in the form of secure outdoor storage accessory to a building containing Light industry, Office or General Industry use.

The Authority may prescribe buffers including natural or structural barriers to minimize the visual impact of the outdoor storage area.

(2014-05-30)

10.22.6 Permitted Signs

Portable sign, Canopy signs, facial and projecting wall signs, ground signs.

10.23 Industrial General Zone (IG)

10.23.1 Permitted Uses

Telecommunications and Antenna
Communications
Conservation
General Industry
Light Industry
Service Station
Ports, Wharves and docks
Single Dwellings
Utilities

10.23.2 Discretionary Uses

Catering
General Service
Mineral Working
Recreational Open Space
Shop
Solid Waste
Scrap Yard

10.23.3 Lot Requirements

Minimum building line setback (m)	10
Minimum side yard	5
Minimum flanking yard setback (m)	8
Minimum rear yard depth (m)	15
Maximum height (m)	15

10.23.4 Industrial Streets and Services

All industrial and light industrial uses must be provided with streets and municipal services designed for industrial use including fire fighting capability. Any industrial establishment must provide adequate off-street parking facilities for all employees and customers.

10.23.5 Mineral Workings

The conditions set out in the Mineral Working Zone Table shall apply to Mineral Working uses in this zone.

10.23.6 Recycling and Waste Handling Uses

Recycling and waste handling uses such as waste transfer stations, composting or recycling may be permitted in the Industrial General Use Zone and must meet the following conditions:

- a) A vegetated or landscaped buffer zone of at least 15 metres around the perimeter of the use, in order to minimize any potential nuisance associated with noise, dust, or

- odours, or any objections based on visual aesthetics is provided;
- b) There is adequate availability of utilities, including water, sewer, and electricity, to provide water for firefighting and washdown of floors, electrical power for machinery and lighting, and for staff amenities;
 - c) The volume of material to be handled and/or stored is provided and the facility designed with sufficient capacity to handle peak material volumes;
 - d) Measures to prevent stormwater and runoff from contacting waste materials will be required and all waste containers used shall be leakproof, or provide for the collection and treatment of contaminated water and other liquids. Proper disposal of contaminated water shall be ensured;
 - e) Fencing shall be provided around the perimeter of the site, with a lockable gate at any entrance point. The type of fencing may vary with the natural site features;
 - f) Containers intended to receive organic waste will be required to have lids, screens, or covers that will prevent access by bears and other predators, rodents, and birds, or be placed inside predator-proof enclosures;
 - g) Where organic wastes are involved, buildings shall be specifically designed to minimize areas/spaces that afford a harbour for rats and other small mammals, and to be predator-proof.

10.23.7 Shop, Catering and General Service Commercial Uses

Retail sales outlets, general service and catering uses shall only be permitted if they are accessory to an industrial use or they directly service the industrial uses or their employees.

10.23.8 Single Dwelling

Single dwellings permitted within this zone shall be limited to existing single dwellings. Existing dwellings can be structurally modified, reconstructed, and repaired/rebuilt provided the standards of the Residential Medium Density (R-2) use zone are complied with. Replacement of a single dwelling shall meet the following requirements:

- a) The single new dwelling is constructed on the same lot as the original single dwelling;
- b) The single dwelling complies with the standards of the Residential Medium Density Use Zone (R-2); and
- c) The existing single dwelling is demolished upon occupancy of the new dwelling.

10.23.9 Permitted Signs

Portable sign, Canopy signs, facial and projecting wall signs, ground signs.

10.23.10 Bulk Storage Facility

1. A Bulk Storage Facility may be permitted in association with the Port Facility at Long Pond.
2. Section 10.23.3 shall not apply to a Bulk Storage Tank to be erected within a Bulk Storage Facility in the Port facility at Long Pond.
3. Notwithstanding subsection 5.7 of these Regulations, the Authority may permit a Bulk Storage Tank to be erected within a Bulk Storage Facility with a height greater than that specified in Section 10.23.3 without a further increase in the Minimum Building Line Setback or Minimum Rear Yard Depth.

(2019-06-17)

10.23.11 40 Foxtrap Access Road

Future development of the existing industrial property at 40 Foxtrap Access Road is limited to the following:

1. Industrial activity, such as processing of granular material and screening of topsoil, will not be permitted at the property.
2. Storage of heavy equipment, construction and granular materials, and topsoil must be limited to reasonable amounts as determined by Council.
3. Activities at the site shall not produce noise, dust or light that would detract from the peaceful enjoyment by adjacent residential property owners and residents.

