



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

LAND USE BYLAW

Bylaw RM-2023-LUP-1

Effective December 19, 2024

Original date of approval by Minister	December 19, 2024
Amended:	
Amendment Number	Effective Date

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Bylaw # RM-2023-LUP-1, Resort Municipality Land Use Plan

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

To adopt the Resort Municipality Land Use Plan 2023

Effective Date

The effective date of Bylaw # RM-2023-LUP-1, Resort Municipality Land Use Plan, is the date as signed below by the Minister of Housing, Land and Communities.

Authority – Bylaw

The Council for the Resort Municipality, under authority vested in it by Sections 11, 15, 16, 18 -20 of the Planning Act R.S.P.E.I 1988 Cap P-8 hereby enacts as follows:

First Reading

The Land Use Plan was read a first time at the Council meeting held on the 20th day of November, 2023. The Land Use Plan was approved by a majority of Councillors present at the Council meeting held on the 20th day of November, 2023.

Second Reading

The Land Use Plan was read a second time at the Council meeting held on the 11th day of December, 2023. The Land Use Plan was approved by a majority of Councillors present at the Council meeting held on the 11th day of December, 2023.

Adoption and Approval by Council

The Land Use Plan was approved by a majority of Councillors present at the Council meeting held on the 11th day of December, 2023.

The Land Use Plan is declared to be passed on the 11th day of December, 2023.



Mayor



CAO

MINISTERIAL APPROVAL:

The Land Use Plan, Bylaw # RM-2023-LUP-1, is hereby approved.

Dated on this 11th day of December, 2024.



Hon. Steven Myers, Minister of Housing, Land and Communities

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1. SCOPE

1.1 TITLE

- (1) This Bylaw shall be known and may be cited as the Resort Municipality Land Use Bylaw.

1.2 AUTHORITY

- (1) This Bylaw is enacted under the authority of the Planning Act and clause 14(b) of the Municipal Government Act.

1.3 AREA DEFINED

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

1.4 PURPOSE

- (1) The purpose of this Bylaw is to implement the policies of the Official Plan and to establish a transparent, fair, and systematic means of Subdivision and Development control for the Municipality.

1.5 SCOPE

- (1) No Dwelling, Business, trade, or industry shall be located, nor shall any Structure be Erected, Altered, Used or have its Use changed, nor shall any land be divided, consolidated or used in the Municipality, except in conformity with this Bylaw and subject to the provisions contained herein.

1.6 AUTHORITY OF DEVELOPMENT OFFICER

- (1) Council shall appoint a Development Officer(s) whose duties shall be as provided in this Bylaw. A Development Officer shall have the authority to administer this Bylaw. Notwithstanding the foregoing and except where otherwise specified in this Bylaw, a Development Officer shall have the authority to approve or deny severances, Lot Consolidations, and Development Permits in accordance with this Bylaw in all areas except for:
 - (a) Institutional Uses;
 - (b) Major Developments;
 - (c) Special Permit Uses;
 - (d) Temporary Permit Uses under section 4.29;
 - (e) Subdivisions of more than three Lots; and
 - (f) Subdivisions or Developments where new Streets, Private Rights-of-Way, shared or municipal services, or parkland dedications are required.

1.7 PERMITTED USES

- (1) In this Bylaw, any Use not listed as a Permitted Use in a Zone is prohibited in that Zone unless otherwise indicated.

1.8 CERTAIN WORDS

- (1) In this Bylaw, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular, the word shall is mandatory and not permissive; and the word may is permissive and not mandatory.
- (2) In this Bylaw, words beginning with uppercase letters carry the defined meaning set forth in Part 21. Words that are defined in Part 21 but do not begin with an uppercase letter when used in the Bylaw carry their ordinary meaning.

1.9 UNITS OF MEASURE

- (1) All official measurements are in metric. Where imperial measurements are provided, they are for information purposes only.

1.10 SCHEDULES

- (1) All schedules attached to this Bylaw form part of this Bylaw.
- (2) Notwithstanding subsection (1), certain matters in the Bylaw may be established or altered by resolution of Council, in accordance with section 135 of the Municipal Government Act.
- (3) The matters referred to in subsection (2) shall be limited to:
 - (a) schedule of fees and charges for activities authorized by the Bylaw;
 - (b) forms required for the purposes of the Bylaw; and
 - (c) other matters related to the administration of the Bylaw.

2. DEVELOPMENT ZONES

2.1 DEVELOPMENT ZONES

- (1) For the purpose of this Bylaw, the Municipality is divided into the following Zones, the boundaries of which are subject to Section 2.2 and are shown on the Zoning Map in Schedule A. Such Zones may be referred to by the appropriate symbols.

