THE 1994

DEVELOPMENT REGULATIONS

Gazetted 1994 06 03

Last Revised May 2021
ST. JOHN’S DEVELOPMENT REGULATIONS 1994

PREAMBLE

GENERAL

Sections 1 - 4 of the Development Regulations inclusive provide the general framework within which the Regulations operate, the definitions used, the designated Land Use Zones and Overlay Control Districts, and the advisory committees and the St. John’s Local Board of Appeal, that make a contribution to the Regulations.

Section 5 of the Regulations deals with the Development Control Process - the information needed to file an application for development and the procedures to be followed in order to receive approval for development.

Sections 6 and 7 of the Regulations contain requirements for Subdivisions and Special Developments, which are standard for each category irrespective of the Zone in which they apply.

Sections 8 and 9 of the Regulations contain the general requirements for site development, including lot size and shape, siting of buildings, landscaping and off-street parking. These Regulations apply to all Zones.

Sections 10 and 11 of the Regulations contain the land uses permitted in various Zones, the requirements unique to each individual Zone, and the overlay controls that could apply to some zones.

ZONING INFORMATION

If a person requires some information on zoning, the best procedure is to determine the location of the property involved, check the Zoning Maps and Overlay District Maps, and the appropriate portions of Sections 7 - 11 inclusive, to establish what land uses are permitted and what development controls apply.

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

In case of an application for development, the applicant should first read Sections 5.1 - 5.5 inclusive which describe the information needed to apply for each type of development and the process to be followed for:

- applications involving an Amendment (A);
- those receiving approval in the form of a Permit (B); or
- those receiving an approval in the form of a Development Permit (C), issued by the Development Officer; and
- those requiring approval from Council in the form of a Development Agreement (D).

Applicants for a Permit (B) can submit their application to the Department of Building and Property Management. All other applicants should present their application to the Planning Department. Planning staff can provide applicants with all information pertinent to their application. After submission and acceptance of an application by the Planning Department, the Development Officer will be the principal contact who will assist the applicant through the process.
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** PLEASE NOTE: Appendices are located in a separate document (pdf) entitled Development Regulations –Appendices **
SECTION 1 - TITLE AND APPLICATION

1.1 SHORT TITLE

These Regulations may be cited as the St. John's Development Regulations.

1.2 INTERPRETATION

(1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Section 2.

(2) Words and phrases not defined in Section 2 shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

(3) Unless otherwise stated, the singular form of a Use includes the plural.

(4) Any references to sections made in these Regulations are considered to be references to these same Regulations unless otherwise indicated.

1.3 COMMENCEMENT

These Regulations come into effect throughout the City of St. John's on the date of publication of a Notice to that effect in the Newfoundland Gazette.

1.4 ENFORCEMENT

1.4.1 Enforcement Right-of-Way

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

1.4.2 Stop-Work Order and Prosecution

(1) Where a person begins a Development contrary or apparently contrary to these Regulations, Council or an Officer of Council may order that person to stop the Development or any work connected therewith pending final adjudication in any prosecution arising out of the Development.

(2) A person who does not comply with an order made under Subsection (1) is guilty of an offence under the provisions of the Act.

1.4.3 Record of Violation

Every Inspector shall keep a record of any violation of these Regulations which comes to his knowledge and report that violation to Council.
1.5 AMENDMENTS

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

1.6 THE DEVELOPMENT REGULATIONS UNDER THE URBAN & RURAL PLANNING ACT, 2000

The Development Regulations under the Urban and Rural Planning Act, 2000, Statutes of Newfoundland 2000, (S.N.) Chapter U-8, as may be amended from time to time are hereby declared to be and shall be taken as part and parcel of these Regulations as if the same were repeated herein in full. 

(2001-07-27)
SECTION 2 - DEFINITIONS

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

ACCESS PLAN is a plan registered with the Registry of Deeds which identifies the number, location and lay-out of Street accesses for one or more Lots. Where required, such a plan may identify Service Streets and joint accesses.

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

ACCESSORY COMMERCIAL USE means any commercial undertaking incidental to an Industrial Use permitted in the same zone.

ACCESSORY DWELLING UNIT means a Dwelling Unit for a caretaker or essential workmen accessory to a permitted Use when the unit is included in the main Building or, in the case of land extensive uses such as Agriculture, Forestry or Salvage Yards, when the Dwelling Unit is situated on the same property as the use and forms part of the Use.

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

ACT, if not specifically defined, means the Urban and Rural Planning Act, 2000 as may be amended from time to time.

ADULT DAY CARE FACILITY (NON-RESIDENTIAL) means a Building or part thereof maintained for the purpose of providing day care services and activities for adults.

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

ADULT MASSAGE PARLOUR means a Building, or part of a Building, where massage or similar services are provided by persons who are not Registered Massage Therapists and does not include a Clinic or Service Shop.

AGRICULTURAL TOURISM OPERATIONS means activities conducted by a farmer on a farm for the enjoyment or education of the public which promote the sale, marketing, production, harvesting or use of products of the farm and enhance the public’s understanding and awareness of farming and farm life. Agricultural Tourism Operations may include, but are not limited to, product demonstration, product tasting, sale of farm produce, a petting farm and a Farm Restaurant and a Place of Assembly, but shall not include a Dwelling, a Dwelling Unit or a Place of Amusement.
AGRICULTURE - LIVESTOCK means dairy farming, the breeding and rearing of livestock, including any creature kept for the production of food, wool, skins, or fur or for the purpose of its use in the farming of land. (2002-11-29)

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

1 Bull
1000 Broiler Chickens or roasters (1.8 - 2.3 kg each)
1 Cow (including calf)
100 Female Mink (including associated males and kits)
100 Female Rabbits (including associated males and litter)
4 Goats
x Hogs (based on 453.6 kg ‘ 1 unit)
1 Horse (including foal)
125 Laying Hens
4 Sheep (including lambs)
1 Sow or Breed Sow (including weaners and growers based on 453.6 kg ‘ 1 unit)
x Turkeys, Ducks, Geese (based on 2,268 kg ‘ 1 unit).

APARTMENT BUILDING means a Multiple Dwelling but does not include Townhousing, Stacked Townhouses, Townhouse Cluster or Infill Housing. (2015-10-16)(2016-02-12)

APPEAL BOARD means the St. John's Local Board of Appeal appointed by Council pursuant to Section 37(2)(c) of the Act.

APPLICANT means a person who has applied to an authority for an approval or permit to carry out a development. (2001-07-27)

APPROVAL IN PRINCIPLE means an approval granted by Council for a Development application which meets the requirements of these Regulations and, furthermore, means an outline planning permission as set out in Section 64(g) of the Act.

AQUACULTURE means the breeding, hatching and rearing of fish or other aquatic plants or animals for sale and/or personal use. (2014-01-24)

AQUAPONICS is a food production system that combines Aquaculture with Hydroponics Operations. (2014-05-02)

ARTERIAL means a Street, the primary function of which is to provide for the main traffic movements within the City and environs and is identified as such by Council.

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

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

BACHELOR UNIT means a Dwelling Unit for one or two adults without a bedroom.
**BANK** means the offices of any chartered bank, trust company, finance company, or credit union.

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

**BED and BREAKFAST** means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to sixteen (16) overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment must be registered with and receive a rating from Canada Select and also approved by the Provincial Department of Tourism, Culture and Recreation as a Bed and Breakfast operation.  


**BOARDING OR LODGING HOUSE** shall mean a Dwelling wherein accommodation is provided for between five (5) and sixteen (16) persons inclusive, in which kitchen and/or bathroom facilities are used in common by some or all the occupants.  

(1999-04-16)

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

**BUILDING** means every structure, erection, excavation, alteration or improvement placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses, and any part of a Building so defined and fixtures that form part of a Building, except a Fence and a Water Utility Enclosure.  

(2010-08-20)

**BUILDING HEIGHT** means the vertical distance measured in metres from the established grade to the:

(a) highest point of the roof surface of a flat roof;

(b) deck line of a mansard roof; and

(c) mean height level between the eave and the ridge of a gable, hip or gambrel roof;  

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

(2001-07-27)

**BUILDING LINE** means a line established by the City that runs parallel to a street line and is set at the closest point to a street that a building may be placed.  

(2001-07-27)

**BUILDING SUPPLIES** means the necessary materials required for the construction of buildings, but excluding the finished products required to furnish the said buildings.

**CAMPER OR TRAVEL TRAILER** means any portable Dwelling designed in structure to permit occupancy for dwelling or sleeping purposes, having no permanent foundation but supported by wheels, jacks or similar supports, and used or so constructed that it is capable of being used as a conveyance on public streets or highways and licensable under the Highway Traffic Act, and if its length does not exceed 9 m and width 2.6 m.

(1995-06-09)

**CARPORT** means a Private Garage consisting of a roof and roof supports, but no walls.  

(1995-06-09)

**CARRIAGE HOUSE** means a designated heritage building which is a detached subordinate Building originally designed primarily for the storage of carriages. For the purpose of the Regulations, a Carriage House is not an Accessory Building.  

(2021-05-28)
CAR SALES LOT means a Building or an open area used for storage or display, for sales purposes, of motor vehicles.

CAR WASHING ESTABLISHMENT means an establishment used exclusively for washing or cleaning motor vehicles for gain.

CELLAR means that portion of a Building between two floor levels, which is partly underground and which has more than one-half its height, from finished floor to underside of first floor joists, below Grade.

CHURCH means a place of worship, and this can include an accessory dwelling unit and accessory Place of Assembly.

CITY means the City of St. John's as incorporated by the City of St. John's Act, Revised Statutes of Newfoundland 1970, Chapter 40, as Amended.

CITY MANAGER means the City Manager appointed by Council.

CLINIC means a Building or part of a Building used by physicians, dentists or other health care professionals, their staff and their patients, for the purpose of consultation, diagnosis or treatment of human non-residential patients, and may include medical laboratories or an ancillary pharmacy, but does not include an Adult Massage Parlour. (2020-09-11)

CLUB means a corporation, society or association of people which is the owner, lessee or occupant, of an establishment used solely for objects of a cultural, recreational, social, or athletic nature, but not operated for profit, and includes the land or buildings occupied or used for those purposes.

COLLECTOR means a Street, the primary function of which is to provide for traffic movement between Arterials and Local Streets, and is so identified by Council. (1994 11 25)

COMMERCIAL GARAGE means a Building or part of a Building, other than a private garage, used for the repair of equipment or self-propelled vehicles and/or trailers, or where such vehicles are kept for remuneration, hire or sale.

COMMERCIAL SCHOOL means a School conducted for gain other than a private academic, religious or philanthropic school, and includes the studio of a dance teacher or music teacher, an art school, golf school, business or trade school and any other specialized school conducted for gain, but does not include an Indoor Riding Arena. (2008-01-25)

COMMERCIAL USE means any Use, in respect to a particular Zone, permitted in that Zone under the category "commercial" or "private/commercial".

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

COMPLETION OF THE SUBDIVISION IMPROVEMENT means the supply, construction, installation and completion and acceptance by the City of the subdivision improvement including all work in connection therewith.

CONSERVATION PLAN means a plan that identifies the impacts of a proposed Development as established by an Environmental Analysis Report (E.A.R.) and describes the requirements approved by Council under which the Development can proceed.
CONSERVATION PLAN AGREEMENT means an agreement between Council and the applicant setting out in detail how and when a Conservation Plan is to be carried out.

CONSULTING ENGINEER means a professional engineer who has a licence to practice in Newfoundland and has complied with the provisions of the Association of Professional Engineers and Geoscientists Act of Newfoundland and is a member in good standing of the association created by that Act.

CONVENIENCE STORE means a Retail Store which is compatible with a residential area or Uses not exceeding a Floor Area of 200 square metres and in which at least 80% of the retail floor space is devoted to the sale and display of groceries.

CONVERTED BUILDING means a Building erected prior to January 1, 1960, and which has been, or is proposed to be altered, or converted so as to provide therein a Clinic, two or more Dwelling Units, a Hotel, a Restaurant, a Service Shop and/or an Office or a Food Processing Operation, provided such a conversion shall not increase the ground floor area by more than five percent (5%) of the Lot Coverage, nor shall such conversion alter the external appearance of the Building without the approval of Council. 

COUNCIL means the St. John's Municipal Council as defined by The City of St. John's Act, or by any other Act in amendment thereof and where the context so admits, shall include the City of St. John's as incorporated by The City of St. John's Act.

CRAFT BREWERY/DISTILLERY means a facility which is licensed by the Province to produce, sell and distribute beer, wine, or other liquor or distilled spirits and shall include a tasting room open to the public. Retail sales or Restaurant may be permitted.

CULTURAL Centre means any Lot or Building used for cultural activities such as a museum, art gallery, interpretation Centre, arts and culture Centre, and an outdoor display of an historic, cultural or educational nature.

CUSTOM WORKSHOP means a shop used for repairing or servicing household goods or for the manufacture of handcrafted goods and may include a retail store associated with the Use.

DAY CARE CENTRE means a Building or part of a Building in which licensed child care services are provided to:

(a) more than four (4) children at any one time; or
(b) more than six (6) children for more than nine (9) hours per week. 

DECK means an Accessory Building without a permanent roof which may or may not have screening, and which may or may not be attached to a Main Building.

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

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

and shall exclude:

(d) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;

(e) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;

(f) the carrying out by any local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(g) and, the use of a Building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a Dwelling. (1995-06-09)

**DEVELOPMENT OFFICER** means the Development Officer appointed by Council.

**DIRECTOR OF BUILDING** means the Director of Building and Property Management appointed by Council. (1995-06-09)

**DIRECTOR OF ENGINEERING** means the City Engineer appointed by Council in accordance with the City of St. John’s Act.

**DIRECTOR OF FINANCE** means the Director of Finance and City Treasurer appointed by Council. (1995-06-09)

**DIRECTOR OF PARKS** means the Director of Parks and Recreation appointed by Council.

**DIRECTOR OF PLANNING** means the Director of Planning appointed by Council.

**DIRECTOR OF REGIONAL FIRE SERVICES (FIRE CHIEF)** means the Director of Regional Fire Services (Fire Chief) appointed by Council. (2003-08-01)

**DISCRETIONARY USE**, as described in Section 5.8 of these Regulations, means a Use which may be permitted by Council to be established subject to special conditions or controls.

**DISTRICT or LAND USE DISTRICT** means an area designated on the General Land Use Map (Map III-1 in the St. John's Municipal Plan). The District identifies and describes the recommended dominant land use for such area and provides parameters for development control in terms of land uses which are compatible with the dominant land use, residential density, Building Heights and Floor Area Ratios.

**DOWNTOWN BUSINESS IMPROVEMENT AREA** means that area of the Downtown generally bounded by Harbour Drive, Temperance Street, Duckworth Street, Livingstone Street, and Springdale Street and shown by MAP K. (2008-11-21)
**DRIVE-THRU FACILITY** means a facility or operation that is designed to allow or require occupants to remain in their motor vehicles while goods and/or services are either being provided to them or self-service is being undertaken or initiated by them. \(2012-06-29\)

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

**DUPLEX DWELLING** means a Building containing two Dwelling Units, constructed one above the other, each having an individual entrance, provided that no such unit shall be constructed or located in the Basement or Cellar of any such Dwelling.

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

**DWELLING UNIT** means a Suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

**EATING ESTABLISHMENT** means a Building or part of a Building where food is prepared and offered for sale or sold to the public and includes a catering establishment, a Restaurant, and a Take-Out Food Service, but does not include a Boarding or Lodging House or a Lounge. \(2003-12-12\) \(2011-05-06\)

**END UNIT** means a Dwelling Unit forming part of a Townhousing development which abuts only one Dwelling Unit by means of a common wall.

**ERECT** (with reference to a building or structure) means to construct, build, renovate or assemble, and shall include enlargement, relocation and any physical operations preparatory to construction or reconstruction.

**ENVIRONMENTAL ANALYSIS REPORT (E.A.R.)** means a study prepared by suitably qualified persons to assess the impact and recommend mitigation measures for any proposed Development deemed to have potential impact on the natural or physical environment of the City.

**ENVIRONMENTALLY VALUABLE AREAS (E.V.A.)** means any area that is designated by the City to protect, maintain and enhance important elements or features of the natural environment, and such areas may include:

(a) lands and waters used to support natural resources (fish stocks, vegetation, woodlands, or other valuable flora and fauna);

(b) ecologically vulnerable lands and waters (coastal areas, riparian lands, lakes and swamps);

(c) physically unstable lands (steep slopes, areas of high relief and/or unstable soil and areas susceptible to flooding);

(d) aesthetically pleasing landscape features (valleys, hills and ridges, groups of trees, bodies of water);

(e) lands required for storm water management; or

(f) any other lands or waters considered environmentally significant by Council.
ESTABLISHED GRADE means:

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

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

EXISTING means existing as of the date of the coming into effect of these Regulations.

FAMILY HOME CHILD CARE SERVICE means that part of a Dwelling in which child care services are provided to five (5) or six (6) children.  

FARM RESTAURANT means a Building or part of a Building on a farm where food produced in whole or in part on the farm is prepared and offered in individual portions for retail sale to the public for immediate consumption on the farm, but shall not include a Take-Out Food Service or a Lounge.

FENCE means a vertical physical barrier constructed out of typical fencing materials for the purpose of assuring privacy or protection, and shall include hedges, shrubs and landscaping features which are used for these purposes and shall also include that portion of a retaining wall which projects above the surface of the ground which it supports. The definition shall not include trees.

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

FLOOR AREA RATIO means the ratio which the Gross Floor Area of the Building or Buildings on a Lot shall bear to the area of that Lot, expressed in terms of the number "one (1)".

FORESTRY USE means the use of land for the purposes of forest and woodland management, and includes the falling, cutting, trimming, extraction of timber there from or the reforestation thereof.

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

FRONT YARD means a Yard extending across the full width of the Lot between the Front Lot Line and the wall of a Main Building.

FRONTAGE means the horizontal distance between side lot lines measured at the Building Line.

GAS BAR means an establishment comprising gasoline pumps with or without a shelter for an attendant, but does not include a facility for the repair of motor vehicles, a commercial garage or a car wash.
GRADE (as applying to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a Building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

GROSS FLOOR AREA means the total Floor Area of all floors in a Building or Buildings on the Lot including Basements and mezzanines but excluding any floor areas used exclusively for a Parking Area, amenity space, or an amenity area.

GROUND FLOOR AREA means that portion of a Lot covered by a Building or structure excluding, in the case of a Dwelling, any porch, veranda, sunroom or private garage.

HABITABLE ROOM means a room designed for living, sleeping or eating and includes such rooms as a den, library, sewing room or enclosed sun room, but does not include a room used solely as a kitchen, bathroom, pantry or corridor.

HANDCRAFT USE means the use of a place for small scale manufacturing uses characterized by an emphasis on crafts, wood working, carpentry, pottery making, weaving, ornamental metal works, and similar uses compatible with commercial and residential neighbourhoods.

HARBOUR USE means all facilities incidental to the operation of a harbour, including the manufacture, servicing, maintenance and repair of ships and shipping equipment of all kinds.

HEALTH AND WELLNESS CENTRE means an establishment providing health, fitness, and recreation activities, such as, but not limited to basketball, boxing, dancing, floor hockey, gymnastics, martial arts, weightlifting, yoga, or other forms of physical exercise. This use may also include the incidental sale of health and fitness merchandise. *(2015-10-16)*

HEAVY EQUIPMENT STORAGE means the use of land or buildings for the storage or parking of operational motorized vehicles or equipment such as, but not limited to: construction equipment, transportation equipment, agricultural equipment or fisheries equipment, tow trucks, tractors, tractor trailers, semi-trailers, dump trucks, flatbed trucks, utility trucks, graders, excavators and construction trailers, and shall exclude the service or maintenance, the sale or rental, the salvage for scrap or recycling of equipment or materials or the storage of scrap materials from the aforementioned type of vehicles and equipment. *(2007-02-09)*

HERITAGE BUILDING means any Building so designated by Council under these Regulations.

HERITAGE USE means any Use of a designated heritage building which is, in Council’s opinion, compatible with the adjoining Uses. *(2020-05-01)*

HIGHWAY means a highway as defined under the Highway Traffic Act of Newfoundland, RSN, Ch. 4.

HOME FOR THE AGED means an institution designed or converted and equipped for the accommodation and care of elderly persons.

HOME OCCUPATION means a secondary use of a Dwelling Unit and/or its Accessory Buildings by at least one of the residents of such Dwelling Unit to conduct a gainful occupation or business activity. *(1997-08-08)*
HOME OFFICE means a secondary use of a Dwelling Unit by at least one of the residents of such Dwelling Unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office uses which do not involve visitation of clients to the site and employment of non-residents.  

(1997-08-08)

HOMESTEAD LOT means a residential building Lot on which is located a Dwelling and comprising an area of land similar to standard building Lots in similarly zoned areas of the City.

HORTICULTURE means the growing of fruit, flowers and vegetables for commercial purposes for consumption and/or sale off-site and includes Hydroponic Operations but excludes the breeding and rearing of animals.  

(2002-11-29)

HOSPITAL means a hospital, sanatorium, convalescent home, clinic, mental hospital and/or an institution for the care and rehabilitation of any addiction or other such special-purpose medical institution. Hospital does not include a Veterinary Hospital.

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

(1999-04-16)

HYDROPONIC OPERATIONS means the cultivation of plants without soil.  

(2002-11-29)

INDOOR RIDING ARENA means an enclosed structure for horse riding.  

(2008-01-25)

INDUSTRIAL USE means the use of land or Buildings for the purpose of manufacturing, fabricating, assembling, altering, repairing, packing, canning, storing, breaking up, demolishing, or treating any article, commodity or substance, and "industry" shall be construed accordingly.

INCREASED HOUSING means a residential Development not exceeding four (4) Dwelling Units which may be permitted in selected Residential Zones as a Discretionary Use.  

(1995-12-08)

INSTITUTION means a Building or part thereof used for non-commercial purposes by a non-profit society for promoting a social, educational, cultural, religious or philanthropic objective and, without restricting the scope of this definition, may include homes for the aged, mentally, physically or socially handicapped persons, convalescent homes, nursing homes, sanatoria, or Hospitals, churches, Schools and universities.

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

(2005-12-23)

LAND includes land covered by water, and Buildings and structures on, over and under the soil and fixtures that form part of those Buildings and structures.

LANDSCAPED BUFFER - see definition for Buffer.

LAND USE IMPACT ASSESSMENT is any study prepared by a suitably qualified person who is a full member of the professional society or societies that licence or recognize practitioners in the field and who
has had experience directly related to the matter at hand to assess any significant impacts a use or development may have on the urban environment and/or the quality of life of its citizens.

Without restricting the generality of this definition, such a report could include:

- studies on impacts on the natural environment, including an Environmental Analysis Report;
- physical, social and economic impacts on the community;
- impact assessments of a particular zoning designation on the dominant use of a District under the Municipal Plan; or
- any other land use, architectural, traffic, social and environmental analyses pertinent to the Municipal Plan.

**LAUNDROMAT** means an establishment where individual automatic washing machines, dry-cleaning machines and clothes dryers are operated by the customer or by an attendant.

**LIGHT INDUSTRIAL USE** means use of any land or Buildings for any Industrial Use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

**LIGHT PLANE** means a plane, projected over a Lot, containing a horizontal line immediately above the Street Line of a designated Street, at an elevation as determined by Map F of Section 3, and an intersecting line projecting upward and over a Lot at an angle of sixty (60°) degrees to the horizon over the Lot.

**LOCAL STREET** means a Street, the primary purpose of which is to provide public access to abutting Lots.

**LODGING HOUSE** - see definition for Boarding House.

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

**LOT AREA** means the total horizontal area within the lines of the lot.  

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

**LOT DEPTH** means the average distance between the Front Lot Line and the Rear Lot Line of a Lot.

**LOT FRONTAGE** means the horizontal distance between the Side Lot Lines measured at the Building Line.

**LOT LINE** means any line defining the boundaries of a Lot and shall include a Front Lot Line, a Rear Lot Line and a Side Lot Line.

**LOUNGE** means a Building or part of a Building which is primarily used for the purpose of selling and serving of spirits, wines or beer to the general public for consumption on the premises and which is licensed under the Liquor Control Act and any Regulations made thereunder.

**MAIN BUILDING** means a Dwelling containing one or more Dwelling Units situated on a Lot in a Residential Zone, or the Dwelling on a Lot within a Rural Zone that is the primary use of that Lot within the Rural Zone.
**MITIGATION PLAN** means a plan that identifies the impacts of a proposed Development as established by a Land Use Impact Assessment (LUIA) and describes the requirements approved by Council under which the Development can proceed.

**MOBILE HOME** means a transportable factory-built Single Detached Dwelling Unit:

(a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down by the Canadian Standards Association and all other applicable provincial and municipal codes; and

(b) which is designed to be transported on its own wheels and chassis to a mobile home lot and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation, and connected to exterior public utilities approved by Council, namely, piped water, piped sewer, electricity and telephone in order for such mobile home to be suitable for year-round occupancy.

**MOBILE HOME PARK** means a mobile home development under single or joint ownership, cared for and controlled by a mobile home park operator, where individual mobile home lots are rented or leased with or without mobile home units placed thereon, and where ownership and responsibility for the maintenance and development of site facilities, including underground services, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park management.

**MOBILE HOME SUBDIVISION** means a mobile home development requiring the subdivision of land, whether in single or joint ownership, into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority.

**MULTIPLE DWELLING** means a Building containing three or more Dwelling Units.

**MUNICIPAL PLAN** means the St. John's Municipal Plan.

**NECESSARY UTILITIES** means all water mains, hydrants, sanitary sewers, storm sewers, and all appurtenances thereto and all necessary streets, sidewalks, curbs, gutters and catch basins deemed necessary by Council or the Director of Engineering and Works to service any area proposed to be developed or subdivided.

**NEIGHBOURHOOD PARK** means a Park with an area of not less than 8000 square metres and a Lot Frontage of not less than 45 m. No part of the Park shall have a slope of more than 5%, and at least half of the Park area shall have a slope of less than 3%.

**NEIGHBOURHOOD SERVICE Centre** means a small Shopping Centre or retail cluster not exceeding a floor space of 1000 square metres.

**NET FLOOR AREA**, for the purposes of these Regulations, means 80% of Gross Floor Area.

**NON-CONFORMING BUILDING** means a Building legally existing at the coming into force of these Regulations that does not meet the requirements of these Regulations.  

**NON-CONFORMING LOT** means a Lot legally existing at the coming into force of these Regulations that does not meet the requirements of these Regulations.
NON-CONFORMING USE means a legally existing use at the coming into force of these Regulations that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.  

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

OFFICER means any officer of the St. John's Municipal Council charged with the administration of these Regulations or part thereof.

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

PARK means an area owned by either the City of St. John’s, the Province of Newfoundland and Labrador, the Government of Canada, or an administrative/statutory agency, board, commission, or wholly-owned corporation of either of the three levels of government; which is maintained substantially in its natural state and/or landscaped for the use and enjoyment of the public; and includes Play Lots, playgrounds, playing fields, campgrounds and picnic areas; but does not include a Place of Assembly or a Private Park.

PARKING AREA means a Lot or part of a Lot, a Building or part of a Building (other than a Street) used for the parking of vehicles and accessible to the public or as an accommodation to clients or customers.

PARKING LOT means a Lot used solely for the parking of motor vehicles.

PERMITTED USE means a use that is listed within the permitted use classes set out in Section 10 of these Regulations.

PERSONAL CARE HOME means a Building or facility designed or converted for the accommodation and care of elderly persons and/or persons with special needs.

PHARMACY means that portion of a Retail Store where prescriptions, medicines, drugs, chemicals and poisons are compounded or prepared or sold and where non-prescription medications and health aids are sold under the direct supervision of a pharmacist and where no open display of merchandise is permitted.

PIPE STORAGE YARD means a property used for storage of pipe. An ancillary building or buildings with a total footprint not exceeding 30% of the Lot Area is permitted.

PLACE OF AMUSEMENT means land or buildings used as gathering places for non-sports related recreational activities and includes but is not limited to, a bingo hall, billiard or pool room, games arcade, dance hall and music hall, but does not include an Indoor Riding Arena.

PLACE OF ASSEMBLY means land or buildings used as gathering places for substantial numbers of people and, without limiting the generality of the foregoing, includes auditoriums, convention centres, public and private halls, movie theatres and similar gathering places.

PLAY LOT means a Park in a residential subdivision, with an area of not less than 450 square metres and a minimum Lot Frontage of 15 m. The slope of the area shall not exceed 5%, and at least half the area of the Park shall have a slope not exceeding 3%. 
PRIVATE GARAGE means a Building or part thereof, not over one storey or 4.5 m in height, used for the storage of private passenger motor vehicles; except that one light commercial vehicle not used or designed for construction purposes nor exceeding 3,300 kg M.G.W. (7,275lbs) may be stored therein. This definition also includes a carport. (1994 11 25)

PRIVATE PARK means an area owned or operated by any person other than the City of St. John’s, the Province of Newfoundland and Labrador, the Government of Canada, or an administrative/statutory agency, board, commission, or wholly-owned corporation of either of the three levels of government; which is maintained substantially in its natural state and/or landscaped, for the use and enjoyment of the public; and includes playgrounds, playing fields, campgrounds and picnic areas; but does not include a Place of Assembly or a Park. (2007-10-05)

PUBLIC STREET means a publicly-owned street, road, highway or other publicly-owned way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles. (2003-08-22)

PUBLIC USE means land or Buildings used by the Council, the Province of Newfoundland or the Government of Canada for a purpose not otherwise defined in these Regulations.

PUBLIC UTILITY means all land and Buildings used by the municipality or a "Public Utility" (as defined in the Public Utilities Act, Revised Statutes of Newfoundland, 1970, Chapter 323, as Amended) to provide services for the health, safety and convenience of the general public, and includes land, Buildings and facilities to provide water, sewage, electricity, transportation, and radio, television and telephone services.

REAR LOT LINE means the Lot Line or Lines opposite the Front Lot Line.

REAR YARD DEPTH means the distance between the rear lot line and the rear wall of the main building on a lot. (2001-07-27)

RECREATIONAL EQUIPMENT means a vehicle, portable structure, trailer, or watercraft that can be driven, towed, hauled, or carried on a vehicle or trailer and which is designed to be used for travel or recreational purposes, including but not limited to:

(a) a motor home, travel trailer, fifth wheel trailer, tent trailer, truck camper, boat, canoe, kayak, snowmobile, all-terrain vehicle, jet-ski, or other similar vehicle; or
(b) a trailer designed to carry an item listed in (a); and
(c) includes products or services accessory or ancillary to (a) or (b). (2006-12-29)

RECREATIONAL USE means a playground, playing field, an athletic field, stadium, trail riding facilities and similar uses, and Buildings and structures accessory to the foregoing uses, but does not include an Indoor Riding Arena. (2008-01-25)

RECYCLING DEPOT means a Building or part of a Building in which paper, plastic, glass, and other non-organic materials are received, sorted, processed, and stored for the purpose of recycling, and which has no outdoor storage of materials. (1997-11-21)
REGIONAL SHOPPING CENTRE means a shopping facility which provides a wide range of retail, personal services, Offices, recreational facilities and automotive services in which the Floor Area of the Development exceeds 10,000m².

RENTAL STORAGE USE means use of a Building or part of a Building, or of a Lot or a part of a Lot, solely for the storage of articles, objects, materials and vehicles. (2004-12-24)

RESIDENTIAL RETAIL STORE means a Retail Store within a Dwelling Unit, with the retail floor space not exceeding 50 square metres or 50% of the floor area of the Dwelling Unit, whichever is less.

RESIDENTIAL USE means any land or Buildings used exclusively for a Dwelling or Dwelling Unit.

RETAIL STORE means a Building or part of a Building where goods or things are offered for sale at retail prices, and includes storage on or about the store premises of limited quantities of such goods or things sufficient only to service such store.

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

SALVAGE YARD is a premise where scrap metals or other scrap materials are sorted or stored; or where automobiles, other vehicles, machinery, or parts thereof are dismantled, demolished, or stored; or where used goods, wares, merchandise, or articles are processed for further use. This definition excludes Recycling Depots. (1997-11-21)

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

SCREEN means:
(1) a solid decorative wall constructed of brick, concrete, stone or wood, or other suitable construction material;
(2) a plastic or chain-link fence, combined with a thick row of evergreen landscaping.

SEMI-DETACHED DWELLING means a Dwelling containing one unit and separated vertically from another adjoining unit by a common wall. Each unit may be situated on its own Lot. (1997-03-07)

SECURITY means a security in the form of lawful Canadian currency or irrevocable Letter of Credit in the form determined by the Director of Finance. (1995-06-09)

SENIORS' APARTMENT BUILDING means an Apartment Building exclusively developed and equipped for the accommodation and care of elderly persons and/or persons with special needs. The level of accommodation in such a facility may vary from self-contained apartment units to sleeping units and common cooking, dining and laundry facilities.

SERVICE SHOP means a Building, or part thereof, where personal services are provided. Without limiting the generality of this definition, a Service Shop may include a barber shop, hair salon, tailoring shop, but does not include an Adult Massage Parlour. (2020-09-11)
SERVICE STATION means any land or Building used for the sale/installation of petroleum products, automotive parts and accessories and motor vehicle repairs, and may include the offering for sale of a maximum of six (6) motor vehicles at any time subject to adequate on-site parking and may also include a Convenience Store or restaurant associated with the main use.  

(2003-08-22)

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

SERVICED AREA/DEVELOPMENT (See also "Unserviced Development") in these Regulations means area/development with municipally-provided water supply and sewage disposal services.

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

SIDE LOT LINE means a Lot Line or Lines other than a Front Lot Line or Rear Lot Line.

SIDE YARD DEPTH means the distance between the side lot line and the nearest side wall of a building on the lot.  

(2001-07-27)

SINGLE DETACHED DWELLING means a Dwelling containing one main Dwelling Unit which is not attached to another Dwelling.

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

STACKED TOWNHOUSE means a Multiple Dwelling on a Lot, with four (4) Dwelling Units, where two (2) Dwelling Units are located on the top floor and two (2) Dwelling Units are located on the bottom floor, each separated from the other.  

(2015-10-16)

STACKING LANE means an on-site queuing lane at a Drive-Thru Facility for motorized vehicles which may be identified by barriers, curbs, markers or signs.  

(2012-06-29)

STOREY means that portion of a Building which is situated between the top of any floor and the top of the floor next above it, or, if there is no floor above it, that portion between the top of such floor and the ceiling above it.

STOREY - FIRST means the storey having its floor level not more than 2 m above Grade.

STOREY - SECOND means the Storey immediately above the First Storey.

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

(2001-07-27)

STREET LINE means the edge of a street reservation as defined by the City.  

(2001-07-27)

SUBDIVISION means the dividing of any land, whether in single or joint ownership into 2 or more pieces for the purpose of Development.  

(1996-03-22)
SUBDIVISION IMPROVEMENT means curbs, gutters, catch basins, sidewalks and streets, including survey monuments, granular subgrades, pavement and improvement to open space specified by the Council or the Director of Engineering, as the case may be, as being necessary or required to be supplied, constructed, installed and completed under any development or subdivision designs, plans or specifications. (2021-01-29)

SUBSIDIARY APARTMENT means a separate Dwelling Unit that is located within the structure of a main Building and which is subordinate to the main Dwelling Unit. (2021-01-29)

SUITE means a single room or series of rooms of complementary uses, operated under a single tenancy, and includes Dwelling Units, individual guest rooms in motels, Hotels, Boarding Houses, rooming houses and dormitories as well as individual stores and individual or complimentary rooms for business and personal service companies. (1994-08-26)(2008-01-25)(2011-05-06)

TAKE-OUT FOOD SERVICE means any retail establishment which sells prepared food not for consumption on the premises. (2001-07-27)

TAXI BUSINESS means a Lot, with or without Buildings, for the parking of taxicabs as defined in the City of St. John's Taxi By-Law. (2001-07-27)

TOURISM USE means a group of uses, including Recreational Use, Bed and Breakfast, and Restaurant, that is geared to serving tourists to the area but does not include a Service Station, Take-Out Food Service, Lounge or an Indoor Riding Arena. (2001-07-27)

TOWNHOUSE CLUSTER means a Multiple Dwelling on a Lot, where each Dwelling Unit is separated vertically from an adjoining unit by a common wall. (2015-10-16)

TOWNHOUSING means a Multiple Dwelling where the Building does not exceed a height of three (3) Storeys, and where each Dwelling Unit is separated vertically from an adjoining unit by a common wall and situated on a separate Lot. (2015-10-16)

TRANSPORTATION DEPOT means any station or Lot used for the purpose of storing, servicing or refueling of vehicles connected with the transportation business, but does not include a Commercial Garage. (2001-07-27)

TRANSPORTATION TERMINAL means any station for the use of transportation facilities available to the general public, includes railway stations and bus terminals. (2001-07-27)

TRAVEL TRAILER or CAMPER - See "Camper". (2001-07-27)

UNDERTAKER'S ESTABLISHMENT means an establishment for the preparation of human remains for interment or disposal and may include a funeral home, a crematorium and/or a chapel to conduct commemorative services. (2001-07-27)

UNSERVICED AREA/DEVELOPMENT (See also "Serviced Development") in these Regulations means area/development lacking municipally-provided water supply and sewage disposal services. (2001-07-27)

USE means a building or activity situated on a Lot or a Development permitted on a Lot. (2001-07-27)

USE ZONE OR ZONE means an area of land including Buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply. (2001-07-27)
VARIANCE means a departure, to a maximum of 10%, from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of these Regulations.  

