

TOWN OF WITLESS BAY

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:

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USE ZONE TABLE

ZONE TITLE				RESIDENTIAL (Res)			
PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling							
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Boarding house (includes tourist home and bed and breakfast), row dwelling, apartment building, agriculture, convenience store, medical and professional, personal service, child care, light industry, recreational open space, office (for home business), shop.							
STANDARDS	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (m ²) minimum	1860	1500*	1200* (average)	800*	850*	900*	950*
Floor area (m ²) minimum	80	80*	65*	40*	50*	60*	70*
Public Road Frontage (m) (minimum)	30	20*	15* (av)	50			
Building Line Setback (m) (minimum)	8	8	8	15			
Building Line Setback (m) (maximum)	32	32	32	32			
Sideward Width (m)(min.)	3	3	3	5			
Rearyard Depth (m)(min.)	9	9	9	14			
Lot Coverage %(max.)	33	33	33	33			
Building Height (max.)	10	10	15	15			
* Per dwelling unit							

CONDITIONS

1. Discretionary Uses Classes

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

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. Dwelling Frontage

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

4. Accessory Buildings

- (a) All accessory buildings shall have a maximum floor area of 70m².
- (b) An accessory building shall be prohibited to project in front of a building line or in the flanking sideyard of a corner lot.
- (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, and shall be located so as to minimize any visual impacts on adjoining properties.
- (d) The maximum height shall be 6m with a minimum of 1m from any property line and 2m from the nearest corner of a residential dwelling.
- (e) Accessory buildings (private garages only) may be permitted in the sideyard at Council discretion, but not in the flanking sideyard of a corner lot.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings, including a second storey, shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (g) Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.
- (h) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have discretion where the proposed accessory building will exceed the maximum floor area of 70m², and the maximum height of 6m.

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. Convenience Store

Convenience stores may only be permitted as a discretionary use provided that:

- (a) The convenience store forms part of the residential dwelling and shall not exceed more than 25% of the total floor area of the building, to a maximum of 45 m².
- (b) The convenience store must front directly onto a public road.
- (c) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.

- (d) Adequate provision for on site parking, loading, buffering and landscaping.
- (e) A convenience store shall not be located on single access or dead end roads, unless on a corner lot at the intersection with a main road.

8. 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 operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and 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 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.

19. Child Care

A day care or day nursery (i.e.: 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 70m² 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.

10. Boarding House Residential (Tourist Home/Bed and Breakfast)

A tourist home/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 tourist home/bed and breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling;
- (d) 1one parking space shall be provided for each guest room on the lot;
- (e) 1Council may require the parking area to be screened by a fence, or hedge;
- (f) 1the 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.

11. Buffer (around waterways and waterbodies)

No development shall be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. 1 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.

12. 1Landscaping and Surfacing

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

13. 1Effects on Surrounding Areas

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

114. Residential Buffer

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

15. 1Agriculture

1 Only home based agriculture may be permitted at the discretion of Council. Home based agriculture, including the keeping of livestock, at a limited and minor scale, may only take place on residential property where the size and general location of the property lot is sufficient to allow such activity to take place in a manner that will be safe and nuisance free, with respect to other areas. Such activity shall not in any way present a nuisance or disturbance to surrounding property owners. Council shall refer any agriculture related applications to the Department of Natural Resources, Agrifoods Branch and the Department of Environment and Conservation, Water Resources Division, for comments.

16. 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, they 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 32 metres and a maximum of 100 metres from a public street. The minimum lot area and all other development standards shall be the same as for other residential development in this zone;
- (b) only single dwellings may be permitted;
- (c) lots must have direct access to, and street line frontage on, a 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.

17. 1 East Coast Trail

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

1A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

118. 1Steep Slopes and Flood Plains

Applications for sites having slopes greater than 20%, or potentially subject to flooding or any other hazards such as landslides, shall not be permitted unless the site has a geo-physical assessment conducted by a Professional Engineer or other person qualified to make a determination, to ensure development can take place without endangerment to health or safety.

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL RURAL (RR)

PERMITTED USES – see Regulation 90.

Single dwelling; ~~recreational open space.~~

DISCRETIONARY USES – see Regulation 34 and 91.

