

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:

| | |
|------------------------------|-----|
| Residential - Low Density | RLD |
| Residential - Medium Density | RMD |
| Residential - Rural | RR |
| Residential - Large Lot | RLL |
| Residential - Seasonal | RS |
| Commercial - General | CG |
| Commercial - Highway | CH |
| Heritage Area | HA |
| Industrial - Light | IL |
| Industrial - General | IG |
| Industrial - Ocean Related | IOR |
| Public Buildings | PB |
| Recreational Open Space | ROS |
| Conservation | CON |
| Rural | RUR |
| Mineral Working | MW |
| Watershed | W |
| Commercial Tourism | CT |

Amendment No. 22, 2010

USE ZONE TABLE

| ZONE TITLE | RESIDENTIAL - LOW DENSITY | (RLD) |
|--|---------------------------|-------|
| PERMITTED USE CLASSES - (see Regulation 89) | | |
| Single dwelling, and recreational open space. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) | | |
| Double dwelling, convenience store, medical and professional, child care, and antenna, Boarding House Residential. | | |

| STANDARD | | | WHERE PERMITTED (with water and sewer) |
|--|------------------|-----------------|---|
| | Single Dwelling | Double Dwelling | |
| Lot area (m ²) minimum | 750 | 650 * | |
| Floor area (m ²) minimum | 110 | 110 * | |
| Frontage (m) minimum | 20 | 35 | |
| Building Line Setback (m) (minimum) | 8 | 8 | |
| Sideyard Width (m) (minimum) | 3 | 3 | |
| Rearyard Depth (m) (minimum) | 15 | 15 | |
| Lot Coverage (%) (maximum) | 33 | 33 | |
| <i>Height (m) (maximum)</i> | <i>8.9</i> | <i>8.9</i> | |
| * Per dwelling unit | (See Conditions) | | <i>Amendment No. 7, 2007</i> |

CONDITIONS

1. Municipal Service Requirement

Development of Permitted and Discretionary Uses is conditional upon municipal water, sewer and street services being directly available to sites proposed for development.

~~2. Convenience Stores~~

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

- ~~(i) the store shall form part of, or be attached to a dwelling unit; and~~
- ~~(ii) the retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.~~
- ~~(iii) Not more than 25% of the total floor area of the dwelling up a maximum of 45 m² is devoted to the use.~~

2. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the condition that the retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.

Amendment No. 2, 2005

3. Medical and Professional

Medical, professional and personal service uses may be permitted as a discretionary use in a dwelling unit provided that:

- (i) The use is clearly a subsidiary use to the residential use and does not detract from the residential character of the neighbourhood;
- (ii) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to vehicles or heavy equipment are carried out;
- (iii) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, or inconvenience and are not a nuisance to the occupants of adjoining residences;
- (iv) Not more than 25% of the total floor area of the dwelling up a maximum of 45 m² is devoted to the use.

4. Educational Uses

The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

~~5. Accessory Buildings~~

- ~~(i) An accessory building on a lot which has a single family dwelling shall have a lot coverage no greater than 7%, up to a maximum of 81 m², and a height of no more than 4.5 m; that a two-story accessory building could be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m², and first floor to the ceiling being a maximum height of 2.64 m; and~~
- ~~(ii) no accessory building shall project in front of any building line setback.~~

5. Accessory Buildings

Development Standards

| Lot Size | Accessory Building Size |
|---|--|
| Lot size less than 1400 m ² | 7% of total lot size or 81 m ² whichever is less (including second story). |
| Lot size equal to or greater than 1400 m ² | 7% of total lot size or 81 m ² whichever is less (including second story). |
| | At the Discretion of Council where the proposed size is greater than 81 m ² . |

Development Conditions

- Accessory buildings shall be clearly incidental and complementary to the use of the main residential building in character, use, style and exterior finish.
- An accessory building shall have maximum height of no more than 4.5 m. A two-story accessory building may be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m², and first floor to the ceiling being a maximum height of 2.64 m.
- Accessory buildings shall be contained on the same lot as the residential building.
- No accessory building or part thereof shall project in front of any building line without the permission of Council.
- A residential lot may be permitted to have more than one accessory building (ie. a garage, small tool shed or greenhouse) provided the total floor area of all accessory buildings shall not be greater than those conditions in the table

above. Not more than one accessory building of the same type (i.e. more than one (1) garage) will be permitted on any parcel of land or property without the permission of Council.

- 6. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council.*
- 7. No Person shall use an accessory building for the purpose of performing repairs to vehicles or heavy equipment, painting, dismantling, or scrapping of vehicles or machinery aside from minor vehicle maintenance, without permission of Council.*
- 8. Unless otherwise approved by the Council, electrical services to an accessory building shall only be provided through the same service as the main residential building.*

Amendment No. 4, 2005

6. Boarding House Residential

- (i) The Boarding House Residential use class shall be a Hospitality Home.
- (ii) A hospitality home may be permitted provided:
 - (a) the use does not detract from the residential character of the neighbourhood;
 - (b) the use is carried out by a resident of the single or double dwelling;
 - (c) the dwelling in which the Hospitality Home use is carried out is similar in exterior finish, design, height, and scale to a private residential building;
 - (d) one parking space shall be provided for each guest room on the lot;
 - (e) a parking area shall be screened by a fence, or hedge; and
 - (f) the maximum number of guest rooms shall be six (6).

