

HUMBER VILLAGE

LAND REGULATIONS

I PREAMBLE

Humber Village Limited, the shares of which are owned by the owners of land in and adjacent to the area known as Humber Village, has been incorporated with the principal object of directing the planning and development of Humber Village as a rural community and of maintaining the quality and values of properties in the community.

Owners of land in and adjacent to Humber Village who have acquired the right to use the roads and bridge owned by Humber Village Limited have agreed to comply with regulations of Humber Village Limited.

Now, therefore, pursuant to the objects for which it was incorporated, Humber Village Limited hereby makes the following regulations relating to the use and development of the land in Humber Village:

II REGULATIONS

1. These regulations may be cited as the Humber Village Limited Land Regulations Number 1, as amended in 2005 and shall come into effect on the 1st day of April A. D., 2006.
2. In these Regulations:
 - (a) “Access” means street, road, lane, driveway, path, walk, gateway, culvert, bridge, or other way, whether of the foregoing kind or not, whether existing or proposed, intended for use by vehicles, pedestrians or animals as a means of going from a highway or street to land adjacent to the highway or street;
 - (b) “Accessory building” means a domestic garage, detached or otherwise, a shed for storing tools or garden equipment, a greenhouse or cold frame, a fuel shed, a generator shed, a vegetable cellar, a workshop, barn, a building for keeping livestock or equipment or a shelter for domestic pets;
 - (c) “Building” means every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under the land and every part of a building and any chimney, staircase, porch or other structure used in connection with a building and all equipment, apparatus, or appliances attached to or installed in a building;

- (d) “Building Line” means the horizontal distance from the center of a street to the nearest part of a building on the land adjoining the highway or street;
- (e) “Company” means Humber Village Limited;
- (f) “Development” has the same meaning as that assigned to it in Section 2(j) of the Urban and Rural Planning Act Chapter 387 of the 1970 Revised Statutes of Newfoundland;
- (g) “Dwelling Unit” means a building containing one or more habitable rooms, used or intended to be used together for living and sleeping purposes for not more than one family, plus proper toilet and cooking facilities, where the whole is in a self-contained unit;
- (h) “Highway or Road Reservation” means the land reserved for the highway or road and defined as such by the authority having jurisdiction;
- (i) “Lot” means any plot, tract or parcel of land fronting onto a street, and considered as a unit of land for a particular use or building or combination of either;
- (j) “Lot Depth” means the average horizontal distance between the front and rear lot lines;
- (k) “Lots Frontage” means the horizontal distance between the side lot lines measured at the street right-of-way;
- (l) “Lot Front Line” means the line that divides the lot from the street providing that in the case of a corner lot the shorter lot line that abuts the street shall be deemed to be the front lot line, and the longer lot line that so abuts shall be termed the “flank lot line”;
- (m) “Rear Yard Depth” means the distance between the rear main wall of a building other than an accessory building and the rear lot line;
- (n) “Side Yard Depth” means the width between the side wall of a building and the nearest lot line or edge of right-of-way or street line;
- (o) “Subdivision” means the dividing of any land, whether a single or joint ownership, into two or more pieces for the purpose of development;

(p) "Trailer" means:

- (i) a dwelling which is so constructed that it is capable of being moved from place to place, or
- (ii) a portable dwelling or mobile home which is no longer capable of being moved from place to place, whether or not it is called a trailer and whether or not it is attached to a foundation, or supported by wheels, jacks, or any supports.

III BUILDING CODE:

All dwelling units in the entire Humber Village area are to be constructed to the standards of the National Building Code including the plumbing and the electrical codes unless partially or wholly exempted by the Company.

IV PERMITS:

1. No development shall be carried out within the Humber Village area except in accordance with these regulations.
2. No person shall carry out any development within Humber Village unless a permit for development has been issued by the Company.
3. In order to obtain a development permit, the applicant shall submit a set of plans and specifications for the proposed development including but not limited to site plans, water and septic services, access roads, buildings and building details.
4. The company shall have the authority not to issue a permit and to require the applicant to make changes to development plans and specifications before issuing a permit.
5. The Company shall have the authority to enter upon the property for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development which the company regulates.
6. The Company may attach to any permit such conditions as it deems fit in order that the proposed development may be made suitable for the purpose it is intended to serve.

7. The approval of any application and plans or specifications shall not prevent the Company from thereafter requiring the correction of errors, or cessation, removal of or remedial work, on any development being carried out in the event that the same is in violation of this or any other regulations, by-law or statute.
8. The Company may cancel a permit for failure by the holder to comply with these regulations or any condition attached to the permit.
9. No person shall erase, alter or modify any drawing or specification upon which a permit to develop has been issued by the Company without prior approval of the Company.
10. A copy of the permit must be kept posted in a conspicuous place on the premises where any work, matter or thing is being done for which a permit has been issued.
11. The issue of a permit in no way implies that the Company deems the site to be adequate for the proposed development. The Company will not be liable if the site is subsequently determined not to have been adequate for the development, even if it has issued a permit for same.
12. The granting of a permit shall not in any way relieve the owner and the developer from full responsibility for carrying out the work, or having the work carried out in accordance with the requirements of the regulations, and any person who carries out any development that is not in compliance with this decision and the regulations, may be subject to an Order by the Company to stop such work, and that failure to comply with such an order renders such a person liable to prosecution.

