

**RESORT MUNICIPALITY OF STANLEY BRIDGE,
HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO
ZONING & SUBDIVISION CONTROL (DEVELOPMENT) BYLAW
2004**

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**RESORT MUNICIPALITY OF STANLEY BRIDGE,
HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO**

ZONING & SUBDIVISION CONTROL (DEVELOPMENT) BYLAW

This Bylaw is made under the authority of the *Planning Act*, R.S.P.E.I. 1988, Cap. 4.

BE IT ENACTED by 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

1.2 AREA DEFINED

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

1.3 PURPOSE

The purpose of this Bylaw shall be:

- a) to regulate and control the subdivision of land in order to promote the public health, safety, esthetics, and general welfare of the Municipality; and
- b) to regulate the location and use of land, buildings, structures, and for this purpose to divide the lands within the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico into zones pursuant to the provisions of the *Planning Act*, having due regard to:
 - 1) the promotion of the health, safety, convenience, and welfare of the public;
 - 2) the preservation of amenities and natural beauty;
 - 3) the value of land and the nature of its present and prospective uses;
 - 4) the promotion of good quality in the natural environment and the built environment; and
 - 5) the effective implementation of the Official Plan in the best interest of the community as a whole.

1.4 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 Resort Municipality, except in conformity with this Bylaw and subject to the provisions contained herein.

1.5 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. Notwithstanding the foregoing, the Development Officer shall have the authority to approve or deny development permits in accordance with this Bylaw in all areas except for:

- (1) Permanent Commercial
- (2) Institutional
- (3) Industrial
- (4) Multiple Family Dwellings
- (5) Attractions
- (6) Accommodations
- (7) Park

SECTION #2 - DEFINITIONS

For the purpose of this Bylaw, all words shall carry their customary meaning except for those defined hereafter.

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, and is compatible in design to the main buildings and surrounding structures.
- 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** “Alter” - means any change in the structural component or physical appearance of a building or any increase in the volume of a building or structure.
- 2.4** “Attached” - means a building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings and may also include a dependent structure which is joined by a significant architectural element such as a roofed walkway or breeze way, where the overall design of the dependant structure is architecturally compatible and visually complementary to the main structure.

- 2.5** “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.
- 2.6** “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.
- 2.7** “Automobile Washing Establishment” - means a building or part thereof used for the operation of automobile washing equipment which is manual, automatic or semi-automatic.
- 2.8** “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.
- 2.9** “Block” - means any unit of land consisting of a grouping of lots bounded on all sides by water courses, streets or large parcel boundaries or as otherwise defined by the Municipality.
- 2.10** “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.
- 2.11** “Building Height” - means the vertical distance measured from the averaged existing grade to the highest point of roof surface.
- 2.12** “Building Line” - means any line regulating the position of a building or structure on a lot
- 2.13** “Building Setback” - means the distance between the property 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.
- 2.14** “Business or Professional Office” - means premises where services are offered for a fee but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.
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- 2.15** “Carport” - means a building or structure which is not wholly enclosed and is used for the parking or storage of private passenger vehicles.
- 2.16** “Child Care Facility” - means any institution, agency, or place, whether known as a day nursery, nursery school, kindergarten or play school, which receives for temporary care apart from the parents on a daily or hourly basis, with or without stated educational

purposes and during part or all of the day, more than three children under seven years of age.

2.17 “Church” - means a building dedicated to religious worship and may include a church hall, church auditorium, Sunday School, parish hall and a day nursery operated by the church.

2.18 “Club” - means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the club are conducted.

2.19 “Community Care Facility” - means an establishment that provides care services for compensation to five or more residents who are not members of the operator’s immediate family but does not, unless otherwise ordered by the Lieutenant Governor in Council, include

- i) a group home recognized as such by the Minister;
- ii) a residential school;
- iii) an establishment providing accommodation only;
- iv) a hospital;
- v) a correctional institution;
- vi) a facility in which treatment services are provided under the Addiction Services Act R.S.P.E.I. 1988, Cap. A-3;
- vii) a nursing home; or
- viii) a residential institution as defined in Part II of the regulations made under the Welfare Assistance Act R.S.P.E.I. 1988, Cap. W-3 which is operated or funded by the Minister.

2.20 “Condominium” - means a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute.

2.21 “Convenience Store” - means a retail commercial establishment, not exceeding 1,500 sq. ft. (135 sq. m.) of gross floor area, supplying daily household necessities for the immediate surrounding area 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, housewares, toiletries, stationary, patent medicines, tobacco products and video tape sales and rentals, and propane.

2.22 “Council” - means the Council for the Resort Municipality.

- 2.23** “Councillor” - means any resident or property owner who has been duly elected and sworn to office in order that such person may execute those duties as prescribed by the law.
- 2.24** “Demolition” - means to remove, pull down or destroy a structure.
- 2.25** “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.
- 2.26** “Development Officer” - means the person charged by the Council with the duty of administering the provisions of this Bylaw.
- 2.27** “Development Permit” - means the formal and written authorization for a person to carry out any development.
- 2.28** “Development Scheme” - means a detailed plan showing the location, land use and form of all development of any land in a defined area.
- 2.29** “Display” - includes any item, group of items, sign, or billboard visible to the general public, indicating that items or services are offered for sale or trade, but does not include Premise Signs of 32 square ft. or less.
- 2.30** “Dwelling” - means a building or portion thereof designated or used for residential occupancy, but does not include hotels and motels.
- i) “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.
 - ii) “Single Family Dwelling” - means a building designed or used for occupancy as one dwelling unit.
 - iii) “Duplex Dwelling” - means a building containing two dwelling units each of which has at least two independent entrances.
 - iv) “Multiple Family Dwelling” - means a building containing three or more dwelling units.
 - v) “Semi-detached Dwelling” - means a building divided vertically into two (2) separate units, each of which has at least two independent entrances.

- vi) “Townhouse Dwelling or Row House Dwelling” - means a building that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

2.31 “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.

2.32 “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:

- i) domestic, non-paying guests and foster children; and
- ii) not more than two (2) roomers or boarders living in the dwelling unit.

“Immediate Family” - means the following persons:

- i) parents of the owner and their spouse;
- ii) the sons and/or daughters of the owner and their spouse;
- iii) the grandparents of the owner and their spouse;
- iv) the brothers and/or sisters of the owner and their spouse; and
- v) the aunts and/or uncles of the owner and their spouse.

2.33 “Farming” - means the outdoor cultivation of agricultural products, and the raising of farm livestock.

2.34 “Farm” or “Farm Property” - means arable land, dwelling and complementary buildings containing at least 10 acres.

2.35 “Fence” - means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

2.36 “Floor Area” - means:

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

- ii) 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.

- iii) With reference to “Accessory Building” - the area contained within the outside walls.
- 2.37** “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.
- 2.38** “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.
- 2.39** “Highway, Road or Street” - means all the area within the boundary lines of every 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.
- 2.40** “Hotel” - means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodations with or without meals, and “motel” shall have a corresponding meaning.
- 2.41** “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.
- 2.42** “In-Law Suite” - means a self-contained suite constructed in an owner-occupied single family dwelling for the sole purpose of accommodating a relative or relatives of the owner(s) during a limited period of time in which the relative may be in need of such a facility.
- 2.43** “Institutional Premises” - means premises, other than retail or industrial, used for community services and includes:
- i) cemeteries
 - ii) churches, places of worship and religious institutions
 - iii) colleges, universities and non-commercial schools
 - iv) community centres
 - v) government offices
 - vi) senior citizens homes, community care facilities, and nursing homes
 - vii) hospitals
 - viii) libraries, museums and art galleries
 - ix) public and private parks
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- x) public and private recreational centres
 - xi) public and private schools

- xii) experimental farms
- xiii) child care facilities

2.44 “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.

2.45 “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.

2.46 “Lot or Property” - means any parcel of land described in a deed or as shown in a registered subdivision plan.

- i) “Lot Area” - means the total area included within the lot lines.
- ii) “Corner Lot” - means a lot situated at an intersection of and abutting on two or more streets.
- iii) “Flankage Lot Line” - means the side lot line which abuts the street on a corner lot.
- iv) “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.
- v) “Interior Lot” - means a lot other than a corner lot.
- vi) “Lot Depth” - means the depth from the front lot line to the rear lot line.
- vii) “Lot Line” - means any boundary of a lot.
- viii) “Rear Lot Line” - means the lot line further from and opposite to the front lot line.
- ix) “Side Lot Line” - means a lot line other than a front, rear or flankage lot line.
- x) “Through Lot” - means a lot bounded on two opposite sides by streets.

2.47 “Lot Consolidation” - means the legal incorporation of two or more existing parcels of land to form a single, larger parcel.