Boarding house residential (bed and breakfast only), convenience store, child care, medical and professional, personal service, office; light industry (see condition); ~~antenna.~~

CONDITIONS

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	100 m ²
d) Minimum Building Line Setback	15 metres
e) Maximum Building Line setback	32 metres
f) Minimum Sideyard Width	3 metres
g) Minimum Rearyard Depth	15 metres
h) Maximum Height	10 metres
i) Maximum Lot Coverage	33 %

CONDITIONS

2. Discretionary Uses Classes

1The discretionary use classes listed in the table may be permitted at the discretion of the Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

3. **Corner Lots**

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

4. **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. **Accessory Buildings**

- (a) All accessory buildings shall have a maximum floor area of 70m².
- (b) An accessory building shall be prohibited to project in front of a building line or in the flanking sideyard of a corner lot.
- (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, and shall be located so as to minimize any visual impacts on adjoining properties.
- (d) The maximum height shall be 6m with a minimum of 1m from any property line and 2m from the nearest corner of a residential dwelling.
- (e) Accessory buildings (private garages only) may be permitted in the sideyard at Council discretion, but not in the flanking sideyard of a corner lot.
- (f) Residential lots may have more than one accessory building provided that the maximum combined floor area of all buildings, including a second storey, shall not be greater than the maximum area as set out in the General Development Regulations and this Land Use Zone Table.
- (g) Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.
- (h) Where it can be clearly demonstrated that a need exists for a larger accessory building, Council shall have discretion where the proposed accessory building will exceed the maximum floor area of 70m², and the maximum height of 6m.

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.

8. Convenience Store

Convenience stores may only be permitted as a discretionary use provided that:

- (a) The convenience store forms part of the residential dwelling and shall not exceed more than 25% of the total floor area of the building, to a maximum of 45 m².
- (b) The convenience store must front directly onto a public road.
- (c) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (d) Adequate provision for on site parking, loading, buffering and landscaping.
- (e) A convenience store shall not be located on single access or dead end roads, unless on a corner lot at the intersection with a main road.

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 operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and 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 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.

110. Child Care

A day care or day nursery (i.e.: 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 70m² 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. Boarding House Residential (Tourist Home/Bed and Breakfast)

A tourist home/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 tourist home/bed and breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling;
- (d) 1one parking space shall be provided for each guest room on the lot;
- (e) 1Council may require the parking area to be screened by a fence, or hedge;
- (f) 1the 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.

12. Buffer (around waterways and waterbodies)

No development shall be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. 1 Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation.

13. 1Landscaping and Surfacing

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

14. 1Effects on Surrounding Areas

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

115. Residential Buffer

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

16. 1Agriculture

- (a) Only home based agriculture may be permitted at the discretion of Council. Home based agriculture, including the keeping of livestock, at a limited and minor scale, may only take place on residential property where the size and general location of the property lot is sufficient to allow such activity to take place in a manner that will be safe and nuisance free, with respect to other areas. Such activity shall not in any way present a nuisance or disturbance to surrounding property owners. Council shall refer any agriculture related applications to the Department of Natural Resources, Agrifoods Branch and the Department of Environment and Conservation, Water Resources Division, for comments.
- (b) 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.

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, they 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 32 metres and a maximum of 100 metres from a public street. The minimum lot area and all other development standards shall be the same as for other residential development in this zone;
- (b) only single dwellings may be permitted;
- (c) lots must have direct access to, and street line frontage on, a 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.

17. 1East Coast Trail

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

1A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

118. 1Steep Slopes and Flood Plains

Applications for sites having slopes greater than 20%, or potentially subject to flooding or any other hazards such as landslides, shall not be permitted unless the site has a geo-physical assessment conducted by a Professional Engineer or other person qualified to make a determination, to ensure development can take place without endangerment to health or safety.

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL SUBDIVISION AREA (RSA)
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<p>PERMITTED USE CLASSES - (see Regulation 89) None except maintenance and operation of existing uses.</p>
<p>DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) 1Agriculture, forestry, conservation.</p>

CONDITIONS FOR RESIDENTIAL SUBDIVISION AREA

1. Purpose of the Residential Subdivision Area Zone

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

2. 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 3.2.1.10. 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 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*, a public hearing is not required for a Development Regulations Amendment.

3. 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 Policy 3.2.1.10. 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.

4. 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.

5. 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.

