Stanley Bridge • Hope River • Bayview • Cavendish • North Rustico

Prince Edward Island's Resort Municipality

So many stories to tell.

ZONING & SUBDIVISION CONTROL (DEVELOPMENT) BYLAW

2017

TABLE OF CONTENTS

SECTION #1 - SCOPE 10

1.1 TITLE 10

1.2 AREA DEFINED 10

1.3 SCOPE 10

1.4 AUTHORITY OF DEVELOPMENT OFFICER 10

SECTION #2 - DEFINITIONS 12

SECTION #3 - DEVELOPMENT ZONES 25

3.1 DEVELOPMENT ZONES 25

3.2 INTERPRETATION OF ZONE BOUNDARIES 25

3.3 OFFICIAL ZONING MAP 25

3.4 SITE PLANNING STANDARDS 25

3.5 DESIGN AND CONSTRUCTION STANDARDS FOR CAMPGROUND AND RECREATIONAL VEHICLE FACILITIES 26

3.6 ARCHITECTURAL DESIGN STANDARDS 26

3.7 CERTAIN WORDS 26

3.8 UNITS OF MEASURE 26

SECTION #4 - GENERAL REQUIREMENTS FOR ALL ZONES 27

4.1 DEVELOPMENT APPROVAL 27

4.2 PERMIT APPLICATION / FEES 28

4.3 PAYMENT OF FEES 28

4.4 DEVELOPMENT PERMIT EXPIRY 28

4.5 SITE PLAN 28

4.6 CONDITIONS ON PERMITS 29

4.7 ENVIRONMENTAL IMPACT STATEMENTS 29

4.8 ON-SITE SEWAGE DISPOSAL 29

4.9 DEVELOPMENT AGREEMENT 29

4.10 EXISTING NON-CONFORMING LOTS 29

4.11 REDUCED LOT FRONTAGE 30

4.12 EXISTING NON-CONFORMING BUILDINGS 30

4.13 OTHER INFORMATION 30

4.14 ACCESS 31

4.15 ENTRANCEWAY PERMIT 31

4.16 SIGHT DISTANCE 31

4.17 DEVELOPMENT RESTRICTIONS 31

4.18 MAIN BUILDING 32

4.19 MIXED USE 32

4.20 YARDS 32

4.21 CONSTRUCTION PLANS 32

4.22 CONSTRUCTION SITES 32

4.23 OTHER REQUIREMENTS 32

4.24 AUTHORIZATION FOR INSPECTION 32

4.25 TRANSIENT OR TEMPORARY USES 33

4.26 ACCESSORY BUILDINGS 34

4.27 SATELLITE DISHES 34

4.28 SPECIAL REQUIREMENTS FOR DETACHED PRIVATE GARAGES 35

4.29 IN-LAW SUITES 35

4.30 PERMITS POSTED 35

4.31 MOVING OF BUILDINGS 35

4.32 HEIGHT REGULATIONS 36

4.33 VISIBILITY AT STREET INTERSECTIONS 36

4.34 OUTDOOR AREA LIGHTING 36

4.35 PERMITTED USES IN ALL ZONES 36

4.36 CONSTRUCT IN ACCORDANCE WITH APPLICATION 36

4.37 OUTDOOR SWIMMING POOLS 36

4.38 SURVEYS REQUIRED 37

4.39 SUBDIVIDING OF ATTACHED DWELLINGS 37

4.40 GRADE OF SITE 38

4.41 LANDSCAPING 38

4.42 WATERCOURSES AND WETLANDS 38

4.43 PETROLEUM STORAGE 38

4.44 NON-CONFORMING USES 39

4.45 DOMESTIC AND HOUSEHOLD ARTS IN RESIDENTIAL ZONES 39

4.46 BUSINESS USES IN RESIDENTIAL ZONES 39

4.47 SPECIAL REQUIREMENTS FOR SEMI-DETACHED, ROW OR TOWNHOUSE DWELLINGS 40

4.48 MAXIMUM LOT COVERAGE 40

4.49 RECREATIONAL TRAILERS AND VEHICLES 40

4.50 MOBILE HOMES 40

4.51 BED AND BREAKFAST ESTABLISHMENTS IN RESIDENTIAL ZONES 41

4.52 SITE PLANNING STANDARDS 41

4.53 ARCHITECTURAL DESIGN STANDARDS 41

4.54 CONSTRUCTION ON SINGLE LOT 41

SECTION #5 - PARKING REQUIREMENTS 42

5.1 PREAMBLE 42

5.2 PARKING REQUIREMENTS 42
5.3 OTHER REQUIREMENTS 43
5.4 LOADING ZONES 44
SECTION #6 - RESIDENTIAL ZONE (R1) 45
6.1 GENERAL 45
6.2 PERMITTED USES 45
6.3 SPECIAL PERMIT USES 45
6.4 LOT REQUIREMENTS 46
SECTION #7 - RESORT ACCOMMODATIONS ZONE (RD2) 47
7.1 GENERAL 47
7.2 PERMITTED USES 47
7.3 SPECIAL PERMIT USES 47
7.4 LOT REQUIREMENTS 48
7.5 OUTDOOR RECREATION SPACE 49
7.6 COMPREHENSIVE SITE PLAN 49
7.7 SERVICING 49
SECTION #8 - RESORT CAMPGROUND ZONE (RD3) 50
8.1 GENERAL 50
8.2 PERMITTED USES 50
8.3 LOT REQUIREMENTS 50
8.4 OUTDOOR RECREATION SPACE 51
8.5 COMPREHENSIVE SITE PLANS 51
8.6 SERVICING 51
SECTION #9 - RESORT COMMERCIAL ZONE (RD4) 52
9.1 GENERAL 52

9.2 PERMITTED USES 52
9.3 SPECIAL PERMIT USES 52
9.4 LOT REQUIREMENTS 53
9.5 LANDSCAPED AREAS 54
9.6 COMPREHENSIVE SITE PLANS 54
9.7 DWELLINGS IN A COMMERCIAL BUILDING 54
9.8 AUTOMOBILE SERVICE STATION 55
9.9 SERVICING 55
SECTION #10 - GENERAL COMMERCIAL ZONE (C1) 56
10.1 GENERAL 56
10.2 PERMITTED USES 56
10.3 SPECIAL PERMIT USES 56
10.4 LOT REQUIREMENTS 57
10.5 LANDSCAPED AREAS 58
10.6 COMPREHENSIVE SITE PLANS 58
10.7 DWELLINGS IN A COMMERCIAL BUILDING 58
10.8 SERVICING 58
SECTION #11 - PUBLIC SERVICE & INSTITUTIONAL ZONE (PSI) 60
11.1 GENERAL 60
11.2 PERMITTED USES 60
11.3 LOT REQUIREMENTS 60
SECTION #12 - PARKS AND OPEN SPACE ZONE (01) 62
12.1 GENERAL 62
12.2 PERMITTED USES 62
12.3 LOT REQUIREMENTS 62

12.4 SERVICING 63

SECTION #13 - RURAL ZONE (RR) 64

13.1 GENERAL 64

13.2 PURPOSE 64

13.3 PERMITTED USES 64

13.4 SPECIAL PERMIT USES 64

13.5 SUPPORTING INFORMATION 65

13.6 LOT REQUIREMENTS 66

13.7 COMPREHENSIVE SITE PLAN 66

13.8 SERVICING 66

SECTION #14 - NATIONAL PARK ZONE (NP) 68

14.1 GENERAL 68

SECTION #15 - MINOR VARIANCE 69

15.1 VARIANCE PROVISIONS 69

SECTION #16 - ZONING AND OFFICIAL PLAN AMENDMENTS 71

16.1 AMENDMENT APPLICATIONS 71

16.2 AMENDMENT PROCEDURES 71

SECTION #17 - GENERAL PROVISIONS FOR SUBDIVIDING LAND 73

17.1 SUBDIVISION APPROVAL 73

17.2 CONVEYING INTEREST IN A LOT 73

17.3 PERMISSION TO SUBDIVIDE 73

17.4 CHANGES TO EXISTING LOTS 74

17.5 SPECIAL REQUIREMENTS - RURAL (RR) ZONE 74

17.6 PROCEDURE 75

17.7 PARKLAND DEDICATION AND/OR PARK DEDICATION FEE 76

17.8 SUBDIVISION AGREEMENT 76

17.9 FINAL APPROVAL 77

17.10 SEVERANCE/CONSOLIDATION 77

17.11 DEVELOPMENT PERMITS 78

SECTION #18 - PENALTIES 79

18.1 OFFENCES 79

18.2 PROSECUTION 79

18.3 ENFORCEMENT REMEDIES 79

SECTION #19 - REPEAL 80

19.1 EFFECTIVE DATE 80

19.2 REPEAL 80

SCHEDULE "A" 81

Minimum Lot Size Standards -Residential Lots 82

Table 1 - Minimum Lot Size Standards: Residential Lots 82

Minimum Lot Size Standards - Non-Residential Lots 85

Table 2 - Minimum Lot Size Standards: Non-Residential Lots 85

APPENDIX "A" OFFICIAL ZONING MAP 86

APPENDIX "B" SITE PLANNING STANDARDS 87

Residential Site Plans 87

Comprehensive Site Plans 87

APPENDIX "C" DESIGN AND CONSTRUCTION STANDARDS FOR CAMPGROUNDS AND RECREATIONAL VEHICLE FACILITIES 91

Site Plans 91

APPENDIX "D" ARCHITECTURAL DESIGN STANDARDS 93

General Intent 93

Construction Standards 93

Building Scale 93

Architectural Details 94

Exterior Colours and Materials 94

General Exterior Fittings 95

APPENDIX "E" Environmental Impact Statement.....96

RESORT MUNICIPALITY OF STANLEY BRIDGE,

HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO

ZONING & SUBDIVISION CONTROL (DEVELOPMENT) BYLAW
Bylaw No. 2017- 1

A Bylaw relating to the regulation of the subdivision, development and use of land.

This Bylaw is made under the authority of the ***Planning Act***, R.S.P.E.I. 1988, Cap. P-8.

BE IT ENACTED BY THE COUNCIL OF THE RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO as follows:

SECTION #1 - SCOPE

1.1 TITLE

This Bylaw shall be known and may be cited as the Resort Municipality Zoning and Subdivision Control Bylaw or the Development Bylaw.

1.2 AREA DEFINED

This Bylaw applies to the geographical area within which the Municipality's Council has jurisdiction.

1.3 SCOPE

No Dwelling, business, trade, or industry shall be located, nor shall any Building or Structure be Erected, Altered, Used or have its Use changed, nor shall any land be subdivided, consolidated or Used in the Municipality, except in conformity with this Bylaw and subject to the provisions contained herein.

1.4 AUTHORITY OF DEVELOPMENT OFFICER

Council shall appoint a Development Officer whose duties shall be as provided in this Bylaw. The Development Officer shall have the authority to administer this Bylaw. Unless otherwise provided in this Bylaw, the Development Officer shall have the authority to approve or deny Development Permits in accordance with this Bylaw for the following types of Development:

(1) Single Family Dwellings

(2) Summer Cottages and Seasonal Residences

(3) Accessory Buildings

(4) Private Garages

(5) Signs

(6) Decks and Pavilions

SECTION #2 - DEFINITIONS

In this Bylaw, words beginning with uppercase letters carry the defined meaning set forth in this section. Words that are defined in this section but do not begin with an uppercase letter when used in this Bylaw carry their ordinary meaning.

In this Bylaw:

2.1 **"Accessory Building"** - means a separate subordinate Building, not used for human habitation, which is Used or intended for the better or more convenient enjoyment of the Main Building to which it is accessory, and located upon the Parcel of Land upon which such Building is or is intended to be Erected.

2.2 **"Accessory Use"** - means a Use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main Use of land or Building and located on the same Lot.

2.3 **"Administrator"** – means the Administrator of the Municipality.

2.4 **"Agricultural Use"** - means the Use of land for an agricultural operation, as defined in the Province's *Farm Practices Act*, as amended from time to time.

2.5 **"Alter"** - means any change in the structural component or physical appearance of a Building or Structure or any increase in the volume of a Building or Structure.

2.6 **"Attached Building"** - means a Building having a minimum of twenty percent (20%) of the length of a wall or roof line in common with the Main Building.

2.7 **"Automobile Sales and Service Establishment"** - means a Building or part of a Building or a clearly defined space on a Lot Used for the sale and maintenance of used or new automobiles.

2.8 **"Automobile Service Station or Service Station"** - means a Building or part of a Building or a clearly defined space on a Lot Used for the sale of lubricating oils and gasolines and may include the sale of automobile accessories, (propane) and the servicing and repairing essential to the actual operation of motor vehicles.

2.9 **"Automobile Washing Establishment"** - means a Building or part thereof Used for the operation of automobile washing equipment which is manual, automatic or semi-automatic.

2.10 **"Bandstand"** – means a raised platform, with or without a roof or enclosed sides, intended for outdoor performances.

2.11 **"Bed and Breakfast"** - means a Dwelling occupied by a Family and Used incidentally to provide accommodation and meals to transient travelers and includes a tourist home but does not include a boarding house, rooming house, domiciliary Hostel, group home, Hotel, Motel, Restaurant or Lounge.

2.12 **"Building"** - includes any Structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel.

2.13 **"Building Height"** - means the vertical distance measured from the averaged existing Grade to the highest point of roof surface.

2.14 **"Building Line"** - means any line regulating the position of a Building or Structure on a Lot.

2.15 **"Business Office"** - means premises where goods and/or services are offered, including but not limited to premises Used for the retailing, wholesaling, manufacturing or conversion of goods.

2.16 **"Campground or RV Park"** – means an area of land, managed as a unit, providing short-term accommodation for tents, Recreational Trailers and/or Recreational Vehicles but does not include permanent Mobile Home or Mini Home parks.

2.17 **"Central Sewer"** - means a system of pipes for the disposal of sewage controlled by a municipal utility.

2.18 **"Change of Use"** – means:

(1) Altering the class of Use of a Parcel of Land from one class to another, recognizing as standard classes residential, commercial, industrial, agricultural, recreational and institutional Uses; or

(2) a material increase in the intensity of the Use of a Building or Structure, within a specific class of Use as described in subsection (1), above, including an increase in the number of Dwelling Units within a Building.

2.19 **"Child Care Facility"** – means a child care facility as defined in the Province's *Child Care Facilities Act*, as amended from time to time.

2.20 **"Church"** - means a Building dedicated to religious worship.

2.21 **"Community Care Facility"** – means a community care facility as defined in the Province's *Community Care Facilities and Nursing Homes Act*, as amended from time to time.

2.22 **"Community Centre"** - means any Building or Structure Used mainly for non-commercial recreational and cultural purposes.

2.23 **"Condominium"** - means a Building or Buildings in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used and owned in common by the unit Owners are administered and maintained by a corporation created pursuant to the provisions of the provincial condominium legislation.

2.24 **"Convenience Store"** - means a retail commercial establishment, not exceeding 1,500 sq. ft. (139.35 sq. m.) of Floor Area, supplying daily household necessities in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to compliment such items which may include the limited sale of magazines, books, house wares, toiletries, stationary, patent medicines, tobacco products, movie sales and rentals, and propane.

2.25 **"Council"** - means the Council for the Municipality.

2.26 **"Cultural Centre"** - means a site Used for display, storage, restoration, or events related to art, literature, music, history, or science. This term refers to Uses such as art galleries, theatres, libraries, auditoria, archives, interpretive centres and museums.

2.27 **"Demolish"** - means to remove, pull down or destroy a Building.

2.28 **"Detrimental Impact"** – means any loss or harm suffered in person or Property in matters related to public health, public safety, protection of the natural environment and surrounding land Uses, but does not include potential effects of new Subdivisions, Buildings or Developments with regard to:

(1) real Property value;

(2) competition with existing businesses;

(3) viewscapes; or

(4) Development approved pursuant to subsection 9(1) of the *Environmental Protection Act.*

2.29 **"Developer"** – means any Person who is responsible for any undertaking that requires a Development Permit, subdivision approval or consolidation approval.