USE ZONE TABLE

| ZONE TITLE | RESIDENTIAL - MEDIUM DENSITY | (RMD) |
|--|------------------------------|-------|
| PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling, and recreational open space. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Row dwelling, apartment building, place of worship, educational, convenience store, medical and professional, personal services, child care, antenna, and Boarding House Residential. | | |

| STANDARD | WHERE PERMITTED (with water and sewer) | | | | | | |
|--|---|------------------|------------------|------------------------------------|------------|------------|------------|
| | 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 | 450 | 390* | 350 (Average) | 200* | 250* | 280* | 300* |
| Floor area (m ²) minimum | 80 | 80* | 65* | 40* | 50* | 60* | 70* |
| Frontage (m) minimum | 15 | 26 | 12* (average) | 36 | | | |
| Building Line Setback (m) (minimum) | 6 | 6 | 8 | 8 | | | |
| Sideyard Width (m) (minimum) | 1.5 | 1.5 | 3 | 5 | | | |
| Rearyard Depth (m) (minimum) | 9 | 9 | 9 | 9 | | | |
| Lot Coverage (%) (maximum) | 33 | 33 | 33 | 33 | | | |
| <i>Height (m) (maximum)</i> | 8 9 | 8 9 | 10 | 10 <i>Amendment No. 7, 2007</i> | | | |
| * Per dwelling unit | | (See Conditions) | | | | | |

CONDITIONS

1. **Municipal Service Requirement**

Development of permitted and discretionary uses is conditional upon municipal water, sewer and street services being directly available to sites proposed for development.

2. **Residential Density**

In each Residential Medium Density Zone there shall be not: more than 50% apartment units, row housing units or a combination of apartment and row housing units, the remainder being either single or double dwellings or a combination of single and double dwellings.

3. **Discretionary Uses - Site Standards**

A place of worship or an educational use may be permitted only on sites to which municipal water and sewer services are directly available. Where permitted, they shall conform with development standards prescribed for Public Buildings.

4. **Educational Uses**

The only educational uses that may be permitted on a discretionary basis are elementary and junior high schools.

~~5. **Convenience Stores**~~

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

- ~~(i) the store shall form part of, or be attached to a dwelling unit; and~~
- ~~(ii) the retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.~~
- ~~(iii) Not more than 25% of the total floor area of the dwelling up a maximum of 45 m² is devoted to the use.~~

5. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the condition that the retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.

Amendment No. 2, 2005

6. Boarding House Residential

- (i) The Boarding House Residential use class shall be a Hospitality Home.
- (ii) A hospitality home may be permitted provided:
 - (a) the use does not detract from the residential character of the neighbourhood;
 - (b) the use is carried out by a resident of the single or double dwelling; the dwelling in which the Hospitality Home use is carried out is similar in exterior finish, design, height, and scale to a private residential building;
 - (c) one parking space shall be provided for each guest room on the lot;
 - (d) a parking area shall be screened by a fence, or hedge; and
 - (e) the maximum number of guest rooms shall be six (6).

7. Medical, Professional and Personal Service Uses

Medical, professional and personal service uses may be permitted as a discretionary use in a dwelling unit in the form of doctors' consulting rooms, personal services, small business services, small appliance repair and sporting goods repair service and similar uses provided that:

- (i) the use is clearly a subsidiary use to the residential use and does not detract from the residential character of the neighbourhood;
- (ii) no wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to vehicles or heavy equipment are carried out;
- (iii) activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, or inconvenience and are not a Nuisance to the occupants of adjoining residences;
- (iv) not more than 25% of the total floor area of the dwelling up to a maximum of 45 m² is devoted to the use.

~~8. Accessory Buildings~~

- ~~(i) An accessory building on a lot which has a single family dwelling shall have a lot coverage no greater than 7%, up to a maximum of 81 m², and a height of no more than 4.5 m; that a two-story accessory building could be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m², and first floor to the ceiling being a maximum height of 2.64 m; and~~
- ~~(ii) no accessory building shall project in front of any building line setback.~~

8. Accessory Buildings**Development Standards**

| <i>Lot Size</i> | <i>Accessory Building Size</i> |
|---|---|
| <i>Lot size less than 1400 m²</i> | <i>7% of total lot size or 81 m² whichever is less (including second story).</i> |
| <i>Lot size equal to or greater than 1400 m²</i> | <i>7% of total lot size or 81 m² whichever is less (including second story).</i> |
| | <i>At the Discretion of Council where the proposed size is greater than 81 m².</i> |

Development Conditions

1. *Accessory buildings shall be clearly incidental and complementary to the use of the main residential building in character, use, style and exterior finish.*
2. *An accessory building shall have maximum height of no more than 4.5 m. A two-story accessory building may be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m², and first floor to the ceiling being a maximum height of 2.64 m.*
3. *Accessory buildings shall be contained on the same lot as the residential building.*
4. *No accessory building or part thereof shall project in front of any building line without the permission of Council.*
5. *A residential lot may be permitted to have more than one accessory building (ie. a garage, small tool shed or greenhouse) provided the total floor area of all accessory buildings shall not be greater than those conditions in the table above. Not more than one accessory building of the same type (i.e. more than one (1) garage) will be permitted on any parcel of land or property without the permission of Council.*
6. *Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council.*
7. *No Person shall use an accessory building for the purpose of performing repairs to vehicles or heavy equipment, painting, dismantling, or scrapping of vehicles or machinery aside from minor vehicle maintenance, without permission of Council.*
8. *Unless otherwise approved by the Council, electrical services to an accessory building shall only be provided through the same service as the main residential building.*

Amendment No. 4, 2005

9. Backlot Development

Where vacant parcels of land exist which have access to a public street and are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street, they may be considered on a discretionary basis provided the following conditions are met:

- (i) only single dwellings may be permitted;
- (ii) lots must have access to, and street line frontage on, a publicly maintained street which is included in the Town's Limit of Servicing Agreement;
- (iii) the development of the lot would not prevent the use of adjoining lands for future development. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. As such, the access to the public street to which the owner must have clear title, shall be a minimum width of 15 m to accommodate future public use;
- (iv) where there is no potential for future development, the access to the public street shall be a minimum of 6 m in width and shall be treated as a private driveway;
- (v) the site will be serviced - at the owner's expense - with municipal water and sewer, constructed to standards set by the Council;
- (vi) access to the Public Street is ditched on both sides to provide drainage to the public storm drainage system;
- (vii) ~~The minimum building setback shall be 30 m and the maximum setback shall be 60 m;~~
(vii) the minimum building setback shall be 30 m and the maximum setback shall be 90 m; Amendment No. 4, 2005
- (viii) the Council shall refer all applications for the development of backlots to the Municipal Fire Department for confirmation that adequate fire flows can be delivered to the site before a development permit is approved;
- (ix) the dwelling is separated from, and oriented, in a manner that does not adversely affect the privacy and enjoyment of adjoining properties. Separation distances may be required by the Council as a condition for development, considering such things as slope, tree cover and soil conditions.

