



Mount Pearl

Development Regulations 2010

GAZETTED – DECEMBER 23, 2011

Revised – April 13, 2017 – As a Result of Amendment No. 61, 2017

Please Note: This is not the official copy of the aforementioned Development Regulations, but rather a consolidated copy to include amendments. The Development Regulations are subject to periodic amendments. Please contact the City of Mount Pearl Planning and Development Department for information relating to recent amendments.

City of Mount Pearl
Planning and Development Department
3 Centennial Street
Mount Pearl, NL
A1N 1G4

The Urban and Rural Planning Act 2000

RESOLUTION TO APPROVE

CITY OF MOUNT PEARL DEVELOPMENT REGULATIONS 2010

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the City Council of Mount Pearl:

- a. Adopted the Mount Pearl Development Regulations 2010 on the 19th day of April, 2011.
- b. Gave notice of the adoption of the Mount Pearl Development Regulations 2010 by advertisement inserted on the 25th day of April, 2011, the 30th day of April, 2011, and the 7th day of May, 2011, in The Telegram newspaper, and by posting on the City of Mount Pearl website.
- c. Set the 11th day of May, 2011 at 7:00 p.m. at Mount Pearl City Hall for the holding of a public hearing to consider objections and submissions.
- d. Within the time stipulated in the notice of public hearing, the Mount Pearl City office received two written objections, and two representations.
- e. The public hearing was held on the 11th day of May, 2011.
- f. On the 23rd day of August, 2011, the City Council accepted Commissioner Jodi Saunders' report of July 11th, 2011 and proceeded to give notice of a subsequent public hearing on the matter of the redesignation of 22 and 24 Glendale Avenue.
- g. Gave notice of the proposed amendment by advertisement inserted on the 27th day of August, 2011, and the 3rd day of September, 2011, in The Telegram newspaper, and by posting on the City of Mount Pearl website.
- h. Set the 15th day of September, 2011, at 7:00 p.m., at Mount Pearl City Hall for the holding of a public hearing to consider objections and submissions.
- i. Within the time stipulated in the notice of public hearing, the Mount Pearl City Hall office received one written objection and one representation.
- j. The subsequent public hearing was held on the 15th day of September, 2011.
- k. On the 18th day of October, 2011, the City Council accepted Commissioner Geoge D. Trainor's report of October 1st, 2011.

Now, under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the City Council of Mount Pearl approves the Mount Pearl Development Regulations 2010 as amended as follows:

The rear portion of property at 22 and 24 Glendale Avenue to be rezoned from Open Space Conservation (CON) to Rural (Rural) on the Land Use Zoning Map.

APPROVED AND AMENDED by the City Council of Mount Pearl on the 18th day of October, 2011.

SIGNED AND SEALED this 25th day of October, 2011.

Mayor:


Mayor Randy Simms

Chief Administrative Officer:


Michele Peach, CA

PROVINCIAL REGISTRATION

Development Regulations/Amendment	
REGISTERED	
Number	<u>3345-2011-101</u>
Date	<u>November 9, 2011</u>
Signature	

The Urban and Rural Planning Act 2000

RESOLUTION TO ADOPT

MOUNT PEARL DEVELOPMENT REGULATIONS 2010


Under the authority of Section 16 of the Urban and Rural Planning Act 2000, the City Council of Mount Pearl adopts the Mount Pearl Development Regulations 2010.

The City of Mount Pearl Land Use Zoning, Subdivision and Advertisement Regulations 1988 as amended is repealed and replaced upon the coming into effect of the Mount Pearl Development Regulations 2010.

ADOPTED by the City Council of Mount Pearl on the 19th day of April, 2011.

SIGNED AND SEALED this 25 day of Oct, 2011.

Mayor:


Mayor Randy Simms

Chief Administrative Officer:


Michele Peach, CA

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Mount Pearl Development Regulations 2010 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

FCIP:

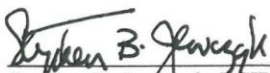

Stephen B. Jewczyk, FCIP

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NOTE: *For this consolidated version of the Development Regulations, a list of Amendments is included at the end of the document.*

MOUNT PEARL DEVELOPMENT REGULATIONS 2010

SECTION 1 - TITLE AND APPLICATION

1.1 Short Title

These Regulations may be cited as the “Mount Pearl Development Regulations 2010”.

1.2 Interpretation

- 1.2.1 Words and phrases used in these Regulations shall have the meanings ascribed to them in Section 2.
- 1.2.2 Words and phrases not defined in Section 2 shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.
- 1.2.3 Unless otherwise stated, the singular form of a Use includes the plural.
- 1.2.4 Any references to sections made in these Regulations are considered to be references to these same Regulations unless otherwise indicated.

1.3 National Codes and Regulations

The National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation, and use of land in force in the City of Mount Pearl, shall, under these Regulations apply to the entire Planning Area.

1.4 Amendments

An amendment to these Regulations may be requested by any party, and shall be submitted to the Director of Planning and Development. Except when initiated by Council, where an application for an amendment involves private property, the application shall be made by the property owner or a person operating under the owner’s written consent. A copy of this written consent must accompany the application for a text amendment or rezoning.

1.5 Council

In these Regulations, "Council" means the Council of the City of Mount Pearl.

1.6 Delegation of Authority

Where the term Council is referenced in these Regulations, Council may delegate its authority to administer these Regulations or part thereof to an employee of Council or an agent in the employment of Council by a resolution of Council.

1.7 Repeal of Previous Regulations

The City of Mount Pearl Land Use, Zoning, Subdivision and Advertisement Regulations 1988, as amended, are hereby repealed and replaced upon the registration of these Regulations.

1.8 Commencement

These Regulations and amendments thereof come into effect throughout the Mount Pearl Municipal Planning Area, hereinafter referred to as the “Planning Area”, on the date of registration of these Regulations, which is the date of publication of a notice to that effect in the Newfoundland and Labrador Gazette.

NOTE: Text that is referred in ***bold and italics*** means the Section in question has been amended, and the date referenced means the date the amendment came into legal effect.

SECTION 2 – DEFINITIONS

“ABOVE THE SURFACE OF THE GROUND” means measured vertically from the horizontal projection of the highest point of the ground immediately below a structure, building, or sign as determined by Council to the highest point of the structure, building, or sign as determined by Council.

“ACCESS” means a way used or intended to be used by vehicles, pedestrians, or animals in order to go from a street to adjacent or nearby land or to go from that land to the street.

“ACCESSORY BUILDING” includes

- (a) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
- (b) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, *gazebo*s, shelters for domestic pets or radio and television antennae, (2016-07-29)
- (c) for commercial uses, workshops or garages, and
- (d) for industrial uses, garages, offices, raised ramps and docks.

“ACCESSORY USE” means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

“ACT” means the *Urban and Rural Planning Act, 2000*. (2015-01-23)

“ADAPTIVE REUSE” means the development of a new use for an older building or for a building originally designed for a specific purpose.

“ADULT DAY CARE USE (NON-RESIDENTIAL)” means a building or part of a building maintained for the purpose of providing day care services and activities for adults.

“ADULT DAY CARE USE (RESIDENTIAL)” means a dwelling or part thereof in which day care services and activities are regularly provided to adults not related to the resident operator.

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

“AGRICULTURE” means horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose, and “agricultural” shall be construed accordingly.

“AMUSEMENT USE” means the use of land or buildings equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pin ball games and slot machine arcade, and billiard and pool halls.

“ANIMAL GROOMING” means a building or part of a building primarily engaged in providing services involving the non-medical aesthetic care of animals including, but not limited to, grooming, washing, styling, and trimming their coats. (2015-03-06)

“ANIMAL UNIT” means any one of the following animals or groups of animals:

- 1 Bull
- 1000 Broiler Chickens or roasters (1.8 - 2.3 kg each)
- 1 Cow (including calf)
- 100 Female Mink (including associated males and kits)
- 100 Female Rabbits (including associated males and litter)
- 4 Goats
- X Hogs (based on 453.6kg = 1 unit)
- 1 Horse (including foal)
- 125 Laying Hens
- 4 Sheep (including lambs)
- 1 Sow or Breed Sow (including weaners and growers based on 453.6 kg = 1 unit)
- X Turkeys, ducks, geese (based on 2.268 kg = 1 unit)

“ANTENNA” means a device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures and shall include the entire system of antenna related equipment, including the antenna, mast(s), tower(s) and/or other supporting structures that are required.

“APARTMENT BUILDING” means a building containing three or more dwelling units but does not include a row dwelling.

“APARTMENT OVER PERMITTED USE” means a self-contained dwelling unit situated above the first floor of a use that is permitted by Council within the specific use zone.

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

“APPLICANT” means a person who has applied to an authority for an approval or permit to carry out a development.

“ART GALLERY” means a building wherein the public can view and purchase visual art and associated art products.

“ARTERIAL STREET” means the streets in the planning area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the zoning map.

“AUCTION HOUSE” means a place wherein occurs the public sale of property to the highest bidder by one licensed and authorized for that purpose.

“AUTOMOTIVE SALES” means the use of a building or an open area for storage or display for sales purposes of motor vehicles, and shall include recreational vehicles and trailer sales.

“BACK LOT” means a lot that does not abut a street line.

“BAKERY” means a factory for producing, mixing, compounding or baking bread, biscuits, or any other bakery product, but does not include a restaurant or other premises where any such product is made for consumption on the premises.

“BALCONY” means a raised structure that is attached to a main building and has a walking surface greater than one storey above the established grade at the ground level of that face of the building and the structure does not have a permanent roof.

“BANK” means the offices of any chartered bank, trust company, finance company, or credit union.

“BANNER SIGN” means a sign produced on cloth, paper, fabric or other combustible material of any kind, either with or without frames.

“BAR” means a building or portion thereof in which food and drink or both, including alcoholic beverages are prepared for sale or sold for consumption by the public.

“BASEMENT” means that portion of a building, between two floor levels, which is partly underground and which has at least one-half of its height from finished floor to the underside of the first floor joists above grade.

“BED AND BREAKFAST” means an owner-occupied establishment for paid temporary accommodation for up to four guest rooms that includes a common dining room for the use of overnight guests and involves the serving of a daily breakfast and daily interaction between the owner/occupier and the overnight guests.

“BEEHIVE” means a structure in which bees are kept, typically in the form of a box specifically built for that purpose.
(2017-04-13)

“BELOW GRADE DEVELOPMENT” is the development of a portion or portions of a building completely below grade which does not have any immediate above grade vertical development and does not include a basement.
(2017-01-13)

“BENCH SIGN” means a sign painted, located on or attached to any part of the surface of a bench, seat, or chair placed adjacent to a public place or street.

“BERM” means a mound of earth usually up to three metres (3 m) in height that is used to shield, screen or buffer undesirable views and to separate incompatible land uses. Berms can be used to provide visual interest and to decrease noise.

“BILLBOARD” means a sign and its structure and component parts which is intended to advertise or call attention to any matter, object, event or person, where the sign face is usually leasable and where the subject matter is not related to a use at or around the parcel of land on which the billboard is located.

“BLADE” means an element of a wind turbine, which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

“BUFFER” means an area left in its natural state or landscaped with various plants, trees, shrubs, or grasses, in order to assist in conserving a natural resource or to mitigate the impacts of one use upon another.

“BUILDING” means every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses, and any part of a building as so defined and any fixtures that form part of a building.

“BUILDING FACE” means the total area of a building between the finished surface of the ground and the eaves of any architectural elevation.

“BUILDING HEIGHT” means the vertical distance, measured in metres from the established grade to the

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

“BUILDING LINE” means a line established by Council that runs parallel to a street line and is set at the closest point to a street that *an above grade vertical* building may be placed. **(2017-01-13)**

“BUS SHELTER ADVERTISEMENT” means an advertisement that is painted, located on, attached, or forms part of a bus shelter placed or erected adjacent to or on a public place or street.

“CANOPY SIGN” means a sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window or outdoor service area.

“CARPORT” means a private garage consisting of a roof and roof supports, but no walls.

“CAR WASH” means an establishment used exclusively for washing or cleaning of motor vehicles for monetary gain.

“CEMETERY” means land used for interring of the dead.

“CHANGEABLE MESSAGE SIGN” means a sign which has or incorporates one or more of the following features:

- (a) moving parts,
- (b) moving or changing images,
- (c) changing text, or
- (d) moving or intermittent lights.

“CIVIC USE” means land or buildings used by Council, the Government of Newfoundland and Labrador, or the Government of Canada, for a purpose not otherwise defined in these Regulations.

“CLINIC” means a building or part of a building used by physicians, dentists or other health care professionals, their staff, and their patients, for the purpose of consultation, diagnosis, and/or treatment of human non-residential patients and may include medical laboratories or an ancillary pharmacy.

“CLUB” means land, a building, or part of a building used by people organized to pursue common goals, interests, or activities usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, and a constitution or by-laws.

“COLLECTIVE RESIDENTIAL” means residential university, colleges, and schools, and includes nurses’ residences, convents, and monasteries.

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

“COMMERCIAL GARAGE” means a building or part of a building, other than a private garage, used for the repair of equipment or self-propelled vehicles and/or trailers, or where such vehicles are kept for remuneration, hire, or sale and may include the sale of gasoline or diesel oil.

“COMMERCIAL SCHOOL” means a school conducted for gain other than a private academic, religious or philanthropic school, and includes the studio of a dancing teacher or music teacher, an art school, golf school, school of calisthenics, business or trade school and any other such specialized school conducted for gain.

“COMMERCIAL WIND TURBINE” means one or more wind turbine and generator, which has a collective energy rating of greater than one hundred (100) kW. Generated electricity is intended for use by the owner/developer and may be connected to the local power distribution grid for the purpose of selling surplus power. Wind turbine(s) shall include, but not be limited to, wind turbine generators, operations, and maintenance buildings and any other structures associated with the development of wind power generated electricity.

“COMMUNICATIONS” means any establishment or facility in the field of communications, including publishing companies, printing businesses, radio stations, television stations, telephone and telegraph companies.

“COMMUNITY GARDEN” means an area or structure used for non-livestock agriculture or gardening by more than one group or individual and does not include private backyard gardens.
(2016-06-17)

“CONSERVATION” means land that is maintained in its natural state and may be identified as an environmentally sensitive area with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

“CONSTRUCTION SIGN” means a temporary sign erected on the premises or land on which development or construction is taking place, during the period of such construction, indicating the names of the planners, architects, engineers, landscape architects, contractors or similar artisans and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

“CONVENIENCE STORE” means a retail store which is compatible with a residential area or use not exceeding a floor area of two hundred square metres (200 m²) and in which at least eighty percent (80%) of the retail floor space is devoted to the sale and display of groceries.

“CORNER LOT” means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

“COUNCIL” means the Council of the City of Mount Pearl.

“CREMATORIUM” means a building used for cremating human remains.

“CULTURAL CENTRE” means any lot or building used for cultural activities such as a museum, art gallery, interpretation centre, arts and culture centre, and an outdoor display of a historic, cultural, or educational nature.

“DECK” means a raised structure that has a walking surface within one storey of the established grade at the ground level of that face of the building that may or may not be attached to a main building.

(2016-07-29)

“DESIGNATED MOBILITY IMPAIRED PARKING SPACE” - *means a parking space designated for motor vehicles used by persons with a mobility impairment.*

(2012-11-09)

“DEVELOPER” means the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

“DEVELOPMENT” means the carrying out of any building, engineering, mining or other operations in, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premises and without limiting the generality of the foregoing, shall specifically include:

- (a) the making of an access onto a highway, road or way;
- (b) the erection of an advertisement or sign;
- (c) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time.

and shall exclude:

- (d) the carrying out of works for the maintenance, improvement or other alteration or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- (e) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;

- (f) the carrying out by any local authority or statutory undertakers or any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (g) the use of any building or land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

“DEVELOPMENT ASSESSMENT” means an assessment that is determined by Council that relates to the development of land and is required to be paid by a developer or property owner prior to the issuance of a building permit by Council.

“DEVELOPMENT PERMIT” means a permit issued by the City that outlines the conditions for the use or development of land.

“DEVELOPMENT SCHEME” means a secondary or subordinate plan to the Municipal Plan which provides more detailed planning in a portion of the municipal planning area. A development scheme is legally adopted pursuant to the *Urban and Rural Planning Act, 2000* and forms part of the Municipal Plan.
(2015-01-23)

“DIRECTOR” means the Director of Urban and Rural Planning.

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

“DOMESTIC PET SHELTER” means a free-standing building offering protection from the elements for a pet or pets when sleeping or resting and shall include a dog house.

“DOUBLE DWELLING” means a building containing two dwelling units, placed one above the other, or side by side, and includes a duplex, semi-detached dwelling, or link-detached dwelling, but does not include a self-contained dwelling containing a subsidiary apartment.

“DRIVE-THROUGH USE” means the use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be in combination with other uses such as, shop, restaurant, or take-out food. A drive-through facility does not include a car washing establishment, automobile service station, or a gas bar.

“DRY CLEANING” means a building or part of a building where drycleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on. It shall also mean a building or part of a building used for the purpose of receiving articles or goods of fabric to be subject to the process of drycleaning.

“DUPLEX DWELLING” means a building containing two dwelling units, constructed one above the other, each having an individual entrance, provided that no such unit shall be constructed or located in the basement or cellar of any such dwelling.

“DWELLING” means any house or building, or portion thereof, which is occupied in whole or in part, as the home, residence or sleeping place of one or more human beings.

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

“ELECTION SIGN” means any sign used to promote a candidate or party during a school board, municipal, provincial, or federal election.

“ELECTRICAL SIGN” means a sign that utilizes an electrical source.

“ENGINEER” means a professional engineer employed or retained by Council.

“ENTRANCE CANOPY” means a prominent architectural feature that is ornamental and may extend above the building height. An entrance canopy serves to define and articulate the entrances and individual units in the façade of a multi-tenant commercial building.

“ESTABLISHED GRADE” means:

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

“FAMILY AND GROUP CARE CENTRE” means a dwelling accommodating up to but no more than four (4) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, the facilities called “Group Homes” and “Foster Home” but shall not include “Halfway House”.

“FAMILY CHILD CARE USE” means the use of a building or part of a building in which services and activities are regularly provided to up to six (6) children as defined in the *Child Care Services Act*, but does not include a school as defined by the *Schools Act, 1997*. (2015-01-23)

“FENCE” includes railing, wall, line of posts, wire, gate, boards or other similar substances used for the purpose of privacy and protection to separate or divide any parcel of land or part thereof from any other parcel of land or part thereof, immediately adjacent thereto or to establish a property boundary and shall include hedges, shrubs and landscaping features which are used for these purposes.

“FIRE STATION” means a building containing fire fighting equipment and fire fighters.

“FIREARM” means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon, as well as anything that can be adapted for use as a firearm. (2017-01-20)

“FIRST STOREY” means the storey having its floor level not more than two metres (2 m) above grade.

“FLAG LOT” means a large lot which does not meet the minimum frontage standard of the Use Zone at the street line and where access to the lot is by a narrow right-of-way or driveway.

“FLANKING STREET SIDE YARD” means the distance between the side street line and the nearest side wall of any building on the lot.

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

“FLOODWAY” means the inner portion of a Flood Risk Corridor where the risk of flood is greatest, on average once in twenty years, and where the flood depths and water velocities are greatest.

“FLOODWAY BUFFER” means the outer portion of the *floodway fringe* and the outer limit of a fifteen metre (15 m) wide buffer that is to be undeveloped and wherever possible retain its natural vegetation.
(2015-01-23)

“FLOODWAY FRINGE” means the area between the *floodway* and the *floodway buffer* where the risk of flooding is lower, on average once in one hundred (100) years, and flood waters are shallower and slower.
(2015-01-23)

“FLOODWAY RISK CORRIDOR” means the area delineated on the zoning map that encompasses the *floodway*, *floodway fringe*, and natural buffers.
(2015-01-23)

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

“FLOOR AREA RATIO” means the gross floor area of all buildings or structures on a lot divided by the total lot area.

$$\text{Floor Area Ratio} = \frac{\text{Gross Floor Area}}{\text{Total Lot Area}}$$

“FORESTRY USE” means the use of land for the purpose of forest and woodland management, and includes the felling, cutting, trimming, extraction therefrom or the reforestation thereof.

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

“FRONT LOT LINE” means the Street Line on which a lot has its civic address, except where a lot has two or more Street Lines, in which case Council shall determine the Front Lot Line, considering the most appropriate siting of the Building on the Lot.

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

“FUNERAL HOME” means the use of a building for the preparation of human remains for interment or disposal and may include a funeral home, a crematorium and/or a chapel to conduct commemorative services.

“FURNITURE AND APPLIANCE SHOWROOM” means the use of land, buildings or structures for retail sales or rental of household furniture and/or major or minor household appliances. (2013-06-21)

“GAS BAR” means an establishment comprising gasoline pumps, with or without a shelter for an attendant, but does not include a facility for the repair of motor vehicles, a commercial garage, or a car wash.

“GAZEBO” means a roofed structure that offers an open view of the surrounding area, typically used for relaxation or entertainment. (2016-07-29)

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

“GENERAL INDUSTRY USE” means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing or treating any article, commodity or substance; and “industry” shall be construed accordingly.

“GRADE” (as applying to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a Building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

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

“GROSS LEASABLE AREA (GLA)” means the total floor area of a building including basements, mezzanines and upper floors minus common areas including public walkways, malls, public toilets, service facilities and joint service facilities.

“GROUND SIGN OR PYLON SIGN” means a sign affixed to, supported by, or placed upon the ground, whether the ground is paved or unpaved, and which is supported by one or more uprights, in or upon such ground and not attached to any building.

“GROUP CHILD CARE USE” means the use of a building or part of a building in which services and activities are regularly provided to seven (7) or more children as defined in the *Child Care Services Act* but does not include a school as defined by the *Schools Act, 1997*. **(2015-01-23)**

“GROUP FITNESS USE” means the use of land or a structure intended for recreational or fitness use by a group of people with limited equipment and which primarily relies on stand room. This use includes aerobics classes, dance classes, martial arts instruction, yoga instruction, and other similar uses that use standing room to determine occupancy and session capacity. (2015-02-06)

“HALFWAY HOUSE” means a dwelling, accommodating up to but not more than four (4) persons exclusive of staff, that is used as a temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. These are persons who are receiving therapy and counselling from support staff who are present when residents are present, for the following purposes:

- (a) to help them recuperate from the effects of drug or alcohol *addiction*; (2015-01-23)
- (b) to help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment; or
- (c) to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.

Residency is limited to a specific number of weeks or months.

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

“HEALTH CLUB” means the use of a building that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities and saunas, showers, massage rooms and lockers.

“HEALTH CONSULTATION USE” means a use that accommodates a meeting between a health or lifestyle professional and a client, but does not include a clinic. (2015-06-26)

“HERITAGE BUILDING” means any building or structure so designated by Council.

“HOME OCCUPATION” means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity.

“HOME OFFICE” means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office uses which do not involve visitation of clients to the site and employment of non-residents.

“HOTEL” means a building wherein paid temporary accommodation is provided for more than sixteen (16) persons, which contains suites habitually let to transient persons, and which may contain one or more kitchens, dining rooms, lounges, and other public rooms, and this definition also includes a hostel for men and women.

“ILLUMINATED SIGN” means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

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

“INDOOR FIREARMS SHOOTING RANGE” means an enclosed building that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions. (2017-01-20)

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

“INDOOR PARKING FACILITIES” means a building or a portion of a building principally used or intended to be used to provide access to, and space for, the parking, loading, or storage of motor vehicles, and which may include bicycle spaces, but does not mean a structure providing a maximum of four parking spaces accessory to a residential use; (2014-01-03)

“INDUSTRIAL WASTE OR EFFLUENT” means liquid, gaseous, chemical and solid residue or by-product of an industrial process being discharged into the environment.

“INFILL DEVELOPMENT” means the development of new housing or other buildings on scattered vacant sites in a built-up area.

“INFLATABLE SIGNS” means a sign or display that is capable of being expanded by air or other gas and used as a temporary basis to advertise a product or event.

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

“INSTITUTION” means a building or part thereof occupied or used by persons who;

- (a) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted; or
- (b) require special care or treatment because of age, mental or physical limitations, or medical conditions.

“INTERIOR LOT” means a lot other than a corner lot.

“INTERNAL LOT LINE” means any lot line within the Regional Centre (RC) Use Zone that does not abut or form part of a front, rear, or side lot line of the overall area zoned RC.

“KENNEL” means an establishment used for the boarding of small animals normally considered as household pets and other animals. This shall include the boarding of animals during the day and for extended periods.

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

“LAND USE IMPACT ASSESSMENT” means a study prepared by a suitably qualified person who is a full member of the professional society or societies that licence or recognize practitioners in the field and who has had experience directly related to the matter at hand to assess any significant impacts a use or development may have on the urban environment and/or the quality of life of its citizens. Without restricting the generality of this definition, such a report could include:

- (a) studies on impacts on the natural environment, including an Environmental Analysis Report;

- (b) physical, social, and economic impacts on the community;
- (c) impact assessments of a particular zoning designation on the dominant use of a designation under the Municipal Plan; or
- (d) any other land use, architectural, traffic, social, and environmental analyses pertinent to the Municipal Plan.

“LAND USE ZONE” means an area of the city, identified on the Zoning Map, which defines the type of uses that may be carried out and the conditions that apply to development in that zone.

“LANDSCAPE FRONTAGE” means the area of the front yard between side lot lines measured at the front property boundary, which includes landscaped areas and excludes all paved driveway areas.

“LAUNDROMAT” means an establishment where individual washing machines, dry cleaning machines, and clothes dryers are operated by a customer or attendant.

“LIGHT INDUSTRY” means use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare, or appearance and indicates such uses as dry storage, warehousing and wholesale uses.

“LINK-DETACHED DWELLING” means a detached dwelling unit separated by another adjoining unit but with a common garage wall or carport. Each unit may be on its own lot.

“LIVESTOCK STRUCTURE” means a building or part of a building that is used for dairy farming, the breeding, rearing, and sheltering of livestock, including any creature kept for the production of food, wool, skins, or fur.

“LOCAL BOARD OF APPEAL” means an appeal board appointed by Council under the Act to hear appeals from decisions of Council made under these regulations.

“LOCAL STREET” means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan or on the Zoning Map.

“LODGE” means land, a building, or part of a building where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings.

“LODGING HOUSE” means a dwelling in which at least two (2) rooms are regularly rented to persons other than the immediate family of the owner or tenant.

“LOT” means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building. (See Definitions for “Back Lot”, “Corner Lot”, “Interior Lot”, and “Through Lot”).

“LOT AREA” means the total area within the lot lines of a lot.

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

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

“LOT LINE” means any line defining the boundaries of a lot or dividing a lot. (See Definitions for “Back Lot”, “Corner Lot”, “Interior Lot”, and “Through Lot”).

“LOUNGE” means a room or area adjoining a restaurant set aside for the sale of alcohol for consumption on the premises, with or without food and where no area has been set aside for live dancing or entertainment, either in the lounge or adjoining restaurant.

“MAJOR ARTERIAL ROAD” means a highway not providing immediate access to adjoining properties, designed exclusively to carry traffic from one part of the City to another. These highways have four circulation lanes and a median. A constant flow of traffic at comparatively high speeds is essential.

“MARQUEE” means any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

“MARQUEE SIGN” means a sign printed upon, or attached to a marquee.

“MEMBRANE STRUCTURE” means a structure consisting of a pliable membrane which achieves and maintains its shape through an iron or aluminum substructure or internal air pressure.

“MENU BOARD” means a sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business.

“MINERAL WORKING” means land or buildings used for the working or extraction of any naturally occurring substance.

“MINISTER” means the Minister of the Department of Municipal Affairs of the Government of Newfoundland and Labrador.

“MUNICIPAL PLAN” means the Mount Pearl Municipal Plan as approved by Council pursuant to the Act.

“NET FLOOR AREA” means eighty percent (80%) of gross floor area.

“NIGHTCLUB” means a building or portion thereof that is primarily used or occupied for the provision of music, pre-recorded music or live music, for dancing by club patrons and food and beverages may be served but shall not include a restaurant.

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

“OFF-SITE DIRECTIONAL SIGN” means a sign which directs traffic to a specific property, business or event and the sign is located on a property or building separate from the property, business or event to which it relates. A billboard sign is not an off-site directional sign.

“OFFICE” means any building or part thereof which is used exclusively for the management, direction or transaction of commerce, public enterprises or public services, but excludes the production or storage of any produce or merchandise on the premises; without limited the generality of this definition, includes office buildings, business, professional and public offices and agencies. It does not include clinics and banks.

“OFFICER” means any employee of the City of Mount Pearl Municipal Council charged with the administration of these Regulations or part thereof.

“OPEN AIR ASSEMBLY USE” means the use of land where large numbers of individuals gather outdoors on a temporary basis to participate in or to observe programs of participation.

“OPEN SPACE” means that portion of land which has not been built over and which is reserved in its natural state or for agricultural or outdoor recreational use.

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

“OUTDOOR COMMERCIAL PATIO” means an outdoor area associated with a permitted restaurant use, located on the same lot as the restaurant, is used on a seasonal basis only and which shall provide tables and seating for patrons to be served meals and/or refreshments for consumption on the premises.

“OUTDOOR DISPLAY COURT” means the use of a portion of the landscaped front yard for the organized display of equipment and vehicles, which are available for sale to the general public by an approved occupant in the main building on the lot.

“OUTDOOR GARDEN MARKET” means the use of land for the display and sale of garden products and services primarily outside of a building or structure and includes landscaping products, and produce and fruit stands.

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

“PARAPET” means the extension of the main walls of a building above the roof level. Parapet extensions above the roof line are not calculated within building height, but shall not exceed a height of one metre (1 m) above roof line.

“PARK” means open space maintained substantially in its natural state or landscaped for public or private enjoyment, and includes playgrounds and playing fields and buildings accessory to the foregoing, but does not include place of assembly *or a community garden.* (2016-06-17)

“PARKING AREA” means the use of land or a public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

“PARKING LOT” means a lot used solely for the parking of motor vehicles.

“PARKING SPACE” means a space for the parking of a motor vehicle within a public or private parking area and also includes “parking stall”.

“PATIO” means an exterior structure, constructed at or slightly above the established grade that may or may not be attached to the main building. **(2016-07-29)**

“PERMITTED USE” means a use that is listed within the permitted use classes set out in the Use Zone Schedules of these Regulations.

“PERSONAL CARE USE” means use of a building or facility designed or converted for the accommodation and care of elderly persons and/or persons with special needs.

“PERSONAL SERVICE” means a building or part of a building primarily engaged in providing services involving the care of a person or his or her personal goods or apparel and includes, but is not limited to, barbershops, hairdressing salons, beauty parlours, small appliance repair, or spas.

“PHARMACY” means a medical professional use where prescriptions, medicines, drugs, chemicals and poisons are compounded or prepared or sold and where non-prescription medications and health aids are sold under the direct supervision of a pharmacist and where no open display of merchandise is permitted.

“PIT AND QUARRY WORKING” carries the same meaning as Mineral Working.

“PLACE OF WORSHIP” means a church, synagogue, temple, mosque, or other facility that is used for formal religious services or prayer by persons of similar belief and can include an accessory dwelling unit and accessory place of assembly.

“PLANNED DEVELOPMENT” means an area of a minimum contiguous size, as specified by the Regulations, to be planned, developed, operated, and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas.

“PORCH” means a roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

“PORTABLE SIGN” means an illuminated or non-illuminated sign which is movable from one location to another and which is not attached to a fixed structure or does not have supports imbedded in the ground.

“PRE-MENU BOARD” means a sign erected as part of a drive-through facility and only used to display products and services available in association with a drive-through business.

“PRINCIPAL BUILDING” means a building in which is conducted the principal use of the lot on which it is located.

“PROJECTING SIGN” means a sign other than a wall sign so constructed and so erected as to be rigidly attached at one end to a building, metal pole or other structure and projecting out from the surface of the building pole or other structure to which it is attached.

“QUONSET HUT” means a lightweight prefabricated structure of corrugated steel having a semicircular cross section.

“REAL ESTATE SIGN” means a sign pertaining to the sale or lease of the premises or a portion of the premises, on which the sign is located.

“REAR LOT LINE” means the lot line or lines opposite the front lot line other than the side lot line and front lot line.

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

“RECREATIONAL USE” means a playground, playing field, an athletic field, stadium, trail riding facilities and similar uses and building and structures, accessory to the foregoing uses.

“REGIONAL BOARD OF APPEAL” means an appeal board appointed by the Minister under the Act to hear appeals from decisions of Council made under these Regulations.

“REGISTRATION” means the date upon which the notice of registration of the adoption of these Regulations or amendments thereof is published in the Newfoundland and Labrador Gazette, at which time the Regulations or amendments thereof come into effect.

“RESIDENTIAL INTENSIFICATION” means the intensification of the use of land which results in a net increase in residential units and includes:

- (a) redevelopment,
- (b) the development of vacant or underutilized lots within previously developed areas,
- (c) infill development,
- (d) the conversion or expansion of existing industrial, commercial, and institutional buildings for residential use; and
- (e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including subsidiary apartments.

“RESIDENTIAL SWIMMING POOL” means any in-ground or above-ground pool that is located in a rear yard of a residential property that is capable of containing water over zero decimal six metres (0.6 m) deep, including swimming pools, hot tubs, non-portable wading pools, and landscape water features.

“RESIDENTIAL WHEELCHAIR RAMP” – means a ramp to gain entry to a dwelling for use by persons with disabilities resulting in them being non- or semi-ambulatory. (2014-06-13)

“RESTAURANT” means a building or part thereof, designed or intended to be used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

“RETAIL WAREHOUSE” means a warehouse as defined by these Regulations in which the retail sale of commodities to the public is permitted.

“ROOF SIGN” means a sign that is erected, constructed and maintained above the roof of a building, within the peripheral dimension of such building and fastened or attached to or supported on such roof.

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

“SATELLITE DISH” means a device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be a solid, open mesh or bar-configured structure in the shape of a shallow dish or parabola.

“SCHOOL” means a public school, high school, technical school, vocational school, college, or university, or any other school established and maintained either at public expense, by a religious denomination or by a non-profit organization.

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

“SECOND STOREY” means the storey immediately above the first storey.

“SECURITY” means a security in the form of lawful Canadian currency or irrevocable letter of credit in the form determined by Council.

“SELF-SERVICE STORAGE MALL” means the use of land or a building that contains separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

“SEMI-DETACHED DWELLING” means a dwelling containing one unit and separated vertically from another adjoining unit by a common wall. Each unit may be situated on its own lot.

“SERVICE LEVY” means a charge imposed by Council on real property, when the real property is made capable of being developed, or the density of such development is increased, by a public work, on or off the real property, of the Council designed to develop municipal services or expand the capacity thereof, or where the value of any real property is enhanced by an action of Council.

“SERVICE STATION” means any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing, and polishing of motor vehicles.

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

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

“SHOPPING CENTRE” means a group of shops and complementary uses with integrated parking and which is planned, developed, and designed as a unit containing a minimum of 5 retail establishments.

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

“SIDE LOT LINE” means a lot line or lines other than a front lot line or rear lot line.

“SIDEWALK SIGN” means a free-standing sign erected on but not permanently anchored in the ground. Without limiting the generality of the foregoing, this definition includes signs referred to as A-frame, T-frame, sandwich boards, and menu boards, but shall not include any other sign defined in these Regulations.

“SIDE YARD WIDTH” means the distance between a side lot line and the nearest side wall of the main building on the lot.

“SIGN” means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements.

“SIGN FACE” means the area or display surface used for the advertisement or message.

“SIGHT TRIANGLE” means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The triangular-shaped portion of land is formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being seven decimal five metres (7.5 m) measured along the street from the point of intersection of the street lines where the posted speed limit is 50 km/h or less. For streets with posted speed limits greater than this, the sight triangle shall be determined by Council.

“SINGLE DETACHED DWELLING” means a dwelling containing one main dwelling unit which is not attached to another dwelling.

“SLEEPING UNIT” means one or more habitable rooms, or part thereof, rented as a temporary residence or sleeping facility to the general public; units may range from a single bed with shared facilities to a fully-serviced self-contained Dwelling Unit; a sleeping unit requires at least a bed and access to potable water and toilet facilities to qualify as such.

“STACKING LANE” means an on-site queuing lane for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or sign.

“STOREY” means that portion of a building which is situated between the top of any floor and the top of the floor next above it, or, if there is no floor above it, that portion between the top of such floor and the ceiling above it. (See Definitions for “First Storey”, and “Second Storey”).

“STREET” means a street, road, highway or any other way designed or intended for the passage of vehicles and pedestrians, owned by the City or other public agency and maintained at public expense, and which is accessible by Fire Department vehicles and other emergency vehicles.

“STREET LINE” means the edge of a street, road, or highway reservation as defined by Council.

“STREETSCAPE” means those elements that constitute the physical makeup of a street and that, as a group, define its character including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

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

“SUBDIVISION PLAN” means a plan that clearly outlines all details that are required to develop a parcel of land into a subdivision with individual properties.

“SUBSIDIARY APARTMENT” means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling.

“SUITE” means a single room or series of rooms of complementary uses, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses, and dormitories as well as individual stores and individual or complementary rooms for business and personal service companies.

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

“TAVERN” includes a nightclub and means a building licensed or licensable under the *Liquor Control Act* wherein meals and food may be served for consumption on the premises and in which entertainment may be provided. (2015-01-23)

“TAXI STAND” means a lot or area, with or without buildings, for the parking of taxicabs as defined in the Taxi Regulations of the City of Mount Pearl.

“TEMPORARY STRUCTURE” means a structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

“TEMPORARY USE” means a use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

“THEATRE” means a building or part of a building devoted to the showing of motion pictures or for dramatic, dance, musical, or other live performances.

“THROUGH LOT” means a lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

“TRANSPORTATION TERMINAL” means any station for the use of transportation facilities available to the general public, including bus terminals.

“USE” means a building or activity situated on a lot or a development permitted on a lot.

“USE ZONE” or **“ZONE”** means an area of land including buildings and water designated on the Zoning Map to which the uses, standards and conditions of a particular use zone table of the Regulations apply.

“VARIANCE” means a departure, to a maximum of ten percent (10%), from the yard, area, lot coverage, setback, size, height, frontage, or any other numeric requirement of the applicable Use Zone Schedule of these Regulations.

“VERANDA” means a raised structure that is attached but incidental to the main building, that is attached to or integrated with another structure such as the entry stair, porch, or deck, and that may or may not have a permanent roof or overhang.

