

Town of Elliston

Development Regulations

2018-2028

Prepared for

The Town of Elliston

Prepared by

Baird Planning Associates

December 2018

Urban and Rural Planning Act 2000 Resolution to Adopt

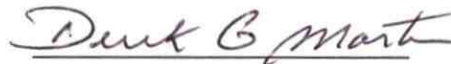
Town of Elliston Development Regulations 2018 - 2028

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

Adopted by the Town Council of Elliston on the 12th day of September 2018.


Signed and sealed this 19th day of December 2018

Mayor:


Derek Martin

(Council Seal)

Clerk:


Donna Chaulk

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 2000 Resolution to Approve

Town of Elliston Development Regulations 2018 - 2028

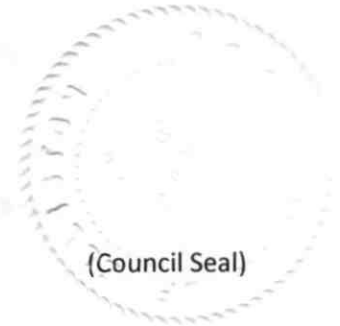
Under the authority of Section 16, Section 17, and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Elliston

- (a) Adopted by the Elliston Municipal Plan on the 12th day of September 2018.
- (b) Gave notice of the adoption of the Elliston Municipal Plan by advertisement inserted in the Packet newspaper on the 13th day and the 20th day of September 2018.
- (c) Set the 1st day of October 2018 at the Town Hall, Elliston for the holding of a public hearing to consider objections and submissions.

SIGNED AND SEALED this 19th day of December 2018.

Mayor: *Derek G Martin*
Derek Martin

Clerk: *Donna Chaulk*
Donna Chaulk



(Council Seal)

Development Regulations/Amendment	
REGISTERED	
Number	<u>1510-2019-001</u>
Date	<u>Feb. 28, 2019</u>
Signature	<u><i>Mary O'Leary</i></u>

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PART 1: APPLICATION

1.1 Title

These Regulations may be cited as the Elliston Development Regulations.

1.2 Interpretation

- (1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Part 2.
- (2) Words and phrases not defined in Part 2 shall have the meanings that are commonly assigned to them in the context in which they are used in the Regulations.
- (3) The boundaries of Use Zones In the Land Use Zoning Maps are general only and, except where they coincide with roads, shorelines, or other prominent features, are not intended to define exact limits.

1.3 Commencement

These Regulations came into effect throughout the Elliston 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.

1.4 Municipal Regulations and Codes

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.

1.5 Council

In these Regulations, "Council" means the Municipal Council of the Town of Elliston having jurisdiction over the Elliston Development Regulations.

1.6 Provincial Development Regulations

The Provincial Development Regulations, enacted under Section 36 of the Act, shall apply to development within the Planning Area. Where there is conflict between these and the Elliston Development Regulations, the Provincial Regulations shall prevail. The Provincial Development Regulations are appended as Appendix D.

PART 2: DEFINITIONS

GENERAL NOTE:

A definition marked with one asterisk is also included in the Provincial Development Regulations.

A definition marked with two asterisks is also included in the *Urban and Rural Planning Act*.

***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) For a residential use, a domestic garage, carport, ramp, shed, swimming pool, greenhouse, cold frame, fuel shed, vegetable storage cellar, shelter for domestic pets, or antennae. It also includes a portable shelter (see definition) that is used on more than a temporary basis.
- (iii) For a commercial use, an office, workshop, storage building, garage, or portable shelter,
- (iv) For an industrial use, an office, workshop, storage building, garage, portable shelter, or ramp.

***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 a commercial crop operation, which may include:

- (a) the clearing, draining, irrigating or cultivation of land for crop production,
- (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 a commercial livestock operation, which may include:

- (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.

AGRICULTURE, PERSONAL CROP USE means the use of land, buildings, or structures to produce vegetables, fruit, and other crops for personal use or small-scale market gardening. It includes home gardens, community gardens, and hobby farming, but does not include the keeping of poultry or livestock.

ANIMAL, DOMESTIC (PET) means any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, livestock, horses, and similar animals or fowl.

ANIMAL UNIT means any one of the following animals or groups of animals as specified by the Agriculture Lands Section (Department of Fisheries and Land Resources):

Type of Livestock	Average Weight per Animal (kg)	No. of Livestock per Animal Unit
Dairy Cows	545-640	1
Heifers	300	2
Veal	91	5
Bulls	545	1
Beef cows	360	2
Sows (F to F)	454	1
Sows	150	3
Hogs	75	6
Boars	150	3
Sheep (ewe)	54	8
Sheep (lamb)	27	16
Goats	64	7
Foxes	11.35	40
Mink	3	150
Rabbits	2.27	200
Laying Hens	1.8	252
Broilers	.9	500
Pullets	1.3	350
Broiler turkey	6.5	70
Heavy turkey	7.5	60
Heavy toms	12	40

APARTMENT BUILDING means a residential building containing three or more dwelling units, but does not include row house units.

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

***APPLICANT** means a person who has applied for an approval or permit to carry out a development.

APPROVAL IN PRINCIPLE means a preliminary approval of a development conditional upon the submission of additional plans and details before a development approval or building permit is issued.

ARTS AND CRAFTS STUDIO means a building or portion thereof used for the production, display, instruction, or sale of arts or crafts, but which does not include any activity that might be offensively dirty or noisy in its operation.

ARTERIAL ROAD means a main traffic artery to and through the Planning Area, which is shown as an arterial street on the zoning maps. Route 238 is the only arterial road in Elliston. It is divided into two sections - Catalina Road and Bonavista Road.

***AUTHORITY** means the Municipal Council of the Town of Elliston.

BED AND BREAKFAST means an owner-occupied single dwelling, which includes guest rooms for the accommodation of travellers. The establishment must be approved by the Provincial Tourism Department as a Bed and Breakfast operation.

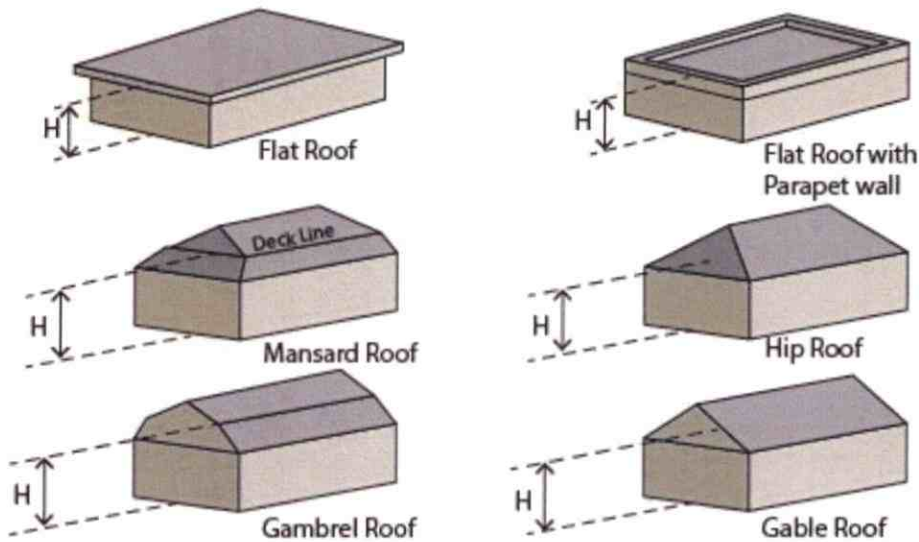
BOARDING HOUSE means a dwelling in which accommodation is provided for two (2) to twelve (12) persons inclusive, and in which kitchen, dining, and bathroom facilities may be used in common by some or all of the occupants.

BUILDING means:

- (a) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
- (b) mobile structure, vehicle or marine vessel adapted or constructed for residential, commercial, industrial and other similar uses,
- (c) a part of and fixture on a building referred to in subparagraphs (a) and (b), and
- (d) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (a) to (c).

***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** (See also SETBACK, FRONTYARD) 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 a contiguous parcel of land, managed as a unit, for the accommodation of any combination of ten (10) or more recreational vehicles, travel trailers, or tents used on a short term or seasonal basis, and where accessory uses may include an administrative office, clubhouse, snack bar, laundry, convenience store, swimming pool, washroom, and recreational area or facility.

CAR WRECK means a motor vehicle of any type that is disabled or non-operational, is no longer licensed for road use, and/or has been parked or stored in the outdoors for longer than six months.

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.

CHILDCARE 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 *Child Care Act*, but which does not include a school as defined by the *Schools Act*.

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 and shown on the Future Land Use and Land Use Zoning Maps.

COMMERCIAL ACCOMMODATION means a building, or part thereof, used to provide short-term accommodation for paying guests. Accommodation may be self contained (with kitchen and bathroom) or serviced (meals provided). A commercial accommodation may include a hotel, motel, or inn, but not a bed and breakfast, visitor rental dwelling, tourist cottage establishment, or campground, which are each defined separately.

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

COMMUNITY GARDEN means a common outdoor space where residents grow and care for vegetables and/or flowers for personal consumption or non-commercial purposes.

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.

CONVENIENCE STORE means a retail store that is compatible with a residential area, does not exceed a floor area of two hundred square metres (200 m²) and has at least eighty percent (80%) of the retail floor space devoted to the sale and display of groceries.

COUNCIL means the Council of the Town of Elliston having jurisdiction of the Elliston 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, or used for a government activity not otherwise defined in these Regulations.

DECK means a structure abutting a dwelling or other building that has no walls and is constructed on piers or a foundation above-grade for use as an outdoor living area.

DESIGNATED HERITAGE PROPERTY – See “HERITAGE PROPERTY, DESIGNATED”

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

- (a) the making of an access onto a highway, road or way,
- (b) the erection of an advertisement or sign,
- (c) the construction of a building,
- (d) 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:

- (a) 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,
- (b) 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,
- (c) 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, an
- (d) 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.

DISTANCE means the shortest separation, measured on a horizontal plane, between a lot line, street line, a watercourse, 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 water, but does not include a marina or marine facility.

DOMESTIC ANIMAL – See ANIMAL, DOMESTIC (PET)

DOUBLE DWELLING means a building containing two dwelling units, placed one above the other (duplex), or side by side (semi-detached), 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 premises 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 an 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.

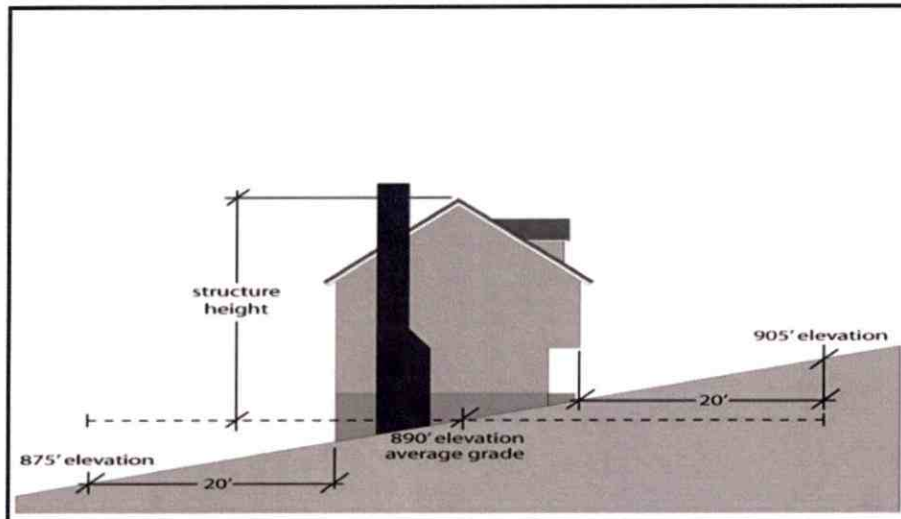
ENERGY GENERATION FACILITY means a small-scale facility for the generation of electricity.

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 a bowling alley, theatre, games arcade, poolroom, youth centre, or similar uses.

***ESTABLISHED GRADE** means:

- (a) 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
- (b) 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 removal of soil, gravel, or bedrock material to prepare a site for development or to sell for off-site use.

FENCE means a barrier, railing or other upright structure to mark a boundary, control access, prevent escape, serve as a landscape feature, or provide some combination of all these functions. The construction of a fence in Elliston requires a development permit.

***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.

FRONT LOT LINE – See “LOT LINE, FRONT”

***FRONTAGE** - See “LOT WIDTH”

FRONTYARD SETBACK - See “SETBACK, FRONTYARD”

FUNERAL HOME means the use of a building for the provision of funeral services, which may include a facility to prepare human remains for interment, a crematorium, and a chapel for commemorative services.

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 growing and selling plants and garden equipment 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, theatres, and similar gathering places.

GENERAL GARAGE means land or a building used 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 a building 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 residential care home to accommodate no fewer than four (4) and no more than six (6) persons, exclusive of support 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". Any home that provides care to fewer than four persons is treated in these Regulations the same as any other private dwelling.

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 (e.g. 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 landslide prone areas.

HAZARDOUS INDUSTRY means the use of land or buildings for industrial purposes involving the use of materials or processes, which because of their inherent characteristics constitute a special fire, explosion, radiation or other hazard.

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

HEIGHT – See “BUILDING HEIGHT”.

HERITAGE PROPERTY, DESIGNATED includes: (1) a site, building, or structure that is designated and protected in accordance the Historic Resources Act (RSNL1990 CHAPTER H-4) and (2) a site, building, or structure that is designated and protected by the Town of Elliston in accordance with Section 200 of the Municipalities Act 1999.

HERITAGE VALUES mean the historic, cultural, and aesthetic significance that people attach to a place. Elliston’s heritage values derive from its centuries-long attachment to the sea, the salt cod fishery, and traditional family agriculture. Intrinsic to these values are its historic landscape, traditional architecture, root cellars, seabird life, and coastal scenery.

HOME OCCUPATION means a secondary use of a dwelling or its accessory building by a resident of the dwelling to conduct a gainful occupation or business activity.

HOME OFFICE means a secondary use of a dwelling by a resident of the dwelling to conduct a gainful occupation or business activity with such occupation or business activity being limited to office uses that do not involve visitation by clients, customers, or the general public to the site.