Zone	Symbol
Residential	R1
Resort Commercial	C1
Resort Accommodations	C2
Rural Reserve	RR
Public Service & Institutional	PSI
Parks & Open Space	O1
Environmental Reserve (Overlay)	O2
National Park	NP
Resort Core (Overlay)	RC

2.2 INTERPRETATION OF ZONE BOUNDARIES

- (1) Boundaries between Zones shall be determined as follows:
- where a Zone boundary is indicated as following a Street, the boundary shall be the centre line of such Street;
 - where a Zone boundary is indicated as following Lot or Property lines, the boundary shall be such Lot or Property lines;
 - where a Zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary of the Municipality; or
 - where none of the above provisions apply, the Zone boundary shall be scaled from the original Zoning Map on file at the Municipality's office.
- (2) The Zone boundaries for the Environmental Reserve Zone shall be the area in or on a Watercourse or Wetland and the area within 15 m. (49.2 ft.) of a Wetland Boundary or a Watercourse Boundary, as designated or determined by the Province's department responsible for the Environmental Protection Act.
- (3) The Zone boundary for the Resort Core (Overlay) Zone shall have a depth of 121.9 m. (400 ft.) measured from the Street Line and for the avoidance of doubt, the requirements in this Bylaw for the RC Zone are in addition to all requirements in the underlying Zone.

2.3 ZONING MAP

- (1) Schedule A shall be cited as the Zoning Map and forms a part of this Bylaw.

- (2) Where the Zone boundary delineates the Environmental Reserve (Overlay) Zone:
- (a) the Zoning Map reflects the location of Wetlands, Watercourses and the Buffer Zone as defined in the Watercourse and Wetland Protection Regulations;
 - (b) the Zoning Map has been drawn based on the 2010 provincial delineation of the coastline, Wetland and Watercourse land use boundaries;
 - (c) the location of the Environmental Reserve (Overlay) Zone boundary may change over time as the coastline and Wetland and Watercourse boundaries change due to natural processes including sea level rise and coastal erosion; and
 - (d) in the event of an application in relation to a Lot located in or within 30 m. (98.43 ft.) of the Environmental Reserve (Overlay) Zone, the boundary of the Watercourse or Wetland shall be delineated on a Survey Plan, which shall be dated no more than 12 months from the date of the application.

3. ADMINISTRATION

3.1 DEVELOPMENT PERMIT REQUIRED

- (1) No Person shall:
- (a) change the Use of a Parcel of land, a Structure or part of a Structure;
 - (b) commence any Development;
 - (c) construct any Structure on a Property;
 - (d) make Structural Alterations to any Structure;
 - (e) establish or start a Home Occupation;
 - (f) make a connection to a central water supply, municipal sewer, or Sewage Disposal System;
 - (g) make any underground installation such as a septic tank, a fuel tank, or a foundation wall;
 - (h) move or Demolish any Structure greater than 20 sq. m. (215.3 sq. ft.);
 - (i) construct a new driveway or alter a driveway access;
 - (j) place or dump any fill or any other material;
 - (k) subdivide or consolidate a Parcel or Parcels of land;
 - (l) construct a Fence more than 1.22 m. (4 ft.) high;
 - (m) establish or place a Swimming Pool;
 - (n) Erect or replace a Solar Array; or
 - (o) construct or replace a Deck or Patio.

without first applying for, and receiving, a Development Permit or Subdivision approval, as the case may be, except where otherwise specifically provided in this Bylaw.

3.2 NO DEVELOPMENT PERMIT REQUIRED

- (1) Unless otherwise specified, no Development Permit shall be required for:
- (a) constructing or replacing a Fence 1.22 m. (4 ft.) or less in Height;
 - (b) installing clotheslines, poles, and radio or television antennae;
 - (c) making a Garden;
 - (d) growing a crop or preparing land for a crop;
 - (e) making Landscaping improvements or constructing or installing Ornamental Structures, play Structures, or Accessory Structures of 6 sq. m. (64.5 sq. ft.) or less in area;
 - (f) conducting routine maintenance which has the effect of maintaining or restoring a Structure or any of its elements to its original state or condition;
 - (g) a Development that involves the interior or exterior renovation of a Building that will not change the shape of the Building or increase its volume, will not add more Dwelling Units, or will not involve a change in the Use of the Building;
 - (h) the Use of a portion of any Dwelling Unit or Building Accessory to a Dwelling Unit as a personal office for residents of the Dwelling Unit provided the personal office will not be visited by members of the Public and no Signage is posted;

- (i) the Use of a portion of any Dwelling Unit for the instruction of up to two students at a time provided no Signage is posted; and
- (j) public utilities located within the Street,

although the applicable requirements of this Bylaw shall still be met.