VEHICLE STORAGE YARD means a yard used for the storage of motorized vehicles and shall exclude the service or maintenance of motorized vehicles and shall exclude the salvage for scrap or recycling of motorized vehicles.  

VETERINARY CLINIC means a facility for the medical care and treatment of small animals and may include overnight accommodation inside the main Building, provided such accommodation is soundproofed and does not exceed 15% of the gross floor area of the main Building, but does not include boarding kennels, outdoor pens or enclosures.  

VETERINARY HOSPITAL means a facility for the medical care and treatment of animals and includes provision for their overnight accommodation and may include a boarding kennel and outdoor pens and enclosures, provided the Lot so used is at least 100 m from the nearest Residential Zone.  

WAREHOUSE means a Building or part of a Building which is used for the housing, storage, display, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuffs, substances, articles or things.  

WATER UTILITY ENCLOSURE means a heated above ground, non-confined space for the purpose of locating and protecting premises isolation backflow prevention devices.  

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

WIND TURBINE – SMALL SCALE means a turbine that converts the wind’s kinetic energy into either electrical power or mechanical energy. The wind turbine is comprised of the tower, rotor blades (either vertical or horizontal) and the nacelle. A small scale wind turbine is a single turbine that has a nameplate capacity which is not greater than 300 kW. It has a stand-alone design, either on its own foundation or supported by guy wires, and is not roof-mounted.  

WIND TURBINE – TOWER HEIGHT means the height measured from grade to the highest point of the turbine rotor blade when it reaches its highest elevation.  

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

ZONING MAP means the maps attached to and forming part of these Regulations.
SECTION 3 - ZONES

3.1 ZONING PLAN

The St. John's Land Use Zoning and Subdivision Regulations Zoning Plan, as adopted by Council and approved by the Minister of Municipal and Provincial Affairs, shall be declared to be part of these Regulations.

The above Plan consists of the following maps:

MAP C: Downtown Residential Parking

MAP D: Area Subject to the Downtown Parking Standard

MAP E: Heritage Areas

MAP F: Downtown Building Control

MAP G: Arterial Roads - Landscaping

MAP H: Churchill Square Retail Area

MAP I: Battery Development Area (with Appendix A) (2009-07-24)

MAP J-1: Environmentally Valuable Areas, Waterways and Wetlands, Flood Hazard Areas, Watersheds (Metric Scale 1:50 000)

MAP J-2: Flood Hazard Areas, Watersheds, Waterways and Wetlands

MAP K: Downtown Business Improvement Area (2008-11-17)

MAP N: Snow Volume Map

MAP Z-1: Zoning Map (Metric Scale 1:50 000)

PMD-1: Galway Master Planned Community (see Schedule A-D)

(Printed copies of this zoning map are available at the City’s Planning Department, 3rd Floor, St. John’s City Hall or please visit the City’s Mapcenter: http://map.stjohns.ca/mapcentre/mapcentre.html)

NOTE: Map Z-1 may be cited as the Zoning Map.

The previous Map I – Downtown Precincts, has been deleted. (1995-06-09)

The previous Map A: Zoning Map, has been renamed: MAP Z-1: Zoning Map (2012-06-13)

Map B has been deleted. (2012-06-13)

Appendix PMD-1 Galway Master Planned Community Maps, Schedule A-D has been added. (2015-10-16)
3.2 IDENTIFICATION OF ZONES

For the purpose of these Regulations, the City of St. John's is divided into the following zones and their extent, location and boundaries are shown on the Zoning Map which forms part of these Regulations. The abbreviations in this section have been used to identify individual zones on the Zoning Map.

### Residential Zones

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<td>CAP</td>
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<td>CDA-Southlands</td>
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<tr>
<td>Comprehensive Development Area- Kenmount Rd</td>
<td>CDA-Kenmount</td>
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<tr>
<td>A. P. Parking Garage</td>
<td>AP Parking Garage</td>
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<tr>
<td>Planned Mixed Development -1</td>
<td>PMD-1</td>
</tr>
</tbody>
</table>
3.3 IDENTIFICATION OF OVERLAY DISTRICTS

In order to identify special requirements which overlap two or more Zones, several Overlay Districts have been designated under these Regulations, which are described in Section 11 and shown on the following maps:

- Bodies of Water and Development/Environmentally Valuable Areas… Maps J-1 & J-2
- Heritage Areas………………………………………………………………………… Map E
- Light Planes………………………………………………………………………… Map F

3.4 BOUNDARIES OF THE ZONES

Where the boundary of the Zone is uncertain and,

(1) the boundary is shown on the Zoning Map as following a Street, lane, railway right-of-way, electric transmission line right-of-way or watercourse, the center line of the Street, lane, railway right-of-way, electric transmission line right-of-way or watercourse shall be deemed to be the boundary;

(2) the boundary is shown on the Zoning Map as substantially following Lot Lines shown on an approved plan of Subdivision or other suitable base map, the Lot Lines shall be deemed to be the boundary;

(3) the boundary is shown on the Zoning Map as running substantially parallel to a Street Line and the distance from the Street Line is not indicated, the boundary shall be deemed to be parallel to the Street Line and shall be determined according to the scale shown on the Zoning Map; and

(4) the boundary of any Zone as shown on the Zoning Map abuts the shoreline of a river or of the sea, such Zone shall be deemed to extend into the river or sea, and include any land reclaimed by changing the water level or by landfill.
SECTION 4 - COMMITTEES

4.1 ENVIRONMENTAL ADVISORY COMMITTEE

4.1.1 Membership and Term of Office

(1) Council shall appoint an Environmental Advisory Committee consisting of five (5) to nine (9) members, including a Council member appointed by Council and other persons who should have an interest in and/or expertise in one or more of the following topics:

- water resources engineering;
- animal and plant ecology;
- environmental law;
- river conservation;
- wildlife and environmental issues; and
- land development and construction.

(2) The members of the Environmental Advisory Committee shall be appointed for a term of two (2) years.

(3) A member of the Environmental Advisory Committee may not be appointed for more than two (2) consecutive terms.

(4) The chairperson of the Environmental Advisory Committee shall be elected each year by a majority of the Committee membership for a term of one (1) year, which term shall not be renewable.

(5) The secretary of the Environmental Advisory Committee shall be the City Clerk or the person selected by the City Clerk.

(6) The quorum for the Environmental Advisory Committee shall be a majority of the total Committee membership.

4.1.2 Duties

The Environmental Advisory Committee shall:

(a) advise Council on any matter referred to it by Council;
(b) carry out other tasks, as may be approved by Council;
(c) prepare an annual report for Council on the environment in St. John's; and
(d) advise Council on Development within the Buffer of waterways and Wetlands, and on Development within flood hazard and flood risk areas as identified in these Regulations.
4.2 HERITAGE ADVISORY COMMITTEE

4.2.1 Membership and Term of Office

(1) Council shall appoint an advisory committee to be designated and hereinafter called the "Heritage Advisory Committee", consisting of seven (7) to nine (9) members, including:

(a) a Council member appointed by Council;
(b) a resident of a Heritage Area; and
(c) a person liable for Business Tax or any tax in substitution therefore, in a Heritage Area.  

(1999-09-03)

(2) (a) The members of the Heritage Advisory Committee shall be appointed for a two (2) year term, which term may be renewed by Council without limit.  

(1999-09-03)

(b) The chairperson of the Heritage Advisory Committee shall be elected by a majority of the Committee membership.

(c) The secretary of the Heritage Advisory Committee shall be the City Clerk or a person selected by the City Clerk.

(d) The quorum for the Heritage Advisory Committee shall be a majority of the total Committee membership.

4.2.2 Duties

(1) The Heritage Advisory Committee shall advise Council on:

(a) any Heritage issues or issues under the Historic Resources Act of Newfoundland, which may be referred to it by Council;

(b) the designation of any areas as Heritage Areas or the change of areas so designated;

(c) the designation of any Building as a Heritage Building; and

(d) prepare an annual report for Council on Heritage in St. John's.
4.3 ST. JOHN'S LOCAL BOARD OF APPEAL

4.3.1 Appointment of Appeal Board

(1) Council shall appoint five (5) persons to constitute the Appeal Board.

(2) Council shall not appoint elected or appointed officials of the City to be members of the Appeal Board.

(3) Effective January 1, 2001, persons appointed after January 1, 2001 to the St. John’s Local Board of Appeal are appointed for a term of three (3) years. *(2001-07-27)*

(4) No Appeal Board member may be appointed for more than two (2) consecutive terms.

(5) Any vacancies which may occur in the membership of the Appeal Board shall be filled for the rest of the vacating member's term by a person appointed by Council.

(6) The Appeal Board shall be presided over by a chairperson appointed from among its members by Council, or, in the absence of the chairperson, such member as the members present shall among themselves appoint.

(7) A majority of the members of the Appeal Board shall constitute a quorum.

(8) Council may, by a two-thirds vote of its members, provide for remuneration to be paid to members of the Appeal Board and may prescribe the amount.

(9) The City Clerk or his or her agent shall be the secretary of the Appeal Board.

4.3.2 Appeals to the Appeal Board *(2001-07-27)*

(1) The Appeal Board shall hear appeals from any decisions of Council, or any Officer of Council charged with the administration of these Regulations, made under these Regulations where the decision is with respect to:

a) an application to undertake a development;

b) a revocation of an approval or a permit to undertake a development;

c) the issuance of a Stop Work Order issued pursuant to these Regulations;

d) a decision permitted under the Urban and Rural Planning Act, 2000 or another Act to be appealed to the Appeal Board; and

the Appeal Board shall either confirm or reverse the decision of Council or Officer of Council. The decision of Council to adopt, approve or proceed with a municipal plan, development scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.

(2) Any person may appeal to the Appeal Board from a decision of Council or an Officer of Council made under these Regulations.

(3) An appeal shall be submitted on the designated application form to the St. John’s Local Board of Appeal within fourteen (14) days of the decision appealed from, stating the circumstances and grounds for the appeal, together with fee as determined by Council, which fee shall be no greater than the appeal fee established for appeals to the
Regional Appeals Board by Order of the Minister of Municipal and Provincial Affairs. The appeal will not be registered unless the required appeal fee is paid.

(4) The Appeal Board shall meet to hear an appeal within thirty (30) calendar days after the appeal has been filed with the Secretary of the Appeal Board and within fourteen (14) calendar days of hearing the appeal shall make its decision known in writing to both the Council and the appellant.

(5) The Secretary of the Appeal Board shall publish a notice in a local newspaper advising that an appeal has been registered and this notice shall be published not less than two (2) weeks before the date the appeal is to be heard by the St. John’s Local Board of Appeal.

(6) Council and the appellant are entitled, but not bound, to appear before the Appeal Board either personally or by representatives appointed by them.

(7) The Appeal Board shall not make a decision that is contrary to the Municipal Plan, or these Regulations.

(8) Where Council may in its discretion make a decision, the Appeal Board shall not make a decision that overrules that decision.

(9) Every member of the Appeal Board shall be subject to the provisions of the Municipalities Act with respect to conflict of interest as if he/she were a Councillor elected under that Act.

(10) The decision of a majority of the members of the Appeal Board present, excluding any members prohibited from voting because of conflict of interest, shall be the decision of the Appeal Board whose decision shall not be subject to further appeal.

(11) If the Appeal Board is unable to decide an appeal because of conflict of interest of a majority of its members, Council shall, for that appeal only, appoint other persons to replace those members so affected.

4.3.3 Effect of Decision by Appeal Board

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

4.3.4 Development May Not Proceed

Where an appeal is made, the Development concerned shall not proceed pending a decision of the appeal and the subsequent issue of all required permits.

4.3.5 Return of Appeal Fee

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

(1997-05-16)
4.3.6 Decisions of Appeal Board

(1) A decision of the Appeal Board may be appealed to the Trial Division of the Supreme Court of Newfoundland.

(2) A person appealing a decision of the Appeal Board shall file a notice of appeal in the Supreme Court of Newfoundland, Trial Division and serve same upon the City within ten (10) days of the date of the decision being appealed.  

(2001-07-27)
SECTION 5 - DEVELOPMENT CONTROL PROCEDURES

5.1 CONTROL OF DEVELOPMENT

5.1.1 All Development

All Development within the City shall be carried out and maintained in accordance with these Regulations and any other by-law or regulation enacted by Council.

5.1.2 Permit Required

No person shall carry out any Development controlled by these Regulations unless a permit, Development Permit, or Development Agreement under these Regulations has been issued which has been duly signed and stamped by the issuing Officer.

Any application for Development, including any application requiring a Development Agreement, shall be subject to such fees as Council may determine. (1995-06-09)

5.1.3 Discretionary Powers

(1) Compatibility with the Municipal Plan

In considering an application for approval to carry out Development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulation pursuant thereto.

Where the requirements appear inadequate to meet the policies of the Municipal Plan or any document pursuant thereto, or where requirements have not been specified in these Regulations or are left to the discretion of Council, Council may establish the necessary requirements.

(2) Zoning and Subdivision Standards Not Specified

Council shall determine the applicable requirements or standards for a Development where such requirements are not specifically set forth in these Regulations or the applicable City, Provincial and Federal regulations and, without limiting the generality of the foregoing, this includes the Subdivision Design Standards as set out in Section 6.1 of these Regulations.

(3) Premature Development, Service Required

No permit shall be issued for Development within the City when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.
5.1.4 Development Above the 190 Metre Contour Elevation

Notwithstanding any other provisions of these Regulations, no residential development utilizing on-site water and/or sewer services shall be permitted above the 190 metre contour elevation.

5.2 THE APPLICATION

5.2.1 The Applicant

(1) The applicant is required to supply all information required to process the application in accordance with the Regulations.

(2) It is the applicant's responsibility to ensure that he is aware of all requirements of these Regulations.

5.2.2 Submission

(1) Applications submitted for:

a) Discretionary Use;
b) Planned Development (Section 5.10);
c) Subdivision; or, applications requiring referral to other City Departments;-

d) a Land Use Impact Assessment or Environmental Analysis Report;

shall be submitted to the Director of Planning or designate for review, referral, and where applicable, approval.

(2) All other applications shall be submitted to the Director of Building for approval.

5.2.3 Property Owner's Permission

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

5.2.4 Deferment/Withdrawal of the Application

(1) At the written request of the applicant, Council or an Officer may defer consideration of an application;
(2) Where an applicant requests deferral of an application and the application is subject to
the publication notification procedures set out in Section 5.5 of these Regulations, the
application may be deferred for a maximum period of ninety (90) calendar days from
the date of receipt from the applicant of the written request for deferral. Should the
applicant not reactivate and proceed with the application within the ninety (90)
calendar day period, the application shall be considered withdrawn; and

(3) An application may be withdrawn only on receipt of a written request from the
applicant.  

5.2.5 Reasons for Refusing Permit

Council or an Officer shall, when refusing a permit or attaching conditions to a permit, state the
reasons in terms of the criteria used in exercising discretionary powers as provided in Section
5.1.3.  

(1995-06-09)

5.3 INFORMATION REQUIREMENTS

5.3.1 Standard Application

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

(a) Location;
(b) Use;
(c) Lot Area and Lot Frontage;
(d) Access; and
(e) Availability of water supply and waste disposal.

Where the Application involves a Building, the following information shall be added to the
preceding list:

(f) Setting of Building, including Building Line and Yards;
(g) Bulk and height, in terms of Floor Area and Building Height; and
(h) Off-street parking, in terms of the variables specified in Section 9.

Where the Application involves a dwelling identified on Map N, “Snow Volume Map”, the
following information shall be added to the preceding list:

(i) Snow storage plan, including proposed street right-of-ways, proposed lots, dwelling and
driveway locations;
(j) Dimensions for all lot frontages, building line setback, and driveway width; and
(k) Snow storage calculation for each lot configuration.  

(2015-08-21)

5.3.2 Special Development and Minor Variances

In addition to the requirements of Section 5.3.1, an application for a Special Development and a
Minor Variance shall contain the information needed to satisfy the requirements as specified in
Sections 7 and 8.4 respectively.
5.3.3 Discretionary Uses

In addition to the requirements of Section 5.3.1, an application for a Discretionary Use shall contain the following information:

(1) Discretionary Uses involving operation of a business/service:

   (a) Floor Area to be used for Discretionary Use;
   (b) number of employees employed on site;
   (c) hours of operation;
   (d) Parking Area required.

(2) Parking Lot:

   (a) Parking Area design;
   (b) landscaping and buffering.

5.3.4 Mineral Working, Salvage Yard and Sanitary Landfill

The applicant shall submit all information needed to satisfy the requirements of Sections 7.11 (Mineral Working) and 7.17 (Salvage Yard and Sanitary Landfill), which will include at least the following information:

   (a) a survey plan of the property, and a plan of the Development within the property;
   (b) location and access;
   (c) Use;
   (d) significant groupings of trees on the site;
   (e) landscaping of Buffers - general treatment, allocation of landscaped areas;
   (f) site rehabilitation measures upon termination of the Development;
   (g) location of Environmentally Valuable Areas, including waterways and Wetlands within 150 m of the site, together with an accurate plan of Environmentally Valuable Areas on or within 50 m of the site;
   (h) a plan for the treatment of runoff from the site to prevent siltation or other forms of pollution or damage to nearby waterways and Wetlands;
   (i) intended duration of the Development;

5.3.5 Planned Developments

In addition to the requirements of Section 5.3.1, a Planned Development application shall contain the information needed to satisfy the requirements of Section 5.10.

5.3.6 Subdivision of Three (3) or More Lots:

(1) General Subdivision Plan for Approval-in-Principle

In addition to the requirements of Section 5.3.1, an application for an approval of a Subdivision of three (3) or more Lots, shall provide the following information:

   (a) the proposed land use of the Subdivision;
(b) two copies of a contour map showing the entire area proposed to be subdivided; these maps shall be drawn to an appropriate scale, with contours to be provided on a two metre (2 m) interval, showing:
   (i) the street access required;
   (ii) the proposed layout of internal Streets and Lots;

(c) the proposed municipal services, including the method of water supply and the generation of sanitary and storm sewers;

(d) the proposed public open spaces, if applicable.

(2) General Subdivision Plan for Final Approval

In order to receive a Final Approval, the applicant shall provide the following:

(a) A legal survey plan of the Subdivision, drawn to a scale of 1:500 with contours provided on a one metre (1 m) interval, showing in detail all proposed internal Streets and the boundaries of all Lots and easements in the Subdivision;

   The plan shall show bearings and dimensions of the Lot Lines related to the City Survey Grid with the grid co-ordinates provided on the said plan for at least the defined point of each Lot.

(b) A one-third-order transverse mercator grid monument with accompanying co-ordinates for each twenty-five (25) lots or part thereof in the proposed Subdivision;

(c) Copies of any approvals required for:
   (i) works under the jurisdiction of the Federal Department of Fisheries and Oceans;
   (ii) works under the jurisdiction of the Provincial Department of the Environment and Lands; and
   (iii) proposed Canada Post locations, where applicable.

5.3.7 Land Use Impact Assessment and Environmental Analysis Report

In addition to the information required for the Development under Section 5.3.1, the application shall include the information needed to satisfy the requirements under Section 5.6 or 5.7 respectively where a Land Use Impact Assessment or an Environmental Analysis Report is required.

5.4 APPROVAL

5.4.1 General

Approval for an application is granted by:

(1) the Director of Planning or designate, in the form of a Development Permit, or the Director of Building in the form of a permit, for applications approved under these Regulations, except those requiring a Development Agreement;  (2004-04-02)
(2) Council, in the form of a Development Agreement, for all applications involving:

(a) Discretionary Use;

(b) Conservation Plan;

(c) Mitigation Plan;

(d) Nonconforming Uses; \( (2005-10-28) \)

(e) Planned Development (Section 5.10);

(f) Subdivision of ten (10) or more Lots or any Subdivision requiring the extension or construction of municipal services or public or private roads. \( (1995-06-09) \)

5.4.2 Development Agreement

(1) A Development Agreement shall set out the terms of Council's approval, and shall be signed by the applicant and the City Clerk within six (6) months of the approval granted by Council. \( (1995-09-15) \)

(2) Approval given to a Development under a Development Agreement is automatically null and void if the applicant or the operator of any facilities allowed under the Development Agreement is, in the opinion of Council, in violation of any of the terms of the Development Agreement or any other approvals for permits issued subsequent thereto.

(3) A Conservation/Mitigation Plan Agreement shall be entered into between the applicant and Council where an Environmental Analysis Report (EAR), or a Land Use Impact Assessment (LUIA) has been required by Council and this Agreement shall specify:

(a) the contents of a Conservation/Mitigation Plan;

(b) applicable development fees;

(c) the timing and phasing of the implementation of the Conservation/ Mitigation Plan;

(d) the duration of the Agreement;

(e) any penalties or fines for the violation of the Agreement.

(4) Any violation of the terms of the Agreement shall result in the immediate cessation of the Development and, if damages have resulted, the full restitution therefore, together with any other penalties, fines, actions, and so forth as may be applicable in this instance.

5.4.3 Approval-in-Principle and Final Approval
Council, after considering an application for approval made under these Regulations and being satisfied that the proposed Development, subject to the approval of detailed plans, is in compliance with these Regulations, may grant an Approval-in-Principle for any application requiring a Development Agreement.

(1) An Approval-in-Principle shall be valid for two years from date of granting by Council, during which time the applicant shall submit an application for Final Approval.

(2) The applicant shall be notified by the Director of Planning or designate in writing and this notification of Approval-in-Principle shall set forth all the particulars of the Approval, including its effective date. (2004-04-02)

(3) A Land Use Impact Assessment as set out in Section 5.6, or an Environmental Analysis Report as set out in Section 5.7, may be required by Council as a condition of an Approval-in-Principle.

(4) Final Approval may be given by Council, provided:
   (a) the terms of the Approval-in-Principle have been satisfied;
   (b) the application for Final Approval has been made within two years of the granting of the Approval-in-Principle by Council.
   (c) all necessary payments and levies, and/or land dedications have been made. (1995-06-09)

5.4.4 Duration of Approval

(1) Approval in the form of a Development Permit is valid for a period of two (2) years from date of issuance, but may be renewed once by Council for a further period of one (1) year;

(2) Approval in the form of a Development Agreement is valid for a period of two (2) years from date of issuance, or as determined in the Development Agreement. In either case, the Development Agreement may be renewed by Council for a further period not exceeding one (1) year.

5.4.5 Correction of Errors and Remedial Work

The approval of any plans or drawings or the issue of a Development Permit or permit shall not prevent Council or any Officer from thereafter requiring the correction of errors or from ordering the cessation of, or remedial work on any Development being carried out in the event that the same is in violation of these or any other regulations or statutes. (1995-06-09)

5.4.6 Revoke Approval

Council or any Officer may revoke an approval and any subsequent permits for failure by the holder of it, to comply with these Regulations or any condition attached to the permit or where the permit was issued contrary to the applicable regulations or was issued on the basis of incorrect information. (1995-06-09)
5.5 PROCEDURES FOR PUBLIC NOTIFICATION AND PUBLIC MEETINGS

1. Wherever any application under these Regulations requires Public Notice, Council shall advertise or cause to be advertised such application by one (1) advertisement in the newspaper(s) of St. John's at least ten (10) calendar days prior to a Regular Meeting of Council where such application shall be considered. 1999-01-15

2. The newspaper notice shall:
   (a) contain a general description of the application;
   (b) specify the date set for a Regular Meeting of Council at which the application is to be considered;
   (c) specify the date set for receipt of written representation on the application by the City Clerk; and
   (d) identify the place and time where the application can be viewed by the public.

3. Council may make such effort as it deems reasonable to provide that written notices are mailed to the addresses of property owners, as identified on the current City of St. John’s assessment role, within a radius of at least 150 metres from the application site, a minimum of fourteen (14) calendar days prior to a Regular Meeting of Council where such application is considered.

4. Council may require a Public Meeting to be held in respect of any matter arising under these Regulations.

5. The City Clerk shall cause to be recorded the proceedings of the Public Meeting and these proceedings, together with any written representations, shall be considered by Council when it makes its decision on the matter, which is the subject of the Public Meeting.

6. Council shall appoint a member of Council or designate as chair of the Public Meeting. 2018-10-12

7. Public Notification in respect of a Public Meeting shall be as outlined in (1), (2) and (3) above, substituting only references to "a Regular Meeting of Council", with "a Public Meeting". 1998-06-26

5.6 LAND USE IMPACT ASSESSMENTS (LUIA)

5.6.1 Mandatory LUIA
   (a) approval of a non-residential development, with a floor area in excess of 1000m², in or adjoining a Residential District;
   (b) development of Arterials and Collectors in or adjoining residential neighbourhoods;
   (c) development of Arterials in Downtown as identified on Map C of Section 3;
(d) residential Subdivisions of three (3) or more Lots in an Unserviced Area;
(e) Development in the Watershed Zone;
(f) Tourism Use.  

5.6.2 Downtown Balance

A Land Use Impact Assessment shall consider the concept of "Downtown Balance" as described in the Municipal Plan where it is required for:

(a) the allowance of additional bulk and height for Buildings in the Downtown area outlined on Map F, Section 3;
(b) the development of an Arterial in the Downtown as defined on Map C, Section 3.

5.6.3 Discretionary LUIA

Council may require a Land Use Impact Assessment to evaluate any proposed land use, Development and/or situation that affects the policies contained in the Municipal Plan.

5.6.4 Terms of Reference

The Terms of Reference for a Land Use Impact Assessment shall be approved by Council prior to its execution and shall become an integral part of the report itself. The report and any supporting studies may be prepared at the expense of the applicant, at Council's discretion.

5.6.5 Mitigation Plan

The report shall identify significant impacts, evaluate their importance, and recommend a Mitigation Plan, measures of control or mitigation, where appropriate.

5.6.6 Public Review

Prior to the approval of a Land Use Impact Assessment, the Council shall provide adequate time for a public review of the report, using the procedures for public notification as outlined in Section 5.5.

5.6.7 Wind Turbine – Small Scale  

Terms of Reference for a LUAR for a Small-Scale Wind Turbine shall contain the following information:

(a) Site plan identifying the location of the Wind Turbine in relation to lot lines, dwellings/buildings and roadways, total tower height, output capacity and an overview of the proposed project (timeframe for construction, expected service life of the turbine, and so on).
(b) Visual impact study on shadow flicker and noise mitigation.
(c) Mitigation plan for ice throw, including the use of an ice detection system and operational protocols.
(d) Authorization/approval documents from all required Federal and Provincial government agencies.
(e) Decommissioning and site remediation plan, in which the owner will be responsible for all costs; and
(f) Any other relevant information as required by the City of St. John’s to ensure compliance with the requirements of the Development Regulations.

5.7 ENVIRONMENTAL ANALYSIS REPORT (EAR)

5.7.1 Environmental Analysis Report Defined

An Environmental Analysis Report is considered a Land Use Impact Assessment as defined in Section 5.6.

5.7.2 The Environmental Analysis Report shall include

(a) a description of the project as described under the requirements for an Approval-in-Principle, including a quantification of hard and permeable surfaces and locations and discharge points of storm sewers, and furthermore a description of and a statement of the rationale, including advantages and disadvantages to environment, for the undertaking;

(b) a location plan showing the Development in relationship to the drainage basin(s) in which it is situated;

(c) a description of the environment likely to be affected by a Development, and this shall include:

- the alternative methods of carrying out the undertaking, including the effect of not carrying out the undertaking; and
- the alternatives to the undertaking;
- a description of the physical environment, including:
  - terrain features such as soil type, topography;
  - site and near-site hydrology, including data on water quality;
  - boundaries of potentially affected waterways and Wetlands (using existing data, field survey, and air-photo analysis techniques),
  - a description of the biological environment on site and in the impacted area as it relates to:
    - fish and fish habitat,
    - vegetation,
    - wildlife and wildlife habitat

(d) a description of:

- the effects that will be caused or that might reasonably be expected to be caused to the environment; and
the actions necessary or that may be reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects that might reasonably be expected upon the environment by the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking:

(e) the terms of reference for, or the proposed contents of, a Conservation Plan.

5.7.3 Small Developments of Low Environmental Impact

Where a development is deemed to have a relatively low impact on the environment; and/or is relatively small scale, Council may change or waive the requirements of Sections 5.7.2 (c), (d) and (e).

5.8 DISCRETIONARY USES

Discretionary Uses may only be considered for approval where they are set out as Discretionary Uses in Section 10, subject to the requirements of these Regulations, and until adequate notification has been made in accordance with Section 5.5.

5.9 HISTORIC RESOURCES

5.9.1 Archaeological Resources

If the site of a proposed Development contains or is likely to contain archaeologically significant resources, Council may direct that prior to any development occurring on the site an archaeological site analysis take place at the cost of the applicant.

Prior to any archaeological work taking place, the applicant shall be directed to obtain the requisite permits from the Historic Resources Division of the Provincial Government under the Historic Resources Act. The Provincial Government shall advise the applicant as to the type of analysis required, the terms of reference for such an analysis, and the qualifications of the person or persons undertaking the archaeological work.

5.9.2 Heritage Buildings

(1) Council may, by resolution, designate any Building within the City which is of architectural or historic interest as a "Heritage Building".

(2) Unless the request for designation is made by the owner or owners of such a Building, written notice of the Council intention to designate shall be given to the owner or owners of such a Building. The notice may be served personally on the owner or sent by registered mail and a copy of the notice is to be posted on the Building. For the purpose of this Section, it shall be deemed sufficient service if the notice is given or sent to the person listed on the City's assessment roll as the owner of the Building.

(3) Council shall give the owner of any such Building thirty (30) days to make representation to Council with respect to the intended designation.
5.9.3 Heritage Buildings - Demolition or Alteration

No person shall remove, pull down or demolish any designated Heritage Building except for life safety reasons or for the purpose of carrying out a public work, nor shall the exterior of any Heritage Building be repaired or altered without the express written permission of Council.
### HERITAGE AREAS STANDARDS

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<tr>
<td><strong>WINDOWS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay Windows</td>
<td>Existing bay windows to be maintained. New bay windows may be added where, in the opinion of the Inspector, compatible with period streetscape.</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td>Other Specialty Window Styles</td>
<td>May be added where, in the opinion of the Inspector, compatible with period streetscape.</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td>All Other Window Styles and Configuration</td>
<td>Period configuration of structure and period style of structure to be maintained for any façade facing a public street. Where more than 50% of windows on a façade are being replaced within a period of 24 consecutive months all windows on such façade shall be restored/returned to period configuration for the structure and to period style for the structure. Note: Where appropriate, in the opinion of the Inspector, additional facades, or parts thereof, may be required to comply with foregoing.</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td>Window trim style (incl. decoration &amp; moulding)</td>
<td>Period style of structure to be maintained.</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td>Window Materials (including trim)</td>
<td>Modern materials permitted provided such materials, in the opinion of the Inspector, replicate the period style and materials of the structure.</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td></td>
<td>HERITAGE AREA 1</td>
<td>HERITAGE AREA 2</td>
</tr>
<tr>
<td>------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>DOORS &amp; GARAGE DOORS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Door Style</td>
<td>Period style of streetscape to be maintained.</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td>Garage Door Style</td>
<td>Original carriage style doors only.</td>
<td>Period style of streetscape to be maintained.</td>
</tr>
<tr>
<td>Trim Style (including</td>
<td>Period style of structure to be maintained.</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td>decoration &amp; moulding)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Door and Garage Door</td>
<td>Modern materials permitted provided such materials, in the opinion of the</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td>Materials (including Trim)</td>
<td>Inspector, replicate the period style and materials of the structure.</td>
<td></td>
</tr>
<tr>
<td><strong>CLADDING/SIDING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cladding/Siding Style</td>
<td>Period style of streetscape to be maintained for any façade facing a public</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td></td>
<td>street. Note: Where, in the opinion of the Inspector, appropriate additional</td>
<td></td>
</tr>
<tr>
<td></td>
<td>facades, or parts thereof, may be required to comply with foregoing.</td>
<td></td>
</tr>
<tr>
<td>Trim Style (including</td>
<td>Period style of streetscape to be maintained for any façade facing a public</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td>decoration and moulding)</td>
<td>street. Note: Where, in the opinion of the Inspector, additional facades, or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>parts thereof, may be required to comply with foregoing.</td>
<td></td>
</tr>
<tr>
<td>Cladding/Siding Materials</td>
<td>Modern materials permitted provided such materials, in the opinion of the</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td>(including trim)</td>
<td>Inspector, replicate the period style and materials of the structure. However,</td>
<td></td>
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<tr>
<td></td>
<td>vinyl is not permitted.</td>
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</tr>
<tr>
<td></td>
<td>HERITAGE AREA 1</td>
<td>HERITAGE AREA 2</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>ROOFS</strong></td>
<td><strong>HERITAGE AREA 1</strong></td>
<td><strong>HERITAGE AREA 2</strong></td>
</tr>
<tr>
<td>Roof Line</td>
<td>Period style of structure to be maintained.</td>
<td>Period style of structure to be maintained if possible, otherwise roof line may be constructed in a style, in the opinion of the Inspector, compatible with period streetscape.</td>
</tr>
<tr>
<td>Roofing Materials</td>
<td>Modern materials may be used provided such materials, in the opinion of the Inspector, replicate the period style and materials of the structure.</td>
<td>Modern materials may be used.</td>
</tr>
<tr>
<td><strong>FENCES, RAILINGS, DECKS AND BALCONIES</strong></td>
<td><strong>HERITAGE AREA 1</strong></td>
<td><strong>HERITAGE AREA 2</strong></td>
</tr>
<tr>
<td>Fence and Railing Style</td>
<td>Original style of structure to be maintained.</td>
<td>Period style of streetscape</td>
</tr>
<tr>
<td>Retaining Wall Style</td>
<td>Period style of streetscape</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td>Decks and Balconies</td>
<td>Not permitted on a façade facing a public street unless an original feature of the structure - then original style of structure to be maintained.</td>
<td>May be permitted on a façade facing a public street where, in the opinion of the Inspector, compatible with period streetscape.</td>
</tr>
<tr>
<td>Roof Decks</td>
<td>Not permitted unless an original feature of the structure.</td>
<td>May be permitted provided deck structure or any part thereof, does not extend above top storey roof line or obscure an original architectural feature and is not on a façade facing a public street.</td>
</tr>
<tr>
<td>Materials</td>
<td>Modern materials may be used provided such materials, in the opinion of the Inspector, replicate the period style and materials of the structure.</td>
<td>Same as Heritage Area 1</td>
</tr>
</tbody>
</table>
### NON-RESIDENTIAL PROPERTIES

<table>
<thead>
<tr>
<th>HERITAGE AREA 1</th>
<th>HERITAGE AREA 2</th>
<th>HERITAGE AREA 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Façade Style and Configuration (including windows and cladding)</strong></td>
<td>Period style, decoration and configuration of structure to be maintained.</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td><strong>Canopies/Awnings (excluding signage which is addressed in the Heritage Area Sign By-Law)</strong></td>
<td>Fabric canopies/awnings may be permitted where, in the opinion of the Inspector, the design, construction and materials used are compatible with the period streetscape.</td>
<td>Same as Heritage Area 1</td>
</tr>
<tr>
<td><strong>Materials</strong></td>
<td>See Residential Properties</td>
<td>See Residential Properties</td>
</tr>
</tbody>
</table>

### NEW BUILDINGS AND MAJOR RENOVATIONS TO OUT OF CHARACTER BUILDINGS

<table>
<thead>
<tr>
<th>HERITAGE AREA 1</th>
<th>HERITAGE AREA 2</th>
<th>HERITAGE AREA 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with foregoing or comprehensive design package approved by Council.</td>
<td>Same as Heritage Area 1</td>
<td>Same as Heritage Area 1</td>
</tr>
</tbody>
</table>

5.10 **PLANNED DEVELOPMENTS**

Planned Developments may be considered for approval by Council after adequate notification has been made in accordance with Section 5.5.

5.10.1 **Access Plan**

In order to control access to Streets, Council may by the adoption of an Access Plan

(a) determine the number, location and layout of accesses to a Street;

(b) require an access to a Service Street, where direct access to an Arterial is not desirable; and

(c) require two or more properties to share a joint access to an Arterial where individual accesses would not be desirable; and

(d) reduce the minimum Lot Frontage required by Section 10 by up to 50%, provided that Council is satisfied that such a reduction will not create traffic hazards or demands for municipal services.
5.10.2 Parking Development Plans

Council may exempt or change all the off-street parking required under Section 9.1.1 for a designated area, provided the development within the designated area is controlled by a Planned Unit Development.

