

TOWN OF FLATROCK

DEVELOPMENT REGULATIONS 2024-2034



JUNE 10, 2024

PLAN-TECH



ENVIRONMENT

TABLE OF CONTENTS

	<u>Page</u>
APPLICATION.....	3
1. Short Title.....	3
2. Interpretation.....	3
3. Commencement.....	3
4. Municipal Code and Regulations.....	3
5. Authority.....	3
PART I - GENERAL REGULATIONS	3
6. Compliance with Regulations.....	3
7. Permit Required	3
8. Permit to be Issued.....	4
9. Permit Not to be Issued in Certain Cases	4
10. Discretionary Powers of Authority	4
11. Variances.....	5
12. Notice of Variance	5
13. Service Levy.....	5
14. Financial Guarantees by Developer.....	6
15. Dedication of Land for Public Use	6
16. Reinstatement of Land	6
17. Form of Application	6
18. Register of Application	7
19. Deferment of Application	7
20. Approval in Principle.....	7
21. Development Permit	7
22. Reasons for Refusing Permit	8
23. Notice of Right to Appeal.....	8
24. Appeal Requirements	8

- 25. Appeal Registration 9
- 26. Development Prohibited 9
- 27. Appeal Board..... 10
- 28. Appeals 10
- 29. Hearing Notice and Meetings 11
- 30. Hearing of Evidence..... 11
- 31. Return of Appeal Fee..... 11
- 32. Notice of Application 12
- 33. Right of Entry 12
- 34. Record of Violations 12
- 35. Stop Work Order and Prosecution 12
- 36. Delegation of Powers 12

- PART II - GENERAL DEVELOPMENT STANDARDS..... 13

- 37. Accesses and Service Streets 13
- 38. Accessory Buildings 13
- 39. Advertisements 13
- 40. Buffer Strips 14
- 41. Building Height..... 14
- 42. Building Line and Setback 14
- 43. Family and Group Care Centres 14
- 44. Height Exceptions..... 14
- 45. Livestock Structures and Uses..... 14
- 46. Lot Area..... 15
- 47. Lot Area and Size Exceptions 15
- 48. Lot Frontage 15
- 49. Non-Conforming Use 16
- 50. Offensive and Dangerous Uses 17
- 51. Offstreet Parking Requirements 17
- 52. Off-Street Loading Requirements 18
- 53. Parks and Playgrounds, and Conservation Uses 18
- 54. Screening and Landscaping..... 18

55. Services and Public Utilities 19

56. Service Stations 19

57. Side Yards..... 19

58. Street Construction Standards 19

59. Subsidiary Apartments 19

60. Unsubdivided Land 19

61. Zero Lot Line and Other Comprehensive Development..... 20

PART III - ADVERTISEMENTS 21

62. Permit Required 21

63. Form of Application 21

64. Advertisements Prohibited in Street Reservation..... 21

65. Permit Valid for Limited Period..... 21

66. Removal of Advertisements..... 21

67. Advertisements Exempt from Control..... 21

68. Approval Subject to Conditions..... 22

69. Non-Conforming Uses 22

PART IV - SUBDIVISION OF LAND 23

70. Permit Required 23

71. Services to be Provided 23

72. Payment of Service Levies and Other Charges..... 23

73. Issue of Permit Subject to Considerations 23

74. Building Permits Required 24

75. Form of Application 24

76. Subdivision Subject to Zoning 24

77. Building Lines 24

78. Land for Public Open Space 24

79. Structure in Street Reservation..... 25

80. Subdivision Design Standards 25

81. Engineer to Design Works and Certify Construction Layout..... 26

82. Developer to Pay Engineer's Fees and Charges 27

83. Street Works May Be Deferred	27
84. Transfer of Streets and Utilities to Authority.....	27
85. Restriction on Sale of Lots	28
86. Grouping of Buildings and Landscaping.....	28
PART V - USE ZONES	29
87. Use Zones.....	29
88. Use Classes.....	29
89. Permitted Uses.....	29
90. Discretionary Uses.....	29
91. Uses Not Permitted	29
DEVELOPMENT REGULATIONS UNDER THE URBAN AND RURAL PLANNING ACT, 2000.	31
SCHEDULE A - DEFINITIONS	41
SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS	54
SCHEDULE C - STANDARD CONDITIONS FOR ALL USE ZONES.....	60
SCHEDULE D - OFF-STREET PARKING REQUIREMENTS.....	96

**TOWN OF FLATROCK MUNICIPAL PLAN
DEVELOPMENT REGULATIONS**

APPLICATION

1. Short Title

These Regulations may be cited as the Flatrock Development Regulations.

2. Interpretation

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

3. Commencement

These Regulations come into effect throughout the Flatrock Municipal Planning Area when notice to that effect in the Newfoundland and Labrador Gazette.

4. Municipal Code and Regulations

The Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of Flatrock, shall, under these Regulations apply to the entire Municipal Planning Area.

5. Authority

In these Regulations, “Authority” means the Council of the Town of Flatrock and “Act” means the *Urban and Rural Planning Act, 2000*.

6. Compliance with Regulations

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

7. Permit Required

No person shall carry out any development within the Municipal Planning Area except where otherwise provided in these Regulations unless a permit for the development has been issued by Council.

8. Permit to be Issued

Subject to Regulations 9 and 10, a permit shall be issued for development within the Municipal Planning Area that conforms to:

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

9. Permit Not to be Issued in Certain Cases

Neither a permit nor approval in principle shall be issued for development within the Municipal 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.

10. Discretionary Powers of Council

- (1) In considering an application for a permit or for approval in principle to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, approve with conditions or refuse the application.
- (2) Council 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 Council's regulations as discretionary, permitted or prohibited uses for that area.

11. Variances

- (1) Where an approval or permit cannot be given by Council because a proposed development does not comply with numeric development standards set out in applicable use zone table, Council may, in its discretion, vary the numeric 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 applicable use zone table 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.

12. Notice of Variance

Where Council is to consider a proposed variance, Council shall give written notice of the proposed variance from the numeric 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.

13. Service Levy

- (1) Council may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to Council of constructing or improving the public works referred to in Regulation 13(1) that are necessary for the real property to be developed in accordance with the standards required 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 benefited by the public works related to all the real property so benefited, and
 - (b) the density of development made capable or increased by the public work.
- (4) Council may require a service levy to be paid by the owner of the real property.
 - (a) at the time the levy is imposed.
 - (b) at the time development of the real property commences.

- (c) at the time development of the real property is completed, or
- (d) at such other time as Council may decide.

14. 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 site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
 - (a) a cash deposit from the developer, to be held by Council, or
 - (b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or
 - (c) a performance bond provided by an insurance company or a bank, or
 - (d) an annual contribution to a sinking fund held by Council, or
 - (e) another form of financial guarantee that Council may approve.

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 78, Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to Council in accordance with the provisions of the Act.

16. Reinstatement of Land

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

17. Form of Application

- (1) An application for a development permit or for approval in principle shall be made only by the owner or by a person authorized by the owner to Council on such form as may be prescribed by Council, and every application shall include such plans, specifications and drawings as Council may require, and be accompanied by the permit fee required by Council.
- (2) Council shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be

submitted with the application and any information or requirements applicable to the application.

18. Register of Application

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

19. Deferment of Application

- (1) An application properly submitted in accordance with these Regulations shall be determined within eight (8) weeks of receipt of the application by the Council.
- (2) The Council may defer consideration of an application where additional information or consideration is required.
- (3) Where no decision on an application has been made within eight (8) weeks of its submission, the application shall be deemed to be refused.

20. Approval in Principle

- (1) An application for Approval in Principle shall include,
 - (a) a description of the proposed development,
 - (b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands, and
 - (c) submission of any pertinent information that may be required by the Council.
- (2) The Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.
- (3) An Approval in Principle shall be valid for a period of 1 year and may be extended 1 year (at the request of the applicant), up to a total maximum period of 2 years.
- (4) No development shall be carried out under an Approval in Principle.
- (5) Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the applications.

21. Development Permit

- (1) A written Permit to Develop, including a temporary Permit to Develop, issued by the Council shall be permission to develop. This permission shall not relieve the applicant from full responsibility of obtaining all other approvals, prior to the commencement of development, and complying with the requirements of all other regulations and statutes during development.

- (2) The Council may attach conditions to a Permit to Develop to ensure compliance with the Municipal Plan and these Regulations, and the permit holder shall be responsible for full compliance with the permit conditions.
- (3) A Permit to Develop is valid for a period of 1 year and may be extended twice up to a total maximum period of 3 years.
- (4) The issuance of a Permit to Develop shall not prevent the Council from requiring the correction of errors, or ordering the cessation, removal of, or remedial work on any development being carried out that is in violation of the Municipal Plan and these Regulations.
- (5) The Council may revoke a Permit to Develop for failure by the developer to comply with the Municipal Plan and these Regulations, or any condition attached to the Permit to Develop, or where it was issued in error or was issued on the basis of incorrect information.
- (6) No person shall change the application for which a Permit to Develop has been issued unless the change has been approved by a resolution of the Council, and written approval has been issued.
- (7) A copy of the Permit to Develop, and the plans and specifications, shall be kept on the site until completion of the development.

22. Reasons for Refusing Permit

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

23. 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:

- (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.

24. Appeal Requirements

- (1) The secretary of the Regional Appeal Board, Department of Municipal and Provincial Affairs, P.O. Box 8700, St. John's, NL, A1B 4J6, is the secretary to all Regional Appeal 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 Appeal Board.

- (2) The fee required under section 44 of the Act shall be paid to the Appeal 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.
- (3) The Appeal Board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the Appeal Board.
- (4) Where an appeal of a decision and the required fee is not received by an Appeal 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.

25. Appeal Registration

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify Council of the appeal and shall provide to Council a copy of the appeal and the documentation related to the appeal.
- (3) Where Council has been notified of an appeal that Authority shall within one week of notification 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 Council 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.

26. Development Prohibited

- (1) Immediately upon notice of the registration of an appeal Council 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 Council 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, Council shall not carry out work related to the matter being appealed.

27. Appeal Board

- (1) The minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in section 40, of the Act.

28. Appeals

- (1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to
 - (a) an application to undertake a development.
 - (b) a revocation of an approval or a permit to undertake a development.
 - (c) the issuance of a stop work order, and
 - (d) a decision permitted under the Act or another Act to be appealed to the board.
- (2) A decision of Council to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.
- (3) An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.
- (4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.
- (5) An appeal shall be made in writing and shall include:
 - (6) a summary of the decision appealed from,
 - (7) the grounds for the appeal, and
 - (8) the required fee.
- (9) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
- (10) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
- (11) An Appeal Board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under section 24, of the Act, and having regard to the circumstances and merits of the case.
- (12) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.

- (13) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct Council to carry out its decision or make the necessary order to have its decision implemented.
- (14) Notwithstanding subsection (10), where Council may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
- (15) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
- (16) An Appeal Board shall, in writing notify the appellant and the appropriate Authority of the decision of the Appeal Board.

29. Hearing Notice and Meetings

- (1) An Appeal 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) An Appeal Board may meet as often as is necessary to conduct its work in an expeditious manner.

30. Hearing of Evidence

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 29(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
- (2) An Appeal 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 Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

31. Return of Appeal Fee

Where an appeal made by an appellant under section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under regulation 24(2) shall be paid to him or her by Council.

32. Notice of Application

Council may, when a variance is necessary under Regulation 11 and Council wishes to consider whether to authorize such a variance, and shall when a change in non-conforming use is to be considered under Regulation 49, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations, at the expense of the applicant, give notice of an application for a permit or for approval in principle by public advertisement in a newspaper circulating in the area or by any other means deemed necessary. Under Regulation 12, 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.

33. Right of Entry

Council, or any inspector appointed 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.

34. Record of Violations

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

35. 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 Regulation 35(1) is guilty of an offence under the provisions of the Act.