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, armories, 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 vacant land along a built-up street that is suitable for further construction or development.

INFILLING means the depositing of soil, gravel, or bedrock material to prepare a site for development.

INSPECTOR means any person appointed or 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, cats or other domestic animals are boarded, bred, trained, and cared for, and may include a pet grooming business, 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, intrusion, or 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 for producing food or other animal derived products, riding (e.g. horses), boarding, breeding, or improving animal nutrition, for profit, personal use, or otherwise. Livestock does not include domestic animals 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.

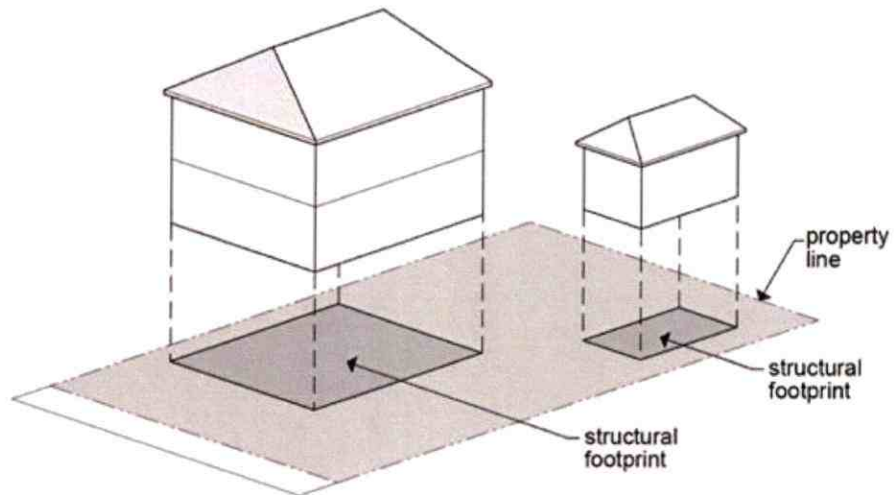
LOCAL STREET means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan or on the Zoning Map.

***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 boundary lines of the lot.

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

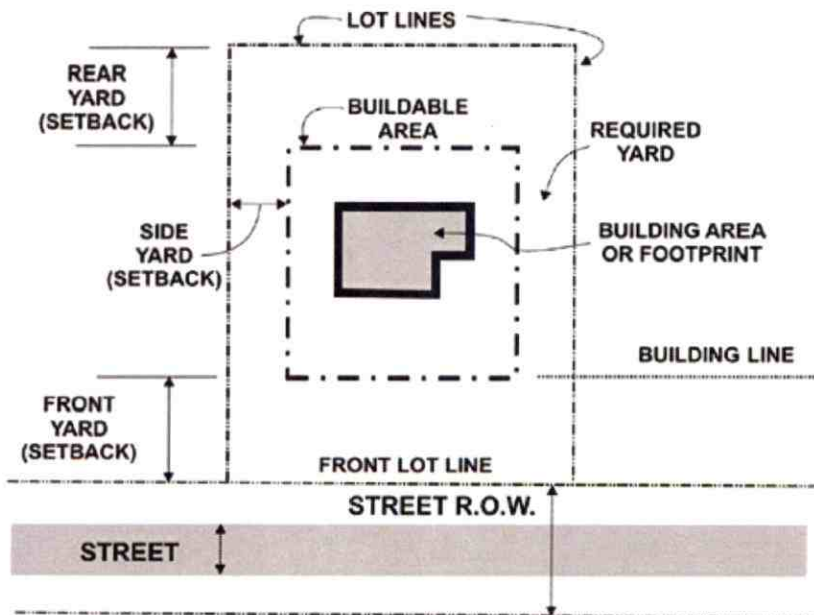
***LOT COVERAGE** means the combined area of all buildings on the lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.



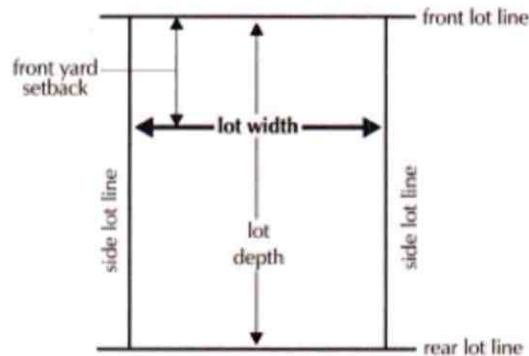
$$\text{lot coverage (\%)} = \frac{\text{total area of structural footprint(s)}}{\text{total lot area}}$$

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

LOT LINE, FRONT means the boundary between a lot and the street on which a lot has its civic address.



LOT WIDTH (or FRONTAGE) means the horizontal distance between side lot lines measured at the building line.



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

MAIN USE means the primary use for which a building, 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, rentals, refueling, and other services available for boats and other watercraft. Associated facilities may include boathouses, storage facilities, clubhouses and catering facilities.

MEDICAL CLINIC means a building or part thereof, used 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.

MEDICAL TREATMENT means a building for the medical care, supervision, and skilled nursing care of persons suffering from sickness, disease or injury, or for convalescent or chronically ill persons.

MINERAL EXPLORATION means the searching for minerals or mineral occurrences, 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.

MINING means the use of land or buildings for the extraction of ores and/or salts.

MINISTER means the Minister responsible for the Urban and Rural Planning Act 2000.

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

MODULAR HOME means a dwelling constructed in accordance with the standards applicable to site-built homes in the National Building Code and comprised of components substantially assembled in a manufacturing plant and transported to the building site for assembly on a permanent foundation.

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.

***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.

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, which is offensive or dangerous by reason of noise, vibration, or emission of gas, fumes, dust, or objectionable odour.

NURSING HOME means a residential care facility licensed under Provincial legislation, which provides long-term nursing and medical care.

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.

OFF-ROAD RECREATIONAL VEHICLE means a snowmobile or all-terrain vehicle used for off-road travel and recreation.

OPEN SPACE USE means land set aside to preserve natural areas or to develop passive recreational uses. Open space may include community gardens, woodlands, fields, walking trails, and passive recreational uses. It may include minor structures such as viewing platforms, boardwalks, and outdoor toilets, but shall not larger buildings or structures such as tennis courts and parking lots.

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, 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.

PARKING AREA means a designated area on a lot, other than a driveway, for off-street parking of automobiles.

PARKING SPACE means a designated space in a parking area or a driveway adequate to park one automobile with room to open doors on both sides, together with related maneuvering room and access to a public street.

PASSIVE RECREATIONAL USE means a recreation activity that does not require a developed site. It includes such uses as walking, bicycling, and skiing trails, but does not include sports fields, structures, or facilities to accommodate off-road recreational vehicles.

***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 means a residential facility licensed under Provincial legislation that provides lodging, meals, and a limited degree of personal care.

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

PERSONAL CROP USE – See "AGRICULTURE, PERSONAL CROP USE"

PETROLEUM EXPLORATION means the searching for petroleum or petroleum occurrences, 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.

PETROLEUM EXTRACTION means the use of land or buildings for the extraction of petroleum oil and/or natural gas.

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.

****PLANNING AREA** means a municipal planning area established under section 6 and 11 of the Act. For the purpose of these Regulations, the Elliston Planning Area takes in the Elliston municipal boundaries as well as land to the south toward Catalina.

PORTABLE SHELTER, for the purpose of these Regulations, means a collapsible structure, covered with plastic or fabric, more than 30 square metres in floor area, and used as an accessory building on a residential property.

***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 Council specifies as not permitted within a use zone.

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 SETBACK (OR DEPTH)** - See "SETBACK, REARYARD"

RECREATIONAL DWELLING means a single dwelling that is used primarily for recreational purposes and is not inhabited on a full-time basis.

RECREATIONAL OPEN SPACE means an outdoor recreational use designed and equipped for the conduct of sports and/or leisure activities, and may include a park, playground, outdoor skating rink, golf course, racing track, playing field, dog park, outdoor theatre, water slide, multi-use trail, or similar outdoor facility.

RECREATIONAL VEHICLE means a motor vehicle with facilities for sleeping and eating used for camping and recreational activities.

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 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.

ROCK WALL means a continuous vertical stone or brick structure built on the ground to enclose or divide an area of land, mark a boundary, serve as a landscape feature, or provide some combination of all these functions. The construction of a rock wall in Elliston requires a development permit.

ROW DWELLING (OR TOWNHOUSE) means a dwelling containing no less than three and no more than four dwelling units at ground level in one building, each unit separated vertically from the others and with individual entrances directly from the outside.

SALVAGE YARD means land where old non-operational motor vehicles and other equipment are disassembled or stored and second-hand goods such as automobile tires, building materials, scrap metals and other salvage are collected to be sorted and resold.

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.

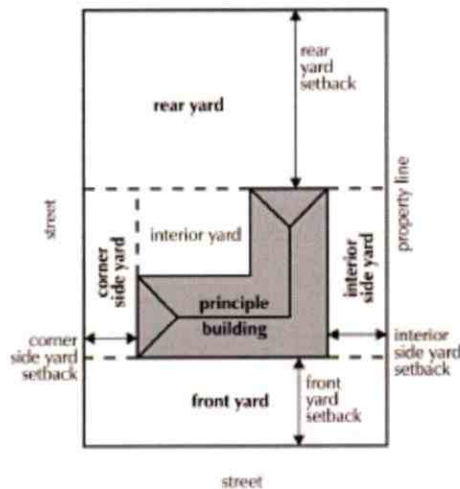
SERVICE STATION means any land or building used for the sale of petroleum products, automotive parts and accessories, and the repairing, washing and polishing of motor vehicles.

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

SETBACK, REARYARD means the distance between the rear lot line and the rear wall of the main building on the lot.

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

ILLUSTRATION OF YARDS AND YARD SETBACKS

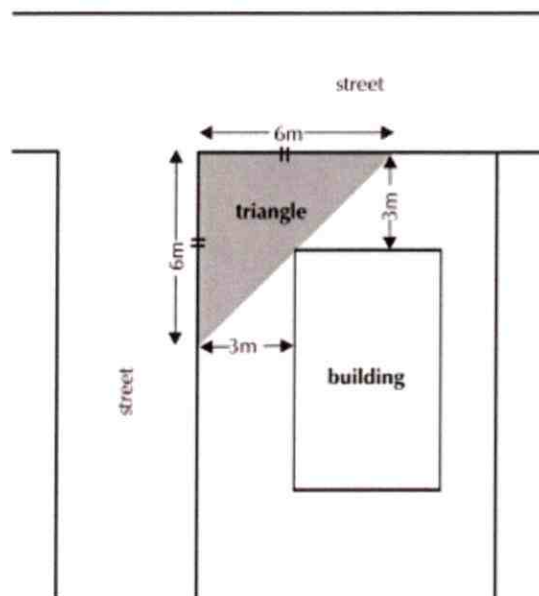


SHOP means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving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

***SIDEYARD SETBACK (OR DEPTH)** - See "SETBACK, SIDEYARD"

***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.

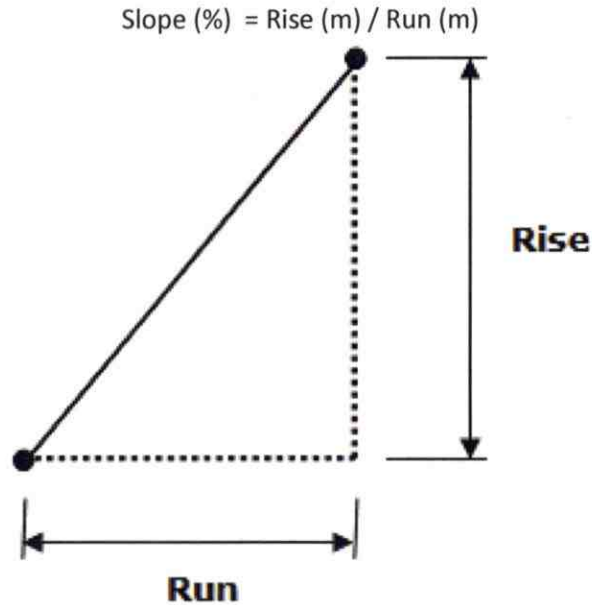
SIGHT TRIANGLE means a triangle-shaped portion of land established at a street intersection in which nothing can be erected, placed, planted or allowed to grow in such a manner as to obstruct the sight distance of motorists entering or leaving the intersection. The triangular-shaped portion of land is formed by the street lines and a line drawn from a point on one street line to a point in the other street line.



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.

SLIPWAY means a ramp on the shore by which boats can be launched or removed from the water.

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 (rise) by the change in horizontal distance (run).



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

- (a) it is accessible by fire department and other emergency vehicles,
- (b) it includes related infrastructure, for example, the roadway itself, side ditches, culverts, and bridges, and
- (c) 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 or the Province.

STREET RESERVATION means the entire right-of-way in which a street or highway is located, and which is public property owned by the Town of Elliston or the Province.

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 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 or other building.

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.

SWIMMING POOL means any in-ground or aboveground structure that is capable of containing water with a minimum depth of 90 cm (0.9 m), including swimming pools, non-portable wading pools, and landscape water features, but excluding hot tubs.

TAKE-OUT FOOD SERVICE means a building in which meals and refreshments are prepared and sold for consumption off the premises.

TARGET SHOOTING RANGE means a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions.

TEMPORARY USE means a use or structure permitted to exist for a limited amount of time.

TEMPORARY VENDING FACILITY means a transient facility or structure such as a trailer, hotdog stand, ice cream cart, or tent that is used to display, store, or sell food, beverages, articles or goods to the public.

TOURIST COTTAGE ESTABLISHMENT means a contiguous parcel of land, managed as a unit, consisting of self-contained accommodation 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 – See “ROW HOUSE”

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 transportation infrastructure such as airfields, streets, bridges, culverts, and sidewalks, along with associated buildings and structures.

***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 apply.

UTILITY means a facility used to provide the public with electricity, heat, steam, communications, water, sewage, waste disposal, recycling, or similar services.

***VARIANCE** means a departure, to a maximum of 10 percent from the yard area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of these Development Regulations.

VEHICLE SALES means a building or an open area used for storage or display, for sales purposes, of three (3) or more motor vehicles.

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.

