

# **Town of Badger**

## **Development Regulations 2015-25 (1<sup>st</sup> Draft – April 2015)**

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*Prepared for*

**The Town of Badger**

*Prepared by*

**Baird Planning Associates**

**2015**



# Urban and Rural Planning Act Resolution to Adopt

## Town of Badger Development Regulations 2015 - 2025

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

Adopted by the Town Council of Badger on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2015

Mayor: \_\_\_\_\_  
Michael Patey

(Council Seal)

Clerk: \_\_\_\_\_  
Pansy Hurley

### Canadian Institute of Planners Certification

I certify that the attached Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

\_\_\_\_\_  
John Baird, MCIP

(MCIP Seal)



# Urban and Rural Planning Act Resolution to Approve

## Town of Badger Development Regulations 2015 - 2025

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

- (a) adopted by the Badger Municipal Plan on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.
- (b) Gave notice of the adoption of the Badger Municipal Plan by advertisement inserted in the Advertiser newspaper on the \_\_\_ day and the \_\_\_ day of \_\_\_\_\_, 2015.
- (c) Set the \_\_\_\_\_ day of \_\_\_\_\_, 2015 at the Town Hall, Badger for the holding of a public hearing to consider objections and submissions.

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Mayor: \_\_\_\_\_  
Michael Patey

(Council Seal)

Clerk: \_\_\_\_\_  
Pansy Hurley



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**TOWN OF BADGER MUNICIPAL PLAN  
DEVELOPMENT REGULATIONS  
APPLICATION**

**1. Short Title**

These Regulations may be cited as the Badger Development Regulations.

**2. Interpretation**

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

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

**3. Commencement**

These Regulations came into effect throughout the Badger Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland and Labrador Gazette.

**4. Ministerial Development Regulations**

The Ministerial Development Regulations (Ministerial Regulations), enacted under Section 36 of the *Act*, shall apply to development within the Planning Area. Where there is conflict between these and the Badger Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Development Regulations are included with the Badger Development Regulations (See Schedule E).

**5. Municipal Code and Regulations**

The building regulations and any other municipal regulations controlling the development, conservation, and use of land shall under these Regulations apply to the entire Planning Area. The National Building Code of Canada, the Fire Code of Canada, and all ancillary codes and regulations, shall also apply to the entire Planning Area.

**6. Council**

In these Regulations, "Council" means the Municipal Council of the Town of Badger.

**PART I – GENERAL REGULATIONS**

**7. Compliance with Regulations**

No development shall be carried out within the Planning Area except in accordance with these Regulations.

**8. Permit Required**

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

**9. Permit to be Issued**

Subject to **Regulation 10 - Permit not to be Issued in Certain Cases** and **Regulation 11 - Discretionary Powers of Council**, a permit shall be issued for development within the Planning Area that conforms to the requirements of these Regulations, including:

- (a) The general development standards set out in Part II of these Regulations, the requirements of Part IV of these Regulations, and the use classes, standards, and conditions prescribed in Schedule C for the use zone in which the proposed development is located.
- (b) The standards set out in Part III of these Regulations in the case of subdivision.
- (c) The standards set out in the National Building Code or other ancillary codes, waste disposal regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation, and use of land and buildings.
- (d) The standards of design and appearance established by Council.

**10. Permit Not to be Issued in Certain Cases**

Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

**11. Discretionary Powers of Council**

- (1) In considering an application for a development permit or approval in principle, Council shall take into account the policies of the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance

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

- (2) When approving an application for a discretionary use, Council shall state in writing the basis for its approval.

**12. Variances (Refer to Ministerial Development Regulations, Section 12)**

- (1) Where an approval or a permit cannot be given by Council because a proposed development does not comply with development standards set out in these Regulations, Council may, in its discretion, vary the applicable development standards to a maximum of 10 percent if, in Council's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question, or would be contrary to the public interest.
- (2) Council shall not allow a variance from development standards set out in these Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10 percent variance even though the individual variances are separately not greater than 10 percent.
- (3) Council shall not permit a variance from the development standards where the proposed development would increase the non-conformity of an existing development or would result in the creation of non-conformity of any existing legal development.

**13. Notice of Variance (Refer to Ministerial Development Regulations, Section 13)**

Where Council is to consider a proposed variance, Council shall give written notice of the proposed variance from development standards to all persons whose land is within sixty (60) metres of the property that is the subject of the variance, and allow a minimum period of 7 days for response.

Where it deems necessary, Council may provide notice of proposed variance to a wider area.

**14. Service Levy**

- (1) In accordance with Section 149(2) of the *Municipalities Act* 1999, where Council carries out a public work that enables a real property to be developed or developed to a higher density, or enhances the value of a property, Council may charge a service levy on the property.

- (2) The amount of a service levy shall be determined by Council, but shall not exceed the cost, including finance charges, to Council of constructing or improving the public works that are necessary for the real property to be developed in accordance with the standards required by Council and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
  - (a) The amount of real property benefited by the public works related to all the real property so benefited; and,
  - (b) The density of development made capable or increased by the public work.
- (4) Council may require a service levy to be paid by the owner of the property benefited and may specify the time for payment.

**15. Financial Guarantees by Developer**

- (1) Council may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Paragraph (1) may be made in the form of:
  - (a) A cash deposit from the developer, to be held by Council,
  - (b) A guarantee by a bank, or other institution acceptable to Council, for expenditures by the developer,
  - (c) A performance bond provided by an insurance company or a bank, or;
  - (d) An annual contribution to a sinking fund held by Council.

**16. Dedication of Land for Public Purposes**

Council may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to Council in accordance with Section 37 of the Act.

Unless Council decides otherwise, such land that is dedicated for public use will not include land that Council requires to be set aside from development for the purposes of stormwater drainage or environmental protection, whether or not that land is located within the Environmental Protection zone.

**17. Restoration of Land**

Where the use of a site is discontinued, the intensity of its use is decreased, a development permit has been revoked or has expired, or a temporary development permit has expired, Council may order the developer, the occupier of the site, the owner, or all of them to restore the site, remove all or any buildings or erections, cover or fill all wells or excavations, and close all or any accesses, or to do any or all of these things, as the case may be, and the developer, occupier or owner shall carry out the order of Council and shall put the site in a clean and sanitary condition to Council's satisfaction.

**18. Form of Application**

- (1) An application for a development permit or for approval in principle shall be made to Council only by the owner or by a person authorized by the owner on such form as may be prescribed by Council and every application shall include plans and an application fee if required.
- (2) Council shall supply to each applicant a copy of the application form referred to in Paragraph (1) and any available information required by the applicant relevant to the application.

**19. Register of Application**

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

**20. Deferment of Application**

- (1) Council may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations, which have not been determined by Council and on which a decision has not been communicated to the applicant within sixty (60) days of the application being received by Council, shall be deemed to be refused.

**21. Approval in Principle**

- (1) An application for an approval in principle for a subdivision or other form of development will include a description of the site and the proposed development, including a professionally prepared drawing, which:
  - (a) Delineates the limits of land to be used for the proposed development,
  - (b) Shows contours and significant natural features such as wetlands, watercourses, drainage channels, and slopes that exceed 15 percent,

- (c) Shows existing streets, buildings, and land uses in the vicinity of the site,
  - (d) Shows a conceptual layout of proposed streets, trails, and other major components of the development, and
  - (e) Provides any additional information that may be requested by Council.
- (2) Council will not consider an application for an approval in principle unless that application includes a clear description of the site and proposed development in accordance with Paragraph (1).
  - (3) Council can grant an approval in principle if it determines that the proposed development complies generally with the intent and purposes of the Municipal Plan and these Regulations. Council will attach to the approval in principle such conditions that it deems necessary to ensure the proposed development will be in accordance with the Plan and these Regulations. It will also outline such details that the applicant will be required to address before a final development permit will be granted.
  - (4) An approval in principle will be valid for a period of one (1) year, and may be extended for one (1) additional year, up to a maximum of two (2) years.
  - (5) Where approval in principle is granted, approval of a final development permit will be subject to the subsequent approval by Council of any details and conditions that were outlined in the approval in principle.
  - (6) Approval in principle will not constitute permission to commence development. No form of development will commence until Council has issued a proper development permit.
  - (7) Council may revoke approval in principle if it determines that the applicant has changed the proposed development in a way that significantly alters the original intent of the application or has not adequately addressed conditions or details stipulated in the approval in principal.
  - (8) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.



**22. Development Permit**

- (1) A written development permit issued by Council or its designated staff will constitute permission to develop in accordance with these Regulations, but such permission shall not relieve the applicant from full responsibility for obtaining all other permits or approvals prior to commencement of development and complying with all other regulations and statutes during development.
- (2) Council may attach conditions to a development permit to ensure compliance with the Municipal Plan and these Regulations, and the permit holder will be responsible for full compliance with these conditions.
- (3) A development permit is valid for a period of one year and may be extended for one (1) additional year if requested by the applicant, up to a maximum of two years.
- (4) The issuance of a development permit does not prevent Council from thereafter requiring the correction of errors or ordering the cessation, removal of, and remedial work on any development being carried out that is in violation of the Municipal Plan or these Regulations.
- (5) Council may revoke a permit:
  - (i) for failure by the holder of the permit to comply with these Regulations or any condition attached to the permit or approval in principle,
  - (ii) where Council determines that the permit holder has changed the proposed development in a way that significantly alters the intent of the original application, or
  - (iii) where the permit was issued in error or on the basis of incorrect information,
- (6) No person shall change the application for which a development permit was issued unless written Council has issued approval of the change.
- (7) A copy of the development permit, along with plans and specifications, shall be kept on the site until the development is completed.
- (8) A decision by Council on an application for an approval in principle or a development permit may be appealed in accordance with Section 42 of the Act.

**23. Temporary Use Permit**

At its discretion Council may issue a development permit for a temporary use that complies with the Municipal Plan and these Regulations. The permit may be for a period not exceeding one (1) year, and may be extended at the request of the applicant for one (1) additional year, to a maximum of two (2) years.

**24. Permit Fees**

Council may charge a fee for a development permit in accordance with the schedule of fees adopted by Council.

**25. Compliance with Legislation**

- (1) If Council deems that a proposed development may not comply with a particular provincial or federal act or regulation, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.
- (2) If Council deems that a proposed development may trigger the requirements of the *Environmental Assessment Act*, the proponent will be advised to consult with the Department of Environment and Conservation before a development permit will be issued.
- (3) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

**26. Reasons for Refusing or Setting Conditions on a Permit**

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

**27. Notice of Right to Appeal (Refer to Ministerial Development Regulations, Section 5)**

Where Council makes a decision that may be appealed under Section 42 of the Act, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- (a) Person's right to appeal the decision to the appeal board,
- (b) Time by which an appeal is to be made,
- (c) Right of other interested persons to appeal the decision, and
- (d) Manner of making an appeal and the address for the filing of the appeal.

**28. Appeals (Refer to Ministerial Development Regulations, Sections 6-11)**

Sections 6 to 11 of the Ministerial Regulations outline the regulations with respect to appeal requirements, appeal registration, prohibition of development that is subject to an appeal, notice of an appeal hearing, the appeal board's hearing of evidence, and its decisions.

**29. Return of Appeal Fee**

In accordance with Section 42(3) of the *Act*, where an appeal of a Council decision is successful, an amount of money equal to the appeal fee paid by the appellant shall be paid to the appellant by Council.

**30. Notice of Application (Refer to Ministerial Development Regulations, Sections 13 & 15)**

- (1) Notice of an application shall, at the applicant's expense, be given when:
  - (a) A variance is to be considered under **Regulation 12 - Variances**,
  - (b) A change in a non-conforming use is to be considered under **Regulation 50 - Non-Conforming Uses**,
  - (c) A proposed development is listed as a discretionary use in Schedule C,
  - (d) A comprehensive development is proposed in accordance with **Regulation 45 - Comprehensive Development**, or
  - (e) Council determines an application is such that that the public should be notified.
- (2) In accordance with **Regulation 13 - Notice of Variance** of these Regulations and Section 13 of the Ministerial Development Regulations, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of seven (7) days will be provided for persons to respond.
- (3) In accordance with **Regulation 50(4) - Non-Conforming Uses** of these Regulations and Regulation 15 of the Ministerial Development Regulations, notice of an application to change a non-conforming use will be given directly to persons who are likely to be affected, and in addition will be posted on the Community Channel, or posted on local bulletin boards, or published by advertisement in a newspaper circulating in the area. A minimum of seven (7) days from the posting of the notice will be provided for persons to respond.
- (4) Notice of an application to develop a discretionary use will be given directly to persons who are likely to be affected, and in addition will be posted on the Community Channel, or posted on local bulletin boards, or published by advertisement in a newspaper circulating in the area. A minimum of seven (7) days from the posting of the notice will be provided for persons to respond.
- (5) In accordance with **Regulation 45 – Comprehensive Development**, notice of an application to undertake a comprehensive development will be given directly to persons who are likely to be affected, and in addition will be posted on the Community Channel, or posted on local bulletin boards, or published by advertisement in a newspaper circulating in the area. A minimum of seven (7) days from the posting of the notice will be provided for persons to respond.

- (6) Notice of an application for a development that Council deems the public should be made aware of will be given directly to persons who are likely to be affected, and in addition will be posted on the Community Channel, or posted on local bulletin boards, or published by advertisement in a newspaper circulating in the area. A minimum of seven (7) days from the posting of the notice will be provided for persons to respond.
- 31. Delegation of Powers (Refer to Ministerial Development Regulations, Section 18)**  
Council shall, when designating employees or contractors to whom a power is to be delegated under Section 109(2) of the Act, make that designation in writing.
- 32. Right of Entry**  
Any official authorized by Council may enter upon land and may at all reasonable times enter any development or building for the purpose of making inspections relative to the development.
- 33. Record of Violations**  
Every inspector shall keep a record of any violation of these Regulations and report that violation to Council.
- 34. Stop Work Order and Prosecution**
- (1) Where a person begins a development contrary or apparently contrary to these Regulations, Council may order that person to stop the development pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Paragraph (1) is guilty of an offence under the provisions of the Act.

## PART II - GENERAL DEVELOPMENT STANDARDS

### 35. Access Ramps

At its discretion, Council may, after consulting with abutting property owners, permit an access ramp for a wheel chair to be erected in a minimum front, rear, or side yard if:

- (a) There is no alternative means to provide the access ramp, and
- (b) The ramp does not create a safety hazard or block sight lines.

### 36. Accessory Buildings

- (1) An accessory building will be clearly incidental and complementary to the use of the main building(s).
- (2) An accessory building will be contained on the same lot as the main building(s).
- (3) No truck, bus, semi-trailer, freight container, or other vehicle body will be used as an accessory building.
- (4) No accessory building shall be erected upon an easement.
- (5) No accessory building will be used for a commercial purpose unless approved by Council in conformity with these Regulations.
- (6) No accessory building or part thereof shall be permitted in the frontyard of the main building except at Council's discretion in accordance with Paragraph (7).
- (7) Notwithstanding Paragraph (6), at its discretion, Council may approve an accessory building in the frontyard of a main building where:
  - There is inadequate space in the rearyard or sideyard of the property to accommodate the accessory building,
  - A rearyard or sideyard location is not physically feasible or would pose a significant hazard for the property owner, or
  - A frontyard location is necessary to ease accessibility for a disabled person.

