

TOWN OF HOLYROOD

SCHEDULE "C"

USE ZONE TABLES

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

The schedule contains tables for the following Use Zones:

Land Use Zone	Abbreviation	Page
Residential Medium Density	RMD	1
Residential Low Density 1	RLD 1	10
Residential Low Density 2	RLD 2	14
Planned Development Area	PDA	21
Town Centre	TC	23
Mixed Development	MD	33
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USE ZONE TABLE

ZONE TITLE				RESIDENTIAL MEDIUM DENSITY (RMD)			
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling, recreational open space.							
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Row dwelling, apartment building, place of worship, educational, convenience store, child care, office, medical and professional, personal and professional service, boarding house residential (bed and breakfast), special care institutional uses (see condition), utilities, antenna, catering.							
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	690	570*	440* (average)	300*	400*	450*	500*
Floor area (m ²) minimum	100	80*	65*	50*	60*	70*	80*
Frontage (m) minimum							
Serviced	23	28	12* (av)	36			
Piped water or Off-site Sewage Disposal	30	***	***	***			
On-Site Services	30	***	***	***			
Building Line Setback (m) (minimum)	9	9	9	9			
Sidyard Width (m)(min.)	3	3	3	5			
Rearyard Depth (m)(min.)	12	14	14	14			
Lot Coverage (%) (max.)	33	33**	33**	33**			
Height (max.)	8	8	10	10			
(See Conditions)							
* Per dwelling unit ** With Town Water and Sewer *** To be determined							

CONDITIONS FOR RESIDENTIAL MEDIUM DENSITY ZONE

1. 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) Two off street parking spaces shall be required for the apartment.
- (d) The minimum floor area required is 40m² for a one bedroom subsidiary apartment, plus 10m² for each additional bedroom.
- (e) For lots without municipal water and sewer services, the Service NL shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.

2. 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.

3. 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.

4. Dwelling Frontage

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

5. Special Care Institutional Uses

- (a) Special Care Institutional Uses shall only be permitted at the discretion of Council.
- (b) Special Care Institutional Uses shall be limited to apartment style residence for seniors and homes for the aged.
- (c) One off street parking space shall be provided for every four (4) dwelling units.

6. Accessory Buildings

- (a) Accessory buildings:
 - 1. With a maximum area of 1860 m², or less, shall have a maximum lot coverage not exceeding 7%, up to a maximum floor area of 93 m², whichever is less.
 - 2. Lots with an area between of 1860 m² and 2780 m² shall have a maximum floor area of 115 m².
 - 3. Lots with an area greater than 2780 m² shall have a maximum floor area of 140 m².
- (b) No accessory building shall be larger in area and height than the main residential dwelling.
- (c) 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. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (d) Accessory buildings shall have a maximum height of 5 metres and shall not project in front of the building line.
- (e) Accessory buildings shall be a minimum of 3 metres from any building and shall have the same sideyard as described in this Land Use Zone Table and shall be a minimum of 1 metre from the rear yard boundary.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (g) Accessory buildings shall be strictly prohibited for use as performing motor vehicle or heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

7. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

8. Advertisements Relating to Offsite Uses

The conditions for the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) No advertisement shall exceed 1.5 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

9. Place of Worship and Educational Use

Where permitted, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling. The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

10. Convenience Store

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

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on site parking, loading, buffering and landscaping.

11. Home Businesses - Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations. Businesses operating in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, shall meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices.
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, and arts and crafts objects.
- (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) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition for height and floor area limit for this zone.

Child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.

- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

12. Child Care

A child care operation, in which services are regularly provided to seven or more children, is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) A limit of one day care or day nursery will be permitted on any street.
- (c) The use will not occupy more than 70 m² or 40% of the floor area, whichever is less.
- (d) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (f) 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, taverns, night clubs, and amusement uses.

13. Boarding House Residential/Bed and Breakfast

A boarding or lodging house is permitted in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed (5) persons.

A bed and breakfast use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, 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 unit;
- (c) 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;
- (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 establishment shall be licensed under the Tourist Establishment Regulations, as amended from time to time.

14. Buffer (around waterways and waterbodies)

No development will 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.

15. Soil Removal, Soil Deposit and Site Grading

- (a) No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 m³ of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Regulations.
- (b) Removal or deposit of soil, or the excavation and removal of excavated material or grading which requires a development permit provided the work is based on a grading plan, will result in an improved site for use classes permitted in the Zone where it is located, and meets the following conditions:
 - (i) land intended for the activity or grading has a slope of less than 25%;
 - (ii) resulting slopes are stable and without hazards;

- (iii) when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;
 - (iv) The use is clearly a subsidiary use to the residential use, and
 - (iv) drainage must be provided to the satisfaction of Council, and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- (d) A development permit for the activities described in (b) above shall not be issued unless a cash deposit of \$5000 has been made to Council. The deposit shall be returned when the work has been completed in accordance with the development permit and to the satisfaction of Council.
- (e) A fee of \$5.00 for every 15 tons shall be assessed on all soil removal.

16. Livestock Operations and Buffers

The Holyrood Land Use Zoning maps identify a 610 metre buffer around existing livestock broiler operations. Due to the possible adverse effects of unpleasant odours on new residences, no development within a livestock buffer shall be permitted without the approval of the Department of Natural Resources, Land Stewardship Division and the Department of Environment and Conservation. Residential development within the 610 metre buffer shall be limited to infilling on existing publicly-maintained roads.

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 which do not have the required frontage on a publicly maintained street, the land parcel may be considered on a discretionary basis 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 40 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 a public 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 m 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 m in width and shall be treated as a private driveway; which the owner must have clear 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. Mature trees

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

Where necessary, Council may require a Landscape Plan to identify how mature trees shall be preserved and replaced where necessary.

19. Road Side Vending

Road side vending shall not be permitted within this land use zone.