6. East Coast Trail

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

1A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT (MD)
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PERMITTED USE CLASSES - (see Regulation 89)

1 Single dwelling, ~~double dwelling, childcare, group child care, boarding house (includes tourist home, bed and breakfast), medical treatment and special care (home for the aged only), personal services.~~

DISCRETIONARY USE CLASSES - (see Regulations 22 and 90)

Row dwelling, apartment building, cultural and civic, general assembly, club and lodge, catering, indoor assembly, office, personal service, general service, communications, taxi stand, take-out food service, shop, office, convenience store, ~~general and~~ light industry, 1 recreational open space and antenna.

CONDITIONS FOR MIXED DEVELOPMENT ZONE

1. Development Standards

The development standards for this zone shall be as follows:

(a)	Minimum Building Line Setback	8 metres*
(b)	Maximum Building Line Setback	32 metres
(c)	Minimum sideyards	3 metres
(d)	Minimum Rearyard	15 metres
(e)	Maximum Height	10 metres
(f)	Minimum Floor area	50 m ²
(g)	Minimum Frontage	30 metres
(h)	Minimum Lot Size	1860 m ²

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

2. Accessory Buildings for Residential Use

- (a) 1 All accessory buildings shall have a maximum floor area of 70m².
- (b) An accessory building will not be permitted to project in front of a building line.

- (c) The maximum height shall be 6m with a minimum of 1m from any property line and 2m from the nearest corner of a residential dwelling.
- (d) The accessory building shall be finished in materials similar to the main dwelling on the property.
- (e) Accessory buildings (private garages only) may be permitted in the sideyard at Council discretion.
- (f) Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council.
- (g) Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.

31. 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 rearward 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, Child Care 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 operated in the dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, and 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, arts and crafts objects, and workshops;
- (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 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. Convenience Store

Convenience stores may only be permitted as a discretionary use provided that:

- (a) The convenience store forms part of the residential dwelling and shall not exceed more than 25% of the total floor area of the building, to a maximum of 45 m².
- (b) The convenience store must front directly onto a public road.
- (c) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (d) Adequate provision for on site parking, loading, buffering and landscaping.
- (e) A convenience store shall not be located on single access or dead end roads, unless on a corner lot at the intersection with a main road.

111. Child Care

A day care or day nursery (i.e.: 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 70m² 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.

12. Boarding House Residential (Tourist Home/Bed and Breakfast)

A tourist home/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 tourist home/bed and breakfast use is carried out is similar in exterior finish, design, height, and scale to a private residential dwelling;
- (d) 1one parking space shall be provided for each guest room on the lot;
- (e) 1Council may require the parking area to be screened by a fence, or hedge;
- (f) 1the 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.

13. Outdoor and Open Storage

- (a) Outdoor storage will not be permitted in frontyards. It may be permitted in sideyards and rear yards. Council may require fencing or other forms of screening to prevent an unsightly appearance.
 - (b) 1Open storage of goods or other items shall be limited to that which is normally associated with the permitted residential use. Machinery or equipment shall not be permitted to be stored on residential property. Certain discretionary uses such as building supplies stores, gardening supply business, may require open storage of goods as part of the operation of the business. Council will ensure that these businesses do not in any way present a nuisance or disturbance to surrounding property owners.

14. 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.

15. General and Light Industrial Uses

General industrial uses shall be small scale 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.

16. 1 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.

17. 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. 1 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.

18. East Coast Trail

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

1A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail.

Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

USE ZONE TABLE

ZONE TITLE	COMMERCIAL LOCAL (CL)
PERMITTED USE CLASSES - (see Regulation 89) Catering (restaurants only), office, medical and professional, personal service, general service, shop, and convenience store, indoor market ¹ , group child care , commercial residential, service station, cultural civic and shop. ¹	

DISCRETIONARY USE CLASSES - (see Regulations 22 and 90)

~~Apartment building,~~ catering (lounges and bars), Clubs and lodges, amusement, ~~general assembly,~~ taxi stand, service station, funeral home, ~~medical treatment,~~ outdoor market, office, shopping centre, general services, ~~agriculture,~~ light industry, antenna, and recreational open space.¹

CONDITIONS FOR COMMERCIAL LOCAL ZONE

1. Development Standards

The development standards for this zone shall be as follows:

(a)	Minimum Building Line Setback	12 metres
(b)	Minimum Sideyard Width	5 metres
(c)	Minimum Rearyard Depth	10 metres
(d)	Maximum Height	15 metres

2. Discretionary Uses Classes

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

3. 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.

