

# Town of Steady Brook

## Development Regulations 2010-2020

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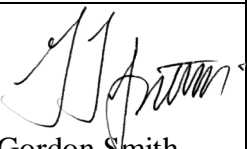



Prepared for:

Town of Steady Brook

Development Regulations

2010-2020

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## APPLICATION

### **1. Short Title**

These Regulations may be cited as the Steady Brook Development Regulations.

### **2. Interpretation**

(1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Part I and Schedule A of these Regulations.

(2) 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.

### **3. Commencement**

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

### **4. Municipal Code and Regulations**

The Building Code including the Plumbing Code, the Fire Code, the Electrical Code 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 Steady Brook shall, under these Regulations apply to the entire Planning Area.

### **5. Authority**

In these Regulations, "Authority" means the Council of the Town of Steady Brook.





# PART I - PROVINCIAL DEVELOPMENT REGULATION

Newfoundland Regulations 3/01 Development Regulations Under the *Urban and Rural Planning Act, 2000*.



**Published by Authority**

**NEWFOUNDLAND REGULATION 3/01**

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*Development Regulations  
under the  
Urban and Rural Planning Act, 2000*

*(Filed January 2, 2001)*

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

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

Joan Marie Aylward  
Minister of Municipal and Provincial Affairs

## REGULATIONS

### *Analysis*

- |                              |                                |
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| 1. Short title               | 8. Development prohibited      |
| 2. Definitions               | 9. Hearing notice and meetings |
| 3. Application               | 10. Hearing of evidence        |
| 4. Interpretation            | 11. Board decision             |
| 5. Notice of right to appeal | 12. Variances                  |
| 6. Appeal requirements       | 13. Notice of variance         |
| 7. Appeal registration       | 14. Residential non conformity |

- 15. Notice and hearings on change of use
- 16. Non-conformance with standards
- 17. Discontinuance of non-conforming use
- 18. Delegation of powers
- 19. Commencement

Short title

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

Definitions

2. In these regulations,

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

Application

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

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

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

Interpretation

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section

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

(b) "accessory building" includes

- (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
  - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
  - (iii) for commercial uses, workshops or garages, and
  - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
- (i) highest point of the roof surface of a flat roof,
  - (ii) deck line of a mansard roof, and
  - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,
- and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,

- (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
- (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes

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

- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

(2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be

listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

Notice of right to appeal

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

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

Appeal requirements

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

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

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

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

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

Appeal registration

7. (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

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

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

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

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

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

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

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

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

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

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

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



- Residential non conformity**      14. A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- Notice and hearings on change of use**      15. Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.
- Non-conformance with standards**      16. Where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.
- Discontinuance of non-conforming use**      17. An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued non-conforming use may resume operation.
- Delegation of powers**      18. An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.
- Commencement**      19. These regulations shall be considered to have come into force on January 1, 2001.



## PART II – GENERAL REGULATIONS

1. **Compliance With Regulations** - No development shall be carried out within the Planning Area except in accordance with these Regulations.
2. **Permit Required** - No person shall carry out any development within the Planning Area except where otherwise provided in these Regulations unless a permit for the development has been issued by the Authority.
3. **Decisions of the Authority** - Decisions made by the Authority with respect to a permit required by these Regulations shall be made in writing, and state the reasons for a refusal of, or conditions placed upon, a permit. 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 5, Part I, of these Regulations.
4. **Permit to be Issued** - Subject to Regulations 5 and 6, a permit shall be issued for development within the Planning Area that conforms to:
  - (1) The general development standards set out in Part III of these Regulations, the requirements of Part VI of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
  - (2) The standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
  - (3) The standards set out in Part IV of these Regulations in the case of signs;
  - (4) The standards set out in Part V of these Regulations in the case of subdivision;
  - (5) The standards of design and appearance established by the Authority.
5. **Permit Not to be Issued in Certain Cases** - Neither a permit, nor approval in principle, 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.

**6. Discretionary Powers of Authority** - In considering an Application for a permit or for approval in principle 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.

**7. Form of Application**

- (1) Applications for a development permit or for approval in principle shall be
- (a) made to the Authority only by the owner or by a person authorized by the owner;
  - (b) made on a form as may be prescribed by the Authority, including such plans, specifications and drawings as the Authority may require; and
  - (c) accompanied by the appropriate fee set out in a Schedule of Fees 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 7(1) and a description of the plans, specifications and drawings required to be provided with the application.

**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 and the result of any appeal from that decision.

**9. Deferment of Application**

- (1) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 9(1), shall be deemed to be refused.

## **10. Approval in Principle**

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

## **11. Development Permit**

- (1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding one year, which may be extended in writing by the Authority for further periods not exceeding one year.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for a sign, which may be renewed in accordance with Part IV of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.

- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.

## **12. Notice of Application**

- (1) The Authority shall provide public notice for a period of not less than:
  - (a) 7 days - when considering a variance in accordance with Section 12 of Part I;
  - (b) 14 days - when considering a change in non-conforming use in accordance with Section 15 of Part I; or development which is listed as a Discretionary use in Schedule C of these Regulations.
- (2) Where public notice is required, the costs of that notice shall be borne by the applicant.

**13. 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 Steady Brook, 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.

**14. Right of Entry** - The Authority, the Director, or any inspector may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Authority is empowered to regulate.

**15. Record of Violations** - Every inspector shall keep a record of any violation of these regulations which comes to his knowledge and report that violation to the Authority.

## **16. 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 to restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an Order made under Regulation 16(1) is guilty of an offence under the provisions of the *Act*.

## **17. Service Levy**

- (1) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority of constructing or improving the public works referred to in Regulation 17(1) that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
  - (a) The amount of real property benefited by the public works related to all the real property so benefited; and
  - (b) The density of development made capable or increased by the public work.
- (4) The Authority may require a service levy to be paid by the owner of the real property at:
  - (a) the time the levy is imposed;
  - (b) the time development of the real property commences;
  - (c) the time development of the real property is completed; or
  - (d) such other time as the Authority may decide.

## **18. 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 license.
- (2) The financial provisions pursuant to Regulation 18(1) may be made in the form of:
  - (a) a cash deposit from the developer, to be held by the Authority, or;
  - (b) a guarantee or irrevocable letter of credit by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or;
  - (c) a performance bond provided by an insurance company or a bank, or;
  - (d) an annual contribution to a sinking fund held by the Authority.

**19. Dedication of Land for Public Use** - In addition to the requirements for dedication of land under Regulation 78, Part V, the Authority may require the dedication of not more than 10% of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with Section 37 of the *Act*.

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



## **PART III – GENERAL DEVELOPMENT STANDARDS**

**21. 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 and 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.

**22. Accessory Buildings**

(1) May be located on the same lot as the main building(s) to which it is accessory; or on a lot adjoining the lot that contains the main building, where both lots are under the same ownership.

(2) No accessory building or part thereof shall project in front of any building line.

(3) No accessory building shall be developed so that it can be used as a room, flat or apartment.

(4) Accessory buildings shall be complementary with the main building in terms of exterior finish, roofline and pitch.

**23. 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, and such uses shall be clearly incidental and complementary to the use of the main building.

**24. Advertisements** - Advertisements shall not be erected or displayed except in accordance with Part IV of these Regulations and the Use Zones tables in Schedule C of these Regulations.

**25. Alterations to the Natural Environment** - Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect watercourses or adjacent property as a result of alterations to watercourses shall not be permitted. Topsoil or sods shall not be removed except with the approval of Council

**26. Archaeological Assessment** - In accordance with the Steady Brook Municipal Plan, Policies G -12 Protection of Archaeological Resources the Authority may require an archaeological assessment for development in any use zone where archaeological resources are known to exist, or where they are likely to exist based on location and historical evidence. Applications for development on undeveloped land will be forwarded to the Provincial Archaeology Office, Department of Tourism, Culture and Recreation, for review and consideration under the *Historic Resources Act*.

**27. Bed and Breakfast Establishments** - A Bed and Breakfast establishment (See definition 12, Schedule A), where permitted, shall be subject to the following conditions:

- (1) The use is in a single dwelling occupied as a residence by the operator of the business.
- (2) No addition or alteration shall be undertaken which changes the roofline; increases the height of the building; or extends into the front or side yards of the lot, except for dormers and/or structures necessary for public safety such as fire escapes.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) A single, non-illuminated, free-standing sign, not exceeding 0.4m<sup>2</sup> (4ft<sup>2</sup>) in area, shall be permitted, provided that the design of the sign is consistent with the residential character and amenity of the area.
- (7) That the use is approved and licensed under the *Tourist Establishment Regulations*, 1996, of the Provincial Department of Tourism, Culture and Recreation.

**28. Buffer Strips** - Where development is proposed that, in the opinion of the Authority, will have a visual impact on a highway, viewscape, or abutting land use, the Authority may require the owner of the site to provide a buffer strip not less than ten (10) metres wide to screen the development. The buffer shall include 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.

- 29. 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.
- 30. Building Height** - The Authority may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rear yard requirements shall be varied as follows:
- (1) The building line setback shall be increased by 2 metres for every 1 metre increase in height.
  - (2) The side yard width shall be increased by 1 metre for every 1 metre increase in height.
  - (3) The rear yard shall not be less than the minimum building line setback calculated as described in (1) above plus 8 metres.
- 31. Building Line Setback** - The Authority, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these regulations.
- 32. Easements and Emergency Access** - Where land is required for utility easements or emergency access, such land may be obtained for the appropriate agency (ie. Newfoundland Power) in the course of approving subdivision or other development applications.
- 33. Environmental Site Assessment** - The Authority may require an environmental site assessment as a condition of approval for development of lands that were previously used for commercial or industrial purposes. Where such an assessment indicates the presence of hazardous materials, no development will be permitted until a full environmental site assessment has been undertaken and remediation measures implemented by a firm qualified to perform such work to the satisfaction of the Department of Environment and Conservation and the Authority.
- 34. Height Exceptions** - The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of Regulation 12, Part I and Regulation 12, Part II.

**35. Home Childcare Service** - Where permitted by the Town of Steady Brook, childcare as a home occupation shall conform to the requirements of the *Child Care Services Act and Regulations*. Where required, a license to operate shall be obtained from the Department of Health and Community Services.