- 2.48** “Lounge” - means a commercial facility or structure licensed to sell alcoholic beverages to the public.
- 2.49** “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.
- 2.50** “Major Development” - means any development as defined in Section 2.25 that will have a major impact on the Municipality as a whole or any part thereof as determined by Council including, but so as not to limit the foregoing, any major impact on municipal services, transportation, tax rates, retail outlets, institutions and residential expansion.
- 2.51** “Mini-Home” - means a premanufactured dwelling unit having an average width of less than twenty (20) feet, not including entries, porches, or other appurtenances.
- 2.52** “Mobile Home” - means a transportable dwelling unit suitable for permanent occupancy, designed to be transported on its own wheeled chassis.
- 2.53** “Motel” - means a building or two or more connected or detached buildings designed and used for the purpose of catering to the needs of the traveling 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.
- 2.54** “Municipality or Resort Municipality” - means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.
- 2.55** “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.
- 2.56** “Obnoxious Use” - means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, and any objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage matter, waste or other material.
- 2.57** “Open Space” - means that portion of a lot which may be used for landscaping, recreational space or leisure activities normally carried on outdoors; but does not include space used for service driveways or off-street parking.

- 2.58** “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.
- 2.59** “Parcel of Land” - means a lot, block, or other division of land which is recognized as a separate unit of land for the purposes of this Bylaw.
- 2.60** “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.
- 2.61** “Parking Space” - means an area of land which is suitable for the parking of a vehicle, not less than nine (9) feet wide and eighteen (18) feet long, accessible to vehicles without the need to move other vehicles on adjacent areas.
- 2.62** “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).
- 2.63** “Phase” - means to develop a parcel of land over time in a series of prescribed stages; or one of such stages.
- 2.64** “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.
- 2.65** “Private Street” - means any street or road, other than a driveway serving a single property, which is privately owned and privately maintained.
- 2.66** “Public Utility Building” - means a building which houses stationary equipment for telephone, electric power, public water supply, or sewage services.
- 2.67** “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.
- 2.68** “Restaurant” - means buildings or structures or part thereof where food and drink is prepared and offered for sale to the public.
- 2.69** “Retail Store” - means a building or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.

- 2.70** “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.
- 2.71** “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.
- 2.72** “Service Shop” - means a building 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.
- 2.73** “Sewerage System” - means a system of pipes for the disposal of sewage controlled by a utility.
- 2.74** “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.
- 2.75** “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 1.8 m (approximately 6 feet) above grade and provided also that any portion of a building between any floor and ceiling or roof next above exceeding 4.2 m (approximately 14 feet) in height shall be deemed an additional storey.
- 2.76** “Street or Road” - See Highway, Section 2.39.
- 2.77** “Structure” - means any construction including a building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.
- 2.78** “Structural Alteration” - means any construction which changes any bearing members of wall, ceiling, roof, floor, or foundation of a structure.
- 2.79** “Subdivision” - means a division of a parcel of land by means of a plan of subdivision, plan or survey, agreement, deed or any instrument, including a caveat transferring or creating an estate or interest in part of the parcel.
- 2.80** “Swimming Pool” - means any indoor or outdoor structure, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 30

cm (approximately 12 inches) or more at any point or with a surface area exceeding 5 square meters (54 square feet), and includes a facility commonly known as a hot tub.

- 2.81** “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.
- 2.82** “Survey Plan” - means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island land surveyor.
- 2.83** “Tourist Accommodation Facility” - means a hotel, motel, motor hotel, residential hotel, rental cottage complex, lodge, or inn.
- 2.84** “Tourist Home” - means a dwelling where overnight lodging is offered to the traveling public.
- 2.85** “Travel Trailer” - means a vehicle or structure designed to be used as a temporary accommodation for travel, recreation, and vacation purposes and normally intended to be independent of sewage, water and electrical service.
- 2.86** “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.
- 2.87** “Warehouse” - means a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.
- 2.88** “Watercourse” means the full width and length including the bed, shore, and bank of a fresh or tidal water body situated below the high water mark or every stream, river, lake, pond, creek, ravine, and gulch or any part thereof.
- 2.89** “Wetland” - means all freshwater and tidal areas that are or may be submerged or periodically submerged under freshwater or saltwater, including all bodies of water or areas commonly referred to as marshes, salt marshes, swamps, sloughs, and flats.
- 2.90** “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
- i) “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

- ii) between the front lot line and the nearest main wall of any building or structure on the lot.
- iii) 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.
- iv) “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.
- v) 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.

2.91 “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.

<u>Zone</u>	<u>Symbol</u>
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:

- i) Where a zone boundary is indicated as following a street or highway, the boundary shall be the center line of such street or highway.
- ii) Where a zone boundary is indicated as following lot or property lines, the boundary shall be such lot or property lines.
- iii) Where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.
- iv) Where none of the above provisions apply, the zone boundary shall be scaled from the original zoning map lodged with the municipality.

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 shall be in accordance with either Imperial or Metric standards.

SECTION #4 - GENERAL PROVISIONS 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 structure;
 - h) establish an excavation pit;
 - i) construct 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 purposes;
 - m) make any exterior or interior alterations to any structure; or
 - n) install a water system or construct a well, other than for domestic water supplywithout first applying for, and receiving a permit from Council.

2. For the purpose of this Bylaw:
 - a) laying paving materials for patios or sidewalks;
 - b) constructing fences of less than 4 feet in height;
 - c) installing clotheslines, poles, and radio or television antennae, except satellite dishes over 24" 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 buildings and structures shall not be interpreted as changing the use of land or a structure or constructing or replacing a structure, and shall not require a permit from Council.

4.2 PERMIT APPLICATION/FEES

- (1) Any person applying for a 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 Resort Municipality 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) The Developer may also be required to pay expenses in excess of the permit fee for legal costs and other expenses which Council may incur in connection with the technical assessment of complex applications or with the preparation, registration or enforcement of any development agreement or other legal instrument which may be required pursuant to this Bylaw.

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 permit is acquired by the developer. If permit is not paid for within six (6) months, then the permit will be null and void.

4.4 DEVELOPMENT PERMIT EXPIRY

- 1) A permit issued by Council shall be valid for twelve 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 permit before work commences.
- 2) If work is commenced during the 12 month period, the 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 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 building permit approval being granted for the property.

4.6 CONDITIONS ON PERMITS

Council or its agent shall have the authority to impose conditions on a permit subject to such conditions being directly related to or consistent with bylaws of the Municipality or the Official Plan.

4.7 ENVIRONMENTAL IMPACT ASSESSMENTS

- 1) Council shall require the Developer to submit an Environmental Impact Assessment for any proposed Major Development. Major Development is defined as but not limited to the following:
 - a) new or additional commercial space which results in the establishment of a commercial facility in excess of 10,000 square feet;
 - b) new or additional accommodation facilities which result in a facility in excess of 20 residential units;
 - c) attractions in excess of 2 acres; or
 - d) any development which Council feels may adversely affect the Environment or adjacent properties.
- 2) The terms of reference for an Environmental Impact Assessment shall be determined by Council.
- 3) A public meeting shall be held by Council to review the results of the Environmental Impact Assessment, 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 P.E.I. Department of Community Services or Environment prior to issuing a development permit.

4.9 DEVELOPMENT AGREEMENT

Council may require any applicant to enter into a Development Agreement. This Agreement shall be a contract binding on both parties, containing all conditions which were attached to the building permit and any additional conditions as may be imposed by Council. 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 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:

- i) parking lot layout and internal circulation patterns;
- ii) location of garbage containers and description of any screening or fencing;

- iii) storm water management plan;
- iv) location of open space and amenity areas;
- v) landscaping plan;
- vi) buffer zones adjacent to wetland areas or watercourses;
- vii) existing vegetation;
- viii) easements;
- ix) proposed storage areas and description of any screening or fencing;
- x) traffic impact studies;
- xi) significant view planes.

4.14 ACCESS

- (1) No development permit shall be issued unless the lot or parcel of land 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 right-of-way, provided that the following criteria are met:
 - (i) no reasonable provision can be made to provide access to a public street;
 - (ii) safe ingress and egress from the lot can be provided;
 - (iii) an agreement is registered in the P.E.I. Registry Office, binding on all land owners abutting or fronting on the private right-of-way providing for the long term ownership and maintenance of the right-of-way, such agreement shall be binding on all heirs, successors and assigns of the current property owners; or
 - (iv) the private road or right-of-way has been approved prior to the enactment of this Bylaw.
- (2) Council may issue a development permit for a lot created pursuant to the provisions of Section 17.3 (xi) and Section 17.3 (xii) 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

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meets the minimum sight distance standards as established under the *Planning Act* or the *Roads Act*.

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 the public highway, street, or road;
- (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 significantly or permanently injure neighbouring properties by reason of architectural disharmony; or,
- (8) the proposed development would be detrimental to the convenience, health, or safety of residents in the vicinity or the general public.

4.18 MAIN BUILDING

Except in an 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 ACCESSIBILITY

Council may, as a condition of granting a development permit, require the applicant to design and develop a structure or provide such facilities as necessary to permit access to the building or structure by physically challenged persons in conformance with the Provincial Building Code Act Barrier-Free Design Regulations.

4.20 MIXED USE

Where any land or building is used for more than one (1) purpose, all provisions of this

Bylaw relating to each use shall be satisfied.

4.21 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.

4.22 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.

4.23 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.

4.24 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 regulations or laws in force.

4.25 SITE WORK

No person shall carry out any site work in any zone which may create a nuisance, hardship or other inconvenience to persons in the vicinity.

4.26 AUTHORIZATION FOR INSPECTION

An application for a development permit shall constitute authorization for inspection of the building or land in question by an officer or agent of the Municipality for the purpose of ensuring compliance with the provisions of this Bylaw.

