

FINAL

# Town of Gander Development Regulations 2019-2029

Submitted to:

**Town of Gander**

100 Elizabeth Drive

Gander, NL, A1V 1G7100 Elizabeth Drive

Gander, NL, A1V 1G7

Submitted by:

**Wood Environment & Infrastructure Solutions,  
a Division of Wood Canada Limited**

133 Crosbie Road

PO Box 13216

St. John's, NL A1B 4A5

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## ***Urban and Rural Planning Act 2000***

Resolution to Adopt

# **Town of Gander Development Regulations 2019 - 2029**



***Urban and Rural Planning Act 2000***

Resolution to Approve

**Town of Gander Development Regulations  
2019 - 2029**



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## **1.0 APPLICATION**

### **1.1 Title**

These Regulations may be cited as the Gander Development Regulations.

### **1.2 Interpretation**

- (1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Part 2 – Definitions.
- (2) Words and phrases not defined in Part 2 shall have the meanings that are commonly assigned to them in the context in which they are used in the Regulations.

### **1.3 Commencement**

These Regulations came into effect throughout the Gander Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland and Labrador Gazette.

### **1.4 Municipal Regulations and Codes**

The *National Building Code of Canada* 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 Gander shall under these Regulations apply to the entire Planning Area.

### **1.5 Council**

In these Regulations, "Council" means the Municipal Council of the Town of Gander having jurisdiction over the Gander Development Regulations.

### **1.6 Gander International Airport**

Notwithstanding Regulations 1.4 and 1.5, Council does not have jurisdiction to administer development control within the boundaries of Gander International Airport.

### **1.7 Delegation of Authority**

By a resolution, Council may delegate its authority to administer these Regulations or part thereof to an employee or other agent of Council. This authority does not apply to lands within the boundaries of Gander International Airport.

### **1.8 Provincial Development Regulations**

The Provincial Development Regulations enacted under Section 36 of the *Urban and Rural Planning Act 2000*, (hereafter referred to as the *Act*), shall apply to development within the Planning Area. Where there is conflict between these and the Gander Development Regulations, the Provincial Regulations shall prevail. The Provincial Development Regulations are appended as Appendix C.

## 2.0 DEFINITIONS

### GENERAL NOTE:

A definition marked with one asterisk is also included in the Provincial Development Regulations. A definition marked with two asterisks is also included in the *Urban and Rural Planning Act 2000*.

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**ABANDON** means:

1. to discontinue use for more than six (6) consecutive months;
2. to cease or suspend developing or maintaining a building or use for a stated period of time.

**\*ACCESS** means a way intended for use by vehicles, pedestrians or animals to go from a street or highway to adjacent or nearby land or to go from that land to the street.

**\*ACCESSORY BUILDING** means a detached subordinate building not used for human habitation, located on the same lot as the main building structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the building, land or structure, and shall include:

1. in the case of residential uses: domestic garages, carports, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, and radio and television antennae;
2. in the case of commercial uses: workshops and garages;
3. in the case of industrial uses: garages, offices, raised ramps and docks.

**ACCESSORY DWELLING** means a dwelling that is subsidiary to a main commercial use and is essential for the operation of that main use, for example, a farmhouse. An application for an accessory dwelling must clearly demonstrate that it is critical to the viability of the commercial activity.

**\*ACCESSORY USE** means a use that is subsidiary to a permitted or discretionary main use and that is customarily expected to occur with the permitted or discretionary use.

**\*ACT** means, unless the context indicates otherwise, the *Urban and Rural Planning Act 2000*.

**ADVERTISEMENT** – See “SIGN”

**AGRICULTURE, CROP** means a commercial crop operation, which may include:

1. the clearing, draining, irrigating or cultivation of land for crop production,
2. the production of agricultural field crops,
3. the production of fruit and vegetables and other specialty horticultural crops,
4. the production of greenhouse crops,
5. the operation of agricultural machinery and equipment,
6. storage, use or disposal of organic wastes for farm purposes,
7. the preparation of a non-livestock farm product for distribution from the farm gate, including cleaning, grading and packaging,
8. the operation of pick-your-own farms, roadside stands, farm produce stands, and tourist operations as part of a farm operation, or
9. any other non-livestock agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward,
10. buildings and structures customarily used in connection with crop agriculture.

**AGRICULTURE, LIVESTOCK** means a commercial livestock operation, which may include:

1. the clearing, draining, irrigating or cultivation of land for livestock grazing,
2. the raising of livestock, including poultry,
3. the raising of fur-bearing animals,
4. the raising of bees,
5. the production of eggs and milk,
6. the preparation of a livestock, poultry, or dairy product for distribution from the farm gate, including

- cleaning, grading and packaging,
7. the on-farm processing of farm products for the purpose of preparing livestock, poultry, or dairy products for wholesale or retail consumption,
  8. any other livestock activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward,
  9. buildings and structures (i.e. livestock facilities) customarily used in connection with livestock agriculture.

**ALIGNMENT** means the common boundary of a street and lot.

**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.

**ANIMAL, DOMESTIC (PET)** means any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, livestock, horses, and similar animals or fowl.

**ANIMAL, PERSONAL LIVESTOCK USE** means the use of land, buildings, or structures for the limited keeping of livestock animals for personal use and consumption.

**ANIMAL UNIT** means any one of the following farmed livestock animals as specified by the Agrifoods Development Branch (Department of Fisheries and Land Resources):

Type of Livestock	Average Weight per Animal (kg)	No. of Livestock per Animal Unit
<b>Dairy Cows</b>	545-640	1
<b>Heifers</b>	300	2
<b>Veal</b>	91	5
<b>Bulls</b>	545	1
<b>Beef cows</b>	360	2
<b>Sows (F to F)</b>	454	1
<b>Sows</b>	150	3
<b>Hogs</b>	75	6
<b>Boars</b>	150	3
<b>Sheep (ewe)</b>	54	8
<b>Sheep (lamb)</b>	27	16
<b>Goats</b>	64	7
<b>Foxes</b>	11.35	40
<b>Mink</b>	3	150
<b>Rabbits</b>	2.27	200
<b>Laying Hens</b>	1.8	252
<b>Broilers</b>	.9	500
<b>Pullets</b>	1.3	350
<b>Broiler turkey</b>	6.5	70
<b>Heavy turkey</b>	7.5	60
<b>Heavy toms</b>	12	40

**ANTENNA** means a building, structure, mast, or antenna used to facilitate the receiving or transmitting of radio, television, telephone, cellular, Internet, or satellite communications.

**APARTMENT BUILDING** means a residential building containing three or more dwelling units but does not include row house units.

**APARTMENT OVER PERMITTED USE** means an apartment in the second or higher storey in a commercial or other building where the main floor is occupied by a permitted non-residential use.

**APPEAL BOARD** means the appropriate Appeal Board established under the Act.

**\*APPLICANT** means a person who has applied to Council for an approval or permit to carry out a development.

**APPROVAL IN PRINCIPLE** means a preliminary approval of a development conditional upon the submission of additional plans and details before a development approval or building permit is issued.

**AQUACULTURE** means:

1. land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use;
2. a fish farm.

**ARTERIAL STREET** means a main traffic artery to and through the Planning Area, which is shown as an arterial street on the zoning maps. Major arterials in Gander include the Trans Canada Highway (Route 1) and the Gander Bay Road (Route 330). Minor arterials include Cooper Boulevard and Magee Road.

**ARTS AND CRAFTS STUDIO** means a building or portion thereof used for the production, display, instruction, or sale of arts and/or crafts, but which does not include any activity that might be offensively dirty or noisy in its operation.

**ASSEMBLY OCCUPANCY** means the occupancy use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink.

**AUTHORITY** means the Municipal Council of the Town of Gander.

**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.

**BALCONY** means a platform, projecting from the face of a wall of a building, cantilevered or supported by columns or brackets and surrounded by a balustrade or railing.

**BASEMENT** means:

1. that portion of a building partly underground but having less than one-half its clear height below the average lot grade.
2. a portion of a building between two floor levels which is partly set underground, but which has at least one-half of its height, from finished floor to finished ceiling or to the undersides of the floor joints of the storey next above, as the case may be, above the adjacent average finished grade level adjacent to the exterior walls of the building.
3. a storey partly above curb level but having at least one-half of its height above the curb level.

**BED AND BREAKFAST** means an owner-occupied single dwelling, which includes guest rooms for the accommodation of travellers. The establishment must be approved for a Tourist Establishment Licence issued by the Province.

**BERM** means:

- (a) a raised form of earth to provide screening or to improve the aesthetic character;
- (b) a mound of earth.

**BIG BOX STORE** means a retail development that contains at least one retail store with a gross leasable area of more than 1850 square metres.

**BUFFER AREA/STRIP** means a parcel or tract of land, with plant material or other landscaping that is used to separate one use from another to shield or block noise, light or other nuisances.

**\*\*BUILDING** means:

1. a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
2. mobile structure, vehicle or marine vessel adapted or constructed for residential, commercial, industrial and other similar uses,
3. a part of and fixture on a building referred to in subparagraphs (a) and (b), and
4. an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (a) to (c).

**BUILDING AREA** means the maximum projected horizontal area of building at established grade measured to the centre of party walls and to the outside of other walls including air wells, and all other spaces within

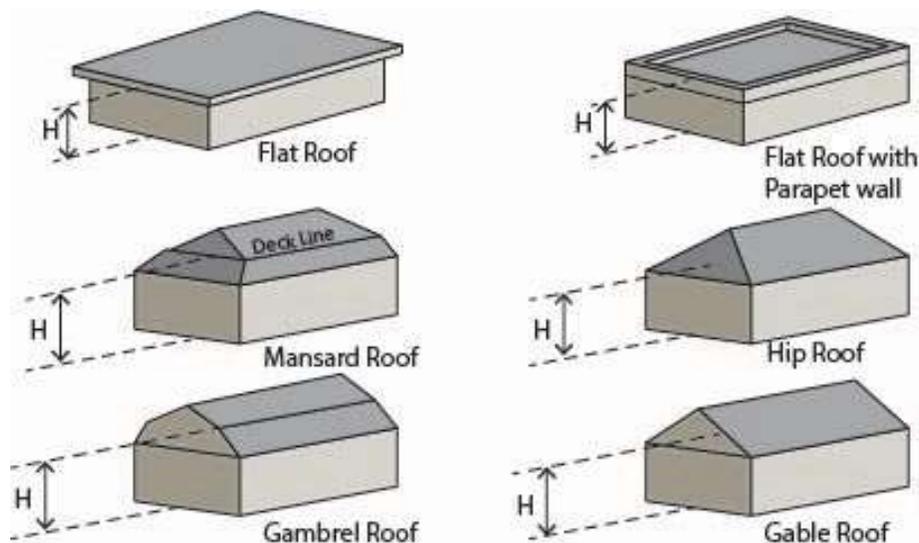
the building, but excluding open air porches, verandahs, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and open loading platforms.

**BUILDING COVERAGE** means the area of land covered or permitted to be covered by a building, usually measured as a percentage of a lot.

**BUILDING FOOTPRINT** means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.

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

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



**BUILDING INSPECTOR** means the inspector(s) appointed by the Town Council of Gander.

**\*BUILDING LINE** (See also **SETBACK, FRONTYARD**) means a line established by Council that runs parallel to a street line and is set at the closest point to a street that building may be placed.

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

**CAMPGROUND** means a contiguous parcel of land, managed as a unit, for the accommodation of any combination of ten (10) or more tents, recreational vehicles, or travel trailers used on a short term or seasonal basis, and where accessory uses could include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washroom, and recreational area or facility.

**CARPORT** means a private garage of not more than one storey in height, having a roof supported by columns or piers and enclosures and open to the extent of 50% of the potential total wall area, not including any wall of a building to which a carport is attached, and is intended to be used for vehicle parking.

**CAR WASH** means a commercial establishment used for washing or cleaning motor vehicles.

**CATERING** means a building or part of a building where food is prepared and served within the premises and includes a restaurant and coffee shop but does not include a take-out food service or drinking establishment.

**CEMETERY** means a facility or site reserved for the burial of the dead and may include a related maintenance facility.

**CENTRELINE** means, with reference to a street or a highway, a line drawn parallel to and equidistant from the limits of the road allowance as originally laid out prior to any subsequent road widening.

**CHILD CARE** 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 *Child Care Act*, but which does not include a school as defined by the *Schools Act*.

**CLUB AND LODGE** means land, a building, or part of a building used by a non-profit association or organization for fraternal, social, recreational or religious purposes.

**CLUSTER DEVELOPMENT** (*DRA#5, 2023*) means two or more residential and/or commercial buildings developed in combination on one lot. At Council's discretion, development may include single dwellings, double dwellings, row dwellings, apartment buildings, residential care homes, retirement homes, collective residential buildings, and any compatible commercial or other non-residential building. Cluster development will not be fully bound by zoning requirements or other land use standards. The entire development must be under **single ownership** (including access, infrastructure, open space, etc.) Cluster Developments are planned and built as a whole development thus fixing the type and location of uses and buildings over the entire project. It may include clustering of buildings, common open space, and incorporation of various building types and mixed land uses. Benefits of a Cluster Development may include more efficient site design, preservation of open space, lower per-unit land and construction costs, and lower servicing and maintenance costs for the municipality.

**COLLECTIVE RESIDENTIAL** means a building in which sleeping units are provided and/or rented for occupancy by students and/or staff members affiliated with a college, hospital, private school, religious order, university or similar institution, and which is regulated by such institution. A collective residential unit may contain communal dining facilities but shall exclude the preparation of meals within the sleeping units which are provided.

**COLLECTOR STREET** means a street that links local streets with arterial streets or other collector streets, and which is designated as a collector street in the Municipal Plan and shown as such on the Future Land Use and Land Use Zoning Maps.

**COMMERCIAL RESIDENTIAL** means a building, or part thereof, used to provide short-term accommodation for paying guests. Accommodation may be self-contained (with full kitchen, bathroom and laundry services) or serviced (laundry service and meals are provided). A commercial accommodation may include a hotel, motel, inn, or hostel but not a bed and breakfast, tourist cottage establishment, or campground, which are each defined separately.

**COMMUNICATIONS** means an establishment or facility in the field of communications, including publishing companies, printing businesses, radio stations, television stations, and telephone companies.

**COMMUNITY CENTRE** means:

1. any tract of land or building or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof;
2. a building or part of a building used for community activities without purpose of gain.

**COMMUNITY GARDEN** means a common outdoor space where residents grow and care for vegetables and/or flowers for personal consumption or non-commercial purposes.

**CONSERVATION** means a use of land that serves to protect, maintain, or improve an environmental resource or feature.

**CONSTRUCTION YARD** means an area used for the storage of construction materials, supplies, equipment, tools, stockpiles of construction materials, and other items including temporary storage containers, construction trailers, and temporary office trailers.

**CONTRACTOR'S YARD** means a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work.

**CONVENIENCE STORE** means a retail store that is compatible with a residential area, which does not exceed a floor area of two hundred square metres (200 m<sup>2</sup>) and in which at least 80% of the retail floor space is devoted to the sale and display of groceries.

**CORNER LOT** means a lot having two or more connecting sides fronting on two or more intersecting or intercepting streets.

**COUNCIL** means the Council of the Town of Gander having jurisdiction of the Municipal Plan and Development Regulations.

**COVERAGE** – See “Lot Coverage”

**CREMATORIUM** means a building fitted for the cremation of human remains and includes everything incidental and ancillary thereto. In these Regulations an application to develop a crematorium will be considered separately from an application to develop or expand a funeral home.

**CROP AGRICULTURE** – See “**AGRICULTURE, CROP**”.

**CULTURAL AND CIVIC** means land or a building used for a cultural or civic activity such as a museum, art gallery, interpretation centre, cultural centre, outdoor interpretive or educational display, or used for a government activity not otherwise defined in these Regulations.

**DECK** means a structure abutting a dwelling or other building that has no walls and is constructed on piers or a foundation above-grade for use as an outdoor living area.

**DEPTH, LOT** – See “Lot Depth”

**DEVELOPER** means a person who is responsible for any undertaking that requires a zoning permit, special-use permit or conditional-use permit.

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

1. the making of an access onto a highway, road or way,
2. the erection of an advertisement or sign,
3. the construction of a building,
4. the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time.

and excludes:

1. the carrying out of works for the maintenance, improvement or other alteration or any 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,
2. the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
3. the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose, an
4. the use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

**\*DEVELOPMENT REGULATIONS** mean these regulations and regulations and by-laws respecting development that have been enacted by Council.

**DEVELOPMENT SCHEME** means a type of plan that becomes a part of the zoning for the property. The plan depicts site characteristics and development information for the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, street pattern and other similar features.

**\*DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of Council’s development regulations.

**DISTANCE** means the shortest separation, measured on a horizontal plane, between a lot line, street line, a watercourse, or other point specified in these Regulations and the nearest part of a building, structure, excavation, or other use of land.

**DOCK** means a recreational wharf or slipway structure extending into a body of freshwater but does not include a marina or marine facility.

**DOMESTIC ANIMAL** – See **ANIMAL, DOMESTIC (PET)**

**DOMESTIC SAWMILL** – See **SAWMILL, DOMESTIC**

**DOUBLE DWELLING** means a building containing two dwelling units, placed one above the other (duplex), or side by side (semi-detached), but does not include a single dwelling containing a subsidiary apartment.

**DRAINAGE** means the removal of surface or subsurface water by a channel, open ditch, grassed waterway, or conservation structure.

**DRINKING ESTABLISHMENT** means a commercial operation, assembly hall, club, or lounge in which the sale and consumption of liquor is licensed under the *Liquor Control Act*, and in which meals and food may or may not be served for consumption on the premises and in which entertainment may be provided.

**DRIVEWAY** means a vehicular passageway having at least one end thereof connected to a public street and providing ingress to and/or egress from a lot.

**DWELLING** means a main building or portion thereof, which contains one or more dwelling units.

**DWELLING UNIT** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

**EASEMENT** means the right to use land, most commonly for access to other property or as a right-of-way for utility service.

**EDUCATIONAL** means a public or private institution of learning that includes primary, elementary, junior high, and senior high schools, colleges, universities, as well as buildings used for temporary training activities. An educational use may include supplementary cafeterias, bookstores, recreational facilities, and assembly uses.

**ELEVATION** (also Grade, Finished) means:

1. the final elevation of the ground surface after development;
2. the average elevation of the finished surface of the ground at ground level measured on any side of a building or structure.

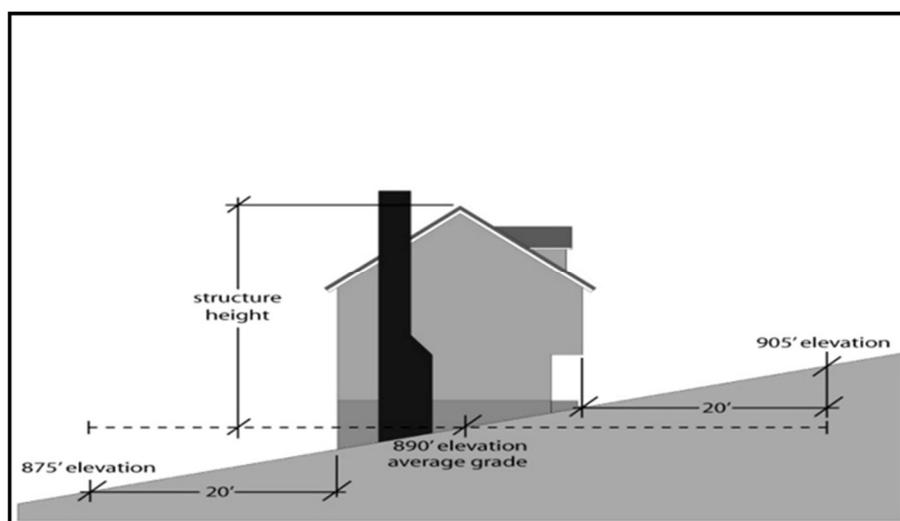
**EMERGENCY SERVICE** means a fire station, police station, ambulance station, rescue centre, or other facility for the provision of emergency services, including a related training facility.

**ENERGY GENERATION FACILITY** means a facility for the generation of electricity from wind, biomass, water, oil, or gas.

**ENGINEER** means a professionally certified engineer who is employed or retained by Council or is employed or retained by a developer in relation to a development that requires Council approval.

**\*ESTABLISHED GRADE** means:

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



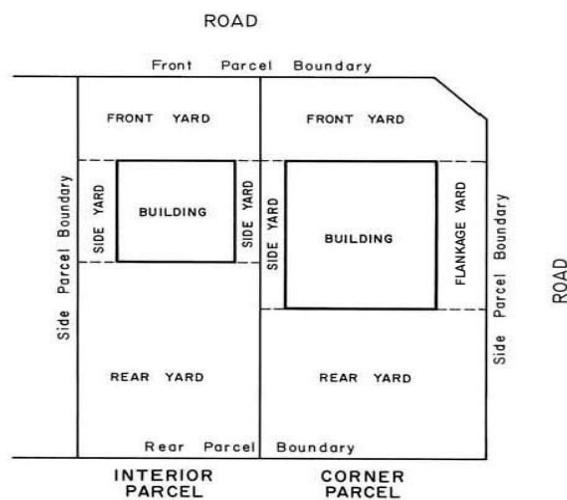
**EXCAVATION** means:

1. the extraction or removal of soil, gravel, or bedrock material to prepare a site for development or to sell for off-site use
2. the space created by the removal of soil, gravel, or bedrock material for the purposes of construction.

**EXISTING USE** means a land use existing as of the effective date of these Regulations.

**FENCE** means a barrier, railing or other upright structure to mark a boundary, control access, prevent escape, serve as a landscape feature, or provide some combination of all these functions. The construction of a fence in requires a development permit.

**FLANKING (OR FLANKAGE) 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.



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

**FOOTPRINT, BUILDING** – See "Building Footprint."

**FORESTRY** means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the cutting of fuelwood, sawlogs, Christmas trees, and other products.

**FRONT LOT LINE** – See "LOT LINE, FRONT"

\***FRONTAGE** - See "LOT FRONTAGE"

**FRONTYARD** - See "SETBACK, FRONTYARD"

**FUNERAL HOME** means the use of a building for the provision of funeral services, which may include a facility to prepare human remains for interment and a chapel for commemorative services. While a crematorium may be permitted as a part of a funeral home, a development application for a crematorium will be considered separately from a development application for a funeral home.