In considering an application for an accessory building in a frontyard, Council will:

- (a) Give notice of the application to all persons whose properties are located on the same street and within sixty (60) metres of the proposed accessory building (or such greater distance that Council deems necessary), and duly consider their comments or objections.
- (b) Ensure that the frontyard location will not pose a threat to road safety,
- (c) Ensure that the location, size, appearance, height, and use of the accessory building will not adversely affect the character or amenities of neighbouring properties, and

- (d) Set other conditions that it deems necessary to ensure the character, amenities, and property values of the neighbourhood are protected.

**37. Home Occupations**

A home occupation will be permitted only if it meets the following conditions:

- (a) It will be clearly secondary to the residential use of the property.
- (b) It will be located inside the dwelling or inside an accessory building on the same lot.
- (c) It will employ one or more persons, who normally inhabit the dwelling and, in addition, may employ no more than two persons who do not normally inhabit the dwelling,
- (d) It will occupy:
- no more than thirty percent (30%) of the floor area of the dwelling unit, and
  - no more than sixty-five (65) square metres of the total floor area of an accessory building.
- (e) It will not include outdoor storage of materials or equipment unless approved at the discretion of Council.
- (f) It will not use or keep in storage any hazardous materials,
- (g) It will not use water or generate sewage in excess of what can be accommodated by the existing water supply and sewage disposal system,
- (h) It will not cause noise, odours, fumes, electrical interference, or other nuisances that unreasonably affect neighbouring properties,
- (i) Unless otherwise authorized by Council, sufficient off-street parking space shall be available on the lot for the parking needs of residents, employees, and clients,
- (j) Council may require fencing, screening, and/or a minimum space separation to protect the amenity of adjacent uses,
- (k) It will not create traffic safety or traffic congestion concerns,
- (l) It will not include automobile repair, auto body repair, or automobile sales, and
- (m) It will adhere to any other condition that Council deems necessary to protect the amenity of adjacent residential uses and the neighbourhood.

**38. Childcare Service**

Where permitted by Council a childcare service will conform to the requirements of the *Child Care Services Act* and *Regulations*. Where required, a license to operate shall be obtained from the Department of Health and Community Services.

**39. Bed and Breakfast Establishments**

A Bed and Breakfast establishment will be subject to the following conditions:

- (a) It will be operated in a single dwelling occupied as a residence by the operator of the business.
- (b) It shall not detract from the residential character of the neighbourhood in terms of scale or exterior design.
- (c) The maximum number of guest rooms shall be six (6).
- (d) Off-street parking shall provide one space for every guest room. For a catered dining facility, one additional parking space shall be provided for every two guest rooms.
- (e) No wholesale sales or storage of goods shall be carried out and any retail sales shall be incidental to the approved use.
- (f) It must be registered by Canada Select and approved by the Tourism Department.

**40. Archaeological Sites**

If an archaeological site or artefact is discovered during development of a property, the development shall stop and Council will consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.

**41. Industrial Use Buffer Strips**

Where any industrial use abuts an existing or proposed residential area, or is separated from it by a road only, Council may require the industrial development to provide buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by Council and shall be maintained by the owner or occupier to the satisfaction of Council.

**42. Building Line and Setbacks**

- (1) Council, by resolution, may establish building lines on an existing or proposed street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in Schedule C of these Regulations.

- (2) The frontyard building line setback is measured from the front property line.
- (3) Notwithstanding the minimum front, side and rear yard requirements set out under Schedule C, Council, at its discretion, may allow development to complement existing building setbacks of adjoining properties by varying the yard requirements after notification of the proposed variance is given to neighbouring property owners in accordance **with Regulation 13 - Notice of Variance and Regulation 30 - Notice of Application** of these Regulations.
- (4) The building line along Provincial highways shall not be less than that specified under the provincial Building Near Highways Regulation.

**43. Multiple Uses on One Lot**

A multiple use occurs when two or more different use classes exist in a single building or on a single lot.

- (1) Where a single lot contains more than one permitted use, each use shall conform to all requirements in these Regulations that are applicable to that use.
- (2) A multiple use may not be permitted where Council determines that the proposed use would not be compatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

**44. Main Buildings on a Lot**

- (1) Except for a single dwelling, more than one main building may be permitted on a lot provided that the requirements of Schedule C are satisfied.
- (2) No more than one single dwelling may be permitted on a lot except where that lot or dwelling forms part of a comprehensive development.
- (3) Where more than one main building is developed on a lot, sufficient area shall be reserved to satisfy the yard requirements and other allowances outlined in Schedule C for the Use Zone in which the lot is located. These allowances shall be maintained when the adjacent land is developed.

**45. Comprehensive Development**

Council, at its discretion, may permit a comprehensive development that does not meet the requirements of these Regulations with respect to access to and frontage on a public street as well as minimum lot size, frontage, frontyard, sideyard, and rearyard, provided that:

- (a) It is satisfied that the site conditions are such that the standard requirements cannot be met, the quality of the development would be greater than would otherwise be



achieved through conventional developments, or the development would be in the public interest with respect to providing housing for elderly, disabled, lower-income, and other residents whose needs and preferences cannot be easily accommodated by traditional single-unit dwellings.

- (b) It has provided public notice of the proposed development in accordance with **Regulation 30(1) (d) - Notice of Application** of these Regulations.
- (c) A comprehensive development plan has been prepared and approved by Council,
- (d) The comprehensive development itself has frontage on a public street,
- (e) The development is compatible with adjacent development,
- (f) The area of the comprehensive development is at least one (1) hectare, and
- (g) There are no fewer than two developments within the comprehensive development.

**46. Residential Care Home**

- (1) A residential care home may be permitted in a facility or single dwelling that is of adequate size to accommodate all persons living in the home including staff.
- (2) The use and appearance of the building shall not adversely affect the amenities of the adjacent residences or neighbourhood. Council may set conditions aimed at ensuring the use is compatible with the neighbourhood.
- (3) Council may require special access and safety features to be provided for the occupants before occupancy is permitted.

**47. Lot Area**

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a frontyard, rearyard, sideyard, frontage, or lot area that is less than, that permitted for the zone in which such lot is located.
- (2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

**48. Lot Area and Size Exceptions**

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

**49. Lot Frontage**

Except where provided for in Schedule C, no building shall be erected on a lot that does not front directly onto a public street unless the subject lot forms part of a comprehensive development.

**50. Non-Conforming Uses (Refer to Section 108(2) of the Urban and Rural Planning Act 2000 and Sections 14, 15, and 16 of the Ministerial Development Regulations)**

- (1) Notwithstanding the Municipal Plan, a scheme, or regulations made under the Urban and Rural Planning Act 2000, Council shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the Act of the plan, scheme or regulations made with respect to that kind of development or use.
- (2) Notwithstanding Paragraph (1), a right to resume a discontinued non-conforming use of land shall not exceed one year after the discontinuance occurred. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
  - (a) The building or use of land is clearly vacated,
  - (b) The owner or tenant has ceased paying business taxes for that use, and
  - (c) The owner or tenant has stated in writing that the use has ceased.
- (3) A non-conforming building, structure, or development under the Act, which is allowed to continue under Paragraph (1):
  - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
  - (b) shall not be structurally modified except as required for the safety of the building, structure or development,

- (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50 percent or more of the value of that building, structure or development has been destroyed, except as provided for in Paragraph (g) below,
  - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council’s opinion, more compatible with the plan and regulations applicable to it,
  - (e) may have the existing building extended by Council where, in Council’s opinion that extension is not more than 50 percent of the existing building,
  - (f) where the non-conformance is with respect to the standards in these Regulations, shall not be expanded if the expansion would increase the non-conformity, and
  - (g) where the building, structure, or development is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50 percent or more of the value of that building or structure is destroyed.
- (4) In accordance with **Regulation 30 - Notice of Application** of these Regulations, when considering an application to vary an existing use of a non-conforming building, structure or development under Paragraph (3) (d), Council will, at the applicant’s expense, provide public notice of the application and shall consider any representations or objections received in response to that advertisement.

**51. Offensive and Dangerous Uses**

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

**52. Parks, Playgrounds, and Open Spaces**

Nothing in these Regulations shall prevent the designation of land for the establishment of parks, playgrounds, and open spaces in any zone provided that such land is not located in areas that may be hazardous to their use or is an area that is not compatible for such a use.

**53. Screening and Landscaping**

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

**54. Public Services and Utilities**

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

**55. Energy Generation Facilities**

- (1) Small-scale solar and hydro generating facilities and associated facilities and services are subject to the conditions set out below.
- (2) Energy utilities may be subject to the approval of relevant provincial and federal departments, agencies, and public utilities, including the Department of Natural Resources and Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment, and other matters that Council may deem to be significant.
- (3) Unless specifically exempted by Council or other relevant agencies, the design, construction and location of an energy utility shall be certified by a professional engineer who has consulted with the required agencies.

**56. Site Development Requirements**

The following requirements will apply to all proposed site developments involving new street construction or large sites for commercial or other development.

- (a) When reviewing a development application, Council shall consider the suitability of the site in terms of steepness of grades, soils, geology, and environmentally sensitive areas, including watercourses, wetlands, and proximity to coastal shorelines.
- (b) No buildings, structures, or placement or removal of fill will be permitted:
  - (i) On a slope that exceeds twenty-five percent (25%) over a height of four (4) or more metres and a length of twenty-five (25) or more metres.

- (ii) Within eight (8) metres of the top or bottom of a slope that exceeds twenty-five percent (25%) over a height of four (4) or more metres
- (c) Before approving development of a site having a slope greater than fifteen (15) percent but not more than twenty-five (25) percent, Council will require the development proposal to be reviewed by a certified planner, engineer, landscape architect, or similar professional. The review shall evaluate the site's soil and geological stability, proposed site grading, drainage, vegetation removal, landscaping, and the potential of the development to cause stormwater runoff, erosion, or pollution affecting adjacent properties, wetlands, water bodies.
- (d) Excavation or filling-in of land to prepare a site for development will be limited to an extent that is deemed by Council to be environmentally and aesthetically acceptable.
- (e) A development application will provide sufficient information to show the extent of any proposed clearing, excavation, or filling-in of the site.
- (f) An approval in principle or a permit to develop will not be granted when in Council's opinion the proposed clearing, excavation, filling-in of land, or other site development will result in unacceptable drainage, environmental, or aesthetic impacts, or will be more than is necessary to suitably develop the site.

**57. Street Construction Standards**

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

**58. Development Within or Adjacent to a Watercourse or Wetland**

- (1) All portions of a lot that are located within 15 metres of the edge of a wetland or the top of the stream bank of a watercourse, but which are not located in the Environmental Protection zone, will be subject to the following:
  - (a) No building or structure will be permitted, except for:
    - (i) reconstruction of a residential dwelling that was in existence on the date that this Municipal Plan came into effect
    - (ii) an accessory building or structure to (i) above
  - (b) Any excavation or filling-in of land, or other altering of the landscape, will be limited to a maximum of ten percent (10%) of the area of the lot located within the 15-metre buffer area,

- (2) Before Council will approve development, use, or alteration of a watercourse, wetland, or estuary, the development, use, or alteration must be approved or exempted by other provincial and federal agencies having jurisdiction.
- (3) Development within a wetland is permitted only in such a way as to minimize adverse impacts on the hydrology, water quality, flora, fauna, and other important environment resources for which there may be concern.
- (4) If a watercourse or wetland is deemed to be minor (see below), such watercourses and wetlands shall remain undeveloped and protected by a buffer wherever possible. If Council, at its discretion, permits a development that will affect a minor watercourse or wetland, alternatives to covering over or eliminating such watercourses and wetlands shall be taken wherever possible, including redesign of the development and relocation of the watercourse or wetland.
  - (a) A **minor watercourse** is defined as a drainage course that carries water only during rain events or snowmelt, an intermittent stream that does not carry significant spring runoff, and a stream that is not fish habitat.
  - (b) A **minor wetland** is defined as a wetland of less than 5,000 square metres in area that is not associated with a watercourse and is not deemed to be an environmentally sensitive area.

**59. Line of Vision at Intersections**

So as to not obstruct the view of motorists and pedestrians,

- (a) All occupied lands within 7 metres of a street intersection shall be kept free of any shrubs, plants, and trees that may impede the line of vision, and
- (b) No building or structure shall be permitted to be erected, moved, enlarged, or reconstructed on any land that is within 7 metres of a street intersection.

**60. Development in the Vicinity of a Public Right-of-Way**

- (1) Land development and the erection of buildings and structures will not be permitted on any site where it would otherwise be permitted under these development regulations, when in the opinion of Council, the development would impede public passage on a public right-of-way or interfere with any legal right of Council to develop or improve the right-of-way for public access and recreation.
- (2) Council may require a minimum setback or set other terms and conditions to a proposed development in the vicinity of a public right-of-way to ensure the development will not obstruct public passage along the right-of-way.

**61. Service Stations**

The following requirements shall apply to all proposed service stations:

- (a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- (b) Pump islands shall be set back at least 4 metres from the front lot line.
- (c) Accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

**62. Development Controls in Flood Risk Areas (FRAs)**

Due to extensive flooding that has occurred, considerable areas of Badger are designated as Flood Risk Area (FRA) by the Department of Environment and Conservation. This includes 1:100-Year FRAs and 1:20-Year FRAs. On the Zoning map, these FRAs are shown as shaded areas that overlay the Residential, Mixed Development-1, Mixed Development-2, Commercial-Light Industrial, Public Use, Open Space, and Environmental Protection zones. The darker shade identifies the 1:20-Year FRA and the lighter shade identifies the 1:100-Year FRA.

In the Flood Risk Areas, building development and expansions are subject to the following special conditions aimed at reducing risks to human safety and buildings from future floods.

- (a) A building permit application will be accompanied by a survey plan prepared by a Registered Surveyor providing geodetic elevations of existing ground levels.
- (b) The groundfloor of a permitted residential, commercial, industrial, or institutional building will be no lower than the Minimum Floor Level (MFL) of 100.96 metres above sea level.
- (c) Prior to commencement of any construction above groundfloor level, a certificate by a Registered Surveyor will be submitted to Council indicating that the MFL has been achieved.
- (d) In the 1:100 year Flood Risk Area, at its discretion, Council may permit a non-habitable accessory building such as a storage shed, garage, workshop, or woodshed to be constructed below the MFL. Council will not permit an accessory building in the 1:20 year Flood Risk Area.

- (e) Materials used in construction below the MFL will be of a type that is able to withstand the effects of immersion.
- (f) Basements will not be permitted in any Flood Risk Area.
- (g) The MFL may be accomplished by:
  - Concrete slab on properly compacted fill.
  - Elevation on piles, posts, piers or columns.
  - Elevation on walls or a crawl space.
- (h) Buildings and structures will be designed and anchored to prevent flotation, collapse, lateral movement or undercutting by erosion or scour during a 100-year flood event. The Base Flood Elevation (BFE) for a 100-year flood is 100.36 metres above sea level.
- (i) Sanitary sewer laterals will include a backflow device.
- (j) All buildings and associated utilities will be designed and constructed in accordance with the approved flood proofing guidelines of the Department of Environment and Conservation, and entrances and exits will be installed such that they can be safely used without hindrance in the event of a flood.
- (k) Storage of pollutants such as fuels, chemicals, or pesticides will not be permitted in any buildings or on any site in a Flood Risk Area.
- (l) Council will not approve an application that is not in accordance with all recommendations and requirements of the Department of Environment and Conservation.



### PART III – SIGNS

**63. Permit Required**

Subject to the provisions of Regulation 73, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Council.

**64. Provincial Highways**

In addition to a permit from Council, the erection or display of a sign on a Provincial Highway shall require a permit from the Government Service Centre.