4.27 TRANSIENT OR TEMPORARY USES

- (1) No person shall construct, erect, place or establish a transient or temporary use on any land or within any premises within the Municipality without first applying for and receiving a permit from Council.
- (2) For the purposes of this Section, “transient or temporary use” shall include any commercial or non-commercial facility or use of land or premises 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.

- (3) Permits for transient or temporary uses shall be for a period not to exceed 3 days, however, Council may renew a permit where all conditions have been met and if in the opinion of Council, no conflict exists with adjacent land owners or the general public.
- (4) Notwithstanding Section 4.27 (3) above, Council may grant a seasonal transient or temporary use permit for a period not to exceed 5 months, where the transient or temporary use is directly related to an established or proposed permanent facility and where in the opinion of Council the use is compatible and does not represent a conflict or nuisance to land owners in the vicinity or the general public.
- (5) Notwithstanding any other provisions of this Bylaw, yard sales shall not be permitted to be in operation for a period exceeding 2 days.
- (6) Households and businesses shall be limited to 4 transient or temporary use permits per year. Local, non-profit community groups shall be limited to 4 transient or temporary use permits per year. The hours of the transient or temporary use permits shall be limited from 8:00 a.m. - 12:30 a.m. daily.
- (7) 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 proposed facility would not be architecturally compatible with adjacent properties; and
 - f) the use would create a conflict due to excessive noise, hours or operation, lighting or other nuisance.
- (8) 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) any other matters which could represent a hazard or a nuisance to the public

- (9) No transient or temporary use shall be permitted to encroach within the front, rear or side yards as required under this Bylaw.
- (10) All transient or temporary uses shall comply fully with the provisions of the Resort Municipality's Signage Bylaw.

4.28 ACCESSORY STRUCTURES

Accessory uses, buildings and structures shall be permitted on any lot but shall not:

- (1) be used for human habitation;
- (2) be located within the front yard or flanking side yard of a lot;
- (3) be built closer than five (5.0') feet (1.5 m) from any lot line;
- (4) except in a resort zone, commercial zone or on a farm property exceed 12' (3.6 sq. m.)
- (5) except in a resort zone, commercial zone or on a farm property exceed three hundred (300) sq. ft. (27 sq. m.) in total floor area;
- (6) be considered an accessory building if attached to the main building;
- (7) be considered an accessory building if located completely underground;
- (8) except in a resort zone, commercial zone or on a farm property be limited to two (2) per property (including a detached garage).

Satellite dishes greater than 2 feet in diameter shall not be erected in any zone in the Municipality unless a special permit has been issued by Council.

Notwithstanding the above provisions, Council may issue a special development permit for

an accessory structure located within the front yard or flanking side yard of a lot, where Council is satisfied the structure will be architecturally compatible with adjacent

structures and no permanent injury would be caused to adjoining properties, subject to such conditions as Council may impose.

4.29 SPECIAL REQUIREMENTS FOR PRIVATE DETACHED GARAGES

- (i) A private detached garage shall not exceed seven hundred 700 sq. ft. for a one car garage and (750) sq. ft. for a two car garage of floor space.
- (ii) A private detached garage shall not exceed a height in excess of sixteen (16') ft. in height above grade for a one car garage and eighteen (18') in height above grade for a two car garage, unless a special permit has been issued by Council allowing a greater height in order to achieve architectural harmony with the main building.
- (iii) A private detached garage shall be included in the calculation of maximum lot coverage as described in the Lot Requirements for the applicable zone.
- (iv) only one (1) private detached garage shall be permitted per property.
- (v) private detached garages shall comply with the provisions of Section 4.28 (2) and 4.28 (3) above.
- (vi)

4.30 IN-LAW SUITES

An in-law suite may be constructed within any existing single family dwelling if the owner of the dwelling, upon written application to the Council, satisfies the Council that the in-law suite is necessary, and if the owner and the Council have first entered into a written development agreement pursuant to which the owner has agreed with the Council as follows:

- a) that the in-law suite shall be used only by a specified and immediate family relative of the owner;
- b) that the dwelling shall be restored by the owner, at the owner's cost and expense, to a single family dwelling within 60 days following the death or other departure of such relative from the in-law suite;
- c) 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;
- d) that all other provisions of this Bylaw remain applicable to the dwelling and

that the Council may require such changes to the exterior of the dwelling as may be necessary to ensure compliance with this Bylaw, whether in connection with the construction of the in-law suite or the restoration of the dwelling to a single family dwelling.

- e) that the development agreement may be registered, recorded or filed by Council in such public offices as the Council deems appropriate.
- f) 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.

4.31 PERMITS POSTED

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

4.32 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.

4.33 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, silos, or utility poles.

4.34 INTERSECTION TRIANGLES

On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than two (2') feet above grade of the streets which abut the lot within the triangular area indicated by the street boundary lines for a distance of 20 feet (6 m) from their point of intersection.

4.35 OUTDOOR AREA LIGHTING

- (1) Exterior lighting and illuminated signs shall be so arranged in any zone as to deflect light away from any residence 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.

4.36 PERMITTED USES IN ALL ZONES

The following uses are permitted in all zones:

- i) 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.
- ii) Public and private utility buildings and structures which are considered by Council to be necessary and appropriate to the Municipality.

4.37 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 or development agreement and shall comply therewith.

4.38 DENYING PERMITS

- i) No development permit shall be issued if the proposed development could create a hazard to the general public or any resident of the municipality or could injure or damage neighbouring property or other property in the municipality, such injury or damage to include but not be limited to water, drainage or other water run-off damage.
- ii) No development permit shall be issued if the proposed development could create a health, fire or accident hazard or increase the likelihood of the existence of rodents, vermin, or other pests.

4.39 UNDERGROUND PETROLEUM STORAGE TANKS

Underground Petroleum Storage Tanks shall require a development permit from the Municipality 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 permit to the Developer until it has received written approval from the appropriate authority to the Island Regulatory and Appeals Commission, and the Department of Environment. However, the written approval of the latter shall not alone be conclusive of the right to have a permit issued hereunder.

4.40 OUTDOOR SWIMMING POOLS

The installation of a swimming pool shall require a development permit and shall be in accordance with the following provisions:

- a) swimming pools shall be enclosed by a fenced enclosure having a minimum height of six (6) feet from the established grade and located a minimum of six (6) feet from the water surface perimeter, and such fence shall be architecturally harmonious with the main building in terms of style and construction materials, which may include wooden or wire fencing;
- b) the enclosure required in Section 4.38 (a) above shall be no closer than fifteen feet (15') from any lot line in a commercial zone;
- c) no swimming pool shall be located closer than twenty-one feet (21') from any lot line in a residential zone;
- d) no swimming pool shall be located within a required yard that abuts a street or public right-of-way unless the setback from the public right-of-way conforms to the established or required front yard setback on adjacent neighbouring properties;
- e) any gate in a swimming pool enclosure shall be equipped with a child-proof lock;
- f) swimming pool operating equipment and chemicals shall be enclosed in a pool maintenance building designed to ensure dry, secure storage and to minimize noise and vibration;
- g) each pool shall be equipped with a life ring and pole;
- h) disposal of swimming pool water shall only be to either a dry ditch remote from any water course or be carried off by truck;
- i) prior to disposal, swimming pool water shall be allowed to sit for one (1) week as to allow the chemicals to evaporate and dissipate.

4.41 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 be based

upon an actual survey provided by a licensed Prince Edward Island Land Surveyor.

4.42 CERTIFICATE OF COMPLIANCE

As a condition of any development permit Council may require that any applicant shall not use or occupy, or being the owner thereof, shall not permit any building or premises, or part thereof, to be used or occupied after it has been erected, altered, placed or reconstructed until there has been issued to the owner an official certificate of compliance certifying that the building or premises or part thereof conform to the provisions of this Bylaw and any conditions noted on the development permit or the development agreement.

4.43 SUBDIVIDING OF ATTACHED DWELLINGS

Semi-detached and row or townhouse dwellings may be divided independently for individual sale and ownership provided that:

- (a) 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 of any portion of the building to his back yard area);
- (a) 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 and Fire Code regulations;
- (b) a separate water and sewer service is provided for each unit in accordance with policies governing water supply and sewerage services for the Municipality;
- (c) a separate electrical service is provided for each unit;
- (d) a separate heating device is provided for each unit;
- (e) separate parking to be provided unless Council waives same;
- (f) 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:
 - (1) common walls
 - (2) maintenance
 - (3) fire insurance
 - (4) easements
 - (5) parking
 - (6) snow removal, and
 - (7) any other items jointly owned or used.

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

4.44 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.

4.45 LANDSCAPING

- i) 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;
- ii) The provision and maintenance of adequate landscaping shall be required for new development to the satisfaction of the Development Officer;
- iii) Where a C1 or a RD4 Zone abuts a Residential Zone along a side and/or rear lot line, a strip of not less than fifteen feet (15') (4.5 m.) in width along the said side and/or rear lot 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 building permit has been granted.