“VETERINARY CLINIC” means a medical professional use for the medical care and treatment of small animals and may include overnight accommodation inside the main building, provided such accommodation is soundproofed and does not exceed fifteen percent (15%) of the gross floor area of the main building, but does not include boarding kennels, outdoor pens or enclosures.

“VIEW SHED” means an area that can be seen from a vantage point and the area can encompass a scenic view of either the built or natural environment.

“WALL SIGN” means a sign which is painted on or attached directly against the surface of or against or within a recess in the wall or a column or other perpendicular portion of a building and approximately parallel thereto and which extends not more than 30 cm from the architectural feature on which it is attached, and shall include a fascia sign.

“WAREHOUSE” means a type of light industrial use contained within a building or part of a building which is used for the housing, storage, display, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuffs, substances, articles or things.

“WETLAND” means land that is seasonally or permanently covered by shallow water, as well as land where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants.

“WIND TURBINE” means a machine that converts the wind’s kinetic energy into rotary mechanical energy and this rotary mechanical energy is then converted by the generator into electricity.

“YARD” means any open, uncovered, unoccupied space appurtenant to a building.

“ZERO LOT LINE” means the location of a building on a lot in such a manner that one or more of the building’s sides rest directly on the lot line.

“ZONING MAP” means the map or maps attached to and forming part of the Regulations.

SECTION 3 – ZONES

3.1 Identification of Zones

For the purpose of these Regulations, the Planning Area is divided into Use Zones which are illustrated on the Zoning Maps attached to and forming part of these Regulations.

3.2 Zoning Plan

The Mount Pearl Development Zoning Maps, as adopted by Council and approved by the Minister, shall consist of the following and shall form part of these Regulations:

- MAP 1 – Land Use Zoning Map
- MAP 2 – Flood Zone Map

3.3 Use Zones

For the purpose of these Regulations, the Planning Area is divided into the following Use Zones and their extent, location, and boundaries are shown on the Zoning Map (MAP 1). The abbreviations in this section have been used to identify individual Use Zones on the Zoning Map.

<u>Use Zones</u>	<u>Abbreviation</u>
<u>Residential Zones</u>	
Residential – Single Unit Detached – 1	RSU-1
Residential – Single Unit Detached – 2	RSU-2
Residential – Single Unit Detached – 3	RSU-3
Residential – Low Density	RLD
Residential – Medium Density	RMD
Residential – High Density	RHD
Residential – High Density (Special)	RHD-S
Residential – Art Gallery	R-AG
Apartment	APT
<u>Commercial Zones</u>	
Commercial - Mixed	CM
City Centre	CC
Commercial – General	CG
Commercial – General (Special)	CG-S
Commercial – Local	CL
Commercial – Neighbourhood	CN
Commercial – Highway	CH
Commercial - Regional	CR
Commercial - Office	CO
<u>Industrial Zones</u>	
Industrial – Light	IL

Public Zones

Community and Public Service	PB
Heritage Resource	HR
Open Space	OS
Open Space Reserve	OSR

Special Zones

Utility	UTIL
Cemetery	CEM

Conservation

(CON)
(2014-03-21)

Comprehensive Development Area (Kenmount Hill)

(CDA-Kenmount Hill)
(2015-08-21)

Rural	RURAL
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3.4 Flood Hazards Overlay Map

In order to identify special flood hazard requirements, a Flood Zone Map, identified as Map 2, has been designated under these Regulations and is further described in Regulation 6.14.

3.5 Boundaries of the Zones

Where the boundary of the Zone is uncertain and

- 3.5.1 the boundary is illustrated on the Zoning Map as following a street, lane, electric transmission line right-of-way, or watercourse, the center line of the street, electric transmission line right-of way or watercourse shall be deemed to be the boundary.
- 3.5.2 the boundary is illustrated on the Zoning Map as substantially following lot lines shown on an approved plan of subdivision or other suitable base map, the lot lines shall be deemed to be the boundary.
- 3.5.3 the boundary is illustrated on the Zoning Map as running substantially parallel to a street line and the distance from the street line is not indicated, the boundary shall be deemed to be parallel to the street line and shall be determined according to the scale shown on the Zoning Map.

3.6 Permitted Uses

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Schedule, Section 11, shall be permitted by Council in that Use Zone.

3.7 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Schedule, Section 11, may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to:

- 3.7.1 the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto,
- 3.7.2 the public interest, and

if Council has given notice of the application in accordance with Regulation 4.17 and has considered any objections or representations which may have been received on the matter.

3.8 Uses Not Permitted

Uses that are not listed as a permitted use or discretionary use, as set out in the appropriate Use Zone Schedule, Section 11, shall not be permitted in that Use Zone.

SECTION 4 - GENERAL REGULATIONS

4.1 Compliance with Regulations

- 4.1.1 All development shall be carried out and maintained within the Planning Area in accordance with these Regulations and any other by-law or regulation enacted by Council.
- 4.1.2 Where a Development Permit was granted by Council prior to the registration of these Regulations, the development may be permitted at Council's discretion although the development is at variance or inconsistent with the current Regulations in effect.

4.2 Permit Required

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

4.3 Permit to be Issued

Subject to Regulations 4.4 and 4.5, a permit shall be issued for development within the Planning Area that conforms to:

- 4.3.1 the policies expressed in the Municipal Plan and any further scheme, plan, or regulation pursuant thereto;
- 4.3.2 the general development standards set out in Section 6 of these Regulations, the special development requirements of Section 7 of these Regulations, the use classes, standards, requirements, and conditions prescribed in Section 11 of these Regulations for the Use Zone in which the proposed development is located and the off-street parking and loading standards of Section 9;
- 4.3.3 the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- 4.3.4 the standards set out in Section 8 of these Regulations in the case of signs and advertisement;
- 4.3.5 the standards set out in Section 5 of these Regulations in the case of subdivision;
- 4.3.6 the standards of design and appearance established by Council.

4.4 Permit Not to be Issued in Certain Cases

No permit shall be issued for development within the Planning Area when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

4.5 Discretionary Powers

In considering an application for a permit to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or Regulations pursuant thereto, and shall assess the general appearance of the development of the area, the

amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

4.6 Variances

- 4.6.1 Where a permit cannot be granted because the proposed development does not comply with the development standards set out in these Regulations, Council may, in its discretion, vary the applicable development standards to a maximum of ten percent (10%) if, in Council's opinion, compliance with the development standards would prejudice the proper development of the land, building, or structure in question or would be contrary to public interest.
- 4.6.2 Council shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building, or structure would have a cumulative effect that is greater than a ten percent (10%) variance even though the individual variances are separately no more than ten percent (10%).
- 4.6.3 Council shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development
- 4.6.4 Where Council is to consider a proposed variance, Council shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the property that is the subject of the variance.

4.7 The Application

- 4.7.1 An application for a Development Permit shall be made only by the owner or by a person authorized by the owner to Council on such form as may be prescribed by Council, and every application shall include such plans, specifications and drawings as Council may require, and be accompanied by the permit fee required by Council.
- 4.7.2 Council shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 4.7.1 and a description of the plans, specifications, and drawings required to be provided with the application.
- 4.7.3 The applicant is required to supply all information required to process the application in accordance with the Regulations.
- 4.7.4 Applications shall be submitted to the Director of Planning and Development or designate for review, referral, and, where applicable, approval.

4.8 Owner's Permission

An application to develop or subdivide a property shall be made by the owner, a person operating under the owner's written consent, or a lessee under the terms of a lease. A copy of the written consent or lease must accompany the application.

4.9 Register of Application

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

4.10 Deferment of Application

- 4.10.1 Council may, with the written agreement of the applicant, defer consideration of an application.
- 4.10.2 An application properly submitted in accordance with these Regulations shall be determined within eight (8) weeks of the receipt thereof by Council, or shall be deferred in accordance with Regulation 4.10.1.
- 4.10.3 Council may defer decisions on an application for a Development Permit and/or an application for an amendment to these Regulations within a specified area where Council has directed that a planning study or other similar study pertaining to the future use and development of the specified area be undertaken.
- 4.10.4 An application may be withdrawn only on receipt of a written request from the applicant.

4.11 Information Requirements

4.11.1 Standard Application

An application for a Development Permit shall contain the information needed to satisfy the applicable requirements in these Regulations. Such information shall include at least the following:

- (a) location;
- (b) use;
- (c) lot area and lot frontage;
- (d) access;
- (e) availability of water supply and waste disposal; and
- (f) a legal survey plan prepared by a registered Newfoundland and Labrador land surveyor.

Where the application involves a building, the following information shall be added to the preceding list:

- (g) siting of building, including building line setback and yards;
- (h) bulk and height, in terms of floor area and building height
- (i) off-street parking, circulation, and loading, in terms of variables specified in Section 9; and
- (j) landscaping.

4.11.2 Discretionary Uses

In addition to the requirements of Regulation 4.11.1, an application for a Discretionary Use shall contain the following information relating to Discretionary Uses involving operation of a business/service:

- (a) Floor Area to be used for Discretionary Use,
- (b) number of employees employed on site, and
- (c) hours of operation.

4.11.3 Planned Developments

In addition to the requirements of Regulation 4.11.1, a Planned Development Application shall contain the information needed to satisfy the requirements of Regulation 4.21.

4.11.4 Subdivision of Three (3) or More Lots

- (a) General Subdivision Plan for a Development Permit – In addition to the requirements of Regulation 4.11.1, an application for an approval of a subdivision of three (3) or more Lots, shall provide the following information:
- i. the proposed land use of the subdivision;
 - ii. two copies of a contour map showing the entire area proposed to be subdivided; these maps shall be drawn to an appropriate scale, with contours to be provided on a two metre (2 m) interval, showing
 - the street access required, and
 - the proposed layout of internal Streets and Lots;
 - iii. the proposed municipal services, including the method of water supply and the generation of sanitary and storm sewers; and
 - iv. the proposed public open spaces if applicable.
- (b) Prior to signing of a Development Agreement to subdivide land, the applicant shall submit the required plans as outlined in the City of Mount Pearl Engineering Standards document.

4.11.5 Land Use Impact Assessment

In addition to the information required for the development under Regulation 4.11.1, the application shall include the information needed to satisfy the requirements under Regulation 4.18 respectively where a Land Use Impact Assessment is required.

4.12 Approval

Approval for an application is granted by Council in the form of a Development Permit or Building Permit for applications approved under these Regulations.

4.13 Development Permit

- 4.13.1 A plan or drawing which has been approved by Council or an officer and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from:
- (a) full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development;
 - (b) having the work carried out in accordance with these Regulations or any other regulations or statutes; and
 - (c) compliance with all conditions imposed thereunder.
- 4.13.2 Council may attach to a permit such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- 4.13.3 Where Council deems necessary, permits may be issued on a temporary basis, not in excess of two years, which may be extended in writing by Council for further periods.

- 4.13.4 A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Section 8 of these Regulations.
- 4.13.5 The approval of any application and plans or drawings or the issuance of a permit shall not prevent Council from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- 4.13.6 Council may revoke a permit for failure by the applicant or developer to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- 4.13.7 No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by Council.
- 4.13.8 There shall be kept available on the premises where any development is being carried out for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issuance of the permit was based and such documentation shall be kept available during the whole progress of the work until completion.

4.14 Development Agreement

- 4.14.1 Where a Development Agreement is required as a condition of a Development Permit, the Development Agreement shall set out the terms specific to that agreement and shall be signed by the applicant and Council within one year of the approval granted by Council.
- 4.14.2 Development cannot proceed until all conditions of the Development Permit are met and the Development Agreement is signed by the applicant and the Mayor and Chief Administrative Officer on behalf of Council.
- 4.14.3 Approval given to a development under a Development Agreement is automatically null and void if the applicant or the operator of any facilities allowed under the Development Agreement is, in the opinion of Council, in violation of any of the terms of the Development Agreement or any other approvals for permits issued subsequent thereto.
- 4.14.4 Any violation of the terms of the Development Agreement shall result in the immediate cessation of the development and, if damages have resulted, the full restitution therefore, together with any other penalties, fines, actions, and so forth as may be applicable in this instance.

4.15 Correction of Errors and Remedial Work

The approval of any plans or drawings or the issuance of a Development Permit or permit shall not prevent Council or any officer from thereafter requiring the correction of errors or from ordering the cessation of, or remedial work on any development being carried out in the event that the same is in violation of these or any other regulations or statutes.

4.16 Revoke Permit

Council or any officer may revoke an approval and any subsequent permits for failure by the holder, to comply with these Regulations or any condition attached to the permit or where the permit was issued contrary to the applicable regulations or was issued on the basis of incorrect information.

4.17 Public Notice

- 4.17.1 Council shall require public notice of the following:
- (a) a change in non-conforming use,
 - (b) a development that is listed as a discretionary use in the appropriate Use Zone Schedule in Section 11, and
 - (c) a residential intensification project as outlined in Regulation 6.33, prior to Council's consideration of the application. (2015-01-23)
- 4.17.2 Council may, when a variance is necessary under Regulation 4.6 or when a Development Application is received on which Council determines that it wishes to receive public input, require the public notice of the variance or application prior to Council's consideration of the application.
- 4.17.3 Council shall require that the cost of the public notice or portion thereof shall be paid by the applicant and that such notice shall be by public advertisement in a newspaper circulating in the area or by any other means deemed necessary or appropriate by Council.
- 4.17.4 Council may require public notice of any development application where, in the opinion of Council, such notice is required for information and public consultation purposes.

4.18 Procedures for Public Notification and Briefing Sessions

- 4.18.1 Wherever any application under these Regulations requires Public Notice, Council shall advertise or cause to be advertised such application by a minimum of one (1) advertisement in a newspaper circulating within the City at least ten (10) calendar days prior to the holding of a briefing session where such application shall be discussed.
- 4.18.2 The newspaper notice shall:
- (a) contain a general description of the application;
 - (b) specify the date set for the briefing session at which the application is to be discussed;
 - (c) specify the date set for receipt of written representation on the application by the City;
 - (d) identify the place and time where the application can be viewed by the public; and
 - (e) specify that Council shall cancel the briefing session if no written response is received by the deadline for the receipt of responses.
- 4.18.3 Council may make such effort as it deems reasonable to provide that written notices are mailed to the addresses of property owners, as identified on the current City's assessment role, within a radius of at least one hundred and fifty metres (150 m) from the application site, a minimum of fourteen (14) calendar days prior to a briefing session where such application is discussed.
- 4.18.4 Council may require a public meeting to be held in respect of any matter arising under these Regulations.
- 4.18.5 Notes of the proceedings of the briefing session shall be undertaken and these notes, together with any written representations, shall be considered by Council when it makes its decision on the matter, which is the subject of the briefing session.
- 4.18.6 An elected member of Council shall act as Chairperson of the briefing session.

4.19 Land Use Impact Assessments (LUIA)

- 4.19.1 Assessment Required - Council may require a Land Use Impact Assessment to evaluate any proposed land use, development and/or situation that affects the policies contained in the Municipal Plan.
- 4.19.2 Terms of Reference – The Terms of Reference for a Land Use Impact Assessment shall be approved by Council prior to its execution, and shall become an integral part of the report itself. The report and any supporting studies may be prepared at the expense of the applicant, at Council's discretion.
- 4.19.3 Mitigation Plan – The report shall identify significant impacts, evaluate their importance, and recommend a Mitigation Plan, measures of control or mitigation, where appropriate.
- 4.19.4 Public Review – Prior to the approval of a Land Use Impact Assessment, Council shall provide adequate time for a public review of the report, using the procedures for public notification as outlined in Regulation 4.17.

4.20 Discretionary Uses

Discretionary Uses may only be considered for approval where they are set out as Discretionary Uses in Section 11, subject to the requirements of these Regulations, and until adequate notification has been made in accordance with Section 4.17.

4.21 Planned Developments

The following types of Planned Developments may be considered for approval by Council after adequate notification has been made in accordance with Regulation 4.17.

4.21.1 Access Plan

In order to control access to ***streets***, Council may, by the adoption of an Access Plan:

- (a) determine the number, location and layout of accesses to a ***street***;
- (b) require an access to a service street, where direct access to an arterial street is not desirable;
- (c) require two or more properties to share a joint access to an arterial street where individual accesses would not be desirable; and
- (d) reduce the minimum lot frontage required by Section 11 by up to fifty percent (50%), provided that Council is satisfied that such a reduction will not create traffic hazards or demands for municipal services. **(2015-01-23)**

4.21.2 Parking Development Plans

Council may exempt or change all the off-street parking required under Section 9 for a designated area, provided the development within the designated area is controlled by a Planned Unit Development.

4.21.3 Planned Unit Development

A Planned Unit Development may be approved by Council in any zone as a development and/or subdivision on public or private services, subject to the following requirements:

- (a) the development and/or subdivision shall comply with the requirements of the Municipal Plan or any scheme adopted under it, and with the zoning for the site as it pertains to land use, density, and height, and have a suitable relationship to

- nearby land uses in respect to appearance, traffic requirements, and demands on municipal services; and
- (b) a Development Agreement having a Planned Unit Development Plan attached thereto, satisfactory to Council, between the owners of the land and the City shall be registered in the Registry of Deeds of Newfoundland and Labrador, controlling the use and development of such land.

4.22 Reinstatement of Land

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

4.23 Financial Guarantees by Developer

- 4.23.1 Council may require a developer, before commencing a development, to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit.
- 4.23.2 The financial provisions pursuant to Regulation 4.23.1 may be made in the form of:
 - (a) a cash deposit from the developer, to be held by Council;
 - (b) a security or guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer;
 - (c) a performance bond provided by an insurance company or a bank, or;
 - (d) an annual contribution to a sinking fund held by Council.

4.24 Service Levy

- 4.24.1 Council may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of real property is enhanced by the carrying out of public works either on or off the site of the development.
- 4.24.2 A service levy shall not exceed the cost, or estimated cost, including finance charges to Council of constructing or improving the public works referred to in Regulation 4.24.1 that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property.
- 4.24.3 A service levy shall be assessed on the real property based on:
 - (a) the amount of real property benefited by the public works related to all the real property so benefited, and
 - (b) the density of development made capable or increased by the public work.
- 4.24.4 Council may require a service levy to be paid by the owner of the real property;
 - (a) at the time the levy is imposed,
 - (b) at the time development of the real property commences,
 - (c) at the time development of the real property is completed, or
 - (d) at such other time as Council may decide.

4.25 Dedication of Land for Public Uses

Council may, for a development not involving a subdivision, require a portion of the land to be developed to be conveyed to the City for a public purpose where public works are required to accommodate the proposed development.

4.26 Reasons for Refusing Permit

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

4.27 Right of Entry

Council or an officer may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which Council is empowered to regulate.

SECTION 5 - SUBDIVISION OF LAND

5.1 Permit Required

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

5.2 Services to be Provided

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

5.3 Subdivision Fees

5.3.1 Subdivision Application Fee

The applicant shall pay a subdivision application fee as determined by Council at the time of submitting a Development Application to subdivide and the subdivision application fee shall be calculated on a per-lot basis for every lot created by the subdivision of land. This fee shall be calculated in addition to any other fee required under Regulation 5.3.3.

5.3.2 Service Levies and Local Improvement Assessments

- (a) The applicant shall be required to pay all service levies and local improvement assessments identified by Council for connection to services, utilities, streets, and for the construction or improving of capital works funded by Council or under Council's direction which benefit and accommodate the development or subdivision. The service levies or local improvements assessments will be paid in such amount and in such form as determined by Council as a condition of permit or as a condition of a Development Agreement to subdivide land and such payment will be agreed upon prior to construction occurring on the land.
- (b) This section shall not affect any outstanding levies and/or assessments that were determined prior to the enactment of these Regulations.
- (c) The applicant shall pay the cost of all capital works necessary to serve the proposed development or subdivision.

5.3.3 Development Charge

A development charge shall be in addition to the subdivision application fee and any other fees, assessments, levies, or land dedications required under Regulations 5.3.1 and 5.3.2. Where Council requires the dedication of land for public recreational purposes under Regulation 5.8, the amount of the development charge shall be reduced by the value of the raw land so dedicated, along with the value of any equipment required and/or specified by Council. The development charge shall be paid as a condition of permit or as part of the Development Agreement to subdivide land.

5.4 Issue of Permit Subject to Considerations

A permit shall not be issued when, in the opinion of Council, the development of a subdivision does not contribute to the orderly growth of the City or does not demonstrate sound design

principles. In considering an application, Council shall, without limiting the generality of the foregoing, consider:

- (a) the location of the land;
- (b) the availability of and the demand created for schools, services, and utilities;
- (c) the provisions of the Municipal Plan and Regulations affecting the site;
- (d) the land use, physical form, and character of adjacent developments;
- (e) the transportation network and traffic densities affecting the site;
- (f) the relationship of the project to existing or potential sources of nuisance;
- (g) soil and subsoil characteristics;
- (h) the topography of the site and its drainage;
- (i) natural features such as lakes, streams, topsoil, trees and shrubs;
- (j) prevailing winds;
- (k) visual quality;
- (l) community facilities;
- (m) energy conservation; and
- (n) such other matters as may affect the proposed development.

5.5 Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with Regulation 4.7.

5.6 Subdivision Subject to Zoning

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

5.7 Subdivision Development Agreement

Where Council has determined that a subdivision development agreement is a condition of a permit for the subdivision development, the subdivision development agreement shall meet the conditions of Regulation 4.14.

5.8 Building Lines

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

5.9 Land for Public Open Space

5.9.1 Before a development commences, the developer shall, if required, dedicate to Council, at no cost to the City, an area of land equivalent to not more than ten percent (10%) of the gross area of the subdivision for public recreational open spaces, subject to the following requirements:

- (a) where land is subdivided for any purpose other than residential use, Council shall determine the percentage of land to be dedicated;
- (b) if, in the opinion of Council, no public open space is required, the land may be used for such other public use as Council may determine;
- (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of Council but in any case, Council shall not accept land which, in its opinion, is incapable of development for any purpose; and

- (d) Council may accept from the developer, in lieu of such area or areas of land, the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated.
- 5.9.2 Land dedicated for public use in accordance with this Regulation shall be conveyed to the City and may be sold or leased by Council for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- 5.9.3 Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of Council, constitute the requirement of land for public use under Regulation 5.8.1.

5.10 Structure in Street Reservation

The placing within any street reservation of any structure (e.g., a utility pole, bus shelter, fire hydrant, mail box, fire alarm, sign post) shall receive the prior approval of Council which shall take into consideration sight lines, obstructions, safe construction, and the relationship of the structure to the adjoining buildings and other structures within the street reservation.

5.11 Subdivision Design Standards

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards.

- 5.11.1 The finished grade of streets shall not exceed ten percent (10%).
- 5.11.2 Every cul-de-sac shall be provided with a turning circle of a diameter of not less than thirty metres (30 m).
- 5.11.3 The maximum length of any cul-de-sac shall be:
 - (a) two hundred metres (200 m) in areas served by, or planned to be served by, municipal piped water and sewer services, or
 - (b) three hundred metres (300 m) in areas not served by, or planned to be served by, municipal piped water and sewer services.
- 5.11.4 Emergency vehicle access to a cul-de-sac shall be not less than six metres (6 m) wide and shall connect the head of the cul-de-sac with an adjacent street.
- 5.11.5 No cul-de-sac shall be located so as to appear to terminate a collector street.
- 5.11.6 New subdivisions shall have street connections with an existing street or streets.
- 5.11.7 All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for thirty metres (30 m) from the intersection.
- 5.11.8 No street intersection shall be closer than sixty metres (60 m) to any other street intersection.
- 5.11.9 No more than four streets shall join at any street intersection.
- 5.11.10 No residential street block shall be longer than four hundred and ninety metres (490 m) between street intersections.
- 5.11.11 Streets in residential subdivisions shall be designed in accordance with the approved standards of Council, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Carriageway or Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.8 m	2
Collector Streets	20 m	15 m	1.5 m	2
Local Residential Streets:				
• where more than 50% of the units are single or double dwellings;	15 m	9 m	1.5 m	1
• where 50% or more of the units are row houses or apartments	20 m	9 m	1.5 m	2
Service Streets	15 m	9 m	1.5 m	Discretion of Council

- 5.11.12 No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- 5.11.13 Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- 5.11.14 Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- 5.11.15 Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

5.12 Subdivision Engineering Standards

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the requirements established by Council and the “Municipal Engineering Subdivision Standards” as approved by Council.

5.13 Engineer to Design Works and Certify Construction Layout

- 5.13.1 Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers, and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins, and all other utilities deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Manager of Engineering Services. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision.
- 5.13.2 Upon approval by Council of the proposed subdivision, the Manager of Engineering Services shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at the developer’s own cost and in accordance with the approved designs and specifications and the construction layout certified by the Manager of Engineering Services, of all such water mains, hydrants, sanitary sewers, and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

5.14 Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks, and paving specified by Council as being necessary, may, at Council's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with Council, before approval of the application, an amount estimated by the Manager of Engineering Services to be reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the development, Council shall call for tenders for the construction and installation of the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to the City the amount of the excess. If the contract price is less than the deposit, the City shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the City by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

5.15 Construction of Utilities

5.15.1 Construction of Utilities

The Manager of Engineering Services or a Consulting Engineer shall perform all work of construction layout prior to the construction and installation of the necessary utilities, other than subdivision improvements, in accordance with the approved designs, plans and specifications, under the supervision and direction of the Manager of Engineering Services.

5.15.2 Maintenance Deposit Utilities

Upon completion of the construction of all the necessary utilities, other than the subdivision improvements, the Manager of Engineering Services shall issue a certificate certifying satisfactory completion of the construction. Thereupon, the applicant shall forthwith deposit with the City, securities satisfactory to Council in the sum of ten percent (10%) of the cost of completing all the necessary utilities, other than the subdivision improvements, guaranteeing maintenance of the necessary utilities or any one of them, for such period as Council may require, provided such period shall not be less than one (1) year from the completion of such utilities.

5.16 Subdivision Improvements

5.16.1 Deferment of Subdivision Improvements

The development of subdivision improvements may, if Council so orders in writing, be deferred until such time as Council may decide.

5.16.2 Deposit of Securities

As a condition of a permit to develop a subdivision and as part of a Development Agreement to subdivide, the applicant shall deposit with the City a security to cover the cost of all the subdivision improvements and completion thereof. These securities shall be payable after approval by Council and before issuance of a construction permit under these Regulations.

5.16.3 Construction Following Deposit Monies

If the applicant provides a security to cover the requirements of Regulation 5.14, Council, at its discretion, may:

- (a) direct that the applicant be responsible for the development and completion thereof; or
- (b) call for tenders for the work of completing the subdivision improvements, award the contract therefore, but shall not be obligated to accept the lowest or any tender. If a contract is awarded, the amount deposited by the applicant shall be applied towards payment of the contract costs. If the contract costs exceed the said deposit, the applicant shall pay to the City the amount of excess, and if the contract price is less than the deposit, the City shall refund to the applicant the amount by which the deposit exceeds the contract price.

5.16.4 Construction by Applicant

Notwithstanding anything in these Regulations, Council may, upon the written request of the applicant, permit the applicant at their own expense to complete the subdivision improvements to the satisfaction of the Manager of Engineering Services. In such event, progress payments shall be paid to the applicant out of the securities deposited in accordance with Section 5.15.3 in proportion to work completed to the satisfaction of Council.

5.16.5 Maintenance Deposit Subdivision Improvements

Upon completion of the subdivision improvements to the satisfaction of Council, the applicant shall deposit with the City securities satisfactory to Council in the sum of ten percent (10%) of the cost of the subdivision improvements, for such period as Council may require, provided such period shall not be less than one (1) year from the completion of the subdivision improvements.

5.17 Transfer of Streets and Utilities to Council

5.17.1 The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to the City, at no cost to the City, and clear of all liens and encumbrances:

- (a) all lands in the area proposed to be developed or subdivided which are approved and designated by Council for public uses as streets, or other rights-of-way, or for other public use; and
- (b) all services or public works including streets, water supply and distribution, and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by Council.

5.17.2 Before Council shall accept the transfer of lands, services, or public works of any subdivision, the Manager of Engineering Services shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify satisfaction with their installation.

5.17.3 Council shall not provide maintenance for any street, service, or public work in any subdivision until such time as such street, service, or public work has been transferred to and accepted by Council.

5.18 Restriction on Sale of Lots

The developer shall not develop or dispose of any lot within a subdivision for the purposes of development and no building permit shall be issued until Council is satisfied that:

5.18.1 the lot can be serviced with satisfactory water supply and sewage disposal systems,

- 5.18.2 satisfactory access to a street is provided for the lots, and
- 5.18.3 the lot meets the minimum development standards for the Use Zone in which the lot is located.

5.19 Grouping of Buildings and Landscaping

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

5.20 Building Permits Required

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

SECTION 6 - GENERAL DEVELOPMENT STANDARDS

6.1 Accesses and Service Streets

- 6.1.1 Access(es) shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the street system and Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- 6.1.2 Where Council has adopted an access plan, the location of accesses to existing and new developments shall be in accordance with that plan.
- 6.1.3 No vehicular access shall be closer than ten metres (10 m) to the street line of any street intersection.
- 6.1.4 Access shall be located so that there is no visual obstruction for drivers of vehicles entering or exiting the development.

6.2 Accessory Buildings

6.2.1 General Provisions

- (a) An accessory building shall be clearly incidental and complementary to the use of the main building in character, use, and size, and shall be contained on the same lot.
- (b) No accessory building or part thereof shall project in front of any building line.
- (c) The side yard requirements set out in the Use Zone Schedules in these Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire resistant construction and have a common firewall.

6.2.2 Accessory Building (Residential)

- (a) An accessory building associated with a residential use shall be permitted subject to the following requirements:
 - i. an accessory building shall not be used for commercial purposes;
 - ii. ***the maximum floor area of accessory buildings shall be seven percent (7%) of the lot coverage up to a maximum of fifty-five decimal seven five metres (55.75 m²); (2012-06-01) and (2015-01-23)***
 - iii. an accessory building shall not be erected or placed upon any easements unless prior written approval is granted by the authority responsible for the easement and provided the location of the accessory building and structure would not pose a safety or health hazard;
 - iv. an accessory building shall maintain a minimum side yard and rear yard of one metre (1 m);
 - v. an accessory building shall maintain a minimum separation distance of two metres (2 m) from the dwelling;
 - vi. ***with the exception of radio and television antennae, an accessory building shall have a maximum height of three decimal five meters (3.5m); (2012-08-31)***

- vii. an accessory building shall not exceed the height of the principal building or structure;
 - viii. an accessory building shall not be constructed so as to block a view and/or light from adjoining properties;
 - ix. radio and television antennae shall have a maximum height of fifteen metres (15 m); and
 - x. with the exception of greenhouses, the exterior siding of the accessory building shall match the exterior siding of the main dwelling on the lot.
- (b) Council may permit an accessory building within the flanking street side yard where Council has determined that the established development pattern in a neighbourhood has included an accessory building in the flanking street side yard and provided that the accessory building does not create an obstruction to site lines, does not extend into the front yard of the dwelling on the lot and the accessory building meets the minimum standards as established in the Use Zone in which the lot is located.

6.2.3 Accessory Building (Domestic Pet Shelter)

A building or shelter for domestic pets shall be permitted as an accessory building to a residential use subject to the following conditions.

- (a) The building shall be located within a rear yard of a residential lot.
- (b) The building shall be set back a minimum of one metre (1 m) from the rear and side lot lines.
- (c) The area or yard in which the building is located shall be enclosed by a fence of sufficient height and strength to securely contain the pet and prevent the pet from coming into contact with persons or other animals outside the fence, and the fence shall be constructed in accordance with the Mount Pearl Fence Regulations.
- (d) The building shall be used for the sheltering of pets and not for commercial breeding purposes.
- (e) The area or yard in which the building is located shall be kept in a sanitary condition and shall not accumulate faecal matter that results in odour, insect infestation, or the attraction of rodents which endangers the health of the animal or any person or which disturbs the enjoyment, comfort, and convenience of adjacent residents.

6.2.4 Accessory Building (Non-Residential)

An accessory building associated with a non-residential use shall be permitted, subject to the following requirements:

- (a) an accessory building shall be located on the lot so that it has no undesirable impact on the private enjoyment of adjoining residential lots;
- (b) the use of an accessory building shall be directly related to the principal use or building on the lot;
- (c) the maximum floor area of an accessory building shall be fifty square metres (50 m²) or seven percent (7%) of the lot coverage, whichever is lesser;
- (d) an accessory building shall not be erected or placed upon any easements;
- (e) an accessory building shall maintain a minimum side yard and rear yard of one metre (1 m);

- (f) an accessory building shall maintain a minimum separation distance of two metres (2 m) from the main building;
- (g) *with the exception of radio and television antennae, an accessory building shall have a maximum height of three decimal five meters (3.5m) (2012-08-31);*
- (h) radio and television antennae shall have a maximum height of fifteen metres (15 m);
- (i) the exterior siding of an accessory building shall match or be complimentary to the exterior siding of the principal building on the lot.

6.2.5 Accessory Buildings – Trailers

The use of a trailer as an accessory building shall be permitted within the Industrial Light (IL) Use Zone, subject to the trailer meeting the following conditions:

- (a) the use of the trailer shall be restricted to storage purposes only;
- (b) the trailer shall not be used for human habitation;
- (c) the trailer shall be located in the rear yard of the lot so that it is not visible from the street;
- (d) the trailer shall not be permitted to be located in a rear yard which abuts a residential or open space Use Zone;
- (e) the trailer shall be placed and anchored on the site in accordance with the requirements of Council;
- (f) the trailer shall be kept in a good condition aesthetically and structurally; and
- (g) if, in the opinion of Council, the appearance and structural soundness of the trailer is unacceptable, the trailer will be required to be removed from the site immediately.

6.3 **Additional Maximum Building Height**

Council may, at its discretion, approve a development that exceeds the maximum height standard of the Use Zone in Section 11 in which the development is located provided that:

- 6.3.1 the development is suitable to the physical conditions, municipal servicing and road capacity of the area;
- 6.3.2 without limiting the generality of the foregoing, consideration shall be given to the:
 - (a) location of the land,
 - (b) form and character of adjacent developments,
 - (c) implications for the transportation system,
 - (d) proposed design of the development and its relationship to adjacent areas,
 - (e) height, bulk, and density of the development in relation to surrounding uses,
 - (f) impact of the development on view sheds, snow loading, and shadowing of adjacent properties, and
 - (g) lot is of a sufficient size and area to meet all other development standards of the Use Zone in Section 11 and the parking requirements in Section 9;
- 6.3.3 the application is processed in accordance with Regulation 4.18.

6.4 **Buffers**

6.4.1 Industrial Development

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

between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.

6.4.2 Commercial or Civic Development

Where any commercial or civic development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the commercial or civic lot shall provide a landscaped buffer strip not less than three metres (3 m) wide between any residential activity and the commercial area. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.

6.4.3 Flanking Street Side Yards

Where an industrial, commercial or civic development permitted in any Use Zone abuts a street that is used as an access into a residential area or zone, a structural barrier or fence may be required in the flanking street side yard by Council and the structure or barrier shall be maintained by the owner or occupier of the property to the satisfaction of Council.

(2014-01-24)

6.5 Building Height

Council may permit the erection of buildings of a height greater than that specified in Section 11, but in such cases the building line setback and rear yard requirements shall be modified as follows:

- 6.5.1 the building line setback shall be increased by two metres (2 m) for every one metre (1 m) increase in height, and
- 6.5.2 the rear yard shall not be less than the minimum building line setback calculated as described in Regulation 6.4.1 above plus six metres (6 m).

6.6 Building Line and Setback

- 6.6.1 Council may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in Section 11 of these Regulations.
- 6.6.2 Where a building line setback pattern has been established in an existing residential area neighbourhood, which is not in conformity with the building line requirements as set out in Section 11, development shall be permitted in accordance with the established pattern of the residential neighbourhood provided the development:
 - (a) does not create an obstruction to other dwellings on the street,
 - (b) is sympathetic to the location and setback of adjacent buildings,
 - (c) does not create a safety hazard, and
 - (d) is not a hindrance to municipal snow clearing or snow storage operations on the street.
- 6.6.3 Below grade development shall be permitted in accordance with the following conditions:
 - (a) The limits of the building below grade shall remain within the subject property boundaries.
 - (b) Any portion of the building above grade shall meet the required development standards within the associated use zone schedule.

- (c) The below grade development shall not have any negative impact on any existing or proposed servicing or City infrastructure, existing or proposed roads or adjoining properties.
- (d) An easement shall be registered at the Registry of Deeds illustrating the location of the below grade development.
- (e) An agreement shall be signed that, even though below grade development is permitted to encroach into required minimum side yard, no additional vertical development shall occur.
- (f) The development shall not be below any established water table.
- (g) Onsite parking requirements for below grade uses shall be the same for above grade use requirements.
- (h) The development shall be unlikely to adversely affect the possible widening or future development of streets and lanes.

(2017-01-13)

6.7 Building Orientation

Wherever possible, development or the siting of a building on a lot will be configured to optimize winter solar exposure and shall take into consideration street/building layout, shading, landscaping, and on-site parking.

6.8 Building Quality

6.8.1 Building Materials

All building materials for exterior finish will be subject to approval of Council in respect to acceptable visual quality and design appearance.

6.8.2 Outside Elements

Any outside elements including exposed ductwork, outside air conditioning units, cooling towers and tanks are subject to the approval of Council in respect to acceptable visual quality.

6.9 Commercial Development Adjacent to Residential Areas

Where a commercial development adjoins a residential lot or area:

- 6.9.1 the views from habitable rooms of dwelling and the amenity of outdoor spaces shall be respected in the design and siting of commercial buildings;
- 6.9.2 landscaping of the commercial properties shall screen outdoor parking, shipping and storage areas directly visible from adjacent dwellings;
- 6.9.3 snow piling areas shall be provided away from common fences with residential properties and away from streets; and
- 6.9.4 parking lots and motor vehicle circulation areas for commercial uses shall be situated to minimize the impact on adjoining residential properties.

6.10 Commercial Driveways and Parking Areas

The following conditions shall apply to commercial driveways and parking areas.

- 6.10.1 All driveways and required parking areas and truck loading areas shall be paved with asphalt or other approved hard surfacing. A continuous concrete curb shall be installed and maintained on all entrances, driveways and parking areas up to the rear wall of the building unless otherwise determined by Council.