36. Delegation of Powers

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

PART II - GENERAL DEVELOPMENT STANDARDS

37. Accesses and Service Streets

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

38. Accessory Buildings

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- (2) Accessory buildings shall have a maximum combined floor area of 110 square metres unless other floor area requirements are established in the Use Zone Table.
- (3) Accessory building shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 3 metres from a side and rear lot line unless other setback requirements are established in a Use Zone Table.
- (4) The maximum height of an accessory building shall be 9 metres.
- (5) Accessory buildings may be located in front of the building line where Council is satisfied that there is no alternative to place the accessory building in the side yard or rear yard.
- (6) Residential lots may have more than one accessory building provide that the maximum combined floor area of all accessory buildings shall not be greater than the maximum area set out in 38 (2).
- (7) No accessory building shall be larger in area and height than the main residential dwelling.
- (8) School buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from use as an accessory building.
- (9) Prefabricated storage units and greenhouses with an area of 12 square metres or less shall be excluded in the overall calculation of the maximum combined floor area of accessory buildings on a lot. A development permit is not required for the placement of such storage units or greenhouses but the structure must be located in accordance with section 38 (3) and cannot be located in front of the building line notwithstanding 38 (5).
- (10) No accessory building shall be constructed on an easement.

39. Advertisements

Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations.

40. Buffer Strips

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential use and the industrial activity. 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.

41. Building Height

- (1) Council may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rearyard requirements shall be varied as follows:
 - (a) The building line setback shall be increased by 2 metres for every 1 metre increase in height.
 - (b) The rearyard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.

42. Building Line and Setback

Council, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.

43. Family and Group Care Centres

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

44. Height Exceptions

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 10% of the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

45. Livestock Structures and Uses

- (1) No structure shall be erected or used unless it complies with the following requirements:

- (a) The structure shall be at least 250 metres from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations, and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.
 - (b) The structure shall be at least 60 metres from the boundary of the property on which it is to be erected.
 - (c) The structure shall be at least 90 metres from the centre line of a street.
 - (d) The erection of the structure shall be approved by the Department of Fisheries, Forestry and Agriculture and the Department of Environment and Climate Change.
- (2) No development for residential use shall be permitted within 250 metres of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Fisheries, Forestry and Agriculture.

46. Lot Area

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

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

48. Lot Frontage

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street, a backlot approved by Council conforming to the requirements of the applicable use zone table or forms part of a Comprehensive Development Scheme.

49. Non-Conforming Use

- (1) Notwithstanding the Municipal Plan, scheme or regulations made under this *Urban and Rural Planning Act, 2000*, Council shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 12 months after discontinuance.
- (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.
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development.
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed.
 - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion, more compatible with the plan and regulations applicable to it.
 - (e) may have the existing building extended by approval of Council where, in Council's opinion, the extension is not more than 50% of the existing building;
 - (f) where the non-conformance is with respect to the standards included in these 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.
 - (h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.
- (4) 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.

50. 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.

51. Off-Street Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
 - (a) parking space shall mean an area of land, not less than 15 m² in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas,
 - (b) the parking area shall be constructed and maintained to the specifications of Council,
 - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development,
 - (d) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area,

- (e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area,
- (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone,
- (g) access to parking areas in non-residential zones shall not be by way of residential zones,
- (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines.

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 general vicinity of the development.

52. Off-Street Loading Requirements

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

53. Parks and Playgrounds, and Conservation Uses

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

54. Screening and Landscaping

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. 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 preserve amenity, or protect the environment.

55. Services and Public Utilities

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

56. Service Stations

- (1) The following requirements shall apply to all proposed service stations:
 - (a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side,
 - (b) Pump islands shall be set back at least 4 metres from the front lot line,
 - (c) Accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

57. Side Yards

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

58. Street Construction Standards

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

59. Subsidiary Apartments

Subsidiary apartments may be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

60. Unsubdivided Land

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

61. Zero Lot Line and Other Comprehensive Development

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

PART III - ADVERTISEMENTS

62. Permit Required

Subject to the provisions of Regulation 67, no advertisement shall be erected or displayed in the Municipal Planning Area unless a permit for the advertisement is first obtained from Council. A Permit for erection or display of advertisement within 100 metres of the centreline of a Provincial Highway shall be obtained from the Department of Digital Government and Service NL, if required, before a permit shall be issued by the Town. Signs within 100 metres of the centreline of a Provincial Highway shall conform to the *Highway Sign Regulations, 1999*.

63. Form of Application

Application for a permit to erect or display an advertisement shall be made to Council in accordance with Regulation 17.

64. Advertisements Prohibited in Street Reservation

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

65. 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.

66. Removal of Advertisements

- (1) Notwithstanding the provisions of these Regulations, Council may require the removal of any advertisement which, in its opinion, is:
 - (a) hazardous to road traffic by reason of its siting, colour, illumination, or structural,
 - (b) condition, or
 - (c) detrimental to the amenities of the surrounding area.

67. Advertisements Exempt from Control

- (1) The following advertisements may be erected or displayed in the Municipal Planning Area without application to Council:
 - (a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 square metres in area,
 - (b) on an agricultural holding or farm, a notice board not exceeding 1 square metres in area and relating to the operations being conducted on the land,

- (c) on land used for forestry purposes, signs or notices not exceeding 1 square metres in area and relating to forestry operations or the location of logging operations conducted on the land,
- (d) on land used for mining or quarrying operations, a notice board not exceeding 1 square metres in area relating to the operation conducted on the land,
- (e) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 square metres in area in connection with the practice of a professional person carried on in the premises,
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 square metres in area,
- (g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser,
- (h) on any parking lot directional signs and one sign not exceeding 1 square metres in size, identifying the parking lot.

68. 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 the Use Zone Tables in Schedule C of these Regulations.

69. Non-Conforming Uses

Notwithstanding the provisions of Regulation 62, a permit may be issued for the erection or display of advertisements on a building or within the courtyard 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.

PART IV - SUBDIVISION OF LAND

70. Permit Required

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

71. Services to be Provided

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

72. Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by Council for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 13 and 14.

73. Issue of Permit Subject to Considerations

- (1) An approval in principle or 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. All subdivision developments shall be subject to a comprehensive evaluation. In considering an application for a subdivision, Council shall, without limiting the generality of the foregoing, consider:
 - (a) the location of the land,
 - (b) the physical features of the site and the proposed roads and lots in relation to the topography,
 - (c) the availability of and the demand created for schools, services, and utilities,
 - (d) the provisions of the Plan and Regulations affecting the site,
 - (e) the land use, physical form and character of adjacent developments and the integration of the subdivision with existing development, roads and services,
 - (f) the transportation network and traffic densities affecting the site,
 - (g) the relationship of the project to existing or potential sources of nuisance,
 - (h) soil and subsoil characteristics,
 - (i) the topography of the site and its drainage,
 - (j) natural features such as lakes, streams, topsoil, trees and shrubs,

- (k) prevailing winds,
- (l) visual quality,
- (m) community facilities,
- (n) energy conservation,
- (o) such other matters as may affect the proposed development.

74. Building Permits Required

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

75. Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with Regulation 17.

76. Subdivision Subject to Zoning

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

77. Building Lines

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

78. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to Council, at no cost to Council, an area of land equivalent to not more than 10% of the gross area of the subdivision, whichever is the greater, for public open space, provided that:
 - (a) where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated,
 - (b) if, in the opinion of Council, no public open space is required, the land may be used for such other public use as Council may determine,
 - (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion is incapable of development for any purpose,

- (d) Council may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated,
 - (e) money received by Council in accordance with Regulation 78(1)(d) above, shall be reserved by Council for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to 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 purposes.
- (3) Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of Council, constitute the requirement of land for public use under Regulation 78(1).

79. Structure in Street Reservation

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

80. Subdivision Design Standards

- (1) No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:
- (a) The finished grade of streets shall not exceed 10 %.
 - (b) Every cul de sac shall be provided with a turning circle of a diameter of not less than 25 metres.
 - (c) The maximum length of any cul de sac shall be 490 metres in areas not served by or planned to be served by municipal piped water and sewer services.
 - (d) Emergency vehicle access to a cul de sac shall be not less than 3 metres wide and shall connect the head of the cul de sac with an adjacent street.
 - (e) No cul de sac shall be located so as to appear to terminate a collector street.
 - (f) New subdivisions shall have street connections with an existing street or streets.
 - (g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 metres from the intersection.
 - (h) No street intersection shall be closer than 60 metres to any other street intersection. No more than four streets shall join at any street intersection.

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

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30m	15m	1.5m	2
Collector Streets	20m	15m	1.5m	2
Local Streets	15m	7m	1.5m	1
Service Streets	12m	7m	1.5m	1

- (j) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (k) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (l) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (m) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.
- (n) New subdivisions and extensions to existing subdivisions shall require hydrants to be installed to the satisfaction of Council and the local fire department and designed in conformity with the Government of Newfoundland & Labrador Municipal Water, Sewer and Roads Master Construction Specifications.

81. 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 Town’s 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 Town’s 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 Town’s 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.

82. 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 fees recommended by the Professional Engineers and Geoscientists Newfoundland & Labrador (PEGNL).

83. Street Works May Be Deferred

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

84. Transfer of Streets and Utilities to Authority

- (1) The developer shall, following the approval of the subdivision of land 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 to be developed or subdivided which are approved and designated by Council for public uses as streets, other rights-of-way, emergency accesses or for other public use,
 - (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by Council.
- (2) Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.
- (3) Council shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by Council.

85. Restriction on Sale of Lots

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

86. Grouping of Buildings and Landscaping

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

87. Ground Water Assessment

- (a) The developer shall complete a groundwater assessment for a subdivision consisting of five (5) lots or greater in compliance with the Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Served by Individual Private Wells.
- (b) Council may require a groundwater assessment for a new subdivision consisting of four (4) lots or less where the area is known to have issues with groundwater quantity and/or quality.
- (c) The groundwater assessment report must be prepared under the direction of a qualified person and must be submitted to the Water Resource Management Division, Department of Environment and Climate Change. An approval letter, based on the groundwater assessment report, is required before approval of the subdivision engineering plans by Digital Government and Service NL and the Town.

88. Development Agreement

- (a) Council shall require the developer of a subdivision to enter into a development agreement which establishes the particular conditions and requirement which a subdivision may carried out. The development agreement may address:
 - (b) Payment of fees and securities.
 - (c) Phasing of development.
 - (d) Designation and conveyance of open space or payment in lieu,
 - (e) Conveyance of other lands and infrastructure, and
 - (f) Other matters related to the proposed subdivision.

PART V - USE ZONES

89. Use Zones

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

90. Use Classes

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

91. Permitted Uses

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

92. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with Regulation 32 and has considered any objections or representations which may have been received on the matter.

93. Uses Not Permitted

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

NEWFOUNDLAND REGULATION 3/01
Development Regulations under the Urban and Rural Planning Act, 2000.

(Filed January 2, 2001)

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

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

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

1. Short title

These regulations may be cited as the Development Regulations.

2. Definitions

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

3. Application

- (1) These regulations shall be included in the development regulations of an authority and shall apply to all Municipal 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.

4. Interpretation

- (1) In development regulations and other regulations made with respect to a Municipal 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 Council 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 Council's regulations; and
 - (y) "zoning map" means the map or maps attached to and forming a part of Council'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 Council's regulations as discretionary, permitted or prohibited uses for that area.

5. Notice of right to appeal

- (1) 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;
 - (i) time by which an appeal is to be made;
 - (ii) right of other interested persons to appeal the decision; and
 - (b) manner of making an appeal and the address for the filing of the appeal.

6. Appeal requirements

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

7. Appeal registration

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to Council 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 Council 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.

8. Development prohibited

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

9. Hearing notice and meetings

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

10. Hearing of evidence

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

11. Board decision

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

12. Variances

- (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in 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) 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.

13. Notice of variance

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

14. Residential non conformity

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

15. Notice and hearings on change of use

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

16. Non-conformance with standards

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

17. Discontinuance of non-conforming use

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

18. Delegation of powers

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

19. Commencement

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

TOWN OF FLATROCK

DEVELOPMENT REGULATIONS

2024-2034

SCHEDULE A

DEFINITIONS

SCHEDULE A - DEFINITIONS

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.