5.10.3 Planned Unit Development

A Planned Unit Development may be approved by Council in any Zone as a Development and/or Subdivision on public or private services, provided:

(a) the Development and/or Subdivision shall comply with the requirements of the Municipal Plan or any scheme adopted under it, and with the zoning for the site as it pertains to land use, density and height, and have a suitable relationship to nearby land uses in respect to appearance, traffic requirements, and demands on municipal services; and

(b) a Development Agreement having a Planned Unit Development Plan attached thereto, satisfactory to Council, between the owners of the land and the City shall be registered in the Registry of Deeds of Newfoundland, controlling the Use and Development of such land.

(1995-08-04)

5.11 REINSTATEMENT OF LAND

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

5.12 FINANCIAL GUARANTEES BY DEVELOPER

Council may require a developer to make such financial provisions as may be necessary to guarantee the payment of assessments, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.

Financial provisions in this section shall be in such form as may be determined by Council.

5.13 DEDICATION OF LAND FOR PUBLIC PURPOSES

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

(2001-07-27)
SECTION 6 - SUBDIVISION OF LAND

6.1 SUBDIVISION DESIGN AND CERTIFICATION

6.1.1 Subdivision Design Standards

No permit shall be issued for the development of a Subdivision under these Regulations unless the design of the Subdivision conforms to the requirements established by Council. Copies of "Subdivision Design and Construction Procedures" are available from the Director of Planning or designate upon request. It is the applicant's responsibility to ensure that he is aware of all requirements in the latest edition of the procedures.  

(2004-04-02)

6.1.2 Design by City or Consulting Engineer

The designs, plans and specifications for all necessary utilities and improvements shall be prepared by the Director of Engineering or by a Consulting Engineer. Such designs, plans and specifications shall be incorporated in the plan of the Development or Subdivision if:

(a) prepared by the Director of Engineering, upon approval by Council;

(b) prepared by a Consulting Engineer, upon approval by the Director of Engineering and Council.

6.2 CONSTRUCTION UTILITIES

6.2.1 Construction of Utilities

The Director of Engineering or a Consulting Engineer shall perform all work of construction layout preliminary to the construction and installation of the necessary utilities and improvements. Thereupon, the applicant shall proceed with the construction and installation of the necessary utilities, other than Subdivision Improvements, in accordance with the approved designs, plans and specifications, under the supervision and direction of the Director of Engineering.

6.2.2 Maintenance Deposit Utilities

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

(1995-06-09)
6.3 CONSTRUCTION SUBDIVISION IMPROVEMENTS

6.3.1 Deferment of Subdivision Improvements

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

6.3.2 Deposit of Securities/Moneys

Before a Subdivision permit is issued, the applicant shall deposit with the Director of Finance a Security to cover the cost of all the Subdivision Improvements and completion thereof. These Securities shall be payable after approval by Council and before issuance of a Development Agreement under these Regulations. (1995-06-09)

6.3.3 Construction Following Deposit Moneys

If the applicant provides a Security to cover the requirements of Section 6.3.2, Council at its discretion may direct that: (1995-06-09)

(a) the applicant be responsible for the Development and completion thereof; or

(b) Council itself may call for tenders for the work of completing the Subdivision Improvements, award the contract therefore, but shall not be obligated to accept the lowest or any tender.

If a contract is awarded, the amount deposited by the applicant shall be applied towards payment of the contract costs. If the contract cost exceeds the said deposit, the applicant shall pay to Council the amount of excess, and if the contract price is less than the deposit, Council shall refund to the applicant the amount by which the deposit exceeds the contract price.

6.3.4 Interest on Monies on Deposit

Any amount of money deposited by the applicant, at Council's discretion, shall be placed in a general savings account with funds similarly deposited by other applicants or in a separate savings account in a chartered bank or trust company doing business in the City of St. John's. Interest earned on the amount so deposited shall be credited to the applicant.

If the amount so deposited is placed in a general savings account the interest earned on the said account shall be allocated and credited to the applicant on a proportional basis. If the applicant so desires, Council shall invest the amount so deposited in such interest bearing instruments as the applicant directs provided such instruments are acceptable to Council.

6.3.5 Construction by Applicant

Notwithstanding anything in these Regulations, Council may, upon the written application of the applicant, permit the applicant at his own expense to complete the Subdivision Improvements to the satisfaction of the Director of Engineering. In such event, progress payments shall be paid to the applicant out of the Securities deposited in accordance with Section 6.3.2 in proportion to work completed to the satisfaction of the Director of Engineering. (1995-06-09)
6.3.6 Maintenance Deposit Subdivision Improvements

Upon completion of the Subdivision Improvements to the satisfaction of the Director of Engineering, the applicant shall forthwith deposit with the City Securities satisfactory to Council in the sum of ten percent (10%) of the cost of the Subdivision Improvements, for such period as Council may require, provided such period shall not be less than one (1) year from the completion of the Subdivision Improvement.

(1995-06-09)

6.4 FEES FOR SUBDIVISION

6.4.1 Civic Improvement Assessments

(1) Civic Improvement Assessments shall be paid by an applicant prior to receiving Approval in such amount and in such form as determined by the Director of Engineering and approved by Council. The assessments shall be sufficient to recover a proportion of the cost of constructing or improving certain capital works which were constructed or funded by Council and which benefit the Development or Subdivision.

(2) This Section shall not affect any outstanding assessments that were determined prior to the enactment of these Regulations.

(3) The applicant shall pay the cost of all capital works necessary to serve the proposed Development or Subdivision.

6.4.2 Subdivision Application Fee

For any Subdivision, a Subdivision Application Fee shall be paid prior to the issue of any permits, and the amount of this Fee shall be established by Council from time to time. This Fee shall apply to every Lot created by the Subdivision, excluding the Homestead Lot. This Fee shall be in addition to any other fee or requirement.

(2014-03-14)

6.4.3 Development Fee

(1) A Residential Development Fee shall be paid for each new Dwelling Unit to be constructed on a Lot. The Fee shall be paid prior to the issuance of any permit for the new Dwelling Unit. The amount of the Fee shall be established by Council from time to time and shall be in addition to any other fee or requirement.

(2) A Non-Residential Development Fee shall be paid for each new structure, or expansion of an existing structure, for a non-residential use to be constructed on a Lot. The Fee shall be paid prior to the issuance of any permit for the new structure or expansion. The amount of the Fee shall be established by Council from time to time and shall be in addition to any other fee or requirement.

(3) A Mixed Use Development Fee shall be paid for each new structure, expansion of an existing structure or each new Dwelling Unit in a mixed use to be constructed on a Lot. The Fee shall be paid prior to the issuance of any permit for the new structure, expansion or Dwelling Unit. The amount of the Fee shall be established by Council from time to time and shall be in addition to any other fee or requirement.

(2014-03-14)
6.4.4 Engineering Fees for Construction of Utilities

Before a Development Agreement for Subdivision is issued, the applicant shall pay Council for the preparation by the Director of Engineering, or the Consulting Engineer on his behalf, of such designs, plans and specifications and for the construction layout and supervision services respectively, the fees and charges being percentages of the total cost of materials, labour and other costs for the construction and installation of all the necessary utilities and Subdivision Improvements calculated in accordance with the scale of fees contained in the current schedule of fees issued and approved by the Association of Professional Engineers and Geoscientists of Newfoundland. Any deficiency in the fees so calculated upon completion of the necessary utilities and Subdivision Improvements shall be paid by the applicant to the City and any excess in the fees so calculated shall be refunded to the applicant without interest.

6.5 LAND FOR SUBDIVISION

6.5.1 Land for Public Rights-of-Way and Easements

Before Final Approval is given, the applicant shall convey to the City for a nominal consideration of One Dollar ($1.00) all lands determined by Council to be required by the City for public rights of way and easements.

6.5.2 Land for Public Recreational Purposes

(1) As a condition of approval of a Subdivision, Council may require the applicant to convey to the City for a nominal consideration of One Dollar ($1.00) a piece or parcel of land for public recreational purposes not to exceed ten per cent (10%) of the total land area contained in the Subdivision.

Without restricting the scope of this section, the types of public recreational open spaces that may be considered under this section include Playlots and Neighbourhood Parks.

(2) Council may require a strip of land to be reserved along the banks of any significant river, brook, pond or wetland and this land may, at the discretion of Council, constitute the requirement of land under Section 6.5.2(1) only if the said land is to be used for a public recreational purpose.

6.6 BUILDING PERMITS REQUIRED

Notwithstanding the approval of a Subdivision by Council, a separate building permit shall be obtained for each Building proposed to be erected in the area of the Subdivision, and no building permit for any Building in the said area shall be issued until the developer has complied with all the provisions of these Regulations with respect to the development of the Subdivision.
SECTION 7 - SPECIAL DEVELOPMENTS

7.1 Deleted (See Section 8.3)

Note: Section 7.1 (Accessory Building) has been deleted, and is replaced by Section 8.3 (Building Lines and Yards) (1995-06-09)

7.2 ADULT DAY CARE FACILITY (NON-RESIDENTIAL)

Adult Day Care Facilities are subject to the following conditions:

(a) pertinent Provincial and Municipal regulations must be complied with;

(b) adequate noise separation shall be maintained between the facility and adjoining Dwelling Units in an Apartment Building;

(c) adequate noise separation shall be maintained between the facility and adjoining Commercial Uses;

(d) a fire exit for the exclusive use of the facility shall be provided;

(e) a separate entrance for the exclusive use of the facility shall be provided unless the entrance to the facility from a common lobby or foyer is immediately adjacent to such lobby or foyer;

(f) parking as required in these Regulations shall be provided and reserved for the exclusive use of the facility and identified as such on the Parking Lot;

(g) a minimum of 5 square metres of net floor space per person shall be provided for use by facility users. This aggregate floor space shall be utilized for the purpose of group amenity areas and individual rest areas;

(h) the facility shall operate only during the full daytime period between 7:30 a.m. to 6:00 p.m.

7.3 ADULT DAY CARE FACILITY (RESIDENTIAL)

Adult Day Care Facilities are subject to the following requirements:

(a) pertinent Provincial and Municipal Regulations must be complied with;

(b) the proposed Adult Day Care Facility shall occupy not more than 40% of the Floor Area of the Dwelling Unit;

(c) no Adult Day Care Facility shall have more than fifteen (15) facility users present at any one time;

(d) a minimum of 5 square metres of net floor space per person shall be provided for facility users. This aggregate floor space shall be utilized for the purpose of group amenity areas and individual rest areas;

(e) adequate parking shall be provided;
(f) the operator of the facility shall maintain the Dwelling in which the facility is located as his/her primary residence;

(g) no more than one person, other than the operator, shall be employed in the facility;

(h) the Use is clearly subsidiary to the Residential Use;

(i) the Use is compatible with nearby Uses;

(j) the facility shall operate only during the full daytime period between 7:30 a.m. to 6:00 p.m.

### 7.4 COMMERCIAL DEVELOPMENT ADJACENT RESIDENTIAL AREAS

Where a commercial development adjoins a residential area:

(a) the views from Habitable Rooms and the amenity of outdoor spaces shall be respected in the design and siting of commercial Buildings;

(b) landscaping of the commercial properties shall Screen outdoor parking, shipping, and storage areas directly visible from adjacent Dwellings.

(c) snow piling areas shall be provided away from common Fences with residential properties and away from Streets;

(d) Parking Lots and motor vehicle circulation areas for Commercial Uses shall be situated to minimize the impact on adjoining residential properties.

### 7.5 CONVENIENCE STORE IN APARTMENT BUILDINGS

Convenience Stores are subject to the following requirements:

(a) the maximum Floor Area does not exceed the size of a Suite in the Building or 50 square metres, whichever is the lesser;

(b) it is situated on the principal entrance level floor;

(c) hours of operation are appropriate to the nature of the Building and the operation does not create a nuisance;

(d) no amusement services are provided, such as electronic games, pinball machines, etc.;

### 7.6 DAY CARE CENTRES AND FAMILY HOME CHILD CARE SERVICES

Day Care Centres and Family Home Child Care services are subject to the following requirements:

(a) compliance with all applicable Municipal and Provincial regulations;  

(b) where a Day Care Centre or a Family Home Child Care Service is located in a Dwelling, the operation shall occupy not more than 60 square metres or forty percent (40%) of the Floor Area of the Dwelling, whichever is less;
(c) where a Day Care Centre is located in a dwelling in either of the Residential Low Density (R1), Residential Medium Density (R2), Residential High Density (R3), Residential Downtown (RD), Residential Quidi Vidi (RQ), Residential Mixed (RM), Residential Kenmount (RK), Rural Residential (RR), Rural Residential Infill (RRI), Rural Village (RV), or Mobile Home Park (MHP) Zones, it shall not have more than fifteen (15) children present at any one time; (2006-06-23)

(d) where a Day Care Centre is located in a Residential Zone and is located in a separate Building constructed for the purpose of accommodating a Day Care Centre, then such Building shall be designed so that its type, massing and design is generally appropriate to the residential neighbourhood and is acceptable to Council; (1999-04-16)(2004-05-14)

(e) a Day Care Centre in a non-residential Building shall provide on-site, outdoor play space; and (1998-09-11) (2004-05-14)

(f) adequate parking is supplied. (2004-05-14)

7.7 DAY CARE CENTRE IN APARTMENT BUILDINGS

The following conditions apply to Day Care Centres in Apartment Buildings:

(a) adequate noise separation shall be maintained between the facility and adjoining Dwelling Units in the Apartment Building;

(b) a fire exit for the exclusive use of the facility shall be provided;

(c) a separate entrance for the exclusive use of the facility shall be provided unless the entrance to the facility from a common lobby or foyer is immediately adjacent to such lobby or foyer and users of the facility are not required to pass by the entrances of Suites;

(d) parking as required in these Regulations shall be reserved for the exclusive use of the facility and identified as such on the Parking Lot;

(e) all other pertinent regulations and enactments of the City and the Government of Newfoundland shall be complied with.

7.8 HOME OCCUPATION (1997-08-08)

A Home Occupation is subject to the following requirements:

(a) it is a secondary Use to the Residential Use;

(b) it is located in the Dwelling Unit unless provided in subsection (d);

(c) it does not exceed 25% of the Floor Area of the Dwelling Unit or 45 square metres, whichever is less;

(d) the Home Occupation may be located in an Accessory Building and/or Dwelling Unit in the Rural (R) Zone, the Rural Residential (RR) Zone, and Rural Residential Infill (RRI) Zone, the Agricultural (A) Zone, and the Forestry (F) Zone;
(e) the maximum allowable floor space that a Home Occupation may occupy in an Accessory Building is 80 square metres or the maximum allowable size of the Accessory Building allowed under Section 8.3.6, whichever is less, and the Accessory Building must meet the requirements of Section 8.3.6, and the Accessory Building shall be located on the same Lot as the Dwelling Unit;

(f) no exterior open storage or display of goods, materials or equipment;

(g) no wholesale sales or storage of goods is permitted, however, retail sales of goods may be permitted provided they are incidental to the approved use;

(h) the Home Occupation does not alter the residential appearance or require external modification of the Dwelling Unit and does not require the Gross Floor Area of the Dwelling Unit and/or the Accessory Building to be increased;

(i) it must be operated by a resident of the Dwelling Unit and does not employ more than two (2) non-resident persons in addition to the resident;

(j) activities associated with the Home Occupation are not hazardous and do not cause a significant increase in traffic, noise, odour, dust, fumes, lighting or other nuisance or inconvenience to occupants of nearby residences;

(k) a non-illuminated identification sign not exceeding 0.2 square metres in size may be permitted, provided that it is affixed to the Dwelling Unit and is consistent with the residential character of the neighbourhood; however, where the Home Occupation is located in the Rural (R) Zone, Rural Residential (RR) Zone, Rural Residential Infill (RRI) Zone, Agricultural (AG) Zone or Forestry (F) Zone, a non-illuminated identification sign not exceeding 0.37 square metres in size having a height not exceeding 1.8 metres may be permitted and such sign may be placed on the front yard provided it does not impede sight lines in the opinion of an authorized Officer;  

(2006-04-28)

(l) no commercial vehicle except for one (1) vehicle as permitted under the St. John’s Commercial Vehicle Parking By-Law may be permitted on the premises;

(m) there is sufficient parking to accommodate the requirements of both the Dwelling Unit and the Home Occupation;

(n) except for driveways not exceeding a width of 10 metres and used exclusively for the circulation of motor vehicles, the Yard abutting a Street shall be landscaped, and suitable screening or landscaping shall be provided along all boundaries of the property; and

(o) no change in the type, class or extent of the Home Occupation shall be permitted except with the approval of Council.  

(1997-08-08)
7.9 HOME OFFICE

A Home Office is subject to the following requirements:

(a) it is a secondary Use of the Residential Use;

(b) it is located in the Dwelling Unit;

(c) it does not exceed 20 square metres in Floor Area;

(d) only office uses shall be permitted;

(e) no exterior open storage or display of goods, materials or equipment;

(f) no wholesale sale or retail sale of goods is permitted whatsoever;

(g) the Home Office does not alter the residential appearance or require external modification of the Dwelling Unit and does not require the Gross Floor Area of the Dwelling Unit to be increased;

(h) it must be operated by a resident of the Dwelling Unit and non-residents shall not be employed in the Home Office;

(i) activities associated with the Home Office are not hazardous and do not cause a significant increase in traffic, noise, odour, dust, fumes, lighting or other nuisance or inconvenience to occupants of nearby residences;

(j) no signage associated with the Home Office is permitted;

(k) no commercial vehicle except for one (1) vehicle as permitted under the St. John's Commercial Vehicle Parking By-Law may be permitted on the premises;

(l) except for driveways not exceeding a width of 10 metres and used exclusively for the circulation of motor vehicles, the Yard abutting a Street shall be landscaped and suitable screening or landscaping shall be provided along all boundaries of the property; and

(m) no change in the type, class or extent of the Home Office shall be permitted except with the approval of the City. (1997-08-08)

7.10 INFILL HOUSING

Infill Housing is subject to the following requirements:

(a) the type, scale, massing, and design of the Development is generally appropriate to the neighbourhood;

(b) adequate provision is made for light, privacy and amenity;

(c) the minimum Lot Area per Dwelling Unit shall not be less than 90 square metres in the Residential High Density (R3) Zone, 60 square metres in the Residential Downtown (RD) Zone. (1995-12-08)
7.11 MINERAL WORKING

7.11.1 Requirements

Except for the temporary re-use of an inactive Mineral Working, the requirements below shall apply to any Mineral Working.

(1) A Landscaped Buffer not less than 300 metres wide, shall be provided between a Mineral Working and any area which is zoned for a Residential Use or Apartment Use, including the Rural Residential (RR), Rural Residential Infill (RRI) and Rural Urbanizing (RU) Zones. The Buffer shall be increased to 1000 m when the Mineral Working involves blasting activity.

(2) A Landscaped Buffer not less than 50 m wide shall be provided between any Commercial or Public Use and a Mineral Working.

(3) A Landscaped Buffer not less than 30 m wide shall be maintained between any public Street and a Mineral Working.

(4) The Landscaped Buffers shall have, or be planted with, trees and shrubs in such a manner that visibility of any part of the operation from surrounding areas or Streets will be prevented.

(5) Adequate steps shall be taken to prevent the pollution of any water course by any Mineral Working.

(6) Council may require the deposit of a Security as a guarantee that the works set forth in the permit are carried out.  

(1995-06-09)

7.11.2 Re-use of Former Mineral Working

Where the application is for the re-use of an inactive Mineral Working for a period less than twelve (12) months, Council may modify the requirements set out under Sections 7.10.1, subject to an Environmental Analysis Report prepared under Section 5.7.

7.12 NON-CONFORMING USES

7.12.1 Non-conforming Status

(a) Non-Conforming Buildings, Lots and Uses may be continued as existing at the date of coming into effect of these Regulations.

(b) A Non-Conforming Building or Structure may be repaired, rebuilt, structurally altered, or expanded provided the degree of non-conformity is not increased, and the Building is repaired, rebuilt, structurally altered or expanded in accordance with the Municipal Plan and requirements of these Regulations applicable to that Building or Structure.

(c) A Non-Conforming Lot may be developed, provided the Development:

1. meets the requirements of these Regulations, except those pertaining to minimum Lot size and frontage; and
2. is not in conflict with the policies set out in the Municipal Plan or any scheme or plan adopted by Council.

(d) A Non-Conforming Lot may be created to accommodate existing individual Dwelling Units in a Non-Conforming Building;

(e) the exterior of a Building containing a Non-Conforming Use shall not be structurally modified, however, interior changes to accommodate the Non-Conforming Use may be made.

7.12.2 Loss of Non-conforming Use Status

A Non-conforming Use loses its status, if

(a) the Non-Conforming Use has been discontinued for a period in excess of three (3) years; or

(b) the Building pertaining to the Non-Conforming Use has been removed; or

(c) the Non-Conforming Use has been replaced by a Use which meets the requirements of these Regulations.

7.12.3 Restoration of Non-conforming Use Status

Where a Building containing a Non-Conforming Use is damaged and/or deteriorated, Council, upon application, may permit the Building to be repaired or reconstructed in order to restore the Non-conforming Use Status, provided:

(a) the Building is not damaged or destroyed to an extent of 50% or more of the value of the Building. However, where the Building is primarily zoned and used for residential purposes, the value of the damage of the Building shall not be considered;

(b) the use of the Building is, in Council’s opinion, compatible with the predominant land use in the Land Use District and the Non-Conforming Use does not affect the use and enjoyment of properties in the area;

(c) the Building does not exceed the floor area of the original Building by more than 50% and the new Building is constructed in accordance with the Municipal Plan and these Regulations; and

(d) public notification has been carried out under the procedures set out in Section 5.5 of these Regulations.

7.12.4 Change of Non-Conforming Use

Council may permit a change of Building and/or a Lot from one Non-Conforming Use to another, provided:

(a) the new Use is, in Council’s opinion, more compatible with the provisions of the Municipal Plan and the Regulations;

(b) the Development does not extend beyond the existing Lot lines; and
(c) public notification has been carried out in accordance with the procedures set out in Section 5.5 of these Regulations.  

(2001-07-27)

7.12.5 Extension of a Non-conforming Use Status

Subject to public notification being carried out in accordance with Section 5.5 of the Regulations, Council may permit:

(a) the extension of a Non-conforming Use within a Building pertaining to a Non-conforming Use, where such use only occupied a portion of such Building;

(b) structural alteration, or extensions of not more than fifty percent (50%) of the original Floor Area, of a Building pertaining to a Non-conforming Use, provided such alterations or extensions conform to all requirements of the Regulations, and are confined to the existing Lot.

(2001-07-27)

7.13 PARKING LOT/INTERIM PARKING LOT

7.13.1 Parking Lot

Parking Lots are subject to the following requirements:  

(2017-03-03)

(a) the owner of the Parking Lot shall submit to Council an acceptable development plan including the following:

(i) number and location of parking spaces;

(ii) ingress and egress of parking lot;

(iii) area to be landscaped and screened and type of landscaping to be used;

(iv) profiles of same site plan showing grade elevations of parking area to the satisfaction of Council;

(b) an agreement between the owner of the land and the City, including an approved development plan, shall be registered in the Registry of Deeds of Newfoundland restricting the use of such land to parking.

(2013-06-21)

7.13.2 Interim Parking Lot

In the area subject to the Downtown Parking Standard, as described on Map D, Section 3, Council may permit Interim Parking Lots to which the following shall apply:

(a) Council may, in relation to an application for an Interim Parking Lot, relax or waive, to such extent as may be recommended by the Director of Engineering following review of the application, the minimum standards or requirements that apply to permanent Parking Lots and Parking Areas under these Regulations.
(b) The initial period of time for which an Interim Parking Lot may be permitted shall not exceed three (3) years. Upon application, Council, on the recommendation of the Director of Engineering, may permit an extension of the initial period for a further period of not more than two (2) years.

(c) Immediately on expiration of the period, including any permitted extension, during which an Interim Parking Lot is permitted, an Interim Parking Lot shall lose its designation as such and shall cease to be used for the parking of motor vehicles.

7.14 RESIDENTIAL USES - AGRICULTURAL LIVESTOCK OPERATIONS

1. No Development for residential use shall be permitted within 600 metres of an existing structure designed to contain more than five (5) Animal Units unless the Development is first approved by the Department of Forest Resources and Agri-foods, and the Department of Government Services and Lands.

2. No structure designed to contain more than five (5) Animal Units shall be erected or used for that purpose within 600 metres of an existing residence (except a farm residence), or from an area designated for Residential Use in an approved plan, or from a Provincial Park or Federal Park, unless the following requirements are satisfied:

   (a) The structure shall be approved by the Department of Forest Resources and Agri-foods, and the Department of Government Services and Lands;

   (b) The structure shall be at least 60 metres from the boundary of the property on which it is to be located; and

   (c) The application for the Development is advertised in accordance with the procedures set out in Section 5.5 and subsequently approved by Council.

7.15 HORTICULTURE, HYDROPONIC OPERATIONS, AQUA-CULTURE AND AQUAPONICS

1. The use of a greenhouse in Horticulture, Hydroponic Operations, Aquaculture and Aquaponics shall be discretionary.

2. Where Horticulture, Hydroponic Operations, Aquaculture and Aquaponics utilize artificial light, measures shall be undertaken to Council’s satisfaction to restrict the escape of artificial light.

3. Council may require buffering and/or screening where in the opinion of Council buffering and/or screening is necessary.


7.16 RESIDENTIAL RETAIL STORE

A Residential Retail Store is subject to the following requirements:

(a) the store is located within a Dwelling Unit, with the retail floor space not exceeding 50 square metres or 50% of the Floor Area of the Dwelling Unit, whichever is less;
(b) the store is compatible with nearby Residential Uses.

### 7.17 SALVAGE YARD AND SANITARY LANDFILL

The requirements below shall apply to any Salvage Yard or Sanitary Landfill.

1. A Landscaped Buffer not less than 150 m wide, shall be provided between a Salvage Yard or Sanitary Landfill and any area which is zoned for a Residential Use or Apartment Use, including the Residential Rural (R-R), Rural Residential Infill (RRI) and Residential Urbanizing (R-U) Zone.

2. A Landscaped Buffer not less than 50 m wide shall be provided between any Commercial or Public Use and a Salvage Yard or Sanitary Landfill.

3. The Landscaped Buffers shall have, or be planted with, trees and shrubs in such a manner that visibility of any part of the operation from surrounding areas or Streets will be prevented.

4. Refuse Disposal Areas and Salvage Yards shall be fenced to prevent unauthorized entry and to Screen open storage areas from view.

5. Adequate steps shall be taken to prevent the pollution of any water course by any Salvage Yard or Sanitary Landfill.

6. Adequate soil tests shall be made to determine the suitability of the land for a Sanitary Landfill operation.

7. Disposal of all refuse shall be by means of a Sanitary Landfill operation, or other suitable method, which ensures that all materials are permanently removed from sight and that the land concerned can again be used for other Uses after the disposal operations have ceased.

8. Council may require the deposit of a Security as a guarantee that the works set forth in the permit are carried out. *(1995-06-09)*

### 7.18 SENIORS’ APARTMENT BUILDINGS

Seniors’ Apartment Buildings are subject to the following requirements:

1. Parking for non-residential uses shall comply with Section 9 of these Regulations; and

2. Uses complementary to a Seniors’ Apartment Building may be allowed by Council as a Discretionary Use in designated zones. *(2007-02-09)*

### 7.19 SERVICE SHOP

One Service Shop may be permitted in an Apartment Building as a Discretionary Use, provided:

(a) the Apartment Building has a minimum of forty (40) Dwelling Units;
(b) the maximum Floor Area of the establishment does not exceed 50 square metres;
(c) the establishment is located in the First Storey of the Apartment Building.

7.20 SERVICE STATION AND GAS BAR

Service Stations and Gas Bars shall be subject to the requirements set out below:

(a) Lot Area (minimum) 900 square metres
(b) Lot frontage (minimum) 48 m; or 35 m along each street at an intersection
(c) Building Height (maximum) 1 storey
(d) Building Line (minimum) 6 m
(e) Building Line - Canopies (min.) 3 m
(f) Side Yards 6 m
(g) Side Yards on Flanking Road (min.) 7 m
(h) Rear Yard (minimum) 6 m

7.21 LOUNGES AND EATING ESTABLISHMENTS

(1) No Lounge shall be permitted within 50 metres of the Newfoundland War Memorial;
(2) No Lounge or Eating Establishment shall be permitted on the property situate between Airport Road and Portugal Cove Road which property was the subject of St. John’s Development Regulations Amendment Number 325, 2004;
(3) An application for a Lounge shall be processed as a Discretionary Use where a Lounge is proposed to be located within 150 metres of a Church, a School or a Residential Zone or an Apartment Zone;
(4) An application for a Lounge at a property located in the Downtown Business Improvement Area shall be processed as a Discretionary Use excepting those properties abutting George Street, between Queen Street and Water Street as more particularly described in Map K, Section 3 of these Regulations where a Lounge shall be a Permitted Use; and
(5) An application for an outdoor eating area associated with an Eating Establishment shall be a Discretionary Use where the Eating Establishment is located within 150 metres of a Residential Zone, an Apartment Zone, a Church, or a School.

7.22 TEMPORARY BUILDING AND STRUCTURES

Notwithstanding the zoning of a site:

1. Except as provided for in subsection (2), Council or an Officer of Council may allow the use of land or a Building or structure for the following, provided the proposed Building or structure is of a temporary nature and subject to such conditions deemed necessary by Council or an Officer of Council:

   (a) A scaffold or other temporary Building or structure incidental to construction or work in progress, on premises for which a building permit under the St. John’s Building By-Law has been granted, until such time as the work has been finished or abandoned; and

2. Council may allow a temporary Building or structure at or near the St. John’s Harbour, or other navigable waters within the City intended for Harbour or marine-related Uses, subject to such conditions deemed necessary by Council.  (2001-11-09)

7.23 RENTAL STORAGE USE

A Rental Storage Use is subject to the following requirements:

1. No sales of goods or materials shall be conducted from the site;

2. The outside storage of goods, materials and vehicles may be permitted provided:

   1. The storage area is located to the rear of a storage building; and

   2. The outside storage area is enclosed by a wall or screen fence, not less than 2.4 metres high, which design and location shall be approved by the Director of Building and Property Management.

3. Exterior lighting shall be arranged to not spill over towards the neighbouring properties or adjacent streets;

4. Off-street Parking Requirements: at least 1 space shall be provided for 1,000 m² of Gross Floor Area; and

5. Compliance with requirements of the St. John’s Regional Fire Department.  (2004-12-24)

7.24 FLOATPLANE HANGAR LOTS

Development of a Floatplane Hangar Lot (an approved lot on which is situated a Floatplane Hangar - a building designed and used solely for the storage of a floatplane) is subject to the following requirements:

(a) Minimum Lot Area 1400 Square Metres; and

(b) A Floatplane Hangar Building and a Floatplane Hangar Lot may not be used for residential occupancy;  (2006-08-04)
7.25 HEAVY EQUIPMENT STORAGE

Heavy Equipment Storage is subject to the following requirements:

(a) Open storage of heavy equipment shall be screened and landscaped as determined by Council. In addition, where such a land use adjoins a Residential Use, Section 8.5.1 shall apply.

(b) Where open storage of heavy equipment is carried on in a residential or rural residential zone, it shall be restricted solely to the rear yard and shall not be visible from a street, and the heavy equipment shall be owned and/or operated by the owner and/or resident of the property. (2016-07-08)

7.26 INDOOR RIDING ARENA

An Indoor Riding Arena is subject to the following requirements:

(a) Council may require buffering and/or screening where in the opinion of Council same is necessary;

(b) Exterior lighting shall not spill towards neighbouring residential properties; and

(c) Off-street Parking for at least five (5) parking spaces shall be provided. (2008-01-25)

7.27 BED AND BREAKFAST

A Bed and Breakfast is subject to the following requirements:

(a) The approved occupant load for a Bed and Breakfast shall be posted in a prominent position in the said Bed and Breakfast. (2008-01-25)

7.28 THE BATTERY DEVELOPMENT AREA

In addition to the requirements of Section 10, the development of any property included in the Battery Development Area, as identified on Map 1-Section 3, is also subject to the requirements of Appendix A – entitled “Footprint and Height Control Overlay for the Battery Development Area,” unless otherwise approved in accordance with subsection two (2) below; and

Where an application is made to develop a property which is located within the Battery Development Area in which the proposed development exceeds the parameters of Appendix A – “Footprint and Height Control Overlay for the Battery Development Area”, Council may approve the development, provided that the applicant undertakes a Land Use Assessment Report on the proposed development at their expense, under terms of reference approved by Council, and provided that property owners/residents as determined by Council or an Officer of Council are given an opportunity to review and comment on the Land Use Assessment Report before it is referred to Council for consideration of approval and, provided the Land Use Assessment Report demonstrates to Council’s satisfaction that the proposed development is acceptable. (2009-07-24)
7.29 WATER UTILITY ENCLOSURE

(a) The minimum building line (front yard) for a Water Utility Enclosure may be at the front line of any property;

(b) Water Utility Enclosures shall be erected at least 0.3 metres from any Side or Rear Lot Lines;

(c) Development Restriction – Corner Lot and Yards Abutting a Street as established by Council under the authority of Section 8.3.3;

(d) Sight lines – Intersections as established by Council under the authority of Section 8.3.4 shall apply;

(e) Unless otherwise approved by the Director of Building, an electrical service to a Water Utility Enclosure shall only be provided through the same service as the Main Building;

(f) Compliance with all other Municipal and Provincial Regulations. (2010-08-20)

7.30 DRIVE-THRU FACILITIES (2012-06-29)

(a) Notwithstanding anything contained in Section 10 or elsewhere in these Regulations, an application for a Drive-Thru Facility shall be a Discretionary Use where the Drive-Thru Facility is proposed to be located within 150 metres of:

(i) a Residential Zone;
(ii) an Apartment Zone; and/or
(iii) a property used exclusively for residential purposes (which shall include a property upon which an approved Home Occupation or Home Office is secondary to the otherwise exclusive residential purpose), a School, a Day Care Centre, or a Church, in any Zone.

(b) (i) Separation Distance as it relates to Drive-Thru Facilities is the minimum distance between the boundary of any Residential Zone, or Apartment Zone, or any property used exclusively for residential purposes in any other Zone, and the closest edge of the nearer of a Drive-Thru Stacking Lane or an on-site traffic lane designed to bypass the said Stacking Lane.

(ii) The Separation Distance from the boundary of a Residential Zone and/or Apartment Zone shall be no less than 10 metres. The Separation Distance from the boundary of properties used exclusively for residential purposes in any other Zone shall be no less than 3 metres.

(c) In addition to the foregoing, a noise attenuation barrier/ acoustic barrier/noise wall as designed and sited by a qualified acoustical consultant, all subject to the approval of the Director of Engineering or designate, shall be installed at the expense of the proponent where a Drive-Thru Facility is proposed to abut a Residential Zone, an Apartment Zone, or any property used exclusively for residential purposes in any other Zones.
(d) (i) Every application for a Drive-Thru Facility, irrespective of zoning, shall be referred to the Director of Engineering or designate who shall establish the minimum number of stacking spaces required in the Stacking Lane for the Drive-Thru Facility. The object of this shall be to reasonably minimize potential on-site congestions issues that my result in, or have the potential to result in, traffic problems on City streets, including site access/egress problems and traffic back-up/overflow problems.

(ii) Factors to be considered in the determination of the minimum number of stacking spaces required in the Stacking Lane may include the nature and layout of the abutting streets, the existing and anticipated traffic flow on abutting streets, the access and egress from the proposed site to abutting streets, the nature of the proposed Drive-Thru Facility operation, the on-site traffic flow that the proposed Drive-Thru Facility operation is anticipated to generate, the sufficiency of stacking space in existing similar Drive-Thru Facilities operating in similar conditions and circumstances, the proposed layout and dimensions of the site, and other site and/or area specific considerations that may be relevant.

7.31 WIND TURBINES – SMALL SCALE  
(a) Minimum setback for a small scale Wind Turbine shall be 1.5 times the height of the Wind Turbine from all property lines and Public Streets.
(b) Minimum setback from a small scale wind Turbine shall be 1.5 times the height of the wind Turbine from where an occupied building is located on an adjacent lot. Council shall have the discretion to increase the setback to a maximum of 3 times the height of the Wind Turbine.
(c) There shall be no signs or advertisements attached to the Wind Turbine or blades; and
(d) The Wind Turbine shall be removed by the owner following one year of inactivity in accordance with Section 5.6.7(e). A new application shall be submitted and approved before a Wind Turbine is installed or the original turbine restarted.