4. 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.

5. 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.

6. 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. 1 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.

7. 1Light Industry

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

8. Agriculture

Agriculture shall be limited to commercial greenhouses and nurseries.

9. Open Storage

Outdoor storage of materials, goods and machinery shall meet the following conditions, and any other requirement of the Use Zone in which they are located:

- (a) Where it is not the primary use of land, storage areas shall not be located in the front yard.
- (b) Where storage areas are not screened from general view by vegetation or topography, a storage area may be required to be enclosed by an opaque wall or fence not less than 2 metres in height constructed of uniform materials and approved by Council.
- (c) Storage of vehicles or other machinery or equipment, except transport vehicles which may be parked in the open provided their parking area is landscaped and suitably located, shall be prohibited in areas where there is no screening or fencing.
- (d) Buffer areas shall not be used as storage areas.

10. Effects on Surrounding Areas

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

11. Convenience Stores and Shops

- (a) A convenience store or shop in any Commercial zone shall front directly onto a publicly maintained road.
- (b) Convenience stores shall not negatively affect residential amenities of adjoining properties. Outside storage shall be prohibited, except for that incidental and related to the residential use.
- (c) Landscaping and adequate off street parking with clearly defined entrance and exit points shall be provided.
- (e) Convenience stores shall not be located on single access or dead end roads, unless on a corner lot at the intersection with a main road.

112. Service Stations and Garages

Service stations and garages may be approved by Council provided:

- (a) All gasoline pumps shall be located on pump islands designed for such purposes, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 metres from the front lot line.
- (c) Any access shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction.
- (d) Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system

13. 1Landscaping and Surfacing

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

14. 1Effects on Surrounding Areas

Any development in any zone must be generally acceptable within the context of

surrounding development and so must not create unacceptable amounts of noise, traffic, fumes, dust or other pollution or otherwise present a nuisance, hazard or eyesore, especially with respect to existing or potential residential development.

115. Residential Buffer

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

16. East Coast Trail

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

1A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

USE ZONE TABLE

ZONE TITLE	COMMERCIAL HIGHWAY (CH)
PERMITTED USE CLASSES - (see Regulation 89) Catering, office, medical and professional, personal service, shop, and convenience store, 1passenger assembly, commercial residential, office, service station, cultural civic and shop, 1indoor assembly.	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Clubs and lodges, amusement, general assembly, taxi stand, police station, funeral home, indoor market, outdoor market, office, general services, veterinary, general industry, light industry, antenna, and recreational open space.1	

CONDITIONS FOR COMMERCIAL HIGHWAY ZONE

1. Development Standards

The development standards for this zone shall be as follows:

- (e) Minimum Building Line Setback 15 metres
- (f) Minimum Sideyard Width 5 metres
- (g) Minimum Rearyard Depth 10 metres
- (h) Maximum Height 15 metres

2. Discretionary Uses Classes

1The discretionary use classes listed in the table may be permitted at the discretion of the Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

3. 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.

4. 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.

5. General Industry

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

6. 1Buffer (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. 1 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.

7. 1Light Industry

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

8. Open Storage

Outdoor storage of materials, goods and machinery shall meet the following conditions, and any other requirement of the Use Zone in which they are located:

- (a) Where it is not the primary use of land, storage areas shall not be located in the front yard.
- (b) Where storage areas are not screened from general view by vegetation or topography, a storage area may be required to be enclosed by an opaque wall or fence not less than 2 metres in height constructed of uniform materials and approved by Council.
- (c) Storage of vehicles or other machinery or equipment, except transport vehicles which may be parked in the open provided their parking area is landscaped and suitably located, shall be prohibited in areas where there is no screening or fencing.
- (d) Buffer areas shall not be used as storage areas.

9. Effects on Surrounding Areas

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

10. Convenience Stores and Shops

- (a) A convenience store or shop in any Commercial zone shall front directly onto a publicly maintained road.
- (b) Convenience stores shall not negatively affect residential amenities of adjoining properties. Outside storage shall be prohibited, except for that incidental and related to the residential use.
- (c) Landscaping and adequate off street parking with clearly defined entrance and exit points shall be provided.
- (e) Convenience stores shall not be located on single access or dead end roads, unless on a corner lot at the intersection with a main road.