**FUTURE STREET** means a portion of land delineated on a development plan as a "Future Street", which is to be used as a street at some date in the future and which the title of the land will be vested with Council upon the completion of the development.

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

**GARDEN CENTRE** means the use of land, buildings, or structures or part thereof for the purpose of growing and selling plants and garden equipment and supplies.

**GENERAL ASSEMBLY** means land or buildings used as gathering places for substantial numbers of people and, without limiting the generality of the foregoing, includes auditoriums, convention centres, public and private halls, gymnasiums, bowling alleys, theatres, and similar gathering places.

**GENERAL GARAGE** means land, or a building used for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.

**GENERAL INDUSTRY** means the use of land or a building to store, assemble, alter, repair, manufacture, fabricate, pack, can, prepare, break up, demolish, or treat any article, commodity or substance. "Industry" shall be construed accordingly.

**GENERAL SERVICE** means an outlet for servicing, repairing, installing, or renting things and equipment, without limiting the generality of the foregoing, includes the following examples:

3. radio, television, and computer service and repair shops
4. locksmith shops
5. small appliance service or repair shops
6. household and carpenter tool service or repair shops
7. tools and equipment rental shops

**GRADE** – See "**ESTABLISHED GRADE**". Also see "**SLOPE**".

**GREENHOUSE** means a building whose roof and sides are made of transparent or translucent material for the cultivation of plants for subsequent sale, transplanting, or personal use.

**GROUP CARE CENTRE** means a residential facility accommodating up to but no more than six persons, exclusive of staff, in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, facilities referred to as "group care homes", "halfway houses", and "foster homes."

**HABITAT** means an area where plants, animals, and other organisms live and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific habitats of concern may include areas where species (i.e. geese, ducks, salmon) concentrate at a vulnerable point in their life cycle or annual migration.

**HAZARD LAND** means land that poses a hazard or constraint to development such as wetlands, organic soils, steep slopes, flood plains, contaminated soils, and landslide prone areas.

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

**HAZARDOUS USE** means the use of land or buildings for any purpose that constitutes a hazard by reason of fire, explosion, radiation, pollution, noxiousness, and risk to human health, or other hazard.

**HEAVY EQUIPEMENT REPAIR** means an establishment for the repair of vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.

**HEIGHT** – See "**BUILDING HEIGHT**".

**HOBBY FARM** means an agricultural operation that is incidental to the principal residential use, is not carried out for financial gain or reward, or does not constitute a principal income for the farmer or landowner.

**HOME BASED BUSINESS** means a secondary use of a dwelling by a resident of the dwelling to conduct a gainful occupation or business activity.

**HOMELESS SHELTER** means a facility that provides temporary overnight sleeping accommodations, food, sanitation, and other forms of support for homeless persons and families, which does not require occupants to sign leases or occupancy agreements.

**HOSTEL** means an inexpensive lodging facility for travelers that typically has dormitory-style sleeping arrangements and may or may not offer meals and planned activities.

**HOTEL** means a commercial establishment that consists of a building with three or more attached sleeping units grouped under one roof and accessible from the interior or partially from the exterior, designed to accommodate the traveling public, which may or may not have facilities for serving meals.

**INDOOR ASSEMBLY** means land or a building used as a gathering place for sports-related recreational activities and, without limiting the generality of the foregoing, includes arenas, armoires, ice rinks, and indoor swimming pools.

**INDOOR MARKET** means the use of a building for the display and sale of goods and produce by a number of retail enterprises.

**INFILL DEVELOPMENT** means development or redevelopment occurring on an infill lot.

**INFILL LOT** means vacant land along a built-up street that is suitable for further construction or development.

**INFILLING** means the depositing of soil, gravel, or bedrock material to prepare a site for development.

**INFRASTRUCTURE** means the physical structures that form the foundation for development including public sewage and water systems, storm-water disposal systems, waste management facilities, electric power, communications and transportation corridors and facilities and oil and gas pipelines.

**INN** means a hotel, inn, tavern, public house, or other place of refreshment, the keeper of which is now by law responsible for the goods and property of his guest.

**INSPECTOR** means any person appointed or engaged as an Inspector by Council or by any federal or provincial authority or the agent thereof.

**KENNEL** means any land, building, or structure where five (5) or more dogs, cats or other domestic animals are boarded, bred, trained, and/or cared for, and may include an animal shelter or pet grooming business, but does not include a veterinary clinic.

**\*\*LAND** includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of these buildings and structures.

**LANDFILL** means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

**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.

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

**LIVESTOCK** means any species of poultry, cattle, sheep, swine, goats, llamas, horses, or other animals that are normally kept and raised on farms for producing food or other animal derived products, riding (e.g. horses), boarding, breeding, or improving animal nutrition, for profit, personal use, or otherwise. Livestock does not include domestic animals as defined in these regulations.

**LIVESTOCK AGRICULTURE** – See “**AGRICULTURE, LIVESTOCK**”.

**LIVESTOCK FACILITY** means a building or confined area used or intended to be used to house or confine livestock, and includes a structure or area used or intended to be used to store manure.

**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.

**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.

**LODGING 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.

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

**\*LOT AREA** means the total horizontal area within the boundary lines of the lot.

**LOT, CORNER** means a lot having two or more sides fronting onto two or more adjacent streets.

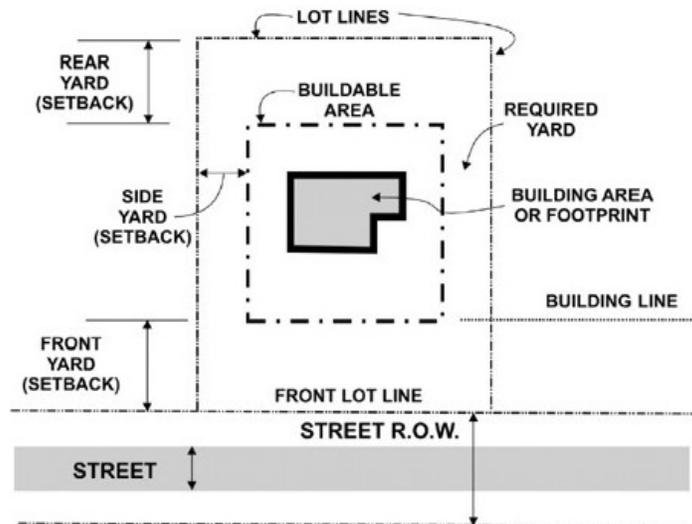
**\*LOT COVERAGE** means the combined area of all buildings on the lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.

**LOT DEPTH** means, in relation to a lot:

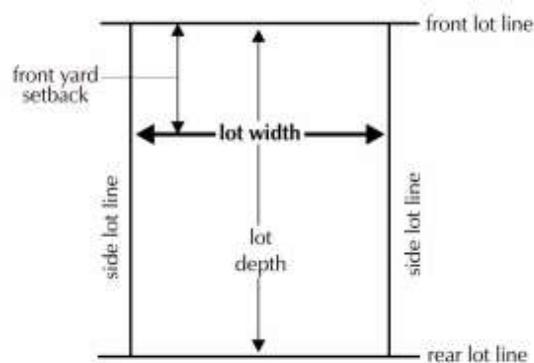
1. where the front and rear lot lines are parallel, the horizontal distance between the front and rear lot lines at right angles to such lines, or
2. where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines.

**LOT LINE** means a common boundary between a lot and an abutting lot or street.

**LOT LINE, FRONT** means the boundary between a lot and the street on which a lot has its civic address.



**LOT FRONTAGE (or WIDTH)** means the horizontal distance between side lot lines measured at the building line.



**LOUNGE** means licensed premises where liquor is offered for retail sale to patrons, with or without meals, for consumption only in the licensed lounge and other areas of the premises as approved by the Newfoundland Liquor Licensing Board.

**LUMBER YARD** means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building materials are stored and sold. Lumber yards may also perform customized work such as cutting, planing and performing millwork. Lumber yards may provide for the sale of associated products including tools and fasteners.

**MAIN BUILDING** means the building or buildings in which the primary use(s) of a lot on which the building is located is conducted.

**MAIN USE** means the primary use for which a building, structure or lot is designed, arranged, or intended, or for which a lot may be used under this regulation.

**MANSE** means a house in which the minister of a church or other place of worship lives.

**MARINA** means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, storage, rentals, refueling, and other services available for boats and other watercraft. Associated facilities may include boathouses, storage facilities, clubhouses and catering facilities.

**MARKET GARDEN** means a small plot (typically one to a few acres) of land where vegetables, fruit and flowers are grown and sold to the public. It may consist of a combination of outdoor and greenhouse crops. Market gardens are typically from one to a few acres in size. Many consist of large greenhouses, or a combination of plants grown both indoors and outdoors. Market gardens typically grow and sell a wide range of crops through gardening rather than intensive farming, manual harvesting, and direct sales to the public.

**MEDICAL SERVICE** means a building or part thereof, used exclusively by physicians, dentists or other health professionals, their staff, and patients for consultation, diagnosis, and office treatment of humans. Without limiting the generality of the foregoing, a medical service may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

**MEDICAL TREATMENT AND SPECIAL CARE** means the medical care, supervision, and skilled nursing care of persons suffering from sickness, disease or injury, or for convalescent or chronically ill persons.

**MINERAL EXPLORATION** means the searching for minerals or mineral occurrences, wherein, for the purposes of these Regulations, it takes the form of a development that involves appreciable soil disturbance, uses equipment other than hand tools, or involves the construction of roads to access the exploration site.

**MINERAL WORKING** means the use of land for the surface extraction, processing, crushing, and stockpiling of sand, gravel, clay, shale, bedrock, or other aggregates, and may include washing and blasting where permitted under Provincial regulation, along with associated buildings and machinery.

**MINI-HOME** means a prefabricated single dwelling unit that complies with the National Building Code, is designed to be used with or without a permanent foundation, has a width of less than six (6) metres throughout its entire length exclusive of steps or porches, is not fitted with facilities for towing or to which towing apparatus can be attached, and is capable of being transported by means of a single trailer from the site of its construction without significant alteration.

**MINI-HOME SUBDIVISION** means a mini-home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mini-home units where the maintenance of streets and services is the responsibility of Council.

**MINING** means the use of land or buildings for the extraction of ores and/or salts.

**MINISTER** means the Minister responsible for the *Urban and Rural Planning Act 2000*.

**MINOR WATERCOURSE** means a watercourse that flows for only part of the year, such as during snowmelt, spring runoff, rainstorms, and wet periods.

**MOBILE HOME** means a transportable factory-built single family dwelling unit:

1. 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;
2. which is designed to be:
  - a. transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
  - b. connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

**MODULAR HOME** means a dwelling unit constructed in accordance with the standards applicable to site-built homes in the National Building Code and comprised of components assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**MOTEL** means an establishment that serves the travelling public, which consists of one or more buildings containing four or more attached accommodation units, which may or may not have restaurant, retail, and personal services.

**MULTI-USE TRAIL** means a recreational trail for multiple purposes including non-motorized uses such as hiking and motorized uses such as snowmobiles and ATVs.

**NEIGHBOURHOOD CENTRE** means the use of a building or part thereof by any association for the purposes of community development and/or social activities within a specified neighbourhood without purpose of gain.

**\*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.

**NON-RESIDENTIAL** when used with reference to a building, structure or use, means designed, intended or used for purposes other than those of a dwelling.

**NOXIOUS USE** means a use of land or a building which, from its nature or operation, creates a nuisance, or is liable to become a nuisance, which is offensive or dangerous by reason of noise, vibration, or emission of gas, fumes, dust, or objectionable odour.

**NURSING HOME** means a residence licensed under Provincial legislation, in which the proprietor supplies lodging and meals and, if required, nursing, medical, or similar care and treatment, and without limiting the generality of the foregoing, may include a rest home, personal care home, or any similar provincially licensed establishment.

**OCCUPANCY** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.

**OFFICE** means a use providing for administrative, governmental, professional services and general office functions, and includes accounting, bookkeeping, advertising, architectural, engineering, planning and design, surveying, legal services, counseling, data processing, telephone services, social services, public relations, consulting, realty offices and similar uses.

**OPEN SPACE (USE)** means land that is open to the sky and is set aside for preserving natural areas, creating spatial buffers between different types of land uses, and/or developing gardens and passive recreation uses. Examples of open space uses include community gardens, woodlands, fields, walking trails, picnic areas, and other passive recreational facilities, but does not include structures such as buildings, tennis courts, and outdoor ice rinks.

**OUTDOOR ASSEMBLY** means land or outdoor facilities used as a gathering place for substantial numbers of people and, without limiting the generality of the foregoing, includes bleachers, grandstands, outdoor ice rinks and swimming pools, amusement parks, fair grounds, exhibition grounds, drive-in theatres, and similar gathering places.

**OUTDOOR MARKET** means land where individual vendors operating from defined areas offer for sale, articles for consumption such as fresh fruit and vegetables, raw poultry, fish, meat and eggs, honey or cider, cut flowers, bedding plants, shrubs and trees, or baked goods, cheese or processed meats, as well as furniture, and handicrafts.

**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.

**\*OWNER** means a person or an organization of persons owning or having the legal right to use the land under consideration.

**PARKING AREA** means a designated area on a lot, other than a driveway, for off-street parking of automobiles.

**PARK** means an area of land set aside for public recreational purposes and may include, but is not limited to, playgrounds, tennis courts, lawn bowling areas, baseball fields, soccer and other athletic fields, outdoor rinks, swimming pools, areas designed for passive enjoyment and similar uses and includes the buildings and structures in connection therewith.

**PARKING, OFFSTREET** means the on-site parking allotment required for a given property based on a specific use or uses carried out there.

**PARKING LOT** means an open area of land other than a street or an area within a structure for the parking of vehicles.

**PARKING SPACE** means a designated space in a parking area or a driveway adequate for one automobile with room to open doors on both sides, together with related maneuvering room and access to a public street.

**PASSIVE RECREATIONAL USE** means a recreation activity that does not require a developed site, and includes such uses as walking, bicycling, and skiing trails, but does not include sports fields, structures, or facilities to accommodate any type of motorized vehicle.

**\*PERMITTED USE** means a use that is listed within the permitted use classes set out in the use zone tables of Council's development regulations.

**PERSONAL CARE HOME** – See “**NURSING HOME**”.

**PERSONAL LIVESTOCK USE** - See “**ANIMAL, PERSONAL LIVESTOCK USE**”

**PERSONAL SERVICE** means a business service oriented to the personal health or grooming needs of persons or the maintenance or repair of personal wardrobe articles and accessories, and without limiting the generality of the foregoing, may include barber shops, beauty parlours, shoe repairs, clothing alterations, self-service laundries, exercise gyms, computer services, hobby shops, and photo studios.

**PETROLEUM EXPLORATION** means the searching for petroleum or petroleum occurrences, wherein, for the purposes of these Regulations, it involves appreciable soil disturbance, uses equipment other than hand tools, and/or involves the construction of roads to access the exploration site.

**PETROLEUM EXTRACTION** means the use of land or buildings for the extraction of petroleum oil and/or natural gas.

**PIT** – See “Mineral Working”

**PLACE OF WORSHIP** means a building dedicated to religious workshop and includes a church, synagogue, temple or assembly hall and may include such accessory uses as a nursery school, a school of religious education, convent, monastery or parish hall.

**PLANNED UNIT DEVELOPMENT (PUD)** means a type of development that meets overall municipal density and land use standards without being fully bound by zoning requirements. A PUD is planned and built as a unit thus fixing the type and location of uses and buildings over the entire project. It may include clustering of buildings, common open space, and incorporation of various building types and mixed land uses. Potential benefits of a PUD include more efficient site design, preservation of open space, lower construction costs, and lower maintenance costs for the municipality.

**\*\*PLANNING AREA** means a municipal planning area established under section 6 and 11 of the *Act*. The Planning Area encompasses all of the Gander municipal boundaries as well as land outside the municipal boundaries. The Planning Area encircles, but does not take in, the community of Benton.

**PLAYGROUND** means an area of landscaped open space equipped with children’s play equipment such as slides, swings or wading pools.

**PROFESSIONAL SERVICE** means a service requiring specialized knowledge or training including but not limited to architecture, accounting, engineering, legal services, financial services and advice, tax preparation services, IT services, business support, and management services.

**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 Council specifies as not permitted within a use zone.

**PUBLIC BUILDING** means a building that can be used for a public or non-profit purpose and without limiting the generality of the foregoing, may include such a building such as a school, place of worship, municipal facility, community centre, hospital, town hall, and government office.

**PUBLIC RIGHT-OF-WAY** means a route across privately or publicly owned land that may be followed, but not deviated from, by members of the public.

**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.

**QUARRY** (also see “Mineral Working”) means a place where consolidated rock has been or is being, removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

**\*REARYARD** - See “**SETBACK, REARYARD**”

**REARYARD DEPTH** means the distance between the rear lot line and the rear wall of the main building on a lot.

**RECREATIONAL DWELLING** means a single dwelling that is used primarily for seasonal recreational purposes and is not inhabited on a full-time basis.

**RECREATIONAL OPEN SPACE** means an outdoor recreational use for the conduct of sports and/or leisure activities, and may include a park, playground, outdoor rink, golf course, playing field, dog park, outdoor theatre, water slide, multi-use trail, or similar outdoor facility.

**RECREATIONAL VEHICLE** means a motor vehicle, usually with facilities for sleeping and eating, used for recreational activities such as camping.

**RECYCLING FACILITY** means a facility in which waste products are reduced to raw materials and transformed into new and often different products.

**RECYCLING DEPOT** means premises on which recoverable materials such as newspaper, cardboard, glassware, drink containers, plastic, metal cans, and electronic items are separated prior to shipment but does not include a salvage yard or any facilities for processing of the materials.

**RESIDENTIAL CARE HOME** means a facility for the accommodation and care of aged, sick, injured, or special needs persons, and may include a personal care home, nursing home, rest home, or seniors' home, but does not include a "retirement home" as defined in this section.

**RESTAURANT** means a building or part thereof, used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

**RETIREMENT HOME** means a residential building or premises with self-contained dwelling units designed for people who do not require a high level of assisted home care. Provision of services such as snow clearing, grounds maintenance, and activity programs may be provided but each dwelling unit has its own cooking and self-care facilities.

**REZONING** means an amendment or change to the zoning on the Land Use Zoning map.

**ROW DWELLING (OR TOWNHOUSE)** means a dwelling containing not less than three dwelling units at ground level in one building, each unit separated vertically from the others and with individual entrances directly from the outside.

**SALVAGE YARD** means premises where scrap metals or other scrap materials are sorted or stored; or where automobiles, other vehicles, machinery, or parts thereof are dismantled, demolished, or stored; or where used goods, wares, merchandise, or articles are processed for further use. This definition excludes recycling facility.

**SAWMILL, DOMESTIC** means a sawmill licensed under the *Forestry Act*, which is approved for personal and private (i.e., non-commercial) use only.

**SCREENING** means the use of landscaping, trees, fences, berms or a combination thereof to visually and/or audibly separate areas of land uses.

**SECONDARY SUITE** means a separate dwelling unit not exceeding 80% of the floor area of all storeys of the other dwelling units or 80 m<sup>2</sup>, whichever is the lesser.

**SELF-SERVICE STORAGE FACILITY** means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods and supplies.

**SENSITIVE AREA** means an area that is easily disrupted by human activity, and may include steep slopes, cliffs, watercourses, wetlands, riparian areas, springs, coastal features, wet and unstable soils, unstable geology, and vulnerable or threatened flora or fauna.

**SERVICE STATION** means any land or building used for the sale of petroleum products, automotive parts and accessories, and the repairing, washing and polishing of motor vehicles.

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

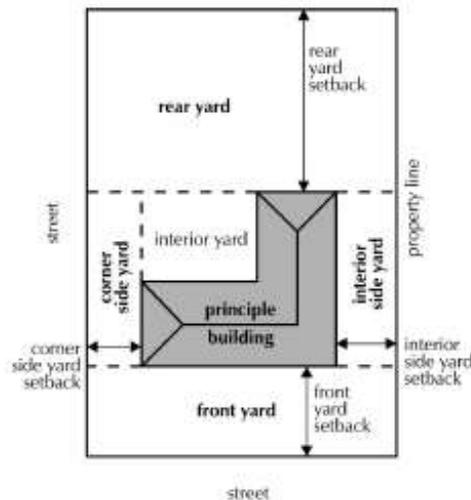
**SETBACK** means the least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelope on a lot.

**SETBACK, FRONTYARD** means the distance between the "building line" as defined in these regulations and the front street line of a lot.

**SETBACK, REARYARD** means the distance between the rear lot line and the rear wall of the main building on the lot.

**SETBACK, SIDEYARD** means the distance between the side lot line and the nearest sidewall of a building on the lot.

**ILLUSTRATION OF YARDS AND YARD SETBACKS**



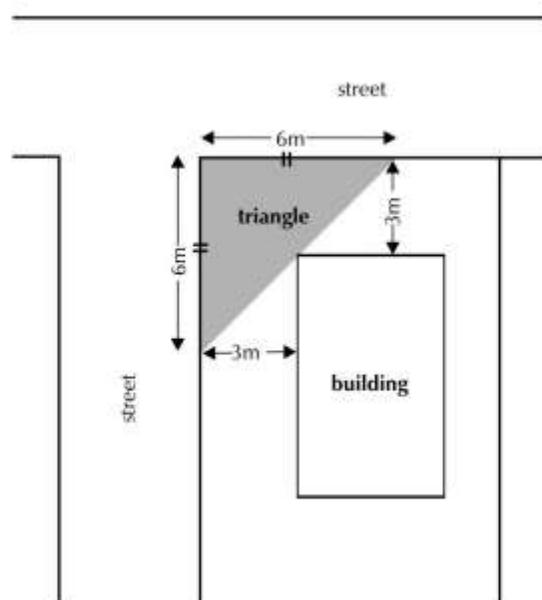
**SHOP** means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving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

**SHOPPING CENTRE** means a group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit.

**\*SIDEYARD** - See "SETBACK, SIDEYARD"

**\*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 as memorials, functional advertisements of Council or other local authorities, public utilities and public transport undertakers, and including any boarding or similar structure used or adapted for the display of advertisements.