7.32 KENNELS

Kennels must be in compliance with all applicable Municipal and Provincial legislation

7.33 VEHICLE STORAGE YARD  
A Vehicle Storage Yard is subject to the following requirements:

(a) Screening from adjoining land uses by landscaping in accordance with Section 8.5.1 where the Vehicle Storage Yard is adjacent to a Residential Use.

7.34 CRAFT BREWERY/DISTILLERY
Craft Brewery/Distillery shall:

(a) Have all processing and storage contained within a building, except in an industrial zone, and
(b) The area dedicated to production and storage shall not exceed 500 m². (2019-07-19)
7.35  ADULT MASSAGE PARLOUR
An Adult Massage Parlour shall not be permitted within:
(a) 50 metres of the Newfoundland National War Memorial;
(b) 25 metres of a Residential Zone or an Apartment Zone; or
(c) 150 metres of a School, a Place of Worship or a Daycare Centre”.

    (2020-09-11)

7.36  CARRIAGE HOUSE
(a) A Carriage House may include one Dwelling Unit. Use of a Carriage House for a Dwelling Unit is considered a Heritage Use.

    (2021-05-28)
SECTION 8 - GENERAL SITE REQUIREMENTS

8.1 LOTS

8.1.1 Development on Lot Only

No Development shall be permitted except as it takes place on a Lot in accordance with these Regulations.

8.1.2 Frontage on a Public Street

No Development shall be permitted unless the Lot has frontage on a Public Street as defined under these Regulations. (2003-08-22)

8.1.3 Building on Lot

Except as otherwise provided in these Regulations only one Single Detached Dwelling shall be permitted on a Residential Lot.

8.1.4 Development on Substandard Lots

A Substandard Lot may be developed, provided the Development:

a) meets the requirements of the Regulations, save those pertaining to Lot size and frontage;

b) is not in conflict with the policies set out in the Municipal Plan or any scheme or plan adopted by Council;

c) owners of abutting properties have been notified of the application in writing at least two weeks prior to the submission to Council, and their views together with the views of the appropriate City officials are submitted to Council for consideration;

d) the permit is approved by Council. (1995 04 20)

8.1.5 Minimum Lot Area

No new Lot can be created which does not meet the minimum Lot standards as required under these Regulations; nor can any Lot be changed or reduced in area so that it or any Building thereon will not be able to meet the minimum Lot and siting standards of these Regulations; provided that any Lot, including a Homestead Lot, can be varied, subject to Section 8.4. (1994 09 16)

8.1.6 Increase Lot Area in Unserviced Areas

Council may increase the minimum Lot Area under Section 10 for Development in Unserviced Areas where this is deemed desirable for securing adequate health and safety.
8.2 LOTS - FRONTAGE

8.2.1 Frontage Reduction - Subject to Access Plan

Subject to an Access Plan adopted under Section 5.10.1, Council may reduce the minimum Lot Frontage required by Section 10 by up to fifty (50%) percent.

8.2.2 Frontage Variance - All Development

Subject to Section 8.4.

8.2.3 Frontage - Semi-Detached, Duplex and Townhouse Development

Notwithstanding the minimum Lot Frontage required for each Dwelling Unit in Section 10, the minimum Lot Frontage for a Semi-Detached Dwelling, Duplex, and/or Townhousing Development on one Lot shall be 20 m, provided that all Dwelling Units in the Development have adequate access, and all other requirements of these Regulations are met.

8.3 BUILDING LINES AND YARDS

8.3.1 Building Lines

Except as provided in Section 8.3.2 and notwithstanding Section 10, Council shall have the power to establish or re-establish the Building Line for any existing Street or Service Street, or for any Lots or individual Lot situated thereon, at any point or place that Council deems appropriate and that is not behind the actual line on which any existing Building is built. Further, Council shall have the power to require that any new Buildings constructed on Lots on existing Streets or Service Streets be built on, or at any specific point behind, the Building Line established or re-established pursuant to this Section

(2014-04-17)

8.3.2 Building Lines - Arterial

The following Arterial Streets shall have minimum Building Lines as indicated:

(a) Kenmount Road: 35 m from the center line of the Street;

(b) Logy Bay Road: 25 m from the center line of the Street for that portion located between Harding Road and the City Limits;

(c) Portugal Cove Road: 25 m from the center line of the Street for that portion located between the intersection of MacDonald Drive and the City Limits;

(d) Topsail Road: 30 m from the center line of the Street from Forbes Street west to City Limits; and

(e) Torbay Road: 25 m from the center line of the Street. (2014-04-17)
8.3.3 Development Restrictions - Corner Lot and Yards Abutting a Street

(1) Except for corner lots in the Downtown as defined in Section 3, Map C, and except as provided for in Section 8.3.3(2), no Building or Fence or Water Utility Enclosure shall be erected nor shall any land be used on any corner lot for any Development within the triangle formed by two Street Lines and a line connecting two points on the two Street Lines located. (2010-08-20)

(a) 15 m distance from the point of intersection of the two Street Lines if one or both of the intersecting Streets is/are defined as an Arterial Street or a Collector Street; or

(b) 8 m distance from the point of intersection of the two Street Lines if neither one of the intersecting Streets is an Arterial Street or a Collector Street;

(2) No Fence, Accessory Building, or Water Utility Enclosure may be permitted in any Yard abutting a Street, except where in the opinion of an authorized Officer it does not impede sight lines along the Street. In such cases, the height and location of the Fence, Accessory Building or Water Utility Enclosure shall be as determined by an authorized Officer. (2010-08-20)

8.3.4 Sight Lines - Intersections

An authorized Officer may extend or reduce the restrictions imposed by Section 8.3.3 where it is appropriate to do so in the opinion of the authorized Officer. (2019-11-01)

8.3.5 Front Yards in Through Lots

Where a Lot, which is not a corner Lot, has frontage on more than one Street, the Front Yard shall be determined by the Director of Building. (1995-06-09)

8.3.6 Accessory Buildings (2013-03-01)

(1) General:

(i) Notwithstanding the definition of Accessory Building, for the purposes of this section an Accessory Building shall not include a Deck, a Swimming Pool, a Carport or a Carriage House. (2021-05-28)

(2) Floor Area of Ground Floor (Footprint):

(i) Residential Use Lesser of 10% of the lot area or 75% of the building footprint of the residence located on the lot cumulatively for all residential accessory buildings.

(ii) Non-Residential Use 35% of the area of the rear yard of the lot cumulatively for all non-residential accessory buildings.
(3) Building Height:

(i) Residential Use
    Lesser of 5m in building height or the established building height of the residence located on the lot.

(ii) Non-Residential Use
    5 metres

(4) Location:

(i) Accessory Buildings shall:
    (a) be restricted to the Side and Rear Yards and be located behind the Building Line, subject to Section 8.3.3;
    (b) be located a minimum of 1.2 metres from the nearest Lot Lines; and
    (c) be located a minimum of 2.4 metres from any building (main or accessory).

(ii) Notwithstanding the foregoing, if the Accessory Building is located in an area not provided with municipal water services, it shall be located a minimum of 6 metres from any Lot Lines unless otherwise approved by the Director of Regional Fire Services (Fire Chief). (2016-06-24)

8.3.7 Accessory Building (General)

Except where these Regulations provide otherwise, Council shall have the discretionary power to allow Accessory Buildings related to Permitted Uses and Discretionary Uses as set out in Section 10 of these Regulations. (2008-01-25)

8.3.8 Obstruction of Yards

Subject to Sections 8.3.3 and 8.3.4, no Building shall obstruct a required Yard, except for:

(a) Accessory Buildings and Carports;

(b) Structures attached to the Main Building, i.e.,

   i. chimney breasts, eaves, sills, or cornices not projecting more than 0.5 metres into any required Side Yard, or, 1 m into any required Front or Rear Yard;

   ii. except as provided in Section 8.3.8 (iii), decks or steps at or above Grade not projecting more than 2 metres into any required Front Yard or maintaining a setback of at least 0.3 metres from any Side or Rear Lot Line;

   iii. decks or steps at or above Grade not projecting more than 2 metres into any required Side Yard on a Flanking Road;

   iv. sunken or below Grade entrance wells not projecting more than 50% into any required Side Yard on a Flanking Road; and
v. sunken or below grade entrance wells projecting not more than 1.5 metres into any required Rear Yard.  
(2003-10-17)

(c) Fences, driveways, awnings, and garden trellises.  
(1995-06-09)

(d) Wheelchair ramps or other accessibility devices as approved by the Department of Building and Property Management.  
(2000-01-14)

(e) Water Utility Enclosures for the purpose of locating and protecting premises isolation backflow prevention devices.  
(2010-08-20)

8.3.9 Fences

Except for Fences in Yards abutting Streets, which are described under Section 8.3.3, the following provisions apply to fences under these Regulations:

(1) Subject to subsection 2, the maximum height of a Fence in a Residential Zone shall not exceed 1.8 metres.

(2) The Director of Building and Property Management or his/her designate may approve an increase in the height of a Fence in a Residential Zone to a maximum of 2.4 metres where in his/her opinion the grade of the land to be fenced would render the 1.8 metre height standard ineffective.

(3) The maximum height of a Fence in a non-Residential Zone shall not exceed 2.4 metres.  
(2006-01-27)

8.4 MINOR VARIANCES

(1) Where an approval or permit cannot be given because a proposed development does not comply with development standards set out in these Regulations, the City may, in its discretion, grant a Variance if, in the City’s opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

A Variance from the development standards set out in these Regulations shall not be allowed, if that Variance, when considered together with other Variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% Variance, even though the individual Variances are separately no more than 10%.

(2) A Variance shall not be permitted from development standards where the proposed development would increase the non-conformity of an existing development.

(3) Where an application for Variance has been made, the City shall give written notice of that proposed Variance from development standards to all persons whose land abuts the development that is the subject of the variance.
(4) The Director of Building and Property Management may grant approval for Variances pertaining to minimum yard requirements set out under Section 10 of these Regulations.

(5) The Director of Planning or designate may grant approval for Variances pertaining to minimum Lot Area or minimum Lot Frontage requirements as set out under Section 10 of these Regulations for applications involving Subdivision except those applications involving Subdivision which must be referred to Council for approval.  

(2004-04-02)

(6) Applications for all Variances other than those described in Section 8.4(4) and 8.4(5) shall be referred to Council for consideration of approval.  

(2001-07-27)

8.5 LANDSCAPING AND SCREENING

Landscaping and screening shall be provided in accordance with this Section and as provided elsewhere in these Regulations.

8.5.1 Landscaped Area and Screen

A 3 m landscaped area or a Screen at least 1.8 m in height shall be provided where a Commercial, Industrial, or Public Use adjoins a Residential Use.

8.5.2 Highway Buffers

Public Highway Buffers of not less than 10 m shall be required for all major Arterials not providing access to adjoining properties as shown on Map G of Section 3.

8.6 Side Yards for Dwellings - Properties without Municipal Water

Notwithstanding other provisions in these Regulations, the Director of Regional Fire Services (Fire Chief) may reduce the minimum requirements for Side Yards for Dwellings in areas not provided with municipal water services to an amount not less than 1.2 metres on either side.  

(2003-08-22)

8.7 Snow Storage

Where a Lot or Development is approved in an area identified on Map N, “Snow Volume Map”, a detailed snow storage plan must be approved prior to construction and issuance of any permits.  

(2015-08-21)
SECTION 9 - OFF-STREET PARKING REQUIREMENTS

Every Building shall be provided and maintained with off street parking in conformity with the requirements of this Section.

9.1 OFF-STREET PARKING REQUIREMENTS

9.1.1 General Parking Requirements

The following parking requirements apply to all uses permitted under these Regulations, except those regulated under Section 9.1.2.

Parking Spaces for Persons with Disabilities

For any Development which requires in excess of twenty-four (24) parking spaces, four percent (4%) of the total parking shall be allocated for disabled parking. (1999-02-05)

<table>
<thead>
<tr>
<th>Type or Nature of Building</th>
<th>Minimum Required Parking Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Day Care Facility (Non-residential)</td>
<td>1 parking space per every 3 employees plus one space per 30 square metres of Gross Floor Area.</td>
</tr>
<tr>
<td>Adult Day Care Facility (Residential)</td>
<td>1 parking space plus one space per 30 square metres of Gross Floor Area.</td>
</tr>
<tr>
<td>Auction House</td>
<td>One parking space per 15 square metres of net sales and/or storage area whether or not such area is located inside or outside a Building.</td>
</tr>
<tr>
<td>Bank</td>
<td>One parking space per 15 square metres net of Floor Area.</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>One parking space for every two bedrooms used as part of the Bed and Breakfast. (1998-12-04)</td>
</tr>
<tr>
<td>Boarding or Lodging House</td>
<td>One parking space per 20 square metres of Sleeping Unit area.</td>
</tr>
<tr>
<td>Church or Church Hall</td>
<td>One parking space per 10 square metres of seating area.</td>
</tr>
<tr>
<td>Clinic</td>
<td>Three parking spaces per examining room (2005 03 04)</td>
</tr>
<tr>
<td>Commercial Garage</td>
<td>One parking space per 30 square metres of net Floor Area (Parking provision for the storage of new and used vehicles for sale shall not be counted towards this requirement).</td>
</tr>
<tr>
<td>Commercial School</td>
<td>One parking space per 5 square metres of classroom area plus one parking space per 30 square metres of net Floor Area used for school</td>
</tr>
<tr>
<td>Use</td>
<td>Requirements</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Communications Use</td>
<td>One parking space per 30 square metres of net Floor Area.</td>
</tr>
<tr>
<td>Center or Halfway House</td>
<td>Two parking spaces.</td>
</tr>
<tr>
<td>Converted Building</td>
<td>One parking space for each dwelling; and/or one parking space per 30 m² of Floor Area used for an office; and/or one parking space for each 10 square metres of waiting room area used for a residential Clinic.</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>One parking space plus one parking space per 30 square metres of school area.</td>
</tr>
<tr>
<td>Dry Cleaning Establishment</td>
<td>One parking space per 30 m² of net Floor Area.</td>
</tr>
<tr>
<td>Gas Bars</td>
<td>Two parking spaces.</td>
</tr>
<tr>
<td>Home for the Aged</td>
<td>As deemed necessary by the operator, provided that no overspill on-street parking occurs by staff or visitors. (1995-06-09)</td>
</tr>
<tr>
<td>Home Occupation</td>
<td>To be determined by Council.</td>
</tr>
<tr>
<td>Hospital</td>
<td>One space per 20 m² of Suite or ward area.</td>
</tr>
<tr>
<td>Hotel</td>
<td>One parking space per three Sleeping Units plus one parking space per 5m² of banquet seating area.</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>One parking space for every 50 square metres of net manufacturing area.</td>
</tr>
<tr>
<td>Movie Theatre</td>
<td>One parking space per 3.7 seats (2013-06-14)</td>
</tr>
<tr>
<td>Office</td>
<td>One parking space per 30 m² of net Floor Area.</td>
</tr>
<tr>
<td>Personal Care Home</td>
<td>One parking space per 20 m² for that portion of the Building utilized as wards or suites. (2005-01-28)</td>
</tr>
<tr>
<td>Place of Amusement, or Place of Assembly</td>
<td>One parking space per 10 m² of seating area, or one space per three (3) seats, whichever is the greater. (2013-06-14)</td>
</tr>
<tr>
<td>Or Auditorium (excluding a Movie Theatre)</td>
<td>Parking equivalent to ten percent (10%) of the maximum number of persons to be accommodated in the Building or on the grounds either as participants or spectators.</td>
</tr>
</tbody>
</table>
Residential Use

Unless specified otherwise in these Regulations, one parking space per Dwelling Unit.

Restaurant

One parking space per 5 m\(^2\) of seating area.

Retail Store

One parking space per 15 m\(^2\) of net Floor Area.

Retail Warehouse

One parking space per 20 m\(^2\) of gross leasable area.

School

One parking space per 30 m\(^2\) of classroom area.

Seniors' Apartment Building

One (1) parking space per 20 m\(^2\) for that portion of the Building utilized as wards or Suites. One (1) parking space per self-contained Apartment Unit. Council may consider waiving up to fifty percent (50%) of the required parking, provided that the applicant is able to show that because of the particular characteristics of the Development that the actual parking requirements within the foreseeable future are expected to be lower than those required by City standards.

Service Station

One parking space shall be provided for each two gasoline pumps, one parking space for each service bay, one parking space for each 30 m\(^2\) of office space and one parking space for each 100 m\(^2\) of storage area.

Shopping Center

One parking space per 20 m\(^2\) of gross leasable area.

Storage, Warehousing and Wholesale

One parking space per 100 m\(^2\) of net storage area.

Takeout Food Service

Minimum of twelve spaces plus one parking space per 5 m\(^2\) of seating area.

Tavern

One parking space per 5 m\(^2\) of seating area.

Undertaker's Establishment

One parking space per 5 m\(^2\) of Floor Area used by visitors.

Veterinary Clinic and Veterinary Hospital

One parking space for each 10m\(^2\) of waiting room area.

Unspecified

For every Building or structure not specified above, the requirement shall be determined by Council with the advice of the Director of Planning.
9.1.1 (A) Commercial / Mixed-use Buildings with 5 or more occupancies

Notwithstanding 9.1.1, parking requirements for Buildings having 5 or more commercial occupancies shall be set at the time of original Development Approval. Parking requirements shall not be subject to review unless the building size or lot size changes.

(2020-11-13)
9.1.2 Special Parking Requirements

1) Parking Relief

Council may relieve an applicant of all or part of the parking requirements set out under Section 9.1.1 and 9.1.2, provided that the applicant is able to show that because of the particular characteristics of the Development that the actual parking requirements within the foreseeable future are expected to be lower than those required by the City standard.  

2) Downtown Parking Standard – Non-Residential/Residential

   (I) Non-Residential Parking Standard

   (i) For new Developments involving commercial, retail, office, institutional and all other forms of non-residential Development, excepting Hotels, in the area subject to the Downtown Parking Standard as described on Map D, Section 3, the on-site, off-street parking requirement shall be as follows:

      (a) For Lots with a Lot Area greater than 350 square metres and less than 2500 square metres, one (1) on-site, off-street parking space for every 100 square metres of Net Floor Area of any new building or construction pertaining to non-residential Development on the Lot;

      (b) For Lots with a Lot Area from 2500 square metres to 4000 square metres, inclusive, one (1) on-site, off-street parking space for every 75 square metres of Net Floor Area of any new building or construction pertaining to non-residential Development on the Lot;

      (c) For Lots with a Lot Area greater than 4000 square metres, one (1) on-site, off-street parking space for every 60 square metres of Net Floor Area of any new building or construction pertaining to non-residential Development on the Lot.

   (ii) For new Hotels constructed or developed on Lots in the area subject to the Downtown Parking Standard as described on Map D, Section 3, the on-site, off-street parking requirement shall be one (1) parking space for every four (4) guest sleeping rooms, in addition to one (1) parking space for every seven (7) square metres of banquet/seminar/conference/meeting space.

   (iii) (a) Notwithstanding ss. 9.1.2(2)(I)(i) and (ii), where an existing non-residential Development was constructed further to an Approval issued prior to the coming into force of the Downtown Parking Standard which Approval permitted a lesser parking requirement than stipulated by ss. 9.1.2(2)(I)(i) and (ii), then the parking requirement for the said non-residential Development shall, except as s. 9.1.2(2) may otherwise, from time to time, apply, remain as established pursuant to the said Approval.

   (b) Notwithstanding ss. 9.1.2(1)(i) and (ii), where yet to be constructed non-residential Development is the subject of a valid, unexpired Approval-in-Principle issued prior to the coming into force of the Downtown Parking
Standard which Approval-in-Principle contemplates a lesser parking requirement than that stipulated by ss. 9.1.2(2)(I)(i) and (ii), then the parking requirement for the said proposed non-residential Development shall, except as s. 9.1.2(2) may otherwise, from time to time, apply, be as established pursuant to such final Approval as may be forthcoming in relation to the said Approval-in-Principle. Where final Approval is not sought or is not forthcoming prior to the lapse or expiry of the Approval-in-Principle, then the applicable Downtown Parking Standard as set forth in s. 9.1.2(2) shall apply to any Development or re-Development of the property.

(II) Residential Parking Standard

(i) For new residential Developments in the area subject to the Downtown Parking Standard, as described in Map D, Section 3, excepting only residential Development on Water Street and Duckworth Street, on-site, off-street parking shall be required at the rate of one (1) on-site, off-street parking space per Dwelling Unit.

(ii) (a) Notwithstanding ss. 9.1.2(II)(i), where an existing residential Development was constructed further to an Approval issued prior to the coming into force of the Downtown Parking Standard which Approval permitted a lesser parking requirement for the said residential Development, then the parking requirement for the said residential Development shall, except as s. 9.1.2(2) may otherwise, from time to time, apply, remain as established pursuant to the said Approval.

(b) Notwithstanding ss. 9.1.2(II)(i), where yet to be constructed residential Development is the subject of a valid, unexpired Approval-in-Principle issued prior to the coming into force of the Downtown Parking Standard which Approval-in-Principle contemplates a lesser parking requirement than that stipulated by ss. 9.1.2(II)(i), then the parking requirement for the said proposed residential Development shall, except as s. 9.1.2(2) may otherwise, from time to time, apply, be as established pursuant to such final Approval as may be forthcoming in relation to the said Approval-in-Principle. Where final Approval is not sought or is not forthcoming prior to the lapse or expiry of the Approval-in-Principle, then the applicable Downtown Parking Standard as set forth in s. 9.1.2(2) shall apply to any Development or re-Development of the property.

(iii) No parking spaces are required for new residential Developments or renovations on Lots on Water Street or Duckworth Street containing up to five (5) Dwelling Units. One (1) on-site, off-street parking space shall be required for each Dwelling Unit exceeding five (5).

(III) Other

(i) Where any building or construction pertaining to non-residential and/or residential Development in the area subject to the Downtown Parking Standard to which the Non-Residential Parking Standard or the Residential Parking Standard as set forth in s. 9.2.1.2(2) does not apply is demolished or removed from the Lot on which it is situated, then any new Development that replaces the same shall, in its entirety, be subject to the applicable Downtown Parking Standard as determined pursuant to s. 9.1.2(2)(I)(i) or (ii) or s.9.1.2(2)(II)(i)
or (iii) as the case may be.

(ii) Excepting only s. 9.1.2(2)(II)(iii) neither the Residential nor the Non Residential Downtown Parking Standard shall apply to building or construction pertaining to Development on Lots on Water Street and Duckworth Street that are less than 350 square metres in Lot Area.

(iii) Where existing Development to which the Downtown Parking Standard does not apply by virtue of the operation of s. 9.1.2(2)(I)(iii) or s. 9.1.2.(2)(II)(ii) is renovated so as to increase or expand the Net Floor Area, or the number of rooms, or the number of Dwelling Units, as the case may be, then the following shall apply:

(a) in the case of non-residential Development, excepting Hotels, the applicable Non-Residential Parking Standard as determined pursuant to s.9.1.2(2)(I)(i) shall apply to the increased Net Floor Area;

(b) in the case of Hotels, the applicable Non-Residential Parking Standard as determined pursuant to s. 9.1.2(2)(I)(ii) shall apply to additional guest sleeping rooms and increased banquet/ seminar/ conference/meeting space;

(c) in the case of residential Development that is within the area subject to the Downtown Parking Standard but is not located on Water Street or Duckworth Street, the Residential Parking Standard as determined pursuant to s. 9.1.2(2)(II)(i) shall apply to each new Dwelling Unit created where the total number of Dwelling Units, whether existing or created, exceeds two (2);

(d) in the case of residential Development that is within the area subject to the Downtown Parking Standard and is located on Water Street or Duckworth Street, the Residential Parking Standard as determined pursuant to s.9.1.2(2)(II)(i) shall apply to each new Dwelling Unit created where the total number of Dwelling Units, either existing or created, exceeds five (5).

(IV) Discretion

(i) Notwithstanding anything else contained in s. 9.1.2(2) or s. 9.2.1(3), Council may:

(a) where it determines that provision of the required on-site, off-street parking is not appropriate for a particular development, site, or property for reasons relating to safety, vehicular traffic, pedestrian traffic, access, servicing, other site infrastructure and/or development related issues, or archaeological/heritage issues; or

(b) where requested by the Applicant, permit the following:

(1) provision of a cash-in-lieu payment in satisfaction of part or all of the on-site, off-street parking space requirement pursuant to the Applicable Downtown Parking Standard in an amount as established, from time to time, by resolution of Council;
(2) provision of permanent or long-term off-site, off-street parking in satisfaction of part or all of the on-site, off-street parking space requirement pursuant to the applicable Downtown Parking Standard at a location and on terms acceptable to Council; or

(3) provision of any combination, as may be acceptable to Council, of a cash-in-lieu payment, acceptable off-site, off-street parking, and/or on-site, off-street parking in satisfaction of the on-site, off-street parking requirement pursuant to the applicable Downtown Parking Standard.

(c) Parking Relief: In the case of an Institution, Council may relieve an applicant of all or any of the parking required under Section 9.1.2 provided that the applicant is able to show that because of the particular characteristics of the development, the actual parking requirements within the foreseeable future are expected to be lower than those required by the City’s Downtown Parking Standard. **(2015-08-07)**

(ii) Monies from cash-in-lieu payments to the City pursuant to s.2.1.2(2)(IV)(i) shall be:

(a) used to fund the creation of new or additional public parking spaces; and/or

(b) applied against costs incurred by the City in maintaining and/or retaining existing public parking spaces; and/or

(c) used to fund initiatives that will, in the opinion of Council, reduce demand for public parking spaces;

in the area which is subject to the Downtown Parking Standard.

(iii) The amount of cash-in-lieu payment as established by Council from time to time shall be based on the estimated cost, as determined by the Director of Engineering, of constructing indoor parking in the area which is subject to the Downtown Parking Standard.

(V) Damage/Destruction of Development

(i) Where any building or construction pertaining to non-residential, Hotel, or residential Development that is not subject to the applicable Downtown Parking Standard by operation of s. 9.1.2(2)(I)(iii) or s. 9.1.2(2)(II)(ii) is destroyed or damaged or deteriorated so as to render the same uninhabitable or unfit for use, and where within three (3) years of the date of said destruction, damage or deterioration:

(1) the building or construction pertaining to the Development is removed; and

(2) a permit is issued by Council approving a new or replacement Development to be constructed at the site of the original Development; then the applicable Downtown Parking Standard as required by ss. 9.1.2(2)(I)(i), or (ii), or ss. 9.1.2(2)(II)(i) or (iii) shall apply only to any increase in the Net Floor Area, or the number of rooms and/or the increase in banquet/seminar/
conference/meeting space, or the number of Dwelling Units, as the case may be, beyond that which existed in the building or construction pertaining to the original Development. The parking standard applicable to the remainder of the Development shall be equivalent to the on-site, off-street parking that was available prior to the building or construction on the Lot becoming uninhabitable or unfit for use.

(ii) If the building or construction pertaining to the original Development is not removed and/or a permit approving a new or replacement Development is not issued within the said three (3) year period, then the applicable Downtown Parking Standard as provided for in s. 9.1.2(2) (I)(i) or (ii) or s. 9.1.2(2)(II)(i) shall apply to the whole of any Development either existing or new, on the Lot.

(iii) Subsection 9.1.2(2)(V)(i) is not applicable where the Lot, for purposes of Development or re-Development, is assembled with other lands to form a larger Lot. In such circumstances, the applicable Downtown Parking Standard as required by ss. 9.1.2(2)(I)(i) or (ii), or ss. 9.1.2(2)(II)(i) or (iii) shall apply to the whole Development or re-Development.

(VI) Unapproved Parking Reduction

(i) If, at any time, the on-site and/or acceptable off-site, off-street parking for a particular Development is reduced below the level as stipulated, provided for, or otherwise approved pursuant to s.9.1.2(2), then any said reduction shall be immediately and fully redressed by the owner and/or the occupant of the Development and/or the Lot on which the Development exists.

(2013-06-21)

3) Infill Housing

Council may waive the parking requirements under Section 9.1.1 for Infill Housing developments entailing the use or re-use of an existing Building outside the Parking Exempt Area, provided:

(a) not less than two (2) parking spaces shall be provided for any Development of three (3) or more Dwelling Units; and

(b) Council is satisfied that such waivers will not appreciably add to the parking loads in the vicinity of the Development.

4) Exempt Heritage Buildings

Council may exempt all of or vary the parking required under Section 9.1.1 for a Heritage Building.

(1995-06-09)

5) Churchill Square Parking Development Plan

The parking requirement for any Commercial Development in the Churchill Square Retail Area as set out in Map H of Section 3 shall be established at one (1) parking space per 40 square metres of net Floor Area. All public parking within the Churchill Square Retail Area is reserved for public use.

(2019-10-18)
9.2 PARKING AREAS

9.2.1 Parking Area Requirements

(1) Where a parking area for three or more motor vehicles is situated in a Residential Zone or adjacent to a Residential Zone or Use:

(a) a setback of not less than 6 m from the Street Line shall be provided;

(b) a setback of at least 3 m shall be provided from all other Lot Lines; and

(c) the Yards created by such setbacks shall be landscaped with plant materials and maintained thereafter.

(2) The Chief Municipal Planner or designate, may reduce the Yards required under Section 9.2.1 provided:

(a) the Parking Area is screened in accordance with Section 8.5.1; or

(b) the Parking Area is adjacent to a Collector or Arterial Street and is set back 6 metres from the curb.  (2016-06-03)

(3) A Parking Area shall be situated on the Lot on which the Use or Development it is located, except as otherwise provided for in s.9.2.1 (4) OR s.9.1.2(2)(IV).  (2013-06-21)

(4) The Director of Planning or designate may except a Development, except an Infill Housing Development or a Development which is subject to the Downtown Parking Standard, from the requirements of Subsection 9.2.1(3) provided:

(a) the Lot accommodating the Parking Area shall be located not more than 200 metres from the Lot on which the Use requiring the off-street parking is located; and

(b) the Lot accommodating the Parking Area shall be used only for off-street parking for the Use to which it is accessory as long as the Use remains in operation or requires the Parking Area.  (2013-06-21)

(5) A Parking Area and an adjoining driveway shall be paved and shall provide drainage, lighting, curbs and landscaping in accordance with requirements of Council.

(6) The Director of Building may permit a structure in the Parking Area for the use of attendants, provided the structure is not more than 4.5 m in height, and not more than 5 m² in area.  (1995-06-09)

(7) The lights used for illumination of the Parking Areas shall be so arranged as to divert the light away from adjacent Development.
9.3 OFF-STREET LOADING AND TRUCK PARKING REQUIREMENTS

For every Building or structure hereafter erected for a Commercial or Industrial Use involving shipping, there shall be provided and maintained minimum loading facilities on land that is not part of a Street, comprised of one or more loading spaces, each 10 m long, 3.5 m wide and having a vertical clearance of at least 4.5 m, with access to a lane or a Street and in accordance with the Floor Area of the Building or structure in a manner determined by the Director of Engineering.

9.4 ACCESS/EGRESS POINTS

Access/egress points from a Public Street to a Parking Area or a private driveway are subject to the approval of the Director of Engineering or designate.

(2013-06-21)
SECTION 10 - USE ZONE SCHEDULES

RESIDENTIAL ZONES

10.1 RESIDENTIAL - SPECIAL (RA) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.1.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Home Office (subject to Section 7.9) (1997-08-08)
(c) Single Detached Dwelling

Recreational:

(d) Park

10.1.2 Discretionary Uses (subject to Section 5.8)

(a) Heritage Use (except for an Office, a Boarding or Lodging House and/or a Restaurant) (2011-11-25)
(b) Private Park (2007-10-05)
(c) Public Utility

10.1.3 Zone Requirements

The following requirements shall apply to all uses:

(a) Lot Area (minimum) 740 m²
(b) Lot Frontage (minimum) 21 m
(c) Building Line (minimum)
   (i) Minimum Building Line for New Streets or Service Streets: 9 m
   (ii) Minimum Building Line for Existing Streets or Service Streets: as established by Council under the authority of Section 8.3.1 (2009-09-04)
(d) Side Yards (minimum) One of 1.5m and another of 3.0m
(e) Side Yard on Flanking Road (minimum) 9 m
(f) Rear Yard (minimum) 11 m
(g) Landscaping Front Yard At least 50% of the Front Yard shall be landscaped. However, the Director of Building and Property Management, or a designate, may vary this requirement where, in his/her opinion, it is deemed to be warranted and desirable.

RA
10.2 RESIDENTIAL-SPECIAL-1 (RA1) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

10.2.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Home Office (subject to Section 7.9) (1997-08-08)
(c) Single Detached Dwelling
(d) Subsidiary Apartment

Recreational:

(e) Park

10.2.2 Discretionary Uses (subject to Section 5.8)

(a) Heritage Use (except for an Office, a Boarding or Lodging House and/or a Restaurant) (2006-09-22)
(b) Private Park. (2007-10-05)
(c) Public Utility

10.2.3 Zone Requirements

The following requirements shall apply to all uses:

(a) Lot Area (minimum) 740 m²
(b) Lot Frontage (minimum) 21 m
(c) Building Line (minimum) 9 m
(d) Side Yards (minimum) One of 1.5m and another of 3.0 m
(e) Side Yard on Flanking Road (minimum) 9 m
(f) Rear Yard (minimum) 11 m
(g) Landscaping Front Yard At least 50% of the Front Yard shall be landscaped. However, the Director of Building and Property Management, or a designate, may vary this requirement where, in his/her opinion, it is deemed to be warranted and desirable. (2004-04-08)
10.3 RESIDENTIAL - LOW DENSITY (R1) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

10.3.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Home Office (subject to Section 7.9) (1997-08-08)
(c) Single Detached Dwelling
(d) Subsidiary Apartment (2007-09-07)

Recreational:

(e) Park

Other:

(f) Family Home Child Care Service (subject to Section 7.6) (2004-05-14)

10.3.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility
(b) Bed and Breakfast (subject to Section 7.27) (1997-10-17) (2008-01-25)
(c) Day Care Centre (subject to Section 7.6)
(d) Heritage Use
(e) Home Occupation (subject to Section 7.8)
(f) Parking Lot (subject to Section 7.13)
(g) Planned Unit Development (subject to Section 5.10.3)
(h) Private Park (2007-10-05)
(i) Public Utility

10.3.3 Zone Requirements

The following requirements shall apply to:

(1) Single Detached Dwelling:

(a) Lot Area (minimum) 450 m² (1997-06-27)
(b) Lot Frontage (minimum) 15 m (1997-06-27)
(c) Building Line (minimum)

(i) Minimum Building Line for New Streets or Service Streets: 6 m
(ii) Minimum Building Line for Existing Streets or Service Streets: as established by Council under the authority of Section 8.3.1. (2009-09-04)

(d) Side Yards (minimum) Two of 1.2 m (1994-11-04)

R1
(e) Side Yard on Flanking Road (minimum) 6 m
(f) Rear Yard (minimum) 6 m
(g) Landscaping Front Yard At least 50% of the Front Yard shall be landscaped. However, the Director of Building and Property Management, or a designate, may vary this requirement where, in his/her opinion, it is deemed to be warranted and desirable.