3.3 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS

- (1) Nothing in this Bylaw shall exempt any Person from complying with the requirements of any other Bylaw of the Municipality or from obtaining any license, permission, authority, or approval required by any other Bylaw of the Municipality or any legislation or regulation of the Province or the Government of Canada.
- (2) Where the provisions of this Bylaw conflict with those of any other bylaw of the Municipality, the more stringent provision shall prevail.
- (3) When a Development does not require a Development Permit, the requirements of the Bylaw and any other applicable bylaws of the Municipality or any statute, regulation, or other enactment of the Province or the Government of Canada, shall still apply.
- (4) A Development Permit issued under the Bylaw does not substitute or supersede the requirement for a building permit for the construction, demolition, occupancy or Use of a Building under the Building Codes Act and applicable regulations.
- (5) A building permit issued under the Building Codes Act and applicable regulations, does not substitute or supersede the requirement for a Development Permit under the Bylaw.

3.4 PERMIT APPLICATIONS

- (1) Any Person applying for a permit shall do so on a form prescribed by Council and shall submit the application to the Municipality. Where the Person applying for the permit is not the Owner of the subject Property, they must provide the Municipality with written authorization from the Property Owner allowing that Person to apply for the permit on the Owner's behalf as the authorized agent.
- (2) An application is considered incomplete, and a decision shall not be rendered on such an application, until such time as all required information is submitted, including the:
 - (a) application form, signed and dated by the Owner or Owner's authorized agent;
 - (b) application fee, and any other required fees in accordance with the schedule of fees established by Council and annexed hereto as Schedule C;
 - (c) Site Plans, drawings, and other representations of the proposed Development, as required;
 - (d) approval(s) from other governments or agencies, as required; and
 - (e) additional information, as required by the Development Officer.

- (3) An incomplete application shall be considered null and void if the Applicant does not submit the required information and does not make payment in full on the application, within six (6) months of submitting the initial application form.
- (4) An application submitted in accordance with the Bylaw shall constitute authorization for inspection of the Structure or land in question by the Development Officer, or an officer or agent of the Municipality, for the purpose of ensuring compliance with the provisions of the Bylaw.
- (5) 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 Development Permit is signed by the Applicant.

3.5 SITE PLAN

- (1) Every application for a Development Permit shall be accompanied by a Site Plan, drawn to scale, and showing:
 - (a) the boundaries of the subject Lot, including dimensions and area;
 - (b) the general location and Use of every Structure already Erected on the Lot and of Buildings on abutting Lots within 15.2 m. (50 ft.) of all Lot boundaries;
 - (c) the location of the septic system and tile field or sewer service, including its elevation;
 - (d) the location of the well or water service;
 - (e) the distance between any existing or proposed well and Sewage Disposal System;
 - (f) the proposed and existing location and dimensions of any entrance way, Parking Space, Parking Lot, or Loading Space on the Lot;
 - (g) the location of any well, Sewage Disposal System, and driveways within 30 m (98.43 ft.) on adjacent Lots;
 - (h) the proposed Use of the Lot and each Structure to be developed;
 - (i) all existing Streets, rights-of-way, and easements on and adjacent to the Lot;
 - (j) the location of existing and proposed driveways, including the distance from the centre of the driveway to the nearest Property boundary;
 - (k) the location and exterior dimensions of the proposed Structure, including any Deck, Porch or veranda attached thereto;
 - (l) the distance from the proposed Structure to all Property boundaries;
 - (m) the distance from the proposed Structure to any existing Buildings or Structures;
 - (n) elevation plan(s) of each exterior wall of the proposed Structure;
 - (o) slope and direction of surface drainage;
 - (p) the distance from the proposed Structure to the boundary of any adjacent Wetland, Watercourse, sand dune, or the top of the bank adjacent to a Wetland or Watercourse and the location of the Buffer Zone as defined in the Watercourse and Wetland Protection Regulations;
 - (q) a notation of the Front Yard Setbacks for adjacent Structures within 61 m. (200 ft.) of the Lot;

- (r) North arrow and scale; and
 - (s) any other information the Development Officer deems necessary to determine whether the proposed Development conforms to the requirement of this Bylaw.
- (2) Notwithstanding subsection (1), the Development Officer may receive applications for Accessory Structures, requiring only the information which they deem applicable to each individual application.