With respect to signs on or near a Provincial Highway, where these Regulations are inconsistent with the Provincial Highway Sign Regulations, the more restrictive regulations shall apply.

**65. Form of Application**

Application for a permit to erect or display a sign shall be made to the Council in accordance with Regulation 18.

**66. Approval Subject to Conditions**

A permit may only be issued for the erection or display of signs that comply with the appropriate conditions and standards set out in these Regulations.

**67. Signs Prohibited in Street Reservation**

No sign will be permitted within, on, or over any highway or street reservation.

**68. Removal of Signs**

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

- (a) hazardous to pedestrian or vehicle traffic by reason of its siting, colour, illumination, or structural condition, or
- (b) detrimental to the amenities of the surrounding area.
- (c) not maintained to the satisfaction of the Council.

**69. Signs Exempt from Control**

Notwithstanding Regulation 65, the following signs may be erected or displayed without application to the Council:

- (a) on a residential dwelling or within the yard of a dwelling, one nameplate not exceeding 0.2 m<sup>2</sup> in area;
- (b) on an agricultural, forestry, mining or quarrying operation, one notice board not exceeding 0.5 m<sup>2</sup> in area relating to the operations being conducted on the land;
- (c) on a site occupied by an institutional, civic, service or public use (e.g. church, school, museum, cemetery), one notice board not exceeding 1.0 m<sup>2</sup> in area,

- (d) on a commercial or industrial building, a notice board not exceeding 1.0 m<sup>2</sup> in area,
- (e) on any parking lot, directional signs, plus one sign only not exceeding 1.0 m<sup>2</sup> in size to identify the parking lot,
- (f) real estate sales, leasing, and open house signs not exceeding 1 m<sup>2</sup>
- (g) signs placed by candidates at municipal, provincial, or federal elections;
- (h) signs for temporary local events such as festivals, from one month before the event to no later than one week after its conclusion;
- (i) temporary signs on construction sites warning of danger and or outlining the nature of the development up to a maximum area of 7.5m<sup>2</sup>.

**70. General Sign Standards**

No commercial, industrial, or public use will have more than two (2) signs.

The following standards shall apply to signs erected for a commercial, industrial, or public use. At its discretion, Council may require more restrictive standards.

- (a) Window Sign – maximum of 1 m<sup>2</sup>
- (b) Awning/Canopy Sign – maximum of 3 m wide by 0.75 m high
- (c) Wall Sign – maximum of 3 m wide by 0.75 m high
- (d) Hanging and Projecting Sign – maximum of 1 m<sup>2</sup>
- (e) Murals - At the discretion of Council.
- (f) Free Standing Sign – one per use, maximum of 5.0 m<sup>2</sup>

**71. Residential Zones**

Notwithstanding Regulation 72, in the Residential zone, no sign will be permitted that does not meet the standards set out in Regulation 71 except at the discretion of Council and only if Council has provided notice in accordance with Regulation 30(4) of these Regulations.

**PART IV - SUBDIVISION OF LAND**

**72. Application of Part III**

Part III of these regulations applies to each of the following:

- (a) The subdivision of land under single ownership into two or more lots, including the residual lot,
- (b) Construction, upgrading, or extension of a public street, and
- (c) Extension or upgrading of the municipal water and sewer system.

**73. Subdivision Permit Required**

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

**74. Services to be Provided**

No permit shall be issued for the subdivision of land unless provisions satisfactory to Council have been made for supply of drinking water, sewage disposal, and stormwater drainage so as to not affect adjoining and nearby properties.

**75. Payment of Service Levies and Other Charges**

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

**76. Permit Subject to Considerations**

For every proposed subdivision of land involving new street construction, an application and development plan shall be submitted to Council.

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

In considering a subdivision application, Council shall, without limiting the generality of the foregoing, consider:

- (a) Proposed land uses within the development,
- (b) The location and natural characteristics of the site, including topography, drainage, soils and geology, vegetation, wetlands, watercourses, sensitive areas, prevailing winds, and solar orientation,

- (c) Municipal Plan policies, Development Regulations, and Use Zone affecting the site,
- (d) Proposed layout of streets and lots, as well as linkages to existing streets,
- (e) The availability of and the demand created for municipal infrastructure, municipal services, and utilities,
- (f) Provision for access to adjacent undeveloped areas,
- (g) The land use, physical form and character of adjacent developments,
- (h) The relationship of the project to existing or potential sources of nuisance,
- (i) Visual quality and effect on viewscales from existing subdivisions,
- (j) Community facilities,
- (k) Energy conservation,
- (l) Environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, stormwater generation and control, coastal resources, and loss or fragmentation of habitat,
- (m) Municipal financial costs related to the provision and maintenance of roads, other infrastructure, and municipal services,
- (n) Effects on the sustainability of important resource lands, including groundwater supply areas, agricultural land, forestland, and aggregate resources, and
- (o) Such other matters as may affect the proposed development.

**77. Building Permits Required**

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

**78. Form of Application**

Application for a permit to develop a subdivision shall be made to Council in accordance with **Regulation 18 - Form of Application**.

**79. Subdivision Subject to Zoning**

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

**80. Building Lines**

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

**81. Dedication of Land for Public Use**

In accordance with Section 37 of the *Act*, Council may require developers of subdivisions to provide to the Town land for open space or other public use equal to ten per cent of the gross area to be developed. In lieu of land dedication, Council may accept a sum of money that is equivalent to the value of the land that would have been conveyed.

Unless Council decides otherwise, the dedication of such land for public use will not include land that Council requires to be set aside from development for the purposes of environmental protection or stormwater drainage.

**82. Structure in Street Reservation**

The placing within any street reservation of any structure (for example, a hydro or telephone pole, fire hydrant, mail box, school bus shelter, sign post) shall not be approved by Council unless or until it is satisfied on the question of safe construction and relationship to other buildings or other structures within the street reservation and the relationship to safe movement of vehicles and pedestrians.

**83. Subdivision Design Standards**

Except as otherwise specified in a Subdivision Policy adopted by Council, no permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) A cul de sac will be subject to the following:
  - (i) the turning circle of a cul de sac will have a driving surface diameter of not less than 30 metres.
  - (ii) the maximum length of a cul de sac will be 500 metres.
  - (iii) all cul de sac water mains will be connected to a water main on an adjoining street or will be looped back to ensure continuous water flow and prevent stagnant water at the end of dead-end pipes.

(c) Streets will be designed in accordance with the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Street	30 m	15 m	1.5 m	Discretion of Council
Collector Street	20 m	15 m	1.5 m	
Local Street	15 m (may be varied to no less than 12.2 m at Council’s discretion)	7.3 m	Discretion of Council	

(d) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

**84. Engineer to Design Works and Certify Construction Layout**

(1) Plans and specifications for all streets, paving, sidewalks and all other utilities deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of subdivision.

(2) Upon approval by Council of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such streets and other works deemed necessary by Council to service the said area.

**85. Developer to Pay Engineer's Fees and Charges**

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

**86. Street Works May Be Deferred**

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

**87. Transfer of Streets and Utilities to Council**

- (1) The developer shall, following the approval of the subdivision of land and upon request of Council, transfer to Council, at no cost to Council, and clear of all liens and encumbrances:
  - (a) All lands in the area proposed to be developed or subdivided which are approved and designated by Council for public use as streets, or other rights-of-way, or for other public use;
  - (b) All services or public works including streets, water supply, sanitary sewer, and storm drainage systems installed in the subdivision that are normally owned and operated by Council.
- (2) Before Council shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.
- (3) Council shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by Council.

**88. Restriction on Sale of Lots**

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

**89. Grouping of Buildings and Landscaping**

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



## **PART V - USE ZONES**

### **90. Use Zones**

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones, which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Paragraph (3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, Council may in its discretion, determine the standards, requirements and conditions which shall apply.

### **91. Map Interpretation**

- (1) The boundaries of the Use Zones shown on the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No zoning amendment shall be required to allow minor adjustments of the Use Zone boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Use Zone delineated on the Land Use Zoning Maps.
- (2) Where there is uncertainty regarding the existence of a watercourse identified on the zoning map as occurring within the Environmental Protection zone, this will be confirmed in the field. If it is determined that the watercourse does not exist, the area in question will be treated as if it is occurring within a surrounding zone.

### **92. Use Classes**

The specific uses to be included in each Use Class set out in the Use Zone Tables in Schedule C shall be determined by Council in accordance with the classification and examples set out in Schedule B.

### **93. Permitted Uses**

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

**94. Discretionary Uses**

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application in accordance with **Regulation 30 - Notice of Application** and has considered any objections or representations which may have been received on the matter.

**95. Uses Not Permitted**

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables in Schedule C shall not be permitted in that Use Zone.

# **Town of Badger**

Development Regulations 2015-25

Schedule A – Definitions

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**SCHEDULE A – DEFINITIONS**

**GENERAL NOTE:**

**A definition marked with an asterisk is also included in the Ministerial Development Regulations. Where there is a conflict, the Ministerial Development Regulations prevail.**

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

**\*ACCESSORY BUILDING** includes:

- (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 which has a use that is customarily incidental or complementary to the main use of the building or land,
- (ii) In the case of a residential use, a domestic garage, carport, ramp, shed, swimming pool, greenhouse, cold frame, fuel shed, vegetable storage cellar, shelter for domestic pets, or radio or television antennae,
- (iii) In the case of a commercial use, an office, workshop, storage building, or garage, and
- (iv) In the case of an industrial use, a garage, office, workshop, storage building, ramp, or dock.

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

**\*ACT** means, unless the context indicates otherwise, the *Urban and Rural Planning Act 2000*.

**AGRICULTURE, CROP** means an agricultural operation that is carried on for personal or commercial use and includes:

- (a) the clearing, draining, irrigating or cultivation of land,
- (b) the production of agricultural field crops,
- (c) the production of fruit and vegetables and other specialty horticultural crops,
- (d) the operation of agricultural machinery and equipment,
- (e) storage, use or disposal of organic wastes for farm purposes,
- (f) the preparation of a non-livestock farm product for distribution from the farm gate, including cleaning, grading and packaging,
- (g) the operation of pick-your-own farms, roadside stands, farm produce stands, and tourist operations as part of a farm operation, or
- (h) any other non-livestock agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

**AGRICULTURE, LIVESTOCK** means an agricultural operation that is carried on for personal or commercial use and includes:

- (a) the clearing, draining, irrigating or cultivation of land for livestock grazing,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of eggs and milk,
- (f) the preparation of a livestock, poultry, or dairy product for distribution from the farm gate, including cleaning, grading and packaging,
- (g) the on-farm processing of farm products for the purpose of preparing livestock, poultry, or dairy products for wholesale or retail consumption,
- (h) any other livestock activity or process prescribed by Provincial regulation that is carried on for gain or reward or in the hope or expectation of gain or reward.

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

- (a) 1 horse, cow, steer, bull, mule, donkey, pig, fox, or mink including offspring until weaning
- (b) 3 llama or alpaca including offspring until weaning
- (c) 6 sheep or goats including offspring until weaning
- (d) 10 ostriches, emus or fur bearing animals, excluding fox or mink, including offspring until weaning
- (e) 20 hens, chickens, turkeys, ducks or geese, or
- (f) 100 chicks.

**APARTMENT BUILDING** means a residential building containing three or more dwelling units except for a townhouse.

**APPEAL BOARD** means the appropriate Appeal Board established under the *Act*.

**APPLICANT** means a person who has applied to Council for a permit to carry out a development.

**BACK LOT** means a residential building lot that is separated from the street by one or more existing lots and is accessible from the street by a strip of land, which forms part of the lot.

**BED AND BREAKFAST** means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to six (6) guest rooms of paid temporary accommodation for tourists and other travellers. The establishment may include a self-serving dining area for the use by overnight guests. Catered dining may be considered on a limited-use basis. Other uses that may be considered under this definition include hospitality home, cottage and inn. The establishment must

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

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

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

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

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

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

**CAMPGROUND** means an area of land, managed as a unit, for the accommodation of any combination of three (3) or more tents, recreational vehicles, or travel trailers used on a short term or seasonal basis, and where the accessory uses could include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washroom, and recreational facility.

**CATERING** means a building or part of a building where food is prepared and served within the premises and includes a restaurant and coffee shop, but does not include a take-out food service or drinking establishment.

**CEMETERY** means a facility or site reserved for the burial of the dead and may include a crematorium, mortuary, and related maintenance facility.

**CHILD CARE** means a building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the *Day Nurseries Act*, but which does not include a school as defined by the *Schools Act*.

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**CLUB AND LODGE** means land, a building, or part of a building used by a non-profit association or organization for fraternal, social, recreational or religious purposes.

**COLLECTOR STREET** means a street that links local streets with arterial streets or other collector streets, and which is designated as a collector street in the Municipal Plan or on the Zoning Map.

**COMMERCIAL ACCOMMODATION** means a building, or part thereof, used to provide short term (not permanent) accommodation for paying guests. Accommodation may be self contained (with full kitchen, bathroom and laundry services) or serviced (laundry service and meals are provided). Commercial accommodation may include a hotel, motel, or inn, but not a tourist cottage establishment, which is defined separately.

**COMMERCIAL OUTDOOR RECREATION** means a commercial facility or operation such as a golf course, outdoor theatre, Alpine ski hill, target shooting range, canoeing/kayaking tour operation, outdoor adventure operation, water slide, or motocross track.

**COMMUNICATIONS** means a building, structure, mast, or antenna used to facilitate the receiving or transmitting of radio, television, telephone, cellular, or satellite communications, and may include radio and television stations.

**COMPREHENSIVE DEVELOPMENT** means an integrated development on a suitable, large site that responds to a unique market opportunity and involves special development standards not otherwise permitted in the zone. A comprehensive development may allow for a mix of different housing types and densities, and innovations such as cluster layouts and zero lot line housing, and privately owned and maintained streets and infrastructure.

**CONSERVATION** means a use of land that serves to protect, maintain, or improve an environmental resource or feature.

**CONSTRUCTION YARD** means an area used for the storage of construction materials, supplies, equipment, tools, stockpiles of construction materials, and other items including temporary storage containers, construction trailers, and temporary office trailers;

**COUNCIL** means the Council of the Town of Badger having jurisdiction of the Badger Municipal Plan and Development Regulations.

**CROP AGRICULTURE** – See “AGRICULTURE, CROP”.



**CULTURAL AND CIVIC** means land or a building used for a cultural or civic activity such as a museum, art gallery, interpretation centre, cultural centre, outdoor interpretive or educational display, of a historic, cultural, or educational nature, or used for a government activity not otherwise defined in these Regulations.

**DECK** means a raised structure that has a walking surface within one storey of the established grade at the ground level of that face of the building, which may or may not be attached to a main building, which does not have a permanent roof.

**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 premise and without limiting the generality of the foregoing, includes:

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

and excludes:

- (i) the carrying out of works for the maintenance, improvement or other alteration or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (ii) 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,
- (iii) 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, and
- (iv) the use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

**\*DEVELOPMENT REGULATIONS** means these regulations and regulations and by-laws respecting development that have been enacted by Council.

**\*DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of Council's development regulations.

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**DISTANCE** means the shortest separation, measured on a horizontal plane, between a lot line, street line, top of a the bank of a watercourse, coastal feature, or other point specified in these Regulations and the nearest part of a building, structure, excavation, or other use of land.

**DOCK** means a recreational wharf or slipway structure extending into a body of freshwater or saltwater, but does not include a marina or marine facility.