(2) Day Care Centre in a non-residential Building:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Lot Size (minimum)</td>
</tr>
<tr>
<td>(b)</td>
<td>Lot Frontage (minimum)</td>
</tr>
<tr>
<td>(c)</td>
<td>Landscaping on Lot (minimum)</td>
</tr>
</tbody>
</table>

(1998-09-11)
10.4 RESIDENTIAL-MEDIUM DENSITY (R2) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

10.4.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (except for the properties at 591-609 Southside Road)  
(1995-06-09)(2015-06-12)

(b) Bed and Breakfast (subject to Section 7.27)(Except for that section of Planning Area 11 at Eastbourne Crescent & Bavidge Street where Bed and Breakfast is not a Permitted Use)  
(except for the properties at 591-609 Southside Road)  

(c) Boarding or Lodging House (accommodating between five (5) and sixteen (16) persons)  
(Except for that section of Planning Area 11 at Eastbourne Crescent & Bavidge Street where Boarding or Lodging House is not a Permitted Use)  
(except for the properties at 591-609 Southside Road)  

(d) Duplex Dwelling (Except for that section of Planning Area 11 at Eastbourne Crescent & Bavidge Street where Duplex Dwelling is not a Permitted Use but a Discretionary Use and is subject to Section 5.8, and at 172 Mundy Pond Road, where Duplex Dwelling is not a Permitted Use)  
(except for the properties at 591-609 Southside Road)  

(e) Home Office (subject to Section 7.9) (except for the properties at 591-609 Southside Road)  
(1997-08-08)(2015-06-12)

(f) Semi-Detached Dwelling  (Except for that section of Planning Area 11 at Eastbourne Crescent& Bavidge Street where Semi-Detached Dwelling is not a Permitted Use but a Discretionary Use and is subject to Section 5.8) (except for the properties at 591-609 Southside Road)  
(2002-11-15)(2015-06-12)

(g) Single Detached Dwelling (see Section 10.4.3(5) - Zone Requirements where the application site is located in that section of Planning Area 11 at Eastbourne Crescent & Bavidge Street)  
(2002-11-15)

(h) Subsidiary Apartment (except for the properties at 591-609 Southside Road)  
(2015-06-12)

(i) Townhousing (Except for that section of Planning Area 11 at Eastbourne Crescent & Bavidge Street where Townhousing is not a Permitted Use but a Discretionary Use and is subject to Section 5.8; and Planning Area 13 - Shea Heights, where Townhousing is not a Permitted Use; and that section of Planning Area 2 - land located between Quidi Vidi Village Road and Cuckhold’s Cove Road, west of Quidi Vidi Village and known as the Connor’s Estate and Clarke Estate, where Townhousing is not a Permitted Use and at 172 Mundy Pond Road where Townhousing is not a Permitted Use.  
(except for the properties at 591-609 Southside Road)  
Recreational:

(j) Park (except for the properties at 591-609 Southside Road) (2015-06-12)

Other

(k) Family Home Child Care Service (subject to Section 7.6) (except for the properties at 591-609 Southside Road) (2004-05-14) (2015-06-12)

10.4.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility (subject to Section 7.3) (except for the properties at 591-609 Southside Road) (2015-06-12)
(b) Day Care Centre (subject to Section 7.6) (except for the properties at 591-609 Southside Road) (2015-06-12)
(c) Heritage Use (except for the properties at 591-609 Southside Road) (2015-06-12)
(d) Home Occupation (subject to Section 7.8) (except for the properties at 591-609 Southside Road) (2015-06-12)
(e) Multiple Dwelling not exceeding 6 Dwelling Units (subject to Section 10.4.3(8) (except for the properties at 591-609 Southside Road) (2010-03-05) (2015-06-12)
(f) Parking Lot (subject to Section 7.13) (except for the properties at 591-609 Southside Road) (2015-06-12)
(g) Planned Unit Development (subject to Section 5.10.3) (except for the properties at 591-609 Southside Road) (2015-06-12)
(h) Private Park (except for the properties at 591-609 Southside Road) (2007-10-05) (2015-06-12)
(i) Public Utility (except for the properties at 591-609 Southside Road) (2015-06-12)
(j) Residential Retail Store (subject to Section 7.17) (except for the properties at 591-609 Southside Road) (1995-06-09)(2015-06-12)

10.4.3 Zone Requirements

The following requirements shall apply to:

(1) Bed and Breakfast: (subject to Section 7.27) (2008-01-25)

The same requirements as established for the Dwelling types in this Zone. (1998-10-23)

(2) Boarding or Lodging House:

The same requirements as established for the Dwelling types in this Zone.

(3) Duplex Dwelling:

(a) Lot Area (minimum) 510 m²
(b) Lot Frontage (minimum) 17 m
(c) Building Line (minimum) 6 m
(d) Side Yards (minimum) Two of 1.2 m (1994-11-04)
(e) Side Yard on Flanking Road (minimum) 6 m
(f) Rear Yard (minimum) 6 m

R2
(4) Semi-Detached Dwelling:

(a) Lot Area (minimum) 270 m$^2$ per Dwelling Unit  (1997-03-07)
(b) Lot Frontage (minimum) 18 m; 9 m per unit
(c) Building Line (minimum) 6 m
(d) Side Yards (minimum) Two of 1.2 m  (1994-11-04)
(e) Side Yard on Flanking Road (min.) 6 m
(f) Rear Yard (minimum) 6 m

(5) Single Detached Dwelling:

(a) Lot Area (minimum) 350 m$^2$  (1994-11-04)
(b) Lot Frontage (minimum) 12 m  (1994-11-04)
(c) Building Line (minimum) 6 m
(d) Side Yards (minimum) Two of 1.2 m  (1994-11-04)
(e) Side Yard on Flanking Road (min.) 6 m
(f) Rear Yard (minimum) 6 m
(g) Landscaping Front Yard At least 50% of the Front Yard shall be landscaped. However, the Director of Building and Property Management, or designate, may vary this requirement where, in his/her opinion, it is deemed to be warranted and desirable.  (2004-04-08)

Note: If the application site is located in that section of Planning Area 11 at Eastbourne Crescent & Bavidge Street then development of Single Detached Dwellings must be in accordance with the Residential Low Density (R1) Zone Requirements for Single Detached Dwellings as follows:  (2002-11-15)

(a) Lot Area (minimum) 450 m$^2$
(b) Lot Frontage (minimum) 15 m
(c) Building Line (minimum) 6 m
(d) Side Yards (minimum) Two of 1.2 m
(e) Side Yard on Flanking Road (min.) 6 m
(f) Rear Yard (minimum) 6 m
(g) Landscaping Front Yard At least 50% of the Front Yard shall be landscaped. However, the Director of Building and Property Management, or a designate, may vary this requirement where, in his/her opinion, it is deemed to be warranted and desirable.  (2004-04-08)

(6) Townhousing:

(a) Lot Area (minimum) 180 m$^2$ per Dwelling Unit  (1994-11-04)
(b) Lot Frontage (minimum) 6 m per Dwelling Unit
(c) Building Line (minimum) 0 m
(d) Side Yard for End Unit Townhouses (min.) 1.2 metres  (2002-07-05)
(e) Side Yard on Flanking Road (min.) 3 m
(f) Rear Yard (minimum) 6 m

(7) Day Care Centre in a non-residential Building:

(a) Lot Size (minimum) 450 m$^2$
(b) Lot Frontage (minimum) 15 m
(c) Landscaping on Lot (minimum) Subject to Section 8.5.1  (1998-09-11)
(8) Multiple Dwelling

(a) Maximum # of Dwelling Units: 6
(b) Minimum Density: 90m² Lot Area per Dwelling Unit
(c) Minimum Lot Frontage: 6 metres per Ground Floor Dwelling unit
(d) Maximum Building Height: 3 storeys
(e) Building Line (minimum): 6 metres
(f) Rear Yard (minimum): 6 metres
(g) Side Yards (minimum): Two of 1.2 metres
(h) Side Yard on Flanking Road (min.): 6 metres
(i) Off-Street Parking Spaces (min.): 1 space per Dwelling Unit
(j) Landscaping Front Yard: At least 40% of the Front Yard shall be landscaped. However, the Director of Building and Property Management or a designate may vary this requirement where, in his/her opinion, it is deemed warranted and desirable. (2010-03-05)
10.4(A) Permitted Uses

Residential:

(a) Accessory Building (Subject to Section 8.3.6)
(b) Bed and Breakfast (Subject to Section 7.27)
(c) Boarding or Lodging House (accommodating between five (5) and sixteen (16) persons)
(d) Duplex Dwelling
(e) Home Office (Subject to Section 7.9)
(f) Semi-Detached Dwelling
(g) Single Detached Dwelling
(h) Subsidiary Apartment
(i) Townhousing

Recreational:

(j) Park

Other:

(k) Family Home Child Care Service (Subject to Section 7.6)

10.4(A).2 Discretionary Uses (Subject to Section 5.8)

(a) Adult Day Care Facility (Subject to Section 7.3)
(b) Day Care Centre (Subject to Section 7.6)
(c) Heritage Use
(d) Home Occupation (Subject to Section 7.8)
(e) Multiple Dwelling (Subject to Section 10.4(A).3(8))
(f) Parking Lot (Subject to Section 7.13)
(g) Planned Unit Development (Subject to Section 5.10.3)
(h) Private Park
(i) Public Utility
(j) Residential Retail Store (Subject to Section 7.16)
10.4(A).3 Zone Requirements:

The following requirements shall apply to:

(1) Bed and Breakfast (Subject to Section 7.27)

The same requirements as established for the Dwelling types in this Zone.

(2) Boarding or Lodging House:

The same requirements as established for the Dwelling types in this Zone.

(3) Duplex Dwelling:

(a) Lot Area (minimum) 510 m²
(b) Lot Frontage (minimum) 17 metres
(c) Building Line (minimum) 6 metres
(d) Side Yards (minimum) Two of 1.2 metres
(e) Side Yard on Flanking Road (min.) 6 metres
(f) Rear Yard (minimum) 6 metres

(4) Semi-Detached Dwelling:

(a) Lot Area (minimum) 270 m² per Dwelling Unit
(b) Lot Frontage (minimum) 20 metres; 10 m per Dwelling Unit
(c) Building Line (minimum) 6 metres
(d) Side Yards (minimum) Two of 1.5 metres
(e) Side Yard on Flanking Road (min.) 6 metres
(f) Rear Yard (minimum) 6 metres
(g) Landscaping-Front Yard At least 40% of the Front Yard for each Semi- Detached Unit shall be landscaped.

(5) Single Detached Dwelling:

(a) Lot Area (minimum) 350 m²
(b) Lot Frontage (minimum) 15 metres
(c) Building Line (minimum) 6 metres
(d) Side Yards (minimum) Two of 1.2 metres
(e) Side Yard on Flanking Road (min.) 6 metres
(f) Rear Yard (minimum) 6 metres
(g) Landscaping – Front Lawn At least 50% of the Front Yard shall be landscaped.

(6) Townhousing:

(a) Lot Area (minimum) 180 m² per Dwelling Unit
(b) Lot Frontage (minimum) 6 metres per Dwelling Unit
(c) Building Line (minimum) 0 metres
(d) Side Yard for End Unit Townhouses (min.) 1.2 metres
(e) Side Yard on Flanking Road (min.) 3 metres
(f) Rear Yard (minimum) 6 metres

R2-PLEASANTVILLE
(7) Day Care Centre in a Non-Residential Building:
(a) Lot Size (minimum) 450 m²
(b) Lot Frontage (minimum) 15 metres
(c) Landscaping on Lot (minimum) Subject to Section 8.5.1

(8) Multiple Dwellings:
(a) Minimum Density 90m² Lot Area per Dwelling Unit
(b) Minimum Lot Frontage 6 m per Ground Floor Dwelling Unit
(c) Maximum Building Height 3 storeys
(d) Building Line (minimum) 6 metres
(e) Rear Yard (minimum) 6 metres
(f) Side Yards (minimum) Two of 1.2 metres
(g) Side Yard on Flanking Road (min.) 6 metres
(h) Off-Street Parking Spaces (min.) 1 space per Dwelling Unit
(i) Landscaping Front Yard At least 40% of the Front Yard shall be landscaped. However, the Director of Building and Property Management or a designate may vary this requirement here, in his/her opinion, it is deemed warranted and desirable. (2011-05-07)
10.4(B) RESIDENTIAL MEDIUM DENSITY - CONDOMINIUM (R2-Condominium) ZONE
(See Section 5.1.4 - Development Above the 190-Metre Contour) (2014-08-08)

The purpose of this land-use zone is to allow land development under condominium ownership, where the overall development has frontage on a public road but individual units within the development do not have frontage on a public road.

10.4.(B).1 Permitted Uses

Residential Condominium:

(a) Accessory Building (subject to Section 8.3.6)
(b) Home Office (subject to Section 7.9)
(c) Townhouse Cluster (2016-02-12)

10.4.(B).2 Discretionary Uses (subject to Section 5.8)

(a) Home Occupation (subject to Section 7.8)
(b) Parking Lot (subject to Section 7.13)
(c) Public Utility

10.4.(B).3 Zone Requirements

The following requirements shall apply to all types of residential development:

(a) Lot Area (minimum) 180 square metres per Dwelling Unit
(b) Lot Frontage (minimum) 20 metres
(c) Building Line (minimum) 6 metres
(d) Side Yard for End-Unit Townhouses (minimum) 1.2 metres
(e) Side Yard (as oriented from the public street frontage) (minimum) 6 metres
(f) Rear Yard (as oriented from the public street frontage) (minimum) 1.2 metres
(g) Building Height (maximum): 3 storeys
(h) Off-Street Parking Spaces (minimum): 1 space per Dwelling Unit
(i) Landscaping (minimum): 30% of entire Lot Area

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R2-CONDOMINIUM
10.5 RESIDENTIAL-HIGH DENSITY (R3) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

10.5.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Bed and Breakfast (subject to Section 7.27) (1998-10-23)(2008-01-25)
(c) Boarding or Lodging House
   (accommodating between five (5) and sixteen (16) persons) (1999-04-16)
(d) Duplex Dwelling
(e) Home Office (subject to Section 7.9) (1997-08-08)
(f) Semi-Detached Dwelling
(g) Single Detached Dwelling
(h) Subsidiary Apartment
(i) Townhousing (except for the Battery neighbourhood of Planning Area 2, where Townhousing is not a permitted Use.) (1999-08-20)

Recreational:

(j) Park

Other:

(k) Family Home Child Care Service (subject to Section 7.6) (2004-05-14)

10.5.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Day Care Centre (subject to Section 7.6)
(c) Converted Building (2002-01-02)
(d) Heritage Use
(e) Home Occupation (subject to Section 7.8)
(f) Infill Housing (subject to Section 7.10)
(g) Parking Lot (subject to Section 7.13)
(h) Planned Unit Development (subject to Section 5.10.3)
(i) Private Park (2007-10-05)
(j) Public Utility

10.5.3 Zone Requirements

Notwithstanding the following, an application to construct or enlarge a building situate in the Fort Amherst residential area (from Civic Number 8 Fort Amherst Road up to and including Civic Number 56 Fort Amherst Road on one side, and Civic Number 55 and Civic Number 59 Fort Amherst Road on the other side) may be subject to height limitations. (2009-02-20)

R3
The following requirements shall apply to:

(1) Bed and Breakfast: (subject to Section 7.27) (2008-01-25)
The same requirements as established for the Dwelling types in this Zone. (1998-10-23)

(2) Boarding or Lodging House:
The same requirements as established for the Dwelling types in this Zone.

(3) Converted Building

(j) Lot Area (minimum) at the discretion of Council (2009-02-20)
(k) Building Height (maximum) 3 storeys
(l) Side Yard on Flanking Road (minimum) 2 metres
(m) Rear Yard (minimum) 4.5 metres
(n) Landscaping of Lot (minimum) 20% (2002-02-01)

(4) Duplex Dwelling:
(a) Lot Area (minimum) 350 m²
(b) Lot Frontage (minimum) 14 m
(c) Building Line (minimum) 4.5 m
(d) Side Yards (minimum) Two of 1.2 m (1994-11-04)
(e) Side Yard on Flanking Road (minimum) 4.5 m
(f) Rear Yard (minimum) 6 m

(5) Semi-Detached Dwelling:
(a) Lot Area (minimum) 188 m² per Dwelling Unit (1997-03-07)
(b) Lot Frontage (minimum) 15 m; 7.5 m per Dwelling Unit
(c) Building Line (minimum) 4.5 m
(d) Side Yards (minimum) Two of 1.2m (1994-11-04)
(e) Side Yard on Flanking Road (minimum) 4.5 m
(f) Rear Yard (minimum) 6 m

(6) Single Detached Dwelling:
(a) Lot Area (minimum) 300 m² (1994-11-04)
(b) Lot Frontage (minimum) 10 m (1994-11-04)
(c) Building Line (minimum) 4.5 m
(d) Side Yards (minimum) 1.2 m (1994-11-04)
(e) Side Yard on Flanking Road (minimum) 4.5 m
(f) Rear Yard (minimum) 6 m

(7) Townhousing:
(a) Lot Area (minimum) 140 m² per Dwelling Unit
(b) Lot Frontage (minimum) 5.5 m per Dwelling Unit
(c) Building Line (minimum) 0 m
(d) Side Yard for End Unit Townhouses (min.) 1.2 metres (2002-07-05)
(e) Side Yard on Flanking Road (minimum) 2.4 m
(f) Rear Yard (minimum) 6 m

R3
(8) Day Care Centre in a non-residential Building:

(a) Lot Size (minimum) 450 m²
(b) Lot Frontage (minimum) 15 m
(c) Landscaping on Lot (minimum) Subject to Section 8.5. (1998-09-11)

10.5.4 Battery Development Area

(1) Notwithstanding the requirements of Section 10.5.3, the maximum Building Height for properties that are included on Map I – Battery Development Area that are zoned as Residential High Density (R3), is three (3) storeys from the downhill side of a lot; and

(2) In addition to the requirements of Section 10.5.3, the development of any properties that are included on Map I – Battery Development Area, is subject to Section 7.28 and Appendix A, “Footprint and Height Control Overlay for the Battery Development Area.” (2009-07-24)
10.6 RESIDENTIAL - DOWNTOWN (RD) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.6.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Bed and Breakfast (subject to Section 7.27) (1998-10-23) (2008-01-25)
(c) Boarding or Lodging House (accommodating between five (5) and sixteen (16) persons) (1999-04-16)
(d) Duplex Dwelling
(e) Home Office (subject to Section 7.9) (1997-08-08)
(f) Semi-Detached Dwelling
(g) Single Detached Dwelling
(h) Subsidiary Apartment
(i) Townhousing

Recreational:

(j) Park

Other:

(k) Family Home Child Care Service (subject to Section 7.6) (2004-05-14)

10.6.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Day Care Centre (subject to Section 7.6)
(c) Heritage Use
(d) Home Occupation (subject to Section 7.8)
(e) Infill Housing (subject to Section 7.10)
(f) Parking Lot (subject to Section 7.13)
(g) Planned Unit Development (subject to Section 5.10.3)
(h) Private Park (2007-10-05)
(i) Public Utility
(j) Residential Retail Store (subject to Section 7.16) (1995-06-09)

10.6.3 Zone Requirements

The following requirements shall apply to:

(1) Bed and Breakfast: (subject to Section 7.27) (2008-01-25)
   The same requirements as established for the Dwelling types in this Zone. (1998-10-23)

(2) Boarding or Lodging House:
   The same requirements as established for the Dwelling types in this Zone.
(3) Duplex Dwelling:

(a) Lot Area (minimum) 240 m²
(b) Lot Frontage (minimum) 12 m
(c) Building Line (minimum) 0 m
(d) Side Yards (minimum) Two of 1.2 m (1994-11-04)
(e) Side Yard on Flanking Road (minimum) 1.8 m
(f) Rear Yard (minimum) 6 m

(4) Semi-Detached Dwelling:

(a) Lot Area (minimum) 140 m² per Dwelling Unit (1997-03-07)
(b) Lot Frontage (minimum) 14 m, 7 m per Dwelling Unit
(c) Building Line (minimum) 0 m
(d) Side Yards (minimum) Two of 1.2 m
(e) Side Yard on Flanking Road (minimum) 1.8 m
(f) Rear Yard (minimum) 6 m

(5) Single Detached Dwelling:

(a) Lot Area (minimum) 200 m² (1994-11-04)
(b) Lot Frontage (minimum) 8 m (1994-11-04)
(c) Building Line (minimum) 0 m
(d) Side Yards (minimum) Two of 1.2 m (1994-11-04)
(e) Side Yard on Flanking Road (minimum) 1.8 m
(f) Rear Yard (minimum) 6 m

(6) Townhousing:

(a) Lot Area (minimum) 90 m² per Dwelling Unit
(b) Lot Frontage (minimum) 4.5 m per Dwelling Unit
(c) Building Line (minimum) 0 m
(d) Side Yard for End Unit Townhouses (min.) 1.2 metres (2002-07-05)
(e) Side Yard on Flanking Road (minimum) 0 m
(f) Rear Yard (minimum) 6 m

(7) Day Care Centre in a non-residential Building:

(a) Lot Size (minimum) 450 m²
(b) Lot Frontage (minimum) 15 m
(c) Landscaping on Lot (minimum) Subject to Section 8.5.1 (1998-09-11)

RD
10.7    RESIDENTIAL MIXED (RM) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.7.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6)                          (1995-06-09)
(b) Apartment House
(c) Bed and Breakfast (subject to Section 7.27)                        (1998-10-23)(2008-01-25)
(d) Boarding or Lodging House
   (accommodating between five (5) and sixteen (16) persons)       (1999-04-16)
(e) Duplex Dwelling
(f) Home Office (subject to Section 7.9)                                (1997-08-08)
(g) Semi-Detached Dwelling
(h) Single-Detached Dwelling
(i) Subsidiary Apartment
(j) Townhousing

Private/Commercial:

(k) Clinic
(l) Club
(m) Commercial School
(n) Converted Building (Subject to Section 7.21).                      (2003-12-12)
(o) Office
(p) Pharmacy
(q) Parking Area Accessory to the Foregoing Uses
(r) Service Shop

Recreational:

(s) Park

Other:

(t) Family Home Child Care Service (subject to Section 7.6)           (2004-05-14)

10.7.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Day Care Centre (subject to Section 7.6)
(c) Heritage Use
(d) Home Occupation (subject to Section 7.8)                        (1997-08-08)
(e) Parking Lot (subject to Section 7.13)
(f) Personal Care Home                                            (1999-02-26)
(g) Planned Unit Development (subject to Section 5.10.3)

RM
10.7.3 Zone Requirements

The following requirements shall apply to:

(1) Apartment House:

(a) Lot Area (minimum) 750 m²
(b) Lot Coverage (maximum) 35%
(c) Lot Frontage (minimum) 20 m
(d) Floor Area Ratio (maximum) 1.0
(e) Density Not more than 1 Dwelling Unit per 120 m² of Lot Area
(f) Building Height (maximum) 3 Storeys
(g) Building Line (minimum) 7 m
(h) Side Yards (minimum) 1 m per Storey
(i) Side Yard on Flanking Road (minimum) 7 m
(j) Rear Yard (minimum) 6 m
(k) Number of Parking Spaces per Dwelling Unit (min) 1.2

(2) Bed and Breakfast: (subject to Section 7.27) (2008-01-25)

Same requirements as established for the Dwelling types in this Zone. (1998-10-23)

(3) Boarding or Lodging House:

Same requirements as established for the Dwelling types in this Zone.

(4) Duplex Dwelling:

(a) Lot Area (minimum) 350 m²
(b) Lot Frontage (minimum) 14 m
(c) Building Line (minimum) 4.5 m
(d) Side Yards (minimum) Two of 1.2 m (1994-11-04)
(e) Side Yard on Flanking Road (minimum) 4.5 m
(f) Rear Yard (minimum) 6 m

(5) Personal Care Home:

Same requirements as established for the Dwelling types in this zone (1999-02-26)

(6) Semi-Detached Dwelling:

(a) Lot Area (minimum) 188 m² per Dwelling Unit (1997-03-07)
(b) Lot Frontage (minimum) 18 m; 9 m per Dwelling Unit

(h) Private Park (2007-10-05)
(i) Public Utility
(j) School and Church
(c) Building Line (minimum) 4.5 m
(d) Side Yards (minimum) Two of 1.2m (1994-11-04)
(e) Side Yard on Flanking Road (minimum) 4.5 m
(f) Rear Yard (minimum) 6 m

(7) Single Detached Dwelling:

(a) Lot Area (minimum) 300 m²
(b) Lot Frontage (minimum) 10 m (1994-11-04)
(c) Building Line (minimum) 4.5 m
(d) Side Yards (minimum) 1.2 m (1994-11-04)
(e) Side Yard on Flanking Road (minimum) 4.5 m
(f) Rear Yard (minimum) 6 m

(8) Townhousing:

(a) Lot Area (minimum) 140 m² per Dwelling Unit
(b) Lot Frontage (minimum) 5.5 m per Dwelling Unit
(c) Building Line (minimum) 0 m
(d) Side Yard for End Unit Townhouses (min) 1.2 metres (2002-07-05)
(e) Side Yard on Flanking Road (minimum) 2.4 m
(f) Rear Yard (minimum) 6 m

(9) Private/Commercial Uses Except Converted Buildings:

Zone standards shall be in the discretion of Council (2019-04-26)

(10) Converted Building:

(a) Lot Area (minimum) 560 m²
(b) Building Height (maximum) 3 Storeys
(c) Side Yard on Flanking Road (minimum) 2 m
(d) Rear Yard (minimum) 4.5 m
(e) Landscaping of Lot (minimum) 20%

(11) Day Care Centre in a non-residential Building:

(a) Lot Size (minimum) 450 m²
(b) Lot Frontage (minimum) 15 m
(c) Landscaping on Lot (minimum) Subject to Section 8.5.1 (1998-09-11)
10.8 RESIDENTIAL BATTERY (RB) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.8.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6)  (1995-06-09)
(b) Bed and Breakfast (subject to Section 7.27) (1998-10-23) (2008-01-25)
(c) Boarding or Lodging House
   (accommodating between five (5) and sixteen (16) persons) (1999-04-16)
(d) Home Office (subject to Section 7.9) (1997-08-08)
(e) Single Detached Dwelling
(f) Subsidiary Apartment

Recreational:

(g) Park

10.8.2 Discretionary Uses (subject to Section 5.8) (1995-06-09)

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Custom Workshop
(c) Harbour Related Uses
(d) Heritage Uses
(e) Home Occupation (subject to Section 7.8)
(f) Infill Housing (subject to Section 7.10)
(g) Parking Lot (subject to Section 7.13)
(h) Planned Unit Development (subject to Section 5.10.3)
(i) Private Park (2007-10-05)
(j) Public Utility
(k) Residential Retail Store (subject to Section 7.16) (1995-06-09)

10.8.3 Zone Requirements

The following requirements shall apply to:

(1) Bed and Breakfast: (subject to Section 7.27) (2008-01-25)

   The same requirements as established for the Dwelling types in this Zone. (1998-10-23)

(2) Boarding or Lodging House:

   The same requirements as established for the Dwelling types in this Zone

(3) Single Detached Dwelling:

   (a) Lot Area (minimum)  150 m²
   (b) Lot Frontage (minimum)  10 metres

RB
(c) Building Line (minimum) 4.5 metres
(d) Side Yards (minimum) 1.2 metres
(e) Side Yard on Flanking Road (minimum) 1.2 metres
(f) Rear Yard (minimum) 4.5 metres (2009-10-16)
(g) Building Height (maximum) - two (2) storeys on the uphill side of a lot and three (3) storeys on the downhill side of a lot. (2009-07-24)

10.8.4 Battery Development Area

In addition to the requirements of Section 10.8.3, the development of any properties that are included on Map I – Battery Development Area that are zoned as Residential Battery (RB), is subject to the provisions of Section 7.28 and Appendix A – “Footprint and Height Control Overlay for the Battery Development Area.” (2009-07-24)
10.9 RESIDENTIAL QUIDI VIDI (RQ) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.9.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Bed and Breakfast (subject to Section 7.27) (1998-10-23) (2008-01-25)
(c) Boarding or Lodging House
   (accommodating between five (5) and sixteen (16) persons) (1999-04-16)
(d) Duplex Dwelling
(e) Home Office (subject to Section 7.9) (1997-08-08)
(f) Semi-Detached Dwelling
(g) Single Detached Dwelling
(h) Subsidiary Apartment

Private/Commercial:

(i) Custom Workshop
(j) Parking Lot Accessory to the Foregoing Uses
(k) Retail Store (Not exceeding Floor Area of 100 m²)
(l) Service Shop

Recreational:

(m) Park

Other:

(n) Family Home Child Care Service (subject to Section 7.6) (2004-05-14)

10.9.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Day Care Centre (subject to Section 7.6)
(c) Heritage Use
(d) Home Occupation (subject to Section 7.8)
(e) Parking Lot (subject to Section 7.13)
(f) Planned Unit Development (subject to Section 5.10.3)
(g) Private Park (2007-10-05)
(h) Public Utility

RQ
10.9.3 Zone Requirements

The following requirements shall apply to:

(1) Bed and Breakfast: (subject to Section 7.27)  (2008-01-25)
The same requirements as established for the Dwelling types in this Zone. (1998-10-23)

(2) Boarding or Lodging House:
The same requirements as established for the Dwelling types in this Zone.

(3) Duplex Dwelling:
   (a) Lot Area (minimum)  240 m²
   (b) Lot Frontage (minimum)  12 m
   (c) Building Line (minimum)  0 m
   (d) Side Yards (minimum)  Two of 1.2 m (1994-11-04)
   (e) Side Yard on Flanking Road (minimum)  1.8 m
   (f) Rear Yard (minimum)  6 m

(4) Semi-Detached Dwelling:
   (a) Lot Area (minimum)  140 m² per Dwelling Unit (1997-03-07) (1999-10-29)
   (b) Lot Frontage (minimum)  14 m; 7 m per Dwelling Unit
   (c) Building Line (minimum)  0 m
   (d) Side Yards (minimum)  Two of 1.2 m (1994-11-04)
   (e) Side Yard on Flanking Road (minimum)  1.8 m
   (f) Rear Yard (minimum)  6 m

(5) Single Detached Dwelling:
   (a) Lot Area (minimum)  200 m²  (1994-11-04)
   (b) Lot Frontage (minimum)  8 m  (1994-11-04)
   (c) Building Line (minimum)  0 m
   (d) Side Yards (minimum)  Two of 1.2 m (1994-11-04)
   (e) Side Yard on Flanking Road (minimum)  3 m
   (f) Rear Yard (minimum)  6 m

(6) Private/Commercial

As determined by Council

(7) Day Care Centre in a non-residential Building:
   (a) Lot Size (minimum)  450 m²
   (b) Lot Frontage (minimum)  15 m
   (c) Landscaping on Lot (minimum)  Subject to Section 8.5.1  (1998-09-11)

RQ
10.10 RESIDENTIAL KENMOUNT (RK) ZONE  \(\text{(2003-04-25)}\)

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

For any development project or stage of a development project which is submitted to the City, a minimum of 50% of the new units to be constructed must be Single Detached Dwellings - Standard Lots, while a maximum of 20% of the new units to be constructed may be Single Detached Dwellings - Smaller Lots; a maximum of 15% of the new units to be constructed may be Semi-Detached Dwellings and/or Duplexes; and a maximum of 15% of the new units to be constructed may be Townhouses.

Notwithstanding the foregoing, Council may choose to limit the maximum number of Discretionary Uses on any Street located in the RK Zone with conditions and/or restrictions that Council may impose.

10.10.1 Permitted Uses

Residential:

(a) Accessory Building
(b) Home Office (subject to Section 7.9)
(c) Single Detached Dwelling-Standard Lot
(d) Subsidiary Apartment

Recreational:

(e) Park

Other:

(f) Family Home Child Care Service (subject to Section 7.6) \(\text{(2004-05-14)}\)

10.10.2 Discretionary Uses

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Apartment Building
(c) Bed and Breakfast (subject to Section 7.27) \(\text{(2008-01-25)}\)
(d) Day Care Centre (subject to Section 7.6)
(e) Duplex Dwelling
(f) Heritage Use
(g) Home Occupation (subject to Section 7.8)
(h) Parking Lot (subject to Section 7.13)
(i) Private Park \(\text{(2007-10-05)}\)

RK
(j) Public Utility
(k) Semi-Detached Dwelling
(l) Single-Detached Dwelling - Smaller Lot
(m) Townhousing

10.10.3 Zone Requirements:

(1) Single detached Dwelling - Standard Lots - Permitted Use in the RK Zone

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Lot Area (minimum)</td>
<td>450 m²</td>
</tr>
<tr>
<td>(b) Lot Frontage (minimum)</td>
<td>15 metres</td>
</tr>
<tr>
<td>(c) Building Line (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(d) Side Yards (minimum)</td>
<td>Two of 1.2 metres each</td>
</tr>
<tr>
<td>(e) Side Yard on Flanking Road (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(f) Rear Yard (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(g) Landscaping - Front Yard</td>
<td>At least 50% of the Front Yard shall be landscaped. However, the Director of Building and Property Management, or a designate, may vary this requirement where, in his/her opinion, it is deemed to be warranted and desirable. (2004-04-08)</td>
</tr>
</tbody>
</table>

(2) Single Detached Dwelling - Smaller Lots - Discretionary Use in the RK Zone

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Lot Area (minimum)</td>
<td>350 m²</td>
</tr>
<tr>
<td>(b) Lot Frontage (minimum)</td>
<td>12 metres</td>
</tr>
<tr>
<td>(c) Building Line (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(d) Side Yards (minimum)</td>
<td>Two of 1.2 metres each</td>
</tr>
<tr>
<td>(e) Side Yard on Flanking Road (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(f) Rear Yard (minimum)</td>
<td>6 metres</td>
</tr>
</tbody>
</table>

(3) Duplex Dwelling - Discretionary Use in the RK Zone

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Lot Area (minimum)</td>
<td>510 m²</td>
</tr>
<tr>
<td>(b) Lot Frontage (minimum)</td>
<td>17 metres</td>
</tr>
<tr>
<td>(c) Building Line (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(d) Side Yards (minimum)</td>
<td>Two of 1.2 metres each</td>
</tr>
<tr>
<td>(e) Side Yard on Flanking Road (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(f) Rear Yard (minimum)</td>
<td>6 metres</td>
</tr>
</tbody>
</table>

(4) Semi-Detached Dwelling - Discretionary Use in the RK Zone

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Lot Area (minimum)</td>
<td>270 m² per Dwelling Unit</td>
</tr>
<tr>
<td>(b) Lot Frontage (minimum)</td>
<td>18 m; 9 m per Dwelling Unit</td>
</tr>
<tr>
<td>(c) Building Line (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(d) Side Yards (minimum)</td>
<td>Two of 1.2 metres each</td>
</tr>
<tr>
<td>(e) Side Yard on Flanking Road (min.)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(f) Rear Yard (minimum)</td>
<td>6 metres</td>
</tr>
</tbody>
</table>
(5) Townhousing - Discretionary Use in the RK Zone

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Lot Area (minimum)</td>
<td>180 m² per Dwelling Unit</td>
</tr>
<tr>
<td>(b) Lot Frontage (minimum)</td>
<td>6 metres per Dwelling Unit</td>
</tr>
<tr>
<td>(c) Building Line (minimum)</td>
<td>0 metres</td>
</tr>
<tr>
<td>(d) Side Yard for End Unit Townhouses</td>
<td>1.2 metres</td>
</tr>
<tr>
<td>(e) Side Yard on Flanking Road (minimum)</td>
<td>3 metres</td>
</tr>
<tr>
<td>(f) Rear Yard (minimum)</td>
<td>6 metres</td>
</tr>
</tbody>
</table>

(6) Apartment Buildings - Discretionary Use in the RK Zone

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Lot Area (minimum)</td>
<td>900 m²</td>
</tr>
<tr>
<td>(b) Lot Frontage (minimum)</td>
<td>20 metres</td>
</tr>
<tr>
<td>(c) Lot Coverage (maximum)</td>
<td>30%</td>
</tr>
<tr>
<td>(d) Floor Coverage (maximum)</td>
<td>0.8</td>
</tr>
<tr>
<td>(e) Density (maximum)</td>
<td>Not more than 1 Dwelling Unit per 170 m² of Lot Area</td>
</tr>
<tr>
<td>(f) Building Height (maximum)</td>
<td>3 storeys (not exceeding 12 metres)</td>
</tr>
<tr>
<td>(g) Building Line (minimum)</td>
<td>7 metres</td>
</tr>
<tr>
<td>(h) Side Yards (minimum)</td>
<td>1 metre per storey</td>
</tr>
<tr>
<td>(i) Side Yard on Flanking Road (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(j) Rear Yard (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(k) Landscaping on Lot (minimum)</td>
<td>40%</td>
</tr>
<tr>
<td>(l) Number of Parking Spaces per Dwelling Unit</td>
<td>1.2 spaces per Dwelling Unit</td>
</tr>
</tbody>
</table>

(7) Day Care Centre in a Non-Residential - Discretionary Uses in the Building RK Zone

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Lot Area (minimum)</td>
<td>600 m²</td>
</tr>
<tr>
<td>(b) Lot Frontage (minimum)</td>
<td>18 metres</td>
</tr>
<tr>
<td>(c) Landscaping on Lot (minimum)</td>
<td>Subject to Section 8.5.1</td>
</tr>
</tbody>
</table>
10.10 (A)  RESIDENTIAL NARROW LOT (RNL) ZONE

10.10 (A).1 Permitted Uses

(a) Single Detached Dwelling containing only 1 Dwelling Unit (subject to Section 8.7)
(b) Home Office
(c) Accessory Building

10.10 (A).2 Zone Requirements

(a) Lot Area (minimum): 300m²
(b) Lot Frontage (minimum) 10m
(c) Building Line (minimum) 8m
(d) Side Yard (minimum) 1.2m
(e) Side Yard on Flanking Road (minimum) 6m
(f) Rear Yard (minimum) 6m
(g) Landscaping (minimum)
   No building except a driveway is permitted within the first 6.6m of depth as measured from the Front Lot Line
(h) Parking (minimum)
   Driveway shall not have a width exceeding 3.6m

RNL
10.10 (B)  RESIDENTIAL COMPACT LOT (RCL) ZONE

10.10 (B).1 Permitted Uses

(a) Single Detached Dwelling (subject to Section 8.7 "Snow Storage")
(b) Home Office
(c) Accessory Building

10.10 (B).2 Zone Requirements

(a) Lot Area (minimum): 250 m²
(b) Lot Frontage (minimum) 10 m
(c) Building Line (minimum) 7 m
(d) Side Yard (minimum) 1.2 m
(e) Side Yard on Flanking Road (minimum) 6 m
(f) Rear Yard (minimum) 6 m
(g) Landscaping (minimum) - No building except a driveway is permitted within the first 6.6 m of depth as measured from the Front Lot Line
(h) Parking (minimum) - Driveway shall have a width not exceeding 3.6 m
10.11 APARTMENT SPECIAL (AA) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.11.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Apartment Building
(c) Home Office (subject to Section 7.9) (1997-08-08)
(d) Seniors' Apartment Building (subject to Section 7.18)
(e) Townhousing

Recreational:

(f) Park

Other:

(g) Day Care Centre (subject to Section 7.7)

10.11.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Convenience Store in Apartment Building (subject to Section 7.5)
(c) Home Occupation (subject to Section 7.8)
(d) Parking Lot (subject to Section 7.13)
(e) Planned Unit Development (subject to Section 5.10.3)
(f) Private Park (2007-10-05)
(g) Public Utility
(h) Service Shop (subject to Section 7.19) (1995-06-09)
(i) Uses Complementary to an Apartment Building (2003-08-22)
(j) Uses Complementary to a Seniors’ Apartment Building (subject to Section 7.18) (2007-02-09)

10.11.3 Zone Requirements

The following requirements shall apply to:

(1) Apartment Building:

(a) Lot Area (minimum) 900 m²
(b) Lot Frontage (minimum) 20 m
(c) Lot Coverage (maximum) 30%
(d) Floor Area Ratio (maximum) 0.8
(e) Density (maximum) Not more than 1 Dwelling Unit per 170 m² of Lot Area
(f) Building Height (maximum) 3 Storeys (not exceeding 12m)
(g) Building Line (minimum) 7 m
(h) Side Yards (minimum) 1 m per Storey
(i) Side Yard on Flanking Road (minimum) 6 m
(j) Rear Yard (minimum) 6 m
(k) Landscaping on Lot (minimum) 40%
(l) Number of Parking Spaces (min) 1.2 Per Dwelling Unit

(2) Townhousing:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Lot Area (minimum)</td>
<td>180 m² per Dwelling Unit</td>
</tr>
<tr>
<td>(b)</td>
<td>Lot Frontage (minimum)</td>
<td>6 m per Dwelling Unit</td>
</tr>
<tr>
<td>(c)</td>
<td>Building Line (minimum)</td>
<td>0 m</td>
</tr>
<tr>
<td>(d)</td>
<td>Side Yard for End Unit Townhouses (min)</td>
<td>1.2 metres <em>(2002-07-05)</em></td>
</tr>
<tr>
<td>(e)</td>
<td>Side Yard on Flanking Road (minimum)</td>
<td>6 m</td>
</tr>
<tr>
<td>(f)</td>
<td>Rear Yard (minimum)</td>
<td>7 m</td>
</tr>
</tbody>
</table>
10.12 APARTMENT LOW DENSITY (A1) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.12.1 Permitted Uses

Notwithstanding the following, the only Permitted Use allowed on property situate at Civic #640-642 Empire Avenue (Parcel ID# 36337-38135) shall be a Seniors’ Apartment Building (subject to Section 7.18).