10. Floodway

Development within the Floodway (1:20 year flood levels) designation shall be restricted to:

- (i) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- (ii) Non-structural uses such as open space recreation, pasture, and wildlife habitat enhancement.

Development in the Floodway shall require the approval of the Water Resources Division, Department of Environment and Conservation

11. Floodway Fringe

Development in the Floodway Fringe (1:100 year flood zone) shall include public utilities, roads, bridges, marine related uses, industrial, commercial, and residential Uses.

Development within the Floodway Fringe designation shall meet the following conditions:

- (i) the ground floor elevation of the structure is higher than the 1:100 year flood level;
- (ii) the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- (iii) the structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation, and entrances and exists from the building can be safely used without hindrance in the event of a flood; and
- (iv) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.

Development in the Floodway Fringe shall require the approval of the Water Resources Division, Department of Environment and Conservation.

USE ZONE TABLE

| ZONE TITLE | RESIDENTIAL- RURAL | (RR) |
|--|--------------------|------|
| PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, double dwelling. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Convenience store, medical and professional, personal service, veterinary, agriculture, antenna, special care institutional uses and, Boarding House Residential, <i>special care (see Condition 12)</i> . Amendment No. 12, 2008 | | |

| DEVELOPMENT STANDARDS | | |
|--------------------------------------|------------------|--|
| Lot area (m ²) minimum | (see conditions) | |
| Floor area (m ²) minimum | 80 | |
| Frontage (m) minimum | 30 | |
| <i>Building Line Setback (min.)</i> | <i>6</i> | |
| <i>Building Line Setback (max.)</i> | <i>32</i> | <i>(See Condition 8) Amendment No. 7, 2007</i> |
| Sideyard Width (m) (min) | 1.5 | |
| Rearyard Depth (m) (min) | 9 | |
| Lot Coverage (%) (min) | 33 | |
| <i>Height (m)</i> | <i>8 9</i> | <i>Amendment No. 7, 2007</i> |
| (See Conditions) | | |

CONDITIONS

1. Lot Area

Subject to the requirements of the Government Service Centre, tile area of land required per dwelling unit shall be determined, in accordance with the water and sewer services available, as follows:

- (i) With a municipal piped water supply and connection to a municipal sewer or to a private sewer discharging directly to the sea 1400 m²
- (ii) With a municipal piped water supply, and sewage disposal by septic tank and tile field..... 1400 m²
- (iii) With a private well water supply and connection to a municipal sewer or to a private sewer discharging directly to the sea. 1400 m²
- (iv) With a well water supply and sewage disposal by septic tank

and tile field..... 1860 m²

~~2. Convenience Stores~~

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

- ~~(i) the store shall form part of, or be attached to a dwelling unit; and~~
- ~~(ii) the retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.~~
- ~~(iii) Not more than 25% of the total floor area of the dwelling up a maximum of 45 m² is devoted to the use.~~

2. Convenience Stores

Convenience stores will only be permitted as a discretionary use under the condition that the retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.

Amendment No. 2, 2005

3. Medical, Professional, Personal Service, and Veterinary Uses

Medical, professional, personal service and veterinary uses may be permitted as a discretionary use in a dwelling unit in the form of doctors' consulting rooms, appliance repair and sporting goods repair services, kennels, veterinary and similar uses provided that:

- (i) the use is clearly a subsidiary use to the residential use and does not detract from the residential character of the neighbourhood;
- (ii) no wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no commercial repairs to vehicles or heavy equipment are carried out;
- (iii) activities associated with the use are not hazardous, intrusive, or otherwise objectionable to occupants of neighbouring residences; and
- (iv) not more than 25% of the total floor area of the dwelling up to a maximum of 45 m² is devoted to the use.

4. Agricultural

Agricultural uses of a non-commercial nature, including the keeping of animals for domestic purposes, may be permitted as a discretionary use, provided that activities associated with the use are not hazardous, intrusive or otherwise

objectionable to occupants of neighbouring residences.

5. Accessory Buildings

- ~~(i) An accessory building on a lot which has a single family dwelling shall have a lot coverage no greater than 7%, up to a maximum of 81 m², and a height of no more than 4.5 m; that a two-story accessory building could be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m², and first floor to the ceiling being a maximum height of 2.64 m; and~~
- ~~(ii) no accessory building shall project in front of any building line setback.~~

5. Accessory Buildings

Development Standards

| <i>Lot Size</i> | <i>Accessory Building Size</i> |
|---|---|
| <i>Lot size less than 1400 m²</i> | <i>7% of total lot size or 81 m² whichever is less (including second story).</i> |
| <i>Lot size equal to or greater than 1400 m²</i> | <i>7% of total lot size or 81 m² whichever is less (including second story).</i> |
| | <i>At the Discretion of Council where the proposed size is greater than 81 m².</i> |

Development Conditions

- 1. Accessory buildings shall be clearly incidental and complementary to the use of the main residential building in character, use, style and exterior finish.*
- 2. An accessory building shall have maximum height of no more than 4.5 m. A two-story accessory building may be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m², and first floor to the ceiling being a maximum height of 2.64 m.*
- 3. Accessory buildings shall be contained on the same lot as the residential building.*
- 4. No accessory building or part thereof shall project in front of any building line without the permission of Council.*
- 5. A residential lot may be permitted to have more than one accessory building (ie. a garage, small tool shed or greenhouse) provided the total floor area of all accessory buildings shall not be greater than those conditions in the table*

above. Not more than one accessory building of the same type (i.e. more than one (1) garage) will be permitted on any parcel of land or property without the permission of Council.