- 6.10.2 Driveways are to have a minimum gradient of zero decimal five percent (0.5%) and a desirable maximum of six percent (6%).
- 6.10.3 Access driveways to the property shall be a minimum seven decimal five metres (7.5 m) wide and a maximum of twelve metres (12 m) wide with a nine metre (9 m) turning radius.
- 6.10.4 Parking areas are to have a minimum gradient of two percent (2%) and a desirable maximum gradient of four percent (4%).

6.11 Development in Close Proximity to Regional Roads

Development that is located within one hundred metres (100 m) of the centre line of the Trans Canada Highway and Pitts Memorial Drive shall require a permit from the Government Service Centre prior to the issuance of a Development Permit by Council.

6.12 Fences

The erection or construction of fences associated with existing or new developments shall be in accordance with the Mount Pearl Fence Regulations 2011 as amended.

6.13 Flood Zones

Prior to development occurring within thirty metres (30 m) of a wetland, waterbody, waterway, or watercourse where flood zone limits are not delineated, a flood zone study will be required to be undertaken and the appropriate flood zone measures and limits identified for the lands abutting or surrounding the wetland, waterbody, waterway, or watercourse.

6.14 Flood Risk Corridor

- 6.14.1 In addition to development complying with the development standards and conditions outlined in the Use Zone Schedules identified in Section 11, development located within the Flood Risk Corridor as identified on Map 1 shall also comply with the following overlay conditions of the Flood Risk Zones as noted on Map 2.
- 6.14.2 Development located within the designated ***floodway*** shall be restricted to non-building uses such as roads and associated structures, agriculture, open space and recreation, service corridors and to minor structures related to utilities and ***watercourse or waterbody related*** activities; and the placement of imported fill is prohibited unless it is specifically required as a flood proofing measure or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.
(2015-01-23)
- 6.14.3 Within the floodway, existing buildings or structures damaged beyond economic repair shall not be replaced unless:
 - (a) the replacement building or structure has no greater flood area than the original building or structure at or below the defined flood proofing elevation,
 - (b) the replacement building or structure is flood proofed, and
 - (c) the replacement building or structure does not impede water flows or contribute to an increase in flood risk.
- 6.14.4 Within the floodway, existing uses are encouraged to undertake flood proofing measures to reduce the risk of flood damage or relocate.
- 6.14.5 The expansion of existing buildings and structures in the floodway shall not increase the area of the structure at or below the defined flood proof elevation.

- 6.14.6 Development within the ***floodway fringe*** may be permitted pursuant to the uses and standards of the use zone in which the property is located provided the development, building, or structure is flood proofed and subject to the following uses which are not permitted within the ***floodway fringe***: (2015-01-23)
- (a) residential institutions such as hospitals, senior citizen homes, homes for special care and any other use where flooding could pose a significant threat to the safety of residents if evacuation becomes necessary;
 - (b) police stations, fire stations, and other facilities that may provide emergency services during a flood, including government offices;
 - (c) schools; and
 - (d) uses associated with the storage, warehousing or the productions of hazardous materials including gas stations.
- The placement of imported fill shall be limited to that required for flood proofing, flood risk management or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.
- 6.14.7 Development in the floodway, floodway fringe, and in a fifteen metre (15 m) buffer around these zones as well as any area known to be subject to flooding must obtain prior written approval of the Minister of Environment and Conservation in accordance with section 48 of the ***Water Resources Act*** prior to the issuance of a Development Permit by Council. (2015-01-23)
- 6.14.8 Lands within the fifteen metre (15 M) buffer shall not be developed, except as provided for in the preceding paragraphs. Any approvals for development within the buffer shall reserve as large a setback as possible from the floodway and floodway fringe. Where practical, lands within the buffer shall be encouraged to retain their natural vegetation.

6.15 Building Height Exceptions

The height requirements prescribed in Section 11 of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than twenty percent (20%) in the permitted height of the structure shall only be authorized under the provisions of Regulation 4.6.

6.16 Heat Pump, Mini-Split Heat Pump, Air Conditioner, or External Fan

- 6.16.1 ***A heat pump, air conditioner or external fan shall be located:***
- (a) ***in the flanking street side yard or rear yard of the principle building of the lot of property on which the heat pump, air conditioner or external fan is situated;***
 - (b) ***no closer than 2.4 m from a side lot line of the lot or property on which the heat pump, air conditioner or external fan is situated ; and***
 - (c) ***no closer than 3 m to a door or window of a dwelling on an adjoining lot.***
- 6.16.2 ***Upon receipt of a noise complaint about a heat pump, mini-split heat pump, air conditioner or external fan unit, the unit shall be inspected and certified to be in appropriate working order by a company certified to service the equipment. Proof of inspection and certification must be made available upon request by the City. If the noise continues and exceeds the noise level permitted for a heat pump, mini-split heat pump, air conditioner or external fan unit, the property owner will be required to undertake noise mitigation measures or relocate the unit.***

- 6.16.3 *A heat pump shall be placed on a concrete base that rests on or in the ground, or equivalent.*
- 6.16.4 *A mini-split heat pump shall:*
- (a) be located in any yard of the principle building of the lot or property on which the mini-split heat pump is situated;*
 - (b) be attached securely to the principle building of the lot or property on which the mini-split heat pump is situated as per the manufacturer's specifications, or equivalent, and in a manner that prevents any potential vibration of the equipment during operation or attached securely to a concrete base resting on or in the ground; and*
 - (c) not generate noise exceeding 55 dBA at the property boundary. If a mini-split heat pump is found to be exceeding that limit, noise mitigation measures shall be employed to reduce the noise level to a maximum of 55 dBA.*
- (2012-08-24) and (2016-02-12)*

6.17 Heritage Building or Structure

Where Council designates a building or structure as a heritage building or structure, no person shall pull down or demolish the designated heritage building or structure except for life safety reasons or to carry out a public work, nor shall the exterior of the heritage building or structure be repaired or altered without the written approval of Council.

For the purposes of these Regulations, the following buildings are designated as Heritage Buildings:

<u>Building</u>	<u>Address</u>
Admiralty House Museum and Archives	68 Mortimore Drive
The McGrath House	906 Topsail Road

6.18 Infill Housing

Infill housing is subject to the following requirements:

- 6.18.1 the type, scale, massing, and design of the development is generally appropriate to the neighbourhood; and
- 6.18.2 adequate provision is made for light, privacy, and amenity.

6.19 Landscaping

6.19.1 General

- (a) Under the direction of Council, the limits of new development shall be delineated in the field and site work will be restricted to that area in order to minimize disruption on the remaining and surrounding natural vegetation.
- (b) All areas that are disrupted by construction shall be reinstated by the developer using natural landscaping with a minimum of topsoil and grass sods. Wherever grass is a requirement for the development of a lot or space, a minimum topsoil depth of 150 mm will be required for the planting of grass or the laying of grass sods.
- (c) Slopes shall have a maximum vertical slope ratio of 2:1 and shall be landscaped with topsoil and grass sods or hydro seeded as determined by the Engineering Department.

- (d) Whenever an alternate landscaping treatment is approved by Council and the treatment includes ornamental gravel, the developer or property owner shall ensure that:
 - i. an appropriate retaining wall or border is constructed to contain the gravel within the lot boundaries and along paved driveways, vehicular circulation areas, and parking areas, and
 - ii. the area between the border and the sidewalk or curb be maintained with grass in accordance with these Regulations.
- (e) The landscaping of properties and lots shall be in accordance with the Mount Pearl Landscaping Guidelines as adopted by Council.
- (f) A landscape deposit in the amount to cover the costs of the landscaping of the lot or area shall form a condition of the Development Permit and shall be paid prior to the issuance of the applicable permit by the City. The deposit shall be returned upon the successful completion of the landscaping to the satisfaction of the City. The amount of the landscape deposit shall be as outlined in the Landscaping Guidelines as approved by Council.

6.19.2 Subdivisions

- (a) Wherever possible, natural areas should be maintained in their natural state and the destruction of these natural areas by development shall be minimized. If the natural area is a part of a public open space area, the developer shall prepare a landscape plan integrating the natural areas with the portions of the open space area that is to be developed for recreational purposes. The plan will illustrate the grading relationships between developed and natural areas of the park.
- (b) Minimum landscaping of the recreational open space area shall be topsoil and grass sods or hydro seed as determined by the Parks and Community Services Department.
- (c) Where it is determined by Council that berming or a swale is required, or that major sloping occurs within, or outside, the normal boundaries of a lot, it shall be the developer's responsibility to landscape the berm, swale or slope with a minimum of grass. A landscape deposit will form a part of the subdivision agreement to be returned upon the acceptance of the area by Engineering Services.
- (d) The subdivision developer shall landscape all public open space areas that abut landscaped lots prior to proceeding with another phase within the subdivision development.

6.19.3 Residential

- (a) The front, side, and rear yards of a residential lot shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative landscaping treatment to this shall be proposed in the form of a landscaping plan prepared by a certified member of a recognized landscaping organization which is recognized by the City to offer such landscaping expertise and service.
- (b) With the exception of row dwellings and apartment building lots, the minimum area to be landscaped in the front yard of a residential lot is 50% unless otherwise determined by Council. ***Where a residential property abuts a publicly owned open space snow storage buffer immediately adjacent to a public road***

intersection, the entire front yard area, including the buffer located between the front lot line and the front wall of the dwelling, may be considered in the calculation of the 50% landscaped front yard requirement subject to the review and approval by Council. (2016-02-12)

- (c) The front yard landscaping of row dwellings and apartment building lots will be determined by City staff as part of the application and plan review process.
- (d) A minimum of one tree shall be planted per six metres (6 m) of lot frontage as part of the initial landscaping feature of the lot.
- (e) The driveway shall be paved.
- (f) ***Off-street parking shall be in accordance with Regulation 9.8. (2015-01-23)***

6.19.4 Commercial and Public

- (a) A minimum of 20% of the lot shall be landscaped.
- (b) The front, side, and rear yards of a commercial lot shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative to this requirement shall be proposed in the form of a landscaping plan prepared by a certified member of a recognized landscaping organization which is recognized by Council to offer such landscaping expertise and service.
- (c) On every lot, a minimum of one tree shall be planted for every eight metres (8 m) of lot frontage.
- (d) For smaller lot developments (frontages of 30 m or less), the proposed landscaping shall be indicated on the site plan.
- (e) On larger lots (frontages greater than 30 m), a landscape plan shall be required as a condition of the development and the appropriate amount of landscaping as determined by the City shall be illustrated on the landscaping plan.
- (f) The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas in all yards (front, side, and rear), shall be paved and curbed.

6.19.5 Industrial

- (a) In the landscaped front yard of an industrial lot, a combination of natural landscaping elements shall be required as part of the development or redevelopment of the lot.
- (b) The required side and rear yards of an industrial lot shall be landscaped with a minimum treatment of grass and related natural vegetation, and any variation or alternative landscaping treatment to this requirement shall be proposed in the form of a landscaping plan prepared by a certified member of a recognized landscaping organization which is recognized by Council to offer such landscaping expertise and service.
- (c) A landscape plan shall be required as a condition of the development and the appropriate amount of landscaping as determined by the Planning and Development Department shall be illustrated on the landscaping plan.
- (d) The driveway and all vehicle circulation areas, including parking stalls and parking and shipping areas, in all yards in the front, side, and rear yards (with the exception of exterior storage yards), shall be paved with curbing extending from the front of the property up to the limits of the rear wall of the building.

6.20 Liquid or Semi-Solid Industrial Drainage

No liquid or semi-solid industrial waste or effluent shall be discharged on the surface or into the ground, and no water borne industrial waste or effluent shall be discharged into the surface drainage ditches or sanitary sewers unless the chemical and/or biological content is acceptable to Council or authorities having jurisdiction.

6.21 Lot Area

6.21.1 No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.

6.21.2 Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

6.22 Lot Area and Size Exceptions

Where, at the time of registration of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuance of a permit by Council for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than, the standards set out in these Regulations.

6.23 Lot Frontage

Except where specifically provided for in the Use Zone Schedules in Section 11 of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street or forms part of a Comprehensive Development Scheme.

6.24 Membrane Structures

Membrane structures shall be restricted to the Industrial – Light (IL) Use Zone subject to the following conditions:

6.24.1 The structure's design and colour are complementary and sensitive to the property or development to which it is attached or situated and the immediate surrounding properties. In cases where Council deems it appropriate, the developer will be required to screen the structure through landscaping measures in accordance with Council's requirements.

6.24.2 The developer shall submit plans, certified by an engineer licensed to practice in Newfoundland and Labrador, that confirm that the structure is designed and anchored to withstand local climatic conditions, especially wind and snow loads as determined by design requirements utilized for the Planning Area.

6.24.3 The structure complies with the National Building Code and requirements of the City's Engineering Services Division for the uses proposed for the structure.

6.24.4 Council may permit a membrane structure as the main building on a lot for a temporary period of up to five (5) years provided:

- (a) the structure meets the development standards of the **IL** Use Zone,
- (b) the structure meets conditions 6.24.1 to 6.24.3 above, and,

- (c) the development is processed under Regulations 3.7 and 4.17. (2015-01-23)
- 6.24.5 Council shall permit a membrane structure as an accessory building subject to the following conditions:
- (a) the structure complies with Regulation 6.2,
 - (b) the maximum width of the structure shall be ten metres (10 m),
 - (c) the maximum length of the structure shall be twenty metres (20 m),
 - (d) the maximum height of the structure shall be eight metres (8 m), and
 - (e) the structure meets conditions 6.24.1 to 6.24.3 above. (2015-01-23)

6.25 Minor Front Yard Projections on a Residential Lot

No portion of a dwelling shall project into the minimum building line setback except for the following circumstances and in accordance with the following provisions:

- 6.25.1 The following projections shall be permitted:
- (a) chimney breast, eaves, sills or cornices not projecting more than one metre (1 m) into a required front yard depth;
 - (b) unenclosed steps with or without a landing;
 - (c) an unenclosed or enclosed porch that projects no more than two metres (2 m) into the required front yard depth or beyond the established building line for the lot;
 - (d) a patio or veranda in accordance with the conditions as outlined in the specific Use Zone; and
 - (e) wheelchair ramps or other accessibility devices as approved by Council.
- 6.25.2 The projection does not encroach upon or reduce the minimum amount of parking required for the lot.
- 6.25.3 The projection does not encroach upon or create an obstruction in the sight triangle for corner lots.
- 6.25.4 Council may permit the projection to exceed beyond two metres (2 m) into the building line setback if it is the view of Council that the projection does not negatively impact the sight lines or streetscape of the residential street, does not create obstructed views for adjacent or nearby residential properties, and the projection is architecturally and aesthetically compatible with the dwelling to which it is attached.

6.26 Municipal Water and Sewer Services

The development or redevelopment of land shall only be permitted on the basis of the main or principal use or building being connected to the City's water, sanitary, and storm sewer systems.

6.27 Non-Conforming Use

- 6.27.1 Any legal use of land or development at the date of the registration of these Regulations may, although not conforming with the Regulations of the Use Zone in which they are located:
- (a) be continued, or;
 - (b) be changed to another non-conforming use if, after notice of an application to change the use has been given in accordance with Regulation 4.17 and consideration given to any objections or representations which may have been received on the matter, if it is Council's opinion that the new use is more compatible with the permitted use(s) in the Use Zone in which the building is located.
- 6.27.2 A building, structure, or development which is legally used for a purpose not permissible within the zone in which it is located, shall not be enlarged, extended,

reconstructed, or altered structurally ***or relocated on the lot*** unless such building, structure, or development is thereafter to be used for a purpose permitted within that zone, subject to the following requirements:

- (a) the interior or exterior of such building, structure, or development may be permitted by Council to be reconstructed or altered in order to render it more convenient or commodious for the same purpose for which such building is legally used;
- (b) the structural modification is required for the safety of the building, structure, or development;
- (c) the building, structure, or development shall not be reconstructed or repaired in the same non-conforming manner where fifty percent (50%) or more of that building, structure, or development has been destroyed;
- (d) any building, which at the date of the registration of these Regulations is being used in a zone where such use is not permissible, may be permitted by Council to be altered structurally or extended by not more than fifty percent (50%) of its original floor area if such alterations or extensions conform to all the requirements of these Regulations except those pertaining to land use, and are confined to the existing lot;
- (e) where the non-conformance is with respect to the standards included in these Regulations, the building, structure, or development shall not be expanded if the expansion would increase the non-conformity;
- (f) ***where the non-conformance is with respect to the standards included in these Regulations, the building, structure, or development shall not be relocated if the relocation would increase the non-conformity; and***
- (g) where the building or structure is primarily zoned and used for residential purposes, it may be repaired or rebuilt where fifty percent (50%) or more of the value of the building or structure is destroyed provided that such repair or rebuilding is on the same building footprint or in accordance with these Regulations. **(2013-06-21)**

6.27.3 A building, structure, or development which is legally used for any purpose but which does not conform to the Regulations of the Use Zone in which it is located, and which subsequently suffers damage or deterioration to an extent greater than fifty percent (50%) of its replacement value, excluding land, shall not be reconstructed except in conformity with the Regulations for the Use Zone in which such building is located, subject to the following requirements:

- (a) the owner of such building may within one year of such damage taking place make application to Council for a permit to reconstruct the building for the same purpose for which it was legally used; and
- (b) Council shall, before the expiration of sixty (60) days from the day on which a complete application is received to construct such a building:
 - i. serve a notice of expropriation in accordance with the Act, or;
 - ii. indicate its willingness to issue a permit to develop, providing that the reconstruction of the building conforms to all the requirements of these Regulations except those pertaining to land use, and that any such development takes place within the existing curtilage of the lot.

6.28 Non-Compliant Use

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

6.29 Offensive and Dangerous Uses

No building or land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by Council and any other authority having jurisdiction.

6.30 Parking Lot

A parking lot is subject to the following requirements.

6.30.1 The parking area shall be on a lot of not more than zero decimal five hectares (0.5 ha).

6.30.2 The owner of the parking lot shall submit to Council an acceptable development plan illustrating the following information:

- (a) the number and location of parking spaces,
- (b) ingress and egress of parking lot,
- (c) area to be landscaped and screened and type of landscaping to be used, and
- (d) profiles illustrating grade elevations of the parking area to the satisfaction of Council.

6.30.3 An agreement between the owner of the land and Council, including an approved development plan, shall be registered at the Registry of Deeds of Newfoundland and Labrador restricting the use of such land to parking.

6.31 Parks and Playgrounds, and Conservation Uses

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

6.32 Residential Interior Corner Lot

Where a residential corner lot abuts upon two parts of the same street and is situated within a crescent street or cul-de-sac, Council may use its discretion to permit an accessory building or an attached garage to encroach upon the Flanking Street Side Yard provided that:

6.32.1 the encroachment is on that portion of the lot that is designated as the flanking street side yard and not the front yard of the lot;

6.32.2 the setback of the accessory building or attached garage ensures sufficient distance to accommodate a parking space off the City's road right of way;

6.32.3 the location of the accessory building or garage does not create a visual obstruction to sight lines or hinders the City's snow clearing operations; and

6.32.4 such a decision is made pursuant to Regulation 4.5 of the Development Regulations.

6.33 Residential Intensification Projects

Council may, at its discretion, approve a residential intensification project which is designed to improve the affordability of housing or to make more effective and efficient use of land and municipal services, and which does not meet the requirements of the Use Zone Schedules in Section 11 provided that:

- 6.33.1 the development is suitable to the physical conditions, municipal servicing, and road capacity of the area and is compatible with the existing neighbourhood character;
- 6.33.2 in considering an application for a residential intensification project, Council shall, without limiting the generality of the foregoing, consider:
 - (a) the location of the land;
 - (b) the demand on schools, services, and utilities;
 - (c) the form and character of adjacent developments;
 - (d) the implications for the transportation system;
 - (e) the proposed housing form and urban design and relationships to adjacent uses;
 - (f) the height and density in relation to surrounding uses; and
 - (g) the impact of the development on view sheds and shadowing of adjacent properties;
- 6.33.3 Council may consider deviations from established zoning standards as outlined in the Regulations if Council deems the residential intensification project appropriate and suitable to the neighbourhood and area; and
- 6.33.4 The residential intensification project is processed in accordance with Regulation 4.16.

6.34 Residential Stairwells and Stairwell Enclosures

- 6.34.1 An open stairwell enclosure shall not be permitted in a side yard unless the stairwell meets the minimum side yard setback requirement.
- 6.34.2 In the case of an existing side yard stairwell, Council shall permit the enclosure of the stairwell subject to the following requirements:
 - (a) the enclosed stairwell is no closer than one decimal two metres (1.2 m) to the side lot line,
 - (b) the enclosed stairwell is not located within a utility easement, and
 - (c) the stairwell does not direct water onto the abutting property.
- 6.34.3 An enclosed stairwell may be permitted closer than one decimal two metres (1.2 m) to the side lot line subject to the following requirements:
 - (a) the stairwell is not located within a utility easement; and
 - (b) the abutting property owner provides a certified copy of an easement agreement (registered at the Registry of Deeds) to allow access to perform maintenance on the structure.

6.35 Residential Patios, Decks, Balconies, and Verandas

Patios, decks, balconies and verandas associated with residential uses shall be permitted subject to the following requirements.

- 6.35.1 Any stairs or steps providing ground level access to a patio, deck, balcony, or veranda shall maintain a one metre (1 m) setback from any lot line.
- 6.35.2 A patio shall meet the following development standards:

- (a) minimum front yard setback: six metres (6 m) provided the patio does not encroach upon or reduce the number of off-street parking spaces required for the residential use;
 - (b) minimum side yard: one decimal two metres (1.2 m);
 - (c) minimum rear yard depth: one decimal two metres (1.2 m);
 - (d) maximum height: at ground level or up to a maximum of zero decimal six metres (0.6 m) above ground level; (2016-07-29)
 - (e) *if a roof is constructed as part of the patio or deck, or the patio or deck and the roof are attached to the building, the patio or deck will be considered an extension to the building; the roof will be complimentary to the dwelling to which it is attached and will be designed in a manner that is sensitive to surrounding properties; and the maximum height of the roof over the patio or deck shall be 3.1 m; and* (2016-07-29)
 - (f) *Council may permit at its discretion permit the erection of a patio in the minor side yard that is bordering onto a flanking street with an adjacent City owned Open Space intended for snow storage purpose. (2012-06-08) and (2015-01-23)*
- 6.35.3 A deck shall meet the following development standards:
- (a) a deck is not permitted in a front yard;
 - (b) minimum side yard: one decimal two metres (1.2 m);
 - (c) minimum rear yard depth: six metres (6 m) unless otherwise determined by Council; (2016-07-29)
 - (d) maximum height: greater than zero decimal six metres (0.6 m) above the established grade and up to but not higher than the first storey of the dwelling; *and* (2016-07-29)
 - (e) *if a roof is constructed as part of the patio or deck, or the patio or deck and the roof are attached to the building, the patio or deck will be considered an extension to the building; the roof will be complimentary to the dwelling to which it is attached and will be designed in a manner that is sensitive to surrounding properties; and the maximum height of the roof over the patio or deck shall be 3.1 m.* (2016-07-29)
- 6.35.4 A balcony shall meet the following development standards:
- (a) a balcony is not permitted within the building line setback;
 - (b) minimum side yard width: two metres (2 m);
 - (c) minimum rear yard depth: six metres (6 m); and
 - (d) a balcony shall not extend beyond a maximum projection of two metres (2 m) into any yard.
- 6.35.5 A veranda shall meet the following development standards:
- (a) minimum side yard width: two metres (2 m); and
 - (b) a veranda shall not extend beyond a maximum projection of one decimal five metres (1.5 m) into any yard.

6.36 Residential Swimming Pool

A residential swimming pool shall be a permitted residential accessory use, subject to the following requirements:

- 6.36.1 a swimming pool shall be located in the rear yard of a residential property;
- 6.36.2 a swimming pool shall not encroach upon any easement;
- 6.36.3 a swimming pool shall not be located under any overhead power line;

- 6.36.4 a swimming pool shall have a minimum setback of two metres (2 m) from any property boundary; and
- 6.36.5 the area surrounding a swimming pool and pool deck shall be fully fenced to prevent people, especially children, from unauthorized access to the pool area, subject to the swimming pool fence requirements as stated in the Mount Pearl Fence Regulations 2011 as amended.

6.37 Residential Wheelchair Ramp

Wheelchair ramps associated with residential uses shall be permitted subject to the following requirements:

- 6.37.1 *a wheelchair ramp must be built to the Building Code of Canada standards (Section 3.8.3.4);*
- 6.37.2 *minimum side yard setback: zero decimal three metres (0.3 m) unless the ramp is being built adjacent to a boundary that abuts an open space City-owned property where the side yard setback is zero metres (0 m);*
- 6.37.3 *every effort must be made to construct a wheelchair ramp such that it runs adjacent to the dwelling that it provides access to, rather than extend at an angle away from the dwelling face.*

(2014-06-13)

6.38 Satellite Dish

6.38.1 Residential

Notwithstanding Section 11 of these Regulations, a satellite dish associated with a residential use shall be permitted subject to the following conditions:

- (a) a satellite dish which is attached to or forms part of a dwelling shall not exceed a diameter of one decimal two five metres (1.25 m);
- (b) the satellite dish is anchored to the building or site to withstand the appropriate windloads as determined by Council; and
- (c) the satellite dish design, structure, and colour are complementary and sensitive to both the development to which it is attached or situated.

6.38.2 Commercial and Industrial

A satellite dish associated with a commercial or industrial use shall be permitted to the following conditions:

- (a) unless otherwise determined by Council, there shall be one satellite dish per lot;
- (b) the satellite dish shall not be located in the front yard or flanking side yard of a lot, unless the area surrounding the satellite dish is screened from public view by an adequate natural buffer or screen, the dish is consistent with the surrounding development of the area and the satellite dish does not create any visual obstruction to adjacent developments or passing vehicular traffic.
- (c) the maximum diameter of the satellite dish shall be four metres (4 m).
- (d) the maximum height of:
 - i. a ground-mounted satellite dish shall be seven decimal five metres (7.5 m) measured from the top of the dish to ground level.
 - ii. a roof-mounted satellite dish shall be four decimal six metres (4.6 m) measured from the top of the dish to the roof.
- (e) the satellite dish does not obstruct views from other properties.

- (f) the satellite dish is anchored to the building or site to withstand the appropriate windloads as determined by Council.
- (g) the satellite dish design, structure and colour are complimentary and sensitive to both the development to which it is attached or situated and the immediate surrounding properties. In cases where Council deems it appropriate, a satellite dish will be required to be screened or landscaped in accordance with Council's requirements.
- (h) where a satellite dish exceeds the maximum diameter or height requirements of a use zone, Council may use its discretion to consider the increase in the additional diameter or height of the satellite dish provided the application is processed in accordance with Regulations 3.7 and 4.17.

6.39 Screening and Landscaping

Council may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening and, for this purpose, may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application. The provision of adequate and suitable landscaping or screening may be made a condition of any Development Permit where, in the opinion of Council, the landscaping or screening is desirable to preserve amenity, or protect the environment.

6.40 Services and Public Utilities

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

6.41 Side Yards

An unobstructed side yard shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building.

6.42 Storm Water Management

- 6.42.1 Land shall be used, and graded in such a manner that run-off from the land or development does not negatively impact adjoining properties, and that all surface drainage shall be captured on site in accordance with the requirements of Council.
- 6.42.2 Development of land shall be undertaken with the objective of wherever possible achieving zero net run off with respect to on-site storm water runoff.
- 6.42.3 Where development results in the discharge of storm water into a wetland, waterbody, or watercourse, such discharge shall be designed to minimize any environmentally detrimental effects on the receiving water or watercourse, and shall be designed and constructed in accordance with the requirements and conditions of Council.

6.43 Street Construction Standards

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

6.44 Subsidiary Apartments

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

6.45 Temporary Buildings and Structures

Notwithstanding the zoning of land, Council may allow the use of land or a building or structure for the following, provided the proposed building or structure is of a temporary nature and subject to such conditions deemed necessary by Council:

- 6.45.1 A scaffold or other temporary building or structure incidental to the development, construction or work in progress, on premises for which a development or building permit has been granted, until such time as the work has been finished or abandoned.

6.46 Unsubdivided Land

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

6.47 Zero Lot Line and Other Comprehensive Development

Council may, at its discretion, approve the erection of dwellings which are designed to form part of a zero lot line development or other comprehensive layout which does not, with the exception of dwelling unit floor area, meet the requirements of the Use Zone Schedules in Section 11, provided that:

- 6.47.1 the dwellings are designed to provide both privacy and reasonable access to natural daylight, and
- 6.47.2 the overall density within the layout conforms to the Regulations and standards set out in the Use Zone Schedules apply where the layout adjoins other development.

SECTION 7 – SPECIAL DEVELOPMENTS

7.1 Adult Day Care Use (Non-Residential)

An adult day care use (non-residential) shall be subject to the following conditions:

- 7.1.1 the use shall comply with all pertinent provincial and municipal regulations,
- 7.1.2 adequate noise separation shall be maintained between the use and adjoining dwelling units in an apartment building,
- 7.1.3 adequate noise separation shall be maintained between the use and adjoining commercial uses,
- 7.1.4 a fire exit for the exclusive use of the adult day care use shall be provided,
- 7.1.5 a separate entrance for the exclusive use of the adult day care use shall be provided unless the entrance to the use from a common lobby or foyer is immediately adjacent to such lobby or foyer,
- 7.1.6 parking as required in these Regulations shall be provided and reserved for the exclusive use of the adult day care use and identified as such on the parking lot,
- 7.1.7 a minimum of five square metres (5 m²) of net floor space per person shall be provided for use by the adult day care users, this aggregate floor space shall be utilized for the purpose of group amenity areas and individual rest areas, and
- 7.1.8 the use shall operate only during the full daytime period between 7:30 a.m. and 6:00 p.m.

7.2 Adult Day Care Use (Residential)

An adult day care use (residential) shall be subject to the following conditions:

- 7.2.1 the use shall comply with all pertinent provincial and municipal regulations,
- 7.2.2 the use shall occupy a maximum of forty percent (40%) of the floor area of the dwelling unit,
- 7.2.3 the use shall have a maximum of six (6) adult day care users present at any time,
- 7.2.4 a minimum of five square metres (5 m²) of net floor space per person shall be provided for use by adult day care users, this aggregate floor space shall be utilized for the purpose of group amenity areas and individual rest areas,
- 7.2.5 adequate parking shall be provided,
- 7.2.6 the operator of the use shall maintain the dwelling in which the use is located as his/her primary residence,
- 7.2.7 a maximum of one (1) person, other than the operator, shall be employed in the adult day care use,
- 7.2.8 the use shall be clearly subsidiary to the residential use,
- 7.2.9 the use shall be compatible with nearby uses, and
- 7.2.10 the use shall operate only during the full daytime period between 7:30 a.m. and 6:00 p.m.

7.3 Amusement Use

An amusement use shall be subject to the following conditions.

- 7.3.1 The use shall not be located within one hundred and fifty metres (150 m) of a school, a place of worship, or a personal care use.

- 7.3.2 The use shall not abut a residential lot or use unless the amusement use is a unit within a retail centre or mall and provided the amusement use is not one of the end units of the centre or mall.

7.4 Automotive Sales

An automotives sales use shall be subject to the following conditions.

- 7.4.1 The developer shall submit to Council an acceptable development plan including the following:
- (a) the number and location of parking spaces,
 - (b) ingress and egress of the parking lot,
 - (c) motor vehicle circulation pattern around the lot,
 - (d) location of any building on the lot,
 - (e) area to be landscaped and screened and the type of landscaping to be used, and
 - (f) customer parking in accordance with **Regulation 9.2** of these regulations.
- (2015-01-23)**
- 7.4.2 The automotive sales use shall have a principal building on the lot in which the business is conducted. The principal building will include washroom facilities and shall be connected to municipal water and sewer services where such services exist. Where municipal water and sewer services do not exist, the washroom facilities of the principal building shall be approved by and meet the requirements of the Provincial Department of Health.
- 7.4.3 The automotive sales lot shall be paved and shall provide drainage, lighting, curbs, and landscaping in accordance with the requirements of Council.
- 7.4.4 The automotive sales use shall be licensed under the Automobile Dealers Act prior to the use commencing.

7.5 Bed and Breakfast

A bed and breakfast use shall be subject to the following conditions:

- 7.5.1 it is located in a dwelling unit;
- 7.5.2 the use does not detract from the residential character of the neighbourhood;
- 7.5.3 the use is carried out by a resident of the dwelling unit;
- 7.5.4 the number of rooms available for rent shall not be greater than four (4);
- 7.5.5 no addition or alteration shall be undertaken which changes the roof line, increases the height of the building, or extends into the front or side yards of the lot, except for dormers and/or structures necessary for public safety such as fire escapes;
- 7.5.6 a minimum of one parking space per room is provided on the lot;
- 7.5.7 access and parking area shall be paved;
- 7.5.8 a parking area abutting a residential lot shall be screened by a fence, wall, or hedge of height not less than one metre (1 m) and located a minimum distance of one metre (1 m) from the edge of the parking area;
- 7.5.9 a non-illuminated identification, free standing sign not exceeding 2800 cm² in area and a fascia sign not exceeding zero decimal two square metres (0.2 m²) in area shall be permitted provided that the sign is consistent with the residential character of the neighbourhood;
- 7.5.10 no change in the type, class or extent of the use shall be permitted except in accordance with a permit issued by Council; and

- 7.5.11 the establishment shall be registered with, and receive a rating from, Canada Select and shall also be approved by the Provincial Department of Tourism, Culture, and Recreation as a Bed and Breakfast operation.

7.6 Beehive

A beehive use shall be subject to the following conditions:

- 7.6.1 *a maximum of two (2) beehives may be kept for each subject property;*
- 7.6.2 *a beehive to be installed on the ground:*
- (a) *shall be installed in the rear yard of the subject property;*
 - (b) *shall be a minimum of three decimal seventy-five metres (3.75 m) from any property boundary;*
 - (c) *fencing, hedging, or other suitable barrier of a minimum height of one decimal eight three metres (1.83 m) which extends a minimum distance of four decimal five metres (4.5 m) past the nearest point of the beehive shall be established to direct bees away from neighbouring buildings; and*
 - (d) *the entrance of the beehive shall be aimed away from neighbouring buildings;*
- 7.6.3 *a beehive to be installed on a rooftop:*
- (a) *shall be a minimum of two decimal five metres (2.5 m) from any property boundary; and*
 - (b) *the rooftop shall be able to support the beehive;*
- 7.6.4 *a water source shall be provided for the bees on the same property as the beehive(s);*
- 7.6.5 *the individual proposing to install and maintain the beehive shall submit written confirmation that the individual is trained in the keeping of bees or will be mentored by an existing beekeeper who has more than two (2) years' experience caring for bees in Newfoundland and Labrador;*
- 7.6.6 *the beehive structure shall be a type with moveable frames that are easily removed for visual inspection without causing damage to the frames or comb; and*
- 7.6.7 *the application shall be processed in accordance with Regulations 3.7 and 4.17.*
- (2017-04-13)*

7.7 Cemetery

A cemetery use shall be subject to the following conditions.

- 7.7.1 *A landscape plan shall be submitted as part of the Development Application. The landscape plan shall illustrate areas of landscaping in relation to the burial plots and shall identify the location and types of plant species that are to be planted.*
- 7.7.2 *A minimum six metre (6 m) wide buffer shall be maintained between any lot line of the cemetery and areas designated for burial purposes and, within this buffer, trees and shrubs are to be planted to provide a landscaped screen between the cemetery uses and abutting properties.*
- 7.7.3 *A fence shall be constructed and erected along all lines of the cemetery in accordance with the Mount Pearl Fence Regulations.*
- 7.7.4 *All roads within the cemetery shall be paved.*
- 7.7.5 *A cemetery use shall receive the approval of the Provincial Departments of Health and Environment and Conservation and shall be developed in accordance with the conditions of these Departments.*

7.8 Commercial Wind Turbine

A commercial wind turbine use shall be subject to the following conditions.

- 7.8.1 A commercial wind turbine which has a collective energy nameplate rating of one hundred (100) kW or greater shall be connected to a transmission line and/or the local power grid. A commercial wind turbine shall include, but not be limited to, wind turbine, generator, operations and maintenance buildings, meteorological towers, collector grids and electrical substations.
- 7.8.2 All developments shall meet applicable federal and provincial regulatory requirements.
- 7.8.3 The development shall not create hazards or any negative impacts on neighbouring properties. In cases where there are potential conflicts or impacts between a proposed development and neighbouring property, Council may require the developer to ensure that adequate buffers or screening are maintained to reduce the impacts on adjoining properties or other mitigation measures that may be necessary to reduce the impacts.
- 7.8.4 The wind turbine tower shall be located to minimize visual impacts on the City.
- 7.8.5 The wind turbine tower shall have a clear unobstructed fall zone that has a radius equal to or greater than the height of the structure and is accommodated within the property bounds.
- 7.8.6 The wind turbine tower shall be designed and constructed to meet design loads for operational requirements including ice build up. The blades shall either have de-icing capabilities or be constructed of a material (i.e. poly carbonate composite) that resists ice build up.
- 7.8.7 Access to the site shall be restricted and shall include: fencing, gate, and signage posted as to the property owner, company name, twenty-four (24) hour emergency telephone number, and warnings of dangers to trespassers.
- 7.8.8 Should the wind turbine cease operations for a period of longer than two (2) years, the wind turbine, tower, and any related infrastructure shall be removed from the property.

7.9 Community Garden

A community garden use shall be subject to the following conditions:

- 7.9.1 *community gardens are to be maintained in a neat and tidy fashion; and*
- 7.9.2 *all disturbed areas not comprising the area of the community garden are to be reinstated with a minimum of grass sods to the satisfaction of the City.*

(2016-06-17)

7.10 Convenience Store

A convenience store use shall be subject to the following conditions:

- 7.10.1 the store shall form part of, or be attached to, a dwelling unit;
- 7.10.2 the retail use shall be subsidiary to the residential character of the area and shall not affect residential amenities or adjoining properties; and
- 7.10.3 hours of operation are appropriate to the nature of the building and surrounding neighbourhood and the operation does not create a nuisance.

7.11 Drive-Through Use

A drive-through use shall be subject to the following conditions.