3.6 OTHER INFORMATION

- (1) The Authority Having Jurisdiction may require an Applicant to submit any additional information related to the proposed Development, which is deemed necessary in order to determine whether or not the Development conforms to the requirements of the Bylaw, Official Plan, and applicable laws of the Province, including but not limited to the following:
- (a) Parking Lot layout and internal circulation patterns, including:
 - (i) 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;
 - (ii) proposed ingress and egress to the site, including Parking Lots, stalls, and adjacent Streets, and delineation of traffic flow with directional arrows; and
 - (iii) indication of the location of directional Signs or other motorists' aids;
 - (b) all Street pavement lines;
 - (c) existing and proposed contours;
 - (d) adjacent surface water features and steep slopes;
 - (e) the stormwater management plan for the Subdivision;
 - (f) the location of Open Space and Amenity Areas;
 - (g) existing and proposed vegetation including trees and Landscaping, with proposed and existing differentiated;
 - (h) the location of garbage containers and description of any Screening or fencing;
 - (i) the proposed storage areas and description of any Screening or fencing;
 - (j) the location and size of underground sewer and water utilities;
 - (k) indication of all existing (to remain) and proposed lighting standards and utility poles, complete with routing of electrical supply;
 - (l) an indication that consideration has been given to accommodating the appropriate future Development of the balance of the site; and
 - (m) traffic impact studies.
- (2) The information in subsection (1) shall be required for all Development Permit applications for any Use or Structure that requires a Comprehensive Development Concept Plan under section 4.6, except where waived by Council.
- (3) For an application for a Development Permit on a Lot abutting or within 22.9 m (75 ft.) of a Watercourse or Wetland, the information required under section 4.7 shall also be included.

3.7 SURVEYS REQUIRED

- (1) Where the location of an existing Structure with respect to a boundary is necessary to determine the compliance of an application with this Bylaw and other bylaws, policies and regulations in force which affect the proposed Development, a Survey Plan may be requested by the Development Officer, in accordance with the Land Surveyors Act.
- (2) Following the issuance of a Development Permit for any proposed Development within 0.30 m. (1.0 ft.) or less of the minimum Setback permitted in the Zone, a footing certificate or Survey Plan shall be prepared by a Professional Land Surveyor and submitted to the Municipality to confirm the location of the Building's footing prior to the foundation walls being poured.
- (3) The Site Plan shall be based on a Survey Plan when:
 - (a) the Lot subject to a Development does not meet the minimum Lot Area or Lot Frontage requirements of this Bylaw; or
 - (b) the location of an existing Structure with respect to the Lot boundary or with respect to the proposed Structure is necessary, in the opinion of the Development Officer, in order to determine whether the application complies with the Bylaw.

3.8 STORMWATER MANAGEMENT PLAN

- (1) Except for the reasons provided by subsection (2) below, a Development Permit application shall be accompanied by a stormwater management plan, prepared by a Professional Engineer or Landscape Architect, drawn to scale and showing the following information:
 - (a) existing and proposed Grade elevations relative to the adjoining Lot(s) and the Street or right-of-way;
 - (b) stormwater management design features, including but not limited to swales and berms, and the proposed direction of flow for the surface water runoff, which shall not result in direct water runoff onto adjacent Lots, Private Roads or rights-of-way.
 - (c) the finished floor elevation or foundation elevation of existing Buildings or Structures on the Lot and of existing Buildings or Structures on adjacent Lots located within 15 m. (49.2 ft.) of the adjoining Lot Line; and
 - (d) the proposed surface, finished floor or foundation elevation of the proposed Structure.
- (2) A stormwater management plan is not required for the following types of Developments, where the Development does not involve an alteration or change to the existing Grade of the land within the minimum Yard Setbacks of the Lot:
 - (a) a Development that conforms with a preapproved stormwater management plan as prepared for the Subdivision approval of the Lot;
 - (b) a Development of a Structure with a footprint less than 65 sq. m. (699.7 sq. ft.) and a proposed Setback of more than 15 m. (49.2 ft.) from any Lot Line or existing Structure;
 - (c) a Development that will result in a total Lot Coverage of less than 10%;
 - (d) a Development of a Structure with a footprint less than 20 sq. m. (215.3 sq. ft.);