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL LOW DENSITY 1 (RLD 1)
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, recreational open space.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) None	

CONDITIONS FOR RESIDENTIAL LOW DENSITY 1 ZONE

1. Development Standards

The development standards for a single dwelling in this zone shall meet the following standards:

Minimum Lot Area	3038 m ²
Minimum Floor Area	130 m ²
Minimum Frontage	38 m
Minimum Building Line Setback	14 m
Minimum Sideyard Width	7 m
Minimum Rearyard Depth	30 m
Maximum Lot Coverage	33%
Maximum Height	10 m

2. Discretionary Uses Classes

There shall be no discretionary use classes for this Land Use Zone Table.

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. 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. Accessory Buildings

- (a) Accessory buildings:
 - 1. With a maximum area of 1860 m², or less, shall have a maximum lot coverage not exceeding 7%, up to a maximum floor area of 93 m², whichever is less.
 - 2. Lots with an area between of 1860 m² and 2780 m² shall have a maximum floor area of 115 m².
 - 3. Lots with an area greater than 2780 m² shall have a maximum floor area of 140 m².
- (b) No accessory building shall be larger in area and height than the main residential dwelling.
- (c) Accessory buildings shall located be 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. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (d) Accessory buildings shall have a maximum height of 5 metres and shall not project in front of the building line.
- (e) Accessory buildings shall be a minimum of 3 metres from any building and shall have the same sideyard as described in this Land Use Zone Table and shall be a minimum of 1 metre from the rear yard boundary.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (g) Accessory buildings shall be strictly prohibited for use as performing motor vehicle or heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

6. Advertisements Relating to Onsite Uses

There shall be no advertisements for onsite uses for this Land Use Zone Table.

7. Advertisements Relating to Offsite Uses

There shall be no advertisements for offsite uses for this Land Use Zone Table.

8. Buffer (around waterways and waterbodies)

No development will 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.

9. Soil Removal, Soil Deposit and Site Grading

- (a) No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 m³ of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Regulations.
- (b) Removal or deposit of soil, or the excavation and removal of excavated material or grading which requires a development permit provided the work is based on a grading plan, will result in an improved site for use classes permitted in the Zone where it is located, and meets the following conditions:
 - (i) land intended for the activity or grading has a slope of less than 25%;
 - (ii) resulting slopes are stable and without hazards;
 - (iii) when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;

- (iv) The use is clearly a subsidiary use to the residential use, and
 - (iv) drainage must be provided to the satisfaction of Council, and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- (f) A development permit for the activities described in (b) above shall not be issued unless a cash deposit of \$5000 has been made to Council. The deposit shall be returned when the work has been completed in accordance with the development permit and to the satisfaction of Council.
- (g) A fee of \$5.00 for every 15 tons shall be assessed on all soil removal.

10. Mature trees

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

Where necessary, Council may require a Landscape Plan to identify how mature trees shall be preserved and replaced where necessary.

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL LOW DENSITY 2 (RLD 2)
PERMITTED USE CLASSES – see Regulation 89. Single dwelling and recreational open space.	
DISCRETIONARY USE CLASSES – see Regulation 32 and 90. Place of Worship, educational, convenience store, child care, medical and professional, personal service, special care institutional uses (see condition), boarding house residential (bed and breakfast only), office and antenna.	

CONDITIONS FOR RESIDENTIAL LOW DENSITY 2 ZONE

1. Development Standards

The development standards for this zone shall be as follows:

(a) Minimum Lot Size	3038 m ²
(b) Minimum Frontage	38 m
(c) Minimum Floor Area	130 m ²
(d) Minimum Building Line Setback	9 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 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.

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. Accessory Buildings

- (a) Accessory buildings:
 - 1. With a maximum area of 1860 m², or less, shall have a maximum lot coverage not exceeding 7%, up to a maximum floor area of 93 m², whichever is less.
 - 2. Lots with an area between of 1860 m² and 2780 m² shall have a maximum floor area of 115 m².
 - 3. Lots with an area greater than 2780 m² shall have a maximum floor area of 140 m².
- (b) No accessory building shall be larger in area and height than the main residential dwelling.
- (c) 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. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (d) Accessory buildings shall have a maximum height of 5 metres and shall not project in front of the building line.
- (e) Accessory buildings shall be a minimum of 3 metres from any building and shall have the same sideyard as described in this Land Use Zone Table and shall be a minimum of 1 metre from the rear yard boundary.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (g) Accessory buildings shall be strictly prohibited for use as performing motor vehicle or heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

5. Convenience Stores

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

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on site parking, loading, buffering and landscaping.

6. Boarding House Residential/Bed and Breakfast

A boarding or lodging house is permitted in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed (5) persons.

A bed and breakfast use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, 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 unit;
- (c) 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;
- (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 establishment shall be licensed under the Tourist Establishment Regulations, as amended from time to time.

7. Home Businesses - Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations. Businesses operating in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, shall meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices.
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, and arts and crafts objects.
- (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) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition for height and floor area limit for this zone. Child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

8. Buffer (around waterways and waterbodies)

No development will 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.

9. Soil Removal, Soil Deposit and Site Grading

- (a) No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 m³ of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Regulations.
- (b) Removal or deposit of soil, or the excavation and removal of excavated material or grading which requires a development permit provided the work is based on a grading plan, will result in an improved site for use classes permitted in the Zone where it is located, and meets the following conditions:
 - (i) land intended for the activity or grading has a slope of less than 25%;
 - (ii) resulting slopes are stable and without hazards;
 - (iii) when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;
 - (iv) The use is clearly a subsidiary use to the residential use, and
 - (iv) drainage must be provided to the satisfaction of Council, and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- (h) A development permit for the activities described in (b) above shall not be issued unless a cash deposit of \$5000 has been made to Council. The deposit shall be returned when the work has been completed in accordance with the development permit and to the satisfaction of Council.
- (i) A fee of \$5.00 for every 15 tons shall be assessed on all soil removal.

10. Child Care

A child care operation, in which services are regularly provided to seven or more children, is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) A limit of one day care or day nursery will be permitted on any street.
- (c) The use will not occupy more than 70 m² or 40% of the floor area, whichever is less.
- (d) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (f) 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, taverns, night clubs, and amusement uses.

11. Place of Worship and Education Use

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

12. Special Care Institutional Uses

- (a) Special Care Institutional Uses shall only be permitted at the discretion of Council.
- (b) Special Care Institutional Uses shall be limited to apartment style residence for seniors and homes for the aged.
- (c) One off-street parking space shall be provided for every dwelling unit.

13. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.

14. Advertisements Relating to Offsite Uses

The conditions for the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) No advertisement shall exceed 1.5 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

15. Mature trees

Because of their importance to the landscape and to the privacy and amenities of residential areas, mature trees shall be preserved and replaced as necessary. Such trees may be removed only when they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy; or if they will unduly obstruct construction.

Where necessary, Council may require a Landscape Plan to identify how mature trees shall be preserved and replaced where necessary.

USE ZONE TABLE

ZONE TITLE	PLANNED DEVELOPMENT AREA (PDA)
PERMITTED USE CLASSES - (see Regulation 89) None except maintenance and operation of existing uses.	

CONDITIONS FOR PLANNED DEVELOPMENT AREA ZONE

1. Purpose of the Planned Development Area Zone

Lands zoned Planned Development Area may be suitable for large-scale residential development. The Planned Development Area zoning prevents development until comprehensive planning has been carried out as specified in the Holyrood Municipal Plan.

2. Serviced and Unserviced Development

In Planned Development Areas which are within 150 metres of municipal services, Council shall require the installation of municipal water and sewerage at the developer's expense. In Planned Development Areas which are sufficiently remote from municipal services or financial cost to provide municipal services are economically unreasonable, Council may permit unserviced development.

3. Area Concept Plan

An Area Concept Plan shall be developed for a proposed subdivision development and shall include adjacent lands within the area defined on the zoning map as a Residential Subdivision Area. The requirements for an Area Concept Plan are outlined in the Municipal Plan policy section 3.2.1.12. The Area Concept Plan shall be advertised within a local newspaper and shall be placed on public display for five business (5) days at the Town Hall, during regular hours, for public viewing so that residents may be provided comments on the proposed development to Council in writing. Area Concept Plans may be considered for one lot minimal and multiple lot development proposals.

Council shall review all written submissions which shall be taken into consideration prior to approving the Area Concept Plan and any Development

Regulations Amendment for rezoning the Planned Development Area to the appropriate land use zone on the Land Use Zoning Map. Once the Area Concept Plan and Development Regulations Amendment have been approved by Council, the amendment shall be forwarded to the Department of Municipal and Intergovernmental Affairs for registration and a notice published in the Newfoundland and Labrador Gazette as well as a local newspaper. Note, under the *Urban and Rural Plan Act, 2000*, a public hearing is not required for a Development Regulations Amendment.

4. Subdivision Development Plan

A Subdivision Development Plan in this zone will be considered only if it is in conformity with policies outlined in the Municipal Plan sections 3.2.1.11, 12, and 13. The subdivision development plan shall conform to the general design and layout of the area concept plan. The subdivision development plan does not require public consultation, but is required to be submitted to the Council for development approval and the issuing of any development permits.

5. Discretionary Use

Discretionary uses permitted in this zone prior to the preparation and approval of an Area Concept Plan shall not include the development of any permanent structure.

6. Onsite Water Supply and Sewage

All unserviced developments shall have an approved water and sewage service design and approved by the Service NL prior to a Development Permit issued by Council.

USE ZONE TABLE

ZONE TITLE	TOWN CENTRE (TC)
PERMITTED USES – see Regulation 89. Single dwelling; double dwelling, recreational open space and conservation.	
DISCRETIONARY USES – see Regulation 32 and 90. Row dwelling, apartment building, boarding house residential, cultural and civic, general assembly, passenger assembly, club and lodge, catering, funeral home, child care, indoor assembly, medical & professional, office, personal service, general service, communications, taxi stand, police station, medical treatment and special care (home for the aged only), take-out food service, shop, convenience store, light industry, and antenna.	

CONDITIONS FOR TOWN CENTRE ZONE

1. Development Standards

The development standards for this zone shall be as follows:

- | | |
|-----------------------------------|-----------|
| (a) Minimum Building Line Setback | 8 metres* |
| (a) Minimum Sideyards | 4 metres |
| (a) Minimum Rearyard | 6 metres |
| (a) Maximum Height | 10 metres |

* Residential development shall conform to the standards of the Residential Medium Density Land Use Zone.

2. Residential Uses

- (a) The historical land use of the Town Centre Land Use Zone has been residential. New single family dwelling residential uses shall conform to the standards and conditions as specified in the Residential Medium Density Land Use Zone Table.
- (b) The front wall of a dwelling shall be parallel to the street on which it is fronting and has a civic number.

3. Accessory Buildings for Residential Use

- (a) Accessory buildings:
 - 1. With a maximum area of 1860 m², or less, shall have a maximum lot coverage not exceeding 7%, up to a maximum floor area of 93 m², whichever is less.
 - 2. Lots with an area between of 1860 m² and 2780 m² shall have a maximum floor area of 115 m².
 - 3. Lots with an area greater than 2780 m² shall have a maximum floor area of 140 m².
- (b) No accessory building shall be larger in area and height than the main residential dwelling.
- (c) Accessory buildings shall located be 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. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (d) Accessory buildings shall have a maximum height of 5 metres and shall not project in front of the building line.
- (e) Accessory buildings shall be a minimum of 3 metres from any building and shall have the same sideyard as described in this Land Use Zone Table and shall be a minimum of 1 metre from the rear yard boundary.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (g) Accessory buildings shall be strictly prohibited for use as performing motor vehicle or heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

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. Signage

Signage may be permitted in accordance with Part III of the Development Regulations.

6. 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.

7. 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.

8. Site Plan

The development of land uses in this zone may be subject to a site development plan that has been approved by Council. The requirements of a site plan are outlined in the Holyrood Municipal Plan.

9. Apartment

- (a) Apartment development standards shall conform to those as specified in the Residential Medium Density Land Use Zone Table.
- (b) Each apartment shall meet the parking requirements as outline in Schedule D of these Regulations.

10. Parking and Access

- (a) Off-street parking shall be provided within the limits of the property on which the use is situated.
- (b) Parking space shall mean an area of land suitable for the parking of a vehicle, not less than 19 m² accessible to vehicles without the need to move other vehicles.
- (c) Minimum required parking spaces shall be as established in Schedule D of the Development Regulations.