VISITOR RENTAL DWELLING means a single dwelling used for rentals to the travelling and vacationing public.

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 other part, of a river, stream, spring, brook, lake, pond, reservoir, canal, estuary, or other natural or artificial freshwater body or 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.

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.

PART 3: GENERAL REGULATIONS

3.1 Compliance with Regulations

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

3.2. Permit Required

Except where otherwise stated in these Regulations, no person shall undertake a development except where Council has issued a permit for the development.

3.3 Permit to be Issued

Subject to **Regulation 3.4**, **Regulation 3.5**, and **Regulation 3.6**, a permit shall be issued for development within the Planning Area that conforms to all requirements of these Regulations, including:

- (a) Part 4 - General Development Standards
- (b) Part 5 – Specific Use Regulations
- (c) Part 6 – Subdivision of Land
- (d) Part 8 – Use Zones
- (e) The use classes, standards, and conditions prescribed in Part 9 – Use Zone Schedules for the use zone in which the proposed development is located.
- (f) The National Building Code and other ancillary codes, waste disposal regulations, and any other municipal regulation in force in the Planning Area regarding development, conservation, and use of land and buildings.
- (g) The *Elliston Heritage Regulations* as appended.
- (h) Other standards of design and appearance as may be established by Council.

3.4 Permit Not to be Issued in Certain Cases

A development permit or approval in principle will not be issued for a development when, in the opinion of Council, the development would be premature by reason of the site lacking adequate road access, power, drainage, or municipal water and sewer, except where the applicant contracts to pay the full cost of construction of services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.

3.5 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:
 - (a) the general appearance of the development,
 - (b) the amenity of the surroundings and potential impacts on viewsheds and heritage resource,

- (c) the capacity of municipal water and sewer infrastructure to service the development,
 - (d) the capacity of the street network to handle the traffic load generated by the development,
 - (e) the availability of utilities,
 - (f) public safety and convenience,
 - (g) other considerations, which in its opinion, are material,
- and notwithstanding the conformity of the application with 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) Where Council receives an application for a discretionary use, it will give public notice in accordance with **Regulation 3.21 (4)**.
 - (3) Where Council receives an application for discretionary approval of an accessory building as per paragraphs (a), (b), (c), (e) and (f) of **Regulation 5.2 (2)**, it will give public notice in accordance with **Regulation 3.21 (5)**.
 - (4) When approving a discretionary use, Council shall state in writing the basis for its approval.

3.6 Variances (See Provincial 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, requiring strict 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 a development standard 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 create a non-conformity of any existing legal development.
- (4) Where Council is to consider a proposed variance from a development standard, in accordance with **Regulation 3.21(2)**, it will give written notice of the proposed variance to all persons whose land, in the opinion of Council, may be affected. At a minimum, this will include all land located within sixty (60) metres of the property that is the

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

3.7 Non-Conforming Uses (Refer to Section 108(2) of the *Urban and Rural Planning Act 2000* and Sections 14, 15, and 16 of the Provincial 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 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 3.21(3) - Notice of Application**, 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.

3.8 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 Council's standards 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 benefitted by the public work related to all the real property so benefitted; 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 benefitted and may specify the time for payment.

3.9 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.

3.10 Dedication of Land for Public Use

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

Such land must be high quality land suitable for the intended public use and not 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.

3.11 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 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.

3.12 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 relevant to the application.

3.13 Register of Applications

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.

3.14 Deferment of Application

- (1) Council may, with the written agreement of the applicant, defer consideration of an application.
- (2) An application that was properly submitted in accordance with these Regulations, which has 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.

3.15 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 it includes a full description of the site and proposed development in accordance with Paragraph (1).
- (3) Council may 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 principle.
- (8) A decision by Council on an application for an approval in principle can be appealed in accordance with Section 42 of the Act.

3.16 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 to obtain all other permits or approvals prior to commencement of development and to comply 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:
 - (a) for failure by the holder of the permit to comply with these Regulations or any condition attached to the permit or approval in principle,

- (b) 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
 - (c) 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 Council has issued written 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.

3.17 Temporary Use Permit

- (1) At its discretion Council may issue a development permit for a temporary use that is otherwise prohibited in the location for which the application is received.
- (2) The temporary permit will 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.

3.18 Permit Fees

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

3.19 Compliance with Legislation

- (1) If Council deems that a proposed development may be affected by a provincial or federal act or regulation, the applicant may be required to provide confirmation that necessary government approvals have been obtained before Council will issue 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 Municipal Affairs and Environment before Council will issue a development permit.
- (3) Where these Regulations are more stringent than a provincial or federal act of regulation, these Regulations will apply.

3.20 Reasons for Refusing or Setting Conditions on a Permit

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

3.21 Notice of Application (See Provincial Development Regulations, Sections 13 & 15)

- (1) Notice of an application to Council shall, at the applicant's expense, be given when:
 - (a) A variance is to be considered under **Regulation 3.6 - Variances**,
 - (b) A change in a non-conforming use is to be considered under **Regulation 3.7 - Non-Conforming Uses**,
 - (c) A proposed discretionary use is to be considered in accordance with **Regulation 8.5 – Discretionary Uses**.
 - (c) A proposed development is listed as a discretionary use in **Part 9 - Use Zone Schedules**, or
 - (d) Council deems that the public should be notified.
- (2) **Variance Application**
In accordance with **Regulation 3.6(4)** of these Regulations and Section 13 of the Provincial Development Regulations, notice of a variance application will be given directly to persons who are likely to be affected and a minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
- (3) **Application to Change a Non-Conforming Use**
In accordance with **Regulation 3.7(4)** of these Regulations and Section 15 of the Provincial 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 one or more of the following: Council's social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
- (4) **Discretionary Use Application**
In accordance with **Regulation 8.5** of these Regulations, notice of an application to develop a discretionary use, or which otherwise requires Council's discretionary approval, will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's social media page, the

Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

- (5) **Discretionary Accessory Building Application**
In accordance with **Regulation 5.2 (h)** of these Regulations, notice of an application for discretionary approval of an accessory building as per **Regulation 5.2 (a), (b), (c), (e), and (f)**, will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.
- (6) **Other Applications Public Should be Aware Of**
For any other development that Council deems the public should be made aware, notice of application will be given directly to persons who are likely to be affected, and in addition will be posted on one or more of the following: Council's social media page, the Community Channel, local bulletin boards, or by advertisement in a newspaper circulating in the area. A minimum of ten (10) days from the posting of the notice will be provided for persons to respond.

3.22 Delegation of Powers (Refer to Provincial Development Regulations, Section 18)

In accordance with Section 109(2) of the Act, Council may, by resolution, delegate its authority to administer these Regulations or part thereof to an employee or other agent of Council. When delegating this authority, Council shall make that designation in writing.

3.23 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.

3.24 Record of Violations

Every inspector shall keep a record of any violation of these Regulations and report that violation to Council.

3.25 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.

3.26 Notice of Right to Appeal (Refer to Provincial 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.

3.27 Appeals (Refer to Provincial Development Regulations, Sections 6-11)

Sections 6 to 11 of the Provincial 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.

3.28 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.

3.29 Monitoring and Enforcement

- (1) Council will monitor land uses and development activities throughout the Planning Area to ensure compliance with the Municipal Plan and Development Regulations.
- (2) Any land use or development that does not comply with the Municipal Plan and these Development Regulations will be subject to a stop-work order or other such action deemed necessary by Council to require compliance.

PART 4: GENERAL DEVELOPMENT STANDARDS

4.1 Accesses and Service Streets

- (1) Every access to a street shall be located to the specification of Council so as to ensure the safety and efficiency of the street system. Council may require the construction of a service street to reduce the number of accesses to an arterial street.
- (2) No access will be closer than 10 metres to the street line of any street intersection.

4.2 Archaeological and Palaeontological Sites

- (1) Archaeological and palaeontological sites are protected under the *Historic Resources Act*. No development, excavation, or other disturbance of land will be permitted inside a buffer of 100 metres of the perimeter of a known site without first notifying the Provincial Archaeology Office so that necessary measures can be taken to ensure that the site is not disturbed or destroyed.
- (2) If an archaeological or palaeontological site or artifact 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.

4.3 Designated Heritage Properties and Root Cellars

- (1) A proposed development, building alteration, or demolition within ninety (90) metres of a designated heritage property will be reviewed in accordance with the *Elliston Heritage Regulations*.
- (2) A proposed alteration or demolition of a root cellar will be reviewed in accordance with the *Elliston Heritage Regulations*.
- (3) Except for minor activities, Council will refer such proposed developments, building alterations, and demolitions to the Elliston Heritage Advisory Committee for review and recommendations prior to approving an application. The Committee must respond within seven (7) calendar days if it wishes its recommendations to be considered.
- (4) Council will be guided by the *Elliston Heritage Regulations* and recommendations of the Heritage Advisory Committee when taking a decision on an application.
- (5) A permit will not be granted when in Council's opinion, a proposed development, building alteration, or demolition will significantly detract from heritage values.

4.4 Industrial Use Buffers

Where an industrial development abuts a 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.

4.5 Fire Hydrant Buffers

No building, fence, hedge or other structure will obstruct access to a fire hydrant from the street, obstruct the visibility of a fire hydrant from the street, or protrude closer than 3.0 metres to a fire hydrant.

4.6 Watercourses and Wetlands

(1) Designated Watercourses and Wetlands

Designated watercourses include rivers, streams, lakes and ponds whose shoreline areas are zoned Environmental Protection on the zoning maps. Generally, the zone extends 15-30 metres from the ordinary high water mark of the watercourse but may extend farther where the adjoining land is environmentally sensitive, for example, where shoreline embankments are steep or where the shore area abuts a wetland.

(2) Other Watercourses and Wetlands

Other watercourses and wetlands, which are not located within the Environmental Protection zone, are subject to the following:

- (a) No development will be permitted within 15 metres of the ordinary high water mark of a watercourse or within 15 metres of the edge of a wetland except for:
 - Reconstruction of a building or structure that was in existence on the date that this Municipal Plan came into effect,
 - A building or structure associated with a public work, for example, a water treatment facility, water main, or pump house,
 - An open space use such a trail, and
 - A transportation use (e.g. road, bridge, culvert), which by necessity must cross a watercourse.
- (b) Notwithstanding paragraph (a), if a watercourse or wetland is deemed to be minor (see definitions below), Council may permit a development subject to conditions.

A **minor watercourse** is defined as a (i) drainage course that carries water only during rain events or snowmelt, (ii) an intermittent stream that does not carry significant spring runoff, or (iii) a stream that is not fish habitat.

A **minor wetland** is defined as a wetland less than one (1) hectare in area that is not associated with a watercourse and is not deemed to be an environmentally sensitive area.

(3) Development Within a Body of Water

Council will not approve infilling or other development within a body of water or involving alteration of a body of water unless the development or alteration has been approved or exempted by the Water Resources Division of the Department of Municipal Affairs and Environment and any other a agency having jurisdiction.

4.7 Building Lines 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 **Part 9** of these Regulations.
- (2) A frontyard building line setback is measured from the front property line.
- (3) A sideyard setback shall be provided on the exposed sides of every building in order to ensure safe distances between buildings on adjoining lots and provide access for building maintenance. An exception may be made for an access ramp as noted in **Regulation 5.1**.
- (4) Notwithstanding the minimum frontyard requirements set out in the Use Zone Tables in **Part 9**, Council, at its discretion, may allow development to complement existing building setbacks on adjoining properties.

4.8 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 proposed new use on a multiple-use lot may not be permitted where Council deems that the use might be incompatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance.

4.9 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 set out in the Use Zone Tables in Part 9 are satisfied.
- (2) No more than one single dwelling may be permitted on a lot.

- (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 Part 9 for the Use Zone in which the lot is located. These allowances shall be maintained when the adjacent land is developed.

4.10 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 frontyard, sideyard, or rearyard, 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.

4.11 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 yard setbacks and floor area are not less than the standards set out in these Regulations.

4.12 Street Frontage

Except where provided for in **Section 9 - Use Zone Tables**, no building shall be erected on a lot that does not front directly onto a public street.

4.13 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.

4.14 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 protect the environment, character, and appearance of the area.

4.15 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 it deems that 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.

4.16 Land Capability for Development

The following provisions will apply to all proposed land developments, ranging in scale from individual lots to multi-lot developments.

- (a) When reviewing a development application, Council shall consider:
 - (i) the capacity of municipal water and sewer infrastructure to service the development,
 - (ii) street capacity to handle anticipated traffic load,
 - (iii) the capability the site in terms of slope, soils, geology, water table, surface and sub-surface drainage, and potential stormwater impacts on nearby properties and watercourses, and
 - (iii) other factors that Council deems to be relevant.
- (b) Before approving a development, if there are concerns or unanswered questions regarding water and sewer capacity to service the development, the general biophysical capability of the site, or potential for adverse drainage or stormwater impacts, Council may require the development proposal to be reviewed by a certified engineer. The review shall address all questions and potential concerns identified by Council.
- (c) An approval in principle or a permit to develop will not be granted when in Council's opinion existing municipal infrastructure has inadequate capacity to service the development or the clearing, excavation, and infilling of land, or other site developments will result in unacceptable drainage, environmental, or aesthetic impacts.

4.17 Site Excavation and Infilling

Excavation or infilling 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.

4.18 Street Construction Standards

A new street will be constructed in accordance with the design and construction specifications set by Council.

4.19 Sight Lines at Intersections

So as not to create a safety hazard by obstructing the view of motorists and pedestrians,

- (a) Where an arterial or collector street intersects any other street, all land within a 15-metre sight triangle from the point of intersection shall be kept free of shrubs, plants, trees, fences, walls, buildings or structures exceeding a height of 0.75 metres from the street grade.
- (b) Where a local street intersects another local street, all occupied lands within a 8-metre sight triangle from the point of intersection shall be kept free of shrubs, plants, trees, fences, walls, buildings or structures exceeding a height of 0.75 metres from the street grade.

4.20 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 might otherwise be permitted under these 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.

4.21 Habitat Conservation

(1) Proposed Stewardship Agreement

The Town of Elliston is currently in discussions with the Province and the Stewardship Association of Municipalities on a proposed Stewardship Agreement to conserve and protect sensitive wetland, waterfowl, and coastal seabird habitat. The Agreement will include measures to ensure sensitive wetland and coastal habitat for waterfowl and seabirds are conserved and protected from development.

