

Town of Twillingate

Development Regulations

Effective
MONTH DAY, YEAR

With Amendments To
N/A

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PLAN TWILLINGATE



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Urban and Rural Planning Act, 2000

Resolution to Adopt

Town of Twillingate Development Regulations 2021

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Twillingate adopts the Town of Twillingate Development Regulations 2021.

Adopted by the Town Council of Twillingate on the 10th day of May, 2021.

Signed and sealed this day of, , 2021.

Mayor: _____

Clerk: _____

Town Seal

Canadian Institute of Planners Certification

I certify that the attached Development Regulations have been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP Stamp

I. Watson, M.C.I.P.

Urban and Rural Planning Act, 2000

Resolution to Approve

Town of Twillingate Development Regulations 2021

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act*, 2000, the Town Council of Twillingate

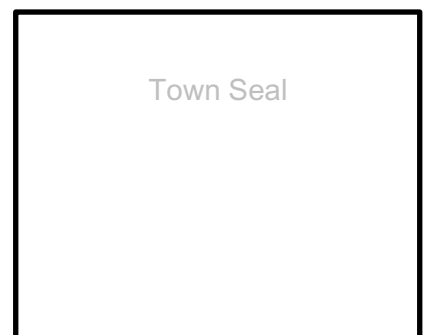
- a) adopted the Town of Twillingate Development Regulations 2021 on the 10th day of May, 2021.
- b) gave notice of the adoption of the Town of Twillingate Development Regulations by advertisement, inserted on the 15th day of June, 2021 on the Town website, Plan Review Project website, and Town Facebook page due to a lack of locally-circulating newspaper and as approved by the Department.
- c) set the 19th day of July at 4:30 p.m. as the deadline for written submissions in lieu of an in-person Public Hearing, in compliance with the Circular to Municipalities and Planning Consultants regarding the COVID-19 pandemic protocols.

Now under the authority of section 23 of the *Urban and Rural Planning Act*, 2000, the Town Council of Twillingate approves the Twillingate Development Regulations 2021 as adopted

SIGNED AND SEALED this day of, _____, 2021.

Mayor: _____

Clerk: _____



Canadian Institute of Planners Certification

I certify that the attached Town of Twillingate Development Regulations 2021 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

MCIP/FCIP: _____

MCIP/FCIP Stamp

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1. Title, Purpose, and Scope

1.1. Short Title

- 1.1.1. These regulations may be cited as the Twillingate Development Regulations.

1.2. Interpretation

- 1.2.1. Words and phrases used in these Regulations shall have the meanings assigned to them in Part 21, Definitions.
- 1.2.2. Words and phrases not defined in Part 21 shall have the meaning commonly assigned to them in the context in which they are used in these 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.
- 1.2.5. Measurements throughout these Regulations are in metric. Submissions in other measurements shall be converted to metric and rounded to two decimal points. The metric measurement of "metres" shall be displayed as "metres" or using the abbreviation "m".

1.3. Commencement

- 1.3.1. These Regulations come into effect throughout the Twillingate Planning Area ("Planning Area") on the date of publication of a notice to that effect in the *Newfoundland and Labrador Gazette*.

1.4. Planning Area

- 1.4.1. These Regulations shall apply only to those areas of land shown on the maps contained in Schedule 'A'.

1.5. Municipal Code and Regulations

- 1.5.1. Nothing in these Regulations shall exempt any person from complying with other laws or regulations in force in Canada or Newfoundland and Labrador, or from those in force within the Town, or from obtaining any license, permission, permit, authority, or approval required thereunder.
- 1.5.2. Where the provisions of these Regulations conflict with those of any other municipal regulations or federal or provincial regulations, the more stringent provisions shall apply.
- 1.5.3. Where a provision within these Regulations conflict with another provision within these Regulations, the more stringent provision shall apply.

1.6. Delegation of Council

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

1.7. Provincial Development Regulations

- 1.7.1. Provincial Development Regulations have been incorporated into the Twillingate Development Regulations and are marked as follows:



- 1.7.2. The Provincial Development Regulations shall be included in their entirety as Schedule 'C'. Where there is conflict between these Development Regulations and the Provincial Development Regulations, the Provincial Development Regulations shall apply.

1.8. Repeal of Regulations

- 1.8.1. The following Regulations are repealed as of the effective date of these Regulations:
- (a) Town of Twillingate Development Regulations, Gazetted on September 29, 1995, as amended.

1.9. Severability

- 1.9.1. If any provision of these Regulations is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of these Regulations.

2. Administration

2.1. Permit Required

- 2.1.1. Unless otherwise stated in these Regulations, no person shall undertake a development or subdivision of land within the Twillingate Planning Area without first obtaining a permit from Council.
- 2.1.2. Applications for a development permit within 100 metres of the centre line of Highway 340 shall also be submitted to Digital Government and Service NL for review under the authority of the *Protected Road Zoning Regulations*.

2.2. Decisions of Council

- 2.2.1. Decisions made by Council regarding a permit shall be made in writing, and state the reasons for a refusal of, or conditions attached to, a permit. Council shall also advise the person to whom the decision applies of their right to appeal, in accordance with the Act.

2.3. Permit to be Issued

- 2.3.1. Subject to Section 2.4, a permit shall be issued for development within the Planning Area if it conforms to:
 - (a) the policies expressed in the Municipal Plan and any further scheme, plan, or regulation pursuant thereto;
 - (b) the standards set out within these Regulations;
 - (c) the standards set out in the *National Building Code of Canada* 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; and,
 - (d) the standards of design and appearances established by Council.

2.4. Permit Not to be Issued in Certain Cases

- 2.4.1. In considering an application for a permit or for approval in principle to carry out development, Council shall consider the policies expressed in the Municipal Plan and any further scheme, plan, or regulations made under the policies of the Plan.
- 2.4.2. Notwithstanding the conformity of the application with the requirements of these Regulations, approval shall not be issued for a proposed development where, in the opinion of Council, it is premature by reason of the proposal:
 - (a) conflicting with the matters considered under Subsection 2.4.1;
 - (b) lacking adequate road access;
 - (c) lacking adequate electrical power or access to communications utilities;
 - (d) lacking adequate drainage;
 - (e) lacking adequate sanitary facilities, domestic water supply, or fire suppression flows;
 - (f) being beyond the natural development of the area at the time of application;
 - (g) lacking adequate access to open space, schools, or other necessary amenities; or
 - (h) where the proposal would be detrimental to public safety and convenience.

2.5. No Development Permit Required

2.5.1. Unless otherwise specified, the following developments shall not require a development permit:

- (a) Renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure. Exterior renovations to registered heritage properties shall require a development permit.
- (b) Fences under 2 metres in height.
- (c) Gardens, whether community or private.
- (d) Public and private utilities located within the street reservation.
- (e) Temporary greenhouses, cloches, crop hoops, or other such temporary crop structures.
- (f) Temporary buildings or structures erected for a period not exceeding 30 days.
- (g) Radiocommunication antennas and radiocommunication towers.
- (h) Signage exempted under Section 6.5 of these Regulations.
- (i) Solar collector systems as an accessory use.
- (j) Temporary human habitation of a recreational vehicle for periods of 14 days or less in a calendar year and carried out in compliance with Subsection 3.16.2.
- (k) Accessory buildings with a floor area of less than 10 square metres.

2.5.2. For greater clarity, developments not requiring a development permit shall still comply with the requirements of these Regulations and other permits, such as building permits, may still be required. Applicants should inquire with the Town prior to undertaking any development.

2.6. Application Requirements

- 2.6.1. Every application for a development permit shall be made in writing on an approved form and shall include:
- (a) the signature of the registered land owner or their duly authorized agent;
 - (b) application fees in conformance with the fee schedule adopted by resolution of Council;
 - (c) a statement of the proposed use of the land;
 - (d) a statement of the estimated commencement and completion date of development;
 - (e) a site plan; and,
 - (f) any other information required in these Development Regulations.
- 2.6.2. Site plans prepared for a development permit application shall be drawn to an appropriate scale and showing information as required by Council, such as, but not limited to:
- (a) the true shape and dimensions of all lots for which development is proposed;
 - (b) identification of all abutting streets and private roads;
 - (c) identification of rights-of-way and easements within the subject property;
 - (d) proposed location, height, and dimensions of any building, structure, or work for which the permit is applied;
 - (e) location of every building or structure already erected on or partly on the subject property, and the approximate location of every building within 10 metres of the subject property on contiguous lots;
 - (f) existing and proposed services;
 - (g) existing and proposed drainage ditches or culverts;

- (h) location of existing and proposed solid waste storage areas;
- (i) proposed location and dimensions of parking spaces loading spaces, driveways, and landscaping areas;
- (j) north arrow, scale, date of drawing, and identity of drawing author; and,
- (k) other such information as may be necessary to determine whether or not every such development conforms with the requirements of these Regulations.

2.6.3. In addition to the requirements of Subsection 2.6.1, an application for an approval of a subdivision shall provide the following information:

- (a) the proposed land use of the subdivision;
- (b) a site survey prepared and stamped by a Newfoundland Land Surveyor;
- (c) the proposed method of water and sewer services;
- (d) the proposed street access and layout of internal streets and lots, where applicable;
- (e) the proposed public open spaces if applicable; and,
- (f) any other requirements established in these or other Municipal, Provincial or Federal Regulations.

2.6.4. Council may, as part of a development application and prior to the issuance of a permit, request additional information, studies or plans from an applicant, prepared by a qualified professional at the cost of the applicant, for matters pertaining to the proposed development, including, but not limited to:

- (a) real property report, site survey, and/or site plan prepared and stamped by a Newfoundland Land Surveyor;
- (b) topography and soil conditions of the subject site;

- (c) watercourse delineation study;
- (d) stormwater management plan;
- (e) floor plans and elevation drawings of any proposed structures;
- (f) geotechnical study;
- (g) site grading plan;
- (h) traffic impact assessment or study; and/or
- (i) groundwater supply study.

2.7. Development Permit for Temporary Uses

- 2.7.1. Council may issue a temporary development permit subject to the following requirements:
 - (a) Any such development permit shall be for a temporary period not to exceed 24 months.
 - (b) The temporary development permit shall only be renewed a maximum of one (1) time for an additional 24 months beyond the original date.

2.8. Register of Application

- 2.8.1. The Town shall keep a public register of all applications for development, including Council's decision on each application and the result of any appeal from that decision.

2.9. Time Period for Approval

- 2.9.1. An application properly submitted in accordance with these Regulations shall be determined within eight (8) weeks of the receipt by Council.
- 2.9.2. Where no decision on an application has been made within eight (8) weeks of its submission, the application shall be deemed to be refused.

2.10. Deferment of Application

- 2.10.1. Notwithstanding Section 2.9, Council may defer consideration of an application where additional information or consideration is required.
- 2.10.2. Council may defer decisions on an application 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.
- 2.10.3. Council shall notify the applicant that a deferral has been made and the reason for deferral.

2.11. Approval in Principle

- 2.11.1. An application for Approval in Principle shall include:
 - (a) a description of the proposed development;
 - (b) a description of the limits of the land to be used with the proposed development, and may include a survey description of the subject lands;
 - (c) submission of a detailed site plan, conforming to Section 2.6; and,
 - (d) any additional information that may be required by Council.
- 2.11.2. Council may issue an Approval in Principle if it determines the application conforms to the Municipal Plan and these Regulations.
- 2.11.3. An Approval in Principle shall be valid for two (2) years.
- 2.11.4. No development shall be carried out under an Approval in Principle.
- 2.11.5. Council may revoke an Approval in Principle if it determines the applicant has changed the proposed development in a way that significantly alters the original intent of the application.

2.12. Approval

- 2.12.1. Approval for an application shall be granted by Council in the form of a Development Permit for applications approved under these Regulations.
- 2.12.2. A plan or drawing that has been approved by Council and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop. Such permission shall not relieve the applicant from:
 - (a) full responsibility of 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 attached to an approval or a permit.
- 2.12.3. Council may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purpose and intent of these Regulations.
- 2.12.4. A development permit shall be valid for one (1) year. If the development has not commenced, the permit may be renewed for a further period not in excess of one (1) year, but a permit shall not be renewed more than once, except in the case for advertising signage, which may be renewed in accordance with Part 6 of these Regulations.
- 2.12.5. The approval of any application and plans or drawing, or the issue of a permit shall not prevent Council from requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried that is in violation of this or any other regulations or statute.

- 2.12.6. No person shall erase, alter or modify any drawings or specifications upon which a permit to develop has been issued by Council.
- 2.12.7. There shall be kept available on the premises where any development is being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based until completion of the development.

2.13. Revocation of Permit

- 2.13.1. Council may revoke an approval and any subsequent permits where:
 - (a) the applicant fails to comply with these Regulations or any condition attached to the permit;
 - (b) the permit was issued in error or was issued contrary to the applicable regulations; or
 - (c) the permit was issued on the basis of incorrect information.

2.14. Public Notice

- 2.14.1. Council shall give public notice, at the applicant's expense, at least 14 days prior to rendering a decision on an application for:
 - (a) a permit when a change in nonconforming use is to be considered under Section 3.25;
 - (b) a permit when the development proposed is listed as a discretionary use in the use zones; or
 - (c) a variance, as required by Section 2.31.

2.15. Right of Entry

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

2.16. Restoration to a Safe Condition

- 2.16.1. Nothing in these Regulations shall prevent the restoration of any building or structure to a safe condition, as determined by a designated official of the Town.

2.17. Existing Structures and Uses

- 2.17.1. A structure or use of land shall be deemed to be existing on the effective date of these Regulations if:
- (a) it has lawfully been constructed;
 - (b) has lawfully commenced;
 - (c) is lawfully under construction; or
 - (d) all required permits for its construction or uses were in force and effect, except that this shall not apply unless the construction or use is commenced within 12 months after the date of the latest issuance of the required permits.

2.18. Stop Work Order and Prosecution

- 2.18.1. Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development.
- 2.18.2. Council may further order a person to pull down, remove, stop construction, fill in, or destroy that building or development, and restore the site or area to its original state, pending final adjudication in any prosecution arising out of the development
- 2.18.3. A person who does not comply with an order made under Subsection 2.18.1 is guilty of an offence under the provisions of the Act.

2.19. Service Levy

- 2.19.1. Council may require an owner of property to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by carrying out of public works either on or off the site of the development.
- 2.19.2. A service levy shall not exceed the cost, or estimated cost, including finance charges to the Town, of constructing or improving the public works referred to in Subsection 2.19.1 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 property.
- 2.19.3. A service levy shall be assessed on the property based on:
 - (a) the amount of real property benefitted by the public works; and,
 - (b) the density of development made capable or increased by the public works.

- 2.19.4. Council may require a service levy to be paid by the owner of the property:
- (a) at the time the levy is imposed;
 - (b) at the time development of the property commences;
 - (c) at the time development of the property is completed; or,
 - (d) at such other time as Council may decide.

2.20. Financial Guarantees by Developer

- 2.20.1. Council may require a developer, before commencing a development, to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or license.
- 2.20.2. The financial provisions made under Subsection 2.20.1 may be in the form of:
- (a) a cash deposit from the developer, to be held by Council;
 - (b) an irrevocable Letter of Credit issued by a bank;
 - (c) a performance bond provided by an insurance company or a bank; or,
 - (d) an annual contribution to a sinking fund held by Council.

2.21. Dedication of Land for Public Use

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

2.22. Reinstatement of Land

2.22.1. Council may order a developer, the occupier of a site, the owner, or any of them to restore a site to the satisfaction of Council where:

- (a) the use of land is discontinued;
- (b) the intensity of the use is decreased;
- (c) a development permit has been revoked; or,
- (d) a Temporary Permit to Develop has expired.



2.23. Notice of Right to Appeal

2.23.1. Where an authority makes a decision that may be appealed under section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- (a) person's right to appeal the decision to the board;
- (b) time by which an appeal is to be made;
- (c) manner of making an appeal and the address for the filing of the appeal.



2.24. Appeal Requirements

2.24.1. The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. Johns, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.

2.24.2. The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.

- 2.24.3. The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- 2.24.4. Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

2.25. Appeal Registration

- 2.25.1. Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal
- 2.25.2. Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- 2.25.3. Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- 2.25.4. Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- 2.25.5. A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

2.26. Development Prohibited

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

2.27. Hearing Notice and Meetings

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

2.28. Hearing of Evidence

- 2.28.1. A decision of the board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.
- 2.28.2. A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- 2.28.3. A written report submitted under Subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
- 2.28.4. In the conduct of an appeal hearing, the board is not bound by the rules of evidence.



Provincial
Reg. 11

2.29. Board Decision

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



Provincial
Reg. 12

2.30. Variances

- 2.30.1. Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest
- 2.30.2. An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- 2.30.3. An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.