4.46 WATERCOURSES AND WETLANDS

- (1) Within seventy-five feet (75') of any watercourse, intermittent watercourse or wetland, no person shall alter or remove any natural vegetation or remove or deposit any fill or other material without first applying for and receiving a permit from Council and, if required, a stream alteration permit from the Provincial Government.
- (2) Within seventy-five feet (75') of any watercourse or wetland no person shall erect or place any structure.
- (3) Notwithstanding the above provisions, Council may permit development to occur within seventy-five feet (75') of a watercourse or wetland where it deems there would be no significant damage to the natural environment and subject to a detailed landscaping plan, erosion control plan and such other conditions as Council may impose.

4.47 PETROLEUM STORAGE

- (1) Underground gasoline storage facilities shall not be permitted in any residential zone;
- (2) The storage of gasoline on a residential lot shall be limited to 50 litres (13 gallons);
- (3) Propane storage tanks shall be installed and stored in accordance with the recommendations of the PEI Fire Marshals Office. Portable propane tanks shall not be stored inside a residence.
- (4) Applications for the installation of all residential and commercial underground fuel lines shall be accompanied with a sketch illustrating the proposed location of the lines. Where applicable, the location of any existing underground fuel lines shall be noted on all Development Applications.

4.48 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:
 - (i) it was lawfully under construction, or
 - (ii) 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 within a reasonable time;
- (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, except if the building or repair work would not be detrimental, in the opinion of Council, to the convenience, health or safety of residents in the vicinity or the general public;

- (5) Any change of tenants or occupants of any premises or building shall not of itself be

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deemed to affect the use of the premises or building for the purposes of this Bylaw;

- (6) A non-conforming use of land, buildings or structures shall not be permitted if it has been discontinued for a period of twelve (12) months consecutively, and in such event, the land, building or structure shall not thereafter be used except in conformity with this Bylaw, unless Council deems that the continued use is appropriate and would not be detrimental to the convenience, health or safety of residents in the vicinity or the general public.

4.49 DOMESTIC AND HOUSEHOLD ARTS IN RESIDENTIAL ZONES

- (i) Nothing in this Bylaw shall prevent the carrying on in a residential zone of domestic and household arts provided that all conditions as specified in Section 4.50 are complied with.
- (ii) Domestic and household arts may include:
- (a) dressmaking and tailoring
- (b) hairdressing
- (c) instruction in music, dance, arts and crafts, weaving, painting, sculpture, repair of garden or household ornaments, personal effects, or toys
- (d) other similar activities as approved by Council.

4.50 BUSINESS USES IN RESIDENTIAL ZONES

Where property is used for domestic and household arts, or business or professional office purposes in a residential zone, the following shall apply:

- (i) 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.
- (ii) there shall be no more than one non-resident assistant employed in the business or professional office or the domestic and household arts carried on.
- (iii) not more than 25% of the total floor area of the dwelling shall be occupied by the business or professional office or domestic and household arts use and no use shall be made of any accessory buildings.
- (iv) adequate off-street parking, in accordance with this Bylaw, separate from that required for the dwelling, shall be provided.
- (v) there shall be no open storage or display area.
- (vi) premise signs shall be restricted to a maximum of 400 square inches in total and shall not be internally lighted.
- (vii) there shall be no nuisance or inconvenience to other residents in the zone.

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

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No semi-detached, row or townhouse dwelling shall be erected in a manner which will not permit subdivision into individual units pursuant to Section 4.43.

4.52 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.

4.53 TRAVEL TRAILERS

No person shall use a travel trailer in any zone for any purpose other than the type of temporary residence for which it is intended.
No person shall use a travel trailer as a substitute for a summer cottage on any lot.

4.54 MOBILE HOMES

Mobile homes shall not be permitted in the Municipality.

4.55 BED AND BREAKFAST ESTABLISHMENTS IN RESIDENTIAL ZONES

Bed and breakfast establishments shall be permitted to operate in any single family residence 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 (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) premise signs shall be restricted to a maximum of 32 square feet and shall not be backlit;
- 5) there shall be no other signage, open storage or visible display area.

4.56 SITE PLANNING STANDARDS

For any development other than a single family dwelling or private summer cottage or seasonal residence, Council may require the submission of a detailed site plan prepared in conformance with Appendix “B”, “Site Planning Standards”.

4.57 ARCHITECTURAL DESIGN STANDARDS

Any commercial or public building or structure including multi-unit tourist accommodations 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.

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.

5.2 PARKING REQUIREMENTS

	<u>Primary Type of Building</u>	<u>Minimum Requirement</u>
(i)	Single Family Dwelling, Summer Cottage or Seasonal Residence	2 parking spaces
(viii)	Duplex Dwelling	2 parking spaces for each unit
(ix)	Multiple Family Dwelling	1.5 parking spaces per dwelling unit
(x)	Hotel, Motel or other Tourist Establishment	1 parking space per guest room or rental unit and 1 parking space for each (150 sq. ft.) of floor area devoted for public use (e.g. banquet rooms, lounge)
(xi)	Auditoriums, churches, halls, libraries, museums, theatres, arenas, private clubs, and other places	Where there are fixed seats, 1 parking space for every four
(4)		of assembly or recreation

Seats; v

(xii) Hospitals and Nursing Homes .75 parking spaces per bed

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(xiii) Senior Citizens Apartments and Community Care Facilities 1.25 parking spaces per dwelling

(xiv) Elementary School 1.5 parking spaces per teaching classroom and 1 parking space for each six seats of seating capacity in the auditorium.

(xv) Funeral Home 1 parking space per four seats of seating capacity.

(xvi) Outdoor Attractions 1 space for each four (4) persons, based on rated design capacity.

(xvii) Indoor Attractions 1 space for each 75 sq. ft. of floor area.

(xviii) Business and Professional Offices, Service and Personal Service Shops 1 parking space per 28.0 sq. m. (300 sq. ft.) of floor area.

(xix) Automobile Dealership 1 parking space per 4.65 sq. m. (50 sq. ft.) of floor area.

(xx) Shopping Center (Indoor Mall) 1 parking space per 18.6 sq. m. (200 sq. ft.) of gross floor area.

(xxi) Restaurant or Lounge 1 parking space per four seats of seating capacity.

(xxii) Fast Food Restaurant/Take-Out 1 parking space per four seats of seating capacity and / or 1 per 150 sq. ft. of floor space.

(xxiii) Other Commercial/Retail Stores 1 parking space per 93 sq. m. (100 sq. ft.) of floor area.

(xxiv)	Industrial	1 parking space per 28 sq.m. (300 sq. ft.) of floor area or 1 parking space per employee whichever is greater.
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(xxv)	Secondary School, Colleges	As determined by Council at the time of approval.
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5.3 OTHER REQUIREMENTS

- (1) a minimum of 5 percent (5%) of parking in connection with shopping centres, retail stores, restaurants and attractions shall be designed for motor coaches and motor homes and trailers;
- (2) the lights used for illumination of the parking lot or parking area shall be so arranged as to divert the light away from the streets, adjacent lots and buildings;
- (3) a structure not more than ten ft. (10') (3 m) in height and not more than fifty (50) sq. ft. (4.6 sq. m.) in area may be erected in the parking area for the use of attendants;
- (4) the parking area shall be within two hundred ft. (200') (60 m) 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) a parking space shall consist of an area of not less than two hundred (200) sq. ft. (18.6 sq. m.) measuring ten (10) ft. (3 m) by twenty (20) ft. (6 m), exclusive of driveways and aisles, unless otherwise authorized by Council;
- (7) entrances and exits to parking areas shall not exceed a width of thirty ft. (30') (9 m) at the street line and edge of pavement; and
- (8) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of ten ft. (10') (3 m) for one-way traffic, and a minimum width of twenty ft. (20') (6 m) for two-way traffic.

5.5 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 space for standing, loading and

unloading for every fifteen thousand (15,000) sq. ft. (1,395 sq. m.) or fraction thereof of building floor area used for any such purpose.

- (2) Each loading space shall be at least twelve feet (12') (3.6 m) wide with a minimum of fourteen ft. (14') (4.25 m) height clearance.

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- (3) The provision of a loading space for any building with less than fifteen hundred (1,500) sq. ft. (139.5 sq. m.) shall be optional.

- (4) No such loading spaces shall be located within any required front yard or be located within any yard which abuts a residential 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 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 land shall be used for purposes other than:

- 1) Single Family Dwellings
- 2) Private Summer Cottages or Seasonal Residences
- 3) Accessory Buildings
- 4) Private Garages
- 5) Business or Professional Offices pursuant to the provisions of Section 4.43.
- 6) Bed and Breakfasts pursuant to the provisions of Section 4.55.
- 7) Agricultural Buildings and agricultural uses which in the opinion of Council do not represent a significant nuisance or health hazard to adjacent residences.

6.3 SPECIAL PERMIT USES

Notwithstanding Section 6.2 above, Council may issue a special development permit for the following uses where it deems: the development is appropriate; the development is physically separated from existing residential development; the development is serviced by central sewer; and all other relevant provisions of this Bylaw are met and subject to such conditions as Council may impose. Council shall hold a public meeting pursuant to the provisions of Section 16 prior to issuance of the permit.