**SIGHT TRIANGLE** means a triangle-shaped portion of land established at a street intersections in which nothing can be erected, placed, planted or allowed to grow in such a manner as to obstruct the sight distance of motorists entering or leaving the intersection. The triangular-shaped portion of land is formed by the street lines and a line drawn from a point on one street line to a point in the other street line.

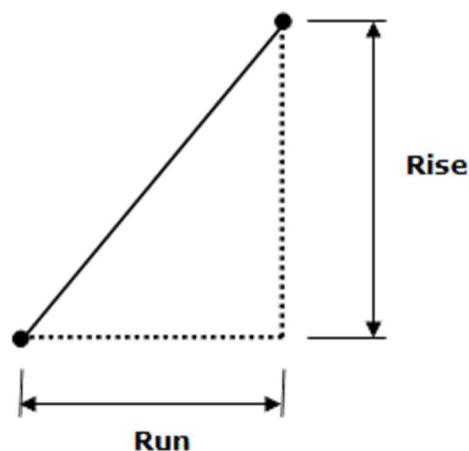


**SINGLE DWELLING** means a free-standing dwelling, which is separate and detached from other main buildings and consists of a constructed, prefabricated, or manufactured dwelling unit, but does not include a mini-home or a mobile home.

**SLIPWAY** means a ramp on the shore by which boats can be launched or removed from the water.

**SLOPE** means the rate of vertical change of the surface of the ground expressed as a percentage and determined by dividing the change in vertical distance (rise) by the change in horizontal distance (run).

Slope (%) = Rise (m) / Run (m)



**SOD FARM** means the use of land for the cultivation and harvesting of lawn grass, along with the soil that supports it, for commercial sale.

**\*STREET** means a street, road or highway or other way designed for the passage of vehicles and pedestrians with the following characteristics:

1. it is accessible by fire department and other emergency vehicles,
2. it includes related infrastructure, for example, the roadway itself, side ditches, culverts, and bridges, and
3. its maintenance is the responsibility of Council or the Provincial Department of Transportation and Works.

**STREET CENTRE LINE** as used by the Province under the Protected Road Zoning Regulations means the centre of the roadway in the case of an undivided highway, and the centre of the nearest driving lane in the case of a divided highway. The street centre line is used to establish building control lines along Protected Provincial Highways, which in Gander include the Trans Canada Highway (Route 1) and the Gander Bay Highway (Route 330).

**STREET FRONTAGE** means the horizontal distance between the projected side lot lines measured at the curb.

**\*STREET LINE** means the edge of a street reservation as defined by Council or the Province.

**STREET RESERVATION** means the entire right-of-way in which a street or highway roadway is located, and which is public property owned by the Town of or the Province.

**STRUCTURE** means anything constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground, and includes buildings, walls, fences, signs, billboards, utility poles, and similar items.

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

**SUBSIDIARY APARTMENT** means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling but does not include a secondary suite.

**SURFACE WATER** means any flowing or standing water on the surface of the earth.

**SWIMMING POOL** means any in-ground or aboveground structure capable of containing water with a minimum depth of 90 cm (0.9 m), including swimming pools, non-portable wading pools, and landscape water features, but excluding hot tubs.

**TAKE-OUT FOOD SERVICE** means a building in which meals and refreshments are prepared and sold for consumption off the premises.

**TEMPORARY USE** means a use or structure permitted to exist for a limited amount of time.

**TEMPORARY VENDING FACILITY** means a transient facility or structure such as a trailer, hotdog stand, ice cream cart, or tent that is used to display, store, or sell food, beverages, articles or goods to the public.

**TINY HOUSE** means a single dwelling unit that complies with the National Building Code, is designed to be used with a permanent foundation, has permanent provisions for living, sleeping, eating, cooking and sanitation, and is not fitted with facilities for towing or to which towing apparatus can be attached.

**TOURIST COTTAGE ESTABLISHMENT** means a contiguous parcel of land, managed as a unit, consisting of three (3) or more self-contained accommodation units used for short-term stays, and where accessory uses could include an administrative office, clubhouse, snack bar, convenience store, swimming pool, and recreational facilities.

**TOWNHOUSE** – See “**ROW HOUSE**”

**TRAILER** means a vehicle used for temporary sleeping accommodation and constructed so as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that such vehicle is jacked up or has its running gear removed.

**TRANSPORTATION** means transportation infrastructure such as airfields, streets, bridges, culverts, and sidewalks, along with associated buildings and structures.

**\*USE** means a building or activity situated on a lot or a development permitted on a lot.

**\*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.

**UTILITY** means a facility used to provide the public with electricity, heat, steam, communications, water, sewage, waste disposal, recycling, or similar services.

**\*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 these Development Regulations.

**VEHICLE REPAIR** means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating.

**VEHICLE SALES AND RENTAL ESTABLISHMENT** means an establishment having as its main use the storage of automobile and/or recreational vehicles for sale, rental or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.

**VETERINARY** means an establishment used by veterinarians, or practitioners in related specialties, for practicing veterinary medicine, where animals are admitted for examination or treatment, and where limited laboratory and other diagnostic services may be offered but excludes a kennel.

**WAREHOUSE** means a building used primarily for the storage of goods and materials.

**WASTE TRANSFER STATION** means a building or site used for the collection, storage and transfer of solid waste to another place for recycling, treatment, or disposal.

**WATER UTILITY** means any infrastructure or facility used for water supply management, operations, and protection such as intake pipes and filters, treatment plants, and pipelines.

**WATERCOURSE** means the full width and length, including the bed, banks, side and shoreline, or other part, of a river, stream, spring, brook, lake, pond, reservoir, canal, estuary, or other natural or artificial freshwater body or channel open to the atmosphere, the primary function of which is the conveyance or containment of water, whether the flow is continuous or not.

**WATERSHED** means the surface area contained within a topographical divide above a specified point on a river, brook, stream, or other flowing body of water.

**WETLAND** means land whose soil is saturated with moisture either permanently or seasonally. Wetlands include swamps, marshes, bogs, fens, and shallow water, among others.

**WETLAND STEWARDSHIP** means the careful and responsible management of wetlands including the wide range of actions and activities of individuals, communities, corporations, groups and organizations acting alone or in partnership to ensure the continued health and sustainability of Newfoundland and Labrador's wetlands.

**WORKSHOP** means a building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar uses.

**ZONE** – See "USE ZONE"

\***ZONING MAP** means the map or maps attached to and forming part of the Regulations.

### 3.0 GENERAL REGULATIONS

#### 3.1 Compliance with Regulations

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

#### 3.2 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 Council.

#### 3.3 Permit to be Issued

Subject to **Regulation 3.4** and **Regulation 3.5**, with the exception Gander International Airport lands, a permit shall be issued for development within the Planning Area that conforms to all requirements of these Regulations, including:

1. Part 4 – General Development Standards
2. Part 5 – Specific Use Regulations
3. Part 6 – Subdivision of Land in the case of subdivision
4. Part 7 – Signs
5. Part 8 – Use Zones
6. Part 9 – Use Zone Tables, including permitted and discretionary use classes, development standards and conditions.
7. The *National Building Code of Canada* and other ancillary codes, waste disposal regulations, and any other municipal regulation in effect in the Planning Area regulating or controlling development, conservation, and use of land and buildings.
8. Other standards of design and appearance established by Council.

#### 3.4 Permit Not to be Issued in Certain Cases

A permit or approval in principle shall not be issued for development within the Planning Area when, in the opinion of Council, 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 Council and such cost shall attach to and upon the property in respect of which it is imposed.

#### 3.5 Discretionary Powers of Council

1. Council has discretionary authority to conditionally approve a development if and only if:
  - a. The development is in relation to a land use that is listed as a discretionary use in the zone in which the development is proposed.
  - b. The development is in relation to a variance of no more than 10% to a development standard stated in the Development Regulations.
  - c. The development is in relation to a change in a non-conforming use as authorized under Section 108 of the Act.
  - d. When considering a, b or c above, the development must be consistent with (i.e. not contrary to) the policies expressed in the Municipal Plan and any further scheme, plan or regulations applicable to the subject property.
  - e. The development will not detract from the general appearance of the area, the amenity of the surroundings, or public safety and convenience.
  - f. The capacity of municipal streets, water, sewer, and related infrastructure is sufficient to service the development.
  - g. It will not have negative effects with regard to other considerations that in Council's opinion are material.
2. Where Council is considering an application for a discretionary use, it will give public notice in accordance with **Regulation 3.15**.
3. When approving or refusing a discretionary use, Council shall state in writing the basis for its approval

or refusal.

### 3.6 Variances

1. Where an approval or permit cannot be given by Council because a proposed development does not comply with development standards set out in development regulations, Council may, in its discretion, vary the applicable development standards to a maximum of 10% if, in Council'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. Council 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. Council shall not permit a variance from development standards where the proposed development would increase the non-conformity of an existing development.
4. Where Council is to consider a proposed variance, in accordance with **Regulation 3.15**, Council 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 and allow a minimum period of 7 days for response.

### 3.7 Non-Conforming Uses

1. Notwithstanding the Municipal Plan, a scheme or regulations made under the *Act*, Council shall, in accordance with regulations made under the *Act*, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration of the Municipal Plan and these Development Regulations under Section 24 of the *Act* made with respect to that kind of development or use.
2. Notwithstanding Paragraph (1), a right to resume a discontinued non-conforming use of land shall not exceed 6 months after that discontinuance unless otherwise provided by regulation under the *Act*.
3. A building, structure or development that does not conform to a scheme, plan or regulations made under the *Act* that is allowed to continue under Subsection (1);
  - a. shall not be internally or externally varied, extended or expanded unless otherwise approved by Council or authorized administrator;
  - b. shall not be structurally modified except as required for the safety of the building, structure or development;
  - c. shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
  - d. may have the existing use for that building, structure or development varied to a use that, in Council's opinion, is more compatible with a plan and regulations applicable to it;
  - e. may have the existing building extended by Council where, in its opinion that extension is not more than 50% of the existing building;
  - f. where the non-conformance is with respect to the standards included in development regulations, shall not be expanded if the expansion would increase the non-conformity;
  - g. 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; and
  - h. where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.
4. In accordance with **Regulation 3.15**, where considering a non-conforming building, structure or development and before making a decision to vary an existing use of that non-conforming building, structure or development, Council, at the applicant's expense, shall publish a notice in a newspaper

circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

### 3.8 Service Levy

1. In accordance with Section 149(2) of the *Municipalities Act 1999*, where Council carries out a public work that enables a real property to be developed or developed to a higher density, or enhances the value of a property, Council may charge a service levy on the property.
2. The amount of a service levy shall be determined by Council, but shall not exceed the cost, including finance charges, to Council of constructing or improving the public works that are necessary for the real property to be developed in accordance with Council's standards by Council and for uses that are permitted on that real property.
3. A service levy shall be assessed on the real property based on:
  - a. The amount of real property benefitted by the public work related to all the real property so benefitted; and,
  - b. The density of development made capable or increased by the public work.
4. Council may require a service levy to be paid by the owner of the property benefitted and may specify the time for payment.

### 3.9 Financial Guarantees by Developer

1. Council 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 the development is completed within a reasonable timeframe, 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 Paragraph (1) may be made in the form of:
  - a. A cash deposit from the developer, to be held by Council,
  - b. A guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer,
  - c. A performance bond provided by an insurance company or a bank, or
  - d. An annual contribution to a sinking fund held by Council.

### 3.10 Dedication of Land for Public Use

In accordance with the requirements for the dedication of land under **Regulation 6.10**, Council will require that a percentage of the land area of any subdivision or other development be dedicated for public use, and such land will be conveyed to Council in accordance with the *Act*.

### 3.11 Reinstatement of Land

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

### 3.12 Form of Application

1. An application for a development permit or for approval in principle shall be made to Council only by the owner or by a person authorized by the owner on such form as may be prescribed by Council and every application shall include plans and an application fee if required.
2. Council shall supply to each applicant a copy of the application form referred to in Paragraph (1) and any available information relevant to the application.

### 3.13 Register of Application

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

### 3.14 Deferment of Application

1. Council may, with the written agreement of the applicant, defer consideration of an application.
2. An application that was properly submitted in accordance with these Regulations, which has not been determined by Council and on which a decision has not been communicated to the applicant within sixty (60) days of the application being received by Council, shall be deemed to be refused.

### 3.15 Notice of Application

1. Notice of an application to Council shall, at the applicant's expense, be given when:
  - a. A variance is to be considered under **Regulation 3.6 – Variances**.
  - b. A change in a non-conforming use is to be considered under **Regulation 3.7 – Non-Conforming Uses**.
  - c. A proposed discretionary use is to be considered in accordance with **Regulation 8.5 – Discretionary Uses**.
  - d. Council deems that the public should be notified.
2. In accordance with **Regulation 3.6(4)** of these Regulations and Section 13 of the Provincial Development Regulations, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of seven (7) days from the posting of the notice will be provided for persons to respond.
3. In accordance with **Regulation 3.7(4)** of these Regulations and Section 15 of the Provincial Development Regulations, notice of an application to change a non-conforming use will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's webpage, social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
4. In accordance with **Regulation 8.5** of these Regulations, notice of an application to develop a discretionary use, or which otherwise requires Council's discretionary approval, will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's webpage, social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
5. For any other development that Council deems the public should be made aware, notice of application will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council webpage, social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

### 3.16 Approval in Principle

1. Council may grant approval in principle for a subdivision, construction or alteration of a building, or other form of development if, after considering an application for such approval in principle, it determines that the proposed development complies generally with the Municipal Plan and these Regulations.
2. Council may attach to the approval in principle such conditions or details that that the applicant will be required to address before a final development permit will be granted.
3. An approval in principle will be valid for a period of one (1) year and may be extended for one (1) additional year, up to a maximum of two (2) years.
4. Approval in principle will not constitute permission to commence development. No form of development will commence until Council has issued a final development permit.
5. Approval of a proper development permit will be based on whether the final application complies with these Regulations and all details and conditions that may have been attached to the approval in

principle.

6. Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principal.
7. A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the *Act*.

### **3.17 Development Permit**

1. A plan or drawing which has been approved by Council 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. Council may attach to a development permit such conditions as it deems fit to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
3. Where Council deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by Council for further periods not exceeding two years.
4. A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for a sign, which may be renewed in accordance with Part 7 of these Regulations.
5. The approval of any application and plans or drawings or the issue of a permit shall not prevent Council 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. Council 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 Council.
8. There shall be kept available on the premises where any work, matter or thing in 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.

### **3.18 Permit Fees**

Council may charge a fee for a development permit in accordance with the schedule of fees adopted by Council.

### **3.19 Licenses, Permits, and Compliance with Other Bylaws and Legislation**

1. Nothing in these Regulations will exempt any person from complying with the requirements of any bylaw in force within the Town of Gander, or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.
2. If Council deems that a proposed development may be affected by a provincial or federal act or regulation, the applicant may be required to provide confirmation that necessary government approvals have been obtained before Council will issue a development permit.
3. If Council deems that a proposed development may trigger the requirements of the *Environmental Assessment Act*, the proponent will be advised to consult with the Department of Municipal Affairs and Environment before Council will issue a development permit.
4. Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

### **3.20 Reasons for Refusing or Setting Conditions on a Permit**

Council shall, when refusing to issue a permit or attaching conditions to a permit, state in writing the reasons for so doing.

### **3.21 Delegation of Powers**

Council shall, when designating employees or contractors to whom a power is to be delegated under Section 109(2) of the *Act* and Section 1.6 of these Regulations, make that designation in writing.

### **3.22 Right of Entry**

An inspector or other official so authorized by Council 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 Council is empowered to regulate.

### **3.23 Record of Violations**

Every inspector shall keep a record of any violation of these Regulations which comes to his/her knowledge and report that violation to Council.

### **3.24 Stop Work Order and Prosecution**

1. Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
2. A person who does not comply with an order made under Paragraph (1) is guilty of an offence under the provisions of the *Act*.

### **3.25 Notice of Right to Appeal**

Where Council makes a decision that may be appealed under Section 42 of the *Act*, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

1. Person's right to appeal the decision to the appeal board,
2. Time by which an appeal is to be made,
3. Right of other interested persons to appeal the decision, and
4. Manner of making an appeal and the address for the filing of the appeal.

### **3.26 Appeals**

Sections 6 to 11 of the Provincial Regulations (See Appendix C) outline the regulations with respect to appeal requirements, appeal registration, prohibition of development that is subject to an appeal, notice of an appeal hearing, the appeal board's hearing of evidence, and its decisions.

### **3.27 Return of Appeal Fee**

In accordance with Section 42(3) of the *Act*, where an appeal of a Council decision is successful, an amount of money equal to the appeal fee paid by the appellant shall be paid to the appellant by Council.

## **4.0 GENERAL DEVELOPMENT STANDARDS**

### **4.1 Access and Service Streets**

1. Every access to a street shall be located to the specification of Council to ensure the safety and efficiency of the street system. Council may require the construction of a service street to reduce the number of accesses to an arterial street.
2. Every access to a Protected Provincial Highway must also be approved by the Department of Transportation and Works and Service Newfoundland and Labrador.
3. No access will be closer than 10 metres to the street line of any street intersection.

### **4.2 Accessory Buildings**

Refer to the Gander Accessory Buildings Regulation.

### **4.3 Accessory Uses**

Where these regulations provide for any land to be used, or a building to be erected or used for a purpose, the purpose shall include any accessory use. An accessory use shall be clearly subsidiary and complementary to the main use, controlled so as to be compatible in character, use and size with the main use and nearby properties, and subject to special conditions set out in these Regulations or specified on a case-by-case basis by Council.

### **4.4 Archaeological Sites**

1. Gander has a number of known aircraft wrecks and other historic resources located within the Planning Area boundaries which are protected under the *Historic Resources Act*. No development, excavation, or other disturbance of land will be permitted inside a buffer of 100 metres of the perimeter of these sites without first notifying the Provincial Archaeology Office so that necessary measures can be taken to ensure that the site is not disturbed or destroyed. At its discretion, Council may apply this restriction to future sites that are identified.
2. When receiving an application for a proposed development or activity involving ground disturbance in the vicinity of a known historic resource or along the shorelines of Gander Lake, Soulis Pond, Home Pond, Boot Pond, Deadman's Pond, Whitman's Pond or Jonathan's Pond, Council will notify the Provincial Archaeology Office for review prior to providing approval for commencement of the project.
3. If a historic archaeological site or artifact is discovered during development of a property, the development shall stop and Council will consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.

### **4.5 Buffer Strips**

#### **1. Industrial Buffers**

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.

#### **2. Solid Waste Disposal Site Buffers**

Any proposed development within the Solid Waste Disposal Site Buffer as shown on the zoning maps shall be referred to the Department of Municipal Affairs and Environment for approval before a permit will be issued by the Town.

#### **3. Fire Hydrant Buffers**

No building, fence, hedge or other structure will obstruct access to a fire hydrant from the street, obstruct the visibility of a fire hydrant from the street, or protrude closer than 3.0 metres to a fire hydrant.

### **4.6 Building Accessibility**

All commercial, 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.

#### 4.7 Building Height

Council may permit the erection of buildings of a height greater than that specified in Part 9 - Use Zone Tables, but in such cases the building line setback and rear yard requirements shall be varied as follows:

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

#### 4.8 Height Exceptions

The height requirements prescribed in Part 9 of these Regulations may be waived in the case of communication masts and antennas, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 10% in the permitted height of the structure shall only be authorized under the provisions of **Regulation 3.6 – Variances**.

#### 4.9 Airport Height Restrictions

The height above sea level of any structure in any Land Use Zone may be subject to the limitations of Gander Airport Building Height Constraints.

#### 4.10 Airport Noise

New residential subdivision development within the 30 Noise Exposure Forecast (NEF) Contour (see Zoning Map 2) may be required to include the use of soundproofing materials in the exterior walls and windows of proposed residential buildings. Transport Canada shall be consulted for advice on noise impacts and mitigation measures.

#### 4.11 Building Line and Setback

1. Building line setbacks from roads shall be provided to preserve specified road right-of-way widths. Setbacks should be sufficient to allow space for pedestrians, landscaping, snow clearing and storage, and the parking and movement of vehicles clear of the road allowance.
2. Council, by resolution, may establish building lines on an existing or proposed 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 Part 9 - Use Zone Tables.
3. A frontyard building line setback is measured from the front property line.
4. A sideyard setback is measured from the side property line. Sideyard setbacks shall be provided on the exposed sides of every building to ensure safe distances between buildings on adjoining lots and provide access for building maintenance. An exception may be made for an access ramp as noted in **Regulation 5.1**.
5. The building line along Provincial highways shall not be less than that specified under the provincial Building Near Highways Regulation. In Gander the highway building lines are as follows:
  - a. 30 metres from the centreline along the Trans-Canada Highway
  - b. 20 metres from the centreline along the Gander Bay Road

#### 4.12 Multiple Uses on One Lot

A multiple use occurs when two or more different use classes exist in a single building or on a single lot.

1. Where a single lot contains more than one permitted use, each use shall conform to all requirements in these Regulations that are applicable to that use.
2. A proposed new use on a multiple-use lot may not be permitted where Council deems that the use might be incompatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.
3. At Council’s discretion, a Cluster Development (*DRA#5,2023*) may be permitted as a development with public or private services in the following zones subject to the requirements outlined below:

Residential Low Density	Commercial General
Residential Medium Density	Commercial Local
Residential High Density-1	Commercial Shopping Centre
Residential High Density-2	Commercial Highway
Residential Mini-Home	Tourism Recreation

Residential Rural	Public Institutional
Town Centre	

- a. Public Notice shall be given in accordance with Regulation 3.15 - Notice of Application of these Regulations.
- b. The development shall comply with the intent and policies of the Gander Municipal Plan.
- c. The development shall comply with the National Building Code of Canada, particularly the minimum separation distances from other buildings within the same property.
- d. The development shall include Open Space appropriate for the size and density of the development unless the site is located adjacent to existing open space and otherwise approved by Council.
- e. The development will be integrated with surrounding land uses with respect to street and pedestrian access, appearance, traffic requirements, and demands on municipal services.
- f. The development will be subject to a Development Agreement between the owners of the land and Council, which will have a Cluster Development Plan attached thereto, satisfactory to and registered in the Registry of Deeds of Newfoundland and Labrador, controlling the use and development of such land.
- g. The entire development shall be maintained in **single ownership** unless subdivision of the property is approved by Council, or the individual units are owned by individuals as common elements within a Condominium Corporation or Homeowners Association.