- 7.11.1 A Drive-Through Restaurant or Take-Out Food Use shall have a stacking lane with a minimum length before the pick-up window, as determined by Council on the level of traffic generated by the drive-through use as listed below, and the stacking lane length

may be modified on the basis of the recommendations of a Land Use Impact Assessment:

<u>Level of Generation</u>	<u>Minimum Stacking Lane Length</u>
High Generator	72 m
Medium Generator	54 m
Low Generator	36 m

and a minimum of six metres (6 m) after the pick-up window to on-site aisle or parking area.

- 7.11.2 A Drive-Through Use related to a shop or bank use shall have a stacking lane with a minimum length of eighteen metres (18 m) from the pick-up window or automated teller machine and a minimum of six metres (6 m) after the pick-up window or automated teller machine to the on-site aisle or parking area.
- 7.11.3 Drive-through stacking lanes shall not be located between the street and the building.
- 7.11.4 Drive-through stacking lanes shall be located away from adjacent residential and institutional uses whenever possible.
- 7.11.5 Drive-through stacking lanes should be separated by raised islands, be well signed to provide for ease of use and located so as to avoid crisscrossing of lanes.
- 7.11.6 Order boards with an intercom shall be designed to minimize noise impact on adjacent residential or institutional uses. Council may require the applicant to undertake a Land Use Impact Assessment to assess the proposed Drive-Through Use and mitigation measures where the Drive-Through Use is in close proximity to residential uses.
- 7.11.7 No drive-through stacking lane, order window, or order board shall be located within three metres (3 m) of a lot line abutting a residential use.
- 7.11.8 A buffer consisting of a sound-proof fence and landscaping shall be provided adjacent to residential uses. A fence, berm, and landscaping or a combination of these elements shall be used to reduce headlight glare, order board lighting, and noise from the Drive-Through Use.
- 7.11.9 Garbage receptacles shall be placed either before the pick-up window or after the pick-up window as determined by Council.
- 7.11.10 If the use of any land, building or structure is composed of a combination of Drive-Through Use and any one or more other uses, those uses shall not be construed as accessory to one another and all provisions pertaining to each use shall apply.

7.12 Dwelling Unit Associated with a Place of Worship

A dwelling unit associated with a place of worship use shall be subject to the following conditions.

- 7.12.1 The dwelling unit will be residence of the minister, priest, preacher, principal leader or caretaker and the family who is directly associated with the place of worship.
- 7.12.2 The residence shall be restricted to a Single Detached Dwelling unit situated on the same lot as the place of worship or as a subsidiary apartment located within the place of worship.
- 7.12.3 If the single dwelling unit is in the form of a single dwelling building separate from the place of worship, the single dwelling shall meet the development standards of the Community and Public Services Use Zone and shall maintain a minimum separation distance of six metres (6 m) between the single dwelling and the place of worship.

7.13 Family Child Care Use

A family child care use shall be subject to the following conditions:

- 7.13.1 the use is located within a dwelling;
- 7.13.2 the section of the street on which the use is located allows sufficient area and sight distance for the safe and convenient drop off and pick up of children without hindering the safety and convenience of vehicular and pedestrian traffic on the street, or the development provides adequate off-street drop off or pick up spaces satisfactory to Council; and
- 7.13.3 the use is compatible with nearby uses.

7.14 Family and Group Care Centre

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

7.15 General Industry and Hazardous Industry Uses

A general industry or hazardous industry use shall be subject to the following conditions:

- 7.15.1 chemical plants, distilleries, lacquer, mattress, paint, varnish, and rubber factories shall not be permitted.
- 7.15.2 bulk storage of flammable and hazardous liquids and substances shall be limited in volume to a maximum capacity of eight hundred thousand (800,000) litres.
- 7.15.3 the use shall not cause or promote fires or other hazards and does not emit noxious, offensive, or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses.
- 7.15.4 the use shall not abut a residential area or highway.
- 7.15.5 that an appropriate separation distance between adjacent residential developments and the general industry use or hazardous use shall be maintained as determined by Council; and
- 7.15.6 the use shall receive the approval of the relevant Federal and Provincial authorities having jurisdiction over such uses from an environmental, occupational health and safety, fire and life safety point of view prior to Council approval of such uses.

7.16 Group Child Care Use

A group child care use shall be subject to the following conditions:

- 7.16.1 pertinent Provincial Regulations are met;
- 7.16.2 the building shall be designed so that its type, massing and visual appearance is generally appropriate to the residential neighbourhood and is acceptable to Council;
- 7.16.3 the section of the street on which the use is located allows sufficient area and sight distance for the safe and convenient drop off and pick up of children without hindering the safety and convenience of vehicular and pedestrian traffic on the street or the development provides adequate off-street drop off and pick up spaces satisfactory to Council;
- 7.16.4 adequate parking is provided as per Section 9 of these Regulations; and
- 7.16.5 the use is compatible with nearby uses.

7.17 Halfway House

A halfway house shall be subject to the following conditions:

- 7.17.1 the dwelling does not materially differ from nor adversely affect the amenities of the adjacent residences or the neighbourhood in which it is located;
- 7.17.2 special access and safety features, as determined by Council, may be provided for the occupants before occupancy is permitted; and
- 7.17.3 the use shall be licensed or certified by the appropriate government licensing or certifying body that is responsible for the type of persons who are accommodated within the halfway house.

7.18 Home Occupation

A home occupation use shall be subject to the following conditions:

- 7.18.1 the use shall be in the form of a small appliance repair, sporting goods, educational use, ***health consultation use***, or similar uses; (2015-06-26)
- 7.18.2 the use shall not include a barber, hairdresser, beauty salon, or salon/spa;
- 7.18.3 the educational use shall be restricted to instruction in general education, music, dancing, arts and crafts, to no more than 6 pupils or students at any one lesson;
- 7.18.4 the use is clearly a subsidiary use to the residential use and does not detract from the residential character of the neighbourhood;
- 7.18.5 not more than twenty percent (20%) of the total floor area of the dwelling, up to a maximum of twenty square metres (20 m²), is devoted to the use;
- 7.18.6 the use is carried out by a resident of the dwelling unit;
- 7.18.7 the use does not alter the residential appearance or require external modification of the dwelling unit, and the gross floor area of the dwelling unit is not increased;
- 7.18.8 activities associated with the use area are not hazardous and do not cause a noticeable increase in traffic, noise, odour, dust or fumes and are not apparent to occupants of nearby residences;
- 7.18.9 there is no open storage of goods or materials and any retail sales are incidental and subsidiary to the approved use;
- 7.18.10 no fabrication except for the production of handmade articles of clothing and arts and/or craft objects will be undertaken on the premises and then only as qualified by Regulation 7.18.7 above;
- 7.18.11 no repair to vehicles or heavy equipment are carried out;
- 7.18.12 a non-illuminated identification sign not exceeding zero decimal two square metres (0.2 m²) in area shall be permitted provided that the sign is consistent with the residential character of the neighbourhood;
- 7.18.13 the residential lot has sufficient area to accommodate the parking requirements of both the dwelling unit and the home occupation use; and
- 7.18.14 no change in type, class or extent of the use shall be permitted except in accordance with a permit issued by Council.

7.19 Home Office

7.19.1 A home office use shall be subject to the following conditions:

- (a) the use is ***carried out by individuals who reside in the dwelling***; (2015-06-26)
- (b) the use is clearly a subsidiary use to the residential use and does not detract from the residential character of the neighbourhood;

- (c) not more than twenty percent (20%) of the total floor area of the dwelling up to a maximum of twenty square metres (20 m²) is devoted to the use;
 - (d) the use does not alter the residential appearance or require external modification of the dwelling unit, and the gross floor area of the dwelling unit is not increased;
 - (e) activities associated with the use area are not hazardous and do not cause a noticeable increase in traffic, noise, odour, dust or fumes and are not apparent to occupants of nearby residences;
 - (f) there is no open storage of goods or materials and any retail sales are incidental and subsidiary to the approved use;
 - (g) a non-illuminated identification sign not exceeding zero decimal two square metres (0.2 m²) in area shall be permitted provided that the sign is consistent with the residential character of the neighbourhood;
 - (h) the residential lot has sufficient area to accommodate the parking requirements of both the dwelling unit and the office use; and
 - (i) no change in type, class or extent of the use shall be permitted except in accordance with a permit issued by Council.
- 7.19.2 Where there is more than one person working in the office within the dwelling, the office use may be permitted as a discretionary use provided one person is a resident of the dwelling unit and conditions 7.19.1 (b) through to 7.19.1 (i) are met.

7.20 Indoor Firearms Shooting Range

An indoor firearms shooting range use shall be subject to the following conditions.

- 7.19.1 The use is fully enclosed within a building.
- 7.19.2 The building in which the use is located shall have a bullet trap, a ventilation system to remove air contaminated by firing and be designed as per the document “Range Design and Construction Guidelines” as administered by the Canadian Firearms Program (CFP) of the RCMP.
- 7.19.3 The use shall have approval from all applicable Provincial and Federal agencies.
- 7.19.4 The use is subject to the Shooting Clubs and Shooting Ranges Regulations (SOR/98-212) as administered by the Canadian Firearms Program (CFP) of the RCMP.

(2017-01-20)

7.21 Kennel

A kennel use shall be subject to the following conditions:

- 7.21.1 appropriate noise and separation measures shall be incorporated into the development to reduce noise impact on surrounding properties;
- 7.21.2 where external runs shall be provided as part of the kennel, the use shall be limited to locations in the Use Zone which do not abut residential zones or uses; and
- 7.21.3 Council shall be satisfied that the kennel shall not impact upon surrounding residential neighbourhoods.

7.22 Livestock Structure and Use

- 7.22.1 No structure designed to contain more than five animal units shall be erected or used unless it complies with the following conditions.
- (a) The structure shall be at least six hundred metres (600 m) from:
 - i. a residence (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Schedules in Section 11 of these Regulations),
 - ii. an area designated for residential use in an approved Plan, and
 - iii. a Provincial or Federal Park.
 - (b) The structure shall be at least sixty metres (60 m) from the boundary of the property on which it is to be erected.
 - (c) The structure shall be at least ninety metres (90 m) from the centre line of a street.
 - (d) The erection of the structure shall be approved by the Provincial Departments of Natural Resources and Environment and Conservation.
- 7.22.2 No development for residential use shall be permitted within six hundred metres (600 m) of an existing structure designed to contain more than five animal units unless the development is first approved by the Provincial Department of Natural Resources.

7.23 Open Air Assembly Use

An open air assembly use, in the form of or similar to an outdoor worship service, shall be subject to the following conditions.

- 7.23.1 The use shall not negatively impact upon the main or primary use of the property and its associated activities such that the combined uses create a public safety or health concern or inconvenience.
- 7.23.2 The use shall not be permitted in close proximity to a residential area where, in the opinion of Council, the use or its associated activities will create a nuisance, such as the generation of fumes, noise, vibration, litter, and lighting, affecting the nearby residential area.
- 7.23.3 Where it is determined by Council, for public safety and convenience, that fencing is required; the area of the use shall be fenced in accordance with the requirements of Council.
- 7.23.4 Where it is determined by Council that washroom facilities are required, the use shall be required to provide washroom facilities in accordance with the requirements of the Provincial Department of Health and Council.
- 7.23.5 Where it is determined by Council, a security deposit will be required to be submitted to the City for the cleanup of the site and surrounding area of litter and debris which is generated by the activities or the use. The security deposit shall be returned upon the site and surrounding properties being left in a clean state that is satisfactory to Council.

7.24 Outdoor Assembly Use

An outdoor assembly use shall be subject to the following conditions.

- 7.24.1 All buildings and structures associated with the use shall be located, constructed, and maintained in accordance with the requirements of Council.
- 7.24.2 An outdoor assembly use shall not be permitted in close proximity to a residential area where, in the opinion of Council, the use will create a nuisance as a result of the uses activities generating fumes, noise, vibration, litter, and lighting which affect the nearby residential area.

- 7.24.3 Where it is determined by Council that, for public safety and convenience, fencing is required, the development shall be fenced in accordance with the requirements of Council.

7.25 Outdoor Commercial Patio

An outdoor commercial patio use shall be subject to the following conditions.

- 7.25.1 An outdoor commercial patio shall not accommodate more than 50 percent (50%) of the licensed capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater.
- 7.25.2 No outdoor commercial patio shall be permitted in any yard facing or abutting a residential zone or abutting a yard or lane facing or abutting a residential zone unless:
- (a) it is located a minimum of thirty metres (30 m) from the residential zone; and
 - (b) it is screened and physically separated from the residential zone by a building, structure or wall that is at least two metres (2 m) in height so that noise from the outdoor patio is mitigated.
- 7.25.3 Unless otherwise determined by Council, an outdoor commercial patio shall have a minimum setback of one decimal five metres (1.5 m) from any lot line.
- 7.25.4 The location of an outdoor commercial patio on a lot shall not obstruct the view or path of pedestrian and vehicular traffic that accesses or egresses to or from a street onto or out of the lot.
- 7.25.5 The outdoor commercial patio must not encroach on or eliminate any required parking or loading space, driveway or aisle for the lot on which it is located.
- 7.25.6 The outdoor commercial patio shall be so located on the lot as to not interfere with snow clearing and snow operations of Council.
- 7.25.7 No outdoor commercial patio shall be so located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential use zone.
- 7.25.8 Any outdoor lighting shall be directed toward or onto the outdoor commercial patio area and away from adjoining properties and streets.
- 7.25.9 No loading space shall be required for an outdoor patio restaurant.
- 7.25.10 No music (whether performed live or recorded), dancing or other forms of entertainment shall be permitted.
- 7.25.11 Parking spaces shall be required for the gross floor area associated with the outdoor commercial patio use at the same ratio as for restaurants.

7.26 Personal Care Use

A personal care use shall be subject to the following conditions:

- 7.26.1 the use does not detract from the residential character of the neighbourhood;
- 7.26.2 the development of the property and design of the building on the property is in such a manner that it respects the privacy and enjoyment of surrounding residential properties;
- 7.26.3 the use is licensed by the Provincial Department of Health;
- 7.26.4 the lot shall have a minimum frontage of thirty metres (30 m);
- 7.26.5 the maximum lot coverage shall be fifty percent (50%);
- 7.26.6 the minimum lot area shall be nine hundred square metres (900 m²);
- 7.26.7 the minimum setback shall be ten metres (10 m), or consistent with the building line setback as established by the existing lots on the street;
- 7.26.8 the minimum minor side yard distance shall be three metres (3 m);
- 7.26.9 the minimum rear yard depth shall be six metres (6 m);

- 7.26.10 minimum landscaping shall be twenty percent (20%);
- 7.26.11 access and parking area shall be paved; and
- 7.26.12 unless otherwise determined by Council, a privacy fence shall be required to be constructed along the perimeter of the property.

7.27 Self-Service Storage Mall

A self-service storage mall shall be subject to the following conditions:

- 7.27.1 storage within the self-service storage mall shall be restricted to dead storage only;
- 7.27.2 the storage of flammable or hazardous chemicals and explosives is prohibited;
- 7.27.3 personal service and general industry uses shall not be permitted within or as part of a self-service storage mall;
- 7.27.4 minimum distance between storage buildings shall be six metres (6 m); and
- 7.27.5 outdoor storage of vehicles shall not be permitted in any yard or the self-service storage use that fronts onto a road and the area for outdoor storage shall be screened so that the outdoor storage use is not visible to the public.

7.28 Service Station and Gas Bar

Notwithstanding the development standards of the Use Zone in which a service station or gas bar is located, a service station and/or gas bar shall be subject to the following conditions:

- 7.28.1 all gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side;
- 7.28.2 pump islands shall be set back at least four metres (4 m) from the required landscaped front or side yards;
- 7.28.3 accesses shall not be less than seven metres (7 m) wide and shall be clearly marked and, where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be ten metres (10 m) and the lot line between entrances shall be clearly indicated;
- 7.28.4 Lot Area (minimum) 900 m²
- 7.28.5 Lot frontage (minimum) 48 m; or 35 m along each street at intersection
- 7.28.6 Building Height (maximum) 1 storey
- 7.28.7 Building Line (minimum) 6 m
- 7.28.8 Building Line – Canopies (minimum) 3 m

7.29 Telecommunications Structures and Antennas

Council may, within any zone, permit land or a building to be used in conjunction with telecommunications structures or antennas subject to the following conditions.

- 7.29.1 The telecommunications structure or antenna that does exceed the height requirements as outlined in Regulation 6.15 shall meet the conditions as outlined in Regulation 7.29.3.
- 7.29.2 Where the telecommunications structure or antenna exceeds the height requirements as outlined in Regulation 6.15 or exceeds a height of fifteen metres (15 m), the antenna shall be processed as a discretionary use subject to Regulation 4.17 and, if approved, shall meet the conditions as outlined in Regulation 7.29.3. (2015-01-23)
- 7.29.3 Where Council permits a telecommunications structure or antenna, the telecommunications structure or antenna shall be subject to the following conditions:

- (a) where it is deemed feasible, a new telecommunications structure or antenna will share existing telecommunications structure or antenna infrastructure or will modify or replace an existing telecommunications structure or antenna to accommodate the new and existing telecommunications structure or antenna provided the changes to the existing telecommunications structure or antenna do not detract from the appearance and character of the surrounding properties;
 - (b) the colour, location, and design of a new telecommunications structure or antenna will not detract from the appearance and character of the surrounding properties and do not negatively impact aesthetically on adjacent lands and uses; and
 - (c) the site or the building on which the telecommunications structure or antenna is erected or situated shall be landscaped or treated in such a manner to minimize the visual impact on the surrounding area.
- 7.29.4 The telecommunications structure or antenna shall comply with all applicable provincial and federal government regulations.

7.30 Vehicle or Trailer for Vending or Office Purposes

The use of land for the parking of a vehicle or trailer for a period of time for vending purposes, including the sale of refreshments or merchandise or as an office shall be subject to the following conditions.

- 7.30.1 The parking of a vehicle or trailer for vending or office purposes shall only be permitted as a subsidiary use on a lot with an existing principal building.
- 7.30.2 The parking of a vehicle or trailer shall not be located on any required landscaped yards.
- 7.30.3 The parking of a vehicle or trailer shall only be permitted if the lot has a sufficient parking area to accommodate the parking requirements of the principal building or use on the lot and the subsidiary vehicle or trailer use with its associated parking.
- 7.30.4 The parking of a vehicle or trailer shall not be located on any required landscaped yards.
- 7.30.5 The parking of a vehicle or trailer shall not hinder lot access or egress or create an obstruction to vehicles entering or exiting the lot.
- 7.30.6 If a vehicle or trailer is used for the purpose of the preparation, cooking, and/or sale of food and/or refreshments, the following approvals are required prior to the placement of a vehicle or trailer on the lot:
 - (a) approval from the St. John's Regional Fire Department regarding the appliances to be used and the required fire suppression measures, and
 - (b) approval from the Provincial Department of Health regarding the storage and preparation of food and/or refreshments.
- 7.30.7 A vehicle or trailer will be required to provide, or have access to, washroom facilities as determined by Council.
- 7.30.8 Litter will be managed in a manner as determined by Council.
- 7.30.9 The use shall be in accordance with the City of Mount Pearl's Mobile Canteen Regulations.
- 7.30.10 Council shall limit the length of the Development Permit to a maximum of one year and the permit may be renewed on an annual basis if the applicant wishes to continue the use.

SECTION 8 – SIGNS AND ADVERTISEMENTS

8.1 Signs and Advertisements

Signs and advertisements shall not be erected or displayed except in accordance with these Regulations.

8.2 Permit Required

Unless otherwise noted in these Regulations, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from Council.

8.3 Form of Application

Application for a permit to erect or display an advertisement shall be made to Council in accordance with Regulation 4.7.

8.4 Advertisements Prohibited in Street Reservation

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

8.5 Permit Valid for Limited Period

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

8.6 Removal of Advertisements

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

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

8.7 Advertisements Exempt from Control

The following advertisements may be erected or displayed in the Planning Area without application or receipt of a permit from Council:

- 8.7.1 on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m² in area;
- 8.7.2 on an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land;
- 8.7.3 on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- 8.7.4 on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;
- 8.7.5 on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises;

- 8.7.6 on any site occupied by a place of worship, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- 8.7.7 on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or three metres (3 m), whichever is the lesser;
- 8.7.8 on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot;
- 8.7.9 election signs of any candidate or political party during a federal, provincial, municipal, or regional school board election, subject to the provisions of Regulation 8.10;
- 8.7.10 temporary signs relating to Federal, Provincial or Municipal public works;
- 8.7.11 notices required by law to be posted;
- 8.7.12 regulatory, warning, directional, guide, or informational signs erected by a Federal, Provincial or Municipal Authority or a community group approved by Council;
- 8.7.13 signs placed by a telephone, telegraph or electric power company to indicate danger;
- 8.7.14 non-illuminated real estate signs not exceeding four hundred and sixty five (465) centimeters in total area advertising the sale or rent of a building or lot upon which the sign is located subject to the provisions of Regulation 8.11;
- 8.7.15 a flag, emblem or insignia of any nation, country or province; and
- 8.7.16 one construction sign not exceeding nine square metres (9 m²) in total area related to the development of a property provided such sign is located on the site on which the work is being carried out and is removed at the conclusion of the development or at such time as determined by Council.

8.8 Non-Conforming Uses

Notwithstanding the provisions of Regulation 58, a permit may be used for the erection or display of advertisements on a building or within the curtilage of a building or on a parcel of land, the use of which is a non conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by Council.

8.9 Application of These Regulations

This Section shall apply to signs and advertisements where permitted in the Use Zone Schedules in Section 11.

8.10 Election Signs

Election signs shall be subject to the following conditions.

- 8.10.1 The erection of election signs are for a temporary period and such signs are deemed to be temporary signs.
- 8.10.2 One permit is required to be obtained by a candidate, the candidate's official agent or representative, or district association for standard size election signs prior to the placement or erection of election signs throughout the Planning Area.
- 8.10.3 A condition of the permit is the submission of a \$250.00 deposit which is refundable upon the removal of the election signs within seven (7) days after the date of the election. If the Candidate fails to remove his or her election signs within seven (7) days after the date of the election, Council will remove and destroy the signs, the \$250.00 deposit will be forfeited to Council and the Candidate shall be responsible for the cost of the removal and disposal of such signs.

- 8.10.4 A standard size election sign shall not exceed a measurement of one decimal two two metres (1.22 m) by two decimal four four metres (2.44 m) and a maximum area of three decimal zero square metres (3.0 m²).
- 8.10.5 All other non standard size election signs shall be subject to the relevant sections and permits as required in Section 8.
- 8.10.6 Election signs associated with a political party's nomination process shall not be erected or installed earlier than twenty-one days prior to the date set for the nomination meeting.
- 8.10.7 Election signs associated with a municipal election shall not be erected or installed earlier than thirty days prior to the date of the municipal election.
- 8.10.8 Election signs associated with a federal or provincial election shall not be erected or installed prior to the official issuing of the election writ.
- 8.10.9 The erection of election signs shall be permitted on private property provided the property owner has given consent for the erection of such a sign and that the sign does not cause an obstruction to neighbouring properties.
- 8.10.10 The erection of election signs shall be permitted on vacant land owned by the City, provided the signs do not cause an obstruction to the travelling public or the work of Council, and provided the signs are not located within the far limits of the carriageway at any street intersection.
- 8.10.11 Election signs shall not be affixed or attached to existing municipal buildings, structures or signs.
- 8.10.12 On Election Day, election signs shall not be located within thirty metres (30 m) from the entrance of a polling station.
- 8.10.13 Election signs shall not be located on the medians, boulevards and intersection islands situated within the City's street rights-of-way.

8.11 Real Estate Signs

Real estate signs shall be subject to the following requirements.

- 8.11.1 No real estate sign shall be affixed to any utility pole or municipal building, structure or sign or be erected or placed on publicly owned land without the permission of the property owner.
- 8.11.2 There shall be a limit of one double-faced sign per property or for every thirty metres (30 m) of lot frontage.
- 8.11.3 A corner lot may carry two double-faced signs, one sign for each street.
- 8.11.4 Portable real estate open house signs shall also be permitted provided their placement does not obstruct vehicular or pedestrian movement, and the duration of such placement is limited to the time of the actual open house.
- 8.11.5 A real estate sign marking that the property is "sold" may appear for a limit of two weeks from the date of the closing of the transaction.

8.12 Bench and Bus Shelter Sign and Advertisement

Bench signs and bus shelter advertisements shall be approved in accordance with the requirements and conditions as determined by Council.

8.13 Prohibited Signs

Notwithstanding the provisions of this Section, Council may refuse any sign or advertisement that, in the opinion of Council, is considered hazardous to road traffic by reason of its siting, colour,

animation, illumination or structural condition or is considered detrimental to the amenities of the surrounding area.

8.14 Stationary Vehicle Signs

Unless otherwise determined by Council, a sign or advertisement shall not be attached, affixed or displayed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign or advertisement.

8.15 Sight Triangle

Unless otherwise determined by Council, no sign or advertisement shall be permitted to be located within the area identified by Council as the sight triangle at the intersection of streets.

8.16 Electrical or Illuminated Signs

Every electrical or illuminated sign shall be approved by a certified organization that is accepted by the Province of Newfoundland and Labrador and the Standards Council of Canada. A licensed electrician shall undertake the electrical hook up of the sign.

8.17 Easements

With the exception of portable signs, signs shall not be permitted to locate upon, or project within the limits of, utility or municipal service easements. Any sign located in close proximity to a utility or municipal service easement shall be located in accordance with the requirements of the easement owner.

8.18 Engineering Design Requirements

Signs shall be designed, constructed and erected to withstand the ice load and wind load requirements as determined by Council.

The following types of signs will require plans that are signed and sealed by a Professional Engineer of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador (APEGN):

- (a) billboard sign,
- (b) changeable message sign,
- (c) ground signs or pylon sign greater than three metres (3 m) in height,
- (d) portable sign, and
- (e) roof sign.

8.19 Other Required Information

Every portable sign or advertisement shall display, in a manner acceptable to Council, the name and phone number of the sign contractor, and a sign identification tag from the City's sign registry.

In the case of an electrical or illuminated sign, the electrical certification's approval sticker shall be displayed on the sign.

8.20 Advertisement Signs

8.20.1 Banner Sign

A banner sign shall not be suspended across any street unless approval is granted by Council. A banner sign attached to a face of a building, fence or other structure shall be considered in a like manner to a wall sign.

8.20.2 Billboard Sign

A billboard sign shall be permitted subject to the following requirements.

- (a) The maximum sign face of a single billboard shall not exceed twenty-one decimal five square metres (21.5 m²). Where Council deems appropriate, a double or “super sign” may be permitted, but shall not exceed forty-three square metres (43 m²) for a sign face.
- (b) Unless otherwise determined by Council, the maximum overall height of the sign from the surface above the ground to the top of the sign shall be eight metres (8 m).
- (c) The sign shall be set back a minimum distance of fifteen metres (15 m) from the intersection of streets.
- (d) The sign shall not be located closer than five metres (5 m) to the front or flanking street lot line.
- (e) The sign shall not be located closer than three metres (3 m) to a side lot line.
- (f) A maximum of two signs are permitted on a lot provided that each sign may have two leasable areas mounted back to back and the total maximum sign face of each sign shall not exceed twenty-one decimal five square metres (21.5 m²) per sign face, with the exception of a “super sign” which shall not exceed forty-three square metres (43 m²) per sign face and, if approved, would comprise the total number of billboard signs permitted on a single lot.
- (g) A minimum separation distance of one hundred metres (100 m) shall be maintained between signs when on the same side of the street and in the same line of sight or visual plane.
- (h) A single-faced sign shall be located not more than two metres (2 m) from the wall of a building and shall be parallel to the wall and shall not extend beyond the end of the wall and the height of the roofline of the building to which it is attached.
- (i) A wall-mounted billboard shall not block natural light from a window of the building to which the billboard is attached.
- (j) The sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the travelling public.
- (k) The sign shall not conflict with adjoining architectural lines or forms or have the effect of materially obscuring the effect of the landscapes.
- (l) The sign shall not be located within sixty metres (60 m) to a residential zone and shall not be oriented such that it faces an abutting residential zone or residential lot.
- (m) Lighting of the sign shall not be directed toward the street and shall not adversely affect neighbouring areas.
- (n) The sign shall be anchored and secured in accordance with the requirements of Council.
- (o) The sign shall be constructed in accordance with the engineering drawings approved by Council.

8.20.3 Canopy Sign

A canopy or awning sign shall be permitted on a wall of a building subject to the following requirements.

- (a) The canopy or awning sign does not abut a residential lot or zone.
- (b) The minimum vertical clearance beneath the sign to above the surface of the ground shall be two decimal two metres (2.2 m).
- (c) The sign may extend the full length of a building and the sign shall not extend beyond the end of the wall to which it is attached with the exception of wrap-around signs.
- (d) The sign does not project more than three metres (3 m) from the wall of the building or structure to which it is attached.
- (e) The sign shall not extend over public land or streets except where approved by Council.
- (f) The sign shall not extend over a driving area or parking surface except where approved by Council.
- (g) The sign shall be anchored or secured to the building in accordance with the requirements of Council.

8.20.4 Changeable Message Sign

A changeable message sign shall be permitted provided:

- (a) The changeable message sign face shall:
 - i. have a maximum illumination level of 1,500 lumens ***between sunrise and sunset and a maximum illumination of 28 lumens between sunset and sunrise, and be equipped with technology that automatically adjusts the brightness accordingly;*** (2014-10-17)
 - ii. have a maximum transition time from one image or format to the next of 2 seconds;
 - iii. have a minimum image display time of 10 seconds;
 - iv. be shielded to reduce glare in a manner acceptable to Council;
 - v. have a positive contrast orientation;
 - vi. not have animation;
 - vii. not have flashing, strobe, intermittent or moving lights; and
 - viii. not have lights in a colour or combination of colours which in the opinion of Council, may be misinterpreted as an emergency/warning device or vehicle or other traffic control device; ***and***
 - ix. ***if possible, sign to display a black screen in the event of an error. (2014-10-17)***
- (b) A changeable message sign face shall be permitted as a sign face on a billboard sign, ground sign or pylon sign, marquee sign, menu boards, on site directional sign, portable sign, projecting sign, roof sign and wall sign subject to:
 - i. the conditions that apply to such signs in Section 8, and
 - ii. the list of permitted signs outlined in each use zone in Section 11.
- (c) Where a free-standing changeable message sign is used primarily for off-site advertising, a free-standing changeable message sign shall be permitted provided:
 - i. the lot or property on which the sign is to be located has a minimum frontage of 30 m;
 - ii. the maximum area of a sign face shall not exceed 7 m²;

- iii. the maximum overall height of the sign from the surface above the ground to the top of the sign shall be 5 m;
- iv. the sign shall be set back a minimum distance of **20 m** from the intersection of streets; **(2014-10-17)**
- v. the sign shall not be located closer than 2 m to the front or flanking street lot line;
- vi. the sign shall not be located closer than 2 m to a side lot line;
- vii. the sign shall not be located within the limits of a utility or municipal service easement;
- viii. a minimum separation distance of 100 m shall be maintained between signs when on the same side of the street and in the same line of sight or visual plane;
- ix. the sign shall not interfere or obstruct access to or from a lot or create a visual obstruction to the travelling public;
- x. the sign shall not be located within 60 m of a residential zone and shall not be oriented such that it faces an abutting residential zone or residential lot;
- xi. lighting of the sign shall not adversely affect neighbouring areas; **(2014-10-17)**
- xii. the sign shall be anchored and secured in accordance with the requirements of the City's Engineering Services Division; and
- xiii. the sign and foundation shall be constructed in accordance with engineered drawings prepared, signed and sealed by a professional engineer of the Association of Professional Engineers and Geoscientists of Newfoundland and Labrador.

8.20.5 Ground Sign or Pylon Sign

Unless otherwise determined by Council, one ground or pylon sign shall be permitted per street frontage of a lot, subject to the following requirements.

- (a) The sign shall have a maximum overall vertical height of eight metres (8 m) above the surface of the ground.
- (b) The sign shall have a maximum overall horizontal length of six metres (6 m).
- (c) The maximum area for the sign face shall be forty-eight square metres (48 m²) exclusive of the sign's supports and mounts.
- (d) The sign shall be setback a minimum distance of half the height of the sign from the property's front lot line.
- (e) The sign shall be setback a minimum distance of one metre (1 m) from the property's side lot lines.
- (f) The sign shall have a minimum separation distance of two metres (2 m) to an adjoining dwelling, apartment, school, or place of worship.
- (g) There shall not be any electrical component of the sign within one metre (1 m) above the surface of the ground.
- (h) A minimum separation distance of fifteen metres (15 m) shall be maintained between ground or pylon signs located on abutting properties.
- (i) The ground or pylon sign shall not be permitted to be located along the lot line that abuts a residential lot.
- (j) Where there is more than one ground or pylon sign permitted per lot, there shall not be more than one ground or pylon sign for every thirty metres (30 m) of lot frontage.

- (k) The sign shall be anchored and constructed in accordance with the engineering drawings approved by Council.

8.20.6 Inflatable Sign

Inflatable signs shall be permitted subject to the following requirements.

- (a) There shall be a limit of one rooftop or ground inflatable sign per lot or for every thirty metres (30 m) of lot frontage.
- (b) The sign shall be set back from a lot line a minimum distance of one decimal five metres (1.5 m) times the inflated height of the sign.
- (c) The sign shall not interfere or obstruct access to or from a lot.
- (d) The sign may be illuminated internally or externally but shall not contain flashing or intermittent lighting or lighting which creates glare when viewed by on-coming traffic or by abutting residential uses.
- (e) The maximum height and size of the sign shall be determined at the discretion of the Director of Planning and Development but shall be in accordance with, and relevant to, standard model sizes and dimensions available from balloon or inflatable advertisement manufacturers.
- (f) The sign shall be anchored or secured in accordance with the requirements of Council.
- (g) The time limit for the sign permit shall be specific to the duration of the event to which the advertisement is related but shall not exceed 30 days. Upon expiration of the sign permit, the permit may be renewed for another 30 day period provided Council is satisfied that the sign is being maintained to Council's satisfaction and the sign conforms to the Regulations and the conditions attached to the permit.
- (h) If, in the opinion of Council, the sign is a hazard or unsafe to the public, the advertisement shall be removed immediately upon notice.

8.20.7 Marquee Sign

A marquee sign shall be permitted on the principal façade of a building subject to the following requirements.

- (a) The minimum vertical clearance beneath the sign to above the surface of the ground shall be three metres (3 m).
- (b) The sign may extend the full length of a marquee but in no case shall such sign project beyond the ends of such a marquee.
- (c) A marquee sign shall not extend over public land or streets except where approved by Council.
- (d) The sign shall be anchored or secured to the building in accordance with the requirements of Council.

8.20.8 Menu Boards

Menu boards which are used to display and order products on a lot shall be permitted subject to the following requirements.

- (a) There shall be one pre-menu board and one menu board per drive-through on a lot.
- (b) The maximum area for the sign face of a pre-menu board shall be two square metres (2 m²).

- (c) The pre-menu board sign shall have a maximum height of three metres (3 m) above the surface of the ground.
- (d) The maximum area for the sign face of a menu board shall be four decimal one square metres (4.1 m²) for a single face.
- (e) The menu board sign shall have a maximum height of three metres (3 m) above the surface of the ground.

8.20.9 On-Site Traffic Directional Sign

On-site traffic directional signs which direct motor vehicle or pedestrian traffic on a lot shall be permitted subject to the following requirements.

- (a) There shall be no limit to the number of on-site traffic directional signs on a lot.
- (b) An on-site traffic directional sign shall be confined to directing motor vehicle or pedestrian traffic and includes such signs as an entrance sign, an exit sign, or a motor vehicle parking direction sign.
- (c) The maximum area for the sign face shall be zero decimal seven five square metres (0.75 m²) for a single face.
- (d) The sign shall have a maximum height of one decimal two metres (1.2 m) above the surface of the ground.

8.20.10 Off-Site Directional Sign

Off-site directional signs, which direct traffic to a commercial or industrial development or use, shall not be permitted. Off-site directional signs related to a charitable, non-profit, or municipally-sponsored event, which direct traffic to a community facility, may be permitted as determined by Council provided only one sign is erected per street frontage, the sign is erected for the duration of the event, and the location, size, and construction of the sign conforms to the requirements of Council.

8.20.11 Portable Sign

A portable sign shall be permitted subject to the following requirements.

- (a) The sign shall have a maximum of two sign faces.
- (b) The maximum sign face area shall be nine square metres (9 m²) for each sign face.
- (c) The maximum overall height of the sign from ground level to the top of the sign shall be three metres (3 m).
- (d) The sign shall be set back a minimum distance of one decimal five metres (1.5 m) from a lot line. Where the sign is on a corner lot, the sign shall not be located within the sight triangle.
- (e) Not more than one sign is permitted at any one time on any property having a frontage of less than twenty metres (20 m). On lots with frontages greater than twenty metres (20 m), a minimum separation distance of twelve metres (12 m) shall be maintained between each portable sign.
- (f) The sign shall not interfere or obstruct access to or from a lot.
- (g) The sign shall not be placed on a portion of a lot that abuts a residential zone or existing residential lot.
- (h) If the sign is illuminated, the sign shall be of a design approved by the Canadian Standards Association (CSA) and bear the CSA approval decal on the sign.
- (i) The sign shall be constructed in accordance with the engineering drawings approved by Council.

- (j) The portable sign permit shall be valid for a period of 90 days from the date of issue by Council. Upon expiration of the sign permit, the sign is to be removed or a new sign application submitted to Council and such permits may be renewed for further periods of 90 days upon application and approval.

8.20.12 Sidewalk Sign

A sidewalk sign shall be permitted subject to the following requirements:

- (a) The sign shall only be displayed or erected on the public street abutting the business and, only in cases where it is not possible because of the size of the lot, to locate a ground or portable sign entirely on the same lot as the business for which the sign applies.
- (b) The sign shall have a maximum height of one metre (1 m).
- (c) The sign shall have a maximum of two sign faces.
- (d) The sign shall have a maximum sign face of zero decimal five five square metres (0.55 m^2) for each sign face.
- (e) The sign shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times.
- (f) The sign shall not be located within three metres (3 m) of a driveway access.
- (g) The sign shall be located as close to the building face as possible and maintain a minimum unobstructed sidewalk width of one decimal five metres (1.5 m).
- (h) The sign shall be secured in accordance with the requirements of Council.