(2025-11-15)

10.24 Open Space Recreation Zone (OSR)

10.24.1 Permitted Uses

Conservation
Recreational Open Space including parks, playing fields, playgrounds, sports Grounds
Cultural and Civic including Municipal Offices, libraries, meeting rooms, museums, art galleries
Indoor Assembly including arenas, swimming pools, gymnasium
Theatre
Telecommunications Structures and Antenna
Utilities

10.24.2 Discretionary Uses

Child Care
Club and Lodge
Community Halls
Convenience Store
Restaurant and Take-out Food Service
Wharfs, docks and marinas

10.24.3 Lot Requirements

Minimum building line setback (m)	10
Minimum side yard	5
Minimum flanking yard setback (m)	8
Minimum rear yard depth (m)	15
Maximum height (m)	15

10.24.4 Childcare

Childcare may be permitted as an accessory use to a recreational or civic facility, provided that they are contained within the building envelope of the recreational building.

10.24.5 Commercial Uses

Commercial uses such as, catering, convenience store and take-out food service may be permitted as an accessory use to a recreational, cultural or civic facility, provided that they are contained within the building envelope of the recreational building.

10.24.6 Permitted Signs

Portable sign, Canopy signs, facial and projecting wall signs, ground signs. Changeable message sign associated with recreational use only.

10.25 Open Space Conservation Zone (OSC)

10.25.1 Permitted Uses

Conservation including trails, boardwalks and look-offs

T’Railway Park

Cultural

Telecommunications Structures and Antenna

Utilities

10.25.2 Discretionary Uses

Agriculture

Public Parks

Wharves, marinas and docks

10.25.3 Agriculture

Agricultural uses such as the pasturing of animals and use of land for growing hay may be permitted within the Open Space Conservation Use Zone as accessory to an existing agricultural use, where, in the opinion of the Authority, the use will not have an adverse impact on streams or wetlands, by virtue of pollution from runoff or erosion.

10.25.4 Cultural

1. Buildings such as museums and interpretative centres are permitted provided that they are interpreting the natural, heritage or archaeological resource in the community, is architecturally designed and placed to complement the area ensuring a high level of environmental protection.
2. Complementary uses such as catering, gift shops may be permitted where they are contained within the building.

(2021-08-20)

10.25.5 Boardwalks

Boardwalks, trail development, look-off structures and interpretive signage shall be properly planned, constructed and maintained to ensure a high level of environmental protection.

10.25.6 Provincial T’Railway Park

The Provincial T’Railway Park, its future infrastructure and associated uses is a permitted use.

10.25.7 Permitted Signs

Ground signs associated with Provincial T’Railway Park.

Ground and wall signs associated with a museum or interpretation centre.

10.26 Mineral Working Zone (MW)

10.26.1 Permitted Uses

Mineral Working

Telecommunications Structures and Antenna

Utilities

10.26.2 Discretionary Uses

General Industry

10.26.3 General Industry

General Industrial uses related to the processing or manufacturing of mineral products may be permitted in the mineral working area of the Trinity Resources Pyrophyllite Mine where:

- a) The development of these uses will not prevent future access to and extraction of the mineral resource; and
- b) The development conforms with development standards for uses in the Industrial General Use Zone.

In other mineral working zones, general industry uses shall be limited to aggregate industries such as asphalt processing, concrete batching and mineral bulk storage.

10.26.4 Mineral Workings General

All mineral workings, including pits, quarries and mines shall be subject to the requirements of the appropriate permit, lease or licence issued by the Mineral Lands Division, Department of Natural Resources, for development, operation, decommissioning and rehabilitation. Where not addressed in an applicable provincial permit, lease or licence, mineral workings shall meet the following requirements of the Authority:

- a) Screening - A buffer shall be required to screen mineral workings visible from a public street. A buffer may consist of a 30m wide tree screen, a landscaped berm or as required by the Authority. The Authority may waive the requirement for a buffer where natural topography creates a visual screen between mineral workings and adjacent public highways and streets.
- b) Fencing - The Authority may require the mineral working site or excavated area 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.
- c) Water Pollution - No mineral working or extraction activity shall be permitted within 50 m of a waterbody or watercourse.
- d) 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 Labour.
- e) Site Maintenance - The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- f) Access Roads - During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Authority.
- g) 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 uncleared areas and 10 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quantity of the topsoil is not affected by dilution with other materials.

- h) Termination and Site Rehabilitation - Upon completion of the mineral working, the following work shall be carried out by the operation:
- (i) All buildings, machinery and equipment shall be removed.
 - (ii) All pit and quarry slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to the mineral working.
 - (iii) Topsoil and any organic materials shall be re-spread over the entire quarried area and the area hydroseeded
 - (iv) The access road to the working shall be ditched or barred to the satisfaction of the Authority.