#### 4.13 Main Buildings on a Lot

1. Except for a single dwelling, more than one main building may be permitted on a lot provided that the requirements set out in Part 9 - Use Zone Tables are satisfied, or the development is in relation to a Cluster Development. *(DRA#5, 2023)*
2. No more than one single dwelling may be permitted on a lot except where that lot or dwelling forms part of a comprehensive development or a Cluster Development. *(DRA#5, 2023)*
3. Where more than one main building is developed on a lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in Part 9 for the Use Zone in which the lot is located unless the development is in relation to a Cluster Development. *(DRA#5,2023)* These allowances shall be maintained when the adjacent land is developed.

#### 4.14 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 frontyard, rearyard, sideyard, frontage, or lot area that is less than, that permitted 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 frontyard, sideyard, or rearyard, 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.

#### 4.15 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 Council for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yard setbacks and floor area are not less than the standards set out in these Regulations.

#### **4.16 Lot Frontage**

Except where specifically provided for in Part 9 - Use Zone Tables, no building shall be erected unless the lot on which it is situated fronts directly onto a street.

#### **4.17 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 Council and any other authority having jurisdiction.

#### **4.18 Screening and Landscaping**

(Refer also to the Gander Landscape Regulations)

1. Council 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.
2. The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of Council, the landscaping or screening is desirable to protect the environment, character, and appearance of the area.

#### **4.19 Public Services and Utilities**

Within any zone, Council may permit land to be used in conjunction with the provision of public services and public utilities if it deems that the use of that land is necessary to the proper operation of the public service or public utility concerned, provided that the design, construction, landscaping, and operation of the service or utility, in the opinion of Council, will be adequate to protect the environment, character, and appearance of the area.

#### **4.20 Land Capability and Suitability for Development**

The following provisions will apply to all proposed land developments, ranging in scale from individual lots to large-scale multi-lot developments.

1. When reviewing a development application, Council shall consider:
  - a. the capacity of existing municipal water and sewer infrastructure to service the development,
  - b. the capacity of existing streets to handle anticipated traffic load to the development,
  - c. the capability and suitability of the site in terms of soils, geology, water table, potential alterations to drainage patterns, and potential stormwater impacts on nearby properties and watercourses, and
  - d. other factors that Council deems to be relevant.
2. A permit to develop will not be granted when in Council's opinion existing municipal infrastructure has inadequate capacity to service the development or the clearing, excavation, and infilling of land, or other site developments will result in unacceptable drainage, environmental, or aesthetic impacts.

#### **4.21 Site Clearing, Excavation and Infilling**

##### **1. Site Clearing of Individual Lots**

Clearing of trees and vegetation to prepare a lot for development may be permitted without a development or building permit to an extent that is deemed by Council to be practical for the needs of the development and environmentally and aesthetically acceptable.

##### **2. Site Clearing for Larger Developments**

Clearing of trees and vegetation to prepare for larger developments, for example, multi-lot subdivisions, new streets, or significant commercial developments, will not be permitted without a development permit or other such written approval from Council.

##### **3. Site Grubbing, Excavation, and Infilling**

Grubbing, excavation, and infilling of land to prepare land for development will not be permitted at any scale without a development permit or other such written approval from Council.

#### 4.22 Street Construction Standards

A new street will not be constructed except in accordance with and to the design and specifications laid down by Council.

#### 4.23 Sight Lines at Intersections

So as not to create a safety hazard by obstructing the view of motorists and pedestrians,

1. Where an arterial or collector street intersects any other street, all land within a 15-metre sight triangle from the point of intersection shall be kept free of shrubs, plants, trees, fences, walls, signs, buildings or structures exceeding a height of 0.75 metres from the street grade.
2. Where a local street intersects another local street, all occupied lands within an 8-metre sight triangle from the point of intersection shall be kept free of shrubs, plants, trees, fences, walls, buildings or structures exceeding a height of 0.75 metres from the street grade.

#### 4.24 Residential Driveways

The following provisions apply to the development of residential driveways.

1. A driveway shall be hard surfaced and conform to the off-street parking requirements specified in Appendix B of these Regulations.
2. A hard-surfaced driveway will be no wider than 50% of the street frontage of the lot on which it is located, or in the case of a row dwelling, no wider than 50% of the street frontage or 3.5 metres, whichever is the lesser.
3. No driveway shall be closer than 10 metres from the street line of any intersecting street.
4. Except at Council's discretion, a driveway on a corner lot must be located on the side of the dwelling away from the street intersection.
5. No driveway shall be located:
  - a. Within 0.3 metres of the lot line on the driveway side of the lot, and
  - b. Within 3.0 metres of the lot line on the non-driveway side of the lot.
6. Except at Council's discretion, a driveway must not be located so as to be adjacent to a driveway on an adjoining lot.
7. A second driveway on a lot may be approved:
  - a. Onto the frontyard by widening an existing driveway and only if it comes no closer than 3.0 metres from the second adjoining lot line.

- b. Off the frontyard of a lot where neither of the adjoining lots have a driveway adjacent to the lot in question.
  - c. Off the sideyard onto a flanking street as long as it is located on the side of the dwelling away from the street intersection.
8. Except at Council’s discretion, no circular driveway will be permitted.

#### 4.25 Street Classifications

For the purposes of these regulations, streets within the Gander Planning Area are classified as follows:

Arterial Streets	Collector Streets	Local Streets
<b>Major</b>	Airport Boulevard / James Street	All other streets, which are not classified as Arterials or Collectors
<b>Trans Canada Highway (Route 1)</b>	Bennett Drive	
<b>Gander Bay Road (Route 330)</b>	Byrd Avenue	
	Caldwell Street	
<b>Minor</b>	Cobham Street	
<b>Magee Road</b>	Edinburgh Avenue	
<b>Cooper Boulevard</b>	Elizabeth Drive	
	Memorial Drive	
	Morgan Drive	
	Ogilvie Street	
	Raynham Avenue	
	Rowsell Boulevard	

#### 4.26 Protected Provincial Roads

1. Provincially regulated highways in the Planning Area include the Trans Canada Highway (Route 1) and the Gander Bay Highway (Route 330). Both highways are designated as Protected Highways under the Protected Roads Zoning Regulations under the Act.
2. Within Gander’s Municipal boundary, a proposed development within 100 metres of the centreline of each highway will require approval from both Council and Service Newfoundland and Labrador (Service NL).
3. A significant portion of the Trans Canada Highway, particularly east of Gander, lies outside the Municipal boundary but within the Gander Planning Area. In this area, a proposed development within 150 metres of the centreline of the highway will require approval from both Council and Service NL.
4. Council will not approve an access to the Trans Canada Highway or the Gander Bay Road that has not first been approved by the Department of Transportation and Works and Service Newfoundland and Labrador.
5. All proposed signage within Protected Road corridors will require approval of both Council and Service NL.

#### 4.27 Watercourse and Wetland Protection

1. No buildings or structures, except those specifically approved by Council under the provisions of the Environmental Protection zone, will be permitted within 15 metres of a watercourse or wetland.
2. Where it deems that a proposed development may affect a watercourse or wetland, at its discretion, Council may:
  - (a) require the developer to have the watercourse or wetland delineated by a qualified consultant,
  - (b) require such wider buffer beyond 15 metres where development would not be permitted in order to adequately protect the watercourse or wetland,
  - (c) require such other conditions or restrictions to protect the watercourse or wetland, and/or
  - (d) refuse to approve the development if it believes that predicted impacts cannot be sufficiently minimized or mitigated.

#### **4.28 Storm Drainage**

In areas where there is concern that development may contribute to excessive increases in stormwater runoff, Council may require developers and landowners to:

- (a) Set aside undeveloped land where stormwater can be discharged to naturally infiltrate into the soil.
- (b) Maintain vegetated buffers between stormwater drainage outlets and watercourses to minimize direct discharges into watercourses.
- (c) Conserve existing trees or plant new trees and shrubs to promote soil infiltration and capture sediments.
- (d) Channel runoff to gardens and low-lying areas on the development site and on individual lots.
- (e) Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff and promote soil infiltration.
- (f) Re-establish vegetative cover immediately on gravel surfaces, banks, drainage ditches and other areas disturbed by construction activity.

#### **4.29 Development within the Gander Lake Protected Watershed**

Applications for development within the Gander Lake Protected Water Supply Area shall be referred to the Gander Lake Watershed Monitoring Committee for review and recommendation.

#### **4.30 Development on Commercial and Industrial Properties**

##### 1. Abutting Zone Provisions

Where a lot in a commercial or industrial zone abuts a lot in a Residential, Open Space, Recreational Open Space, or Public/Institutional zone:

- a. The minimum setback of the commercial use from the abutting residential lot will be 10 metres,
- b. No open storage or outdoor display will be permitted within 10 metres of the residential lot.
- c. No parking space will be permitted within 10 metres of the residential lot except where a 2-metre high fence is erected as a screen. In the case where a fence is erected, the minimum setback of any parking will be 1.5 metres from a side or rear lot line.

##### 2. Storage and Screening of Refuse Containers

No portion of any lot in a commercial or industrial zone will be used for the collection or storage of refuse unless the refuse container is screened by a fence or similar structure.

##### 3. Accessory Buildings

An accessory building or structure will be permitted in any commercial or industrial zone provided that the development meets the requirements for non-residential uses under the Gander Accessory Building Regulations.

##### 4. Signs

All signs and advertisements must be approved in accordance with these regulations and the Gander Sign Regulations. Where provisions of these Regulations are inconsistent with the regulations respecting signs on or near public highways made or administered by Service NL under the Provincial Highway Sign Regulations, the more restrictive regulations shall apply.

##### 5. Landscaping

(Also refer to Gander Landscape Regulations)

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 Council.

#### **4.31 Habitat Conservation**

##### 1. Stewardship Agreement

In accordance with the Town of Gander Stewardship Agreement with the Province, Council will conserve and protect sensitive wetland and waterfowl habitat within the Gander Planning Area. All applications for

development within the Municipal Stewardship Agreement Area will be considered in consultation with the Provincial Wildlife Division.

## 2. Stewardship Zone (See Figure 4.1)

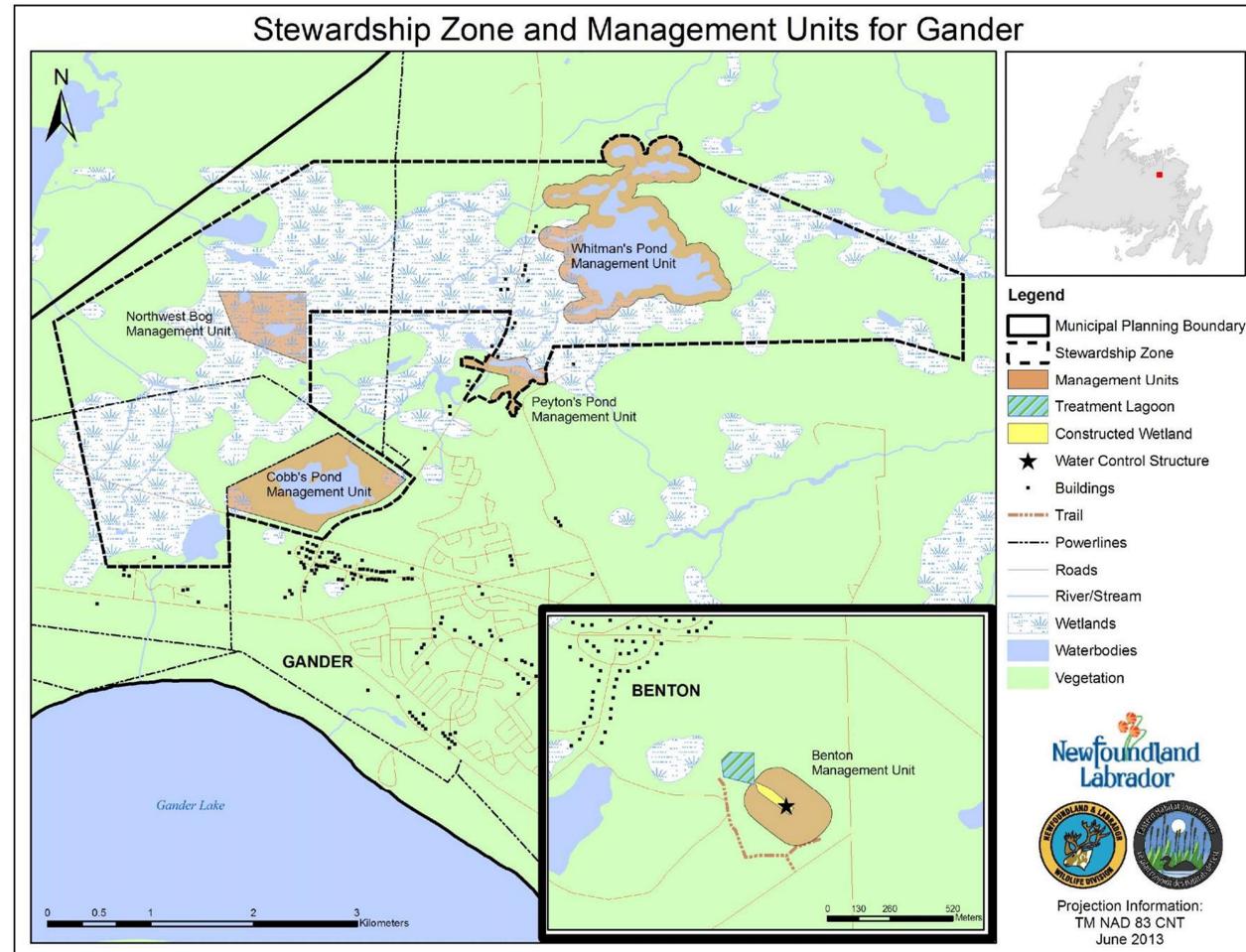
Activities within the Stewardship Zone will be managed to minimize impacts on wetlands, waterfowl and wildlife populations. Development proposals that Council may negatively impact wetland habitat, waterfowl or wildlife will be forwarded to the Provincial Wildlife Division for comments prior to approval. Where it is found that a proposed development may have negative impacts, Council may refuse the application or establish mitigating conditions to minimize potential habitat degradation.

## 3. Habitat Management Units (See Figure 4.1)

Five areas are designated Habitat Management Units under the Gander Stewardship Agreement. These Units are contained within the Environmental Protection zone. They include:

- Cobbs Pond Management Unit – 90 hectares
- Northwest Bog Management Unit – 41 hectares
- Whitman's Pond Management Unit - 193 hectares
- Peyton's Pond Management Unit – 17 hectares
- Benton Management Unit

Only conservation and open space uses will be permitted within Habitat Management Units.



**Figure 4-1 Habitat Management Units**

## **5.0 SPECIFIC USE REGULATIONS**

### **5.1 Access Ramps**

At its discretion after consulting with abutting property owners, Council may permit a handicapped access ramp to be erected within a minimum frontyard or sideyard setback if:

1. There is no alternative means to provide the access ramp, and
2. The ramp does not create a safety hazard or block sight lines.

### **5.2 Accessory Buildings**

Refer to the Gander Accessory Buildings Regulation.

### **5.3 Agriculture – Commercial Livestock Facilities**

1. No new commercial livestock facility will be permitted within:
  - a. 600 metres of a residential dwelling (except for a farm dwelling or a dwelling that is a non-conforming use),
  - b. 500 metres of the boundary of land zoned for residential use,
  - c. 45 metres of the boundary of the property on which it is to be erected, and
  - d. 80 metres of the centre line of a public street,

except at Council's discretion and with the recommendation of the Agrifoods Development Branch of the Department of Fisheries and Land Resources.

2. Except for a farm dwelling, no new residential dwelling shall be developed within 600 metres of an existing livestock facility with capacity to accommodate more than five (5) animal units unless the development is first approved by the Agrifoods Development Branch of the Department of Fisheries and Land Resources.
3. In addition to the above requirements, a new livestock facility will be subject to applicable Provincial acts and regulations.

### **5.4 Bed and Breakfasts**

With the exception of the Residential Low Density Use Zone (see Condition 3 of the Residential Low Density Use Zone Table), a Bed and Breakfast Establishment may be permitted in any residential zone subject to the following conditions;

1. It may operate only in a single dwelling occupied as a residence by the operator of the business.
2. The number of rooms available for rent shall be no greater than (4) four.
3. No addition or alteration shall be undertaken that changes the roof line; 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.
4. Parking is provided as required in Schedule D and only in the side and/or rear of the lot, but not within the required yard setback.
5. The building lot fronts onto, or is located within, 60 metres, of an arterial or collector street as designated in these Regulations.
6. The lot has a minimum frontage of 20 metres.
7. The lot has a minimum area of 650 m<sup>2</sup> for the first two rooms available for rent, plus 180 m<sup>2</sup> for each additional room to a maximum of 4 rental rooms.
8. The facility has a Tourist Establishment License issued by the Province.

### **5.5 Campgrounds and Tourist Cottage Establishments**

#### General Requirements

1. An application for a campground or a tourist cottage establishment will include a development plan with the following information:
  - a. Location and full limits of the development,
  - b. Layout of accesses and internal roads,
  - c. Number and location of cottage units and/or campsites,

- d. Accessory uses such as comfort stations, laundry and storage facilities, washrooms, convenience store, employee accommodations, and outdoor and indoor recreation facilities,
  - e. Water supply and wastewater disposal,
  - f. Landscaping,
  - g. Buffers and screening between the site and other land uses,
  - h. Delineation of the property on a legal survey, and
  - i. A proposed phasing plan for the development.
2. All campsites, cottages, and on-site facilities, which form part of the development, will be accessible only via the internal road network of the development.
3. Council will require the development to include suitable buffers and screening where the development abuts a residential area. No portion of the developed site of a campground or tourist cottage establishment will be permitted within 20 metres of the boundary of an abutting residential property. In addition, fencing or natural screening will be required if the development is openly visible from a residential dwelling.
4. The development permit will specify the maximum number of cottage units and/or campsites to be permitted on the site.
5. All grounds and buildings shall be kept in a safe and well-maintained condition.
6. No expansion or alteration, other than repairs and maintenance, will take place without the approval of Council.
7. The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.
8. The development must be licensed by the Department of Tourism, Culture, Industry and Innovation.
9. As a condition of approval, Council may require the applicant to submit an annual report on the progress of the development relative to the phasing plan.

#### Campgrounds

10. A campground site shall:
  - a. Front onto public street or highway.
  - b. Have a minimum contiguous area of no less than 4000 m<sup>2</sup> (0.4 hectares).
  - c. During operation, have a lighted main entrance from sunset to sunrise.
  - d. Have an emergency exit.
  - e. Have a maximum density of 75 campsites per gross hectare.
11. Internal roadways in the campground shall:
  - a. Be no less than 6.0 metres wide.
  - b. Be designed and constructed such that vehicles and trailers will not become mired.
12. Every campsite shall:
  - a. If a tent site, have a minimum area of 120 m<sup>2</sup> in area and a minimum width of 6.0 metres.
  - b. If a trailer or RV site, have a minimum area of 220 m<sup>2</sup> and a minimum width of 12.0 metres.
  - c. Have the corners clearly defined with visible markers.
  - d. Be clearly numbered.
  - e. Have at least one and no more than two vehicle parking spaces.
  - f. Be no less than 50.0 metres from an on-site source of drinking water.

#### Tourist Cottage Establishments

13. A tourist cottage establishment shall:
  - a. Front onto public street or highway.
  - b. Have a minimum contiguous area of no less than 4000 m<sup>2</sup> (0.4 hectares).
  - c. During operation, have a lighted main entrance from sunset to sunrise.
  - d. Have a minimum of three (3) cottage units.

- e. Have an emergency exit.
14. Internal roadways in the tourist cottage establishment shall:
- a. Provide 24-hour vehicle access to every cottage.
  - b. Be no less than 6.0 metres wide.
  - c. Be designed and constructed such that vehicles and trailers will not become mired.
15. A tourist cottage establishment shall comply with the following:
- a. The minimum ground floor area for a tourist cottage shall be 50 m<sup>2</sup>.
  - b. No cottage will be more than one storey in height.
  - c. The minimum distance between individual cottages or buildings containing more than one cottage unit shall be 3.0 metres.
  - d. The minimum rearyard will be 5.0 metres.
  - e. Planting areas shall be provided adjacent to the side and rear lot lines.
  - f. As indicated in Paragraph 2 above, every cottage must be accessible only via the internal road network of the development. No individual cottage will be directly accessible via a public street.
  - g. Each cottage will be clearly numbered.

## 5.6 Cannabis Retail Outlets

1. Where permitted by Council, a cannabis retail outlet will comply with the following:
- a. It must conform to applicable Federal and Provincial legislation,
  - b. It must be licensed by and operated in accordance with the requirements of the Newfoundland and Labrador Liquor Corporation,
  - c. It will not be permitted within 300 metres of a school, college, private training institute, playground, recreational facility, daycare, games arcade, or drinking establishment. This requirement is reciprocal. No school, college, private training institute, playground, recreational facility, daycare, games arcade, or drinking establishment will be permitted within 300 metres of a cannabis retail outlet.
  - d. It will not be permitted anywhere where the sale of tobacco is prohibited,
  - e. It will not be permitted in a temporary location or in association with any temporary event, and/or
  - f. It will be subject to such other terms and conditions deemed necessary by Council.

## 5.7 Childcare Services

Where permitted by Council a childcare service will conform to the requirements of the *Child Care Services Act* and Regulations. If required a license to operate shall be obtained from the responsible Provincial department. Council will not approve a childcare use that has not obtained the necessary licenses and approvals from the Province.

## 5.8 Domestic Sawmills on Residential Lots

1. Where listed as a discretionary use class, Council may permit a domestic sawmill as an accessory use on a residential lot after first giving public notice and considering comments received.
2. Approval of a domestic sawmill will be subject to the following conditions:
- a. It must have, and operate in accordance with, a domestic mill license issued under the Mill Regulations under the *Forestry Act*.
  - b. It will be for the sole use of the property owner and will not produce products for sale, barter, or gift to non-residents of the property.
  - c. It will not be permitted on any lot less than 2,000 m<sup>2</sup> in area.
  - d. It must be located in the rear yard of the lot, set back at least 5 metres from all lot lines, and no closer than 30 metres from any neighbouring residential dwelling.
  - e. The operating site will be kept in a continually clean condition, with no significant outdoor accumulation of logs, wood residues, or equipment.
  - f. The maximum noise level during operation will not exceed 55 decibels at all property lines.