**DOUBLE DWELLING** means a building containing two dwelling units, placed one above the other, or side by side, but does not include a single dwelling containing a subsidiary apartment.

**DRAINAGE** means the removal of surface or subsurface water by a channel, open ditch, grassed waterway, or conservation structure.

**DRINKING ESTABLISHMENT** means a commercial operation, assembly hall, club, or lounge in which the sale and consumption of liquor is licensed under the *Liquor Control Act*, and in which meals and food may be served for consumption on the premise and entertainment may be provided.

**DRIVEWAY** means a vehicular passageway having at least one end thereof connected to a public street and providing ingress to and/or egress from a lot.

**DWELLING** means a main building or portion thereof, which contains one or more dwelling units.

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

**EDUCATIONAL** means a public or private institution of learning that includes primary, elementary, junior high, and senior high schools, colleges, universities, as well as buildings used for temporary training activities.

**EMERGENCY SERVICE** means a fire station, police station, ambulance station, rescue centre, or other facility for the provision of emergency services, including a related training facility.

**ENERGY GENERATION FACILITY** means a facility for the generation of electricity from wind, biomass, water, oil, or gas.

**ENGINEER** means a professionally certified engineer who is employed or retained by Council or is employed or retained by a developer in relation to a development that requires Council approval.

**ENTERTAINMENT** means the internal use of a building for entertainment activities, and may include bowling alleys, movie theatres, performing arts, games arcades, poolrooms, youth centres, and similar uses, but does not include drinking establishments.

**\*ESTABLISHED GRADE** means:

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

**EXCAVATION OF LAND** means the extraction or mining of soil, gravel, or bedrock material to prepare a site for development or to sell for off-site use.

**FILLING-IN OF LAND OR WATER** means the depositing of soil, gravel, or bedrock material to prepare a site for development.

**FLOOD RISK AREA** means an area usually consisting of lowlands or adjoining the channel of a watercourse or estuary, which may be covered by floodwater during a 1:20 or 1:100-year flood, and where development may be subject to special restrictions or conditions.

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

**FORESTRY** means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the cutting of fuelwood, sawlogs, Christmas trees, and other products.

**\*FRONTAGE** means the horizontal distance between side lot lines measured at the building line, or in the case of a lot on the turning circle of a cul de sac, the horizontal distance measured at the building line.

**FRONTYARD** means the distance between the “building line” as defined in these regulations and the front street line of a lot.

**FUTURE STREET** means a portion of land delineated on a development plan as a “Future Street”, which is to be used as a street at some date in the future and which the title of the land will be vested with Council upon the completion of the development.

**GARAGE** means a building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.

**GARDEN CENTRE** means the use of land, buildings, or structures or part thereof for the purpose of buying or selling plants and garden equipment, furnishings, and supplies.

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

**GENERAL GARAGE** means land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.

**GENERAL INDUSTRY** means the use of land or buildings to store, assemble, alter, repair, manufacture, fabricate, pack, can, prepare, break up, demolish, or treat any article, commodity or substance. "Industry" shall be construed accordingly.

**GENERAL SERVICE** means an outlet for servicing, repairing, installing, or renting things and equipment, without limiting the generality of the foregoing, includes the following examples:

- (a) radio, television, and computer service and repair shops
- (b) locksmith shops
- (c) small appliance service or repair shops
- (d) household and carpenter tool service or repair shops
- (e) tools and equipment rental shops;

**GRADE** – See “ESTABLISHED GRADE”.

**GREENHOUSE** means a building whose roof and sides are made largely of transparent or translucent material for the cultivation of plants for subsequent sale, transplanting, or personal use.

**GROUP HOME** means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, facilities referred to as "group care homes", "halfway houses", and "foster homes".

**HABITAT** means an area where plants, animals, and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific habitats of concern may include areas where species (i.e. geese, ducks, salmon) concentrate at a vulnerable point in their life cycle or annual migration.

**HAZARD LAND** means land that poses a hazard or constraint to development such as wetlands, organic soils, steep slopes, flood plains, contaminated soils, and exposed bedrock.

**HAZARDOUS USE** means the use of land or buildings for any purpose that constitutes a special hazard by reason of fire, explosion, radiation, pollution, noxiousness, risk to human health, or other hazard.

**HEIGHT** – See “BUILDING HEIGHT”.

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

**HOTEL** means a commercial establishment that consists of a building with three or more attached sleeping units grouped under one roof designed to accommodate the traveling public, which may or may not have restaurant, retail, and personal services.

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

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

**INFILL DEVELOPMENT** means development or redevelopment occurring on an infill lot.

**INFILL LOT** means a vacant lot that remains, or is subdivided from another lot, following completion of the initial development of an area.

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

**KENNEL** means any land, building, or structure where five (5) or more dogs or cats over the age of six months are boarded, bred, trained, cared for, and may include the business of pet grooming, but does not include a veterinary clinic.

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

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

**LIVESTOCK** means any species of poultry, cattle, sheep, swine, goats, llamas, horses, or other animals that are normally kept and raised on farms and used or intended for use as food or food related purposes, for riding (e.g. horses), or for improving animal nutrition, breeding or management for profit, personal use, or otherwise, and does not include a domestic animal as defined in these regulations.

**LIVESTOCK AGRICULTURE** – See “AGRICULTURE, LIVESTOCK”.

**LIVESTOCK FACILITY** means a building or confined area used or intended to be used to house or confine livestock, and includes a structure or area used or intended to be used to store manure.

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

\***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, CORNER** means a lot having two or more sides fronting onto two or more adjacent streets.

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

**LOT LINE** means a common boundary between a lot and an abutting lot or street.

**MAIN BUILDING** means the building or buildings in which the primary use(s) of a lot on which the building is located is conducted.

**MAIN USE (S)** means the primary purpose(s) for which a building, other structure or lot is designed, arranged, or intended, or for which a lot may be used under this regulation.

**MARINA** means a dock or basin together with associated facilities where slips, moorings, supplies, repairs, storage, sales, rentals, refuelling, and other services that are typically available for boats and other watercraft, and may include a club house and catering facilities. It can also include an associated boathouse or shed.

**MEDICAL SERVICE** means a building or part thereof, used exclusively by physicians, dentists or other health professionals, their staff, and patients for consultation, diagnosis, and office treatment of humans. Without limiting the generality of the foregoing, a medical clinic may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms.

**MINERAL EXPLORATION** means the searching for minerals or mineral occurrences, including oil exploration, wherein, for the purposes of these Regulations, it takes the form of a development that involves appreciable soil disturbance, uses equipment other than hand tools, or involves the construction of roads to access the exploration site.

**MINERAL WORKING** means the use of land for the surface extraction, processing, crushing, and stockpiling of sand, gravel, clay, shale, bedrock, or other aggregates, and may include washing and blasting where permitted under Provincial regulation, along with associated buildings and machinery.

**MINI-HOME** means a prefabricated single dwelling unit that complies with the National Building Code, is designed to be used with or without a permanent foundation, has a width of less than six (6) metres throughout its entire length exclusive of steps or porches, is not fitted with facilities for towing or to which towing apparatus can be attached, and is capable of being transported by means of a single trailer from the site of its construction without significant alteration.

**MINISTER** means the Minister of Municipal and Intergovernmental Affairs responsible for the *Urban and Rural Planning Act*.

**MINOR WATERCOURSE** means a watercourse that flows for only a part of the year, such as during snowmelt, spring runoff, rainstorms, and wet periods.

**MOTEL** means an establishment that serves the travelling public, which consists of one or more buildings containing four or more attached accommodation units, which may or may not have restaurant, retail, and personal services.

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**\*NON-CONFORMING USE** means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located.

**NOXIOUS USE** means a use of land or a building which, from its nature or operation, creates a nuisance, or is liable to become a nuisance that is offensive or dangerous by reason of noise, vibration, or emission of gas, fumes, dust, or objectionable odour.

**NURSING HOME** means a residence licensed under Provincial legislation, in which the proprietor supplies lodging and meals and, if required, nursing, medical, or similar care and treatment, and without limiting the generality of the foregoing, may include a rest home, personal care home, or any similar provincially licensed establishment.

**OFFICE** means a use providing for administrative, governmental, professional services and general office functions, and includes accounting, bookkeeping, advertising, architectural, engineering, planning and design, surveying, legal services, counseling, data processing, telephone services, social services, public relations, consulting, realty offices and similar uses.

**OPEN SPACE** means land set aside to preserve natural areas or to develop passive recreational uses. Open space may include woodlands, fields, walking trails, and passive recreational uses, but shall not include structures such as buildings, tennis courts, parking lots, or other impervious land uses.

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

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

**PASSIVE RECREATIONAL USE** means a recreation activity that generally does not require a developed site, and includes such uses as walking, bicycling, and skiing trails, but does not include sports fields, structures, or facilities to accommodate any type of motorized vehicle.

**PERMANENT STRUCTURE** means a building or part thereof or any built structure, which includes a foundation or permanent base of earth, rock, concrete or other materials.



**\*PERMITTED USE** means a use that is listed within the permitted use classes set out in the use zone tables of Council’s development regulations.

**PERSONAL CARE HOME** – See “NURSING HOME”.

**PERSONAL SERVICE** means a service oriented to the personal needs of persons, and without limiting the generality of the foregoing, includes hairdressing shops, beauty salons, gyms, computer service shops, hobby shops, and photo studios.

**PLANNED UNIT DEVELOPMENT (PUD)** means a type of development that meets overall municipal density and land use standards without being fully bound by zoning requirements. A PUD is planned and built as a unit thus fixing the type and location of uses and buildings over the entire project. It may include clustering of buildings, common open space, and incorporation of various building types and mixed land uses. Potential benefits of a PUD include more efficient site design, preservation of open space, lower construction costs, and lower maintenance costs for the municipality.

**PUBLIC BUILDING** means a building that can be used for a public or non-profit purpose and without limiting the generality of the foregoing, may include such a building such as a school, place of worship, municipal facility, community centre, hospital, town hall, and government office.

**PUBLIC RIGHT-OF-WAY** means a route across privately or publicly owned land that may be followed, but not deviated from, by members of the public.

**\*REARYARD** means the distance between the rear lot line and the rear wall of the main building on the lot.

**RECREATIONAL DWELLING** means a non-commercial single dwelling that is intended for recreational use, is not inhabited as a permanent dwelling, and is not located on a public street maintained by Council or the Province.

**RECREATIONAL OPEN SPACE** means an outdoors recreational use designed and equipped for the conduct of sports and/or leisure activities, and may include a park, playground, outdoor skating rink, racing track, playing field, dog park, or similar use.

**RECYCLING FACILITY** means land or a building used to deposit, store, separate, clean, or redistribute discarded materials such as drink containers, paper, glass, plastic, and cardboard.

**RESIDENTIAL CARE HOME** means an accommodation facility or home providing for the care of aged, sick, injured, or special needs persons, other than in a public hospital, and may include a personal care home, nursing home, rest home, seniors home or group home.

**RESTAURANT** means a building or part thereof, used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

**SENSITIVE AREA** means an area that is easily disrupted by human activity, and may include steep slopes, cliffs, watercourses, wetlands, riparian areas, springs, coastal features, wet and unstable soils, unstable geology, and vulnerable or threatened flora or fauna.

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

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

**\*SIDEYARD SETBACK** means the distance between the side lot line and the nearest sidewall of a building on the lot.

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

**SINGLE DWELLING** means a free standing dwelling, which is separate and detached from other main buildings and consists of a constructed, prefabricated, or manufactured dwelling unit, but does not include a mini-home or a mobile home.

**SLOPE** means the rate of vertical change of the surface of the ground expressed as a percentage and determined by dividing the change in vertical distance by the change in horizontal distance.

**SOD FARM** means the use of land for the cultivation and harvesting of lawn grass, along with the soil that supports it, for commercial sale.

**\*STREET** means a street, road or highway or other way designed for the passage of vehicles and pedestrians with the following characteristics:

- (i) it is designed for the passage of fire department and other emergency vehicles,
- (ii) it includes related infrastructure, for example, the roadway itself, side ditches, culverts, and bridges, and
- (iii) its maintenance is the responsibility of Council or the Provincial Department of Transportation and Works.

**\*STREET LINE** means the edge of a street reservation as defined by Council.

**STRUCTURE** means anything constructed or erected with a fixed location on or below the ground, or attached to something having a fixed location on the ground, and includes buildings, walls, fences, signs, billboards, utility poles, and similar items.

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

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

**SURFACE WATER** means any flowing or standing water on the surface of the earth.

**SUSTAINABLE DEVELOPMENT** means development that meets the needs of the present without compromising the ability of future generations to meet their own needs, and applies to the environmental, economic, social, cultural, and local governance aspects of the community.

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

**TOURIST COTTAGE ESTABLISHMENT** means an area of land, managed as a unit, consisting of three or more self-contained accommodations units used for short-term stays, and where accessory uses could include an administrative office, clubhouse, snack bar, convenience store, swimming pool, and recreational facilities.

**TOWNHOUSE DWELLING** means a dwelling containing more than two dwelling units at ground level in one building, each unit separated vertically from the others and with individual entrances directly from the outside.

**TRAILER** means any vehicle used for sleeping accommodation on a temporary basis and so constructed as to be suitable for being attached to and drawn by a motor vehicle, and not used as a full time residence.

**TRANSPORTATION** means any transportation infrastructure or service such as streets, bridges, airfields, bus terminals, marine structures, and associated buildings.

**\*USE** means a building or activity situated on a lot or a development permitted on a lot.

**\*USE ZONE or ZONE\*** means an area of land including buildings and water designated on the Zoning Map to which the uses, standards and conditions of a particular use zone table in Schedule C of the Regulations relate.

**UTILITY** means a utility provided by any agency, which provides the public with electricity, heat, steam, communications, water, sewage, garbage collection, or other similar service.

**\*VARIANCE** means a departure, to a maximum of 10 percent unless otherwise stipulated in these regulations, from the yard area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of Council's regulations.

**VETERINARY** means an establishment used by veterinarians, or practitioners in related specialties, for practicing veterinary medicine, where animals are admitted for examination or treatment, and where limited laboratory and other diagnostic services may be offered, but excludes a kennel.

**WATER UTILITY** means any infrastructure or facility used for water supply management, operations, and protection such as intake pipes and filters, treatment plants, and pipelines.

**WATERCOURSE** means the full width and length, including the bed, banks, side and shoreline, or any part, of a river, stream, spring, brook, lake, pond, reservoir, estuary, or other natural or artificial freshwater channel open to the atmosphere, the primary function of which is the conveyance or containment of water, whether the flow is continuous or not.

**WATERSHED** means the surface area contained within a topographical divide above a specified point on a river, brook, stream, or other flowing body of water.

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**WETLAND** means a land whose soil is saturated with moisture either permanently or seasonally. Wetlands include swamps, marshes, bogs, fens, and shallow water, among others. The water found in wetlands can be saltwater, freshwater, or brackish.

**ZONE** – See “USE ZONE”

**\*ZONING MAP** means the map or maps attached to and forming part of the Regulations.



# **Town of Badger**

Development Regulations 2015-25

Schedule B – Classification of Uses  
of Land and Buildings

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**SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS**

This Classification is intended to assist in the interpretation of types of uses within the use classes listed in the Use Zone Tables in Schedule C of these Regulations. Examples included in the following tables are not exhaustive. They are used to illustrate typical types of developments within a use class.