- 6. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council.*
- 7. No Person shall use an accessory building for the purpose of performing repairs to vehicles or heavy equipment, painting, dismantling, or scrapping of vehicles or machinery aside from minor vehicle maintenance, without permission of Council.*
- 8. Unless otherwise approved by the Council, electrical services to an accessory building shall only be provided through the same service as the main residential building.*

Amendment No. 4, 2005

6. Boarding House Residential

- (i) The Boarding House Residential use class shall be a Hospitality Home.
- (ii) A hospitality home may be permitted provided:
 - (a) the use does not detract from the residential character of the neighbourhood;
 - (b) the use is carried out by a resident of the single or double dwelling;
 - (c) the dwelling in which the Hospitality Home use is carried out is similar in exterior finish, design, height, and scale to a private residential building;
 - (d) one parking space shall be provided for each guest room on the lot;
 - (e) a parking area shall be screened by a fence, or hedge; and
 - (f) the maximum number of guest rooms shall be six (6).

7. Special Care Institutional Uses

- (i) Special Care Institutional Uses shall only be permitted at the discretion of Council and shall only include homes for the aged.
- (ii) Special Care Institutional Uses in this land use designation shall only be permitted in the Saddle Hill area.

8. Building Line Setback - Valley Road

The main water line along south side of Valley Road may encroach onto

properties. Council shall have discretion to vary the maximum building line setback where access to the water line may be impeded.

Amendment No. 7, 2007

9. Future Residential development - Valley Road

New residential development proposed for the Valley Road area shall maintain a minimum distance of 300 metres from any active mineral working activity.

Amendment No. 10, 2007

10. Special Care Uses

- a) ***Special Care Uses shall be limited to Convalescent Homes and Homes for Aged.***
- b) ***Special Care Uses for this zone shall only be permitted at the Highroad South - Earle's Lane area.***

Amendment No. 12, 2008

USE ZONE TABLE

| ZONE TITLE | RESIDENTIAL-LARGE LOT | (RLL) |
|--|-----------------------|------------------------------|
| PERMITTED USE CLASSES - (see Regulation 89) Single dwelling and recreational open space. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Double dwelling, medical and professional, child care, antenna, and Boarding House Residential. | | |
| DEVELOPMENT STANDARDS | | |
| Lot area (m ²) minimum | 3035 | |
| Floor area (m ²) minimum | 110 | |
| Frontage (m) minimum | 38 | |
| Building Line Setback (min.) | 8 | |
| Building Line Setback (max.) | 32 | |
| Sideyard Width (m) (min) | 3 | |
| Rearyard Depth (m) (min) | 10 | |
| Lot Coverage (%) (min) | 33 | |
| <i>Height (m)</i> | 8 9 | <i>Amendment No. 7, 2007</i> |

CONDITIONS

1. Approved Plan of Subdivision

A Lot shall be located in conformity with an approved plan of subdivision for the Residential - Large Lot zone in which it is located, and no person shall subdivide land unless written approval to subdivide the land has first been given by the Council.

2. Location of Building on Lot

The principle building shall be so located as to enable the lot to be divided for additional residential development when full municipal services are eventually extended to the site.

3. On-Site Service Installation

Individual or joint wells shall have the approval of the Government Service Centre and, where more than five lots are involved in the subdivision or more than five lots are adjacent or divided by a road. Each lot shall have a on site septic design approved by the Government Service Centre.

4. Medical, Professional and Personal Service Uses

Medical, professional and personal service uses may be permitted as a discretionary use in a dwelling unit in the form of doctors' consulting rooms, personal services, small business services, small appliance repair and sporting goods repair service and similar uses provided that:

- (i) the use is clearly subsidiary to the residential use and does not detract from the residential character of the neighbourhood;
- (ii) no wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to the approved use and that no repairs to vehicles or heavy equipment are carried out;
- (iii) activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, or inconvenience and are not a nuisance to the occupants of adjoining residences; and
- (iv) not more than 25% of the total floor area of the dwelling up to a minimum of 45 m² is devoted to the use.

~~5. Accessory Buildings~~

- ~~(i) An accessory building on a lot which has a single family dwelling shall have a lot coverage no greater than 7%, up to a maximum of 81 m², and a height of no more than 4.5 m; that a two-story accessory building could be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m², and first floor to the ceiling being a maximum height of 2.64 m; and~~
- ~~(ii) no accessory building shall project in front of any building line setback.~~

5. Accessory Buildings

Development Standards

| <i>Lot Size</i> | <i>Accessory Building Size</i> |
|---|---|
| <i>Lot size less than 1400 m²</i> | <i>7% of total lot size or 81 m² whichever is less (including second story).</i> |
| <i>Lot size equal to or greater than 1400 m²</i> | <i>7% of total lot size or 81 m² whichever is less (including second story).</i> |
| | <i>At the Discretion of Council where the proposed size is greater than 81 m².</i> |

Development Conditions

1. *Accessory buildings shall be clearly incidental and complementary to the use of the main residential building in character, use, style and exterior finish.*
2. *An accessory building shall have maximum height of no more than 4.5 m. A two-story accessory building may be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m², and first floor to the ceiling being a maximum height of 2.64 m.*
3. *Accessory buildings shall be contained on the same lot as the residential building.*
4. *No accessory building or part thereof shall project in front of any building line without the permission of Council.*
5. *A residential lot may be permitted to have more than one accessory building (ie. a garage, small tool shed or greenhouse) provided the total floor area of all accessory buildings shall not be greater than those conditions in the table above. Not more than one accessory building of the same type (i.e. more than one (1) garage) will be permitted on any parcel of land or property without the permission of Council.*
6. *Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council.*
7. *No Person shall use an accessory building for the purpose of performing repairs to vehicles or heavy equipment, painting, dismantling, or scrapping of vehicles or machinery aside from minor vehicle maintenance, without permission of Council.*
8. *Unless otherwise approved by the Council, electrical services to an accessory building shall only be provided through the same service as the main residential building.*

