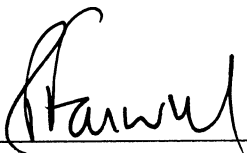


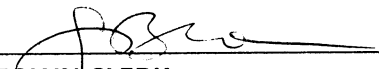
LANDSCAPE REGULATIONS

Amended and adopted by the Town Council of the Town of Gander on the **23rd** day of **May, 2018** and to come into effect as of the **23rd** day of **May, 2018**.

A copy of these Regulations was sent to the Minister of Municipal Affairs and Environment on the **30th** day of **May, 2018**.



MAYOR

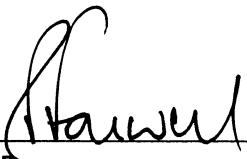


TOWN CLERK

PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by Section 414 and any other sections enabling under the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of Gander hereby adopts the following Landscape Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs and Environment on the 30th day of May, 2018.



MAYOR



TOWN CLERK

LANDSCAPE REGULATIONS

1. Title

These Regulations may be cited as the Town of Gander Landscape Regulations.

2. Definitions

For the purpose of these Regulations unless the context otherwise requires:

- a) "Commercial Property" means non-residential properties and apartment buildings located in the Town of Gander within the following zones:
 - Commercial Downtown CD
 - Commercial General CG
 - Commercial Shopping Centre CSC
 - Commercial Highway CH
 - Commercial Local CL
 - Public Institutional PI
 - Tourism/Recreation TR
 - Airport A
- b) "Industrial Property" means non-residential properties and apartment buildings located in the Town of Gander within the following zones:
 - Commercial/Light Industrial CLI
 - Industrial General IG
- c) "Hard-Cover Landscaping" means landscaping for the purpose of parking and pedestrian traffic, this landscaping shall include but not be limited to, asphalt, concrete or other similar material as approved by the Town Council of Gander;
- d) "Inspector" means any person appointed as a Building Inspector employed by the Town Council of Gander;

- e) "Landscaping" means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving stones, 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;
- f) "Flanking Yard" - means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any main building or structure;
- g) "Rear-yard Depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- h) "Setback" means the least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelop on such lot;
- i) "Side-yard Depth" means the distance between the side lot line and the nearest side wall of a building on a lot;
- j) "Soft-Cover Landscaping" means landscaping used for drainage control, erosion control and the beautification of property. This landscaping shall include but not be limited to, sodding, seeding, shrubs, trees and the like;
- k) "Enforcement Authority" means Council or its authorized administrator;
- l) "Police Officer" means a Municipal Enforcement Officer with the Town Council of Gander;
- m) "Town" means the Town Council of Gander as defined by Order-in-Council dated the 16th day of December, 1958, and any amendments thereto, according to the *Municipalities Act*.
- n) "Act" means the Municipalities Act, 1999 SNL 1999 Chapter M-24 as amended.
- o) As per Schedule "A" of the Town of Gander's Development Regulations.

4. Application

The submission of a landscape plan shall be a condition of the issuance of a Building Permit for either a new development or the renovation of an existing building that includes site work. These regulations do not apply to development that consists solely of interior alterations or improvements or a change of use that does not alter the building shell or subject property. Comprehensive Development Schemes may be approved wholly or in part at the discretion of Council.

5. Types of Properties

A) Commercial Property (Zones CD, CG, CSC, CH, CL, PI, TR & A)

Application

The submission of a landscape plan and provision of a security deposit shall be a condition of the issuance of a building permit. This shall apply to any new commercial properties within the Town of Gander.

a) **Landscape Plan and Approval Process**

All new commercial developments, as part of the Building Permit application process, shall submit a landscape plan to the Municipal Works Department for review and approval.

b) **Submission of Landscape Plan**

The landscape plan must ensure compliance with the Town of Gander's Landscape Regulations. The landscape plan shall be incorporated into the site plan.