**36. Home Occupations**

- (1) The following conditions shall apply to the use of a dwelling for a home occupation:
- (a) The residence is occupied by the operator of the home occupation;
  - (b) 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;
  - (c) There are no more than 2 assistant employees employed on site in addition to a resident of the dwelling;
  - (d) Not more than 25 percent of the total floor area of the dwelling to a maximum of 45m<sup>2</sup> (500ft<sup>2</sup>) is devoted to the home occupation;
  - (e) 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 18.5m<sup>2</sup> (200ft<sup>2</sup>) 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) A single, non-illuminated, free-standing sign, not exceeding 0.4m<sup>2</sup> (4ft<sup>2</sup>) in area, shall be permitted, provided that the design of the sign is consistent with the residential character and amenity of the area;
  - (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 or trailers except for one vehicle with a gross weight of no greater than one tonne will be permitted;
  - (l) No commercial vehicles associated with the home occupation or trailers are permitted to park in the street reservation.
  - (m) The residential lot has sufficient area to accommodate the parking requirement of the dwelling unit and the home occupation.

(2) **Home Occupations in Accessory Buildings** - In addition to the requirements set out in Regulation 36(1), a home occupation where permitted in a building subsidiary to a residential dwelling (ie. an accessory building) shall:

- (a) Be located on the same lot as the residential use;
- (b) The business shall be owned and operated by the occupants of the dwelling;
- (c) No repairs to vehicles or heavy equipment are carried out;
- (d) 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.

### **37. Landscaping and Screening**

- (1) All land except that used for customer parking and vehicle access shall be landscaped and maintained by the owner or occupier to the satisfaction of the Authority.
- (2) The Authority may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application. The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Authority, the landscaping or screening is desirable to preserve amenity or to protect the environment.

**38. Livestock Structures and Uses** - No structure designed to contain livestock shall be erected or used.

### **39. Lot Area**

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

- 40. Lot Area and Size Exceptions** - Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Authority for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.
- 41. Lot Frontage** – Except for accessory buildings, no new buildings shall be erected unless the lot on which it is situated fronts directly onto a street which has been constructed to standards established by the Authority.
- 42. 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.
- 43. Municipal Public Works and Utilities** - The Authority shall ensure that municipal and public utility works such as telephone, water treatment, pollution control and electric utility facilities are constructed so that no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works shall be in keeping with adjacent uses and buffering, in the form of landscaped areas between any such works an adjacent uses is required.
- 44. Non-Conforming Uses** - Applications involving non-conforming uses shall be processed in accordance with **Section 108 of the *Urban and Rural Planning Act*** and Sections 15-17 of Part I of these Regulations. If a non-conforming uses ceases to exist for a period of more than six months, new uses for the property and any buildings must conform to the requirements of the land use zone in which it is located.
- 45. Offensive and Dangerous Uses** - No building or land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by the Authority and any other authority having jurisdiction.
- 46. Off-Street Loading Requirements**
- (1) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of 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, 15m long, 4m wide and having a vertical clearance of at least 4m with direct access to a street or with access by a driveway of a minimum width of 6m to a street.

- (2) The number of loading spaces to be provided shall be determined by the Authority.
- (3) The loading facilities required by this Regulation shall be so arranged that vehicles can move clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

#### **47. Off-street Parking Requirements**

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking area, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard, where possible. In a Non-residential Zone, parking areas shall be provided within the limits of the zone in which the use is situated and not more than 200m distant from the use concerned.
- (4) Parking areas required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking areas for more than four vehicles are required or permitted:
  - (a) Parking space shall mean an area of land, not less than 15m<sup>2</sup> in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
  - (b) The parking area shall be constructed with a stable surface that is treated to prevent the rising of dust or loose particles;
  - (c) The lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
  - (d) A structure, not more than 3m in height and more than 5m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area;
  - (e) No part of any off-street parking area shall be closer than 1.5m to the front lot line in any zone;

- (f) Access to parking areas in non-residential zones shall not be by way of residential zones;
- (g) Where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1m in height shall be erected and maintained along all lot lines;
- (h) 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;
- (i) Entrance and exit ramps shall be no closer than 15m from any corner or street intersection;
- (j) Parking standards to accommodate persons with disabilities shall meet the requirement of the *Buildings Accessibility Act and Regulations*;
- (k) Landscaping shall be provided on 5% of the parking area for lots less than 1,400m<sup>2</sup> in size, and 7.5% of the parking area for lots greater than 1,400m<sup>2</sup>.

**48. Outdoor Storage** - Outdoor storage will not be permitted in front yards. Outdoor storage may be permitted in side yards and/or rear yards. Council may require fencing or other forms of screening where quantity and/or type of material would lead to unsightly appearance.

**49. Outdoor Swimming Pools** - Where a swimming pool is an accessory use to a residential or commercial use, it shall:

- (1) Be enclosed by a fence having a minimum height of 1.8 metres (6ft) from the established grade and located a minimum of 1.8 metres from the water surface perimeter, and have a gate, equipped with self-closing; self-latching devices placed at the top and on the inside of the gate;
- (2) Not exceed 7.0% of the area of the lot;
- (3) Not encroach upon any easement;
- (4) Not be placed over any existing, on-site septic system.



- 50. Parks and Playgrounds, and Conservation Uses** - Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of parks and playgrounds in any zone provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.
- 51. Service Stations** - Where permitted, development of an automobile service station and garage shall conform to the following conditions:
- (1) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side;
  - (2) Pump islands shall be set back at least 4 metres from the front lot line.
  - (3) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3m of the street or lot line.
  - (4) Accesses shall not be less than 7 metres wide and shall be clearly marked.
  - (5) Where a service station is located on a corner lot, the centre line of any access shall be at least 15 metres from the center line of the junction. The lot line between entrances shall be clearly indicated.
- 52. Side Yards** - Side yards 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.
- 53. 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.
- 54. Storage and Screening of Refuse Containers** - Refuse containers used for the collection or storage wastes from a commercial use shall be screened by fence or similar structure.
- 55. Subsidiary Apartments** - Where permitted, subsidiary apartments shall be limited to single dwellings. Two off-street parking spaces in addition to those required for the dwelling are required. Minimum floor area is 40 m<sup>2</sup> for one bedroom, plus 10 m<sup>2</sup> for each additional bedroom.
- 56. Water Pressures/Fire Flows** - Development may be refused where water pressures and fire flows cannot be guaranteed.



## PART IV – SIGNS

**57. Purpose** - Signage provisions are multi-purpose and are meant to meet a range of community residential and business needs and concerns including the following:

- (1) Ensure that businesses, services, and other enterprises can effectively communicate to the public by the use of signs;
- (2) Provide for reasonable, orderly and effective display of outdoor advertising compatible with their surroundings;
- (3) Protect pedestrians and motorists from hazardous conditions that result from signs that are located improperly, structurally unsafe or obscure vision;
- (4) Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the Community; and
- (5) Protect the quality of life and financial interests of homeowners from excessive signage of home based businesses that could have a negative impact on adjacent residents.

**58. Definitions and Illustrations** – the following definitions and illustrations shall apply to signs:

**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.

**Canopy/Awning 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.

**Flush Mounted Wall Sign** means a sign attached directly to a building wall, where the sign face is parallel to the wall of the building to which it is attached.

**Ground Sign** means a sign supported by one or more uprights, placed permanently in the ground.

**Group Sign** means a ground sign on which more than one activity, business, organization, enterprise, industry or service is being advertised.

**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.

**Multi-faced Sign** means a sign that has more than two sign faces and shall be considered to be one sign.

**Mural Sign** means a large image, such as a painting or enlarged photograph, applied directly to a wall or ceiling.

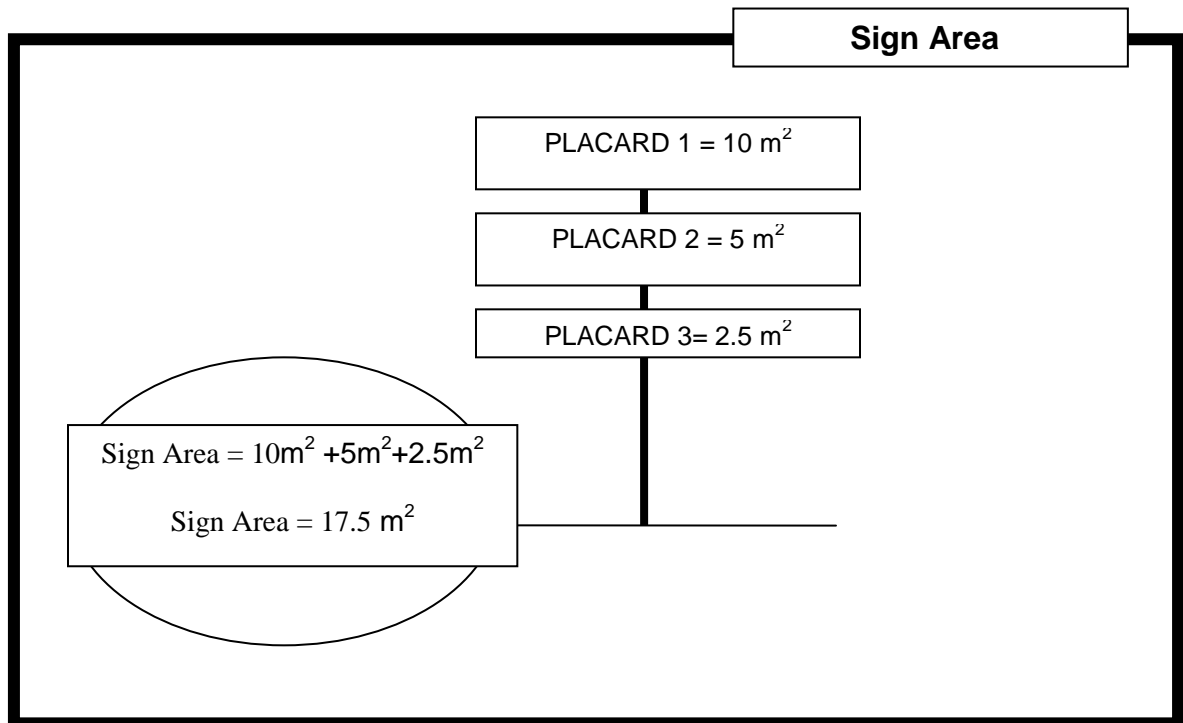
**Portable Sign** means a sign designed to be mobile and not located permanently in a fixed location.