Amendment No. 4, 2005

6. Boarding House Residential

- (i) The Boarding House Residential use class shall be a Hospitality Home.
- (ii) A hospitality home may be permitted provided:
 - (a) the use does not detract from the residential character of the neighbourhood;
 - (b) the use is carried out by a resident of the single or double dwelling;
 - (c) the dwelling in which the Hospitality Home use is carried out is similar in exterior finish, design, height, and scale to a private residential building;
 - (d) one parking space shall be provided for each guest room on the lot;
 - (e) a parking area shall be screened by a fence, or hedge; and
 - (f) the maximum number of guest rooms shall be six (6).

USE ZONE TABLE

| ZONE TITLE | RESIDENTIAL-SEASONAL | (RS) |
|--|----------------------|------|
| PERMITTED USE CLASSES - (see Regulation 89) Seasonal residential. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Convenience store, and antenna. | | |

CONDITIONS

1. Discretionary Use Classes

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

2. Subdivision

Development may be permitted only in accordance with a plan of subdivision approved by the Government Service Centre and the Water Resources Division, Department of Environment and Conservation.

3. Accessory Buildings

(i) An accessory building on a lot which has a single family dwelling shall have a lot coverage no greater than 7%, up to a maximum of 81 m², and a height of no more than 4.5 m; that a two-story accessory building could be constructed at a maximum height of 6.1 m, with the first floor area of a maximum of 50 m², and first floor to the ceiling being a maximum height of 2.64 m; and

~~(ii) no accessory building shall project in front of any building line setback.~~

(ii) Council shall exercise its discretionary powers when considering an accessory building, or part thereof to project in front of any building line in this zone.

Amendment No. 16, 2009

USE ZONE TABLE

| ZONE TITLE | COMMERCIAL - GENERAL | (CG) |
|--|----------------------|------|
| PERMITTED USE CLASSES - (see Regulation 89) Theatre, all classes of general assembly division, place of worship, all classes in the business professional and personal service division, all classes in the retail sale and display division other than outdoor market. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Commercial residential, outdoor market, light industry, service station, supplementary attached residence, antenna, taxi stand, take-out food service and general industry. | | |

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

- (i) Minimum Building Line shall conform with similar commercial uses in the vicinity, but where none are present, the setback shall be as determined by Council;
- (ii) Minimum Sideyard Width, except where buildings are built with adjoining party walls 5 metres
 - * *The side yard requirement may be reduced on one side if the wall of the building on the side yard to be reduced is constructed of non-combustible material and has no openings.*
- (iii) Minimum Rearyard Depth 10 metres
- (iv) Maximum Height 15 metres

Development of permitted and discretionary uses is conditional upon municipal water and sewer services being directly available to sites proposed for development.

2. 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:

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

3. 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:

- (i) each advertisement shall not exceed 3 m² in area.
- (ii) 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; and
- (iii) the location, siting and illumination of each advertisement shall be to the satisfaction of the Council, 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.

4. Discretionary Use Classes

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

5. Floodway

Development within the Floodway (1:20 year flood levels) designation shall be restricted to:

- (i) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- (ii) Non-structural uses such as open space recreation, pasture, and wildlife habitat enhancement.

Development in the Floodway shall require the approval of the Water Resources Division, Department of Environment and Conservation

6. Floodway Fringe

Development in the Floodway Fringe (1:100 year flood zone) shall include public utilities, roads, bridges, marine related uses, industrial, commercial, and residential Uses.

Development within the Floodway Fringe designation shall meet the following conditions:

- (i) the ground floor elevation of the structure is higher than the 1:100 year flood level;
- (ii) the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- (iii) the structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation, and entrances and exists from the building can be safely used without hindrance in the event of a flood; and
- (iv) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.

Development in the Floodway Fringe shall require the approval of the Water Resources Division, Department of Environment and Conservation.

7. Highway Access

The Department of Transportation and Works will not approve any new individual access onto Route 70/75 south of Powell Drive. Any new development in this area shall only be approved where access shall be via a service road connecting to an existing access. Any new development requiring a service road shall require the approval of the Department of Transportation and Works.

USE ZONE TABLE

| ZONE TITLE | COMMERCIAL - HIGHWAY | (CH) |
|---|-----------------------------|-------------|
| PERMITTED USE CLASSES - (see Regulation 89) Passenger assembly, catering, commercial residential, police station, service station. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Office, personal service, general service, taxi stand, take-out food service, shop, outdoor market, antenna. | | |

CONDITIONS**1. Development Standards**

The development standards for this zone shall be as follows:

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

2. 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:

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

3. 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:

- (i) each advertisement shall not exceed 3 m² in area;
- (ii) 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; and
- (iii) the location, siting and illumination of each advertisement shall be to the satisfaction of the Council, 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.

4. Discretionary Use Classes

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

5. Highway Access

The Department of Transportation and Works will not approve any new individual access onto Route 70/75 south of Powell Drive. Any new development in this area shall only be approved where access shall be via a service road connecting to an existing access. Any new development requiring a service road shall require the approval of the Department of Transportation and Works.