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
<b>RESIDENTIAL USES</b>	Single Dwelling	Single detached dwellings
	Double Dwelling	Semi-detached dwellings, duplex dwellings
	Multiple-Unit Dwelling	Row houses, townhouses, triplexes, quadplexes
	Apartment Building	Apartment buildings
	Collective Residential	Educational residences, nurse and hospital residences, etc.
	Subsidiary Apartment	Basement apartments, in-law suites
	Boarding House	Boarding houses
	Bed and Breakfast	Bed and breakfast
	Mini-home	Mini-homes
	Residential Care	Seniors housing, personal care homes, nursing homes, group homes
	Recreational Dwelling	Cabins, cottages
	Home Occupation	Home occupations
	Accessory Building	Sheds, garages

*Town of Badger  
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**SCHEDULE B**

**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
<b>COMMERCIAL USES</b>	Medical Service	Clinics, medical offices, dental offices
	Office	Professional offices, law offices, business offices, banks, government offices
	Personal Service	Barbers, beauty parlours, pet grooming, gyms, computer service, hobby shop, and photo studios.
	General Service	Car washes, laundromats, small tool and appliance services and rentals,
	Commercial Outdoor Recreation	Golf course, kayaking/canoeing tours, outdoor theatre, motocross track, shooting range
	Commercial Accommodation	Hotels, motels, inns, tourist cottages
	Tourist Cottage Establishment	Tourist cottages and associated facilities (e.g. laundromat, swimming pool, canteen)
	Campground	Campgrounds, trailer parks, RV parks
	Shop	Retail shops, showrooms, supermarkets, convenience stores, gift shops, specialty shops
	Indoor Market	Farmer markets, exhibition halls, flea markets
	Outdoor Market	Fish markets, market grounds, flea markets, produce stands, outdoor farmer markets
	Drinking Establishment	Bars, pubs, nightclubs, lounges
	Garden Centre	Greenhouses, nurseries
	Vehicle Sales and Services	Automobile dealerships, recreational vehicle dealerships, heavy equipment dealerships
	Catering	Restaurants, coffee shops, bake shops
	Take-out Food Service	Take-out restaurant, food stand, mobile canteen
	Entertainment	Games arcades, poolrooms, bowling alleys, youth centres, movie theatres, theatres
	Kennels	Kennels
	Veterinary	Veterinary clinics
Funeral Home	Funeral homes and chapels	
<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>

*Town of Badger  
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*SCHEDULE B*

*CLASSIFICATION OF USES OF LAND AND BUILDINGS*

<b>INSTITUTIONAL AND PUBLIC USES</b>	Penal and Correctional Detention	Jails, prisons, reformatories, group homes
	Medical Treatment and Special Care	Medical care homes, personal care homes, nursing homes, hospitals, medical clinics
	Emergency Service	Police stations, fire stations, ambulance service
	Childcare	Daycare centres, home child care services, early childhood education services
	Club and lodge	Service club, private club, lodge (non-residential)
	Cultural and Civic	Art galleries, municipal offices, libraries, museums, interpretive centres, studios
	Educational	Schools, colleges
	Place of Worship	Churches and similar places of worship, church halls
	Cemetery	Cemeteries
	General Assembly	Community halls, lodge halls, dance halls, exhibition halls, gymnasias, auditoria
	Indoor Assembly	Recreation centres, arenas, ice rinks, indoor swimming pools, armouries, fitness clubs, bowling alleys
	Outdoor Assembly	Bleachers, grandstands, outdoor ice rinks, outdoor swimming pools, amusement parks, fairgrounds, exhibition grounds, drive-in theatres
	Residential Care	Seniors housing, personal care homes, nursing homes, group homes

*Town of Badger  
Development Regulations 2015-2025*

**SCHEDULE B**

**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
NATURAL RESOURCE USES	Crop Agriculture	Vegetable and hay farms, hobby farms, market gardens, community gardens, nurseries, greenhouses
	Livestock Agriculture	Livestock barn, dairy farm, grazing land
	Forestry	Forest harvesting, silviculture, forest access roads
	Mineral Working	Pits, quarries, washing plants, screening plants, crushers
	Mineral Exploration	Mineral exploration and associated activities (e.g. access roads, rock drilling)
	Mining	Mineral extraction, ore stockpiles, mineral processing plants

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
INDUSTRIAL USES	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, distilleries feed mills, spray painting shop
	General Industry	Factories, cold storage plants, bulk storage facility, freight depots, warehouses, workshops, planing mills, construction yards
	Service Station	Gasoline service stations, gas bars
	Light Industry	Workshops, light industry, indoor storage centres, warehouses, greenhouses, recycling depots, general garages
	Salvage Yard	Car wrecking yards, junk yards, salvage yards, scrap dealers

*Town of Badger  
Development Regulations 2015-2025*

**SCHEDULE B**

**CLASSIFICATION OF USES OF LAND AND BUILDINGS**

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
CONSERVATION AND OPEN SPACE USES	Conservation	Buffer strips, watersheds, protected sensitive areas (e.g. steep slopes, wetlands, wildlife habitat)
	Open Space	Parks, trails, boardwalks, protected green areas, picnic areas
	Recreational Open Space	Sports fields, running tracks, playgrounds, outdoor skating rinks, golf courses, dog parks

<b>GROUP</b>	<b>CLASS</b>	<b>EXAMPLES</b>
TRANSPORTATION AND UTILITY USES	Transportation	Roads, bridges, bus stations, taxi stands
	Marina	Marinas, docks, moorings, slips, boat refuelling depots
	Communications	Communications towers, telephone exchanges, transmitting and receiving masts and antenna
	Dock	Recreational docks and slipways
	Energy Generation Facility	Wind generators, solar generators, small hydro generators, heating plants
	Water Utility	Water intakes, treatment facilities, pipelines



# **Town of Badger**

Development Regulations 2015-25

Schedule C – Use Zone Tables





## **SCHEDULE C**

### **USE ZONE SCHEDULES**

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

Before issuing an approval in principle or a permit for a development, Council shall review the application to ensure that it is in compliance with:

- Application
- Part I – General Regulations
- Part II – General Development Standards
- Part III – Subdivision of Land
- Part IV – Use Zones
- Schedule A – Definitions
- Schedule B – Classification of Uses of Land and Buildings
- Schedule C – Use Zone Schedules
- Schedule D - Off-Street Parking Requirements
- Schedule E - Ministerial Development Regulations

Schedule C contains tables for the following Use Zones:

ZONE	SYMBOL	PAGE
Protected Water Supply	PWS	1
Environmental Protection	EP	2
Residential	R	4
Mixed Development-1	MD1	9
Mixed Development-2	MD2	16
Public Use	PU	20
Commercial-Light Industrial	CLI	22
Open Space	OS	25



<b>ZONE TITLE</b>	<b>PROTECTED WATER SUPPLY</b>	<b>“PWS”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 93)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 94)	
Conservation	Forestry (See Condition 2) Open space	

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the Permitted Use Classes and not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council’s discretion will be subject to terms and conditions to ensure there will be no adverse impact on the drinking water supply.

**2. Forestry Uses**

No forest harvesting use will be permitted within 300 metres of a municipal well or within 30 metres of the top of the bank of any watercourse. Harvesting and removal of wood will not involve the use of heavy mechanical equipment such as a harvester, skidder, or forwarder.

**3. Referral to Department of Environment and Conservation**

All proposals for development within the Protected Water Supply zone will be referred to the Water Resources Division of the Department Of Environment and Conservation. No development will proceed until comments have been received from the Division.

<b>ENVIRONMENTAL PROTECTION</b>		<b>“EP”</b>
<b>ZONE TITLE</b>	<b>PERMITTED USE CLASSES</b> (See Regulation 93)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 94)
Conservation		Cemetery (See Condition 6) Campground (See Condition 7) Crop agriculture (See Condition 3) Dock (See Condition 5) Open space Recreational open space (See Condition 3) Slipway (See Condition 5) Transportation

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes, is in accordance with the special Flood Risk Area restrictions, and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council’s discretion will be subject to terms and conditions to ensure it will not detract from the environmental protection purpose of this zone.

**2. Buildings**

No buildings will be permitted in the EP zone except for:

- (i) a building or structure associated with a municipal public work, for example, a sewer treatment facility, pump house, or outfall,
- (ii) reconstruction of an existing building or structure that was in existence on the registration date of this Municipal Plan, and
- (iii) an accessory building or structure to (i) or (ii) above.

**3. Non-Building Uses**

- (1) Grubbing or excavation of soil, placing of landfill material, or other altering of the landscape will be limited to a maximum of ten percent (10%) of the portion of any lot located within 15 metres of the top of the bank of any watercourse.
- (3) No agriculture or forest harvesting use will be permitted within 15 metres of the top of the bank of any watercourse.
- (4) No recreational open space use will be permitted within 15 metres of the top of the bank of any watercourse.

**4. Flood Risk Areas (FRAs)**

**(1) Referral to Department of Environment and Conservation**

Proposals for development within a Flood Risk Area will be referred to the Water Resources Division of the Department Of Environment and Conservation. No development will proceed until comments have been received from the Division.

**(2) Building Development Controls in FRAs**

See **Regulation 62**, Part II – General Development Standards.

**5. Docks and Slipways**

A dock or slipway may be permitted at Council’s discretion if it is deemed by Council to be environmentally acceptable, compatible with surrounding development, and not an impediment to public access along the shoreline.

Approval to erect a dock or slipway will be subject to terms and conditions set by Council.

**6. Cemetery**

An application to develop or expand a cemetery must be accompanied by a site design plan for Council’s consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

**7. Campground**

(1) A campground may be permitted at Council’s discretion if it is deemed by Council to be environmentally acceptable, compatible with surrounding development, not an impediment to public access along the shoreline, and in accordance with the Provincial Policy for Floodplain Management (see Schedule F) and other Provincial environmental policies and regulations.

(2) A campground in the EP zone:

(a) will not include buildings of any type.

(b) may include minor structures such as trails and internal roadways so long as they do not involve any changes in the grade of land.

(c) will not be located closer than 15 metres from the top of the bank of any watercourse.

- (3) An application for a campground in the EP zone will require a development plan satisfactory to Council containing the following information:
  - (a) Location and size of operation, including number of campsites
  - (b) Internal roads and accesses
  - (c) Parking areas
  - (d) Water supply and wastewater disposal
  - (e) Landscaping
  - (f) Buffers and screening between the site and other land uses
  - (g) Delineation of the property on a legal survey
  - (h) Where deemed necessary by Council, a phasing plan for development.
- (3) All campsites and on-site facilities that form part of the development will be accessible only via the internal road network of the development.
- (4) Council may require the development to include suitable buffers and screening where the development abuts an existing or future public street or residential area.
- (5) The development permit will specify the maximum number of campsites that will be permitted on the site.
- (6) No expansion or alteration of a campground, other than repairs and maintenance, will take place without the approval of Council.
- (7) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.
- (8) If deemed necessary by Council, a deposit to cover the cost of buffers and screening shall be deposited with Council until the work is completed according to the approved plan.

**8. Environmental Control**

- (1) All approved developments and utilities must be designed and constructed in accordance with high environmental standards as specified in terms and conditions established by Council.
- (2) Where it deems necessary, Council may require a proposed discretionary use to undergo an appropriate assessment to ensure that the development will be undertaken in a way that minimizes potential environmental effects.

*Town of Badger  
Development Regulations 2015-2025*

*SCHEDULE C*

*RESIDENTIAL (R) ZONE*

<b>ZONE TITLE</b>		<b>RESIDENTIAL</b>		<b>“R”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 93)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 94)		
Single dwelling Subsidiary apartment (See Condition 9) Accessory building (See Condition 10) Conservation Crop agriculture (See Condition 11) Home occupation (See Condition 6) Open space		<p><b>May Be Considered in Non-Flood Risk Areas and 1:100 Year Flood Risk Areas</b></p> Double dwelling Mini-home Townhouse Boarding house Bed and breakfast (See Condition 7) Communications Emergency service Energy generation facility (See Condition 12) Recreational open space Transportation		
		<p><b>May Be Considered in Non-Flood Risk Areas Only</b></p> Apartment building Residential care (See Condition 4) Childcare (See Condition 8)		
<b>DEVELOPMENT STANDARDS</b>				
<b>STANDARD</b>	<b>Single Dwelling</b>	<b>Double Dwelling (per unit)</b>	<b>Mini-Home</b>	
Minimum lot area	450 m <sup>2</sup>	270 m <sup>2</sup>	350 m <sup>2</sup>	
Minimum lot width (frontage)	15.0 m	9.0 m	12.0 m	
Minimum floor area (excl. basement)	65.0 m <sup>2</sup>	65.0 m <sup>2</sup>	65.0 m <sup>2</sup>	
Minimum frontyard setback	6.0 m	6.0 m	6.0 m	
Minimum sideyard setback (each side)	2.5 m + 1.0 m	2.5 m	2.5 m + 1.0 m	
Minimum rearyard setback	6.0 m	6.0 m	6.0 m	
Minimum distance between buildings	3.0 m	3.0 m	3.0 m	
Maximum lot coverage (all buildings)	35%	35%	35%	



<b>DEVELOPMENT STANDARDS (continued)</b>					
<b>STANDARD</b>	<b>Townhouse (per unit)</b>		<b>Apartment Building (per unit)</b>		
	<b>End Unit</b>	<b>Interior Unit</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>
Minimum lot area	270 m <sup>2</sup>	180 m <sup>2</sup>	120 m <sup>2</sup>	150 m <sup>2</sup>	170 m <sup>2</sup>
Minimum lot width (frontage)	8.0 m	6.0 m	6.0 m per groundfloor unit		
Minimum floor area	65.0 m <sup>2</sup>	65.0 m <sup>2</sup>	40.0 m <sup>2</sup>	50.0 m <sup>2</sup>	60.0 m <sup>2</sup>
Minimum frontyard setback	6.0 m		8.0 m		
Minimum sideyard	2.0 m	n/a	4.0 m + 1.2 m		
Minimum rearyard	6.0 m		6.0 m		
Minimum distance between buildings	3.0 m		3.0 m		
Maximum lot coverage (all buildings)	40%		40%		

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes, is in accordance with the special Flood Risk Area restrictions, and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council’s discretion may be subject to terms and conditions to ensure it will not detract from the residential quality and amenities of the area.

**2. Municipal Services**

Buildings will be not permitted in the Residential zone that cannot be connected to municipal water and sewer services.

**3. Flood Risk Areas (FRAs)**

**(1) Referral to Department of Environment and Conservation**

Proposals for development within a Flood Risk Area will be referred to the Water Resources Division of the Department Of Environment and Conservation. No development will proceed until comments have been received from the Division.

**(2) Building Development Controls in Flood Risk Areas**

See Regulation 62, Part II – General Development Standards.

**4. Residential Care Homes**

Where a residential care home is permitted in the Residential zone, it will be subject to the following:

- (a) It will meet the minimum development standards established for a single dwelling or such higher standards as Council may require,
- (b) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (c) It will provide for adequate off-street parking so as to not result in traffic or parking problems.
- (d) It will meet such other conditions that are deemed necessary by Council, and
- (e) No change in the type or scale of the use will be permitted except in accordance with a new development permit and conditions set by Council.

**5. Backlot Development**

At its discretion, Council may permit the creation of a residential backlot to the rear of an existing lot if it deems that the location is suitable, that the backlot will be compatible with neighbouring properties, that access to the street will be safe, and that the backlot will not prejudice the development of adjoining land.