- (d) Council may require parking areas to be screened by a fence or hedges.
- (e) Loading space shall be provided and maintained on land that is not part of the street with direct unobstructed access to a street.
- (f) Loading facilities shall be arranged so that vehicles can manoeuvre clear of any street and that it is not necessary for any vehicle to reverse onto or from a street.
- (g) All uses in this zone shall be required to gain access from a public road. Access points will be limited in number.

11. Building Height

Council may permit the erection of buildings of a height greater than that specified in the use zone table. In cases where the building line and rear yard require variance from these standards, then the building line shall be increased by two (2) metres for every one (1) metre increase in height.

12. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in residential areas.

13. Advertisements Relating to Offsite Uses

The conditions for the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) No advertisement shall exceed 1.5 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable

Signs”) will not be allowed in the residential area.

- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

14. Home Businesses - Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations. Businesses operating in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, shall meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices.
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, and arts and crafts objects.
- (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) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition for height and floor area limit for this zone. Child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical

interference or in any other way result in a nuisance to the occupants of surrounding residences.

- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

15. Convenience Store

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

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on site parking, loading, buffering and landscaping.

16. Child Care

A child care operation, in which services are regularly provided to seven or more children, is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) A limit of one day care or day nursery will be permitted on any street.
- (c) The use will not occupy more than 70 m² or 40% of the floor area, whichever is less.
- (d) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.

- (f) 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, taverns, night clubs, and amusement uses.

17. Boarding House Residential/Bed and Breakfast

A boarding or lodging house is permitted in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed (5) persons.

A bed and breakfast use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, 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 unit;
- (c) 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;
- (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 establishment shall be licensed under the Tourist Establishment Regulations, as amended from time to time.

18. Landscaping

- (a) Landscaping of the lot shall be as specified by Council.
- (b) Parking areas shall be paved with a asphalt or concrete surface or other approved material, providing adequate drainage.
- (c) Council may require fencing along the side and rear boundaries to protect the privacy of adjacent property.

19. Soil Removal, Soil Deposit and Site Grading

- (a) No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 m³ of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Regulations.

- (b) Removal or deposit of soil, or the excavation and removal of excavated material or grading which requires a development permit provided the work is based on a grading plan, will result in an improved site for use classes permitted in the Zone where it is located, and meets the following conditions:
 - (i) land intended for the activity or grading has a slope of less than 25%;
 - (ii) resulting slopes are stable and without hazards;
 - (iii) when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;
 - (iv) The use is clearly a subsidiary use to the residential use, and
 - (iv) drainage must be provided to the satisfaction of Council, and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- (j) A development permit for the activities described in (b) above shall not be issued unless a cash deposit of \$5000 has been made to Council. The deposit shall be returned when the work has been completed in accordance with the development permit and to the satisfaction of Council.
- (k) A fee of \$5.00 for every 15 tons shall be assessed on all soil removal.

20. Refuse Collection

- (a) Public garbage receptacles shall be required within 2 metres of all entrances;
- (b) Large commercial dumpster containers shall be required to be located to the rear of the building and accessible to collection contractors as specified by Council;
- (c) Dumpster containers are required to be fenced in or screened.

21. Catering

Catering uses such as restaurants, coffee shops, and take-out food service may be permitted within this zone. Lounges and clubs may be permitted at the discretion of Council.

22. Development Criteria

Any development in this zone will be subject to the following:

- (a) Development shall be designed and maintained to a high standard with regard to safety and appearance;
- (b) Access points to the street must be limited in number and designed for maximum safety of pedestrians and vehicles;
- (c) Where necessary, screening shall be required through the provision of trees, shrubs, berms, landscaping or fencing between uses that are non-compatible.

23. Light Industry

Light Industry uses shall be limited to fully enclosed operations which do not create excessive pollution of any kind and which do not detract from the commercial nature of the Town Centre. Outdoor storage may be permitted at the discretion of Council.

24. Outdoor Market

An outdoor market may include a used car lot, provided due consideration is given to the size and scale of the development relative to the site and to surrounding uses. Due consideration shall also be given to buffering, off-street parking, traffic movement, congestion, and safe access.

25. General and Light Industrial Uses

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

- (a) The use shall constitute entirely or partly the livelihood of a person living in the specified dwelling;
- (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 2 m from any lot line, and having a maximum floor area of 75 m² and a height of no more than 6 m, 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.

26. Service Station

A Service Station may be permitted only in the form of pump islands to dispense motor vehicle fuel and only in conjunction with a Convenience Store on the same site.

USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT (MD)
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling; double dwelling, recreation open space and conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Row dwelling, apartment building, boarding house residential, cultural and civic, general assembly, passenger assembly, club and lodge, catering, funeral home, child care, indoor assembly, medical & professional, office, personal service, general service, communications, taxi stand, police station, medical treatment and special care (home for the aged only), take-out food service, shop, convenience store, light industry, and antenna.	

CONDITIONS FOR MIXED DEVELOPMENT ZONE**1. Development Standards**

The development standards for this zone shall be as follows:

(c) Minimum Building Line Setback	8 metres*
(d) Minimum sideyards	5 metres
(e) Minimum Rearyard	10 metres
(f) Maximum Height	10 metres
(g) Minimum Floor area	50 m ²
(h) Minimum Frontage	18 metres
(i) Minimum Lot Size	650 m ²

* Residential development shall conform to the standards of the Residential Medium Density Land Use Zone.

2. Accessory Buildings for Residential Use

- (a) Accessory buildings:
 - 1. With a maximum area of 1860 m², or less, shall have a maximum lot coverage not exceeding 7%, up to a maximum floor area of 93 m², whichever is less.
 - 2. Lots with an area between of 1860 m² and 2780 m² shall have a maximum floor area of 115 m².
 - 3. Lots with an area greater than 2780 m² shall have a maximum floor area of 140 m².
- (b) No accessory building shall be larger in area and height than the main residential dwelling.
- (c) 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. Accessory buildings shall be located so as to minimize any visual impacts on adjoining properties.
- (d) Accessory buildings shall have a maximum height of 5 metres and shall not project in front of the building line.
- (e) Accessory buildings shall be a minimum of 3 metres from any building and shall have the same sideyard as described in this Land Use Zone Table and shall be a minimum of 1 metre from the rear yard boundary.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (g) Accessory buildings shall be strictly prohibited for use as performing motor vehicle or heavy equipment repairs, auto painting, dismantling or scrapping of vehicles or other machinery.