Any application for development within wetland areas and along freshwater and coastal shorelines shall be reviewed by Council to ensure that the development will not impact negatively on sensitive wetland and coastal habitat. Where it deems that a proposed development may have impacts, Council may refuse the application or may establish mitigating conditions to minimize potential habitat degradation.

(2) Proposed Habitat Management Units

As part of the Stewardship Agreement, three Habitat Management Units have been proposed for the Planning Area. These include a large inland waterfowl protection area in the southwestern portion of the Planning Area, the puffin ecological site in Maberly, and a 300-metre coastal buffer area for seabirds extending from Maberly to the southern boundary of the Planning Area. All three proposed Habitat Management Units are contained within the Environmental Protection zone.

PART 5: SPECIFIC USE REGULATIONS

5.1 Access Ramps

At its discretion, after consulting with abutting property owners, Council may permit a handicapped access ramp to be erected within a minimum front, rear, or sideyard setback 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.

5.2 Accessory Buildings

(1) General Requirements

- (a) An accessory building will be clearly incidental and complementary to the main building and located on the same lot.
- (b) Notwithstanding Paragraph (a), at its discretion, Council may permit an accessory building to be located on a different lot than the main building.
- (c) Except in accordance with **Paragraph (2)**, an accessory building will be located no closer than 1.2 metres to a property boundary. If adjacent to the side of the main building, it will not be located within the minimum sideyard setback of the main building.
- (d) No accessory building will be located closer than 3.0 metres to any other building, whether on the same lot or an adjoining lot.
- (e) No accessory building will be erected upon an easement.

(2) Additional Requirements for Residential Lots

In addition to the General Requirements outlined in Paragraph (1), the following requirements will apply to the erection of accessory buildings on residential lots.

- (a) Frontyard Location
 - (i) No accessory building will be located closer to the street than the front line of the dwelling, except where approved at Council's discretion in accordance with Paragraph (ii).
 - (ii) Notwithstanding Paragraph (i), at its discretion, Council may approve an accessory building closer to the street than the dwelling provided that:
 - Council deems that the applicant has a legitimate reason to erect the accessory building closer to the street than the dwelling,

- Council deems that the placement of the building will not negatively affect neighbouring properties, and
- the accessory building shall not be closer than 15 metres to the street line.

(b) Corner Lots

On a corner lot, at its discretion, Council may permit an accessory building closer to the flanking street than the main dwelling provided that the building is set back at least 6.0 metres from the flanking street, will not negatively affect neighbouring properties, and will not impede the required sight line at the street intersection (See **Regulation 4.20**).

(c) Maximum Floor Area and Height

Development of a residential accessory building will be in accordance with the following lot sizes:

Lot Size	Maximum Combined Floor Area of Accessory Buildings	Maximum Height
<1500 m ²	<ul style="list-style-type: none"> • 70 m² or 7% of the lot area, whichever is less 	5.5 m
1500-3000 m ²	<ul style="list-style-type: none"> • 100 m² • At its discretion, Council may approve additional floor area to a maximum 130 m² of combined floor area 	5.5 m
> 3000 m ²	<ul style="list-style-type: none"> • 130 m² • At its discretion, Council may approve additional floor area to a maximum of 160 m² of combined floor area 	5.5 m

- (d) No truck, bus, semi-trailer, freight container, or other vehicle body will be used as an accessory building except at the discretion of Council.
- (e) At its discretion, Council may permit a portable shelter to be used as an accessory building, subject to the provisions of this Regulation.
- (f) No accessory building will be used for a home occupation except as approved at Council's discretion in conformity with **Regulation 5.11**.
- (g) Except for personal needs, no accessory building will be used for painting, dismantling, or scrapping vehicles or machinery.
- (h) Applications for Discretionary Approval

In reviewing an application for discretionary approval with respect paragraphs (a), (b), (c), (e), and (f), Council will:

- (i) Require the applicant to submit a site plan showing the placement of the proposed building relative to the main dwelling and other buildings on the lot as well as on neighbouring lots,
- (ii) Provide notice of the application in accordance with **Regulation 3.21(4)**,
- (iii) Consider the location and size of the accessory building relative to the main dwelling as well as dwellings and buildings on neighbouring lots,
- (iv) Consider the effect of the accessory building and/or its use on neighbouring lots and the street,
- (v) Consider site topography and other site factors that Council deems relevant,
- (vi) Consider terms and conditions that may be necessary to ensure the location, size, height, appearance, and use of the accessory building will not significantly affect the neighbourhood in terms of character, amenities, or property values, and
- (vii) Approve the application as submitted, approve the application subject to terms and conditions, defer the application pending additional information, or refuse the application.

(3) Requirements in Heritage Areas

Notwithstanding Regulations 5.2(1) and 5.2(2), approval of an accessory building within a Heritage Area zone or within 90 metres of a designated heritage property will be guided by the *Elliston Heritage Regulations* and of the recommendations by the Elliston Heritage Advisory Committee.

Council may impose more stringent standards and conditions than outlined in Paragraphs 5(1) and 5(2) to ensure heritage values will not be seriously compromised.

5.3 Accessory Uses and Structures

- (1) Subject to these Regulations, Council may permit an accessory use or structure to a main use in any zone. An accessory use will be clearly subsidiary and complementary to the main use, controlled so as to be compatible with the main use and nearby properties, and subject to special conditions set out in these Regulations or specified on a case-by-case basis by Council.
- (2) Examples of accessory uses include but are not limited to:
 - (a) A facility for the serving of food and alcoholic beverages in an arena or other place of assembly, museum, or hotel,
 - (b) A gift or souvenir shop in a museum, hotel or other commercial establishment,
 - (c) An office, small convenience store, or small catering establishment in a

- campground,
 - (d) A home occupation,
 - (e) A woodworking shop, hobby shop, games room, exercise room, or home theatre in a residential accessory building,
 - (f) A swimming pool, tennis court, outdoor rink, or similar facility,
 - (g) A satellite dish or similar device attached to a building,
 - (h) A wind generator, solar panel, radio antenna, or similar device.
- (3) Except in accordance with **Regulation 5.2**, no accessory structure will be located:
- (a) within the minimum frontyard setback of the main building,
 - (b) within the minimum sideyard setback of the main building, and
 - (c) if in the rearyard of the main building, within 1.2 metres of the side or rear property boundary.
- (4) No accessory structure will be erected upon an easement.

5.4 Agriculture - Commercial Livestock Facilities

- (1) Except at Council's discretion, no new livestock facility designed to accommodate more than five (5) animal units, will be permitted within:
- (a) 500 metres of a residential dwelling except for a farm dwelling or a dwelling on the same property,
 - (b) 500 metres of the boundary of land zoned for residential use,
 - (b) 45 metres of the boundary of the property on which it is to be erected, and
 - (c) 80 metres of the centre line of a public street.
- (2) Except for an infill development or a farm dwelling, no new residential dwelling shall be developed within 500 metres of an existing livestock facility with capacity to accommodate more than five (5) animal units unless the dwelling is first approved by the Agriculture Lands Section of the Department of Fisheries and Land Resources.
- (3) In addition to the above requirements, a new livestock facility will be subject to applicable Provincial acts and regulations.

5.5 Bed and Breakfasts (B&Bs) and Visitor Rental Dwellings

(1) Bed and Breakfasts

Where permitted by Council, a bed and breakfast establishment will be subject to the following conditions:

- (a) It may operate only in a single dwelling unit.

- (b) It will not detract from the residential character of the neighbourhood in terms of scale or exterior design.
- (c) It will not have more than six (6) guest rooms.
- (d) No wholesale sales or storage of goods will be carried out and any retail sales will be incidental to the approved use.
- (e) At the discretion of Council, it may include catered dining on a limited-use basis.
- (f) In addition to the required residential parking spaces, it will provide on the same property a minimum of 1.0 to a maximum of 1.5 off-street parking spaces per guest room in a driveway and/or developed parking area.
- (g) It must be licensed by the Tourism Department.
- (h) All grounds and buildings shall be kept in a safe and well-maintained condition.

(2) Visitor Rental Dwellings

Where permitted by Council, a visitor rental dwelling will be subject to the following conditions:

- (a) It may operate only in a single dwelling unit.
- (b) It will not detract from the residential character of the neighbourhood in terms of scale or exterior design.
- (c) It will be rented as a single unit only, and not with different guest rooms rented to different customers.
- (d) No wholesale or retail sales will be carried out in association with visitor rentals.
- (h) It must be licensed by the Tourism Department.
- (i) All grounds and buildings shall be kept in a safe and well-maintained condition.

5.6 Campgrounds and Tourist Cottage Establishments

General Requirements

- (1) An application for a campground or a tourist cottage establishment will include a development plan with the following information:
 - (a) Location and full limits of the development,
 - (b) Layout of accesses and internal roads,

- (c) Number and location of cottage units and/or campsites,
 - (d) Accessory uses such as comfort stations, laundry and storage facilities, washrooms, convenience store, employee accommodations, 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, and
 - (i) A proposed phasing plan for the development.
- (2) All campsites, cottages, and on-site facilities, which 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 a residential area.
 - (4) The development permit will specify the maximum number of cottage units and/or campsites to be permitted on the site.
 - (5) All grounds and buildings shall be kept in a safe and well-maintained condition.
 - (6) No expansion or alteration, 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) The development must be licensed by the Tourism Department.

Campgrounds

- (10) A campground site shall:
 - (a) Front onto public street or highway.
 - (b) Have a minimum contiguous area of no less than 4000 m² (0.4 hectares).
 - (c) Have an adequately lighted main entrance from sunset to sunrise.
 - (d) Have an emergency exit.
 - (e) Have a maximum density of 75 campsites per gross hectare.
- (11) Internal roadways in the campground shall:
 - (a) Provide 24-hour vehicle access to every campsite.
 - (b) Be no less than 6.0 metres wide.
 - (c) Be designed and constructed such that vehicles and trailers will not become mired.

- (12) Every campsite shall:
- (a) If a tent site, have a minimum area of 120 m² in area and a minimum width of 6.0 metres.
 - (b) If a trailer or RV site, have a minimum area of 220 m² and a minimum width of 12.0 metres.
 - (c) Have the corners clearly defined with visible markers.
 - (d) Be clearly numbered.
 - (e) Have at least one and no more than two vehicle parking spaces.
 - (f) Be no less than 50.0 metres from an on-site source of drinking water.

Tourist Cottage Establishments

- (13) A tourist cottage establishment shall:
- (a) Front onto public street or highway.
 - (b) Have a minimum contiguous area of no less than 4000 m² (0.4 hectares).
 - (c) Have an adequately lighted main entrance from sunset to sunrise.
 - (d) Have an emergency exit.
- (14) Internal roadways in the tourist cottage establishment shall:
- (a) Provide 24-hour vehicle access to every cottage.
 - (b) Be no less than 6.0 metres wide.
 - (c) Be designed such that vehicles and trailers will not become mired.
- (15) A tourist cottage establishment shall comply with the following:
- (a) The minimum ground floor area for a tourist cottage shall be 60 m².
 - (b) No cottage will be more than one storey in height.
 - (c) The minimum distance between individual cottages or buildings containing more than one cottage unit shall be 6.0 metres.
 - (d) The minimum rearyard will be 5.0 metres.
 - (e) Planting areas shall be provided adjacent to the side and rear lot lines.
 - (f) Each cottage will be clearly numbered.
- (16) At Council's discretion, a tourist cottage establishment may be permitted as a secondary use on a residential lot, subject to the zoning provisions and the following:
- (a) The lot must be no less than 4,000 m² in area,
 - (b) Cottages may require buffering and/or screening to Council's satisfaction from neighbouring dwellings,
 - (c) Total lot coverage of all buildings must not exceed 15% of the lot area, and
 - (d) All other conditions deemed necessary by Council.

5.7 Camping Trailers and Recreational Vehicles

The use of a camping trailer or recreational vehicle for overnight camping will not be permitted except in a designated campground or as a temporary activity on a residential property. Camping trailers and recreational vehicles used temporarily on residential properties must be mobile and have up-to-date license plates.

5.8 Childcare Services

Where permitted by Council, a childcare service will conform to the requirements of the Child Care Services Act and Regulations. If required a license to operate shall be obtained from the responsible Provincial department. Council will not approve a childcare use that has not obtained the necessary licenses and approvals from the Province.

5.9 Energy Generation Facilities

Small-scale wind, solar, and hydro generating facilities and associated facilities and services may be subject to the approval of relevant provincial and federal departments, agencies, and public utilities. 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.

5.10 Fences and Rock Walls

- (1) For the purpose of this Regulation a fence includes a vertical physical barrier constructed of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes. A rock wall is a vertical structure constructed of stone or brick erected as a physical barrier or for ornamental purposes.
- (2) No person shall erect, alter, relocate, or repair a fence or rock wall unless Council has approved the location and design and a permit has been issued for its construction, alteration, relocation and/or repair.
- (3) Frontyard Fences and Rock Walls
Except where permitted by Council for screening purposes, no fence located between the frontyard building line and the street line shall exceed 0.75 metres in height above the street grade.
- (4) Fences to the Rear of the Front Building Line
No fence to the rear of the front building line shall exceed 1.8 metres in height from the ground.
- (5) Fence and Rock Wall Materials

Materials used to erect or repair a fence or rock wall will only be of a type that meets the approval of the Town.

(6) Maintenance

All fences and rock walls shall be maintained in a good state of repair. For the purpose of this section, “good state of repair” means:

- (a) It is complete, in a structurally sound condition, plumb, and securely anchored,
- (b) It is protected by weather resistant materials,
- (c) Components are not broken, rusted, rotten or in a hazardous condition,
- (d) It is free of peeling paint or stain, and
- (e) It does not present an unsightly appearance that is deleterious to abutting properties or the neighbourhood.

(7) Heritage Areas

In addition to the requirements in paragraphs (1) to (6), on any property within a Heritage Area zone or within 90 metres of a designated heritage property:

- (a) No existing fence or rock wall will be demolished or removed except with a permit from Council,
- (b) All new fences and rock walls will meet the standards of the *Elliston Heritage Regulations*. If there is any inconsistency between paragraphs (1) to (6) and the *Elliston Heritage Regulations*, the *Elliston Heritage Regulations* will apply.