To be approved by Council, a residential backlot must meet the following conditions:

- (a) No more than one dwelling will be permitted on a single access.
- (b) The main portion of the lot (excluding the access portion) must meet all development standards specified in the Use Zone table, including:
  - (i) Minimum lot area,
  - (ii) Minimum lot width (measured at the front building line),
  - (iii) Minimum frontyard setback (measured from the rear property line of the abutting property toward the street),
  - (iv) Minimum side yards, and
  - (v) Minimum rear yard.
- (c) The building line setback from the street will not be less than 30 metres.
- (d) The access portion of the lot will have a minimum width of 7.0 metres at the streetline and along its entire length. Council may require a wider access if it deems that this is necessary for proper design, emergency vehicle access, and public safety.

**6. Home Occupations**

See **Regulation 37**, Part II – General Development Standards.

**7. Bed and Breakfast**

See **Regulation 39**, Part II – General Development Standards.

**8. Childcare**

See **Regulation 38**, Part II – General Development Standards.

**9. Subsidiary Apartments**

(1) One subsidiary apartment only may be permitted in a single dwelling. A subsidiary apartment will not be permitted in a double dwelling, mini-home, or townhouse.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.

(b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

**10. Accessory Buildings on Residential Lots**

In addition to the requirements for accessory buildings set out in **Regulation 36** of the General Development Standards, an accessory building on a residential lot will be subject to the following standards and conditions:

(a) The combined lot coverage of all accessory buildings on a lot will be no more than 10 percent of the area of the lot.

(b) The maximum floor area of an accessory building will be in accordance with the following table.

<b>Maximum Size of Accessory Buildings</b>	
<b>Lot Size</b>	<b>Maximum Floor Area</b>
Up to 1000 m <sup>2</sup>	65 m <sup>2</sup>
1001-2000 m <sup>2</sup>	95 m <sup>2</sup>
Over 2000 m <sup>2</sup>	125 m <sup>2</sup>

(c) No accessory building will be erected closer to the street than the front building line unless otherwise authorized by Council in accordance with **Regulation 36**.

(d) No accessory building will be closer than 1.0 metre from a side or rear lot line.

- (e) No accessory building will be closer than 3.0 metres from another building.
  - (f) Except for minor vehicle maintenance, no accessory building will be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.
  - (g) An accessory building may be used for a home occupation subject to **Regulation 37** of the General Development Standards.
  - (h) No self-contained apartment or other self-contained living unit will be permitted in an accessory building.
- 11. Crop Agriculture**  
Crop agriculture may include hobby and small-scale commercial farming.
- 12. Energy Generation Facilities**  
An energy generation facility, if permitted at Council's discretion, will be subject to **Regulation 55** of the General Development Standards.
- 13. Signs**  
See **Regulation 71**, Part III – Signs.

*Town of Badger  
Development Regulations 2015-2025*

*SCHEDULE C*

*MIXED DEVELOPMENT-1 (MD1) ZONE*

<b>ZONE TITLE</b>		<b>MIXED DEVELOPMENT-1</b>	<b>“MD1”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 93)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 94)	
Single dwelling Double dwelling Accessory building (See Condition 10) Conservation Crop agriculture (See Condition 11) Cultural and civic Emergency service General assembly Home occupation (See Condition 6) Indoor market Office Open space Personal service Shop	<p><b><u>May Be Considered in Non-Flood Risk Areas and 1:100 Year Flood Risk Areas</u></b></p> Mini-home Townhouse Boarding house Subsidiary apartment (See Condition 9) Bed and breakfast (See Condition 7) Campground (See Condition 15) Catering Cemetery (See Condition 14) Club and lodge Commercial accommodation Commercial outdoor recreation Communications Drinking establishment Energy generation facility (See Condition 13) Entertainment Funeral home Garden centre General service Indoor assembly Light industry Medical service Outdoor assembly Outdoor market Place of worship Recreational open space Service station (See Condition 16) Take-out food service Tourist cottage establishment (See Condition 15) Transportation Vehicle sales and services		
	<p><b><u>May Be Considered in Non-Flood Risk Areas Only</u></b></p> Apartment building Residential care (See Condition 4) Childcare (See Condition 8) Educational		

<b>DEVELOPMENT STANDARDS</b>					
<b>STANDARD</b>	<b>Single Dwelling</b>		<b>Double Dwelling (per unit)</b>		<b>Mini-Home</b>
Minimum lot area	450 m <sup>2</sup>		270 m <sup>2</sup>		350 m <sup>2</sup>
Minimum lot width (frontage)	15.0 m		9.0 m		12.0 m
Minimum floor area (excl. basement)	65.0 m <sup>2</sup>		65.0 m <sup>2</sup>		65.0 m <sup>2</sup>
Minimum frontyard setback	6.0 m		6.0 m		6.0 m
Minimum sideyard setback (each side)	2.5 m + 1.0 m		2.5 m		2.5 m + 1.0 m
Minimum rearyard setback	6.0 m		6.0 m		6.0 m
Minimum distance between buildings	3.0 m		3.0 m		3.0 m
Maximum lot coverage (all buildings)	35%		35%		35%
	<b>Townhouse (per unit)</b>		<b>Apartment Building (per unit)</b>		
<b>STANDARD</b>	<b>End Unit</b>	<b>Interior Unit</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>
Minimum lot area	270 m <sup>2</sup>	180 m <sup>2</sup>	120 m <sup>2</sup>	150 m <sup>2</sup>	170 m <sup>2</sup>
Minimum lot width (frontage)	8.0 m	6.0 m	6.0 m per groundfloor unit		
Minimum floor area	65.0 m <sup>2</sup>	65.0 m <sup>2</sup>	40.0 m <sup>2</sup>	50.0 m <sup>2</sup>	60.0 m <sup>2</sup>
Minimum frontyard setback	6.0 m		8.0 m		
Minimum sideyard	2.0 m	n/a	4.0 m + 1.2 m		
Minimum rearyard	6.0 m		6.0 m		
Minimum distance between buildings	3.0 m		3.0 m		
Maximum lot coverage (all buildings)	40%		40%		

### CONDITIONS

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes, is in accordance with the special Flood Risk Area restrictions, and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council’s discretion may be subject to terms and conditions to ensure it will not detract from the general quality and amenities of the area.

**2. Municipal Services**

Development will be not permitted in the Mixed Development-1 zone that cannot be connected to municipal water and sewer services.

**3. Development in Flood Risk Areas (FRAs)**

**(1) Referral to Department of Environment and Conservation**

Proposals for development within a Flood Risk Area will be referred to the Water Resources Division of the Department Of Environment and Conservation. No development will proceed until comments have been received from the Division.

**(2) Building Development Controls in Flood Risk Areas**

See Regulation 62, Part II – General Development Standards.

**4. Residential Care Homes and Non-Residential Developments**

Where a residential care home, commercial use, or other non-residential development is permitted in the Mixed Development-1 zone, it will be subject to the following:

- (a) It will meet the minimum development standards established for a single dwelling or such higher standards as Council may require.
- (b) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (c) It will provide for adequate off-street parking so as to not result in traffic or parking problems.
- (d) It will meet such other conditions that are deemed necessary by Council.
- (e) No change in the type or scale of the use will be permitted except in accordance with a new development permit and conditions set by Council.

**5. Backlot Development**

At its discretion, Council may permit the creation of a residential or commercial backlot to the rear of an existing lot if it deems that the location is suitable, that the backlot will be compatible with neighbouring properties, that access to the street will be safe, and that the backlot will not prejudice the development of adjoining land.

To be approved by Council, a residential backlot must meet the following conditions:

- (a) No more than one dwelling will be permitted on a single access.
- (b) The main portion of the lot (excluding the access portion) must meet all development standards specified in the Use Zone table, including:
  - (i) Minimum lot area,
  - (ii) Minimum lot width (measured at the front building line),
  - (iii) Minimum frontyard setback (measured from the rear property line of the abutting property toward the street),

- (iv) Minimum side yards, and
  - (v) Minimum rear yard.
- (c) The building line setback from the street will be no less than 30 metres.
- (d) The access portion of the lot will have a minimum width of 7.0 metres at the streetline and along its entire length. Council may require a wider access if it deems that this is necessary for proper design, emergency vehicle access, and public safety.
- 6. Home Occupations**  
See Regulation 37, Part II – General Development Standards
- 7. Bed and Breakfast**  
See Regulation 39, Part II – General Development Standards
- 8. Childcare**  
See Regulation 38, Part II – General Development Standards
- 9. Subsidiary Apartments**
- (1) One subsidiary apartment only may be permitted in a single dwelling or a commercial building. A subsidiary apartment will not be permitted in a double dwelling, mini-home, or townhouse.
  - (2) Approval of a subsidiary apartment will be subject to the following conditions:
    - (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
    - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.
- 10. Accessory Buildings on Residential Lots**  
In addition to the requirements for accessory buildings set out in Regulation 36 of the General Development Standards, an accessory building on a residential lot will be subject to the following standards and conditions:
- (a) The combined lot coverage of all accessory buildings on a lot will be no more than 10 percent of the area of the lot.



- (b) The maximum floor area of an accessory building will be in accordance with the following table.

<b>Maximum Size of Accessory Buildings</b>	
<b>Lot Size</b>	<b>Maximum Floor Area</b>
Up to 1000 m <sup>2</sup>	65 m <sup>2</sup>
1001-2000 m <sup>2</sup>	95 m <sup>2</sup>
Over 2000 m <sup>2</sup>	125 m <sup>2</sup>

- (c) No accessory building will be erected closer to the street than the front building line unless otherwise authorized at Council's discretion in accordance with **Regulation 36**.
- (d) No accessory building will be closer than 1.0 metre from a side or rear lot line.
- (e) No accessory building will be closer than 3.0 metres from another building.
- (f) Except for minor vehicle maintenance, no accessory building will be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.
- (g) An accessory building may be used for a home occupation subject to **Regulation 37** of the General Development Standards.
- (h) No self-contained apartment or other self-contained living unit will be permitted in an accessory building.

**11. Crop Agriculture**

Crop agriculture may include hobby and small-scale commercial farming.

**12. Energy Generation Facilities**

An energy generation facility, if permitted at Council's discretion, will be subject to **Regulation 58** of the General Development Standards.

**13. Hazardous and Noxious Uses**

At its discretion, Council may restrict the development or location of any use or activity that might release or emit a hazardous, noxious, or polluting substance that would affect neighbouring properties.

**14. Cemetery**

An application to develop or expand a cemetery must be accompanied by a site design plan for Council's consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

**15. Tourist Cottages and Campgrounds**

- (1) A proposal for a tourist cottage establishment or campground will require a development plan satisfactory to Council, containing the following information:
  - (a) Location and size of operation, including campsites and/or cottage units
  - (b) Internal roads and accesses
  - (c) Parking areas
  - (d) Accessory uses such as laundry and storage facilities, washrooms, showers, convenience store, caretaker residence, and outdoor and indoor recreation facilities
  - (e) Water supply and wastewater disposal
  - (f) Landscaping
  - (g) Buffers and screening between the site and other land uses
  - (h) Delineation of the property on a legal survey
  - (i) Where deemed necessary by Council, a phasing plan for development.
- (2) All campsites, cottages, and on-site facilities that form part of the development will be accessible only via the internal road network of the development.
- (3) Council may require the development to include suitable buffers and screening where the development abuts an existing or future public street or residential area.
- (4) The development permit will specify the maximum number of cottage units and/or campsites that will be permitted on the site.
- (5) No expansion or alteration of a campground, other than repairs and maintenance, will take place without the approval of Council.
- (6) The operation will comply with all bylaws and regulations of Council pertaining to noise and unruly behaviour.

- (7) If deemed necessary by Council, a deposit to cover the cost of buffers and screening shall be deposited with Council until the work is completed according to the approved plan.

**16. Service Station**

See **Regulation 64**, Part II – General Development Standards.

*Town of Badger  
Development Regulations 2015-2025*

*SCHEDULE C*

*MIXED DEVELOPMENT-2 (MD2) ZONE*

<b>ZONE TITLE</b>		<b>MIXED DEVELOPMENT-2</b>	<b>“MD2”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 93)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 94)	
Conservation Crop agriculture (See Condition 9) Open space		<p><b>May Be Considered in All Areas, including 1:20 Year Flood Risk Areas</b></p> Catering (See Condition 3) Cultural and civic (See Condition 3) Outdoor market	
		<p><b>May Be Considered in Non-Flood Risk Areas and 1:100 Year Flood Risk Areas</b></p> Single dwelling Double dwelling Subsidiary apartment (See Condition 7) Accessory building (See Condition 8) Boarding house Bed and breakfast (See Condition 6) Commercial accommodation Communications Emergency service Energy generation facility (See Condition 10) General assembly General service Home occupation (See Condition 5) Indoor assembly Indoor market Medical service Office Personal service Shop Take-out food service Transportation	

<b>DEVELOPMENT STANDARDS</b>					
<b>STANDARD</b>	<b>Single Dwelling</b>		<b>Double Dwelling (per unit)</b>		<b>Mini-Home</b>
Minimum lot area	450 m <sup>2</sup>		270 m <sup>2</sup>		350 m <sup>2</sup>
Minimum lot width (frontage)	15.0 m		9.0 m		9.0 m
Minimum floor area (excl. basement)	65.0 m <sup>2</sup>		65.0 m <sup>2</sup>		65.0 m <sup>2</sup>
Minimum frontyard setback	6.0 m		6.0 m		6.0 m
Minimum sideyard setback (each side)	2.5 m + 1.0 m		2.5 m		2.5 m + 1.0 m
Minimum rearyard setback	6.0 m		6.0 m		6.0 m
Minimum distance between buildings	3.0 m		3.0 m		3.0 m
Maximum lot coverage (all buildings)	35%		35%		35%
	<b>Townhouse (per unit)</b>		<b>Apartment Building (per unit)</b>		
<b>STANDARD</b>	<b>End Unit</b>	<b>Interior Unit</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3 Bedroom</b>
Minimum lot area	270 m <sup>2</sup>	180 m <sup>2</sup>	120 m <sup>2</sup>	150 m <sup>2</sup>	170 m <sup>2</sup>
Minimum lot width (frontage)	8.0 m	6.0 m	6.0 m per groundfloor unit		
Minimum floor area	65.0 m <sup>2</sup>	65.0 m <sup>2</sup>	40.0 m <sup>2</sup>	50.0 m <sup>2</sup>	60.0 m <sup>2</sup>
Minimum frontyard setback	6.0 m		8.0 m		
Minimum sideyard	2.0 m	n/a	4.0 m + 1.2 m		
Minimum rearyard	6.0 m		6.0 m		
Minimum distance between buildings	3.0 m		3.0 m		
Maximum lot coverage (all buildings)	40%		40%		

### CONDITIONS

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes, is in accordance with the special Flood Risk Area restrictions, and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council’s discretion may be subject to terms and conditions to ensure it will not detract from the general quality and amenities of the area.

**2. Municipal Services**

Development will be not permitted in the Mixed Development-2 zone that cannot be connected to municipal water and sewer services.

**3. Development in Flood Risk Areas (FRAs)**

**(1) Buildings and Structures in 1:20 Year Flood Risk Areas**

In accordance with the Provincial Policy for Floodplain Management (see Schedule F), Council will not consider an application for any building or structure in any 1:20 year Flood Risk Area other than a tourism related building or structure. An application will not be considered for any type of accommodations facility such as a motel, hotel, or hostel.

**(2) Referral to Department of Environment and Conservation**

Proposals for development within a Flood Risk Area will be referred to the Water Resources Division of the Department Of Environment and Conservation. No development will proceed until comments have been received from the Division.

**(3) Building Development Controls**

See **Regulation 62**, Part II – General Development Standards.