- (e) a Development of a Structure that will be built on raised sono-tubes, posts or piles and will not affect the natural and existing flow for drainage; or
 - (f) the replacement of a Structure with one of the same size and in the same general location, provided no changes are being made to the Grade of the Lot under or around the Structure.
- (3) A stormwater management plan required under this section shall include the following information:
- (a) the existing and proposed Grade elevations relative to any adjoining Lot and Street;
 - (b) the surface water management strategies to be used, including but not limited to swales and berms, when applicable, and the proposed surface drainage flow as designed to prevent surface water run-off from the Lot in question onto any adjoining Lot or Street;
 - (c) the finished floor elevation or foundation elevation of any existing Building(s) on the Lot and on any adjacent Lot located within 15 m. (49.21 ft.) of the adjoining Lot Line; and
 - (d) the proposed surface, finished floor, or foundation elevation of the proposed Structure.
- (4) For Properties with, or located adjacent to, a Watercourse or Wetland, the Site Plan or stormwater management plan or both shall also include the location of any Buffer Zone as defined in the Watercourse and Wetland Protection Regulations.
- (5) A Site Plan and stormwater management plan may be submitted together as a single plan of the proposed Development.

3.9 CONDITIONS AND CAVEATS ON PERMITS

- (1) The Authority Having Jurisdiction shall have the authority to impose conditions on a Development Permit subject to such conditions being directly related to and consistent with the Municipality's bylaws and Official Plan.
- (2) All Development Permits shall contain a caveat informing the Developer that the Municipality is an established agricultural area and they should expect to be exposed to normal agricultural activities such as: manure spreading; chemical spraying; planting, cultivating and harvesting activities; noises; and slow-moving equipment on roadways.
- (3) All residential Development Permits in the C1 and C2 Zones shall contain a caveat informing the Applicant that that such areas are characterized by normal commercial nuisances such as noise, traffic congestion, Parking Lots, and pedestrian traffic.

3.10 PROCEDURES FOR SPECIAL PERMIT USES

- (1) No Development Permit for a Special Permit Use shall be issued by Council unless:
 - (a) the Development is deemed appropriate and complements the scale of the adjoining Properties;
 - (b) the Development has a sufficient landscaped buffer around the periphery of the Property;

- (c) in the opinion of Council, the Development does not cause any hardship to surrounding Properties due to excessive noise, traffic congestion or any other potential nuisance;
- (d) written notice to adjacent Property Owners is provided in accordance with section 15.3 including details of the proposed Development and inviting written comments;
- (e) a public meeting is held to receive comments on the proposed Use in accordance with the requirements of section 15.2; and
- (f) all other relevant provisions of this Bylaw are met.

3.11 FIRE MARSHAL APPROVAL

- (1) The Development Officer shall refer applications involving the following Uses to the provincial fire marshal's office for comment prior to the Development Permit being issued:
 - (a) twelve or more Dwelling Units on a Parcel;
 - (b) Bed and Breakfasts and Short-Term Rentals;
 - (c) Campgrounds, RV Parks, Campground Sites and/or RV Sites;
 - (d) commercial Uses;
 - (e) public service and Institutional Uses; and
 - (f) outdoor sporting event or concerts.
- (2) The Development Officer may refer any other applications for a Development Permit as required to the provincial fire marshal's office for comment prior to the Development Permit being issued.

3.12 DEVELOPMENT AGREEMENT

- (1) The Authority Having Jurisdiction may require any Owner of a Property that is the subject of an application for a Development Permit to enter into a Development Agreement. This Agreement shall be a contract binding on both parties, containing all conditions which were attached to the Development Permit, as well as any other matters identified pursuant to subsection (3). Failure to comply with a Development Agreement shall constitute an offence under this Bylaw.
- (2) A Development Agreement shall be required for all Light Industrial Uses, Major Developments, and Special Events.
- (3) A Development Agreement may address but shall not be limited to the following matters:
 - (a) Site Plan design;
 - (b) the design and construction of sidewalks, pathways, trails and other pedestrian circulation facilities;
 - (c) Landscaping and Screening, including the specification of the number and type of trees to be maintained and/or planted;
 - (d) Vehicular access and exits;
 - (e) the design and allocation of parking facilities;
 - (f) Signage;

- (g) security and safety lighting;
 - (h) posting of a financial guarantee, performance bond, or other security satisfactory to Council;
 - (i) methods of waste storage and disposal;
 - (j) Fencing; and
 - (k) any other matters that the Authority Having Jurisdiction deems necessary to ensure compliance with this Bylaw.
- (4) The Development Agreement shall be registered in accordance with the Registry Act and all fees associated with the preparation, registration, and enforcement of the Development Agreement, including the Municipality’s legal fees, shall be paid by the Developer.
 - (5) A Development Permit issued subject to a Development Agreement shall include a condition that the Development Agreement be signed prior to the issuance of the Development Permit.
 - (6) A Development Agreement for a Special Event shall include all items listed in subsection 3.12(3) and, in addition, shall include the following:
 - (a) insurance requirements;
 - (b) hours of operation;
 - (c) requirement to pay a community maintenance fee, to cover clean-up costs incurred by the Municipality in connection with the Special Event;
 - (d) requirement for the Applicant to participate in a public meeting following the Special Event; and
 - (e) any other requirement that the Authority Having Jurisdiction deems necessary to minimize the impact of the Special Event on adjoining Properties and the Municipality’s infrastructure, to enhance public safety and to ensure compliance with the Municipality’s bylaws.