8.20.13 Projecting Sign

A projecting sign shall be permitted on any principal façade of a building subject to the following requirements:

- (a) The minimum vertical clearance beneath the sign above the surface of the ground shall be three metres (3 m).
- (b) The maximum overall projection of the sign from the building shall be three metres (3 m).
- (c) The sign is rigid and its design and construction does not permit it to swing in the wind.
- (d) A projecting sign shall not extend over public land or streets except where approved by Council.
- (e) A projecting sign shall not extend over a driving area or parking surface except where approved by Council.

8.20.14 Roof Sign

One roof sign per building shall be permitted subject to the following requirements.

- (a) The sign shall not exceed the maximum permitted height of a building as specified in the Use Zone in which the building is located.
- (b) The height of a roof sign shall respect the scale of the building and neighbourhood where it is located. The maximum height of a roof sign located on a flat roof building shall be two metres (2 m), whereas the maximum height of a roof sign located on a pitch roof shall be half the height of the roof pitch.
- (c) The sign shall not project beyond the exterior wall or walls of the building to which it is attached.

- (d) The electrical wiring of a roof sign shall be in accordance with the requirements of Council.
- (e) The sign shall be anchored or secured to the building in accordance with the requirements of Council.
- (f) The sign shall be constructed in accordance with engineered drawings approved by Council.

8.20.15 Wall Sign

A wall sign shall be permitted subject to the following requirements:

- (a) A wall sign may be placed on a wall or building abutting any street or public highway provided the wall sign does not immediately face a residential lot or zone.
- (b) Unless otherwise determined by Council, the total area of all wall signs on any one architectural elevation of a building shall not exceed 20% of the building face.
- (c) The length of the sign shall not be longer than the horizontal measurement of the wall or building façade to which it is attached and the sign shall not extend beyond the end of the wall to which it is attached, with the exception of wrap around signs.
- (d) A wall sign shall not project more than 30 cm from the wall of the building.
- (e) Where permitted by Council, a wall sign projecting over public property shall be erected with a vertical clearance not less than three metres (3 m) above the surface of the ground.
- (f) The wall sign shall be of an architectural scale and styling that, in the opinion of Council, is in keeping with architectural scale and styling of the building to which it is attached.
- (g) No wall sign shall be permitted to cover any part of a required exit from a building or obstruct free access thereto or egress therefrom.
- (h) The sign shall be anchored or secured to the building in accordance with the requirements of Council.

8.21 **Multi-Tenant Building**

Notwithstanding the above requirements, signs for buildings housing two or more uses or occupancy shall be limited to one wall sign per use or occupancy and one pylon or ground sign per street frontage for the whole building. Such pylon or ground sign shall display the advertisement for all uses or occupancies housed in the building.

8.22 **Signs Along The Trans Canada Highway**

The Government of Newfoundland and Labrador Highway Sign Regulations apply within one hundred metres (100 m) of all highways constructed and maintained by the Provincial Department of Works, Services, and Transportation. The erection or placement of any sign within one hundred metres (100 m) of the road right-of-way of the Trans Canada Highway or Pitts Memorial Drive is therefore subject to dual jurisdiction, and must meet the conditions of the provincial government as well as Council, as follows:

- 8.22.1 the sign shall be approved in accordance with the provincial Highway Sign Regulations, and a highway sign permit must be obtained from the Government Service Centre; and

8.22.2 the sign shall meet the conditions of Council for the particular type of sign as outlined in the Use Zone in which the sign is located.

8.23 Cessation of Use

Upon the cessation of a use, event, or a business, any sign or advertisement associated with that ceased use, event, or business shall be removed within thirty days of the cessation of the use, event, or business.

8.24 Application to Existing Signs and Advertisements

Every existing sign and advertisement approved by Council shall be brought into conformity with these Regulations in the event of their structural alteration, relocation or replacement. Maintenance and repair of the sign or advertisement shall not be deemed in itself to constitute an alteration. In the case of portable or inflatable signs, conformity to these Regulations shall be immediate.

SECTION 9 – OFF-STREET PARKING AND LOADING REGULATIONS

9.1 Off-Street Parking Requirements

For every building, structure, or use to be erected, enlarged, or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure, or use.

9.2 General Parking Requirements

The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the following requirements.

DEVELOPMENT OR USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Amusement Use	One parking space for every 10 square metres of seating area or 1 parking space per 3 seats, whichever is greater.
<i>Animal Grooming</i>	<i>One parking space for every 20 square metres of gross floor area.</i> <i>(2015-03-06)</i>
Apartment Building	Three spaces for every 2 dwelling units.
Auction House	One parking space per 15 square metres of net sales or storage area whether or not such area is located inside or outside a building.
Automotive Sales	In addition to the parking spaces required for the principal building, one parking space for every 20 vehicles of capacity for sales display at the automotive sales lot.
Bakery	One parking space per 15 square metres of net floor area.
Bank	One parking space per 15 square metres of net floor area
Bar	One parking space for every 5 square metres of seating area.

DEVELOPMENT OR USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Bed and Breakfast	One parking space per guest room in addition to the two spaces for the dwelling unit.
Car Wash	One parking space per washing bay and one parking space for each 30 square metres of office space.
Civic Use	As specified by Council.
Clinic	Three parking spaces per examining room.
Club and Lodge	One parking space for every 3 persons that may be accommodated at one time.
Collective Residential	As specified by Council.
Commercial Garage	One parking space per 30 square metres of net floor area (parking provision for the storage of new and used vehicles for sale shall not be counted towards this requirement).
Commercial School	One parking space per 5 square metres of classroom area plus one parking space per 30 square metres of net floor area used for school administration purposes.
Communications	One parking space per 30 square metres of net floor area.
Convenience Store	One parking space for every 20 square metres of gross floor area.
Cultural Centre	One parking space for every 50 square metres of gross floor area.
Double Dwelling	Two parking spaces for every dwelling unit.
Drive-Through Bank	One parking space per 15 square metres of net floor area.
Drive-Through Restaurant	One parking space per 5 square metres of seating space.

DEVELOPMENT OR USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Drive-Through Take-Out Food	One parking space per 5 square metres of seating space plus one parking space per employee.
Dry Cleaning	One parking space per 30 square metres of net floor area.
Family Child Care Use	<i>In Residential Zones: At the discretion of Council. In Non-Residential Zones: One parking space for every 30 square metres of gross floor area.</i> (2014-08-15)
Funeral Home	One parking space for every 5 square metres of gross floor area used by visitors.
<i>Furniture and Appliance Showroom</i>	<i>One parking space for every 50 square metres of gross floor area.</i> (2013-06-21)
Gas Bar	Two spaces.
General Assembly	One parking space for every 10 square metres of seating area or one space per three (3) seats, whichever is greater.
General Industry Use	One parking space for every employee.
Group Child Care Use	One parking space plus one parking space per 30 square metres of gross floor area.
<i>Group Fitness Use</i>	<i>Three parking spaces for every 5 patrons of the facility at maximum capacity.</i> (2015-02-06)
Hazardous Industry Use	One parking space for every employee.
Health Club	One parking space for every 20 square metres of gross floor area.
Hotel	One parking space for every 3 sleeping units plus one parking space for every 15 square metres of banquet seating area.
Indoor Assembly	One parking space for every 10 spectators that may be accommodated at one time.

DEVELOPMENT OR USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
<i>Indoor Firearms Shooting Range</i>	<i>One parking space per shooting lane not including any ancillary shop use. (2017-01-20)</i>
Indoor Market	As specified by Council.
Light Industry	One parking space for every 150 square metres of net storage area.
Night Club	One parking space for every 5 square metres of seating area.
Office	One parking space for every 30 square metres of net floor area.
Outdoor Assembly Use	As specified by Council.
Outdoor Garden Market	As specified by Council.
Personal Care Use	One parking space for every 2 patients. Council may consider waiving up to fifty percent (50%) of the required parking, provided that the applicant is able to show that because of the particular characteristics of the Development that the actual parking requirements within the foreseeable future are expected to be lower than those required by City standards.
Personal Service	One parking space for every 20 square metres of gross floor area.
Place of Worship	One parking space for every 5 seats or 10 square metres of gross floor area, whichever is greater.
Planned Unit Development	As specified by Council.
Retail Warehouse	One parking space for every 20 square metres of gross leasable area.
Restaurant	One parking space for every 5 square metres of seating area.
Row Dwelling	Two spaces for every dwelling unit.

DEVELOPMENT OR USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
School	One parking space per 30 square metres of classroom area.
Service Station	One parking space for every 20 square metres of gross floor area.
Shop	One parking space for every 20 square metres of gross floor area.
Shopping Centre	One parking space for every 20 square metres of gross leasable area.
Single Detached Dwelling	Two spaces for every dwelling unit.
Subsidiary Apartment	One parking space for every dwelling unit.
Take-Out Food Service	Minimum of 12 spaces plus one parking space per 5 square metres of seating area.
Taxi Stand	As specified by Council.
Theatre	One parking space for every 5 seats or one parking space per 10 seats if in conjunction with a shopping centre.
Transportation Terminal	As specified by Council.
Veterinary	One parking space for every 10 square metres of waiting room area.
Unspecified	For every use, building, or structure not specified above, the requirement shall be determined by Council.

9.3 Cumulative Requirements

In the case of development that includes more than one use, these requirements shall be regarded as cumulative.

9.4 *Designated Mobility Impaired Parking Spaces*

For any development where parking spaces for person with disabilities, are required pursuant to the Buildings Accessibilities Regulations under the Building Accessibility Act

(Newfoundland and Labrador), such spaces shall be provided on the basis of one (1) parking space per lot or four percent (4%) of the total number of required parking spaces provided on the lot, whichever is greater, and such parking space or spaces shall be designated and marked in accordance with the Designated Mobility Impaired Parking Regulations under the Highway Traffic Act (Newfoundland and Labrador) and the Buildings Accessibilities Act.

(2012-11-09) and (2015-01-23)

9.5 Parking Area on Lot

A parking area shall be situated on the lot on which the use it is accessory to is located, except as provided for in Regulation 9.7. *(2015-01-23)*

9.6 Drop-Off and Pick-Up Areas

Adequate off-street provision for drop-off and pick-up of persons shall be provided in a development where required as determined by Council.

9.7 Parking Space Standard

Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least three metres (3 m) in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking space shall be a minimum size of two decimal eight metres (2.8 m) in width and five decimal eight metres (5.8 m) in length and shall be provided on the development's lot or within the limits of the zone in which the use is situated and not more than two hundred metres (200 m) distant from the use concerned.

9.8 Residential Off-Street Parking Spaces

Where an off-street parking space or spaces has/have been approved by Council on a residential lot or property, parking of vehicles shall be on the hard surfaced area of the lot approved for the off-street parking space or spaces and the parking of vehicles shall not be permitted on the landscaped portion of the front yard or flanking street side yard of the lot or property.

9.9 Enclosed Garage or Carport

An enclosed garage or carport will be considered a parking space for the purposes of these Regulations provided the garage or carport meets the minimum development standards of the Use Zone it is located within and the parking space meets the minimum parking space standards of these Regulations.

9.10 No Reversing Onto Street

The parking facilities required by this Regulation shall, except in the case of single or *semi-detached* dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street. *(2015-01-23)*

9.11 Parking Area

Where, in these Regulations, a parking area for more than four vehicles are required or permitted:

9.11.1 *unless approved by Council pursuant to Regulation 9.12*, parking space shall mean an area of land, not less than sixteen decimal three square metres (16.3 m²) in size, capable

- of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas; (2014-01-03)
- 9.11.2 a parking area shall meet the minimum parking stall, size, aisle width and curb length as outlined in the Parking Area Standards in Appendix 1 of these Regulations;
 - 9.11.3 a parking area and an adjoining driveway shall be paved and shall provide drainage, lighting, curbs, and landscaping in accordance with requirements of Council.
 - 9.11.4 the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - 9.11.5 a structure, not more than three metres (3 m) in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
 - 9.11.6 except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - 9.11.7 no part of any off-street parking area shall be closer than two metres (2 m) to any lot line in any zone;
 - 9.11.8 access to a parking area in non-residential zones shall not be by way of residential zones;
 - 9.11.9 where a parking area is in or abuts a residential zone, a natural or structural barrier at least one metre (1 m) in height shall be erected and maintained along all lot lines;
 - 9.11.10 where, in the opinion of Council, strict application of the above parking requirements is impractical or undesirable, Council may, as a condition of a permit, require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by Council for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

9.12 Indoor Parking Facilities Standards

At the discretion of Council, the parking standards for indoor parking facilities may be reduced as follows:

- 9.12.1** *the minimum stall length shall be 5.6 metres;*
- 9.12.2** *the minimum stall width shall be 2.6 metres;*
- 9.12.3** *the minimum aisle width shall be 6.8 metres;*
- 9.12.4** *the minimum centre to centre width of a double row with aisle in between shall be 18.0 metres;and*
- 9.12.5** *the minimum height clearance shall be 2.38 metres.* (2014-01-03)

9.13 Parking Exemption – City Centre (CC) Use Zone

- 9.13.1 Council may reduce or exempt developments from the off-street parking requirements of these Regulations provided adequate alternative parking facilities are available within or in the general vicinity of the CC zone as illustrated on Map 1.
- 9.13.2 Council may consider the number of public parking spaces in close proximity to a development in the calculation of the required number of parking spaces for that development.
- 9.13.3 A Development Agreement or cash-in-lieu of providing the number of required parking spaces may be required by Council in cases where a development is approved with a reduced number of off-street parking spaces or is exempt from providing the required number of off-street parking spaces.

9.14 Parking Relief

Council may relieve an applicant of all or part of the parking required under Regulation 9.2 provided that the applicant is able to show that, because of the particular characteristics of the development, the actual parking requirements within the foreseeable future are expected to be lower than those required by City requirements.

9.15 Off-Street Loading Requirements

- 9.15.1 For every building, structure, or use to be erected, enlarged, or established requiring the shipping, loading, or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, fifteen metres (15 m) long, four metres (4 m) wide, and having a vertical clearance of at least four metres (4 m) with direct access to a street or with access by a driveway of a minimum width of six metres (6 m) to a street.
- 9.15.2 The number of loading spaces to be provided shall be determined by Council.
- 9.15.3 The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.
- 9.15.4 All site layouts, regardless of present use, shall be sufficient to permit the full turn-around of tractor trailer vehicles upon the site without transgressing upon or backing into or out of the street. A minimum of twenty-three metres (23 m) will be required for this purpose.

SECTION 10 – APPEALS AND ENFORCEMENT

10.1 Right of Appeal

Council shall, when refusing to issue a permit or attaching conditions to a permit, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- 10.1.1 person's right to appeal the decision to the Local Board of Appeal.
- 10.1.2 time by which an appeal is to be made,
- 10.1.3 right of other interested persons to appeal the decision, and
- 10.1.4 manner of making an appeal and the address for the filing of the appeal.

10.2 Local Board of Appeal Established

A Local Board of Appeal shall be appointed to hear all appeals arising from these Regulations.

10.3 Appointment of Local Board of Appeal

- 10.3.1 Council may, subject to the approval of the Minister, appoint not less than three and not more than five persons to constitute the Local Board of Appeal.
- 10.3.2 Council, under Regulation 10.3.1, shall not appoint elected or appointed officials of Council to be members of the Local Board of Appeal.
- 10.3.3 Every member of the Local Board of Appeal shall be appointed for such periods, not exceeding the term of office of Council, as may be deemed appropriate by Council, and shall be eligible for re-appointment.
- 10.3.4 The Local Board of Appeal shall be presided over by a Chairperson appointed from among its members by Council or, in the absence of the Chairperson, such member as the members present shall from among themselves appoint.
- 10.3.5 A majority of the members of the Local Board of Appeal shall constitute a quorum.
- 10.3.6 Council may, by a two-thirds vote of its members, provide for remuneration to be paid to members of the Local Board of Appeal and may prescribe the amount.
- 10.3.7 Where a Local Board of Appeal has been appointed and approved under Regulation 10.3.1, Council shall appoint the Secretary of that Local Board of Appeal.

10.4 Appeal Board to Act as Local Board of Appeal

Where a Local Board of Appeal has not been appointed and approved by the Minister under Regulation 10.3.1, the appropriate Regional Board of Appeal established under the provisions of the Act shall be deemed to have been appointed as the Local Board of Appeal, and shall carry out the functions and exercise the same powers as if it were appointed a Local Board of Appeal under Regulations 10.3.1, but it shall not be obliged to hold appeal hearings within the Planning Area or to hear appeals within the time limits established under these Regulations.

10.5 Appeals to Local Board of Appeal

- 10.5.1 The Local Board of Appeal shall hear appeals from decisions of Council made under these Regulations and shall either confirm the decision or recommend to Council that the decision be varied or reversed.
- 10.5.2 Any person may appeal to the Local Board of Appeal from a decision of Council made under these Regulations.

- 10.5.3 An appeal shall:
- (a) be submitted in writing to Council within thirty (30) days of the date of the decision appealed from,
 - (b) include an appeal fee to be paid to the Local Board of Appeal hearing the appeal, and
 - (c) state the circumstances and grounds of the appeal.
- 10.5.4 Where the municipality has not appointed a Local Board of Appeal, the appeal fee shall be the fee established for appeals to the Regional Board of Appeal by Order of the Minister, and where the municipality has appointed the Local Board of Appeal, the appeal fee shall be an amount established by resolution of Council and no greater than the Regional Appeal Boards appeal fee.
- 10.5.5 Within one week of receiving an appeal, Council shall forward it to the Local Board of Appeal together with the required fee and a copy of the application appealed from and all other correspondence, plans, and pertinent information.
- 10.5.6 The Local Board of Appeal shall meet to hear an appeal within sixty calendar days after that appeal has been filed with Council, and shall make its decision known in writing to Council and to the appellant within two weeks of hearing the appeal.
- 10.5.7 Council, the appellant, and any other person likely to be affected by the appeal, shall be advised of the time and place of the appeal hearing by the Secretary at least one week before the appeal is to be heard.
- 10.5.8 Council and the appellant are entitled, but are not bound, to appear before the Local Board of Appeal either personally or by representatives appointed by them.
- 10.5.9 The Local Board of Appeal shall consider and determine each appeal in accordance with the intent of these Regulations and the Municipal Plan and any further plan, scheme, or regulations that are in force, having due regard to the circumstances and merits of the particular case and the use of discretionary powers by Council.
- 10.5.10 In determining an appeal, the Local Board of Appeal shall be bound by the Municipal Plan and any further scheme or plan that is in force under the Act.
- 10.5.11 Every member of a Local Board of Appeal shall be subject to the provisions of the *City of Mount Pearl Act* with respect to conflict of interest as if the member were a councillor elected under that Act. (2015-01-23)
- 10.5.12 The decision of a majority of the members of the Local Board of Appeal present, excluding all members prohibited from voting because of conflict of interest, shall be the decision of the Board whose decision shall not be subject to further appeals to any other Appeal Board constituted under the Act.
- 10.5.13 If a Local Board of Appeal is unable to decide an appeal because of the conflict of interest of a majority of its members, Council shall, subject to the approval of the Minister, and for that appeal only, appoint other persons to replace those members so affected.

10.6 Effect of Decision by Local Board of Appeal

Council shall be bound to carry out the decision of the Local Board of Appeal, which decision shall be binding on all parties.

10.7 Return of Appeal Fee

Where an appeal made by an appellant under Regulation 10.5 is successful, an amount of money equal to the fee paid by that appellant under Regulation 10.5.3 (b) shall be paid to him or her by Council, and the Local Board of Appeal shall so order in its decision.

10.8 Development May Not Proceed

Where a Notice of Registration of Appeal is received by Council, the development concerned shall not proceed pending a decision on the appeal and the subsequent issue of all required permits.

10.9 Record of Violations

Every inspector shall keep a record of any violation of these Regulations which comes to the inspector's knowledge and report that violation to Council.

10.10 Order

- 10.10.1 Where, contrary to a plan or Development Regulations, a person has undertaken or commenced a building or other development, Council may order that the person pull down, remove, stop construction, fill in or destroy that building or development, and may order that the person restore the site or area to its original state.
- 10.10.2 A person ordered to carry out an action under Regulation 10.10.1 shall be served with that order and shall comply with the order at the person's own expense.
- 10.10.3 An order made under this section continues in force until revoked by Council.
- 10.10.4 Council may, in an order made under this section, specify a time within which there shall be compliance with the order.
- 10.10.5 Where a person to whom an order is directed under this section does not comply with the order or a part of it, Council may take the action that it considers necessary to carry out the order and any costs, expenses, or charges incurred by Council in carrying out the order are recoverable against the person against whom the order was made as a debt owed to the City.
- 10.10.6 A person who does not comply with an order made under Regulation 10.10.1 is guilty of an offence under the provision of the Act and is subject to such penalties as outlined in the Act.

10.11 Delegation of Authority to Issue Order

Where Council has delegated to an employee of Council its authority to issue an Order in accordance with Regulation 1.6, the Order shall be confirmed by a majority vote of the members of Council present at the next meeting of Council after the Order is made, and if the Order is not confirmed in this manner, it shall be considered cancelled.

10.12 Stop Work Order and Prosecution

- 10.12.1 Where a person begins a development contrary, or apparently contrary, to these Regulations, Council may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- 10.12.2 A person who does not comply with an order made under Regulation 10.11.1 is guilty of an offence under the provisions of the Act.

10.13 Injunctive and Other Relief

Council may take an action by way of prosecution or other legal proceedings including, but not limited to, an application for injunctive or declaratory relief which Council considers necessary to enforce these Regulations.

SECTION 11 – USE ZONE SCHEDULES

RESIDENTIAL ZONES

RSU-1

11.1 RESIDENTIAL – SINGLE UNIT DETACHED - 1 (RSU-1) ZONE

11.1.1 Permitted Uses

Residential:

- (a) Accessory Building (Subject to Regulation 6.2)
- (b) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (c) **Community Garden (Subject to Regulation 7.9)** (2016-06-17)
- (d) Family and Group Care Centre (Subject to Regulation 7.14)
- (e) Home Office (Subject to Regulation 7.19)
- (f) Single Detached Dwelling

Recreational:

- (a) Park

11.1.2 Discretionary Uses

- (a) **Beehive (Subject to Regulation 7.6)** (2017-04-13)
- (b) **Family Child Care Use (Subject to Regulation 7.13)** (2014-08-15)

11.1.3 Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Lot Area 650 m²
- (b) Minimum Frontage 20 m
- (c) Minimum Building Line Setback 10 m
- (d) Minimum **Side Yard** Width - One of 3 m (2015-01-23)
and another of 2 m
- (e) Minimum Flanking Street **Side Yard** Width 10 m (2015-01-23)
- (f) Minimum **Rear Yard** Depth 10 m (2015-01-23)
- (g) Maximum Lot Coverage 33%
- (h) Maximum Building Height 8 m

11.2 RESIDENTIAL – SINGLE UNIT DETACHED – 2 (RSU-2) ZONE

11.2.1 Permitted Uses

Residential:

- (a) Accessory Building (Subject to Regulation 6.2)
- (b) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (c) ***Community Garden (Subject to Regulation 7.8)*** (2016-06-17)
- (d) Family and Group Care Centre (Subject to Regulation 7.14)
- (e) Home Office (Subject to Regulation 7.19)
- (f) Single Detached Dwelling

Recreational:

- (a) Park

11.2.2 Discretionary Uses

- (a) ***Beehive (Subject to Regulation 7.6)*** (2017-04-13)
- (b) ***Family Child Care Use (Subject to Regulation 7.13)*** (2014-08-15)

11.2.3 Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Lot Area 450 m²
- (b) Minimum Frontage 15 m
- (c) Minimum Building Line Setback 7.5 m
- (d) Minimum ***Side Yard*** Width - One of 2.4 m (2015-01-23)
and another of 1.2 m
- (e) Minimum Flanking Street ***Side Yard*** Width 7.5 m (2015-01-23)
- (f) Minimum Rearyard Depth 8 m
- (g) Maximum Lot Coverage 33%
- (h) Maximum Building Height 8 m

11.3 RESIDENTIAL – SINGLE UNIT DETACHED – 3 (RSU-3) ZONE

11.3.1 Permitted Uses

Residential:

- (a) Accessory Building (Subject to Regulation 6.2)
- (b) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (c) **Community Garden (Subject to Regulation 7.9)** (2016-06-17)
- (d) Family and Group Care Centre (Subject to Regulation 7.14)
- (e) Home Office (Subject to Regulation 7.19)
- (f) Single Detached Dwelling

Recreational:

- (a) Park

11.3.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) **Beehive (Subject to Regulation 7.6)** (2017-04-13)
- (b) **Family Child Care Use (Subject to Regulation 7.13)** (2014-08-15)
- (c) Home Occupation

11.3.3 Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Lot Area 330 m²
- (b) Minimum Frontage 12 m
- (c) Minimum Building Line Setback 7.5 m
- (d) Minimum **Side Yard** Width - One of 2.4 m (2015-01-23)
and another of 1.2 m
- (e) Minimum Flanking Street **Side Yard** Width 7.5 m (2015-01-23)
- (f) Minimum **Rear Yard** Depth 8 m (2015-01-23)
- (g) Maximum Lot Coverage 33%
- (h) Maximum Building Height 8 m

11.4 RESIDENTIAL – LOW DENSITY (RLD) ZONE

11.4.1 Permitted Uses

Residential:

- (a) Accessory Building (Subject to Regulation 6.2)
- (b) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (c) ***Community Garden (Subject to Regulation 7.9)*** (2016-06-17)
- (d) Family and Group Care Centre (Subject to Regulation 7.14)
- (e) Home Office (Subject to Regulation 7.19)
- (f) Single Detached Dwelling

Recreational:

- (a) Park

11.4.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) ***Beehive (Subject to Regulation 7.6)*** (2017-04-13)
- (b) Dwelling Unit Associated with a Place of Worship (Subject to Regulation 7.12)
- (c) ***Family Child Care Use (Subject to Regulation 7.13)*** (2014-08-15)
- (d) Home Occupation (Subject to Regulation 7.18)
- (e) Place of Worship
- (f) Subsidiary Apartment Within a Single Detached Dwelling

11.4.3 Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Lot Area 585 m²
- (b) Minimum Frontage 18 m
- (c) Minimum Building Line Setback 8 m
- (d) Minimum ***Side Yard*** Width - One of 3 m (2015-01-23)
and another of 1.2 m
- (e) Minimum Flanking Street ***Side Yard*** Width 8 m (2015-01-23)
- (f) Minimum ***Rear Yard*** Depth 10 m (2015-01-23)
- (g) Maximum Lot Coverage 33%
- (h) Maximum Building Height 8 m

11.5 RESIDENTIAL – MEDIUM DENSITY (RMD) ZONE

11.5.1 Permitted Uses

Residential:

- (a) Accessory Building (Subject to Regulation 6.2)
- (b) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (c) **Community Garden (Subject to Regulation 7.9)** (2016-06-17)
- (d) Double Dwelling
- (e) Family and Group Care Centre (Subject to Regulation 7.14)
- (f) Home Office (Subject to Regulation 7.19)
- (g) Single Detached Dwelling
- (h) Subsidiary Apartment Within a Single Detached Dwelling

Recreational:

- (a) Park

11.5.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Bed and Breakfast (Subject to Regulation 7.5)
- (b) **Beehive (Subject to Regulation 7.6)** (2017-04-13)
- (c) Convenience Store (Subject to Regulation 7.10)
- (d) Dwelling Unit Associated with a Place of Worship (Subject to Regulation 7.12)
- (e) **Family Child Care Use (Subject to Regulation 7.13)** (2014-08-15)
- (f) Group Child Care Use (Subject to Regulation 7.16)
- (g) Halfway House (Subject to Regulation 7.17)
- (h) Home Occupation (Subject to Regulation 7.18)
- (i) Personal Care Use (Subject to Regulation 7.26)
- (j) Place of Worship
- (k) Row Dwelling
- (l) School

11.5.3 Development Standards

Single Detached Dwelling

- (a) Minimum Lot Area 450 m²
- (b) Minimum Frontage 15 m
- (c) Minimum Building Line Setback 7.5 m
- (d) Minimum **Side Yard** Width 2.4 m + 1.2 m (2015-01-23)
- (e) Minimum Flanking Street **Side Yard** Width 7.5 m (2015-01-23)
- (f) Minimum **Rear Yard** Depth 8 m (2015-01-23)
- (g) Maximum Lot Coverage 33%
- (h) Maximum Building Height 8 m

Double Dwelling

(a)	Minimum Lot Area	390 m ² per dwelling unit
(b)	Minimum Frontage	18 m
(c)	Minimum Building Line Setback	7.5 m
(d)	Minimum <i>Side Yard</i> Width	2.4 m (2015-01-23)
(e)	Minimum Flanking Street <i>Side Yard</i> Width	7.5 m (2015-01-23)
(f)	Minimum <i>Rear Yard</i> Depth	8 m (2015-01-23)
(g)	Maximum Lot Coverage	33%
(h)	Maximum Building Height	8 m

Row Dwelling

(a)	Minimum Lot area	180 m ² per dwelling unit
(b)	Minimum Frontage	6 m per dwelling unit
(c)	Minimum Building Line Setback	7.5 m
(d)	Minimum <i>Side Yard</i> Width	3 m (2015-01-23)
(e)	Minimum Flanking Street <i>Side Yard</i> Width	7.5 m (2015-01-23)
(f)	Minimum <i>Rear Yard</i> Depth	8 m (2015-01-23)
(g)	Maximum Lot Coverage	33%
(h)	Maximum Building Height	10 m

11.6 RESIDENTIAL – HIGH DENSITY (RHD) ZONE

11.6.1 Permitted Uses

Residential:

- (a) Accessory Building (Subject to Regulation 6.2)
- (b) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (c) Apartment Building
- (d) **Community Garden (Subject to Regulation 7.9)** (2016-06-17)
- (e) Double Dwelling
- (f) Family and Group Care Centre (Subject to Regulation 7.14)
- (g) Home Office (Subject to Regulation 7.19)
- (h) Row Dwelling
- (i) Single Detached Dwelling

Recreational:

- (a) Park

11.6.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) Bed and Breakfast (Subject to Regulation 7.5)
- (c) **Beehive (Subject to Regulation 7.6)** (2017-04-13)
- (d) Convenience Store (Subject to Regulation 7.10)
- (e) Dwelling Unit Associated with a Place of Worship (Subject to Regulation 7.12)
- (f) **Family Child Care Use (Subject to Regulation 7.13)** (2014-08-15)
- (g) Group Child Care Use (Subject to Regulation 7.16)
- (h) Halfway House (Subject to Regulation 7.17)
- (i) Home Occupation (Subject to Regulation 7.18)
- (j) Personal Care Use (Subject to Regulation 7.26)
- (k) Place of Worship
- (l) School

11.6.3 Development Standards

Single Detached Dwelling

- (a) Minimum Lot Area 330 m²
- (b) Minimum Frontage 12 m
- (c) Minimum Building Line Setback 7.5 m
- (d) Minimum **Side Yard** Width 2.4 m + 1.2 m (2015-01-23)
- (e) Minimum Flanking Street **Side Yard** Width 7.5 m (2015-01-23)
- (f) Minimum **Rear Yard** Depth 8 m (2015-01-23)
- (g) Maximum Lot Coverage 33%
- (h) Maximum Building Height 8 m

Double Dwelling

(a)	Minimum Lot Area	270 m ² per dwelling unit (2015-08-21)
(b)	Minimum Frontage	18 m
(c)	Minimum Building Line Setback	7.5 m
(d)	Minimum <i>Side Yard</i> Width	2.4 m (2015-01-23)
(e)	Minimum Flanking Street <i>Side Yard</i> Width	7.5 m (2015-01-23)
(f)	Minimum <i>Rear Yard</i> Depth	8 m (2015-01-23)
(g)	Maximum Lot Coverage	33%
(h)	Maximum Building Height	8 m

Row Dwelling

(a)	Minimum Lot Area	135 m ² per dwelling unit
(b)	Minimum Frontage	5 m per dwelling unit
(c)	Minimum Building Line Setback	7.5 m
(d)	Minimum <i>Side Yard</i> Width	3 m (2015-01-23)
(e)	Minimum Flanking Street <i>Side Yard</i> Width	7.5 m (2015-01-23)
(f)	Minimum <i>Rear Yard</i> Depth	8 m (2015-01-23)
(g)	Maximum Lot Coverage	33%
(h)	Maximum Building Height	10 m

Apartment Building

	1 Bed- room	2 Bed- room	3 Bed- room	4 Bed- room
(a)	Minimum Lot Area	170 m ² *	210 m ² *	230 m ² *250 m ² *
(b)	Minimum Floor Area	40 m ² *	50 m ² *	60 m ² * 70 m ² *
(c)	Minimum Frontage	{	30 m	}
(d)	Minimum Building Line Setback	{	10 m	}
(e)	Minimum <i>Side Yard</i> Width	{	8 m	} (2015-01-23)
(f)	Minimum Flanking Street <i>Side Yard</i> Width	{	10 m	} (2015-01-23)
(g)	Minimum <i>Rear Yard</i> Depth	{	12 m	} (2015-01-23)
(h)	Maximum Lot Coverage	{	33%	}
(i)	Maximum Building Height	{	12 m	}
(j)	Additional Maximum <i>Building</i> Height	To be determined by Council subject to Regulation 6.3		

*Per Dwelling Unit
(2015-01-23)

11.6.4

Subsidiary Apartment Within a Single Detached Dwelling

A subsidiary apartment within a Single Detached Dwelling will only be permitted in those single dwellings which are located on lots with a frontage of thirteen decimal five metres (13.5 m) or greater and a lot area of four hundred and five square metres (405 m²) or greater.

11.7 RESIDENTIAL – HIGH DENSITY [SPECIAL] (RHD-S) ZONE

11.7.1 Permitted Uses

Residential:

- (a) Accessory Building (Subject to Regulation 6.2)
- (b) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (c) **Community Garden (Subject to Regulation 7.9)** (2016-06-17)
- (d) Double Dwelling
- (e) Family and Group Care Centre (Subject to Regulation 7.14)
- (f) Home Office (Subject to Regulation 7.19)
- (g) Single Detached Dwelling

Recreational:

- (a) Park

11.7.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) **Beehive (Subject to Regulation 7.6)** (2017-04-13)
- (c) **Family Child Care Use (Subject to Regulation 7.13)** (2014-08-15)
- (d) Group Child Care Use (Subject to Regulation 7.16)
- (e) Halfway House (Subject to Regulation 7.17)
- (f) Home Occupation (Subject to Regulation 7.18)
- (g) Personal Care Use (Subject to Regulation 7.26)

11.7.3 Development Standards

Single Detached Dwelling

- (a) Minimum Lot Area 200 m²
- (b) Minimum Frontage 7.5 m
- (c) Minimum Building Line Setback 6 m
- (d) Minimum **Side Yard** Width 1.5 m (2015-01-23)
- (e) Minimum Flanking Street **Side Yard** Width 4.5 m (2015-01-23)
- (f) Minimum **Rear Yard** Depth 7.5 m (2015-01-23)
- (g) Maximum Lot Coverage 33%
- (h) Maximum Building Height 8 m

Double Dwelling

- (a) Minimum Lot Area 200 m² per dwelling unit
- (b) Minimum Frontage 16 m
- (c) Minimum Building Line Setback 6 m
- (d) Minimum **Side Yard** Width 1.5 m (2015-01-23)
- (e) Minimum Flanking Street **Side Yard** Width 4.5 m (2015-01-23)
- (f) Minimum **Rear Yard** Depth 7.5 m (2015-01-23)

(g)	Maximum Lot Coverage	33%
(h)	Maximum Building Height	8 m

11.7.4

Side Yard Width

The minimum side yard width shall be one decimal five metres (1.5 m) except in the case where there is a common wall between dwellings or a side yard has an attached car port and, in such cases, the side yard shall be zero metres (0 m).

11.8 RESIDENTIAL – ART GALLERY (R-AG) ZONE

11.8.1 Permitted Uses

Residential:

- (a) Accessory Building (Subject to Regulation 6.2)
- (b) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (c) **Community Garden (Subject to Regulation 7.9)**
- (d) Family and Group Care Centre (Subject to Regulation 7.14)
- (e) Home Office (Subject to Regulation 7.19)
- (f) Single Detached Dwelling
- (g) Subsidiary Apartment Within Single Detached Dwelling

(2016-06-17)

Commercial:

- (a) Art Gallery

Recreational:

- (a) Park

11.8.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) Bed and Breakfast (Subject to Regulation 7.5)
- (c) **Beehive (Subject to Regulation 7.6)**
- (d) Convenience Store (Subject to Regulation 7.10)
- (e) **Family Child Care Use (Subject to Regulation 7.13)**
- (f) Group Child Care Use (Subject to Regulation 7.16)
- (g) Halfway House (Subject to Regulation 7.17)
- (h) Home Occupation (Subject to Regulation 7.18)
- (i) Personal Care Use (Subject to Regulation 7.26)
- (j) School

(2017-04-13)

(2014-08-15)

11.8.3 Development Standards

Single Detached Dwelling

- | | |
|--|----------------------------|
| (a) Minimum Lot Area | 450 m ² |
| (b) Minimum Frontage | 15 m |
| (c) Minimum Building Line Setback | 7.5 m |
| (d) Minimum Side Yard Width | 2.4 m + 1.2 m (2015-01-23) |
| (e) Minimum Flanking Street Side Yard Width | 7.5 m (2015-01-23) |
| (f) Minimum Rear Yard Depth | 8 m (2015-01-23) |
| (g) Maximum Lot Coverage | 33% |
| (h) Maximum Building Height | 8 m |

11.8.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the Regulations as outlined in Section 8 of the Regulations:

- (a) Canopy Sign
- (b) Wall Sign

11.8.5 Art Gallery

An art gallery and its accessory uses shall be permitted subject to the following conditions.

- (a) The building on the lot shall be designed to retain the residential characteristics of the surrounding neighbourhood and to be converted to residential use if so desired.
- (b) A residential component shall form part of the Art Gallery Use.
- (c) Accessory uses shall be limited to retail, service, and educational uses which are directly related to the art gallery use or the promotion of art.
- (d) The lot will be of sufficient area to accommodate the on-site landscaping, screening and parking requirements of the art gallery use.
- (e) Privacy fencing shall be constructed in accordance with Council's requirements along all property boundaries which abut residential properties.
- (f) A one decimal five metre (1.5 m) landscaped buffer shall be maintained between parking areas and abutting residential properties.