5.11 Home Occupations

Where permitted by Council, a home occupation will comply with the following conditions:

- (a) It will be clearly secondary to the residential use of the property,
- (b) It will be located inside the dwelling unit or, at Council’s discretion, may be located in an accessory building on the same lot as the dwelling,
- (c) It will employ no less than one person who is a resident of the dwelling and may employ up to two persons who are not residents of the dwelling,
- (d) It will occupy no more than thirty percent (30%) of the floor area of the dwelling,
- (e) It will not include outdoor storage of materials,
- (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 adhere to all other conditions that Council deems necessary to protect the amenity of adjacent residential uses and the neighbourhood,
- (m) In reviewing an application for a home occupation, Council will provide notice of the application in accordance with **Regulation 3.21(4) – Notice of Application**, and
- (n) No change in the type or extent of a home occupation shall take place except with the approval of Council.

5.12 Mineral and Petroleum Exploration

- (1) Where it is permitted, a mineral or petroleum exploration use that constitutes a development (in accordance with the definitions in Part 2) will make adequate provision for buffering and other mitigations of impacts on residential, commercial, industrial, institutional, recreational, and environmentally sensitive areas.
- (2) Council will not issue a permit for mineral or petroleum exploration until all necessary permits and approvals have been obtained from the Departments of Natural Resources and Municipal Affairs and Environment, and any other relevant government agency.
- (3) Mineral and petroleum exploration may be subject to conditions to control noise, appearance, road construction, ground disturbance, and other impacts, as well as the duration of exploration activity. The precise nature of these controls will depend upon the location of the exploration in relation to built-up and environmentally sensitive areas such as water supply areas, watercourses, and wetlands.
- (4) Mineral and petroleum exploration that is not classed as a development by virtue of ground disturbance, access roads, or use of equipment other than hand tools may be permitted anywhere in the Planning Area with adequate notification to Council.

5.13 Mineral Workings

- (1) No new mineral working use will be developed without a development permit issued by Council. The development, operation, termination, and rehabilitation of a mineral working site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with these terms and conditions.
- (2) An application to Council for the development of a mineral working use will include a site development plan with the following information:
 - (a) The site's biophysical features
 - (b) Delineation of the proposed extraction area
 - (c) The type and location of proposed aggregate processing equipment
 - (d) A site rehabilitation plan (**see Paragraph 15**)
- (3) Council may permit a mineral working processing plant (e.g. washing and screening plant, crusher) provided that the use will not significantly affect surrounding land uses by reason of noise, vibration, fumes, dust, odour, water drainage, unsightly storage of materials, or general appearance.
- (4) The permit fee for a mineral working use will be determined by Council in an amount sufficient to cover Council's costs associated with:
 - (a) If necessary a review of the development plan by a professional planner or engineer,
 - (b) Regular inspections of the site to determine compliance with the permit, and
 - (c) Inspections to determine acceptable site rehabilitation in accordance with a rehabilitation plan.
- (5) Except where Council may require a higher buffer, no mineral working extraction or processing plant will be permitted within:
 - (a) 300 metres of a residential dwelling or the boundary of a zone that permits residential development,
 - (b) 200 metres of a commercial or public building or recreational open space use,
 - (c) 50 metres of a watercourse or wetland, and
 - (d) 50 metres of a public street or highway.
- (6) Except where Council may require a higher buffer,
 - (a) No residential dwelling will be permitted within 300 metres of the boundaries of a licensed mineral working extraction site or processing plant, and
 - (b) No commercial or public building or recreational open space use will be permitted within 200 metres of the boundaries of a licensed mineral working extraction site or processing plant.

- (7) No blasting or quarrying of hard rock will be permitted within 1,000 metres of a residential, commercial, or public building, a recreational open space use, or a zone that permits residential development.
- (8) An undisturbed buffer strip of at least 30 metres will be maintained between the final perimeter of a pit or quarry and the boundary of the lot on which it is located.
- (9) Where a proposed mineral working site is located in the vicinity of a public street or highway, Council may require the owner to provide for natural or artificial screening to obstruct visibility of the site.
- (10) Council may require the mineral working site or excavated area to be fully or partially enclosed by a fence designed and constructed to Council's specifications.
- (11) All topsoil and organic material will be securely stockpiled for future rehabilitation of the site. The operator will ensure that the topsoil is not mixed with aggregate materials.
- (12) No mineral working shall create excessive drainage or erosion onto adjacent properties or into nearby watercourses.
- (13) No mineral working shall cause the accumulation or ponding of water in any part of the site. Settling ponds will be permitted only with approval from the Department of Municipal Affairs and Environment.
- (14) The mineral working site shall be kept clean of refuse, abandoned vehicles, abandoned equipment and derelict buildings.
- (15) During seasonal or extended shutdowns, the slope of any sand or gravel embankment shall not have a gradient steeper than 60 percent for the full depth thereof, and
- (16) Site Rehabilitation
 - (a) A development application for a new mineral working site will not be approved if it does not include a plan for site rehabilitation acceptable to Council.
 - (b) Council may require the extraction site to be rehabilitated at progressive stages of extraction.
 - (c) Upon abandonment of a mineral working site, the owner will:
 - (i) Remove all buildings, machinery and equipment,
 - (ii) Grade all pit and quarry slopes to a slope of less than 60 percent,
 - (iii) Rehabilitate the entire excavated area in accordance with the rehabilitation plan, and
 - (iv) If required, close and decommission the access road to the site in

accordance with Council's wishes.

- (17) **Quarry Materials Produced as a By-Product of Approved Land Developments**
For approved land developments where the extraction of quarry materials is occurring or may be expected to occur, Council shall send a copy of the development permit to the Mineral Lands Division. Not that quarry materials include aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.
- (18) Other such conditions that Council deems as necessary.

5.14 Personal Livestock Use

- (1) At its discretion, Council may permit the keeping of small livestock animals on a residential lot for personal use after giving public notice and considering comments received. No species will be considered other than hens, ducks, turkeys, geese, and rabbits.
- (2) The keeping of small livestock on a residential lot will be subject to the following.
- (a) No livestock will be permitted on a lot that is less than 1,000 m² in area.
 - (b) No more than one species, and no more than four (4) animals, may be permitted on a single lot.
 - (c) Only a person who resides on a property will be permitted to keep animals on that property.
- (3) A facility for keeping of small livestock will include an enclosed indoor shelter and an enclosed outdoor run subject to the following.
- (a) No portion of the facility will be located in the frontyard or sideyard of the residential dwelling.
 - (b) Within the rearyard of the dwelling, no portion of the facility will be located within six (6) metres of any lot line.
 - (c) The combined indoor and outdoor area of the facility will not be less than 6 m² or more than 10 m².
- (4) Control of animals will be subject to the following.
- (a) The livestock facility will be maintained continually in a clean condition, free of noxious odours, substances, and vermin.
 - (b) Animal excreta will be removed on a daily basis, and properly contained and disposed of in an environmentally acceptable manner.
 - (c) Animals will not be slaughtered on any property that is not zoned for agriculture use.
 - (d) Animals will be provided with clean drinking water, nesting materials, and an

- adequate quantity and quality of food to allow for healthy growth and maintenance of a healthy body weight.
- (e) Food and water will be kept in receptacles that avoid contamination from excreta.
 - (f) No animal will be kept that is exhibiting symptoms of illness, which may threaten the health or safety of persons or other animals. Such an animal will be destroyed or provided veterinary care.
- (5) No livestock will be kept on lot unless a permit fee has been paid and a permit has been issued by Council. The permit shall be visibly displayed on the livestock facility.

5.15 Residential Care Homes

- (1) A residential care home may be permitted in a facility or 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 adjacent residences or the neighbourhood. Council may set conditions aimed at ensuring the use is compatible with the neighbourhood.
- (3) Council will not approve a residential care home that has not first been approved by Service Newfoundland and Labrador and other Provincial agencies having jurisdiction.

5.16 Salvage Yards

- (1) No salvage yard will be developed or expanded in scale without a development permit issued by Council. The development, operation, termination, and rehabilitation of a salvage yard site will be carried out only in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with the terms and conditions of the development permit.
- (2) Except where Council requires a higher buffer, no salvage yard will be permitted within:
 - (a) 300 metres of a residential or public building or recreational open space use,
 - (b) 300 metres of the boundary of an area zoned for residential use,
 - (c) 40 metres of the centerline of a public street, and
 - (d) 60 metres of a watercourse or wetland.
- (3) No salvage yard will be permitted near an area where there may be a concern for stormwater or groundwater contamination or other potential pollution.
- (4) Council may require a salvage yard to provide for natural or artificial screening to obstruct visibility from a public street or other public place.

5.17 Service Stations and General Garages

The following requirements shall apply to all proposed service stations and general garages:

- (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.

5.18 Storage and Scrapping of Car Wrecks and Other Salvage Materials

The use of land for the storage or scrapping of car wrecks, old machinery and equipment, tires, scrap metals, used building materials and other recyclables will not be permitted except in an approved salvage yard.

5.19 Trails

- (1) Trails designated on the zoning maps will be protected from developments and activities that might impede public passage or interfere with any legal right of Council to develop or improve the trail for public access and recreation
- (2) No building or structure will be permitted on a site where it would otherwise be permitted under these Regulations, when in the opinion of Council, the development would impede passage on a designated public trail.
- (3) Generally Council will protect a corridor no less than 15 metres wide for all designated trails, although this may be reduced for short distances at Council's discretion.
- (4) A proposal to develop an alternative use within a trail corridor will not be considered except where the applicant provides for the relocation of the trail in a way that causes minimal disruption to the trail's continuity and amenities.

PART 6: SUBDIVISION OF LAND

6.1 Application of Part 6

Part 6 of these Regulations applies to each of the following:

- (a) The subdivision of a parcel 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.

6.2 Subdivision Permit Required

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

6.3 Services to be Provided

No permit shall be issued for a subdivision of land unless provisions satisfactory to Council have been made for water supply, sewage disposal, and stormwater drainage.

6.4 Payment of Service Levies and Other Charges

No permit will be issued for a subdivision of land 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.

6.5 Permit Subject to Considerations

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

A subdivision permit shall not be issued when, in the opinion of Council, the 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) The capacity of municipal water and sanitary sewer infrastructure, stormwater infrastructure, and utilities to adequately service the development.
- (e) Provision for access to adjacent undeveloped areas.
- (f) The land use, physical form and character of adjacent developments.
- (g) The relationship of the project to existing or potential sources of nuisance.
- (h) Visual quality and effect on viewsheds.
- (i) Energy conservation.
- (j) Environmental effects with respect to watercourses, wetlands, steep slopes, drainage patterns, stormwater generation and discharge, and loss of habitat.
- (k) Municipal financial costs related to the provision and maintenance of roads, water and sewer systems, other infrastructure, and municipal services.
- (l) Effects on heritage areas and properties.
- (m) Such other matters that Council deems to be important.

6.6 Building Permits Required

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

6.7 Form of Application

Application for a permit to develop a subdivision shall be made to Council in accordance with **Regulation 3.12 - Form of Application**.

6.8 Subdivision Subject to Zoning

The subdivision of land must comply with all provisions of the Use Zone in which the land is located.

6.9 Building Lines

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

6.10 Dedication of Land for Public Use

In accordance with Section 37 of the Act, Council may require land developers to provide land 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 to be used for the good of the community.

Land to be provided for public use must be high quality land suitable for the purpose and will not include land that Council requires to be set aside from development for the purposes of environmental protection or stormwater control.

6.11 Structure in Street Reservation

The placing of a structure (e.g. hydro pole, fire hydrant, mail box, bus shelter, sign post) within any street reservation shall not be approved unless Council is satisfied on the question of safety with regard to the structure's relationship to other buildings or structures within the street reservation and with regard to the safe movement of vehicles and pedestrians.

6.12 Subdivision Requirements

Where a subdivision involves construction of a new street or street extension, all work must be completed in compliance with the following requirements.

- (1) Street construction must meet the standards set out by Council with respect to:
 - (a) sub-base and base
 - (b) asphalt
 - (c) street design and cul de sac length
 - (d) intersection alignments and locations

- (2) Water system construction must meet the standards set out by Council with respect to:
 - (a) minimum burial beneath finished grades
 - (b) water main and service line materials
 - (c) fire hydrants
 - (d) placement of main line valves

- (3) Sanitary sewer construction must meet the standards set out by Council with respect to:
 - (a) gravity sewers
 - (b) force mains
 - (c) lift stations

- (4) Manholes and catch basins must meet the standards set out by Council with respect to location, materials, sizing, spacing, frames, grates and covers.

- (5) All services and roadwork must be connected to existing services and roads in accordance with Council requirements. This may include work outside the limits of the subdivision boundary and onto existing road reservations and roadways.
- (6) The developer is responsible for the reinstatement of all property damaged during the connection process back to the original condition. This may include, but is not limited to, curb, sidewalk, asphalt, and seeded areas.

6.13 Subdivision Design Standards

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:

- (a) The finished grade of streets shall not exceed 8 percent.
- (b) A cul de sac will be subject to the following:
 - (i) The turning circle will have a driving surface diameter of not less than 30 metres, and
 - (ii) It will not be longer than 500 metres.
- (c) Streets will be designed in accordance with the following minimum standards.

Type of Street	Street Reservation	Pavement Width
Arterial	30.0 m	15.0 m
Collector	15.0 m	7.3 m
Local	12.2 m	5.2 m

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

6.14 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.

6.15 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.

6.16 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.

6.17 Transfer of Streets and Utilities to Council

- (1) The developer shall, following approval of the subdivision 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 for development or subdividing, 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 and public works including streets, water supply and distribution system, sanitary sewer system, storm drainage system, street lighting, and other infrastructure 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 cost to the developer, test the streets, services and public works installed in the subdivision and certify his/her satisfaction with their installation.
- (3) Council will not provide maintenance for any street or public work in any subdivision until such time as the street, service or public work has been transferred to Council.

6.18 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 the lot has satisfactory access to a street.