3.13 AUTHORIZATION FOR INSPECTION

- (1) 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 and in accordance with Part IV of the Planning Act and Part 9, Division 1 of the Municipal Government Act.

3.14 PERMITS POSTED

- (1) The Property Owner shall be responsible for Displaying a copy of all permits in a visible location on the Property.

3.15 DEVELOPMENT PERMIT EXPIRY

- (1) Subject to subsection 2, a Development Permit shall be valid for a sixteen-month period from the date of issue. If work has not commenced during this period, the permit holder shall apply for and receive a new Development Permit before work commences.

- (2) If work is commenced during the sixteen-month period, the Development Permit shall remain valid for twenty-four months from the date of issue.
- (3) If, after twenty-four months, work has not been completed, an application shall be made to the Development Officer, the appropriate fee shall again be paid, and a new Development Permit shall be obtained before any further work is undertaken.
- (4) The Development Officer may revoke a Development Permit where information provided on the application is found to be inaccurate.

3.16 DEMOLITION OR MOVING PERMITS

- (1) No Building shall be moved out of or within the Municipality without a Development Permit and such other permits as may be required by law.
- (2) When a Structure is Demolished or moved, the well and Sewage Disposal System, where they exist, must be decommissioned or temporarily capped in accordance with any applicable statute, regulation or other enactment.
- (3) When a Structure has been moved or Demolished, the Applicant shall be responsible for ensuring the Lot is Graded appropriately to address any potential stormwater run-off.

3.17 DEVELOP IN ACCORDANCE WITH APPLICATION

- (1) Any Person who has been granted a Development Permit shall develop in accordance with the information given on the prescribed application form and the conditions included in the Development Permit and/or the Development Agreement.
- (2) No Building shall be Erected or placed except in conformance with the approved finished Grade for its site or the Street, after its construction.

3.18 DENYING PERMITS

- (1) No Development Permit shall be issued if:
 - (a) the proposed Development could injure or damage a neighbouring Lot or other Property in the Municipality, including but not be limited to, hazards, injuries or damages arising from water drainage run-off and flooding;
 - (b) the proposed Development does not conform to this Bylaw or other bylaws of the Municipality or any applicable enactments of the Province or of the Government of Canada;
 - (c) the method of water supply is not appropriate;
 - (d) the method of sanitary waste disposal is not appropriate;
 - (e) there is not a safe and efficient access to a Street;
 - (f) the proposed Development would create unsafe traffic conditions;

- (g) the proposed Development involves a proposed access that requires the use of a Private Road or access over an adjacent Property for which a legal right-of-way has not been properly granted;
- (h) the proposed Development would have a Detrimental Impact on the environment, including by reason of noise, dust, drainage, infilling, or excavation which affects environmentally sensitive areas; or
- (i) the proposed Development does not conform to any Landscaping or Lot grading policy adopted by Council.

3.19 CONSTRUCTION PLAN

- (1) Prior to any construction being carried out, the Development Officer may require the Applicant to submit a construction plan(s) for the Development addressing such details as:
 - (a) construction phasing;
 - (b) hours of operation;
 - (c) stockpiling of soil including the location and the date of removal;
 - (d) temporary Screening or fencing;
 - (e) erosion or run-off control measures, including type, location and maintenance procedures;
 - (f) heavy truck access; and
 - (g) any other item which could in the opinion of the Development Officer present a nuisance or hazard during construction.