Should noise complaints arise, Council may require sound mitigation measures as it deems appropriate including moving the mill indoors, equipment silencers, buffering along lot lines, etc.

- g. Other requirements deemed necessary by Council
3. If the owner fails at any time to comply with the conditions of approval, a stop work order will be issued by Council.

## 5.9 Fences

No fence shall be erected, replaced or repaired unless a permit for construction has been issued by Council in accordance with the Gander Fence Regulations.

## 5.10 Home Based Businesses

No home-based business will be developed unless a permit has been issued by Council in accordance with the Gander Home Based Business Regulation.

## 5.11 Mineral and Petroleum Exploration

1. Where it is permitted, a mineral or petroleum exploration use (which constitutes a development in accordance with the definition in Part 2) will make adequate provision for buffering and other mitigations of impacts on residential, commercial, industrial, institutional, recreational, and environmentally sensitive areas.
2. Council will not issue a permit for mineral or petroleum exploration until all necessary permits and approvals have been obtained from the Departments of Natural Resources and Municipal Affairs and Environment, and any other relevant government agency.
3. Mineral and petroleum exploration may be subject to conditions to control noise, appearance, road construction, ground disturbance, and other impacts, as well as the duration of exploration activity. The precise nature of these controls will depend upon the location of the exploration in relation to built-up and environmentally sensitive areas such as water supply areas, watercourses, and wetlands.
4. Mineral and petroleum exploration that is not classed as a development by virtue of ground disturbance, access roads, or use of equipment other than hand tools, may be permitted anywhere in the Planning Area, with adequate notification to Council.

## 5.12 Mineral Workings

The following conditions shall apply to the development of mineral working uses:

1. Separation from Adjacent Uses - Unless Council is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be permitted to locate or expand, closer than the minimum distances set out below to the specified development or natural feature:

<b>Development or Natural Feature</b>	<b>Minimum Separation Distance</b>
<b>Existing and proposed residential development</b>	300 metres
<b>Other existing and proposed types of development</b>	150 metres
<b>Public street or highway</b>	50 metres
<b>Protected provincial road</b>	90 metres
<b>Watercourse (see definition)</b>	50 metres
<b>Trail or recreational open space use</b>	50 metres

2. Effective tree screens shall be maintained around the periphery of any mineral working. Where trees are not present to create an effective screen, Council may require the installation of a landscaped embankment or fence, particularly where the workings are visible from the Trans Canada Highway.
3. Topsoil removed for mineral working shall be retained for restoration of the site.
4. No mineral working shall be conducted that may cause danger or nuisance to the public.
5. Proposed mineral working operations will be evaluated carefully by Council in conjunction with the Department of Natural Resources.
6. No mineral working shall unacceptably reduce the quality of water in a watercourse or water body. Any access road which crosses a watercourse shall be bridged or culverted according to the regulations of the Department of Municipal Affairs and Environment.

7. No mineral working shall result in the excavation of land below the level of the water table or cause ponding of water. However, settling ponds may be permitted with the approval of the Department of Municipal Affairs and Environment.
8. No mineral working shall be carried out in a manner which causes the erosion of adjacent land.
9. The mineral working shall be kept clean of refuse, abandoned vehicles and equipment, and derelict buildings.
10. Upon completion of mineral working, and when there is no intention to re-open such operations, all buildings and machinery shall be removed from the site and the site restored so as not to constitute a danger to the public or present an unsightly appearance.
11. Applications for mineral workings located in the Gander Lake Protected Watershed will be referred to the Gander Lake Watershed Management Committee for consideration

### 5.13 Personal Livestock Use on Residential Lots

#### 1. Permitted Species

Where listed as a discretionary use class, Council may permit the keeping of livestock animals on a residential lot for personal use after first giving public notice and considering comments received. No species will be permitted other than:

<b>Small Livestock</b>	<b>Large Livestock</b>
<b>Ducks</b>	Goats
<b>Chickens</b>	Horses
<b>Geese</b>	Sheep
<b>Rabbits</b>	
<b>Turkeys</b>	

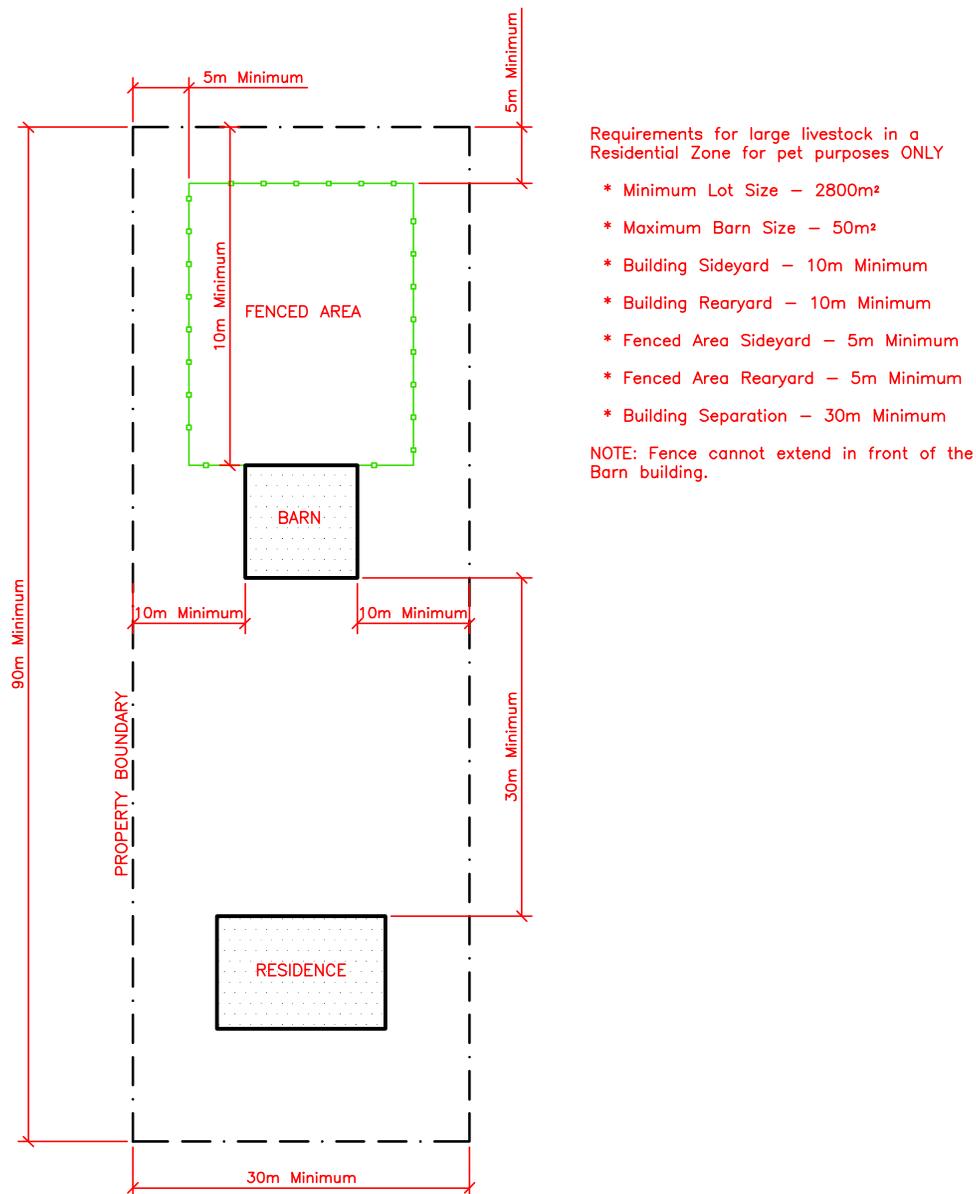
#### 2. Small Livestock

- a. The keeping of small livestock on a residential lot will be subject to the following.
  - i. No small livestock will be permitted on a lot that is less than 2,000 m<sup>2</sup> in area.
  - ii. Only a person who resides on a property will be permitted to keep animals on that property.
  - iii. The maximum number of small livestock is four (4) on a 2,000-m<sup>2</sup> lot plus one (1) for every additional 150 m<sup>2</sup> of lot area.
- b. Chickens will be limited to hens only (i.e. roosters will not be permitted).
- c. A facility for keeping small livestock will include an enclosed indoor shelter and an enclosed outdoor run subject to the following.
  - i. No portion of the facility will be located in the frontyard or sideyard of the residential dwelling.
  - ii. Within the rearyard of the dwelling, no portion of the facility will be located within four (4) metres of any lot line.
  - iii. No portion of the facility will be located within 30 metres of any neighbouring dwelling.
- d. Keeping of the animals will be subject to the following.
  - i. The livestock facility will be maintained continually in a clean condition, free of noxious odours, substances, and vermin.
  - ii. Animal excreta will be removed on a weekly basis, and properly contained and disposed of in an environmentally acceptable manner.
  - iii. Animals will not be slaughtered on any property that is not zoned for agricultural use.
  - iv. Animals will be provided with clean drinking water, nesting materials, and an adequate quantity and quality of food to allow for healthy growth and maintenance of a healthy body weight.
  - v. Food and water will be kept in receptacles that avoid contamination from excreta.

#### 3. Large Livestock

- a. The keeping of large livestock on a residential lot will be subject to the following.
  - i. No large livestock will be permitted on a lot that is less than 2,800 m<sup>2</sup> in area.
  - ii. The maximum number of livestock animals per 2,800 m<sup>2</sup> of lot area is one horse, or three goats, or three sheep.

- iii. Mixing of species would only be considered to the allowable maximum, for example, 2 goats plus 1 sheep on a 2,800 m<sup>2</sup> lot, or 1 horse plus 3 goats on a 5,600 m<sup>2</sup> lot.
  - b. A facility for keeping large livestock will include an enclosed indoor shelter and an enclosed outdoor run subject to Exhibit 5.1 below.
  - c. No portion of a large livestock facility will be located within 30 metres of any neighbouring dwelling.
- 4. Order  
If the owner fails at any time to comply with any of the above conditions, an order will be issued by Council.
- 5. Facility Maintenance and Animal Care  
The keeping of the livestock animals will be subject to the following.
  - a. The livestock facility will be maintained continually in a clean condition, free of noxious odours, substances, and vermin.
  - b. Animal excreta will be removed on a weekly basis, and properly contained and disposed of in an environmentally acceptable manner.
  - c. Animals will not be slaughtered on any property that is not zoned for agriculture use.
  - d. Animals will be provided with clean drinking water and an adequate quantity and quality of food to allow for healthy growth and maintenance of a healthy body weight.
  - e. Food and water will be kept in receptacles that avoid contamination from excreta.
- 6. Permit Required  
No livestock will be kept on lot unless a development permit has been issued by Council.



**Figure 5-1 Large Livestock Facility Standards**

### 5.14 Residential Care Homes

1. A residential care home may be permitted in a facility or single dwelling that is adequate in size to accommodate the number of persons living in the homegroup, inclusive of staff.
2. The use and appearance of the building shall not adversely affect the amenities of the adjacent residences, or the neighbourhood in which it is located.
3. Council may require special access and safety features to be provided for the occupants before occupancy is permitted.
4. Council will not approve a residential care home that has not first been approved by Service NL and any other government agency having jurisdiction.

### 5.15 Salvage Yards

1. No salvage yard will be developed or expanded in area without a development permit issued by Council. The development, operation, termination, and rehabilitation of a salvage yard site will be carried out only in accordance with terms and conditions specified in the development permit. The

development permit will be revoked if the operator does not comply with the terms and conditions of the development permit.

2. Except where Council may require a higher buffer, no salvage yard will be permitted within:
  - a. 300 metres of a residential dwelling, public building, or recreational open space use,
  - b. 300 metres of the boundary of an area zoned for residential use,
  - c. 40 metres of the centerline of a public street, and
  - d. 60 metres of a watercourse or wetland.
3. No salvage yard will be permitted near an area where there may be a concern for stormwater or groundwater contamination or other potential pollution.
4. Council may require a salvage yard to provide for natural or artificial screening to obstruct visibility from a public street or other public place.

### **5.16 Service Stations and General Garages**

The following requirements shall apply to all proposed service stations and general garages:

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 3 metres 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 minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

### **5.17 Subsidiary Apartments and Secondary Suites**

Refer to the *Gander Subsidiary Apartment / Secondary Suite Regulations*.

### **5.18 Swimming Pools and Hot Tubs**

1. A swimming pool that exceeds 0.9 metres in depth and is permanently or temporarily located outdoors shall be fully enclosed or fenced.
2. A swimming pool enclosure or fence shall be:
  - a. No less than 1.5 metres in height,
  - b. Constructed and maintained so as to completely surround the swimming pool area of the lot,
  - c. Located no closer than 1.5 metres to the water surface of the pool,
  - d. Constructed so as to obstruct any vision of the pool from outside the fence,
  - e. Constructed so as to prevent unauthorized access through, under, or over the fence, and
  - f. Secured with an impassable locked gate whenever the pool is not being monitored by the owner or a representative of the owner.
3. The requirements of Paragraph (2) shall also apply to hot tubs, except where the hot tub is equipped with a locking cover that is kept locked whenever the hot tub is not in use or is not being monitored by the owner or a representative of the owner.

### **5.19 Trails**

Also refer to the *Gander Trails Regulations*.

1. Designated public trails will be protected from developments and activities that might impede public passage or interfere with any legal right of Council to develop or improve the trail for public access and recreation
2. No building or structure will be permitted on a site where it would otherwise be permitted under these Regulations, when in the opinion of Council, the development would impede passage on a designated public trail.
3. Generally, Council will protect corridor no less than 15 metres wide for all designated trails, although

this may be reduced for short distances at Council's discretion.

4. A proposal to develop an alternative use within a trail corridor will not be considered except where the applicant provides for the relocation of the trail in a way that causes minimal disruption to the trail's continuity and amenities.

## **5.20 Waste Transfer Station**

1. No waste transfer station (WTS) will be developed or expanded without a development permit issued by Council. Development, operation, termination or rehabilitation of a WTS site will be carried out in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with associated terms and conditions.
2. Except where Council may require a higher buffer, no waste transfer station will be permitted:
  - a. within 300 metres from a residential dwelling,
  - b. within 300 metres from the boundary of an area zoned for residential use,
  - c. within 20 metres from the centerline of a public street,
  - d. within 30 metres from a watercourse or wetland, and/or
  - e. in any location where there may be a concern for stormwater or groundwater contamination or other potential pollution.
3. Council may require a waste transfer station to have natural or artificial screening to prevent its visibility from a public street or other public place.

## **6.0 SUBDIVISION OF LAND**

### **6.1 Subdivision Permit Required**

No land in the Planning Area shall be subdivided into two or more lots unless a permit for the subdivision is first obtained from Council.

### **6.2 Services to be Provided**

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

### **6.3 Payment of Service Levies and Other Charges**

No permit will be issued for a subdivision of land until agreement has been reached for the payment of all fees levied by Council for connection to services, utilities, and streets deemed necessary for the proper development of the subdivision and all service levies imposed under **Regulation 3.8** and financial guarantees required under **Regulation 3.9**.

### **6.4 Subdivision Agreement**

As a condition of approval of a proposed subdivision, the developer may be required to enter into a subdivision agreement with Council.

### **6.5 Permit Subject to Considerations**

A subdivision permit shall not be issued when, in the opinion of Council, 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, Council shall, without limiting the generality of the foregoing, consider:

1. the location and natural characteristics 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.

### **6.6 Development and/or Building Permits Required**

1. Notwithstanding the approval of a subdivision by Council, separate development and/or building permits shall be obtained for all developments and buildings proposed to be erected in the area of the subdivision.
2. No development or building permits shall be issued in a new subdivision until the developer has complied with all the provisions of these Regulations with respect to the development of the subdivision.

### **6.7 Form of Application**

An application for a permit to develop a subdivision shall be made to Council in accordance with **Regulation 3.12 - Form of Application**.

## 6.8 Subdivision Subject to Zoning

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

## 6.9 Building Lines

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

## 6.10 Dedication of Land for Public Use

1. In accordance with Section 37 of the *Act*, before a development commences, the developer shall transfer to Council, at no cost to Council, an area of land not more than 10% of the gross area to be developed for open space or other public use.
2. Land to be dedicated for public use must be high quality land suitable for the purpose and will not include land that is unsuitable or incapable for development or land that Council requires to be set aside from development for the purposes of environmental protection.
3. Land dedicated for public use in accordance with this Regulation shall be conveyed to Council and may be sold or leased by Council 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 use.

## 6.11 Structure in Street Reservation

The placing within any street reservation of any structure (e.g. hydro pole, fire hydrant, mail box, bus shelter, sign post) shall not be approved by Council unless Council is satisfied on the question of safety with regard to the structure's relationship to other buildings or structures within the street reservation and with regard to the safe movement of vehicles and pedestrians. The provisions of **Regulation 4.23** will be taken into account when considering proposed structures within the street reservation.

## 6.12 Subdivision Design Standards

The design and construction of new subdivisions and streets shall conform to the *Gander Design Standards for Streets and Subdivisions*.

## 6.13 Engineer to Design Works and Certify Construction Layout

1. Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by Council 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 Council, be incorporated in the plan of subdivision.
2. Upon approval by Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

## 6.14 Developer to Pay Engineer's Fees and Charges

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

## 6.15 Street Works May be Deferred

The construction and installation of all curbs and gutters, catch basins, and paving specified by Council as being necessary, may, at Council's discretion, be deferred until a later stage of the subdivision development but the developer shall deposit with Council before approval of the application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. In the

later stage of the work of development, Council shall call for tenders for the work of 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 Council the amount of the excess. If the contract price is less than the deposit, Council shall refund the amount of the excess. Any amount so deposited with Council by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

### **6.16 Transfer of Streets and Utilities to Council**

1. The developer shall, following the approval of the subdivision and upon request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances:
  - a. All lands in the area proposed for development or subdividing, which are approved and designated by Council for public use as streets, or other rights-of-way, or for other public use;
  - b. All services and public works including streets, water supply and distribution system, sanitary sewer system, storm drainage system, street lighting, and other infrastructure installed in the subdivision that are normally owned and operated by Council.
2. Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at cost to the developer, test the streets, services and public works installed in the subdivision and certify his/her satisfaction with their installation.
3. Council will not provide maintenance for any street, service or public work in any subdivision until such time as the street, service or public work has been transferred to Council.

### **6.17 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 Council is satisfied that:

1. the lot can be served with satisfactory water supply and sewage disposal systems, and
2. the lot is provided with satisfactory access to a street.

### **6.18 Grouping of Buildings and Landscaping**

Also refer to the *Gander Landscape Regulations*.

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

## 7.0 SIGNS

Also refer to the Gander Sign Regulations.

### 7.1 Permit Required

Subject to the provisions of Regulation 7.6, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from Council.

### 7.2 Form of Application

Application for a permit to erect or display an advertisement shall be made to Council in accordance with Regulation 3.12 - Form of Application.

### 7.3 Signs Prohibited in Street Reservation

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

### 7.4 Permit Valid for Limited Period

A permit granted under these Regulations for the erection or display of an advertisement shall be for a limited period, not exceeding two years, but may be renewed at the discretion of Council for similar periods.

### 7.5 Removal of Signs

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

1. hazardous to road traffic by reason of its siting, colour, illumination, or structural condition, or;
2. detrimental to the amenities of the surrounding area.

### 7.6 Signs Exempt from Control

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

1. on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area
2. on an agricultural holding or farm, a notice board not exceeding 1.0 m<sup>2</sup> in area and relating to the operations being conducted on the land
3. on land used for forestry purposes, signs or notices not exceeding 1.0 m<sup>2</sup> in area and
4. relating to forestry operations or the location of logging operations conducted on the land
5. on land used for mining or quarrying operations, a notice board not exceeding 1.0 m<sup>2</sup> in area relating to the operation conducted on the land
6. on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area in connection with the practice of a professional person carried on in the premises
7. on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1.0 m<sup>2</sup> in area
8. on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3.0 m, whichever is the lesser
9. on any parking lot directional signs and one sign not exceeding 1.0 m<sup>2</sup> in size, identifying the parking lot.

### 7.7 Approval Subject to Conditions

A permit may only be issued for the erection or display of advertisements which comply with the appropriate conditions and specifications set out in Part 9 - Use Zone Tables.

### 7.8 Non-Conforming Signs

Notwithstanding the provisions of **Regulation 7.1**, a permit may be used for the erection or display of advertisements on a building or within the curtilage of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement

which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by Council. Use Zones

## **8.0 USE ZONES**

### **8.1 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 Paragraph (3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in Part 9 - Use Zone Tables.
3. Where standards, requirements and conditions applicable in a Use Zone are not set out in Part 9, Council may in its discretion, determine the standards, requirements and conditions that shall apply.

### **8.2 Map Interpretation**

The boundaries of Use Zones on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No zoning amendment shall be required to allow minor adjustments of the Use Zone boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.

### **8.3 Use Classes**

The specific uses to be included in each Use Class set out in the Use Zone Tables in Part 9 shall be determined by Council in accordance with the classification of uses and examples set out in Appendix A.

### **8.4 Permitted Uses**

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Table in Part 9 shall be permitted by Council in that Use Zone.

### **8.5 Discretionary Uses**

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Part 9 may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, any further scheme or plan or regulation pursuant thereto, or to the public interest, and only if Council has given notice of the application in accordance with **Regulation 3.15** - Notice of Application and has considered any objections or representations that may have been received on the matter.