10.26.5 Decommissioning and Rehabilitation

Upon completion of the mineral working operations on the site, the developer shall remove all buildings, machinery, chattels, personal property and quarry material which has been extracted from the site, and shall rehabilitate the site according to the conditions of the quarry permit or licence. The Authority may require the submission of a site rehabilitation plan showing site restoration including finished grade, contours and slopes, depth of topsoil and landscaping prior to the issuance of a permit.

10.26.6 Permitted Signs

Ground signs associated with a permitted use.

10.27 Rural Zone (R)

10.27.1 Permitted Uses

Agriculture
Telecommunications Structures and Antenna
Conservation
Forestry
Recreational Open Space
Utilities

10.27.2 Discretionary Uses

Animal
Cemetery
General Industry
Mineral Working
Single Dwelling

10.27.3 Development Standards

Standards for lot area, frontage, building setback, side yard width, rear yard depth, lot coverage and height will be determined on a case by case basis and shall comply with the standards established elsewhere in these Development Regulations depending on the proposed use.

10.27.4 General Industry

General industry uses may be permitted in situations where it is important to locate near raw materials or where uses are highly land extensive or where such uses cannot be compatibly located within designated industrial areas.

10.27.5 Mineral Workings:

- a) The conditions set out in the Mineral Working Use zone table shall apply to Mineral Workings uses in the Rural use zone; and
- b) Separation from Adjacent Uses - Unless the Authority is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature.

Development/ Natural Feature	Separation Distance (minimum)
Existing or Proposed Residential Development, Borrow Pits	300 metres
Existing or Proposed Residential Development, Bedrock Quarries	1000 metres
Any other development area or area likely to be developed during the life of the pit or quarry working.	150 metres
Public Highway or Street	50 metres
Protected Road	90 metres
Waterbody or Watercourse	50 metres

10.27.6 Single Dwelling

Residential uses will not be permitted except where they are necessary to support the permitted use. Applications for single dwellings in association with an agricultural use may be forwarded to the Department of Forest Resources and Agrifoods for a recommendation on the application.

10.27.7 Public Roads

Uses open to or used by the public, such as parks, recreational facilities and cemeteries for example, shall front on a public road built to a standard acceptable to the Authority and accessible by the public and emergency vehicles.

10.27.8 Permitted Signs

Ground signs associated with a permitted use.

10.28 Agriculture Zone (A)

10.28.1 Permitted Uses

Agriculture
Telecommunications Structures and Antenna
Utilities

10.28.2 Discretionary Uses

Conservation
Forestry
Mineral Working
Recreational Open Space
Single Dwelling

10.28.3 St. John's Agriculture Development Area

All applications for development within the St. John's Agriculture Development Area shall be forwarded to the Land Development Advisory Authority of the Department of Forest Resources and Agrifoods for consideration under the *St. John's Urban Region Agriculture Development Area Regulations*. No permit for development shall be issued by the Town without the approval of the Advisory Authority.

10.28.4 Single Dwelling

Single dwellings shall only be permitted where they are subsidiary to, and part of, a farm operation, and recommended for approval to the Town according to criteria established by the Agrifoods Branch, Department of Forest Resources and Agrifoods.

10.29 Comprehensive Development Area (CDA)

10.29.1 Permitted Uses

Maintenance and Operation of Existing and previously approved uses
--

Telecommunications Structures and Antenna

Utilities

10.29.2 Discretionary Uses

Agriculture

Conservation

Forestry

10.29.3 Comprehensive Development Scheme

Before any development is permitted, a Comprehensive Development Scheme will be prepared under the *Urban and Rural Planning Act* and the Conception Bay South Municipal Plan, and the area zoned accordingly. Policies applicable to these schemes are laid out in the Conception Bay South Municipal Plan.

10.30 Public Use Zone (P)

10.30.1 Permitted Uses

Public Schools
Conservation
Cultural and Civic
Cemetery
Institutional
Office
Place of Worship
Telecommunications Structures and Antenna
Utilities

10.30.2 Discretionary Uses

Childcare
Medical Care
Recreational Open Space such as parks and playgrounds

10.30.3 Lot Requirements

Minimum building line setback (m)	10
Minimum side yard	5
Minimum rear yard depth (m)	15
Maximum height (m)	15

10.30.4 Institutional

Institutional uses will be restricted to those providing governmental, cultural and educational services such as museums, libraries, fire or police stations.

10.30.5 Offices

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

10.30.6 Heritage District

Development within the area identified as a Heritage District on the Land Use Zoning Map, shall be required to be of similar exterior finish, height, colour, bulk, setback, scale and architectural design of existing buildings in the district. New development shall be required to retain trees, and existing trees, fences and lighting shall be maintained.