- 1) group homes
- 2) day care centres
- 3) multi-family structures or condominiums

6.4 LOT REQUIREMENTS

In the R1 zone, lots and structures shall conform to the following standards:

i)	Minimum Lot Area (central sewer)	-	15,000 sq. ft.
ii)	Minimum Lot Area (on-site serviced)	-	see Schedule "A"
iii)	Minimum Frontage (central sewer)	-	100 ft.
iv)	Minimum Frontage or Lot Width (on-site serviced)	-	see Schedule "A"
v)	Minimum Front Yard	-	25 ft.
vi)	Minimum Rear Yard	-	20 ft.
vii)	Minimum Side Yard	-	15 ft.
viii)	Minimum Flankage Yard	-	as per 6.4 (v) above
ix)	Maximum Height of any Building	-	24 ft.
x)	Minimum Building Separation	-	12 ft.

Notwithstanding Section 6.4 (ix) above, Council may grant a Special Permit for 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 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 land used in an R2 zone shall conform with the provisions of this Section.

7.2 PERMITTED USES

No building or structure or part thereof and no land shall be used for purposes other than:

- 1) Single Family Dwellings
- 2) Private Summer Cottages or Seasonal Residences
- 3) Tourist Accommodation Facilities
- 4) Personal Service Shops

- 5) Accessory Buildings
 - 6) Private Garages
 - 7) Business or Professional Office pursuant to the provisions of Section 4.43
 - 8) Agricultural Buildings and agricultural uses which in the opinion of Council do not represent a significant nuisance or health hazard to adjacent properties.
 - 9) Historic sites and restoration sites

7.3 SPECIAL PERMIT USES

Notwithstanding Section 7.2 above, Council may issue a special development permit for the following uses where it deems: the development is appropriate; the development is physically separated from existing residential development; the development is serviced by central sewer; and all other relevant provisions of this Bylaw are met; and subject to such conditions as Council may impose:

- 1) duplex dwellings/semi-detached dwellings
- 2) neighbourhood convenience stores
- 3) multiple family dwellings
- 4) condominiums
- 5) group homes
- 6) day care centres or day nurseries

7.4 LOT REQUIREMENTS

In the RD2 zone lots, sites and structures shall conform to the following standards:

- i) Minimum Lot Area (central sewer) - 15,000 sq. ft.
- ii) Minimum Lot Area (on-site serviced) - See Schedule “A”
- iii) Minimum Frontage (central sewer) - 100 ft.
- iv) Minimum Frontage or Lot Width (on-site serviced) - See Schedule “A”
- i) Minimum Front Yard - 50 ft. or in conformance with a lesser setback which has been established on adjoining properties, as determined by Council.
- ii) Minimum Rear Yard - 20 ft.
- iii) Minimum Side Yard - 15 ft.
- iv) Minimum Flankage Yard - As per 6.3 (v) above
- v) Minimum Building Separation - 12 ft. for single storey structures and 20 ft. for greater than one storey
- vi) Maximum Height of any building - 28 ft.

Notwithstanding Section 7.4 (x) above, Council may grant a Special Permit for 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 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 unit.

7.6 COMPREHENSIVE SITE PLAN

In the RD2 zone, no permit, other than for a single family dwelling, single summer cottage (which is not part of an existing rental cottage complex), farm buildings, accessory building or private garage, shall be issued prior to the approved by Council 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 Provincial Government, 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 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 land shall be used for purposes other than:

- 7) Trailer and recreational vehicle campsites
- 8) Tenting campsites
- 9) Hostels
- 10) Tourist accommodation facilities
- 11) Parks, playgrounds and picnic sites
- 12) Accessory Buildings, including an owner's or manager's residence
- 13) Grocery stores, convenience stores, personal service shops and recreational facilities intended primarily to serve the needs of guests.

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8.3 LOT REQUIREMENTS

All campsites shall conform to the minimum provisions of the *Public Health* Act.

All uses other than campsites shall conform to the requirements of the following standards:

8.4

- I) Minimum Lot Area (central sewer) - 15,000 sq. ft.
- ii) Minimum Lot Area (on-site serviced) - See Schedule "A"
- vii) ii) Minimum Frontage (central sewer) - 100 ft.
- iv) Minimum Frontage or Lot Width (on-site serviced) - See Schedule "A"
- v) Minimum Front Yard - 50 ft. or in conformance with a lesser setback which has been established on adjoining properties, as determined by Council.
- vi) Minimum Rear Yard - 20 ft.
- i) v) Minimum Side Yard - 15 ft.
- ii) v) Minimum Flankage Yard - As per 6.3 (v) above
- ix) Minimum Building Separation - 12 ft. for single storey structures and 20 ft. for greater than one storey
- x) Maximum Height of any building - 28 ft.

Notwithstanding Section 8.4 (x) above, Council may grant a Special Permit for 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 and where there would be no significant impact on established view planes.

8.5 OUTDOOR RECREATION SPACE

In an RD3 zone, designated useable outdoor recreation space shall be provided on any parcel of land

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8.6 COMPREHENSIVE SITE PLANS

In the RD3 zone, no permit shall be issued prior to the approval by Council of a comprehensive site plan prepared in accordance with the standards outlined in Appendix “B”, or Appendix “C” in the case of campgrounds.

SERVICING:

8.7 All developments within an RD3 zone shall either be serviced by central sewer services where available, or shall require installation of an on-site sewage treatment **41**

system approved by the Provincial Government, 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 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 land shall be used for purposes other than:

- 14) Tourist attractions
- 15) Retail stores and service shops
- 16) Places of entertainment
- 17) Restaurants and Lounges
- 18) Business and Professional Offices

- 19) Parking Lots
- 20) Public and Private Parks and Playgrounds
- 21) Banks and financial institutions
- 22) Tourist accommodation facilities
- 23) Single Family dwellings (as a commercial accessory use)
- 24) Private summer cottages or seasonal residences (as a commercial accessory use)
- 25) Accessory buildings
- 26) Private Garages
- 27) Dwelling units in a commercial building
- 28) Historic sites and restoration sites

9.3 SPECIAL PERMIT USES

Notwithstanding Section 9.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, the development is physically separated from existing residential development, the development is serviced by central sewer and all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- 1) Automobile Service Stations
- 2) Automobile washing establishments
- 3) Taxi and bus terminals
- 4) Other uses as approved by Council.

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9.4 LOT REQUIREMENTS

Uses permitted in the R1 and RD2 zones shall conform to the standards set out for those zones, including outdoor open space.

All other uses shall conform to the following standards:

- i) Minimum Lot Area (central sewer) - 15,000 sq.ft.
- ii) Minimum Lot Area (on-site serviced) - See Schedule “A”
- iii) Minimum Frontage (central sewer) - 100 ft.
- iv) Minimum Frontage or Lot Width (on-site serviced) - See Schedule “A”
- v) Minimum Front Yard - 25 ft.
- vi) Minimum Rear Yard - 25 ft.
- vii) Minimum Side Yard - 15 ft.
- viii) Minimum Flankage Yard - 25 ft.
- ix) Minimum Building Separation - 20 ft.
- x) Maximum Height of any building - 28 ft.

Notwithstanding Section 9.4 (x) above, Council may grant a Special Permit for 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 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 maneuvering lanes, other than a driveway.

9.6 COMPREHENSIVE SITE PLANS

In the RD4 zone, no permit shall be issued prior to the approval by Council of a comprehensive site plan prepared in accordance with the standards outlined in Appendix "B".

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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:

- i) the dwelling unit is not above a restaurant, lounge, automobile station, dry-cleaning establishment or repair shop storing explosive materials;
- ii) separate entrances serve the dwelling unit;
- iii) for each dwelling unit, 400 sq. ft. (47 sq. m.) of landscaped open area and 1.5 parking spaces are provided;

- iv) each dwelling unit meets the requirements of the Provincial Fire Marshall;
- v) the floor area in residential use does not exceed the commercial floor area.

9.8 AUTOMOBILE SERVICE STATION

- 1) Notwithstanding any other provision of this Bylaw, the following special provisions shall apply to an Automobile Service Station:
 - a) Minimum Lot Frontage - 150 feet (45 m)
 - b) Minimum Pump Setback - 20 feet (6 m)
 - c) Minimum Pump Distance from access or egress - 30 feet (9 m)
 - a) Minimum Width of Driveway - 25 feet (7.5 m)
- 2) Where the service station includes an automobile washing facility, 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 Provincial Government, and in cases where capacity is over 1500 gallons, it shall be designed and certified by

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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 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 land shall be used for purposes other than:

- 1) Retail stores and service shops
- 2) Restaurants
- 3) Business and Professional Offices
- 4) Public and Private Parks and Playgrounds
- 5) Single Family dwellings (as an accessory use)

- 6) Private summer cottages or seasonal residences
- 7) Accessory buildings
- 8) Private garages
- 9) Dwelling units in a commercial building

10.3 SPECIAL PERMIT USES:

Notwithstanding Section 9.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, the development is physically separated from existing residential development, the development is serviced by central sewer and all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- 1) Lounge / pub

10.4 LOT REQUIREMENTS:

- i) Minimum Lot Area (central sewer) - 15,000 sq. ft.
 - ii) Minimum Lot Area (on-site serviced) - See Schedule "A"
 - iii) Minimum Frontage (central sewer) - 100 ft.
 - iv) Minimum Frontage or Lot Width (on-site serviced) - See Schedule "A"
 - v) Minimum Front Yard - 50 ft. or in conformance with a lesser setback which has been established on adjoining properties, as determined by Council.
- 45**
- vi) Minimum Rear Yard - 20 ft.
 - vii) Minimum Side Yard - 15 ft.
 - viii) Minimum Flankage Yard - As per 6.3 (v) above
 - ix) Minimum Building Separation - 12 ft. for single storey structures and 20 ft. for greater than one storey
 - x) Maximum Height of any building - 28 ft.