Provincial
Reg. 13

2.31. Notice of Variance

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

3. General Provisions

3.1. Application of General Provisions

- 3.1.1. The provisions of Part 3 and Part 4 of these Regulations shall apply to all zones and shall take priority over all zone requirements, unless otherwise specified.

3.2. Access and Service Streets

- 3.2.1. Access shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the street system.
- 3.2.2. Notwithstanding Subsection 3.2.1, access to Route 340 shall be to the specifications of the Department of Transportation and Infrastructure.
- 3.2.3. Council may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- 3.2.4. No vehicular access shall be closer than 10 metres to the street line of any intersection.

3.3. Accessory Buildings

- 3.3.1. Unless otherwise prohibited, accessory buildings and structures shall be permitted in all zones, and shall be subject to the following regulations:
 - (a) Accessory buildings shall meet any use-specific requirements outlined elsewhere in these Regulations.
 - (b) Accessory buildings may be located on the same lot as the main building to which it is accessory, or on an abutting lot where both lots are under the same ownership.

- (c) Accessory buildings shall not be erected or placed upon any easements.
 - (d) Unless otherwise enabled in these Regulations, the gross floor area of all accessory buildings on a lot shall not exceed 50 percent of the lot area.
 - (e) Accessory buildings shall not be used for human habitation except where a development permit has been acquired for a secondary dwelling.
 - (f) The siting of an accessory building on a lot shall, where possible, be located in a rear yard, or in a side yard where it does not project in front of the building line.
- 3.3.2. Notwithstanding Regulation 3.3.1 (f), an accessory building may be permitted in a front yard where Council is satisfied:
- (a) the topography is such that placement in a rear yard is not possible;
 - (b) it is effectively screened from adjacent properties by the topography or natural buffers;
 - (c) the accessory building is balanced with the main building in terms of exterior finish, roof line and pitch; and,
 - (d) the placement of the building will not have a negative effect on neighboring properties.

3.4. Accessory Uses

- 3.4.1. Where these Regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the use of the main building and be contained on the same lot as the main building or an adjoining lot where both lots are under the same ownership.

3.5. Alterations to the Natural Environment

- 3.5.1. Alterations to the natural environment or landscape that could adversely affect watercourses or adjacent properties as a result of alterations to watercourses, drainage, or grading shall not be permitted.
- 3.5.2. Where development is proposed for a site with slopes greater than 15%, Council may, at the applicant's expense, require submission of a review of the development proposal by a certified engineer, landscape architect, or similar qualified professional licensed to practice in Newfoundland and Labrador. The review shall evaluate the adequacy of site grading, drainage, and landscaping in relation to storm drainage, erosion onto and flooding of adjacent development, roads, lands and waterbodies receiving run-off from the site, and any other matter that Council deems necessary.

3.6. Archaeological Assessment

- 3.6.1. Where archeological resources are known to exist, or where they are likely to exist based on location or historical evidence, applications for development shall be forwarded to the Arts and Heritage Division, Department of Tourism, Culture, Arts and Recreation for review and consideration under the *Historic Resources Act*. Council or the Arts and Heritage Division may require an archaeological assessment. This assessment must be reviewed by the Arts and Heritage Division. Council may apply conditions for the protection and preservation of any archaeological resources.
- 3.6.2. Where any public works project or development disturbs 4,000 square metres or more of ground, Council may refer the project or development to the Arts and Heritage Division, Department of Tourism, Culture, Arts and Recreation for review and consideration under the *Historic Resources Act*.

3.7. Buffers

- 3.7.1. Where development is proposed that, in the opinion of Council, will have a visual impact on a highway, viewscape or abutting land use, Council may require the owner of the site to provide a separation buffer to screen the development.
- 3.7.2. Buffers required under Subsection 3.7.1 shall include provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier, at their expense, to the satisfaction of the Council.

3.8. Building Accessibility

- 3.8.1. All developments within the Institutional Zone shall comply with the *Building Accessibility Regulations* under the *Building Accessibility Act*.

3.9. Building Height

- 3.9.1. Zone requirements for maximum building height shall not apply to church spires, mosque qubbas or domes, minaret towers, water tanks, elevator enclosures, stairwells, silos, flag poles, television or radio antennas, commercial communication towers, ventilators, skylights, chimneys, clock towers, tree houses, public art, wind turbines, or solar collector systems.
- 3.9.2. With the exception of accessory buildings, Council may permit the erection of buildings of a height greater than that specified in the use zone but in such cases the minimum front and rear setback requirements shall be increased as follows:
 - (a) The front setback shall be increased by 2 metres for every 1 metre increase in height.
 - (b) The rear yard shall not be less than the minimum front setback, calculated as described in Regulation 3.9.2. (a), above, plus 6 metres.

3.10. Building Lines and Fences and Signs

3.10.1. Minimum front and flanking yards for development shall be established according to Schedule 'D', Road Categorization, where:

- (a) development that fronts onto a Main Road or Intermediary Road shall be set back a minimum of 12.2 metres from the centre line of the road;
- (b) development that fronts onto a Side Road shall be set back a minimum of 7.7 metres from the centre line of the road;
- (c) development that fronts onto a Provincial Road shall be set back a minimum of 18.0 metres from the centre line of the road;
- (d) the flanking yard for all development located on a corner lot shall be the same as the minimum front yard; and,
- (e) the centre line of the road shall be established by the Town.

3.10.2. Minimum front and flanking yards for fences and advertising signs shall be established according to Schedule 'D', Road Categorization, where:

- (a) fences and advertising signs on a lot that fronts onto a Main Road or Intermediary Road shall be set back a minimum of 10.1 metres from the centre line of the road;
- (b) fences and advertising signs on a lot that fronts onto a Side Road shall be set back a minimum of 7.7 metres from the centre line of the road;
- (c) fences and advertising signs on a lot that front onto a Provincial Road shall be set back a minimum of 18 metres from the centre line of the road;
- (d) the flanking yard on a corner lot shall be the same as the minimum front yard; and,

- (e) the centre line of the road shall be established by the Town.

- 3.10.3. Where any development is proposed on a road not listed in Schedule 'D', Road Categorization, Council shall establish the minimum building line setback and flanking yard setback by resolution.

3.11. Corner Lot Sight Triangle

- 3.11.1. On a corner lot, no fence, sign, hedge, shrub, bush or tree, or any other structure, vehicle, or vegetation shall be erected, placed, or permitted to grow to a height greater than 0.6 metres above grade within the corner lot sight triangle.

3.12. Coastal Access

- 3.12.1. Proposed development adjacent to the coastline, where permitted, shall be required to preserve any existing public access or right of ways to the shoreline.

3.13. Exterior Lighting

- 3.13.1. Exterior lighting shall not be directed towards abutting lots or streets.

3.14. Flag Lots / Backlot Development

- 3.14.1. Flag lots shall be subject to the following requirements:
 - (a) The proposed use must be within the main portion of a flag lot.
 - (b) Minimum front setbacks shall be measured from the lot line on the main portion of the flag lot that is closest to parallel with the street on which the flag lot fronts.

3.15. Heritage Properties

- 3.15.1. Provincially registered heritage properties require permission from the minister responsible for the *Historic Resources Act* prior to moving, demolishing, or altering the heritage resource. Applicants for such alterations are recommended to contact the Heritage Foundation of Newfoundland and Labrador prior to undertaking any work.
- 3.15.2. A building, structure or land designated by a Council as a heritage building, structure, or land shall not be demolished or built upon nor the exterior of the building or structure altered, except under a written permit of Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.
- 3.15.3. When evaluating a proposal for alteration of a municipally registered heritage property, as provided for by Subsection 3.15.2, Council shall not authorize the alteration(s) unless Council is satisfied the proposal does not harm the character defining elements of the property as outlined in the property's statement of heritage value.
- 3.15.4. A property or building that is a municipally-, provincially-, or federally-registered heritage property shall be permitted the following relaxation of these Regulations:

Table 3-1. Regulation relaxations for heritage properties.	
Use	Relaxation
All Uses	The minimum automobile parking space requirements of Part 5 shall not apply
Bed and Breakfast	Number of guest rooms permitted increased by one (1)
Boarding House	Number of sleeping units permitted increased by one (1)
Home-based Business	Number of permitted on-site, non-resident employees increased by one (1)

3.16. Human Habitation of Vehicles

- 3.16.1. Trucks, buses, boats, automobiles, street car bodies, recreational vehicles, converted recreational vehicles, mobile homes, and structures of any kind other than a dwelling unit erected and used in accordance with these Regulations shall not be used for human habitation whether or not the same is mounted on wheels.
- 3.16.2. Notwithstanding Subsection 3.16.1, a recreational vehicle may be used for temporary human habitation in any zone except the Conservation (C) Zone or the Protected Watershed (W) Zone for a period of up to six (6) months in any calendar year provided that such use:
 - (a) is carried out in a recreational vehicle bearing a valid motor vehicle registration;
 - (b) is limited to one (1) recreational vehicle on a lot at any one time; and
 - (c) meets all zone setback and minimum lot size requirements for single dwellings in the zone in which the recreational vehicle is located.
- 3.16.3. Temporary human habitation of a recreational vehicle carried out in compliance with Subsection 3.16.2 shall not require a development permit for periods of habitation of 14 days or less in a calendar year.
- 3.16.4. Subsection 3.16.1 shall not apply to recreational vehicles or converted recreational vehicles in campgrounds developed in accordance with these Regulations.
- 3.16.5. Subsection 3.16.1 shall not apply to mobile homes developed in accordance with Section 16.5 of these Regulations.
- 3.16.6. Notwithstanding Subsection 3.16.1, nothing in this Bylaw shall prevent the temporary human habitation of a recreational vehicle for a total period of 7 days or less in conjunction with the Town's Annual Fish, Fun, and Folk Festival and with the permission of the land owner, and no development permit shall be required.

3.17. Lot Area

- 3.17.1. No lot shall be reduced in area so as to create a situation where lot coverage exceeds, or setbacks, frontage, or lot area are less than that permitted by these Regulations for the zone in which such lot is located.
- 3.17.2. Where any part of a lot is required by these Regulations to be reserved as a setback, 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.

3.18. Lot Access to Road

- 3.18.1. Every main structure, with the exception of those in the Mineral Workings (MW) Zone and Protected Watershed (W) Zone, shall be located on a lot that abuts a publicly maintained road or highway or an existing private road.

3.19. Existing Undersized Lots

- 3.19.1. Council may approve, as a discretionary use, development of a dwelling on a lot that exists at the time of coming into effect of these Regulations that has insufficient frontage or area to permit the owner or purchaser of the lot to comply with the provisions of these Regulations.
- 3.19.2. Such approvals shall only be issued where the lot coverage is not greater; and the setbacks and floor area are not less than the standards set out in these Regulations.
- 3.19.3. Development of an existing undersized lot shall comply with all applicable wastewater and drinking water regulations.
- 3.19.4. Development of an existing undersized lot shall not be permitted in the Conservation (C) Zone.

3.20. Landscaping and Screening

- 3.20.1. All land except that used for structures, parking, and vehicle access shall be landscaped and maintained by the owner or occupier to the satisfaction of Council.
- 3.20.2. 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.
- 3.20.3. 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 to protect the environment.

3.21. Minor Front and Flanking Yard Projections

- 3.21.1. No portion of a building shall project into the minimum required yards or beyond building lines, except for the following:
 - (a) Chimney breasts, eaves, window sills, or cornices not projecting more than 1.0 metres into a required minimum front yard depth or building line setback for the lot.
 - (b) Unenclosed steps with or without a landing.
 - (c) An unenclosed or enclosed porch, patio, or veranda that projects no more than 2.0 metres into the minimum front yard depth or established building line setback for the lot.
 - (d) Wheelchair ramps or other accessibility devices as approved by Council.

- (e) Exterior retrofits to existing dwellings to increase the amount of insulation, projecting no more than 0.3 metres into any minimum required yard depth or building line setback for the lot.
- 3.21.2. Notwithstanding Subsection 3.21.1, the projection shall not encroach upon or create an obstruction in the sight triangle for corner lots.

3.22. Multiple Main Buildings

- 3.22.1. Unless otherwise prohibited in these Regulations, any number of main buildings may be located on the same lot, subject to applicable zone requirements.

3.23. Multiple Main Uses

- 3.23.1. Multiple main uses may locate on the same lot or in the same building(s). Where any land or building is used for more than one main use all provisions of these Regulations relating to each use shall be satisfied and if more than one standard applies, the more stringent standard shall prevail.

3.24. Telecommunications Structures and Antennas

- 3.24.1. Nothing in these Regulations shall prevent the use of land for the installation of telecommunication structures and antennas that have been issued a license by the Federal Government following due process as prescribed by Industry Canada.

3.25. Non-conforming Uses

- 3.25.1. Applications involving non-conforming uses shall be processed in accordance with Section 108 of the *Urban and Rural Planning Act, 2000*.
- 3.25.2. If a non-conforming use is discontinued for a period of more than 12 months, new uses for the property and any buildings must conform to the requirements of the land use zone in which it is located.
- 3.25.3. A use shall be considered to be discontinued where:
 - (a) the use of the land or building ceases;
 - (b) the Town has received a request to remove the use from the tax roll;
 - (c) services are discontinued;
 - (d) the scale or intensity of the activity results in change in the type of use;
 - (e) the addition of new activities or the modification of old activities is considered remote from previous activities; or
 - (f) the new or modified activities can be shown to create undue additional or aggravated problems for the Town, the local authorities, or the neighbours, as compared with what went before.
- 3.25.4. In the event that a non-conforming use is damaged, destroyed by fire, or has deteriorated, redevelopment of the site as a non-conforming use and its continuation as a non-conforming use shall be permitted provided the use complies with Subsections 3.25.1 and 3.25.2.

3.26. Residential Non Conformity

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

3.27. Notice and Hearings on Change or Use

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

3.28. Non-Conformance with Standards

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

3.29. Discontinuance of Non-conforming Standards

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

3.30. Offensive and Dangerous Uses

- 3.30.1. 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, grit, excessive noise or vibrations, 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.

3.31. Protection of Community Trails and Footpaths

- 3.31.1. Proposed development or the use of public right of way for access to private property shall not be permitted where it would block or prevent the use of traditional footpaths, whether on private or public property, by pedestrians.
- 3.31.2. New development may be required to provide a separation buffer between a proposed development and existing trail, pathway, or public right of way.
- 3.31.3. In considering applications for development adjacent to any existing trail, Council may require that pedestrian access to the trail from the development be provided as a condition of development. Where required, pedestrian access shall be constructed and maintained to the specifications established by Council.

3.32. Servicing

- 3.32.1. New plumbed buildings shall be connected to public sewer and drinking water systems where such services are available. Where service availability is disputed or unclear, the Engineer shall make a determination based on site conditions and available servicing capacity.
- 3.32.2. Servicing shall be designed so as to sufficiently limit the number of lift stations, subject to approval by the Engineer.

- 3.32.3. Costs for the Engineer's review shall be at the applicant's expense.
- 3.32.4. Where municipal water and sanitary sewer services are not available, on-site well and septic systems are permitted provided approvals from the appropriate authorities are obtained.
- 3.32.5. Development utilizing on-site well systems shall, at the applicant's expense, be required to assess groundwater quantity and quality with the Provincial Department of Environment, Climate Change and Municipalities *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells, 2009*.
- 3.32.6. Where there is insufficient groundwater yield to support any development that is proposed to depend on a well Council shall refuse the development.

3.33. Soil Removal, Deposit, and Site Grading

- 3.33.1. Removal or placement of soil or other material, or alteration to the natural grade or drainage of a property, which adversely affects a watercourse or adjacent property shall not be permitted.
- 3.33.2. The following activities shall require approval from Council where not part of an approved development or a mineral working:
 - (a) any land disturbance that involves removal or deposition of soil or other material on a property;
 - (b) any alteration of hillsides with slopes greater than 30%; and,
 - (c) any excavation within a lot carried out so as to change the natural grade of the lot, or, if in an approved subdivision the grade established in the grading plan.
- 3.33.3. Applications submitted to Council shall show the full extent of disturbance that is intended.

- 3.33.4. Where alterations to the landscape are approved, Council may require financial guarantees to ensure adequate site rehabilitation and / or landscaping.
- 3.33.5. For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town will send a copy of the development permit to the Quarry Materials Section; Mineral Lands Division; Department of Industry, Energy and Technology, at quarries@gov.nl.ca. Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat.

3.34. Street Construction Standards

- 3.34.1. New streets shall be constructed to the design and specifications established by Council.