2.30 **"Development"** – means the carrying out of any building, engineering, excavation, dumping, filling 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 without limiting the generality of the foregoing.

2.31 **"Development Agreement"** – means an agreement entered into between the Developer and the Municipality respecting the terms under which a Development may be carried out.

2.32 **"Development Officer"** - means the person charged by the Council with the duty of administering the provisions of this Bylaw.

2.33 **"Development Permit"** - means the formal and written authorization for a person to carry out any Development.

2.34 **"Domestic Arts"** – means a vocation that can be carried out in a Dwelling Unit which shall include and be limited to:

(1) dressmaking and tailoring;

(2) hairdressing, barber shop and esthetics;

(3) instruction in the arts (music, dance, art); and

(4) arts and crafts, weaving, painting, sculpture, and the repair of garden or household ornaments, personal effects or toys.

2.35 **"Dwelling"** - means a Building or portion thereof designated or Used for residential occupancy, but does not include Hotels and Motels and:

(1) "Dwelling Unit" - means one or more habitable rooms designed or intended for Use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided.

(2) "Single Family Dwelling" - means a Building designed or Used for occupancy as one Dwelling Unit.

(3) "Duplex Dwelling" - means a Building that is divided horizontally into two Dwelling Units each of which has its own outdoor entrance.

(4) "Multiple Family Dwelling" - means a Building containing three or more Dwelling Units.

(5) "Semi-detached Dwelling" – means a Building divided vertically into two separate Dwelling Units, each with their own outdoor entrances.

(6) "Townhouse Dwelling or Row House Dwelling" - means a Building that is divided vertically into three or more attached Dwelling Units, each with their own entrances to both the Front Yard and Rear Yard.

2.36 **"Entertainment Establishment"** – means an establishment providing musical, dramatic, dancing or cabaret entertainment and/or facilities for alcoholic beverage consumption and includes supplementary food service. This term refers to Uses such as theatres, cinemas, auditoria, beverage rooms, cocktail Lounges, cabarets, night clubs and theatre Restaurants.

2.37 **"Environmental Impact Assessment"** – means an assessment that considers and predicts the physical and biological impacts of a proposed Development on the environment.

2.38 **"Erect"** - means to build, construct, reconstruct, Alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, filling or draining.

2.39 **"Family"** - means an individual residing in one (1) Dwelling Unit, or a group of persons related by marriage, cohabitation, blood or adoption residing together in one (1) Dwelling Unit and includes:

(1) domestic, non-paying guests and foster children; and

(2) not more than two (2) roomers or boarders living in the Dwelling Unit.

2.40 **"Farm"** – means land comprising of an area of 50 acres (20.2 hectares) or more including any complimentary Buildings, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of livestock or production of raw dairy products, and may comprise a lesser area when operated as a farm enterprise by a *bona fide* farmer, as defined in the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4.

2.41 **"Fence"** - means an artificially constructed barrier of any material or combination of materials Erected to enclose or screen areas of land.

2.42 **"Floor Area"** - means:

(1) With reference to "Dwelling" - the area contained within the outside walls excluding any garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year.

(2) With reference to "Commercial Building" - the total usable Floor Area within a Building Used for commercial purposes excluding washrooms, furnace rooms and common halls between stores.

(3) With reference to "Accessory Building" - the area contained within the outside walls.

2.43 **"Frontage"** - means the horizontal distance between the Side Lot Lines bordering on a Street and according to the direction of the front of the Dwelling or Structure.

2.44 **"Grade"** - means the lowest point of elevation of the finished surface of the ground, paving or sidewalks within the area between the Building and the Property line or when the Property line is more than five (5) ft. (1.5 m.) from the Building, between the Building and a line five (5) ft. (1.5 m.) from the Building.

2.45 **"Grocery Store"** - means a retail establishment which primarily sells food as well as other convenience and household goods.

2.46 **"Group Home"** – means an establishment for six or fewer residents who require special care or supervision, staffed 24 hours per day by trained caregiver(s), and recognized as a group home by the Minister of the Province's Department of Health and Wellness or any successor department.

2.47 **"Historic Site"** - means any site that has been designated as a historic site or a heritage place under provincial or federal legislation.

2.48 **"Hostel"** - means a supervised lodging establishment for travellers.

2.49 **"Hotel"** - means a Building or Buildings or part thereof on the same site Used to accommodate the travelling public for gain or profit, by supplying them with sleeping accommodations with or without meals.

2.50 **"Immediate Family"** - means the register land owner's:

(1) parents and their spouse;

(2) sons and/or daughters and their spouse;

(3) grandparents and their spouse;

(4) brothers and/or sisters and their spouse; and

(5) aunts and/or uncles and their spouse.

2.51 **"Industrial Premises"** - means premises in or from which goods or materials are manufactured, processed, assembled or extracted or premises from which wholesale trade is carried on including warehousing.

2.52 **"In-Law Suite"** - means a self-contained suite constructed in an owner-occupied Single Family Dwelling for the sole purpose of accommodating an Immediate Family member or Family members of the registered land owner during a period of time in which the relative may be in need of such a facility.

2.53 **"Institutional Premises"** - means premises, other than retail or industrial, Used for community services and includes:

(1) cemeteries

(2) Churches

(3) colleges and universities

(4) Community Centres

(5) government offices

(6) Senior Citizens Homes, Community Care Facilities, and Nursing Homes

(7) hospitals

(8) Cultural Centres

(9) Public Parks

(10) facilities for Recreational Uses

(11) public and private schools

(12) Child Care Facilities

2.54 **"Intensive Livestock Operation" –** means place where livestock are found in a density greater than seven animal units per acre in confined area to which the livestock have access, with the calculation of animal units to be determined by the Province.

2.55 **"Landscaping"** - means any combination of trees, shrubs, flowers, grass, other horticultural elements, paving, or other architectural elements, all of which are designed to enhance the visual amenity of a Property.

2.56 **"Loading Space"** - means an unencumbered area of land provided and maintained upon the same Lot or Lots upon which the principal Use is located and which area is provided for the temporary parking of one (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded, and such Parking Space shall not be for the purpose of sale or display.

2.57 **"Lot or Property or Parcel of Land"** - means any Parcel of Land described in a deed or as shown in a registered Subdivision plan.

(1) "Lot Area" - means the total area included within the Lot Lines.

(2) "Corner Lot" - means a Lot situated at an intersection of and abutting on two or more Streets.

(3) "Flankage Lot Line" - means the Side Lot Line which abuts the Street on a Corner Lot.

(4) "Front Lot Line" - means the Lot Line abutting the Street upon which the Building or Structure Erected or to be Erected has its principal entrance.

(5) "Interior Lot" - means a Lot other than a Corner Lot.

(6) "Lot Depth" - means the depth from the Front Lot Line to the Rear Lot Line.

(7) "Lot Line" - means any boundary of a Lot.

(8) "Rear Lot Line" - means the Lot Line further from and opposite to the Front Lot Line.

(9) "Side Lot Line" - means a Lot Line other than a Front Lot Line, Rear Lot Line or Flankage Lot Line.

(10) "Through Lot" - means a Lot bounded on two opposite sides by Streets.

2.58 **"Lot Consolidation"** - means the legal incorporation of two or more existing Parcels of Land to form a single, larger parcel.

2.59 **"Lounge"** - means a commercial Building or Structure licensed to sell alcoholic beverages to the public.

2.60 **"Main Building"** - means that Building, the nature of the Use of which determines the status of the Lot upon which it is authorized to be constructed or upon which it is constructed.

2.61 **"Major Development"** - means any Development that will have a major impact on municipal services, transportation, tax rates, retail outlets, institutions and residential expansion, as determined by Council, including but not limited to the following:

(1) new or additional commercial space which results in the establishment of a commercial facility in excess of 10,000 square feet;

(2) new or additional accommodation facilities which result in a facility in excess of 20 units;

(3) Tourist Attractions in excess of 2 acres; and

(4) any Development which may adversely affect the environment or adjacent properties.

2.62 **"Mini-Home"** - means a manufactured Dwelling Unit having an average width of less than twenty (20) feet, not including entries, porches, or other appurtenances and compliant with the Canadian Standards Association's requirements for manufactured homes and /or modular homes.

2.63 **"Mobile Home"** - means a transportable Dwelling Unit suitable for permanent occupancy, designed to be transported by wheeled chassis.

2.64 **"Motel"** - means a Building occupied in whole or in part designed and Used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodations with or without supplying food or other refreshments and in which there is an exit from each room or suites of rooms directly to the outdoors with access to grade level.

2.65 **"Municipality"** - means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

2.66 **"Natural Subdivision"** – means a Parcel of Land that is bisected by an existing Street.

2.67 **"Nursing Home" -** means a Building, part of Building, or group of Buildings in which, for a fee, charge or reward, direct or indirect, there are housed patients requiring or receiving active treatment for, or convalescing from, or being rehabilitated after illness or injury, but does not include a public hospital, mental hospital, tuberculosis hospital or sanatorium.

2.68 **"Official Plan"** – means the Municipality's official plan, as adopted by Council.

2.69 **"Official Zoning Map"** – means the zoning map of the Municipality, as adopted by Council, and annexed hereto as Appendix "A".

2.70 **"Open Space"** - means that portion of a Lot which may be Used for Landscaping, recreation or leisure activities normally carried on outdoors; but does not include space Used for service driveways or off-Street parking.

2.71 **"Outdoor Recreation Establishment"** - means a business or enterprise providing outdoor recreation activities with low impact Uses. Activities include, but are not necessarily limited to paint ball, orienteering, geocaching, non-motorized trails or tracks, rock climbing and other recreational establishments.

2.72 **"Owner"** - means a part Owner, a joint Owner, tenant in common or joint tenant of the whole or any part of any land or Building and includes a trustee, an executor, an executrix, a guardian, an agent, or mortgagee in possession or other person having the care or control of any land or Building in the event of the absence or disability of the person having the title thereof.

2.73 **"Parking Area"** - means an area reserved for parking more than one automobile, and includes lanes between Parking Spaces, and "Parking Lot" shall have a corresponding meaning.

2.74 **"Parking Space"** – means an area of land, exclusive of driveways or aisles, which is suitable for the parking of a vehicle, measuring not less than 9 feet (2.7 metres) wide and 18 feet (5.48 metres) long, accessible to vehicles without the need to move other vehicles on adjacent areas.

2.75 **"Pavilion"** – means a Structure Used as a shelter that is either covered or uncovered and includes a gazebo and a pergola.

2.76 **"Person"** – means an individual, association, corporation, contractor, commission, public utility, firm, partnership, trust, heirs, executors or other legal representatives of a person or organization of any kind, including both principal and agent in an agency situation.

2.77 **"Personal Service Shop"** - means a Building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons (e.g. barbershop).

2.78 **"Phase"** - means to develop a Parcel of Land over time in a series of prescribed stages; or one of such stages.

2.79 **"Private Garage"** - means a Building or part thereof which is used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial Use.

2.80 **"Private Road"** - means any street or road, other than a driveway serving a single Property, which is privately owned and privately maintained.

2.81 **"Professional Office"** – means premises where goods and/or services are offered but does not include premises for the retailing, wholesaling, manufacturing or conversion of goods.

2.82 **"Province"** – means the Province of Prince Edward Island.

2.83 **"Public Utility Building"** - means a Building which houses stationary equipment for telephone, electric power, public water supply, or sewage services.

2.84 **"Public Park or Parkland"** - means land owned by the Municipality or some other level of government Used or intended for Use by members of the public.

2.85 **"Recreational Trailer or Recreational Vehicle"** – means a vehicle which provides sleeping and other facilities while travelling or vacationing, designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pop-up trailers, tent trailers, fifth wheels, pick up coaches, motorized campers, motorized homes, recreation vehicles and other similar vehicles.

2.86 **"Recreational Use"** – means the Use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, Swimming Pools, day camps, and similar Uses but does not include a tract for the racing of animals or any form of motorized vehicles.

2.87 **"Residential Subdivision Development"** – means a multi-Lot subdivision comprised of lots for human habitation which is recognized by one designated name.

2.88 "**Residential Zone"** – means the R1 Zone as defined in this Bylaw and as depicted on the Official Zoning Map.

2.89 **"Restaurant"** - means Buildings or Structures or part thereof where food and drink is prepared and offered for sale to the public.

2.90 **"Retail Store"** - means a Building or Structure of part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.

2.91 **"Senior Citizen"** - means a person deemed to be eligible for accommodation in a Senior Citizen Home under the terms of the ***P.E.I. Housing Corporation Act*** or comparable Provincial statute.

2.92 **"Senior Citizen Home" -** means any home for Senior Citizens either privately sponsored or administered by any public agency or any service club either of which obtains its financing from federal, provincial or municipal governments or agencies or by public subscription or donations, or by any combination thereof, and shall include auxiliary Uses such as lounges and recreation facilities usually associated with Senior Citizens' developments, and solely for the Use of its residents.

2.93 **"Service Shop"** - means a Building or Structure or part thereof Used for the sale and repair of household articles and shall include radio, television, computers, and appliance repair shops but shall not include industrial, manufacturing or motor vehicle body repair shops.

2.94 **"Setback"** - means the distance between the Property Lot Line and the nearest main wall including decks and verandahs of any Building or Structure, except Fences, and extending the full width of the Lot.

2.95 **"Sign"**- means a sign as defined in the Municipality's Signage Bylaw.

2.96 **"Site Plan"** - means an appropriately scaled drawing or drawings of the proposed Development of a site, showing the existing and proposed natural and man-made features of the site.

2.97 **"Special Permit Use"** – means a Use that may be problematic within a Development Zone and whose intensity, impacts or other characteristic require review to ensure that the Development meets certain restrictive performance standards for the Use at the designated location.

2.98 **"Storey"** - means that portion of a Building between any floor and ceiling or roof next above, provided that any portion of a Building partly below Grade level shall not be deemed a storey unless its ceiling is at least 6 feet (1.83 metres) above Grade and provided also that any portion of a Building between any floor and ceiling or roof next above exceeding 14 feet (4.27 metres) in height shall be deemed an additional storey.

2.99 **"Street"-** means all the area within the boundary lines of every highway, road, street or right-of-way which is vested in the Province of Prince Edward Island or the Municipality and Used or intended for Use by the general public for the passage of vehicles and includes any bridge over which any such road, Street or right-of-way passes.

2.100 **"Structure"** – means any construction, including a Building fixed to, supported by or sunk into land or water, including Swimming Pools but excluding concrete and asphalt paving or similar surfacing, fencing and Walkways.

2.101 **"Structural Alteration"** - means any construction which changes any bearing members of wall, ceiling, roof, floor, or foundation of a Structure.

2.102 **"Subdivision"** - means a division of a Parcel of Land by means of a plan of subdivision, plan of survey, agreement, deed or any instrument, including a caveat transferring or creating an estate or interest in part of the Parcel of Land.

2.103 **"Swimming Pool"** – means any outdoor Structure, basin, chamber, tub or tank Used or which may be used for swimming, diving, or recreational bathing and having a depth of 0.91 metres (3 feet) or more at any point and having a minimum surface area of 10 square metres (108 square feet).

2.104 **"Summer Cottage or Seasonal Residence"** - means a Dwelling intended for seasonal residential Use from April 1st to November 30th annually and shall not include a year round residence.

2.105 **"Survey Plan"** - means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island land surveyor.

2.106 **"Tourist Accommodation Facility"** - means a Hotel, Motel, motor Hotel, residential Hotel, rental cottage complex, lodge, or inn.

2.107 **"Tourist Attractions"** - means the operation of one or more commercial tourist attractions which includes indoor and/or outdoor activities, scenic attractions, and/or educational, scientific, natural, cultural, heritage or entertainment experiences. This Use may include indoor and outdoor interpretive, display, and performance spaces.

2.108 **"Transient or Temporary Use"** – means any commercial or non-commercial facility or Use of a Parcel of Land, Building or Structure which by its nature is not permanently established or has a limited duration and shall include but not be limited to the following: yard sales, tents, awnings, lean-tos, kiosks, carts, prefabricated Structures, sheds, moveable vehicles and moveable Structures with or without chassis or wheels, and any other facility, Structure, enclosure or device Used or intended to be Used for the temporary display or sale of retail goods, provision of services or sale of any food or beverage.