11.9 APARTMENT (APT) ZONE

11.9.1 Permitted Uses

Residential:

- (a) Adult Day Care Use (Residential) (subject to Regulation 7.2)
- (b) Apartment Building
- (c) **Community Garden (Subject to Regulation 7.9)** (2016-06-17)
- (d) Home Office (subject to Regulation 7.19)

Recreational:

- (a) Park

11.9.2 Discretionary Uses (subject to Regulation 3.7)

- (a) **Beehive (Subject to Regulation 7.6)** (2017-04-13)
- (b) Clinic
- (c) Convenience Store (subject to Regulation 7.10)
- (d) **Family Child Care Use (subject to Regulation 7.13)** (2014-08-15)
- (e) Group Child Care Use (subject to Regulation 7.16)
- (f) **Group Fitness** (2015-02-06)
- (g) Health Club
- (h) Home Occupation (subject to Regulation 7.18)
- (i) **Personal Care Use (subject to Regulation 7.26)** (2016-07-29)
- (j) Row Dwellings

11.9.3 Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Lot Area 650 m²
- (b) Minimum Lot Frontage 20 m
- (c) Maximum Density Not more than 1 dwelling unit per 90 m² of lot area
- (d) Minimum Building Line Setback 6 m
- (e) Minimum **Side Yard** Width 1 m per storey (2015-01-23)
- (f) Minimum Flanking Street **Side Yard** Width 6 m (2015-01-23)
- (g) Minimum **Rear Yard** Depth 6 m (2015-01-23)
- (h) **Maximum Lot Coverage** 50% (2015-01-23)
- (i) Maximum Building Height 24 m (not more than 6 storeys)
- (j) Minimum Landscaping on Lot 30%

11.9.4 *Development Standards for Row Dwellings*

The development standards for row dwellings for this zone shall be as follows:

(a) <i>Minimum Lot Area</i>	<i>135 m² per dwelling unit</i>
(b) <i>Minimum Frontage</i>	<i>5 m per dwelling unit</i>
(c) <i>Minimum Building Line Setback</i>	<i>7.5 m</i>
(d) <i>Minimum Side Yard for End Units</i>	<i>2 m</i>
(e) <i>Minimum Flanking Street Side Yard Width</i>	<i>7.5 m</i>
(f) <i>Minimum Rear Yard Depth</i>	<i>6 m (2015-01-23)</i>
(g) <i>Maximum Lot Coverage</i>	<i>33%</i>
(h) <i>Maximum Building Height</i>	<i>10 m</i> <i>(2014-04-11)</i>

11.9.5 *Signs and Advertisements*

Only the following signs are permitted within this zone and these signs are permitted in accordance with the Regulations as outlined in Section 8 of the Regulations:

- (a) Ground Sign or Pylon Sign
- (b) Wall Sign

11.9.6 *Convenience Store Within an Apartment Building*

A convenience store within an apartment building shall meet the following requirements:

- (a) the maximum floor area does not exceed the size of an apartment unit in the building or 100 m², whichever is the lesser;
- (b) it is situated on the principal entrance level floor;
- (c) adequate noise separation shall be maintained between any commercial use and the apartment units in the apartment building through the installation of soundproofing materials;
- (d) adequate venting shall be installed in the commercial use;
- (e) hours of operation are appropriate to the nature of the building and the operation does not create a nuisance;
- (f) a fire exit for the exclusive use of the convenience store shall be provided;
- (g) signage for the commercial use shall be unobtrusive; and
- (h) a separate entrance(s) for the exclusive use of the convenience store use shall be provided, unless the entrance to the convenience store use is immediately adjacent to a lobby or foyer and patrons of the convenience store use are not required to pass by the individual entrances of the apartment units.

COMMERCIAL ZONES

11.10 COMMERCIAL - MIXED (CM) ZONE

11.10.1 Permitted Uses

Residential:

- (a) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (b) Apartment Over Permitted Use
- (c) Family Child Care Use (Subject to Regulation 7.13)
- (d) Hotel
- (e) Subsidiary Apartment Within a Single Detached Dwelling

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) Amusement Use (Subject to Regulation 7.3)
- (c) ***Animal Grooming*** (2015-03-06)
- (d) Automotive Sales (Subject to Regulation 7.4)
- (e) Bed and Breakfast (Subject to Regulation 7.5)
- (f) Bakery
- (g) Bank
- (h) Car Wash
- (i) Clinic
- (j) Commercial Garage
- (k) Commercial School
- (l) Communications
- (m) Convenience Store (Subject to Regulation 7.10)
- (n) Drive-Through Use (Subject to Regulation 7.11)
- (o) Dry Cleaning
- (p) Funeral Home
- (q) ***Furniture and Appliance Showroom*** (2013-06-21)
- (r) Gas Bar
- (s) General Assembly
- (t) Group Child Care Use (Subject to Regulation 7.16)
- (u) ***Group Fitness*** (2015-02-06)
- (v) Health Club
- (w) Home Occupation (Subject to Regulation 7.18)
- (x) Home Office (Subject to Regulation 7.19)
- (y) Indoor Market
- (z) Laundromat
- (aa) Light Industry
- (bb) Movie Production Studio
- (cc) Office
- (dd) Outdoor Commercial Patio

- (ee) Outdoor Garden Market
- (ff) Personal Service
- (gg) Pharmacy
- (hh) Restaurant
- (ii) Service Station (Subject to Regulation 7.28)
- (jj) Shop
- (kk) Take Out Food Service
- (ll) Taxi Stand
- (mm) Theatre
- (nn) Vehicle or Trailer for Vending or Office Purposes (Subject to Regulation 7.30)
- (oo) Veterinary Clinic

Recreational:

- (a) Park

Public:

- (a) Civic Use
- (b) Cultural Centre
- (c) Dwelling Unit Associated with a Place of Worship (Subject to Regulation 7.12)
- (d) Place of Worship
- (e) School

11.10.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Bar
- (b) ***Beehive (Subject to Regulation 7.6)*** (2017-04-13)
- (c) ***Club and Lodge*** (2014-06-13)
- (d) Collective Residential
- (e) Halfway House (Subject to Regulation 7.17)
- (f) ***Indoor Firearms Shooting Range (Subject to Regulation 7.20)*** (2017-01-20)
- (g) Kennel (Subject to Regulation 7.21)
- (h) Lounge
- (i) Nightclub
- (j) ***Self-Service Storage Mall (Subject to Regulation 7.27)*** (2014-05-09)
- (k) Shopping Centre
- (l) Transportation Terminal

11.10.3 Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Lot Area 1200 m²
- (b) Minimum Frontage 30 m
- (c) Floor Area Ratio 3.0
- (d) Minimum Building Line Setback 15 m
- (e) Minimum ***Side Yard*** Width 3 m (2015-01-23)
- (f) Minimum Flanking Street ***Side Yard*** Width 10 m (2015-01-23)

- (g) Minimum **Rear Yard** Depth 10 m (2015-01-23)
- (h) **Maximum Lot Coverage** 50 % (2015-01-23)
- (i) Maximum Building Height 3 storeys (not to exceed 12 m)
- (j) Additional Maximum Building Height To be determined by Council subject to Regulation 6.3.
- (k) Minimum Landscaping on Lot 20 %
 - i. except for driveways not exceeding a width of ten metres (10 m) and used exclusively for the circulation of motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter:
 - all land within 3 m of a fronting street line;
 - all land within 3 m of a flanking street line; and
 - all land within 1 m of another lot line; and
 - ii. open storage of goods and machinery, with the exception of vehicle sales lots and commercial garages, shall not be located in the front or flanking yard.

11.10.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the Regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Billboard Sign
- (c) Canopy Sign
- (d) Changeable Message Sign
- (e) Ground Sign or Pylon Sign
- (f) Inflatable Sign
- (g) Marquee Sign
- (h) Portable Sign
- (i) Projecting Sign
- (j) Roof Sign
- (k) Wall Sign

11.10.5 Phased Conversion and Change of Use from Residential to Commercial Uses

Where a residential lot meets the minimum development standards of the Use Zone, the conversion and change of use from an existing residential use to a commercial use may be permitted by Council in a phased manner subject to the following conditions:

- (a) the residential use is compatible with the commercial use that is proposed for the transitional phasing period;
- (b) the owner of the commercial use shall be the property owner and the property owner shall reside on the lot during the transition period of the change in use from residential to commercial use;
- (c) in addition to the normal information and drawings required at the time of application by Council, the applicant shall submit a phasing schedule outlining the overall timing of the conversion of the uses of the lot and the timing of the upgrading and improvements of the lot and the building on the lot;

- (d) subject to the conditions of Council, a Temporary Development Permit for a period of up to two years shall be issued by Council for the phased redevelopment and change of use of the lot from residential to commercial use;
- (e) should the conversion and redevelopment of the lot from residential to commercial use not occur in accordance with the conditions or the time limit specified in the Temporary Development Permit, the use of the lot shall revert to its previous residential use and the lot and building shall be reinstated to a residential standard as determined by Council; and
- (f) As a condition of the Temporary Development Permit, the developer/property owner shall be required to enter into a Development Agreement with the City acknowledging and agreeing to the conditions referenced in conditions (a)-(e) above.

11.10.6 Cultural Centre, Civic Use, and School Uses

Cultural Centre, Civic Use, and School Uses shall be permitted subject to compliance with the standards of the CM Use Zone Schedule. Where the uses are located within one hundred and fifty metres (150 m) of a residential use or residential zone, the use shall be processed as a discretionary use and may be permitted at the discretion of Council subject to compliance with the Regulations and standards of the CM Use Zone Schedule.

11.10.7 Shopping Centre

A shopping centre use within this zone shall meet the following requirements:

- (a) the gross floor area of the shopping centre use shall not exceed five thousand square metres (5,000 m²),
- (b) the front yard shall be a minimum of six metres (6 m) from the street line to be used for nothing other than landscaping, permitted access, driveways, and identification sign,
- (c) the shopping centre use shall meet all other development standards of the CM Use Zone,
- (d) the views from habitable rooms of surrounding residential dwellings and the amenity of outdoor spaces shall be respected in the design and siting of commercial buildings,
- (e) landscaping of the shopping centre use shall screen outdoor parking, shipping, and storage areas directly visible from adjacent residential uses or areas.
- (f) Snow piling areas shall be provided away from common fences with residential properties and away from streets, and
- (g) Parking lots and motor vehicle circulation areas for the shopping centre use shall be situated to minimize the impact on adjoining residential properties.

11.10.8 Non-Conforming Use

Where a non-conforming commercial use exists within this use zone, Council may allow the non-conforming commercial use to expand provided the expanded development:

- (a) improves the appearance of the property;
- (b) does not impact negatively upon surrounding residential properties;
- (c) meets the objectives and policies of transforming the area into commercial main streets;
- (d) complies with the development standards of the use zone; and
- (e) is processed pursuant to Regulation 4.17 of the Regulations.

11.10.9**Non-Conforming Dwellings**

Council may use its discretion to permit the rebuilding of an existing dwelling that is destroyed by more than fifty percent (50%) of the value of the dwelling subject to the dwelling being rebuilt on its original footprint.

11.11 CITY CENTRE (CC) ZONE

11.11.1 Permitted Uses

Residential:

- (a) Apartment Over Permitted Use
- (b) Dwelling Unit Associated with a Place of Worship (Subject to Regulation 7.12)

Commercial:

- (a) Amusement Use (Subject to Regulation 7.3)
- (b) ***Animal Grooming*** (2015-03-06)
- (c) Bakery
- (d) Bank
- (e) Clinic
- (f) Commercial School
- (g) Communications
- (h) Convenience Store (Subject to Regulation 7.10)
- (i) Dry Cleaning
- (j) Funeral Home
- (k) Group Child Care Use (Subject to Regulation 7.16)
- (l) ***Group Fitness*** (2015-02-06)
- (m) Health Club
- (n) Indoor Market
- (o) Laundromat
- (p) Movie Production Studio
- (q) Office
- (r) Outdoor Commercial Patio
- (s) Parking Lot
- (t) Personal Service
- (u) Pharmacy
- (v) Restaurant
- (w) Shop
- (x) Take-out Food Service
- (y) Taxi Stand
- (z) Theatre
- (aa) Veterinary Clinic

Recreational:

- (a) Amusement Use (Subject to Regulation 7.3)
- (b) Park

Public:

- (a) Civic Use
- (b) Cultural Centre
- (c) ***Open Air Assembly Use (Subject to Regulation 7.23)*** (2013-08-16)

- (d) Place of Worship
- (e) School

11.11.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Bar
- (b) **Beehive** (*Subject to Regulation 7.6*) (2017-04-13)
- (c) **Club and Lodge** (2014-06-13)
- (d) Car Wash
- (e) Collective Residential
- (f) Drive-Through Use (Subject to Regulation 7.11)
- (g) Gas Bar (Subject to Regulation 7.28)
- (h) General Assembly
- (i) Hotel
- (j) Lounge
- (k) Nightclub
- (l) Outdoor Assembly Use (Subject to Regulation 7.24)
- (m) Outdoor Garden Market
- (n) Service Station (Subject to Regulation 7.28)

11.11.3 Development Standards

The development standards for this zone shall be as follows:

- | | | |
|-----|--|--|
| (a) | Minimum Lot Area | 600 m ² |
| (b) | Minimum Frontage | 20 m |
| (c) | Floor Area Ratio | 3.0 |
| (d) | Minimum Building Line Setback | 1.5 m |
| (e) | Minimum Side Yard Width (minor) | 0 m (2015-01-23) |
| (f) | Minimum Flanking Street Side Yard Width | 10 m (2015-01-23) |
| (g) | Minimum Rear Yard Depth | 2.4 m (2015-01-23) |
| (h) | Maximum Lot Coverage | 65 % (2015-01-23) |
| (i) | Maximum Building Height | 3 storeys (not exceeding 12m) |
| (j) | Additional Maximum Building Height | To be determined by Council
subject to Regulation 6.3 |
| (k) | Maximum Residential Density | 1 Dwelling Unit per 50 m ²
of lot area |

11.11.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Canopy Sign
- (c) Ground Sign or Pylon Sign
- (d) Inflatable Sign
- (e) Marquee Sign

- (f) Portable Sign
- (g) Projecting Sign
- (h) Roof Sign
- (i) Wall Sign
- (j) *Notwithstanding Section 8.20.4 of these Regulations, a Changeable Message Sign may be permitted at the discretion of Council provided that the sign application is processed pursuant to Regulation 4.17.4 of these Regulations. (2013-06-21)*

11.11.5 Non-Conforming Use

Where a non-conforming commercial use exists within this use zone, Council may allow the non-conforming commercial use to expand provided the expanded development:

- (a) improves the appearance of the property;
- (b) does not impact negatively upon surrounding residential properties;
- (c) meets the objectives and policies of transforming the area into commercial main streets;
- (d) complies with the development standards of the use zone; and
- (e) is processed pursuant to Regulation 4.17 of the Regulations.

11.11.6 Non-Conforming Dwelling

Council may use its discretion to permit the rebuilding of an existing dwelling that is destroyed by more than fifty percent (50%) of the value of the dwelling subject to the dwelling being rebuilt on its original footprint.

11.12 COMMERCIAL – GENERAL (CG) ZONE

11.12.1 Permitted Uses

Residential:

- (a) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (b) Apartment Over Permitted Use
- (c) Dwelling Unit Associated with a Place of Worship (Subject to Regulation 7.12)
- (d) Family Child Care Use (Subject to Regulation 7.13)
- (e) Home Occupation (Subject to Regulation 7.18)
- (f) Home Office (Subject to Regulation 7.19)

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) Amusement Use (Subject to Regulation 7.3)
- (c) **Animal Grooming** (2015-03-06)
- (d) Bakery
- (e) Bank
- (f) Bed and Breakfast (Subject to Regulation 7.5)
- (g) Clinic
- (h) Commercial School
- (i) Communications
- (j) Convenience Store (Subject to Regulation 7.10)
- (k) Dry Cleaning
- (l) Funeral Home
- (m) **Furniture and Appliance Showroom** (2013-06-21)
- (n) Group Child Care (Subject to Regulation 7.16)
- (o) **Group Fitness** (2015-02-06)
- (p) Health Club
- (q) Hotel (Subject to Regulation 11.12.10) (2014-01-03)
- (r) Indoor Market
- (s) Laundromat
- (t) Movie Production Studio
- (u) Office
- (v) Outdoor Commercial Patio
- (w) Parking Lot
- (x) Personal Service
- (y) Pharmacy
- (z) Restaurant
- (aa) Shop
- (bb) Take-out Food Service
- (cc) Taxi Stand
- (dd) Vehicle or Trailer for Vending or Office Purposes (Subject to Regulation 7.30)
- (ee) Veterinary Clinic

Recreational:

- (a) Park

Public:

- (a) Civic Use
- (b) Cultural Centre
- (c) Place of Worship
- (d) School

11.12.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) ***Apartment Building*** (2013-08-16)
- (b) Bar
- (c) ***Beehive (Subject to Regulation 7.6)*** (2017-04-13)
- (d) Car Wash
- (e) ***Club and Lodge*** (2014-06-13)
- (f) Collective Residential
- (g) Drive-Through Use (Subject to Regulation 7.11)
- (h) Gas Bar (Subject to Regulation 7.28)
- (i) General Assembly
- (j) Hotel
- (k) Lounge
- (l) Nightclub
- (m) Outdoor Assembly Use (Subject to Regulation 7.24)
- (n) Outdoor Garden Market
- (o) Service Station (Subject to Regulation 7.28)
- (p) Shopping Centre
- (q) Theatre

11.12.3 Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Lot Area 900 m²
- (b) Minimum Frontage 30 m
- (c) Floor Area Ratio 3.0
- (d) Minimum Building Line Setback 15 m
- (e) Minimum ***Side Yard*** Width 3 m (2015-01-23)
- (f) Minimum ***Flanking Street Side Yard*** Width 10 m (2015-01-23)
- (g) Minimum ***Rear Yard*** Depth 6 m (2015-01-23)
- (h) ***Maximum Lot Coverage*** 50 % (2015-01-23)
- (i) Maximum Building Height 3 storeys (not exceeding 12 m)
- (j) Additional Maximum Building Height To be determined by Council
subject to Regulation 6.3

- (k) Minimum Landscaping on Lot 20 %
- i. except for driveways not exceeding a width of ten metres (10 m) and used exclusively for the circulation of motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter:
 - all land within 3 m of a fronting street line;
 - all land within 3 m of a flanking street line; and
 - all land within 1 m of another lot line; and
 - ii. open storage of goods and machinery, with the exception of vehicle sales lots and commercial garages, shall not be located in the front or flanking yard.

11.12.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Canopy Sign
- (c) Ground Sign or Pylon Sign
- (d) Inflatable Sign
- (e) Marquee Sign
- (f) Portable Sign
- (g) Projecting Sign
- (h) Roof Sign
- (i) Wall Sign
- (j) *Notwithstanding Section 8.20.4 of these Regulations, a Changeable Message Sign may be permitted at the discretion of Council provided that the sign application is processed pursuant to Regulation 4.17.4 of these Regulations. (2013-06-21)*

11.12.5 Shopping Centre

A shopping centre use within this zone shall meet the following requirements:

- (a) the gross floor area of the shopping centre use shall not exceed five thousand square metres (5,000 m²),
- (b) the front yard shall be a minimum of six metres (6 m) from the street line to be used for nothing other than landscaping, permitted access, driveways, and identification sign,
- (c) the shopping centre use shall meet all other development standards of the CG Use Zone,
- (d) the views from habitable rooms of surrounding residential dwellings and the amenity of outdoor spaces shall be respected in the design and siting of commercial buildings,
- (e) landscaping of the shopping centre use shall screen outdoor parking, shipping, and storage areas directly visible from adjacent residential uses or areas.
- (f) Snow piling areas shall be provided away from common fences with residential properties and away from streets, and
- (g) Parking lots and motor vehicle circulation areas for the shopping centre use shall be situated to minimize the impact on adjoining residential properties.

11.12.6 Conversion of Residential Uses to Commercial Uses

Where the conversion of a residential property into a commercial use does not fully conform to the development standards of this use zone, Council, subject to Regulation 4.17, may use its discretion to determine the development standards for the conversion of the property.

11.12.7 Non-Conforming Use

Where a non-conforming commercial use exists within this use zone, Council may allow the non-conforming commercial use to expand provided the expanded development:

- (a) improves the appearance of the property;
- (b) does not impact negatively upon surrounding residential properties;
- (c) meets the objectives and policies of transforming the area into commercial main streets;
- (d) complies with the development standards of the use zone; and
- (e) is processed pursuant to Regulation 4.17 of the Regulations.

11.12.8 Non-Conforming Dwellings

Council may use its discretion to permit the rebuilding of an existing dwelling that is destroyed by more than fifty percent (50%) of the value of the dwelling subject to the dwelling being rebuilt on its original footprint.

11.12.9 Additional Maximum Building Height

Council may use its discretion to allow the building height to be increased up to a maximum of twenty-four metres (24 m) provided that:

- (a) for every three metre (3 m) increase in height above twelve metres (12 m), the building shall be set back one additional metre (1 m) from rear and side lot lines;
- (b) the architectural treatment of the building will be sympathetic and sensitive in design, material and colour to its surrounding environment;
- (c) Council shall be satisfied that the increase in the additional building height will not have a negative visual impact on a view plane, will not be considered out of character with the surrounding area, and will not unduly cast shadows on adjacent properties and will not create any adverse environmental impacts for adjacent or surrounding properties; and
- (d) The increase in the additional building height shall be processed in accordance with Regulations 4.17 and 3.7.

11.12.10 Hotel Use at Pearlgate Recreation Centre

A hotel use shall be permitted at the Pearlgate Recreation Centre on the basis of the development plan approved by Council. The mix of uses and the development standards for the hotel shall be determined by Council.

11.13 COMMERCIAL – GENERAL [SPECIAL] (CG-S) ZONE

11.13.1 Permitted Uses

Residential:

- (a) Apartment Over Permitted Use
- (b) Dwelling Unit Associated with a Place of Worship (Subject to Regulation 7.12)
- (c) Family Child Care Use (Subject to Regulation 7.13)
- (d) Home Occupation (Subject to Regulation 7.18)
- (e) Home Office (Subject to Regulation 7.19)

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) Amusement Use (Subject to Regulation 7.3)
- (c) ***Animal Grooming*** (2015-03-06)
- (d) Bakery
- (e) Bank
- (f) Bed and Breakfast (Subject to Regulation 7.5)
- (g) Clinic
- (h) Commercial School
- (i) Commercial Accessory Buildings
- (j) Communications
- (k) Convenience Store (Subject to Regulation 7.10)
- (l) Drive-Through Use (Subject to Regulation 7.11)
- (m) Dry Cleaning
- (n) Funeral Home
- (o) ***Furniture and Appliance Showroom*** (2013-06-21)
- (p) ***Group Child Care (Subject to Regulation 7.16)*** (2012-12-28) and (2015-01-23)
- (q) ***Group Fitness*** (2015-02-06)
- (r) Indoor Market
- (s) Laundromat
- (t) Movie Production Studio
- (u) Office
- (v) Outdoor Commercial Patio
- (w) Parking Lot
- (x) Personal Service
- (y) Pharmacy
- (z) Restaurant
- (aa) Shop
- (bb) Take-out Food Service
- (cc) Taxi Stand
- (dd) Vehicle or Trailer for Vending or Office Purposes (Subject to Regulation 7.30)
- (ee) Veterinary Clinic

Recreational:

- (a) Park

Public:

- (a) Civic Use
- (b) Cultural Centre
- (c) Place of Worship
- (d) Police Station
- (e) School

11.13.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Bar
- (b) ***Beehive (Subject to Regulation 7.6)*** (2017-04-13)
- (c) Car Wash
- (d) ***Club and Lodge*** (2014-06-13)
- (e) Collective Residential
- (f) Gas Bar (Subject to Regulation 7.28)
- (g) General Assembly
- (h) Hotel
- (i) Lounge
- (j) Nightclub
- (k) Outdoor Assembly Use (Subject to Regulation 7.24)
- (l) Outdoor Garden Market
- (m) Service Station (Subject to Regulation 7.28)
- (n) Shopping Centre
- (o) Theatre

11.13.3 Development Standards

The development standards for this zone shall be as follows:

- | | |
|--|--|
| (a) Minimum Lot Area | 900 m ² |
| (b) Minimum Frontage | 30 m |
| (c) Minimum Building Line Setback | 6 m |
| (e) Minimum <i>Side Yard</i> Width | 3 m (2015-01-23) |
| (f) Minimum <i>Flanking Street Side Yard</i> Width | 6 (2015-01-23) |
| (g) Minimum <i>Rear Yard</i> Depth | 6 m (2015-01-23) |
| (h) <i>Maximum Lot Coverage</i> | 50 % (2015-01-23) |
| (i) Maximum Building Height | 3 storeys (not to exceed 12 m) |
| (j) Additional Maximum Building Height | To be determined by Council
subject to Regulation 6.3 |
| (k) Minimum Landscaping on Lot | 20 % |

11.13.4

Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Canopy Sign
- (c) Ground Sign or Pylon Sign
- (d) Inflatable Sign
- (e) Marquee Sign
- (f) Portable Sign
- (g) Projecting Sign
- (h) Roof Sign
- (i) Wall Sign

11.13.5

Shopping Centre

A shopping centre use within this zone shall meet the following requirements:

- (a) the gross floor area of the shopping centre use shall not exceed five thousand square metres (5,000 m²),
- (b) the front yard shall be a minimum of six metres (6 m) from the street line to be used for nothing other than landscaping, permitted access, driveways, and identification sign,
- (c) the shopping centre use shall meet all other development standards of the CG-S Use Zone,
- (d) the views from habitable rooms of surrounding residential dwellings and the amenity of outdoor spaces shall be respected in the design and siting of commercial buildings,
- (e) landscaping of the shopping centre use shall screen outdoor parking, shipping, and storage areas directly visible from adjacent residential uses or areas.
- (f) Snow piling areas shall be provided away from common fences with residential properties and away from streets, and
- (g) Parking lots and motor vehicle circulation areas for the shopping centre use shall be situated to minimize the impact on adjoining residential properties.

11.14 COMMERCIAL – LOCAL (CL) ZONE

11.14.1 Permitted Uses

Residential:

- (a) Adult Day Care Use (Residential) (Subject to Regulation 7.2)
- (b) Apartment Building
- (c) Apartment Over Permitted Use
- (d) Double Dwelling
- (e) Family Child Care Use (Subject to Regulation 7.13)
- (f) Single Detached Dwelling

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) ***Animal Grooming*** (2015-03-06)
- (c) Clinic
- (d) Convenience Store (Subject to Regulation 7.10)
- (e) Group Child Care Use (Subject to Regulation 7.16)
- (f) Office
- (g) Personal Service
- (h) Pharmacy
- (i) Shop

Recreational:

- (a) Park

11.14.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Bakery
- (b) ***Beehive (Subject to Regulation 7.6)*** (2017-04-13)
- (c) Dry Cleaning
- (d) Laundromat
- (e) Restaurant
- (f) Take-out Food Service
- (g) Taxi Stand

11.14.3 Development Standards

The development standards for this zone shall be as follows:

- (a) ***Floor Area Ratio*** 1.0 (2015-01-23)
- (b) Minimum Building Line Setback 6 m
- (c) Minimum ***Side Yard*** Width (except where buildings are built with adjoining party walls) 3 m (2015-01-23)
- (d) Minimum Flanking Street ***Side Yard*** Width 7.5 m (2015-01-23)

- | | | |
|-----|--------------------------------|------------------|
| (e) | Minimum <i>Rear Yard</i> Depth | 5 m (2015-01-23) |
| (f) | Maximum Building Height | 10 m |

11.14.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Canopy Sign
- (c) Portable Sign
- (d) Projecting Sign
- (e) Wall Sign

11.15 COMMERCIAL – NEIGHBOURHOOD (CN) ZONE

11.15.1 Permitted Uses

Residential:

- (a) Apartment Over Permitted Use
- (b) Family Child Care Use (Subject to Regulation 7.13)
- (c) Home Occupation (Subject to Regulation 7.18)
- (d) Home Office (Subject to Regulation 7.19)

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) ***Animal Grooming***
- (c) Bakery
- (d) Clinic
- (e) Commercial Accessory Buildings
- (f) Commercial School
- (g) Communications
- (h) Convenience Store (Subject to Regulation 7.10)
- (i) Dry Cleaning
- (j) Group Child Care Use (Subject to Regulation 7.16)
- (k) ***Group Fitness***
- (l) Laundromat
- (m) Office
- (n) Outdoor Commercial Patio
- (o) Personal Service
- (p) Pharmacy
- (q) Restaurant
- (r) Shop
- (s) Shopping Centre
- (t) Take-out Food Service
- (u) Taxi Stand
- (v) Veterinary Clinic

(2015-03-06)

(2016-02-06)

Recreational:

- (a) Park

Public:

- (a) Civic Use
- (b) Place of Worship

11.15.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Amusement Use (Subject to Regulation 7.3)
- (b) Bar

- | | | |
|-----|--|--------------|
| (c) | Beehive (Subject to Regulation 7.6) | (2017-04-13) |
| (d) | Club and Lodge | (2014-06-13) |
| (e) | Cultural Centre | |
| (f) | General Assembly | |
| (g) | Lounge | |
| (h) | Outdoor Garden Market | |

11.15.3 Development Standards

The development standards for this zone shall be as follows:

- | | | |
|-----|--|--|
| (a) | Minimum Lot Area | 900 m ² |
| (b) | Minimum Frontage | 30 m |
| (c) | Floor Area Ratio | 1.0 |
| (d) | Minimum Building Line Setback | 6 m |
| (e) | Minimum <i>Side Yard</i> Width | 3 m (2015-01-23) |
| (f) | Minimum Flanking Street <i>Side Yard</i> Width | 8 m (2015-01-23) |
| (g) | Minimum <i>Rear Yard</i> Depth | 6 m (2015-01-23) |
| (h) | Maximum Lot Coverage | 50 % (2015-01-23) |
| (i) | Maximum Building Height | 3 storeys (not to exceed 12 m) |
| (j) | Additional Maximum Building Height | To be determined by Council
subject to Regulation 6.3 |
| (k) | Minimum Landscaping on Lot | 20 % |

11.15.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Canopy Sign
- (c) Ground Sign or Pylon Sign
- (d) Inflatable Sign
- (e) Marquee Sign
- (f) Portable Sign
- (g) Projecting Sign
- (h) Roof Sign
- (i) Wall Sign

11.16 COMMERCIAL – HIGHWAY (CH) ZONE

11.16.1 Permitted Uses

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) Amusement Use (Subject to Regulation 7.3)
- (c) ***Animal Grooming*** (2015-03-06)
- (d) Automotive Sales (Subject to Regulation 7.4)
- (e) Bakery
- (f) Bank
- (g) Car Wash
- (h) Clinic
- (i) Commercial Garage
- (j) Convenience Store (Subject to Regulation 7.10)
- (k) Drive-Through Use (Subject to Regulation 7.11)
- (l) Dry Cleaning
- (m) Funeral Home
- (n) Gas Bar (Subject to Regulation 7.28)
- (o) General Assembly
- (p) Group Child Care Use (Subject to Regulation 7.16)
- (q) ***Group Fitness*** (2015-02-06)
- (r) Hotel
- (s) Indoor Market
- (t) Laundromat
- (u) Office
- (v) Outdoor Commercial Patio
- (w) Outdoor Garden Market
- (x) Parking Lot
- (y) Personal Service Use
- (z) Pharmacy
- (aa) Restaurant
- (bb) Retail Warehouse
- (cc) Service Station (Subject to Regulation 7.28)
- (dd) Shop
- (ee) Take-Out Food Service
- (ff) Taxi Stand
- (gg) Transportation Terminal
- (hh) Vehicle or Trailer for Vending or Office Purposes (Subject to Regulation 7.30)

Recreational:

- (a) Indoor Assembly
- (b) Park

Public:

- (a) Civic Use

11.16.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Antenna
- (b) Bar
- (c) **Beehive** (*Subject to Regulation 7.6*) (2017-04-13)
- (d) **Club and Lodge** (2014-06-13)
- (e) Kennel (Subject to Regulation 7.21)
- (f) Lounge
- (g) Self-Service Storage Mall (Subject to Regulation 7.27)

11.16.3 Development Standards

The development standards for this zone shall be as follows:

- (a) **Minimum Frontage** 30 m (2015-01-23)
- (b) Minimum Building Line Setback 15 m
- (c) Floor Area Ratio 1.0
- (d) Minimum **Side Yard** Width (except where buildings are built with adjoining party walls) 3 m (2015-01-23)
- (e) Minimum Flanking Street **Side Yard** Width 10 m (2015-01-23)
- (f) Minimum **Rear Yard** Depth 6 m (2015-01-23)
- (g) **Maximum Lot Coverage** 50% (2015-01-23)
- (h) Maximum Building Height 15 m
- (i) Additional Maximum Building Height To be determined by Council subject to Regulation 6.3
- (j) Minimum Landscaping on Lot 20%
 - i. except for driveways not exceeding a width of ten metres (10 m) and used exclusively for the circulation of motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter:
 - all land within 3 m of a fronting street line;
 - all land within 3 m of a flanking street line; and
 - all land within 1 m of another lot line; and
 - ii. open storage of goods and machinery, with the exception of vehicle sales lots and commercial garages, shall not be located in the front or flanking yard.

11.16.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Billboard Sign
- (c) Canopy Sign

- (d) Changeable Message Sign
- (e) Ground Sign or Pylon Sign
- (f) Inflatable Sign
- (g) Marquee Sign
- (h) Portable Sign
- (i) Projecting Sign
- (j) Roof Sign
- (k) Wall Sign

11.17 COMMERCIAL - REGIONAL (CR) ZONE

11.17.1 Permitted Uses

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (a) Amusement Use (Subject to Regulation 7.3)
- (b) ***Animal Grooming*** (2015-03-06)
- (c) Auction House
- (d) Automotive Sales (Subject to Regulation 7.4)
- (e) Bakery
- (f) Bank
- (g) Car Wash
- (h) Clinic
- (i) Commercial School
- (j) Convenience Store (Subject to Regulation 7.10)
- (k) Drive-Through Use (Subject to Regulation 7.11)
- (l) Dry Cleaning
- (m) Funeral Home
- (n) Gas Bar (Subject to Regulation 7.28)
- (o) Group Child Care Use (Subject to Regulation 7.16)
- (p) ***Group Fitness*** (2015-02-06)
- (q) Health Club
- (r) Laundromat
- (s) Movie Production Studio
- (t) Office
- (u) Outdoor Assembly Use (Subject to Regulation 7.24)
- (v) Outdoor Commercial Patio
- (w) Outdoor Garden Market
- (x) Personal Service
- (y) Pharmacy
- (z) Restaurant
- (aa) Retail Warehouse
- (bb) Shop
- (cc) Shopping Centre
- (dd) Take-out Food Service
- (ee) Taxi Stand
- (ff) Theatre
- (gg) Vehicle or Trailer for Vending or Office Purposes (Subject to Regulation 7.30)
- (hh) Veterinary Clinic

Recreational:

- (a) Indoor Assembly
- (b) Park

Public:

- (a) Civic Use
- (b) Cultural Centre
- (c) Recreational Use

11.17.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) **Bar** (2014-06-13)
- (b) **Beehive (Subject to Regulation 7.6)** (2017-04-13)
- (c) **Club and Lodge** (2014-06-13)
- (d) General Assembly
- (e) **Lounge** (2014-08-15)
- (f) Service Station (Subject to Regulation 7.28)

11.17.3 Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Lot Area 1800 m²
- (b) **Minimum Frontage** 45 m (2015-01-23)
- (c) Floor Area Ratio 1.0
- (d) Minimum Building Line Setback 12 m
- (e) Minimum **Side Yard** Width 3 m (2015-01-23)
- (f) Minimum Flanking Street **Side Yard** Width 10 m (2015-01-23)
- (g) Minimum **Rear Yard** Depth 6 m (2015-01-23)
- (h) **Maximum Lot Coverage** 50 % (2015-01-23)
- (i) Minimum Internal Lot Line Setback
 - i. setback for one-storey commercial buildings not exceeding 9 m height 3 m
 - ii. setback for multi-storey or buildings exceeding 9 m height Minor **side yard** to increase by 1 m for every additional 3 m in building height (2015-01-23)
- (j) Maximum Building Height 15 m
- (k) Additional Maximum Building Height To be determined by Council subject to Regulation 6.3
- (l) Minimum Landscaping on Lot 12 % or as determined by Council
- (m) Minimum Landscaped Frontyard Width 12 m
- (n) Articulated Entrance: To be determined by Council

11.17.4

Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Billboard Sign
- (c) Canopy Sign
- (d) Changeable Message Sign
- (e) Inflatable Sign
- (f) Marquee Sign
- (g) Portable Sign
- (h) Projecting Sign
- (i) Roof Sign
- (j) Wall Sign
- (k) Ground or Pylon Sign^{1 Note}

^{1 Note}

The Regional Centre (RC) Use Zone shall also permit Ground or Pylon signs (also called free standing signs) in accordance with Section 8, with the exception of the following caveat specific only to the height of Ground or Pylon signs in the RC Use Zone:

- i. The sign shall have a maximum overall vertical height of 10 m above the surface of the ground.
- ii. An increase in the maximum overall vertical height of a ground or pylon (free standing) sign beyond 10 m may be permitted at the discretion of Council provided that:
 - The sign is not out of character with the commercial development on the property on which it is situated and the sign does not conflict with nearby uses;
 - The sign does not visually impact upon residential areas or dwellings in close proximity to the sign;
 - The location of the sign will be dependent upon whether or not the sign is lit and how the lighting of the sign impacts on adjacent uses; and
- iii. Where required, the sign is approved by Government Services Centre under the Protected Road Development Regulations.

11.17.5

Reduction to Minimum Landscaped Front Yard Standard

Council may reduce the minimum landscaped front yard development standard subject to the following conditions:

- (a) a minimum separation distance of fifteen metres (15 m) shall be maintained from the edge of the curb of the road,
- (b) a minimum of one decimal five metres (1.5 m) landscaped yard shall be retained within the boundaries of the lot,
- (c) the developer shall submit a landscape plan that meets the approval of Council and enhances the public right of way between the curb of the road and the property boundary,
- (d) the developer is responsible for undertaking the landscaped work in accordance with the approved landscaped plan and the requirements and conditions of Council, and
- (e) the landscaped area is not used for snow storage purposes.

