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COMMUNITY OF NORTH RIVER MUNICIPAL PLAN

LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS (DEVELOPMENT REGULATIONS)

APPLICATION

1. Short Title

These Regulations may be cited as the North River Development Regulations.

2. Interpretation

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

3. Commencement

These Regulations come into effect throughout the North River Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland Gazette.

4. Municipal Code and Regulations

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

5. Authority

In these Regulations, "Authority" means the Council of the Community of North River.

SCHEDULE C

USE ZONE TABLES

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

The schedule contains tables for the following Use Zones:

Mixed Development
Rural

USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT	(North River)
PERMITTED USE CLASSES - (see Regulation 85)		
Single dwelling; double dwelling; and recreational open space.		
DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)		
Row dwelling; apartment building; boarding house residential; mobile home; bed and breakfast establishment; place of worship; educational; cultural and civic; general assembly; child care; all use classes in the business and personal services use group; convenience store; shop; indoor market; service station; light industry; catering; funeral home; cemetery; and antenna.		

STANDARDS	WHERE PERMITTED						
	Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING			
				1 Bed Apt.	2 Bed Apt.	3 Bed Apt.	4 Bed Apt.
Lot area (m ²) minimum (see Condition 1)	650	550 *	450 * (average)	300 *	400 *	450 *	500 *
Floor area (m ²) minimum	80	80 *	65 *	50 *	60 *	70 *	80 *
Frontage (m) minimum	20	30	14 * (average)	42			
Building Line Setback (m) (minimum)	8	8	10	10			
Sidyard Width (m) (minimum)	1	1	1	5			
Rearyard Depth (m) (minimum)	15	15	15	15			
Lot Coverage (%) (minimum)	33	33	33	33			
Height (m)	8	8	10	10			
(See Conditions)							
* Per dwelling unit							

CONDITIONS FOR MIXED DEVELOPMENT ZONE

1. Lot Area (Unserviced)

For unserviced development, the minimum area of land required per dwelling shall be at least 2787 m², subject to the requirements of the Department of Government Services and Lands.

2. Site Standards

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

(b) The development standards for all other discretionary uses in this zone shall be as follows:

(i) Minimum Building Line Setback	8 metres
(ii) Minimum Sideyards Width	5 metres
(iii) Minimum Rearyard Dept.	10 metres
(iv) Maximum Height	10 metres

3. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

(a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.

(b) No advertisement shall exceed 5 square metres in area.

4. Advertisements Relating to Offsite Uses

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

(a) Each advertisement shall not exceed three square metres in area.

(b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.

Conditions for Mixed Development Zone (cont'd)

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

5. Archaeological Resources

- (a) **The Authority shall refer any development involving significant excavation or extensive site disturbance to the Historic Resources Division of the Department of Tourism, Culture and Recreation before issuing a development permit.**
- (b) **If an archaeological site or historical artifact are discovered during construction, development shall stop and the Historic Resources Division of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the Historic Resources Divisions has evaluated the site.**

6. Discretionary Use Classes

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

7. Non-Residential Development

A non-residential development permitted as a discretionary use will be subject to the following conditions:

- (a) **The location and site lay-out of the non-residential development shall such as to minimize the impact of traffic, noise, lighting, parking and signage on surrounding residential uses.**
- (b) **The number of access to the street from non-residential uses shall be limited by, and designed to the satisfaction of the Authority, having regard to the safety and efficiency of the street for both vehicles and pedestrians.**
- (c) **Adequate off-street and loading facilities shall be provided on the site of the non-residential use.**
- (d) **Non-residential uses shall be landscaped to the satisfaction of the Authority and provided with a stable surface to prevent raising or movement of dust, clay, mud and loose particles.**

Conditions for Mixed Development Zone (cont'd)

8. Non-Residential Buffer

Where any non-residential use abuts a residential use, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential use or zone. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

9. Accessory Buildings

Accessory buildings shall have a lot coverage no greater than 7%, up to a maximum of 56 square metres, and a height of no more than 3 metres.

10. Waterbody Buffers

The Authority shall retain a buffer of undisturbed vegetation along the shoreline of all waterbodies and watercourses. No development, except for fishing and marine uses, shall be located closer than 30 metres to North River. For all other watercourses and waterbodies, a buffer of 15 metres shall be retained.

USE ZONE TABLE

ZONE TITLE	RURAL	(North River)
PERMITTED USE CLASSES - (see Regulation 85)		
Agriculture; forestry; cemetery; conservation; utilities; and recreational open space.		
DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)		
Outdoor assembly; single dwelling; seasonal dwelling; veterinary; outdoor market; general industry; animal; mineral working; and antenna.		