2.109 **"Use"** - means any purpose for which a Building or other Structure or Parcel of Land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, business or operation carried on, or intended to be carried on, in a Building or other Structure or on a Parcel of Land.

2.110 **"Walkway"** – means an open, unobstructed publicly accessible pedestrian route, at Grade level and having a maximum width of 1.5 metres (4.92 feet), that directly connects to the Municipality's walkway system.

2.111 **"Watercourse"** – means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body, any water therein, and any part thereof up to and including the Watercourse Boundary.

2.112 **"Watercourse Boundary"** – means:

(1) in a non-tidal Watercourse, the edge of the sediment bed; and

(2) in a tidal Watercourse the top of the bank.

2.113 "Wetland" – means:

(1) an area which contained hydric soil, aquatic or water tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the Wetland Boundary; and

(2) without limiting the generality of the foregoing, includes any area identified in the Prince Edward Island Wetland Inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or meadow.

2.114 "Wetland Boundary" – means where the vegetation in a Wetland changes from aquatic or water-tolerant to terrestrial vegetation or water-intolerant vegetation.

2.115 "Yard" - means an open, uncovered space on a Lot appurtenant to a Building and unoccupied by Buildings or Structures except as specifically permitted in this Bylaw and:

(1) **"Front Yard"** - means a Yard extending across the width of a Lot between the Front Lot Line and nearest wall of any Building or Structure on the Lot and "Minimum Front Yard" means the minimum depth of a Front Yard on a Lot between the Front Lot Line and the nearest wall of any Building or Structure on the Lot.

(2) **"Rear Yard"** - means a Yard extending across the width of a Lot between the Rear Lot Line and the nearest wall of any Main Building or Structure on the Lot and "Minimum Rear Yard" means the minimum depth of a Rear Yard on a Lot between the Rear Lot Line and the nearest main wall of any Main Building or Structure on the Lot.

(3) **"Side Yard"** - means a Yard extending from the Front Yard to the Rear Yard of a Lot between a Side Lot Line and nearest wall of any Building or Structure on the Lot, and "Minimum Side Yard" means the minimum width of a Side Yard on a Lot between a Side Lot Line and the nearest main wall of any Main Building or Structure on the Lot.

(4) **"Flankage Yard"** - means the Side Yard of a Corner Lot which Side Yard extends from the Front Yard to the Rear Yard between the Flankage Lot Line and the nearest main wall of any Building or Structure on the Lot.

2.116 "Yurt" or "Yurta" – means a Structure used for temporary human habitation, consisting of a frame covered by natural or synthetic materials, and approved pursuant to the *Tourism Industry Act* and *Regulations*, or any successor legislation.

2.117 "Zone" - means a designated area of land shown on the Official Zoning Map of the Bylaw within which land Uses are restricted to those specified by this Bylaw.

SECTION #3 - DEVELOPMENT ZONES

3.1 DEVELOPMENT ZONES

For the purpose of this Bylaw the Municipality is divided into the following Development Zones, the boundaries of which are subject to Section 3.2, as shown in Appendix "A" on the Official Zoning Map. Such Zones may be referred to by the appropriate symbols.

Zone	Symbol
Residential	R1
Resort Accommodations	RD2
Resort Campground	RD3
Resort Commercial	RD4
General Commercial	C1
Public Service & Institutional	PSI
Parks & Open Space	01
Rural	RR
National Park	NP

3.2 INTERPRETATION OF ZONE BOUNDARIES

Boundaries between Zones as indicated in Appendix "A" shall be determined as follows:

(1) Where a Zone boundary is indicated as following a Street, the boundary shall be the center line of such Street.

(2) Where a Zone boundary is indicated as following Lot Lines, the boundary shall be such Lot Lines.

(3) Where a Zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.

(4) Where none of the above provisions apply, the Zone boundary shall be scaled from the Official Zoning Map.

3.3 OFFICIAL ZONING MAP

Appendix "A" may be cited as the "Official Zoning Map" and forms part of this Bylaw.

3.4 SITE PLANNING STANDARDS

Appendix "B" - Site Planning Standards shall form part of this Bylaw.

3.5 DESIGN AND CONSTRUCTION STANDARDS FOR CAMPGROUND AND RECREATIONAL VEHICLE FACILITIES

Appendix "C" Design and Construction Standards for Campgrounds and Recreational Vehicle Facilities shall form part of this Bylaw.

3.6 ARCHITECTURAL DESIGN STANDARDS

Appendix "D" Architectural Design Standards shall form part of this Bylaw.

3.7 CERTAIN WORDS

In this Bylaw, words used in the present tense include future; words in the singular number include the plural; the word "shall" is mandatory and not permissive; and the word "he" includes "she".

3.8 UNITS OF MEASURE

Units of measure and conversion may be expressed in either metric or imperial measurements. In the event any inconsistency, the metric standard shall prevail.

SECTION #4 - GENERAL REQUIREMENTS FOR ALL ZONES

4.1 DEVELOPMENT APPROVAL

(1) No Person shall:

(a) change the Use of a Parcel of Land or a Structure;

(b) commence any Development;

(c) construct or replace any Structure;

(d) make Structural Alterations to any Structure;

(e) make any water or sewer connection;

(f) make any underground installation such as a septic tank, a fuel tank, a foundation wall or the like;

(g) move or Demolish any Building or Structure;

(h) establish an excavation pit;

(i) construct or replace a driveway;

(j) place, dump or remove any fill or other material;

(k) subdivide or consolidate a Parcel or Parcels of Land;

(l) construct a Fence over four (4) feet high, other than for Agricultural Uses;

(m) make any exterior or interior Alterations to any Structure;

(n) install a water system or construct a well, other than for domestic water supply; or

(o) construct or replace a Walkway

without first applying for, and receiving a Development Permit from Council.

(2) Unless otherwise specified in this Bylaw, no Development Permit shall be required for:

(a) laying paving materials for patios or sidewalks;

(b) constructing or replacing Fences of less than 4 feet in height;

(c) installing clotheslines, poles, and radio or television antennae, except satellite dishes over 2 feet in diameter;

(d) making a garden;

(e) growing a crop or preparing land for a crop;

(f) making Landscaping improvements or constructing ornamental Structures of less than 64 sq. ft.; and

(g) performing regular maintenance on a Building or Structure.

4.2 PERMIT APPLICATION / FEES

(1) Any person applying for a Development Permit shall do so on a form prescribed by Council, and shall submit the application to the Administrator.

(2) Every application form shall be signed by the Property Owner or the Property Owner's authorized agent, and shall be accompanied by an application fee in accordance with a fee schedule which the Council shall establish and may amend from time to time, through the Municipality's policy manual.

(3) In addition to the fees established pursuant to Section 4.2 (2) above, applicants shall also be required at the time of submitting an application or later to deposit with the Administrator sufficient funds to cover all costs, direct and indirect, arising from any required public notice or public meetings.

4.3 PAYMENT OF FEES

Notwithstanding any Section of this Bylaw, Development Permits are not valid and will not be recognized until the application fee and any other required fees are paid in full and the said Development Permit is acquired by the Developer. If the said fees are not is not paid within six (6) months then the Development Permit will be null and void.

4.4 DEVELOPMENT PERMIT EXPIRY

(1) A Development Permit issued by Council shall be valid for sixteen months from the date of issue and if work has not commenced during this period the permit holder shall apply for and receive a new Development Permit before work commences.

(2) If work is commenced during the 16 month period, the Development Permit shall remain valid for 24 months from the date of issue.

(3) If, after 24 months, work has not been completed, an application shall be made to Council, the appropriate fee shall again be paid, and a new Development Permit shall be obtained before any further work is undertaken.

4.5 SITE PLAN

Council may require an applicant to submit a Site Plan in conformance with the provisions of Appendix "B" drawn to a convenient scale certifying the agreement of the applicant to develop

the site in accordance with the plan. If an existing Property is undeveloped, then the Developer will be required to submit a Survey Plan, by a licensed surveyor, prior to any Development Permit approval being granted for the Property.

4.6 CONDITIONS ON PERMITS

Council shall have the authority to impose conditions on a Development Permit subject to such conditions being directly related to or consistent with bylaws of the Municipality or the Official Plan. The Development Officer shall have the authority to impose such conditions on Development Permits that fall within the Development Officer's jurisdiction.

4.7 ENVIRONMENTAL IMPACT STATEMENTS

(1) Council shall require the Developer to submit an environmental impact statement for any proposed Major Development.

(2) The environmental impact statement shall contain the information set forth in Appendix "E".

(3) A public meeting shall be held by Council to review the results of the environmental impact statement, notice of which shall be placed at least seven days prior to the meeting in a newspaper circulating in the area, indicating the date, time and place of the meeting and a general description of the proposed Development.

4.8 ON-SITE SEWAGE DISPOSAL

Where a Development requires the installation of an on-site sewage disposal system, Council shall require that the Developer first obtain a permit for the sewage disposal system from the Province.

4.9 DEVELOPMENT AGREEMENT

Council may require any applicant to enter into a Development Agreement. Failure to comply with a Development Agreement shall constitute an offense under this Bylaw. The Development Agreement may include a performance bond as determined by Council, to be posted by the Developer ensuring that the Development will be carried out in conformance with the provisions of the Development Agreement.

4.10 EXISTING NON-CONFORMING LOTS

Notwithstanding any other provisions of this Bylaw, a vacant Lot held in separate ownership from adjoining Parcels of Land on the effective date of this Bylaw, having less than the minimum width or area required, may be Used for a purpose permitted in the Zone in which the Lot is located and a Building may be Erected on the Lot provided that all other applicable provisions of this Bylaw are satisfied.

4.11 REDUCED LOT FRONTAGE

In any Zone, Lots designed with a reduced Frontage along a bend in a Street or facing a cul-de-sac, may be approved by Council if in the opinion of Council adequate and safe access is provided and if the Lot width at the Building Line measures at least as much as the minimum Lot Frontage for the Zone.

4.12 EXISTING NON-CONFORMING BUILDINGS

Where a Building has been Erected on or before the effective date of this Bylaw on a Lot having less than the minimum Frontage or area, or having less than the minimum Setback, Side Yard, Rear Yard or Building separation required by this Bylaw, the Building may be enlarged, reconstructed, repaired or renovated provided that:

(1) the enlargement, reconstruction, repair or renovation does not further reduce the Front Yard, Side Yard, Rear Yard or Building separation which does not conform to this Bylaw; and

(2) all other applicable provisions of this Bylaw are satisfied.

4.13 OTHER INFORMATION

Council may require an applicant to submit any additional information related to the Development, which it deems pertinent, including but not limited to the following:

(1) Parking Lot layout and internal circulation patterns;

(2) location of garbage containers and description of any screening or fencing;

(3) storm water management plan;

(4) location of Open Space and amenity areas;

(5) Landscaping plan;

(6) buffer zones adjacent to Wetlands or Watercourses;

(7) existing vegetation;

(8) easements;

(9) proposed storage areas and description of any screening or fencing;

(10) traffic impact studies;

(11) significant view planes.

4.14 ACCESS

(1) No Development Permit shall be issued unless the Lot intended to be used or upon which the Building or Structure is to be Erected abuts and fronts upon a Street.

(2) Notwithstanding Section 4.14(1) above, Council may approve a Development Permit for a residential or commercial Structure which fronts on a Private Road, provided that the following criteria are met:

(a) no reasonable provision can be made to provide access to a Street;

(b) safe ingress and egress from the Lot can be provided; and

(c) an agreement providing for the long term ownership and maintenance of the Private Road is registered in the Province's Land Registry Office, binding on the Owner of the Private Road, the Lot Owner making application for the Development Permit, and their respective heirs, successors and assigns.

(3) Council may issue a Development Permit for a Lot created pursuant to the provisions of subsection 17.3 (2) and subsection 17.3 (3) of this Bylaw.

4.15 ENTRANCEWAY PERMIT

Where an entranceway permit is required under the *Roads Act* Highway Access Regulations, its issuance shall be a precondition of the approval of a Subdivision or Development Permit.

4.16 SIGHT DISTANCE

No person shall construct or Use any access driveway except where that access driveway meets the minimum sight distance standards as established under the Province's *Roads Act* regulations, as amended from time to time.

4.17 DEVELOPMENT RESTRICTIONS

Council shall not issue a Development Permit for a Development if, in the opinion of Council:

(1) the proposed Development does not conform to this Bylaw or any other bylaw, regulation, or law in force within the Municipality;

(2) the method of water supply is not appropriate;

(3) the method of sanitary waste disposal is not appropriate;

(4) there is not a safe and efficient access to a Street or a Private Road established under subsection 4.14(2), above;

(5) the impact of the proposed Development would be detrimental to the environment;

(6) the proposed Development would create unsafe traffic conditions;

(7) the proposed Development would be detrimental to the health, or safety of residents in the vicinity or the general public; or

(8) the proposed Development could injure or damage neighbouring Property or other Property in the Municipality due to water, drainage or other water run-off damage.

4.18 MAIN BUILDING

Except in the R1 Zone or in relation to a residential Use not on a Farm, more than one (1) Main Building may be placed on a Lot in any Zone, provided all other provisions of this Bylaw are met.

4.19 MIXED USE

(1) Where any Parcel of Land, Building or Structure is Used for more than one (1) purpose, all provisions of this Bylaw relating to each Use shall be satisfied.

(2) Where there is a conflict such as in the case of Lot size or Lot Frontage, the higher or more stringent standard shall prevail.

4.20 YARDS

Except for Accessory Buildings, every part of any Yard required by this Bylaw shall be open and unobstructed by any Structure from the ground to the sky.

4.21 CONSTRUCTION PLANS

Council may require the applicant to submit a construction plan for the Development addressing such details as construction phasing, stockpiling of soil, temporary screening or fencing, erosion or run-off control measures, heavy truck access and any other item which could in the opinion of Council present a nuisance or hazard during construction.

4.22 CONSTRUCTION SITES

Left over construction materials, equipment, excavation materials and trash shall be cleaned up within a maximum of 30 days after the completion of construction.

4.23 OTHER REQUIREMENTS

Nothing in this Bylaw exempts any person from the requirement to obtain any permit, license, permission, authority or approval required by any other municipal, provincial or federal regulations or laws in force.

4.24 AUTHORIZATION FOR INSPECTION

An application for a Development Permit shall constitute authorization for inspection of the Building or Parcel of Land in question by an officer or agent of the Municipality for the purpose of ensuring compliance with the provisions of this Bylaw.

4.25 TRANSIENT OR TEMPORARY USES

(1) No Property Owner shall construct, Erect, place, allow or establish a Transient or Temporary Use on any Parcel of Land or within any Building or Structure within the Municipality without first applying for and receiving a permit from Council.

(2) Permits for Transient or Temporary Uses shall be for a period not exceeding 3 days.

(3) Notwithstanding subsection 4.25(2), above, Council may grant a seasonal Transient or Temporary Use permit for a period not exceeding 5 months where, in the opinion of Council, the Transient or Temporary Use is compatible with an established or proposed permanent facility on the Parcel of Land and does not represent a conflict or nuisance to Property Owners in the vicinity or the general public.

(4) No more than four Transient or Temporary Use permits shall be issued for any Parcel of Land in any calendar year.

(5) The hours of the Transient or Temporary Use shall be limited from 8:00 a.m. – 11:00 p.m. daily.

(6) No Transient or Temporary Use permits shall be granted where in the opinion of Council:

(a) parking facilities are not adequate;

(b) ingress and /or egress to the site would create excessive congestion or a traffic hazard;

(c) washroom facilities are not adequate;

(d) garbage collection and storage facilities are not adequate;

(e) the Use would create a conflict due to excessive noise, hours or operation, lighting or other nuisance.

(7) Council may attach conditions to a Transient or Temporary Use permit relating to the following:

(a) parking;

(b) washroom facilities;

(c) signage;

(d) Landscaping;

(e) lighting;

(f) physical appearance;

(g) maintenance;

(h) hours of operation;

(i) garbage collection and storage;

(j) staffing;

(k) policing; and

(l) any other matters which could represent a hazard or a nuisance to the public.