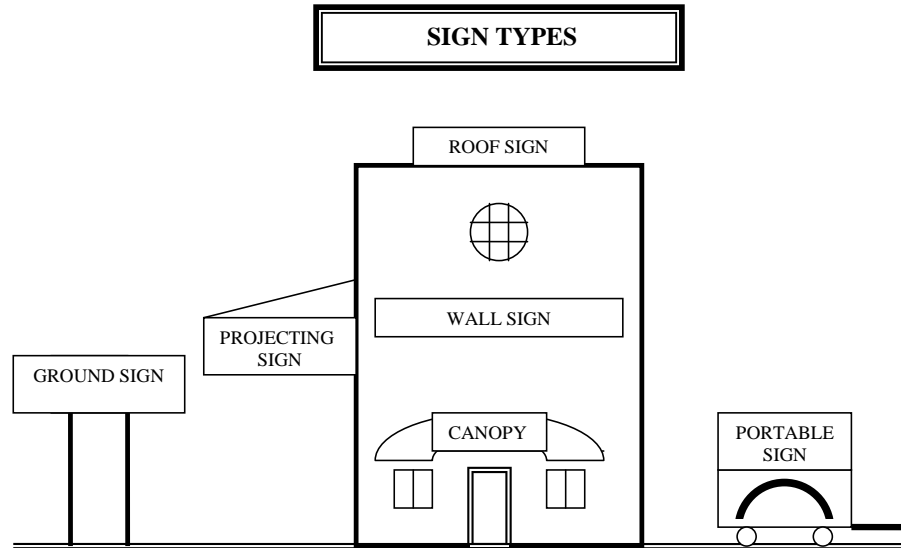
**Projecting/Hanging Sign** means any sign that is wholly or partly dependent upon a building for support and projects from the wall or face of a building or structure.

**Roof Sign** means a sign fixed, placed upon or supported by the roof of a building.

**Sign Area** means the area of the smallest rectangle, circle, or semi-circle that can enclose the surface area of the sign. Where a sign has two faces or more, the maximum area is permitted for each of the two faces.

**Window Sign** means a sign placed on or inside a window that faces outward and is intended to be seen from the outside.





- 59. Permit Required** - Subject to provisions of Regulation 66, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Authority.
- 60. Provincial Highway Sign Regulations** - All signs or advertisements to be erected within the boundaries of the Town of Steady Brook must be approved in accordance with these Regulations. Where provisions of the Town of Steady Brook Development Regulations 2010-2020 are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by provincial departments under the *Provincial Highway Sign Regulations*, the more restrictive regulations shall apply.
- 61. Form of Application** - Application for a permit to erect or display a sign shall be made to the Authority in accordance with Regulation 7.
- 62. Signs Prohibited in Street Reservation** – Unless otherwise permitted by these or other regulations such as the Provincial Highway Signs Regulations, no sign shall be permitted to be erected or displayed within, on or over any highway or street reservation.
- 63. Permit Valid for Limited Period** - A permit granted under these Regulations for the erection or display of a sign shall be for a period not exceeding two years, but may be renewed at the discretion of the Authority for similar periods.
- 64. Removal of Signs** - Notwithstanding the provisions of these Regulations, the Authority may require the removal of any sign which, in its opinion, is:
- (1) Hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;
  - (2) Detrimental to the amenities of the surrounding area.

**65. Signs Exempt from Control** - The following signs may be erected or displayed in the Planning Area without application to the Authority:

- (1) On a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2m<sup>2</sup> in area;
- (2) On an agricultural holding or farm, a notice board not exceeding 1m<sup>2</sup> in area and relating to the operations being conducted on the land;
- (3) On any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1m<sup>2</sup> in area;
- (4) The name of the building or the name of the occupants of the building, located on the principal façade of any commercial, industrial or public building, in letters not exceeding one tenth of the height of that façade or 3m, whichever is the lesser;
- (5) On any parking lot, directional signs and one sign not exceeding 1m<sup>2</sup> in size, identifying the parking lot.
- (6) Real estate sales, leasing or open house signs up to a maximum area of 1m<sup>2</sup>;
- (7) Signs placed by candidates at municipal, provincial, or federal elections;
- (8) Signs for temporary local events such as festivals, from one month before the event and to be removed within one week of its conclusion;
- (9) Temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum area of 7.5m<sup>2</sup>.

**66. Approval Subject to Conditions** - A permit may only be issued for the erection or display of signs which comply with the appropriate conditions and specifications set out in Part IV and the Use Zone Tables in Schedule C of these Regulations.

**67. Non-Conforming Uses** – Signs associated with non-conforming uses will be subject to the conditions and standards for signs in the Use Zone in which the non-conforming use is located.

**68. Signs for Commercial Uses** - The table on the following page outlines standards that shall apply to signs erected for any commercial use which may be permitted in Schedule C of these regulations. The maximum number of signs a commercial use may have is 2 signs, regardless of the number of buildings on the lot associated with that business.

(1) **On-Site Signs:**

Sign Type	Provisions	Land Use Zone	Size	Number of Signs
Window	<ul style="list-style-type: none"> <li>Not cover more than 20% of the total window area of any facade</li> </ul>	Residential	Maximum Area: 0.4 m <sup>2</sup> or 20% of total window area WHICH EVER IS LESS	<b>MAXIMUM 1 sign per Home Occupation</b>
		Commercial Tourism Commercial Highway	Maximum Area: 1m <sup>2</sup> or 20% of total window area WHICH EVER IS LESS	<b>MAXIMUM 2 signs per Commercial Building</b>
Hanging/Projecting	<ul style="list-style-type: none"> <li>Not project beyond the public sidewalk onto the portion of the public right-of-way traveled upon by motorized vehicles.</li> <li>Not project above the eaves, parapet or roofline of a building.</li> <li>Not permitted to swing freely without the installation of a suitable catch chain or other control device.</li> </ul>	Commercial Tourism Commercial Highway	Maximum Area: 1m <sup>2</sup>	<b>MAXIMUM 1 sign per Home Occupation</b>
		Residential	Maximum Area: 0.4 m <sup>2</sup>	
Flush Mounted Wall	<ul style="list-style-type: none"> <li>Not project more than 23cm from the wall on which it is located.</li> </ul>	Residential	Maximum Area: 0.4 m <sup>2</sup>	<b>MAXIMUM 2 signs per Commercial Building</b>
		Commercial Tourism Commercial Highway	Maximum Size/Dimension: 3m x 0.75m	
Awning/Canopy	<ul style="list-style-type: none"> <li>The canopy shall be self-supporting and shall not have supports that rest upon the sidewalk or public right-of-way.</li> </ul>	Commercial Highway	Maximum Size/Dimension: 3m x 0.75m	
Ground	<ul style="list-style-type: none"> <li>Be entirely located within the property boundaries of the business or enterprise.</li> </ul>	Commercial Highway	Maximum Area: 7.5m <sup>2</sup>	
Murals		Commercial Highway	Discretion of Council	

At the discretion of Council the sizes listed above may be reduced.

(2) **Prohibited Signs** - The following sign types will not be permitted:

- (a) Billboards
- (b) Mobile Signs
- (c) Roof Mounted Signs
- (d) Inflatable or Balloon Signs
- (e) Signs with Flashing Lights or Moving Parts
- (f) Collapsible Signs
- (g) Any signs not listed in Regulation 69(1).

(3) **Temporary/Portable Signs** - Notwithstanding Regulation 66, temporary and portable signs will not be permitted.

(4) **Off-site Directional Signs** - Off-site directional signs shall only be permitted where they are part of a sign kiosk constructed and managed by the Town.

#### **69. 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 these Regulations.
- (2) Signs in all zones must be maintained in good condition (e.g. no peeling paint, rotting wood, etc.) and not present a safety hazard in terms of structural stability.
- (3) No sign shall obstruct a means of ingress/egress from a door, window or fire escape.
- (4) Signs shall be professionally prepared and comply with standards as may be prescribed by the Authority



## PART V – SUBDIVISION OF LAND

- 70. Permit Required** - No land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from the Authority.
- 71. Services to be Provided** - No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Authority have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system.
- 72. Payment of Service Levies and Other Charges** - No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Authority for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 17 and 18.
- 73. Issue of Permit Subject to Considerations** - A permit shall not be issued when, in the opinion of the Authority, the development of a subdivision does not contribute to the orderly growth of the municipality and does not demonstrate sound design principles. In considering an application, the Authority shall, without limiting the generality of the foregoing, consider:
- (1) The location of the land;
  - (2) The availability of, and the demand created for, schools, services and utilities;
  - (3) The provisions of the Plan and Regulations affecting the site;
  - (4) The land use, physical form and character of adjacent developments;
  - (5) The transportation network and traffic densities affecting the site;
  - (6) The relationship of the project to existing or potential sources of nuisance;
  - (7) Soil and subsoil characteristics;
  - (8) The topography of the site and its drainage;
  - (9) Natural features such as lakes, streams, topsoil, trees and shrubs;
  - (10) Prevailing winds;
  - (11) Visual quality;

(12) Community facilities;

(13) Energy conservation;

(14) Such other matters as may affect the proposed development.

**74. Proposals for Subdivision of Land** - Proposals for the subdivision of lands for residential, commercial and industrial development shall be required to provide information on:

(1) The physical features of the site, including development opportunities and constraints, the location of mature stands of vegetation, including any vegetation to be retained.

(2) The layout of proposed lots and streets.

(3) How the proposed subdivision relates to existing development and roads on adjacent lands, and provide for future access to undeveloped lands in the area.

(4) The compatibility between the subdivision and surrounding land uses, both existing and future.

(5) The volume and type of traffic that will be generated by the development.

(6) Proposed servicing, including water and sewer, storm water management, and utilities from the main street and not from other connections on the lot.

(7) In residential subdivisions, the locations of neighbourhood mail receptacles.

(8) A landscaping plan which shows the location of dedicated open space and plantings.

**75. Form of Application** - Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 7.

**76. Subdivision Subject to Zoning** - The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Zoning Maps.

**77. Building Lines** - The Authority may establish building lines for any subdivision street and require any new building to be located on such building lines.