CONDITIONS FOR RURAL ZONE

1. **Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

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

2. **Advertisements Relating to Offsite Uses**

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

- (a) Each advertisement shall not exceed three square metres in area.
- (b) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- (c) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

*Conditions for Rural (cont'd.)***3. Discretionary Use Classes**

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

4. Single Dwellings

Single dwellings shall be subsidiary to and part of an agriculture operation. Dwellings shall only be permitted if the agricultural use has been in operation for a year or longer. Such dwellings shall be subject to review and approval of the Department of Government Services and Lands to ensure the safe installation of an on-site septic system and private well.

5. Seasonal Dwelling

- (a) Minimum lot area as determined by the Department of Government Services and Lands shall be sufficient to accommodate the long-term functioning of an on-site septic system and private well.
- (b) Seasonal dwellings shall be substantially removed from any area of urban development.

6. General Industry

- (a) Industrial uses shall be restricted to the maintenance and repair of equipment, processing or storage related to an agriculture or forestry use.
- (b) Unless the Authority is satisfied that the general industry will not create a nuisance and will not adversely affect the amenity of the surrounding area, the Authority shall require the provision of buffering by the developer to the satisfaction of the Authority.

7. Mineral Working

- (a) Separation from Adjacent Uses

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

Conditions for Rural (cont'd.)

<u>Pit or Quarry Working</u>	Minimum Distance of Mineral Working
Existing or proposed residential development	
- where no blasting is involved	300 metres
- where blasting is involved	1000 metres
Any other developed area or area likely to be developed during the life of the pit or quarry working	150 metres
Public highway or street	50 metres
Body of water or watercourse	50 metres

(b) Screening

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

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

(c) Fencing

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

*Conditions for Rural (cont'd.)***(d) Water Pollution**

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

(f) Erosion Control

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

(g) Site Maintenance

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

(h) Access Roads

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

(i) Stockpiling Cover Material

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

(j) Termination and Site Rehabilitation

(i) Upon completion of the mineral working, the following work shall be carried out by the operator:

- (1) All buildings, machinery and equipment shall be removed.
- (2) All pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working.
- (3) Topsoil and any organic materials shall be re-spread over the entire quarried area.
- (4) The access road to the working shall be ditched or barred to the satisfaction of the Authority.

(ii) If the mineral working contains reserves of material sufficient to support further extraction operations, the Authority may require the work described to be carried out only in areas of the site where extraction has depleted aggregate reserves.

*Conditions for Rural (cont'd.)***7. Accessory Buildings**

Accessory buildings shall have a lot coverage no greater than 7%, up to a maximum of 56 square metres, and a height of no more than 3 metres.

8. Waterbody Buffers

The Authority shall retain a buffer of undisturbed vegetation along the shoreline of all waterbodies and watercourses. No development, except for fishing and marine uses, shall be located closer than 30 metres to North River. For all other watercourses and waterbodies, a buffer of 15 metres shall be retained.

9. Referrals

Permits may be issued in the following areas only after the Authority has referred the proposal to the appropriate government agency as identified below:

Watercourse alternations, stream crossings or infilling of waterbodies	Habitat Management Section Fisheries and Oceans Canada
	Water Resources Division Department of Environment and Labour
In proximity to a Blueberry Management Area	Soil and Land Management Division Department of Forest Resources and Agrifood
Development within 100 metres of the proposed Conception Bay North Bypass Road	Highway Design Division Department of Works, Services and Transportation
Development involving extensive site disturbance or excavation	Historic Resources Division Department of Tourism, Culture and Recreation

SCHEDULE D

OFF-STREET PARKING REQUIREMENTS

1. The offstreet parking requirements for uses in the various use classes set out in Schedule B shall be as set out in the following table.
2. In the case of developments including uses in more than one use class, these standards shall be regarded as cumulative.
3. Adequate offstreet provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the educations, passenger assembly, child care, medical treatment and special care, commercial residential and take-out food service use classes.

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
A	1	(a) Theatre	One space for every 5 seats.
	2	(a) Cultural and Civic	One space for every 50 square metres of gross floor areas.
		(b) General Assembly	One space for every 10 square metres of gross floor area.
		(c) Educational	Schools - 2 spaces for every class-room. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
		(d) Place of Worship	One space for every 5 seats.
		(e) Passenger Assembly	As specified by the Authority.
		(f) Club and Lodge	One space for every 3 persons that may be accommodated at one time.
		(g) Catering	One space for every 3 customers that may be accommodated at one time.
		(h) Funeral Home	One space for every 10 square metres of gross floor area.
		(i) Child Care	One space for every 20 square metres of gross floor area.
		(j) Amusement	One space for every 10 square metres of gross floor area.
	3	(a) Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
	4	(a) Outdoor Assembly	As specified by the Authority.
B	1	(a) Penal and Correctional Detention	As specified by the Authority.
C	2	(a) Medical Treatment and Special Care	One space for every 2 patients.
	1	(a) Single Dwelling	Two spaces for every dwelling unit.
		(b) Double Dwelling	Two spaces for every dwelling unit.
		(c) Row Dwelling	Two spaces for every dwelling unit.