3.35. Unsubdivided Land

- 3.35.1. Development shall be prohibited on unsubdivided land unless sufficient area is reserved to satisfy the setback 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.

3.36. Wetland, Watercourse, and Coastal Setback

- 3.36.1. No development shall be permitted within 15 horizontal metres of the ordinary high water mark of any watercourse or wetland without approval from the Department of Environment, Climate Change and Municipalities and, if fish habitat is affected, from Fisheries and Oceans Canada.
- 3.36.2. Council may require larger buffer areas around watercourses where identified flood plains, steep slopes or unstable soil conditions could result in damage to watercourses and wildlife habitat as a result of development. For the purpose of assessing applications in areas known to be at risk of flooding, the ordinary high water mark is considered to be the 1:100 year flood level.
- 3.36.3. Water crossings, bridges, culverts, stream diversions and stormwater management devices shall be planned, designated, and constructed so as to ensure that aquatic species habitat and passage is preserved, protected, and where possible, enhanced.
- 3.36.4. Within the Mixed Use (MU) Zone, Residential (RES) Zone, and General Commercial (COM) Zone, no building shall be constructed with the floor level of any habitable area located below 2.7 metres, relative to the Canadian Geodetic Vertical Datum of 2013.

4. Use Specific Requirements

4.1. Bed and Breakfast

- 4.1.1. Bed and breakfast establishments, where permitted, shall be subject to the following conditions:
- (a) the use is in a single dwelling occupied as a residence by the operator of the business;
 - (b) a maximum of eight (8) guest rooms may be rented within a bed and breakfast establishment;
 - (c) a minimum of one (1) parking space per guest room, in addition to those required for the residential use, shall be provided on the lot;
 - (d) where a parking area is created to accommodate a bed and breakfast and abuts a residential lot, the parking lot shall be appropriately screened by a fence, wall, or hedge of height not less than 1.8 metres and located a minimum distance of 1.0 metres from the edge of the parking area;
 - (e) a single, non-illuminated, free-standing sign, not exceeding 0.4 square metres in area, shall be permitted; and,
 - (f) the use must be approved and licensed under the *Provincial Tourist Establishment Regulations*.

4.2. Child Care

- 4.2.1. Child care as a home-based business shall conform to the requirements of the *Child Care Services Act and Regulations*.
- 4.2.2. Where required, a license to operate a child care facility shall be obtained from the Department of Health and Community Services.

4.3. Community Gardens

- 4.3.1. Community gardens shall be permitted in any use zone without a development permit.

4.4. Conversion of Existing Dwellings

- 4.4.1. Notwithstanding other requirements of these Regulations, an existing single dwelling may be converted to permit additional dwelling units subject to the following requirements:
- (a) The number of dwelling units on the lot shall not exceed four (4) units.
 - (b) No alteration may be taken that increases the height of the structure.
 - (c) No alteration may be undertaken that will extend into the front or side yard of the lot.
 - (d) Any additional parking spaces shall be provided in the side or rear yard of the lot.
 - (e) No alteration may be undertaken to increase the number of entrances in the front of the dwelling.

4.5. Electric Vehicle Charging

- 4.5.1. Electric vehicle charging stations shall be permitted in all use zones.

4.6. Farm, Fish, and Forest Stalls

- 4.6.1. Nothing in these Regulations shall prevent the direct sale of fish or other seafood; farm products such as, but not limited to, flowers, fruit, and vegetables; and forestry products such as but not limited to, Christmas trees and wreaths, by individuals or companies engaged in the harvesting of such.

4.7. Home-based Businesses

4.7.1. Home-based businesses shall meet the following requirements:

Table 4-1.

Home-based Business Requirements.

a) Permitted Uses	<ul style="list-style-type: none">i. Art gallery and salesii. Business officeiii. Child care facility – 7 or fewer dependentsiv. Commercial school – 6 or fewer studentsv. Craft product workshopvi. Cultural and civicvii. Home officesviii. Household item service repairix. Medical and professionalx. Personal service shopxi. Pet grooming
b) Maximum Number of On-site, Non-resident Employees	2
c) Maximum Floor Area of Home-based Business	25 percent of the gross floor area of the dwelling unit or 50 square metres, whichever is less. The maximum floor area shall not apply to child care facilities.
d) Outdoor Storage and Display	Outdoor storage and displays are not permitted.
e) Retail Sales	Retail sales shall be permitted if they are related to and incidental to the primary service being provided by the home-based business.

4.7.2. The principal operator of a home-based business shall reside in the dwelling where the use is located.

4.7.3. A single, non-illuminated, free-standing sign or wall sign, not exceeding 0.4 square metres in area, shall be permitted.

4.7.4. Parking for the home-based business use shall be as outlined in Part 5 of these Regulations, but shall not be required to be independently-accessible.

4.7.5. Accessory buildings may be used to contain a home-based business provided the floor area of the business does not exceed 50 square metres.

4.8. Mineral Exploration

- 4.8.1. Mineral exploration activities shall meet the following conditions:
- (a) The planned activities shall not cause undue noise, significant ground disturbance, or risks to the safety of residents in Twillingate.
 - (b) A plan to consult with and inform residents of the activity shall be submitted for approval by Council.
 - (c) The proponent shall obtain all applicable permits and approvals from federal and provincial agencies.
 - (d) A site rehabilitation plan, including rehabilitation cost estimates, shall be submitted for approval by Council for exploration activities that require trenching and / or creation of cutlines through wooded areas, or other forms of ground disturbance.
 - (e) A refundable cash deposit shall be made to Council in accordance with the estimates established in the site rehabilitation plan. The deposit shall be returned when the rehabilitation work has been completed by the developer, in accordance with the development permit and to the satisfaction of Council. Council shall use the cash deposit to conduct any site rehabilitation not completed by the developer.

4.9. Outdoor Storage and Display

- 4.9.1. Outdoor storage shall not be located in any required front, rear, side, or flanking yard.
- 4.9.2. Outdoor display shall not be located within 3 metres of the front lot line.

4.10. Parks, Recreation Uses and Conservation Uses

- 4.10.1. Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of parks and playgrounds in any zone except the Mineral Workings (MW) Zone, provided that such parks and playgrounds are not located in areas that may be hazardous to their use and are not operated for commercial purposes.

4.11. Residential Facilities

- 4.11.1. Residential facilities shall be permitted as dwellings and subject to the applicable requirements for dwellings based on the following equivalencies:
- (a) A residential facility with fewer than five (5) beds shall be treated as a single dwelling.
 - (b) A residential facility with five (5) to eight (8) beds shall be treated as a double dwelling.
 - (c) A residential facility with more than eight (8) beds shall be treated as a multi-unit dwelling with each four (4) beds or a portion thereof equivalent to one (1) dwelling unit.
- 4.11.2. A single bedroom for a staff member shall be permitted without being counted for the purpose of the equivalences in Subsection 4.11.1. All other staff bedrooms shall be counted for the purpose of equivalences in Subsection 4.11.1.

4.12. Service Stations

- 4.12.1. Where permitted, development of an automobile service station and garage shall meet the following requirements:
- (a) All gasoline pumps shall be located on pump islands designed for such purpose.
 - (b) Pump islands shall be set back at least 4.0 metres from the front lot line.
 - (c) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3.0 metres of the street or lot line.
- 4.12.2. Where a service station is located on a corner lot, the centre line of any access shall be at least 10 metres from the centre line of the intersection.

4.13. Solar Collector Systems

- 4.13.1. Solar collector systems shall be permitted as an accessory use in all zones and such accessory systems shall not require a development permit.
- 4.13.2. Solar collector systems as a main use shall be subject to the permitted uses table of each respective zone.

4.14. Special Care Uses

- 4.14.1. Special care uses shall:
- (a) be licensed by the Department of Health and Community (where required); and,
 - (b) have paved access and parking.

4.15. Urban Agriculture

- 4.15.1. A maximum total of 20 small livestock shall be permitted as an accessory use on any residential lot. Roosters shall not be permitted as an urban agriculture use.
- 4.15.2. The keeping of bees shall be permitted as an accessory use on any residential lot if the following requirements are satisfied:
 - (a) The maximum number of hives permitted on a lot is two (2).
 - (b) All hives shall be located at least 3.0 metres from any lot line, unless they are located on a rooftop.
 - (c) All hives and colonies shall be registered with the Newfoundland Provincial Apiarist.
- 4.15.3. The keeping of up to eight (8) medium and large livestock in total shall be permitted as an urban agriculture use in compliance with the following lot area requirements:
 - (a) A minimum of 2,000 square metres of lot area shall be required for each medium livestock on the lot.
 - (b) A minimum of 4,000 square metres of lot area shall be required for each large livestock on the lot.
- 4.15.4. All urban agriculture livestock shall be contained within a fully-fenced enclosure appropriate to the species of animal(s).
- 4.15.5. All coops, barns, and other animal structures shall be located in the side or rear yard and shall meet the requirements for accessory buildings.
- 4.15.6. The processing of urban agricultural products, such as chopping, packing, pickling or preserving is permitted as an accessory use to an urban agriculture use.

4.16. Utilities

- 4.16.1. Uses and structures immediately related to the operation of adjacent utility infrastructure shall be permitted as accessory uses. Such accessory uses may include, but are not limited to, electric transformers, pumps and lift stations, control centres, and maintenance sheds for on-site maintenance. For greater clarity, uses and structures not immediately related to the operation of adjacent utility infrastructure are not accessory utility infrastructure and shall be located in an appropriate use zone. Such uses and structures include, but are not limited to, administrative offices and central maintenance depots.
- 4.16.2. Where necessary, as determined by a qualified professional, utility infrastructure shall be exempt from lot requirements.

4.17. Vacation Rentals

- 4.17.1. Vacation rental uses, where permitted, shall be subject to the following requirements:
 - (a) A development permit shall be required for the operation of a vacation rental.
 - (b) A single, non-illuminated, free-standing sign or wall sign, not exceeding 0.4 square metres in area, shall be permitted.
 - (c) Vacation rentals shall be limited to two (2) dwelling units per lot.
 - (d) Vacation rental uses shall be approved and licensed under the Provincial *Tourist Establishment Regulations*.

4.18. Wharves, Slipways, Docks, and Stages

- 4.18.1. Wharves, slipways, and docks shall be permitted in all use zones, subject to the following requirements:
- (a) Wharves, slipways, and docks not exceeding 3.6 metres in width shall be permitted as an accessory use in all zones.
 - (b) Wharves, slipways, and docks greater than 3.6 metres in width shall be permitted as a discretionary use in all use zones.
 - (c) Wharves, slipways, and docks shall be exempt from minimum rear and side yard requirements.
 - (d) For greater clarity, this section does not exempt applicants from the *Navigable Waters Protection Act* or any other federal or provincial legislation regulating coastal development.
- 4.18.2. Stages, bait sheds, gear sheds, and other such structures related to the fishery shall be permitted as accessory buildings and shall meet the requirements for accessory buildings in the zone in which they are located.'
- 4.18.3. Notwithstanding Section 4.18.2, stages, bait sheds, gear sheds, and other such accessory buildings related to the fishery shall be exempt from minimum rear and side yard requirements.

4.19. Wind Turbines

4.19.1. Wind turbines shall be subject to the following requirements:

- (a) In the Residential (RES) Zone, the Mixed Use (MU) Zone, the General Commercial (COM) Zone, the Gateway Commercial (GC) Zone, the Institutional (I) Zone, and the Marine and Industrial (M) Zone, total combined nameplate capacity for all wind turbines on the lot shall not exceed 5.0 kilowatts.
- (b) In all other zones, the total combined nameplate capacity for all wind turbines on a lot shall not exceed 100 kilowatts.
- (c) Wind turbines shall have minimum separation distances as outlined in Table 4-2:

Table 4-2.

Wind turbine separation distances.

a) Separation from habitable buildings external to the wind energy project	50 metres for wind turbines with a nameplate capacity of 5.0 kilowatts or smaller 600 metres for wind turbines with a nameplate capacity greater than 5.0 kilowatts
b) Separation from habitable buildings internal to the wind energy project	1.25 times the height of the turbine
c) Separation from property lines	1.25 times the height of the turbine
d) Separation from streets and railway rights-of-way	1.25 times the height of the turbine

- (d) Wind turbines shall not exceed 40 metres in height.
- (e) Wind turbines shall not contain exterior lighting, except those recommended by the manufacturer or required by regulatory agencies for safety purposes.
- (f) No sign shall appear on a wind turbine, except those identifying the owner or manufacturer.
- (g) Rotor blade clearance shall be at least 8.0 metres above grade.

5. Parking

5.1. Off Street Parking Requirements

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

Table 5-1.

Minimum Off-Street Parking Requirements

Use Class	Minimum Off-Street Parking Requirements
Accommodation	One (1) space per rental unit
Dwellings – Multi-unit	One (1) space per dwelling unit, plus one (1) additional space
Dwellings – Single unit, Double, Row	One (1) space per dwelling unit
General Office	One (1) space per 50 m ² of gross floor area
Home-based Business	One (1) space
Restaurant	One (1) space per 20 m ² of gross floor area
Shop	One (1) space per 50 m ² of gross floor area
Special Care	Two (2) spaces, plus 0.5 space per bed

- 5.1.2. On lots containing more than one use, the number of required parking spaces shall be the sum of the spaces required for each use in Subsection 5.1.1.
- 5.1.3. Where gross floor area is used to determine the number of required parking spaces, as specified in Table 5-1, and the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be fewer than one (1) parking space.

5.2. Unspecified Parking Standards

- 5.2.1. For every use, building, or structure not specified in Table 5-1, the requirement shall be as determined by Council.

5.3. Residential Off-Street Parking

- 5.3.1. Parking of vehicles on residential lots shall be on the hard-surfaced area of the lot approved for the off-street parking space or spaces. 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.

5.4. Automobile Parking Space and Lot Standards

- 5.4.1. Each required automobile parking space shall have a minimum width of 2.5 metres and a minimum length of 5.5 metres.
- 5.4.2. The width of a driveway leading to parking or loading areas, or of a driveway or aisle in a parking area, shall be a minimum of 3.0 metres for one-way traffic and a minimum of 6.0 metres for two-way traffic, and the maximum width of a driveway shall be 9.0 metres.
- 5.4.3. Unless otherwise permitted in these Regulations, each automobile parking space shall be independently accessible.
- 5.4.4. Unless otherwise permitted in these Regulations, required automobile parking spaces shall be located on the same lot as the use to which they apply.
- 5.4.5. Parking space for multi-unit dwellings shall be provided in the rear yard where possible.
- 5.4.6. Where, in these Regulations, parking facilities for more than four (4) automobiles are required or permitted:
 - (a) 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; and,
 - (b) no part of any off-street parking area shall be closer than 1.5 metres to the front lot line in any zone.

5.5. Off-Site and Shared Parking

- 5.5.1. In the Mixed Use (MU) Zone, all or a portion of the required automobile parking spaces for a use may be provided on a separate lot than the main use at the discretion of Council. For greater clarity, an off-site parking area may be used to service multiple premises or lots.

5.6. Minimum Number of Bicycle Parking Spaces

- 5.6.1. In addition to the parking requirements established in Section 5.1, Council may require any commercial or institutional development to provide up to five (5) publicly accessible on-site bicycle parking spaces.
- 5.6.2. Where Council requires any bicycle parking, the bicycle parking racks or lockers shall be firmly secured to the ground, floor, or wall.

6. Signage

6.1. Permit Required

- 6.1.1. Subject to the provisions of Section 6.5 of these Regulations, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from Council.
- 6.1.2. Application for a permit to erect or display a sign shall be made in accordance with Part 2 of these Regulations.
- 6.1.3. A permit granted under these Regulations for the erection or display of a sign shall be for a period not exceeding two (2) years, but may be renewed at the discretion of Council for similar periods.

6.2. General

- 6.2.1. Where this Part is inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Newfoundland and Labrador, the more restrictive regulations shall apply.
- 6.2.2. No signage shall be permitted to be erected or displayed within, on, or over any highway or street reservation.
- 6.2.3. No sign shall obstruct a means of ingress/egress from a door, window, fire escape, or pedestrian or barrier-free access.

6.3. Removal of Signs

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

6.4. Sign Maintenance & Abandoned Signs

- 6.4.1. Every sign shall be kept in good repair and working order, and not present a safety hazard.
- 6.4.2. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with any applicable building, electrical, and fire prevention regulations.
- 6.4.3. Signs shall be removed, at the cost of the sign's owner, within 30 days if the use for which they advertise is discontinued.
- 6.4.4. In the case of seasonal businesses, the use shall be considered discontinued on December 31st of a calendar year if the use was not operated in that calendar year.