ACCESSORY BUILDING means:

- (a) A detached subordinate building not used as a dwelling, located on the same lot as the main building or use to which it is accessory, and which has a use which is customarily incidental or complimentary to the main use of the building or land:
- (b) for residential uses such as domestic garages, carports, ramps, sheds, swimming pools, greenhouses, fuel sheds, or radio and television antennae,
- (c) for commercial uses such as workshops, garages, and
- (d) for industrial uses such as garages, offices, raised ramps and docks.

ACCESSORY DWELLING UNIT means a separate dwelling unit constructed within and subsidiary to the main use. The main use shall not be a single dwelling, double dwelling, row dwelling, and apartment building.

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.

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

ADVERTISEMENT means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction; excluding such things employed wholly as a memorial, or functional advertisement of Councils, or other local authorities, public utilities and public transport undertakers, and including any boarding or similar structure used or adapted for use for the display of advertisements.

AGRICULTURE means an agricultural operation that is carried on for personal use, or for commercial gain and includes:

- (a) the clearing, draining, irrigating or cultivation of land,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of agricultural field crops,
- (f) the production of fruit and vegetables and other specialty horticultural crops,
- (g) the production of eggs and milk,
- (h) the operation of agricultural machinery and equipment, including irrigation,
- (i) storage, use or disposal of organic wastes (manure) for farm purposes, and

- (j) any other agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward.

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.

ANTENNA means a system that involves the transmission or receiving of data through radio waves, air monitoring, weather collection devices or other sources, typically forming part of a mast or tower which may be several hundred metres tall, either guyed or freestanding. Small monitoring structures are typically located near the base.

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

APPLICANT means a person who has applied to Council for approval to carry out development.

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

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

APPROVAL IN PRINCIPLE means that Council when considering a development application shall evaluate the application to the development requirements within the Town. If the proposed development meets the development requirements of the Town an approval in principle maybe given to the application. Final approval and issuance of a permit to commence development are subject to the agreement by the applicant to meet specified conditions as outlined by Council.

AUTHORITY means the Town Council of Flatrock, authorized administrator or regional authority.

BACKLOT means a lot characterized by the location of the residential lot generally at the rear of another residential lot, or otherwise separated from the public street which provides access, and by a narrower area extending from the rear residential lot to the public street.

BUFFER means a formation of land or natural growth such as a berm, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible sites, uses or land use districts.

BUILDING means:

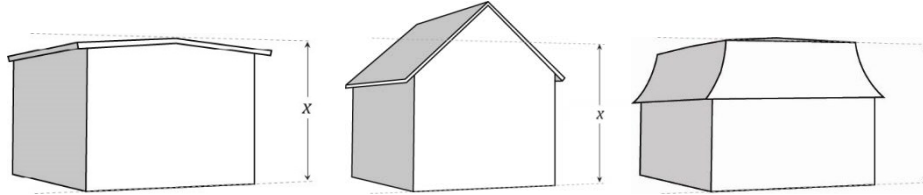
- (a) a structure, erection, excavation, alteration or improvement placed on, over or under land, or attached, anchored or moored to land; mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses;
- (b) a part of and fixtures on buildings referred to in (a) and (b), and
- (c) 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 HEIGHT means the vertical distance, in metres, from established grade to the:

- (a) highest point of the roof surface of a flat roof;
- (b) deck line of a mansard roof; and

(c) mean height level between the eave and ridge of a gable, hip or gambrel roof,

and in any case, a Building Height shall not include mechanical structures, smokestacks, steeples, and purely ornamental structures above a roof.



BUILDING LINE means a line established by the Council that runs parallel to the street line and is set at the closest point to a street that a building may be placed. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

CHILD CARE FACILITY means a building or part of a building in which services and care are regularly provided to children or adults but does not include a school as defined by the *Schools Act, 1997*.

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

CORNER LOT means a lot deemed to have street frontages on both a primary and a flanking (secondary) street.

CORNER LOT SIGHT TRIANGLE means a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 1 metres above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres from the point of intersection.

COUNCIL means the Municipal Council of the Town of Flatrock.

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

- (a) making of an access onto a highway, road or way,
- (b) erection of an advertisement or sign,
- (c) construction of a building,
- (d) the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation, and excludes,
- (e) the carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (f) the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,

- (g) the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of streets or other land for that purpose,
- (h) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of a dwelling house as a dwelling.
- (i) the creation of a pedestrian or vehicular road, lane, driveway or trail by means of clearing land or disturbing the natural ground surface and/or vegetation, as well as erecting bridges, curbs, steps, rails, signs or installing culverts.

DEVELOPMENT AGREEMENT means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out.

DEVELOPMENT REGULATIONS means Regulations and by-laws respecting development that have been enacted by Council.

DISCRETIONARY USE means a use that is listed within the discretionary use classes established in the use zone tables of the Council's Development Regulations.

DOUBLE DWELLING means one building containing two dwelling units, placed one above the other, side by side, or joined by a carport with separate lot areas dedicated to each unit, but does not include a single dwelling containing a subsidiary apartment.

DRAINAGE PLAN means a design based on a bio-physical assessment of a residential subdivision lot(s) to determine how surface water catchment will be managed, controlled and mitigated so as to not cause water runoff to adjoining land.

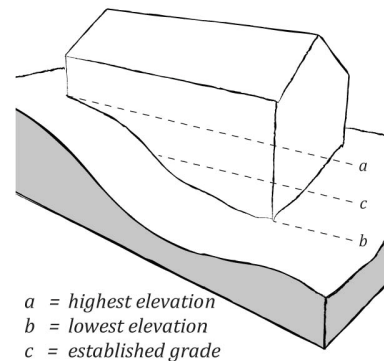
DWELLING UNIT means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one or more persons.

ENGINEER means an engineer who is a member of the Association of Professional Engineers and Geoscientists of Newfoundland, employed or retained by the Council.

ESTABLISHED BUILDING LINE means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon in the past.

ESTABLISHED GRADE means

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



FAMILY CHILD CARE USE means a building or part of a building in which services and activities are regularly provided for up to six (6) children as defined in the *Child Care Act, 2014*, but do not include a school as defined by the *Schools Act, 1997*.

FLANKING STREET means the secondary street bordering a corner lot.

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

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

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

FRONTAGE means the horizontal distance between side lot lines measured at the building line.

FRONT YARD DEPTH means the distance between the front lot line of a lot and the front wall of the main building on the lot.

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

GENERAL GARAGE means land or buildings used for the repair, maintenance and storage of motor vehicles and may include the sale of petroleum products.

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

GROUP CHILD CARE USE means a building or part of a building in which services and activities are regularly provided for seven (7) or more children as defined in the *Child Care Act, 2014*, but do not include a school as defined by the *Schools Act, 1997*.

GROUP HOME means a dwelling unit accommodating not more than 6 persons, exclusive of staff, in a home-like setting where staff provide care and supervision. This definition includes, but is not limited to, the facilities called "Transition House" and "Foster Home".

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.

HOBBY FARM means the keeping of livestock, chickens and the growing of fruit and vegetables as an accessory use subsidiary to a permitted residential use. Hobby farming shall be for personal use only and shall be located on a residential lot.

HOME OCCUPATION means a secondary use of a dwelling unit or its accessory building by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity, and subsidiary to a residential use. Also referred to as a "Home based Business" and classified as an office use.

HOME OFFICE USE means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office use uses which do not involve visitation by clients, customers, or the general public to the site, nor the employment

of non-residents, and subsidiary to a residential use. Also referred to as a “Home Based Business” and classified as an office use.

INFILL LOT means a typical empty lot between existing dwellings on a residential street. An infill lot may also mean land available between existing buildings.

INSPECTOR means a person appointed as an inspector by the Council.

KENNEL means land and buildings where five (5) or more domestic animals such as dogs, cats and birds, are boarded, bred, trained or otherwise cared for, and 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 those buildings and structures.

LANDSCAPING means the development of land by altering the topography and ground cover and may include the use of turf, plants, shrubs, trees, retaining walls and fences.

LANDSCAPE PLAN means a two-dimensional scaled concept plan showing the land or lot boundaries which would include proposed development of the land by using turf, plants, shrubs, trees, retaining walls and fences for aesthetic or practical purposes. A Landscape Plan may include, but not limited to, the arrangement or modifying land features, such as tree retention or planting, garden edging or retaining, planting, screening, fencing or earthwork (alteration or drainage).

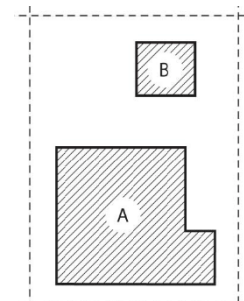
LIGHT INDUSTRY means the use of land or buildings for industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

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.

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

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

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

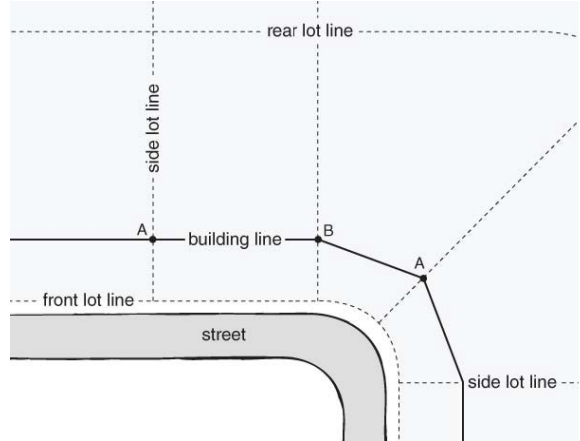


LOT FRONTAGE means the horizontal distance between side lot lines measured at the building line (the distance between points **A** and **B** in illustration at right).

LOT LINE, REAR means the lot line on the opposite side of the front lot line.

LOT LINE, SIDE means the lot lines perpendicular to the front and rear lot lines.

LOT LINE, FLANKING means a lot line which abuts the street on a corner lot.



MINERAL EXPLORATION means the search for and sampling of minerals or quarry materials where the activity or activities involved meet the definition of “development” under the *Urban and Rural Planning Act, 2000*. “Mineral” and “quarry material” for the purpose of interpreting the definition of mineral exploration (development) are as defined in the provincial *Mineral Act* and *Quarry Materials Act, 1998*, respectively. Mineral exploration does not include mining or mineral working (e.g., quarrying). Activities which meet the definition of mineral exploration (development) are to be contrasted with mineral exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water, or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

MINERAL WORKING means an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. “Quarry material” for the purpose of interpreting the definition of mineral working is as defined in the provincial *Quarry Materials Act, 1998*. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

MINING means an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act* administered by the Department of Industry, Energy and Technology. “Mineral” for the purpose of interpreting the definition of mining is as defined under the *Mineral Act*. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the *Mineral Act* dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland (but a quarry material in Labrador) and therefore extraction of dimension stone within the Town of the Flatrock Municipal Planning Area would be considered mining.

MINI HOME means a factory produced single dwelling complying with the National Building Code and having the appearance of a mobile home.

MINISTER shall mean the Minister of Municipal and Provincial Affairs, unless otherwise specified.

MODULAR HOME means a residential dwelling built in modules in a factory complete with kitchen, bedrooms, bath, etc., as may be pre-set in a house and transported to the building site for joining and placement on a foundation. Modular home construction shall conform to the National Building Code and the Town of Flatrock Development Regulations.

MUNICIPAL PLAN means a plan adopted by the Council as a Municipal Plan pursuant to the *Urban and Rural Planning Act, 2000*.

MUNICIPAL PLANNING AREA means a regional Municipal Planning Area and a Municipal Planning Area established under section 6 and 11 of the *Act*. For the purpose and context of these regulations, the Municipal Planning Area shall mean the area which coincides with the municipal boundary for the Town of Flatrock.

NATURAL ENVIRONMENT means living and non-living things occurring naturally in a region. It encompasses the interaction of all living species, climate, weather, and natural resources.