The Landscape Plan shall:

- i) Indicate a scale with dimensions in either metric or imperial;
- ii) Indicate boundary lines, bearings, and development regulation front-yard; side-yard and rear-yard depth;
- iii) Indicate the location of all proposed plant material, landscape design elements, tree and shrub plantings, planting beds and sodded areas;
- iv) Indicate the location of all hard-surface areas (e.g. driveways, walkways, parking areas);
- v) Indicate the location, height and construction type of all fences, screen walls and retaining walls, if applicable;
- vi) Indicate the location of storm water management landscape features, below and aboveground, if applicable;
- vii) Indicate the location of existing vegetation to be retained or removed;
- viii) Indicate the location of all existing natural features (e.g. top of bank, water courses, etc.);
- ix) Indicate the proposed grades, slopes, finished first floor elevations, existing grades along the property lines;
- x) Indicate the location of existing and proposed utilities;
- xi) Indicate any other landscape element that contributes to the site development; and
- xii) Indicate access to the property;
- xiii) A sample landscape plan has been attached as Appendix "A".

Security

As a condition of all landscaping approvals and prior to the issuance of an occupancy permit, if the required landscaping has not been completed, the applicant is required to provide a security deposit to the Town of Gander to ensure the proper and timely completion of the approved landscaping.

Amount

The security deposit will be in the amount of 100% of the estimated cost of landscaping for the property, as determined by the Municipal Works Department.

Type

The applicant will be required to provide a security deposit in one of the following forms:

- i) Cash deposit in the amount of 100% of the estimated cost of landscaping for the property, or;
- ii) An irrevocable letter of credit from a Chartered Bank, which is payable to the Town at any time the owner is in default of the landscape plan, in the amount of 100% of the estimated cost of landscaping for the property.

Security Release

The security deposit will be released upon the successful completion of the conditions set out in the approved landscaping plan. Upon completion of the required landscaping, 20% of the original amount of the security deposit will be retained for a period of one year for the purpose of ensuring the continued compliance and endurance of the landscaping. Prior to the expiry of the one year warranty period, Town staff will inspect the site and, if all of the original conditions of the permit have been completed, the remainder of the security deposit will be fully released.

Standards

a) Requirements

- i. The existing landscape character shall be preserved to an extent reasonable and feasible;
- ii. Shrubs, ground cover and trees are encouraged, but shall not be the sole contributor to the landscape. Effective use of existing topography and existing vegetation is also encouraged as a component of the landscape plan;
- iii. Landscaping both at the time of establishment and in the future, shall not obstruct the view between street, access driveways and parking aisles;
- iv. All landscaping shall be commenced as soon as construction is completed and weather permits but in no event beyond one year from the date of occupancy;
- v. Prior to the deadline, the owner/contractor shall contact the Building Inspector's office 48 hours in advance to arrange for a landscaping inspection;
- vi. Should the Developer fail to remedy any deficiency in the maintenance of the landscaping within twelve (12) days of notification, the Town of Gander hereby expressly reserves the right, privilege, and license to retain the Landscaping Security Deposit and make any and all corrections or improvements in landscape maintenance at the expense of the Developer.

b) Site Preparation / Grading / Slope

- i. All areas disturbed by site work, such as embankments and slopes, are to be re-instated with a minimum of sodded/seeded grass. This applies to front, flanking street side-yards, as well as side and rear-yards;

- ii. The maximum permitted vertical slope for sodding/seeding is a ratio of 1.5 horizontal for every 1 vertical. Slopes greater than 1.5:1 shall require a design from an engineer licensed to practice in Newfoundland and Labrador;
- iii. All slopes are to be covered with a minimum of sodded/seeded grass or other plant material such as low growth ground covers, to be approved by the Town. The use of other landscaping materials, such as ornamental gravel, shall not be permitted on slopes greater than 10%;
- iv. Existing vegetation to be retained shall only be permitted if it does not contribute to drainage and/or erosion control issues.