(8) No Transient or Temporary Use shall be permitted to encroach within the Front Yard, Rear Yard or Side Yards as required under this Bylaw.

(9) All Transient or Temporary Uses shall comply fully with the provisions of the Municipality's Signage Bylaw.

4.26 ACCESSORY BUILDINGS

Accessory Buildings shall be permitted on any Lot but shall not:

(1) be used for human habitation;

(2) be located within the Front Yard or Flankage Yard of a Lot;

(3) be built closer than 5 feet (1.5 metres) from any Rear Lot Line or Side Lot Line;

(4) except in the RD2, RD3, RD4 and C1 Zones or on a Farm, exceed 12 feet (3.6 metres) in height;

(5) except in the RD2, RD3, RD4 and C1 Zones or on a Farm, exceed three hundred (300) sq. ft. (27 sq. m.) in total Floor Area;

(6) be considered an Accessory Building if it is an Attached Building;

(7) be considered an Accessory Building if located completely underground;

(8) except in the RD2, RD3, RD4 and C1 Zones or on a Farm, include more than two (2) Accessory Buildings per Property (including a detached Private Garage).

4.27 SATELLITE DISHES

Satellite dishes greater than 2 feet in diameter shall not be Erected in any Zone in the Municipality unless a Development Permit for a Special Permit Use has been issued by Council.

4.28 SPECIAL REQUIREMENTS FOR DETACHED PRIVATE GARAGES

(1) A detached Private Garage shall be included in the calculation of maximum Lot coverage as described in the Lot Requirements for the applicable Zone.

(2) Only one (1) detached Private Garage shall be permitted per Property.

(3) All detached Private Garages shall comply with the provisions of subsection 4.26 (1) and (2), above.

(4) All detached Private Garages shall meet the Setback requirements for the Zone in which the Property is located.

(5) No detached Private Garage shall exceed the square footage of the Main Building on the Property.

4.29 IN-LAW SUITES

An In-Law Suite may be constructed within any existing Single Family Dwelling if the Owner of the Dwelling and the Council have first entered into a written Development Agreement pursuant to which the Owner has agreed with the Council as follows:

(1) that the In-Law Suite shall be Used only by a specified and Immediate Family relative of the Owner and only for that relative's residential use;

(2) that the Owner shall advise any prospective purchaser or other Person to whom the Owner intends to transfer or otherwise dispose of the Dwelling, that the In-Law Suite cannot be used except in accordance with a written Development Agreement with the Council;

(3) that the Development Agreement shall be registered, recorded or filed by Council in such public offices as the Council deems appropriate; and

(4) that the Owner shall pay all legal costs and expenses which Council may incur in connection with the preparation, registration or enforcement of the Development Agreement.

4.30 PERMITS POSTED

All permits shall be posted by the Developer in a location easily visible for viewing.

4.31 MOVING OF BUILDINGS

No Building shall be moved within or into the area covered by this Bylaw without a Development Permit and such other permits as may be required by law.

4.32 HEIGHT REGULATIONS

The height regulations of this Bylaw shall not apply to Church spires, water tanks, flag poles, silos, television or radio antennae, ventilators, skylights, chimneys, or utility poles.

4.33 VISIBILITY AT STREET INTERSECTIONS

On a Corner Lot, within a triangular area of 6.1 metres (20 feet) back from the intersecting Corner Lot Line, no Fence, Sign, hedge, shrub, bush or tree or any other Structure or vegetation shall be Erected or permitted to grow to a height greater than two (2) feet above Grade of the abutting Streets.

4.34 OUTDOOR AREA LIGHTING

(1) Exterior lighting and illuminated Signs shall be arranged in any Zone so as to deflect light away from any Dwelling or Summer Cottage.

(2) No person shall install any outdoor light or lighted Sign in such a way as would cause a nuisance to adjacent Property Owners or a safety hazard to the motoring public.

4.35 PERMITTED USES IN ALL ZONES

The following Uses are permitted in all Zones:

(1) Temporary construction facilities such as sheds, scaffolds and equipment incidental to Building on the premises for so long as work is in progress or for a maximum period of six (6) months, whichever is the shorter period.

(2) Public Utility Buildings and Structures.

4.36 CONSTRUCT IN ACCORDANCE WITH APPLICATION

Any person who has been granted a Development Permit shall agree to develop in accordance with the information given on the prescribed application form and the conditions laid down by the Development Permit and, if applicable, the Development Agreement and shall comply therewith.

4.37 OUTDOOR SWIMMING POOLS

The installation of a Swimming Pool shall require a Development Permit and shall be in accordance with the following provisions:

(1) Swimming Pools shall be enclosed by a Fence having a minimum height of 6 feet (1.8 metres) from the established Grade and constructed in such a manner so as to impede unauthorized persons from entering over or under the Fence;

(2) any gate on the Fence that encloses the Swimming Pool shall be equipped with a child-proof lock; and

(3) disposal of Swimming Pool water shall only be to either a dry ditch remote from any water course or be carried off by trucks.

4.38 SURVEYS REQUIRED

Where the Development Officer is unable to determine whether the proposed Development conforms to this Bylaw and other bylaws and regulations in force which affect the proposed Development including but not limited to Subdivision, residential and commercial Developments, Council shall require that the plans submitted under this Section 4 be based upon an actual survey provided by a licensed Prince Edward Island land surveyor.

4.39 SUBDIVIDING OF ATTACHED DWELLINGS

Semi-detached Dwellings, Townhouse Dwellings and Row House Dwellings may be divided independently for individual sale and ownership provided that:

(1) Subdivision of the Parcel of Land has been approved by Council (such Subdivision to provide for appropriate easements or common area to allow entry by an Owner from any portion of the Building to the Owner's back yard area);

(2) the units must be separated from the basement floor to the underside of the roof by a vertical fire wall built in accordance with applicable National Building Code, Fire Code and Life Safety Code Regulations;

(3) a separate water and sewer service is provided for each unit in accordance with policies governing water supply and sewerage services for the Municipality;

(4) a separate electrical service is provided for each unit;

(5) a separate heating device is provided for each unit;

(6) separate parking is provided for each unit;

(7) a copy of the agreement made between the Owners covering the following terms is approved by Council and registered on the title of each unit:

(a) common walls;

(b) maintenance;

(c) fire insurance;

(d) easements;

(e) parking;

(f) snow removal, any other items jointly owned or used; and

(g) any other terms and conditions as shall be imposed by Council.

4.40 GRADE OF SITE

No Building shall be Erected or placed except in conformance with the approved finished Grade for its site or the road, after its construction.

4.41 LANDSCAPING

(1) The provision and maintenance of adequate landscape buffering and/or appropriate fencing shall be required to the satisfaction of the Council between Residential Zones and new commercial or other land Uses characterized by significant traffic generation, the heavy use of trucks, noise, outdoor storage, congregations of people or other factors that may adversely affect adjacent residential amenity.

(2) The provision and maintenance of adequate Landscaping shall be required for new Development to the satisfaction of the Development Officer.

(3) Where a C1 or a RD4 Zone abuts a Residential Zone along a Side Lot Line and/or Rear Lot Line, a strip of not less than twenty-five feet (25') (7.6 m.) in width along the said Side Lot Line and/or Rear Lot Line and located on the same lands as the commercial establishment shall be landscaped to the satisfaction of the Development Officer as part of the Development for which a Development Permit has been granted.

4.42 WATERCOURSES AND WETLANDS

(1) No person shall alter or remove any natural vegetation or remove or deposit any fill or other material within 49.2 feet (15 metres) of a Watercourse Boundary or a Wetland Boundary.

(2) No person shall Erect or place any Structure within 49.2 feet (15 metres) of a Watercourse Boundary or a Wetland Boundary.

4.43 PETROLEUM STORAGE

(1) Underground petroleum storage tanks shall require approval from the Province before installation may proceed. In processing such application, the Municipality shall refer the application initially to the government authority having jurisdiction for these facilities whereupon such application will be processed in accordance with applicable regulations. The Municipality shall not issue a Development Permit to the Developer until it has received written approval from the appropriate government authority.

(2) Propane storage tanks shall be installed and stored in accordance with the recommendations of the Provincial Fire Marshal's Office.

4.44 NON-CONFORMING USES

(1) Subject to the provisions of this Bylaw, a Building or Structure, or Use of land, Buildings, or Structures lawfully in existence on the effective date of approval of this Bylaw may continue to exist.

(2) A Building or Structure shall be deemed to exist on the effective date of approval of this Bylaw if:

(a) it was lawfully under construction, or

(b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within six (6) months after the date of the issue of the permit and is completed in conformity with the permit before the permit expires.

(3) No Structural Alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a Building or Structure while a non-conforming Use thereof is continued.

(4) If a Building which does not conform to the provisions of this Bylaw is destroyed by a fire or otherwise to an extent of fifty percent (50%) or more of the assessed value of the Building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw.

(5) Any change of tenants or occupants of any Building or Structure shall not of itself be deemed to affect the Use of the Building or Structure for the purposes of this Bylaw.

(6) A non-conforming Use of a Parcel of Land, Building or Structure shall not be permitted if it has been discontinued for a period of twelve (12) months consecutively, and in such event, the Parcel of Land, Building or Structure shall not thereafter be Used except in conformity with this Bylaw.

4.45 DOMESTIC AND HOUSEHOLD ARTS IN RESIDENTIAL ZONES

Nothing in this Bylaw shall prevent the carrying on of Domestic Arts in a Residential Zone provided that all conditions as specified in Section 4.46 are met.

4.46 BUSINESS USES IN RESIDENTIAL ZONES

Where Property is used for Domestic Arts, Business Office or Professional Office purposes in a Residential Zone, the following shall apply:

(1) The Dwelling shall be occupied as a residence by the principal operator and the external appearance of the Dwelling shall not be changed by the business Use.

(2) There shall be no more than one non-resident assistant employed in the Business Office or Professional Office or in the Domestic Arts carried on.

(3) Not more than 25% of the total Floor Area of the Dwelling shall be occupied by the Business Office, Professional Office or Domestic Arts Use and no Use shall be made of any Accessory Buildings.

(4) Adequate off-Street parking, in accordance with this Bylaw, separate from that required for the Dwelling, shall be provided.

(5) There shall be no open storage or display area.

(6) No Signs shall be permitted except in accordance with the Municipality's Signage Bylaw and no Sign shall be internally lit.

4.47 SPECIAL REQUIREMENTS FOR SEMI-DETACHED, ROW OR TOWNHOUSE DWELLINGS

No Semi-detached Dwelling, Townhouse Dwelling or Row House Dwelling shall be Erected in a manner which will not permit Subdivision into individual units pursuant to Section 4.39.

4.48 MAXIMUM LOT COVERAGE

Maximum Lot coverage shall be determined as the percentage of the Lot covered by the Main Building, attached or detached garage, and any Accessory Buildings.

4.49 RECREATIONAL TRAILERS AND VEHICLES

(1) No person shall occupy a Recreational Trailer or Recreational Vehicle on a temporary or permanent basis other than in a Campground or RV Park.

(2) Notwithstanding subsection 4.49(1) above, an Owner of a Parcel of Land may park and store a Recreational Trailer or Recreational Vehicle on his Parcel of Land when it is not in Use, provided the Recreational Trailer or Recreational Vehicle is not located in the Front Yard or within any of the Minimum Yard Setbacks prescribed by this Bylaw.

(3) Notwithstanding subsection 4.49(1) above, an Owner of a Parcel of Land may occupy a Recreational Trailer or Recreational Vehicle on his Parcel of Land if:

(a) the Owner has obtained a Development Permit for the construction of a Dwelling on that Parcel of Land;

(b) the work has commenced on that Parcel of Land; and

(c) the Owner has received a Transient or Temporary Use permit from the Council pursuant to section 4.25 of this Bylaw.

4.50 MOBILE HOMES

Mobile Homes shall not be permitted in the Municipality.

4.51 BED AND BREAKFAST ESTABLISHMENTS IN RESIDENTIAL ZONES

Bed and Breakfast establishments shall be permitted to operate in any Single Family Dwelling in any Residential Zone subject to the following:

(1) the Dwelling shall be occupied as a residence by the principal operator and the external appearance of the Dwelling shall not be changed by the Bed and Breakfast operation;

(2) not more than six (6) rooms shall be offered for overnight accommodation;

(3) adequate off-Street parking, in accordance with this Bylaw, separate from that required for the Dwelling, shall be provided;

(4) no Signs shall be permitted except in accordance with the Municipality's Signage Bylaw and no Sign shall not be internally lit; and

(5) there shall be no other Signage, open storage or visible display area.

4.52 SITE PLANNING STANDARDS

For any Development other than a Single Family Dwelling, Summer Cottage or Seasonal Residence, Council may require the submission of a detailed Site Plan prepared in conformance with Appendix "B", "Site Planning Standards".

4.53 ARCHITECTURAL DESIGN STANDARDS

Any commercial or public Building or Structure including multi-unit Tourist Accommodation Facilities constructed in the Municipality or moved into the Municipality, shall be designed and constructed in conformance with the architectural design standards as outlined in Appendix "D". Council may require that a Building or Structure which is undergoing significant renovations shall also comply with the above standards as may be practical.

4.54 CONSTRUCTION ON SINGLE LOT

No Building or Structure shall be Erected or Used unless it is Erected on a single Lot.

SECTION #5 - PARKING REQUIREMENTS

5.1 PREAMBLE

For every Building to be Erected, placed, Used or enlarged, there shall be provided and maintained off-Street parking on the same Lot to the extent, at least, prescribed in this Section 5.

5.2 PARKING REQUIREMENTS

Primary Type of Building	Minimum Requirement
Single Family Dwelling, Summer Cottage or Seasonal Residence	2 Parking Spaces
Duplex Dwelling	2 Parking Spaces per Dwelling Unit
Multiple Family Dwelling	1.5 Parking Spaces per Dwelling Unit
Hotel, Motel or other Tourist Accommodation Facility	1 Parking Space per guest room or rental unit and 1 Parking Space for each 150 sq. ft. (14 sq. m.) of Floor Area devoted for public Use (e.g. banquet rooms, Lounge)
auditoriums, Churches, halls, libraries, museums, theatres, arenas, private clubs, and other places of assembly or recreation	1 Parking Space for every four (4) seats; where there are no fixed seats, the seat count will be based on the Fire Marshal's seating capacity rating.
Hospitals and Nursing Homes	0.75 Parking Spaces per bed
senior citizens apartments and Community Care Facilities	1.25 Parking Spaces per Dwelling Unit
elementary school, secondary school, college	1.5 Parking Spaces per teaching classroom and 1 Parking Space for each six seats of seating capacity in the auditorium.
funeral home	1 Parking Space per four seats of seating capacity
outdoor Tourist Attractions	1 space for each four (4) persons, based on rated design capacity
indoor Tourist Attractions	1 space for each 75 sq. ft. (7 sq. m.) of Floor Area.
Business Offices and Professional Offices,	1 Parking Space per 28.0 sq. m. (300 sq. ft.) of

Service Shops and Personal Service Shops	Floor Area
Automobile Sales and Service Establishment	1 Parking Space per 4.65 sq. m. (50 sq. ft.) of Floor Area.
Restaurant or Lounge	1 Parking Space per four seats of seating capacity.
Fast Food Restaurant/Take- Out	1 Parking Space per four seats of seating capacity or 1 per 150 sq. ft. (14 sq. m.) of Floor Area, whichever is greater
Other Commercial/Retail Stores	1 Parking Space per 9.3 sq. m. (100 sq. ft.) of Floor Area
Industrial	1 Parking Space per 28 sq.m. (300 sq. ft.) of Floor Area or 1 Parking Space per employee whichever is greater
All Other Uses not Listed	1 Parking Space per 20 sq. m. (215 sq. ft) of Floor Area or 1 Parking Space per 10 seats, whichever is greater

5.3 OTHER REQUIREMENTS

(1) A minimum of 5 percent (5%) of parking in connection with, Retail Stores, Restaurants and Tourist Attractions shall be designed for motor coaches, Recreational Trailers and Recreational Vehicles.