6.5. Exempt Signage

- 6.5.1. The following signage may be erected or displayed in the Planning Area without requiring a development permit:
 - (a) on a dwelling or within the courtyard of a dwelling, a single family or building nameplate not exceeding 0.2 square metres in area;
 - (b) on an agricultural holding or farm, a single notice board not exceeding 1.0 square metres in area and relating to the operations being conducted on the land;
 - (c) on land used for forestry purposes, a single sign or notice not exceeding 1.0 square metres in area and relating to forestry operations or the location of logging operations conducted on the land;
 - (d) on land used for mining or quarrying operation, a single notice board not exceeding 1.0 square metres in area relating to the operation conducted on the land;

- (e) on a dwelling or within the courtyard of a dwelling, a single nameplate not exceeding 0.2 square metres in area in connection with the practice of a professional person carried on in the premise;
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, a single notice board not exceeding 1.0 square metres in area;
- (g) on any parking lot, directional signs and a single sign not exceeding 1.0 square metres in size that identifies the parking lot;
- (h) real estate sales, leasing, or open house signs up to a maximum of 1.0 square metres;
- (i) signs placed by candidates for elections;
- (j) signs for temporary local events such as festivals, from one (1) month before the event and to be removed within one (1) week of its conclusion;
- (k) signs erected in compliance with any Town of Twillingate signage program, and holding a valid permit as may be required by any regulation or Council policy applicable to any such program;
- (l) civic addressing signs;
- (m) signs posted by municipal, provincial, or federal government agencies;
- (n) any portable or banner sign with a sign face area of 3.0 square metres or less;
- (o) signs associated with municipally-operated parks and trails; and,
- (p) temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum area of 7.5 square metres.

6.6. Signs Prohibited in all Zones

- 6.6.1. Notwithstanding any other sections of these Regulations, the following signs are not permitted in the Planning Area:
- (a) Signs not erected by a public authority that make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD" or other similar words, phrases, symbols, lights, or characters displayed in such manner as to interfere with, mislead, or confuse traffic along a public road.
 - (b) Signs that obstruct the vision of drivers or the effectiveness of any traffic control device. All signs, except traffic control signs shall meet the corner sight line provisions.
 - (c) Signs painted on, attached to, or supported by trees, stone, cliff, or other natural features.
 - (d) Signs painted on, attached to, or supported by utility poles.
 - (e) Flashing signs.
 - (f) Billboard signs.

6.7. Approval Subject to Conditions

- 6.7.1. A permit may only be issued for the erection or display of advertisements that comply with the appropriate conditions and specifications set out in the use zone Regulations.

6.8. Signs for Non-conforming Uses

- 6.8.1. Notwithstanding the provisions of Section 6.1, a permit may be issued for the erection or display of sign for a non-conforming use, provided the advertisement does not exceed the size and type of sign that 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.

- 6.8.2. A sign in legal existence at the date of coming into effect of these Regulations that is not in accordance with the standards of these Regulations may continue to exist provided the sign is maintained and in good repair, and does not pose a safety hazard or obstruction. It may be modified or replaced provided such modification or replacement is in accordance with these Regulations.

6.9. On-site Signage Requirements

- 6.9.1. Ground signs:
- (a) shall be limited to a maximum of two (2) per lot;
 - (b) that have more than a single sign face shall be counted as a single sign; and,
 - (c) shall not exceed the maximum building height of the use zone in which the sign is located and shall not exceed 5.0 square metres.
- 6.9.2. Wall signs:
- (a) shall be permitted for any commercial, industrial, or public use;
 - (b) shall not exceed a sign area of 0.8 square metres per lineal metre of the wall on which the sign is affixed; and,
 - (c) shall not extend beyond the wall to which they are affixed.
- 6.9.3. Unless specified elsewhere in these Regulations, all on-site signs shall not exceed the maximum building height of the use zone in which they are located and shall not exceed 5.0 square metres in area.

6.10. Off-site Signage Requirements

- 6.10.1. Off-site promotional and advertising signage shall be limited to ground signs, and shall be permitted in the Planning Area, provided:
- (a) a business establishment is not advertised on more than two (2) off-site signs within the Planning Area;
 - (b) the sign(s) is located within 5.0 kilometers of the business;
 - (c) the sign(s) meet(s) the building line requirements of Section 3.10;
 - (d) the height does not exceed more than 3.0 metres and the total sign area of each sign does not exceed 2.0 square metres; and,
 - (e) the location, siting, and illumination of each sign shall be to the satisfaction of Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings, natural or historic views, and the preservation of the amenities of the surrounding area.

7. Subdivision

7.1. General

- 7.1.1. Land within the Planning Area shall not be subdivided without first obtaining a permit from Council and no such permit shall be issued unless the provisions of these Regulations are satisfied.
- 7.1.2. Every application of subdivision shall be accompanied by a stamped survey, delineating the existing and proposed property lines, from a member in good standing of the Association of Newfoundland Land Surveyors, at the applicant's cost.

7.2. Development Agreement

- 7.2.1. As a condition of approval for new developments that involve the construction of streets, sewers, or water lines, Council shall require a developer to enter into an agreement with the Town. Such agreements shall be negotiated between the developer and the Town for financing and development of services provided to the site. The agreement shall include specifications for water and sewer infrastructure; storm drainage; streets; sidewalks; open space; as well as school bus stops and neighbourhood mailboxes, where required.

7.3. Services to be Provided

- 7.3.1. 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 sewage disposal system, and storm drainage system designed to the appropriate standards.

7.4. Payment of Service Levies and Other Charges

- 7.4.1. No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by Council for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Sections 2.19 and 2.20.

7.5. Issue of Permit Subject to Considerations

- 7.5.1. A permit shall not be issued when, in the opinion of Council and where Council has not adopted standards or guidelines for such matters, the development of a subdivision does not contribute to the orderly growth of the Town and 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 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.

7.6. Building Permit Required

- 7.6.1. Notwithstanding the approval of a subdivision by Council, a separate permit shall be obtained for each building proposed to be erected in the area of the subdivision, and no permits 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.

7.7. Form of Application

- 7.7.1. Application for a permit to develop a subdivision shall be made to Council in accordance with Section 2.6.

7.8. Subdivision Subject to Zoning

- 7.8.1. The subdivision of land shall be permitted only in conformity with the use zones delineated on the Zoning Maps.

7.9. Land for Public Open Space

- 7.9.1. Before development commences, the developer shall dedicate to the Town, at no cost to the Town, an area of land equivalent to at least 10% of the gross area of the subdivision for useable public open space.
- 7.9.2. For the purpose of Subsection 7.9.1, "useable public open space" means land which:

- (a) has at least 6.0 metres of frontage on a public street, or, where no frontage exists, connects to existing public lands;
 - (b) is not subject to any easement for electrical power transmission lines; and
 - (c) contains such characteristics, including, but not limited to:
 - 7.9.2.c.1. lands suitable for walking or hiking;
 - 7.9.2.c.2. lands suitable for public parks and playgrounds;
 - 7.9.2.c.3. beaches suitable for public swimming;
 - 7.9.2.c.4. vehicular access to navigable waters, suitable for boat launching and retrieval; or,
 - 7.9.2.c.5. land containing structures or building of significant historical value to the community and usable for public purposes.
 - (d) shall be certified, in a form acceptable to the Town, as being free of all encumbrances.
- 7.9.3. The location and suitability of any land dedicated under the provisions of these Regulations 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.
- 7.9.4. Notwithstanding Subsection 7.9.1, a public open space dedication shall not be required for:
- (a) Lot consolidations.
 - (b) Boundary adjustments between two lots where the total area of the two lots does not change.
 - (c) Subdivision of lands owned by a public body.

- 7.9.5. Council may accept payment of a sum of money in lieu of such area of areas of land, equal to the value of the land which would otherwise be required to be dedicated. For greater clarity, the value of land shall be calculated according to the following formula:

$$\text{value of land required by Council} = (a) \times (b)$$

where,

a = estimated assessed value of subdivided land per square metre in Canadian dollars

b = number of square metres required based on these Regulations, calculated to the nearest whole number.

- 7.9.6. Money received by Council in accordance with Subsection 7.9.5 shall be reserved by Council for the purpose of the acquisition or development of land for public open space or other public purposes.
- 7.9.7. Land dedicated for public use in accordance with this Regulation 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.
- 7.9.8. Council may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook, pond, lake, or coastline and this land may, at the discretion of Council, constitute the requirement of the land for public use under Subsection 7.9.1.

7.10. Structure in Street Reservation

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

7.11. Subdivision Design Standards

- 7.11.1. No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:
- (a) The finished grade of local and arterial streets shall not exceed 10%.
 - (b) New subdivisions shall have a street connection with at least one existing street within the Planning Area.
 - (c) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 metres from the intersection.
 - (d) No street intersection shall be closer than 60 metres to any other street intersection, measured from the centre of each intersection.
 - (e) No more than four (4) streets shall join at any street intersection.
 - (f) No residential street block shall be longer than 400 metres between street intersections, measured from the centre of each intersection.

- (g) Streets shall conform to the following minimum standards:

Table 7-1. Residential subdivision road standards				
Type of Street	Minimum Street Reservation	Minimum Pavement Width	Minimum Sidewalk Width	Sidewalk Number
Arterial	30 m	15 m	2 m	Discretion of Council
Collector	20 m	9 m	2 m	Discretion of Council
Local Residential	20 m	7 m	1.5 m	Discretion of Council
Service Streets	15 m	9 m	-	-

- (h) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (i) Council may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (j) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

7.12. New Flag Lots

- 7.12.1. New flag lots shall only be permitted where Council is satisfied adequate provision has been made for:
- (a) perpetual and unencumbered vehicular access;
 - (b) emergency access;
 - (c) servicing; and
 - (d) screening or other means of ensuring privacy for lots located between the flag lot and the road.
- 7.12.2. The "pole" or "leg" of new flag lots shall be a minimum width of 6 metres along the entire length.

- 7.12.3. The minimum lot area required by the land use zone shall be provided within the main body of the flag lot; the "pole" or "leg" of the flag lot shall not be counted for purposes of lot area.

7.13. Dead-end Streets

- 7.13.1. Dead-end streets shall be limited to areas where through street connections are not possible as determined by a qualified professional.
- 7.13.2. Every dead-end street shall be terminated with:
- (a) a turning circle of not less than 26 metres in diameter; or
 - (b) a turning tee with arms extending at least 18 metres from the centre line of the street.
- 7.13.3. The maximum length of any dead-end street shall be:
- (a) 200 metres in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Town and the appropriate provincial Ministers in connection with municipal five-year capital works program eligibility.
 - (b) 300 metres in areas not served by or planned to be served by municipal piped water and sewer services.

7.14. Engineer to Design Works and Certify Construction Layout

- 7.14.1. 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 subject to approval by the Engineer. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision.
- 7.14.2. Upon approval by Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at their own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers, and all appurtenances and of all such streets and other works deemed necessary by Council to service the said area.

7.15. Developer to Pay Engineer's Fees and Charges

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

7.16. Street Works May be Deferred

- 7.16.1. 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 the Town before approval of their application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works.
- 7.16.2. In the later stage of the work of development, Council shall call for tenders for the work of construction and installation of the works, and the amount so deposited by the developer shall be applied towards payments of the contract costs.
- 7.16.3. If the contract price is less than the deposit, Council shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Town by the developer shall be placed in a separate savings account in a bank and all interest earned shall be credited to the developer.

7.17. Transfer of Streets and Utilities to the Town

- 7.17.1. The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to the Town, at no cost to the Town, 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 use as streets, or other rights-of-way, or for other public use;
 - (b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by Council.

- 7.17.2. Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify their satisfaction with their installation.
- 7.17.3. 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.

7.18. Restriction on Sale of Lots

- 7.18.1. The developer shall not develop or dispose of any lot within a subdivision for the purposes of development and no building permit shall be issued until Council is satisfied that:
 - (a) the lot can be served with satisfactory water supply and sewage disposal systems, and;
 - (b) satisfactory access to a street is provided for the lots.

8. Zoning

8.1. Zones

- 8.1.1. Land within the Twillingate Planning Area is divided into zones. The extent and boundaries of each zone are shown on the Zoning Maps attached to these Development Regulations, as detailed in Schedule 'B'.
- 8.1.2. The zones, which are contained within designated land use areas as defined in the Municipal Plan, are:

Residential (RES)
General Commercial (COM)
Gateway Commercial (GC)
Mixed Use (MU)
Institutional (I)
Marine and Industrial (M)
Open Space and Recreation (OS)
Rural (R)
Mineral Workings (MW)
Conservation (C)
Protected Watershed (W)

8.2. Interpretation of Zone Boundaries

- 8.2.1. The extent and boundaries of zones are shown on Schedule 'B' of these Regulations and the appropriate provisions of these Regulations shall apply to each zone.
- 8.2.2. Boundaries between zones shall be determined as follows:
- (a) where a zone boundary is indicated as following a survey line as recorded a deed, the boundary shall follow that line;

- (b) where a zone boundary is indicated as following a street, private road, or highway, the centreline of the street, private road, or highway shall be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated following a railway or utility or street reservation, the centreline of the reservation shall be the boundary unless otherwise indicated;
- (d) where the boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- (e) where the zone boundary is indicated as following the shoreline of a river, watercourse, lake or salt water body, the mean high water mark shall be the boundary; and,
- (f) where none of the above provisions apply, Council shall scale the zone boundary from the zoning map shown on Schedule 'B'.

8.3. Permitted Uses

- 8.3.1. Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate use zones shall be permitted by Council in that use zone.

8.4. Discretionary Uses

- 8.4.1. Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate use zones may be permitted in that use zone if:
 - (a) Council is satisfied the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any following plan or regulations, and to the public interest; and,
 - (b) Council has given notice as required in Section 2.14 of these Regulations.

8.5. Prohibited Uses

- 8.5.1. Uses that do not fall within the Permitted or Discretionary Use or Use Class, or are specifically identified as a Prohibited Use, shall not be permitted in that use zone.

8.6. Classification of Land Uses and Buildings

- 8.6.1. Part 22 of these Regulations contain a table listing of classes of uses and provides examples of specific uses for each use class. Using Part 22, Council can interpret a proposed use and determine whether it is permitted, discretionary, or prohibited in the applicable use zone.

9. Residential (RES) Zone

9.1. Permitted Uses

Child Care
Conservation
Double Dwelling
Home-based Business
Lodging Establishment
Marine Transportation, excluding Marinas
Recreation Open Space, limited to Parks, Playgrounds, Playing Fields and Hiking Trails
Secondary Dwelling
Single Dwelling
Urban Agriculture
Utilities

9.2. Discretionary Uses

Antenna
Cemetery
Convenience Store
Education
Emergency Services
Media Communications
Medical and Professional
Mineral Exploration (development)
Multi-unit Dwelling – 3 or 4 dwelling units
Place of Worship
Row Dwelling – 3 or 4 dwelling units
Special Care
Vacation Rental
Wind Turbine

9.3. Lot Requirements

- 9.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Residential (RES) Zone unless the following requirements are met:

Requirement	Single Dwelling	Row, Double Dwelling	Multi-unit Dwelling	All other uses
Minimum Lot Area	400 m ²	400 m ² /unit	200 m ² /unit	400 m ²
Minimum Lot Frontage	10 m	10 m	15 m	12 m
Minimum Rear Yard	6 m	6 m	7.5 m	7.5 m
Minimum Side Yard	2 m	2 m	2 m	2 m
Maximum Building Height	10 m	10 m	10 m	10 m

- 9.3.2. Notwithstanding Subsection 9.3.1, land zoned Residential (RES) beyond the municipal servicing boundaries shall be subject to the following regulations, per dwelling unit:

Available Services	Required Lot Area
With on-site water supply and sewage disposal services	1860 m ² (minimum lot width of 30 m)
Semi-serviced lot where either water or sewage disposal is provided off-site.	1400 m ² (minimum lot width of 23 m)

- 9.3.3. The Town shall not be required to extend municipal water or sewer services beyond the municipal servicing boundary.

9.4. Convenience Stores – Special Requirements

- 9.4.1. Convenience stores shall be permitted as a discretionary use in the Residential (RES) Zone where:
- (a) the store forms part of, or is attached to a dwelling;

- (b) the retail use is subsidiary to the residential character of the area, and does not affect residential amenities of adjoining properties; and,
- (c) the store is located on a corner lot.

9.5. Accessory Buildings - Special Requirements

- 9.5.1. Further to Section 3.3. of these Regulations, accessory buildings in the Residential (RES) Zone shall have a lot coverage no greater than 50 percent or 80 square metres, whichever is less, and a height of no more than 6 metres.