6.19 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 7: SIGNS

7.1 Intent

This intent of this section is to authorize signs that:

- (a) Are appropriate in size, number, and location to the type of activity or use to which they pertain.
- (b) Provide reasonable and appropriate means for the public to locate and identify facilities, businesses, and services without difficulty or confusion.
- (c) Are compatible with their surroundings.
- (d) Protect and enhance the aesthetic qualities of the area.
- (e) Do not create a distraction or safety hazard for pedestrians or motorists.
- (f) Comply with the *Elliston Heritage Regulations*.

7.2 Permit Required

Except in accordance with **Regulation 7.8**, no sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from the Council.

7.3 Provincial Highway

In addition to a permit from Council, the erection or display of a sign on Provincial Route 238 shall require a permit from the Service Newfoundland and Labrador. Where these Regulations are inconsistent with the Provincial Highway Sign Regulations, the more restrictive regulations shall apply.

7.4 Form of Application

Application for a permit to erect or display a sign shall be made to the Council in accordance with **Regulation 3.12**.

7.5 Approval Subject to Conditions

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

7.6 Signs Prohibited in Street Reservation

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

7.7 Sign Removal

Council may require the removal of any sign, which, in its opinion:

- (a) is hazardous to pedestrian or vehicle traffic by reason of its siting, colour, illumination, or structural condition, or
- (b) is unsightly or not maintained to the satisfaction of the Council.

7.8 Signs Exempt from Control

Notwithstanding **Regulation 7.2**, the following signs may be erected or displayed without application to Council:

- (a) on a residential dwelling or within the yard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- (b) on an agricultural, forestry, or quarrying operation, one notice board not exceeding 0.5 m² 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 m² in area,
- (d) on a commercial or industrial building, a notice board not exceeding 1.0 m² in area,
- (e) on any parking lot, directional signs plus one sign only not exceeding 1.0 m² in size to identify the parking lot,
- (f) real estate sales, leasing, and open house signs not exceeding 1 m²
- (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 7.5m².

7.9 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. In accordance with **Regulation 7.5**, Council may set additional conditions to its approval of a sign.

- (a) Window Sign – maximum of 1 m²
- (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 m²
- (e) Murals - At the discretion of Council.
- (f) Free Standing Sign – one per use, maximum of 5.0 m²

7.10 Residential, Heritage Area, and Environmental Protection Zones

- (1) Notwithstanding **Regulation 7.9**, no sign will be permitted in a Residential, Heritage Area or Environmental Protection zone that does not meet the standards set out in **Regulation 7.8**, except at the discretion of Council.
- (2) Every application to erect a sign in a Heritage Area zone or within ninety (90) metres of a designated heritage property will be referred to the Heritage Advisory Committee for review and recommendations. . The Committee must respond within seven (7) calendar days if it wishes its recommendations to be considered.

PART 8: USE ZONES

8.1 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 Schedules in Part 9 of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Schedules in Part 9, Council may in its discretion, determine the standards, requirements and conditions that shall apply.

8.2 Map Interpretation

The boundaries of Use Zones 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.

8.3 Use Classes

The specific uses to be included in each Use Class set out in the Use Zone Schedules in Part 9 shall be determined by Council in accordance with the classifications and examples set out in **Appendix B**.

8.4 Permitted Uses

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Schedule in Part 9 shall be permitted by Council in that Use Zone.

8.5 Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Schedule in Part 9 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, any further scheme or plan or regulation pursuant thereto, or to the public interest, and only if Council has given notice of the application in accordance with **Regulation 3.21(4) - Notice of Application** and has considered any objections or representations that may have been received on the matter.

8.6 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 shall not be permitted in that Use Zone.

PART 9: USE ZONE TABLES

Before issuing a permit for development or an approval in principle, Council shall review the application to ensure that it is in compliance with the Use Zone Schedule for which it is proposed as well as each of the following:

- Part 2: Definitions
- Part 3: General Regulations
- Part 4: General Development Standards
- Part 5: Specific Use Regulations
- Part 6: Subdivision of Land
- Part 8: Use Zones
- Appendix A: Land Use Zoning Maps
- Appendix B: Classification of Uses of Land and Buildings
- Appendix C: Off-Street Parking Requirements
- Appendix D: Provincial Development Regulations

Part 9 contains schedules for the following Use Zones:

	USE ZONE	ABBREVIATION	PAGE
9.1	Environmental Protection	EP	67
9.2	Protected Watershed	PW	69
9.3	Coastal	CO	71
9.4	Elliston Heritage Area	EHA	74
9.5	Maberly Heritage Area	MHA	78
9.6	Residential	RES	80
9.7	Residential Seasonal	RS	83
9.8	Tourism Resource	TR	85
9.9	Open Space	OS	87
9.10	Rural	RU	88

9.1 Environmental Protection (EP) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Conservation	Communications Open space Transportation (See Condition 6) Water utility

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.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not detract from the main environmental protection purpose of this zone.

2. Buildings and Structures

No buildings or structures will be permitted in the EP zone except for a structure associated with an open space use, for example, a viewing platform, gazebo, or picnic shelter.

3. Environmental Control

- (1) Any approved development must be designed and developed to a high environmental standard as specified in terms and conditions set 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 environmental effects.

4. Waterfront Sites and Wetlands

Where a watercourse or wetland in the EP zone abuts a residential or other developed property:

- (a) No excavation or infilling of land or a body of water, will be permitted except where it is to redirect stormwater, and
- (b) No significant clearing of natural vegetation or landscaping will be permitted except at Council's discretion subject to strict terms and conditions to protect sensitive shoreline and aquatic habitat.

5. Transportation

- (1) Transportation uses that may be permitted at Council's discretion will be limited to public streets and associated infrastructure, for example, a culvert or bridge across a stream.
- (2) A transportation use will not be permitted if:
 - (a) Alternative locations for access are reasonably available,
 - (b) Potential environmental effects cannot be minimized or mitigated to the satisfaction of Council,
 - (c) The development cannot meet reasonable terms and conditions that may be set by Council, and
 - (d) The development has not received any necessary Provincial approval.
- (3) No transportation use will be permitted in a Habitat Management Unit established under a Stewardship Agreement between the Town of Elliston and the Province.

9.2 Protected Watershed (PW) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Conservation Open space	Communications Forestry Mineral exploration (See Regulation 5.11) Petroleum exploration (See Regulation 5.11) Recreational open space (See Condition 4) Transportation (See Condition 5)

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.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not negatively impact the municipal drinking water supply.

2. Referral to the Water Resources Division

All proposed development within the Protected Watershed zone will be referred to the Water Resources Division of the Department Of Municipal Affairs and Environment. No development will be permitted until comments and recommendations have been received from the Division.

3. Buffer Zones

- (1) Other than a development related to conservation or water supply management and protection, no development, forest harvesting, or other resource use activity will be permitted in the vicinity of a watercourse except in accordance with the following minimum buffers from the top of the bank of a watercourse.

Watercourse	Minimum Buffer Width
Intake pond or lake	150 m
Intake river	150 m for a distance of 1,000 m upstream and 100 downstream of intake
Main river channel	75 m
Major tributaries, lakes and ponds	50 m
Other watercourses	30 m

4. Recreational Open Space

- (1) The only recreational open space use that may be permitted at Council's discretion is a multi-use trail to accommodate off-road recreational vehicles such as snowmobiles and ATVs.
- (2) A multi-use trail may be permitted only if:
 - (a) Potential environmental effects can be minimized or mitigated to the satisfaction of Council, and
 - (b) The trail meets all terms and conditions set by Council.

5. Transportation

- (1) Transportation uses that may be permitted at Council's discretion will be limited to public streets and associated infrastructure, for example, a culvert or bridge across a stream.
- (2) A transportation use will not be permitted if:
 - (a) Alternative locations for access are reasonably available,
 - (b) Potential environmental effects cannot be minimized or mitigated to the satisfaction of Council,
 - (c) The development cannot meet reasonable terms and conditions that may be set by Council, and
 - (d) The development has not received any necessary Provincial approval.

9.3 Coastal (CO) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Conservation Open space	Dock (See Condition 4) Fisheries facility (See Condition 3) Marina (See Condition 3) Marine facility (See Condition 3) Single dwelling (See Condition 6) Slipway (See Condition 4)

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.

Approval of a discretionary use will be subject to terms and conditions to ensure it will not detract from the general quality, amenities, and heritage values of the area.

2. Heritage and Viewshed Protection

- (1) No designated heritage building or structure, or any root cellar, in the Coastal zone will be demolished or altered in exterior appearance except as approved by Council.
- (2) No new building, building extension, structure, or site development will be developed in a way that, in Council's opinion, would significantly impact a designated heritage property or scenic viewshed.
- (3) Except for minor activities and interior changes, Council will refer any development or demolition application within ninety (90) metres of a designated heritage property to the Heritage Advisory Committee for review and recommendations before granting approval. The Committee must respond within seven (7) calendar days if it wishes its recommendations to be considered.
- (4) In considering a development application within ninety (90) metres of a designated heritage property, Council will take guidance from the *Elliston Heritage Regulations* and the recommendations of the Heritage Advisory Committee.
- (5) Approval of a proposed development or demolition may be subject to terms and conditions to prevent or mitigate negative impacts on heritage values or scenic viewsheds.

3. Fisheries, Marine, and Marina Developments

At Council's discretion, a fisheries, marine, or marina facility may be permitted if it is for commercial or public use and is deemed by Council to be coastal location essential, environmentally acceptable, compatible with surrounding development, and not contrary to the public interest.

Approval of a proposed development will be subject to terms and conditions set by Council.

Any infilling, dredging, or other works in a body of water associated with these structures will require approval under the Water Resources Act before Council will issue a development permit.

4. Docks and Slipways

At Council's discretion, a dock or slipway may be permitted if the proposed location, size, and appearance are deemed by Council to be environmentally and aesthetically 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.

5. Coastal Banks and Cliffs

No infilling or excavation will be permitted on any coastal cliff or steep bank that exceeds a slope of 20 percent.

6. Single Dwellings

Council will not consider an application to develop a single dwelling within the Coastal zone except under the following circumstances:

- (a) The lot on which the proposed dwelling is to be erected was in existence on the date that these Development Regulations came into effect,
- (b) There is no opportunity on the lot to erect the dwelling outside the Coastal zone,
- (c) The proposed dwelling and associated structures will not obstruct public access to or along the shoreline,
- (d) The lot meets all requirements outlined elsewhere in these Regulations for street frontage and access,
- (e) Necessary approvals are obtained from relevant government agencies,
- (f) If the proposed dwelling is to be located closer than 30 metres from the high water mark or from the top of a coastal cliff, the proponent will be required to have an engineering study completed to determine if the proposed site is safe for development.
- (g) The erection of the dwelling, as well as associated clearing of vegetation and landscaping, meets all terms and conditions set by Council aimed at preventing raw sewage being released directly into the harbour and mitigating other potential environmental impacts.

7. Protection of Old Cemeteries

No development in the Coastal zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

9.4 Elliston Heritage Area (EHA) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Single dwelling Subsidiary apartment (See Condition 5) Accessory building (See Regulation 5.2) Arts and crafts studio Bed and breakfast (See Regulation 5.5) Childcare (See Regulation 5.8) Conservation Home office Medical clinic Office Open space Personal crop use (See Condition 7) Personal service Visitor rental dwelling (See Regulation 5.5)	Double dwelling Mini-home Row dwelling Campground (See Regulation 5.6) Catering Cemetery Club and lodge Commercial accommodation Cultural and civic Drinking establishment Emergency service Energy generation facility (See Regulation 5.9) Entertainment General assembly General garage (See Regulation 5.17) General service Home occupation (See Regulation 5.11) Indoor assembly Indoor market Kennel (See Condition 8) Light industry Outdoor assembly Outdoor market Place of worship Recreational open space Service station (See Regulation 5.15) Shop Take-out food service Tourist cottage establishment (See Regulation 5.6) Transportation

DEVELOPMENT STANDARDS				
STANDARD	Single Dwelling	Double Dwelling (per unit)	Row Dwelling	
			End Unit	Interior Unit
Fully Serviced Areas (municipal water and municipal sewer)				
Minimum lot area	450 m ²	270 m ²	270 m ²	200 m ²
Minimum lot width (frontage)	14.0 m	9.0 m	9.0 m	6.0 m
Semi Serviced Areas (one of municipal water or municipal sewer)				
Minimum lot area	1500 m ²	Not Permitted	Not Permitted	
Minimum lot width (frontage)	23.0 m			
Unserviced Areas (no municipal water and no municipal sewer)				
Minimum lot area	2600 m ²	Not Permitted	Not Permitted	
Minimum lot width (frontage)	30.0 m			
All Areas				
Minimum floor area (excl. basement)	65.0 m ²	65.0 m ²	65.0 m ²	
Minimum frontyard	7.5 m	7.5 m	7.5 m	
Minimum sideyard (each side)	2.5 m + 1.0m	2.0 m	2.5 m	
Min. sideyard flanking street	6.0 m	6.0 m	6.0 m	
Minimum rearyard	8.0 m	8.0 m	8.0 m	
Minimum distance from another building	3.0 m	3.0 m	3.0 m	
Minimum lot coverage – all buildings	35%	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 and 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, amenities, and heritage values of the area.

2. Heritage Protection

- (1) No existing building, structure, or root cellar in the EHA zone will be demolished or altered in exterior appearance except as approved by Council.
- (2) No new building, building extension, structure, or site development will be permitted that, in Council's opinion, would detract from or undermine the heritage values of the surrounding area.
- (3) Except for minor activities and interior changes, Council will refer all development and demolition applications in the EHA zone to the Heritage Advisory Committee for recommendations before giving approval. The Committee must respond within seven (7) calendar days if it wishes its recommendations to be considered.
- (4) In considering a development or demolition application in the zone, Council will be guided by the *Elliston Heritage Regulations* and the recommendations of the Heritage Advisory Committee.

3. Mixing of Residential and Non-Residential Land Uses

(1) Non-Residential Development in Residential Areas

A proposed non-residential development in the EHA zone may be subject to conditions set by Council to ensure it is compatible with neighbouring residential uses.

(2) Residential Development in Non-Residential Areas

A proposed residential development in the EHA may be subject to conditions set by Council to ensure it is compatible with neighbouring non-residential uses.