c) Storm Water Management

- i. Site shall be designed so that all surface/storm water runoff, including associated roof drains, is diverted to an onsite storm water management system;
- ii. The maximum allowable area of the site to be permitted to drain onto the Town's roadway shall be 100 m²;
- iii. The onsite storm water management system shall consist of
 - i. A series of ditches swales
 - ii. Catch basins and pipes
 - iii. A combination of bothAll of which are adequately sized for the area served and wholly contained on the property;
- iv. The storm management system shall be either connected to the Town's storm main lines or directly to existing ditches;
- v. In areas where existing storm systems are not adequate in size to accept the runoff, the developer shall provide a storm retention system.

d) Hard-Cover and Soft-Cover Landscaping Requirements

- i. The lot is to be landscaped with either hard-cover or soft-cover landscaping. This applies to front, flanking street side-yards, and side yards;
- ii. All areas of the property not covered by buildings or hard or soft landscaping, such as rear yards, shall be brought to a minimum standard of gravel or class A;
- iii. All sections of property abutting any roadway, curb or sidewalk, must be sodded/seeded to a minimum of 4 metres;
- iv. The driveway, parking spaces and all vehicle circulation areas are to be paved from the curb to the limits of the front wall of the building;
- v. A minimum of 20% of the building setback is to be landscaped with soft-cover landscaping (sodding/seeding, tree and shrub plantings, natural landscape design elements) equal to or greater than 4 metres;
- vi. A minimum of 3 metres in the side-yard is to be landscaped to the rear of the building with soft-cover landscaping except where access is provided to the rear;

- vii. A corner lot is considered to have two setbacks (flanking yard);
- viii. Where the applicant proposes to use landscape materials for ground cover on the subject property other than sod (e.g. ground cover perennials, mulching, ornamental gravel), it shall be ensured that the material is appropriately contained and does not spill onto the sidewalk or into the street right-of-way;
- ix. The transition from soft landscaping to hard landscaping shall be clearly delineated;
- x. All areas disturbed through site work shall be re-instated with a minimum of sodded/seeded grass;
- xi. All areas designated as high traffic areas as determined by the Town of Gander shall be paved using any of the following, asphalt, concrete, paver stones and the like.

e) Tree Planting

- i. A minimum of one tree shall be planted for every eight metres (8 m) of lot frontage;
- ii. A list of recommended species, along with their growth habits and heights, is attached as Appendix "B";
- iii. Standard tree planting details for deciduous and coniferous trees are attached as Appendix "C";
- iv. Street trees may be relocated within the tree line to accommodate design features of the property, or the repositioning or widening of the driveway, upon approval by the Town of Gander;
- v. The following minimum setbacks for shrub and tree planting are to be adhered to. Trees are measured from the centre of the tree trunk.
 - i. Minimum distance to service laterals
 - Low Growth Deciduous – 3 metres
 - High Growth Deciduous – 5 metres
 - Evergreen – 3 metres
 - ii. Minimum distance to curb or sidewalk
 - Low Growth Deciduous – 2 metres
 - High Growth Deciduous – 3 metres
 - Evergreen – 3 metres
 - iii. Minimum distance to driveway/laneway
 - Low Growth Deciduous – 1.5 metres
 - High Growth Deciduous – 1.5 metres
 - Evergreen – 1.5 metres
 - iv. Planting under utility/distribution lines
 - No plantings are permitted under transmission lines.
 - Plantings under distribution lines may be permitted subject to the following conditions:
 - Deciduous low/moderate growth: max. 4.5 m height

- Coniferous low/moderate growth: max. 4.5 m height
- It is the responsibility of the property owner to replace any plantings should the area need to be accessed for maintenance reasons. It is not the responsibility of the Town of Gander or Newfoundland Power to replace any plantings that might get damaged through maintenance processes under distribution lines.