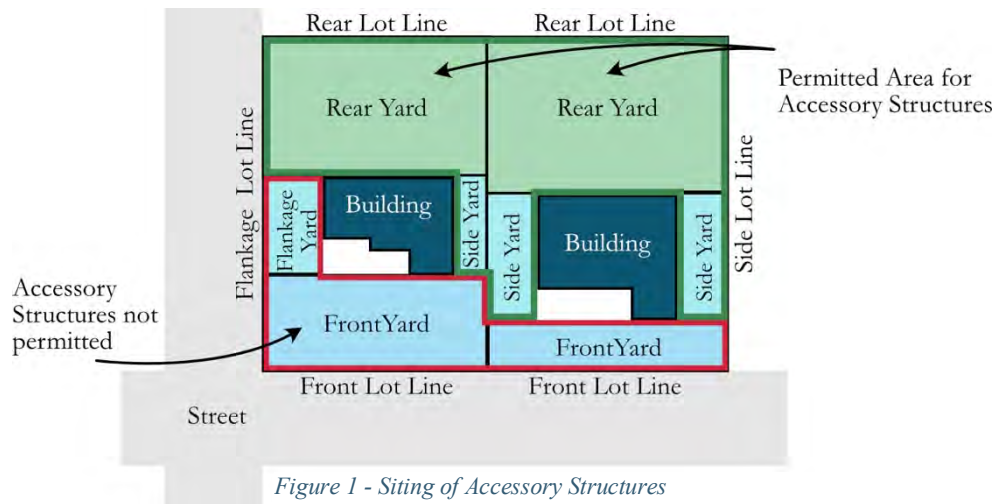
3.20 CONSTRUCTION SITES

- (1) 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. GENERAL PROVISIONS

4.1 ACCESSORY STRUCTURES

- (1) Accessory Structures may be permitted on any Lot but shall not:
 - (a) be used for human habitation except where a Dwelling is a permitted Accessory Use;
 - (b) be built closer than 1.5 m. (5 ft.) to any Lot Line;
 - (c) be located in the Front Yard or the Flankage Yard; or
 - (d) exceed the square footage of the Main Building on the Property.



- (2) Except in the C1 and C2 Zones or on a Farm, Accessory Structures shall not:
 - (a) exceed 3.6 m. (12 ft.) in Building Height;
 - (b) exceed 10% of the Lot Area up to a maximum total Floor Area of 92.9 sq. m. (1,000 sq. ft.) for all Accessory Structures combined; or
 - (c) exceed, except where otherwise provided for in this Bylaw, a maximum of two (2) Accessory Structures per Lot.
- (3) All Accessory Structures shall be included in the calculation of maximum Lot Coverage as described in the Lot requirements for the applicable Zone including where a Development Permit is not required under section 3.2.
- (4) No Accessory Structures shall be considered an Accessory Structures if:
 - (a) it is Attached to the Main Building; or
 - (b) it located completely underground.
- (5) No Accessory Structures shall be constructed:
 - (a) Prior to the construction of the Main Building to which it is Accessory; or
 - (b) Prior to the establishment of the Use of the Lot where no Main Building is to be built.

- (6) A shipping container, trailer, or similar Structure may be used as an Accessory Structure provided the following conditions are met:
 - (a) the shipping container, trailer or similar Structure is not located on a residential Property;
 - (b) the shipping container, trailer, or similar Structure is located in the Rear Yard;
 - (c) the shipping container, trailer, or similar Structure is screened from view from the Street by means of a Landscape Buffer or adequate size or architectural Screening such as a wall, Fence or other appropriate Structure; and
 - (d) the shipping container, trailer, or similar Structure is painted to remove any identifying Signage on the container.

4.2 BED AND BREAKFAST AND SHORT-TERM RENTALS

- (1) A Bed and Breakfast shall be permitted to operate in any Single-Detached Dwelling subject to the following:
 - (a) the Dwelling shall be occupied as a residence by the operator and the external residential appearance of the Dwelling shall not be changed by the Bed and Breakfast operation;
 - (b) not more than six (6) rooms shall be offered for overnight accommodation;
 - (c) Adequate off-Street Parking Spaces shall be provided in accordance with Part 5 of this Bylaw and such parking shall be in addition to the Parking Spaces required for the Dwelling;
 - (d) there shall be no Open Storage or Display area; and
 - (e) there shall be no Signs permitted except in accordance with the Municipality's Signage Bylaw and no Sign shall be internally lit.
- (2) A Short-Term Rental shall be permitted to operate in any Single-Detached Dwelling subject to the following:
 - (a) the external residential appearance of the Dwelling shall not be changed by the Short-Term Rental operation;
 - (b) not more than six (6) rooms shall be offered for overnight accommodation;
 - (c) adequate off-Street parking, in accordance with this Bylaw, separate from that required for the Dwelling, shall be provided;
 - (d) there shall be no Open Storage or Display area; and
 - (e) there shall be no Signs permitted except in accordance with the Municipality's Signage Bylaw and no Sign shall be internally lit.