11.18 COMMERCIAL - OFFICE (CO) ZONE

11.18.1 Permitted Uses

Residential:

- (a) Apartment Over Permitted Use

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) Bank
- (c) Clinic
- (d) Group Child Care Use (Subject to Regulation 7.16)
- (e) Office

Public:

- (a) Civic Use
- (b) Cultural Centre

Recreational:

- (a) Park

11.18.2 Discretionary Uses

- (a) *Beehive (Subject to Regulation 7.6)* (2017-04-13)

11.18.3 Development Standards

The development standards for this zone shall be as follows:

- | | |
|--|--|
| (a) <i>Floor Area Ratio</i> | 2.0 (2015-01-23) |
| (b) Minimum Building Line Setback | 6 m |
| (c) Minimum <i>Side Yard</i> Width (Minor) | 3 m (2015-01-23) |
| (d) Minimum Flanking Street <i>Side Yard</i> Width | 6 m (2015-01-23) |
| (e) Minimum <i>Rear Yard</i> Depth | 6 m (2015-01-23) |
| (f) <i>Maximum Lot Coverage</i> | 50% (2015-01-23) |
| (g) Maximum Building Height | 3 storeys (not to exceed 12 m) |
| (h) Additional Maximum Building Height | To be determined by Council
Subject to Regulation 6.3 |

11.18.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Canopy Sign

- (c) Ground Sign or Pylon Sign
- (d) Inflatable Sign
- (e) Marquee Sign
- (f) Portable Sign
- (g) Projecting Sign
- (h) Roof Sign
- (i) Wall Sign

INDUSTRIAL ZONES

11.19 INDUSTRIAL – LIGHT (IL) ZONE

11.19.1 Permitted Uses

Commercial:

- (a) Amusement Use (Subject to Regulation 7.3)
- (b) Auction House
- (c) Automotive Sales (Subject to Regulation 7.4)
- (d) Bakery
- (e) Car Wash
- (f) Commercial Garage
- (g) Commercial School
- (h) Communications
- (i) Drive-Through Use (Subject to Regulation 7.11)
- (j) Dry Cleaners
- (k) ***Furniture and Appliance Showroom*** (2013-06-21)
- (l) Gas Bar (Subject to Regulation 7.28)
- (m) ***Group Fitness*** (2015-02-06)
- (n) Health Club
- (o) Laundromat
- (p) Movie Production Studio
- (q) Office
- (r) Outdoor Commercial Patio
- (s) Parking Lot
- (t) Restaurant
- (u) Retail Warehouse
- (v) ***Self-Service Storage Mall (Subject to Regulation 7.27)*** (2014-05-09)
- (w) Service Station (Subject to Regulation 7.28)
- (x) Shop
- (y) Take-out Food Service
- (z) Taxi Stand
- (aa) Transportation Terminal
- (bb) Vehicle or Trailer for Vending or Office Purposes (Subject to Regulation 7.30)

Industrial:

- (a) Light Industry
- (b) Shop Use in Association with Light Industrial Use

Recreational:

- (a) Park
- (b) Recreational Use

Public:

- (a) Civic Use
- (b) ***Open Air Assembly Use (subject to Regulation 7.23)*** (2013-08-16)

Other:

- (a) Antenna

11.19.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) ***Animal Grooming*** (2015-03-06)
- (c) Bar
- (d) ***Beehive (Subject to Regulation 7.6)*** (2017-04-13)
- (e) Clinic
- (f) Cultural Centre
- (g) General Assembly
- (h) General Industry Use (Subject to Regulation 7.15)
- (i) Group Child Care Use (Subject to Regulation 7.16)
- (j) Hazardous Industry Use (Subject to Regulation 7.15)
- (k) Indoor Assembly
- (l) ***Indoor Firearms Shooting Range (Subject to Regulation 7.20)*** (2017-01-20)
- (m) Kennel (Subject to Regulation 7.21)
- (n) Lounge
- (o) Nightclub
- (p) Outdoor Assembly Use (Subject to Regulation 7.24)
- (q) Personal Service
- (r) Place of Worship
- (s) School
- (t) Significant Telecommunications Structure (Subject to Regulation 7.29.2) (2017-01-27)
- (u) Transportation
- (v) Veterinary Clinic

11.19.3 Development Standards

The development standards for this zone shall be as follows:

- (a) ***Floor Area Ratio*** 1.0 (2015-01-23)
- (b) Minimum building line setback 15 m
- (c) Minimum ***Side Yard*** Width 3 m (2015-01-23)
- (d) Where the building exceeds a height of nine metres (9 m), the minor ***side yard*** width shall be increased one metre (1 m) for every three metres (3 m) of additional building height or part thereof, up to a minimum ***side yard*** of five metres (5 m).
- (e) Minimum Flanking Street ***Side Yard*** Width 10 m (2015-01-23)
- (f) Minimum ***Rear Yard*** Depth 8 m (2015-01-23)
- (g) Maximum Building Height 15 m

- (h) Additional Maximum Building Height Up to 24 m subject to Regulation 11.19.7. (2015-01-23)
- (i) **Minimum Landscaping on Lot** 20% (2015-01-23)
- i. Except for driveways not exceeding a width of 10 m and used exclusively for the circulation of motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter:
 - all land within 10 m of a fronting street line;
 - all land within 10 m of a flanking street line; and
 - all land within 1 m of another lot line; and
 - ii. Open storage of goods and machinery, with the exception of vehicle sales lots and Commercial Garages, shall not be located in the front yard.

11.19.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Billboard Sign
- (c) Canopy Sign
- (d) Changeable Message Sign
- (e) Ground Sign or Pylon Sign
- (f) Inflatable Sign
- (g) Marquee Sign
- (h) Portable Sign
- (i) Projecting Sign
- (j) Roof Sign
- (k) Wall Sign

11.19.5 Landscaped Front Yard

The front yard shall be a minimum of ten metres (10 m) from the street line, to be used for nothing other than landscaping, outdoor display court, permitted access, driveways and *permitted* sign. (2013-06-21)

11.19.6 Industrial Development in Close Proximity to Residential Development or Residential Zones

Special attention shall be given to the industrial development or use of lands within this zone, which are located adjacent to or in close proximity to residential uses or residential zones to ensure that the development of the lot and the activities on the lot shall not create a nuisance to the nearby residential uses. Should it be determined by Council that the industrial development or the use of lands will create a nuisance to the nearby residential uses as a result of noise, odour, dust and vibration, the development of the lot for that purpose shall not be permitted.

11.19.7

Additional Maximum Building Height

Council may allow the building height to be increased up to a maximum of twenty-four metres (24 m) provided that:

- (a) the lot on which the building is proposed is not adjacent to an existing residential lot or residential zone,
- (b) the architectural treatment of the building will be sympathetic and sensitive in design, material, and colour to its surrounding environment,
- (c) Council shall be satisfied that the increase in the additional building height will not have a negative visual impact on a view plane, will not be considered out of character with the surrounding area, will not unduly cast shadows on adjacent properties, and will not create any adverse environmental impacts for adjacent or surrounding properties, and
- (d) the increase in the additional building height shall be processed in accordance with Regulations 4.17 and 3.7.

(2015-01-23)

11.19.8

Outdoor Display Court

An outdoor display court shall be permitted subject to the following conditions:

- (a) The provision of a plan for review and approval by Council.
- (b) The display is to be associated with an approved main use in building.
- (c) The display court is to be located solely on the subject property and not within the City's street right of way.
- (d) A minimum three metre (3 m) setback requirement of the display court from any property boundary.
- (e) The outdoor display court shall not be located within the sight triangle of the driveway and street, nor within any easements, not within three metres (3 m) of any service lateral, in appropriate distance from utility lines and guy wires, and is to maintain proper sight lines of the building from the street.
- (f) The outdoor display court shall not exceed forty percent (40%) of the overall landscaped frontage measurement in length.
- (g) The outdoor display court shall not be located within the front yard parking lot and shall not reduce the minimum number of parking spaces required for the main uses on the lot.
- (h) The outdoor display court shall be subject to the review and approval of a landscaping plan which includes tree, shrub and sod plantings as per Mount Pearl Landscaping Regulations and Guidelines.
- (i) Acceptable surfacing for the display court shall be hard surfacing and its access shall be continuous with the parking lot. The parking surface for the equipment is to be level. Gravel shall not be permitted as a surfacing material.
- (j) Depending on the size of equipment and if the display court includes a raised platform, the City requires the provision of soil bearing capacity numbers and stamped Engineering drawings. The parking surface for the equipment needs to be level.
- (k) Any lighting is to be focused onto the equipment or vegetation, and not into oncoming traffic or adjacent properties. Flashing lights are not permitted.
- (l) The outdoor display court is not to impede winter snow clearing operations. The City is not liable if equipment is damaged during routine maintenance operations

11.19.9 Non-Conforming Use

Where a non-conforming commercial use exists within this use zone, Council may allow the non-conforming commercial use to expand provided the expanded development:

- (a) improves the appearance of the property;
- (b) does not impact negatively upon surrounding residential properties;
- (c) meets the objectives and policies of transforming the area into commercial main streets;
- (d) complies with the development standards of the use zone; and
- (e) is processed pursuant to Regulation 4.17 of the Regulations.

11.19.10 Non-Conforming Dwellings

Council may use its discretion to permit the rebuilding of an existing dwelling that is destroyed by more than fifty percent (50%) of the value of the dwelling subject to the dwelling being rebuilt on its original footprint.

11.19.11 Quonset Hut

The use of a Quonset Hut as *a secondary and incidental* building shall be restricted to the Industrial – Light (IL) use zone subject to the following conditions: (2016-08-26)

- (a) The Quonset hut shall be clearly incidental and *complementary* to the use of the principal building in character, use and size, and shall be contained on the same lot;
- (b) The building height of the Quonset hut shall not exceed the building height of the principal building on the lot;
- (c) The gross floor area of the Quonset hut shall not exceed 80% of the floor area of the first floor of the principal building on the lot;
- (d) The lot coverage of all buildings on the lot shall not exceed 50%;
- (e) The Quonset hut shall *meet* the applicable National Building Code requirements for *the use it contains*; (2016-08-26)
- (f) No Quonset hut or part thereof shall project in front of any building line;
- (g) The side yard and rear yard requirements set out in the use zone tables in these Regulations shall apply to a Quonset hut wherever it is located on the lot;
- (h) In cases where Council deems it appropriate, the developer will be required to screen the Quonset hut through landscaping measures in accordance with Council's requirements; and,
- (i) The developer shall submit plans certified by an engineer licensed to practice in Newfoundland and Labrador that confirms that the Quonset hut is designed and anchored to withstand local climatic conditions especially wind and snow loads as determined by design requirements utilized for the Planning Area.

PUBLIC ZONES**11.20 COMMUNITY AND PUBLIC SERVICES (PB) ZONE****11.20.1 Permitted Uses**Residential:

- (a) Dwelling Unit Associated with a Place of Worship (Subject to Regulation 7.12)

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) Clinic
- (c) General Assembly
- (d) Group Child Care Use (Subject to Regulation 7.16)
- (e) **Group Fitness** (2015-02-06)
- (f) Office
- (g) Personal Care Use (Subject to Regulation 7.26)
- (h) Theatre

Recreational:

- (a) Park
- (b) Recreational Use
- (c) Outdoor Assembly Use (Subject to Regulation 7.24)

Public:

- (a) Civic Use
- (b) **Community Garden (Subject to Regulation 7.9)** (2016-06-17)
- (c) Cultural Centre
- (d) **Open Air Assembly Use (subject to Regulation 7.23)** (2013-08-16)
- (e) Place of Worship
- (f) School

11.20.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Bar
- (b) **Beehive (Subject to Regulation 7.6)** (2017-04-13)
- (c) Club and Lodge
- (d) Collective Residential
- (e) Halfway House (Subject to Regulation 7.17)
- (f) Indoor Assembly
- (g) Lounge
- (h) Office
- (i) Restaurant
- (j) Taxi Stand

- (k) Theatre
- (l) Transportation Terminal

11.20.3 Development Standards

The development standards for this zone shall be as follows:

- | | |
|--|---|
| (a) Minimum Lot Area | 900 m ² |
| (b) Minimum Frontage | 30 m |
| (c) Floor Area Ratio | 1.0 |
| (d) Minimum Building Line Setback | 10 m |
| (e) Minimum <i>Side Yard</i> Width (except where building are built with adjoining party walls) | 3 m (2015-01-23) |
| (f) Minimum Flanking Street <i>Side Yard</i> Width | 10 m (2015-01-23) |
| (g) Minimum <i>Rear Yard</i> Depth | 6 m (2015-01-23) |
| (h) <i>Maximum Lot Coverage</i> | 50 % (2015-01-23) |
| (i) Maximum Building Height | 15 m |
| (j) Additional Maximum Building Height | To be determined by Council subject to Regulation 6.3 |
| (k) Minimum Landscaping on Lot | 20 % |
| (l) Except for driveways not exceeding a width of 10 m and used exclusively for access purposes by motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter, | |
| i. All land within 3 m of a Front Lot Line | |
| ii. All land within 3 m of a Flanking Street Line | |
| iii. All land within 1.5 m of other Lot Lines | |
| (m) Fencing - A privacy fence at least 1.8 m in height shall be required where the lot adjoins an existing residential lot or residential Use Zone. | |

11.20.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Canopy Sign
- (c) Changeable Message Sign
- (d) Ground Sign or Pylon Sign
- (e) Inflatable Sign
- (f) Marquee Sign
- (g) Portable Sign
- (h) Projecting Sign
- (i) Roof Sign
- (j) Wall Sign

11.21 HERITAGE RESOURCE (HR) ZONE

11.21.1 Permitted Uses

Commercial:

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) General Assembly
- (c) Group Child Care Use (Subject to Regulation 7.16)

Recreational:

- (a) Park

Public:

- (a) Civic Use
- (b) Cultural Centre
- (c) Heritage Building
- (d) Place of Worship
- (e) School

11.21.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) ***Beehive*** (*Subject to Regulation 7.6*) (2017-04-13)
- (b) ***Clinic*** (2015-08-14)
- (c) Club and Lodge
- (d) Indoor Assembly
- (e) Office
- (f) Outdoor Assembly Use (Subject to Regulation 7.24)
- (g) ***Personal Service*** (2015-08-14)
- (h) Recreational Use
- (i) Restaurant
- (j) Theatre

11.21.3 Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Building Line Setback 15 m
- (b) Minimum ***Side Yard*** Width (minor) 3 m (2015-01-23)
- (c) Minimum Flanking Street ***Side Yard*** Width 10 m (2015-01-23)
- (d) Minimum ***Rear Yard*** Depth 10 m (2015-01-23)
- (e) Maximum Building Height 10 m

11.21.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Canopy Sign
- (b) Wall Sign

The following conditions shall apply to signs and advertisements within the HR Use Zone.

- (a) Wherever possible, all signs will conform to the style and form of the period of the building to which they relate.
- (b) A plaque or monument describing or commemorating the significance of the heritage site shall be permitted on the site of a scale and size deemed appropriate by Council.
- (c) The lighting of signs shall be directed towards the site and shall not be directed towards or create unnecessary glare on adjacent properties.
- (d) No off-site advertisements will be permitted on the site subject to the following requirements:
 - i. the sign has a maximum overall vertical height of two metres (2 m),
 - ii. the sign has a maximum overall horizontal length of two metres (2 m), and
 - iii. the maximum area of the sign face shall be two decimal five square metres (2.5 m²).

11.21.5 Retention of Original Appearance of Principal Building

Wherever possible, the original appearance of the principal building exterior shall be retained and any renovation of or addition to the principal building shall be compatible with the overall style, massing and bulk, material, architectural scale and significant architectural features of the original building.

11.21.6 Adaptive Reuse of Buildings

The adaptive reuse of buildings in this Use Zone shall be permitted provided that:

- (a) the use is compatible with the nature of the original use and occupancy of the principal building;
- (b) any additions or internal renovations retain the overall character and architectural significance of the principal building;
- (c) the use is compatible and in harmony with adjacent development; and
- (d) the construction of the building, while maintaining the traditional architectural style, shall be in accordance with present-day building codes.

11.21.7 Accessory Buildings

Accessory buildings shall be permitted on the site provided the buildings are compatible with the overall style and scale of the principal building.

11.21.8 Site Development

The development of the site shall be in harmony with the style and appearance of the building on the site with special attention given to landscaping and urban design features which are compatible and enhance the heritage significance of the site.

11.21.9 Historic Place Designation

Where a property or building has been designated as a heritage resource by Council, and has been listed on the Canadian Register of Historic Places in collaboration with the Heritage Foundation of Newfoundland and Labrador, the character-defining elements as identified in the listed Statement of Significance shall be retained and protected as part of the use, adaptive reuse or redevelopment of the property or building.

11.21.10 Development Agreement and Securities

Where it is determined necessary by Council, the property owner shall enter into a development agreement with and/or provide securities to the City to ensure that character-defining elements of the heritage property are not damaged, altered or removed as the property is redeveloped.

11.21.11 Expansion or Extension to Existing Uses or Buildings

Prior to Council deciding on an application to physically enlarge or expand an existing development within this zone, the proposal will be subject to a public consultation process and Council shall decide on the proposal subject to the conditions of this use zone and Regulation 4.5.

11.22 OPEN SPACE (OS) ZONE

11.22.1 Permitted Uses

Recreational:

- (a) **Group Fitness** (2015-02-06)
- (b) Park

Public:

- (a) **Community Garden (Subject to Regulation 7.9)** (2016-06-17)
- (b) **Open Air Assembly Use (subject to Regulation 7.23)** (2013-08-16)

Other:

- (a) Conservation

11.22.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) **Beehive (Subject to Regulation 7.6)** (2017-04-13)
- (b) Cemetery (Subject to Regulation 7.7)
- (c) Civic Use
- (d) Club and Lodge
- (e) Cultural Centre
- (f) General Assembly
- (g) Group Child Care Use (Subject to Regulation 7.16)
- (h) Health Club
- (i) Indoor Assembly
- (j) Outdoor Assembly Use (Subject to Regulation 7.24)
- (k) Recreational Use
- (l) Restaurant
- (m) Take-out Food Service

11.22.3 Development Standards

The development standards for this zone shall be as follows:

- | | |
|--|--------------------------|
| (a) Minimum Lot Area | As determined by Council |
| (b) Minimum Floor Area | As determined by Council |
| (c) Minimum Frontage | 20 m |
| (d) Minimum Building Line Setback | 6 m |
| (e) Minimum Side Yard Width | 3 m (2015-01-23) |
| (f) Minimum Flanking Street Side Yard Width | 6 m (2015-01-23) |
| (g) Minimum Rear Yard Depth | 6 m (2015-01-23) |
| (h) Maximum Lot Coverage | As determined by Council |
| (i) Maximum Building Height | As determined by Council |

11.23 OPEN SPACE RESERVE (OSR) ZONE

11.23.1 Permitted Uses

- (a) Civic Use
- (b) Conservation
- (c) Park

11.23.2 Discretionary Uses

- (a) *Beehive (Subject to Regulation 7.6)*

(2017-04-13)

11.23.3 Development Standards

As determined by Council.

SPECIAL ZONES

11.24 UTILITY (UTIL) ZONE

11.24.1 Permitted Uses

- (a) Public Utility
- (b) Conservation
- (c) Park

11.24.2 Discretionary Uses

- (a) *Beehive (Subject to Regulation 7.6)* (2017-04-13)

11.24.3 Development Standards

The development standards for this zone shall be as follows:

- (a) Minimum Frontage 30 m
- (b) Minimum Building Line Setback 15 m
- (c) Minimum *Side Yard* Width 3 m (2015-01-23)
- (d) Minimum Flanking Street *Side Yard* Width 10 m (2015-01-23)
- (e) Minimum *Rear Yard* Depth 6 m (2015-01-23)
- (f) Maximum Building Height 10 m

11.24.4 No Buildings in Required Yards

No building or utility equipment, including electrical transformer, shall be permitted in any required yard.

11.24.5 Fencing Requirements

The area of the utility use shall be fenced in to ensure security of the use from the general public and shall be fenced in accordance with the Mount Pearl Fence Regulations.

11.24.6 Landscaping

The development of the lot shall include landscaping features that screen the building and equipment from public view from all adjacent streets and properties. A landscape plan that illustrates the vegetation and materials used to screen the utility use shall be prepared by the applicant and approved by Council.

11.24.7 Environment Report Required

Prior to a change of use of the land, Council shall require the applicant or developer to have an environmental report prepared indicating that the land is environmentally suitable for the change to the proposed use. The environmental report will be prepared by a qualified environmental consultant and under such terms of reference as approved by Council.

11.25 CEMETERY (CEM) ZONE

11.25.1 Permitted Uses

Public:

- (a) Accessory Building (Subject to Regulation 6.2)
- (b) Cemetery (Subject to Regulation 7.7)
- (c) Crematorium

11.25.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) ***Beehive (Subject to Regulation 7.6)*** (2017-04-13)
- (b) Single Detached Dwelling

11.25.3 Development Standards

The development standards for this zone shall be as follows:

- (a) ***Minimum Frontage*** 30 m (2015-01-23)
- (b) Minimum Building Line Setback 30 m
- (c) Minimum ***Side Yard*** Width 3 m (2015-01-23)
- (d) ***Minimum Rear Yard Depth*** 6 m (2015-01-23)
- (e) Maximum Building Height 8 m

11.26 RURAL (RURAL) ZONE

11.26.1 Permitted Uses

Commercial:

- (a) Agriculture
- (b) Automotive Sales Use (Parking Lot Only)
- (c) Bed and Breakfast (Subject to Regulation 7.5)
- (d) Forestry Use

Recreational:

- (a) Park

Other:

- (a) Conservation

11.26.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Adult Day Care Use (Non-Residential) (Subject to Regulation 7.1)
- (b) ***Beehive (Subject to Regulation 7.6)*** (2017-04-13)
- (c) Cemetery (Subject to Regulation 7.7)
- (d) Commercial Wind Turbine (Subject to Regulation 7.8)
- (e) General Industry Use (Subject to Regulation 7.15)
- (f) Group Child Care Use (Subject to Regulation 7.16)
- (g) Kennel (Subject to Regulation 7.21)
- (h) Mineral Working
- (i) Outdoor Assembly Use (Subject to Regulation 7.24)
- (j) Outdoor Garden Market
- (k) Significant Telecommunications Structure (Subject to Regulation 7.29.2)

11.26.3 Development Standards

The development standards for this zone shall be as follows:

- | | |
|---|-------------------|
| (a) Minimum Frontage | 100 m |
| (b) Minimum Building Line Setback | 15 m |
| (c) Minimum <i>Side Yard</i> Width | 3 m (2015-01-23) |
| (d) Minimum Flanking Street <i>Side Yard</i> Width | 10 m (2015-01-23) |
| (e) Minimum <i>Rear Yard</i> Depth | 15 m (2015-01-23) |
| (f) Maximum Building Height | 10 m |

11.26.4 Signs and Advertisements

Only the following signs are permitted within this zone and these signs are permitted in accordance with the regulations as outlined in Section 8 of the Regulations:

- (a) Banner Sign
- (b) Canopy Sign
- (c) Ground Sign or Pylon Sign
- (d) Inflatable Sign
- (e) Marquee Sign
- (f) Portable Sign
- (g) Projecting Sign
- (h) Roof Sign
- (i) Wall Sign

11.26.5 Commercial Wind Turbines

The development standards for commercial wind turbines shall be as determined by Council.

11.26.6 Development Above the 190 Metre Contour Line

No development requiring the utilization of municipal water and/or sewer services or on-site water and/or sewer services shall be permitted above the one hundred and ninety metre (190 m) contour line.

11.26.7 Automotive Use

Automotive Use shall be restricted to a parking lot for the storage of vehicles. The following conditions shall apply to parking lot development:

- (a) the parking lot use shall be associated with a permitted use either within the land use zone or an adjacent land use zone;
- (b) parking lot shall be ***paved and shall not require any municipal water and sanitary sewer services;***
- (c) lighting of parking lot area shall not create negative visual impacts on surrounding residential areas;
- (d) adequate buffer and/or screening shall ensure that any parking lot use does not create negative impact on surrounding properties; and
- (e) surface runoff from parking lot shall be controlled and designed in accordance with the requirements of Council.

(2012-05-18)

11.27 CONSERVATION (CON) ZONE**11.27.1 Permitted Uses**Other:

- (a) *Access* (2013-08-16)
- (b) Civic Use
- (c) *Community Garden (Subject to Regulation 7.9)* (2016-06-17)
- (d) Conservation
- (e) Park
- (f) *Parking Lot* (2013-08-16)

11.27.2 Discretionary Uses (Subject to Regulation 3.7)

- (a) Agriculture
- (b) *Beehive (Subject to Regulation 7.6)* (2017-04-13)
- (c) Forestry Use

11.27.3 *Development in the floodway, floodway fringe and buffer* (2015-01-23)

Development in the Conservation use zone and the designated floodway, floodway fringe and buffer shall be subject to Regulation 6.14. (2013-08-16)

11.27.4 Development Standards

As determined by Council

11.28 *COMPREHENSIVE DEVELOPMENT AREA (KENMOUNT HILL) ZONE*

11.28.1 *Permitted Uses*

- (a) *Existing uses.*
- (b) *Reconstruction and replacement of and additions to existing buildings provided that Council may refuse permission for reconstruction and replacement or addition if Council is of the opinion that such a development would adversely affect the development of the Comprehensive Development Area.*
- (c) *Accessory uses associated with an existing principal building or use, subject to meeting applicable development standards.*

With the exception of uses listed above, no development may be permitted in this Comprehensive Development area until such time as the City determines that the area is available for serviced urban development. Council will consider the rezoning of lands in this Comprehensive Development Area to an appropriate zone to accommodate a development.
(2015-08-21)

11.28.2 *Discretionary Uses*

- (a) *Beehive (Subject to Regulation 7.6)* (2017-04-13)

SECTION 12 – MAPS

SECTION 13 – APPENDIX

13.1 APPENDIX 1 - Parking Area Standards

Appendix 1 - Parking Area Standards

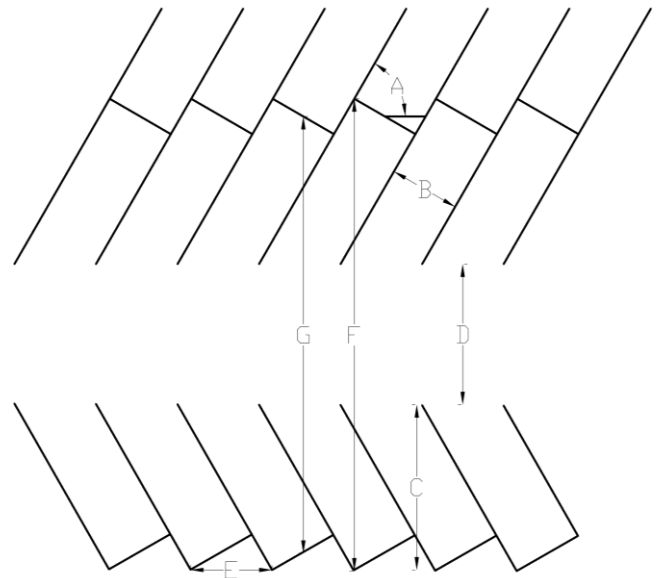
A	B	C	D	E	F	G	A	B	C	D	E	F	G
0°	2.44	2.44	3.66	7.01	8.53	-	60°	2.44	6.22	5.79	2.80	18.23	17.01
	2.59	2.59	3.66	7.01	8.84	-		2.59	6.31	5.64	2.99	18.26	16.95
	2.74	2.74	3.66	7.01	9.14	-		2.74	6.40	5.49	3.17	18.29	16.92
	2.90	2.90	3.66	7.01	9.45	-		2.90	6.47	5.49	3.35	18.41	16.95
	3.05	3.05	3.66	7.01	9.75	-		3.05	6.55	5.49	3.51	18.59	17.07
20°	2.44	4.27	3.35	7.13	11.89	9.60	70°	2.44	6.28	6.09	2.59	18.65	17.83
	2.59	4.42	3.35	7.59	12.19	9.75		2.59	6.34	5.94	2.74	18.62	17.74
	2.74	4.57	3.35	8.02	12.50	9.91		2.74	6.40	5.79	2.93	18.59	17.65
	2.90	4.72	3.35	8.47	12.80	10.09		2.90	6.46	5.64	3.03	18.56	17.59
	3.05	4.85	3.35	8.90	13.05	10.18		3.05	6.46	5.49	3.23	18.41	17.37
30°	2.44	5.03	3.35	4.88	13.41	11.31	80°	2.44	6.13	7.62	2.47	19.87	19.45
	2.59	5.15	3.35	5.18	13.66	11.40		2.59	6.16	7.32	2.62	19.63	19.17
	2.74	5.27	3.35	5.49	13.90	11.52		2.74	6.19	7.32	2.77	19.60	19.11
	2.90	5.43	3.35	5.79	14.20	11.70		2.90	6.22	7.32	2.93	19.63	19.11
	3.05	5.55	3.35	6.10	14.45	11.80		3.05	6.25	7.32	3.11	19.81	19.29
45°	2.44	5.82	4.27	3.44	15.91	14.17	90°	2.44	5.79	7.92	2.44	19.51	-
	2.59	5.91	4.11	3.66	15.94	14.17		2.59	5.79	7.62	2.59	19.20	-
	2.74	6.04	3.96	3.87	16.00	14.17		2.74	5.79	7.32	2.74	18.90	-
	2.90	6.13	3.96	4.08	16.25	14.17		2.90	5.79	7.32	2.90	18.90	-
	3.05	6.25	3.96	4.30	16.46	14.30		3.05	5.79	7.32	3.05	18.90	-

NB – All units are in metres.

(2015-01-23)

- A** PARKING ANGLE
- B** STALL WIDTH
- C** STALL TO CURB
- D** AISLE WIDTH
- E** CURB LENGTH PER CAR
- F** CURB TO CURB
- G** CENTER TO CENTER WIDTH OF DOUBLE ROW WITH AISLE BETWEEN.

(2015-01-23)



List of Amendments to the Mount Pearl Development Regulations 2010
(hereinafter referred to “Development Regulations”)

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
May 18, 2012	No. 1, 2012 - Automotive Use (Restricted) Amendment – consists of the following amendment to the text of the Development Regulations: In Section 11 Use Zone Schedules, amend Section 11.26.7 titled “Automotive Sales Use” of the Rural (RURAL) Zone Table as follows: 1. re-title to “ <i>automotive use</i> ” 2. replace the text “ <i>automotive sales use</i> ” with “ <i>automotive use</i> ” 3. replace section 11.26.7 (b) to read “ <i>parking lot shall be paved and shall not require any municipal water and sanitary sewer services.</i> ”	N/A
June 1, 2012	No. 3, 2012 – Residential Accessory Buildings Amendment - consists of the following text amendments to the Mount Pearl Development Regulations 2010: In Section 6 General Provisions, amend Section 6.2 Accessory Building (Residential) as follows: Delete condition (a) (ii) and replace with the following; “ <i>The maximum floor area of accessory buildings shall be seven percent (7%) of the lot coverage up to a maximum of fifty-five decimal seven-five metres (55.75 m²);</i> ”	N/A
June 8, 2012	No. 4, 2012 – Patios on Flanking Street Sideyards Amendment - consists of the following amendment to the text of the Development Regulations: Amend Section 6 – General Development Standards by adding the following immediately after Regulation 6.34.2 (d): “ <i>6.34.2(e) Council may permit at its discretion permit the erection of a patio in the minor sideyard that is bordering onto a flanking street with an adjacent City owned Open Space intended for snow storage purposes.</i> ”	N/A
June 22, 2012	No.2, 2012 – 15, 17, 19, and 21 Simcoe Drive RMD Rezoning Amendment – consists of the following amendment to the Land Use Zone Map of the Development Regulations: Amend Section 12 – Maps, Map 1 - Land Use Zone Map of the City of Mount Pearl Development Regulations 2010 as follows: Rezone the properties located at 15, 17, 19, and 21 Simcoe Drive from Residential – Single Unit Detached -3 (RSU-3) to Residential Medium Density (RMD).	Land Use Zone Map Amendment only

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
June 22, 2012	No. 5, 2012 - 291 Old Placentia Road Office Buildings Amendment – consists of the following amendment to the Land Use Zone Map of the Development Regulations: Amend Map1 – Land Use Zone Map by rezoning the property at 291 Old Placentia Road to Commercial-Office.	Land Use Zone Map Amendment; Municipal Plan Amendment No. 1, 2012
August 24, 2012	No. 6, 2012 - Heat Pumps Amendment - consists of the following amendment to the text of the Development Regulations: 1. Amend Section 6 – General Development Standards of the Mount Pearl Development Regulations 2010 by adding a section titled “Heat Pumps, Air Conditioners and External Fans” immediately after section 6.15 and add the following text: <i>“6.16 Heat Pump, Air Conditioner and External Fan A heat pump, air conditioner or external fan shall be located: 6.16.1 in the flanking street side yard or rear yard of the principle building of the lot of property on which the heat pump, air conditioner or external fan is situated; 6.16.2 no closer than 2.4 m from a side lot line of the lot or property on which the heat pump, air conditioner or external fan is situated ; and 6.16.3 no closer than 3 m to a door or window of a dwelling on an adjoining lot.”</i> 2. Consider existing heat pumps as a non-conforming use and no action be taken to relocate the existing heat pumps in accordance with the proposed amendment, unless a noise complaint is received, upon which the matter will need to be addressed under the City’s Noise Regulations.	N/A
August 31, 2012	No. 7, 2012 - Accessory Building Height Amendment - consists of the following amendment to the text of the Development Regulations: 1. In Section 6.2.2 (a) (vi) – Accessory Building (Residential) delete the section and replace with the following: <i>“with the exception of radio and television antennae, an accessory building shall have a maximum height of three decimal five meters (3.5m)”</i> . 2. In Section 6.2.4 (g) - Accessory Building (Non-Residential) delete the section and replace with the following: <i>“with the exception of radio and television antennae, an accessory building shall have a maximum height of three decimal five meters (3.5m)”</i> .	N/A

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
November 9, 2012	<p>No. 9, 2012 - Mobility Impaired Parking Spaces Amendment - consists of the following amendment to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. In Section 2- Definitions, amend by adding the following definition in alphabetical sequence in the existing list of definitions: <i>“Designated Mobility Impaired Parking Space - means a parking space designated for motor vehicles used by persons with a mobility impairment.”</i> 2. In Section 9 — Off-Street Parking and Loading Regulations, amend by adding the following section after Section 9.3 and renumber the remaining sections sequential in order: <i>“9.4 Designated Mobility Impaired Parking Spaces</i> <i>For any development where parking spaces for person with disabilities, are required pursuant to the Building Accessibilities Regulations under the Building Accessibility Act (Newfoundland and Labrador), such spaces shall be provided on the basis of one (1) parking space per lot or four percent (4%) of the total number of required parking spaces provided on the lot, whichever is greater, and such parking space or spaces shall be designated and marked in accordance with the Designated Mobility Impaired Parking Regulations under the Highway Traffic Act (Newfoundland and Labrador) and the Building Accessibilities Act.”</i> 	N/A
December 28, 2012	<p>No. 11, 2012 - Group Child Care in the CG-S Amendment - consists of the following text amendments to the Development Regulations:</p> <p>In Section 11.13 USE ZONE SCHEDULES – COMMERCIAL-GENERAL [SPECIAL] (CG-S) USE ZONE add the following:</p> <p>In Section 11.13.1, add in alphabetical order <i>“Group Child Care”</i> to the list of permitted uses.</p>	N/A
January 25, 2013	<p>No. 10, 2012 - 885 Topsail Road (CM) Rezoning Amendment - consists of the following amendment to the Land Use Zone Map of the Development Regulations:</p> <p>Amend Map 1 - Land Use Zoning Map, as follows:</p> <p>Re-zone the property at 885 Topsail Road from Utility (UTIL) to Commercial Mixed (CM) Use Zone.</p>	Land Use Zone Map Amendment; Municipal Plan Amendment No. 4, 2012

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
April 19, 2013	No. 8, 2012 – 166 Park Avenue Apartment Amendment - consists of the following amendment to the Land Use Zone Map of the Development Regulations: Amend Map 1 - Land Use Zoning Map, as follows: Re-zone the property at 166 Park Avenue from Community and Public Services (PB) to Apartment (APT) Use Zone.	Land Use Zone Map Amendment; Municipal Plan Amendment No. 3, 2012
June 21, 2013	No. 13, 2013 – Furniture Showroom Parking Amendments - consists of the following amendment to the text of the Development Regulations: 1. In Section 2- DEFINITIONS define and add the following definition in alphabetical order to the list of definitions: <i>“Furniture and Appliance Showroom - means the use of land, buildings or structures for retail sales or rental of household furniture and/or major or minor household appliances.”</i> 2. In Section 9 – Off-Street Parking and Loading Regulations, amend by adding the following section in alphabetical order in Section 9.2 General Parking Requirements: <i>“Furniture and Appliance Showroom - One parking space for every 50 square metres of gross floor area.”</i> 3. In Section 11- Use Zone Schedules, amend the following use zones by adding the phrase <i>“Furniture and Appliance Showroom”</i> in alphabetical order to the list of permitted ‘Commercial’ uses: <ul style="list-style-type: none"> • Commercial- Mixed (CM) • Commercial- General (CG) • Commercial- General [Special] (CG-S) • Industrial – Light (IL) 	N/A
June 21, 2013	No. 14, 2013 – IL Front Yard Sign Amendment – consists of the following amendment to the text of the Development Regulations: In Section 11 – Use Zone Schedules, amend Section 11.19.5 – “Landscaped Front Yard” by deleting the word “identification” and replacing with the word <i>“permitted”</i> .	N/A