V APPEALS

1. Any persons affected by these regulations and dissatisfied with the decision of the Company with respect to their application may appeal such decision to a Board consisting of three members, one to be appointed by the Company, one to be appointed by the person affected and the third to be appointed by the other two appointees.
2. Any person intending to appeal shall give written notice to the Company within thirty days from the date of the decision of the Company specifying in such notice the grounds of the appeal.

3. The Appeal Board may, in respect of any appeal from the decision of the Company refusing permission to develop, relax the provisions of these regulations if it is satisfied that the literal enforcement would not be in the best interests of Humber Village or would result in undue hardship to the Appellant provided always that the general intent of these regulations is not thereby impaired.
4. The decision of the Appeal Board shall be in writing and copies sent to the Appellant and the Company. The decision of the Appeal Board shall be binding on the Appellant and the Company.
5. Notwithstanding the provisions of sub-paragraph (4) of this paragraph IV the decisions of the Appeal Board may be reversed, varied, or vacated by the Company within thirty (30) days after the same is delivered to the Company by the unanimous vote of the directors of the Company present at a directors meeting called for the purpose of considering the Appeal Board's decision.

VI BUILDING LINE AND SETBACK

1. Accessory Building:

- (a) No Accessory building shall be erected at a distance of less than one hundred feet (100') measured horizontally from the center line of the road.
- (b) The Company has established minimum setbacks for Accessory Buildings in the Humber Village area as follows:

(i) Minimum Building Line	100' 0"
(ii) Minimum Side Yard Width	25' 0"
(iii) Minimum Rear Yard Depth	25' 0"

2. Dwelling Unit:

- (a) No Dwelling Unit shall be erected at a distance of less than seventy five feet (75') measured horizontally from the centre line of the road.
- (b) The Company has established minimum setbacks for dwelling units in the Humber Village area as follows:

(i) Minimum Building Line	75' 0"
(ii) Minimum Side Yard Width	50' 0"
(iii) Minimum Rear Yard Depth	50' 0"

3. An adequate tree screen of a minimum of twenty feet (20') shall be retained between properties to provide privacy for other property owners.
4. The Company may require distances greater than the minimums outlined above where it deems fit.
5. No polluted water from any development or building shall be discharged to any creek or watercourse.

VII PERMITTED USE:

Dwellings constructed on lots in the Humber Village shall be used for private residential purposes only and no detached or semi-detached house, duplex or apartment or granny flat or any house designed for more than one family shall be erected on any land in the Humber Village and not more than one detached dwelling house may be erected on any lot without the express permission in writing of the Company.

VIII COMMERCIAL, INDUSTRIAL OR LIGHT INDUSTRIAL USE:

No commercial, industrial or light industrial use will be permitted within the Humber Village Area without the express permission in writing of the Company.

IX SERVICES:

Hydro and telephone main lines will be provided in the road reservations or rights-of-way reserved for that purpose but will not be supplied or installed by the Company beyond those points. It will be the responsibility of the individual lot owner to contact and make arrangements with the utility companies for the provision of hydro and telephone services.

Individual lot owners will be responsible for the installation of their own water and sewerage disposal systems which must meet the standards of and be approved by the Provincial Department of Health, the Department of Environment and the Company. A copy of all approvals and final inspection certificates shall be provided to the Company. The Company reserves the right to reject a proposed water and sewerage disposal system if in the sole discretion of the Company it is harmful to the overall development of the Humber Village area even though it meets provincial standards.

X GENERAL:

- (a) The dumping of garbage in the Humber Village area is prohibited.
- (b) The minimum lot size for the Humber Village shall be 2.5 acres.
- (c) No building may be added to or altered until the plans, specifications and proposed location of the same have been approved by the Company.
- (d) No trees may be cleared, cut or removed until such clearing plan has been approved by the Company.
- (e) No trailers whether fixed or mobile shall be permitted on lots in the Humber Village unless and until the approval in writing of the Company has been obtained. Trailers may then be permitted to remain on the lands only for the period of time as may be permitted in the said written approval of the Company.
- (f) The lots or any portion thereof shall not be used for the purpose of either selling or disposing of any earth, clay, gravel or sand and the same shall not be permitted to be removed. No excavation may be made except so far as the same may be necessary for the erection of any building for which approval has been obtained or for the improvement of the gardens and grounds thereof.
- (g) No signs, billboards, notices or other advertising matter of any kind shall be placed on the lands or on the buildings, fences or trees on the said lands without the written approval of the Company.
- (h) No person shall light an open outdoor fire during the fire season except under the authority of a permit to burn issued by the Department of Forest Resources & Agrifoods. All forest fire regulations under the Forestry Act must be complied with.

XI

These regulations as amended in 2005 supersede and replace any and all previous land regulations.

These regulations may be amended or appealed by the Company at any time.