4. Standards for Non-Residential Uses

Where a non-residential development is permitted in the EHA zone:

- (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 meet such other conditions that are deemed necessary by Council.
- (d) No change in the type, scale, or exterior appearance of the use will be permitted except in accordance with a development permit and conditions set by Council.

5. 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 or row dwelling.

- (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.

6. 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.

7. Personal Crop Uses

Personal crop uses may include home gardens, small-scale commercial farming that is accessory to a residential use, and community gardens.

8. Kennels

A kennel, if permitted at Council's discretion, will be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

9. Protection of Old Cemeteries

No development in the Elliston Heritage Area zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

(a)

9.5 Maberly Heritage Area (MHA) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 8.5 and 3.21)
Single dwelling Subsidiary apartment (See Condition 3) Accessory building (Regulation 5.2) Arts and crafts studio Bed and breakfast (See Regulation 5.5) Conservation Home office Open space Personal crop use (See Condition 4) Visitor rental dwelling (See Regulation 5.5)	Catering Energy generation facility (See Regulation 5.8) Home occupation (See Regulation 5.10) Kennel (See Condition 5) Recreational open space Take-out food service Tourist cottage establishment (See Regulation 5.6) 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 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 it will not detract from the general quality, amenities, and heritage values of the area.

2. Heritage Protection

- (1) No existing building, structure, or root cellar in the MHA zone will be demolished or altered in exterior appearance except as approved by Council.
- (2) No new building, building extension, structure, or site development will be permitted that, in Council's opinion, would detract from or undermine the heritage values of the surrounding area.
- (3) Except for minor activities and interior changes, Council will refer all development and demolition applications in the zone to the Heritage Advisory Committee for recommendations before giving approval. The Committee must respond within seven (7) calendar days if it wishes its recommendations to be considered.
- (4) In considering a development or demolition application in the zone, Council will be guided by the *Elliston Heritage Regulations* and the recommendations of the Heritage Advisory Committee.

3. Subsidiary Apartments

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

4. Personal Crop Uses

Personal crop uses may include home gardens, small-scale commercial farming that is accessory to a residential use, and community gardens.

5. Kennels

A kennel, if permitted at Council's discretion, will be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

6. Protection of Old Cemeteries

No development in the Maberly Heritage Area zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

9.6 Residential (RES) Zone

PERMITTED USE CLASSES (See Regulation 8.4)		DISCRETIONARY USE CLASSES (See Regulations 8.5 and 3.21)		
Single dwelling Subsidiary apartment (See Condition 5) Accessory building (See Regulation 5.2) Bed and breakfast (See Regulation 5.5) Childcare (See Regulation 5.7) Conservation Home office Open space Personal crop use (See Condition 6) Visitor rental dwelling (See Regulation 5.5)		Double dwelling Mini-home Row dwelling Arts and crafts studio Emergency service Energy generation facility (See Regulation 5.8) Home occupation (See Regulation 5.10) Kennel (See Condition 7) Recreational open space Tourist cottage establishment (See Regulation 5.6) Transportation		
DEVELOPMENT STANDARDS				
STANDARD	Single Dwelling	Double Dwelling (per unit)	Row Dwelling	
			End Unit	Interior Unit
Fully Serviced Areas (municipal water and municipal sewer)				
Minimum lot area	450 m ²	270 m ²	270 m ²	200 m ²
Minimum lot width (frontage)	14.0 m	10.0 m	10.0 m	6.0 m
Semi Serviced Areas (one of municipal water or municipal sewer)				
Minimum lot area	1500 m ²	Not Permitted	Not Permitted	
Minimum lot width (frontage)	23.0 m			
Unserviced Areas (no municipal water and no municipal sewer)				
Minimum lot area	2600 m ²	Not Permitted	Not Permitted	
Minimum lot width (frontage)	30.0 m			
All Areas				
Minimum floor area (excl. basement)	65.0 m ²	65.0 m ²	65.0 m ²	
Minimum frontyard	7.5 m	7.5 m	7.5 m	
Minimum sideyard (each side)	2.5 m + 1.0m	2.5 m	2.5 m	
Min. sideyard flanking street	6.0 m	6.0 m	6.0 m	
Minimum rearyard	8.0 m	8.0 m	8.0 m	
Minimum distance from another building	3.0 m	3.0 m	3.0 m	
Minimum lot coverage – all buildings	35%	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 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 it will not detract from the residential quality and amenities of the area.

2. **Heritage and Viewshed Protection**

- (1) No designated heritage building or structure, or any root cellar, in the Residential zone will be demolished or altered in exterior appearance except as approved by Council.
- (2) No new building, building extension, structure, or site development will be developed in a way that, in Council's opinion, would significantly impact a designated heritage property or scenic viewshed.
- (3) Except for minor activities and interior changes, Council will refer any development or demolition application within ninety (90) metres of a designated heritage property to the Heritage Advisory Committee for advice and recommendations before granting approval.
- (4) In considering a development application within ninety (90) metres of a designated heritage property, Council will take guidance from the *Elliston Heritage Regulations* and the recommendations of the Heritage Advisory Committee.
- (5) Approval of a proposed development or demolition may be subject to terms and conditions to prevent or mitigate negative impacts on heritage values or scenic viewsheds.

3. **Developments that Require Municipal Water and Sewer Services**

Childcare, double dwellings, and row dwellings will not be permitted in any area where municipal water and sewer services are not available.

4. **Onsite Services**

An application for a single dwelling or mini-home in an area without municipal water will be approved only if it has on the same lot a private well and a private sewage septic system that are adequate to service the needs of the development.

5. Subsidiary Apartments

- (1) One subsidiary apartment only may be permitted in a single dwelling. Subsidiary apartments will not be permitted in double dwellings, row houses, or accessory buildings.
- (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.

6. Personal Crop Uses

Personal crop uses may include home gardens, small-scale commercial farming that is accessory to a residential use, and community gardens.

7. Kennels

A kennel, if permitted at Council's discretion, will be subject to such terms and conditions deemed necessary to restrict the number of dogs, cats, or other animals on the premises and to minimize potential noise, odour, and other impacts on neighbouring land uses.

8. Protection of Old Cemeteries

No development in the Residential zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

9.7 Residential Seasonal (RS) Zone

ZONE TITLE: RESIDENTIAL SEASONAL (RS)	
PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 8.5 and 3.21)
Recreational dwelling Accessory building (See Condition 3) Conservation Personal crop use (See Condition 4) Open space	Energy generation facility (See Regulation 5.9)
DEVELOPMENT STANDARDS	
	Recreational Dwelling
Minimum lot area	3000 m ²
Minimum lot width	40 m
Minimum frontyard setback	4 m
Minimum sideyard setback	2.5 m
Minimum rearyard setback	4 m
Minimum distance between buildings	3 m

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 and not contrary to the general intent of the Municipal Plan and Development Regulations.

2. Onsite Services

A proposed development will be approved only if it has received the necessary Provincial approvals for an on-site well and sewage treatment system. The use of one private well or one private sewage treatment system to service two or more dwellings located on separate lots will not be permitted.

3. Accessory Buildings

An accessory building on a seasonal residential lot will be subject to the following standards and conditions:

- (a) The use of an accessory building shall be clearly incidental to the main dwelling.
- (b) No accessory building will exceed 50 square metres.
- (c) No accessory building will exceed 4.0 metres in height from natural ground level to the peak of the roof.

(d) No accessory building will be closer than 5.0 metres from the front lot line.

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

4. Personal Crop Uses

Personal crop uses may include hobby and small-scale commercial farming that is accessory to a residential use as well as a community garden

5. Energy Generation Facilities

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

6. Exemption from Street Frontage Requirement

Lots in this zone are exempted from **Regulation 4.13** of Part II of these Regulations, which does not permit a building to be erected on a lot that does not front onto a public street.

9.8 Tourism Resource (TR) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Conservation Open space	Arts and craft studio Campground (See Regulation 5.6) Catering Energy generation facility (See Regulation 5.8) Indoor assembly Outdoor assembly Outdoor market Recreational open space Shop Subsidiary apartment (See Condition 4) Take-out food service Tourist cottage establishment (See Regulation 5.6) Transportation

CONDITIONS

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 and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Development Standards

An approved development in the TR zone will be subject to the following:

- (a) It will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (b) It will meet all development standards conditions deemed necessary by Council.
- (c) 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.

3. Heritage Protection

- (1) No designated heritage building, structure, or root cellar in the Tourism Resource zone will be demolished or altered in exterior appearance except as approved by Council.

- (2) No new building, building extension, structure, or site development located within ninety (90) metres of a designated heritage property will be developed in a way that, in Council's opinion, would detract from or undermine the heritage values of the area.
- (3) Except for minor activities and interior changes, all development and demolition applications within ninety (90) metres of a designated heritage property will be referred to the Heritage Advisory Committee for its recommendations. The Committee must respond within seven (7) calendar days if it wishes its recommendations to be considered.
- (3) In considering a development or demolition application within ninety (90) metres of a designated heritage property, Council will be guided by the *Elliston Heritage Regulations* and the recommendations of the Heritage Advisory Committee.

4. Subsidiary Apartments

- (1) One subsidiary apartment may be permitted in a commercial building.
- (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.

5. Protection of Old Cemeteries

No development in the Tourism Resource zone will be permitted to encroach closer than 8.0 metres from an existing gravesite or individual grave.

9.9 Open Space (OS) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Conservation Open space	Catering (See Condition 4) Cemetery (See Condition 3) Outdoor assembly Outdoor market (See Condition 5) Personal crop uses Recreational open space Take-out food service (See Condition 4) 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 and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Development Standards

All development must meet the development standards prescribed by Council.

3. Cemetery

(1) A cemetery, if permitted at Council's discretion, will be subject to such terms and conditions, as Council deems appropriate.

(2) 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.

4. Catering and Take-out Food Services

Catering and take-out food services may be permitted only as accessory uses to a main use such as an assembly use.

5. Outdoor Markets

Outdoor markets may be permitted only on a temporary basis, for example, during community events.

9.10 Rural (RU) Zone

PERMITTED USE CLASSES (See Regulation 8.4)	DISCRETIONARY USE CLASSES (See Regulations 3.21 and 8.5)
Conservation Crop agriculture Energy generation facility (See Regulation 5.8) Forestry Open space Transportation	Campground (See Regulation 5.6) Cemetery (See Condition 7) Communications General industrial (See Condition 3) Light industrial (See Condition 3) Livestock agriculture (See Regulation 5.4) Mineral exploration (See Regulation 5.11) Mineral working (See Regulation 5.12) Mining Outdoor market (See Condition 6) Petroleum exploration (See Regulation 5.11) Petroleum extraction Recreational open space Salvage yard (See Regulation 5.16) Shop (See Condition 6) Single dwelling (See Condition 2) Target shooting range

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 and is not contrary to the general intent of the Municipal Plan and Development Regulations.

Approval of a discretionary use will be subject to terms and conditions to ensure it will be reasonably compatible with surrounding land uses and will not detract from the general quality and amenities of the area.

2. Single Dwelling

At its discretion, Council may permit a single dwelling that is accessory to a commercial agricultural use, subject to the following:

- (a) It is demonstrated to Council's satisfaction that the agriculture use is a bona fide commercial operation from which the owner derives a major portion of his or her income, and
- (b) It is demonstrated to Council's satisfaction that full-time habitation on the site is necessary for the feasible operation of the agricultural use.

- (c) The dwelling will be subject to such other terms and conditions as deemed appropriate by Council.

3. General and Light Industrial Uses

At its discretion, Council may permit a general or light industrial use that is clearly accessory to an agricultural, forestry, or mineral working use, or that meets the following criteria:

- (a) The use is unsuitable for a built-up area by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, or glare.
- (b) The use requires large outdoor areas for open storage and handling of materials, goods, and equipment.
- (c) The use is capable of being serviced by on-site water and sewage services.
- (d) The use can be screened from public streets and lands designated for urban uses.
- (e) The use generates low volumes of traffic.
- (f) The use will have no deleterious effects on the environment.
- (g) The use does not include warehousing, wholesale, or retail activities.
- (h) The use will be subject to such other terms and conditions as deemed appropriate by Council.

4. Hazardous and Noxious Uses

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

6. Outdoor Markets and Shops

At its discretion, Council may permit an outdoor market or shop as an accessory use to a bonafide farm, campground, or recreational open space use, provided that Council deems that the proposed use will be integral and complementary to the main use.

7. Cemetery

- (1) A cemetery, if permitted at Council's discretion, will be subject to such terms and conditions, as Council deems appropriate.
- (2) 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.

8. Exemption from Street Frontage Requirement

At Council's discretion, approved buildings in this zone may be exempted from **Regulation 4.13** of these Regulations only if the proposed use conforms with all conditions outlined in these Regulations as well as any other conditions that may be set by Council.

APPENDICES

APPENDIX A
LAND USE ZONING MAPS
(SEE MAP INSERTS)

APPENDIX B
CLASSIFICATION OF USES OF LAND AND BUILDINGS

APPENDIX 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.