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

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

PERMIT TO DEVELOP means the general term referring to all permits or licenses approved by Council and shall include all conditions, agreements or provisions attached thereto.

PERMITTED USE means a use that is listed within the permitted use classes set out in the use zone tables of these Development Regulations.

PRIMARY STREET means the street on which a development fronts and is referenced in the civic address.

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 STREET means a main road or thoroughfare owned and maintained by Council, such as a provincial highway or local street, available to the public for pedestrian use or vehicular transportation.

REAR YARD DEPTH means the mean distance between the rear lot line and the rear of the main building on the lot.

RECREATION (Passive) means outdoor recreational activities, such as nature observation, hiking, and canoeing or kayaking, that require a minimum of facilities or development and that have minimal environmental impact on the landscape.

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

RENOVATION means the structural or cosmetic alteration of a building or structure without changing the structural integrity by altering exterior walls.

RESERVATION means a distance 15 metres from the high-water mark of a lake, pond, river, or seashore or foreshore, restricted from development and forming an easement for public access and movement as required by the *Lands Act, 1991*. Council may also determine the Reservation of the East Coast Trail as a distance from either side of the Trail restricted from development.

RESTAURANT means a building or part of a building, licensed for the purpose of serving meals and includes a “Snack Bar”.

ROW DWELLING means three or more dwelling units at ground level in one building, each unit separated vertically from the others.

SEASONAL RESIDENCE means a dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.

SCREENING means a fence, berm, trees, hedge, wall or building used to separate areas or functions which detract from the appearance of the streetscape and the view from the surrounding areas.

SERVICE STATION means a building, including gas pumps, used for the sale of petroleum products, and may include general merchandise, minor automotive repairs, and washing of vehicles.

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

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 retail stores with integrated parking which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

SHORT-TERM (TOURISM) ACCOMMODATION means the provision of accommodation for compensation to an individual or group of individuals for overnight lodging for a specified period with a license from the Department of Tourism, Culture, Arts and Recreation. Short-term tourism accommodation shall be rented as a single unit to an individual or group.

SHOWROOM means a building or part of a building in which samples or patterns are displayed and in which orders may be taken for goods, wares or merchandise, including vehicles and equipment, for later delivery.

SIDE YARD DEPTH means the distance between a side lot line and the nearest side wall of a building on the lot.

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 or local government, utilities and boarding or similar structures used for the display of advertisements.

SINGLE DWELLING means one building containing a single dwelling unit for the use of one family, placed on its own lot, and can include a subsidiary apartment.

SITE PERMIT means a permit issued by the Town of Flatrock for any earth disturbance or other earthwork including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, road maintenance, and the moving, depositing, stockpiling or storing of soil, rock, or earth materials.

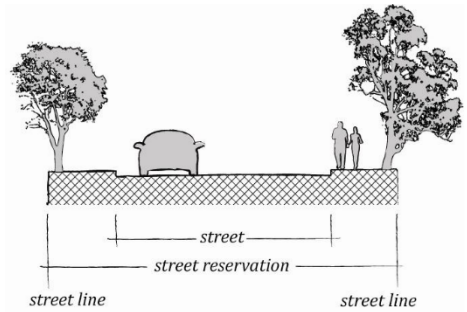
STREET means a street, road, highway or other way designed for the passage of vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles.

STREET LINE means the edge of the right of way of a street reservation as defined by Council having jurisdiction.

STREET RESERVATION means an area determined by Council that is reserved for a street, a future street or future street improvements.

SUBDIVISION means the dividing of land, whether in single or joint ownership, into 2 or more pieces which conforms to these Regulations.

SUBDIVISION (RESIDENTIAL) means a concept proposal approved by Council to subdivide property into a minimum of 5 residential lots subject to conditions outlined in a development agreement. It generally shows topographic information and natural features, such as rivers and vegetation. The concept proposal will also identify proposed residential lots which may typically require infrastructure such as streets drainage, culverts pavement, sidewalks and curbs.



SUBSIDIARY APARTMENT means a separate dwelling unit constructed within and subsidiary to a single dwelling.

TAKE-OUT FOOD means a building in which the primary purpose is the preparation and sale of meals and refreshments for consumption off the premises.

TOURIST ACCOMMODATIONS means a dwelling in which overnight accommodation and a breakfast meal are offered to registered guests for a fee. A Hospitality Home and/or a Bed and Breakfast shall have the same meaning.

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.

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 Council's regulations.

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

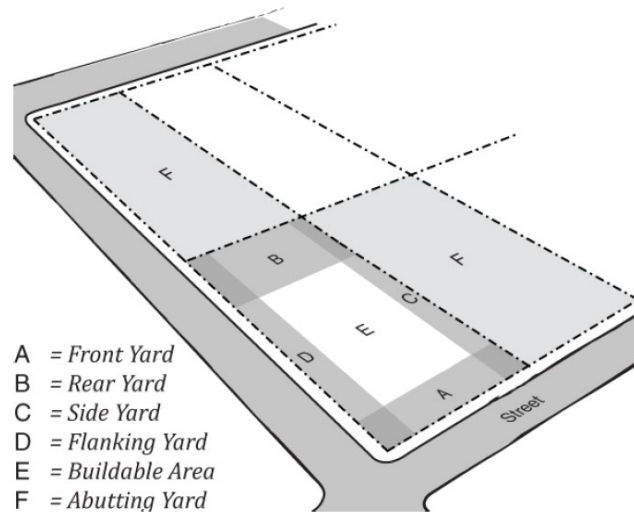
YARD, REAR means the distance between the rear lot line and the rear wall of the main building on a lot.

YARD, SIDE means the distance between the side lot line and the nearest side wall of a building on the lot.

YARD, FRONT means the distance between the front lot line of a lot and the front wall of the main building on the lot.

YARD, FLANKING means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any main building or structure

YARD, ABUTTING means the yard of an abutting lot which shares a lot line of subject property.



ZERO NET RUNOFF means a process that will evaluate and calculate the waste water generated by new construction, in addition to the water runoff produced by normal rains, and develop techniques to capture and manage water runoff where the water is retained and allowed to percolate through the soil to assist in water quality improvement and groundwater recharge.

ZONING MAP means the map or maps attached to and forming part of the Town of Flatrock Development Regulations.

TOWN OF FLATROCK

DEVELOPMENT REGULATIONS

2024-2034

SCHEDULE B

CLASSIFICATION of USES of

LAND and BUILDINGS

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Movie theatre, performing arts centre, amphitheater, auditorium
ASSEMBLY USES	Cultural and Civic	Library, museum, art gallery, courthouse, meeting rooms, town hall
ASSEMBLY USES	General Assembly	Community hall, community centre, lodge halls, dance halls, private clubs
ASSEMBLY USES	Educational	Schools, colleges
ASSEMBLY USES	Place of Worship	Church, chapel, temple, church hall, synagogue, convent, seminary, monastery, rectory, parish house
ASSEMBLY USES	Passenger Assembly	Bus station, boat tours
ASSEMBLY USES	Catering	Restaurants, bars, lounges
ASSEMBLY USES	Micro-Brewery	Brew pub, micro-brewery, micro-distillery
ASSEMBLY USES	Funeral Home	Funeral home, chapel, crematorium
ASSEMBLY USES	Child-care Service	Child-care Centre, nursery school, pre-school, family day care
ASSEMBLY USES	Amusement	Video arcade, escape room, paint ball venue, zip line
ASSEMBLY USES	Indoor Assembly	Arena, skating rink, indoor swimming pool, gymnasium, bowling alley, fitness centre, dance school, karate school
ASSEMBLY USES	Outdoor Assembly	Outdoor concert venue, outdoor ice rink, outdoor swimming pool, amusement park, fairground
ASSEMBLY USES	Tourism Cabins	Tourism cottage establishments
ASSEMBLY USES	Campgrounds	RV Park, tent campground, yurts, glamping pods

GROUP	CLASS	EXAMPLES
INSTITUTIONAL USES	Penal and Correctional Detention	Jail, penitentiary, youth centre
INSTITUTIONAL USES	Medical Treatment and Special Care	Long term care facility, personal care home, hospital, health care centre, protective care community residence, shelter
RESIDENTIAL USES	Single Dwelling	Single detached dwellings, boarding house, group home
RESIDENTIAL USES	Double Dwelling	Semi-detached dwellings, duplex dwellings, boarding house, group homes
RESIDENTIAL USES	Multi-Dwelling	Row houses, town houses, triplex dwellings, seniors independent living cottages, group home
RESIDENTIAL USES	Apartment Building	Apartments, condominium building, seniors independent living apartments, four-plex, supervised housing, group home
RESIDENTIAL USES	Commercial Residential	Hotel, motel, hostels, inn
RESIDENTIAL USES	Seasonal Residential	Cabins, cabins, summer homes, hunting and fishing cabins
RESIDENTIAL USES	Mobile Homes	Mobile homes
RESIDENTIAL USES	Short-Term Tourism Accommodation	Airbnb, bed and breakfast, tourist home, hospitality home
RESIDENTIAL USES	Tourism Cabins	Multi-cabin park, cabin complex
RESIDENTIAL USES	Seasonal Dwelling	Cottage, cabin
BUSINESS and PERSONAL SERVICE USES	Office	Offices (including Government Offices), banks, travel agents, insurance brokers, legal offices

GROUP	CLASS	EXAMPLES
BUSINESS AND PERSONAL SERVICE USES	Medical and Professional	Medical clinic, dental office, physiotherapy office, family resource centre, denturist
BUSINESS AND PERSONAL SERVICE USES	Personal Service	Hair salon, household repairs, health spa, pet grooming, nail salon
BUSINESS AND PERSONAL SERVICE USES	General Service	Laundromat, dry cleaners, tool rental, medical equipment supply and rental
BUSINESS AND PERSONAL SERVICE USES	Studio	Artist studio, handicrafts, music lessons, handicraft lessons
BUSINESS AND PERSONAL SERVICE USES	Media	Film studio, music studio, recording or sound studio, editing suite
BUSINESS AND PERSONAL SERVICE USES	Fire Station	Fire Station
BUSINESS AND PERSONAL SERVICE USES	Police Station	Police Station
BUSINESS AND PERSONAL SERVICE USES	Taxi Stand	Taxi Stands
BUSINESS AND PERSONAL SERVICE USES	Take-out Food Service	Take-out food service, food truck
BUSINESS AND PERSONAL SERVICE USES	Veterinary	Veterinary surgeries, animal day care facilities, animal rescue, animal pounds
MERCANTILE USES	Shopping Centre	Shopping centre
MERCANTILE USES	Shop	Retail shop, store, showroom, drugstore
MERCANTILE USES	Indoor Market	Indoor farm market, garden centre with greenhouses, nursery
MERCANTILE USES	Outdoor Market	Outdoor flea market, outdoor farm market, vegetable and fruit stands, fish stalls, sale of firewood, sale of new or used automobiles, sale of recreational trailers

GROUP	CLASS	EXAMPLES
MERCANTILE USES	Convenience Store	Confectionary store, corner store, gift shop, craft shop
INDUSTRIAL USES	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, feed mills, lacquer, mattress, paint, varnish, and rubber factories, fiberglass and spray painting
INDUSTRIAL USES	General Industry	Factory, cold storage plant, freight depot, general garages, warehouse, workshop, saw-mill, printing plants, contractors' yards, outdoor storage, heavy equipment storage
INDUSTRIAL USES	Service Station	Gas station, garage, gas bar
INDUSTRIAL USES	Light Industry	Light industry, indoor storage, workshop, storage units
INDUSTRIAL USES	Mining	Mine, extraction of dimension stone
INDUSTRIAL USES	Mineral Working	Quarry, pit, processing of quarry materials, concrete plant, asphalt plant, soil production, soil reclamation
NON-BUILDING USES	Agriculture	Commercial farm, livestock farm, forage production
NON-BUILDING USES	Traditional Agriculture	Hobby farm, nursery, small scale horticulture farm, community garden
NON-BUILDING USES	Forestry	Tree nurseries, silviculture, domestic and commercial wood harvesting
NON-BUILDING USES	Recreational Open Space	Sports fields, park, playground, trail, rest area, splash pad, golf course
NON-BUILDING USES	Conservation	Historical and scenic sites, wildlife sanctuary, interpretive walks, scenic look-out
NON-BUILDING USES	Cemetery	Cemeteries, graveyards, pet cemeteries

GROUP	CLASS	EXAMPLES
NON-BUILDING USES	Scrap Yard	Car Wrecking Yard, Junk Yards, Scrap Dealers
NON-BUILDING USES	Utilities	Wind turbines, windmills, solar generation plant, transmission lines, sub-station
NON-BUILDING USES	Solid Waste	Solid Waste Disposal, Sanitary Land Fill, Incinerators
NON-BUILDING USES	Animal	Kennel, petting farm, horse riding stable
NON-BUILDING USES	Antenna	TV, radio and media mast, cell tower, antenna
NON-BUILDING USES	Transportation	Airfield, dock, wharf, slipway, breakwater, boat house, fishing shed
NON-BUILDING USES	Marine Service Centre	Marine fabrication, offshore service centre, marine vessel repair, shipyard, dry dock
NON-BUILDING USES	Marina	Marina, yacht club, boating club

TOWN OF FLATROCK

DEVELOPMENT REGULATIONS
2024-2034

SCHEDULE C

LAND USE ZONE TABLES

TOWN OF FLATROCK

SCHEDULE C – LAND USE ZONE TABLES STANDARD CONDITIONS FOR ALL USE ZONES

The following conditions shall apply to all use zones listed under these Development Regulations.