9.6. Secondary Dwellings – Special Requirements

- 9.6.1. Secondary dwellings shall meet the following requirements:
 - (a) Secondary dwellings within a dwelling shall only be permitted within single, double, or row dwellings.
 - (b) Secondary dwellings located in rear yard shall only be permitted in the rear yard of a single dwelling, on lots of at least 350 square metres in area.
- 9.6.2. A secondary dwelling is not considered a separate main dwelling, but shall have its own entrance separate from the main dwelling.
- 9.6.3. Secondary dwellings shall not exceed a floor area of 80 square metres.
- 9.6.4. Secondary dwellings shall not be counted towards the dwelling unit total.
- 9.6.5. Where permitted, only one (1) secondary dwelling shall be permitted on a lot.
- 9.6.6. Notwithstanding other requirements of these Regulations, secondary dwellings in the rear yard of a lot shall not exceed 5.5 metres in height.

10. Mixed Use (MU) Zone

10.1. Permitted Uses

Antenna
Child Care
Conservation
Convenience Stores
Cultural and Civic
Double Dwelling
General Office
Home-based Business
Indoor Market
Lodging Establishment
Marine Transportation
Media Communications
Medical and Professional
Multi-Unit Dwelling – 3 or 4 dwelling units
Outdoor Market
Personal Service
Recreation Open Space, excluding Campgrounds
Row Dwelling – 3 dwelling units
Secondary Dwelling
Shop – to a maximum of 50 square metres GFA
Single Dwelling
Special Care
Urban Agriculture
Utilities

10.2. Discretionary Uses

Accommodation
Cemetery
Education
Emergency Services
Food and Beverage Service
Funeral Home
General Assembly
General Service
Medical and Professional
Mineral Exploration (development)
Multi-Unit Dwelling – 5 to 8 dwelling units
Place of Worship
Recreation Open Space - Campgrounds
Row Dwelling – 4 to 6 dwelling units
Shop – GFA greater than 50 square metres
Special Care
Take-out Service
Vacation Rental
Wind Turbine

10.3. Lot Requirements

- 10.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Mixed Use (MU) Zone unless the following requirements are met:

Requirement	Single Dwelling, Double Dwelling, Row Dwelling, Multi-Unit Dwelling	All Other Uses
Minimum Lot Area	300 m ²	300 m ²
Minimum Lot Frontage	10 m	12 m
Minimum Rear Yard	6 m	7.5 m
Minimum Side Yard	2 m	5 m
Maximum Building Height		
> On lots between Main Street and the Coastline	8 m	10 m
> On all other lots	10 m	12.2 m

10.4. Accessory Buildings - Special Requirements

- 10.4.1. Notwithstanding other Regulations, accessory buildings in the Mixed Use (MU) Zone shall have a lot coverage no greater than 80 square metres, and a height of no more than 6 metres.

10.5. Secondary Dwellings – Special Requirements

- 10.5.1. Secondary dwellings shall meet the following requirements:
- (a) Secondary dwellings within a dwelling shall only be permitted within single, double or row dwellings.
 - (b) Secondary dwellings located in rear yard shall only be permitted in the rear yard of a single dwelling, on lots of at least 350 square metres in area.

- 10.5.2. A secondary dwelling is not considered a separate main dwelling, but shall have its own entrance separate from the main dwelling.
- 10.5.3. Secondary dwellings shall not exceed a floor area of 80 square metres.
- 10.5.4. Secondary dwellings shall not be counted towards the dwelling unit total.
- 10.5.5. Where permitted, only one (1) secondary dwelling shall be permitted on a lot.
- 10.5.6. Notwithstanding other requirements of these Regulations, secondary dwellings in the rear yard of a lot shall not exceed 5.5 metres in height.

10.6. Campgrounds – Special Requirements

- 10.6.1. Commercial uses, washroom facilities, laundromats, and similar facilities, and parking areas and recreational areas shall not be located adjacent to residential areas.
- 10.6.2. All sites and facilities shall be only accessed by the internal driveway network of the campground.
- 10.6.3. The development permit for a campground shall specify the maximum number of units and sites – in the form of tents, recreational vehicles, yurts, and so forth – that may be accommodated on the site at any one time. This number shall not be exceeded.

11. General Commercial (COM) Zone

11.1. Permitted Uses

Antenna
Child Care
Conservation
Convenience Store
Cultural and Civic
Food and Beverage Service
Funeral Home
General Office
General Service
Home-based business
Indoor Market
Marine Transportation
Media Communications
Medical and Professional
Outdoor Market
Personal Service
Recreation Open Space, excluding Campgrounds
Shop
Utilities

11.2. Discretionary Uses

Accommodation
Cemetery
Education
Emergency Services
General Assembly
Mineral Exploration (development)
Multi-Unit Dwelling – 8 or fewer dwelling units
Place of Worship
Service Station
Take-out Service
Theatre
Veterinary
Wind Turbine

11.3. Lot Requirements

- 11.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the General Commercial (COM) Zone unless the following requirements are met:

Requirement	Permitted Uses
Minimum Lot Area	400 m ²
Minimum Lot Frontage	12 m
Minimum Rear Yard	7.5 m
Minimum Side Yard	5 m
Maximum Main Building Height	
> On lots between Main Street and the Coastline	10 m
> On all other lots	15 m
Maximum Accessory Building Height	6 m

12. Gateway Commercial (GC) Zone

12.1. Permitted Uses

Accommodation
Antenna
Conservation
Cultural and Civic
Emergency Services
Food and Beverage Service
General Office
General Service
General Transportation
Home-based Business
Indoor Assembly
Indoor Market
Light Industry
Media Communications
Medical and Professional
Outdoor Market
Personal Service
Recreational Open Space, limited to Parks, Playing Fields and Hiking Trails.
Shop
Shopping Centre
Single Dwelling - Existing
Theatre
Utilities

12.2. Discretionary Uses

Automotive Sales
Cemetery
Child Care
Education
Funeral Home
General Assembly
Lodging Establishment
Mineral Exploration (development)
Multi-unit Dwelling
Place of Worship
Service Station
Take-out Services
Wind Turbine

12.3. Lot Requirements

- 12.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Gateway Commercial (GC) Zone unless the following requirements are met:

Requirement	All Uses
Minimum Lot Size	500 m ²
Minimum Lot Frontage	30 m
Minimum Rear Yard	7.5 m
Minimum Side Yard	10 m
Maximum Building Height	
> Main Building	15 m
> Accessory Buildings	6 m

12.4. Building Placement – Special Requirements

12.4.1. Notwithstanding other regulations in this document, development in the Gateway Commercial (GC) Zone shall also comply with the following regulations:

- (a) Service stations shall only be permitted where the main building is located between the front lot line and the fuel pump.
- (b) Main structures shall have at least one façade parallel and adjacent to the front lot line.
- (c) No illuminated signs, no outdoor loud speaker, nor any drive-through lanes, shall be located less than six (6) metres from any adjacent residentially zoned property.
- (d) No drive-through lane or drive-through window shall be located between the building and the street.
- (e) Surface parking shall not be located between the building and the street unless Council is satisfied site access and control is adequate to ensure pedestrian and automobile safety.
- (f) A waste disposal or recycling facility shall not be located in the front yard, and shall be fully enclosed and screened from public streets and adjacent streets.

12.4.2. Every building shall have at least one identifiable, convenient and accessible pedestrian entry door that is:

- (a) adjacent to, and visible from a sidewalk or walkway, providing access to the building from the street during regular business hours;
- (b) accessible by pedestrians from the sidewalk or front lot line without the need to cross a parking lot or drive-through lane; and
- (c) with separate entry doors for residential and commercial portions of a building.

12.5. Multi-unit Dwellings – Special Requirements

- 12.5.1. Except for existing residential structures, residential uses are not permitted on the ground floor of a building, except for entrance lobbies, common areas, and accessory uses.

12.6. Single Dwellings - Special Requirements

- 12.6.1. Single dwellings permitted within this zone shall be limited to existing single dwellings. Existing dwellings may be structurally modified, reconstructed, and repaired/rebuilt in compliance with the standards of the Residential (RES) use Zone. Replacement of a single dwelling shall meet the following requirements:
- (a) The new single dwelling shall be constructed on the same lot as the original dwelling.
 - (b) The single dwelling shall meet the standards of the Residential (RES) Zone.
 - (c) The existing single dwelling shall be demolished upon occupancy of the new dwelling.

13. Institutional (I) Zone

13.1. Permitted Uses

Antenna
Child Care
Conservation
Cultural and Civic
Education
Emergency Services
Medical Treatment
Place of Worship
Recreational Open Space, limited to Playgrounds and municipally owned facilities and Hiking Trails.
Special Care
Theatre
Urban Agriculture
Utilities

13.2. Discretionary Uses

Cemetery
General Assembly
General Transportation
Indoor Assembly
Medical and Professional
Mineral Exploration (development)
Outdoor Assembly
Penal and Correctional Detention
Take-out Service
Wind Turbine

13.3. Lot Requirements

- 13.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Institutional (I) Zone unless the following requirements are met:

Requirement	All Uses
Minimum Lot Size	500 m ²
Minimum Lot Frontage	12 m
Minimum Rear Yard	10 m
Minimum Side Yard	10 m
Maximum Building Height	
> Main Building	10 m
> Accessory Buildings	6 m

14. Marine and Industrial (M) Zone

14.1. Permitted Uses

Aquaculture
Cemetery – Existing
Conservation
General Industry
General Transportation
Light Industry
Marine Transportation
Recreational Open Space, limited to Parks, Playgrounds, Playing Fields and Hiking Trails.
Service Station
Utilities

14.2. Discretionary Uses

Animal Processing
Antenna
Cannabis Production
General Office
Heavy Industry
Indoor Assembly
Media Communications
Mineral Exploration (development)
Shop
Solid Waste Facility
Wind Turbines

14.3. Lot Requirements

- 14.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Marine and Industrial (M) Zone unless the following requirements are met:

Requirement	All Permitted Uses
Minimum Lot Area	2,000 m ²
Minimum Lot Frontage	30 m
Minimum Rear Yard	15 m
Minimum Side Yard	
> Main Building	15 m
> Accessory Buildings	12 m
Maximum Building Height	
> Main Building	18 m
> Accessory Buildings	6 m

14.4. Cannabis Production Facilities - Special Requirements

- 14.4.1. The outdoor commercial cultivation, production, and processing of cannabis and its derivatives shall be prohibited.
- 14.4.2. Where a lot containing a cannabis production facility abuts a lot zone or used for residential purposes, daycare, community centre, school, religious institution, public park, or playground, such facility shall be set back a minimum of 70 metres from the abutting lot lines.

14.5. General Office and Shop – Special Requirements

- 14.5.1. General office and shop uses in the Marine and Industrial (M) Zone shall only be permitted when associated with a permitted use.

15. Open Space and Recreation (OS) Zone

15.1. Permitted Uses

Cemetery – Existing
Conservation
Recreational Open Space, limited to Parks, Hiking Trails, Playing Fields, Sports Grounds, Campgrounds up to 10 sites, and Playgrounds
Urban Agriculture

15.2. Discretionary Uses

Antenna
Indoor Assembly
Mineral Exploration (development)
Outdoor Assembly
Take-out Service
Utilities
Wind Turbine

15.3. Lot Requirements

- 15.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Open Space and Recreation (OS) Zone unless the following requirements are met:

Requirement	All Uses
Minimum Lot Size	500 m ²
Minimum Lot Frontage	12 m
Minimum Rear Yard	10 m
Minimum Side Yard	10 m
Maximum Building Height	
> Main Building	10 m
> Accessory Buildings	6 m

15.4. Discretionary Uses – Special Requirement

- 15.4.1. The discretionary use classes listed in Section 15.2 may be permitted provided they are accessory to uses within the permitted use classes.

15.5. Campgrounds – Special Requirements

- 15.5.1. Commercial uses, washroom facilities, laundromats, and similar facilities, and parking areas and recreational areas shall not be located adjacent to residential areas.
- 15.5.2. All sites and facilities shall be only accessed by the internal driveway network of the campground.
- 15.5.3. The development permit for a campground shall specify the maximum number of units and sites – in the form of tents, recreational vehicles, yurts, and so forth – that may be accommodated on the site at any one time. This number shall not be exceeded.

16. Rural (R) Zone

16.1. Permitted Uses

Agriculture
Agriculture Related Industries
Antenna
Conservation
Forestry
Recreation Open Space, including Campgrounds up to 20 sites
Utilities

16.2. Discretionary Uses

Animal Facility
Antenna
Aquaculture
Cemetery
General Industry
Home-based Business
Land Lease Community
Lodging Establishment
Marine Transportation
Mineral Exploration (development)
Media Communications
Outdoor Assembly
Outdoor Market
Place of Worship
Recreation Open Space – Campgrounds with 21 or more sites
Salvage Yard
Seasonal Residential
Single Dwelling
Solar Collector Systems
Wind Turbine

16.3. Lot Requirements

- 16.3.1. Except as otherwise permitted by these Regulations, Council shall not issue a development permit for a use on a lot in the Rural (R) Zone unless the following requirements are met:

Requirement	Single Dwelling, Seasonal Residential	All Other Uses
Minimum Lot Area	400 m ²	3,000 m ²
Minimum Lot Frontage	12 m	50 m
Minimum Rear Yard	7.5 m	15 m
Minimum Side Yard	2 m	15 m
Maximum Building Height		
> Main Building	10 m	15 m
> Accessory Buildings	6 m	12 m

16.4. Agricultural Uses – Special Requirements

- 16.4.1. All buildings and manure storage facilities for livestock operations in the Rural (R) Zone, except those permitted as under Section 4.15, shall:
- (a) be set back a minimum of 50 metres from any watercourse or well;
 - (b) be set back at least 400 metres from a residence on surrounding lots; and,
 - (c) have a setback of at least 30 metres from all lot lines. Where the commercial livestock operation is part of a farm located across multiple lines, the 30-metre setback shall only apply to lot lines external to the farm. Zone requirements for minimum setbacks shall apply to lot lines internal to the farm.

16.5. Land Lease Community – Special Requirements

- 16.5.1. A land lease community shall be fully serviced with water and sewer connected to the municipal water and sewer system. The cost of installing water and sewer and connecting them to the municipal water and sewer system and their on-going maintenance shall be the responsibility of the developer. Each mobile home shall be serviced with municipal water and sewer.
- 16.5.2. The development and maintenance of site facilities including underground services, communal areas, and garbage collection are the responsibility of the land lease community's developer and/or operator.
- 16.5.3. The development and maintenance of access roads and snow clearance are the responsibility of the land lease community developer and/or operator.
- 16.5.4. A permanent, perimeter buffer of 8.0 metres from lot lines consisting of natural vegetation shall be maintained along all boundaries of the land lease community. No structure or accessory structure shall be located within this buffer.

16.6. Campgrounds – Special Requirements

- 16.6.1. Commercial uses, washroom facilities, laundromats, and similar facilities, and parking areas and recreational areas shall not be located adjacent to residential areas.
- 16.6.2. All sites and facilities shall be only accessed by the internal driveway network of the campground.
- 16.6.3. The development permit for a campground shall specify the maximum number of units and sites – in the form of tents, recreational vehicles, yurts, and so forth – that may be accommodated on the site at any one time. This number shall not be exceeded.

17. Mineral Workings (MW) Zone

17.1. Permitted Uses

Antenna
Cemetery – Existing
Conservation
Mineral Exploration (development)
Mineral Working
Solar Collector Systems
Utilities

17.2. Discretionary Uses

General Industry
Wind Turbine

17.3. Mineral Working – Special Requirement

- 17.3.1. All mineral workings, including pits, quarries and mines shall be subject to the requirements of the appropriate permit, lease, or license issued by the Mineral Branch, Department of Industry, Energy and Technology, for development, operation, decommissioning, and rehabilitation. Where not addressed in an applicable provincial permit, lease or license, mineral working uses shall meet the following requirements at the cost of the developer:
- (a) A buffer shall be required to screen mineral working visible from a public street. A buffer may consist of a 30-metre-wide tree screen, a landscaped berm, or as required by Council. Council may waive the requirement for a buffer where natural topography creates a visual screen between mineral workings and adjacent public highways and streets.