GROUP	CLASS	EXAMPLES
RESIDENTIAL USES	Single Dwelling	Single detached dwellings
	Double Dwelling	Semi-detached dwellings, duplex dwellings
	Row Dwelling	Townhouses, row houses
	Apartment Building	Apartment buildings
	Mini-home	Mini-homes
	Collective Residential	Educational residences, nurse and hospital residences, worker accommodations
	Subsidiary Apartment	Basement apartments, in-law suites
	Boarding House	Boarding houses
	Bed and Breakfast	Bed and breakfast
	Visitor Rental Dwelling	Visitor rental dwelling
	Residential Care	Seniors housing, personal care homes, nursing homes, group homes
	Recreational Dwelling	Cabins, cottages
	Home Office	Home offices
	Home Occupation	Home occupations
Accessory Building	Sheds, garages, greenhouses, root cellars, personal livestock shelters, portable shelters	

GROUP	CLASS	EXAMPLES
COMMERCIAL USES	Campground	Campgrounds, trailer parks, RV parks
	Catering	Restaurants, coffee shops, bake shops
	Commercial Accommodation	Hotels, motels, inns.
	Convenience Store	Convenience stores
	Drinking Establishment	Bars, pubs, nightclubs, lounges
	Entertainment	Games arcades, poolrooms, bowling alleys, youth centres, movie theatres, theatres
	Funeral Home	Funeral homes and chapels
	Garden Centre	Greenhouses, nurseries
	General Garage	Repairs and services for vehicles and equipment
	General Service	Car washes, laundromats, tools and appliances.
	Indoor Market	Farmer markets, exhibition halls, flea markets
	Kennel	Kennels
	Medical clinic	Clinics, medical offices, dental offices
	Office	Professional offices, law offices, business offices, banks, government offices
	Outdoor Market	Fish markets, market grounds, flea markets, produce stands, outdoor farmer markets
	Personal Service	Beauty parlours, pet grooming, gyms, computer services, hobby shops, photo studios, taxi stands.
	Recycling Facility	Bottle recycling centres, metal recyclers
	Service Station	Gas stations, general garages, tire sales and repairs, auto parts sales, car washes.
	Shop	Retail shops, showrooms, supermarkets, convenience stores, gift shops, specialty shops
	Shopping Centre	Shopping centres
Take-out Food Service	Take-out restaurant, food stand, mobile canteen	
Tourist Cottage Establishment	Tourist cottages establishments	
Vehicle Sales and Services	Automobile dealerships, recreational vehicle dealerships, heavy equipment dealerships	
Veterinary	Veterinary clinics	

GROUP	CLASS	EXAMPLES
INSTITUTIONAL AND PUBLIC USES	Cemetery	Cemeteries
	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
	Emergency Service	Police stations, fire stations, ambulance service
	General Assembly	Community halls, lodge halls, dance halls, exhibition halls, gymnasia, auditoria
	Indoor Assembly	Recreation centres, arenas, ice rinks, indoor swimming pools, armouries, fitness clubs, bowling alleys
	Medical Treatment	Hospitals, medical care centres, medical clinics
	Outdoor Assembly	Bleachers, grandstands, outdoor ice rinks, outdoor swimming pools, amusement parks, fairgrounds, exhibition grounds, drive-in theatres
	Passenger Assembly	Airport terminals, bus stations
	Penal and Correctional Detention	Jails, prisons, reformatories, group homes
	Place of Worship	Churches and similar places of worship, church halls
Residential Care	Seniors housing, personal care homes, nursing homes, group homes	

GROUP	CLASS	EXAMPLES
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
	Target Shooting Range	Target shooting ranges

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

GROUP	CLASS	EXAMPLES
INDUSTRIAL USES	Fisheries Facility	Wharves, stages, slipways, fishplants, aquaculture facilities, ice-making facilities
	General Industry	Factories, cold storage plants, bulk storage facility, freight depots, planing mills, construction yards
	Hazardous Industry	Bulk storage of hazardous liquids and substances, chemical plants, distilleries feed mills, spray painting shops
	Light Industry	Workshops, light industry, indoor storage centres, warehouses, greenhouses, recycling depots, workshops, general garages
	Marine Facility	Wharves, loading docks, shipyards, slipways, refuelling services, marine repair services
	Salvage Yard	Car wrecking yards, junk yards, salvage yards, scrap dealers

GROUP	CLASS	EXAMPLES
TRANSPORTATION AND UTILITY USES	Transportation	Roads, bridges, marine structures, air fields
	Marina	Marinas, docks, moorings, slips, boat refuelling and repair services
	Communications	Communications towers, telephone exchanges, transmitting and receiving masts and antenna
	Dock	Recreational docks, slipways, and stages
	Energy Generation Facility	Wind generators, solar generators, small hydro generators, heating plants
	Electrical Utility	Hydro plants, electrical transmission lines, electrical power substations
	Water Utility	Water intakes, treatment facilities, pipelines
	Wastewater Utility	Sewage treatment plants, sewer outfalls, pipelines
	Solid Waste Utility	Landfill sites, recycling facilities

APPENDIX C
OFFSTREET LOADING AND PARKING REQUIREMENTS

APPENDIX C - 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 the purposes of this Regulation,

Parking Area means a designated area of land on a lot for off-street parking.

Parking Space means a designated space in a parking area or driveway adequate to park one automobile with room to open doors on both sides, together with related manoeuvring room and access to a public street.

- (2) 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.
- (3) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in **Appendix C**, except as otherwise modified by **PART 9** of these Regulations.
- (4) 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.
- (5) 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.
- (6) Non-residential parking spaces shall be provided not more than 200 metres distance from the use for which the parking is required.

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

Parking space width	2.5 metres
Parking space length or depth	7.5 metres
Aisle width separating opposite parking spaces	7.0 metres
Aisle width separating a space from another obstruction	7.0 metres

Where Council permits parking parallel to the curb, the minimum length of the space 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.

- (9) 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 **Appendix B** will be as set out in the following table, except as otherwise set out in **PART 9**. In the case of developments that include more than one use class, these standards shall be regarded as cumulative.
- (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.

OFF-STREET PARKING SPACE REQUIREMENTS		
CLASS	MINIMUM SPACES	MAXIMUM SPACES
Theatre	1.0 per 6 seats.	N/A
Cultural and Civic	1.0 per 60 m ² of gross floor areas.	N/A
General Assembly	1.0 per 15 m ² of gross floor area.	N/A
Educational	Schools – 2.0 per classroom. Other educational – 1.0 per 5 students, faculty and staff.	N/A
Place of Worship	1.0 per 6 seats.	N/A
Passenger Assembly	As specified by Council.	N/A
Club and Lodge	1.0 per 3 persons of permitted occupancy	N/A
Catering	1.0 per 3 persons of permitted occupancy	N/A
Funeral Home	1.0 per 12 m ² of gross floor area.	N/A
Child Care	1.0 per 30 m ² of gross floor area	N/A
Amusement	1.0 per 15 m ² of gross floor area.	N/A
Outdoor Assembly	As specified by Council.	N/A
Campground	As specified by Council.	N/A
Hospital	1.0 per 22 m ² of suite or ward area	N/A
Single Dwelling	2.0 per dwelling unit	4.0 per dwelling unit
Double Dwelling	2.0 per dwelling unit	3.0 per dwelling unit
Row Dwelling	2.0 per dwelling unit	3.0 per dwelling unit
Apartment Building	1.5 per dwelling unit	2.5 per dwelling unit
Residential care	1.0 per 2 residents	As specified by Council.
Bed and Breakfast	As required for the dwelling plus 1.0 per guest room	As required for dwelling plus 1.5 per guest room
Boarding House	As required for the dwelling plus 0.8 per guest room	As required for dwelling plus 1.5 per guest room
Commercial Accommodation	1.0 per guest room.	2.0 per guest room
Mini-Home	2.0 per dwelling unit	3.0 per dwelling unit
Office	1.0 per 25 m ² of gross floor area.	N/A
Medical and Professional	1.0 per 25 m ² of gross floor area.	N/A
Outdoor Market	As specified by Council.	N/A
Convenience Store	1.0 per 20 m ² of gross floor area.	N/A
General and hazardous industry	As specified by Council, but not less than 1.0 per 100 m ² of gross floor area.	N/A
Service Station	1.0 per 20 m ² of gross floor area.	N/A
Light Industry	As specified by Council but not less than 1.0 per 50 m ² of gross floor area.	N/A

APPENDIX D
ELLISTON HERITAGE REGULATIONS

APPENDIX D – ELLISTON HERITAGE REGULATIONS

1.0 Introduction

The Elliston Heritage Regulations apply to Heritage Areas identified in the Elliston Municipal Plan and Development Regulations as well as to designated heritage properties and root cellars located outside a Heritage Area. The purpose of the Regulations is to conserve and protect sites, buildings, and structures that showcase Elliston's history and to ensure that new development will complement and not detract from the Town's built heritage and scenic viewsheds.

Council will consider these Heritage Regulations when reviewing development or demolition applications for properties within a Heritage Area, in proximity to a designated heritage property, or containing a root cellar.

2.0 Procedures

2.1 These regulations apply to:

- (a) All land designated as Heritage Area in the Elliston Municipal Plan,
- (b) All land located within 90 metres of a designated heritage property listed in the Schedule to these regulations,
- (c) All properties containing a root cellar, and
- (d) Any viewshed deemed by Council to have scenic or historic importance.

2.2 With respect to lands referred to in paragraph 2.1, no person shall:

- (a) Demolish or remove a building or root cellar,
- (b) Alter the exterior appearance of a building or root cellar,
- (c) Erect any new building or structure,
- (d) Erect a fence or sign, or
- (e) Develop a parking area.

except with approval from the Elliston Town Council.

2.2 With respect to lands referred to in paragraph 2.1, Council will refer all development and demolition applications to the Elliston Heritage Advisory Committee for review and recommendations before granting approval. This will include any application to:

- (a) Demolish or remove a heritage building or root cellar,
- (b) Alter the exterior appearance of any building or root cellar,
- (c) Construct a new building,
- (d) Erect a fence or sign, or
- (e) Develop a parking area.

The Heritage Advisory Committee must respond to each referral within seven (7) calendar days if it wishes its recommendations to be considered.

- 2.3 With respect to lands referred to in paragraph 2.1, the design standards outlined in the following section will provide guidance to Council and the Heritage Advisory Committee when reviewing development and demolition applications.
- 2.4 With respect to lands referred to in paragraph 2.1, all development and demolition applications shall be reviewed by Council to determine how heritage values may be affected. This review shall take into account the recommendations of the Heritage Advisory Committee and shall assess:
- (a) The amenity of the surroundings,
 - (b) Potential impacts on heritage values,
 - (c) Potential impacts on scenic and historic viewsheds, and
 - (d) Other considerations that Council deems to be material.
- 2.5 As a result of its consideration of matters referred to in paragraph 2.4, Council may:
- (a) Approve the application as submitted,
 - (b) Approve the application subject to terms and conditions,
 - (c) Defer the application pending additional information or requested modifications, or
 - (d) Refuse the application.

3.0 Design Standards

3.1 General

- 3.1.1 The distinguishing qualities of existing heritage sites, buildings, and root cellars will be maintained.
- 3.1.2 Historic materials, distinctive agricultural features, and examples of skilled craftsmanship will not be removed from designated heritage sites, buildings, and root cellars except with the approval of Council.
- 3.1.3 Designated heritage buildings will not be demolished or undergo exterior alteration except with the approval of Council.
- 3.1.4 Root cellars will not be demolished or altered except with the approval of Council.
- 3.1.5 Original architectural features that have deteriorated shall be restored rather than replaced. In the event replacement is unavoidable, new materials will match the materials being replaced in composition, design, texture and other visual qualities. Restoration or replacement of missing original architectural features will be based on accurate replication of features, substantiated by historical, physical or conjectural designs or by adapting architectural elements from other similar buildings or structures.
- 3.1.6 Contemporary design of an alteration or addition to a heritage building may be acceptable so long as the change does not destroy or undermine the historic or architectural appearance of the property and is compatible with the surrounding heritage environment.

3.1.7 New buildings, whether of contemporary or traditional design, will be visibly compatible with the size, scale, colour, materials, texture and character of nearby buildings and structures and the general heritage environment of the area.

3.1.8 No new buildings or structures of any kind will be erected along the coastline from Sandy Cove to Maberly.

3.2 Alteration of Existing Buildings

3.2.1 The height of any building alteration will complement the existing style and character of the building as well as nearby buildings.

3.2.2 The number, size, shape, orientation and style of windows will approximate the appearance of the building at the time of its original construction.

3.2.3 The direction, slope, architectural style, finish materials, and arrangement of roof alterations will approximate the appearance of the building at the time of its original construction.

3.2.4 Exterior siding, finish and materials will approximate the original appearance of the building and complement the historic character of nearby buildings and the area in general.

3.3 New Residential and Other Main Buildings

3.3.1 The height of a new residential and other main building will complement the style and character of nearby buildings and will not exceed 2½ storeys exclusive of the basement.

3.3.2 The height of exposed foundations will be similar to nearby buildings of similar architectural style.

3.3.3 The number, size, location and spacing of windows and exterior doors will be compatible with nearby buildings.

3.3.4 The direction, slope, architectural style, finish materials, and arrangement of the roofs will be compatible with nearby buildings.

3.3.5 Exterior siding will be visually compatible in architectural detail, finish materials, and colour with nearby buildings.

3.4 New Accessory Buildings

3.4.1 Accessory buildings such as sheds, garages, and greenhouses may be permitted as long as they complement the main building in design, scale, exterior appearance, building materials, cladding, roofline, and colour.

3.4.2 Accessory buildings will generally be located in the rear or side yard of the main building. Front yard exceptions may be considered where such placement is considered desirable by topography or preservation of viewsheds.

3.5 Fences and Rock Walls

3.5.1 Fences will be constructed in the traditional style of vertical wood pickets. Fencing materials other than vertical wood pickets may be permitted only on rear and side boundary lines and where the fence will not be publicly visible.

3.5.2 Rock walls will not be removed or replaced with incompatible materials. New rock walls will be constructed with traditional materials and architectural detail.

3.6 Signs

3.6.1 Signs will be of a scale, design and materials that complement the building to which it relates and the surrounding heritage environment.

SCHEDULE – DESIGNATED HERITAGE PROPERTIES

- James Ryan Shop Registered Heritage Structure - 016-022 Main Street
- St. Mary's Anglican Church Registered Heritage Structure - 063-069 Main Street
- Elliston Salvation Army Citadel Registered Heritage Structure - Coles Road
- Robert Tilley House Registered Heritage Structure - 011-015 Pier Road
- Elliston United Church Municipal Heritage Site - 066 Main Street
- Band of Hope Loyal Orange Lodge #1402 Municipal Heritage Site - Main Street
- Dan Goodland Downstairs Root Cellar Municipal Heritage Site - Cow Calf Hill, Main Road, Maberly
- Jim Goodland Upstairs Root Cellar Municipal Heritage Site - Cow Calf Hill, Main Road, Maberly
- George Pearce Root Cellar Municipal Heritage Site - Circular Road, Maberly
- Tom Porter Root Cellar Municipal Heritage Site - Old Shore Road, Porter's Point

APPENDIX E
PROVINCIAL DEVELOPMENT REGULATIONS

APPENDIX E – PROVINCIAL DEVELOPMENT REGULATIONS

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

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;
 - (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;

(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;

(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 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.