General Development Regulations

An Approval in Principle or a Permit to Develop shall not be issued until the development application complies with the General Development Regulations, Parts I-V.

Interpretation of Zone Boundaries

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

Discretionary Uses

The discretionary uses listed in the use zone tables may be permitted at the discretion of Council, provided that they are complimentary to uses within the permitted use class, or that their development will not inhibit or prejudice the existence or the development of such uses. Reference should be made to the General Development Standards.

Referrals - Provincial and Federal Government Agencies and Departments

- (1) Prior to the issuance of a development permit for the foregoing developments, approvals must be obtained from the various agencies noted below:
 - (a) **Agriculture and Farming.** Approvals must be obtained from the Department of Fisheries, Forestry and Agriculture for any commercial farming operation. Digital Government and Service NL must approve all manure systems.
 - (b) **Crown Land.** Approvals must be obtained from the Crown Lands Administration Division, Department of Fisheries, Forestry and Agriculture. Applications are made to the Eastern Regional Lands Office, Howley Building, Higgins Line.
 - (c) **On-Site Services** (Well and Sub-Service Systems). Approvals involving installation of on-site water and sewer systems must be obtained from the Digital Government and Service NL.
 - (d) **Environmental Assessment.** Approvals for any development that may have an environmental impact must be referred to Environmental Assessment, Department of Environment and Climate Change. If an environmental assessment

is required, no approvals can be given by Council until the project is released from environmental assessment.

Approval is required from the Pollution Preventions Division, Department of Environment and Climate Change for activities affecting air quality, storage and handling of gasoline and associated products, disposal of used oil, waste disposal and halocarbon.

- (e) **Forestry.** Permits for commercial and domestic woodcutting or other forestry related activities must be obtained from the Department of Fisheries, Forestry and Agriculture, Forest Management Unit 1, Paddy's Pond.
- (f) **Mineral Workings, Mining and Mineral Exploration.** Approvals and permits for development proposed within 50 metres of a reserved sand or gravel pit or quarry; within 300 metres of an operational sand or gravel pit or quarry; or within 1000 meters of a quarry in which blasting may take place; must be obtained from the Department of Industry, Energy and Technology, Mineral Lands Division.

All mineral workings, mining and mineral exploration uses are subject to a permit from Mineral Lands Division, Department of Industry, Energy and Technology.

- (g) **Archaeology Discovery and Heritage** Preservation. Site excavation or development near any protected archaeological site is prohibited.

Any proposed public works project or development involving ground disturbance shall be referred to the Provincial Archaeology Office, Department of Tourism, Culture, Arts and Recreation prior to work commencing.

Discovery of historical artifacts or physical structures shall be reported by the Town to the Provincial Archaeology Office, Department of Tourism, Culture, Arts and Recreation immediately.

- (h) **Waterways.** Any development within a body of water (including a wetland) or involving alteration of a body of water must be approved or exempted by the following agencies:

Provincial

Department of Environment and Climate Change, Water Resources Management Division – for any development within fifteen (15) metres of a body of water or the defined high water mark of a body.

Federal

Department of Fisheries and Oceans
Coast Guard Canada – Navigable Waters Act.
Fish Habitat Division

- (i) **Highway Signs.** Any application for a sign within 100 metres for the centreline of a provincial highway shall be referred to the Department of Digital Government and Service NL.
- (j) **Shorewater Zones.** Any development within a Shorewater Zone is subject to approval by the Water Resources Management Division, Department of Environment and Climate Change.

Development Over Easements

No building or structure shall be constructed over any easement, whether that easement has been assigned to the Town of Flatrock, a department of the provincial or federal government, or any utility company (ie: Newfoundland Power, telephone, cable television, Crown land). Buildings and structures include, but are not limited to, dwellings and accessory buildings.

Building Setback

Council shall ensure that a building shall be sufficiently setback from a road to allow front yard landscaping, and the parking and movement of vehicles clear of the road. Council may impose building setbacks greater than the building line setback in the relevant use zone table.

Soils and Drainage

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

Conservation of Natural Environment and Aesthetic Areas

Council may require agreements with developers and property owners aimed at preserving sensitive environmental areas and natural scenic areas. These areas may include sensitive vegetation, fish habitat, or water quality. Such agreements may include provisions such as designating of local conservation areas, maintenance of tree cover and maintenance of tree cover along rear yards, rivers, streams and shorelines.

Wetlands, Storm and Construction Water Management

- (1) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- (2) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- (3) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council and the Flatrock Stormwater Management Study.

- (4) The Flatrock Stormwater Management Study has prioritized environmentally sensitive wetlands into a High or Low ranking and are delineated as a layer on the Land Use Zone Map.

Drainage and Landscape Plan

Development proposals that alter the natural environment or topography shall be subject to a drainage or landscape plan which shows grading, ditching and landscaping. Council may require measures to mitigate impacts of changes to drainage patterns or removal of vegetation. Alternations to grading, drainage patterns and landscaping which adversely affects adjacent properties will not be permitted. Topsoil and sods shall not be removed except with the approval of Council.

Slope Protection

Council shall discourage development in areas with a slope of 15 percent or greater.

Body of Water Buffers

A 30-metre riparian buffer of undisturbed natural green belt shall be maintained along wetlands and bodies of water where possible. Certain public works and passive recreational open space uses may be permitted as long as they will not be detrimental to the environmental and aesthetic quality of the area. Any development proposal within a wetland shall be referred to the Water Resources Management Division, Department of Environment and Climate Change.

East Coast Trail and Municipal Walking Trails

Existing tree cover, vegetation and plant life within 15 metres of both sides of the East Coast Trail will be maintained to preserve the natural landscape and aesthetic quality of the corridor. Council may, under its discretionary authority, allow development within the 10 metre to 15 metre portion of the buffer, provided a landscaping plan has been submitted and approved by Council, and the development will not negatively impact the trail. Council may also require the maintenance of existing vegetation, or the re-planting of appropriate vegetation, within the established corridor for walkways developed by the Town of Flatrock.

Transmission Lines and Power Corridor Easements

Transmission lines and power corridor easements shall be permitted in all land use zones.

Transportation Uses

Transportation uses such as roads associated with the construction and maintenance of transmission lines and power lines and other permitted or discretionary uses associated within the land use zone shall be at the discretion of Council.

Survey Control Monuments

Survey Control Monuments shown on the Land Use Zoning Map shall be protected. Missing monuments must be reported to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.

Development below the 4-metre contour

New development below the 4-metre contour along marine coastlines and estuaries and in areas vulnerable to the impacts of flooding, storm surge or coastal erosion shall be prohibited.

Where development exists below the 4-metre contour, Council may permit new development or repair and extension of existing development subject to mitigation measures such as coastal protection works or enhanced engineering standards.

30 Metre Coastline Buffer

Council may permit new development or the repair and expansion of development in areas with existing development within 30 metres of the Flatrock Harbour. Such development shall be subject to appropriate mitigation measures such as coastal protection works or enhanced engineering standards.

Land Use Zones

The schedule contains tables for the following Use Zones:

Land Use Zone	Abbreviation	Page
Residential Medium Density	RMD	1
Residential Rural	RR	8
Mixed Development	MD	17
Industrial Light	IL	24
Public Buildings	PB	28
Open Space Recreation	OSR	32
Conservation	CON	34
Agriculture	A	36
Rural	R	39

USE ZONE TABLE

ZONE TITLE – RESIDENTIAL MEDIUM DENSITY (RMD)							
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling and recreational open space.							
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Double dwelling, short-term (tourist) accommodation, row dwelling, apartment building, collective residential, small-scale hobby farming (agriculture), convenience store, medical treatment and special care, medical and professional, place of worship, personal service, child care, home occupation, shop.							
STANDARDS	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (m ²) minimum	1860	1500*	1200* (average)	800*	850*	900*	950*
Floor area (m ²) minimum	80	80*	65*	40*	50*	60*	70*
Frontage	30	20	15*	50			
Minimum Frontage at Front Lot Line	22	22					
Building Line Setback (m) (minimum)	8	8	8	15			
Building Line Setback (m) (maximum)	32	32	32	32			
Sideyard Width (m)(min.)	3	3	3	5			
Rearyard Depth (m)(min.)	9	9	9	14			
Height (max.)	10	10	15	15			
(See Conditions)							
* Per dwelling unit							

CONDITIONS FOR RESIDENTIAL MEDIUM DENSITY ZONE

(1) Discretionary Uses Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are compatible or complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

(2) Public Streets

All development in the Residential zone shall front directly onto a publicly maintained street and shall access to that publicly maintained street.

(3) Accessory Buildings (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards		
Lot Area	1,860m ² to 3,035m ²	larger than 3,035m ²
Max. Floor Area	112m ²	112m ²
Max. Accessory Buildings per Lot	1	2
Max. Height	6.0m	6.0m
Min. Side Yard & Rear Yard	1.5m	
Min. Distance from Another Building	2.0m	
Min. Distance from a Utility Easement	1.5m	

- (a) An accessory building shall be prohibited from projecting in front of a building line or in the flanking sideyard of a corner lot.
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish, and shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Accessory buildings (private garages only) may be permitted in the sideyard at Council discretion, but not in the flanking sideyard of a corner lot.
- (d) Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.
- (e) A greenhouse, with an area of 12m² or less, shall be excluded in the overall calculation of a greenhouse as an accessory building.
- (f) School Buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from use as an accessory building.

(4) Corner Lots

Properties situated on existing or proposed corner lots shall be deemed to have two street frontages and shall be required to maintain the minimum building line setback on both the primary and flanking streets as prescribed in the use zone table.

(5) Building Line

The Building Line is an arbitrary line running parallel to the street line and is set at the closest point to a street that a building may be placed as measured from the front lot line. A corner lot is deemed to have a building line setback on both the primary and flanking streets.

(6) Subsidiary Apartments

One subsidiary apartment may be permitted in a single dwelling as an accessory use.

- (a) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (b) Two off street parking spaces shall be required for the apartment.
- (c) The minimum floor area required is 60 m² for a one-bedroom subsidiary apartment, plus 10 m² for each additional bedroom.
- (d) Service NL shall determine on-site service requirements and a permit issued subject to their approval.

(7) Medical Treatment and Special Care

- (a) Medical Treatment and Special Care uses shall only be permitted at the discretion of Council.
- (b) Medical Treatment and Special Care uses shall be designed and maintained to a high standard with respect to safety and appearance.
- (c) Medical Treatment and Special Care uses shall be located on a lot that conforms to the frontage, building line setback, side yard, rear yard and lot coverage requirements specified for an apartment building.
- (d) Council may require screening such as trees and scrubs, berms, landscaping or fencing where a Medical Treatment and Special Care use borders a residential area.
- (e) One off-street parking space shall be provided for every two (2) residents.