Maintenance

The property owner shall be responsible to maintain and keep in healthy condition all landscaping elements implemented with each commercial lot. Maintenance shall include, but is not limited to, fertilizing, pruning, mowing, litter control and the replacement of damaged or dead plant stock. Any property within the Town of Gander that does not comply with the standards outlined within this schedule may be ordered to remediate the said property to an acceptable standard.

B) Industrial Property (Zones CLI & IG)

Application

The submission of a landscape plan and provision of a security deposit shall be a condition of the issuance of a building permit. This shall apply to any new commercial properties within the Town of Gander.

a) Landscape Plan & Approval Process

All new commercial developments, as part of the Building Permit application process, shall submit a landscape plan to the Municipal Works Department for review and approval.

b) Submission of Landscape Plan

The landscape plan must ensure compliance with the Town of Gander's Landscape Regulations. The landscape plan shall be incorporated into the site plan.

The Landscape Plan shall:

- i) Indicate a scale with dimensions in either metric or imperial;
- ii) Indicate boundary lines, bearings, and development regulation front-yard; side-yard and rear-yard depth;
- iii) Indicate the location of all proposed plant material, landscape design elements, tree and shrub plantings, planting beds and sodded areas;
- iv) Indicate the location of all hard-surface areas (e.g. driveways, walkways, parking areas);
- v) Indicate the location, height and construction type of all fences, screen walls and retaining walls, if applicable;
- vi) Indicate the location of storm water management landscape features, below and aboveground, if applicable;
- vii) Indicate the location of existing vegetation to be retained or removed;
- viii) Indicate the location of all existing natural features (e.g. top of bank, water courses, etc.);

- ix) Indicate the proposed grades, slopes, finished first floor elevations, existing grades along the property lines;
- x) Indicate the location of existing and proposed utilities;
- xi) Indicate any other landscape element that contributes to the site development; and
- xii) Indicate access to the property.
- xiii) A sample landscape plan has been attached as Appendix "A".

Security

As a condition of all landscaping approvals and prior to the issuance of an occupancy permit, if the required landscaping has not been completed, the applicant is required to provide a security deposit to the Town of Gander to ensure the proper and timely completion of the approved landscaping:

Amount

The security deposit will be in the amount of 100% of the estimated cost of landscaping for the property, as determined by the Municipal Works Department.

Type

The applicant will be required to provide a security deposit in one of the following forms:

- i) Cash deposit in the amount of 100% of the estimated cost of landscaping for the property, or;
- ii) An irrevocable letter of credit from a Chartered Bank, which is payable to the Town at any time the owner is in default of the landscape plan, in the amount of 100% of the estimated cost of landscaping for the property.

Security Release

The security deposit will be released upon the successful completion of the conditions set out in the approved landscaping plan. Upon completion of the required landscaping, 20% of the original amount of the security deposit will be retained for a period of one year for the purpose of ensuring the continued compliance and endurance of the landscaping. Prior to the expiry of the one year warranty period, Town staff will inspect the site and, if all of the original conditions of the permit have been completed, the remainder of the security deposit will be fully released.

Standards

a) **Requirements**

- i. The existing landscape character shall be preserved to an extent reasonable and feasible;
- ii. Shrubs, ground cover and trees are encouraged, but shall not be the sole contributor to the landscape. Effective use of existing topography and existing vegetation is also encouraged as a component of the landscape plan;