Residential:
(a) Accessory Building (subject to Section 8.3.6)
(b) Apartment Building
(c) Home Office (subject to Section 7.9)
(d) Seniors’ Apartment Building (subject to Section 7.18)
(e) Townhousing

Recreational:
(f) Park

Other:
(g) Day Care Centre (subject to Section 7.7)
(h) Personal Care Home

10.12.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Convenience Store in Apartment Building (subject to Section 7.5)
(c) Home Occupation (subject to Section 7.8)
(d) Parking Lot (subject to Section 7.13)
(e) Planned Unit Development (subject to Section 5.10.3)
(f) Private Park
(g) Public Utility
(h) Service Shop (subject to Section 7.19)
(i) Uses Complementary to an Apartment Building
(j) Uses Complementary to a Seniors’ Apartment Building (subject to Section 7.18)
(k) Semi-Detached Dwelling

10.12.3 Zone Requirements

The following requirements shall apply to:

(1) Apartment Building:
   (a) Lot Area (minimum) 750 m²
   (b) Lot Frontage (minimum) 20 m
   (c) Lot Coverage (maximum) 35%
   (d) Floor Area Ratio (maximum) 1.0
   (e) Density (maximum) Not more than 1 Dwelling Unit per 120 m² of Lot Area
(f) Building Height (max.) 3 Storeys (not exceeding 12m) except for the property at Civic Number 70 Freshwater Road (and referred to as the former Murphy Estate) and the property at Civic Number 421-425 Main Road where the maximum building height is limited to two (2) storeys (not exceeding 8 metres).  


(g) Building Line (minimum) 7 m
(h) Side Yards (minimum) 1 m per Storey
(i) Side Yard on Flanking Road (min.) 6 m
(j) Rear Yard (minimum) 6 m
(k) Landscaping on Lot (minimum) 35%
(l) Number of Parking Spaces 1.2
Per Dwelling Unit (minimum)

(2) Townhousing:

(a) Lot Area (minimum) 180 m² per Dwelling Unit
(b) Lot Frontage (minimum) 6 m per Dwelling Unit
(c) Building Line (minimum) 0 m
(d) Side Yard for End Unit Townhouses (min) 1.2 metres (2002-07-05)
(e) Side Yard on Flanking Road (minimum) 6 m
(f) Rear Yard (minimum) 7 m

(3) Personal Care Home: (2017-10-6)

(a) Lot Area (minimum) 750 m²
(b) Lot Frontage (minimum) 20m
(c) Lot Coverage (maximum) 35%
(d) Building Height (maximum) 3 Storeys (not exceeding 12m)
(e) Building Line (minimum) 7m
(f) Side Yard (minimum) 1m per Storey
(g) Side Yard on Flanking Road (minimum) 6m
(h) Rear Yard (minimum) 6m
(i) Landscaping on Lot (minimum) 35%”

(4) Semi-Detached Dwelling: (2017-12-29)

(a) Lot Area (minimum) 270m² per Dwelling Unit
(b) Lot Frontage (minimum) 18m; 9m per Dwelling Unit
(c) Building Line (minimum) 0m
(d) Side Yards (minimum) Two of 1.2m
(e) Side Yard on Flanking Road (minimum) 6m
(f) Rear Yard (minimum) 6m”
10.13 APARTMENT MEDIUM DENSITY (A2) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.13.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Apartment Building
(c) Home Office (subject to Section 7.9) (1997-08-08)
(d) Seniors' Apartment Building (subject to Section 7.18) (1995-06-09)
(e) Townhousing

Recreational:

(f) Park

Other:

(g) Day Care Centre (subject to Section 7.7)
(h) Personal Care Home (2018-04-20)

10.13.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Convenience Store in Apartment Building (subject to Section 7.5)
(c) Hairdressing Establishment
(d) Home Occupation (subject to Section 7.8)
(e) Parking Lot (subject to Section 7.13)
(f) Planned Unit Development (subject to Section 5.10.3)
(g) Private Park (2007-10-05)
(h) Public Utility
(i) Service Shop (subject to Section 7.19) (1995-06-09)
(j) Uses Complementary to an Apartment Building (2003-08-22)
(k) Uses Complementary to a Seniors' Apartment Building (subject to Section 7.18) (2007-02-09)
(l) Uses Complementary to a Personal Care Home (2018-04-20)

10.13.3 Zone Requirements

The following requirements shall apply to:

(1) Apartment Building:
   (a) Lot Area (minimum) 650 m²
   (b) Lot Frontage (minimum) 20 m
   (c) Lot Coverage (maximum) 50%
   (d) Floor Area Ratio (maximum) 1.5
   (e) Density (maximum) Not more than 1 dwelling unit per 90 m² of lot area

A2
(f) Building Height (maximum)  Six (6) Storeys (not exceeding 24 metres) except for the property at Margaret’s Place, off Newtown Road, and the property at Civic Number 455-461 Logy Bay Road and Civic Number 560 Topsail Road and the immediate area near Civic Number 560 Topsail Road where the maximum height of an Apartment Building is limited to four (4) Storeys; and accept for the property at Civic Number 25 Rhodora Street where the maximum Building Height of an Apartment Building to be constructed adjacent to Civic Number 15 Airport Heights Drive will be limited to a maximum Building Height of 15.8 metres as measured from finished grade on that side of the Apartment Building to be located adjacent to Civic Number 15 Airport Heights Drive. (2006-09-04) (2009-09-11) (2012-01-20) (2012-08-17)

(g) Building Line (minimum)  6 m
(h) Rear Yard (minimum)  6 m
(i) Number of Parking Spaces per Dwelling Unit (minimum)  1.25
(j) Side Yards (minimum)  One (1) metre per Storey except for the property at Civic Number 25 Rhodora Street where the minimum Side Yard requirements for a four (4) Storey Apartment Building to be constructed adjacent to Civic Number 15 Airport Heights Drive must be at least 12 metres on the side of the Apartment Building that will be adjacent to Civic Number 15 Airport Heights Drive (2012-08-17)

(k) Side Yard on Flanking Road (minimum)  6 m
(l) Landscaping on Lot (minimum)  30%

(2) Townhousing:

(a) Lot Area (minimum)  140 m² per Dwelling Unit
(b) Lot Frontage (minimum)  5.5 m
(c) Building Height (maximum)  3 Storeys, (not exceeding 12 m)
(d) Building Line (minimum)  0 m
(e) Side Yard for End Unit Townhouses (min)  1.2 metres (2002-07-05)
(f) Side Yard on Flanking Road (minimum)  6 m
(g) Rear Yard (minimum)  6 m
### Personal Care Home:

| (a) Lot Area (minimum) | 650m²  |
| (b) Lot Frontage (minimum) | 20m   |
| (c) Lot Coverage (maximum) | 50%   |
| (d) Building Height (maximum) | 6 Storeys (not exceeding 24m) |
| (e) Building Line (minimum) | 6m    |
| (f) Side Yard (minimum) | 1m per Storey |
| (g) Side Yard on Flanking Road (minimum) | 6m |
| (h) Rear Yard (minimum) | 6m    |
| (i) Landscaping on Lot (minimum) | 30%   |
10.14 APARTMENT HIGH DENSITY (A3) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.14.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Apartment Building
(c) Home Office (subject to Section 7.9) (1997-08-08)
(d) Seniors’ Apartment Building (subject to Section 7.18) (1995-06-09)

Recreational:

(e) Park

Other:

(f) Day Care Centre (subject to Section 7.7)

10.14.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Convenience Store in Apartment Building (subject to Section 7.5)
(c) Home Occupation (subject to Section 7.8) (1997-08-08)
(d) Parking Lot (subject to Section 7.13)
(e) Planned Unit Development (subject to Section 5.10.3)
(f) Private Park (2007-10-05)
(g) Public Utility
(h) Service Shop (subject to Section 7.19) (1995-06-09)
(i) Uses Complementary to an Apartment Building (2003-08-22)
(j) Uses Complementary to a Seniors’ Apartment Building (subject to Section 7.18) (2007-02-09)

10.14.3 Zone Requirements

The following requirements shall apply to all buildings:

(a) Lot Area (minimum) 900 m²
(b) Lot Frontage (minimum) 20 m
(c) Lot Coverage (maximum) 40%
(d) Floor Area Ratio (maximum) 2.0; provided that the Floor Area used for non-residential usage shall not exceed 20% of the Gross Floor Area on the Lot

A3
(e) Density (maximum) Not more than 1 Dwelling Unit per 60 m² of Lot Area
(f) Building Height (max) Ten (10) Storeys (not exceeding 37 metres) except those properties located at Civic Numbers 346-360 Empire Avenue and commonly referred to as the Kelly’s Brook Seniors’ Apartments, where the Building Height is restricted to a maximum of five (5) storeys; and except for the property located on Forest Road and commonly known as the Old General Hospital site, where the Building Height is restricted to a maximum of three (3) storeys; and except for the property located on the north side of Stavanger Drive and east of Coultas Street where the Building Height is restricted to six (6) storeys; and except for the property located on the north side of Stavanger Drive and west of Coultas Street where the Building Height is restricted to six (6) storeys; and except for the property located on the south side of Topsail Road, east of Holbrook Avenue, where the maximum building height is restricted to six (6) storeys on the northern portion of the site to allow the construction of two 6-storey apartment buildings and restricted to four (4) storeys on the southern portion of the site to allow the construction of two 4-storey apartment buildings.


(g) Building Line (minimum) 6 m
(h) Side Yards (minimum) 1 m per Storey up to a maximum of 6 m
(i) Side Yard on Flanking Road (min) 6 m
(j) Rear Yard (minimum) 6 metres, plus 1 metre per Storey over 6 Storeys in number
(k) Number of Parking Spaces Per Dwelling Unit (minimum) 1.25
(l) Landscaping on Lot (minimum) 30%
10.15 APARTMENT DOWNTOWN (AD) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.15.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Apartment Building containing not more than 24 dwelling units (1995-06-09)
(c) Home Office (subject to Section 7.9) (1997-08-08)
(d) Seniors’ Apartment Building containing not more than 24 dwelling units (1995-06-09) (subject to Section 7.18) (1995-06-09)

Private/Commercial:

The following Uses are permitted only on the First and Second Storeys of an Apartment Building:

(e) Service Shop (subject to Section 7.19) (1995-06-09)

Recreational:

(f) Park

Other:

(g) Day Care Centre (subject to Section 7.7)

10.15.2 Discretionary Uses (subject to Section 5.8)

(a) Adult Day Care Facility (subject to Section 7.3)
(b) Convenience Store in Apartment Building (subject to Section 7.5)
(c) Home Occupation (subject to Section 7.8) (1997-08-08)
(d) Office (2008-07-18)
(e) Parking Lot (subject to Section 7.13)
(f) Planned Unit Development (subject to Section 5.10.3)
(g) Private Park
(h) Public Utility
(i) Uses Complementary to an Apartment Building (2003-08-22)
(j) Uses Complementary to a Seniors’ Apartment Building (Subject to Section 7.18) (2007-02-09)

10.15.3 Zone Requirements

The following requirements shall apply to:

All Buildings:

(a) Lot Frontage (minimum) 20 m

AD
(b) Floor Area Ratio (maximum) 2.5; provided that the Floor Area used for non-residential usage shall not exceed 20% of Gross Floor Area on the Lot

(c) Density Not more than 1 Dwelling Unit per 50 square metres of Lot Area

(d) Building Height (maximum) 4 Storeys

(e) Building Line (minimum) As determined by Council

(f) Side Yards (minimum) As determined by Council

(g) Side Yard on Flanking Road (minimum) 6 m

(h) Rear Yard (minimum) As determined by Council

(i) Number of Parking Spaces Per Dwelling Unit (minimum) 1.25
COMMERICAL ZONES

10.16 Commercial Local (CL) Zone

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.16.1 Permitted Uses

Residential:

(a) Dwelling Units located in the second and/or higher Storeys of a Building (1998-08-14)(2007-04-05) (except for the property at Civic Number 24 Torbay Road) (2010-08-20)

Public:

(b) Library (except for the property at Civic Number 24 Torbay Road) (2010-08-20)
(c) Adult Day Care Facility (subject to Section 7.2) (except for the property at Civic Number 24 Torbay Road) (2010-08-20)

Commercial:

(d) Convenience Store (except for the property at Civic NO. 24 Torbay Road) (2010-08-20)
(e) Day Care Centre (subject to Section 7.6) (except for the property at Civic Number 24 Torbay Road) (2010-08-20)
(f) Office
(g) Service Shop (except for the property at Civic Number 24 Torbay Road) (2010-08-20)

Other:

(h) Public Utility (except for the property at Civic Number 24 Torbay Road) (2010-08-20)

10.16.2 Discretionary Uses (Subject to Section 5.8)

(a) Recycling Depot (provided the site is not located in a Residential Land Use District of the St. John’s Municipal Plan ) (1997-11-21) (except for the property at Civic Number 24 Torbay Road) (2010-08-20)
(b) Take-Out Food Service (2016-08-05)

10.16.3 Zone Requirements

The following requirements shall apply to all Uses:

(a) Lot Area (minimum) 900 square metres
(b) Lot Frontage (minimum) 30 m
(c) Gross Floor Area (maximum) 450 square metres
(d) Floor Area Ratio (maximum) 1.0
(e) Building Height (maximum) 2 Storeys
(f) Building Line (minimum) 7 m
(g) Side Yard (minimum) 1 m per Storey
(h) Side Yards on Flanking Road (minimum) 6 m
(i) Rear yard (minimum) 6 m
(j) Landscaping on Lot (minimum) Subject to Section 8.5

CL
10.17 COMMERCIAL NEIGHBOURHOOD (CN) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

10.17.1 Permitted Uses

Residential:

(a) Dwelling Units located in the second and/or higher Storeys of a Building (1995-12-08) (2007-04-05)

Public:

(b) Library
(c) Adult Day Care Facility (subject to Section 7.2)

Commercial:

(d) Bakery
(e) Bank (Subject to Section 7.30) (2012-06-29)
(f) Clinic
(g) Commercial School
(h) Custom Workshop
(i) Dry-cleaning Establishment
(j) Laundromat
(k) Office
(l) Parking Area
(m) Printing Establishment
(n) Retail Store
(o) Service Shop
(p) Sign Maker's Shop
(q) Veterinary Clinic

Recreational:

(r) Park

Other:

(s) Public Utility
10.17.2 Discretionary Uses (subject to Section 5.8)

(a) Car Washing Establishment (Subject to Section 7.30) (2012-06-29)
(b) Car Sales Lot (2007-09-07)
(c) Church (1998-05-29)
(d) Day Care Centre (subject to Section 7.6) (1995-09-15)
(e) Eating Establishment (subject to Section 7.21)(Subject to 7.31) (2012-06-29)
(f) Lounge (subject to Section 7.21) (2014-06-06)
(g) Pharmacy (2020-11-13)
(h) Private Park (2007-10-05)
(i) Recycling Depot (provided the site is not located in a Residential Land Use District of the St. John's Municipal Plan) (1997-11-21)
(j) Rental Storage Use (subject to Section 7.23) (2008-07-18)
(k) Service Station and Gas Bar (Subject to Section 7.30) (2012-06-29)
(l) Small Scale Wind Turbine (2012-06-01)
(m) Take-Out Food Service (Subject to Section 7.30) (2012-06-29)
(n) Taxi Business

10.17.3 Zone Requirements

(1) The following requirements shall apply to all Commercial and Institutional Uses:

(a) Lot Area (minimum) 900 square metres
(b) Lot Frontage (minimum) 30 m
(c) Lot Coverage (maximum) 50%
(d) Gross Floor Area used exclusively for a Commercial Use shall not exceed 9000 square metres
(e) Floor Area Ratio maximum) 1.0
(f) Building Height (maximum) 3 Storeys
(g) Building Line (minimum) 7 m
(h) Side Yards (minimum) 1 m per Storey
(i) Side Yard on Flanking Road (minimum) 6 m
(j) Rear Yard (minimum) 6 m
(k) Landscaping on Lot (minimum) Subject to Section 8.5

(2) All other uses:
As determined by Council
10.18 COMMERCIAL OFFICE (CO) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.18.1 Permitted Uses

Residential:
(a) Dwelling Units located in the second and/or higher Storeys of a Building (except the property located at Civic Number 172 Logy Bay Road) (1995-12-08) (2007-04-05) (2007-12-21)
(b) Seniors' Apartment Building (subject to Section 7.18) (except the property located at Civic Number 172 Logy Bay Road) (1995-06-09) (2007-12-21)
(c) Office
(d) Parking Area (except the property located at Civic Number 172 Logy Bay Road) (1999-02-05) (2007-12-21)
(e) Convenience Store (except the property located at Civic Number 172 Logy Bay Road) (2007-12-21)
(f) Service Shop (except the property located at Civic Number 172 Logy Bay Road) (2007-12-21)

Recreational:
(g) Park (except the property located at Civic Number 172 Logy Bay Road) (2007-12-21)

Other:
(h) Adult Day Care Facility ((subject to Section 7.2) (except the property located at Civic Number 172 Logy Bay Road) (2007-12-21)
(i) Day Care Centre (subject to Section 7.6) (except the property located at Civic Number 172 Logy Bay Road) (2007-12-21)
(j) Public Utility (except the property located at Civic Number 172 Logy Bay Road) (2007-12-21)

10.18.2 Discretionary Uses (subject to Section 5.8)

(a) Commercial School (except the property located at Civic Number 172 Logy Bay Road) (1997-01-31) (2007-12-21)
(b) Recycling Depot (except the property located at Civic Number 172 Logy Bay Road) (199711-21) (2007-12-21)
(c) Clinic (except the property located at Civic Number 172 Logy Bay Road) (2005 03 04) (2007-12-21)
(d) Uses Complementary to a Seniors’ Apartment Building (except the property located at Civic Number 172 Logy Bay Road) (subject to Section 7.18) (2007-02-09) (2007-121)
(e) Private Park (except the property located at Civic Number 172 Logy Bay Road) (2007-10-05) (2007-12-21)
(f) Heritage Use (except the property located at Civic Number 172 Logy Bay Road) (2012-02-10)
(g) Small Scale Wind Turbine (2012-06-01)
(h) Dwelling Units located on the ground floor (2015-05-01)
(i) Pharmacy (2020-11-13)
### 10.18.3 Zone Requirements

(1) The following requirements shall apply to all uses:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Lot Area (minimum)</td>
<td>900 square metres</td>
</tr>
<tr>
<td>(b) Lot Frontage (minimum)</td>
<td>20 metres</td>
</tr>
<tr>
<td>(c) Lot Coverage (maximum)</td>
<td>50%</td>
</tr>
<tr>
<td>(d) Floor Area Ratio (maximum)</td>
<td>As determined by the Municipal Plan, but shall not exceed 2.0</td>
</tr>
<tr>
<td>(e) Building Height (maximum)</td>
<td>As determined by the Municipal Plan, but shall not exceed 10 Storeys (not exceeding 40 metres). For the Belvedere property located between Bonaventure Avenue and Newtown Road, Building Height shall not exceed three (3) Storeys. For the Belvedere property located between Bonaventure Avenue and Newtown Road along Margaret’s Place, Building Height shall not exceed four (4) storeys.</td>
</tr>
<tr>
<td>(f) Building Line (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(g) Side Yards (maximum)</td>
<td>1 metre per Storey (to a max. of 6 metres)</td>
</tr>
<tr>
<td>(h) Side Yard on Flanking Road (min)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(i) Rear Yard (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(j) Landscaping on Lot (minimum)</td>
<td>Subject to Section 8.5</td>
</tr>
</tbody>
</table>
10.19 COMMERCIAL OFFICE HOTEL (COH) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.19.1 Permitted Uses

Residential:

(a) Dwelling Units located in the second and/or higher Storeys of a Building (2007-04-05)
(b) Seniors’ Apartment Building (subject to Section 7.18) (1995-06-09)

Commercial:

(c) Bakery
(d) Bank (Subject to Section 7.30) (2012-06-29)
(e) Clinic
(f) Club
(g) Commercial School
(h) Hotel
(i) Office
(j) Parking Area (1999-02-05)
(k) Pharmacy
(m) Eating Establishment (subject to Section 7.21)
(n) Service Shop
(o) Sign Maker's Shop
(p) Veterinary Clinic

Recreational:

(q) Park

Other:

(r) Adult Day Care Facility (subject to Section 7.2)
(s) Day Care Centre (subject to Section 7.6)
(t) Public Use
(u) Public Utility

10.19.2 Discretionary Uses

(a) Uses Complementary to a Seniors’ Apartment Building (Subject to Section 7.18) (2007-02-09)
(b) Dwelling Units located on the ground floor (1st Storey) of a Building (2007-04-05)
(c) Private Park (2007-10-05)
(d) Small Scale Wind Turbine (2012-06-01)

COH
10.19.3 Zone Requirements

(1) The following requirements shall apply to all uses:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Lot Area</td>
<td>900 square metres</td>
</tr>
<tr>
<td>(b) Lot Frontage</td>
<td>20 m</td>
</tr>
<tr>
<td>(c) Lot Coverage</td>
<td>50%</td>
</tr>
<tr>
<td>(d) Floor Area Ratio</td>
<td>As determined by the Municipal Plan, but shall not exceed 2.0</td>
</tr>
<tr>
<td>(e) Building Height (Max)</td>
<td>As determined by the Municipal Plan, but shall not exceed 10 storeys (not exceeding 40 metres) except at the property situated at Waterford Bridge Road known as the Littledale Complex, where the maximum height is limited to 4 storeys (not exceeding 15 metres) (2009-01-16)</td>
</tr>
<tr>
<td>(f) Building Line</td>
<td>6 m</td>
</tr>
<tr>
<td>(g) Side Yards</td>
<td>1 m per Storey (to a maximum of 6 m)</td>
</tr>
<tr>
<td>(h) Side Yard on Flanking Road (min)</td>
<td>6 m</td>
</tr>
<tr>
<td>(i) Rear Yard (minimum)</td>
<td>6 m</td>
</tr>
<tr>
<td>(j) Landscaping on Lot (minimum)</td>
<td>Subject to Section 8.5</td>
</tr>
<tr>
<td>(k) Distribution of Uses:</td>
<td></td>
</tr>
</tbody>
</table>

Within this Zone no more than 10% of the floor area of a building may be occupied by any or all of the following uses:

- club
- eating establishment (1995-09-15)
- service shop
- custom workshop

COH
10.20 COMMERCIAL HIGHWAY (CH) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.20.1 Permitted Uses

Residential:

(a) Accessory Dwelling Unit

Commercial:

(b) Auction House
(c) Bakery
(d) Bank (Subject to Section 7.30) (2012-06-29)
(e) Car Sales Lot
(f) Car Washing Establishment (Subject to Section 7.31) (2012-06-29)
(g) Church
(h) Clinic
(i) Club
(j) Commercial Garage (Subject to Section 7.30) (2012-06-29)
(k) Commercial School
(l) Communications Use
(m) Dry Cleaning Establishment
(n) Eating Establishment (Subject to Section 7.21)(Subject to Section 7.30) (1995-09-15) (2012-06-29)
(o) Hotel
(p) Laundromat
(p.1) Lounge (2011-05-06)
(q) Office
(r) Parking Area
(s) Pharmacy (2020-11-13)
(t) Printing Establishment
(u) Recycling Depot (A Recycling Depot shall not be allowed on property located between Airport Road and Portugal Cove Road which was the subject of St. John’s Development Regulations Amendment Number 325, 2004) (1997-11-21) (2004-10-01)
(v) Retail of Building Supplies
(w) Retail Store
(x) School
(y) Service Shop
(z) Service Station and Gas Bar (subject to Section 7.20) (Subject to Section 7.30) (1995-06-09)(2012-06-29)
(aa) Sign Maker's Shop
(bb) Taxi Business
(cc) Undertaker's Establishment
(dd) Veterinary Clinic
(ee) Warehouse (1997-03-28)

Recreational:
(ff) Adult Massage Parlour (2020-09-11)
(gg) Park
(hh) Recreational Use

Other:
(ii) Public Use
(jj) Public Utility

10.20.2 Discretionary Uses (Subject to Section 5.8)

(a) Day Care Centre (subject to Section 7.6) (1998-12-24)
(b) Place of Amusement
(c) Place of Assembly (1995-11-24)
(d) Private Park (2007-10-05)
(e) Woodworking Shop (2000-11-24)
(f) Small Scale Wind Turbine (2012-06-01)
(g) Craft Brewery/Distillery (2019-07-19)

10.20.3 Zone Requirements

(1) The following requirements shall apply to all Commercial Uses, except Service Stations:

(a) Lot Area (minimum) 1200 square metres
(b) Lot Frontage (minimum) 35 m
(c) Lot Coverage (maximum) 50%
(d) Floor Area Ratio (maximum) 1.0 (2002-12-20)
(f) Building Height (maximum) 15m
(g) Building Line Setback (minimum) 6m (2014-04-17)
(h) Side Yards (minimum) 1 m per Storey
(i) Side Yard on Flanking Road (minimum) 6 m
(j) Rear Yard (minimum) 6 m
(k) Landscaping on Lot (minimum) 20%

(2) All other uses:

As determined by Council

(3) Notwithstanding subsections (1) and (2) noted above, the maximum Building Height for the property located at Civic Number 227-229-245 Kenmount Road is 25 metres. (2013-07-05)
10.21 COMMERCIAL REGIONAL (CR) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.21.1 Permitted Uses

Residential:

(a) Accessory Dwelling Unit

Public:

(b) Library

Commercial:

(c) Bakery
(d) Bank (Subject to Section 7.30) (2012-06-29)
(e) Car Washing Establishment (Subject to Section 7.30) (2012-06-29)
(f) Church
(g) Clinic
(h) Commercial Garage (Subject to Section 7.30) (2012-06-29)
(i) Commercial School
(j) Communications Use
(k) Custom Workshop
(l) Department Store
(m) Drycleaning Establishment
(n) Eating Establishment (subject to Section 7.21)(Subject to Section 7.30)


(o) Hotel
(p) Laundromat
(p.1) Lounge (2011-05-06)
(q) Office
(r) Parking Area
(s) Pharmacy (2020-11-13)
(t) Printing Establishment
(u) Recycling Depot (1997-11-21)
(v) Retail of Building Supplies
(w) Retail Store
(x) Retail Warehouse
(y) School
(z) Service Shop
(aa) Service Station and Gas Bar (subject to Section 7.20) (Subject to Section 7.30)

(1995-06-09)(2012-06-29)

(bb) Shopping Centre
(cc) Sign Maker's Shop
(dd) Taxi Business
(ee) Veterinary Clinic
Recreational:

(ff) Recreational Use

Other:

(gg) Adult Massage Parlour (2020-09-11)
(hh) Day Care Centre (subject to Section 7.6) (1996-04-26)
(ii) Public Use
(jj) Public Utility

10.21.2 Discretionary Uses (subject to Section 5.8)

(a) Light Industrial Use (2006-03-10)
(b) Place of Amusement
(c) Place of Assembly (1995-11-24)
(d) Warehouses (2006-06-23)
(e) Small Scale Wind Turbine (2012-06-01)
(f) Craft Brewery/Distillery (2019-07-19)

10.21.3 Zone Requirements

(1) The following requirements shall apply to all Commercial uses, except Service Stations:

(a) Lot Area (minimum) 1800 square metres
(b) Lot Frontage (minimum) 45 m
(c) Lot Coverage (maximum) 50%
(d) Floor Area Ratio (maximum) 1.0
(f) Building Height (maximum) 20 m (2017-09-22)
(g) Building Line (minimum) 6 m
(h) Side Yards (minimum) 1 metre per Storey
(i) Side Yard on Flanking Road (minimum) 6 m
(j) Rear Yard (minimum) 6 m
(k) Landscaping on Lot (minimum) 20%

(2) All other uses:

As determined by Council

10.21.4 Former Memorial Stadium Site - Lake Avenue and King’s Bridge Road

Notwithstanding the provisions of Section 10.21.1 and 10.21.2, the following shall apply to the former Memorial Stadium site, located at Lake Avenue and King’s Bridge Road:
Permitted Uses:
(a) Bank (Subject to Section 7.30)        (2012-06-29)
(b) Clinic
(c) Dry Cleaning Establishment
(d) Eating Establishment (Subject to Section 7.21)(Subject to Section 7.31) (2012-06-29)
(e) Office
(f) Parking Area
(g) Pharmacy
(h) Recreational Use
(i) Retail Store
(j) Service Shop

Discretionary Uses:
(a) Public Use
(b) Public Utility                  (2005-08-19)
10.22 COMMERCIAL MIXED USE (CM) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

10.22.1 Permitted Uses

Residential:

(a) Dwelling Units located in the second and/or higher Storeys of a Building (1995-12-08) (2007-04-05) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(b) Bed and Breakfast (subject to Section 7.27) (1998-10-23) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14) (2008-01-25)

(c) Boarding or Lodging House (accommodating between five (5) and sixteen (16) persons) (1999-04-16) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

Public:

(d) Adult Day Care Facility (subject to Section 7.2) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(e) Church (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

(f) Cultural Center (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(g) Library (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

(h) School (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

Commercial:

(i) Bakery (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

(j) Bank (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

(Subject to Section 7.30) (2012-06-29)

(k) Clinic (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

(l) Commercial School (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

(m) Communications Use (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

(n) Custom Workshop (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)
(o) Dry Cleaning Establishment (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(p) Eating Establishment (subject to Section 7.21) (1995-09-15) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14) (Subject to Section 7.31) (2012-06-29)

(q) Hotel (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

(r) Laundromat (except the property located at Civic Number 615 Empire Ave.) (2007-12-14)

(r.1) Lounge (2011-05-06)

(s) Office (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

(t) Parking area (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

(u) Printing Establishment (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(v) Retail Store (except the property located at Civic Number 615 Empire Ave.) (2007-12-14)

(w) Service Shop (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(x) Service Station and Gas Bar (subject to Section 7.20) (1995-06-09) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14) (Subject to Section 7.31) (2012-06-29)

(y) Sign Maker's Shop (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(z) Tavern (subject to Section 7.21) (1995-06-09) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14) (Repealed 2011-05-06)

(aa) Taxi Business (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

Industrial:

(bb) Adult Massage Parlour (2020-09-11)

(cc) Light Industrial Use

Recreational:

(dd) Park (except the property located at Civic No. 615 Empire Avenue) (2007-12-14)

Other:

(ee) Day Care Centre (subject to Section 7.6) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(ff) Public Use (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)
10.22.2 Discretionary Uses (subject to Section 5.8)

(a) Car Washing Establishment (except the property located at Civic Number 615 Empire Avenue) (2007-12-14) (Subject to Section 7.30) (2012-06-29)

(b) Dwelling units located on the ground floor (1st storey) of a building (2012-02-24)

(c) Horticultural Operations - the site must be located in a Commercial Downtown Land Use District under the St. John’s Municipal Plan (2002-11-29) (See Section 7.16) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(d) Pharmacy (2020-11-13)

(e) Place of Amusement (except in Churchill Square as shown on Map H and except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(f) Place of Assembly (1995-11-24) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(g) Private Park (2007-10-05)(except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(h) Recycling Depot (1997-11-21) (except the property located at Civic Number 615 Empire Avenue) (2007-12-14)

(i) Small Scale Wind Turbine (2012-06-01)


10.22.3 Zone Requirements

(1) The following requirements shall apply to all Uses except Parks and Service Stations:

(a) Floor Area Ratio (maximum) 2.0 (2019-10-18)

(b) Building Height (maximum) 4 Storeys (not exceeding 15 metres) (for the property located at Civic Number 615 Empire Avenue Building Height shall not exceed two (2) storeys, not exceeding 8 metres) (2007-12-14)

(c) Residential Density (maximum) 1 Dwelling Unit per 50 square metres of Lot Area

(2) The following requirements shall apply to all Uses except Parks and Service Stations within the Churchill Square Retail Area (as shown on Map H):

(a) Floor Area Ratio (maximum) 4.7

(b) Building Height (maximum) 6 Storeys (not exceeding 21.5 metres)
(c) Residential Density (maximum) 1 Dwelling Unit per 29 square metres of Lot Area

(2019-10-18)
10.22(A) COMMERCIAL MIXED USE – PLEASANTVILLE (CM-PLEASANTVILLE) ZONE

(2009-04-03)

10.22(A).1 Permitted Uses

Residential:
(a) Dwelling Units on any floor of a Building
(b) Bed and Breakfast (Subject to Section 7.27)
(c) Boarding or Lodging House (accommodating between five (5) and sixteen (16) persons)

Public:
(d) Adult Day Care Facility (Subject to Section 7.2)
(e) Church
(f) Cultural Center
(g) Library
(h) School

Commercial:
(i) Bakery
(j) Bank (Subject to Section 7.30) (2012-06-29)
(k) Clinic
(l) Commercial
(m) Communications Use
(n) Custom Workshop
(o) Dry Cleaning Establishment
(p) Eating Establishment (Subject to Section 7.21) (Subject to Section 7.31) (2012-06-29)
(q) Hotel
(r) Laundromat
(r.1) Lounge (2011-05-06)
(s) Office
(t) Parking Area
(u) Printing Establishment
(v) Retail Store
(w) Service Shop
(x) Service Station and Gas Bar (Subject to Section 7.20) (Subject to Section 7.30)

(y) Sign Maker’s Shop
(z) Taxi Business

CM-PLEASANTVILLE
Industrial:
(aa) Light Industrial Use

CM-PLEASANTVILLE

Recreational:
(bb) Park

Other:
(cc) Day Care Centre (Subject to Section 7.6)
(dd) Public Use
(ee) Public Utility

10.22(A).2 Discretionary Uses (Subject to Section 5.8)

(a) Car Washing Establishment (Subject to Section 7.30) (2012-06-29)
(b) Pharmacy (2020-11-13)
(c) Place of Amusement
(d) Place of Assembly
(e) Private Park
(f) Recycling Depot

10.22(A).3 Zone Requirements

(1) The following requirements shall apply to all Uses except Parks and Service Stations:

(a) Floor Area Ratio (maximum) 2.0
(b) Building Height (maximum) 4 Storeys (not exceeding 15 metres)
(c) Residential Density (maximum) 1 Dwelling Unit per 50 m² of Lot Area

CM-PLEASANTVILLE
10.23 COMMERCIAL CENTRAL MIXED USE (CCM) ZONE
(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.23.1 Permitted Uses

Note: The only use allowed at Civic No. 40 Henry Street (formerly Star of the Sea Hall site) is a building with residential dwelling units.  