(8) Place of Worship

Where permitted, a place of worship use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.

(9) Convenience Store

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

- (a) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.
- (b) Adequate provision for on-site parking, loading, buffering and landscaping.
- (c) The convenience store shall front onto a public street.

(10) Home Occupation

- (a) A Home Occupation is defined as an accessory use to a residential dwelling consisting of an occupation or profession which generates revenue for the resident. Businesses operating in the dwelling, by the occupants of the dwelling, shall meet the following requirements.
- (b) Home Occupation uses shall be limited to small business offices, professional and personal services, light industrial uses as defined in Schedule A – Definitions and Schedule B – Classification of Uses of Land and Buildings.
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) Activities associated with the use shall be carried out inside the dwelling or in an accessory building separate from the dwelling.
- (e) No more than 30% of the total gross floor area of the dwelling is devoted to the use.
- (f) One accessory building only, separate from the dwelling, may be used in connection with a light industrial use and personal service use and shall conform to the Accessory Buildings conditions.
- (g) Additional staff is limited to one employee who is not a resident of the dwelling unit.
- (h) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (i) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use.
- (j) Activities associated with the use shall not be hazardous and shall do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.

(11) Child Care

- (a) Child Care (a day care or day nursery operation) shall be at the discretion of Council.

- (b) A Child Care use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (c) Provision for off-street parking for a child care use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

(12) Short-term (Tourist) Accommodation

- (a) Short-term tourism accommodation shall meet the frontage, lot area, building line, flanking side yard, height and lot area coverage requirements specified for a single dwelling.
- (b) The building shall be compatible with the surrounding residential area in terms of exterior appearance and design, landscaping, scale and density.
- (c) Outdoor amenities such as hot tubs, fire pits and recreational amenities shall be placed so to minimize impact on adjacent residential uses from noise, lighting, litter, odour, smoke and any other potential negative impacts.
- (d) Council may require screening through the provision of trees scrubs, berms, landscaping or fencing between the short-term tourism accommodation and adjacent residential uses.
- (e) Council may require additional parking to accommodate on-site parking associated with the short-term tourism accommodation. For bed and breakfast operations, one parking space shall be provided for each rental bedroom in addition to the two parking spaces as required for the dwelling unit, the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling.

(13) Hobby Farming (Agriculture)

- (a) Hobby farming, subsidiary to a residential use, may be permitted at the discretion of Council. Hobby farming include the keeping of livestock and chickens (minimum of six) and the growing of fruits and vegetables.
- (b) Hobby farming shall be for personal use only. Boarding of livestock outside of personal use is prohibited. Sale of eggs, meat, manure, or other products may be permitted by Council provided it is minor in scale.
- (c) Council shall ensure that hobby farming is minor in scale and may only take place on residential lot sufficient in size to accommodate the proposed uses associated with hobby farming.
- (d) Council shall ensure that the hobby farming will be safe and nuisance free and the surrounding property owners shall not be negatively impacted. Council may impose conditions to minimize any potential impacts on surrounding property owners and/or the environment.

- (e) Any structures and buildings associated with hobby farming shall be considered an accessory building and must comply with the accessory building requirements including in the overall calculation of the maximum combined floor area of accessory buildings on a lot with the exception of greenhouses less than 12 m² area which shall be excluded in the overall calculation of an accessory buildings.
- (f) All structures and buildings association with hobby farming, including greenhouses, shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 3 metre from a side and rear lot line.
- (g) The applicant shall consider environmental guidelines for livestock and/or poultry producers, issued by Newfoundland and Labrador Agriculture.
- (h) No structure or building associated with hobby farming, including greenhouses, shall be located in front of the dwelling located on the residential lot.

(14) Buffer Around Waterways and Waterbodies

No development shall be permitted within 15 metres of the high-water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of the Department of Environment and Climate Change.

(15) East Coast Trail

The East Coast Trail is a natural walking/hiking trail along Flatrock Harbour and along the coastline of Atlantic Ocean which forms part of a much larger coastal trail system. Council shall encourage the maintenance of the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

(16) Steep Slopes and Flood Plains

Applications for sites having slopes greater than 15%, or potentially subject to flooding or any other hazards such as landslides, shall not be permitted unless the site has a geo-physical assessment

conducted by a Professional Engineer or other person qualified to make a determination, to ensure development can take place without endangerment to health or safety.

(17) Backlot Development

Where vacant parcels of land exist which have access to a public street and are of sufficient size for a building lot, but do not have the required frontage on a publicly maintained street, may be considered for development at Council's discretion provided the following conditions are met:

- (a) The maximum setback for front lot line or side lot line (depending on lot orientation) from a public street shall be a minimum of 30 metres and a maximum of 100 metres from a public street. The minimum lot area and all other development standards shall be the same as for other residential development in this zone.
- (b) Only single dwellings may be permitted.
- (c) Lots must have direct access to, and street line frontage on, a publicly maintained street.
- (d) The development of the lot would not prevent the use of adjoining lands for future development. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. As such, the access to the public street to which the owner must have clear title, shall be a minimum width of 15 metres to accommodate future public use.
- (e) Where there is no potential for future development, the access to the public street shall be a minimum of 6 metres in width and shall be treated as a private driveway; which the owner must have clear land title.
- (f) The dwelling is separated from, and oriented, in a manner that does not adversely affect the privacy and enjoyment of adjoining properties. Separation distances may be required by the Council as a condition for development, considering such things as slope, drainage, tree cover and soil conditions.
- (g) The development of the backlot does not affect the legal conformity of the primary lot that has frontage on to a public street.

(18) Wetlands, Storm and Construction Water Management

- (a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- (b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.

- (c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council and the Flatrock Stormwater Management Study.
- (d) The Flatrock Stormwater Management Study has prioritised environmentally sensitive wetlands into a High or Low Ranking and are delineated as a layer on the Land Use Zone Map

(19) Landscaping, Surfacing and Open Storage

Residential buildings lots shall be landscaped. No debris or material left over from site preparation may be allowed to remain in general public view. The surface of the entire building lot must be finished with a stable surface (grass, pavement, gravel) to ensure dusty or muddy surface conditions will not arise.

Open storage of goods or other items shall be limited to that which is normally associated with the residential use. Machinery or equipment shall not be permitted to be stored on residential property. Council may require fencing, or other forms of screening to prevent an unsightly appearance.

(20) High and Low priority Conservation Wetlands

Flatrock has adopted a Stormwater Management Plan. The wetlands consisting of HIGH and LOW ranks of Conservation priority are identified as a layer on the Land Use Zoning Map. Any development proposal within the High and Low sensitive wetlands areas shall be referred to the Department of Environment and Climate Change, Water Resources Management Division, for comment prior to Council approving any development.

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL RURAL (RR)
PERMITTED USES – see Regulation 90. Single dwelling, recreation open space.	
DISCRETIONARY USES – see Regulation 34 and 91. Multi-dwelling, Short term (Tourist) accommodation, convenience store, child care, medical and professional, personal service, office, home occupation, light industry (see condition); antenna.	

CONDITIONS FOR RESIDENTIAL RURAL ZONE

1) Development Standards

The development standards for this zone shall be as follows:

a) Minimum Lot Size	3035 m ²
b) Minimum Frontage	36.4 m
c) Minimum Floor Area	80 m ²
d) Minimum Building Line Setback	15 metres
e) Maximum Building Line setback	32 metres
f) Minimum Sideyard Width	3 metres
g) Minimum Rearyard Depth	15 metres
h) Maximum Height	10 metres
i) Maximum Lot Coverage	33 %

2) Discretionary Uses Classes

The discretionary use classes listed in the table may be permitted at the discretion of the Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

3) Corner Lots

Properties situated on existing or proposed corner lots shall be deemed to have two street frontages and shall be required to maintain the minimum building line setback on both the primary and flanking streets as prescribed in the use zone table.

4) Subsidiary Apartments

- (a) One subsidiary apartment may be permitted in a single dwelling.
- (b) For the purpose of calculating lot area and yard requirements, the apartment shall be considered part of the single dwelling.
- (c) A minimum of one off street parking space shall be required for the apartment.
- (d) The minimum floor area required is 60 m² for a one bedroom subsidiary apartment, plus 10 m² for each additional bedroom.
- (e) A referral to Service NL shall be required to determine water and sewage disposal requirements and approval.

5) Dwelling Frontage

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

6) Accessory Buildings (see also Regulation 38, Part II – General Development Standards)

Accessory Building Development Standards		
Lot Area	1,860m ² to 3,035m ²	larger than 3,035m ²
Max. Floor Area	112m ²	112m ²
Max. Accessory Buildings per Lot	1	2
Max. Height	6.0m	6.0m
Min. Side Yard & Rear Yard	1.5m	
Min. Distance from Another Building	2.0m	
Min. Distance from a Utility Easement	1.5m	

- (a) An accessory building shall be prohibited from projecting in front of a building line or in the flanking sideyard of a corner lot.
- (b) Accessory buildings shall be located on the same lot as the residential dwelling and shall be clearly incidental and complementary to the main use of the residential dwelling in character, use, style and exterior finish, and shall be located so as to minimize any visual impacts on adjoining properties.
- (c) Accessory buildings (private garages only) may be permitted in the sideyard at Council discretion, but not in the flanking sideyard of a corner lot.
- (d) Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.
- (e) A greenhouse, with an area of 12m² or less, shall be excluded in the overall calculation of a greenhouse as an accessory building.
- (f) School Buses, semi-trailers, ISO sea/shipping/freight containers or other vehicle body types shall be prohibited from use as an accessory building.

7) Advertisements Relating to Onsite and offsite Uses

See Part III-Advertisements, General Development Regulations.

8) Convenience Store

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

- (a) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.
- (b) Adequate provision for on-site parking, loading, buffering and landscaping.
- (c) The convenience store shall front onto a public street.

9) Home Occupation

- (a) A Home Occupation is defined as an accessory use to a residential dwelling consisting of an occupation or profession which generates revenue for the resident. Businesses operating in the dwelling, by the occupants of the dwelling, shall meet the following requirements.
- (b) Home Occupation uses shall be limited to small business offices, professional and personal services, light industrial uses as defined in Schedule A – Definitions and Schedule B – Classification of Uses of Land and Buildings.
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) Activities associated with the use shall be carried out inside the dwelling or in an accessory building separate from the dwelling.
- (e) No more than 30% of the total gross floor area of the dwelling is devoted to the use.
- (f) One accessory building only, separate from the dwelling, may be used in connection with a light industrial use and personal service use and shall conform to the Accessory Buildings conditions.
- (g) Additional staff is limited to one employee who is not a resident of the dwelling unit.
- (h) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (i) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use.

- (j) Activities associated with the use shall not be hazardous and shall not cause noticeable noise, odour, dust fumes, or inconvenience to occupants of adjoining residents.

10) Child Care

- (a) Child Care (a day care or day nursery operation) shall be at the discretion of Council.
- (b) A Child Care use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (c) Provision for off-street parking for a child care use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

11) Short-term (Tourist) Accommodation

- (a) Short-term tourism accommodation shall meet the frontage, lot area, building line, flanking side yard, height and lot area coverage requirements specified for a single dwelling.
- (b) The building shall be compatible with the surrounding residential area in terms of exterior appearance and design, landscaping, scale and density.
- (c) Outdoor amenities such as hot tubs, fire pits and recreational amenities shall be placed so to minimize impact on adjacent residential uses from noise, lighting, litter, odour, smoke and any other potential negative impacts.
- (d) Council may require screening through the provision of trees scrubs, berms, landscaping or fencing between the short-term tourism accommodation and adjacent residential uses.
- (e) Council may require additional parking to accommodate on-site parking associated with the short-term tourism accommodation. For bed and breakfast operations, one parking space shall be provided for each rental bedroom in addition to the two parking spaces as required for the dwelling unit, the dwelling in which the Bed and Breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling.