USE ZONE TABLE

| ZONE TITLE | HERITAGE AREA | (HA) |
|--|---------------|------|
| PERMITTED USE CLASSES - (see Regulation 89) Single dwelling, row dwelling, double dwelling, apartment building, boarding house (includes tourist homes and bed and breakfasts), personal service, general service, convenience store, catering, child care, office, medical and professional, personal service, take-out food service, convenience store, shop, cultural and civic, and place of worship. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) General Industry, and Light Industry, and all classes in the industrial use group. | | |

CONDITIONS

1. Development

- (i) When considering development in the Downtown Heritage Area, Council shall, where possible, ensure the preservation of older buildings, structures and sites.
- (ii) Council shall consider proposals for new and enhanced uses for historic buildings in the Town. Where possible, the developer shall provide available options to prevent the demolition of buildings having historical significance.
- (iii) New buildings proposed in the Downtown Heritage Area zone shall conform to the character of the area. New building development shall be consistent and compatible with the overall historic quality of the Area.
- (iv) *New residential development may be permitted provided that the proposed development is architecturally compatible with adjoining land uses and conforms to the standards of the Residential Medium Density Land Use Zone.*

Amendment No. 2, 2005

2. Discretionary Use Classes

- (i) Discretionary uses may be permitted at the discretion of the Council provided that such uses are consistent with Downtown Heritage Area policies in the Municipal Plan.
- (ii) Industrial uses shall only be permitted in the area between Water Street and the waterfront and will be restricted to the conversion or extension of existing buildings for ocean-related use providing safe vehicular access to the waterfront and adequate off-street parking.

3. Advertisements Relating to Onsite Uses

The conditions which shall apply to the erection or display of an advertisement on any lot or site in this zone, shall be as follows:

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

4. Advertisements Relating to Offsite Uses

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:

- (i) each advertisement shall not exceed 3 m² in area;
- (ii) advertisements relating to a specific land use shall be located within a reasonable distance of, and only show thereon the name and nature of and the distance or direction to the premises to which they relate; and
- (iii) the location, siting and illumination of each advertisement shall be to the satisfaction of Council, having regard to street junctions, and the location of nearby buildings and the preservation of the Downtown Heritage Area.

USE ZONE TABLE

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

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

- | | | |
|-----|-------------------------------|-----------|
| (a) | Minimum Building Line Setback | 20 metres |
| (b) | Minimum Sideyard Width | 5 metres |
| (c) | Minimum Rearyard Depth | 10 metres |
| (d) | Maximum Height | 15 metres |

2. 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:

- (i) the size, shape, illumination and material construction of the advertisement shall meet the requirements of the Highway Sign Regulations as well as the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (ii) no advertisement shall exceed 5 m² in area.

3. 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:

- (i) each advertisement shall not exceed 3 m² in area;
- (ii) 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; and
- (iii) the location, siting and illumination of each advertisement shall be to the satisfaction of the Council, 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.

4. Service

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

5. Discretionary Use Classes

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

6. Hazardous Industrial Uses

Industrial Uses involving hazardous substances may be permitted in the Industrial-Light use zone subject to the following conditions:

- (i) where a lot proposed for hazardous use abuts a residential property, such uses shall be limited to Class II liquids as defined by the National Fire Code;
- (ii) a separation distance no less than 91 m, determined by the Council, shall be maintained between any adjacent residential development and the industrial use;
- (iii) the use does not cause or promote fires or other hazards and does not emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration;
- (iv) the site is fenced and landscaped to the satisfaction of the Council; and
- (v) the use receives the approval of the relevant federal and provincial authorities having jurisdiction over such uses from an environmental and occupational health and safety point of view.

7. Light Industrial Uses

- (i) *Industrial uses, such as storage malls, warehousing, (excluding recycling yards and auto salvaging yards) shall be permitted.*
- (ii) *Development may be allowed as backlot at Council's discretion, provided that the access road must be able to satisfy requirements for sight lines, grades, width and any other standards as determined by Council.*
- (iii) *Where there is no potential for additional development, the access road to the backlot shall be treated as a private access.*
- (iv) *The owner must satisfy Council that the development will not have adverse or other long term implications for adjacent lands.*
- (v) *Industrial uses shall be located and designed in a manner that minimizes the impact of traffic, noise, lighting, and signage on adjacent residential areas. Council may require screening through the provision of trees, shrubs, banks and berms, landscaping or fencing.*

Amendment No. 2, 2005

USE ZONE TABLE

| ZONE TITLE | INDUSTRIAL - GENERAL | (IG) |
|--|----------------------|------|
| PERMITTED USE CLASSES - (see Regulation 89) General industry, service station, light industry. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Passenger assembly, indoor market, shop, antenna. | | |

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

- | | | |
|-------|-------------------------------|-----------|
| (i) | Minimum Building Line Setback | 10 metres |
| (ii) | Minimum Sideyard Width | 5 metres |
| (iii) | Minimum Rearyard Depth | 15 metres |
| (iv) | Maximum Height | 15 metres |

2. 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:

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

3. 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:

- (i) each advertisement shall not exceed three square metres in area; and
- (ii) 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.

4. Services

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

5. Discretionary Use Classes

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

6. Floodway

Development within the Floodway (1:20 year flood levels) designation shall be restricted to:

- (i) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- (ii) Non-structural uses such as open space recreation, pasture, and wildlife habitat enhancement.

Development in the Floodway shall require the approval of the Water Resources Division, Department of Environment and Conservation

7. Floodway Fringe

Development in the Floodway Fringe (1:100 year flood zone) shall include public utilities, roads, bridges, marine related uses, industrial, commercial, and residential Uses.

Development within the Floodway Fringe designation shall meet the following conditions:

- (i) the ground floor elevation of the structure is higher than the 1:100 year flood level;
- (ii) the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- (iii) the structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation, and entrances and exists from the building can be safely used without hindrance in the event of a flood; and
- (iv) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.

Development in the Floodway Fringe shall require the approval of the Water Resources Division, Department of Environment and Conservation.