Residential:
(a) Dwelling Units located in the second and/or higher Storeys of a Building  
   (1995-12-08) (2007-04-05)
(b) Bed and Breakfast (subject to Section 7.27)  
(c) Boarding or Lodging House
   (accommodating between five (5) and sixteen (16) persons)  
   (1999-04-16)

Public:
(d) Adult Day Care Facility (subject to Section 7.2)
(e) Church
(f) Cultural Center
(g) Library
(h) School

Commercial:
(i) Bakery
(j) Bank (Subject to Section 7.30)  
   (2012-06-29)
(k) Clinic
(l) Commercial School
(m) Communications Use
(n) Custom Workshop
(o) Dry Cleaning Establishment
(p) Eating Establishment (Subject to Section 7.21) (Subject to Section 7.30)  
(q) Hotel
(r) Laundromat
(r.1) Lounge  
   (2011-05-06)
(s) Office
(t) Parking area
(u) Pharmacy  
   (2020-11-13)
(v) Printing Establishment
(w) Retail Store
(x) Service Shop
(y) Service Station and Gas Bar (subject to Section 7.20) (Subject to Section 7.30)  
(z) Sign Maker's Shop
(aa) Taxi Business
(bb) Transportation Terminal

CCM
Industrial:

(cc) Adult Massage Parlour (2020-09-11)
(dd) Light Industrial Use

Recreational:

(ee) Park

Other:

(ff) Day Care Centre (subject to Section 7.6)
(gg) Public Use
(hh) Public Utility

10.23.2 Discretionary Uses

(subject to Section 5.8) Note: The only use allowed at Civic No. 40 Henry Street (formerly Star of the Sea Hall site) is a building with residential dwelling units. (2012-06-01)

(a) Car Washing Establishment (Subject to Section 7.30) (2012-06-29)
(b) Commercial Garage (Subject to Section 7.30) (2012-06-29)
(c) Place of Amusement
(d) Place of Assembly (1995-11-24)(1995-12-08)
(e) Private Park (2007-10-05)
(f) Recycling Depot (1997-11-21)
(g) Dwelling Unit on the ground floor (1st storey) of a building (2002-12-20)
(h) Craft Brewery/Distillery (2019-07-19)

10.23.3 Zone Requirements

The following requirements shall apply to all uses except Service Stations:

(a) Floor Area Ratio (maximum) 3.0
   In a situation where owing to substantial grade differences on a lot with frontage on more than one public street, a multi-storey building would have a storey higher than 6.0 metres, Council may increase the maximum Floor Area Ratio to 4.0, provided the maximum Building Height does not exceed 15 metres.

(b) Building Height (maximum) 15 metres

(c) Residential Density (maximum) One (1) Dwelling Unit per 50 square metres of Lot Area

(d) Notwithstanding Subsections (a), (b) and (c), Council may permit at the property situate at Civic Number 418 Water Street (situated between the intersections of Water Street and Prince Street and Water Street and Buchanan Street), a Building with a Building Height greater than 15 metres.

CCM
(e) Notwithstanding Subsections (a), (b) and (c), Council will permit at the property situate at Civic Number 123 Water Street (the southeast corner of the intersection of Water Street and Prescott Street), a Building with a Building Height not greater than 17.9 metres as measured from Water Street and a Floor Area Ratio not greater than 3.54.  

(2009-08-07)

(f) Notwithstanding Subsections (a), (b) and (c), Council will permit at the former CBC Radio Building at Civic Number 344 Duckworth Street and the property described as being located east of the former CBC Radio Building at Civic Number 344 Duckworth Street, west of Bell Street and between Duckworth Street and Henry Street, Buildings with Building Heights not greater than 18.5 metres as measured from Henry Street.

(2011-09-30)

(g) Notwithstanding Subsections (a), (b) and (c), Council may permit at Civic No. 40 Henry Street, commonly known as the former Star of the Sea Hall site, a building with a Building Height greater than 15 metres and a Floor Area Ratio greater than 3.0 and with a residential density greater than one (1) dwelling unit per 50 m² of Lot Area.

(2012-06-01)

(h) Notwithstanding Subsections (a), (b) and (c), Council may permit at its discretion, at the property situated at Civic Numbers 345-353 Duckworth Street commonly referred to as the former Avalon Telephone Building, a Building with a Building Height greater than 15 metres as measured from Duckworth Street, with a Floor Area Ratio greater than 3.0, and a Residential Density greater than one (1) dwelling unit per 50 m² of Lot Area.

(2012-07-06)

(i) Notwithstanding Subsections (a), (b) and (c), Council may permit at its discretion, at the property located at the northeast corner of the intersection of Duckworth Street and Cochrane Street, a hotel building with a building height not greater than 20 metres.

(2013-01-18)

(j) Notwithstanding Subsection (b), Council may permit at the property located at Civic Number 430 Water Street, a Building with a Building Height not greater than 6 storeys/21.6 metres.

(2019-11-01)

10.23.4 Battery Development Area

In addition to the requirements of Section 10.23.3 (Zone Requirements – Commercial Central Mixed Use (CCM) Zone), any development of the property at Civic Numbers 32-34-36 Temperance Street (and known as the former Power Salvage Site) must be terraced in line with the slope of Temperance Street and building elevations for any proposed development on the site must be reviewed and approved by Council before any proposed development receives approval and applicable permits.

(2009-07-24)
10.24 COMMERCIAL CENTRAL OFFICE (CCO) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.24.1 Permitted Uses

Residential:

(a) Accessory Dwelling Unit

Public:

(b) Cultural Center
(c) Library

Commercial:

(d) Bakery
(e) Bank (Subject to Section 7.30) (2012-06-29)
(f) Clinic
(g) Commercial Garage (Subject to Section 7.30) (2012-06-29)
(h) Commercial School
(i) Communications Use
(j) Custom Workshop
(k) Dry Cleaning Establishment
(l) Eating Establishment (subject to Section 7.21) (Subject to Section 7.30) (1995-09-15) (2012-06-29)
(m) Hotel
(n) Laundromat
(n.1) Lounge (2011-05-06)
(o) Office
(p) Parking Area
(q) Pharmacy (2020-11-13)
(r) Printing Establishment
(s) Retail Store
(t) Service Shop
(u) Service Station and Gas Bar (subject to Section 7.20) (Subject to Section 7.30) (1995-06-09) (2012-06-29)
(v) Sign Maker's Shop
(w) Taxi Business
(x) Transportation Terminal
(y) Wholesale Business

Recreational:

(z) Park

Other:

(aa) Day Care Centre (subject to Section 7.6)
(bb) Public Use
(cc) Public Utility
10.24.2 Discretionary Uses (subject to Section 5.8)

(a) Place of Amusement

(b) Place of Assembly (1995-11-24)

(c) Private Park (2007-10-05)

(d) Recycling Depot (1997-11-21)

(e) Craft Brewery/Distillery (2019-07-19)

10.24.3 Zone Requirements

(1) The following requirements shall apply to all Uses except Service Stations:

(a) Floor Area Ratio (maximum) 3.0
   In areas allowing greater bulk on Map F (max) 6.0

(b) Building Height (maximum) 4 Storeys (not exceeding 15 m)

(c) Additional Building Height (max) Up to 12 Storeys and 48 m provided:
   (i) the property is situated in an area allowing greater bulk and height on Map F; and
   (ii) the minimum lot depth is 48 m.

When a Building is situated in the Heritage Area:

(i) the maximum allowable height is restricted to ten (10) Storeys; and

(ii) the minimum building façade setback on Street shall be 0 metres for first 18 metres of Building Height, 4 metres for greater than 18 metres in Building Height. Where Building façade abuts more than one Street, setback shall be applied to a minimum of 2 Streets, such Streets being determine by the Chief Municipal Planner. (2019-11-01)

(d) Light Plane Section 11.5 shall apply

(2) All Other Uses:

As determined by Council

CCO
10.25 COMMERCIAL CENTRAL RETAIL (CCR) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.25.1 Permitted Uses

Residential:

(a) Dwelling Unit within Buildings having an F.A.R. not exceeding 3.0

Public:

(b) Adult Day Care Facility (subject to Section 7.2)
(c) Cultural Centre
(d) Library

Commercial:

(e) Bakery
(f) Bank (Subject to Section 7.30) (2012-06-29)
(g) Clinic
(h) Commercial School
(i) Communications Use
(j) Custom Workshop
(k) Department Store
(l) Dry Cleaning Establishment
(m) Eating Establishment (subject to Section 7.21) (Subject to Section 7.30) (1995-09-15) (2012-06-29)

(n) Hotel
(o) Laundromat
(o.1) Lounge (2011-05-06)
(p) Office
(q) Parking Area
(r) Pharmacy (2020-11-13)
(s) Printing Establishment
(t) Retail Store
(u) Service Shop
(v) Sign Maker's Shop
(w) Taxi Business
(x) Wholesale Business as Accessory Use to Retail Use Only

Other:

(y) Day Care Centre (subject to Section 7.6)
(z) Park
(aa) Public Use
(bb) Public Utility

CCR
10.25.2 Discretionary Uses (subject to Section 5.8)

(a) Place of Amusement
(b) Place of Assembly
(c) Private Park
(d) Craft Brewery/Distillery

10.25.3 Zone Requirements

The following requirements shall apply to all permitted Uses:

(a) Floor Area Ratio (maximum) 3.0
   In areas allowing greater bulk on Map F (max) 5.0

(b) Floor Area Commercial (min) Where a Building is located on a Lot adjoining Water Street, not less than 1 Storey shall be used exclusively for one or more of the following Uses - Retail Store, department store, Bank, Service Shop, Eating Establishment, Lounge, Place of Amusement, Place of Assembly; and such a Commercial Storey shall be at the approximate elevation of the adjoining portion of Water Street.

(c) Building Height (maximum) 18 metres
   (2019-11-01)

(d) Additional Building Height (maximum) Up to 10 Storeys and 40 m, provided:
   (i) the Building is situated in an area allowing greater bulk on Map F;
   (ii) the Building is not situated in the Historic Precinct; and
   (iii) that such parts of the Building exceeding 4 Storeys in height shall be set back from any Street Line at a distance of not less than 8 m.

(e) Building Line (minimum) All Buildings situated on Water Street shall be built on the Street Line, except for entrances to an arcade or a pedestrian court with a width not exceeding 6 m, measured along a line parallel to Water Street

(f) Light Plane Section 11.5 shall apply.
Purpose of this Zone:

This Zone shall apply to the properties on the south side of Water Street located between Bishop’s Cove and Steer’s Cove.

(a) **Permitted Uses** – all Uses permitted in the Commercial Central Retail (CCR) Zone.

(b) **Discretionary Uses** – all Uses referenced as Discretionary Uses in the Commercial Central Retail (CCR) Zone.

(c) **Zone Requirements**

   (i) **Floor Area Commercial (minimum):** Not less than one (1) storey of the Building shall be used exclusively for one or more of the following uses – Retail Store, Bank, Service Shop, Eating Establishment, Lounge, Place of Amusement, Place of Assembly and such a Commercial Storey shall be at the approximate elevation of the adjoining portion of Water Street. **(2011-05-07)**

   (ii) **Building Line (minimum):** All Buildings situated on Water Street shall be built at the Street Line of Water Street, except for entrances to an arcade or a pedestrian court with a width not exceeding 6 metres, measured along a line parallel to Water Street.

   (iii) **Building Height:** The maximum Building Height at the Street Line of Water Street, and within 8 metres thereof, is 15 metres. For those parts or portions of Buildings that are set back 8 metres or more from the Street Line of Water Street, Council may permit, at its discretion and subject to such conditions that it may see fit to impose, such additional Building Height as it may deem to be appropriate in the circumstances, up to a maximum of Building Height of 40 metres.

   Notwithstanding the foregoing, and only in relation to the property at Civic Number 351 Water Street (commonly known as the former Woolworth’s Store site), the maximum Building Height at the Street Line of Water Street and within 4 metres thereof, is 15.5 metres. The maximum Building Height for those parts or portions of a Building that are set back from 4 metres to within 8 metres of the Street Line of Water Street is 16 metres. For those parts or portions of a Building that are set back 8 metres or more from the Street Line of Water Street, Council may permit, at its discretion and subject to such conditions that it may see fit to impose, such additional Building Height as it may deem to be appropriate in the circumstances, up to a maximum of Building Height of 40 metres.

   (iv) **Floor Area Ratio:** The maximum allowable Floor Area Ratio is 5.0.
10.26 COMMERCIAL KENMOUNT (CK) ZONE (2003-04-25)

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.26.1 Permitted Uses

Residential:

(a) Accessory Dwelling Unit

Commercial:

(a) Auction House
(b) Bakery
(c) Bank (Subject to Section 7.30) (2012-06-29)
(d) Car Sales Lot
(e) Car Washing Establishment (Subject to Section 7.30) (2012-06-29)
(f) Clinic
(g) Club
(h) Commercial Garage (Subject to Section 7.30) (2012-06-29)
(i) Commercial School
(j) Communications Use
(k) Custom Workshop
(l) Dry-Cleaning Establishment
(m) Eating Establishment (subject to Section 7.21) (Subject to Section 7.30) (2012-06-29)
(n) Hotel
(o) Laundromat
(o.1) Lounge (2011-05-06)
(p) Office
(q) Parking Area
(r) Pharmacy (2020-11-13)
(s) Printing Establishment
(t) Recycling Depot
(u) Retail of Building Supplies
(v) Retail Store
(w) Retail Warehouse
(x) Service Shop
(y) Service Station and Gas Bar (subject to Section 7.20) (Subject to Section 7.30) (2012-06-29)
(z) Shopping Centre
(aa) Sign Maker’s Shop
(bb) Taxi Business
(cc) Warehouse
(dd) Woodworking Shop
(ee) Adult Massage Parlour (2020-09-11)

Public:

(a) Library
(b) School

CK
Recreational:

(a) Park
(b) Recreational Uses

Other:

(a) Church
(b) Day Care Centre (subject to Section 7.6)
(c) Public Use
(d) Public Utility
(e) Recycling Depot
(f) Undertaker’s Establishment
(g) Veterinary Clinic

Discretionary Uses: (subject to section 5.8)
(a) Place of Amusement
(b) Place of Assembly
(c) Private Park
(d) Small Scale Wind Turbine

10.26.2 Zone Requirements

(1) The following requirements shall apply to all uses allowed in the CK Zone, except Parks, Public Utilities and Public Uses, Services Stations and Gas bars.

(a) Lot Area (minimum) 1800 square metres
(b) Lot Frontage (minimum) 45 metres
(c) Lot Coverage (maximum) 50%
(d) Floor Area Ratio (maximum) 1.0
(e) Building Height (maximum) 18 metres (2018-11-30)
(f) Building Line (minimum) 6 metres
(g) Side Yards (minimum) 1 metre per storey
(h) Side Yard on Flanking Road (min) 6 metres
(i) Rear Yard (minimum) 6 metres
(j) Landscaping on Lot (minimum) 20%
(k) Parking Lot Setback (minimum) 4 metres from the property line

(2) All other uses:

As determined by Council
INDUSTRIAL ZONES

10.27 COMMERCIAL INDUSTRIAL (CI) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.27.1 Permitted Uses

Residential:

(a) Accessory Dwelling Unit

Commercial:

(b) Auction House
(c) Bakery
(d) Car Sales Lot
(e) Car Washing Establishment (Subject to Section 7.30) (2012-06-29)
(f) Church
(g) Commercial Garage (Subject to Section 7.30) (2012-06-29)
(h) Communications Use
(i) Convenience Store
(j) Custom Workshop
(k) Hotel (1994-08-26)
(l) Office
(m) Parking Area
(n) Printing Establishment
(o) Recycling Depot (1997-11-21)
(p) Retail of Building Supplies and Furniture
(q) Retail Use - associated with a light industrial use or wholesale business
(r) School
(s) Service Shop associated with any other permitted use
(t) Service Station and Gas Bar (subject to Section 7.20) (Subject to Section 7.30) (1995-06-09) (2012-06-29)
(u) Taxi Business
(v) Tourism Use (1994-08-26)
(w) Transportation Depot
(x) Veterinary Clinic
(y) Veterinary Hospital
(z) Warehousing
(aa) Wholesale Business

Industrial:

(cc) Light Industrial Use

Recreational:

(dd) Park
(ee) Recreational Use

CI
Other:
(ff) Day Care Centre (subject to Section 7.6) (1995-09-15)
(gg) Public Use
(hh) Public Utility

10.27.2 Discretionary Uses (subject to Section 5.8)

(a) Clinic
(b) Commercial School
(c) Helicopter Operation and Maintenance Facility (1995-06-09)
(d) Eating Establishment (subject to Section 7.21) (1995-09-15) (Subject to Section 7.30) (2012-06-29)
(e) Private Park (2007-10-05)
(f) Place of Amusement
(g) Small Scale Wind Turbine (2012-06-01)
(h) Undertaker's Establishment
(i) Retail Store (2016-07-08)
(j) Heavy Equipment Storage (subject to Section 7.25 and Section 8.5.1) (2016-07-08)
(k) Dwelling Units located in the second and/or higher storeys of a building (2016-11-04)
(l) Vehicle Storage Yard (2019-02-01)
(m) Lounge (2019-02-22)
(n) Pharmacy (2020-11-13)

10.27.3 Excluded Uses:

Any Hazardous or Noxious Use

10.27.4 Property at Civic Number 456 Empire Avenue

Notwithstanding Section 10.27.1 and 10.27.2, the following are the list of Permitted Uses and Discretionary Uses allowed at Civic Number 456 Empire Avenue:

Permitted Uses:

(a) Accessory Dwelling Unit
(b) Auction House
(c) Bakery
(d) Church
(e) Communications Use
(f) Custom Workshop
(g) Office
(h) Parking Area
(i) Printing Establishment
(j) Retail Use - associated with a light industrial use or wholesale business
(k) Service Shop - associated with any other Permitted Use
(l) Taxi Business
(m) Veterinary Clinic
(n) Warehousing
(o) Wholesale Business
(p) Park
(q) Public Use
(r) Public Utility
(s) Recreational Use
Discretionary Uses:

(i) Car Sales Lot  
(ii) Car Washing Establishment (Subject to Section 7.30)  
(iii) Clinic 
(iv) Commercial Garage(Subject to Section 7.30) 
(v) Commercial School 
(vi) Convenience Store 
(vii) Day Care Centre (subject to Section 7.6) 
(viii) Eating Establishment (subject to Section 7.21) (Subject to Section 7.31) 
(ix) Helicopter Operation and Maintenance Facility 
(x) Hotel 
(xi) Light Industrial Use 
(xii) Place of Amusement 
(xiii) Private Park  
(xiv) Recycling Depot 
(xv) Retail of Building Supplies and Furniture 
(xvi) School 
(xvii) Service Station and Gas Bar (Subject to Section 7.20)(Subject to Section 7.31)  
(xviii) Tourism Use 
(xix) Transportation Depot 
(xx) Undertakers Establishment 
(u) Veterinary Hospital  

10.27.5 Zone Requirements

(1) The following requirements shall apply to all Commercial and Industrial uses, except Service Stations:

(a) Lot Area (minimum)  1800 square metres  
(b) Lot Frontage (minimum)  45 m  
(c) Lot Coverage (maximum)  50%  
(d) Floor Area Ratio (maximum)  0.5  
(e) Building Height (maximum)  15 m  
(f) Building Line (minimum)  20 m  
(g) Side Yards (minimum)  3 m  

Notwithstanding the foregoing, Council may, in its discretion, allow a reduced Side Yard of 2 metres. (2006-05-19)

(h) Side Yard on Flanking Road (minimum)  10 m  
(i) Rear Yard (minimum)  3 m  
(j) Landscaping (minimum)  20%  

(i) except for driveways not exceeding a width of 10 m and used exclusively for the circulation of motor vehicles, the following areas shall be landscaped with plant materials and maintained thereafter,  

- all land within 3 m of a Fronting Street Line;  
- all land within 3 m of a Flanking Street Line;  
- all land within 1 m of another Lot Line;  

(1999-11-26)
(ii) open storage of goods and machinery, with the exception of vehicle sales lots and Commercial Garages, shall not be located in the Front Yard;

(iii) where such Use adjoins a Residential Zone, an Arterial Road, a Collector Road, or is situated in a Side Yard, it shall be enclosed by a Screen not less than 2 m in height.

(k) Retail Use (maximum Floor Area) Not more than 40% of the Gross Floor Area occupied by a Light Industrial Use or a wholesale Use

(2) All Other Uses:

As determined by Council
10.28 INDUSTRIAL GENERAL (IG) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.28.1 Permitted Uses

(Except for Freshwater Bay Offshore Base Area as identified under the "St. John's Urban Region Regional Plan, Freshwater Bay Amendment 1987, Schedule A")

Commercial:

(a) Accessory Commercial Use related to another permitted Use in this Zone
(b) Accessory Dwelling Unit
(c) Parking Area
(d) Recycling Depot (1997-11-21)
(e) Warehousing
(f) Wholesale Business
(g) Craft Brewery/Distillery (2019-07-19)

Industrial:

(h) Fish Processing and Packing
(i) Harbour Use
(j) Industrial Use
(k) Light Industrial Use
(l) Transportation Depot
(m) Transportation Terminal

Other:

(n) Public Utility
(p) Council will permit an Eating Establishment and a Lounge at Pier 7 on the St. John’s Harbour front at Harbour Drive subject to the approval of the St. John’s Port Authority. (2011-03-25) (2011-05-07)

10.28.2 Freshwater Bay (St. John's) Permitted Uses

(a) Industrial - Offshore Oil and Gas Exploration and Development Service Base, together with related docking, loading, repair, storage, maintenance and administrative facilities and compatible Industrial Uses.
10.28.3 Discretionary Uses (subject to Section 5.8)

Recreational:

(a) Park
(b) Private Park
(c) Recreational Use

Other:

(d) Day Care Centre (subject to Section 7.6) (1995-06-09)
(e) Helicopter Operation and Maintenance Facility
(f) Mineral Working (subject to Section 7.11) (2006-03-10)
(g) Public Use
(h) Salvage Yard (subject to Section 7.17) (1995-06-09) (2006-03-10)
(i) Sanitary Landfill and/or Waste Recycling Facility (subject to a Land Use Impact Assessment under Sections 5.6 and 5.7);
(j) any development in a Rural District as set out under the St. John’s Municipal Plan and/or any development which is not serviced by municipal sewer and water services (subject to a Land Use Impact Assessment under Section 5.6). (1995-09-15)
(k) Small Scale Wind Turbine (2012-06-01)

10.28.4 Zone Requirements

(a) Building Height (maximum)

(i) three (3) storeys, not exceeding 11.25 metres, where a Lot zoned Industrial General (IG) adjoins the St. John’s Harbourfront or is situated between Water Street and the St. John’s Harbourfront, or between Southside Road and the St. John’s Harbourfront, and includes land on the North side of Water Street between Hill O’Chips and Temperance Street commonly referred to as the Standard Manufacturing Property;
(ii) four (4) storeys, not exceeding 15 metres, for properties zoned Industrial General (IG) elsewhere.

At Council’s discretion the height limitations referenced in (i) and (ii) above may be modified.

(b) All other requirements as determined by Council. (2004-11-19)

10.28.5 Industrial General (IG) Zone Adjacent to the Battery Development Area

The development of any properties that are zoned as Industrial General (IG) which are located adjacent to the Battery Development Area as identified on Map I – Section 3, is subject to a Land Use Assessment Report to be prepared by an applicant at their expense under terms of reference to be approved by Council and subject to the public notification procedures of Section 5.5 of these Regulations. (2009-07-24)
10.29 INDUSTRIAL QUIDI VIDI (IQ) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.29.1 Permitted Uses

Industrial:

(a) Fish Processing
(b) Food and beverage industrial uses provided such uses are in appropriate scale

(1996-02-02)

(c) Harbour Use
(d) Handcrafts and Cottage Industries

Other:

(e) Public Use
(f) Public Utility

10.29.2 Discretionary Uses (subject to Section 5.8)

(a) Day Care Centre (subject to Section 7.6)

Commercial:

(b) Accessory Commercial Use
(c) Accessory Parking Area
(d) Accessory Warehousing
(e) Eating Establishment (Subject to Section 7.21)(Subject to Section 7.30)


(f) Craft Brewery/Distillery

(2019-07-19)

10.29.3 Zone Requirements

As determined by Council.
10.30 INDUSTRIAL SPECIAL (IS) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.30.1 Permitted Uses

Industrial:

(a) Bulk Storage of Petroleum and Petroleum Products
(b) Pumping and Other Equipment Ancillary to Bulk Storage

Other:

(c) Public Use
(d) Public Utility

10.30.1(A) (a) Small Scale Wind Turbine (2012-06-01)

10.30.2 Zone Requirements

As determined by Council
## 10.31 C. A. PIPPY PARK ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

### 10.31.1 Permitted Uses

Any Use permitted by the C. A. Pippy Park Commission

### 10.31.2 Zone Requirements

As determined by the C. A. Pippy Park Commission.
10.32 INSTITUTIONAL (INST) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.32.1 Permitted Uses

Residential:

(a) Accessory Dwelling Unit
(b) Seniors' Apartment Building (subject to Section 7.18) (1995-06-09)

Public:

(c) Administrative Buildings for Government Offices and Non-profit Organizations
(d) Adult Day Care Facility (subject to Section 7.2)
(e) Church
(f) Clinic
(g) Commercial School (1996-03-22)
(h) Cultural Center
(i) Day Care Center (subject to Section 7.6)
(j) Hospital
(k) Home for the Aged
(l) Institution
(m) Library
(n) Parish Hall or Center
(o) Place of Assembly
(p) Public Use
(q) Public Utility
(r) School
(s) Undertaker's Establishment
(t) University or other Institution of Higher Learning

Recreation:

(u) Park

10.32.2 Discretionary Uses

(a) Uses complementary to a Seniors’ Apartment Building (subject to Section 7.18) (2007-02-09)
(b) Office (2010-02-12)
(c) Private Park (2007-10-05)
(d) Small Scale Wind Turbine (2012-06-01)
(e) Heritage Use (2020-05-01)

10.32.3 Zone Requirements

The following requirements shall apply to all Permitted Uses except those at Civic Number 9-11 Carew Street where Council shall determine the requirements:

(a) Lot Area (minimum) 900 square metres
(b) Lot Frontage (minimum) 30 metres

INST
<table>
<thead>
<tr>
<th></th>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c)</td>
<td>Lot Coverage (maximum)</td>
<td>50%</td>
</tr>
<tr>
<td>(d)</td>
<td>Floor Area Ratio (maximum)</td>
<td>1.0, (subject to a Land Use Impact Assessment Report the F.A.R. may be increased to 2.0)</td>
</tr>
<tr>
<td>(e)</td>
<td>Building Height (maximum)</td>
<td>3 storeys (Subject to a Land Use Assessment Report, may be increased to 10 storeys; and for property located at 50 Tiffany Lane (“Tiffany Village”), may be increased to 16 storeys.</td>
</tr>
<tr>
<td>(f)</td>
<td>Building Line (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(g)</td>
<td>Side Yards (minimum)</td>
<td>1 metre per Storey with a maximum of 6 metres</td>
</tr>
<tr>
<td>(h)</td>
<td>Side Yards on Flanking Road (min)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(i)</td>
<td>Rear Yard (minimum)</td>
<td>6 metres</td>
</tr>
<tr>
<td>(j)</td>
<td>Landscaping of Lot (minimum)</td>
<td>20%</td>
</tr>
</tbody>
</table>

*INST*
10.32(A) INSTITUTIONAL DOWNTOWN (INST-D) ZONE (2018-09-07)

10.32(A).1 Permitted Uses

Residential:

(a) Accessory Dwelling Unit
(b) Seniors’ Apartment Building (subject to Section 7.18)

Public:

(c) Administrative Buildings for Government Offices and Non-profit Organizations
(d) Adult Day Care Facility (subject to Section 7.2)
(e) Church
(f) Clinic
(g) Commercial School
(h) Cultural Center
(i) Day Care Center (subject to Section 7.6)
(j) Hospital
(k) Home for the Aged
(l) Institution
(m) Library
(n) Parish Hall or Center
(o) Place of Assembly
(p) Public Use
(q) Public Utility
(r) School
(s) Undertaker's Establishment
(t) University or other Institution of Higher Learning

Recreation:

(u) Park

10.32(A).2 Discretionary Uses

(a) Uses Complementary to a Seniors’ Apartment Building (subject to Section 7.18)
(b) Office
(c) Private Park
(d) Heritage Use

10.32(A).3 Zone Requirements

(a) Floor Area Ratio (maximum) 2.0
(b) Building Height (maximum) 5 storeys subject to a Land Use Assessment Report
10.33 OPEN SPACE (O) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.33.1 Permitted Uses

Recreational:

(a) Park
(b) Recreational Use
(c) Other Uses accessory to Uses above
(d) Accessory Building  \((1995-09-15)\)
(e) A Horse Stable for the Royal Newfoundland Constabulary’s Mounted Unit at the Government House Grounds at Military Road  \((2007-08-03)\)

10.33.2 Discretionary Uses (subject to Section 5.8)

(a) Cemetery
(b) Place of Assembly
(c) Private Park  \((2007-10-05)\)
(d) Public Utility
(e) Uses accessory to Agriculture, Forestry and Fishing
(f) Small Scale Wind Turbine  \((2012-06-01)\)

10.33.3 Zoning Requirements

As determined by Council

10.33.4 Battery Development Area

(a) With respect to the development of any properties identified on Map I – Section 3 – Battery Development Area that are zoned as Open Space (O), no buildings or structures shall be permitted unless these buildings and structures will not be visible from the Downtown; and

(b) In addition to the requirements of Section 10.33.3, the development of any properties that are included on Map I, Section 3 – Battery Development Area that are zoned as Open Space (O), is subject to Section 7.28 and Appendix A – Footprint and Height Control Overlay for the Battery Development Area.  \((2009-07-24)\)
RURAL ZONES

10.34 AGRICULTURE (AG) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour)

10.34.1 Permitted Uses

(a) Agriculture - Livestock (See Section 7.14) (2002-11-29)
(b) Bed and Breakfast in a Single Detached Dwelling Unit (subject to Section 7.27) (1994-09-16) (2008-01-25)
(c) Boarding or Lodging House (accommodating between five (5) and sixteen (16) persons in a Single Detached Dwelling) (1994-09-16) (1999-04-16)
(d) Forestry
(e) Home Office (subject to Section 7.9) (1997-08-08)
(f) Horticultural Operations (See section 7.15) (2002-11-29)
(g) Indoor Market (2009-06-26)
(h) Outdoor Market
(i) Public Use
(j) Public Utility
(k) Single Detached Dwelling as an Accessory Building (subject to the approval of the Provincial Department of Forestry and Agriculture)
(l) Single Detached Dwelling provided that:
   (i) the Single Detached Dwelling has been approved by the Land Development Authority under the St. John’s Urban Region Agriculture Development Area Regulations;
   (ii) the Single Detached Dwelling constitutes Infill Housing on an existing public road within an existing development pattern or, if adjacent to urban development, is located on a public road and serviced at the outset by municipal water and sewer.

(m) Veterinary Uses

10.34.2 Discretionary Uses (Subject to Section 5.8)

(a) Agricultural Tourism Operations provided that:
   (i) adequate off-street parking shall be provided in accordance with the City’s Commercial Development Policy. (2009-06-26)
(b) Farm Restaurant provided that:
   (i) the Farm Restaurant has been approved by all applicable Provincial licensing authorities, agencies or departments; and
   (ii) adequate off-street parking shall be provided in accordance with the City’s Commercial Development Policy. (2009-06-26)
(c) Home Occupation (subject to Section 7.8) (1997-08-08)
(d) Heavy Equipment Storage subject to Section 7.25 and provided that approval has been granted by the Land Development Advisory Authority under the St. John’s Urban Region (Agriculture) Development Area Regulations. (2007-02-09)
(e) Personal Care Homes, provided that:
   (i) approval has been granted by the Land Development Advisory Authority under the St. John’s Urban Region (Agriculture) Development Area Regulations;
   (ii) subject to Section 7.14 - Residential Uses - Agricultural Livestock Operations;
   (iii) compliance with the requirements of the St. John’s Regional Fire Department; and
   (iv) minimum lot area of 4000 square metres and minimum lot frontage of 45 metres. (2005-01-28)
(f) Indoor Riding Arena (subject to Section 7.26) (2008-01-25)
(g) Single Detached Dwelling and Subsidiary Apartment in a Single Detached Dwelling on an approved Lot in the Goulds Ultimate Service Area with municipal water and sewer services. (2011-08-26)
(h) Small Scale Wind Turbine (2012-06-01)
(i) Aquaculture (2014-01-24)
(j) Aquaponics (2014-05-02)
(k) Kennel (2015-08-21)
(l) Subsidiary Apartment (2016-06-17)

10.34.3 Zone Requirements (2011-08-26)

(1) Single Detached Dwellings on Lots without Municipal Water and Sewer Services.

(a) Lot Area (minimum) 1,860 metres² (1998-09-11)
(b) Lot Frontage (minimum) 30 metres
(c) Building Line (minimum) 15 metres
(d) Side Yards (minimum) 6 metres (See Section 8.6) (2002-08-30) (2003-08-22)
(e) Rear Yard (minimum) 10 metres

(2) Single Detached Dwellings on Lots with Municipal Water and Sewer Services in the Goulds Ultimate Service Area.

(a) Lot Area (minimum) 450 metres²
(b) Lot Frontage (minimum) 15 metres
(c) Building Line (minimum) 6 metres
(d) Side Yards (minimum) 1.2 metres and 1.2 metres
(e) Rear Yard (minimum) 6 metres

AG
10.35 FORESTRY (F) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.35.1 Permitted Uses

(a) Accessory Dwelling Unit

(i) it must be demonstrated to the satisfaction of the City that at least one (1) resident of the Accessory Dwelling Unit will spend 50% or more of his/her working time operating the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation on the site and shall derive 50% or more of his/her income from the operation; and

(ii) the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation must be in continuous operation for at least three (3) years, prior to approval being given for an Accessory Dwelling Unit; and

(iii) suitable structures to accommodate the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation shall already be completed and the land shall be in production; and

(iv) the Accessory Dwelling Unit shall be located on the same lot on which the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation is located;

(v) only one (1) Accessory Dwelling Unit shall be permitted on the property; and

(vi) the minimum requirements for a Forestry operation, an Agriculture/Livestock operation or a Horticulture operation shall be as follows:

- Greenhouse Production – permanent greenhouse structure of 465 square metres and an adequate land base for subsidiary cropping.

- Root Crops – 8 hectares of land, with 4 hectares of land in production plus required ancillary buildings, adequate storage and cropping, washing/packaging equipment.

- Strawberries/Raspberries – 8 hectares of land, with 3 hectares of land in production plus required ancillary building and cropping and handling equipment.

- Christmas Trees – 5 hectares of land in production with an average harvest of 40 trees per hectare annually, plus required cropping and handling equipment.

Livestock:

<table>
<thead>
<tr>
<th>Animal</th>
<th>Minimum Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mink</td>
<td>450 female breeders</td>
</tr>
<tr>
<td>Fox</td>
<td>100 female breeders</td>
</tr>
<tr>
<td>Dairy</td>
<td>500 litres/day quota</td>
</tr>
</tbody>
</table>

F
Pigs  50 sow operation  
Layers  10,000 bird quota  
Broilers  15,000 bird quota  
Turkeys  1,500 birds/annum  
Horses  25 breeding stock  
Pullets  30,000 birds/annum  
Sheep  300 animals  

Or, an equivalent combination including the above or other types of Forestry operations, Livestock operations or Horticulture operations.  
(b) Forestry  
(c) Home Office (subject to Section 7.9)  

10.35.2 Discretionary Uses (subject to Section 5.8)  
(a) Agriculture - Livestock (See Section 7.14)  
(b) Home Occupation  (subject to Section 7.8)  
(c) Horticultural Operations (See Section 7.15)  
(d) Mineral Workings (also subject to Section 7.11)  
(e) Public Utility  
(f) Indoor Riding Arena (Subject to Section 7.26)  
(g) Small Scale Wind Turbine  
(h) Recreational Use  

10.35.3 Zone Requirements  
(a) All Uses:  
   (i) Lot Area (minimum) 8000 square metres  
   (ii) Lot Frontage (minimum) 90 metres  

(b) Accessory Dwelling Unit (see Section 8.6)  
   (i) Side Yards (minimum)  (see Section 8.6)  

F

St. John’s Development Regulations  
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10.36 CEMETERY (CEM) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.36.1 Permitted Uses

(a) Cemetery

10.36.2 Discretionary Uses (Subject to Section 5.8)

(a) Public Utility

10.36.3 Zone Requirements (All Uses)

As determined by Council. (1996-08-02)
10.37 OPEN SPACE RESERVE (OR) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.37.1 Permitted Uses

Recreational:

(a) Wilderness Activities; that is activities usually associated with undeveloped natural lands accessible to the general public, and which are not prohibited under any government regulations. Such activities may include: hiking, swimming, skiing, fishing, berry picking, hunting and wood cutting.