10.30.7 Permitted Signs

Portable signs, facial and projecting wall signs, ground signs.

10.31 Highway Reserve Zone (HR)

10.31.1 Permitted Uses

Arterial Highway
Telecommunications Structures and Antenna
Utilities

10.31.2 Discretionary Uses

10.31.3 Permitted Uses

Only those uses necessary for the functioning of Highway Route 2 shall be permitted and require the approval of the Department of Transportation and Works.

10.31.4 Advertisements

No advertisements or signage shall be placed in the Highway Corridor unless approved by the Department of Works, Services and Transportation under the Provincial Highway Sign Regulations.

Schedule A - Classifications of Land Uses and Buildings

This Schedule is intended to assist in the interpretation of the types of uses within the use classes listed in the Use Zone Tables in Section 10 of these regulations.

1. Residential Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Residential Dwelling Uses	Single Dwelling	<ul style="list-style-type: none"> • Single detached dwelling, with or without a subsidiary apartment
	Double Dwelling	<ul style="list-style-type: none"> • Duplex Dwellings • Semi-detached Dwelling
	Subsidiary Apartment	<ul style="list-style-type: none"> • Basement apartment • In-law suite
	Row Dwelling	<ul style="list-style-type: none"> • Row Houses
	Apartment Building	<ul style="list-style-type: none"> • Apartment Building • Residential Complexes (4 or more units)
	Grouped Dwellings	<ul style="list-style-type: none"> • Residential complexes with multiple units and or multiple buildings on a single lot
2. General Residential Uses	Boarding House Residential	<ul style="list-style-type: none"> • Bed & Breakfast Establishment • Boarding Houses
	Tourism Accommodation	<ul style="list-style-type: none"> • Hotels • Motels • Inns
	Mobile Home	<ul style="list-style-type: none"> • Mini Home • Mobile Homes

2. Assembly Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Assembly Uses for the production & viewing of the performing arts.	Theatre	<ul style="list-style-type: none"> • Movie Theatres • Theatres
2. General Assembly Uses	Cultural & Civic	<ul style="list-style-type: none"> • Art Galleries • Town Administrative Offices • Court Rooms • Libraries • Museums • Arts and Culture Centres • Interpretive Centres
	General Assembly	<ul style="list-style-type: none"> • Auditoria • Bowling Alleys • Community Halls • Dance Halls

		<ul style="list-style-type: none"> • Exhibition Halls • Fitness Clubs • Gymnasias • Lodge Halls and Private Clubs
	Educational	<ul style="list-style-type: none"> • Colleges (non- residential) • Private Schools • Public Schools
	Place of Worship	<ul style="list-style-type: none"> • Church Halls • Churches & similar places of worship
	Passenger Assembly	<ul style="list-style-type: none"> • Passenger Stations & Depots • Recreational Piers/Docks
	Catering	<ul style="list-style-type: none"> • Bars • Lounges • Restaurants • Nightclubs
	Funeral Home	<ul style="list-style-type: none"> • Crematoria • Funeral Homes & Chapels
	Child Care	<ul style="list-style-type: none"> • Day Care Centres • Home Child Care Services • Nursery Schools • Early Childhood Education Services
	Amusement	<ul style="list-style-type: none"> • Electronic Games Arcades • Pinball Parlours • Poolrooms
3. Arena-type Uses	Indoor Assembly	<ul style="list-style-type: none"> • Arenas • Armouries • Ice Rinks • Indoor Swimming Pools
4. Open-air Assembly Uses	Outdoor Assembly	<ul style="list-style-type: none"> • Amusement Parks & Fair-grounds • Bleachers • Drive-in Theatres • Exhibition Grounds • Grandstands • Outdoor Ice Rinks & Swimming Pools • Outdoor Stadiums • Outdoor Concert Venues

3. Business and Personal Services Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Business, Professional, & Personal Service Uses	Office	<ul style="list-style-type: none"> • Banks • Business & Government Office
	Medical & Professional	<ul style="list-style-type: none"> • Clinic • Dental Offices & Surgeries • Law Offices • Medical Offices & Consulting Rooms • Professional Offices
	Personal Service	<ul style="list-style-type: none"> • Barbers • Beauty Parlours • Domestic & Household Arts • Hairdressers • Tanning Salons • Pet Grooming • Nail Salons
	General Service	<ul style="list-style-type: none"> • Car Washes • Dry Cleaners (not using flammable or explosive substances) • Laundromats • Small Tool & Appliance Service & Rentals
	Communications	<ul style="list-style-type: none"> • Radio Stations • Telephone Exchanges
	Police Station	<ul style="list-style-type: none"> • Police Stations without detention quarters
	Taxi Stands	<ul style="list-style-type: none"> • Taxi Stands
	Take-out Food Service	<ul style="list-style-type: none"> • Take-out Restaurants • Food Stands