12) Buffer (around waterways and waterbodies)

No development shall be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

13) Landscaping, Surfacing and Open Storage

Residential buildings lots shall be landscaped. No debris or material left over from site preparation may be allowed to remain in general public view. The surface of the entire building lot must be finished with a stable surface (grass, pavement, gravel) to ensure dusty or muddy surface conditions will not arise.

Open storage of goods or other items shall be limited to that which is normally associated with the residential use. Machinery or equipment shall not be permitted to be stored on residential property. Council may require fencing, or other forms of screening to prevent an unsightly appearance.

14) Effects on Surrounding Areas

Any development in any zone must be generally acceptable within the context of surrounding development and so must not create unacceptable amounts of noise, traffic, fumes, dust or other pollution or otherwise present a nuisance, hazard or eyesore, especially with respect to existing or potential residential development.

15) Residential Buffer

In the case of a residential development locating adjacent to an existing or proposed non-residential use or zone, Council may require the developer of the residential use to provide a buffer. Any such buffer shall be made up of hedges, trees, shrubs, earthen berms or structural barriers that will sufficiently mitigate noise, visual unpleasantness and other undesirable effects. Trees and shrubs existing on the site prior to development which could form all or part of a buffer shall not be removed.

16) Hobby Farming (Agriculture)

- (a) Hobby farming, subsidiary to a residential use, may be permitted at the discretion of Council. Hobby farming include the keeping of livestock and chickens (maximum of six) and the growing of fruits and vegetables.
- (b) Hobby farming shall be for personal use only. Boarding of livestock outside of personal use is prohibited. Sale of eggs, meat, manure, or other products may be permitted by Council provided it is minor in scale.
- (c) Council shall ensure that hobby farming is minor in scale and may only take place on residential lot sufficient in size to accommodate the proposed uses associated with hobby farming.

- (d) Council shall ensure that the hobby farming will be safe and nuisance free and the surrounding property owners shall not be negatively impacted. Council may impose conditions to minimize any potential impacts on surrounding property owners and/or the environment.
- (e) Any structures and buildings associated with hobby farming shall be considered an accessory building and must comply with the accessory building requirements including in the overall calculation of the maximum combined floor area of accessory buildings on a lot with the exception of greenhouses less than 12 m² in area which shall be excluded in the overall calculation of an accessory buildings.
- (f) All structures and buildings association with hobby farming, including greenhouses, shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 3 metre from a side and rear lot line.
- (g) The applicant shall consider environmental guidelines for livestock and/or poultry producers, issued by Newfoundland and Labrador Agriculture.
- (h) No structure or building associated with hobby farming, including greenhouses, shall be located in front of the dwelling located on the residential lot.

17) East Coast Trail

The East Coast Trail is a natural walking/hiking trail along Flatrock Harbour and along the coastline of Atlantic Ocean which forms part of a much larger coastal trail system. Council shall encourage the maintenance of the trail to protect the natural landscape and views from the trial, and to ensure that future development does not negatively impact the trail.

A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trial. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trial and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

18) Steep Slopes and Flood Plains

Applications for sites having slopes greater than 15%, or potentially subject to flooding or any other hazards such as landslides, shall not be permitted unless the site has a geo-physical assessment conducted by a Professional Engineer or other person qualified to make a determination, to ensure development can take place without endangerment to health or safety.

19) Wetlands, Storm and Construction Water Management

- (a) Land and development projects shall be designed and graded in a manner that does not alter the natural flow of water or result in run-off from land or a development causing damage to other properties.
- (b) Land development projects shall be undertaken with the objective of wherever possible achieving zero net runoff with respect to on-site storm water runoff.
- (c) Where development results in the discharge of water into a wetland, waterbody, or watercourse, the discharge shall be designed and constructed in accordance with the requirements and conditions as set out by Council and the Flatrock Stormwater Management Study.
- (d) The Flatrock Stormwater Management Study has prioritized environmentally sensitive wetlands into a High or Low ranking and are delineated as a layer on the Land Use Zone Map.

20) High and Low priority Conservation Wetlands

Flatrock has adopted a Stormwater Management Plan. The wetlands consisting of HIGH and LOW ranks of Conservation priority are identified as a layer on the Land Use Zoning Map. Any development proposal within the High and Low sensitive wetlands areas shall be referred to the Department of Environment and Climate Change, Water Resources Management Division, for comment prior to Council approving any development.

USE ZONE TABLE

ZONE TITLE - MIXED DEVELOPMENT (MD)
<p>PERMITTED USE CLASSES - (see Regulation 89) Single dwelling; double dwelling, cultural and civic, medical and professional, office, personal service, general service, and recreation open space.</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Row dwelling, apartment building, boarding house residential, commercial residential, general assembly, passenger assembly, club and lodge, catering, funeral home, child care, indoor assembly, communications, taxi stand, medical treatment and special care (personal care home only), shop, convenience store, general industry, light industry, place of worship, transportation and antenna.</p>

CONDITIONS FOR MIXED DEVELOPMENT ZONE

(1) Development Standards

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

a) Minimum Building Line Setback	8 metres
b) Minimum Sideyards	5 metres
c) Minimum Rearyard	10 metres
d) Maximum Height	10 metres

(b) Residential development shall conform to the standards of the Residential Medium Density (RMD) Land Use Zone.

(2) Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

(3) Dwelling Frontage

The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

(4) Accessory Buildings for Residential Use

Accessory buildings associated with a Residential development shall conform to the standards of the Residential Medium Density (RMD) Land Use Zone.

(5) Corner Lots

Properties situated on existing or proposed corner lots shall be deemed to have two street frontages and shall be required to maintain the minimum building line setback on both the primary and flanking streets as prescribed in the use zone table.

(6) Buffer for Residential Uses

Where a non-residential use abuts a residential use, Council may require a screen or barrier such as a fence, landscaped embankment, or trees to be erected on the non-residential site along the lot lines, consistent with the visibility requirements for traffic safety. Alternatively, Council may increase the sideyard and rearyard requirements on the non-residential site to provide additional separation from the abutting residential use.

(7) Home Occupation

- (a) A Home Occupation is defined as an accessory use to a residential dwelling consisting of an occupation or profession which generates revenue for the resident. Businesses operating in the dwelling by the occupants of the dwelling, shall meet the following requirements.
- (b) Home Occupation uses shall be limited to small business offices, professional and personal services, light industrial uses as defined in Schedule A – Definitions and Schedule B – Classification of Uses of Land and Buildings.
- (c) The use is clearly subsidiary to the residential use, does not alter the residential character of the dwelling unit, and does not detract from the residential character of the neighbourhood.
- (d) Activities associated with the use shall be carried out inside the dwelling or in an accessory building separate from the dwelling.
- (e) No more than 30% of the total gross floor area of the dwelling is devoted to the use.
- (f) One accessory building only, separate from the dwelling, may be used in connection with a light industrial use and personal service use and shall conform to the Accessory Buildings conditions.
- (g) Additional staff is limited to one employee who is not a resident of the dwelling unit.
- (h) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (i) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use.

- (j) Activities associated with the use shall not be hazardous and shall do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.

(8) Place of Worship

Where permitted, a place of worship shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.

(9) Convenience Store

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

- (a) The retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties.
- (b) Adequate provision for on site parking, loading, buffering and landscaping.

(10) Child Care

- (a) Child Care use shall be in accordance with all applicable provincial laws and regulations as required by Service NL.
- (b) Provision for off-street parking for a child care use shall be in accordance with the off-street parking requirements, Schedule D, of these Regulations.

(11) Boarding House Residential

Boarding House Residential, including tourist homes and bed and breakfast operations, may be permitted as a discretionary use under the following conditions:

- (a) The use does not detract from the residential character of the neighbourhood.
- (b) The use is carried out by a resident/owner of the dwelling.
- (c) The dwelling in which the tourist accommodation use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling.
- (d) One parking space shall be provided for each guest room on the lot.
- (e) Council may require the parking area to be screened by a fence, or hedge.
- (f) The maximum number of guest rooms shall be five (5), and
- (g) The establishments providing tourism accommodation shall be licensed under the Tourist Establishment Regulations.

(12) Outdoor Storage

Outdoor storage will not be permitted in frontyards. It may be permitted in sideyards and rearyards. Council may require fencing or other forms of screening to prevent an unsightly appearance.

(13) General and Light Industrial Uses

General industry and light industry uses shall be small scale uses such as small workshops and warehouses, general garages and autobody repair shops shall be permitted provided that;

- (a) The use shall constitute entirely or partly the livelihood of a person living in a residential dwelling located on the property.
- (b) Activities associated with the use shall be carried on in building separate from the residential dwelling.
- (c) One building only, separate from the dwelling, and located in the rear or side yard a minimum of 3 metres from any lot line, and having a maximum floor area of 110 square metres and a height of no more than 6 metres, may be used in connection with the general or light industrial use.
- (d) Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference.
- (e) Retail sales are incidental and subsidiary to the approved use and there is no outdoor storage of equipment or materials.
- (f) No change is made in the type, class or extent of the use without a permit.
- (g) Adequate on-site parking, loading, buffering and landscaping is provided.

(14) Hobby Farming (Agriculture)

- (a) Hobby farming shall be limited to the keeping of livestock and chickens (maximum of six) and the growing of fruits and vegetables and may be permitted by Council provided it is minor in scale.
- (b) Hobby farming shall be for personal use only. The boarding of livestock or the sale of eggs, meat, manure, or other products may be permitted by Council shall be prohibited.
- (c) Council shall ensure that hobby farming is minor in scale and may only take place on residential lot sufficient in size to accommodate the proposed uses associated with hobby farming.
- (d) Structures and buildings associated with hobby farming shall be considered as an accessory building and shall comply with the accessory building requirements for that land use zone.
- (e) Where possible, environmental guidelines for livestock and/or poultry, issued by Newfoundland and Labrador Agriculture shall be considered.

USE ZONE TABLE

ZONE TITLE - INDUSTRIAL LIGHT (IL)
PERMITTED USE CLASSES - (see Regulation 89) General Industry, light industry and General Service.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Office, light industry, service station, professional and personal service, shop, transportation, Communications and antenna.

CONDITIONS FOR INDUSTRIAL LIGHT ZONE

(1) Development Standards

a) Minimum Building Line Setback	8 metres
b) Minimum Sideyards	5 metres
c) Minimum Rearyard	10 metres
d) Maximum Height	10 metres

(2) Discretionary Use Classes

With the exception of Passenger Assembly, Service Stations and Transportation, the discretionary use classes listed in this table may be permitted at the discretion of Council provided they are associated with a use in the permitted use classes.

(3) Shop

Retail shops may be permitted at the discretion of Council if they are accessory to an industrial use or if they directly service the industrial uses or the industrial employees.

(4) Outdoor Storage

Outdoor storage shall not be permitted in front yards, but may be permitted in the side yard and/or rear yards. Council may require fencing or other forms of screening or buffers to prevent an unsightly appearance.

(5) Storage of Flammable Goods

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and the Department of Digital Government and Service NL and

shall be surrounded by such buffers and landscaping as Council may require preventing damage to adjacent uses by fire, explosion, or spills of flammable liquid.

(6) Buffer for Residential Uses

Where an industrial development abuts a residential use, a residential zone or is separated from it by a road only, the developer shall provide a buffer strip not less than 10 metres wide between any residential activity or area and the industrial use. The buffer shall include a natural or structural barrier, as deemed necessary by Council, and shall be maintained by the owner or occupier to the satisfaction of Council

(7) Light Industry

Light industry is restricted to use that are non-hazardous, and do not create any negative impacts on adjoining properties.

(8) Accessory Buildings

Accessory buildings, when abutting a residential property or residential zone, shall be located no closer than 5 metres from the abutting residential property or zone.

(9) Advertisements Relating to Onsite and Offsite Uses

See Part III-Advertisements, General Development Regulations.