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. 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. 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.

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. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.

8. Advertisements Relating to Offsite Uses

The conditions for the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) No advertisement shall exceed 1.5 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they

relate.

- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

9. Home Businesses - Office, Medical and Professional Service, Personal Service, and Light Industry Uses as Home Occupations

A Home Business is defined as an accessory use of a residential dwelling consisting of an occupation or profession which generates revenue for the resident.

Office, medical and professional service, personal service, and light industry uses may be permitted provided they are carried out as home occupations. Businesses operating in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, shall meet the following requirements.

- (a) Office uses shall be limited to small business services and professional offices.
- (b) Light Industry uses shall be limited to fabrication for the production of handmade articles such as clothing, and arts and crafts objects.
- (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) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use, no repairs to vehicles or heavy equipment are carried out.
- (e) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, or inconvenience to occupants of adjoining residences.
- (f) Activities associated with the use shall be carried on inside the dwelling or in a building separate from the dwelling.
- (g) One building only, separate from the dwelling, may be used in connection with a light industrial use and service use and shall conform to the Accessory Buildings condition for height and floor area limit for this zone. Child care use shall be carried out in the dwelling unit or be attached to the dwelling unit.
- (h) Except for child care, no more than 30% of the total floor area of the dwelling is devoted to the use.
- (i) The use shall not generate traffic, parking, sewage or water use in excess

- of what is normal in the residential area.
- (j) Activities associated with the use are not hazardous and do not cause a noticeable increase in noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (k) The residential lot has sufficient area to accommodate the parking requirements of the dwelling unit and the home occupation.
- (l) No regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot.

10. Place of Worship and Educational Use

Where permitted, a place of worship and an educational use shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling. The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

11. Convenience Store

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

- (a) Convenience Store may form part of the residential dwelling or be a stand alone building.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Adequate provision for on site parking, loading, buffering and landscaping.

12. Child Care

A child care operation, in which services are regularly provided to seven or more children, is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) A limit of one day care or day nursery will be permitted on any street.
- (c) The use will not occupy more than 70 m² or 40% of the floor area, whichever is less.

- (d) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (f) 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, taverns, night clubs, and amusement uses.

13. Boarding House Residential

A boarding or lodging house is permitted in any dwelling that can adequately accommodate the specified number of persons. The total number of boarders or lodgers shall not exceed (5) persons.

A “bed and breakfast” use in a dwelling may be permitted as a discretionary use to provide room and board for tourists or the travelling public, 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 unit;
- (c) 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;
- (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 establishment is licensed under the Tourist Establishment Regulations, 1994, as amended from time to time.

14. 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.

15. Outdoor Market

An outdoor market may include a used car lot, provided due consideration is given to the size and scale of the development relative to the site and to surrounding uses. Due consideration shall also be given to buffering, off-street parking, traffic movement, congestion, and safe access.

16. General and Light Industrial Uses

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

- (a) The use shall constitute entirely or partly the livelihood of a person living in the specified dwelling;
- (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 2 m from any lot line, and having a maximum floor area of 75 m² and a height of no more than 6 m, 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.

17. Service Station

A Service Station may be permitted only in the form of pump islands to dispense motor vehicle fuel and only in conjunction with a Convenience Store on the same site.

18. Buffer (around waterways and waterbodies)

No development will 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.

19. Soil Removal, Soil Deposit and Site Grading

- (a) No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 m³ of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Regulations.
- (b) Removal or deposit of soil, or the excavation and removal of excavated material or grading which requires a development permit provided the work is based on a grading plan, will result in an improved site for use classes permitted in the Zone where it is located, and meets the following conditions:
 - (i) land intended for the activity or grading has a slope of less than 25%;
 - (ii) resulting slopes are stable and without hazards;
 - (iii) when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;
 - (iv) The use is clearly a subsidiary use to the residential use, and
 - (iv) drainage must be provided to the satisfaction of Council, and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- (c) A development permit for the activities described in (b) above shall not be issued unless a cash deposit of \$5000 has been made to Council. The deposit shall be returned when the work has been completed in accordance with the development permit and to the satisfaction of Council.
- (d) A fee of \$5.00 for every 15 tons shall be assessed on all soil removal.

USE ZONE TABLE

ZONE TITLE	COMMERCIAL HIGHWAY (CH)
PERMITTED USE CLASSES - (see Regulation 89) Catering, office, medical and professional, personal service, shop, and convenience store, commercial residential, service station, cultural and civic, outdoor assembly.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Clubs and lodges, amusement, general assembly, passenger assembly, taxi stand, police station, funeral home, indoor market, shopping centre, general services, veterinary, light industry, antenna, and recreational open space.	

CONDITIONS FOR COMMERCIAL HIGHWAY ZONE

1. Development Standards

The development standards for this zone shall be as follows:

- | | |
|---|-----------|
| (a) Minimum Building Line Setback | 15 metres |
| (b) Minimum Sideyard Width
(except where buildings are built with adjoining party walls) | 5 metres |
| (c) Minimum Rearyard Depth | 10 metres |
| (d) Maximum Height | 15 metres |

2. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.

- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

3. Advertisements Relating to Offsite Uses

The conditions for the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) No advertisement shall exceed 1.5 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

4. General Industry

Council may consider a general industry use within this Land Use Zone such that the proposed use is associated with an existing commercial or industrial property.

5. Buffers (around waterways)

An area 15 metres in width on each side of rivers, ponds and tributary streams shall be maintained in a natural state. The limits shall be determined by Fisheries and Oceans and the Water Resources Management Division, Department of Environment and Conservation.

6. Outdoor Assembly Uses

Only outdoor assembly uses such as camping grounds and R. V. camping parks shall be permitted.