## **78. Land for 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 10% of the gross area of the subdivision for public open space, provided that:
  - (a) Where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
  - (b) If, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
  - (c) The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority, but in any case, the Authority shall not accept land which, in its opinion, is incapable of development for any purpose;
  - (d) The Authority may accept from the developer, in lieu of such area or areas of land, the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
  - (e) Money received by the Authority in accordance with Regulation 78(1)(d) shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these 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.
- (3) 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 78(1).

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

**80. Development Agreement** - As a condition of approval for new developments, the Authority shall require a developer to enter into an agreement with the Municipality. Such agreements will be negotiated between the developer and the Municipality for financing and development of services provided to the site. The agreement shall include specifications for water and sewer infrastructure, storm drainage, streets, sidewalks, open space, as well as school bus stops and neighbourhood mailboxes, where required.

**81. Subdivision Design Standards** - No permit shall be issued for the development of a subdivision unless the design of the subdivision conforms to the following standards;

- (1) The finished grade of streets shall not exceed 10 percent.
- (2) Every cul de sac shall be provided with a turning circle of a diameter not less than 30m.
- (3) The maximum length of any cul de sac shall be
  - (i) 110m - without emergency vehicle access
  - (ii) 230m - with emergency vehicle access
- (4) Emergency vehicle access to a cul de sac shall be not less than 3m wide and shall connect the head of the cul de sac with an adjacent street.
- (5) No cul de sac shall be located so as to appear to terminate a collector street.
- (6) New subdivisions shall have street connections with an existing street or streets.
- (7) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30m from the intersection.
- (8) No street intersection shall be closer than 60m to any other street intersection.
- (9) No more than four streets shall join at any street intersection.
- (10) No residential street block shall be longer than 490m between street intersections.

(11) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type Of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Collector Streets	20m	15m	1.5m	2
Local Residential Streets	15m	9m	1.5m	1

(12) No lot intended for residential purposes shall have a depth exceeding four times the frontage.

(13) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.

(14) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.

(15) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

## **82. Engineer to Design Works and Certify Construction Layout**

- (1) Plans and specification 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.
- (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 or her 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 Authority to service the said area.

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

**84. Street Works May Be Deferred** - The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority may be deferred until a later stage of the work on the development. Prior to approval, the developer shall deposit with the Authority, an amount estimated by the Engineer as sufficient to cover construction and installation costs. In the later stage of the work of development, the Authority shall call for tenders for construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to the Authority the amount of the excess. If the contract price is less than the deposit, the authority shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Authority by the developer shall be placed in a separate savings account in a bank and all interest earned shall be credited to the developer.

**85. Transfer of Streets and Utilities to the 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 rights-of-way, or for other public use;
  - (b) All services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Authority.
- (2) Before the Authority shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his or her satisfaction with their installation.
- (3) The Authority shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Authority.

**86. Restriction on Sale of Lots** - The developer shall not develop or dispose of any lot within a subdivision for the purposes of development and no building permit shall be issued until the authority is satisfied that:

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

## PART VI – USE ZONES

### 87. Use Zones

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

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

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

**90. Discretionary Uses** - Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 12 and has considered any objections or representations which may have been received on the matter.

**91. Prohibited Uses** - Uses that do not fall within the Permitted or Discretionary Use Classes, or are specifically listed as a Prohibited Use in the appropriate Use Zones Tables in Schedule C, shall not be permitted in that Use Zone.



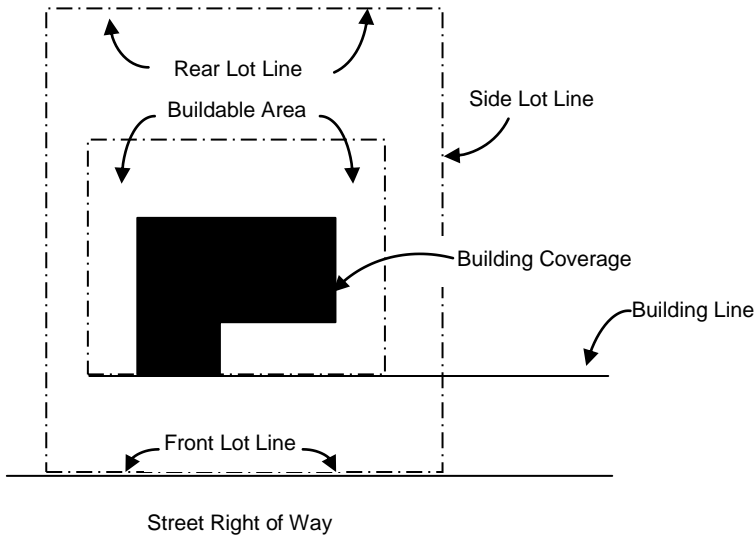


## SCHEDULE A - DEFINITIONS

1. **Access** means a way used or intended to be used by vehicles, pedestrians or animals in order to go from 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, or on a lot adjacent to the main building to which it is an accessory, and which has a use that is customarily incidental and 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.
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. **Agriculture** means horticulture, fruit, grain or seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, 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. "Agriculture" shall be construed accordingly.
6. **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.
7. **Animal Hospital** means a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.
8. **Apartment Building** means a building containing three or more dwelling units, but does not include a row dwelling.
9. **Appeal Board** means the appropriate Appeal Board established under the Act.

- 10. Auto Body Shop** means a building or a clearly defined space on a lot used for the storage, repair and servicing of motor vehicles including body repair and painting but does not include an automobile service station or an automobile sales establishment.
- 11. Automobile Washing Establishment** means a building or part thereof used for the operation of automobile washing equipment which is automatic or manual.
- 12. Bed and Breakfast Establishment** means a single dwelling unit in which the resident supplies, for compensation, no more than 4 bedrooms for the temporary accommodation of travelers.
- 13. 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.
- 14. 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) or (c).
- 15. Building Height** means the vertical distance, measured in meters from the established grade to the
- (a) Highest point of the roof surface of a flat roof,
  - (b) Deck line of a mansard roof,
  - (c) Mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above the roof.

16. **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 (See Figure 1).



**Figure 1. Building and Lot Lines**

17. **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.
18. **Campground** means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes, but does not include a mobile home park.
19. **Church** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, rectory, manse and day nursery operated by the church.
20. **Clinic** means a building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor in his or her residence.
21. **Convenience Store** means a building used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items, rental of video movies, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.
22. **Custom Workshop** means a building or part of a building used by a trade, craft or a guild for the manufacture in small quantities of made-to-measure clothes or articles and includes upholstery, repair, refinishing of antiques and other art objects, but does not include metal, spinning or woodworking or furniture manufacturing.

**23. Daycare Centre or Day Nursery** means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the **Childcare Services Act**, but does not include a school as defined by the **Schools Act**.

**24. 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:

- (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.

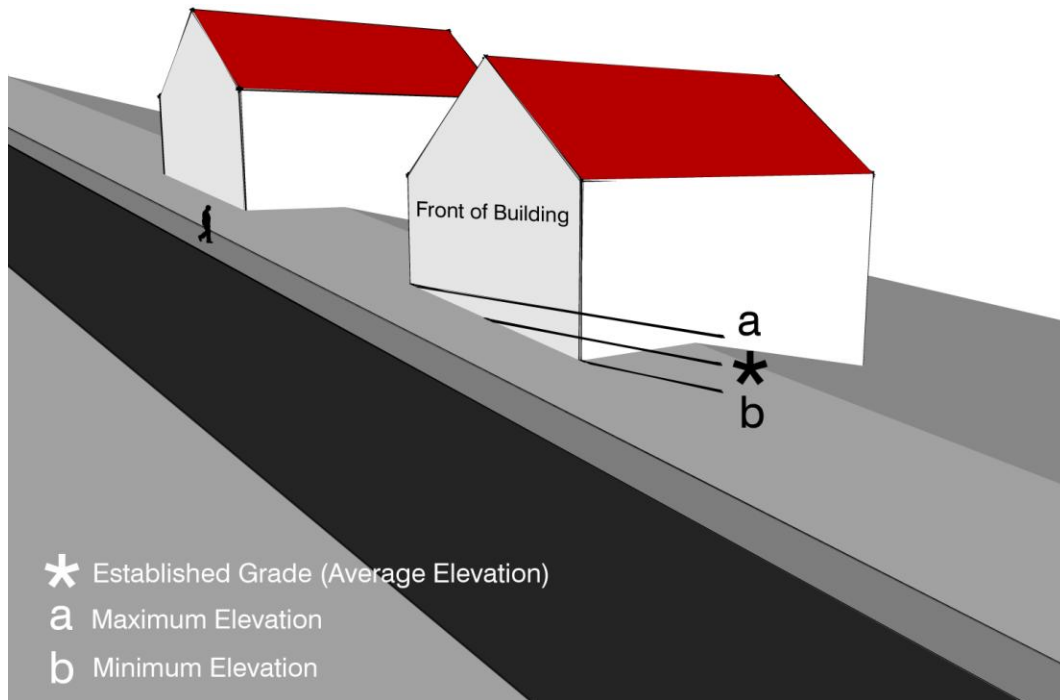
**25. Discretionary Use** means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations.

**26. Domestic and Household Arts** includes dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, or otherwise making household ornaments, articles of clothing, personal effects or toys.

**27. Double Dwelling (or Duplex)** means a building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.

**28. Dwelling, Townhouse** means three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls.

- 29. Dwelling Unit** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.
- 30. Engineer** means a professional engineer employed or retained by the Authority.
- 31. 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.
- 32. 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 (see Figure 2), 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 an artificial embankment or entrenchment.



**Figure 2. Established Grade for a Building**

33. **Existing** means legally existing as of the effective date of these Regulations.
34. **Farm Market** means a building in which farm or garden produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.
35. **Flanking Yard** means the side yard of a corner lot bounded by the street. (See Figure 3).
36. **Floor Area** means the total area of all floors in a building measured to the outside face of exterior walls.
37. **Frontage** means the horizontal distance between side lot lines measured at the building line.
38. **Front Yard Depth** means the distance between the front lot line of a lot and the front wall of the main building on the lot.
39. **Garage** means a building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.
40. **General Garage** means land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.
41. **Home Child Care Service** means a service where not more than six (6) children receive child care in the home of the person providing the child care.
42. **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.
43. **Home Office** means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity.
44. **Indoor Recreational Use** means a building for leisure activities such as bowling alleys, fitness clubs and racquet clubs, curling clubs, arenas and gymnasia.
45. **Inspector** means any person appointed and engaged as an Inspector by the Authority or by any federal or provincial authority or the agent thereof.
46. **Institution** means a building or part thereof occupied or used by persons who:
  - (a) Are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;
  - (b) Require special care or treatment because of age, mental or physical limitations or medical conditions.
47. **Kennel** means a building or premise where domestic household animals and birds are boarded for breeding or otherwise.