(2) The lights used for illumination of the Parking Area shall be arranged so as to divert the light away from Streets and adjacent Lots and Buildings.

(3) A Structure not more than 10 feet (3 metres) in height and not more than 50 square feet (4.6 square metres) in area may be Erected in the Parking Area for the use of attendants.

(4) The Parking Area shall be within 200 feet (60 metres) of the location which it is intended to serve and shall be situated in the same Zone.

(5) When the Parking Area is of a permanent hard surfacing, each Parking Space shall be clearly demarcated with painted lines and maintained on the Parking Lot.

(6) Entrances and exits to Parking Areas shall be a minimum width of 30 feet (9 metres) at the Street line and edge of pavement.

(7) The width of a driveway leading to a Parking Area or Loading Space, or of a driveway or aisle in a Parking Area, shall be a minimum width of 10 feet (3

metres) for one-way traffic, and a minimum width of 20 feet (6 metres) for two-way traffic.

5.4 LOADING ZONES

(1) In any commercial Zone, no person shall Erect or Use any Building or Structure involving the frequent shipping, loading or unloading of persons or goods, unless there is maintained on the same premises with every such Building, Structure or Use one (1) off-Street Loading Space for standing, loading and unloading for every 15,000 square feet (1,395 square metres) or fraction thereof of Building Floor Area Used for any such purpose.

(2) Each Loading Space shall be at least 12 feet (3.6 metres) wide with a minimum of 14 feet (4.25 metres) height clearance.

(3) No such Loading Spaces shall be located within any required Front Yard or be located within any Yard which abuts a Residential Zone or Open Space Zone, unless in the opinion of Council adequate screening is provided.

SECTION #6 - RESIDENTIAL ZONE (R1)

6.1 GENERAL

Except as provided in this Bylaw, all Buildings or Structures or parts thereof Erected, placed or Altered or any Parcel of Land Used in a R1 Zone shall conform with the provisions of this Section.

6.2 PERMITTED USES

No Building or Structure or part thereof and no Parcel of Land shall be used for purposes other than:

(1) Single Family Dwellings

(2) Summer Cottages or Seasonal Residences

(3) Accessory Buildings

(4) Private Garages

(5) Business Offices or Professional Offices pursuant to the provisions of Section 4.46.

(6) Bed and Breakfasts pursuant to the provisions of Section 4.51.

6.3 SPECIAL PERMIT USES

(1) Notwithstanding Section 6.2 above, Council may issue a Development Permit for the following Uses subject to such conditions as Council deems necessary:

(a) Child Care Facilities

(b) Multiple Family Dwellings or Condominiums

(2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:

(a) the Development is deemed appropriate and complements the scales of the existing residential development;

(b) the Development has sufficient landscape buffer around the periphery of the Property;

(c) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;

(d) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;

(e) a public meeting is held to receive comments on the proposed Use, notice of which shall be placed a minimum of seven clear days prior to the meeting in a newspaper circulated in the area indicating in general terms the nature of the application and the date, time and place of the meeting; and

(f) all other relevant provisions of this Bylaw are met.

6.4 LOT REQUIREMENTS

In the R1 Zone, Lots, Buildings and Structures shall conform to the following standards:

(1)	Minimum Lot Area (Central Sewer)	15,000 sq. ft.
(2)	Minimum Lot Area (on-site serviced)	see Schedule "A"
(3)	Minimum Frontage (Central Sewer)	100 ft.
(4)	Minimum Frontage or Lot Width (on-site serviced)	see Schedule "A"
(5)	Minimum Front Yard	25 ft.
(6)	Minimum Rear Yard	20 ft.
(7)	Minimum Side Yard	15 ft.
(8)	Minimum Flankage Yard	25 ft
(9)	Maximum Height	24 ft.
(10)	Minimum Building Separation	12 ft.
(11)	Maximum Lot Coverage	25%

Notwithstanding subsection 6.4(9) above, Council may approve a Building with a maximum height of up to 35 feet where Council deems the Building is architecturally compatible with adjacent Structures, the Building conforms fully with the Architectural Design Standards at Appendix "D" and where there would be no significant impact on established view planes.

SECTION #7 - RESORT ACCOMMODATIONS ZONE (RD2)

7.1 GENERAL

Except as provided in this Bylaw, all Buildings or Structures or parts thereof Erected, placed or Altered or any Parcel of Land Used in an RD2 Zone shall conform with the provisions of this Section.

7.2 PERMITTED USES

No Building or Structure or part thereof and no Parcel of Land shall be used for purposes other than:

(1) Single Family Dwellings

(2) Summer Cottages or Seasonal Residences

(3) Tourist Accommodation Facilities

(4) Personal Service Shops

(5) Accessory Buildings

(6) Private Garages

(7) Business Office or Professional Office pursuant to the provisions of Section 4.46

(8) Historic Sites

7.3 SPECIAL PERMIT USES

(1) Notwithstanding Section 7.2 above, Council may issue a Development Permit for the following Uses subject to such conditions as Council deems necessary:

(a) Duplex Dwellings/Semi-Detached Dwellings

(b) Convenience Stores

(c) Multiple Family Dwellings

(d) Condominiums

(e) Community Care Facilities

(f) Child Care Facilities

(g) Group Homes

(2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:

(a) the Development is deemed appropriate and complements the scale of the existing adjacent development;

(b) the Development has sufficient landscape buffer around the periphery of the Property;

(c) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;

(d) Property Owners within 61 metres (200 feet) to the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;

(e) a public meeting is held to receive comments on the proposed Use, notice of which shall be placed a minimum of seven clear days prior to the meeting in a newspaper circulated in the area indicating in general terms the nature of the application and the date, time and place of the meeting; and

(f) all other relevant provisions of this Bylaw are met.

7.4 LOT REQUIREMENTS

In the RD2 Zone Lots, Buildings and Structures shall conform to the following standards:

(1)	Minimum Lot Area (Central Sewer)	15,000 sq. ft.
(2)	Minimum Lot Area (on-site serviced)	See Schedule "A"
(3)	Minimum Frontage (Central Sewer)	100 ft.
(4)	Minimum Frontage or Lot Width (on-site serviced)	See Schedule "A"
(5)	Minimum Front Yard	50 ft. or in conformance with a lesser Setback which has been established on adjoining properties, as determined by Council.
(6)	Minimum Rear Yard	20 ft.
(7)	Minimum Side Yard	15 ft.

(8)	Minimum Flankage Yard	As per 7.4(5) above
(9)	Minimum Building Separation	12 ft. for single storey Buildings and 20 ft. for greater than one storey
(10)	Maximum Height	28 ft.

Notwithstanding subsection 7.4(10) above, Council may approve a Building with a maximum height of up to 35 feet where Council deems the Building is architecturally compatible with adjacent Structures, the Building conforms fully with the Architectural Design Standards at Appendix "D" and where there would be no significant impact on established view planes.

7.5 OUTDOOR RECREATION SPACE

In a RD2 Zone, designated useable outdoor recreation space shall be provided on any Parcel of Land Used for Tourist Accommodation Facilities or with more than two Dwelling Units, and shall be in the form of grassed play areas, landscaped open areas for the passive enjoyment of adults, patio areas, children's playgrounds or similar facilities, with an allocation of 1,000 square feet for the first Dwelling Unit plus 500 square feet for each additional Dwelling Unit.

7.6 COMPREHENSIVE SITE PLAN

In the RD2 Zone, no Development Permit, other than for a Single Family Dwelling, single Summer Cottage (which is not part of an existing rental cottage complex), Farm Building, Accessory Building or Private Garage, shall be issued prior to the Council's approval of a comprehensive Site Plan prepared in accordance with the standards outlined in Appendix "B".

7.7 SERVICING

All Developments within an RD2 Zone shall be serviced by Central Sewer services where available, or shall require installation of an on-site sewage treatment system approved by the Province, and in cases where capacity is over 1500 gallons, it shall be designed and certified by a qualified engineer licensed to practice in the Province.

SECTION #8 - RESORT CAMPGROUND ZONE (RD3)

8.1 GENERAL

Except as provided in this Bylaw, all Buildings or Structures or parts thereof Erected, placed or Altered or any Parcel of Land Used in an RD3 Zone shall conform with the provisions of this Section.

8.2 PERMITTED USES

No Building or Structure or part thereof and no Parcel of Land shall be used for purposes other than:

(1) Campgrounds and RV Parks

(2) Hostels

(3) Tourist Accommodation Facilities

(4) parks, playgrounds and picnic sites

(5) Accessory Buildings

(6) Single Family Dwellings (used as an Accessory Use for the personal residence of the Owner or manager of a business that is permitted and located in this Zone)

(7) Summer Cottages or Seasonal Residences (used as an Accessory Use for the personal residence or the Owner of manager of a business that is permitted and located in this Zone)

(8) Grocery Stores, Convenience Stores, Personal Service Shops, Service Shops and facilities for Recreational Use intended primarily to serve the needs of guests

(9) Yurtas

8.3 LOT REQUIREMENTS

(1) All Lots, Building and Structures, other than Campgrounds and RV Parks, shall conform to the following standards:

(a)	Minimum Lot Area (Central Sewer)	15,000 sq. ft.
(b)	Minimum Lot Area (on-site serviced)	See Schedule "A"
(c)	Minimum Frontage (Central Sewer)	100 ft.
(d)	Minimum Frontage or Lot Width (on-site serviced)	See Schedule "A"

(e)	Minimum Front Yard	50 ft. or in conformance with a lesser Setback which has been established on adjoining properties, as determined by Council.
(f)	Minimum Rear Yard	20 ft.
(g)	Minimum Side Yard	15 ft.
(h)	Minimum Flankage Yard	As per 8.3(1)(e) above
(i)	Minimum Building Separation	12 ft. for single storey Buildings and 20 ft. for greater than one storey
(j)	Maximum Height	28 ft.

Notwithstanding clause 8.3(1)(j) above, Council may approve a Building with a maximum height of up to 35 feet where Council deems the Building is architecturally compatible with adjacent Structures, the Building conforms fully with the Architectural Design Standards at Appendix D and where there would be no significant impact on established view planes.

(2) All Campgrounds and RV Parks shall conform to the minimum provisions of the *Summer Trailer Court, Tenting and Camp Areas Regulations* made pursuant to the *Public Health Act* (PEI), as amended from time to time.

8.4 OUTDOOR RECREATION SPACE

In an RD3 Zone, designated useable outdoor recreation space shall be provided on any Parcel of Land Used for Tourist Accommodation Facilities or with more than two Dwelling Units, and shall be in the form of grassed play areas, landscaped open areas for the passive enjoyment of adults, patio areas, children's playgrounds or similar facilities, with an allocation of 1,000 square feet for the first Dwelling Unit plus 500 square feet for each additional Dwelling Unit.

8.5 COMPREHENSIVE SITE PLANS

In the RD3 Zone, no Development Permit shall be issued prior to Council's approval of a comprehensive Site Plan prepared in accordance with the standards outlined in Appendix "B", or Appendix "C" in the case of Campgrounds.

8.6 SERVICING

All Developments within an RD3 Zone shall be serviced by Central Sewer services where available, or shall require installation of an on-site sewage treatment system approved by the Province, and in cases where capacity is over 1500 gallons, it shall be designed and certified by a qualified engineer licensed to practice in the Province.

SECTION #9 - RESORT COMMERCIAL ZONE (RD4)

9.1 GENERAL

Except as provided in this Bylaw, all Buildings or Structures or parts thereof Erected, placed or Altered or any Parcel of Land Used in an RD4 Zone shall conform with the provisions of this Section.

9.2 PERMITTED USES

No Building or Structure or part thereof and no Parcel of Land shall be used for purposes other than:

(1) Tourist Attractions

(2) Retail Stores, Service Shops and Personal Service Shops

(3) Entertainment Establishments

(4) Restaurants and Lounges

(5) Business Offices and Professional Offices

(6) parks and playgrounds

(7) banks and financial institutions

(8) Tourist Accommodation Facilities

(9) Single Family Dwellings (used as an Accessory Use for the personal residence of the Owner or manager of a business that is permitted and located in this Zone)

(10) Summer Cottages or Seasonal Residences (used as an Accessory Use for the personal residence or the Owner of manager of a business that is permitted and located in this Zone)

(11) Accessory Buildings

(12) Private Garages

(13) Dwelling Units in a commercial Building

(14) Historic Sites

9.3 SPECIAL PERMIT USES

(1) Notwithstanding Section 9.2 above, Council may issue a Development Permit for the following Uses subject to such conditions as Council deems necessary:

(a) Automobile Service Stations

(b) Automobile Washing Establishments

(c) taxi and bus terminals

(d) Industrial Premises

(2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:

(a) the Development is deemed appropriate and complements the scale of the existing adjacent development;

(b) the Development has sufficient landscape buffer around the periphery of the Property;

(c) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;

(d) Property Owners within 61 metres (200 feet) to the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;

(e) a public meeting is held to receive comments on the proposed Use, notice of which shall be placed a minimum of seven clear days prior to the meeting in a newspaper circulated in the area indicating in general terms the nature of the application and the date, time and place of the meeting; and

(f) all other relevant provisions of this Bylaw are met.

9.4 LOT REQUIREMENTS

In the RD4 Zone, Lots, Buildings and Structures shall conform to the following standards:

(1)	Minimum Lot Area (Central Sewer)	15,000 sq.ft.
(2)	Minimum Lot Area (on-site serviced)	See Schedule "A"
(3)	Minimum Frontage (Central Sewer)	100 ft.
(4)	Minimum Frontage or Lot Width (on-site serviced)	See Schedule "A"
(5)	Minimum Front Yard	25 ft.

(6)	Minimum Rear Yard	25 ft.
(7)	Minimum Side Yard	15 ft.
(8)	Minimum Flankage Yard	25 ft.
(9)	Minimum Building Separation	20 ft.
(10)	Maximum Height of Building	28 ft.
(11)	Maximum Height of a Structure	60 ft.

Notwithstanding subsection 9.4(10) above, Council may approve a Building with a maximum height of up to 35 feet where Council deems the Building is architecturally compatible with adjacent Structures, the Building conforms fully with the Architectural Design Standards at Appendix "D" and where there would be no significant impact on established view planes.

9.5 LANDSCAPED AREAS

(1) Where a commercial establishment is adjacent to a Residential Zone, a landscaped strip of not less than 25 feet in width shall be maintained in a properly landscaped condition, free of parking or Buildings or outside storage, and shall be located on the same lands as the commercial establishment.

(2) Where parking is provided within the Front Yard of a commercial establishment, a landscaped strip of not less than 10 feet in width between the Front Lot Line and the Parking Area shall be maintained in a properly landscaped condition, free of parking or manoeuvring lanes, other than a driveway.

9.6 COMPREHENSIVE SITE PLANS

(1) In the RD4 Zone, no Development Permit shall be issued prior to the Council's approval of a comprehensive Site Plan prepared in accordance with the standards outlined in Appendix "B".

(2) Every Lot and Building shall be developed and located in a manner which will enhance: parking facilities and vehicular and pedestrian circulation on the Lot and between Lots; surface drainage; on-site Landscaping; visual amenity and overall aesthetic appearance; safety and convenience of visitors, patrons, residents and the general public; access to public facilities; personal privacy of Dwelling Units; provision of common water and sewer facilities; and fire access.

9.7 DWELLINGS IN A COMMERCIAL BUILDING

Where a Dwelling Unit is provided in connection with a commercial Use the following minimum standards shall apply:

(1) the Dwelling Unit shall not be above a Restaurant, Lounge, Automobile Service Station, dry-cleaning establishment or repair shop storing explosive materials;

(2) the Dwelling Unit has a separate entrance;

(3) for each Dwelling Unit, 400 sq. ft. (47 sq. m.) of landscaped Open Space and 1.5 Parking Spaces are provided;

(4) each Dwelling Unit meets the requirements of the Provincial Fire Marshal; and

(5) the Floor Area in residential Use does not exceed the commercial Floor Area.