- (b) Council may require the mineral working site or excavated area of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.
- (c) No mineral working or extraction activity shall be permitted within 50 metres of a waterbody or watercourse.
- (d) No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation or ponding of water in any part of the site. Settling ponds may be permitted with the approval of the Department of Environment, Climate Change and Municipalities.
- (e) Any mineral working use shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.
- (f) During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of Council.
- (g) All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5.0 metres from uncleared areas and 10 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quantity of the topsoil is not affected by dilution with other materials.
- (h) Unless Council is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

	Minimum Distance of Pit and Quarry Workings
Existing or Proposed Residential Development:	
> Where no blasting is involved	300 m
> Where blasting is involved	1000 m
Any other development area or area likely to be development during the life of the pit or quarry	150 m
Public highway or street	50 m
Protected Road	90 m
Waterbody or watercourse	50 m

- 17.3.2. Where a permit to conduct a mineral working activity was issued prior to the adoption of these Regulations, and where a minimum required distance between uses was established, the mineral working activity shall not be discontinued or impeded where development or zoning changes encroach upon, or pass beyond the minimum required distance between uses that was established prior to the adoption of these Regulations.

17.4. Mineral Working Site Rehabilitation – Special Requirement

- 17.4.1. Upon completion of any mineral working activity, at the cost of the developer, the developer shall:
- (a) remove all buildings, machinery and equipment, from the site;
 - (b) grade any slopes from the resulting mineral working activities to less than 20 percent or to the slope conforming to the existing conditions prior to the mineral working;
 - (c) spread topsoil and any organic material that was removed over the entirety of the mineral working area, and hydroseed the area with plant species native to the Twillingate Planning Area; and,
 - (d) ditch or gate the access road to the working area.

17.5. General Industry – Special Requirements

- 17.5.1. General industry uses may be permitted by Council provided that the use is restricted to maintenance and repair of equipment, processing, and storage related to mineral working uses.

18. Conservation (C) Zone

18.1. Permitted Uses

Cemetery – Existing
Conservation

18.2. Discretionary Uses

Antenna
Recreational Open Space, limited to Parks and Hiking Trails
Utilities
Wind Turbine

18.3. Recreational Open Space – Special Requirements

- 18.3.1. Consideration of any development of Parks and Hiking Trails shall be informed by a rare plant survey conducted in compliance with the requirements of the Wildlife Division of the Department of Fisheries and Land Resources.

19. Protected Watershed (W) Zone

19.1. Permitted Uses

Cemetery – Existing
Conservation
Recreational Open Space, limited to Parks and Hiking Trials

19.2. Discretionary Uses

Antenna
Utilities
Wind Turbine

20. Definitions

Abattoir means a building or structure specifically designed to accommodate the penning and slaughtering of farm animals and related primary processing which may include the on-site packing, treating and storage of product.



Provincial
Reg. 4(a)

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



Provincial
Reg. 4(b)

Accessory Building includes:

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



Provincial
Reg. 4(c)

Accessory Use means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

Accommodation means a building or group of buildings not intended for residential use where sleeping facilities are provided for persons and which may also contain recreational facilities, commercial use and additional facilities including but not limited to eating establishments, drinking establishments, room service, meeting rooms, public convention rooms, and laundry service, but does not include vacation rentals or bed and breakfast establishments.



Provincial
Reg. 2(a)

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

Agriculture means the use of land, buildings or structures for the cultivation of crops, the raising and pasturing of farm animals, bee keeping, or the packing, storing and treating of produce, in accordance with normal farm practices, but does not include Urban Agriculture uses.

Agriculture Related Industries means the use of land, buildings, or structures for processing and storage of agricultural crops; fertilizer production; brewing, wine-making, and similar uses; the sale of farm produce to the general public; and tourism activities related to on-site agricultural activities, such as u-picks or hay rides; but excludes the processing of animals, which is covered by the definition for abattoirs.

Aquaculture means the growing and cultivation of aquatic plants, or fish, for commercial purposes, in any water environment or on land in human-made containers of water, and includes the growing and cultivation of shellfish on, in, or under the foreshore or in the water.

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.

Boarding House means a dwelling in which the proprietor supplies either room or room and board for monetary gain and which is not open to the public.

Bed and Breakfast Establishment means a single dwelling in which there is a resident owner or resident manager who provides overnight accommodation to the travelling public and provides at least one meal (usually breakfast, but occasionally other meals as well) to overnight guests. The bed and breakfast use shall not include provision of meals to non-guests.

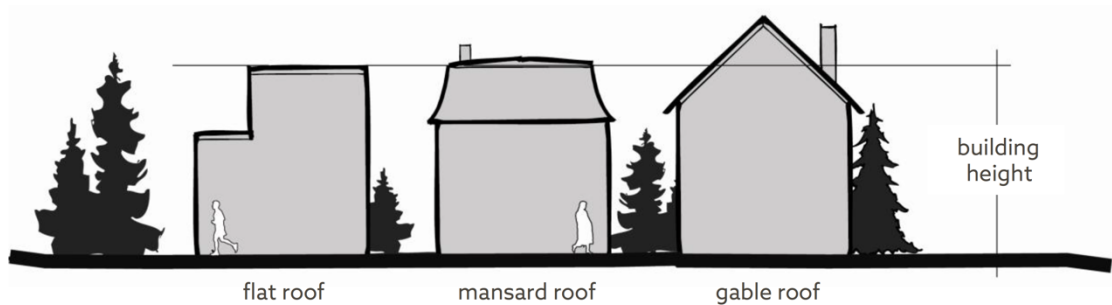
Building means:

- i. a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
- ii. mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
- iii. a part of and fixtures on buildings referred to in subparagraphs (i) and (ii), and
- iv. an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (i) to (iii).

Building Height means the vertical distance, measured in metres from the established grade to the:

- i. highest point of the roof surface of a flat roof,
- ii. deck line of a mansard roof, and
- iii. mean height level between the eave and the ridge of a gable, hip or gambrel roof,

and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof.



Building Line means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed.

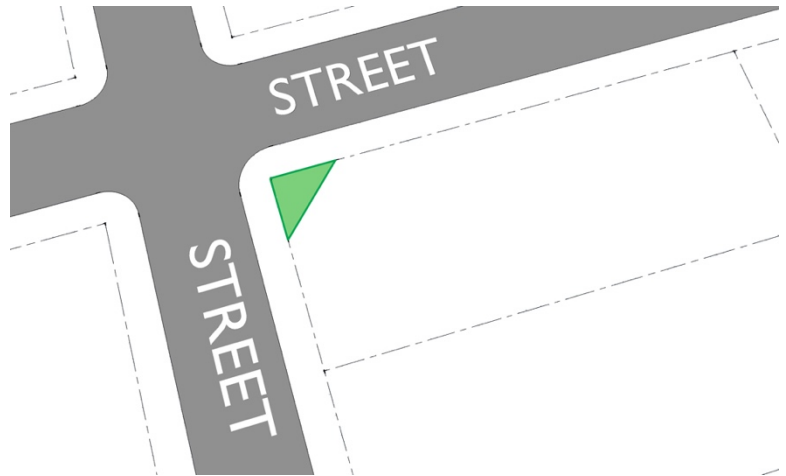
Campground means the use of land, or part thereof, for providing an overnight camping experience to the travelling public in tents, yurts, bunkies, travel trailers, recreational vehicles, campers, and similar structures and/or vehicles, but does not include a Land Lease Community, or Accommodation.

Child Care Facility means a place where children are cared for without overnight accommodation, but does not include a school.

Commercial means the use of land, buildings or structures for the purpose of buying and selling commodities and/or supplying of services as distinguished from uses such as manufacturing or assembling of goods, warehousing, transportation depots, construction and other similar uses.

Community Garden means the use of land for garden plots rented out at low or no cost to community members and may include structures such as tool sheds.

Corner Vision Triangle means the area of a corner lot that is enclosed by a triangle, the apex of which is the intersection of the flanking lot line and the front lot line, two sides of which triangle are 6 metres in length measured from said point of intersection along the said lines and the base of which triangle is formed by a straight line joining the said exterior lot lines at the said points 6 metres from the intersection.



Council means the elected Council of the Town of Twillingate.

Craft Product means products assembled or made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewelers, toy makers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, and caterers.



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

- i. making of an access onto a highway, road or way,
- ii. erection of an advertisement or sign,
- iii. construction of a building,
- iv. parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

and excludes the

- i. carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- ii. carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- iii. carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes,

- cables or other apparatus, including the breaking open of street or other land for that purpose, and
- iv. use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.



Discretionary Use means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations.

Dwelling means a building containing at least one (1) dwelling unit for human habitation, which is capable of being occupied as a home or residence, and for greater certainty:

Double Dwelling means a building containing two (2) dwelling units, placed one above the other, or side by side, but does not include single dwelling containing a secondary dwelling.

Grouped Dwelling means two (2) or more dwellings contained in two (2) or more separate buildings on a lot.

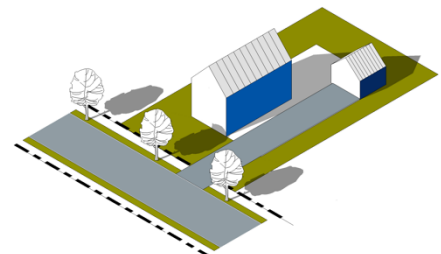
Multi-unit Dwelling means a building containing three (3) or more dwelling units, but does not include a row dwelling.

Row Dwelling means a dwelling divided vertically into three (3) or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

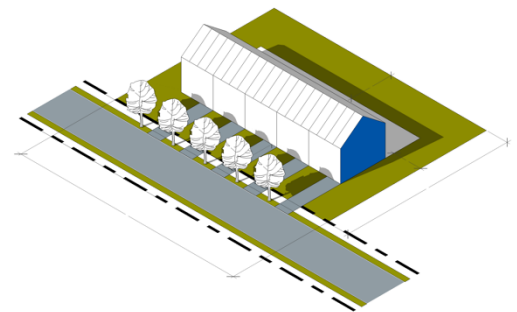
Secondary Dwelling means a dwelling that contains one (1) dwelling unit and is located on a lot containing a single dwelling, or within a single, double or row dwelling.

Single Dwelling means a dwelling containing one (1) dwelling unit which is not attached to another dwelling.

Dwelling Unit means one (1) or more habitable rooms that may be used as a residence by an independent, separate household, which: has a bathroom for exclusive use of the household; has a kitchen for the exclusive use of the household; and has a private entrance from outside the building or from a common hallway or stairway.



Single Dwelling



Row Dwelling

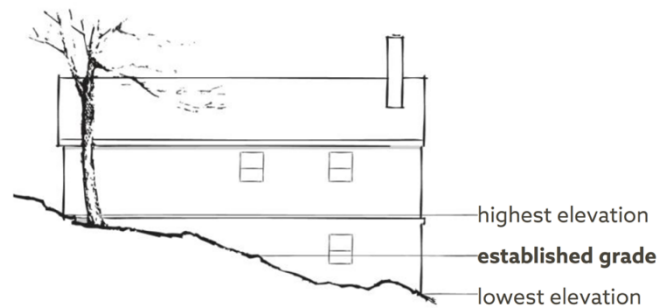
Engineer means a professional engineer, licensed to practice in Newfoundland and Labrador, employed or retained by the Town.

Erect means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.



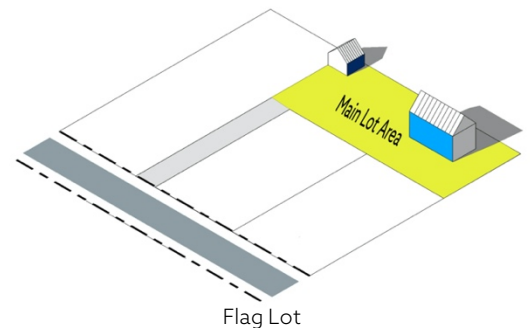
Established Grade means:

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



Existing means legally existing on the specified date or, where no date is specified, as of the effective date of these Regulations.

Flag Lot means a lot characterized by the main body of the lot generally to the rear of another lot and with access provided by a driveway that is part of the flag lot, and that runs beside the lot or lots between the main portion of the flag lot and the street or private road that provides access to the driveway.



Floor Area means the total area of all floors in a building measured to the outside face of exterior walls.



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

Front Yard Depth means the distance between the front lot line of a lot and the front wall of the main building on a lot.

Habitable Area means an enclosed area of a building designed and/or used for any purpose other than parking of vehicles (including boats), building access, or commercial/industrial storage.

Home-based Business means an accessory use of a dwelling and/or accessory building for gainful employment involving the provision or sale of goods and/or services.

Land includes land covered by water and buildings and structures on, over, under the soil and fixtures that form part of those buildings and structures

Land Lease Community means an establishment comprising of land or premises under single ownership, designed and intended for residential use, where residences are primarily in manufactured homes, but does not include public campgrounds. A land lease community may contain mobile homes, mini homes, two unit mini homes, manufactured homes and administrative offices necessary for the operation of a land lease community, but does not include any camping establishments.

Light Industry means the 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.

Livestock

Livestock, Large means horses, ponies, donkeys, pigs, cows, llamas, ostriches, emus, and other livestock of similar size, level of waste production, or temperament.

Livestock, Medium means goats, sheep, turkeys, peacocks, and other livestock of similar size, level of waste production, and temperament.

Livestock, Small means chickens, ducks, rabbits, geese, and other livestock of similar size, waste production, and temperament.

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

Lot Area means the total horizontal area within the lines of the lot.

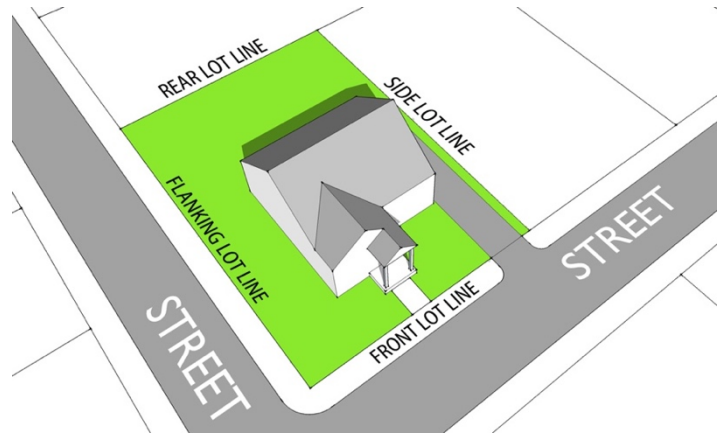
Lot Coverage means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.

Lot Line means an outer boundary for a specific lot.

Flanking Lot Line means a lot line which abuts the secondary street on a corner lot.

Front Lot Line means the lot line adjacent to the principal street or right of way.

Rear Lot Line means the lot line on the opposite side of the front lot line.



Side Lot Line means any lot line that is not a front, flankage, or rear lot line.

Main Building means any building in which is carried on the principal purpose for which the lot is used.

Marine Transportation means the use of land or buildings intended for the storage, mooring or the transportation of marine vessels.

Mobile Home means a prefabricated dwelling designed to be transported to a site where it is to be occupied as a dwelling complete and ready for occupancy, either remaining on a chassis and wheels or placed on a permanent footing. This definition excludes mini-homes and other types of pre-cut or multi section assemblies that form a dwelling.

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

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

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



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.

Office means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.



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



Permitted Use means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

Personal Service means a business use involved with the provision of a personal service to the general public for monetary gain, such as a repair shop, dry cleaning establishment, barber shop, tattoo shop, or tailor.

Place of Worship means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.



Prohibited Use means use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone.



Rear Yard Depth means the distance between the rear lot line and the rear wall of the main building on a lot.

Recreational Vehicle means a vehicle intended as temporary accommodation for travel, vacation, or recreational use. Such vehicles may include, but are not limited to, a motor home, fold-down camping trailer, truck camper, holiday trailer, or fifth wheel travel trailer, but does not include any vehicle that is derelict.

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.

Salvage means waste or surplus automobiles, transportation vehicles, or industrial equipment, including any parts or pieces that have been removed, for the purposes of disposal or future use.

Salvage Yard means any commercial premise where the receipt, storage, sale, resale and processing of salvage occurs.

Service Station means any land or buildings used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing and polishing of automobiles.

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 amusement use, a general garage, a service station, or a convenience store.

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.

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.



Side Yard Depth means the distance between the side lot line and the nearest side wall of a building on the lot.



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

Ground Sign means a freestanding sign supported by a structure that is permanently affixed to a foundation.

Sandwich Board Sign means a consisting of two surfaces attached to each other at the top and designed so as to stand temporarily without foundation or other support on a lot or sidewalk without electrical or other service connection.

Wall Sign means a sign where the back of the main surface is attached directly to a building wall, or where the sign is painted on a building wall.

Solar Collector System means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

Special Care Use means a use or building designed for people seeking assisted home care by the content and layout of the structure (size, number of bedrooms, shared kitchens, etc.), provisions for common dining facilities, recreation areas, lounges, libraries, respite units, and the accessibility of all units and facilities for persons living with disabilities.



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



Street Line means the edge of a street reservation as defined by the authority having jurisdiction.

Subdivision means the dividing of land, whether in single or joint ownership into 2 or more pieces for the purpose of development.