48. **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.
49. **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.
50. **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.
51. **Live Stock** means domestic animals such as cattle, poultry or horses raised for home use or for profit.
52. **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.
53. **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.
54. **Lodging House** means a dwelling in which at least two (2) rooms are regularly rented to persons other than the immediate family of the owner or tenant.
55. **Lot** means a plot, tract, or parcel of land which can be considered as a unit of land for a particular use or building.
56. **Lot Area** means the total horizontal area within the lines of the lot.
57. **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.
58. **Main Building** means any building in which is carried on the principal purpose for which the lot is used.
59. **Mineral Working** means land or buildings used for the working or extraction of any naturally occurring substance.
60. **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.

- 61. Mobile 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:
    - (i) Transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
    - (ii) Connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.
- 62. 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.
- 63. Nursing Home** means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and approved by the Departments of Government Services and Lands, and Health and Community Services.
- 64. 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.
- 65. Owner** means a person or an organization of persons owning or having the legal right to use the land under consideration.
- 66. Parking Lot** means an open area of land other than a street or an area within a structure for the parking of vehicles.
- 67. Parking Space** means an area of land or building for the temporary parking or storage of motor vehicles.
- 68. 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.
- 69. Pit and Quarry Working** carries the same meaning as Mineral Working.
- 70. Private Club** means a building used as a meeting place for members of an organization and may include a fraternity, a labour union hall, a lodge and recreational or service club.



- 71. 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.
- 72. 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.
- 73. Rear Yard Depth** means the distance between the rear lot line and the rear wall of the main building on a lot (See Figure 3).
- 74. 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.
- 75. Recycling Depot** means premises on which recoverable materials such as newspaper, glassware, and metal cans are separated prior to shipment but does not include any processing of the materials or a salvage yard.
- 76. 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.
- 77. Rest/Retirement Home** means a residential facility or part thereof which is not a nursing home or group home, in which, for hire or gain, lodging is supplied in at least 10 retirement dwelling units. Meals are supplied for the occupants in a common kitchen and dining facility and other communal facilities, such as nursing care, may be provided. Accommodation shall be intended for the lodging of retired or elderly persons.
- 78. Row Dwelling** means three or more dwelling units at ground level in one building, each unit separated vertically from the others.
- 79. Satellite Dish Antenna** means a device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be solid, open mesh, or bar-configured structure in the shape of a shallow dish or parabola.
- 80. Screening** means the method by which a view of one site from another adjacent site is shielded, concealed or hidden.
- 81. Seasonal Residence** means a dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as a permanent living quarters.

- 82. 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.
- 83. 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 of the serving of meals or refreshments, an amusement use, a general garage, or a service station.
- 84. 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.
- 85. Sideyard Depth** means the distance between the side lot line and the nearest side wall of a building on the lot. (See Figure 3).
- 86. 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. Sign has the same meaning as 'Advertisement' defined elsewhere in these regulations.
- 87. 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.
- 88. Street Line** means the edge of a street reservation as defined by the authority having jurisdiction.
- 89. Street Right-of-Way** means a strip of land acquired by reservation, dedication or forced dedication intended to be occupied or occupied by a public street, road or highway (See Figure 1).
- 90. 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.
- 91. Subdivision** means the dividing of land, whether in single or joint ownership, into two or more pieces for the purpose of development.
- 92. Subsidiary Apartment** means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling.
- 93. 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.

- 94. Tavern** includes a nightclub and means a building licensed or licensable under the Liquor Control Act wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.
- 95. 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.
- 96. Utility** means any public or private system, works, plan, equipment or services which furnishes services at approved rates to or for the use of the general public.
- 97. 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.
- 98. 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.
- 99. Warehouse** means a building used primarily for the **storage** of goods and materials.
- 100. Watercourse** means any lake, pond, river, stream or other body of water.
- 101. 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.
- 102. 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 (See Figure 3).
- 103. Zoning Map** means the map or maps attached to and forming a part of the authority's regulations.

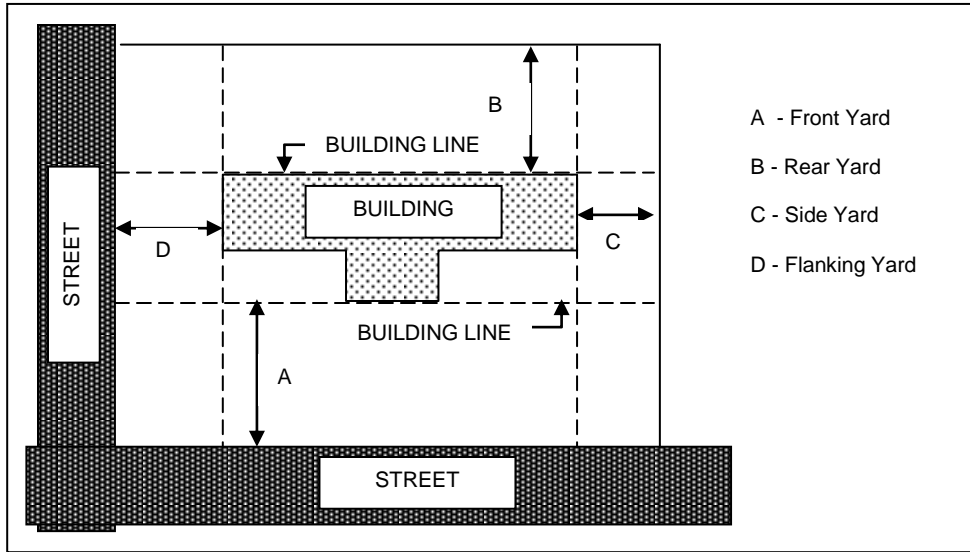


Figure 3. Yards<sup>1</sup>

<sup>1</sup> Figure 3 reprinted with permission from Nova Scotia Department of Municipal Affairs, Model Land Use Bylaw, 1993.

## SCHEDULE B – CLASSIFICATION OF LAND AND BUILDINGS

1. Residential Uses		
Division	Use Class	Examples
1. Residential Dwelling Uses	Single Dwelling	<ul style="list-style-type: none"> <li>• Single Detached Dwellings</li> </ul>
	Double Dwelling	<ul style="list-style-type: none"> <li>• Duplex Dwellings</li> <li>• Semi-detached Dwelling</li> </ul>
	Row Dwelling	<ul style="list-style-type: none"> <li>• Family and Group Homes</li> <li>• Row Houses</li> <li>• Town Houses</li> </ul>
	Apartment Building	<ul style="list-style-type: none"> <li>• Apartments</li> <li>• Family and Group Homes</li> <li>• Rest/Retirement Home</li> <li>• Sponsored Seniors Residence</li> </ul>
2. General Residential Uses	Collective Residential	<ul style="list-style-type: none"> <li>• Convents &amp; Monasteries</li> <li>• Dormitories</li> <li>• Nurses &amp; Hospital Residences</li> <li>• Residential Colleges &amp; Schools</li> <li>• University &amp; College Halls of Residence</li> </ul>
	Boarding House Residential	<ul style="list-style-type: none"> <li>• Bed &amp; Breakfast Establishment</li> <li>• Boarding Houses</li> <li>• Lodging Houses</li> </ul>
	Commercial Residential	<ul style="list-style-type: none"> <li>• Hostels</li> <li>• Hotels &amp; Motels</li> <li>• Residential Clubs</li> </ul>
	Seasonal Residential	<ul style="list-style-type: none"> <li>• Hunting &amp; Fishing Cabins</li> <li>• Summer Homes &amp; Cabins</li> </ul>
	Manufactured Housing	<ul style="list-style-type: none"> <li>• Mini Home</li> <li>• Mobile Homes</li> <li>• Mobile Home Park</li> </ul>

<b>2. Assembly Uses</b>		
<b>Division</b>	<b>Use Class</b>	<b>Examples</b>
1. Assembly Uses for the production and viewing of performing arts.	Theatre	<ul style="list-style-type: none"> <li>• Motion Picture Theatres</li> <li>• Opera Houses</li> <li>• Television Studios Admitting an Audience</li> <li>• Theatres</li> </ul>
2. General Assembly Uses	Cultural & Civic	<ul style="list-style-type: none"> <li>• Art Galleries</li> <li>• Council Chambers</li> <li>• Court Rooms</li> <li>• Libraries</li> <li>• Meeting Rooms</li> <li>• Museums</li> </ul>
	General Assembly	<ul style="list-style-type: none"> <li>• Auditoria</li> <li>• Bowling Alleys</li> <li>• Community Halls</li> <li>• Dance Halls</li> <li>• Exhibition Halls</li> <li>• Fitness Clubs</li> <li>• Gymnasias</li> <li>• Lodge Halls</li> </ul>
	Educational	<ul style="list-style-type: none"> <li>• Colleges (non-residential)</li> <li>• Private Schools</li> <li>• Public Schools</li> </ul>
	Place of Worship	<ul style="list-style-type: none"> <li>• Church Halls</li> <li>• Churches &amp; Similar Places of Worship</li> <li>• Manse</li> </ul>
	Passenger Assembly	<ul style="list-style-type: none"> <li>• Passenger Stations &amp; Depots</li> <li>• Recreational Piers/Docks</li> </ul>
	Club & Lodge	<ul style="list-style-type: none"> <li>• Private Clubs &amp; Lodges (non-residential)</li> </ul>
	Catering	<ul style="list-style-type: none"> <li>• Bars</li> <li>• Lounges</li> <li>• Restaurants</li> <li>• Taverns</li> </ul>
	Funeral Home	<ul style="list-style-type: none"> <li>• Crematoria</li> <li>• Funeral Homes &amp; Chapels</li> </ul>
	Child Care	<ul style="list-style-type: none"> <li>• Day Care Centres</li> <li>• Home Child Care Service</li> </ul>
	Amusement	<ul style="list-style-type: none"> <li>• Electronic Games Arcades</li> <li>• Pinball Parlours</li> <li>• Poolrooms</li> </ul>
3. Arena-type Uses	Indoor Assembly	<ul style="list-style-type: none"> <li>• Arenas</li> <li>• Armouries</li> <li>• Ice Rinks</li> <li>• Indoor Swimming Pools</li> </ul>
4. Open-air Assembly Uses	Outdoor Assembly	<ul style="list-style-type: none"> <li>• Amusement Parks &amp; Fair-grounds</li> <li>• Bleachers</li> <li>• Drive-In Theatres</li> <li>• Exhibition Grounds</li> <li>• Grandstands</li> <li>• Outdoor Ice Rinks &amp; Swimming Pools</li> </ul>