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
June 21, 2013	<p>No. 15, 2013 – CC and CG Changeable Message Sign Amendment - consists of the following amendment to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. In Section 11- Use Zone Schedules, amend Section 11.11.4, Signs and Advertisements of the City Centre (CC) use zone by adding the following item immediately following “(i) Wall Sign”: <i>“(j) Notwithstanding Section 8.20.4 of these Regulations, a Changeable Message Sign may be permitted at the discretion of Council provided that the sign application is processed pursuant to Regulation 4.17.4 of these Regulations.”</i> 2. In Section 11- Use Zone Schedules, amend Section 11.12.4, Signs and Advertisements of the Commercial-General (CG) use zone by adding the following item immediately following “(i) Wall Sign”: <i>“(j) Notwithstanding Section 8.20.4 of these Regulations, a Changeable Message Sign may be permitted at the discretion of Council provided that the sign application is processed pursuant to Regulation 4.17.4 of these Regulations.”</i> 	N/A
June 21, 2013	<p>No. 16, 2013 – Non-Conforming Accessory Building Amendment - consists of the following amendment to the text of the Development Regulations: In Section 6- General Development Standards, amend Subsection 6.27, Non-Conforming Use, by adding the following:</p> <ol style="list-style-type: none"> 1. In clause 6.27.2, in the first sentence, following the words “.... or altered structurally” and before “unless such building” add the phrase “<i>or relocated on the lot</i>”; and, 2. In clause 6.27.2, <ul style="list-style-type: none"> • at the end of clause “(e)”, delete the word “and”; • immediately following clause “(e)”, add the following clause: <i>“(f) where the non-conformance is with respect to the standards included in these Regulations, the building, structure, or development shall not be relocated if the relocation would increase the non-conformity; and,”</i> <i>and</i> • change the sequential lettering for the existing clause “(f)” to “(g)”. 	N/A

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
July 5, 2013	<p>No. 17, 2013 – 79-115 Mount Carson Avenue CG Rezoning Amendment - consists of the following amendment to the Land Use Zoning Map of the Mount Pearl Development Regulations 2010:</p> <p>Rezone a portion of the property at 79 - 115 Mount Carson Avenue from Commercial – Local (CL) to Commercial – General (CG).</p>	Land Use Zone Map Amendment only
August 16, 2013	<p>No. 19, 2013 – Conservation Amendment - consists of the following amendment to the text of the Development Regulations:</p> <p>In Section 11 - USE ZONE SCHEDULES, Sub-section 11.27 – Conservation (CON) Use Zone Schedule:</p> <ol style="list-style-type: none"> 1. under sub-section 11.27.1: <ol style="list-style-type: none"> (a) add, in alphabetical order, “Access” and “Parking Lot” to the list of permitted “Other” uses; (b) sequentially re-letter the existing list of other uses to incorporate these additions; 2. add immediately after subsection 11.27.2 and new sub-section “11.27.3 <i>Development in the Floodway, Flood Way Fringe and Buffer</i> <i>Development in the Conservation use zone and the designated floodway, floodway fringe and buffer shall be subject to Regulation 6.14.</i>”; and 3. re-number existing subsection “11.27.3” to “11.27.4”. 	N/A
August 16, 2013	<p>No. 20, 2013 – CG Apartment Building Amendment - consists of the following amendment to the text of the Development Regulations: In SECTION 11 - USE ZONE SCHEDULES, Sub-section 11.12.2 Commercial-General (CG) Use Zone Schedule:</p> <ol style="list-style-type: none"> 1. add “Apartment Building” in alphabetical order to the list of discretionary uses; and 2. sequentially re-letter the existing list of uses to incorporate this addition. 	N/A

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
August 16, 2013	<p>No. 21, 2013 – Open Air Assembly Amendment - consists of the following amendment to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. In Section 11 Use Zone Schedules, more specifically in the Use Zone Schedules for City Centre (CC), Industrial Light (IL), and Community and Public Service (PB): <ol style="list-style-type: none"> (a) Under “Permitted Uses”, sub-category “Public:”, add “Open Air Assembly Use (subject to Regulation 7.20)” in alphabetical order to the list of public permitted uses; (b) where necessary, re-letter existing “Public” permitted uses to accommodate the alphabetical addition as noted above; and 2. In Section 11 Use Zone Schedules, more specifically in the Use Zone Schedule for Open Space (OS): <ol style="list-style-type: none"> (b) under “Permitted Uses”, following the sub-category “Recreational:” and prior to the sub-category “Other:”, add a new sub-category “Public:”, and under that sub-category, add “Open Air Assembly Use (subject to Regulation 7.20)”. 	N/A
November 22, 2013	<p>No. 18, 2013 – 912-924 Topsail Road Amendment - consists of the following amendment to the Land Use Zoning Map of the Mount Pearl Development Regulations 2010:</p> <p>Rezone the property at 912-924 Topsail Road from Commercial General (CG) to Commercial Mixed (CM).</p>	Land Use Zone Map Amendment: Municipal Plan Amendment No. 5, 2012
January 3, 2014	<p>No. 24, 2013 – CG – Hotel Amendment – consists of the following amendment to the text of the Development Regulations:</p> <p>In Section 11.12, USE ZONE SCHEDULES – COMMERCIAL-GENERAL (CG) USE ZONE under sub-section 11.12.1(o):</p> <p>Delete “Hotel (Subject to Regulation 11.11.10)” and replace with “Hotel (Subject to Regulation 11.12.10)”.</p>	N/A

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
January 3, 2014	<p>No. 25, 2013 – Indoor Parking Facilities Amendment – consists of the following amendment to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. In Section 2 - Definitions, by adding the following: <ul style="list-style-type: none"> “INDOOR PARKING FACILITIES” means a building or a portion of a building principally used or intended to be used to provide access to, and space for, the parking, loading, or storage of motor vehicles, and which may include bicycle spaces, but does not mean a structure providing a maximum of four parking spaces accessory to a residential use; 2. In Section 9 – Off-Street Parking and Loading Regulations, <ol style="list-style-type: none"> a) Amend Regulation 9.11.1 by: <ul style="list-style-type: none"> Adding the clause, “Unless approved by Council pursuant to Regulation 9.12,” immediately before “parking space shall mean an area of land, not less than sixteen decimal three square metres (16.3 m²) in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas.” b) Immediately after Regulation 9.11, add the following: <ul style="list-style-type: none"> “9.12 Indoor Parking Facilities Standards At the discretion of Council, the parking standards for indoor parking facilities may be reduced as follows: <ol style="list-style-type: none"> 9.12.1 The minimum stall length shall be 5.6 metres. 9.12.3 The minimum stall width shall be 2.6 metres. 9.12.3 The minimum aisle width shall be 6.8 metres. 9.12.4 The minimum centre to centre width of a double row with aisle in between shall be 18.0 metres. 9.12.5 The minimum height clearance shall be 2.38 metres.” c) Re-number the remaining sections accordingly. 	N/A

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
January 24, 2014	No. 23, 2013 – Flanking Street Side Yard Amendment - consists of the following amendment to the text of the Development Regulations: In Section 6 – General Development Standards, amend Regulation 6.4, BUFFERS, by adding the following immediately after subsection 6.4.2: “6.4.3 <u>Flanking Street Side Yards</u> Where an industrial, commercial or civic development permitted in any Use Zone abuts a street that is used as an access into a residential area or zone, a structural barrier or fence may be required in the flanking street side yard by Council and the structure or barrier shall be maintained by the owner or occupier of the property to the satisfaction of Council.”	N/A
February 7, 2014	No. 26, 2013 – Wilkes Avenue RSU-3 Amendment - consists of the following amendment to the Land Use Zoning Map of the Mount Pearl Development Regulations 2010: Rezone the rear portion of eight (8) proposed lots situated on the north side of the proposed Wilkes Avenue from Commercial Mix (CM) and Open Space (OS) to Single Dwelling Unit – 3 detached (RSU-3) Use Zone.	Land Use Zone Map Amendment: Municipal Plan Amendment No. 7, 2013
February 21, 2014	No. 22, 2013 – Worrall Crescent Amendment – consists of the following amendment to the Land Use Zoning Map of the Mount Pearl Development Regulations 2010: Rezone a portion of the T’railway property located to the east of 59 Park Avenue property from Open Space (OS) to Residential Medium Density (RMD).	Land Use Zone Map Amendment: Municipal Plan Amendment No. 6, 2013
March 7, 2014	No. 28, 2014 – Municipal Avenue (APT) Rezoning Amendment – consists of the following amendment to the Land Use Zoning Map of the Mount Pearl Development Regulations 2010: Rezone the properties situated at 33-39 Municipal Avenue, 19 and 21 Delaney Avenue and the rear portion of 14 Orchard Avenue from Residential Medium Density (RMD) to Apartment (APT) Use Zone.	Land Use Zone Map Amendment

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March 21, 2014	No. 27, 2014 – 959-963 Topsail Road Amendment – consists of the following amendments: 1. to the text of the Development Regulations: In Section 3 – Zones, under Regulation 3.3, Use Zones, add to the list of Special Zones, “Conservation (CON)””; and 2. to the Land Use Zoning Map of the Mount Pearl Development Regulations 2010: Relocating the zoning boundary between the Conservation (CON) and Commercial Mixed (CM) use zones at 959 and 963 Topsail Road to coincide with the top of the slope of the subject properties.	Land Use Zone Map Amendment: Municipal Plan Amendment No. 8, 2014
April 11, 2014	No. 29, 2014 – Apt – Row Dwelling Amendment – consists of following amendment to the text of the Development Regulations: In Section 11.9, USE ZONE SCHEDULES – APARTMENT (APT) USE ZONE, immediately after sub-section 11.9.3, add the following: 1. “11.9.4 Development Standards for Row Dwellings The development standards for row dwellings for this zone shall be as follows: (a) Minimum Lot Area 135 m ² per dwelling unit (b) Minimum Frontage 5 m per dwelling unit (c) Minimum Building Line Setback 7.5 m (d) Minimum Side Yard for End Units 2 m (e) Minimum Flanking Street Side Yard Width 7.5 m (f) Minimum Rear Yard Depth 6 m (g) Maximum Lot Coverage 33% (h) Maximum Building Height 10 m” 2. Sequentially re-number the subsequent sub-section(s) accordingly.	N/A
May 9, 2014	No. 30, 2014 – Pearlview Phase 7 Amendment - consists of the following amendment to the Land Use Zoning Map of the Mount Pearl Development Regulations 2010: Rezone the area identified as Pearlview Phase 7 (north of LaSalle Drive and west of Mount Carson Avenue), consisting of approximately 2.69 hectares (6.64 acres) of land from Residential - Single Unit Detached – 3 (RSU-3) to Residential High Density (RHD).	Land Use Zone Map Amendment

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May 9, 2014	<p>No. 31, 2014 – Self-Service Storage Mall Amendment - consists of the following amendment to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. In Section 11.10.2; Use Zone Schedules, Commercial-Mixed (CM) Zone, Discretionary Uses, immediately after subsection 11.10.2 (f), add the following: “(g) Self-Service Storage Mall (Subject to Regulation 7.24)” and sequentially renumber the subsequent subsection(s) accordingly. 2. In Section 11.19.1; Use Zone Schedules, Industrial-Light (IL) Zone, Permitted Uses, Commercial; immediately after subsection 11.19.1 (t), add the following: “(u) Self-Service Storage Mall (Subject to Regulation 7.24)” and sequentially renumber the subsequent subsection(s) accordingly. 	N/A
June 13, 2014	<p>No. 32, 2014 – Bar, Club and Lodge Amendment – consists of the following amendments to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. Remove “Club and Lodge” uses from the list of permitted used in the following use zones: <ul style="list-style-type: none"> • City Centre (CC) • Commercial – General (CG) • Commercial – General [Special] (CG-S) • Commercial – Neighbourhood (CN) 2. Add “Club and Lodge” uses to the list of discretionary uses in the following use zones: <ul style="list-style-type: none"> • Commercial – Mixed (CM) • City Centre (CC) • Commercial – General (CG) • Commercial – General [Special] (CG-S) • Commercial – Neighbourhood (CN) • Commercial – Highway (CH) • Commercial – Regional (CR) 3. Remove “Bar” use from the list of permitted uses and add “Bar” use to the list of discretionary uses in the Commercial-Regional (CR) zone. 4. Sequentially renumber subsequent subsections accordingly. 	N/A

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
June 13, 2014	<p>No. 36, 2014 – Wheelchair Ramp Amendment – consists of the following amendments to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. Adding the following definition for a “residential wheelchair ramp” to Section 2, Definitions: “RESIDENTIAL WHEELCHAIR RAMP – means a ramp to gain entry to a dwelling for use by persons with disabilities resulting in them being non- or semi-ambulatory.” 2. Adding the following subsection 6.37, Residential Wheelchair Ramp, to Section 6, and renumbering the following subsections accordingly: “6.37 – Residential Wheelchair Ramp Wheelchair ramps associated with residential uses shall be permitted subject to the following requirements: 6.37.1 a wheelchair ramp must be built to the Building Code of Canada standards (Section 3.8.3.4); 6.37.2 minimum side yard setback: zero decimal three metres (0.3 m) unless the ramp is being built adjacent to a boundary that abuts an open space City-owned property where the side yard setback is zero metres (0 m); 6.37.3 every effort must be made to construct a wheelchair ramp such that it runs adjacent to the dwelling that it provides access to, rather than extend at an angle away from the dwelling face.” 	N/A

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
August 15, 2014	<p>No. 33, 2014 – Family Child Care Amendment - consists of the following amendments to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. In Section 7, Special Developments, amend subsection 7.11, Family Child Care by deleting Section 7.11.3 and renumbering the subsections accordingly. 2. In Section 9, Off-Street Parking and Loading Regulations, add “In Residential Zones: At the discretion of Council.” and insert “In Non-Residential Zones” before the existing text of the parking standards associated with Family Child Care Use. 3. In Section 11, Use Zone Schedules, delete “Family Child Care Use” from the list of permitted uses and add “Family Child Care Use” to the list of discretionary uses in a number of residential use zones: <ul style="list-style-type: none"> • Residential – Single Unit Detached – 1 (RSU-1) Zone • Residential – Single Unit Detached – 2 (RSU-2) Zone • Residential – Single Unit Detached – 3 (RSU-3) Zone • Residential – Low Density (RLD) Zone • Residential – Medium Density (RMD) Zone • Residential – High Density (RHD) Zone • Residential – High Density [Special] (RHD-S) Zone • Residential – Art Gallery (R-AG) Zone • Apartment (APT) Zone <p>and renumber subsequent subsections in Section 11 accordingly.</p>	Municipal Plan Amendment No. 9, 2014
August 15, 2014	<p>No. 34, 2014 – Forsey Place Amendment - consists of the following amendment to the Land Use Zoning Map of the Mount Pearl Development Regulations 2010:</p> <p>Rezone the portion of land that is located at the south east corner of Topsail Road and Forsey Place, immediately east of Forsey Place, south of Topsail Road, west of the property at 913-915 Topsail Road, and immediately north of the property at 25 Forsey Place from Residential – High Density – Special (RHD-S) to Commercial Mixed (CM).</p>	Land Use Zoning Map Amendment; Municipal Plan Amendment No. 10, 2014
August 15, 2014	<p>No. 35, 2014 – Lounge Use Amendment – consists of the following amendment to the text of the Development Regulations:</p> <p>Under Section 11, Use Zone Schedules, sub-section 11.17 – Commercial Regional (CR):</p> <ol style="list-style-type: none"> 1. under 11.17.1, delete the word “Lounge” from the list of Permitted Commercial uses; 2. under 11.17.2, add the word “Lounge” to the list of Discretionary uses; and 3. sequentially renumber the subsequent subsections. 	Municipal Plan Amendment No. 11, 2014

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October 17, 2014	<p>No. 37, 2014 – Pollux Drive Amendment - consists of the following amendment to the Land Use Zoning Map of the Mount Pearl Development Regulations 2010:</p> <ul style="list-style-type: none"> • Re-zone a 2.0 x 84.0 m portion of land that is located on the east side of future Lot Numbers 44-38 on Pollux Drive from Open Space (OS) to Residential Single Family Detached (RSU-3); • Re-designate a 4.9 m² portion of land that is located on the east side of future Lot Number 37 on Pollux Drive from Open Space (OS) to Residential Single Family Detached (RSU-3); and • Re-designate a 4.28 x 50.91 m portion of land that is located east of future Lot Number 44-41 on Pollux Drive from Open Space (OS) to Commercial - Mixed (CM). 	Land Use Zone Map Amendment: Municipal Plan Amendment No. 12, 2014
October 17, 2014	<p>No. 38, 2014 – 9 Sagona Avenue Amendment - consists of the following amendment to the Land Use Zoning Map of the Mount Pearl Development Regulations 2010:</p> <p>Re-designate a 1073.6 m² portion of land along the north and northeast sides of the parcel at 9 Sagona Avenue from Open Space (OS) to Industrial – Light (IL)</p>	Land Use Zone Map Amendment: Municipal Plan Amendment No. 13, 2014
October 17, 2014	<p>No. 40, 2014 – Changeable Message Sign Amendment - consists of the following amendment to the text of the Development Regulations: Under Regulation 8.20.4, Changeable Message Signs:</p> <ol style="list-style-type: none"> 1. Item (a) i.: following the text “have a maximum illumination level of 1,500 lumens”, add the text “between sunrise and sunset and a maximum illumination of 28 lumens between sunset and sunrise, and be equipped with technology that automatically adjusts the brightness accordingly;” 2. Item (a) viii.: delete the “.” At the end of the item and add “; and” 3. Add new item (a) “ix. If possible, sign to display a black screen in the event of an error.” 4. Item (c) iv.: change “15” to “20”, with the new wording of the clause to read “the sign shall be set back a minimum distance of 20 m from the intersection of streets;” 5. Item (c) xi.: following the text “lighting of the sign shall”, delete the words “not be directed toward the street and shall” from the clause, with the new wording to read “lighting of the sign shall not adversely affect neighbouring areas;” 	N/A

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
January 23, 2015	No. 39, 2014 – Omnibus Amendment – consists of a list of housekeeping type of amendments to the Development Regulations – see the documentation for a complete list.	N/A
February 6, 2015	<p>No. 41, 2014 – Group Fitness Use Amendment – consists of the following amendment to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. In Section 2, DEFINITIONS, add the following definition immediately after “Group Child Care Use” and immediately before “Halfway House”: “GROUP FITNESS USE” means the use of land or a structure intended for recreational or fitness use by a group of people with limited equipment and which primarily relies on stand room. This use includes aerobics classes, dance classes, martial arts instruction, yoga instruction, and other similar uses that use standing room to determine occupancy and session capacity. 2. In Section 9, OFF-STREET PARKING AND LOADING REGULATIONS, under Subsection 9.2, General Parking Requirements, in the listing of “Developments or Uses” and “Minimum Off-street Parking Requirements”, add immediately after “Group Child Care Use” and immediately before “Hazardous Industry Use”; “Group Fitness Use” and “3 parking spaces for every 5 patrons of the facility at maximum capacity” respectively. 3. In Section 11, USE ZONE SCHEDULES, add “Group Fitness” use to the list of permitted uses in the following use zones: <ul style="list-style-type: none"> • Commercial-Mixed (CM) • City Centre (CC) • Commercial-General (CG) • Commercial-General [Special] (CG-S) • Commercial-Neighbourhood (CN) • Commercial-Highway (CH) • Commercial-Regional (CR) • Industrial-Light (IL) • Community and Public Services (PB) • Open Space (OS) 4. In Section 11, USE ZONE SCHEDULES, add “Group Fitness” use to the list of discretionary uses in the Apartment (APT) use zone. 	N/A

Published Date of Amendment	Amendment No. and Description	Plan and/or Map Amendment*
March 6, 2015	<p>No. 42, 2015 – Animal Grooming Amendment - consists of the following amendment to the text of the Development Regulations:</p> <ol style="list-style-type: none"> In Section 2, DEFINITIONS, add the following: “ANIMAL GROOMING” means a building or part of a building primarily engaged in providing services involving the non-medical aesthetic care of animals including, but not limited to, grooming, washing, styling, and trimming their coats.” In Subsection 9.2, OFF-STREET PARKING AND LOADING REGULATIONS, General Parking Requirements add: “Animal Grooming” and “One parking space for every 20 square metres of gross floor area”. In Section 11, USE ZONE SCHEDULES, add “Animal Grooming” use to the list of permitted commercial uses in the following use zones: <ul style="list-style-type: none"> Commercial – Mixed (CM) City Centre (CC) Commercial – General (CG) Commercial – General [Special] (CG-S) Commercial – Local (CL) Commercial – Neighbourhood (CN) Commercial – Highway (CH) Commercial – Regional (CR) In Section 11, USE ZONE SCHEDULES, add “Animal Grooming” use to the list of discretionary uses in the Industrial – Light (IL) use zone. 	N/A
June 26, 2015	<p>No. 44, 2015 – Health Consultation and Home Office Use Amendment – consists of the following amendment to the text of the Development Regulations:</p> <ol style="list-style-type: none"> In Section 2, DEFINITIONS, immediately after “Health Club Use”, add the following: “HEALTH CONSULTATION USE” means a use that accommodates a meeting between a health or lifestyle professional and a client, but does not include a clinic.” In Section 7, SPECIAL DEVELOPMENTS: <ul style="list-style-type: none"> Under 7.16, Home Occupation, subsection 7.16.1, immediately after “educational use”, add “health consultation use”; and Under 7.17, Home Office, subsection 7.17.1(a), change “the use is restricted to one person who is a resident of the dwelling unit” to “the use is carried out by individuals who reside in the dwelling”. 	N/A

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August 14, 2015	No. 45, 2015 – Heritage Use Zone Amendment – consists of the following amendment to the text of the Development Regulations: Section 11 – Use Zone Schedules – Heritage (HR) Use Zone – 11.21.2 – Discretionary Uses: Add “Personal Service” and “Clinic”.	N/A
August 21, 2015	No. 47, 2015 – RHD Use Zone Lot Size Amendment – consists of the following amendment to the text of the Development Regulations: Section 11, Use Zone Schedules – Residential – High Density (RHD) – 11.6, subsection 11.6.3 – Development Standards; Double Dwelling; Item (a), Minimum Lot Area: change the minimum lot area from “275 m ² per dwelling unit” to “270 m ² per dwelling unit”.	N/A
August 21, 2015	No. 43, 2015 – Kenmount Hill Amendment – consists of the following amendments to the Development Regulations: 1. Amend the text of the Development Regulations as follow: <ul style="list-style-type: none"> in Section 3, under Subsection 3.3 Use Zones, Special Zones, in the list of use zones: add immediately after “Conservation” and abbreviation “(CON)”; “Comprehensive Development Area (Kenmount Hill)” and abbreviation “(CDA – Kenmount Hill)”; in Section 11, under Special Zones, add immediately after, subsection “11.27 – Conservation (CON)” use zone, the new use zone subsection “11.28 – Comprehensive Development Area (Kenmount Hill)” with the accompanying permitted uses and conditions as outlined in Schedule A. renumber subsequent subsections accordingly; and update the Table of Contents accordingly. 2. Amend the Map 1 – Land Use Zone Map as follows: Rezone the subject land on Kenmount Hill currently zoned as “Rural’ (RURAL)” to “Comprehensive Development Area – Kenmount Hill’ (CDA-Kenmount Hill).	Land Use Zone Map Amendment: Municipal Plan Amendment No. 14, 2015
September 4, 2015	No. 46, 2015 – Bruce Street Amendment – consists of the following amendment to the Land Use Zone Map: Rezone land east of Bruce Street, south of Kenmount Road, and north of 34 Glencoe Drive from Open Space (OS) to Industrial – Light (IL).	Land Use Zone Map Amendment

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February 12, 2016	No. 49, 2015 – Corner Lot Landscaping Amendment – consists of the following amendment to text of the Development Regulations: In Section 6, General Development Standards; Subsection 6.19, Landscaping; Subsection 6.19.3, add the following to the end of item (b): “Where a residential property abuts a publicly owned open space snow storage buffer immediately adjacent to a public road intersection, the entire front yard area, including the buffer located between the front lot line and the front wall of the dwelling, may be considered in the calculation of the 50% landscaped front yard requirement subject to the review and approval by Council.”	N/A
February 12, 2016	<p>No. 50, 2015 – Mini-Split Heat Pump Amendment – consists of the following amendment to the text of the Development Regulations: In Section 6, General Development Standards; Subsection 6.16, Heat Pump, Air Conditioner and External Fan; change the following:</p> <ul style="list-style-type: none"> a. in the title of Section 6.16, insert “, Mini-split Heat Pump” after “Heat Pump”; b. delete the word “and” and replace it with “or” c. immediately after title, number the statement “A heat pump, air conditioner or external fan shall be located:” as “6.16.1”; d. renumber Subsections 6.16.1, 6.16.2, and 6.16.3 to 6.16.1 (a), 6.16.1 (b), and 6.16.1 (c), respectively, and; e. after Subsection 6.16.1 (c), add the following: <ul style="list-style-type: none"> “6.16.2 Upon receipt of a noise complaint about a heat pump, mini-split heat pump, air conditioner or external fan unit, the unit shall be inspected and certified to be in appropriate working order by a company certified to service the equipment. Proof of inspection and certification must be made available upon request by the City. If the noise continues and exceeds the noise level permitted for a heat pump, mini-split heat pump, air conditioner or external fan unit, the property owner will be required to undertake noise mitigation measures or relocate the unit. <p>6.16.3 A heat pump shall be placed on a concrete base that rests on or in the ground, or equivalent.</p> <p>6.16.4 A mini-split heat pump shall:</p> <ul style="list-style-type: none"> (a) be located in any yard of the principle building of the lot or property on which the mini-split heat pump is situated; (b) be attached securely to the principle building of the lot or property on which the mini-split heat pump is situated as per the manufacturer’s specifications, or equivalent, and in a manner that prevents any 	N/A

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	<p>potential vibration of the equipment during operation or attached securely to a concrete base resting on or in the ground; and</p> <p>(c) not generate noise exceeding 55 dBA at the property boundary. If a mini-split heat pump is found to be exceeding that limit, noise mitigation measures shall be employed to reduce the noise level to a maximum of 55 dBA.”</p>	
March 24, 2016	<p>No. 48, 2015 – 16-24 Glendale Avenue Amendment – consists of the following amendments to Map 1 – Land Use Zoning Map of the Development Regulations:</p> <ol style="list-style-type: none"> 1. Rezone the northern portions of 22 and 24 Glendale Avenue from Rural to Residential - High Density (RHD) (5195 m² in total). 2. Rezone the southern portions of 22 and 24 Glendale Avenue and the portion of Glendale Avenue adjacent to said properties out to the centerline of the road from Residential - Medium Density (RMD) to Residential - High Density (RHD) (2291 m² in total). 3. Rezone 16-20 Glendale Avenue and the portion of Glendale Avenue adjacent to said property out to the centerline of the road from Commercial - General (CG) to Residential - High Density (RHD) (4613 m² in total). 	Land Use Zone Map Amendment: Municipal Plan Amendment No. 15, 2015
June 17, 2016	<p>No. 53, 2016 – Community Garden Amendment – consists of the following amendment to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. In Section 2, Definitions, add the following new definition for community garden: ““COMMUNITY GARDEN” means an area or structure used for non-livestock agriculture or gardening by more than one group or individual and does not include private backyard gardens.” 2. In Section 2, Definitions, add “or a community garden” to the definition of a park. 3. In Section 7, Special Developments, add a new subsection 7.8 titled “Community Garden” with the following conditions and renumber subsequent sections accordingly: <ol style="list-style-type: none"> a. Community gardens are to be maintained in a neat and tidy fashion b. All disturbed areas not comprising the area of the community garden are to be reinstated with a minimum of grass sods to the satisfaction of the City. 4. In Section 11, Use Zone Schedule add the following and renumber subsequent subsections accordingly: <ol style="list-style-type: none"> a. In all residential use zones, add “Community Garden 	N/A

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	<p>(Subject to Regulation 7.8)” as a permitted use.</p> <p>b. In Subsection 20, Community and Public Service (PB), add “Community Garden (Subject to Regulation 7.8)” as a permitted public use.</p> <p>c. In Subsection 22, Open Space (OS), add “Community Garden (Subject to Regulation 7.8)” as a permitted public use.</p> <p>d. In Subsection 27, Conservation (CON), add “Community Garden (Subject to Regulation 7.8)” as a permitted use.</p>	
July 29, 2016	<p>No. 54, 2016 – Personal Care Use Amendment – consists of the following amendment to the text of the Development Regulations: In Section 11 – Use Zone Schedules, under subsection 11.9.2 of the Apartment (APT) Zone, titled Discretionary Uses, add “Personal Care Use” to the list of discretionary uses.</p>	N/A
July 29, 2016	<p>No. 55, 2016 – Roof Over Patios, Decks and Gazebo Amendment – consists of the following amendments to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. in Section 2, Definitions, revise the definition of accessory building, subsection (b) for residential uses by adding the term “gazebo”; 2. in Section 2, Definitions, revise the definition of deck by deleting the comma “,” between the words “building” and “that” and delete “, and does not have a permanent roof”; 3. in Section 2, Definitions, revise the definition of patio by deleting the comma “,” between the words “grade” and “that” and delete “, and does not have a permanent roof”; 4. in Section 2, Definitions, add the following new definition for gazebo: ““GAZEBO” means a roofed structure that offers an open view of the surrounding area, typically used for relaxation or entertainment.”; and 5. in Section 6, Special Developments; Subsection 6.35, Residential Patios, Decks, Balconies, and Verandas; edit Subsections: <ol style="list-style-type: none"> i. 6.35.2: <ul style="list-style-type: none"> • remove the word “and” and reference “(2015-01-23)” from the end of item 6.35.2 (d); • add new item 6.35.2 <p>“(e) if a roof is constructed as part of the patio or deck, or the patio or deck and the roof are attached to the building, the patio or deck will be considered an extension to the building; the roof will be complimentary to the dwelling to which it is attached and will be designed in a manner that is</p> 	N/A

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	<p>sensitive to surrounding properties; and the maximum height of the roof over the patio or deck shall be 3.1 m; and”; and</p> <ul style="list-style-type: none"> • edit existing item “6.35.2 (e)” to “6.35.2 (f)”; <p>6.35.3:</p> <ul style="list-style-type: none"> • remove the word “and” from the end of item 6.35.3 (c); • delete the “.” at the end of item 6.35.3 (d) and replace with “; and” • add new item 6.35.3 “(e) if a roof is constructed as part of the patio or deck, or the patio or deck and the roof are attached to the building, the patio or deck will be considered an extension to the building; the roof will be complimentary to the dwelling to which it is attached and will be designed in a manner that is sensitive to surrounding properties; and the maximum height of the roof over the patio or deck shall be 3.1 m.” 	
August 26, 2016	<p>No. 56, 2016 – Quonset Hut Amendment – consists of the following amendments to the text of the Development Regulations:</p> <ol style="list-style-type: none"> 1. in Section 7, Special Developments; Subsection 7.14, General Industry and Hazardous Industry Uses; remove subsection 7.14.4 which states “the use shall be located centrally within the industrial area.” and renumber subsequent subsections accordingly; and 2. in Section 11, Use Zone Schedules; Subsection 11.19. Industrial - Light (IL) Zone; Subsection 11.19.11, Quonset Hut: <ol style="list-style-type: none"> a) in preamble, replace “an accessory” with “a secondary and incidental”; b) in Subsection (e); replace “be restricted to a warehouse, storage or workshop use provided the structure meets” with “meet”; and replace “that use” with “the use it contains”. 	N/A
September 9, 2016	<p>No. 57, 2016 – Moffatt Kenmount Amendment - consists of the following amendments to Map 1 – Land Use Zoning Map of the Development Regulations 2010:</p> <ol style="list-style-type: none"> 1. by rezoning 8,756.50 m² of land west of Masonic Park and south of Kenmount Road from Comprehensive Development Area - Kenmount Hill (CDA-Kenmount Hill) to Residential - Single Unit Detached - 3 (RSU-3); and 2. by rezoning 19,531.34 m² of land west of Masonic Park and south of Kenmount Road from Comprehensive Development 	Land Use Zone Map Amendment; <i>(no Municipal Plan Amendment)</i>

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	Area - Kenmount Hill (CDA-Kenmount Hill) to Commercial - Highway (CH)	
November 4, 2016	No. 52, 2016 – Pearlgate Recreation Area Amendment – consists of the following amendments to Map 1 – Land Use Zoning Map of the Development Regulations: Re-zone the 11,929 m ² of subject land from Open Space (OS) to Commercial – General (CG).	Land Use Zone Map Amendment: Municipal Plan Amendment No. 17, 2016
January 13, 2017	<p>No. 60, 2016 – Below Grade Development Amendment – consists of the following amendments to the text of the Mount Pearl Development Regulations 2010:</p> <ol style="list-style-type: none"> 1. In Section 2 – Definitions, add the following definition: “BELOW GRADE DEVELOPMENT” is the development of a portion or portions of a building completely below grade which does not have any immediate above grade vertical development and does not include a basement. 2. In Section 2 – Definitions, revise the following definition to read: “BUILDING LINE” means a line established by Council that runs parallel to a street line and is set at the closest point to a street that an above grade vertical building may be placed. 3. In Section 6, General Development Standards; Subsection 6.6, Building Line and Setback; change the following: After Subsection 6.6.2, add the following: “6.6.3 Below grade development shall be permitted in accordance with the following conditions: <ol style="list-style-type: none"> (i) The limits of the building below grade shall remain within the subject property boundaries. (j) Any portion of the building above grade shall meet the required development standards within the associated use zone schedule. (k) The below grade development shall not have any negative impact on any existing or proposed servicing or City infrastructure, existing or proposed roads or adjoining properties. (l) An easement shall be registered at the Registry of Deeds illustrating the location of the below grade development. (m) An agreement shall be signed that, even though below grade development is permitted to encroach into required minimum side yard, no additional vertical development shall occur. (n) The development shall not be below any 	N/A

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	<p>established water table.</p> <p>(o) Onsite parking requirements for below grade uses shall be the same for above grade use requirements.</p> <p>(p) The development shall be unlikely to adversely affect the possible widening or future development of streets and lanes.”</p>	
January 20, 2017	<p>No. 59, 2016 – Indoor Firearms Shooting Range Amendment - consists of the following amendment to the text of the Mount Pearl Development Regulations 2010:</p> <ol style="list-style-type: none"> 1. In Section 2 – Definitions, add the following definitions: <ul style="list-style-type: none"> • “FIREARM” means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barreled weapon, as well as anything that can be adapted for use as a firearm. • “INDOOR FIREARMS SHOOTING RANGE” means an enclosed building that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions. 2. In Section 7, Special Developments, add a new subsection 7.19 titled “Indoor Firearms Shooting Range” with the following conditions and renumber subsequent sections accordingly: <p>“7.19 Indoor Firearms Shooting Range</p> <p>An indoor firearms shooting range use shall be subject to the following conditions.</p> <p>7.19.5 The use is fully enclosed within a building.</p> <p>7.19.6 The building in which the use is located shall have a bullet trap, a ventilation system to remove air contaminated by firing and be designed as per the document “Range Design and Construction Guidelines” as administered by the Canadian Firearms Program (CFP) of the RCMP.</p> <p>7.19.7 The use shall have approval from all applicable Provincial and Federal agencies.</p> <p>7.19.8 The use is subject to the Shooting Clubs and Shooting Ranges Regulations (SOR/98-212) as administered by the Canadian Firearms Program (CFP) of the RCMP.”</p> 3. In Section 9 - Off-Street Parking And Loading Regulations, under Subsection 9.2, General Parking Requirements, add the 	N/A

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	<p>following to the list of uses and minimum off-street parking requirements; “Indoor Firearms Shooting Range One parking space per shooting lane not including any ancillary shop use.”</p> <p>4. In Section 11 – Use Zone Schedules, under subsections 11.10.2 of the Commercial – Mixed Use Zone and 11.19.2 of the Industrial – Light Use Zone titled Discretionary Uses, add “Indoor Firearms Shooting Range” to the lists of discretionary uses.</p>	
January 27, 2017	<p>No. 58, 2016 – Telecommunications Numbering Amendment - consists of the following amendment to the text of the Mount Pearl Development Regulations 2010: In Section 11, Use Zone Schedules; subsection 11.19, Industrial – Light (IL) Zone; subsection 11.19.2, Discretionary Uses; Subsection 11.19.2 (r), Significant Telecommunications Structure, change “Subject to Regulation 7.26.2” to “Subject to Regulations 7.28.2”. <i>NB – Reference number already correctly adjusted to 7.28.2 as a result of amendment No. 59, 2016 above.</i></p>	N/A
April 13, 2017	<p>No. 61, 2017 – Beekeeping Amendment – consists of the following amendment to the text of the Mount Pearl Development Regulations 2010:</p> <ol style="list-style-type: none"> In Section 2, Definitions; add the following definition in alphabetical order: “BEEHIVE” means a structure in which bees are kept, typically in the form of a box specifically built for that purpose. In Section 7, Special Developments; after Subsection 7.5, Bed and Breakfast; add a new Subsection 7.6 titled “Beehive” that reads as follows and renumber subsequent subsections accordingly: 7.6 Beehive A beehive use shall be subject to the following conditions: 7.6.1 a maximum of two (2) beehives may be kept for each subject property; 7.6.2 a beehive to be installed on the ground: (a) shall be installed in the rear yard of the subject property; (b) shall be a minimum of three decimal seventy-five metres (3.75 m) from any property boundary; (c) fencing, hedging, or other suitable barrier of a minimum height of one decimal eight three 	N/A

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	<p>metres (1.83 m) which extends a minimum distance of four decimal five metres (4.5 m) past the nearest point of the beehive shall be established to direct bees away from neighbouring buildings; and</p> <p>(d) the entrance of the beehive shall be aimed away from neighbouring buildings;</p> <p>7.6.3 a beehive to be installed on a rooftop:</p> <p>(a) shall be a minimum of two decimal five metres (2.5 m) from any property boundary; and</p> <p>(b) the rooftop shall be able to support the beehive;</p> <p>7.6.4 a water source shall be provided for the bees on the same property as the beehive(s);</p> <p>7.6.5 the individual proposing to install and maintain the beehive shall submit written confirmation that the individual is trained in the keeping of bees or will be mentored by an existing beekeeper who has more than two (2) years' experience caring for bees in Newfoundland and Labrador;</p> <p>7.6.6 the beehive structure shall be a type with moveable frames that are easily removed for visual inspection without causing damage to the frames or comb; and</p> <p>7.6.7 the application shall be processed in accordance with Regulations 3.7 and 4.17.</p> <p>3. In Section 11, Use Zone Schedules, add "Beehive (Subject to Regulation 7.6)", in alphabetical order, as a Discretionary Use in all use zones, and adjust lists numberings where necessary.</p> <p>4. In the Table of Contents, Section 7, add "7.6 – Beehive" and make necessary adjustments to numbering of subsequent subsection numbers.</p> <p>5. Throughout the Development Regulations, make necessary adjustments to all references to subsection numbers, i.e. "(Subject to Regulation 7.x)" that will be changed as a result of this addition.</p>	

****If a Mount Pearl Development Regulations 2010 Amendment involves a Mount Pearl Municipal Plan 2010 or Map(s) Amendment as well, the reference is noted in this column accordingly.***