4. Institutional Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Penal & Correctional Institutional Uses	Penal & Correctional Detention	<ul style="list-style-type: none"> • Prisons • Police Stations (with detention quarters) • Psychiatric Hospitals (with detention quarters) • Youth Correctional Facilities
2. Special Care Institutional Uses	Medical Treatment & Special Care	<ul style="list-style-type: none"> • Personal Care Homes • Nursing Homes • Treatment Centres • Medical Clinics

1. Retail Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Retail Sale & Display Uses	Shopping Centre	<ul style="list-style-type: none"> • Shopping Centres • Strip Malls
	Shop	<ul style="list-style-type: none"> • Automobile Dealerships • Used Car Lots • Department Stores • Retail Shops • Showrooms • Supermarkets
	Indoor Market	<ul style="list-style-type: none"> • Auction Halls • Exhibition Halls • Indoor Farmers Markets
	Outdoor Market	<ul style="list-style-type: none"> • Animal Markets • Fish Stalls • Market Grounds • Produce & Fruit Stands • Outdoor Farmers Markets • Flea Markets
	Convenience Store	<ul style="list-style-type: none"> • Confectionary Stores • Corner Stores • Gift Shops • Specialty Shops • Video Stores

6. Industrial Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Industrial uses involving highly combustible & hazardous substances & processes.	Hazardous Industry	<ul style="list-style-type: none"> • Bulk Plants for Flammable Liquids • Bulk Storage Warehouses for Hazardous Substances • Chemical Manufacturing or Processing Plants • Distilleries • Dry-cleaning Plants • Feed Mills • Lacquer, Mattress, Paint, Varnish, & Rubber • Factories • Spray Painting Operations • Wastepaper Processing Plants
2. General Industrial Uses involving Limited Hazardous Substances & Processes.	General Industry	<ul style="list-style-type: none"> • Aggregate-Related Industries • Aircraft Hangars • Bulk Storage Facility • Cold Storage Plants • Contractors' Yards

		<ul style="list-style-type: none"> • Concrete Plants • Factories • Fish Processing Plants • Freight Depots • General Garages • Laboratories • Laundries • Planing Mills • Printing Plants • Sawmill • Warehouses • Workshops
	Service Station	<ul style="list-style-type: none"> • Gas Bars • Gasoline Service Stations
3. Light, Non- hazardous or Non-intrusive Industrial uses	Light Industry	<ul style="list-style-type: none"> • Custom Workshops • Indoor Storage • Light Industry • Parking Garages • Recycling Depot • Warehouses & Distribution Centres • Wholesale Rooms • Workshops

7. Non-Building Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
1. Uses not directly related to building	Agriculture	<ul style="list-style-type: none"> • Commercial Farms • Hobby Farms • Market Gardens & Nurseries
	Forestry	<ul style="list-style-type: none"> • Silviculture • Sawmills • Tree Nurseries
	Mineral Working	<ul style="list-style-type: none"> • Mineral Exploration • Mines • Oil Wells • Pits • Quarries
	Recreational Open Space	<ul style="list-style-type: none"> • Campgrounds • Golf Courses • Hiking Trails • Parks • Playing Fields • Playgrounds • Sports Grounds

	<ul style="list-style-type: none"> • Tourist Trailer Parks
Conservation	<ul style="list-style-type: none"> • Architectural Historical Sites • Buffer Strips • Trails and Boardwalks • Scenic Lookout Sites • Watersheds • Wildlife Sanctuaries
Cemetery	<ul style="list-style-type: none"> • Cemeteries
Scrap Yard	<ul style="list-style-type: none"> • Car Wrecking Yards • Junk Yards • Salvage Yard • Scrap Dealers
Solid Waste	<ul style="list-style-type: none"> • Incinerators • Recycling Plants • Sanitary Land Fill • Solid Waste Disposal
Animal	<ul style="list-style-type: none"> • Animal Pounds • Kennels • Zoos • Pet Sitting Services
Antenna	<ul style="list-style-type: none"> • Cellular Communications Towers • Satellite Dish Antenna • Television, Radio & Communications • Transmitting and Receiving Masts & Antennae
Transportation	<ul style="list-style-type: none"> • Airfields • Boathouses • Docks and Harbours • Wharves and Marinas

Schedule B - Land Use Zoning Map