### **8.6 Uses Not Permitted**

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

## 9.0 USE ZONE TABLES

Before issuing a permit for development or approval in principle, Council shall review the application to ensure that it complies with the Use Zone Table for which it is proposed and each of the following:

- Part 2: Definitions
- Part 3: General Regulations
- Part 4: General Development Standards
- Part 5: Specific Use Regulations
- Part 6: Subdivision of Land
- Part 8: Use Zones
- Appendix A: Classification of Uses of Land and Buildings
- Appendix B: Off-Street Parking Requirements
- Appendix C: Provincial Development Regulations
- Appendix D: Land Use Zoning Maps

Part 9 contains tables for the following Use Zones:

**Table 9-1: Gander Use Zone Tables**

	<b>Use Zone</b>	<b>Abbreviation</b>	<b>Page</b>
<b>9.1</b>	Environmental Protection	EP	
<b>9.2</b>	Residential Low Density	RLD	
<b>9.3</b>	Residential Medium Density	RMD	
<b>9.4</b>	Residential High Density-1	RHD-1	
<b>9.5</b>	Residential High Density-2	RHD-2	
<b>9.6</b>	Residential Mini-Home	RMH	
<b>9.7</b>	Residential Rural	RR	
<b>9.8</b>	Town Centre	TC	
<b>9.9</b>	Commercial General	CG	
<b>9.10</b>	Commercial Shopping Centre	CSC	
<b>9.11</b>	Commercial Highway	CH	
<b>9.12</b>	Commercial Local	CL	
<b>9.13</b>	Commercial-Light Industrial	CLI	
<b>9.14</b>	Industrial General	IG	
<b>9.15</b>	Tourism Recreation	TR	
<b>9.16</b>	Public Institutional	PI	
<b>9.17</b>	Open Space	OS	
<b>9.18</b>	Open Space Recreation	OSR	
<b>9.19</b>	Utility	UT	
<b>9.20</b>	Highway Corridor	HC	
<b>9.21</b>	Rural	RU	
<b>9.22</b>	Residential Seasonal	RS	
<b>9.23</b>	Future Development Area	FDA	
<b>9.24</b>	Airport	AP	

## 9.1 Environmental Protection (EP) Zone

<b>ENVIRONMENTAL PROTECTION (EP) ZONE</b>	
<b>PERMITTED USES</b> (See Regulation 8.4)	<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)
Conservation	Antenna Dock (See Condition 9.1.5) Open space Transportation (See Condition 9.1.6) Utility

### CONDITIONS

#### 9.1.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation as well as terms and conditions to ensure it will not detract from the main environmental protection purpose of this zone.

#### 9.1.2 Buildings

No buildings will be permitted in the EP zone except for a building or structure associated with a public utility or municipal public work.

#### 9.1.3 Environmental Control

1. All approved developments and utilities must be designed and constructed in accordance with high environmental standards as specified in terms and conditions established by Council.
2. Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes potential environmental effects.

#### 9.1.4 Waterfront Sites

1. No excavation or infilling of land, or infilling of water, will be permitted.
2. No extensive clearing of natural vegetation or landscaping will be permitted.

#### 9.1.5 Docks

A recreational dock may be permitted at Council’s discretion only if the dock is deemed by Council to be environmentally acceptable, compatible with surrounding development, not an impediment to public access along the shoreline, and has received necessary Provincial approval(s). Approval of a dock will be subject to all conditions deemed necessary by Council.

#### 9.1.6 Transportation

1. Transportation uses that are permitted at Council’s discretion will be limited to public streets and associated infrastructure, for example, a street crossing of a watercourse involving a bridge or culvert.
2. A transportation use will not be permitted if:
  - a. Reasonable alternative locations for access are available,
  - b. Potential environmental effects cannot be minimized or mitigated to the satisfaction of Council,
  - c. The development cannot meet reasonable terms and conditions that may be set by Council, and
  - d. The development has not received necessary Provincial and Federal approvals.

## 9.2 Residential Low Density

<b>RESIDENTIAL LOW DENSITY (RLD) ZONE</b>	
<b>PERMITTED USES</b> (See Regulation 8.4)	<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)
Conservation Open space Single dwelling Transportation Utility	Antenna Bed and breakfast (See Condition 8.2.3 and Regulation 5.4) Childcare (See Regulation 5.7) Cluster Development ( <i>DRA#5, 2023</i> ) Community garden Domestic sawmill (See Regulation 5.8) Group care centre Home based business (See <i>Gander Home Based Business Regulations</i> ) Personal livestock use – large animals (See Regulation 5.13) Personal livestock use – small animals (See Regulation 5.13) Recreational open space Residential care home (See Regulation 5.14) Subsidiary apartment (See Condition 9.2.2 and <i>Gander Subsidiary Apartment Regulations</i> ) Secondary suite (See Condition 9.2.2 and <i>Gander Subsidiary Apartment Regulations</i> )
<b>DEVELOPMENT STANDARDS</b>	
<b>STANDARD</b>	<b>Single Dwelling</b>
Minimum lot area	650 m <sup>2</sup>
Minimum lot frontage at building line	20.0 m
Minimum street frontage	11.0 m
Minimum lot depth	40.0 m
Minimum frontyard	8.0 m
Minimum sideyard (each side)	1.5 m + 3.0 m
Minimum sideyard flanking street	8.0 m
Average rearyard	12.0 m
<b>DEVELOPMENT STANDARDS</b>	
<b>STANDARD</b>	<b>Single Dwelling</b>
Minimum rearyard	10.0 m
Minimum floor area (excl. basement)	80 m <sup>2</sup>
Maximum lot coverage (all buildings)	30.0%
Maximum height	10.0 metres or in accordance with airport height limitations (see Appendix D), whichever is lower

### CONDITIONS

#### 9.2.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development is compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the residential and environmental quality and amenities of the area.

### **9.2.2 Subsidiary Apartments and Secondary Suites**

Subsidiary apartments and secondary suites may be permitted between Civic Nos. 1 and 30 Memorial Drive and between Civic Nos. 84 and 152 Memorial Drive, but not in any other area of the RLD zone.

### **9.2.3 Bed and Breakfasts**

Bed and breakfast establishments may be permitted between Civic Nos. 1 and 30 Memorial Drive, but not in any other area of the RLD zone.

### 9.3 Residential Medium Density (RMD) Zone

<b>RESIDENTIAL MEDIUM DENSITY (RMD) ZONE</b>				
<b>PERMITTED USES</b> (See Regulation 8.4)		<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)		
Conservation Double dwelling Open space Single dwelling Subsidiary apartment (See <i>Gander Subsidiary Apartment Regulations</i> ) Secondary suite (See <i>Gander Subsidiary Apartment Regulations</i> ) Transportation Utility		Antenna Apartment building (See Condition 9.3.2) Bed and breakfast (See Regulation 5.4) Childcare (See Regulation 5.7) Cluster Development ( <i>DRA#5, 2023</i> ) Community garden Forestry (See Condition 9.3.4) Group care centre Home based business (See Regulation 5.10 and <b><i>Gander Home Based Business Regulations</i></b> ) Lodging house (See Condition 9.3.3) Neighbourhood centre Personal livestock use – small animals (See Regulation 5.13) Recreational open space Residential care home (See Regulation 5.14) Retirement home Row dwelling (See Condition 9.3.2)		
<b>DEVELOPMENT STANDARDS</b>				
<b>STANDARD</b>	<b>Single Dwelling</b>	<b>Double Dwelling (per unit)</b>	<b>Row Dwelling (per unit)</b>	
			<b>End Unit</b>	<b>Interior Unit</b>
Minimum lot area	450 m <sup>2</sup>	350 m <sup>2</sup>	315 m <sup>2</sup>	210 m <sup>2</sup>
Minimum lot frontage at building line	16.0 m	10.0 m	9.0 m	6.0 m <sup>2</sup>
Minimum street frontage	9.0 m	7.0 m	5.0 m	5.0 m
Minimum lot depth	40.0 m?	35.0 m	35.0 m	
Minimum frontyard	8.0 m	8.0 m	8.0 m	
Minimum sideyard (each side)	1.5 m + 3.0 m	3.0 m	3.0 m	n/a
Minimum sideyard flanking street	8.0 m	8.0 m	8.0 m	n/a
<b>DEVELOPMENT STANDARDS</b>				
<b>STANDARD</b>	<b>Single Dwelling</b>	<b>Double Dwelling (per unit)</b>	<b>Row Dwelling (per unit)</b>	
			<b>End Unit</b>	<b>Interior Unit</b>
Average rearyard	12.0 m	12.0 m	12.0 m	
Minimum rearyard	10.0 m	10.0 m	10.0 m	
Minimum floor area (excl. basement)	80 m <sup>2</sup>	80 m <sup>2</sup>	65 m <sup>2</sup>	
Maximum lot coverage (all buildings)	30.0%			
Maximum height	10.0 metres or in accordance with airport height limitations (see Appendix D), whichever is lower			
<b>STANDARD</b>	<b>Apartment Building (per unit)</b>			
	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	
Minimum lot area	150 m <sup>2</sup>	170 m <sup>2</sup>	180 m <sup>2</sup>	
Minimum lot depth	40 m			
Minimum frontyard	8.0 m			
Minimum sideyard (each side)	5.0 m + 5.0 m			
Minimum sideyard flanking street	8.0 m			
Average rearyard	12.0 m			
Minimum rearyard	10.0 m			
Minimum floor area	40.0 m <sup>2</sup>	50.0 m <sup>2</sup>	60.0 m <sup>2</sup>	
Maximum lot coverage (all buildings)	30.0%			
Maximum height	15.0 metres or in accordance with airport height limitations (see Appendix D), whichever is lower			

## CONDITIONS

### 9.3.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general residential and environmental quality and amenities of the area.

### 9.3.2 Residential Density

1. Apartment buildings and row dwellings shall not comprise more than 50% of total dwelling units on an individual street in the RMD zone, the remainder being single and/or double units.
2. Row dwellings will be restricted to a maximum of six dwelling units per building.
3. No two row dwellings will be erected immediately adjacent to each other.

### 9.3.3 Lodging House

If approved at Council's discretion, a single dwelling may be used for a lodging house provided that:

1. No more than three bedrooms will be available for rent.
2. No addition or alteration shall be undertaken which changes the roof line; increases the 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. Parking is provided as required in Appendix B and only in the sideyard and/or rearyard of the lot.

### 9.3.4 Forestry

Forestry in the form of timber harvesting uses may be permitted in areas where built-up development is not likely to occur for a number of years.

## 9.4 Residential High Density-1 (RHD-1) Zone

<b>RESIDENTIAL HIGH DENSITY-1 (RHD-1) ZONE</b>				
<b>PERMITTED USES</b> (See Regulation 8.4)		<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)		
Conservation Double dwelling Open space Single dwelling Row dwelling (See Condition 9.4.2) Transportation Utility		Antenna Apartment building Bed and breakfast (See Regulation 5.4) Childcare (See Regulation 5.7) Cluster Development ( <i>DRA#5, 2023</i> ) Community garden Convenience store Group care centre Home based business (See Regulation 5.10 and Gander <i>Home Based Business Regulations</i> ) Homeless shelter Lodging house (See Condition 9.4.3) Neighbourhood centre Recreational open space Residential care home (See Regulation 5.14) Retirement home Subsidiary apartment (See <i>Gander Subsidiary Apartment Regulations</i> ) Secondary suite (See <i>Gander Subsidiary Apartment Regulations</i> )		
<b>DEVELOPMENT STANDARDS</b>				
<b>STANDARD</b>	<b>Single Dwelling</b>	<b>Double Dwelling (per unit)</b>	<b>Row Dwelling (per unit)</b>	
			<b>End Unit</b>	<b>Interior Unit</b>
Minimum lot area	390 m <sup>2</sup>	350 m <sup>2</sup>	315 m <sup>2</sup>	210 m <sup>2</sup>
Minimum lot frontage at building line	12.0 m	10.0 m	9.0 m	6.0 m <sup>2</sup>
Minimum street frontage	7.0 m	7.0 m	5.0 m	5.0 m
Minimum lot depth	35.0 m	35.0 m	35.0 m	
Minimum frontyard	8.0 m	8.0 m	8.0 m	
Minimum sideyard (each side)	1.5 m + 2.75 m	2.75 m	2.75 m	n/a
Minimum sideyard flanking street	8.0 m	8.0 m	8.0 m	n/a
<b>DEVELOPMENT STANDARDS</b>				
<b>STANDARD</b>	<b>Single Dwelling</b>	<b>Double Dwelling (per unit)</b>	<b>Row Dwelling (per unit)</b>	
			<b>End Unit</b>	<b>Interior Unit</b>
Average rearyard	12.0 m	12.0 m	12.0 m	
Minimum rearyard	10.0 m	10.0 m	10.0 m	
Minimum floor area (excl. basement)	80 m <sup>2</sup>	70 m <sup>2</sup>	60 m <sup>2</sup>	
Maximum lot coverage (all buildings)	33.0%	33.0%	33.0%	
Maximum height	10.0 m or in accordance with airport height limitations (see Appendix D), whichever is lower			
<b>STANDARD</b>	<b>Apartment Building (per unit)</b>			
	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	
Minimum lot area	150 m <sup>2</sup>	170 m <sup>2</sup>	180 m <sup>2</sup>	
Minimum lot depth	40 m			
Minimum frontyard	8.0 m			
Minimum sideyard (each side)	5.0 m + 5.0 m			
Minimum sideyard flanking street	8.0 m			
Average rearyard	12.0 m			
Minimum rearyard	10.0 m			
Minimum floor area	40.0 m <sup>2</sup>	50.0 m <sup>2</sup>	60.0 m <sup>2</sup>	
Maximum lot coverage (all buildings)	33.0%			

## RESIDENTIAL HIGH DENSITY-1 (RHD-1) ZONE

Maximum height	15.0 m or in accordance with airport height limitations (see Appendix D), whichever is lower
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### CONDITIONS

#### 9.4.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general residential and environmental quality and amenities of the area.

#### 9.4.2 Row Dwellings

1. Row dwellings will be restricted to a maximum of six dwelling units per building.
2. No two row dwellings will be erected on abutting lots.

#### 9.4.3 Lodging House

If approved at Council’s discretion, a single dwelling may be used for a lodging house provided that:

1. No more than three bedrooms will be available for rent.
2. No addition or alteration shall be undertaken which changes the roof line; increases the 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. Parking is provided as required in Appendix B and only in the sideyard and/or rearyard of the lot.

## 9.5 Residential High Density-2 (RHD-2) Zone

<b>RESIDENTIAL HIGH DENSITY-2 (RHD-2) ZONE</b>				
<b>PERMITTED USES</b> (See Regulation 8.4)		<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)		
Conservation Double dwelling Open space Row dwelling Single dwelling Subsidiary apartment (See <i>Gander Subsidiary Apartment Regulations</i> ) Secondary suite (See <i>Gander Subsidiary Apartment Regulations</i> ) Transportation Utility		Antenna Apartment building Bed and breakfast (See Regulation 5.4) Club and lodge (See Condition 9.5.2) Cluster Development ( <i>DRA#5, 2023</i> ) Collective residential Community garden Convenience store Group care centre Home based business (See Regulation 5.10 and <i>Gander Home Based Business Regulations</i> ) Homeless shelter Neighbourhood centre Recreational open space Residential care (See Regulation 5.14) Retirement home		
<b>DEVELOPMENT STANDARDS</b>				
<b>STANDARD</b>	<b>Single Dwelling</b>	<b>Double Dwelling (per unit)</b>	<b>Row Dwelling (per unit)</b>	
			<b>End Unit</b>	<b>Interior Unit</b>
Minimum lot area	390 m <sup>2</sup>	350 m <sup>2</sup>	315 m <sup>2</sup>	210 m <sup>2</sup>
Minimum lot frontage at building line	12.0 m	10.0 m	9.0 m	6.0 m <sup>2</sup>
Minimum lot frontage at street line	7.0 m	7.0 m	5.0 m	5.0 m
Minimum lot depth	35.0 m	35.0 m	35.0 m	
Minimum frontyard	8.0 m	8.0 m	8.0 m	
Minimum sideyard (each side)	1.5 m + 3.0 m	3.0 m	3.0 m	n/a
Minimum sideyard flanking street	8.0 m	8.0 m	8.0 m	n/a
Average rearyard	12.0 m	12.0 m	12.0 m	
Minimum rearyard	10.0 m	10.0 m	10.0 m	
Minimum floor area (excl. basement)	70 m <sup>2</sup>	70 m <sup>2</sup>	60 m <sup>2</sup>	
Maximum lot coverage (all buildings)	33.0%	33.0%	33.0%	
<b>DEVELOPMENT STANDARDS</b>				
<b>STANDARD</b>	<b>Single Dwelling</b>	<b>Double Dwelling (per unit)</b>	<b>Row Dwelling (per unit)</b>	
			<b>End Unit</b>	<b>Interior Unit</b>
Maximum height	10.0 m or in accordance with airport height limitations (see Appendix D), whichever is lower.			
<b>STANDARD</b>	<b>Apartment Building (per unit)</b>			
	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>	
Minimum lot area	150 m <sup>2</sup>	170 m <sup>2</sup>	180 m <sup>2</sup>	
Minimum lot depth	35 m			
Minimum frontyard	8.0 m			
Minimum sideyard (each side)	5.0 m + 5.0 m			
Minimum sideyard flanking street	8.0 m			
Average rearyard	12.0 m			
Minimum rearyard	10.0 m			
Minimum floor area	40.0 m <sup>2</sup>	50.0 m <sup>2</sup>	60.0 m <sup>2</sup>	
Maximum lot coverage (all buildings)	33.0%			
Maximum height	15.0 m or in accordance with airport height limitations (see Appendix D), whichever is lower			

## CONDITIONS

### 9.5.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general residential and environmental quality and amenities of the area.

### 9.5.2 Club and Lodge

Club and lodge uses may be permitted as accessory uses in Retirement Homes and Residential Care facilities.

## 9.6 Residential Mini-Home (RMH) Zone

<b>RESIDENTIAL MINI-HOME (RMH) ZONE</b>					
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 3.15 and 8.5)			
Conservation Mini-Home (See Condition 9.6.3) Open space Transportation Utility		Antenna Childcare (See Regulation 5.7) Cluster Development ( <i>DRA#5, 2023</i> ) Community garden Convenience store Double dwelling Home based business (See Regulation 5.10 and Gander <i>Home Based Business Regulations</i> ) Mobile home (See Condition 9.6.3) Neighbourhood centre Recreational open space Row dwelling (See Condition 9.6.2) Tiny house (See Condition 9.6.4)			
<b>DEVELOPMENT STANDARDS</b>					
<b>STANDARD</b>	<b>Mini-Home</b>	<b>Double Dwelling (per unit)</b>	<b>Row Dwelling (per unit)</b>		<b>Tiny House</b>
			<b>End Unit</b>	<b>Interior Unit</b>	
Minimum lot area	360 m <sup>2</sup>	350 m <sup>2</sup>	315 m <sup>2</sup>	210 m <sup>2</sup>	150 m <sup>2</sup>
Minimum frontage at building line	12.0 m	10.0 m	9.0 m	6.0 m	7.5 m
Minimum lot depth	35.0 m	35.0 m	35.0 m		20.0 m
Minimum frontyard	8.0 m	8.0 m	8.0 m		6.0 m
Minimum sideyard (each side)	1.5 m + 3.0 m	3.0 m	3.0 m	n/a	3.0 m
Minimum sideyard flanking street	8.0 m	8.0 m	8.0 m	n/a	6.0 m
Minimum rearyard	10.0 m	10.0 m	10.0 m		6.0 m
Minimum floor area (excl. basement)	65 m <sup>2</sup>	70 m <sup>2</sup>	60 m <sup>2</sup>		25 m <sup>2</sup>
Maximum lot coverage (all buildings)	33.0%	33.0%	33.0%		33.0%
<b>DEVELOPMENT STANDARDS</b>					
<b>STANDARD</b>	<b>Mini-Home</b>	<b>Double Dwelling (per unit)</b>	<b>Row Dwelling (per unit)</b>		<b>Tiny House</b>
			<b>End Unit</b>	<b>Interior Unit</b>	
Maximum height	10.0 metres or in accordance with airport height limitations (see Appendix D), whichever is lower				

### CONDITIONS

#### 9.6.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general residential and environmental quality and amenities of the area.

#### 9.6.2 Row Dwellings

1. Row dwellings will be restricted to a maximum of six dwelling units per building.
2. No two row dwellings will be erected on abutting lots.

#### 9.6.3 Mini-Home and Mobile Home Extensions and Attached Structures

1. No mini-home or mobile home extension or attached structure will be permitted unless approved by Council

and in accordance with conditions set by Council.

2. All mini-home or mobile home extensions and attached structures shall be designed to be architecturally similar in appearance to the mini-home or mobile home to which it is attached.

#### **9.6.4 Tiny Houses**

1. No subdivision development designed to accommodate tiny houses shall be approved that does not include a minimum of ten (10) adjoining lots.
2. No tiny house will be permitted that:
  - a. Is not located on a lot that forms part of subdivision of ten (10) or more adjoining lots designed specifically for tiny houses.
  - b. Does not have permanent provisions for living, sleeping, eating, cooking and sanitation.
  - c. Is not constructed on a permanent foundation.
  - d. Is not in full conformity with the National Building Code.

## 9.7 Residential Rural (RR) Zone

<b>RESIDENTIAL RURAL (RR) ZONE</b>	
<b>PERMITTED USES</b> (See Regulation 8.4)	<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)
Conservation Open space Single dwelling Subsidiary apartment (See <i>Gander Subsidiary Apartment Regulations</i> ) Secondary suite (See <i>Gander Subsidiary Apartment Regulations</i> ) Transportation Utility	Antenna Arts and craft studio Bed and breakfast (See Regulation 5.4) Campground (See Regulation 5.5) Childcare (See Regulation 5.7) Cluster Development ( <i>DRA#5, 2023</i> ) Domestic sawmill (See Regulation 5.8) Community garden Crop agriculture Group care centre Home based business (See Regulation 5.10 and <i>Gander Home Based Business Regulations</i> ) Homeless shelter Kennel (See Condition 9.7.2) Neighbourhood centre Personal livestock use – large animals (See Regulation 5.13) Personal livestock use – small animals (See Regulation 5.13) Place of worship Recreational open space Tourist cottage establishment (See Regulation 5.5) Veterinary
<b>DEVELOPMENT STANDARDS</b>	
<b>STANDARD</b>	<b>Single Dwelling</b>
Minimum lot area	4,050 m <sup>2</sup> or as determined by Service NL, whichever is more
Minimum lot frontage	45.0 m or as determined by Service NL, whichever is more
Minimum frontyard	15.0 m
Minimum sideyard (each side)	3.0 m + 3.0 m
Minimum sideyard flanking street	8.0 m
Minimum rearyard	12.0 m
Maximum lot coverage	33.0%
<b>DEVELOPMENT STANDARDS</b>	
<b>STANDARD</b>	<b>Single Dwelling</b>
Maximum height	15.0 metres or in accordance with airport height limitations (see Appendix D), whichever is lower

### CONDITIONS

#### 9.7.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general residential and environmental quality and amenities of the area.