Notwithstanding Section 10.4 (x) above, Council may grant a Special Permit for 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 and where there would be no significant impact on established view planes.

10.5 LANDSCAPED AREAS

- 10) 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.

- 11) Where parking is provided within the front yard of a commercial establishment, a
- 12) 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 maneuvering lanes, other than a driveway.

10.6 COMPREHENSIVE SITE PLANS

In the C1 zone, no permit shall be issued prior to the approval by Council of a comprehensive site plan prepared in accordance with the standards outlined in Appendix "B".

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

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minimum standards shall apply:

- i) the dwelling unit is not above a restaurant, lounge, automobile station, dry-cleaning establishment or repair shop storing explosive materials;
- ii) separate entrances serve the dwelling unit;
- iii) for each dwelling unit, 400 sq. ft. (47 sq. m.) of landscaped open area and 1.5 parking spaces are provided;
- iv) each dwelling unit meets the requirements of the Provincial Fire Marshall;
- v) 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 Provincial Government, 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 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 land shall be used for purposes other than:

- 1) Schools, public and private
- 2) Churches, manses and cemeteries
- 3) Religious institutions
- 4) Sewer/water utility structures
- 5) Cultural centres
- 6) Community centres
- 7) Government offices
- 8) Recreation and sports buildings
- 9) Public and Private parks
- 10) Group Homes
- 11) Nursing Homes and Community Care facilities

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11.3 LOT REQUIREMENTS

In the PSI zone, lots and structures shall conform to the following standards:

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|-----|---|---|-----------------------|
| 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 | - | as per 11.3 (v) above |
| 9) | Maximum Height of any Building | - | 24 ft. |
| 10) | Minimum Building Separation | - | 12 ft. |

Notwithstanding Section 11.3 (ix) above, Council may grant a Special Permit for 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 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 land used in an O1 zone shall conform with the provisions of this Section.

12.2 PERMITTED USES

No building or structure or part thereof and no land shall be used for purposes other than:

- 1) Private and Public Parks
- 2) Playgrounds and sports fields
- 3) Parks and Recreation facilities
- 4) Open Space and Conservation uses
- 5) Golf Courses
- 6) Pavilions and Band Shells
- 7) Recreation Administrative Offices
- 8) Parking lots related to the above
- 9) Accessory buildings, including washrooms and concession stands.

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12.3 LOT REQUIREMENTS

In the O1 zone, lots and structures shall conform to the following standards:

- | | | | |
|-------|---|---|-----------------------|
| i) | Minimum Lot Area (central sewer) | - | 15,000 sq. ft. |
| ii) | Minimum Lot Area (on-site serviced) | - | see Schedule "A" |
| iii) | Minimum Frontage (central sewer) | - | 100 ft. |
| iv) | Minimum Frontage or Lot Width
(on-site serviced) | - | see Schedule "A" |
| v) | Minimum Front Yard | - | 25 ft. |
| vi) | Minimum Rear Yard | - | 20 ft. |
| vii) | Minimum Side Yard | - | 15 ft. |
| viii) | Minimum Flankage Yard | - | as per 12.3 (v) above |
| ix) | Maximum Height of any Building | - | 24 ft. |
| x) | Minimum Building Separation | - | 12 ft. |

Notwithstanding Section 12.3 (ix) above, Council may grant a Special Permit for 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 and where there would be no significant impact on established view planes.

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 Provincial Government, 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 land used in an 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.

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13.3 PERMITTED USES

No building or structure or part thereof and no land shall be used for purposes other than:

- 1) Agricultural Uses
- 2) Single Family dwellings
- 3) Private summer cottages or Seasonal Residences
- 4) Tourist Accommodation facilities up to 5 units
- 5) Accessory Buildings
- 6) Business or Professional Offices pursuant to the provisions of Section 4.43
- 7) Private and Public Parks
- 8) Playgrounds and Sports Fields
- 9) Open Space and Conservation uses

13.4 SPECIAL PERMIT USES

Notwithstanding Section 13.2, above, Council may grant a Special Permit for one of the following uses where Council deems the development is appropriate and would comply with the terms and intent of this Bylaw and the Official Plan:

- 1) Tourist Accommodations of greater than 5 units
- 2) Golf Courses

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 farming activities 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;
- 4) long term plans for those portions of the property which are not proposed to be developed.

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13.6 LOT REQUIREMENTS

In the RR zone, lots and structures shall conform to the following standards:

- | | | | |
|----------|--|---|-------------------------|
| (i) | Minimum Lot Area | - | 1 acre (43,560 sq. ft.) |
| (ii) | Minimum Frontage or Lot Width | - | 150 ft. |
| | Notwithstanding the above standards, all lots shall also conform with the minimum standards in Schedule "A". | | |
| (xxvi) | Minimum Front Yard | - | 50 ft. |
| (xxvii) | Minimum Flankage Yard | - | 50 ft. |
| (xxviii) | Minimum Rear Yard | - | 25 ft. |
| (xxix) | Minimum Side Yard | - | 25 ft. |
| (xxx) | Maximum Height of any non agricultural building | - | 28 ft. |
| (xxxi) | Minimum Building Separation | - | 20 ft. |

Notwithstanding Section 13.(vii) above, Council may grant a Special Permit for 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 and where there would be no significant impact on established view planes.

13.7 COMPREHENSIVE SITE PLAN

In the RR zone, no 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 approval by Council of a comprehensive site plan prepared in accordance with the standards outlined in Appendix “B”. The plan shall also indicate measures to protect agricultural activities and significant natural features.

13.8 SERVICING

Notwithstanding any other provisions of this Bylaw, the RR zone is established principally to protect the natural beauty and rural character of the area, and to retain low density uses of land where no central municipal water or sewer services will be provided in the foreseeable future.

Accordingly, Council may require that Environmental Impact Assessments 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 Provincial Government, 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

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common servicing systems based on the recommendations of the provincial Department of Environmental Resources. 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 Park boundary.

SECTION #15 - MINOR VARIANCE

15.1 VARIANCE PROVISIONS

- 1) Council may approve a permit with 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 the Bylaw cannot be precisely met.
- 2) Council may approve a permit with 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 after:
 - a) receiving a written application signed by the applicant;
 - b) receiving a fee sufficient to cover the estimated cost of the advertising and mailed notices required under this section, the amount of such fee to be determined by Council;
 - c) requesting and considering the recommendation of Planning Board;
 - d) providing written notice, by ordinary mail, documenting the pertinent details of the application to all affected property owners within 120m (approximately 400 feet) of the boundaries of the subject lot;
 - e) holding a public meeting, 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.

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SECTION #16 - RE-ZONING PROCEDURES

16.1 RE-ZONING PROCEDURES

- i) A person who seeks the re-zoning of a lot or to have this Bylaw otherwise amended shall address a written and signed application to Council, describing the proposed change and furnishing reasons in support of the application.
- ii) 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: the property tax number; a map of the property; the name and address of the owners; or a statement of authorization from the owner if the applicant is not the owner.
- iii) The applicant shall at the time of submitting his application, deposit with the Administrator money necessary to cover all costs, direct and indirect pertaining to the processing of his application. This shall apply to costs associated with advertising, public meetings if required and costs associated with preparing and mailing notifications. Funds deposited with the Administrator shall not be less than \$100.00
- iv) Planning Board shall review each re-zoning request and advise Council accordingly.
- v) Council retains the right to deny a re-zoning 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 deposit as per Section 16.1 (iii) shall be returned to the applicant.

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- vi) Subject to Section 16.1 (v), Council shall hold a public meeting to solicit input from residents on the proposed re-zoning request:
 - 3) Council shall give a minimum of seven (7) days clear notice of the public meeting. This notice shall be advertised in a newspaper with circulation in the Municipality.
 - 4) Council shall also forward a notification letter to property owners who own parcel(s) of land which are located in whole (or in part) within four hundred (400) feet (120 m) from any lot line of the parcel being proposed for re-zoning.
 - 5) Council shall place a sign on the land being proposed for re-zoning indicating that a re-zoning request has been received.

vii) Following the public meeting, Council shall formulate a decision on the zoning proposal. Council shall have the authority to determine whether a re-zoning proposal is approved, modified, or denied.

viii) Nothing in this Bylaw restricts the right of Planning Board to initiate its own re-zoning requests.

SECTION #17 - GENERAL PROVISIONS FOR SUBDIVIDING LAND

17.1 SUBDIVISION APPROVAL

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.