7. Soil Removal, Soil Deposit and Site Grading

- (a) No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 m³ of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Regulations.
- (b) Removal or deposit of soil, or the excavation and removal of excavated material or grading which requires a development permit provided the work is based on a grading plan, will result in an improved site for use classes permitted in the Zone where it is located, and meets the following conditions:
 - (i) land intended for the activity or grading has a slope of less than 25%;
 - (ii) resulting slopes are stable and without hazards;
 - (iii) when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;
 - (iv) The use is clearly a subsidiary use to the residential use, and
 - (iv) drainage must be provided to the satisfaction of Council, and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- (c) A development permit for the activities described in (b) above shall not be issued unless a cash deposit of \$5000 has been made to Council. The deposit shall be returned when the work has been completed in accordance with the development permit and to the satisfaction of Council.

USE ZONE TABLE

ZONE TITLE	INDUSTRIAL - GENERAL (IG)
PERMITTED USE CLASSES - (see Regulation 89) General Industry, light industry and educational uses (see condition).	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Passenger assembly, service station, all use classes in the professional and personal service uses group, educational, shop, recreational open space, antenna.	

CONDITIONS FOR INDUSTRIAL-GENERAL 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. Area Concept Plan, Holyrood Access Road

No development applications or Crown land applications shall be accepted or approved for the site selected for a Business Park to be located at the northeast corner of the Trans Canada Highway and the Holyrood Access Road, unless the proposal conforms to an Area Concept Plan as approved by the Town of Holyrood.

3. Services

Industrial development shall not be permitted in this zone unless adequate municipal services and fire fighting capability are available to meet the needs of the particular industrial use.

4. Outdoor Storage

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

5. Storage of Flammable Liquids

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to prevent 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 or proposed residential area 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. Shops

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.

8. Discretionary Use Classes

With the exception of Passenger Assembly and Service Stations, the discretionary use classes listed in this table may be permitted at the discretion of Council provided they are accessory to uses within the permitted use classes. Service stations may only be permitted on the main road.

9. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

10. Advertisements Relating to Offsite Uses

The conditions for the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) No advertisement shall exceed 1.5 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (a) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

11. Educational Uses

Educational uses may be permitted only if they involve classroom education and training for ocean and marine related commercial diver training. Wharf facilities may be required for underwater training and safety certification associated with offshore oil and exploration.

USE ZONE TABLE

ZONE TITLE	INDUSTRIAL - HAZARDOUS (IH)
PERMITTED USE CLASSES - (see Regulation 89) Hazardous Industry, general industry	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Antenna.	

CONDITIONS FOR INDUSTRIAL - HAZARDOUS ZONE**1. Development Standards**

The development standards for this zone shall be as follows:

- | | |
|-----------------------------------|-----------|
| (a) Minimum Building Line Setback | 20 metres |
| (b) Minimum Sideyards | 20 metres |
| (c) Minimum Rearyard | 20 metres |
| (d) Maximum Height | 20 metres |

2. General Conditions for Hazardous Industry

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) Hazardous Industry uses shall not be permitted in this zone unless adequate water and sewer services, and fire fighting capability designed to meet the needs of the particular hazardous industrial uses are available.
- (b) Adequate off-street parking for all employees. Loading and off loading facilities shall not interfere or obstruct movement of traffic along public streets.

- (c) Hazardous Industry uses must be located and designed to minimize the impact of traffic, noise, odours, smoke, lighting, and signage on surrounding uses. Where necessary, screening will be required through the provision of trees, shrubs, berms, landscaping, fencing or any other provision that Council may require.
- (d) Hazardous Industry uses must be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (e) All Hazardous Industry uses and structures for the storage of bulk and flammable materials shall conform to the requirements of the Provincial Fire Commissioner Office, and shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spillage.
- (f) Access points to the street must be limited in number and designed for maximum safety of pedestrians and vehicles.

3. Storage of Materials

No business or operation shall store materials, vehicles, heavy equipment or stock pile waste materials within the front yard of any property. Storage shall be permitted behind the building or along the side yard, provided a screen or buffer is provided to reduce visibility of the storage area. Council may require fencing or other forms of screening to prevent an unsightly appearance of stored materials or vehicles.

4. Storage of Flammable Liquids

All uses and structures for the bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner Office and Service NL. Storage areas shall be surrounded by such buffers and landscaping as Council may require to prevent damage to adjacent uses by fire, explosion, or spills of flammable liquid.

5. Buffers (around waterways)

An area 15 metres in width on each side of rivers, ponds and tributary streams shall be maintained in a natural state. The limits shall be determined by Fisheries and Oceans and the Water Resources Management Division, Department of Environment and Conservation.

6. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.

7. Advertisements Relating to Offsite Uses

The conditions for the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) No advertisement shall exceed 1.5 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

USE ZONE TABLE

ZONE TITLE	PUBLIC BUILDINGS (PB)
PERMITTED USE CLASSES - (see Regulation 89) Educational, cultural and civic uses, general 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, collective residential, cemetery, club and lodge, catering, passenger assembly, taxi stand, 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. 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. 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.

4. Catering

Catering may be permitted in associations with a permitted use such as church functions, weddings, parties, etc. Catering use will only be permitted as a temporary use by Council.

5. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 1.5 m² in area.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.

6. Advertisements Relating to Offsite Uses

The conditions for the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) No advertisement shall exceed 1.5 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential area.
- (d) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and amenities of the surrounding area.

7. Child Care

A child care operation, in which services are regularly provided to seven or more children, is subject to the following conditions:

- (a) The operation is in accordance with all applicable provincial laws and regulations.
- (b) A limit of one day care or day nursery will be permitted on any street.
- (c) The use will not occupy more than 70 m² or 40% of the floor area, whichever is less.
- (d) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations.
- (e) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic.
- (f) 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, taverns, night clubs, and amusement uses.

USE ZONE TABLE

ZONE TITLE	OPEN SPACE/RECREATION (OS/R)
PERMITTED USE CLASSES - (see Regulation 89) Recreational open space and conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Indoor assembly, outdoor assembly, cultural and civic, catering (take-out food service), antenna, and child care.	