#### 9.7.2 Kennels

A kennel, if approved by Council, may be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

## 9.8 Town Centre (TC) Zone

<b>TOWN CENTRE (TC) ZONE</b>			
<b>PERMITTED USES</b> (See Regulation 8.4)		<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)	
Childcare (See Regulation 5.7) Communications Conservation Convenience store Cultural and civic General assembly General service Indoor market Medical service Office Open space Personal service Professional service Shop Take-out food service Transportation Utility Veterinary		Amusement Antenna Apartment building Apartments over permitted uses Cannabis retail outlet (See Regulation 5.6) Catering Club and lodge Cluster Development ( <i>DRA#5, 2023</i> ) Collective residential Commercial residential Drinking establishment Educational Emergency service Homeless shelter Indoor assembly Outdoor assembly Outdoor market Community garden Place of worship Recreational open space Shopping centre Taxi stand	
<b>DEVELOPMENT STANDARDS</b>			
<b>STANDARD</b>		<b>All Uses (Except Apartment Buildings)</b>	
Minimum frontyard		10.0 m	
Minimum sideyard (except where buildings have adjoining walls)		5.0 m	
Minimum rearyard		10.0 m	
Maximum height		15 m or in accordance with airport height limitations (see Appendix D), whichever is lower	
<b>STANDARD</b>		<b>Apartment Building (per unit)</b>	
		<b>1 Bedroom</b>	<b>2 Bedroom</b>
Minimum lot area		150 m <sup>2</sup>	170 m <sup>2</sup>
Minimum lot depth		35 m	
Minimum frontyard		8.0 m	
Minimum sideyard (each side)		5.0 m + 5.0 m	
Minimum sideyard flanking street		8.0 m	
Average rearyard		12.0 m	
Minimum rearyard		10.0 m	
Minimum floor area		40.0 m <sup>2</sup>	60.0 m <sup>2</sup>
Maximum lot coverage (all buildings)		33.0%	
Maximum height		15.0 m or in accordance with airport height limitations (see Appendix D), whichever is lower	

### CONDITIONS

#### 9.8.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations. Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

## 9.9 Commercial General (CG) Zone

<b>COMMERCIAL GENERAL (CG) ZONE</b>			
<b>PERMITTED USES</b> (See Regulation 8.4)		<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)	
Childcare (See Regulation 5.7) Communications Community garden Conservation Cultural and civic Emergency service General service Indoor market Medical service Office Open space Passenger assembly Personal service Professional service Shop Taxi stand Transportation Utility Veterinary		Amusement Antenna Apartment Building Apartments over permitted uses Autobody shop (See Condition 9.9.3) Cannabis retail outlet (See Regulation 5.6) Catering Club and lodge Cluster Development ( <i>DRA#5, 2023</i> ) Collective residential Commercial residential Convenience store Crematorium (See Condition 9.9.5) Crop agriculture (See Condition 9.9.6) Drinking establishment Educational Funeral home (See Condition 9.9.5) Garden centre General assembly General industry (See Condition 9.9.2) Homeless shelter Kennel (See Condition 9.9.4) Light industry (See Condition 9.9.2) Lumber yard Outdoor assembly Outdoor market Recreational open space Recycling depot Service station (See Regulation 5.16) Shopping centre Take-out food service Vehicle sales and rentals establishment	
<b>DEVELOPMENT STANDARDS</b>			
<b>STANDARD</b>	<b>All Uses (Except Apartment Buildings)</b>		
Minimum frontyard	10.0 m		
Minimum sideyard (except where buildings have adjoining walls)	5.0 m		
Minimum rearyard	10.0 m		
Maximum height	15 m or in accordance with airport height limitations (see Appendix D), whichever is lower		
<b>STANDARD</b>	<b>Apartment Building (per unit)</b>		
	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>
Minimum lot area	150 m <sup>2</sup>	170 m <sup>2</sup>	180 m <sup>2</sup>
Minimum lot depth	35 m		
Minimum frontyard	8.0 m		
Minimum sideyard (each side)	5.0 m + 5.0 m		
Minimum sideyard flanking street	8.0 m		
Average rearyard	12.0 m		
Minimum rearyard	10.0 m		
Minimum floor area	40.0 m <sup>2</sup>	50.0 m <sup>2</sup>	60.0 m <sup>2</sup>
Maximum lot coverage (all buildings)	33.0%		
Maximum height	15.0 m or in accordance with airport height limitations (see Appendix D), whichever is lower		

## CONDITIONS

### 9.9.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

### 9.9.2 Industrial Uses

Conditions repealed by Development Regulations Amendment # 1, 2022

### 9.9.3 Autobody Shop

An autobody shop, if permitted at Council's discretion, must be part of an existing or new automobile sales establishment.

### 9.9.4 Kennels

A kennel, if approved by Council, may be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

### 9.9.5 Funeral Homes and Crematoriums

1. Separate development applications will be required for a funeral home and a crematorium even if these uses are proposed as one integrated development.
2. A crematorium will not be located closer than 100 metres from the boundary of any other zone except the Environmental Protection, Industrial General, Airport, Utility, Highway Corridor, and Rural zones.

### 9.9.6 Crop Agriculture

Crop agriculture shall be restricted to market gardens.

## 9.10 Commercial Shopping Centre (CSC) Zone

<b>COMMERCIAL SHOPPING CENTRE (CSC) ZONE</b>	
<b>PERMITTED USES</b> (See Regulation 8.4)	<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)
Childcare Communication Conservation General assembly General service Medical service Office Open space Personal service Professional service Shop Shopping centre Transportation Utility Veterinary	Amusement Antenna Cannabis retail outlet (See Regulation 5.6) Catering Cluster Development ( <i>DRA#5, 2023</i> ) Convenience store Crop agriculture (See Condition 9.10.4) Drinking establishment Garden centre Homeless shelter Indoor market Outdoor market Light industry (See Condition 2) Lumber yard Recreational open space Service station (See Regulation 5.16) Take-out food service Taxi stand Vehicle sales and rentals establishment
<b>DEVELOPMENT STANDARDS</b>	
<b>STANDARD</b>	<b>All Uses</b>
Minimum frontyard	10.0 m
Minimum sideyard (except where buildings have adjoining walls)	5.0 m
Minimum rearyard	10.0 m
Maximum height	15 m or in accordance with airport height limitations (see Appendix D), whichever is lower

### CONDITIONS

#### 9.10.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 9.10.2 Industrial Uses

A light industrial use, if permitted at Council’s discretion, will be limited to one that involves the assembly of component parts and will not involve chemical processes that might result in the emission of gases, use of high volumes of water, or generate significant truck traffic.

#### 9.10.3 Open Storage

No open storage of goods or materials will be permitted and all uses shall be conducted within an enclosed building or appropriately fenced-off and screened area.

#### 9.10.4 Crop Agriculture

Crop agriculture shall be restricted to market gardens.

## 9.11 Commercial Highway (CH) Zone

<b>COMMERCIAL HIGHWAY (CH) ZONE</b>	
<b>PERMITTED USES</b> (See Regulation 8.4)	<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)
Commercial residential Conservation Passenger assembly Office (See Condition 9.12.2) Open space Transportation Utility	Antenna Catering Cluster Development ( <i>DRA#5, 2023</i> ) Communications Crop agriculture (See Condition 9.11.3) Convenience store Drinking establishment Homeless shelter Indoor market Recreational open space Service station (See Regulation 5.16) Shop (See Condition 9.11.2) Take-out food service Taxi stand
<b>DEVELOPMENT STANDARDS</b>	
<b>STANDARD</b>	<b>All Uses</b>
Minimum frontyard	15.0 m
Minimum sideyard (except where buildings have adjoining walls)	5.0 m
Minimum rearyard	10.0 m
Maximum height	15 m or in accordance with airport height limitations (see Appendix D), whichever is lower

### CONDITIONS

#### 9.11.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 9.11.2 Shops and Offices

A shop or office may only be permitted as accessory use to a main use.

#### 9.11.3 Crop Agriculture

Crop agriculture shall be restricted to market gardens.

#### 9.11.4 Open Storage

No open storage of goods or materials will be permitted and all uses shall be conducted within an enclosed building or appropriately fenced-off and screened area.

## 9.12 Commercial Local (CL) Zone

<b>COMMERCIAL LOCAL (CL) ZONE</b>			
<b>PERMITTED USES</b> (See Regulation 8.4)		<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)	
Childcare (See Regulation 5.7) Community garden Conservation Convenience store General service Medical service Office Open space Personal service Professional service Shop Transportation Utility		Antenna Apartment building Apartment over permitted uses Catering Cluster Development ( <i>DRA#5, 2023</i> ) Homeless shelter Indoor market Outdoor market Residential care home (See Regulation 5.14) Retirement home Service station (See Regulation 5.16) Take-out food service	
<b>DEVELOPMENT STANDARDS</b>			
<b>STANDARD</b>		<b>All Uses (Except Apartment Buildings)</b>	
Minimum frontyard		15.0 m	
Minimum sideyard (except where buildings have adjoining walls)		5.0 m	
Minimum rearyard		10.0 m	
Maximum height		15 m or in accordance with airport height limitations (see Appendix D), whichever is lower	
<b>STANDARD</b>		<b>Apartment Building (per unit)</b>	
		<b>1 Bedroom</b>	<b>2 Bedroom</b>
Minimum lot area		150 m <sup>2</sup>	170 m <sup>2</sup>
Minimum lot depth		35 m	
Minimum frontyard		8.0 m	
Minimum sideyard (each side)		5.0 m + 5.0 m	
Minimum sideyard flanking street		8.0 m	
Average rearyard		12.0 m	
Minimum rearyard		10.0 m	
<b>STANDARD</b>		<b>Apartment Building (per unit)</b>	
		<b>1 Bedroom</b>	<b>2 Bedroom</b>
Minimum floor area		40.0 m <sup>2</sup>	50.0 m <sup>2</sup>
Maximum lot coverage (all buildings)		33.0%	
Maximum height		15.0 m or in accordance with airport height limitations (see Appendix D), whichever is lower	

### CONDITIONS

#### 9.12.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council's discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 9.12.2 Open Storage

No open storage of goods or materials will be permitted and all uses shall be conducted within an enclosed building.

#### 9.12.3 Design

Building design, landscaping, lighting, and advertisements must ensure sound, attractive development which preserves the appearance and amenities of surrounding residential areas.

Commercial local uses shall be restricted to arterial and collector roads. Access points shall be limited to curb ramps at selected points agreed upon between the developer and the Town. Building sites shall provide for adequate off-street parking, loading, and other required facilities.

### 9.13 Commercial Light Industrial (CLI) Zone

<b>COMMERCIAL LIGHT INDUSTRIAL (CLI) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 3.26 and 8.5)
Conservation Emergency service Garden centre General service Light industry Office (See Condition 9.13.2) Open space Shop (See Condition 9.13.2) Transportation Utility	Antenna Autobody shop Crematorium (See Condition 9.13.7) Crop agriculture Funeral home (See Condition 9.13.7) General garage (See Regulation 5.16) General industry General service Kennel (See Condition 9.13.4) Lumber yard Recreational open space Recycling depot Recycling facility Service station (See Regulation 5.16) Taxi stand Vehicle sales and rental establishment Waste transfer station (See Regulation 5.20)
<b>DEVELOPMENT STANDARDS</b>	
	<b>All Uses</b>
Minimum frontyard	10.0 m
Minimum sideyard	5.0 m
Minimum sideyard flanking street	10.0 m
Minimum rear yard	15.0 m
Maximum height	15 m or in accordance with airport height limitations (see Appendix D), whichever is lower

#### CONDITIONS

##### 9.13.1 Discretionary Uses

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

##### 9.13.2 Offices and Shops

An office or shop may be permitted only as an accessory use to a permitted main use.

##### 9.13.3 Outdoor Storage

Council may require fencing or other forms of screening of an outdoor storage area where the quantity or type of material being stored would contribute to unsightly appearance.

##### 9.13.4 Kennels

A kennel, if approved by Council, may be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

##### 9.13.5 Dangerous, Hazardous, and Noxious Uses

In accordance with **Regulation 4.17**, Council may restrict the development or location of any use or activity that it deems might be dangerous or might release or emit a hazardous, noxious, or polluting substance that would affect neighbouring properties.

### **9.13.6 Screening and Landscaping**

Council may require buffering or screening of sites with natural or planted vegetation, fencing, or structural barriers to reduce the aesthetic impact of industrial uses on nearby residential areas and public streets and highways.

### **9.13.7 Funeral Homes and Crematoriums**

1. Separate development applications will be required for a funeral home and a crematorium even if these uses are proposed as one integrated development.
2. A crematorium will not be located closer than a distance of 100 metres from the boundary of any other zone except the Environmental Protection, Industrial General, Airport, Utility, Highway Corridor, and Rural zones.

## 9.14 Industrial General (IG) Zone

<b>INDUSTRIAL GENERAL (IG) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 3.15 and 8.5)
Autobody shop Conservation General garage (See Regulation 5.16) General industry Light industry Office (See Condition 9.14.2) Open space Service station (See Regulation 5.16) Shop (See Condition 9.14.2) Transportation Utility	Antenna Crematorium (See Condition 9.14.6) Crop agriculture Drinking Establishment (MPA2, 2022: DRA3, 2022) Emergency service General service Hazardous industry Lumber yard Personal Service (MPA4, 2023: DRA6, 2023) Recreational open space Recycling depot Recycling facility Salvage yard (See Regulation 5.15) Waste transfer station (See Regulation 5.20)
<b>DEVELOPMENT STANDARDS</b>	
	<b>All Uses</b>
Minimum frontyard	10.0 m
Minimum sideyard	5.0 m
Minimum sideyard flanking street	10.0 m
Minimum rearyard	15.0 m
Maximum height	15 m or in accordance with airport height limitations (see Appendix D), whichever is lower

### CONDITIONS

#### 9.14.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 9.14.2 Offices and Shops

An office or shop may be permitted only as an accessory use to a main use.

#### 9.14.3 Outdoor Storage

Council may require fencing or other forms of screening of an outdoor storage area where the quantity or type of material being stored would contribute to unsightly appearance.

#### 9.14.4 Dangerous, Hazardous, and Noxious Uses

In accordance with Regulation 4.17, Council may restrict the development or location of any use or activity that it deems might be dangerous or might release or emit a hazardous, noxious, or polluting substance that would affect neighbouring properties.

#### 9.14.5 Flammable Liquids Storage

All buildings, tanks, and structures related to the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to reduce risks to adjacent uses due to fire, explosion, or spillage of flammable liquid.

#### 9.14.6 Crematoriums

1. A crematorium will not be located closer than a distance of 100 metres from the boundary of any other zone except the Environmental Protection, Commercial-Light Industrial, Airport, Utility, Highway Corridor, and Rural zones.

2. A funeral home will not be permitted in the IG zone.

### **9.14.7 Screening and Landscaping**

Council may require buffering or screening of sites with natural or planted vegetation, fencing, or structural barriers to reduce the aesthetic impact of industrial uses on nearby residential areas and public streets and highways.

### 9.15 Tourism Recreation (TR) Zone

<b>TOURISM RECREATION (TR) ZONE</b>	
<b>PERMITTED USES</b> (See Regulation 8.4)	<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)
Conservation Open space Recreational open space Transportation Utility	Accessory dwelling (See Condition 9.15.7) Amusement Antenna Campground (See Regulation 5.5) Catering (See Condition 9.15.4) Club and lodge Commercial residential Community garden Convenience store (See Condition 9.15.4) Crop agriculture (See Condition 9.15.6) Cultural and civic General assembly Indoor assembly Office (See Condition 9.15.4) Outdoor assembly Outdoor market Community garden Shop (See Condition 9.15.4) Take-out food service (See Condition 9.15.4) Tourist cottage establishment (See Regulation 5.5)
<b>DEVELOPMENT STANDARDS</b>	
<b>STANDARD</b>	<b>All Uses</b>
Minimum frontyard	25.0 m
Minimum sideyard (except where buildings have adjoining walls)	5.0 m
Minimum rear yard	20.0 m
Maximum height	8 m or in accordance with airport height limitations (see Appendix D), whichever is lower

#### CONDITIONS

#### 9.15.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to public consultation and terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 9.15.2 Planning and Design

An approved development in the TR zone will be subject to the following:

1. It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
2. It will meet all development standards and conditions deemed necessary by Council.
3. No change will be permitted in the type or scale of the use except in accordance with a new development permit and conditions set by Council.

#### 9.15.3 Development Plan

No tourism or recreation use will be permitted in the TR zone until Council has approved a detailed development plan. A development plan will include the following:

1. Delineation of the development plan on a scale drawing of the site,
2. A full description of the site’s biophysical features and the constraints and opportunities they represent,
3. A demonstration of how the development will be compatible with adjacent land uses,

4. Location of all development components,
5. Accesses, internal roadways, and parking areas,
6. Water supply and wastewater disposal,
7. Landscaping,
8. Internal roadway dimensions and construction standards, and
9. If required by Council, a development phasing plan.

#### **9.15.4 Catering, Convenience Stores, Offices, Shops and Take-Out Food Services**

A catering use, convenience store, office, shop, or take-out food service may be permitted only as an accessory use to a permitted main use (e.g. tourist cottage establishment, campground, recreational open space, assembly use) if deemed by Council to be appropriate for the area.

#### **9.15.5 Campgrounds and Tourist Cottage Establishments**

A minimum buffer of 30 metres will be maintained between the development footprint of a campground or tourist cottage establishment and the boundary of an abutting or nearby residential property.

#### **9.15.6 Crop Agriculture**

Crop agriculture shall be restricted to market gardens.

#### **9.15.7 Accessory Dwelling**

1. An accessory dwelling will be considered for approval only in the case of a main commercial use that Council deems to be economically important and where the applicant provides convincing evidence that full-time habitation of the property is fundamental to the feasible operation of the commercial operation.
2. The accessory dwelling will be subject to such other terms and conditions as deemed appropriate by Council.

## 9.16 Public Institutional (PI) Zone

<b>PUBLIC INSTITUTIONAL (PI) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 3.15 and 8.5)
Childcare (See Regulation 5.7) Community garden Conservation Cultural and civic Educational Medical service Medical treatment and special care Office (See Condition 9.16.3) Open space Transportation Utility	Antenna Catering (See Condition 9.16.3) Cemetery (see Condition 9.16.4) Club and lodge Collective residential Correctional detention Emergency service General assembly Homeless shelter Indoor assembly Manse Outdoor assembly Place of worship Recreational open space Residential care Shop (See Condition 9.16.3)
<b>DEVELOPMENT STANDARDS</b>	
	<b>All Uses</b>
Minimum frontyard	10.0 m
Minimum sideyard	5.0 m
Minimum sideyard flanking street	10.0 m
Minimum rearyard	10.0 m
Maximum height	15 m or in accordance with airport height limitations (see Appendix D), whichever is lower

### CONDITIONS

#### 9.16.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 9.16.2 Landscaping

All land except that used for parking and vehicle access must be landscaped and maintained by the landowner to the satisfaction of Council.

#### 9.16.3 Shops, Offices and Catering

A shop or office use will only be permitted if it is accessory to a main use.

#### 9.16.4 Cemetery

An application to develop or expand a cemetery must be accompanied by a site design plan for Council’s consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

## 9.17 Open Space (OS) Zone

<b>OPEN SPACE (OS) ZONE</b>	
<b>PERMITTED USE CLASSES (See Regulation 8.4)</b>	<b>DISCRETIONARY USE CLASSES (See Regulations 3.15 and 8.5)</b>
Community garden Conservation Open space	Antenna Catering (See Condition 9.17.4) Cemetery (See Condition 9.17.3) Dock Marina Outdoor assembly Outdoor market (See Condition 9.17.5) Recreational open space Take-out food service (See Condition 9.17.4) Transportation Utility

### CONDITIONS

#### 9.17.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 9.17.2 Development Standards

All development must meet the development standards prescribed by Council.

#### 9.17.3 Cemetery

1. A cemetery, if permitted at Council’s discretion, will be subject to such terms and conditions, as Council deems appropriate.
2. An application to develop or expand a cemetery must be accompanied by a site design plan for Council’s consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

#### 9.17.4 Catering and Take-out Food Services

Catering and take-out food services may be permitted only as accessory uses to a main use such as a marina or assembly use.

#### 9.17.5 Outdoor Markets

Outdoor markets may be permitted only on a temporary basis, for example, during community events.

## 9.18 Open Space Recreation (OSR) Zone

<b>OPEN SPACE RECREATION (OSR) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 3.15 and 8.5)
Childcare (See Regulation 5.7) Community garden Conservation Open space Recreational open space Transportation	Antenna Catering (See Condition 9.18.3) General assembly Indoor assembly Outdoor assembly Outdoor market Take-out food service (See Condition 9.18.3) Utility

### CONDITIONS

#### 9.18.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 9.18.2 Development Criteria

All development must meet the development standards prescribed by Council.

#### 9.18.3 Catering and Take-out Food Services

Catering and take-out food services may be permitted only as accessory uses to a main use such as a marina, assembly use, or recreational open space use.

## 9.19 Utility (UT) Zone

<b>UTILITY (UT) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 3.15 and 8.5)
Conservation Transportation	Antenna Electrical utility General industrial (See Condition 9.19.2) Light industrial (See Condition 9.19.2) Recycling facility Solid waste facility Waste transfer station (See Regulation 5.20) Wastewater utility Water supply utility

### CONDITIONS

#### 9.19.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be complementary to and compatible with the general purposes of this zone, which is to provide public utility services, and will not be contrary to the general intent of the Municipal Plan and Development Regulations.

#### 9.19.2 General and Light Industrial

A general or industrial use may be permitted only as an accessory use to a main utility use.

## 9.20 Highway Corridor (HC) Zone

<b>HIGHWAY CORRIDOR (HC) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 3.15 and 8.5)
Conservation Open space Transportation Utility	

### CONDITIONS

#### 9.20.1 Development Approval

Development in the Highway Corridor zone must be approved by the Department of Transportation and Works.