USE ZONE TABLE

| ZONE TITLE | INDUSTRIAL - OCEAN RELATED | (IOR) |
|---|----------------------------|-------|
| PERMITTED USE CLASSES - (see Regulation 89) | | |
| Fishery and ocean related general and light industry, and transportation | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) | | |
| Fishery and ocean related hazardous industry, office, catering, passenger assembly, indoor market, outdoor market, antenna. | | |

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

- | | | |
|-------|-------------------------------|-----------------------|
| (i) | Minimum Building Line Setback | Determined by Council |
| (ii) | Minimum Sideyard Width | 5 metres |
| (iii) | Minimum Rearyard Depth | Determined by Council |
| (iv) | Maximum Height | Determined by Council |

or such higher standards as may be prescribed in the National Building Code of Canada, or by the Council, depending on the specific use of the building.

All or a portion of the parking required in accordance with schedule "D" of these Regulations may be provided in a conveniently accessible location near, but not necessarily on, the site occupied by the permitted use.

2. 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:

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

3. 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:

- (i) each advertisement shall not exceed 3 m² in area;
- (ii) 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; and
- (iii) the location, siting and illumination of each advertisement shall be to the satisfaction of the Council, 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.

4. Services

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

5. Discretionary Use Classes

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

USE ZONE TABLE

| ZONE TITLE | PUBLIC BUILDINGS | (PB) |
|---|------------------|------|
| PERMITTED USE CLASSES - (see Regulation 89) Cultural and civic, general assembly, educational., place of worship, indoor assembly, all classes in the institutional uses group, office. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Theatre, club and lodge, catering, funeral home, child care, communications, office, medical and professional, personal service, convenience store, antenna. | | |

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

- | | | |
|-----|---|--|
| (a) | Minimum Building Line Setback | 20 metres* |
| | | <i>* may be reduced to 15 metres at Council's discretion (see condition 6)</i> |
| (b) | Minimum Sideyard Width | 5 metres |
| (c) | Minimum Rearyard Depth | 15 metres |
| (d) | Maximum Height | 15 metres |
| (e) | Provision of landscaping, fencing, screening, and other features deemed necessary to preserve the safety and amenity of adjoining land uses and to provide an aesthetically pleasing public appearance. | |
| | | <i>Amendment No. 20, 2010</i> |

2. 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:

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

3. **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:

- (i) each advertisement shall not exceed 3 m² in area;
- (ii) 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; and
- (iii) the location, siting and illumination of each advertisement shall be to the satisfaction of the Council, 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.

4. **Office Permitted Use Class**

The office permitted use class is restricted to office buildings intended to accommodate governmental, public utility, banking, medical clinic, or similar regionally significant services.

5. **Discretionary Use Classes**

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

The following discretionary use classes may be permitted only within the building of a permitted use class:

Catering, child care, office (other than as defined by Condition 4), medical and professional, personal service, general service, convenience store.

- 6. (a) Council may exercise discretion to reduce the minimum building line setback from 20 metres to 15 metres after taking into consideration conditions such as slope, elevation, maximum building height (not to exceed 2 stories), etc.
- (b) Discretion for setback shall only apply to the Valley Road area of Town.

Amendment No. 20, 2010

USE ZONE TABLE

| ZONE TITLE | RECREATION OPEN SPACE | (ROS) |
|--|-----------------------|-------|
| PERMITTED USE CLASSES - (see Regulation 89) Recreational open space. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Outdoor assembly, and take-out food service, Cultural and civic, child care, indoor assembly antenna. | | |

CONDITIONS

1. Discretionary and Special Use Classes

Use classes listed in this table as Discretionary uses may be permitted at the discretion of the Council provided that they are complimentary to permitted uses or that their development will not inhibit or prejudice the existence or the development of such uses.

2. Floodway

Development within the Floodway (1:20 year flood levels) designation shall be restricted to:

- (i) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- (ii) Non-structural uses such as open space recreation, pasture, and wildlife habitat enhancement.

Development in the Floodway shall require the approval of the Water Resources Division, Department of Environment and Conservation

3. Floodway Fringe

Development in the Floodway Fringe (1:100 year flood zone) shall include public utilities, roads, bridges, marine related uses, industrial, commercial, and residential Uses.

Development within the Floodway Fringe designation shall meet the following conditions:

- (i) the ground floor elevation of the structure is higher than the 1:100 year flood level;
- (ii) the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- (iii) the structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation, and entrances and exists from the building can be safely used without hindrance in the event of a flood; and
- (iv) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.

Development in the Floodway Fringe shall require the approval of the Water Resources Division, Department of Environment and Conservation.

USE ZONE TABLE

| ZONE TITLE | CONSERVATION (CON) |
|---|-----------------------|
| PERMITTED USE CLASSES - (see Regulation 89) Conservation. | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Recreational open space, access through to an adjacent zone. | |

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this Table may be permitted at the discretion of the Council provided that it is assured that proposed development will not significantly diminish the environmental quality of the area or reduce downstream water quality.

2. Archaeological Finds

In the event of an archaeological find occurring as a result of development in this or any other use zone, development of the site will cease and the developer will immediately notify the Council of the find.

3. Floodway

Development within the Floodway (1:20 year flood levels) designation shall be restricted to:

- (i) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- (ii) Non-structural uses such as open space recreation, pasture, and wildlife habitat enhancement.

Development in the Floodway shall require the approval of the Water Resources Division, Department of Environment and Conservation

4. **Floodway Fringe**

Development in the Floodway Fringe (1:100 year flood zone) shall include public utilities, roads, bridges, marine related uses, industrial, commercial, and residential Uses.

Development within the Floodway Fringe designation shall meet the following conditions:

- (i) the ground floor elevation of the structure is higher than the 1:100 year flood level;
- (ii) the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- (iii) the structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation, and entrances and exists from the building can be safely used without hindrance in the event of a flood; and
- (iv) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.

Development in the Floodway Fringe shall require the approval of the Water Resources Division, Department of Environment and Conservation.