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

No person shall subdivide land within the Municipality unless the subdivision:

- i) conforms with the requirements of this Bylaw and any other laws which may be in force;
- ii) is suitable to the topography, physical conditions, soil characteristics, and natural surface drainage of the land;
- iii) will not cause undue flooding or erosion;
- iv) has convenient street access;
- v) has adequate utilities and services available or can be conveniently provided with such utilities and services;
- vi) will reasonably conform with existing land use in the immediate vicinity;
- vii) will provide for safe and convenient traffic flow;
- viii) is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
- ix) is suitable to the use for which it is intended, and the future use of adjacent lands;
- x) the parcel of land in respect of which the permit is requested has frontage on a public road or a private right-of-way established pursuant to Section 4.14 of this Bylaw;
- xi) in any zone, Council may approve the subdivision of a lot which does not have frontage on a public road if:
 - a) the distance of the lot from any existing public road is at least 150 feet;

- b) access to a public road is by way of a legally defined access driveway at least 24 feet in width, and used solely for purposes of ingress and egress to the lot;
 - c) the lot size conforms to the requirements of the zone in which the lot is located; and
 - d) the lot is not adjacent to a lot that does not have frontage on a public road.
- xii) Notwithstanding the above, in any commercial or rural zone, Council may approve a lot(s) which does not have frontage on a public road provided such a lot(s) fronts on a common parking area. In such a case, that portion of the lot between the building and the parking area shall be deemed the front yard.

17.4 CHANGES TO EXISTING LOTS

- 1) No person shall reduce the dimensions or change the use of any lot in an approved subdivision where Council deems these would be a detrimental effect on neighbouring property owners.
- 2) Where an application to subdivide land would change the dimensions or the use of the lot in an existing approved subdivision, 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 from any existing parcel of land more than two (2) lots.
- 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:
 - i) A residential subdivision shall not be permitted within one thousand (1,000) ft. (300 m) of an existing intensive livestock operation.
 - ii) 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.

- iii) 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

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:

- i) the true shape and dimensions of every lot;
- ii) the location of every existing building or structure on the parcel;
- iii) existing and proposed services and utilities;
- iv) proposed widths and locations of all streets;
- v) location of land proposed for recreation;
- vi) any significant natural or manmade features; and
- vii) the existing use of the land and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.

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

- 1) a soil test or site suitability assessment conducted in a manner acceptable to Council;
- 2) contours and spot elevations;
- 3) traffic surveys;
- 4) storm water management plan;
- 5) environmental impact assessment

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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.

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.

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

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.

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

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.

When in the opinion of Council the dedication of land is not deemed to be appropriate or the exercising of the full ten percent (10%) conveyance is not appropriate, Council may alternatively impose a park dedication fee up to a maximum of 10% of the value of the lands being subdivided, which sum shall be specifically designated for the purchase, development or maintenance of public parklands 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

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:

- i) design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads and street lighting;
- ii) dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
- iii) deeding of roads to the Department of Transportation and Public Works;
- iv) posting of a financial guarantee satisfactory to Council;

- v) 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;
- vi) provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision;
- vii) provision for the phasing of the subdivision; and
- viii) preservation and enhancement of surface water drainage systems.

17.9 FINAL APPROVAL

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 five (5) 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.

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.

Council shall file a copy of the final survey plan with:

- a) the Registrar of Deeds
- b) the Department of Transportation and Public Works
- c) Council files
- d) the assessment office
- e) the Department of Environment
- f) 911 administration office
- g) lawyer's 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 BUILDING PERMITS

A building permit shall not be issued in a subdivision until all the requirements of the subdivision approval have been fulfilled.

SECTION #18 - PENALTIES

A person who violates any provision of this Bylaw is guilty of an offence and liable on summary convictions.

- i) In the case of a first or subsequent offence, to a fine not exceeding one thousand (1,000) dollars in each case together with the cost of prosecution and in default of payment of the fine and costs, to imprisonment for a term not exceeding three (3) months, unless the fine and costs of enforcing the same, are sooner paid.
- ii) Where the offence is a continuing offence, to a fine not exceeding two thousand (2,000) dollars for every day the said offence continues, together with the cost of prosecution, and in default of payment of the fine or costs, to imprisonment not exceeding three (3) months, unless the fine and costs of prosecution are paid within the time provided by the court.
- iii) The Judge presiding on any prosecution under this Bylaw may fix the costs of prosecution to be paid by the person found guilty hereunder.

SECTION #19 - REPEAL

19.1 EFFECTIVE DATE

This Bylaw shall come into force effective _____.

19.2 REPEAL

The Comprehensive Development Bylaw of the Resort Municipality - 1991 is hereby repealed.

1. 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.

**TABLE 1
MINIMUM LOT SIZE STANDARDS
RESIDENTIAL DEVELOPMENTS**

a) servicing	b) lot category	c) number of dwelling units	d) minimum lot area sq. ft. /sq.m.	e) minimum circle diameter to be contained within the boundaries of the lot feet/metres
on-site water and on-site sewerage system	I	<u>1</u>	<u>25,000 sq.ft./ 2,322.5 sq.m</u> <u>30,000 sq.ft./ 2,787 sq.m.</u>	<u>150 ft./45.7 m</u> <u>160 ft./ 48.8 m</u>
		<u>2</u>		
		<u>3</u>	<u>35,000 sq.ft./ 3,251.5 sq.m.</u>	<u>175 ft./ 53.3 m</u>
		<u>4</u>	<u>40,000 sq.ft./ 3,717 sq.m.</u>	<u>200 ft./ 61 m</u>
		more than 4	40,000 sq.ft./ 3,717 sq.m. plus 1,500 sq.ft. /457 sq.m. for each additional unit	<u>200 ft./61 m</u>
on-site water and on-site sewerage system	II	<u>1</u>	<u>35,000 sq.ft./ 3,251.5 sq.m.</u> <u>40,000 sq.ft./ 3,717 sq. m</u>	<u>175 ft. /53.3 m</u> <u>200 ft./ 61 m</u>
		<u>2</u>		
		<u>3</u>	<u>45,000 sq.ft./ 4,180.5 sq. m</u>	<u>225 ft./ 68.6 m</u>
		<u>4</u>	<u>50,000 sq.ft./ 4,645 sq. m</u>	<u>250 ft./ 76.2 m</u>
		more than 4	<u>50,000 sq.ft./ 4,645 sq. m</u> plus 1,500 sq. ft./ 457 sq. m for each additional unit	<u>250 ft./ 76.2 m</u>

on-site water and on-site sewerage system	III	<u>1</u> <u>2</u> <u>3</u> <u>4</u> more than 4	<u>51,000 sq.ft./ 4,738 sq. m</u> <u>56,000 sq. ft./ 5,202 sq. m</u> <u>61,000 sq. ft./ 5,667 sq. m</u> <u>66,000 sq. ft./ 6,131 sq. m</u> <u>66,000 sq. ft./ 6,131 sq. m</u> plus 1,500 sq. ft./ 457 sq. m for each additional unit	<u>225 ft./ 68.6 m</u> <u>250 ft./ 76.2 m</u> <u>275 ft./ 83.8 m</u> <u>300 ft./ 91.4 m</u> <u>300 ft./ 91.4 m</u>
central water supply and on-site sewerage system	I	<u>1</u> <u>2</u> <u>3</u> <u>4</u> more than 4	<u>20,000 sq.ft./ 1,858 sq. m</u> <u>25,000 sq. ft./ 2,322.5 sq. m</u> <u>30,000 sq. ft./ 2,787 sq. m</u> <u>35,000 sq. ft./ 3,251.5 sq. m</u> 35,000 sq. ft./ 3,251 sq. m plus 1,500 sq. ft./ 457 sq. m for each additional unit	<u>125 ft./ 38.1 m</u> <u>150 ft./ 45.7 m</u> <u>160 ft./ 48.8 m</u> <u>175 ft./ 53.3 m</u> 175 ft./ 53.3 m
central water supply and on-site sewerage system	II	<u>1</u> <u>2</u> <u>3</u> <u>4</u> more than 4	<u>25,000 sq. ft./ 2,322.5 sq. m</u> <u>30,000 sq. ft./ 2,787 sq. m</u> <u>35,000 sq. ft./ 3,251.5 sq. m</u> <u>40,000 sq. ft./ 3,717 sq. m</u> 40,000 sq. ft./ 3,717 sq. m plus 1,500 sq. ft. / 457 sq. m for each additional unit	<u>150 ft./ 45.7 m</u> <u>160 ft./ 48.8 m</u> <u>175 ft./ 53.3 m</u> <u>200 ft./ 61 m</u> 200 ft./ 61 m

central water supply and on-site sewerage system	III	<u>1</u> <u>2</u> <u>3</u> <u>4</u> more than 4	<u>40,000 sq.ft./ 3,717 sq. m</u> <u>45,000 sq. ft./ 4,180.5 sq. m</u> <u>50,000 sq. ft./ 4,645 sq. m</u> <u>55,000 sq. ft./ 5,110 sq. m</u> 55,000 sq. ft./ 5,110 sq. m plus 1,500 sq. ft./ 457 sq. m for each additional unit	<u>200 ft./ 61 m</u> <u>225 ft./ 68.6 m</u> <u>250 ft./ 76.2 m</u> <u>275 ft./ 83.8 m</u> 275 ft./ 83.8 m
on-site water supply and central sewerage system	I or II	<u>1</u> <u>2</u> <u>3</u> <u>4</u> more than 4	<u>15,000 sq. ft./ 1,391.5 sq. m</u> <u>20,000 sq. ft./ 1,858 sq. m</u> <u>25,000 sq. ft./ 2,322.5 sq. m</u> <u>30,000 sq. ft./ 2,787 sq. m</u> 30,000 sq. ft./ 2,787 sq. m plus 1,500 sq. ft./ 457 sq. m for each additional unit	<u>100 ft./ 30.5 m</u> <u>125 ft./ 38.1 m</u> <u>150 ft./45.7 m</u> <u>160 ft./ 48.8 m</u> 160 ft./ 48.8 m
on-site water supply and central waste treatment system	III	<u>1</u> <u>2</u> <u>3</u> <u>4</u> more than 4	<u>20,000 sq.ft./ 1,858 sq. m</u> <u>25,000 sq. ft./ 2,322.5 sq. m</u> <u>30,000 sq. ft./ 2,787 sq. m</u> <u>35,000 sq. ft./ 3,251.5 sq. m</u> 35,000 sq. ft./ 3,251 sq. m plus 1,500 sq. ft./ 457 sq. m for each additional unit	<u>125 ft./ 38.1 m</u> <u>150 ft./ 45.7 m</u> <u>160 ft./ 48.8 m</u> <u>175 ft./ 53.3 m</u> 175 ft./ 53.3 m
central water supply and waste treatment systems	I, II or III	any number	as determined by the authority having jurisdiction	as determined by the authority having jurisdiction