## 9.21 Rural (RU) Zone

<b>RURAL (RU) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 3.15 and 8.5)
Community garden Conservation Crop agriculture Forestry Mineral exploration (See Regulation 5.11) Open space Petroleum exploration (See Regulation 5.11) Transportation Utility	Accessory dwelling (See Condition 9.21.2) Antenna Asphalt plant (See Condition 9.21.4) Campground (See Regulation 5.5) General industrial (See Condition 9.21.3) Hazardous industry (See Condition 9.21.5) Light industry (See Condition 9.21.3) Livestock agriculture (See Regulation 5.3) Mineral working (See Regulation 5.12) Mining Outdoor market (See Condition 9.21.8) Petroleum extraction Recreational open space Salvage yard (See Regulation 5.15) Shop (See Condition 9.21.8) Tourist cottage establishment (See Regulation 5.5) Waste transfer station (See Regulation 5.20)

### CONDITIONS

#### 9.21.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 9.21.2 Accessory Dwelling

1. An accessory dwelling will be considered for approval only in the case of a commercial farm or other main commercial use that Council deems to be economically important and where the applicant provides convincing evidence that full-time habitation of the property is fundamental to the feasible operation of the farm or commercial operation.
2. The accessory dwelling will be subject to such other terms and conditions as deemed appropriate by Council.

#### 9.21.3 General and Light Industry

At its discretion, Council may permit a general or industrial use that is clearly accessory to an agricultural, forestry, salvage yard, or mineral working use, or that meets the following criteria:

1. The use is unsuitable for a built-up area by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, or glare.
2. The use requires large outdoor areas for open storage and handling of materials, goods, and equipment.
3. The use is capable of being serviced by on-site water and sewage services.
4. The use can be screened from public streets and lands designated for urban uses.
5. The use generates low volumes of traffic.
6. The use will have no deleterious effects on the environment.
7. The use does not include warehousing, wholesale, or retail activities.
8. The use will be subject to such other terms and conditions as deemed appropriate by Council.

#### 9.21.4 Asphalt Plant

At its discretion, Council may permit an asphalt plant only if it is located a minimum distance of two (2.0) kilometres from a developed area and will have no deleterious effects on the environment.

### **9.21.5 Hazardous Industry**

At its discretion, Council may permit a hazardous industrial use that is unsuitable for a built-up area by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, and glare, and only if the use will have no deleterious effects on the environment.

### **9.21.6 Dangerous, Hazardous, and Noxious Uses**

In accordance with Regulation 4.17, Council may restrict the development or location of any use or activity that it deems might be dangerous or might release or emit a hazardous, noxious, or polluting substance that would affect the natural environment or neighbouring properties.

### **9.21.7 Flammable Liquids Storage**

All buildings, tanks, and structures related to the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to reduce risks to adjacent uses due to fire, explosion, or spillage of flammable liquid.

### **9.21.8 Outdoor Markets and Shops**

At its discretion, Council may permit an outdoor market or shop as an accessory use to a bonafide farm, campground, or recreational open space use, provided that Council deems that the proposed use will be integral and complementary to the main use.

### **9.21.9 Exemption from Street Frontage Requirement**

Except where land is located within the building control lines of a Provincial protected road or other public street, at Council's discretion, approved buildings in this zone may be exempted from Regulation 4.16 of these Regulations only if the proposed use conforms with all conditions outlined in these Regulations as well as other conditions that may be set by Council.

## 9.22 Residential Seasonal (RS) Zone

<b>RESIDENTIAL SEASONAL (RS) ZONE</b>	
<b>PERMITTED USES</b> (See Regulation 8.4)	<b>DISCRETIONARY USES</b> (See Regulations 3.15 and 8.5)
Conservation Open space Recreational dwelling	Antenna
<b>DEVELOPMENT STANDARDS</b>	
<b>STANDARD</b>	<b>Recreational Dwelling</b>
Minimum lot area	4,050 m <sup>2</sup>
Minimum lot width	45.0 m

### CONDITIONS

#### 9.22.1 Exemption from Street Frontage Requirement

Except where land is located within the building control lines of a Provincial protected road or other public street, lots in this zone may be exempted from Regulation 4.16, which does not permit a building to be erected on a lot that does not front onto a public street.

#### 9.22.2 Road Upkeep and Maintenance

No access road to a cottage area in the Residential Seasonal zone the responsibility of Council to maintain except where Council takes ownership of such a road.

### 9.23 Future Development Area (FDA) Zone

<b>FUTURE DEVELOPMENT AREA (FDA) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 3.15 and 8.5)
Conservation Forestry Mineral exploration (See Regulation 5.11) Open space Petroleum exploration (See Regulation 5.11) Transportation	Antenna Mineral working (See Regulation 5.12) Recreational open space (See Condition 9.23.3) Utility

#### CONDITIONS

#### 9.23.1 Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided the development would not inhibit or prejudice future urban development of the area or be contrary to the general intent of the Municipal Plan and these Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

#### 9.23.2 Built-Up Development Not Permitted

No buildings, structures, or significant clearing or excavation of land for the purposes of development will be permitted in FDA zone. Any application for residential or other built-up development in the FDA zone will first require an amendment to the Municipal Plan and these Development Regulations.

#### 9.23.3 Recreational Open Space

- (1) The only recreational open space use that may be permitted at Council’s discretion is a multi-use trail.
- (2) A multi-use trail may be permitted only if:
  - a. It is located and constructed so as not to impede or be an obstruction to future urban development,
  - b. Potential environmental effects will be minimized or mitigated to the satisfaction of Council, and
  - c. The development meets all other terms and conditions set by Council.

## 9.24 Airport (AP) Zone

<b>AIRPORT (AP) ZONE</b>	
<b>PERMITTED USE CLASSES</b> (See Regulation 8.4)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 3.15 and 8.5)

### 9.24.1 Development Planning and Control

Land use and development in the Airport zone is subject to the authority and standards of Gander International Airport.

**APPENDIX A: CLASSIFICATION OF USES OF LAND AND BUILDINGS**



**APPENDIX A: CLASSIFICATION OF USES OF LAND AND BUILDINGS**

This Classification is intended to assist in the interpretation of types of uses within the use classes listed in the Use Zone Tables in Part 9.0 of these Regulations. Examples included in the following tables are not exhaustive. They are used to illustrate typical types of developments within a use class.

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
<b>RESIDENTIAL USES</b>	Accessory Building	Sheds, garages, greenhouses, root cellars, personal livestock shelters, decks gazebos
	Accessory Dwelling	Farmhouses, farm worker accommodations
	Apartment Building	Apartment buildings
	Apartment Over Permitted Use	Apartment dwellings over retail stores, offices, and other commercial uses
	Bed and Breakfast	Bed and breakfast
	Collective Residential	School and college residences, nurse and hospital residences, worker residences
	Cluster Development (DRA#5, 2023)	See Definition
	Double Dwelling	Semi-detached dwellings, duplex dwellings
	Home based business	Home based businesses
	Lodging House	Lodging houses, boarding houses
	Manse	Manses
	Mini-home	Mini-homes
	Mobile home	Mobile homes
	Recreational Dwelling	Cabins, cottages, hunting and fishing cabins
	Residential Care Home	Personal care homes, nursing homes, group homes, long-term care facilities
	Retirement Home	Seniors apartment buildings and townhouses, retirement cottages
	Row Dwelling	Row houses, townhouses
	Single Dwelling	Single detached dwellings
	Subsidiary Apartment	Basement apartments, in-law suites
Tiny House	Tiny houses	

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
<b>INSTITUTIONAL, PUBLIC, AND ASSEMBLY USES</b>	Childcare	Day care centres, home childcare services, early childhood education services
	Club and Lodge	Service clubs and lodges, social clubs and lodges, private clubs and lodges
	Cluster Development (DRA#5, 2023)	See Definition
	Correctional Detention	Jails, prisons, reformatories
	Cultural and Civic	Libraries, museums, art galleries, courtrooms, meeting halls, Council chambers
	Educational	Schools, colleges
	Emergency Service	Police stations, fire stations, ambulance services
	General Assembly	Community halls, church halls, service club halls, dance halls, auditoriums, convention centres
	Indoor Assembly	Arenas, recreation centres, indoor swimming pools, fitness clubs, gymnasiums, bowling alleys, curling rinks
	Medical Treatment and Special Care	Hospitals, medical centres, medical clinics, long-term care facilities
	Neighbourhood Centre	Social centres, family support centres, gathering places
	Outdoor Assembly	Bleachers, grandstands, outdoor theatres, outdoor rinks, outdoor swimming pools, amusement parks, fairgrounds, concert grounds, exhibition grounds, drive-in theatres
	Passenger Assembly	Airport terminals, bus stations
	Place of Worship	Churches, church halls, mosques, temples, synagogues
Theatre	Cinemas, movie theatres, performance theatres	

GROUP	CLASS	EXAMPLES
<b>COMMERCIAL USES</b>	Amusement	Games arcades, poolrooms, bowling alleys, youth centres
	Arts and craft studio	Arts and craft studio, arts and craft shop
	Autobody Shop	Autobody shops
	Campground	Campgrounds, trailer parks, RV parks
	Cannabis Retail Outlet	Cannabis retail outlets
	Catering	Restaurants, coffee shops, bake shops
	Cluster Development (DRA#5, 2023)	See Definition
	Commercial Residential	Hotels, motels, inns, hostels
	Communications	Radio stations, television stations
	Convenience Store	Convenience stores, confectionaries
	Crematorium	Crematoriums
	Drinking Establishment	Bars, pubs, nightclubs, lounges, clubs and lodges
	Entertainment	Games arcades, poolrooms, bowling alleys, youth centres, movie theatres, theatres
	Funeral Home	Funeral homes and chapels
	Garden Centre	Greenhouses, nurseries, seed and plant sales
	General Garage	Vehicle repairs and services, equipment repairs and services, tire sales and services
	General Service	Car washes, laundromats, tool and appliance rentals and repairs, travel agents, computer services, locksmith shops
	Indoor Market	Market halls, exhibition halls, farmers markets, flea markets
	Kennel	Kennels, animal shelters
	Lumber Yard	Lumber yards, building supply depots
	Medical service	Clinics, medical offices, dental offices, massage and physiotherapy centres, pharmacies
	Office	Professional offices, law offices, business offices, banks, government offices
	Outdoor Market	Fish markets, market grounds, flea markets, produce stands, outdoor farmer markets
	Personal Service	Beauty parlours, pet grooming, gyms, computer services, hobby shops, photo studios, taxi stands, phone services
	Professional Service	Legal services, financial services, accounting services, engineering services, architectural services
	Recycling Depot	Collection and recycling depots for bottles, paper, plastics, electronics, etc.
Service Station	Gas stations, general garages, tire sales and repairs, auto parts sales, car washes.	

GROUP	CLASS	EXAMPLES
	Shop	Retail shops, showrooms, department stores, supermarkets, convenience stores, gift shops, specialty shops, big box store
	Shopping Centre	Shopping centres
	Take-out Food Service	Take-out restaurant, food stand, mobile canteen
	Taxi Stand	Taxi stands
	Theatre	Movie theatres, performance theatres
	Tourist Cottage Establishment	Tourist cottage establishments
	Vehicle Sales and Rental Establishments	Automobile dealers, car rental agencies, snowmobile and ATV dealers
	Veterinary	Veterinary clinics

GROUP	CLASS	EXAMPLES
<b>INDUSTRIAL USES</b>	General Industry	Factories, cold storage plants, bulk storage facility, freight depots, planing mills, concrete plants, construction yards, recycling facilities, contractor yards, lumber yards
	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, distilleries feed mills, spray painting shops
	Light Industry	Workshops, light industry, indoor storage centres, warehouses, greenhouses, recycling depots, workshops, general garages
	Aircraft Service	Hangars, loading docks, refuelling services, aircraft repair services
	Salvage Yard	Car wrecking yards, junk yards, salvage yards, scrap dealers
	Waste Transfer Station	Waste transfer stations
	Asphalt Plant	Asphalt plants

GROUP	CLASS	EXAMPLES
<b>NATURAL RESOURCE USES</b>	Crop Agriculture	Vegetable and hay farms, hobby farms, market gardens, community gardens, nurseries, greenhouses
	Domestic sawmill	Domestic sawmills
	Forestry	Forest harvesting, silviculture, forest access roads
	Livestock Agriculture	Livestock barn, dairy farm, grazing land
	Mineral Exploration	Mineral exploration and associated activities (e.g., access roads, rock drilling)
	Mineral Working	Pits, quarries, washing plants, screening plants, crushers

	Mining	Mineral extraction, ore stockpiles, mineral processing plants
	Personal Livestock Use	Keeping of permitted livestock animals, pens and shelters for permitted livestock animals
	Petroleum exploration	Petroleum exploration and associated activities (e.g., access roads, rock drilling)
	Petroleum extraction	Petroleum extraction and associated activities (e.g., tanks, piping, pipelines)

GROUP	CLASS	EXAMPLES
<b>CONSERVATION AND OPEN SPACE USES</b>	Cemetery	Cemeteries
	Community garden	Community gardens
	Conservation	Buffer strips, watersheds, protected areas, sensitive areas (e.g., steep slopes, wetlands, wildlife habitat)
	Open Space	Parks, hiking trails, boardwalks, protected green areas, picnic areas, public gardens, woodlands, buffer areas
	Recreational Open Space	Sports fields, running tracks, playgrounds, outdoor skating rinks, tennis courts, soccer pitches, golf courses, dog parks, water slides, multi-use trails

GROUP	CLASS	EXAMPLES
<b>TRANSPORTATION AND UTILITY USES</b>	Transportation	Roads, bridges, marine structures, airfields
	Marina	Marinas, docks, moorings, slips, boat refuelling and repair services
	Communications	Telephone exchanges, radio stations, television stations, publishing companies
	Antenna	Communications towers, transmitting and receiving masts and antenna
	Dock	Recreational docks, slipways, and stages
	Energy Generation Facility	Wind generators, solar generators, small hydro generators, heating plants
	Electrical Utility	Hydro plants, electrical transmission lines, electrical power substations
	Water Utility	Water intakes, treatment facilities, pipelines
	Wastewater Utility	Sewage treatment plants, sewer outfalls, pipelines
	Solid Waste Utility	Landfill sites, recycling facilities



**APPENDIX A: OFF-STREET LOADING AND PARKING REQUIREMENTS**



## APPENDIX B: OFF-STREET LOADING AND PARKING REQUIREMENTS

### 1. Off-Street Loading Requirements

- a. Where Council deems necessary, for every building, structure or use requiring the shipping, loading or unloading of animals, goods, wares or merchandise, one or more loading spaces will be provided and maintained on the lot measuring at least 15 metres long and 4 metres wide with a vertical clearance of at least 4 metres. The space will have direct access to a public street or to a driveway of a minimum width of 6 metres that connects to a public street.
- b. The number of loading spaces to be provided will be determined by Council.
- c. The loading spaces required by this Regulation will be designed so that vehicles can maneuver clear of any street and so that it would not be necessary for any vehicle to reverse onto or from a street.

### 2. Parking Area Standards

- a. For the purposes of this Regulation,
  - i. **Parking Area** means a designated area on a lot for off-street parking of automobiles.
  - ii. **Parking Space** means a designated space in a parking area or driveway adequate to park one automobile with room to open doors on both sides, together with related maneuvering room and access to a public street.
- b. For every building, structure or use to be erected or enlarged, 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 on-street parking of vehicles associated with that building, structure or use.
- c. The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in this section, except as otherwise modified by PART 9 of these Regulations.
- d. Each parking space, except in the case of a single or attached dwelling, will be made accessible by means of a right-of-way at least 3 metres wide.
- e. Residential parking spaces shall be provided on the same lot as the dwelling or dwellings.
- f. Non-residential parking spaces shall be provided not more than 200 metres distant from the use for which the parking is required.
- g. The parking facilities required by this Regulation will, 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.
- h. Where in these Regulations, parking facilities for more than four vehicles are required or permitted:
  - i. a parking space shall be a space with minimum dimensions of 2.75 m x 5.5 m capable of being used for the parking of a vehicle without the need to move other vehicles in adjacent areas
  - ii. the parking area shall be constructed and maintained to the specifications of Council
  - iii. a non-residential parking area shall be no farther than 90 m from the location it is intended to serve
  - iv. entrances and exits shall be no closer than 15 m from any corner or street intersection
  - v. parking standards to meet the needs of persons with disabilities shall comply with the *Buildings Accessibility Act* and Regulations
  - vi. lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development
  - vii. landscaping will be provided on 5% of the parking area for lots smaller than 1,400 m<sup>2</sup> and on 7.5% of the parking area for lots larger than 1,400 m<sup>2</sup>
  - viii. a structure, not more than 3.0 m in height and not more than 5 m<sup>2</sup> in area may be erected in the parking area for the use of attendants in the area
  - ix. except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
  - x. no part of an off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
  - xi. access to parking areas in non-residential zones shall not be by way of residential zones;
  - xii. where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1.0 m in height shall be erected and maintained along all lot lines;
  - xiii. where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council 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 Council for the provision and upkeep of alternative parking facilities within the vicinity of the development.

- i. Where Council permits parking perpendicular to the curb, the minimum dimensions of each parking space will be as follows:

Criteria	Dimension
<b>Parking space width</b>	2.5 metres
<b>Parking space length or depth</b>	7.5 metres
<b>Aisle width separating opposite parking spaces</b>	7.0 metres
<b>Aisle width separating a space from another obstruction</b>	7.0 metres

Where Council permits parking parallel to the curb, the minimum length of the space will be 7.0 metres and the aisle width will be at least 4 metres, or more if deemed necessary by Council. For any other parking lot configuration, the requirements shall as be as specified by Council, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.'

### 3. Off-Street Parking Requirements

The off-street parking requirements for the various use classes will be as set out in the following table, except as otherwise set out in PART 9. In the case of developments that include more than one use class, these standards shall be regarded as cumulative.

Adequate off-street provision for the drop-off and pick-up of persons will be provided on the same lot as the development unless otherwise stipulated by Council.

The number of spaces to be provided for off-street parking will be in accordance with the following table.

<b>OFF-STREET PARKING SPACE REQUIREMENTS</b>	
<b>CLASS</b>	<b>MINIMUM SPACES</b>
<b>RESIDENTIAL</b>	
Apartment building	1.5 / dwelling unit
Cluster Development	At Council's Discretion
Double dwelling	2.0 / dwelling unit
Lodging house	As required for the dwelling plus 1.0 / guest room
Mini/Mobile Home	2.0 / dwelling unit
Row dwelling	2.0 / dwelling unit
Single dwelling	2.0 / dwelling unit plus 1.0 / subsidiary apartment
Residential care home	1.0 / three residents plus 0.8 / staff at any one time
Retirement home	0.5 / dwelling unit plus 0.8 / staff at any one time plus 0.25 / dwelling unit for visitors
<b>OTHER</b>	
Amusement	1.0 / 15 m <sup>2</sup> of gross floor area
Arts and crafts studio	1.0 / 40 m <sup>2</sup> of gross floor area
Autobody shop	4.0 / service bay or 1.0 / 10 m <sup>2</sup> of service floor area, whichever is more
Bed and breakfast	As required for the dwelling plus 1.0 / guest room
Campground	As specified by Council
Catering	1.0 / three persons of permitted occupancy

<b>OFF-STREET PARKING SPACE REQUIREMENTS</b>	
Childcare	1.0 / 30 m <sup>2</sup> of gross floor area
Club and lodge	1.0 / three persons of permitted occupancy
<b>OTHER</b>	
Collective residential	1.0 / two persons of permitted occupancy
Commercial residential	1.0 / guest room plus 1.0 / 10 m <sup>2</sup> of gross floor area for meeting rooms plus 1.0 / six persons or permitted capacity for restaurants/dining rooms
Communications	1.0 / 40 m <sup>2</sup> of gross floor area
Community garden	As specified by Council
Convenience store	1.0 / 25 m <sup>2</sup> of gross floor area
Cultural and civic	1.0 / 60 m <sup>2</sup> of gross floor areas
Drinking establishment	1.0 / three persons of permitted occupancy
Educational	Elementary school – 1.5 / classroom Secondary school – 4.0 / classroom Post-secondary school – 1.0 / three students, faculty and staff
Emergency service	As specified by Council
Funeral home	1.0 / 12 m <sup>2</sup> of gross floor area
Garden centre	1.0 / 40 m <sup>2</sup> of gross floor area
General assembly	1.0 / five fixed seats
General industry	1.0 / 100 m <sup>2</sup> of gross floor area or a total of 10, whichever is more
General service	1.0 / 40 m <sup>2</sup> of gross floor area
Hazardous industry	1.0 / 100 m <sup>2</sup> of gross floor area or a total of 10, whichever is more
Indoor assembly	1.0 / five fixed seats
Indoor market	As specified by Council
Kennel	1.0 / 40 m <sup>2</sup> of gross floor area
Light industry	1.0 / 50 m <sup>2</sup> of gross floor area or a total of 5, whichever is more
Lumber yards	1.0 / 40 m <sup>2</sup> of gross floor area
Medical service	1.0 / 25 m <sup>2</sup> of gross floor area, or 4.0 per practitioner, whichever is more
Medical treatment and special care	1.0 / 3 beds plus 1.0 / 3 staff at any one time
Neighbourhood centre	1.0 / 5 persons of capacity or 1 / 25 m <sup>2</sup> of gross floor area, whichever is more
Office	1.0 / 30 m <sup>2</sup> of gross floor area
Outdoor assembly	As specified by Council
Outdoor market	As specified by Council
Passenger assembly	As specified by Council
Personal service	1.0 / 30 m <sup>2</sup> of gross floor area
Place of worship	1.0 / 6 seats.
Professional service	1.0 / 30 m <sup>2</sup> of gross floor area
Recreational open space	As specified by Council

<b>OFF-STREET PARKING SPACE REQUIREMENTS</b>	
Service station	4 / service bay or 1.0 / 30 m <sup>2</sup> of gross floor area, whichever is more
Shop	1.0 / 30 m <sup>2</sup> of gross floor area
Shopping centre	1.0 / 20 m <sup>2</sup> of gross floor area
<b>OTHER</b>	
Take-out food service	5.0 / 20 m <sup>2</sup> of gross floor area
Taxi stand	As specified by Council
Theatre	1.0 / 4 seats
Tourist cottage establishment	As specified by Council
Vehicle sales establishment	1.0 / 40 m <sup>2</sup> of gross floor area
Veterinary	1.0 / 40 m <sup>2</sup> of gross floor area

**APPENDIX C: PROVINCIAL DEVELOPMENT REGULATIONS**



## APPENDIX D: PROVINCIAL DEVELOPMENT REGULATIONS

### NEWFOUNDLAND AND LABRADOR REGULATION 3/01

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

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

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 nonconforming 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.



**APPENDIX E: LAND USE MAPS**