9.8 AUTOMOBILE SERVICE STATION

Notwithstanding any other provision of this Bylaw, the following special provisions shall apply to an Automobile Service Station:

(1)	Minimum Lot Frontage	150 feet (45 m)
(2)	Minimum Pump Setback	20 feet (6 m)
(3)	Minimum Pump Distance from access or egress	30 feet (9 m)
(4)	Minimum Width of Driveway	25 feet (7.5 m)

Where the Service Station includes an Automobile Washing Establishment, all washing operations shall be carried on inside the Building.

9.9 SERVICING

All Developments within an RD4 Zone shall be serviced by Central Sewer services where available, or shall require installation of an on-site sewage treatment system approved by the Province, and in cases where capacity is over 1500 gallons, it shall be designed and certified by a qualified engineer licensed to practice in the Province.

SECTION #10 - GENERAL COMMERCIAL ZONE (C1)

10.1 GENERAL

Except as provided in this Bylaw, all Buildings or Structures or parts thereof Erected, placed or Altered or any Parcel of Land Used in a C1 Zone shall conform with the provisions of this Section.

10.2 PERMITTED USES

No Building or Structure or part thereof and no Parcel of Land shall be used for purposes other than:

(1) Retail Stores, Service Shops and Personal Service Shops

(2) Restaurants

(3) Business Offices and Professional Offices

(4) parks and playgrounds

(5) Single Family Dwellings (used as an Accessory Use for the personal residence of the Owner or manager of a business that is permitted and located in this Zone)

(6) Summer Cottages or Seasonal Residences

(7) Accessory Buildings

(8) Private Garages

(9) Dwelling Units in a commercial Building

10.3 SPECIAL PERMIT USES

(1) Notwithstanding Section 10.2 above, Council may issue a Development Permit for the following Uses subject to such conditions as Council may deem necessary:

(a) Lounge / pub

(2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:

(a) the Development is deemed appropriate and complements the scale of the existing adjacent development;

(b) the Development has sufficient landscape buffer around the periphery of the Property;

(c) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;

(d) Property Owners within 61 metres (200 feet) to the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;

(e) a public meeting is held to receive comments on the proposed Use, notice of which shall be placed a minimum of seven clear days prior to the meeting in a newspaper circulated in the area indicating in general terms the nature of the application and the date, time and place of the meeting; and

(f) all other relevant provisions of this Bylaw are met.

10.4 LOT REQUIREMENTS

In the C1 Zone, Lots, Buildings and Structures shall conform to the following standards:

(1)	Minimum Lot Area (Central Sewer)	15,000 sq. ft.
(2)	Minimum Lot Area (on-site serviced)	See Schedule "A"
(3)	Minimum Frontage (Central Sewer)	100 ft.
(4)	Minimum Frontage or Lot Width (on-site serviced)	See Schedule "A"
(5)	Minimum Front Yard	50 ft. or in conformance with a lesser Setback which has been established on adjoining properties, as determined by Council.
(6)	Minimum Rear Yard	20 ft.
(7)	Minimum Side Yard	15 ft.
(8)	Minimum Flankage Yard	As per 10.4(5), above
(9)	Minimum Building Separation	12 ft. for single storey Structures and 20 ft. for greater than one storey
(10)	Maximum Height	28 ft.

Notwithstanding subsection 10.4(10) above, Council may approve a Building with a maximum height of up to 35 feet where Council deems the Building is architecturally compatible with

adjacent Structures, the Building conforms fully with the Architectural Design Standards at Appendix "D" and where there would be no significant impact on established view planes.

10.5 LANDSCAPED AREAS

(1) Where a commercial establishment is adjacent to a Residential Zone, a landscaped strip of not less than 25 feet in width shall be maintained in a properly landscaped condition, free of parking or Buildings or outside storage, and shall be located on the same lands as the commercial establishment.

(2) Where parking is provided within the Front Yard of a commercial establishment, a landscaped strip of not less than 10 feet in width between the Front Lot Line and the Parking Area shall be maintained in a properly landscaped condition, free of parking or manoeuvring lanes, other than a driveway.

10.6 COMPREHENSIVE SITE PLANS

(1) In the C1 Zone, no Development Permit shall be issued prior to Council's approval of a comprehensive Site Plan prepared in accordance with the standards outlined in Appendix "B".

(2) Every Lot and Building shall be developed and located in a manner which will enhance: parking facilities and vehicular and pedestrian circulation on the Lot and between Lots; surface drainage; on-site Landscaping; visual amenity and overall aesthetic appearance; safety and convenience of visitors, patrons, residents and the general public; access to public facilities; personal privacy of Dwelling Units; provision of common water and sewer facilities; and fire access.

10.7 DWELLINGS IN A COMMERCIAL BUILDING

Where a Dwelling Unit is provided in connection with a commercial Use the following minimum standards shall apply:

(1) the Dwelling Unit shall not be above a Restaurant, Lounge, Automobile Station, dry-cleaning establishment or repair shop storing explosive materials;

(2) the Dwelling Unit has a separate entrance;

(3) for each Dwelling Unit, 400 sq. ft. (47 sq. m.) of landscaped Open Space and 1.5 Parking Spaces are provided;

(4) each Dwelling unit meets the requirements of the Provincial Fire Marshal; and

(5) the Floor Area in residential Use does not exceed the commercial Floor Area.

10.8 SERVICING

All Developments within a C1 Zone shall be serviced by Central Sewer services where available, or shall require installation of an on-site sewage treatment system approved by the Province, and

in cases where capacity is over 1500 gallons, it shall be designed and certified by a qualified engineer licensed to practice in the Province.

SECTION #11 - PUBLIC SERVICE & INSTITUTIONAL ZONE (PSI)

11.1 GENERAL

Except as provided in this Bylaw, all Buildings or Structures or parts thereof Erected, placed or Altered or any Parcel of Land Used in a PSI Zone shall conform with the provisions of this Section.

11.2 PERMITTED USES

No Building or Structure or part thereof and no Parcel of Land shall be used for purposes other than:

(1) public and private schools, colleges and universities

(2) Churches, manses and cemeteries

(3) Child Care Facilities

(4) Public Utility Buildings and Structures

(5) Cultural Centres

(6) Community Centres

(7) government offices

(8) facilities for Recreational Uses

(9) Public Parks

(10) hospitals

(11) Senior Citizen Homes, Nursing Homes and Community Care Facilities

(12) Group Homes

11.3 LOT REQUIREMENTS

In the PSI Zone, Lots, Buildings and Structures shall conform to the following standards:

(1)	Minimum Lot Area (Central Sewer)	15,000 sq. ft.
(2)	Minimum Lot Area (on-site serviced)	see Schedule "A"
(3)	Minimum Frontage (Central Sewer)	100 ft.
(4)	Minimum Frontage or Lot Width	see Schedule "A"

	(on-site serviced)	
(5)	Minimum Front Yard	25 ft.
(6)	Minimum Rear Yard	20 ft.
(7)	Minimum Side Yard	15 ft.
(8)	Minimum Flankage Yard	25 ft.
(9)	Maximum Height	24 ft.
(10)	Minimum Building Separation	12 ft.

Notwithstanding subsection 11.3(9) above, Council may approve a Building with a maximum height of up to 35 ft. where Council deems the Building is architecturally compatible with adjacent Structures, the Building conforms fully with the Architectural Design Standards at Appendix "D" and where there would be no significant impact on established view planes.

SECTION #12 - PARKS AND OPEN SPACE ZONE (01)

12.1 GENERAL

Except as provided in this Bylaw, all Buildings or Structures or parts thereof Erected, placed or Altered or any Parcel of Land Used in an 01 Zone shall conform with the provisions of this Section.

12.2 PERMITTED USES

No Building or Structure or part thereof and no Parcel of Land shall be used for purposes other than:

(1) parks and playgrounds

(2) sports fields

(3) facilities for Recreational Uses

(4) Open Space

(5) Pavilions and Bandstands

(6) administrative offices Used in connection with Recreational Uses

(7) Parking Lots related to the above

(8) Accessory Buildings, including washrooms and concession stands.

12.3 LOT REQUIREMENTS

In the O1 Zone, Lots, Buildings and Structures shall conform to the following standards:

(1)	Minimum Lot Area (Central Sewer)	15,000 sq. ft.
(2)	Minimum Lot Area (on-site serviced)	see Schedule "A"
(3)	Minimum Frontage (Central Sewer)	100 ft.
(4)	Minimum Frontage or Lot Width (on-site serviced)	see Schedule "A"
(5)	Minimum Front Yard	25 ft.
(6)	Minimum Rear Yard	20 ft.
(7)	Minimum Side Yard	15 ft.

(8)	Minimum Flankage Yard	25 ft.
(9)	Maximum Height	24 ft.
(10)	Minimum Building Separation	12 ft.

Notwithstanding subsection 12.3(9) above, Council may approve a Building with a maximum height of up to 35 ft. where Council deems the Building is architecturally compatible with adjacent Structures, the Building conforms fully with the Architectural Design Standards at Appendix "D" and where there would be no significant impact on established view planes.

12.4 SERVICING

All Developments within an O1 Zone shall be serviced by Central Sewer services where available, or shall require installation of an on-site sewage treatment system approved by the Province, and in cases where capacity is over 1500 gallons, it shall be designed and certified by a qualified engineer licensed to practice in the Province.

SECTION #13 - RURAL ZONE (RR)

13.1 GENERAL

Except where provided in this Bylaw, all Buildings or Structures or parts thereof Erected, placed or Altered or any Parcel of Land Used in a RR Zone shall conform with the provisions of this Section.

13.2 PURPOSE

The Rural Zone is established principally to retain the natural beauty and rural character of the area, and to retain the low density Uses of land where no municipal water or sewer utility services will be provided in the foreseeable future.

13.3 PERMITTED USES

No Building or Structure or part thereof and no Parcel of Land shall be used for purposes other than:

(1) Agricultural Uses

(2) Single Family Dwellings

(3) Summer Cottages or Seasonal Residences

(4) Tourist Accommodation Facilities up to 5 units

(5) Accessory Buildings

(6) Business Offices or Professional Offices pursuant to the provisions of Section 4.46

(7) parks

(8) playgrounds and sports fields

(9) Open Space

13.4 SPECIAL PERMIT USES

(1) Notwithstanding Section 13.3, above, Council may issue a Development Permit for one of the following Uses subject to such conditions as Council may deem necessary:

(a) Tourist Accommodation Facilities of more than 5 units

(b) golf courses

(c) Outdoor Recreation Establishments

(2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:

(a) the Development is deemed appropriate and complements the scale of the existing adjacent development;

(b) the Development has sufficient landscape buffer around the periphery of the Property;

(c) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;

(d) Property Owners within 61 metres (200 feet) to the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;

(e) a public meeting is held to receive comments on the proposed Use, notice of which shall be placed a minimum of seven clear days prior to the meeting in a newspaper circulated in the area indicating in general terms the nature of the application and the date, time and place of the meeting; and

(f) all other relevant provisions of this Bylaw are met.

13.5 SUPPORTING INFORMATION

Any application for a Special Permit Use pursuant to Section 13.4 shall be accompanied by the following supporting information, in a form acceptable to Council:

(1) a statement documenting the precise means by which the Development will maintain and enhance the natural beauty, the rural character and agricultural activities of the RR Zone;

(2) a statement documenting the compatibility of the Development with ordinary Agriculture Uses and other predominant features of the RR Zone including adjacent land Uses;

(3) environmental engineering designs and plans detailing environmentally acceptable permanent, long term water supply and sewage disposal systems and methods for protecting the natural environment, prepared by a licensed engineer; and

(4) long term plans for those portions of the Property which are not proposed to be developed.

13.6 LOT REQUIREMENTS

(1) In the RR Zone, Lots, Buildings and Structures shall conform to the following standards:

(a)	Minimum Lot Area	1 acre (43,560 sq. ft.)
(b)	Minimum Frontage or Lot Width	150 ft.
(c)	Minimum Front Yard	50 ft.
(d)	Minimum Flankage Yard	50 ft.
(e)	Minimum Rear Yard	25 ft.
(f)	Minimum Side Yard	25 ft.
(g)	Maximum Height	28 ft.
(h)	Minimum Building Separation	20 ft.

(2) Notwithstanding the above standards, all Lots shall also conform with the minimum standards in Schedule "A".

(3) Notwithstanding clause 13.6(1)(g) above, Council may approve a Building with a maximum height of up to 35 ft. where Council deems the Building is architecturally compatible with adjacent Structures, the Building conforms fully with the Architectural Design Standards at Appendix "D" and where there would be no significant impact on established view planes.

13.7 COMPREHENSIVE SITE PLAN

In the RR Zone, no Development Permit, other than for Agricultural Uses, Single Family Dwellings or single Summer Cottages (which are not part of a rental cottage complex), Accessory Buildings or Private Garages, shall be issued prior to the Council's approval of a comprehensive Site Plan prepared in accordance with the standards outlined in Appendix "B". The Site Plan shall also indicate measures to protect agricultural activities and significant natural features.

13.8 SERVICING

Council may require that an Environmental Impact Assessment be prepared in support of a Comprehensive Site Plan and that water systems and all Developments within an RR Zone shall be serviced by Central Sewer services where available, or shall require installation of an on-site sewage treatment system approved by the Province, and in cases where capacity is over 1500 gallons, it shall be designed and certified by a qualified engineer licensed to practice in the

Province. Council may consider shared or common servicing systems based on the recommendations of the Province's Department of Communities, Land and Environment or the Province's successor environment department. All related costs shall be borne by the Developer.

SECTION #14 - NATIONAL PARK ZONE (NP)

14.1 GENERAL

In the National Park Zone (NP) land Use decisions shall be vested in the federal government and no Development permits shall be required.

Development and land Use in the National Park is, however, guided by the provisions of the Prince Edward Island National Park of Canada and Dalvay by the Sea National Historic Site of Canada Management Plan. Within the Management Plan there are 4 zoning designations: Special Preservation - SP, designating the most sensitive and Significant natural areas; Wilderness - W, designating natural landscapes where visitors can experience nature with minimal human intrusion or facilities; Natural Environment - NE, designating areas with minimal services and facilities "of a rustic nature"; Outdoor Recreation - OR, designating areas for vehicular access which are capable of accommodating a broad range of activities and related essential services and facilities.

These Zones are noted on the Zoning Map for information purposes only and have no legal standing in this Bylaw. The balance of the NP Zone represents federal crown land adjacent to the National Park boundary.

SECTION #15 - MINOR VARIANCE

15.1 VARIANCE PROVISIONS

(1) Council may authorize a minor variance to a maximum of 10% from the requirements of this Bylaw provided that in the opinion of Council the general intent of the Bylaw can continue to be upheld, Council is assured that the variance being sought is merely minor in nature, and the applicant for the permit has been able to document a compelling reason why the requirements of this Bylaw cannot be precisely met.

(2) Council may authorize a variance of more than 10% from the requirements of this Bylaw, provided that in the opinion of Council the general intent of the Bylaw continues to be upheld, neighbouring properties will not be significantly or permanently injured, and the applicant for the permit has been able to document a compelling reason why the requirements of the Bylaw cannot be precisely met.

(3) Variance applications shall be considered against the following tests for justifying a variance:

(a) the Lot in question has peculiar physical conditions, including small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;

(b) strict application of all Bylaw standards would impose undue hardship on the applicant by excluding the applicant from the same rights and privileges for reasonable Use of the applicant's Lot as enjoyed by other Persons in the same Zone;

(c) the variance is of the least magnitude required to enable reasonable Use of the Lot; and

(d) the proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.

(4) All variance applications shall be in writing and signed by the Lot Owner.

(5) Applications for variance of more than 10% from the requirements of this Bylaw shall also require the following:

(a) the Municipality's receipt of a fee sufficient to cover the estimated cost of the advertising and mailed notices required under this Section 15, the amount of such fee to be determined by Council;

(b) requesting and considering the recommendation of Planning Board;

(c) providing written notice, by ordinary mail, documenting the pertinent details of the application to all Property Owners within 120m (approximately 400 feet) of the boundaries of the subject Lot;

(d) holding a public meeting to receive comments on the proposed variance, notice of which shall be placed at least a minimum of seven clear days prior to the meeting in a newspaper circulating in the area, indicating in general terms the nature of the variance application and the date, time and place of the Council meeting at which it will be considered.