111. Service Stations and Garages

Service stations and garages may be approved by Council provided:

- (a) All gasoline pumps shall be located on pump islands designed for such purposes, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 metres from the front lot line.
- (c) Any access shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction.
- (d) Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system

12. Landscaping and Surfacing

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

113. Residential Buffer

In the case of a residential development locating adjacent to an existing or proposed non-residential use or zone, Council may require the developer of the residential use to

provide a buffer. Any such buffer shall be made up of hedges, trees, shrubs, earthen berms or structural barriers that will sufficiently mitigate noise, visual unpleasantness and other undesirable effects. Trees and shrubs existing on the site prior to development which could form all or part of a buffer shall not be removed.

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114. Steep Slopes

Application for construction on sites having slopes greater than 20 %, or potentially subject to flooding or any other hazard such as land slides, shall be approved suitable for development by an engineer or other person qualified to make such a determination to ensure that site development can take place without endangerment of health or safety.

USE ZONE TABLE

ZONE TITLE	INDUSTRIAL LIGHT (IL)
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PERMITTED USE CLASSES - (see Regulation 89) General Industry, light industry and transportation.
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Office ¹ , service station, professional and personal service, shop, recreational open space, antenna. ¹

CONDITIONS FOR INDUSTRIAL LIGHT 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 Uses Classes

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

3. 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.

4. 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.

5. General Industry

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

6. 1 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. 1 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.

7. 1Light Industry

- (a) Light industry is restricted to use that are nonhazardous, and do not create any negative impacts on adjoining properties.
- (b) 1Light Industrial uses along coastline shall also allow for development of marine related industrial uses and transportation uses such as wharfs, slipways, docks, and breakwaters.

8. 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 may be required by Council to prevent damage to adjacent uses by fire, explosion, or spills of flammable liquid.

9. Open Storage

Outdoor storage of materials, goods and machinery shall meet the following conditions, and any other requirement of the Use Zone in which they are located:

- (a) Where it is not the primary use of land, storage areas shall not be located in the front yard.
- (b) Where storage areas are not screened from general view by vegetation or topography, a storage area may be required to be enclosed by an opaque wall or fence not less than 2 metres in height constructed of uniform materials and approved by Council.
- (c) Storage of vehicles or other machinery or equipment, except transport vehicles which may be parked in the open provided their parking area is landscaped and suitably located, shall be prohibited in areas where there is no screening or fencing.
- (d) Buffer areas shall not be used as storage areas.

10. Effects on Surrounding Areas

Any development in this use zone shall be generally acceptable within the context of surrounding development and so shall not create unacceptable amounts of noise, traffic, fumes, dust or other pollution or otherwise present a nuisance, hazard or

eyesore, especially with respect to existing or potential residential development.

11. Convenience Stores and Shops

- (a) A convenience store or shop in any Commercial zone shall front directly onto a publicly maintained road.
- (b) Convenience stores shall not negatively affect residential amenities of adjoining properties. Outside storage shall be prohibited, except for that incidental and related to the residential use.
- (c) Landscaping and adequate off street parking with clearly defined entrance and exit points shall be provided.
- (e) Convenience stores shall not be located on single access or dead end roads, unless on a corner lot at the intersection with a main road.

112. Service Stations and Garages

Service stations and garages may be approved by Council provided:

- (a) All gasoline pumps shall be located on pump islands designed for such purposes, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 metres from the front lot line.
- (c) Any access shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction.
- (d) Surface run-off shall be directed to an oil/water separator before discharging into any storm sewer or any other surface or sub-surface drainage system

13. 1Landscaping and Surfacing

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

14. 11 Residential Buffer

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

1

115. Steep Slopes

Application for construction on sites having slopes greater than 20 %, or potentially subject to flooding or any other hazard such as land slides, shall be approved suitable for development by an engineer or other person qualified to make such a determination to ensure that site development can take place without endangerment of health or safety.

16. East Coast Trail

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

1A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

USE ZONE TABLE

ZONE TITLE	PUBLIC BUILDINGS (PB)
PERMITTED USE CLASSES - (see Regulation 89) 1 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. 1	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Indoor assembly, outdoor assembly, cemetery, shop, take-out food service club and lodge, catering and antenna.11	

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 | 10 metres |
| (d) Maximum Height | 15 metres |

2. Discretionary Use Classes

1The discretionary use classes listed in the table may be permitted at the discretion of the Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

3. 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. Shop and Catering Uses

- (a) A shop may be permitted where it is associated with a public assembly use relating to the selling or renting of items related to a public assembly use and taking place on-site
- (b) 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.