CONDITIONS FOR OPEN SPACE/RECREATION 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. Take-Out Food Service

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

USE ZONE TABLE

ZONE TITLE	OPEN SPACE/CONSERVATION (OS/C)
PERMITTED USE CLASSES - (see Regulation 89) Conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Agriculture, forestry, transportation, cemetery 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. Agricultural Use

Traditional small scale hobby and subsistence 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.

3. Cemetery

Cemeteries which are located separately from a church may be permitted in the Open Space Conservation zone.

4. Accessory Building

An accessory building may be permitted in association with a cemetery and shall have a maximum floor area of 20 m². Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line and a maximum height of an accessory building shall be 4 metres.

USE ZONE TABLE

ZONE TITLE	WATERSHED (WAT)
PERMITTED USE CLASSES - (see Regulation 89) Recreational and Conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Forestry, agriculture and antenna.	

CONDITIONS FOR WATERSHED 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 adversely affect the quality or quantity of water identified as a water supply source.

2. Forestry, Agriculture, and Existing Uses

Selective forestry activities, agriculture, and the maintenance and limited extension of existing uses may be permitted provided they cause no detrimental effect on water quality.

3. Recreational

Only passive recreational activities such as hiking and skiing shall be permitted in the watershed area.

USE ZONE TABLE

ZONE TITLE	RURAL (RUR)
PERMITTED USE CLASSES - (see Regulation 89) Agriculture, forestry, recreational open space, and conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Single dwelling, veterinary, outdoor market, general industrial, mineral working, recreational open space, cemetery, animal, utilities, transportation and antenna.	

CONDITIONS FOR RURAL 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. 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.

3. Single Dwellings

Single residential dwellings may be permitted in conjunction with a permitted use such as agriculture. The agricultural uses shall be a commercial business and the full time farmer shall obtain a minimum of 50 % of his or her gross income from the farm operation. The commercial operation shall be in operation for a minimum of two years before Council will approve any residential development.

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 or forestry uses,
- (b) The site is unsuitable for location in the General Industrial zone,
- (c) Municipal services, such as town water and sewer will not be required,
- (d) 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,
- (e) The proposed use will not generate an increase in traffic on roads in the built-up areas of the Town,
- (f) The proposed site can be developed without negative impact on the natural environment and amenities of the Town, including watercourses and ponds.

5. Mineral Working

Council may permit mineral working subject to the following conditions:

- (a) Effective tree screens shall be maintained around the periphery of any mineral working. Where trees are not present to create an effective screen, Council may require the installation of a landscaped embankment or fence.
- (b) Topsoil removed for mineral working shall be retained for restoration of the site.
- (c) No mineral working shall be conducted which causes danger or nuisance to the public.
- (d) No mineral working shall be permitted within the view of a designated scenic road.
- (e) Proposed mineral working operations will be evaluated carefully by Council in conjunction with the Department of Natural Resources.

- (f) No mineral working shall unacceptably reduce the quality of water in a watercourse or waterbody. Any access road which crosses a watercourse shall have a bridge or culvert according to the regulations of the Department of Environment and Conservation.
- (g) No mineral working shall result in the excavation of land below the level of the water table nor cause the ponding of water. However, settling ponds may be permitted with the approval of the Department of Environment and Conservation.
- (h) No mineral working shall be carried out in a manner which causes the erosion of adjacent land.
- (i) The mineral working shall be kept clean of refuse, abandoned vehicles and equipment, and derelict buildings.
- (j) Upon completion of mineral working, and when there is no intention to re-open such operations, all buildings and machinery shall be removed from the site and the site restored so as not to constitute a danger to the public or present an unsightly appearance.

6. Hawke Hill Ecological Reserve

The removal of plants or other materials from the Hawke Hills Ecological Reserve shall be strictly prohibited except under specific permit by the Parks and Natural Areas Division, Department of Environment and Conservation. The Reserve is subject to the Hawke Hill Ecological Reserve Regulations, 1992 under the Wilderness and Ecological Reserves Act.

7. Advertisements Relating to Onsite Uses

The conditions for the erection or display of an advertisement on any lot or site occupied by a permitted use or a legal non-conforming use shall be as follows:

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (b) No advertisement shall exceed 5 m² in area.

8. Advertisements Relating to Offsite Uses

The conditions for the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- (a) No advertisement shall exceed 3 m² in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to, the premises to which they relate.
- (c) The location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions and nearby buildings, and the amenities of the surrounding area.

9. Seasonal Residential

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

10. Wind Turbine(s) Development Standards

The development of private residential wind turbine(s) shall be at the discretion of Council. Private wind turbine(s) shall conform to the following site development standards and conditions:

Site Development Conditions	Standards			
	<1860	1860	4050	>8100
Lot Size (m ²)				
Maximum number Wind Turbine(s)	1	1	1	2
Maximum power generating capacity of wind turbine(s) (kilowatts -KW)	15KW	20KW	40KW	100KW (total collective)
Maximum tower height (m)	10.25	10.25, or to a max of 12.25 *	18.5	30.5
Minimum separation distance from Tower and neighboring residence (m)	25	30	45	45
Minimum separation distance of the swept arc of the blade from residence on same lot (m)	1	3	5	5
Minimum distance of the swept arc of the blade from side yard (m)	Side yard requirements as in land use zone			
Separation distance between towers (m)	Not Applicable			*
Lowest point of sweep area of rotor blade to finish grade (m)	5	5	6	7

* At the discretion of Council

Conditions

- (b) The development of a private wind turbine(s) on a lot shall be for the use of the property owner. Electricity produced shall be strictly for the property owner. Surplus electricity shall be secondary in nature to the primary use and may be connected to the local power grid for the purpose of selling surplus power.
- (c) A development shall meet applicable Federal and Provincial regulatory requirements, in particular those applying to safety and environmental concerns.
- (d) The development of the wind turbine(s) shall not create hazards or negative impacts on neighboring properties. In cases where there are potential

conflicts or impacts between a proposed development and neighboring property, Council may require the developer to ensure that adequate buffers or screening are maintained to reduce the impacts on adjoining properties or other mitigation measures that may be necessary to reduce the impacts.