10.37.2 Discretionary Uses (subject to Section 5.8)

(a) Cemetery
(b) Park
(c) Private Park
(d) Public Utility
(e) Outdoor Market

(v) Uses accessory to Agriculture, Forestry and Fishing

(vi) Small Scale Wind Turbine

10.37.3 Zone Requirements

As determined by Council
10.38 RURAL (R) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.38.1 Permitted Uses

Residential:

(a) Accessory Dwelling Unit

(i) it must be demonstrated to the satisfaction of the City that at least one (1) resident of the Accessory Dwelling Unit will spend 50% or more of his/her working time operating the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation on the site and shall derive 50% or more of his/her income from the operation; and

(ii) the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation must be in continuous operation for at least three (3) years, prior to approval being given for an Accessory Dwelling Unit; and

(iii) suitable structures to accommodate the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation shall already be completed and the land shall be in production; and

(iv) the Accessory Dwelling Unit shall be located on the same lot on which the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation is located; and

(v) only one (1) Accessory Dwelling Unit shall be permitted on the property; and

(vi) the minimum requirements for a Forestry operation, an Agriculture/Livestock operation or a Horticulture operation shall be as follows:

- Greenhouse Production – permanent greenhouse structure of 465 square metres and an adequate land base for subsidiary cropping.

- Root Crops – 8 hectares of land, with 4 hectares of land in production plus required ancillary buildings, adequate storage and cropping, washing/packaging equipment.

- Strawberries/Raspberries – 8 hectares of land, with 3 hectares of land in production plus required ancillary building and cropping and handling equipment.

- Christmas Trees – 5 hectares of land in production with an average harvest of 40 trees per hectare annually, plus required cropping and handling equipment.

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<td>Pigs</td>
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</table>
Layers 10,000 bird quota  
Broilers 15,000 bird quota  
Turkeys 1,500 birds/annum  
Horses 25 breeding stock  
Pullets 30,000 birds/annum  
Sheep 300 animals  

Or, an equivalent combination including the above or other types of Forestry operations, Livestock operations or Horticulture operations.  

(b) Bed and Breakfast in an Accessory Dwelling Unit (Subject to Section 7.27)  
(c) Boarding or Lodging House (accommodating between five (5) and sixteen (16) persons in an Accessory Dwelling Unit)  
(d) Home Office (subject to Section 7.9)  
(e) Subsidiary Apartment in an Accessory Dwelling Unit  

Agriculture:  
(f) Agriculture - Livestock (See Section 7.14)  
(g) Forestry  
(h) Horticultural Operation (See Section 7.15)  
(i) Retail/Wholesale Sales of Agricultural Products Raised on Property  

Recreational:  
(j) Park  

Other:  
(k) Cemetery  
(l) Public Utility  

10.38.2 Discretionary Uses (subject to Section 5.8)  
(a) Auction House  
(b) Floatplane operations and related activities on a private Access subject to Section 7.24 of these Regulations and subject to Transport Canada approval.  
(c) Home Occupation (subject to Section 7.8)  
(d) Kennel  
(e) Heavy Equipment Storage - subject to Section 7.25  
(f) Private Park  
(g) Recreational Use  
(h) Recreational Equipment Sales, Rentals and Servicing  
(i) Indoor Riding Arena (subject to Section 7.26)
10.38.3 Zone Requirements

(a) All Uses

(i) Lot Area (minimum) 8000 square metres (2003-08-22)

(ii) Lot Frontage (min) 90 metres except for properties in the Rural (R) Zone located at Maddox Cove Road where the minimum Lot Frontage requirement is 60 metres and the minimum Lot Area requirement is 8000 square metres. (2005 03 04)

(b) Accessory Dwelling Units

(i) Side Yards

(ii) (See Section 8.6) (min) 6 metres (2002-08-30) (2003-08-22)
10.39 RURAL TOURISM (RT) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.39.1 Permitted Uses

(a) Tourism Use (subject to Section 5.6.1)
(b) Public Utility

10.39.2 Zone Requirements

As determined by Council, provided that no Development shall be permitted to impair:

- the visual integrity and views from roads which are generally considered by the public to be of scenic importance, and
- views of and from major historic and scenic resources.  

(1995-05-19)
10.40 RURAL RESIDENTIAL (RR) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.40.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6)
(b) Bed and Breakfast in a Single Detached Dwelling Unit (Subject to Section 7.27) (2008-01-25)
(c) Boarding or Lodging House in a Single Detached Dwelling
(d) Home Office (subject to Section 7.9)
(e) Single Detached Dwelling
(f) Subsidiary Apartment within a Single Detached Dwelling

Agriculture:

(g) Agriculture - Livestock (See Section 7.14) (2002-11-29)
(h) Forestry
(i) Horticultural Operations (See Section 7.15) (2002-11-29)

Recreational:

(j) Park (2000-03-03)

Other:

(k) Family Home Child Care Service (subject to Section 7.6) (2004-05-14)

10.40.2 Discretionary Uses  (subject to Section 5.8)

(a) Church
(b) Day Care Centre (subject to Section 7.6)
(c) Home Occupation (subject to Section 7.8)
(d) Kennel (2005-12-23)
(e) Parking Lot (subject to Section 7.13)
(f) Private Park (2007-10-05)
(g) Public Utility
(h) Rental Storage Use (subject to Section 7.23) (2004-12-24)
(i) Residential Retail Store (subject to Section 7.16)
(j) Indoor Riding Arena (subject to Section 7.26) (2008-01-25)
(j) School
(k) Heavy Equipment Storage (subject to Section 7.25) (2007-02-09)
10.40.3 Zone Requirements

(1) All development:

(a) Lot Size (minimum) 4,000 square metres
(b) Lot Frontage (minimum) 45 m
(c) Building Line (minimum) 20 m
(d) Building Line (maximum) 30 m
(e) Side Yards (minimum)(See Section 8.6) 6 m (2002-08-30) (2003-08-22)
(f) Side Yards Flanking Road (minimum) 9 m
(g) Rear Yard (minimum) 6 m (1995-12-01)
(h) All Yards are subject to the provision that the siting of the Building(s) must allow the possible future subdivision of the Lot into smaller urban Lots.
(i) All wells for private water supply shall be located behind the minimum required Building Line.

10.40.4 Development in the St. John’s Agricultural Development Area

Any Development within the St. John’s Agricultural Development Area shall be approved by the Department of Forest Resources and Agrifoods. (2000-03-03)
10.41 RURAL RESIDENTIAL INFILL (RRI) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.41.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Bed and Breakfast in a Single Detached Dwelling Unit (subject to Section 7.27) (1994-09-16) (2008-01-25)
(c) Boarding or Lodging House (accommodating between (5) and sixteen (16) persons in a Single Detached Dwelling) (1994 09 16) (1999-04-16) (1997-08-08)
(d) Home Office (subject to Section 7.9)
(e) Single Detached Dwelling
(f) Subsidiary Apartment

Agriculture:

(g) Agriculture - Livestock (See Section 7.14) (2002-11-29)
(h) Forestry
(i) Horticultural Operations (See Section 7.15) (2002-11-29)

Recreational:

(j) Park

Other:

(k) Family Home Child Care Service (Subject to Section 7.6) (2004-05-14)

10.41.2 Discretionary Uses (subject to Section 5.8)

(a) Day Care Centre (subject to Section 7.6)
(b) Home Occupation (subject to Section 7.8)
(c) Parking Lot (subject to Section 7.13)
(d) Private Park (2007-10-05)
(e) Public Utility
(f) Residential Retail Store (subject to Section 7.16) (1995-06-09)
(g) Heavy Equipment Storage - subject to Section 7.25 (2007-02-09)
(h) Indoor Riding Arena (subject to Section 7.26) (2008-01-25)
10.41.3 Zone Requirements

(1) All Development

(a) Lot Area (minimum) 1,860 square metres (1998-09-11)
(b) Lot Frontage (minimum) 30 m
(c) Building Line (minimum) 6 m
(d) Rear Yards (minimum) 6 m
(e) Side Yards (min) (See Section 8.6) 6 m (2002-08-30) (2003-08-22)
(f) Side Yards Flanking Road (min) 6 m (1995-12-01)

10.41.4 Development in the St. John's Agricultural Development Area

Any Development within the Agricultural Development Area shall be approved by the Department of Forestry and Agriculture of the Government of Newfoundland.

RRI
10.42 RURAL VILLAGE (RV) ZONE
(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.42.1 Permitted Uses

Residential:

(a) Accessory Building (subject to Section 8.3.6) (1995-06-09)
(b) Bed and Breakfast (Subject to Section 7.27) (2008-01-25)
(c) Boarding or Lodging Housing
   (accommodating between five (5) and sixteen (16) persons) (1999-04-16)
(d) Home Office (subject to Section 7.9) (1997-08-08)
(e) Single Detached Dwelling
(f) Subsidiary Apartment

Agriculture:

(g) Agriculture - Livestock (See Section 7.14) (2002-11-29)
(h) Horticultural Operations (See Section 7.15) (2002-11-29)

Recreational:

(i) Park

Other:

(j) Family Home Child Care Service (subject to Section 7.6) (2004-05-14)

10.42.2 Discretionary Uses (subject to Section 5.8)

(a) Church
(b) Custom Workshop
(c) Day Care Centre (subject to Section 7.6)
(d) Heritage Use
(e) Home Occupation (subject to Section 7.8)
(f) Parking Lot (subject to Section 7.13)
(g) Place of Assembly
(h) Private Park (2007-10-05)
(i) Public Utility

RV
(j) Recreational Use
(k) Retail Store not exceeding 100 square metres in Floor Area
(l) School

10.42.3 Zone Requirements

The following requirements shall apply to:

(1) Single Detached Dwelling

   (a) Lot Area (minimum) 2000 square metres
   (b) Lot Frontage (minimum) 30 m
   (c) Building Line (minimum) 6 m
   (d) Side Yards (minimum) (See Section 8.6) 6 m (2002-08-30) (2003-08-22)
   (e) Side Yard on Flanking Road (minimum) 6 m
   (f) Rear Yard (minimum) 6 m

(2) Bed and Breakfast, Boarding or Lodging House

   As established for the Dwelling type in which it is located in this Zone.

RV
SPECIAL ZONES

10.43 AIRPORT ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.43.1 Permitted Uses

Any uses permitted by the St. John's Airport.

10.43.2 Zone Requirements

As determined by the St. John's Airport.
10.44 MINERAL WORKINGS (MW) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.44.1 Permitted Uses

(a) Mineral Working (subject to Section 7.11)

10.44.2 Discretionary Uses (subject to Section 5.8)

(a) Industrial use associated with the processing or reuse of quarry materials provided that such uses do not prejudice the operation or expansion of existing quarry uses and do not involve lands with economic deposits of quarry materials;

(b) Public Utility

(c) Open Space Use

(d) Soil Remediation Facility  
(2005-06-24)

(e) Small Scale Wind Turbine  
(2012-06-01)

10.44.3 Zone Requirements

As determined by Council, subject to the other provisions of these Regulations.
10.45 MOBILE HOME PARK (MHP) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.45.1 Permitted Uses

(a) Accessory Building (subject to Section 8.3.6)  (1995-06-09)
(b) Home Office (subject to Section 7.9)  (1997-08-08)
(c) Mobile Home
(d) Mobile Home Park
(e) Mobile Home Subdivision
(f) Park

Other:

(g) Family Home Child Care Service  (Subject to 7.6)  (2004-05-14)

10.45.2 Discretionary Uses (subject to Section 5.8)

(a) Convenience Store
(b) Daycare Centre (subject to Section 7.6)
(c) Home Occupation (subject to Section 7.8)
(d) Parking Lot (subject to Section 7.13)
(e) Private Park  (2007-10-05)
(f) Public Utility
(g) School and Church
(h) Two-dwelling Unit Mobile Home

10.45.3 Zone Requirements


(2) Two-dwelling Unit Mobile Home:

(a) Lot Area (minimum)  300 square metres
(b) Lot Coverage (minimum)  35%
(c) Lot Frontage (minimum)  11 m
(d) Building Line (minimum)  3.5 m

MHP
(e) Side Yards (minimum) 1.2 m, and 3.5 m on side of principal bedroom or living room window
(f) Side Yard on Flanking Road (minimum) 4.5 m
(g) Rear Yard (minimum) 3.5 m, or 15 m where Rear Lot Line backs onto a public road
(h) the Mobile Home units shall be grouped together;
(i) not more than 10% of the Mobile Homes in a Mobile Home Park or Subdivision shall be two unit Mobile Homes;
10.46 WATERSHED (W) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.46.1 Discretionary Uses (subject to Section 5.8)

(a) Agriculture
(b) Forestry
(c) Public Utility

10.46.2 Zone Requirements

All Development shall be subject to an Environmental Analysis Report under Section 5.7.
10.47 COMPREHENSIVE DEVELOPMENT AREA (CDA)

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

10.47.1 Comprehensive Development Area Zones

The Comprehensive Development Areas under these Regulations are set out below:

<table>
<thead>
<tr>
<th>CDA DESIGNATIONS</th>
<th>AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Blackmarsh Road/Captain Whalen Drive</td>
</tr>
<tr>
<td>3</td>
<td>Griffin’s Lane/Valleyview Road</td>
</tr>
<tr>
<td>4</td>
<td>Valleyview Road/Bay Bulls Road</td>
</tr>
<tr>
<td>5</td>
<td>Old Petty Harbour Road/Densmore’s Lane</td>
</tr>
<tr>
<td>6</td>
<td>Quidi Vidi</td>
</tr>
<tr>
<td>Signal Hill/Battery</td>
<td>Signal Hill/Battery</td>
</tr>
</tbody>
</table>

10.47.2 Permitted Uses - All CDAs

Recreational:

(a) Park

Other:

(b) Existing uses.
(c) Reconstruction and replacement of and additions to existing buildings, provided that Council may refuse permission for a replacement or reconstruction if it is of the opinion that such a replacement or reconstruction would adversely affect the development of the CDA. 

(2008-01-25)

10.47.3 Discretionary Uses and Requirements

With the exception of uses listed under Section 10.47.2, no Development may be permitted in a Comprehensive Development Area unless a Planned Unit Development Plan has been approved by Council for all or part of the CDA.

CDA
The uses that may be entertained within a CDA are as follows:

CDA - 1 (Blackmarsh Road/Captain Whalen Drive)
Residential Uses, Commercial Uses, Private Park, Public Utilities (2007-10-05)

CDA - 3 (Griffin’s Lane/Valleyview Road)
Residential Uses, Private Park, Public Utilities (2007-10-05)

CDA - 4 (Valleyview Road/Bay Bulls Road)
Single Detached Dwellings, Private Park, Public Utilities (2007-10-05)

CDA - 5 (Old Petty Harbour Road/Densmore’s Lane)
Single Detached Dwellings, Private Park, Public Utilities (2007-10-05)

CDA - 6 (Quidi Vidi) Residential Uses, with a maximum allowable density of 50 Dwelling Units per net hectare, Private Park (2007-10-05)

Signal Hill/Battery
Single Detached Dwellings, Parks, Private Parks and Public Utilities.
The maximum Building Height in the Signal Hill/Battery Comprehensive Development Area Zone is one (1) storey, not exceeding 4.5 metres to the peak of the roof from the centre of the lot and not exceeding two (2) storeys from the downhill side of the lot. (2009-07-24)

Small Scale Wind Turbine (2012-06-01)

10.47.4 Battery Development Area

In addition to the requirements of Section 10.47.3 of these Regulations, the development of any properties zoned as Comprehensive Development Area – Signal Hill/Battery, is subject to Section 7.28 and Appendix A – “Footprint and Height Control Overlay for the Battery Development Area.” (2009-07-24)
10.48  COMMERCIAL ATLANTIC PLACE (CAP) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

Purpose of this Zone: This zone is designed to allow the development of the Atlantic Place Property at Civic Number 215 Water Street.

10.48.1  Permitted Uses

All Uses permitted in the COMMERCIAL CENTRAL RETAIL (CCR) ZONE.

10.48.2  Zone Requirements

The following requirements apply to all Permitted Uses:

(a) Floor Area Ratio (maximum) 8.9 Subject to Section 10.48.3
(b) Floor Area Commercial (minimum) As set out in the Commercial Central Retail (CCR) Zone
(c) Building Height (maximum) 10 Storeys Subject to Section 10.48.3
(d) Building Line (minimum) As set out in the Commercial Central Retail (CCR) Zone
(e) Off-street Parking Notwithstanding Section 9.1.2 (2), no Off-street Parking Shall Be Required

10.48.3  Maximum Building Height – Atlantic Place Building

Subject to the formal approval of Council, the Atlantic Place Building may be extended to a maximum Building Height of 13 storeys and a maximum Floor Area Ratio of 10.8

(2000-01-21)
10.49.1 Permitted Uses

(a) Existing Uses
(b) Reconstruction and replacement of and additions to existing buildings provided that Council may refuse permission for a replacement or reconstruction or addition if Council is of the opinion that such a Development would adversely affect the development of the Comprehensive Development Area.

With the exception of uses listed above, no Development may be permitted in this Comprehensive Development Area until such time as the City’s Department of Engineering determines that the area is available for serviced urban development. Council will consider the rezoning of lands in this Comprehensive Development Area to an appropriate zone to accommodate a development.
10.50    COMPREHENSIVE DEVELOPMENT AREA – KNEMOUNT ROAD (CDA – KENMOUNT) ZONE

10.50.1  Permitted Uses

a) Existing Uses

b) Reconstruction and replacement of and additions to existing buildings provided that Council may refuse permission for a replacement or reconstruction or addition if Council is of the opinion that such a Development would adversely affect the development of the Comprehensive Development Area.

With the exception of uses listed above, no Development may be permitted in this Comprehensive Development Area until such time as the City’s Department of Engineering determines that the area is available for serviced urban development. Council will consider the rezoning of lands in this Comprehensive Development Area to an appropriate zone to accommodate a development.
10.51 A. P. PARKING GARAGE ZONE

This Zone only applies to the existing A.P. Parking Garage site located at Civic Number 1 Clift’s-Baird’s Cove.

10.51.1 Permitted Uses

a) Parking Garage

10.51.2 Discretionary Uses

(a) Hotel located on the 9th and/or higher Storeys of a Building
(b) Dwelling Units located on the 9th and/or higher Storeys of a Building
(c) Office/Reception uses accessory to or normally associated with a Hotel on any Storey (subject to a Hotel being developed on the 9th and/or higher Storeys of a Building)
(d) Office
(e) Retail Store

10.51.3 Zone Requirements

(a) Building Height (maximum): 12 storeys (not exceeding 47 metres)
(b) Publicly Available Rental Parking Spaces (minimum): 670:
   i. Discretionary Uses that may be approved in the Zone are subject to the proviso that any such approved Discretionary Use shall be developed, undertaken, maintained, and used in such a manner that Publicly Available Rental Parking Spaces on the 1st through 8th Storeys of the Building shall not number less than 670;
   ii. For the purpose of the A.P. Parking Garage Zone, Publicly Available Rental Parking Spaces shall mean parking spaces that are available to the general public for rental on an hourly, daily, or monthly basis. The foregoing shall not include any parking spaces that are otherwise required by the Regulations in relation to any other Discretionary Uses that may be approved in the Zone
(c) Floor Area Ratio (maximum): 2.5

A.P. PARKING GARAGE ZONE
10.52.1 Permitted Uses

Residential:

(a) Accessory Building (Subject to Section 8.3.6)
(b) Apartment Building
(c) Home Office (Subject to Section 7.9)
(d) Home Occupation (Subject to Section 7.8)
(e) Dwelling Unit in the second and/or higher Storeys of a Building
(f) Semi-Detached Dwelling
(g) Single Detached Dwelling
(h) Stacked Townhouse
(i) Townhousing
(j) Townhouse Cluster

Commercial:

(k) Bakery
(l) Bank (Subject to Section 7.30)
(m) Clinic
(n) Convenience Store
(o) Daycare Centre (Subject to Section 7.6)
(p) Dry Cleaning Establishment
(q) Eating Establishment (Subject to Section 7.21 and Section 7.30)
(r) Health and Wellness Centre
(s) Office
(t) Parking Area
(u) Private School
(v) Retail Store
(w) Take-Out Food Service (Subject to Section 7.30)
(x) Service Shop
(y) Veterinary Clinic

Other:
(z) Private Park
(aa) Public Use
(bb) Public Utility

10.52.2 Discretionary Uses (Subject to Section 5.8)

(a) Club
(b) Institution
(c) Lounge (Subject to Section 7.21)
(d) Place of Amusement
10.52.3 Zone Requirements:
(Subject to Section 8.7 Snow Storage)

The following requirements shall apply:

(1) Single Detached Dwelling
(a) Lot Area (minimum)  335 m²
(b) Lot Frontage (minimum)  11m
(c) Building Line (minimum)  7.5m
(d) Rear Yard (minimum)  6m
(e) Side Yards (minimum)  1.2m and 1.2m
(f) Side Yard on flanking road (minimum)  6m
(g) Building Height (maximum)  12.2m
(h) Lot Coverage (maximum)  45%

(2) Semi-Detached Dwelling
(a) Lot Area (minimum)  164 m² per dwelling unit
(b) Lot Frontage (minimum)  6m per dwelling unit
(c) Building Line (minimum)  7.5m
(d) Rear Yard (minimum)  6m
(e) Side Yard (minimum)  1.8m
(f) Side Yard on flanking road (minimum)  6m
(g) Building Height (maximum)  12.2m
(h) Lot Coverage (maximum)  45%

(3) Townhousing
(a) Lot Area (minimum)  164 m² per dwelling unit
(b) Lot Frontage (minimum)  6m per dwelling unit
(c) Building Line (minimum)  7.5m
(d) Rear Yard (minimum)  6m
(e) Side Yard (minimum)  One of 1.8m
(f) Side Yard on flanking road (minimum)  6m
(g) Building Height (maximum)  12.2m
(h) Lot Coverage (maximum)  45%

(4) Townhouse Cluster
(a) Lot Area (minimum)  554 m²
(b) Lot Frontage (minimum)  18.2m
(c) Building Line (minimum)  7.5m
(d) Rear Yard as oriented from the Public Street (minimum)  6m
(e) Side Yard as oriented from the Public Street (minimum)  4.5m

PMD-1
(f) Side Yard for End Unit (minimum) 1.8m
(g) Building Height (maximum) 12.2m
(h) Lot Coverage (maximum) 45%

(5) Stacked Townhouse
(a) Lot Area (minimum) 182 m² per building
(b) Lot Frontage (minimum) 12m per building
(c) Building Line (minimum) 7.5m
(d) Rear Yard (minimum) 6m
(e) Side Yard (minimum) 2.4m
(f) Side Yard on flanking road (minimum) 6m
(g) Building Height (maximum) 12.2m
(h) Lot Coverage (maximum) 45%

(6) Apartment Building
(a) Lot Area (minimum) 554 m²
(b) Lot Frontage (minimum) 18.2m
(c) Building Line (minimum) 4.5m
(d) Rear Yard (minimum) 6m
(e) Side Yard (minimum) 1metre per storey
(f) Building Height (maximum) 7 storeys
(g) Lot Coverage (maximum) 50%
(h) Density 60 Dwelling Units per building

(7) Commercial Use
(b) Lot Area (minimum) 277m²
(a) Lot Frontage (minimum) 9m
(c) Building Line (minimum) 0m
(d) Rear Yard (minimum) 4.5m
(e) Side Yard (minimum) 4.5m
(f) Side Yard on flanking road (minimum) 4.5m
(g) Lot Coverage (maximum) 45%
(h) Building Height (maximum) 2 storeys

10.52.4 Off-Street Parking Requirements

Notwithstanding Section 9 the following off-street parking requirements shall apply:

<table>
<thead>
<tr>
<th>Type of Nature of Building</th>
<th>Minimum Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>1 space per 23m² of Net Floor Area</td>
</tr>
<tr>
<td>Residential – Apartment Building</td>
<td>1.5 spaces per Dwelling Unit</td>
</tr>
<tr>
<td>Residential – Single Detached Dwelling, Semi-Detached</td>
<td>2 spaces per Dwelling Unit (attached Private Garage may count as 1 space)</td>
</tr>
<tr>
<td>Detached Dwelling, Townhousing</td>
<td></td>
</tr>
<tr>
<td>Residential – Stacked Townhouse</td>
<td>1 space per Dwelling Unit</td>
</tr>
</tbody>
</table>

PMD-1
10.52.5 Landscaping Requirements

One tree shall be planted not less than every 18m (60ft)(maximum) on both side of all Streets. Exact tree location within the Street cross section shall be determined by the City prior to final development approval being issued.

Landscaping and Screening shall be provided as identified on the attached schedules and in accordance with Section 8.5 Landscaping and Screening.

10.52.6 Schedules Attached (Appendix PMD-1)

The following documents shall form part of the Zone Requirements and Development Regulations for the Planned Mixed Development -1 Zone:

A – Design Plan
B – Land Use Plan
C – Galway Road Cross Sections / Transportation Plan
D – Parkland & Pedestrian Trail Plan

PMD-1
10.53 PLANNED MIXED DEVELOPMENT ZONE 2 (PMD – 2) (2019-06-08)

Galway Master Planned Community (Phase 2)
(Subject to Section 5.1.4 Development Above the 190 Metre Contour)

10.53.1 Permitted Uses

Residential:
Accessory Building (Subject to Section 8.3.6)
Apartment Building
Home Office (Subject to Section 7.9)
Home Occupation (Subject to Section 7.8)
Semi-Detached Dwelling
Single Detached Dwelling
Stacked Townhouse
Townhousing
Townhouse Cluster

Other:
Park
Public Use
Public Utility

10.53.2 Zone Requirements:
(Subject to Section 8.7 Snow Storage)

The following requirements shall apply:

(1) Single Detached Dwelling
(a) Lot Area (minimum) 335 m²
(b) Lot Frontage (minimum) 11m
(c) Building Line (minimum) 7.5m
(d) Rear Yard (minimum) 6m
(e) Side Yard (minimum) 1.2m and 1.2m
(f) Side Yard on flanking road (minimum) 6m
(g) Building Height (maximum) 12.2m
(h) Lot Coverage (maximum) 45%

(2) Semi-Detached Dwelling
(a) Lot Area (minimum) 164 m² per dwelling unit
(b) Lot Frontage (minimum) 6m per dwelling unit
(c) Building Line (minimum) 7.5m
(d) Rear Yard (minimum) 6m
(e) Side Yard (minimum) 1.8m and 0m (common lot line)
(f) Side Yard on flanking road (minimum) 6m
(g) Building Height (maximum) 12.2m
(h) Lot Coverage (maximum) 45%
(3) Townhousing
(a) Lot Area (minimum) 164 m² per dwelling unit
(b) Lot Frontage (minimum) 6m per dwelling unit
(c) Building Line (minimum) 7.5m
(d) Rear Yard (minimum) 6m
(e) Side Yard (minimum) One of 1.8m
(f) Side Yard on flanking road (minimum) 6m
(g) Building Height (maximum) 12.2m
(h) Lot Coverage (maximum) 45%

(4) Townhouse Cluster
(a) Lot Area (minimum) 554 m²
(b) Lot Frontage (minimum) 18.2m
(c) Building Line (minimum) 7.5m
(d) Rear Yard as oriented from the Public Street (minimum) 6m
(e) Side Yard as oriented from the Public Street (minimum) 4.5m
(f) Side Yard for End Unit (minimum) 1.8m
(g) Building Height (maximum) 12.2m
(h) Lot Coverage (maximum) 45%

(5) Stacked Townhouse
(a) Lot Area (minimum) 182 m² per building
(b) Lot Frontage (minimum) 12m per building
(c) Building Line (minimum) 7.5m
(d) Rear Yard (minimum) 6m
(e) Side Yard (minimum) 2.4m
(f) Side Yard on flanking road (minimum) 6m
(g) Building Height (maximum) 12.2m
(h) Lot Coverage (maximum) 45%

(6) Apartment Building
(a) Lot Area (minimum) 554 m²
(b) Lot Frontage (minimum) 18.2m
(c) Building Line (minimum) 4.5m
(d) Rear Yard (minimum) 6m
(e) Side Yard (minimum) 1metre per storey
(f) Building Height (maximum) 7 storeys
(g) Lot Coverage (maximum) 50%
(h) Density 60 Dwelling Units per building

PMD – 2
10.53.3 Off-Street Parking Requirements

Notwithstanding Section 9 the following off-street parking requirements shall apply:

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<thead>
<tr>
<th>Type of Nature of Building</th>
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</tr>
<tr>
<td>Residential – Stacked Townhouse</td>
<td>1 space per Dwelling Unit</td>
</tr>
</tbody>
</table>

10.53.4 Landscaping Requirements

One tree shall be planted not less than every 18m (60ft) (maximum) on both sides of all Streets. Exact tree location within the Street cross section shall be determined by the City prior to final development approval being issued.

Landscaping and Screening shall be provided, as identified on the attached schedule, and in accordance with Section 8.5 Landscaping and Screening.

10.53.5 Schedules Attached (Appendix PMD-2)

The following document shall form part of the Zone Requirements and Development Regulations for the Planned Mixed Development -2 Zone.

Galway Concept Plan (May 2015)
SECTION 11 - OVERLAY DISTRICTS

11 OVERLAY DISTRICTS

The requirements for the Overlay Districts in the Development Regulations are in addition to those for the Zone in which a specific Development is situated. A given property may be situated in one or more Overlay Districts in addition to a Zone under Section 10.

11.1 AIRPORT VICINITY REQUIREMENTS

In addition to or supplementing any other provisions of these Regulations, any Developments in the vicinity of the St. John's Airport are subject to the St. John's Urban Region Regional Plan concerning Noise Exposure Forecast Zones and Bird Hazard Zones.

11.2 BODIES OF WATER AND DEVELOPMENT

11.2.1 Ponds

The minimum Buffer around a pond or lake shall be 15 m from the 100 year high water mark.

11.2.2 Waterways

The minimum buffer around the waterways listed below and the salmonid bearing tributaries of the waterways listed below and/or shown on Maps J-1 and J-2 is fifteen (15) metres from the 100 year high water mark:

(a) Outer Cove Brook;  
(b) Stick Pond Brook;  
(c) Coaker's River  
(d) Bellview Stream  
(e) Virginia River;  
(f) Nagle's Hill Brook;  
(g) Leary's Brook;  
(h) Rennie's River;  
(i) Quidi Vidi River;  
(j) Mundy Pond Brook;  
(k) Kitty Gaul's Brook;  
(l) South Brook;  
(m) Luke's Brook;  
(n) Kilbride Brook;  

(1994 09 16)  

(1994-11-25)
11.2.3 Wetlands

Except as otherwise set out below, the minimum buffer around the Wetlands listed below and/or shown on Maps J-1, J-2, or J-4 is fifteen (15) metres from the edge of the Wetland. **(1997-05-23)**

- (a) Airport Heights Wetland;
- (b) Clovelly Wetlands;
- (c) Lundrigan's Marsh;
- (d) Harboursview Wetland;
- (e) Synod Lands West Wetland - minimum buffer, 50 m;
- (f) Synod Lands East Wetland;
- (g) Synod Lands North Wetland;
- (h) Island Pond Marsh;
- (i) Yellow Marsh Wetland;
- (j) Kent's Pond;
- (k) Long Pond Marsh - minimum buffer, 50 m;
- (l) Marine Institute Wetland;
- (m) Mundy Pond Wetland;
- (n) George's Pond - minimum buffer, 50 m;
- (o) Wetland #9 (Agriculture Canada Research Station);
- (p) Galway Wetland – variable buffer is included on map J-2 **(2019-06-08)**

11.2.4 Development within Lands Adjoining Bodies of Water and Flood Hazard Areas **(2021-05-27)**

(1) Except as provided in subsections (2), (2.1) and (2.2) herein, the following lands shall not be developed:

- (a) all lands adjoining ponds, wetlands, rivers, or major tributaries of rivers designated under Sections 11.2.1, 11.2.2 and 11.2.3, to a distance of not less than 15 metres beyond the 100 year high water mark of these bodies of water;
- (b) any lands within Flood Hazard Areas or any Flood Risk Areas as identified by the Department of Environment and Lands, and/or identified on Map J-2 of these Regulations.

(2) In the discretion of Council, the following Development may be permitted within the 15 metre buffer of the 100 year high water mark of designated bodies of water for the following purposes:

- public works and infrastructure;
- public utilities;
▪ services associated with a private Development;
▪ protection of areas of physical instability;
▪ flood control purposes;
▪ protection of ecologically valuable areas;
▪ trails;
▪ landscaping;
▪ construction of residential patios, residential fencing, and residential accessory buildings;
▪ construction of stormwater detention facilities;
▪ wharves and stages; and
▪ driveways

(2.1) Council may permit a food bank building in the flood plain of the Waterford River behind the Corpus Christi Church on Waterford Bridge Road.

(2.2) In the discretion of Council, the following Development may be permitted within the 100 year high water mark of designated bodies of water for the following purposes:
▪ public works and infrastructure;
▪ public utility;
▪ protection of areas of geological instability;
▪ flood control purposes;
▪ trails;
▪ landscaping;
▪ construction of storm water detention infrastructure;
▪ wharves and stages; and
▪ driveways

(3) Prior to approval being given for a Development enumerated in subsection (2) herein the advice of the Environmental Advisory Committee shall be obtained, except in the case of the construction of residential patios, residential fencing, residential accessory buildings and residential driveways.

(4) Council may require a Conservation Plan to be prepared for any proposed Development within the 100 year high water mark of designated bodies of water or the 15 metre buffer of the 100 year high water mark of designated bodies of water.

(5) Notwithstanding the foregoing, Council may permit the paving of gravel parking lots existing as of December 31, 2011 that are located within flood plains of watercourses.

(6) Notwithstanding the foregoing, Council may permit above-ground stormwater detention facilities to be located within any floodplain and/or buffer of a watercourse or wetland. Excavation will not be permitted within a floodplain, wetland, or buffer to facilitate stormwater detention and there shall be minimal disruption to the area that will detain the stormwater.

(7) Council may permit an expansion to the Feildian Grounds change rooms at Portugal Cove Road, located in the flood plain of the Rennie’s River, provided the expansion is constructed above the 100-year flood elevation.
11.2.5 Increase of Minimum Buffers

Where it is deemed necessary to protect or enhance the management of a Waterway or Wetland, Council may increase the width of the Buffer beyond the minimums prescribed under Section 1.2.1, subject to an Environmental Analysis Report as described in Section 5.7.
11.3 ENVIRONMENTALLY VALUABLE AREAS (EVA)

Any Development within an Environmentally Valuable Area as designated on Map J-2 shall be subject to an Environmental Analysis Report prepared under Section 5.7.

11.4 HERITAGE AREAS (Refer to Map E in Section 3 - Heritage Areas)

For Residential zones located in Heritage Areas, the height of buildings shall not exceed three (3) storeys. (2004-07-30)

11.5 LIGHT PLANES

No Building shall project above a Light Plane of sixty (60E) degrees - at an elevation of 15 m, not exceeding 4 Storeys above Grade - when situated on a Lot Frontage on a Street designated on Map F, Section 3 of these Regulations, and as set out below:

- Water Street - from Prescott Street to Brennan Street, except for Atlantic Place (1995-06-09)
- Central Street and John Street
- Prescott Street - from Duckworth Street to Harbour Drive
- Ayre's Cove
- Barter's Hill and Barter's Hill Diversion (adjoining Casey Street)
- Casey Street (from John Street and Central Street to Water Street)
- Springdale Street (from John Street to Water Street), except for property situate at Civic Number 430 Water Street; except for property at Civic Number 18 Springdale Street. (2018-09-07)
- Bambrick Street
- Brennan Street.

11.6 SANITARY LANDFILL PROTECTION AREA

Except for repairs to or reconstruction of existing buildings, any application for development within the area bounded by the City Limits where it intersects Logy Bay Road, Logy Bay Road, Newfoundland Drive and the road to the Northwest Atlantic Fisheries Centre shall be referred to the Department of Environment. (1995 04 20)