Temporary Use means a use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Town means, where the context dictates, either the geographical areas within the Town of Twillingate or the body corporate of the Town of Twillingate.

Urban Agriculture Use means the use of a structure or land for the keeping of bees as an accessory use; the keeping of livestock as an accessory use; or the breeding planting, cultivation or harvesting of plants such as vegetables, fruits, herbs, sprouts and flowers.

Use means a building or activity situated on a lot or a development permitted on a lot.

Use Zone or **Zone** means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply.

Vacation Rental means the full- or part-time rental of a single dwelling for durations not exceeding 28 continuous days.

Variance means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable use zone Table of the authority's regulations.

Watercourse means any lake, pond, river, stream or other body of water.

Wetland means the land usually or at any time occupied by water, where the water table is at or is just above the surface of the land either permanently or intermittently, depending upon the class of the wetland which includes bogs, fens, marshes, swamps and shallow water zones along shorelines of bodies of water.

Wind Turbine means a machine and supporting structure designed to convert wind energy into mechanical or electrical energy.

Wind Turbine Height means the vertical distance measured from established grade to the highest point of the rotor's arc.

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

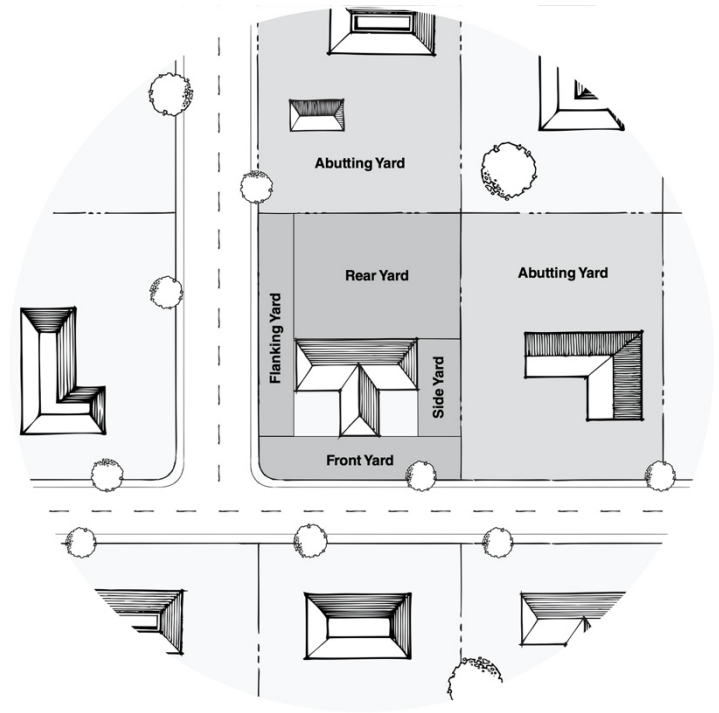
Front Yard means the yard extending across the full lot width, between the front lot line and the nearest wall of any main structure on the lot.

Rear Yard means the yard extending across the full lot width, between the rear lot line and the nearest wall of any main structure on the lot, excluding any area of the lot this is a flanking yard.

Side Yard means the yard between the front yard and the rear yard, and between the side lot line and the nearest wall of any main structure on the lot.

Flanking Yard means a yard between any wall of the main building and a flanking lot line, excluding any areas of the lot that is a front yard.

Abutting Yard means the yard of an abutting lot which shares a lot line of subject property.



Zoning Map means the map or maps attached to and forming a part of the authority's regulations.

21. Use Class Table

Residential

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Residential Dwelling Uses	Single Dwelling	> Single Detached Dwelling
	Secondary Dwelling	> Secondary Suite > Backyard Dwelling
	Double Dwelling	> Duplex Dwelling > Semi-Detached Dwelling
	Row Dwelling	> Row Houses > Town Houses
	Multi-Unit Dwelling	> Residential Complex (3 or more units) > Grouped Dwellings
General Residential Uses	Lodging Establishment	> Bed and Breakfast Establishment > Boarding House > Supportive Housing
	Seasonal Residential	> Summer Home and Cabin > Hunting and Fishing Cabin > Bunkie
	Home-based Business	> Home-based Business
	Vacation Rental	> Short Term Rental
	Mobile Home	> Mobile Home
	Land Lease Community	> Mini Home community > Mobile Home community

Assembly Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Performing Arts	Theatre	> Movie Theatres > Theatres
Assembly Uses	Cultural and Civic	> Art Galleries > Libraries > Museums > Meeting Rooms > Arts and Cultural Centres > Council Chambers > Court Rooms
	General Assembly	> Auditoria > Bowling Alleys > Community Halls > Dance Halls > Exhibition Halls > Fitness Clubs > Gymnasias > Lodge Halls

	Education	<ul style="list-style-type: none"> > Colleges and Universities (non-residential) > Private Schools > Public Schools
	Place of Worship	<ul style="list-style-type: none"> > Church Halls > Places of worship and associated community facilities
	Funeral Home	<ul style="list-style-type: none"> > Crematoria > Funeral Homes and Chapel > Columbaria
	Child Care	<ul style="list-style-type: none"> > Day Care Centres > Nursery Schools > Early Childhood Education Services
	Cemetery Uses	<ul style="list-style-type: none"> > Cemeteries
Arena Type Uses	Indoor Assembly	<ul style="list-style-type: none"> > Arena > Armories > Ice Rinks > Indoor Swimming Pool > Recreation Centre
Open-air Assembly Uses	Outdoor Assembly	<ul style="list-style-type: none"> > Bleachers > Grandstands > Outdoor Ice Rink and Swimming Pool > Amusement Parks and Fair-grounds > Outdoor Stadium > Outdoor Concert Venue

Institutional Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Penal and Correctional Uses	Penal and Correctional Detention	<ul style="list-style-type: none"> > Prisons > Jail > Police Stations (with detention quarters) > Mental health Facility (with detention quarters) > Youth Correctional Facilities
Special Care Uses	Special Care	<ul style="list-style-type: none"> > Personal Care Home > Nursing Home > Assisted Living Residential Complex
Medical Treatment Uses	Medical Treatment	<ul style="list-style-type: none"> > Hospitals > Infirmarys
Emergency Uses	Emergency Services	<ul style="list-style-type: none"> > Fire Stations > Ambulance Stations > Police Station (without detention quarters)

Commercial Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Accommodation Uses	Accommodation	<ul style="list-style-type: none"> > Hotel > Motel > Inn > Hostel > Tourist Cottages > Tourist Cabins
Business, Professional, and Personal Service Uses	General Office	<ul style="list-style-type: none"> > Banks > Business Office
	Medical and Professional	<ul style="list-style-type: none"> > Clinic > Professional Offices > Medical Offices > Dental Office and Surgeries
	Personal Service	<ul style="list-style-type: none"> > Barbers > Beauty Parlors and Salons > Domestic and Household Arts > Hairdresser > Pet Grooming > Pet Sitting Services > Veterinary Clinic > Nail Salon > Tattoo Parlor
	General Service	<ul style="list-style-type: none"> > Dry Cleaning Drop-off > Laundromats

		> Small Tool and Appliance Service and Repair
	Media Communications	> Radio Stations > Telephone Exchanges > Television Studios
Retail Sale and Display Uses	Shopping Centre	> Shopping Centres > Strip Malls
	Shop	> Department Store > Retail Shops > Supermarkets
	Indoor Market	> Auction Hall > Exhibition Halls > Indoor Farmers Market
	Outdoor Market	> Animal Markets > Fish Stalls > Market Grounds > Produce and Fruit Stand > Outdoor Farmers Markets > Flea Markets
	Automotive Sales	> Automotive Dealerships
	Convenience Stores	> Confectionary Stores > Corner Stores > Gift Shop > Specialty Shops
Food and Beverage Uses	Food and Beverage Service	> Restaurants > Bar > Lounges > Catering
	Take-out Service	> Take-out Restaurant > Food Stand

Industrial Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Light, Non-hazardous or Non-intrusive Industrial Uses	Light Industry	> Custom Workshops > Indoor Storage > Parking Garages > Recycling Depots > Warehouses and Distribution Centres > Wholesale Rooms > Light Manufacturing > Vehicle and Heavy Equipment Sales > Gardening Supply and Furniture Outlets > Boat and Marine Sales > Building Supply and Masonry Product Sales

General Industrial Uses Involving Limited Hazardous Substances and processes	General Industry	<ul style="list-style-type: none"> > Aggregate-Related Industries > Aircraft Hangers > Bulk Storage Facilities > Cold Storage plants > Contractors' Yards > Concrete Plants > Dry Cleaning Services > Freight Depots > General Garages > General Manufacturing > Laboratories > Laundries > Planing Mills > Printing Plants > Sawmills > Large-scale Distilleries and Breweries
	Cannabis Production	<ul style="list-style-type: none"> > Cannabis Production and Processing
	Service Station	<ul style="list-style-type: none"> > Gasoline and Fuel Bar > Gasoline and Fuel Service Station > Automobile Wash > Automotive Repair
Industry Uses Involving High Combustible and Hazardous Substances and Processes	Heavy Industry	<ul style="list-style-type: none"> > Bulk Plants for Flammable Liquids > Bulk Storage Warehouse for Hazardous Substances > Chemical Manufacturing or Processing Plant > Dry-cleaning Plants > Feed Mills > Lacquer, Mattress, Paint, Varnish, or Rubber Factories > Fossil-Fuel Power Plants > Spray Painting Operations > Wastepaper Processing
	Animal Processing	<ul style="list-style-type: none"> > Animal Processing > Abattoirs

Non-building Uses

<i>Division</i>	<i>Use Class</i>	<i>Examples</i>
Uses Not Directly Related to Building	Agriculture Uses	<ul style="list-style-type: none"> > Commercial Farms > Agricultural Related Industries > Commercial Livestock Operation > Hobby Farms > Market Gardens and Nurseries
	Urban Agriculture Uses	<ul style="list-style-type: none"> > Community Gardens > Bee Keeping > Urban Chickens > The Small-scale Keeping of Livestock
	Forestry	<ul style="list-style-type: none"> > Silviculture > Tree Nurseries
	Mineral Working	<ul style="list-style-type: none"> > Mines > Oil Wells > Pits > Quarries
	Mineral Exploration (development)	<ul style="list-style-type: none"> > Mineral exploration
	Mining	<ul style="list-style-type: none"> > Mining
	Recreational Open Space	<ul style="list-style-type: none"> > Campgrounds > Golf Courses > Hiking Trails > Parks > Playing Fields > Parks > Playgrounds > Sports Grounds > Tourist Trailer Parks > Temporary Food Stand
	Conservation	<ul style="list-style-type: none"> > Architectural Historical Sites > Buffer Strips > Trails and Boardwalks > Scenic Lookout Sites > Watersheds > Wildlife Sanctuaries
	Salvage Yard	<ul style="list-style-type: none"> > Car Wrecking Yards > Junk Yards > Scrap Yards > Scrap Dealers
	Solid Waste Facility	<ul style="list-style-type: none"> > Incinerators > Recycling Plant > Sanitary Land Fill

		> Solid Waste Disposal
	Animal Facility	> Animal Pounds > Kennels > Zoos
	Antenna	> Cellular Communication Towers > Satellite Dish Antenna > Transmitting and Receiving Masts and Antennas
	Utilities	> Infrastructure Directly Related to Sewer, Water and Electrical Servicing
	Wind Turbines	> Wind Turbines
	Aquaculture	> Aquaculture
	General Transportation	> Airfields > Passenger Stations and Depots > Taxi Stands > Railway Yards
	Marine Transportation	> Boathouses > Docks and Harbours > Wharves > Marinas
	Solar Collector	> Solar Collector

22. Schedules

Schedule 'A'

Planning Area

Schedule 'B'

Zoning Map

Schedule 'C'


Provincial Development Regulations

Schedule 'D'

Road Categorization

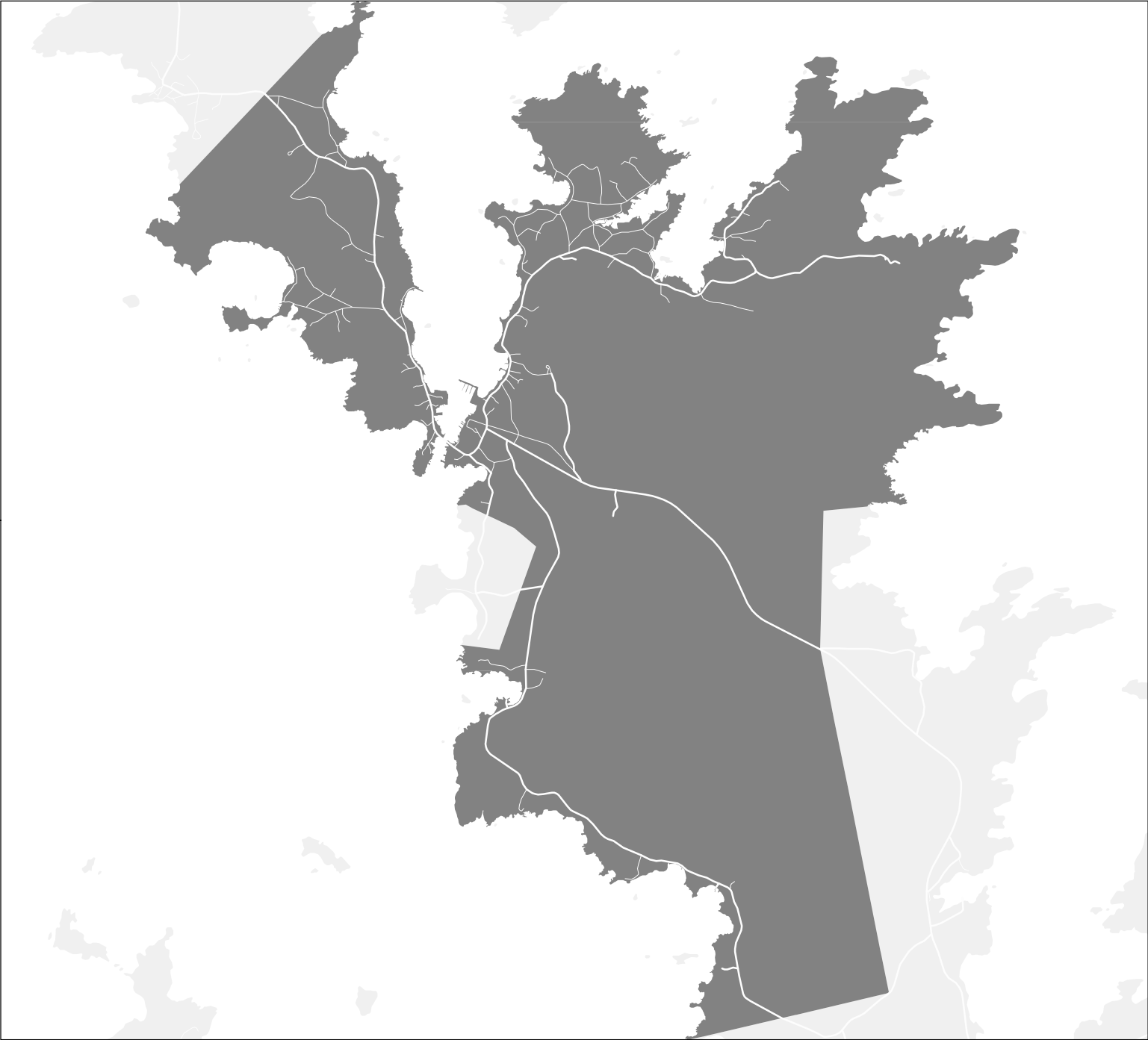
Schedule 'A' – Planning Area

Twillingate Planning Area

SCHEDULE	LAST UPDATED	PROJ.
A	8/10/2021	NAD83 CSRS MTM 1
SCALE	NORTH	DATA SOURCE
0 280 560 m 1: 50,000		CanVec, Gov't of Nfld, Town of Twillingate