USE ZONE TABLE

| ZONE TITLE | RURAL | (RUR) |
|--|--------------|--------------|
| PERMITTED USE CLASSES - (see Regulation 89) Agriculture, forestry, and animal.. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Outdoor assembly, single dwelling, veterinary, outdoor market, general industry, mineral working, cemetery, antenna, and recreational open space. | | |

CONDITIONS

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:

- (i) the size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks and the general amenities of the surrounding area; and
- (ii) no advertisement shall exceed 5 m² 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:

- (i) each advertisement shall not exceed 3 m² in area;
- (ii) 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 and the distance or direction to the premises to which they relate; and
- (iii) the location, siting and illumination of each advertisement shall be to the satisfaction of the Council, 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.

3. Discretionary Use Classes

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

Single dwelling may be permitted only as an accessory use required in support of a commercial agricultural operation which has been in existence for a minimum of 2 years and where the owner derives a minimum of 50% of income.

General industry is restricted to maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses, or other such uses as council may determine to be compatible with the rural environment.

4. Buffer Separation

No development for residential use shall be permitted within 600m of a structure designed to contain more than five animal units unless the development is first approved by the Department of Natural Resources.

5. Mineral Workings

Mineral workings may be permitted as a discretionary use. Where such a use has been approved by Council, conditions outlined in the Mineral Workings Land Use Zone shall apply.

USE ZONE TABLE

| ZONE TITLE | MINERAL WORKINGS | (MW) |
|---|------------------|------|
| PERMITTED USE CLASSES - (see Regulation 89) Mineral Workings. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) General commercial, general industry, antenna. | | |

CONDITIONS

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:

- (i) the size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area; and
- (ii) no advertisement shall exceed 5 m² 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:

- (i) each advertisement shall not exceed 3 m² in area;
- (ii) 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; and
- (iii) the location, siting and illumination of each advertisement shall be to the satisfaction of the Council, 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.

3. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Council provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses, and in the case of general commercial and general industry, that they are restricted to maintenance and repair of equipment, or the development of such other resource based industry as Council may determine to be environmentally compatible.

4. Separation from Adjacent Uses

Unless the 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:

| From: | Minimum Distance of Pit and Quarry Workings |
|---|--|
| Existing or proposed Residential Development | 300 metres |
| Any other developed area or area likely to be developed during the life of the pit or quarry working. | 150 metres |
| Public highway or street | 50 metres |
| Protected Road | 90 metres |
| Water body or watercourse | 50 metres |

5. 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 screens shall be retained in a 30 m 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 m in a forested appearance.

Where vegetation dies or is removed from the 30 m strip, the Council may require new trees of a minimum height of 1 m be planted to fill in the areas affected to the satisfaction of the Council or, at the discretion of the Council, condition 4(b) must be undertaken;

- (ii) where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Council'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; and
- (iv) where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, the Council may refuse to permit the use or associated activity.

6. Fencing

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

7. Water Pollution

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

8. Water Ponding

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

9. Erosion Control

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

10. Site Maintenance

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

11. Access Roads

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

12. 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 m 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.

13. Operating Plant and Associated Processing and Manufacturing

The Council may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Council, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.

14. All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.

15. The Council may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

16. Termination and Site Rehabilitation

Upon completion of the mineral working, the following work shall be carried out by the operation:

- (i) all buildings, machinery and equipment shall be removed;
- (ii) 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;
- (iii) topsoil and any organic materials shall be re-spread over the entire quarried area; and

(iv) the access road to the working shall be ditched or barred to the satisfaction of the Council.

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

USE ZONE TABLE

| ZONE TITLE | WATERSHED | (W) |
|--|-----------|-----|
| PERMITTED USE CLASSES - (see Regulation 89) Conservation. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 32 and 90) Antenna, forestry, agriculture, recreational open space. | | |

CONDITIONS

1. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Council provided that they are complimentary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses. All development shall be subject to approval and compliance with the Department of Environment and Conservation.

2. Forestry, Agriculture, and Existing Areas

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

Amendment No. 22, 2010**USE ZONE TABLE**

| ZONE TITLE | COMMERCIAL TOURISM (CT) |
|--|--------------------------------|
| PERMITTED USE CLASSES - (see Regulation 89) Outdoor assembly (see condition), cultural and civic, recreational open space, conservation. | |
| DISCRETIONARY USE CLASSES - (see Regulations 33 and 90) Catering (restaurant), (see condition), and personal service (see condition). | |

CONDITIONS**1. Development Standards**

The development standards for this zone shall be as follows:

- | | | |
|-------|-------------------------------|-----------|
| (i) | Minimum Building Line Setback | 9 metres |
| (ii) | Minimum Sideyards | 5 metres |
| (iii) | Minimum Rearyards | 10 metres |
| (iv) | Maximum Height | 10 metres |

2. 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.

3. Access

The Authority may determine the location and number of accesses for a use. The lot frontage shall be on a publicly owned and maintained street and access to the lot must be obtained from this street.

4. Municipal Services

All Development shall be connected to municipal water services where available.

5. 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:

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

6. 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:

- (i) Each advertisement shall not exceed 3 m² in area.
- (ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.
- (iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Council, 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.

7. Catering

Catering shall be limited to formal seat down style restaurant. No lounges or take outs shall be permitted within this zone. However, take out food service maybe permitted in association with a full restaurant service.

8. Shop/Convenience Store

Shop and convenience store uses shall be limited to only those that cater or service the traveling/tourist public. Types of shops shall include crafts store, gift store, specialty store, and rental/retail store for sporting goods.

9. Personal Service

Personal services shall be limited to the development and training of the general public and tourist in the making of arts and crafts. This may include such uses as a design studio, painting classes, small work shops for wood or rock carving, etc.

10. Cultural and Civic

These uses shall be limited to museum, art galley, tourist chalet, and interpretation centre.