- (e) Wind turbine tower(s) shall be located on a lot with minimum visual impacts on neighboring properties.
- (f) The sweep area of the rotor blades on a wind turbine shall not cross over property lines.
- (g) Wind turbine(s) shall not be permitted in front of the building line.
- (h) Wind turbine tower(s) shall be designed and constructed to meet design loads for operational requirements including ice build up. The blades shall either have de-icing capabilities or be constructed of a material (ex. poly carbonate composite) that resists ice build up.
- (i) Should the wind turbine(s) ceases operations for a period longer than 2 years, the wind turbine(s), tower(s), and any related infrastructure shall be removed from the property.

USE ZONE TABLE

ZONE TITLE	MINERAL WORKING (MW)
PERMITTED USE CLASSES - (see Regulation 89) Mineral working	
DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) General industry and antenna.	

CONDITIONS FOR MINERAL WORKING ZONE**1. Separation from Adjacent Uses**

Unless the Authority is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

From:	Minimum Distance of Pit and Quarry Workings
Existing or proposed Residential Development	
- where no blasting is involved	300 metres
- where blasting is involved	1000 metres
Any other developed area or area likely to be developed during the life of the pit or quarry working.	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Waterbody or watercourse	50 metres

2. Screening

A mineral working shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:

- (a) Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority or, at the discretion of the Authority, condition 4(b) must be undertaken.
- (b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.
- (c) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- (d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, the Authority may refuse to permit the use or associated activity.

3. Fencing

The Authority may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

4. Water Pollution

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.

5. Water Ponding

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.

6. Erosion Control

No mineral working shall be carried out in a manner so as to cause erosion of adjacent land.

7. Site Maintenance

The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.

8. Access Roads

During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Authority.

9. Stockpiling Cover Material

All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

General Industry: Operating Plant and Associated Processing and Manufacturing

10. The Authority may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
11. All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.
12. The Authority may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

Termination and Site Rehabilitation

13. Upon completion of the mineral working, the following work shall be carried out by the operation:
 - (a) All buildings, machinery and equipment shall be removed.
 - (b) All pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working.
 - (c) Topsoil and any organic materials shall be re-spread over the entire quarried area.
 - (d) The access road to the working shall be ditched or barred to the satisfaction of the Authority.
14. If the mineral working contains reserves of material sufficient to support further extraction operations, the Authority may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

15. Short-term Mineral Workings

The following conditions shall apply to a Mineral Working which is subject to a Department of Mines and Energy Quarry Permit or which is proposed for a duration of less than five years. The Authority may require an applicant for a development permit under this condition to meet the stipulations set out in condition 18 below, if the Authority determines that the size of the parcel or of the proposed mineral working, or the size of the aggregate resource in the surrounding area is sufficiently large or the duration is sufficiently long to warrant the application of condition 18.

- (a) An application for a development permit for the proposed Mineral Working use shall be accompanied by a detailed sketch or sketches satisfactory to the Authority which shall show the location of physical site features and extraction and processing features required by the Authority, including but not limited to:
 - (i) the general area of the location of the mineral working;
 - (ii) boundaries of the parcel to be mined (ie. land covered by the development application);
 - (iii) extent of the site area to be mined;
 - (iv) roads, parking and loading areas and entrance and exit to the site;
 - (v) waterbodies within the boundaries;
 - (vi) waterbodies within 250 metre radius of the boundary;
 - (vii) channels or ponds to be removed, shifted and created; and
 - (viii) the location of any building or structure and equipment which will be located on the site.
- (b) Upon completion of the mineral working operations on the site, the developer shall meet the conditions set out above and any other condition(s) stated in the development permit that the Authority deems necessary for restoration of the site.
- (c) A temporary development permit may be issued for a maximum of one year and may not be renewed after five consecutive years. Upon expiry of the development permit the Authority shall inspect the site to confirm compliance with the development permit and development regulations.

16. Long-term Mineral Workings

The following conditions shall apply to a Mineral Working subject to a Department of Mines and Energy Quarry Lease or of a duration of 5 years or greater.

- (a) An application for a development permit shall include a Mineral Working Development Plan satisfactory to the Authority for the proposed Mineral Working use, which shall include a site plan showing the location of physical site features and extraction and processing features required by the Authority including but not limited to:
 - (i) boundaries of the parcel to be mined;
 - (ii) extent of site area(s) to be mined;
 - (iii) buildings and structures on the site;
 - (iv) roads, parking and loading areas and entrance and exit to the site;
 - (v) fences, berms and landscaping provided for screening;
 - (vi) waterbodies and channels to be removed, shifted and created;
 - (vii) location and expected maximum height of stockpiles of mined ores, sand and gravel;
 - viii) location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores, and the manufacturing of concrete and stone products;
 - (ix) the probable location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the Reclamation plan; and
 - (x) intended phases of mining operations to be carried out over all portions of the site.
- (b) An application for a development permit shall include a Mineral Working Reclamation Plan satisfactory to the Authority for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of the Authority a plan for restoration of the site which includes final ground

contours, slopes, depth of topsoil, and vegetation and a phasing plan if necessary in the form of a grading and landscape plan or plans.

17. Financial Guarantee

- (a) The developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to the Authority.
- (b) The financial guarantee shall be the greater of (a) \$5,000 per hectare, prorated on the basis of area to a minimum of \$500, or (b) an amount to cover the costs of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
- (c) The financial guarantee shall be returned when the Reclamation Plan has been carried out or the development terminated and any conditions attached to the development permit have been met to the satisfaction of the Authority."

18. Permit Fee

The development permit fee for a Mineral Working use shall be determined by the Authority in an amount sufficient to cover the review of the Development and Reclamation Plans or the detailed sketch as required above, and determination of the amount of the financial guarantee described in section 19 above by a professional engineer, ongoing inspection of the site for conformity with the named Plans or sketches and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation for purposes of return or cancellation of the financial guarantee.

19. Park Referral Area

Within 1 km of Butter Pot Provincial Park boundary, Council will refer all development applications for review and assessment to the Department of Environment and Conservation, Parks and Natural Areas Division.

20. Buffer (around waterways)

The area 15 metres in width on each side of rivers, ponds and tributary streams shall be left in a natural state. Its precise limits shall be identified and determined by the Federal Department of Fisheries and Oceans and Provincial Department of Environment and Conservation, Water Resources Management Division.