### 3. Business & Personal Service Use

Division	Use Class	Examples
1. Business, Professional & Personal Service Uses	Office	<ul style="list-style-type: none"> <li>• Banks</li> <li>• Business &amp; Government Office</li> <li>• Home Office</li> </ul>
	Medical & Professional	<ul style="list-style-type: none"> <li>• Clinic</li> <li>• Dental Offices &amp; Surgeries</li> <li>• Legal Offices</li> <li>• Medical Offices &amp; Consulting Rooms</li> <li>• Similar Professional Offices</li> </ul>
	Personal Services	<ul style="list-style-type: none"> <li>• Barbers</li> <li>• Beauty Parlours</li> <li>• Domestic &amp; Household Arts</li> <li>• Hairdressers</li> <li>• Small Appliance Repairs</li> </ul>
	General Service	<ul style="list-style-type: none"> <li>• Automobile Washing Establishment</li> <li>• Dry Cleaners (not using flammable or explosive substances)</li> <li>• Self-service Laundries</li> <li>• Small Tool &amp; Appliance Service &amp; Rentals</li> <li>• Travel Agents</li> </ul>
	Communications	<ul style="list-style-type: none"> <li>• Radio Stations</li> <li>• Telephone Exchanges</li> </ul>
	Police Station	<ul style="list-style-type: none"> <li>• Police Stations Without Detention Quarters</li> </ul>
	Taxi Stand	<ul style="list-style-type: none"> <li>• Taxi Stands</li> </ul>
	Take-out Food Service	<ul style="list-style-type: none"> <li>• Take-out Food Service</li> </ul>
	Veterinary	<ul style="list-style-type: none"> <li>• Animal Hospital</li> <li>• Veterinary Clinic</li> <li>• Veterinary Surgeries</li> </ul>

<b>4. Institutional Uses</b>		
<b>Division</b>	<b>Use Class</b>	<b>Examples</b>
1. Penal & Correctional Institutional Uses	Penal & Correctional Detention	<ul style="list-style-type: none"> <li>• Jails</li> <li>• Penitentiaries</li> <li>• Police Stations (with detention quarters)</li> <li>• Prisons</li> <li>• Psychiatric Hospitals (with detention quarters)</li> <li>• Reformatories</li> </ul>
2. Special Care Institutional Uses	Medical Treatment & Special Care	<ul style="list-style-type: none"> <li>• Children's Homes</li> <li>• Convalescent Homes</li> <li>• Family &amp; Group Care Home/Centre</li> <li>• Homes for the Aged</li> <li>• Hospitals</li> <li>• Infirmaries</li> <li>• Orphanages</li> <li>• Nursing Home</li> <li>• Psychiatric Hospitals</li> <li>• Reformatories</li> <li>• Sanatoria</li> </ul>



## 5. Retail Uses

Division	Use Class	Examples
1. Retail Sale & Display Uses	Shopping Centre	<ul style="list-style-type: none"> <li>• Shopping Centres</li> </ul>
	Shop	<ul style="list-style-type: none"> <li>• Department Stores</li> <li>• Retail Shops</li> <li>• Stores &amp; Showrooms</li> </ul>
	Indoor Market	<ul style="list-style-type: none"> <li>• Auction Halls</li> <li>• Exhibition Hall</li> <li>• Market</li> </ul>
	Outdoor Market	<ul style="list-style-type: none"> <li>• Animal Markets</li> <li>• Fish Stalls</li> <li>• Market Grounds</li> <li>• Produce &amp; Fruit Stands</li> </ul>
	Convenience Store	<ul style="list-style-type: none"> <li>• Confectionary Stores</li> <li>• Corner Stores</li> <li>• Gift Shops</li> <li>• Specialty Shops</li> <li>• Video Stores</li> </ul>

<b>6. Industrial Uses</b>		
<b>Division</b>	<b>Use Class</b>	<b>Examples</b>
1. Industrial Uses Involving Highly Combustible & Hazardous Substances & Processes	Hazardous Industry	<ul style="list-style-type: none"> <li>• Bulk Plants for Flammable Liquids</li> <li>• Bulk Storage Warehouses for Hazardous Substances</li> <li>• Chemical Manufacturing or Processing Plants</li> <li>• Distilleries</li> <li>• Dry-cleaning Plants</li> <li>• Feed Mills</li> <li>• Lacquer, Mattress, Paint, Varnish, &amp; Rubber Factories</li> <li>• Spray Painting Operations</li> <li>• Wastepaper Processing Plants</li> </ul>
2. General Industrial Uses Involving Limited Hazardous Substances & Processes	General industry	<ul style="list-style-type: none"> <li>• Aggregate-Related Industries</li> <li>• Aircraft Hangars</li> <li>• Autobody Shop</li> <li>• Bulk Storage Facility</li> <li>• Cold Storage Plants</li> <li>• Contractor' Yards</li> <li>• Concrete Plants</li> <li>• Factories</li> <li>• Fish Processing Plants</li> <li>• Freight Depots</li> <li>• General Garages</li> <li>• Laboratories</li> <li>• Laundries</li> <li>• Planing Mills/Printing Plants</li> <li>• Sawmill</li> <li>• Warehouses</li> <li>• Workshops</li> </ul>
	Service Station	<ul style="list-style-type: none"> <li>• Automobile Washing Establishment</li> <li>• Gas Bars</li> <li>• Gasoline Service Stations</li> </ul>
3. Light, Non-hazardous or Non-intrusive Industrial Uses	Light Industry	<ul style="list-style-type: none"> <li>• Custom Workshops</li> <li>• Indoor Storage</li> <li>• Light Industry</li> <li>• Wholesale Rooms</li> <li>• Workshops</li> </ul>

<b>7. Non-Building Uses</b>		
<b>Division</b>	<b>Use Class</b>	<b>Examples</b>
1. Uses Not Directly Related to Building	Agriculture	<ul style="list-style-type: none"> <li>• Commercial Farms</li> <li>• Hobby Farms</li> <li>• Market Gardens &amp; Nurseries</li> <li>• Open Market</li> </ul>
	Forestry	<ul style="list-style-type: none"> <li>• Silviculture</li> <li>• Sawmills</li> <li>• Tree Nurseries</li> </ul>
	Mineral Working	<ul style="list-style-type: none"> <li>• Mineral Exploration</li> <li>• Mines</li> <li>• Oil Wells</li> <li>• Pits</li> <li>• Quarries</li> </ul>
	Recreational Open Space	<ul style="list-style-type: none"> <li>• Campgrounds</li> <li>• Golf Courses</li> <li>• Hiking Trails</li> <li>• Parks</li> <li>• Playing Fields</li> <li>• Playgrounds</li> <li>• Sports Grounds</li> <li>• Tourist Trailer Parks</li> </ul>
	Conservation	<ul style="list-style-type: none"> <li>• Architectural Historic Sites</li> <li>• Boardwalks</li> <li>• Buffer Strips</li> <li>• Flood Plains</li> <li>• Nature Trails</li> <li>• Scenic Lookout Sites</li> <li>• Street Slopes</li> <li>• Watersheds</li> <li>• Wildlife Sanctuaries</li> </ul>
	Cemetery	<ul style="list-style-type: none"> <li>• Cemeteries</li> <li>• Graveyards</li> </ul>
	Scrap Yard	<ul style="list-style-type: none"> <li>• Car Wrecking Yards</li> <li>• Junk Yards</li> <li>• Salvage Yard</li> <li>• Scrap Dealers</li> </ul>
	Solid Waste	<ul style="list-style-type: none"> <li>• Incinerators</li> <li>• Recycling Plants</li> <li>• Sanitary Land Fill</li> <li>• Solid Waste Disposal</li> </ul>
	Animal	<ul style="list-style-type: none"> <li>• Animal Pounds</li> <li>• Kennels</li> <li>• Zoos</li> </ul>
	Antenna	<ul style="list-style-type: none"> <li>• Cellular Communications Towers</li> <li>• Satellite Dish Antenna</li> <li>• Television, Radio &amp; Communications</li> <li>• Transmitting &amp; Receiving Masts &amp; Antennae</li> </ul>
Transportation	<ul style="list-style-type: none"> <li>• Airfields</li> <li>• Boathouses</li> <li>• Docks &amp; Harbours</li> <li>• Wharves &amp; Marinas</li> </ul>	



# SCHEDULE C

## USE ZONE TABLES

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

### SCHEDULE C INCLUDES:

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OPEN SPACE FLOODWAY FRINGE (OS-FF).....	68

## GENERAL CONDITIONS FOR ALL USE ZONES

In addition to the provisions of Part III - General Development Standards of these Regulations, the following provisions will apply to all Use Zones within the Steady Brook Municipal Planning Area:

1. **Discretionary Use Classes** - Subject to Regulation 90, Part VI of the Regulations, the Discretionary uses and use classes listed in the Use Zone tables may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or where their development will not inhibit or prejudice the existence or the development of such uses.
2. **Flood Risk Areas** - A geotechnical report, prepared by a qualified engineer or geoscientist to certify that site conditions are such that it can safely accommodate the development is required for all development within the Flood Fringe and/or development backing on the Humber River and the Steady Brook. A building used for human habitation and commercial, industrial, public and public assembly shall be certified by a professional engineer that structural integrity will be maintained under normal or expected circumstances. In addition to ensuring the integrity of the structure and the safety of its occupants and users, the design shall ensure that the development does not negatively affect adjacent lands or the watercourse itself.