**4. Non-Residential Developments**

Where a commercial use or other non-residential development is permitted in the Mixed Development-2 zone, it will be subject to the following:

- (a) It will meet the minimum development standards established for a single dwelling or such higher standards as Council may require.
- (b) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (c) It will provide for adequate off-street parking so as to not result in traffic or parking problems.
- (d) It will meet such other conditions that are deemed necessary by Council.
- (e) No change in the type or scale of the use will be permitted except in accordance with a new development permit and conditions set by Council.

**5. Home Occupations**

See **Regulation 37**, Part II – General Development Standards

**6. Bed and Breakfast**

See **Regulation 39**, Part II – General Development Standards

**7. Subsidiary Apartments**

- (1) One subsidiary apartment only may be permitted in a single dwelling or a

commercial building. A subsidiary apartment will not be permitted in a double dwelling, mini-home, or townhouse.

- (2) Approval of a subsidiary apartment will be subject to the following conditions:
- (a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.
  - (b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

**8. Accessory Buildings on Residential Lots**

In addition to the requirements for accessory buildings set out in **Regulation 36** of the General Development Standards, an accessory building on a residential lot will be subject to the following standards and conditions:

- (a) The combined lot coverage of all accessory buildings on a lot will be no more than 10 percent of the area of the lot.
- (b) The maximum floor area of an accessory building will be in accordance with the following table.

<b>Maximum Size of Accessory Buildings</b>	
<b>Lot Size</b>	<b>Maximum Floor Area</b>
Up to 1000 m <sup>2</sup>	65 m <sup>2</sup>
1001-2000 m <sup>2</sup>	95 m <sup>2</sup>
Over 2000 m <sup>2</sup>	125 m <sup>2</sup>

- (c) No accessory building will be erected closer to the street than the front building line unless otherwise authorized by Council in accordance with **Regulation 36**.
- (d) No accessory building will be closer than 1.0 metre from a side or rear lot line.
- (e) No accessory building will be closer than 3.0 metres from another building.
- (f) Except for minor vehicle maintenance, no accessory building will be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery.
- (g) An accessory building may be used for a home occupation subject to **Regulation 37** of the General Development Standards.
- (h) No self-contained apartment or other self-contained living unit will be permitted in an accessory building.

**9. Crop Agriculture**

Crop agriculture may include hobby and small-scale commercial farming.

**10. Energy Generation Facilities**

An energy generation facility, if permitted at Council's discretion, will be subject to **Regulation 58** of the General Development Standards.



<b>ZONE TITLE</b>	<b>PUBLIC USE</b>	<b>“PU”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 93)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 94)	
Conservation Open space Recreational open space	<p><b>May Be Considered in Non-Flood Risk Areas and 1:100 Year Flood Risk Areas</b></p> Catering (See Condition 8) Cemetery (see Condition 6) Club and lodge Cultural and civic General assembly Indoor assembly Office (See Condition 4) Outdoor assembly Residential care Place of worship Subsidiary apartment (See Condition 7) Transportation	
	<p><b>May Be Considered in Non-Flood Risk Areas Only</b></p> Childcare (See Condition 5) Educational	

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes, is in accordance with the special Flood Risk Area restrictions, and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council’s discretion may be subject to terms and conditions to ensure it will not detract from the general quality and amenities of the area.

**2. Municipal Services**

Development will be not permitted in the Public Use zone that cannot be connected to municipal water and sewer services.

**3. Development in Flood Risk Areas (FRAs)**

**(1) Referral to Department of Environment and Conservation**

Proposals for development within a Flood Risk Area will be referred to the Water Resources Division of the Department Of Environment and Conservation. No development will proceed until comments have been received from the Division.

**(1) Building Development Controls in Flood Risk Areas**

See **Regulation 62**, Part II – General Development Standards.

**4. Office**

An office use will only be permitted if it is accessory to a main use.

**5. Childcare**

See **Regulation 38**, Part II – General Development Standards

**6. Cemetery**

An application to develop or expand a cemetery must be accompanied by a site design plan for Council’s consideration. The site plan will illustrate the location of the cemetery, access points, landscaping, and buffers with adjacent properties.

**7. Subsidiary Apartments**

(1) One subsidiary apartment only may be permitted in a main use at Council’s discretion if it is shown that the apartment is necessary for the operation of the main use.

(2) Approval of a subsidiary apartment will be subject to the following conditions:

(a) The apartment will be completely self-contained, with facilities for cooking, sleeping, and bathing.

(b) A minimum floor area of forty (40) square metres is required for a one-bedroom apartment, plus an additional ten (10) square metres for each additional bedroom.

**8. Catering**

At Council’s discretion, a catering use may be permitted if it is accessory use to a main use such as a place of worship, cultural facility, club or lodge, or indoor or general assembly use.

<b>COMMERCIAL- LIGHT INDUSTRIAL</b>		<b>“CLI”</b>
<b>ZONE TITLE</b>		
<b>PERMITTED USE CLASSES</b> (See Regulation 93)	<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 94)	
<p>Conservation Open space</p>	<p><b>May Be Considered in All Areas, including 1:20 Year Flood Risk Areas</b> Catering (See Condition 3) Cultural and civic (See Condition 3) Commercial outdoor recreation General industry (See Condition 3) Light industry (See Condition 3) Outdoor assembly Outdoor market Recreational open space</p> <p><b>May Be Considered in Non-Flood Risk Areas and 1:100 Year Flood Risk Areas</b> Commercial accommodation Drinking establishment Emergency service Energy generation facility (See Condition 7) Entertainment Funeral home Garden centre General assembly General service Indoor assembly Indoor market Kennel Office Personal service Service station (See Condition 8) Shop Take-out food service Transportation Vehicle sales and service</p>	

<b>DEVELOPMENT STANDARDS</b>	
Minimum Frontyard (m)	8.0 (Council may require higher setbacks)
Minimum Sideyard (m)	3.0 + 1.0 (may be waived for buildings with adjoining walls)
Minimum Sideyard for Open Storage (m)	5.0
Min. Flanking Road Sideyard (m)	6.0
Minimum Rearyard (m)	10.0
Maximum Lot Coverage – All Buildings	40%

**1. Discretionary Uses**

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes, is in accordance with the special Flood Risk Area restrictions, and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council’s discretion may be subject to terms and conditions to ensure it will not detract from the general quality and amenities of the area.

**2. Municipal Services**

Development will be not permitted in the Commercial-Light Industrial zone that cannot be connected to municipal water and sewer services.

**3. Development in Flood Risk Areas (FRAs)**

**(1) Buildings and Structures in 1:20 Year Flood Risk Areas**

In accordance with the Provincial Policy for Floodplain Management (see Schedule F), Council will not consider an application for any building or structure in any 1:20 year Flood Risk Area other than a tourism related building or structure. An application will not be considered for an accommodations use such as a motel or hotel.

**(2) General and Light Industry in 1:20 Year Flood Risk Areas**

Within a 1:20 year Flood Risk Area, Council will only consider an application for a general or light industrial use that does not involve the development of a building, for example, a construction yard or outdoor storage yard.

**(3) Referral to Department of Environment and Conservation**

Proposals for development within a Flood Risk Area will be referred to the Water Resources Division of the Department Of Environment and Conservation. No development will proceed until comments have been received from the Division.

- (4) **Building Development Controls**  
See **Regulation 62**, Part II – General Development Standards.
4. **Outdoor Storage**  
Council may require fencing or other forms of screening of an outdoor storage area where the quantity or type of material being stored would contribute to unsightly appearance.
5. **Dangerous, Hazardous, and Noxious Uses**  
In accordance with **Regulation 51**, Council may restrict the development or location of any use or activity that it deems might be dangerous or might release or emit a hazardous, noxious, or polluting substance that would affect neighbouring properties.
6. **Flammable Liquids Storage**  
All buildings, tanks, and structures related to the bulk storage of flammable liquids will conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as Council may require to reduce risks to adjacent uses due to fire, explosion, or spillage of flammable liquid.
7. **Energy Generation Facility**  
An energy generation facility, if permitted by Council, will be subject to **Regulation 55** of the General Development Standards.
8. **Service Station**  
See **Regulation 61**, Part II – General Development Standards
9. **Screening and Landscaping**  
Council may require buffering or screening of sites with natural or planted vegetation, fencing, or structural barriers to reduce the aesthetic impact of industrial uses on nearby residential areas and public streets and highways.

<b>ZONE TITLE</b>		<b>OPEN SPACE</b>	<b>“OS”</b>
<b>PERMITTED USE CLASSES</b> (See Regulation 93)		<b>DISCRETIONARY USE CLASSES</b> (See Regulations 30 and 94)	
Conservation Open space		Crop agriculture (See Condition 4) Energy generation facility (See Condition 6) Indoor assembly (See Condition 3) Outdoor market (See Condition 5) Recreational open space Take-out food service (See Condition 5) Transportation	

**CONDITIONS**

**1. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at Council’s discretion provided the development will be compatible with the uses within the Permitted Use Classes, is in accordance with the special Flood Risk Area restrictions, and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Development that is permitted at Council’s discretion may be subject to terms and conditions to ensure it will not detract from the general quality and amenities of the area.

**2. Development Criteria**

All development must meet the development standards prescribed by Council.

**3. Development in Flood Risk Areas (FRAs)**

**(1) Buildings and Structures in 1:20 Year Flood Risk Areas**

In accordance with the Provincial Policy for Floodplain Management (see Schedule F), within the OS zone Council will not consider an application for any building or structure in any 1:20 year Flood Risk Area. It may consider an application to expand an existing building subject to prior approval by the Department of Environment and Conservation.

**(2) Referral to Department of Environment and Conservation**

Proposals for development within a Flood Risk Area will be referred to the Water Resources Division of the Department Of Environment and Conservation. No development will proceed until comments have been received from the Division.

**(3) Building Development Controls**

**See Regulation 62, Part II – General Development Standards.**

- 4. Crop Agriculture**  
Crop agriculture may be permitted in the form of community gardens.
- 5. Outdoor Markets and Take-Out Food Services**  
Outdoor markets and take-out food service may be permitted only on a temporary basis, for example, during community events.
- 6. Energy Generation Facilities**  
An energy generation facility, if permitted by Council, will be subject to **Regulation 55** of the General Development Standards.





# **Town of Badger**

Development Regulations 2015-25

Schedule D - Off-Street Loading and  
Parking Requirements

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**SCHEDULE D - OFFSTREET LOADING AND PARKING REQUIREMENTS**

**1. Off-Street Loading Requirements**

- (1) Where Council deems necessary, for every building, structure or use requiring the shipping, loading or unloading of animals, goods, wares or merchandise, one or more loading spaces will be provided and maintained on the lot measuring at least 15 metres long and 4 metres wide with a vertical clearance of at least 4 metres. The space will have direct access to a public street or to a driveway of a minimum width of 6 metres that connects to a public street.
- (2) The number of loading spaces to be provided will be determined by Council.
- (3) The loading spaces required by this Regulation will be designed so that vehicles can manoeuvre clear of any street and so that it would not be necessary for any vehicle to reverse onto or from a street.

**2. Parking Area Standards**

- (1) For every building, structure or use to be erected or enlarged, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D, except as otherwise modified by Schedule C, of these Regulations.
- (3) Each parking space, except in the case of a single or attached dwelling, will be made accessible by means of a right-of-way at least 3 metres wide.
- (4) Residential parking spaces shall be provided on the same lot as the dwelling or dwellings. Parking space for apartment buildings will be provided in the rear yard where possible.
- (5) Non-residential parking spaces shall be provided not more than 200 metres distance from the use for which the parking is required.
- (6) The parking facilities required by this Regulation will, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.

- (7) Where Council permits parking perpendicular to the curb, the minimum dimensions of each parking stall will be as follows:

Parking stall width	2.5 metres
Parking stall length or depth	5.8 metres
Aisle width separating opposite parking stalls	7.0 metres
Aisle width separating a stall from another obstruction	7.0 metres

Where Council permits parking parallel to the curb, the minimum length of the stall will be 7.0 metres and the aisle width will be at least 4 metres, or more if deemed necessary by Council.

For any other parking lot configuration, the requirements shall as be as specified by Council, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

- (6) Other requirements for parking areas are as follows:
- (a) The parking area will be constructed and maintained to the specifications of Council,
  - (b) Lights for illumination of the parking area will be arranged so as to divert the light away from adjacent development,
  - (c) Except on a service station or industrial lot, no gasoline pump or other service station equipment will be located or maintained in a parking area,
  - (e) No part of any off-street parking area will be closer than 1.5 metres from the front lot line in any zone,
  - (f) Where Council deems that strict application of the parking requirements is impractical or undesirable, Council may as a condition of a permit require the developer to pay a service levy in lieu of the provision of a parking area, and Council will use the full amount of the levy for the provision and upkeep of alternative parking facilities within the vicinity of the development.

**3. Off-Street Parking Requirements**

- (1) The off-street parking requirements for the various use classes set out in Schedule B will be as set out in the following table, except as otherwise set out in Schedule C. In the case of developments that include more than one use class, these standards shall be regarded as cumulative.

*Town of Badger  
Development Regulations 2015-2025*

**SCHEDULE D**

**OFF-STREET LOADING AND PARKING REQUIREMENTS**

- (2) Adequate off-street provision for the drop-off and pick-up of persons will be provided on the same lot as the development unless otherwise stipulated by Council.
- (3) The number of spaces to be provided for off-street parking will be in accordance with the following table.

<b>CLASS</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
Theatre	One space for every 6 seats.
Cultural and Civic	One space for every 60 square metres of gross floor areas.
General Assembly	One space for every 15 square metres of gross floor area.
Educational	Schools - 2 spaces for every classroom. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
Place of Worship	One space for every 6 seats.
Passenger Assembly	As specified by Council.
Club and Lodge	One space for every 3 persons that may be accommodated at one time.
Catering	One space for every 3 customers that may be accommodated at one time.
Funeral Home	One space for every 12 square metres of gross floor area.
Child Care	One space for every 30 square metres of gross floor area
Amusement	One space for every 15 square metres of gross floor area.
Outdoor Assembly	As specified by Council.
Campground	As specified by Council.
Medical Treatment and Special Care	Once space per 22 square metres of suite or ward area
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every two dwelling units.
Residential Care	As specified by Council.
Boarding House and/or Bed and Breakfast	As specified by Council.
Commercial Accommodation	One space for every guest room.
Mobile and Mini Homes	Two spaces for every dwelling unit.
Office	One space for every 25 m <sup>2</sup> of gross floor area.
Medical and Professional	One space for every 25 m <sup>2</sup> of gross floor area.
Personal Service	One space for every 25 m <sup>2</sup> of gross floor area.

*Town of Badger  
Development Regulations 2015-2025*

*SCHEDULE D*

*OFF-STREET LOADING AND PARKING REQUIREMENTS*

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<b>CLASS</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENT</b>
General Service	One space for every 25 m <sup>2</sup> of gross floor area.
Communications	As specified by Council.
Police Station	As specified by Council.
Taxi Stand	As specified by Council.
Take-out Food Service	One space for every 25 m <sup>2</sup> of gross floor area.
Veterinary	One space for every 25 m <sup>2</sup> of gross floor area.
Shopping Centre	One space for every 18 m <sup>2</sup> of gross floor area.
Shop	One space for every 20 m <sup>2</sup> of gross floor area.
Indoor Market	As specified by Council.
Outdoor Market	As specified by Council.
Convenience Store	One space for every 20 m <sup>2</sup> of gross floor area.
General and hazardous industry	As specified by Council, but not less than one space per 100 m <sup>2</sup> of gross floor area or 10 parking spaces, whichever is greater.
Service Station	One space for every 20 m <sup>2</sup> of gross floor area.
Light Industry	As specified by Council but not less than one space per 50 m <sup>2</sup> of gross floor area or 5 parking spaces, whichever is greater.