(e) Authorization for a variance shall be documented and recorded in writing.

SECTION #16 - ZONING AND OFFICIAL PLAN AMENDMENTS

16.1 AMENDMENT APPLICATIONS

(1) All zoning and Official Plan amendments shall be adopted in accordance with the procedures set out in the Province's *Planning Act*, as amended from time to time.

(2) A change to either the text of this Bylaw or the Official Zoning Map shall be considered an amendment and must be consistent with Official Plan policies.

(3) Council may amend an Official Plan policy to enable a zoning amendment, including policy statements and/or the General Land Use Plan. Such Official Plan amendment shall proceed concurrently with the zoning amendment.

(4) A Person who seeks an amendment to this Bylaw or the Official Plan shall address a written and signed application to the Municipality in accordance with section 4.2, above.

(5) An application under this section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to:

(a) general Development concept showing proposed land Uses, any Subdivisions, Buildings, means of servicing, traffic access and parking; and

(b) assessment of any potentially significant Development impacts on the Municipality's infrastructure and the natural environment.

(6) The applicant shall at the time of submitting the application, deposit with the Municipality the required fees, as set forth in section 4.2, above.

16.2 AMENDMENT PROCEDURES

(1) The Municipality's Planning Board shall review each amendment request and provide recommendations to Council.

(2) Planning Board and Council shall consider the following general criteria when reviewing applications for zoning amendments, as applicable:

(a) conformity with all requirements of this Bylaw;

(b) conformity with the Official Plan;

(c) suitability of the site for the proposed Development;

(d) compatibility of the proposed Development with surrounding land Uses, including both existing and future Uses as per the Official Zoning Map;

(e) any comments from residents or other interested persons;

(f) adequacy of existing water, sewer, road, storm water, and Parkland for accommodating the Development, and any projected infrastructure requirements;

(g) impacts from the Development on pedestrian/vehicular access and safety, and on public safety generally;

(h) compatibility of the Development with environmental, scenic and historic resources;

(i) impact on the Municipality's finances and budgets; and

(j) other matters as considered relevant by the Council.

(3) Council retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land use planning standards or the Official Plan. Should Council not proceed with a public meeting, the funds submitted by the applicant to cover the public notice and public meeting costs shall be returned to the applicant.

(4) Subject to subsection 16.2(3) above, Council shall hold a public meeting to solicit input from public on the proposed amendment request. At least seven (7) clear days prior to the public meeting, the Development Officer shall post the date, time and place of the public meeting, together with the general terms of the application, by:

(a) public notice in a newspaper circulating in the area; and

(b) written notice to all Property Owners wholly or partially within 120 metres (400 feet) of the boundaries of the subject Property.

(5) Following the public meeting, the Council shall formulate a decision on the proposed amendment. The Council shall have the authority to determine whether an amendment request is approved, modified, or denied and applications shall be approved or denied by resolution of Council. The applicant shall be notified in writing of the decision.

(6) Nothing in this Bylaw restricts the right of the Municipality's Planning Board or Council to initiate its own amendment requests.

(7) Related Official Plan and zoning amendments may be considered concurrently by the Council, provided that applications for both amendments are posted on the same public and written notices, and that the Official Plan amendment precedes the zoning amendment.

(8) Official Plan and zoning amendments approved by Council also require approval by the Minister responsible for administering the *Planning Act* or any successive legislation.

SECTION #17 - GENERAL PROVISIONS FOR SUBDIVIDING LAND

17.1 SUBDIVISION APPROVAL

(1) No Person shall subdivide one or more Lots or any portion of a Lot and no person shall consolidate two or more Parcels of Land until the conditions of this Bylaw have been complied with and the applicant has received final approval from the Council.

(2) Notwithstanding subsection (1), above, a Natural Subdivision shall not require Subdivision approval.

17.2 CONVEYING INTEREST IN A LOT

No Person shall sell or convey any interest in a Lot in a Subdivision before Council has issued a stamp of approval for the Subdivision in which the Lot is situated.

17.3 PERMISSION TO SUBDIVIDE

(1) No Person shall subdivide land within the Municipality unless the Subdivision:

(a) conforms with the requirements of this Bylaw and any other laws which may be in force;

(b) is suitable to the topography, physical conditions, soil characteristics, and natural surface drainage of the land;

(c) will not cause undue flooding or erosion;

(d) has Street access;

(e) has adequate utilities and services available or can be conveniently provided with such utilities and services;

(f) will reasonably conform with existing land Use in the immediate vicinity;

(g) will provide for safe traffic flow;

(h) is designed so that Lots will have suitable dimensions, shapes, orientation and accessibility;

(i) is suitable to the Use for which it is intended, and the future Use of adjacent lands;

(j) the Parcel of Land in respect of which the Subdivision is requested has Frontage on Street.

(2) Notwithstanding clause 17.3(1)(j), above, Council may approve the Subdivision of a Lot which has Frontage on a Private Road if:

(a) the Private Road meets the criteria set forth in section 4.14 of this Bylaw;

(b) access to a Street is by way of a legally defined access driveway at least 66 feet in width; and

(c) the Lot size conforms to the requirements of the Zone in which the Lot is located.

17.4 CHANGES TO EXISTING LOTS

(1) No Person shall reduce the dimensions or change the Use of any existing Lot where Council deems these would be a Detrimental Impact on neighbouring Property Owners.

(2) Where an application to subdivide land would reduce the area, change the dimensions or the Use of a Lot in an existing approved Residential Subdivision Development, Council shall notify all Property Owners within 400 feet of the boundaries of the Lot in writing, informing them of the details of the application and soliciting their comments.

17.5 SPECIAL REQUIREMENTS - RURAL (RR) ZONE

(1) Within a Rural (RR) Zone, no Person shall be permitted to subdivide more than two (2) Lots from any existing Parcel of Land.

(2) For the purposes of this Section "existing parcel" shall mean a Parcel of Land which was held in separate ownership as of November 30, 1991.

(3) Any Lots subdivided pursuant to this Section shall conform to the Lot requirements for a RR Zone and all other relevant provisions of this Bylaw.

(4) Within a Rural (RR) Zone:

(a) A residential Subdivision shall not be permitted within one thousand (1,000) ft. (300 m) of an existing Intensive Livestock Operation.

(b) Where a residential Subdivision is proposed, Council shall notify operators of Intensive Livestock Operations within one thousand (1,000) ft. (300 m) and invite their comments.

(c) Where a new Intensive Livestock Operation is proposed within one thousand (1,000) feet (300 m) of an existing residential Subdivision,

Council shall notify the affected Property Owners and invite their comments.

17.6 PROCEDURE

(1) Any Person seeking Council's approval of a Subdivision shall first make application for preliminary approval, and shall be required to submit, along with the application, four (4) copies of a preliminary Subdivision plan drawn to scale showing:

(a) the true shape and dimensions of every Lot;

(b) the location of every existing Building or Structure on the Parcel of Land;

(c) existing and proposed services and utilities;

(d) proposed widths and locations of all Streets;

(e) location of land proposed for recreation;

(f) any significant natural or manmade features; and

(g) the existing Use of the Parcel of Land and all immediately adjacent properties, showing Buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.

(2) Council may also require the applicant to provide additional information required to assist it in evaluating a proposed Subdivision, including, but not limited to:

(a) a soil test or site suitability assessment conducted in a manner acceptable to Council and the Province's Department of Communities, Land and Environment, or the Province's successor environment department;

(b) contours and spot elevations;

(c) traffic surveys;

(d) storm water management plan; and

(e) Environmental Impact Assessment.

(3) Council may refuse to approve a Subdivision which is unsuitable under the provisions of this Bylaw. In formulating its decision, Council may consult with government officials and private consultants and may conduct a public hearing to consider public opinion.

(4) Council shall evaluate any proposed Subdivision to determine whether appropriate Street design standards and Lot configurations have been used to promote the Development of safe, convenient and pleasant neighbourhoods.

(5) Council may consult with provincial officials and private consultants and may conduct a public hearing to hear public opinions.

(6) Council shall then notify the subdivider in writing stating whether the Subdivision has been granted "preliminary approval", what conditions are attached to the approval, what additional action is required prior to final approval, or that the application is denied.

(7) Any "preliminary Subdivision approval" shall be effective for a period not exceeding 24 months from the date of approval, after which time if final approval has not been granted the "preliminary approval" shall be null and void and the subdivider shall re-apply.

17.7 PARKLAND DEDICATION AND/OR PARK DEDICATION FEE

(1) Council may require, for the purpose of developing Parkland, that up to 10% of the lands being subdivided be conveyed to the Municipality. The physical condition and location of Parkland shall be determined by Council.

(2) Council retains the right not to accept a dedication of land and alternatively impose a park dedication fee up to a maximum of 10% of the value of the Parcel of Land being subdivided, which sum shall be specifically designated for the purchase, development or maintenance of Parkland in the Municipality. It is understood that the park dedication fee shall be calculated on the then current assessed value of lands being subdivided and shall not take into account value of Structures on such lands. Council retains the right to Use the Land Valuation and Assessment Division in determining the assessed value of land when such lands are not specifically valued in the Municipality's assessment roll.

17.8 SUBDIVISION AGREEMENT

(1) Council may require an applicant to enter into a Subdivision agreement as a condition of Subdivision approval. The Subdivision agreement may cover any matters as required by Council and may include, but not be limited to the following:

(a) design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads and Street lighting;

(b) dedication of land for recreation and public Open Space purposes, or payment of a fee in lieu of land;

(c) deeding of roads to the Province's Department of Transportation, Infrastructure and Energy or its successor transportation department;

(d) posting of a financial guarantee satisfactory to Council;

(e) provision of a controlled landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of Lots within the Subdivision and adjacent properties;

(f) provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the Subdivision;

(g) provision for the phasing of the Subdivision; and

(h) preservation and enhancement of surface water drainage systems.

17.9 FINAL APPROVAL

(1) Final Subdivision approval shall be granted by Council only after the applicant has complied fully with all applicable requirements of this Section and has submitted nine (9) copies of a final Subdivision plan showing all Lots pinned and certified by a surveyor registered to practice in the Province. Council may grant final approval to part of a Subdivision which is proposed to be developed in Phases.

(2) Council shall give notice of final approval of a Subdivision in writing, and shall place its seal on the (9) copies of the Survey Plan and shall return one (1) copy to the subdivider.

(3) Council shall file a copy of the final Survey Plan with:

(a) the Registrar of Deeds

(b) the Department of Transportation Infrastructure and Energy, of the Province's successor transportation department

(c) Council files

(d) the assessment office

(e) the Department of Communities, Land and Environment, or the Province's successor environment department

(f) 911 administration office

17.10 SEVERANCE/CONSOLIDATION

Notwithstanding the above provisions, Council may approve applications for single Lot Subdivisions, partial Lots or easements and Lot consolidations at its discretion, having regard for only those provisions which it deems applicable to each individual application, provided the application conforms with all other Sections of this Bylaw.

17.11 DEVELOPMENT PERMITS

A Development Permit shall not be issued in a Subdivision until all the requirements of the Subdivision approval have been fulfilled.

SECTION #18 - PENALTIES

18.1 OFFENCES

(1) A person who violates any provision of this Bylaw is guilty of an offence and liable on summary conviction:

(a) on a first conviction, to a fine not exceeding $2,000.00;

(b) on a subsequent conviction, of not more than $400.00 for each day upon which the contravention has continued after the day of which the person was first convicted.

18.2 PROSECUTION

(1) The Judge presiding on any prosecution under this Bylaw may fix the costs of prosecution to be paid by the person found guilty hereunder.

(2) Any prosecution for an offence under this Bylaw may be instituted within one year after the time when the contravention occurred.

18.3 ENFORCEMENT REMEDIES

(1) The Municipality is entitled to all of the enforcement remedies set forth in section 24 of the *Planning Act* (PEI), as amended from time to time.

SECTION #19 - REPEAL

19.1 EFFECTIVE DATE

This Bylaw shall be effective on_____being the date of approval by the Minister.

19.2 REPEAL

The Municipality's Zoning and Subdivision Control (Development) Bylaw, 2004 is hereby repealed.

SCHEDULE "A"

Notwithstanding any other provisions of this Bylaw, no Person shall subdivide a Lot intended to be serviced by an on-site sewerage system except in conformance with the minimum Lot size standards noted in Table 1 and Table 2 below.

Every Lot on a plan of Subdivision shall be categorized in accordance with the following site suitability standards:

(1) Category I, where

(a) the depth of permeable natural soil is 2 feet (0.61 metres) or greater,

(b) the depth to bedrock is 4 feet (1.22 metres) or greater, and

(c) the depth to the maximum groundwater elevation is 4 feet (1.22 metres) or greater;

(2) Category II, where

(a) the depth of permeable natural soil is greater than 1 foot (0.3 metres), but less than 2 feet (0.61 metres),

(b) the depth to bedrock is 4 feet (1.22 metres) or greater, and

(c) the depth to the maximum groundwater elevation is 4 feet (1.22 metres) or greater;

(3) Category III, where

(a) the depth of permeable natural soil is 1 foot (0.3 metres) or greater,

(b) the depth to bedrock is 2 feet (0.61 metres) or greater, but less than 4 feet (1.22 metres), or

(c) the depth to the maximum groundwater elevation is 2 feet (0.61 metres) or greater, but less than 4 feet (1.22 metres);

(4) Category IV, where

(a) the Lot has a depth of permeable natural soil of less than 1 foot (0.3 metres),

(b) the depth to bedrock is greater than 1 foot (0.3 metre), and

(c) the depth of the maximum groundwater elevation is greater than 2 feet (0.61 metres);

(5) Category V, where

(a) the depth to bedrock is less than 1 foot (0.3 metre), and

(b) the depth to the maximum ground water elevation is greater than 2 feet (0.61 metres).

MINIMUM LOT SIZE STANDARDS -RESIDENTIAL LOTS

Every residential Lot on a plan of Subdivision shall conform with the following minimum Lot size standards:

Table 1 - Minimum Lot Size Standards: Residential Lots

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Number of Dwelling Units	(e) Minimum Lot Area sq. ft. / sq. m.	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the Frontage is on the interior curve of a Street)	1 2 3 4 more than 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the Frontage is on the interior curve of a Street)	1 2 3 4 more than 4	35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m. 200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 250 ft. / 76.2 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the Frontage is on the interior curve of a Street)	1 2 3 4 more than 4	51,000 sq. ft. / 4,738 sq. m. 56,000 sq. ft. / 5,202 sq. m. 61,000 sq. ft. / 5,667 sq. m. 66,000 sq. ft. / 6,131 sq. m. 66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	225 ft. 68.6 m. 250 ft. /76.2 m. 275 ft. / 83.8 m. 300 ft. / 91.4 m. 300 ft. / 91.4 m.
on-site water supply and on-site sewage system	IV	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the Frontage is on the interior curve of a Street)	1 2 3 4 more than 4	75,000 sq.ft / 6,975 sq.m. 80,000 sq.ft / 7,440 sq.m. 85,000 sq.ft / 7,905 sq.m. 90,000 sq.ft / 8,370 sq.m. 90,000 sq.ft. / 8,370 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	300 ft. / 91.4 m.
on-site water supply and on-site sewage system	V	N/A	N/A	not developable	N/A

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Number of Dwelling Units	(e) Minimum Lot Area sq. ft. / sq. m.	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	1 2 3 4 more than 4	20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	1 2 3 4 more than 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	1 2 3 4 more than 4	40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 55,000 sq. ft. / 5,110 sq. m. 55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 275 ft. / 83.8 m.