The following flood proofing standards shall apply to all development within Flood Risk Areas:

- (a) The Flood Construction Level (FCL) which establishes the minimum elevation of the underside of the floor system for habitable buildings or any ground surface elevation upon which structure rests, shall be determined as follows:

Design Flood Level	2.0 metres
Freeboard (safety allowance)	<u>0.6 metres</u>
Flood Construction Level, FCL (minimum elevation)	2.6 metres

- (b) Major components of mechanical and electrical systems must be located above the Flood Construction Level or in a watertight enclosure.
- (c) Major components of plumbing systems shall be designed to prevent floodwaters flowing into the outlets, reducing pressure on the lines and backflow into the structure. Fixtures below the FCL shall be equipped with a backwater valve or suitable alternative. Sewage disposal systems shall be subject to requirements of the Department of Health.

- 3. Landscaping and Tree Retention** - In order to preserve the physical landscape of the area, mature trees and other vegetation shall be retained in all new development and redevelopment. A 15m no-cut tree buffer shall apply to all roads in the community. Only those trees required for access or egress to an approved lot shall be cut.
- 4. Licenses, Permits and Compliance with Other Bylaws** - Must conform to Regulation 13, Part II of these Development Regulations.
- 5. Redevelopment** - All redevelopment of existing lots shall conform to the frontage, building line setback, side yard, rear yard, lot coverage, height and servicing requirements specified for that zone.
- 6. Servicing Requirements** - All new development must be serviced from the municipal piped system, except on Marble Drive, where sewer is not available.
- 7. Visual Resources** - No development is permitted without a plan for landscaping or beautification of the lot in order to maintain and enhance the scenic views from and approaching Marble Mountain.
- 8. Development Adjacent Trans Canada Highway** – Any development proposed within 100m of the centerline of the nearest lane of the Trans Canada Highway requires approval from the Department of Government Services under the Provincial Protected Road Zoning Regulations.





<b>RESIDENTIAL (RES)</b>		
<b>PERMITTED USE CLASSES</b> <i>(see Regulation 89)</i>	<b>DISCRETIONARY USE CLASSES</b> <i>(see Regulation 12, Part II and Regulation 90, Part VI)</i>	<b>PROHIBITED USES</b> <i>(see Regulation 91)</i>
<ul style="list-style-type: none"> <li>➤ Home Office <i>(see Condition 5)</i></li> <li>➤ Single Dwelling</li> </ul>	<ul style="list-style-type: none"> <li>➤ Bed and Breakfast <i>(see Condition 3)</i></li> <li>➤ Child Care <i>(see Condition 4)</i></li> <li>➤ Conservation</li> <li>➤ Double Dwelling</li> <li>➤ Light Industry <i>(see Condition 5)</i></li> <li>➤ Personal Service <i>(see Condition 5)</i></li> <li>➤ Recreational Open Space</li> <li>➤ Subsidiary apartment <i>(see Condition 6)</i></li> <li>➤ Transportation <i>(see Condition 7)</i></li> </ul>	<ul style="list-style-type: none"> <li>➤ Mobile Homes</li> <li>➤ Row Dwellings, Town Houses and Apartment Buildings</li> </ul>

Refer to **Steady Brook Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.1.2 Residential.

## Conditions

1. Residential Standards	Standard (metres)	
	Single Dwelling	Double Dwelling
Lot area (m <sup>2</sup> ) (minimum)	875m <sup>2</sup>	875m <sup>2</sup>
Floor area (m <sup>2</sup> ) (minimum)	70	70 per dwelling unit
Frontage Serviced Lots (m) (minimum)	25	40
Building Line Setback (m) (minimum)	8	8
Sideyard Width (m) (minimum)	3	3
Rearyard Depth (m) (minimum)	10	10
Lot Coverage (%) (maximum)	33	33
Height (m) (maximum)	8	8
Proposed Servicing	Lot Area	
With a municipal piped water supply, and connection to a municipal sewer	875m <sup>2</sup>	
With a municipal piped water supply, and sewage disposal by septic tank and tile field	1400m <sup>2</sup>	
With a well water supply and connection to a municipal sewer	1400m <sup>2</sup>	
With a well water supply and sewage disposal by septic tank and tile field	1860m <sup>2</sup>	

**2. Accessory Buildings** - In addition to the requirements set out in Regulations 22 and 23, Part III of these Regulations.

- (1) An accessory building's design shall be complementary to the residence.
- (2) An accessory building shall have similar exterior cladding and design as the residence.
- (3) An accessory building shall not be placed any closer than 1.5m from a side yard line, or 3m from the main building or any other building.
- (4) No accessory building shall be higher than the residence, or constructed so as to block a view and/or light from adjoining properties. The maximum height of any accessory building shall be 3m.
- (5) No accessory building shall cover more than 7% of the lot area up to a maximum of 55m<sup>2</sup> (600ft<sup>2</sup>)
- (6) If any accessory building cannot meet the sideyard requirements it may be only located in a rearyard.

**3. Bed and Breakfast Establishment** - A single dwelling may be used for a Bed and Breakfast Establishment provided that the use conforms with the requirements of Regulation 27, Part III of these Regulations.

**4. Home Childcare Service** - In addition to the requirements of Regulation 35, Part III of these Regulations, a home childcare use may be permitted provided that:

- (1) The use is located within a dwelling;
- (2) Adequate on-site parking is provided;
- (3) The development provides adequate off street drop off and pick up spaces for the safe and convenient drop off and pick up of children without hindering the safety and convenience of vehicular and pedestrian traffic;
- (4) The use is compatible with nearby uses;
- (5) The use is licensed under the *Child Care Services Act*.

- 5. Home Occupations** - Personal Service and Light Industry uses may be permitted as home occupations where they can meet the requirements of Regulation 36, Part III of these Regulations. The following use classes shall be restricted to the category of home occupation activities and may only be permitted on a developed residential lot:
- (1) **Light Industry Use Class** - The Light Industry Use Class shall be limited to the manufacture and ancillary retail sales of goods produced or repaired on the residential lot and shall be limited to those commonly associated with small scale production of specialty goods or foods.
  - (2) **Home Offices** - A home office will be permitted in a dwelling unit where it conforms to the following requirements:
    - (a) It does not exceed 37m<sup>2</sup> in floor area;
    - (b) There is no exterior open storage or display of goods, materials or equipment;
    - (c) It must be operated by a resident of the dwelling unit and non-residents shall not be employed in the Home Office;
    - (d) No change in the type, class or extent of the Home Office shall be permitted except with the approval of the Authority.
- 6. Subsidiary Apartments** - Subsidiary apartments may be developed in single dwellings in accordance with Regulation 55, Part III of these Regulations.
- 7. Water Structures** - Water structures such as docks and wharves may be permitted in this zone at the discretion of Council. All water structures shall conform to General Condition 2, **Flood Risk Areas**.

<b>COMMERCIAL TOURISM (CT)</b>		
<b>PERMITTED USE CLASSES</b> <i>(see Regulation 89)</i>	<b>DISCRETIONARY USE CLASSES</b> <i>(see Regulation 12, Part II and Regulation 90, Part VI)</i>	<b>PROHIBITED USES</b> <i>(see Regulation 91)</i>
<ul style="list-style-type: none"> <li>➤ Hotels, Motels and Resorts <i>(see Condition 3)</i></li> <li>➤ Office</li> <li>➤ Passenger Assembly</li> <li>➤ Personal Service <i>(see Condition 4)</i></li> <li>➤ Recreational Open Space</li> <li>➤ Transportation <i>(see Condition 5)</i></li> </ul>	<ul style="list-style-type: none"> <li>➤ Antenna</li> <li>➤ Catering <i>(see Condition 2)</i></li> <li>➤ Rest/Retirement Home</li> <li>➤ Row Dwellings, Town Houses and Apartment Buildings <i>(see Condition 3)</i></li> </ul>	<ul style="list-style-type: none"> <li>➤ Service Station</li> </ul>

Refer to **Steady Brook Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.2.2 Commercial Policies.

### Conditions

1. Commercial Tourism Standards	Standard (metres)
Building Line Setback (m) (minimum)	8
Sidyard Width (m) (minimum)	5
Rearyard Depth (m)(minimum)	10
Building Height (m) (max)	10

2. **Catering** - Restaurants, bars and lounges may be permitted at the discretion of Council.
  
3. **Development Plans** - Row houses, townhouses, apartment buildings and tourist accommodation developments require a comprehensive development plan outlining: boundaries of the property, location and height of the proposed lot, servicing, utilities, access, parking, landscaping, accessory buildings, location and design of proposed signage, how the development relates to the street and adjoining properties, and any wharves, docks and amenity space.

4. **Personal Services** - Personal Services such as spa, beauty salon, restaurant, small shop or fitness centre, will be permitted in this zone provided they are accessory to a tourist accommodation use.
  
5. **Water Structures** - Water structures such as docks and wharves or other structures located in or adjacent to any stream, wetland or river shall conform to General Condition 2, **Flood Risk Areas**.

<b>COMMERCIAL HIGHWAY (CH)</b>	
<b>PERMITTED USE CLASSES</b> <i>(see Regulation 89)</i>	<b>DISCRETIONARY USE CLASSES</b> <i>(see Regulation 12, Part II and Regulation 90, Part VI)</i>
<ul style="list-style-type: none"> <li>➤ Catering (Restaurants) <i>(see Condition 2)</i></li> <li>➤ Convenience Stores</li> <li>➤ Open Space Recreational</li> <li>➤ Passenger Assembly</li> <li>➤ Shop</li> <li>➤ Shopping Centre</li> <li>➤ Take-Out Food Service</li> <li>➤ Taxi Stand</li> <li>➤ Service Station</li> </ul>	<ul style="list-style-type: none"> <li>➤ Antenna</li> <li>➤ Catering (Lounges)<i>(see Condition 2)</i></li> <li>➤ Hotels, Motels and Resorts <i>(see Condition 3)</i></li> <li>➤ Row Houses, Town Houses and Apartment Buildings <i>(see Condition 3)</i></li> </ul>

Refer to **Steady Brook Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.2.2 Commercial Policies.

### Conditions

<b>1.Commercial Highway Standards</b>	<b>Standard (metres)</b>
Building Line Setback (m) (minimum)	8
Sideyard Width (m)(minimum)	5
Rearyard Depth (m)(minimum)	10
Building Height (m) (max)	10

2. **Catering** – Restaurants will be permitted as a Catering Use within this use zone. Bars and lounges may be permitted at the discretion of Council.
  