(10) East Coast Trail

The East Coast Trail is a natural walking/hiking trail along Flatrock Harbour and along the coastline of Atlantic Ocean which forms part of a much larger coastal trail system. Council shall encourage the maintenance of the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

USE ZONE TABLE

ZONE TITLE – PUBLIC BUILDINGS (PB)
PERMITTED USE CLASSES – (see Regulation 89) Educational, cultural and civic uses, general assembly, indoor assembly, outdoor assembly, Medical Treatment and Special Care, government or public offices, place of worship, recreational open space, child care and police station.
DISCRETIONARY USE CLASSES – (see Regulations 32 and 90) Indoor assembly, outdoor assembly, club and lodge, catering, take-out food service, general assembly, passenger assembly, taxi stand, general industry, light industry and antenna.

CONDITIONS FOR PUBLIC BUILDINGS ZONE

(1) Development Standards

The development standards for this zone shall be as follows:

a) Minimum Building Line Setback	10 metres
b) Minimum Sideyards	5 metres
c) Minimum Rearyard	15 metres
d) Maximum Height	15 metres

(2) Location

New uses in the Public Buildings zone will be subject to the following conditions:

- (a) The site is adjacent to arterial or collector streets;
- (b) The proposed development is compatible with surrounding land uses; and
- (c) Council may impose conditions with respect to signage, landscaping and buffering.

(3) Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

(4) Offices

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

(5) Catering and Take Out Food Services

Catering and Take Out Food Services may be permitted in association with a permitted use such as church functions, weddings, parties, etc. Catering and Take Out Food Service will only be permitted as a temporary use by Council.

(6) Child Care

A day care or day nursery (such as a child care operation which regularly provides care to seven or more children), is subject to the following conditions:

- (a) A day care must be located in a building containing a permitted use or in a stand-alone building.
- (b) The day care is in accordance with all applicable provincial laws and regulations.
- (c) Provision for off-street parking will be required as per the off-street parking requirements outlined in Schedule D of these Regulations.
- (d) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (e) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, lounges, night clubs, and amusement uses.

(7) General and Light Industry Uses

General and Light Industry uses shall be restricted to Municipal Depots and Yards, Salt Sheds, Firehalls, Firefighting Training Grounds, or other similar uses for a municipal, provincial, or federal government entity.

USE ZONE TABLE

ZONE TITLE - OPEN SPACE RECREATION (REC)
PERMITTED USE CLASSES - (see Regulation 89) Open Space Recreation, outdoor assembly and conservation.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Indoor assembly, office, cultural and civic, club and lodge, catering, take-out food service, and antenna.

CONDITIONS FOR OPEN SPACE RECREATION ZONE

(1) Development Standards

The development standards for this zone shall be as follows:

a) Minimum Building Line Setback	5 metres
b) Minimum Sideyards	5 metres
c) Minimum Rearyard	10 metres
d) Maximum Height	15 metres

(2) Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

(3) Catering and Take-Out Food Service

A catering and take-out food service use may be considered on a discretionary basis provided it serves recreational activities only.

(4) Club and Lodge

Club and lodge uses may be permitted provided it is subsidiary to a recreational use.

(5) East Coast Trail

The East Coast Trail is a natural walking/hiking trail along Flatrock Harbour and along the coastline of Atlantic Ocean which forms part of a much larger coastal trail system. Council shall encourage the maintenance of the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

USE ZONE TABLE

ZONE TITLE – OPEN SPACE CONSERVATION (CON)
PERMITTED USE CLASSES - (see Regulation 89) Conservation, and cemetery.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Agriculture, forestry, transportation, and antenna.

CONDITIONS FOR OPEN SPACE CONSERVATION ZONE

(1) Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

(2) No Buildings

No permanent buildings shall be permitted on lands designated for Open Space Conservation Uses except accessory buildings subsidiary to a cemetery.

(3) Forestry and Agriculture

- (a) Selective forestry activities may be permitted provided they cause no detrimental effect on Open Space Conservation (CON).
- (b) Traditional small-scale agricultural uses may be permitted such as vegetable gardens. Areas of steep slope where soil erosion may occur shall not be developed for agriculture uses unless a soil erosion program can be developed and implemented.

(4) Transportation

- (a) Council may consider transportation uses as those associated with wharves, docks, offshore supply base, tour boats, fishing stages and other similar uses along the shoreline of Flatrock Harbour.
- (b) Wharves and Docks may be permitted provided that the size and scale of the development does not have a negative impact on surrounding properties.
- (c) Approval from the Departments of Environment and Climate Change, Digital Government and Service NL and Fisheries and Oceans may be required.

(5) Accessory Building

An accessory building may be permitted in association with a cemetery and shall have a maximum floor area of not more than 20 square metres. The maximum height of an accessory building shall be 4 metres.

USE ZONE TABLE

ZONE TITLE - AGRICULTURE (A)
PERMITTED USE CLASSES - (see Regulation 89) Agriculture, forestry, animal, recreational open space, mineral exploration and conservation.
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Veterinary, outdoor market, general industry, mineral working, antenna, single dwelling, and recreational open space.

CONDITIONS FOR AGRICULTURE ZONE

(1) Development Standards

The development standards for uses in this zone shall be determined case-by-case and shall conform to the standards for the same uses in other zones.

(2) Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

(3) Single Dwelling

Where permitted as a discretionary use, single dwellings shall be subsidiary to and part of a farm or forestry operation.

(4) General Industry

General Industrial uses and associated accessory uses may be permitted by Council provided that:

- (a) The use is restricted to maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.
- (b) The proposed use will not have an adverse visual impact on the built-up areas of the Town and Council may require that the site be screened or not visible from public roads and the built-up area.
- (c) The proposed use will not generate an increase in traffic on roads in the built-up areas of the Town, and
- (d) The proposed site can be developed without negative impact on the natural environment and amenities of the Town, including watercourses and ponds.

(5) Seasonal Residential

Seasonal residential use and recreation cottage use shall not be permitted within the Agriculture land use zone.

(6) Agricultural Buildings

Agricultural Buildings such as greenhouses, root cellars and storage buildings associated with agricultural use may be permitted at the discretion of Council.

USE ZONE TABLE

ZONE TITLE - RURAL (RUR)
<p>PERMITTED USE CLASSES - (see Regulation 89) Agriculture, forestry, recreational open space, mineral exploration and conservation.</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Single dwelling, multi-dwelling, veterinary, outdoor market, general industry, service station, mineral working, mining, animal, utilities, transportation, and antenna.</p>

CONDITIONS FOR RURAL ZONE

(1) Development Standards

The development standards for uses in this zone shall be determined case-by-case and shall conform to the standards for the same uses in other zones.

(2) Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of Council provided that they are complementary to permitted uses and will not inhibit or prejudice the existence or development of permitted uses.

(3) Single Dwelling and Multi-dwellings

- (a) Single residential dwellings may be permitted in conjunction with a permitted resource use such as agriculture. The agricultural uses shall be a fulltime commercial business and shall be in operation for a minimum of two years before Council will approve any residential development.
- (b) Multi-dwellings may be permitted at the discretion of Council provided the use is in conjunction with agriculture, in particular dairy farming, and shall be for workers accommodations only.

(4) General Industry

General Industrial uses and associated accessory uses may be permitted by Council provided that:

- (a) The use is restricted to maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.
- (b) The proposed use will not have an adverse visual impact on the built-up areas of the Town and Council may require that the site be screened or not visible from public roads and the built-up area.

- (c) The proposed use will not generate an increase in traffic on roads in the built-up areas of the Town, and
- (d) The proposed site can be developed without negative impact on the natural environment and amenities of the Town, including watercourses and ponds.

(5) Transportation and Wharves

- (a) Council may consider transportation uses as those associated with wharves, docks, offshore supply base, tour boats, fishing stages and other uses such as tour boats which may be located along the shoreline of Flatrock Harbour.
- (b) Wharves and Docks may be permitted provided that the size and scale of the development does not have a negative impact on surrounding properties.
- (c) Approval from the Departments of Environment and Climate Change, Digital Government and Service NL and Fisheries and Oceans may be required.

(6) Seasonal Residential

Seasonal residential use and recreation cottage use shall not be permitted within the Rural land use zone.

TOWN OF FLATROCK

DEVELOPMENT REGULATIONS

2024-2034

SCHEDULE D

OFF-STREET PARKING REQUIREMENTS

SCHEDULE D - OFF-STREET PARKING REQUIREMENTS

CLASS - ASSEMBLY USES	
(a) Theatre	Two spaces for every 5 seats
(b) Cultural and Civic	One space for every 50m ² of gross floor area
(c) Educational	K - 12 - 3 spaces for every classroom. Other facilities - 1 space for every 5 persons using the facilities (students, faculty and staff)
(d) Place of Worship	Two spaces for every 5 seats
(e) Passenger Assembly	As specified by the Council
(f) Private Club	One space for every 3 persons that may be accommodated at one time
(g) Catering	One space for every 3 persons that may be accommodated at one time
(h) Lounges and Bars	One space for every 3 persons that may be accommodated at one time
(i) Funeral Home	One space for every 10m ² of gross floor area
(j) Child Care	One space for every 20m ² of gross floor area
(k) Amusement	One space for every 10m ² of gross floor area
(l) Indoor Assembly	One space for every 10 persons that may be accommodated at one time
(m) Outdoor Assembly	As specified by the Council

CLASS - INSTITUTIONAL USES	
(a) Detention Centre	As specified by the Council.
(b) Medical Treatment and Special Care	One space for every 20m ² of gross floor area
(c) Special Care	One space for every bed
(d) Collective Residential	As specified by the Council

CLASS - RESIDENTIAL USES	
(a) Single Dwelling	Two spaces for every dwelling unit
(b) Double Dwelling	Two spaces for every dwelling unit
(c) Row Dwelling	Two spaces for every dwelling unit
(d) Apartment Building	Three spaces for every 2-dwelling units
(e) Subsidiary Apartment	Two spaces for every apartment unit
(f) Hospitality Home	As specified by the Council
(g) Boarding House Residential	One space for every residential unit
(h) Mobile Home	Two spaces for every residential unit

CLASS - BUSINESS AND PERSONAL SERVICES	
(a) Office	One space for every 20m ² of gross floor area
(b) Professional Service	One space for every 20m ² of gross floor area
(c) Personal Service	One space for every 20m ² of gross floor area
(d) General Service	One space for every 20m ² of gross floor area
(e) Communications	As specified by the Council
(f) Home Occupation	Minimum of 1 space per non-resident employee

CLASS - COMMERCIAL USES	
(a) Shopping Centre	One space for every 20m ² of gross floor area
(b) Shop	Min. of 2 spaces plus one space for every 20m ² of gross floor area
(c) Convenience Store	Min. of 2 spaces plus one space for every 20m ² of gross floor area
(d) Take-Out Food	Min. of 2 spaces plus one space for every 15m ² of gross floor area
(e) Vending Stand	Minimum of 2 spaces plus additional as specified by the Council
(f) Indoor Market	As specified by the Council
(g) Outdoor Market	As specified by the Council
(h) Service Station	One space for every 20m ² of gross floor area
(i) Commercial Residential	One space for every rental room

CLASS - INDUSTRIAL USES	
(a) Hazardous Industry	One space for every employee, plus 3
(b) General Industry	One space for every employee, plus 3
(c) Light Industry	One space for every employee, plus 3

CLASS - NON-BUILDING USES	
(a) Outdoor Recreation	As specified by the Council
(b) Conservation	As specified by the Council
(c) Cemetery	As specified by the Council
(d) Scrap Yard	As specified by the Council
(e) Animal	Min. of 2 spaces plus one space for every 20m ² of gross floor area
(f) Transportation	As specified by the Council

Typical Parking Space Standards:

- Minimum 2.75x 5.8
- Minimum size 16 m² (General Regulations Article 51)
- Must be graded and surfaced with concrete, asphalt, or other hard dustless surface material as approved by Council
- Parking Space surface shall not conceal or alter municipal infrastructure
- Retaining walls shall taper down flush with the sidewalk or curb
- Parking Spaces shall not adversely affect adjacent properties.