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Number of Dwelling Units	(e) Minimum Lot Area sq. ft. / sq. m.	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
central water supply and on-site sewage disposal system	IV	50 feet / 15.25 metres	1 2 3 4 more than 4	60,000 sq. ft. / 5,580 sq. m. 65,000 sq. ft. / 6,450.5 sq. m. 70,000 sq. ft. / 6,510 sq. m. 75,000 sq. ft. / 6,975 sq. m. 75,000 sq. ft. / 6,975 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	275 ft. / 83.8 m.
central water supply and on-site sewage disposal system	V	N/A	N/A	not developable	N/A
on-site water supply and central waste treatment system	I or II	50 feet / 15.25 metres	1 2 3 4 more than 4	15,000 sq. ft. / 1,393.5 sq. m. 20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	100 ft. / 30.5 m. 125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 160 ft. / 48.8 m.
on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1 2 3 4 more than 4	20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m 175 ft. / 53.3 m. 175 ft. / 53.3 m.
central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister

MINIMUM LOT SIZE STANDARDS - NON-RESIDENTIAL LOTS

Every non-residential Lot on a plan of Subdivision shall conform with the following minimum Lot size standards:

Table 2 - Minimum Lot Size Standards: Non-Residential Lots

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Minimum Lot Area	(e) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet/metres
on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the Frontage is on the interior curve of a Street)	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the Frontage is on the interior curve of a Street)	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the Frontage is on the interior curve of a Street)	51,000 sq. ft. / 4,738 sq. m.	225 ft. / 68.6 m.
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and central waste treatment system	I, II or III	50 feet / 15.25 metres	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and waste treatment systems	I, II or III	n/a	as determined by the Minister	as determined by the Minister

APPENDIX "A" OFFICIAL ZONING MAP

APPENDIX "B" SITE PLANNING STANDARDS

RESIDENTIAL SITE PLANS

Every Development application for a Single Family Dwelling, Duplex Dwelling, Semi-detached Dwelling, Private Summer Cottage or Seasonal Residence or an addition or Alteration to one of the above Uses, or a residential Accessory Building or detached Private Garage, shall include a Site Plan showing the following:

(1) boundaries and dimensions of the Lot

(2) adjacent Streets or access

(3) location of existing Structures and dimensions

(4) location of well

(5) location of septic tank and tile field

(6) existing vegetation

(7) slope and direction of surface drainage

(8) any proposed drainage changes or improvements

(9) any proposed changes to the existing grade or elevation of the site

(10) adjacent Structures within 50 feet of all Lot boundaries

(11) note the Front Yard Setback of adjacent Structures within 200 feet of the Lot

(12) north arrow and scale

(13) adjacent surface water features

COMPREHENSIVE SITE PLANS

Where a Comprehensive Site Plan has been required by Council or is required under the provision of this Bylaw it shall contain the following information:

(1) scale and north arrow

(2) address or clearly identified location of site

(3) all Property and Street pavement lines

(4) existing and proposed contours

(5) gross area of site in square feet (or metric)

(6) adjacent surface water features, steep slopes and existing vegetation

(7) where parking is involved, calculations for determining the number of Parking Spaces as required by the Bylaw, the maximum number of employees, customers, and vehicles which would be at the facility at any one time

(8) proposed ingress and egress to the site, including Parking Areas, stalls, and adjacent roads, and delineation of traffic flow with directional arrows, and indication of the location of direction Signs or other motorists' aids

(9) the designation of required buffer screens (if any)

(10) existing Landscaping that will be retained and proposed Landscaping shall be differentiated and shown

(11) locations of all existing (to remain) and proposed Buildings on the site and all Buildings on the site and all Buildings within 50 feet of the site's boundaries

(12) location of all existing (to remain) and proposed lighting standards and utility poles, complete with routing of electrical supply

(13) location and size of underground sewer and water utilities

(14) location of any easements on rights-of-way

(15) an indication that consideration has been given to accommodating the appropriate future Development of the balance of the site.

A Comprehensive Site Plan shall conform to the following design standards and principles:

(1) Design and site Buildings to preserve and enhance special views of natural areas.

(2) Site new Developments to ensure that adjacent Properties have visual privacy as well as protection from the new Development's site illumination, noise and odour, if applicable.

(3) Design Landscaping and Buildings adjacent to heritage or cultural areas that are complimentary to the Property's significant features.

(4) Design and site Buildings to screen from public view unsightly site elements such as shipping and loading areas, transformers and meters and parking.

(5) Link Development to pedestrian system by means of a safe, convenient and well lit walking system.

(6) Identify walkways that cross vehicular lanes with different paving materials, Signs, paint, etc.

(7) Protect pedestrian areas from vehicular intrusion with Landscaping and curbs or bollards that are integrated into the overall Streetscape design.

(8) Provide safe, convenient access for the handicapped to all major Building entrances by means of minimal grade changes, curb cuts, ramps and railings that are integrated into the overall design of the pedestrian area.

(9) Minimize the number of vehicular access points along roadway by sharing and linking Parking Areas with adjacent properties.

(10) In Parking Areas, use landscaped islands, curbs and Signs to clearly distinguish parking from loading and delivery area drive lanes.

(11) Provide turning areas in order to avoid dead-ended parking situations that require vehicles to back out on to Streets.

(12) In order that parking not be the dominant visual element in the Streetscape, screen extensive parking with Buildings, vegetative plantings or low walls.

(13) Ensure access to parking is evident to the approaching motorist.

(14) Provide adequate and convenient parking for all types of vehicles.

(15) Provide properly identified handicapped Parking Spaces located in close proximity to the Building entrance.

(16) Accommodate cyclists by providing bicycle racks located within the public view but out of the way of pedestrian movement.

(17) Provide lighting in Parking Areas:

(a) that does not glare into adjacent Properties;

(b) that is related to Parking Lot design and circulation; and

(c) that is compatible with the scale of adjacent Buildings.

(18) Provide Landscaping to:

(a) add visual interest to Open Spaces and Building facades;

(b) soften dominant Building mass at a pedestrian scale;

(c) screen unsightly areas.

(19) Screening of service yards and other places that tend to be unsightly shall be accomplished by the use of walls, fencing, planting, or combinations of these.

(20) Exterior lighting, when used, shall enhance the Building design and the adjoining landscape. Lighting standards and Building fixtures shall be of a design and size compatible with the Building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

(21) Care shall be taken in planting adjacent to driveway access so that vegetation does not obstruct sight distance from vehicles entering the highway.

APPENDIX "C" DESIGN AND CONSTRUCTION STANDARDS FOR CAMPGROUNDS AND RECREATIONAL VEHICLE FACILITIES

SITE PLANS

All applications to Develop or expand a Campground or Recreational Vehicle facility shall include a Site Plan showing the following information:

(1) boundaries of the Property to be developed

(2) location of all existing roads, utility lines, easements, and the like

(3) existing contours at 2 foot intervals, and indication of high and low points with spot elevations

(4) location and extent of natural water features, including ponds, rivers, shoreline and marshy areas

(5) location and size of existing Buildings and Structures

(6) outline of trees or vegetative cover and a general indication of maturity and type

(7) location and size of any special natural features

(8) indication of adjacent Property Uses and abutting features which require consideration

(9) location of recreation systems such as waterways and hiking trails

(10) location and size of man-made features

(11) an accurate and complete overlay of all features of the proposed Development, including, but not necessarily limited to:

(12) proposed ingress and egress to the site, including Parking Areas, stalls, and adjacent roads, and delineation of traffic flow with directional arrows, and indication of the location of directions Signs or other motorists' aids;

(13) designation of required buffer screens (if any);

(14) existing Landscaping that will be retained and proposed Landscaping shall be differentiated and shown;

(15) locations of all existing (to remain) and proposed Buildings on the site and all Buildings within 50 feet of the site's boundaries;

(16) location of all existing (to remain) and proposed lighting standards and utility poles, complete with routing of electrical supply;

(17) location and size of underground sewer and water utilities;

(18) layout of all sites and an indication of the types of sites; and

(19) layout of all Buildings and amenities.

APPENDIX "D" ARCHITECTURAL DESIGN STANDARDS

GENERAL INTENT

(1) It is intended that Development within the planning area should ultimately exist as a logical extension of the traditional Prince Edward Island village form and rural landscape.

(2) Local buildings should evoke a strong connection with the traditional forms and materials of Island architecture.

(3) It is expected and intended, however, that these connections should not necessarily take the form of direct reconstructions of Buildings which rightfully belong to a bygone era. Rather, they should serve to make the Municipality comfortable and recognizable as a P.E.I. community using traditional forms and materials in combination with sympathetic or complementary new styles.

(4) These standards should foster the natural and considered evolution of an architectural form which remains sympathetic to the existing landscape of Prince Edward Island while addressing current needs.

CONSTRUCTION STANDARDS

(1) Any commercial or public Buildings or Structures, including Tourist Accommodation Facilities constructed in the Municipality or moved into the Municipality, shall be designed and constructed in conformance with the architectural design standards as outlined in Appendix "D". Council may require that a commercial or public Building or Structure which is undergoing significant renovations also comply with the above standards as may be practical.

BUILDING SCALE

(1) The exterior perception of all Buildings should be that they are of a human scale; that is, smaller buildings rather than large monolithic structures.

(2) With the exception of cupule, weathervanes, spires, chimneys, flag poles, buildings shall not exceed two storeys with a flat roof or two storeys with a gabled roof, to a maximum roof height of 35 feet.

(3) Gabled roofs shall have a minimum slope of 8:12. Where the Development requires a large area, the structures shall be designed in such a manner as to reduce its perceived mass. This may be achieved by articulating the street facades and roof lines to suggest multiple, smaller structures.

ARCHITECTURAL DETAILS

(1) The general shape and proportion of a Building shall reflect the tradition of local architecture on P.E.I. Historically, these forms have been small scale structures in wood with steep gable roofs, mansard roofs or larger scale buildings in masonry with flat roofs.

(2) Traditional details such as fascia boards, decorative cornices and shingle work, window boxes, weather vanes, cupule, dormers and verandahs shall be incorporated.

(3) Facades at street level may provide large, storefront windows which facilitate views of the merchandise or services provided. Upper level windows shall be of traditional scale and character appropriate to the Building.

(4) Carriageways providing pedestrian access from the street to enclosed courtyards shall be incorporated where appropriate.

(5) Outdoor landscaped spaces such as courtyards, sidewalks, and passthroughs shall be considered and incorporated into a Building's design whenever possible. Care shall be taken to frame long and short range views.

(6) All mechanical service equipment shall be screened by architectural details.

EXTERIOR COLOURS AND MATERIALS

(1) All exterior cladding shall employ natural materials (wood clapboard, shingle, board and batten, brick, Island sandstone) singularly or in combination.

(2) Vinyl or other artificial sidings shall only be permitted where in the opinion of Council they are appropriate to the style of the Building, where natural materials would be difficult to maintain or where their use would complement adjacent structures.

(3) Where artificial siding is utilized, efforts should be made to incorporate traditional window and trim details.

(4) Exterior finishes shall be either paint or stain of sufficient durability to withstand the relatively harsh conditions of the area.

(5) Roofing materials shall be wood shingle, (where acceptable by code), or asphalt shingles on sloping roofs. Metal or composition materials may be approved by Council where they are deemed to be appropriate to the Structure.

(6) Colour schemes shall be thoughtfully considered with respect to adjacent Structures and the typical Island palette. Colours deemed obtrusive or inconsistent with the architectural theme shall not be permitted.

GENERAL EXTERIOR FITTINGS

(1) Where fencing is required for public safety or for concealing service areas, such fencing shall be of wood construction, wrought iron, or masonry in a style which complements any adjacent Buildings. Sheet metal or chain link fencing shall be permitted.

(2) Streetlights will be in a historically evocative style. The height of these fixtures should not significantly exceed 4m. They may incorporate brackets for hanging flower baskets or special event banners. Individual Buildings may also incorporate wall mounted fixtures which should also be of sympathetic character.

(3) Street furnishings such as benches, drinking fountains, public notice boards, bike racks, flag poles, trash containers, etc. should be fabricated from wood or metal as appropriate. They should be comfortable and easy to use and rendered in a traditional style.

APPENDIX "E" ENVIRONMENTAL IMPACT STATEMENT

An Environmental Impact Statement (EIS) is the document produced from studying the potential environmental impacts of a proposed project. It is required to properly assess a proposed undertaking. The principal objective of an EIS is to predict the impacts which can be expected, should the project proceed. This is accomplished by gathering necessary resource information, conducting field investigations (as required), and using scientific methods to evaluate potential interactions between the environment and activities associated with the undertaking. The proponent is responsible for preparing the EIS and any associated costs involved with the study. An EIS should be a well-organized document which provides reviewers with enough information to understand what is being proposed and the environment in which the project is to be located. More often than not, the EIS is prepared by an independent consulting firm chosen by and paid for by the proponent.

The proponent should clearly state who is proposing the project and provide their contact information. It should also be clear in this section who has performed the study and who prepared the report. It is often useful to list the qualifications of the individuals who have worked on the report.

The Environmental Impact Statement should describe the construction activities associated with the proposed project. It should detail time frames, materials to be used, detailed plans of the Development, mitigation measures proposed, etc.

The report must describe in detail the proposed undertaking, including the following:

(1) description of project

(2) dimensions of Buildings

(3) Site Plans/Building plans

(4) production rates

(5) by- products from the process (i.e., sewage, wastewater, etc.)

(6) all inputs and quantities of the inputs (i.e., water use, etc.)

(7) all outputs (i.e. waste produced, effluent discharge, etc.)

(8) additional projects required as a result of the project (Private Road, Street intersections, etc.)

(9) unique landforms

(10) slopes

(11) runoff characteristics and soil types

(12) the proximity of the proposed undertaking to streams or Watercourses

(13) groundwater and surface water resources (if the project has any potential to impact them)

(14) baseline surface and groundwater quality (where appropriate)

(15) field evaluations (if needed to provide site-specific data)

The report must also respond to the following questions:

(1) What environmental impacts will the changes to the Property have on the adjacent land Owners?

(2) What environmental impacts will the changes to the Property have on the groundwater, existing vegetation, Watercourses or Wetlands?

(3) What environmental impacts will the changes to the Property have on the municipal sewer system?

(4) What environmental impacts will this Development have on traffic including, but not limited to, access on Route 6?

(5) What environmental impacts will result from the construction activities associated with the proposed project?

(6) What are the detailed time frames, materials to be used, detailed plans of the Development, mitigation measures proposed, etc.?

Bylaw # 2017-1, Resort Municipality Zoning and Subdivision (Control) Bylaw 2017

Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico

To adopt the Resort Municipality Zoning and Subdivision (Control) Bylaw 2017

Effective Date
The effective date of Bylaw # 2017-1, Resort Municipality Zoning and Subdivision (Control) Bylaw 2017, is the date as signed below by the Minister of Communities, Land and Environment.

Authority – Bylaw
The Council for the Resort Municipality, under authority vested in it by Sections 11, 15, 18 and 19 of the Planning Act R.S.P.E.I 1988 Cap P-8 hereby enacts as follows:

First Reading
The Zoning and Subdivision (Control) Bylaw 2017 was read a first time at the Council meeting held on the 16th day of January, 2017. The Zoning and Subdivision (Control) Bylaw 2017 was approved by a majority of Councillors present at the Council meeting held on the 16th day of January, 2017.

Second Reading
The Zoning and Subdivision (Control) Bylaw 2017 was read a second time at the Council meeting held on the 27th day of February, 2017. The Zoning and Subdivision (Control) Bylaw 2017 was approved by a majority of Councillors present at the Council meeting held on the 27th day of February, 2017.

Adoption and Approval by Council
The Zoning and Subdivision (Control) Bylaw 2017 was approved by a majority of Councillors present at the Council meeting held on the 27th day of February, 2017.

The Zoning and Subdivision (Control) Bylaw 2017 is declared to be passed on the 27th day of February, 2017.

Chair

(Signed/Sealed)

Administrator

(Signed/sealed)

MINISTERIAL APPROVAL:
The Zoning and Subdivision (Control) Bylaw 2017, Bylaw #2017-1, is hereby approved.

Dated on this 8th day of May, 2017.

Hon. Robert Mitchell, Minister of Communities, Land and Environment