3. **Development Plans** - Row houses, townhouses, apartment buildings and tourist accommodation developments require a comprehensive development plan outlining: boundaries of the property, location and height of the proposed lot, servicing, utilities, access, parking, landscaping, accessory buildings, location and design of proposed signage, how the development relates to the street and adjoining properties, and any wharves, docks and amenity space.

<b>OPEN SPACE CONSERVATION (OSC)</b>	
<b>PERMITTED USE CLASSES</b> <i>(see Regulation 89)</i>	<b>DISCRETIONARY USE CLASSES</b> <i>(see Regulation 12, Part II and Regulation 90, Part VI)</i>
➤ Conservation	➤ Recreational Open Space

*Refer to **Steady Brook Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.3.2 Open Space Policies.*

### **Conditions**

1. **Land Unsuitable for Development** - Land which is unsuitable for development due to poor drainage, potential for flooding shall be retained in its natural state.
2. **Sensitive Shores Zones** - No development is permitted which will cause adverse affect to natural habitats in adjacent waters.



<b>OPEN SPACE RECREATION (OSR)</b>	
<b>PERMITTED USE CLASSES</b> <i>(see Regulation 89)</i>	<b>DISCRETIONARY USE CLASSES</b> <i>(see Regulation 12, Part II and Regulation 90, Part VI)</i>
<ul style="list-style-type: none"> <li>➤ Recreational Open Space</li> </ul>	<ul style="list-style-type: none"> <li>➤ Catering <i>(see Condition 2)</i></li> <li>➤ Cultural and Civic <i>(see Condition 3)</i></li> <li>➤ General Assembly <i>(see Condition 3)</i></li> <li>➤ Indoor Assembly</li> <li>➤ Outdoor Assembly</li> </ul>

Refer to **Steady Brook Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.3.2 Open Space Recreation Policies.

### Conditions

1.Recreational Open Space Standards	Standard (metres)
Building Line Setback (m) (minimum)	8
Sideyard Width (m)(minimum)	5
Rearyard Depth (m)(minimum)	14
Building Height (m) (max)	10

2. **Complementary Uses** - Uses that are complementary to the primary recreational use, such as storage sheds for equipment may be permitted in this zone. Restaurants may be permitted only where they are to be included as part of, and within the building envelope, of a recreational use.
3. **Cultural and Civic Uses** - Cultural and civic uses are limited to libraries, museums, meeting rooms and Council chambers.
3. **General Assembly Uses** - General assembly uses are limited to community halls and gymnasiums.

<b>TRANSPORTATION (T)</b>	
<b>PERMITTED USE CLASSES</b> <i>(see Regulation 89)</i>	<b>DISCRETIONARY USE CLASSES</b> <i>(see Regulation 12, Part II and Regulation 90, Part VI)</i>
<ul style="list-style-type: none"> <li>➤ Passenger Assembly</li> <li>➤ Transportation</li> </ul>	<ul style="list-style-type: none"> <li>➤ Antenna</li> </ul>

Refer to **Steady Brook Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.4 Transportation/Utilities Policies.

<b>DESIGNATED FLOODWAY (DF)</b>	
<b>PERMITTED USE CLASSES</b> <i>(see Regulation 89)</i>	<b>DISCRETIONARY USE CLASSES</b> <i>(see Regulation 12, Part II and Regulation 90, Part VI)</i>
<ul style="list-style-type: none"> <li>➤ Conservation</li> <li>➤ Docks and Wharves</li> <li>➤ Hydraulic Structures</li> <li>➤ Recreational Open Space</li> <li>➤ Structures Related to the Use of Water Resources</li> <li>➤ Transportation</li> </ul>	<ul style="list-style-type: none"> <li>➤ Antenna</li> <li>➤ Recreational Open Space</li> </ul>

Refer to **Steady Brook Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.5 Flood Risk Areas.

### Conditions

1. Development in this use zone shall be in accordance with General Condition 2 for all Use Zones
2. **Approval of the Minister of Environment and Conservation** - Any development within a Flood Risk Area Zone is subject to the written approval of the Minister of Environment and Conservation under the Water Resources Act.
3. **Hydraulic Structures** - Hydraulic structures are class of structures which includes most hydraulic structures such as dams, bridges, causeways, dykes, canals etc, are by their own needs and characteristics constructed in buffer zones and flood plains. However, every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.

**4. Structures in the Flood Risk Areas Zones** - A structure in any of the three Flood Risk Areas Zones can only be permitted where:

- (1) The ground floor elevation of the structure is higher than the 1 in 100 year flood level;
- (2) The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- (3) The structure and the associated utilities have been designed and constructed in accordance with the approved flood proofing guidelines of the Department of Environment and Conservation and entrances and exits from the building can be safely used without hindrance in the event of a flood;
- (4) The proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc.

Additional conditions which may be set out for specific projects and included in a permit issued under section 48 of the *Water Resources Act*.

**5. Additions and Modifications to Existing Development** - Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within any of the flood risk area, will be assessed for its impacts on the flood plain before a permit is issued.

<b>RESIDENTIAL FLOODWAY FRINGE (RES-FF)</b>		
<b>PERMITTED USE CLASSES</b> <i>(see Regulation 89)</i>	<b>DISCRETIONARY USE CLASSES</b> <i>(see Regulation 12, Part II and Regulation 90, Part VI)</i>	<b>PROHIBITED USES</b> <i>(see Regulation 91)</i>
<ul style="list-style-type: none"> <li>➤ Conservation</li> <li>➤ Docks and Wharves</li> <li>➤ Home Office</li> <li>➤ Hydraulic Structures</li> <li>➤ Recreational Open Space and Trails</li> <li>➤ Single Dwelling</li> <li>➤ Structures Related to the Use of Water Resources</li> </ul>	<ul style="list-style-type: none"> <li>➤ Bed and Breakfast</li> <li>➤ Personal Service</li> <li>➤ Child Care</li> <li>➤ Double Dwelling</li> <li>➤ Subsidiary Apartment <i>(see Condition 2)</i></li> <li>➤ Transportation</li> </ul>	<ul style="list-style-type: none"> <li>➤ Apartment Buildings</li> <li>➤ Mobile Homes</li> <li>➤ Row Dwellings</li> </ul>

Refer to **Steady Brook Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.5 Flood Risk Areas.

### **Conditions**

1. Development in this use zone shall be in accordance with General Condition 2 for all Use Zones and the conditions listed in the Designated Floodway (DF) Use Zone table.
2. **Subsidiary Apartments** - In addition to the requirements of Regulation 55, Part III of these Regulations, a subsidiary apartment is only permitted above ground (i.e. not in a basement).

<b>OPEN SPACE FLOODWAY FRINGE (OS-FF)</b>	
<b>PERMITTED USE CLASSES</b> <i>(see Regulation 89)</i>	<b>DISCRETIONARY USE CLASSES</b> <i>(see Regulation 12, Part II and Regulation 90, Part VI)</i>
<ul style="list-style-type: none"> <li>➤ Conservation</li> <li>➤ Docks and Wharves</li> <li>➤ Hydraulic Structures</li> <li>➤ Structures Related to the Use of Water Resources</li> </ul>	<ul style="list-style-type: none"> <li>➤ Agriculture</li> <li>➤ Antenna</li> <li>➤ Recreational Open Space</li> <li>➤ Outdoor Assembly</li> </ul>

Refer to **Steady Brook Municipal Plan**, Section 3.4 General Land Use Policies, and Section 4.5 Flood Risk Areas.

### **Conditions**

1. Development in this use zone shall be in accordance with General Condition 2 for all Use Zones, and the conditions listed in the Designated Floodway (DF) Use Zone table.

## SCHEDULE D - OFF-STREET PARKING REQUIREMENTS

1. Unless otherwise specified in the Use Zone Tables in Schedule C, the off-street parking requirements for uses in the various use classes listed in Schedule B shall be as set out in the following table.
2. In the case of developments including uses in more than one use class, these standards shall be regarded as cumulative.
3. Adequate off-street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the education, passenger assembly, child care, medical treatment and special care, commercial residential and take-out food service use classes.

USE CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
<b>Assembly Uses</b>	
Theatre	One space for every 5 seats.
Cultural and Civic	One space for every 50 square metres of gross floor areas.
General Assembly	One space for every 10 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).
Place of Worship	One space for every 5 seats.
Passenger Assembly	As specified by the Authority.
Club and Lodge	One space for every 3 persons that may be accommodated at one time.
Catering	One space for every 3 customers that may be accommodated at one time.
Funeral Home	One space for every 10 square metres of gross floor area.
Child Care	One space for every 20 square metres of gross floor area.
Amusement	One Space for every 10 square metres of gross floor area
Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
Outdoor Assembly	As specified by the Authority.

USE CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
<b>Institutional</b>	
Penal and Correctional Detention	As specified by the Authority.
Medical Treatment and Special Care	One space for every 2 patients.
<b>Residential</b>	
Single Dwelling	Two spaces for every dwelling unit.
Subsidiary Apartment in a single dwelling	Two spaces in addition to those required for the main dwelling (total of 4 spaces)
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every 2-dwelling units.
Collective Residential	As specified by the Authority.
Commercial Residential	One space for every guest room.
Seasonal Residential	One space for every residential unit.
Manufactured Housing	Two spaces for every dwelling unit.
<b>Business and Personal Service Uses</b>	
Office	One space for every 20 square metres of gross floor area.
Medical and Professional	One space for every 20 square metres of gross floor area.
Personal Service	One space for every 20 square metres of gross floor area.
General Service	One space for every 20 square metres of gross floor area.
Communications	As specified by the Authority.
Police Station	As specified by the Authority.
Taxi Stand	As specified by the Authority.
Take-out Food Service	One space for every 20 square metres of gross floor area.
Veterinary	One space for every 20 square metres of gross floor area.



<b>Retail Uses</b>	
Shopping Centre	One space for every 15 square metres of gross floor area.
Shop	One space for every 20 square metres of gross floor area.
Indoor Market	As specified by the Authority.
Outdoor Market	As specified by the Authority.
Convenience Stores	One space for every 20 square metres of gross floor area.
<b>Industrial Uses</b>	
Hazardous Industry	One space for every employee.
General Industry	One space for every employee.
Service Station	One space for every 20 square metres of gross floor area.
Light Industry	One space for every employee.