1

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. 1 Cemetery

A Cemetery must be associated with, and on the same grounds as, a place of worship.

8. Take-out Food Service

A take-out food service shall be subsidiary to a permitted use.

9. 1 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. 1 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.

10. Effects on Surrounding Areas

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

11. 1Landscaping and Surfacing

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

12. 1Effects on Surrounding Areas

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

113. Residential Buffer

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

1

114. Steep Slopes

Application for construction on sites having slopes greater than 20 %, or potentially subject to flooding or any other hazard such as land slides, shall be approved suitable for development by an engineer or other person qualified to make such a determination to ensure that site development can take place without endangerment of health or safety.

USE ZONE TABLE

ZONE TITLE	OPEN SPACE RECREATION (OSR)
PERMITTED USE CLASSES - (see Regulation 89) Recreational open space and conservation.1	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Indoor assembly, outdoor assembly, cultural and civic, catering (take-out food service) and antenna.1	

CONDITIONS FOR OPEN SPACE RECREATION ZONE

1. Discretionary Use Classes

1The discretionary use classes listed in the table may be permitted at the discretion of the Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

2. Take-Out Food Service

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

13. Accessory Buildings

Accessory buildings may be permitted at the discretion of the Council provided that they are complementary to uses within the permitted use classes.

4. Effects on Surrounding Areas

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

5. 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. 1 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.

6. East Coast Trail

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

1A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

USE ZONE TABLE

ZONE TITLE	CONSERVATION (CON)
PERMITTED USE CLASSES - (see Regulation 89) Conservation, cemetery.	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Agriculture, forestry, transportation (sheds and wharves along the coastline), and antenna.	

CONDITIONS FOR CONSERVATION ZONE

1. Discretionary Use Classes

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

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 shall be permitted in the 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.

5. Sheds and Wharves

Sheds and Wharves may be developed along the coastline at the discretion of the

Council provided they are marine related and small scale in nature.

6. 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. 1 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.

7. East Coast Trail

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

1A 15 metre buffer shall be maintained along both sides of the trail where it passes over Crown land to protect the natural landscape and views from the trail. Council, in issuing any development permits within the planning area, shall encourage landowners to take into consideration the effect of development on the East Coast Trail and preservation of the scenic beauty along the Town's coastline, where the East Coast Trail transverses private property.

USE ZONE TABLE

ZONE TITLE	WATERSHED (WAT)
PERMITTED USE CLASSES - (see Regulation 89) Conservation.	
DISCRETIONARY USE CLASSES - (see Regulations 22 and 90) Recreational open space and antenna.	

CONDITIONS FOR WATERSHED ZONE

1. Discretionary Use Classes

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

2. Recreation

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 22 and 90) 1Single dwelling, veterinary, outdoor market, outdoor assembly, office-general industry, light-industry, mineral working, recreational open space, cemetery, animal, utilities (see condition); transportation and antenna.	

CONDITIONS FOR RURAL ZONE

1. Discretionary Use Classes

1The discretionary use classes listed in the table may be permitted at the discretion of the Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

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

1General 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 proposed use will not have an adverse visual impact on the built-up areas of the Town and Council may require that the site be screened or not visible from public roads and the built-up area,
- (c) The proposed use will not generate an increase in traffic on roads in the built-up areas of the Town,
- (d) The proposed site can be developed without negative impact on the natural environment and amenities of the Town, including watercourses and ponds.

1

5. Residential Buffer

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

Before approving any non-residential development near existing or proposed residential development or Residential zones, Council must be satisfied that the proposed non-residential development:

- (a) will not give rise to excessive noise or other forms or pollution,
- (b) will not generate vehicle traffic which is above the level acceptable to adjacent residential amenities,
- (c) will not cause unacceptable nuisance or hazard to adjacent residential uses, and
- (d) can, in general, be considered acceptable to the amenity of residential uses.

6. 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. 1 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.

7. East Coast Trail

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

81. 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.

9. 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.

10. 1Seasonal Residential

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

11. 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.

11. 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.

Termination and Site Rehabilitation

10. 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.

11. 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.

12. 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.