TABLE 2
MINIMUM LOT SIZE STANDARDS
NON-RESIDENTIAL DEVELOPMENTS

a) servicing	b) lot category	c) minimum lot area sq. ft. /sq. m.	d) minimum circle diameter to be contained within the boundaries of the lot feet/metres
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on-site water and on-site sewerage disposal system	I	25,000 sq. ft./ 2,322.5 sq. m. (1)	150 ft. / 45.7 m.
on-site water and on-site sewerage disposal system	II	35,000 sq. ft./ 3,251.5 sq. m. (1)	175 ft. / 53.3 m.
on-site water and on-site sewerage disposal system	III	51,000 sq. ft./ 4,738 sq. m.	225 ft. / 68.6m
central water supply and on-site sewerage disposal system	I	20,000 sq. ft. / 1,858 sq. m. (1)	125 ft. / 38.1 m.
central water supply and on-site sewerage disposal system	II	25,000 sq. ft. / 2,322.5 sq. m. (1)	150 ft. / 45.7 m.
central water supply and on-site sewerage disposal system	III	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	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	as determined by the authority having jurisdiction	as determined by the authority having jurisdiction

2. Notwithstanding the minimum circle diameter requirements set out in Column (e) of Table 1 and column (d) of Table 2, a lot that does not meet those requirements may be subdivided from a lot or parcel that existed prior to June 12, 1993, where;
- a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewerage disposal systems;
 - b) the lot meets Category 1 standards in accordance with clause (6) (a) of the Province Wide Minimum Development Standards Regulations and the Minimum lot area requirements set out in column (d) of Table 1 and column (c) of Table 2 respectively;

- c) a circle with a minimum diameter of 125 ft. 38.1 m. will fit within the boundaries of the lot; and
 - d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement.
3. Lots shall be categorized according to the following:
- (a) Category I, where the lot has a depth of permeable natural soil of 2 ft./0.61 m or more, and where the depth of bedrock and the depth to the maximum water table elevation is greater than 4 ft./1.22 m;
 - (b) Category II, where the lot has a depth of permeable natural soil of 1 ft./0.3 m or more, but less than 2 ft./0.61 m, and where the depth to bedrock and the depth to the maximum water table elevation is 4 ft./1.22 m or greater;
 - (c) Category III, where the lot has a depth of permeable natural soil of 1 ft./0.3 m or greater, and where either or both of the following conditions exist:
 - (i) the depth to bedrock is 2 ft. / 0.61 m or greater, but less than 4 ft. / 1.22m.;
 - (ii) the depth to the maximum ground water elevation is 2 ft. / 0.61 m. or greater, but less than 4 ft. / 1.22 m..

APPENDIX "A"
OFFICIAL ZONING MAP

APPENDIX “B”
SITE PLANNING STANDARDS

1. Residential Site Plans

Every development application for a single family residence, duplex residence, semi-detached residence, private summer cottage or seasonal residence or an addition or alteration to one of the above uses, or a residential accessory building or private detached garage, shall include a Site Plan showing the following:

- S boundaries and dimensions of the lot
- S adjacent streets or access
- S location of existing structures and dimensions
- S location of well
- S location of septic tank and tile field
- S existing vegetation
- S slope and direction of surface drainage
- S any proposed drainage changes or improvements
- S any proposed changes to the existing grade or elevation of the site
- S adjacent structures within 50 feet of all lot boundaries
- S note the front yard setback of adjacent structures within 200 feet of the lot
- S north arrow and scale.

2. 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:

- a) scale and north arrow

- b) address or clearly identified location of site
- c) all property and street pavement lines
- d) existing and proposed contours
- e) gross area of site in square feet (or metric)
- f) 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
- g) 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
- h) the designation of required buffer screens (if any)
- i) existing landscaping that will be retained and proposed landscaping shall be differentiated and shown
- j) locations of all existing (to remain) and proposed buildings on the site and all

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- k) buildings on the site and all buildings within 50 feet of the site's boundaries
- l) location of all existing (to remain) and proposed lighting standards and utility poles, complete with routing of electrical supply
- m) location and size of underground sewer and water utilities
- n) location of any easements on rights-of-way
- o) 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:

- a) Design and site buildings to preserve and enhance special views of natural areas.
- b) 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.
- c) Design landscaping and buildings adjacent to heritage or cultural areas that are complimentary to the property's significant features.
- d) Design and site buildings to screen from public view unsightly site elements such as shipping and loading areas, transformers and meters and parking.

- e) Link development to pedestrian system by means of a safe, convenient and well lit walking system.
- f) Identify walkways that cross vehicular lanes with different paving materials, signs, paint, etc.
- g) Protect pedestrian areas from vehicular intrusion with landscaping and curbs or bollards that are integrated into the overall street scape design.
- h) 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.
- i) Minimize the number of vehicular access points along roadway by sharing and linking parking areas with adjacent properties.
- j) In parking areas, use landscaped islands, curbs and signs to clearly distinguish parking from loading and delivery area drive lanes.
- k) Provide turning areas in order to avoid dead-ended parking situations that require vehicles to back out on to public streets.
- l) In order that parking not be the dominant visual element in the street scape, screen extensive parking with buildings, vegetative plantings or low walls.
- m) Ensure access to parking is evident to the approaching motorist.
- n) Provide adequate and convenient parking for all types of vehicles.
- o) Provide properly identified handicapped parking spaces located in close proximity to the building entrance.
- p) Accommodate cyclists by providing bicycle racks located within the public view but out of the way of pedestrian movement.
- q) Provide lighting in parking areas:
 - that does not glare into adjacent properties;

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- that is related to parking lot design and circulation; and
- that is compatible with the scale of adjacent buildings.
- a) Provide landscaping to:
 - add visual interest to open spaces and building facades;
 - soften dominant building mass at a pedestrian scale;
 - screen unsightly areas.
- b) 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.
- c) 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.

- d) 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

1. **Site Plans**

All applications to develop or expand a campground or recreational vehicle facility shall include a site plan showing the following information:

- a) boundaries of the property to be developed
- b) location of all existing roads, utility lines, easements, and the like
- c) existing contours at 2 foot intervals, and indication of high and low points with spot elevations
- d) location and extent of natural water features, including ponds, rivers, shoreline and marshy areas
- e) location and size of existing buildings and structures
- f) outline of trees or vegetative cover and a general indication of maturity and type
- g) location and size of any special natural features
- h) indication of adjacent property uses and abutting features which require consideration
- i) location of recreation systems such as waterways and hiking trails
- j) location and size of man-made features
- k) an accurate and complete overlay of all features of the proposed development, including, but not necessarily limited to:
 - i) 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;
 - ii) the designation of required buffer screens (if any);
 - iii) existing landscaping that will be retained and proposed landscaping shall be differentiated and shown;
 - iv) locations of all existing (to remain) and proposed buildings on the site and all buildings within 50 feet of the site's boundaries;
 - v) location of all existing (to remain) and proposed lighting standards and utility poles, complete with routing of electrical supply;
 - vi) location and size of underground sewer and water utilities;
 - vii) layout of all sites and an indication of the types of sites; and
 - viii) layout of all buildings and amenities.

APPENDIX “D”
ARCHITECTURAL DESIGN STANDARDS

A. 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.

B. CONSTRUCTION STANDARDS

1. Any commercial or public building or structure including multi-unit tourist accommodations 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.
2. All commercial or public buildings shall meet the requirements of the Barrier Free Regulations of the Provincial Building Code Act.

A. 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.

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3. Gabled roofs shall have a minimum slope of 8:12. Where program 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.

A. 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. Balconies may be utilized provided they do not extend over any public areas.
5. Carriageways providing pedestrian access from the street to enclosed courtyards shall be incorporated where appropriate.
6. Canopies shall be permitted for the purpose of providing shade only and should be fabricated of canvas over a metal framework. Canopies should not bear signage.
7. 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.
8. All mechanical service equipment shall be screened by architectural details.

E. 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.

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

3. Exterior finishes shall be either paint or stain of sufficient durability to withstand the relatively harsh conditions of the area.
4. 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.
5. 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.

A. 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.