- iii. Landscaping both at the time of establishment and in the future, shall not obstruct the view between street, access driveways and parking aisles;
 - iv. All landscaping shall be commenced as soon as construction is completed and weather permits but in no event beyond one year from the date of occupancy;
 - v. Prior to the deadline, the owner/contractor shall contact the Building Inspector's office 48 hours in advance to arrange for a landscaping inspection;
 - vi. Should the Developer fail to remedy any deficiency in the maintenance of the landscaping within twelve (12) days of notification, the Town of Gander hereby expressly reserves the right, privilege, and license to retain the Landscaping Security Deposit and make any and all corrections or improvements in landscape maintenance at the expense of the Developer.
- b) **Site Preparation / Grading / Slope**
- i. All areas disturbed by site work, such as embankments and slopes, are to be re-instated with a minimum of sodded/seeded grass. This applies to front and flanking street side-yards;
 - ii. The maximum permitted vertical slope for sodding/seeding is a ratio of 1.5 horizontal for every 1 vertical. Slopes greater than 1.5:1 shall require a design from an engineer licensed to practice in Newfoundland and Labrador;
 - iii. All slopes are to be covered with a minimum of sodded/seeded grass or other plant material such as low growth ground covers, to be approved by the Town. The use of other landscaping materials, such as ornamental gravel, shall not be permitted on slopes greater than 10%;
 - iv. Existing vegetation to be retained shall only be permitted if it does not contribute to drainage and/or erosion control issues.
- c) **Storm Water Management**
- i. Site shall be designed so that all surface/storm water runoff, including associated roof drains, is diverted to an onsite storm water system;
 - ii. The maximum allowable area of the site to be permitted to drain onto the Town's roadway shall be 100 m²;
 - iii. The onsite storm water system shall consist of adequately sized pipes and catch basins connected to the Town's storm main or piped directly to existing ditches;
 - iv. In areas where existing storm systems are not adequate in size to accept the runoff, the developer shall provide a storm retention system.

d) Hard-Cover and Soft-Cover Landscaping Requirements

- i. The lot is to be landscaped with either hard-cover or soft-cover landscaping. This applies to front, flanking street side-yards, and side yards;
- ii. All areas of the property not covered by buildings or hard or soft landscaping, such as rear yards, shall be brought to a minimum standard of gravel or class A;
- iii. All sections of property abutting any roadway, curb or sidewalk must be sodded/seeded to a minimum of 3 metres;
- iv. The driveway, parking spaces and all vehicle circulation areas are to be paved from the curb to the limits of the front wall of the building;
- v. A minimum of 15% of the building setback is to be landscaped with soft-cover landscaping (sodding/seeding, tree and shrub plantings, natural landscape design elements) equal to or greater than 3 metres;
- vi. A corner lot is considered to have two setbacks (flanking yard);
- vii. Where the applicant proposes to use landscape materials for ground cover on the subject property other than sod (e.g. ground cover perennials, mulching, ornamental gravel), it shall be ensured that the material is appropriately contained and does not spill onto the sidewalk or into the street right-of-way;
- viii. The transition from soft landscaping to hard landscaping shall be clearly delineated;
- ix. All areas disturbed through site work shall be re-instated with a minimum of sodded/seeded grass;
- x. All areas designated as high traffic areas as determined by the Town of Gander shall be paved using any of the following, asphalt, concrete, paver stones and the like.

Maintenance

The property owner shall be responsible to maintain and keep in healthy condition all landscaping elements implemented with each commercial lot. Maintenance shall include, but is not limited to, fertilizing, pruning, mowing, litter control and the replacement of damaged or dead plant stock. Any property within the Town of Gander that does not comply with the standards outlined within this schedule may be ordered to remediate the said property to an acceptable standard.

6. Enforcement

- a) The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority;
- c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these

- Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations;
- d) The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 6 (c) at the cost of the owner or person served within the time specified;
 - e) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
 - f) Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;
 - g) Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;
 - h) It shall be the duty of a Police Officer or the Enforcement Authority to:
 - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
 - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
 - iii. Serve upon the person violating and provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;
 - iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.

7. Failure to Comply

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 6 (c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;
- b) Council may delegate to an official or employee of Council the power to issue orders under this section;
- c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

8. Offence and Penalties

- a) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - i. May be liable to penalties as stipulated in accordance with section 420 of the Act; or
 - ii. May be subject to an order under section 404 (1) of the Act; or
 - iii. May be subject to a violation notice issued under section 421.1 (1) of the Act; or
 - iv. May be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.
- b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;

9. Severability

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

10. Repeal

All previous Landscape Regulations thereto, are hereby repealed.