# **Town of Badger**

Development Regulations 2015-25

Schedule E – Ministerial  
Development Regulations

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NEWFOUNDLAND AND LABRADOR  
REGULATION 3/01

*Development Regulations under the  
Urban and Rural Planning Act, 2000*

(Filed January 2, 2001)

Under the authority of section 36 of the *Urban and Rural Planning Act, 2000*, I make the following regulations.

Dated at St. John's, January 2, 2001 .

Joan Marie Aylward  
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

1. Short title
2. Definitions
3. Application
4. Interpretation
5. Notice of right to appeal
6. Appeal requirements
7. Appeal registration
8. Development prohibited
9. Hearing notice and meetings
10. Hearing of evidence
11. Board decision
12. Variances
13. Notice of variance
14. Residential non conformity
15. Notice and hearings on change of use
16. Non-conformance with standards
17. Discontinuance of non-conforming use
18. Delegation of powers
19. Commencement

*Town of Badger*  
*Development Regulations 2015-2025*

*SCHEDULE E*

*MINISTERIAL DEVELOPMENT REGULATIONS*

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**Short title**

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

**Definitions**

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

**Application**

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

**Interpretation**

4. (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
  - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;

*Town of Badger*  
*Development Regulations 2015-2025*

*SCHEDULE E*

*MINISTERIAL DEVELOPMENT REGULATIONS*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Notice of right to appeal**

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

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

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

(c) right of other interested persons to appeal the decision; and

- (d) manner of making an appeal and the address for the filing of the appeal.

### **Appeal requirements**

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

(2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.

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

(4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.

(5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

### **Appeal registration**

7. (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.

(2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.

(3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.

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

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

### **Development prohibited**

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

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

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

### **Hearing notice and meetings**

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

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

### **Hearing of evidence**

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

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

(3) A written report submitted under subsection 43(2) of the Act respecting a visit to

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and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.

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

**Board decision**

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

**Variances**

**12.** (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.

(2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.

(3) An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

**Notice of variance**

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



**Residential non conformity**

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

**Notice and hearings on change of use**

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

**Non-conformance with standards**

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

**Discontinuance of non-conforming use**

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

**Delegation of powers**

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

**Commencement**

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



# **Town of Badger**

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Schedule F – Provincial Policy for  
Floodplain Management

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# Policy for Flood Plain Management

<b>POLICY DIRECTIVE</b>				
Division:	Water Resources Management		P.D.	W.R. 96-1
Prepared By:	Amir Ali Khan, P. Eng		Issue Date:	May 13, 1996
Approved By:	Haseen Khan	Director	Re-Issue Date:	March 19, 2014
Approved By:	Martin Goebel	ADM	Review Date:	
Authorized By:	Jamie Chippett	DM	Superseded:	
	Joan Shea	Minister	Cancelled:	

**Subject:**

Flood Plain Management

## 1.0 INTRODUCTION

Land use within flood plains involves trade offs between flood risk and development. Flood risk takes the form of danger to health and safety, financial costs associated with property damage and degradation of water resources and the environment. Some factors associated with flood risk such as flow velocity, upstream inundation, erosion potential or environmental impacts may be severe. Consequently, new land development should therefore be restricted or prohibited. However, where conditions are not as severe, some types of development and land use may occur safely provided certain terms and conditions apply.

## 2.0 OBJECTIVES

- to prevent loss of human life and avoid personal hardships,
- to minimize flood damage to properties, infrastructure and the environment,
- to restrict activities which would degrade water resources,
- to maintain the natural capability of waterways to convey flood flows,
- to minimize disruption of transportation, social and business activity, and,
- to minimize costs to the taxpayers of Newfoundland and Labrador.

The unwise development of land in flood plains has historically taken place in many areas of the province probably due to a natural tendency for settlers to utilize land that is near bodies of water. Unfortunately, the potential for flooding is often recognized only after it is too late. The basic operating premise of this policy is that these problems will not materialize if development takes place in a manner that does not place it at any risk of flooding.

The policy will address Crown land, developed land and undeveloped land. Where lands that are subject to periodic flooding are still directly owned by the Crown, those lands will not be transferred to private developers or municipalities. However, where land is already alienated, it is necessary to determine the risk of flooding and to discourage potential development by planning, zoning regulations and by removing any economic advantages or subsidies that would otherwise encourage such development. Finally, where development has already taken place or cannot be avoided, policy is intended to minimize potential flood damage by ensuring that flood proofing measures are implemented and that the development does not further exacerbate the flooding problem by impeding flows or by unduly constricting the flow channel. The policy also takes climate change into consideration.

### **3.0 BACKGROUND**

#### **Canada - Newfoundland Flood Damage Reduction Program**

Under the Canada - Newfoundland Flood Damage Reduction Program, both governments agreed that public funds would not be used or provided for development projects in flood risk areas. To identify these areas, hydrotechnical studies were carried out for 37 communities in the province. Without exception, the main recommendation in each study was that the implementation of proper flood plain management policies would minimize flood risk.

### **4.0 LEGISLATION**

*Water Resources Act*, SNL 2002 cW-4.01, ("the Act") sections 30, 32, 33, 34, 35, 48, 64 and 90, the *Lands Act* SNL1991 CHAPTER 36 Section 7.

### **5.0 DEFINITIONS**

Body of Water	(Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land usually or at any time occupied by that body of water;
Flood Plain	An area adjacent to a lake, river, seashore etc. which is inundated or covered with water on average at least once in 100 years. Note that a flood plain is considered to be an integral part of a body of water as defined above because it includes "the land usually or at a time occupied by that body of water" and "whether that source usually contains water or not".

Designated Area	A specific flood plain in a community for which a hydrotechnical study has determined the extent of flooding and for which flood risk maps are available. The designation is in accordance with the Canada - Newfoundland Flood Damage Reduction Program Agreements.
Floodway	The portion of a flood plain where the most frequent flooding occurs and where the flow of water is fastest. This area is determined on the basis of the 1 in 20 year (1:20) return period flood.
Floodway Fringe	The portion of a flood plain where less frequent flooding occurs and where the flow of water is considered to be tranquil. This area is where flooding occurs up to 1 in 100 years (1:100) on average.
Climate Change Flood Zone	Based on extension of the floodway fringe, this is the area which is likely to be impacted due to the latest forecasted affects of climate change.
Other Flood Risk Area	An area where flooding is known or has some probability to occur due to unique or unusual circumstances such as areas subject to shoreline recession, areas downstream of dams or areas adjacent to watercourses potentially prone to ice jams.
Flood Control Area	An area that is subject to periodic flooding which has been designated (by the Department) a control area in order to reduce the risks to public health and safety and property damages. This area shall normally be treated as a floodway zone (1:20), unless otherwise determined by the Department.
Buffer Zone	A zone of land that is in its natural state and that is intended to separate developed areas from bodies of water to provide basic protection of water resources. This zone may coincide with a Crown land reservation of a shoreline as prescribed by Section 7(1) of the <i>Lands Act</i> . In the absence of specific setback requirements (depending on the activity) the buffer is taken to be 15 metres measured from the high water mark which in turn is understood to be the 1 in 100 year (1:100) high water mark or the Climate Change Flood Zone, where they have been identified.
Coastal Area	The interface or transition area where the land meets the sea/ocean or large inland lakes. The coastal area can be flooded due to storm surges, high tides or waves, erosion, rising sea level, or reclaimed land.

## **6.0 POLICIES**

### **6.01 Development Requires Written Approval**

Development in a designated flood risk area, development in a flood plain and development in a climate change flood zone shall be subject to the prior written approval of the Minister of Environment and Conservation (the "Minister") in accordance with the Act.

### **6.02 Project Categories**

In general it is the policy of the Department of Environment and Conservation (“the Department”) that flood plains and the buffer zone be preserved and left in their natural state. Recognizing that this is an ideal that would hinder significant benefits that could be derived from certain development in a flood plain and outweigh all risk of loss, damage or peril, this policy for flood plain management views any application to avail of land in flood risk areas in decreasing order of preference. These preferences are referred to hereafter as project categories.

1. **Temporary alterations** in a buffer zone, a climate change flood zone, a designated floodway fringe, a flood plain, a designated floodway, and lastly, the body of water itself.
2. **Non-structural uses** such as open space recreation, pasture, and wildlife habitat enhancement.
3. **Structures related to use of water resources** such as wharves, slipways, boathouses, pumping stations, storm or sewerage discharges.
4. **Minor structural or other projects** where only soil disturbance is involved such as constructed trails, pipelines, transmissions lines, roads, etc., assuming there will be no change in the grade of the land.
5. **Other structures not used primarily for residential**, commercial, industrial or institutional purposes where there will be a change in grade but not a building.
6. **Industrial uses related to the marine shipping** or fishing industries.
7. **Other industrial and commercial** development.
8. **Institutional** developments such as hospitals, senior citizens homes, homes for special care or schools where flooding could pose a significant threat should evacuation become necessary.
9. **Residential and other institutional** development.

### **6.03 Hydraulic Structures**

A special class of structures which includes most hydraulic structures such as dams, bridges, causeways, dykes, canals etc., are by their own needs and characteristics constructed in buffer zones and flood plains and consequently, no preference can be assigned. However, such structures are the subject of the *Act* and every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.



**6.04 Project Classifications**

Table 1 below indicates whether not project categories are permitted in each of the defined flood plains.

Category	All Flood Plains	Where Flood Plains are Designated		
		Floodway (1:20 year Zone)	Floodway Fringe (1:100 year Zone)	Climate Change Flood Zone
<b>Temporary alterations</b>	Permitted	Permitted	Permitted	Permitted
<b>Non-structural uses</b>	Permitted	Permitted	Permitted	Permitted
<b>Structures related to use of water resources</b>	Permitted	Permitted	Permitted	Permitted
<b>Minor structural or other projects</b>	Permitted	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
<b>Other structures not used primarily for residential</b>	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
<b>Industrial Uses related to shipping (marine only)</b>	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*	Permitted with conditions*
<b>Other industrial and commercial</b>	Not Permitted	Permitted with conditions**	Permitted with conditions*	Permitted with conditions*
<b>Institutional</b>	Not Permitted	Not Permitted	Not Permitted	Not Permitted
<b>Residential and other institutional</b>	Not Permitted	Not Permitted	Permitted with conditions*	Permitted with conditions*
<b>Hydraulic Structures</b>	Permitted	Permitted	Permitted	Permitted

\* - See Section 6.05 for special terms and conditions related to necessary flood proofing measures.

\*\* - See Section 6.06 for special terms and conditions related to necessary flood proofing measures.

Note: All permits contain standard terms and conditions.

**6.05 Projects Permitted Where Flood Plains Are Designated**

In Table 1 where projects may be permitted with conditions, the following conditions will apply:

- i. the ground floor elevation of the structure is higher than the 1:100 year flood level and the climate change flood zone (where designated), and,
- ii. the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties, and,
- iii. the structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
- iv. the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc., and,
- v. additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Act*.

**6.06 Projects Permitted in Coastal Floodway Where Flood Plains Are Designated**

In order to accommodate tourism activities in coastal areas, such as eateries, attractions, tourist information booths, tour headquarters etc., in Table 1 if the floodway (1:20 year zone) flooding in a coastal community is primarily due to backwater effects of the ocean and extreme high tides and consequently the flow velocities in the floodway are low, the following conditions will apply:

- i. only a tourism related structure and the associated utilities are permitted. The tourism related structures and the associated utilities does not include accommodations such as motels or hotels, and,
- ii. the tourism related structure and the associated utilities would not be eligible for flood disaster compensation, and,
- iii. the ground floor elevation of the structure is higher than the 1:100 year flood level and the climate change flood zone (where designated), and,
- iv. the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties, and,

- v. structure and the associated utilities must be designed and constructed in accordance with the approved flood proofing guidelines of the Department and entrances and exits from the building can be safely used without hindrance in the event of a flood, and,
- vi. the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc., and,
- vii. additional conditions which may be appropriate for specific projects and included in a permit issued under Section 48 of the *Act*.

#### **6.07 Additions and Modifications to Existing Development**

Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within the flood plain, will be assessed for suitability in the same way as the project category as a whole.

#### **6.08 Use of Flood Risk Mapping in Municipal Plans**

Where flood risk mapping has been prepared for a community (or any city, town or area) the information in the flood risk maps must be incorporated in the Municipal Plan (if one exists) and the flood risk areas must be zoned so as to permit only those project categories specified by this policy. In the absence of official flood risk mapping, communities will be encouraged to determine flood risk areas in accordance with this Department's standard hydrotechnical methods for delineating flood risk zones and to zone those lands in accordance with this policy. Failing this, communities will be encouraged to at least make provisions in planning documents for minimum setbacks from watercourses to provide some margin of safety and to recognize potential flood susceptibility.

#### **6.09 Eligibility for Flood Disaster Assistance**

Any vulnerable development placed in a flood plain or designated flood risk area after the designation and not in conformance with this policy or without approval as required by this policy, would not be eligible for flood disaster compensation if such a program of compensation were to become available through government. This policy provision does not apply to any development lawfully established in a flood plain prior to designation.

#### **6.10 Use of Flood Disaster Compensation**

In the event that compensation by government is awarded to flood victims, it will be the policy of this Department to encourage victims to apply the compensation towards relocating rather than replacing or repairing damaged property in situ. If it is deemed acceptable by this Department to repair or replace damaged property in flood risk areas, then it will be required that the compensation be used firstly for appropriate flood proofing measures.

### **6.11 Flood Insurance**

Persons living or carrying out business in flood risk areas may not be able to purchase flood insurance and if available it may be very expensive. It is therefore recommended that those who are located in flood risk areas carry out flood proofing measures and have an emergency plan available.

### **6.12 Flood Control Projects**

Proposals for flood control measures such as construction of dykes, river diversions, retaining walls or flood control dams will only be considered where the alternative with the highest benefit/cost ratio is recommended. Alternatives considered may also include possible compensation for flood victims or the cost of relocating the inhabitants of the flood risk areas or maintaining the status quo.

After flood controls have been implemented, flood risk designations shall remain in effect until such time as new hydrotechnical studies have been undertaken and new flood risk areas delineated (in accordance with the Departments standards).

### **6.13 Role of Water Resources Management Division**

The Water Resources Management Division of this Department will continue as the lead agency with respect to flood plain management. This role will include but is not limited to:

- i. Evaluating all applications for approval under section 48 of the *Act* and making the appropriate recommendations in accordance with this policy.
- ii. Carrying out hydrotechnical studies, flood risk analyses and mapping to the extent possible with limited funds provided.
- iii. Continuing to monitor areas of flood risk such as Badger, Deer Lake and Steady Brook to provide flood warning and flood status reports.
- iv. Providing to the public information, data, maps, guidelines for flood proofing and other materials that will be useful in reducing flood damage.
- v. Providing technical expertise and assisting Fire and Emergency Services – Newfoundland and Labrador in the event of a flood emergency.
- vi. Continue with the ability to forecast flooding using computer models and real time data.

### **6.14 Offences**

A municipal authority or person that unlawfully alters a body of water by carrying out any development in a designated flood risk area or a flood plain without written approval from the Minister, thereby violates section 48 of the *Act* and commits an offence contrary to section