LEGEND

Twillingate Planning Area



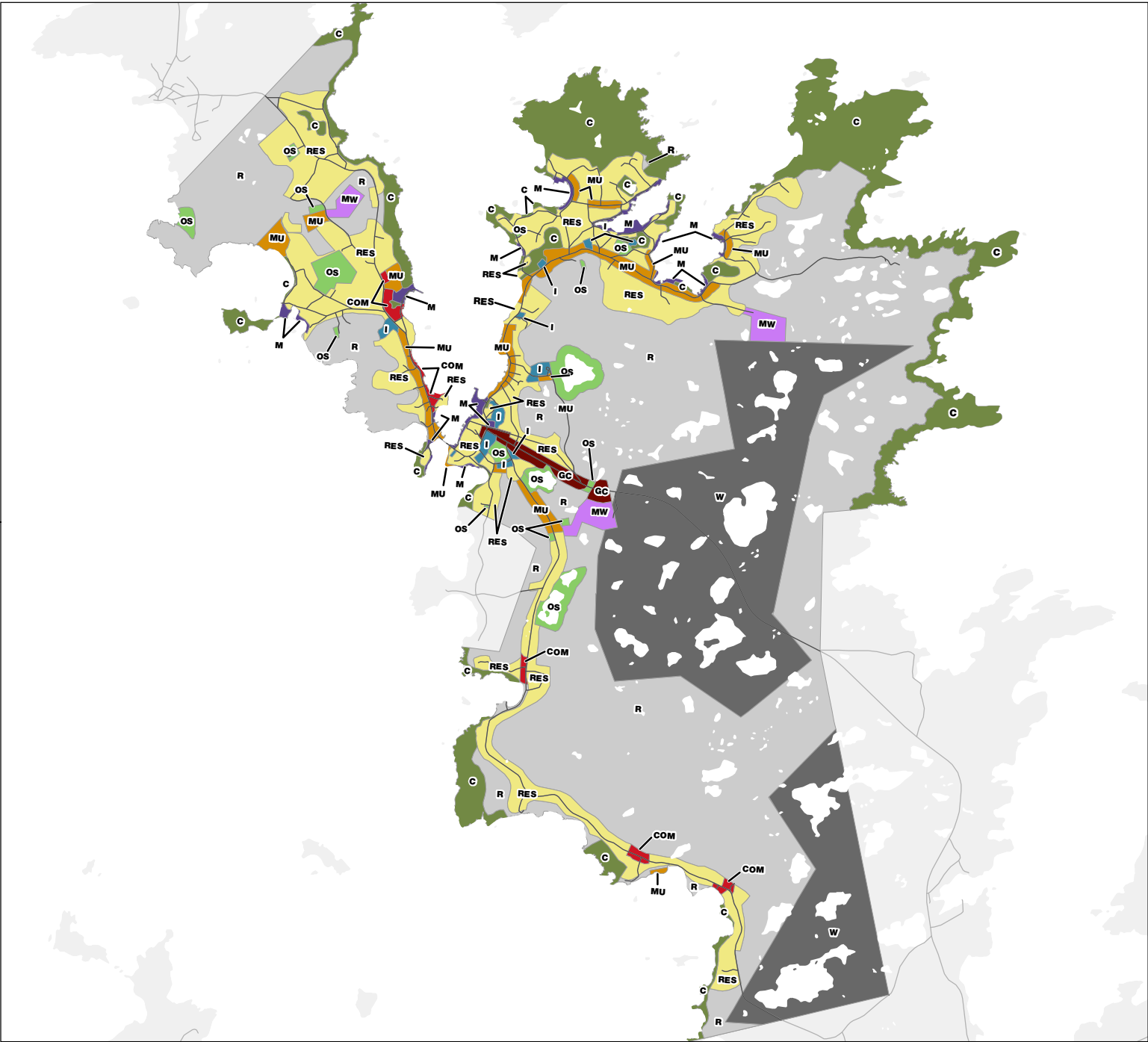
MINISTER	TOWN AUTHORIZATION	PROFESSIONAL CERTIFICATION
 Name, Mayor	I certify that this Municipal Plan for the Town of Twillingate has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000:
 Name, Town Manager Ian Watson, MCIP, LPP
..... Day Month Year		UPLAND PLANNING + DESIGN STUDIO 63 King Street Dartmouth, Nova Scotia B2Y 2R7 info@uplandstudio.ca + 1 902 423 0649

Schedule 'B' – Zoning Map

Twillingate Zoning

SCHEDULE	LAST UPDATED	PROJ.
B	8/10/2021	NAD83 CSRS MTM 1
SCALE	NORTH	DATA SOURCE
0 280 560 m 1: 50,000		CanVec, Gov't of Nfld, Town of Twillingate

RES	Residential	M	Marine and Industrial
COM	General Commercial	MW	Mineral Workings
MU	Mixed Use	R	Rural
GC	Gateway Commercial	W	Protected Watershed
I	Institutional	C	Conservation
OS	Open Space and Recreation		



MINISTER

TOWN AUTHORIZATION

PROFESSIONAL CERTIFICATION

Name, Mayor

Name, Town Manager

Day Month Year

I certify that this Municipal Plan for the Town of Twillingate has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000:

Ian Watson, MCIP, LPP

UPLAND
PLANNING + DESIGN STUDIO

63 King Street
Dartmouth, Nova Scotia
B2Y 2R7

info@uplandstudio.ca
+ 1 902 423 0649

Twillingate Zoning: Downtown

SCHEDULE

B

LAST UPDATED

8/10/2021

PROJ.

NAD83 CSRS
MTM 1

SCALE

0 80 160 m

1: 15,000

NORTH

DATA SOURCE

CanVec, Gov't of Nfld,
Town of Twillingate

LEGEND

RES Residential

COM General Commercial

MU Mixed Use

GC Gateway Commercial

I Institutional

OS Open Space and Recreation

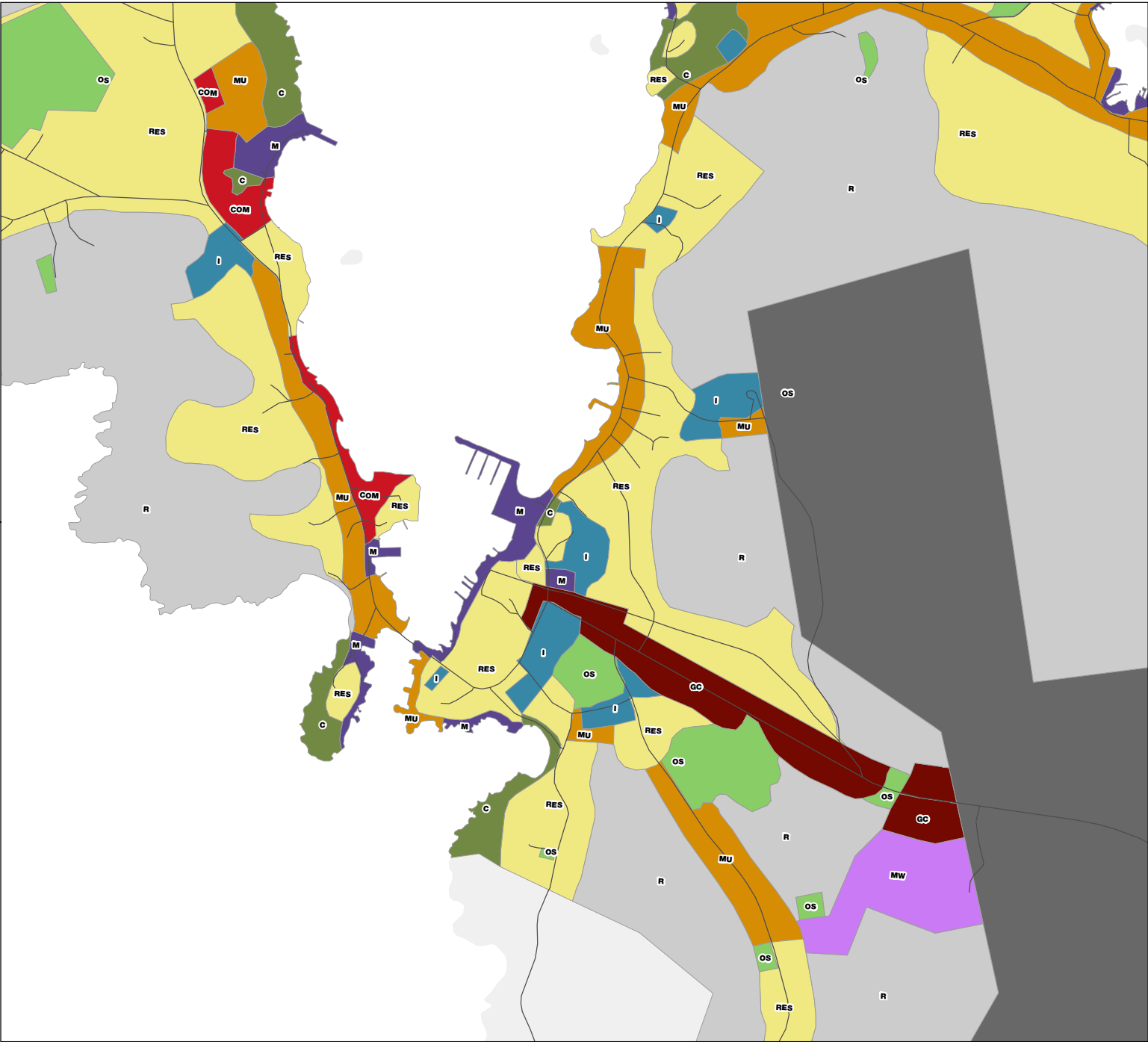
M Marine and Industrial

MW Mineral Workings

R Rural

W Protected Watershed

C Conservation



MINISTER

TOWN AUTHORIZATION

PROFESSIONAL CERTIFICATION

Name, Mayor

Name, Town Manager

Day Month Year

I certify that this Municipal Plan for the Town of Twillingate has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000:

Ian Watson, MCIP, LPP

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Schedule 'C' – Provincial Development Regulations

Short title

1. These regulations may be cited as the Development Regulations.

Definitions

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

Application

3. (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.
 - (2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.
 - (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

Interpretation

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section

- (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
- (b) "accessory building" includes
- (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
- (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,
- and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authoritys development regulations;
- (g) "established grade" means,

(i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

(ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;

(h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;

(i) "frontage" means the horizontal distance between side lot lines measured at the building line;

(j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;

(k) "lot area" means the total horizontal area within the lines of the lot;

(l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;

(m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;

(n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;

(o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;

(p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;

(q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities

and boarding or similar structures used for the display of advertisements;

(r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;

(s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;

(t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;

(u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;

(v) "use" means a building or activity situated on a lot or a development permitted on a lot;

(w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;

(x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and

(y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

(2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

Notice of right to appeal

5. Where an authority makes a decision that may be appealed under section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the

(a) person's right to appeal the decision to the board;

(b) time by which an appeal is to be made;

- (c) right of other interested persons to appeal the decision; and
- (d) manner of making an appeal and the address for the filing of the appeal.

Appeal requirements

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

Appeal registration

- 7. (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other

relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.

(4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.

(5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

Development prohibited

8. (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.

(2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).

(3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

Hearing notice and meetings

9. (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.

(2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

Hearing of evidence

10. (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.

(2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.

(3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.

(4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

Board decision

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

Variances

12. (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (3) An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

Notice of variance

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

Residential non conformity

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

Notice and hearings on change of use

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

Non-conformance with standards

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

Discontinuance of non-conforming use

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

Delegation of powers

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

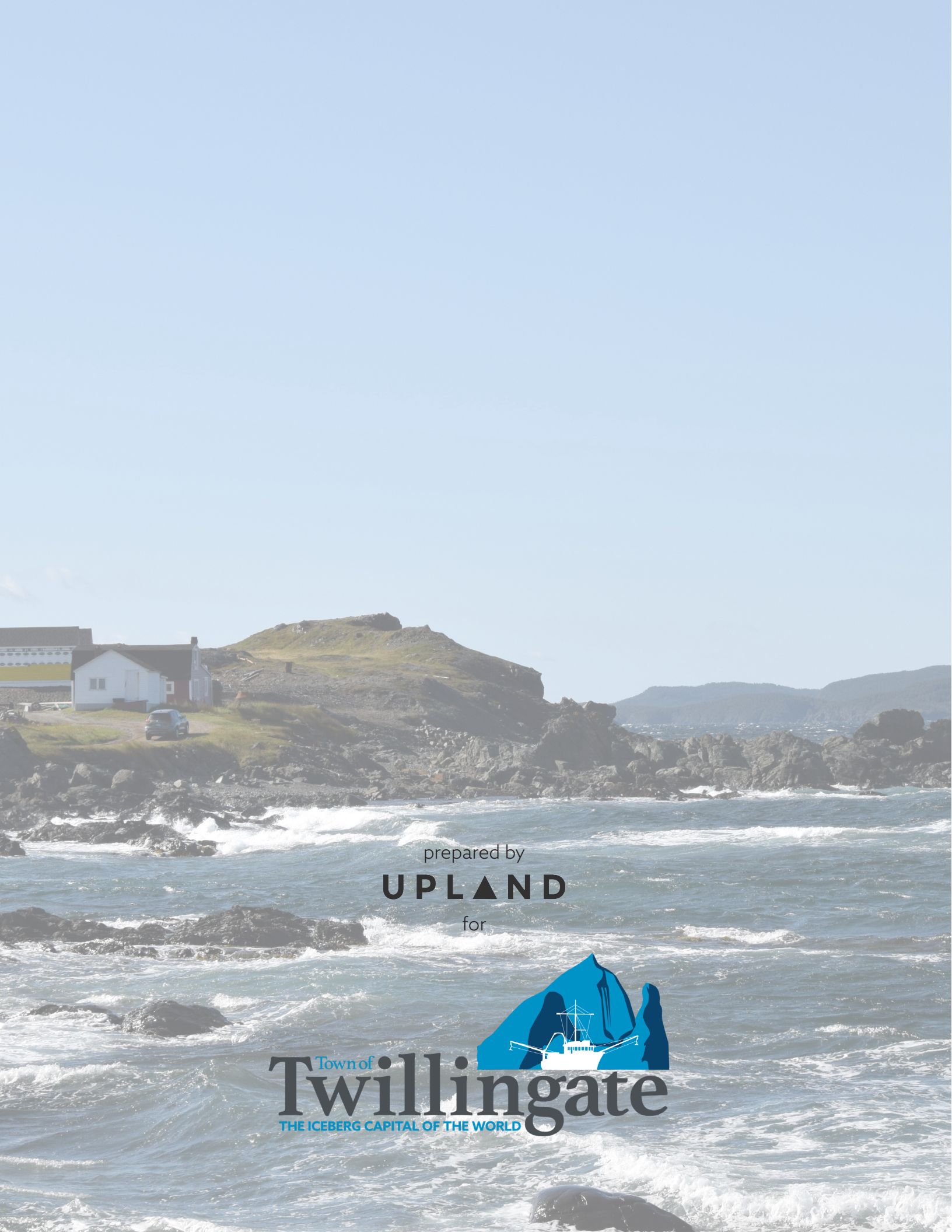
Commencement

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

Schedule 'D' – Road Categorization

<i>Provincial Roads</i>	<i>Main Roads</i>	<i>Intermediary Roads</i>	<i>Side Roads</i>
> Highway 340	> Main Street (South Side) - Intersection of Main Street and Highway 340 to Blow Me Down Lane.	> Back Harbour Road > Dock Road > Drong's Hill > Farmers Arm Road - Between Long Road and Howlett Road > Froude's Hill > Howletts Road > Hugh Lane > Gillesporte Road > Museum Road > Ochre Pit Road > Path End > Park Road > Wild Cove Road > Sunset Crescent > Upper Jenkins Cove Road > Wood Street > Scotts Lane > Young's Lane	> Anstey Lane > Baggs Lane > Barracks Hill > Batrix Path > Blacklers Lane > Blakes Hill > Blandfords Lane > Blow Me Down Lane > Butts Lane > Bridgers Lane > Brownneys Cove Road > Carters Head > Cat Cove Road > Church Lane > Churchills Pond Lane > Coopers Lane > Cove Road > "Dalleys Lane" > Earles Lane > Farmers Arm Road - After Howlett Road > Froude's Lane > Garden Lane > Gillards Lane > Grimes St. > Haywards Lane > Hodges Hill > Hulls Lane > Hynes Lane > Ings Lane > Knotts Lane > Long Lane > Long Road > Legges Hill South > Legges Hill North > Meadow Lane > Mintys Farm Road > Newmans Hill > Old House Cove Road > Oxfords Lane > Parsons Lane

<i>Provincial Roads</i>	<i>Main Roads</i>	<i>Intermediary Roads</i>	<i>Side Roads</i>
			<ul style="list-style-type: none"> > Peytons Road > Pippys Lane > Plant Road > Point Road > Pride's Drong > Primmer Lane > Randells Lane > Robin's Cove Road > Simms Lane > Sharpes Lane > Shore Road > Skinners Lane > Slades Lane > Smiths Lane > Smiths Lookout > St. Peters Church Road > Stockleys Hill > Stuckless Lane > Tickle Point Road > Vinehams Lane > Watkins Lane > Wells Lane > Whitehornes Hill > Whites Hill > Youngs Point



prepared by

UPLAND

for