4.3 BUFFERING

- (1) The provision and maintenance of adequate landscape buffering or appropriate fencing or both shall be required to the satisfaction of the Authority Having Jurisdiction between the R1 Zone and new commercial, Light Industrial or other land Uses characterized by significant traffic generation, the heavy use of trucks, noise, outdoor storage, congregations of people or other factors that may adversely affect adjacent residential amenity.

- (2) The provision and maintenance of adequate Landscaping including the preservation and planting of trees shall be required for new Development to the satisfaction of the Authority Having Jurisdiction.
- (3) Where a C1 Zone Property abuts the R1 Zone or an existing Residential Use along a Side Lot Line or Rear Lot Line or both, the landscaping of a strip of land not less than 7.6 m. (25 ft.) in width along that Side Lot Line or Rear Lot Line to the satisfaction of the Authority Having Jurisdiction shall be included as a condition on the Development Permit where a Development Permit has been granted for the C1 Zone Property.
- (4) An adequate landscape buffer may consist of, among other things, the following or a combination of the following:
 - (a) a grassed berm;
 - (b) planted vegetation;
 - (c) mature trees; and/or
 - (d) appropriate fencing.

4.4 BUSINESS USES IN RESIDENTIAL ZONES

- (1) The following Uses are permitted in any Dwelling or in a Building Accessory to a Dwelling Unit as a Home Occupation:
 - (a) animal grooming;
 - (b) Bed and Breakfast or Short-Term Rental, subject to section 4.2 of this Bylaw;
 - (c) Business Offices or Professional Offices;
 - (d) catering, for off-premise delivery of products;
 - (e) dressmaking and tailoring;
 - (f) Family Home Centre, in accordance with the Early Learning and Child Care Act and Regulations;
 - (g) hairdressing salon, barbershop, or aesthetics shop;
 - (h) occupations and Businesses that create arts and crafts, weavings, paintings, photography and sculptures on site;
 - (i) occupations and Businesses that repair Garden or household furniture or ornaments, personal effects, clothing, or toys;
 - (j) Online Retail Store;
 - (k) private lessons, tutoring, or training sessions of between 3 and 6 students at any one time; and
 - (l) the sale or display of arts and crafts, weavings, paintings, photography and sculptures that are created on site.
- (2) Where a Property is Used for a Home Occupation, the following shall apply:
 - (a) the Dwelling shall be occupied as a residence by the principal operator and the external residential appearance of the Building or Property shall not be changed by the Home Occupation;

- (b) there shall be no more than two non-resident assistants or employees for the Home Occupation;
 - (c) not more than 25% of the total Floor Area of the Dwelling shall be occupied by the Home Occupation;
 - (d) Adequate off-Street Parking Spaces shall be provided in accordance with Part 5 of this Bylaw and such parking shall be in addition to the Parking Spaces required for the Dwelling;
 - (e) There shall be no Open Storage area; and
 - (f) there shall be no Signs permitted except in accordance with the Municipality's Signage Bylaw and no Sign shall be internally lit.
- (3) The Home Occupation shall not create a nuisance to residents in the surrounding neighbourhood by:
- (a) traffic generation,
 - (b) noise,
 - (c) hours of operation,
 - (d) the creation of any vibration, heat, glare, odour or electrical interference, which is detectable from outside the Dwelling; or
 - (e) the discharge of any smoke, fumes, toxic substances or other noxious matter into the atmosphere.
- (4) The following Business Uses are prohibited on a Residential Lot:
- (a) Autobody Repair Shops;
 - (b) Automobile Service Stations;
 - (c) with the exception of uses permitted under clause 4.4(1)(l), Retail Stores; and
 - (d) Light Industrial Uses.

4.5 BUILDING TO BE ERECTED ON A LOT

- (1) No Building shall be Erected or Used unless it is Erected on a single Lot.

4.6 COMPREHENSIVE DEVELOPMENT CONCEPT PLANS

- (1) Council may require the submission of a Comprehensive Development Concept Plan prepared in conformance with Schedule D, Comprehensive Development Concept Plans, for any Development other than a Single-Detached Dwelling, Agricultural Use, or Accessory Structure.
- (2) A Comprehensive Development Concept Plan shall be required for:
- (a) any Development in the Resort Accommodations (C2) Zone other than a Single-Detached Dwelling;
 - (b) all applications for a Major Development; and
 - (c) all applications regarding a Special Permit Use.

4.7 DEVELOPMENT ADJACENT TO WETLANDS AND WATERCOURSES

- (1) All Development adjacent to Wetlands, Watercourses and Buffer Zones shall adhere to the setbacks prescribed in this Bylaw in addition to the setbacks required by the Province under the Environmental Protection Act and its Watercourse and Wetland Protection Regulations.

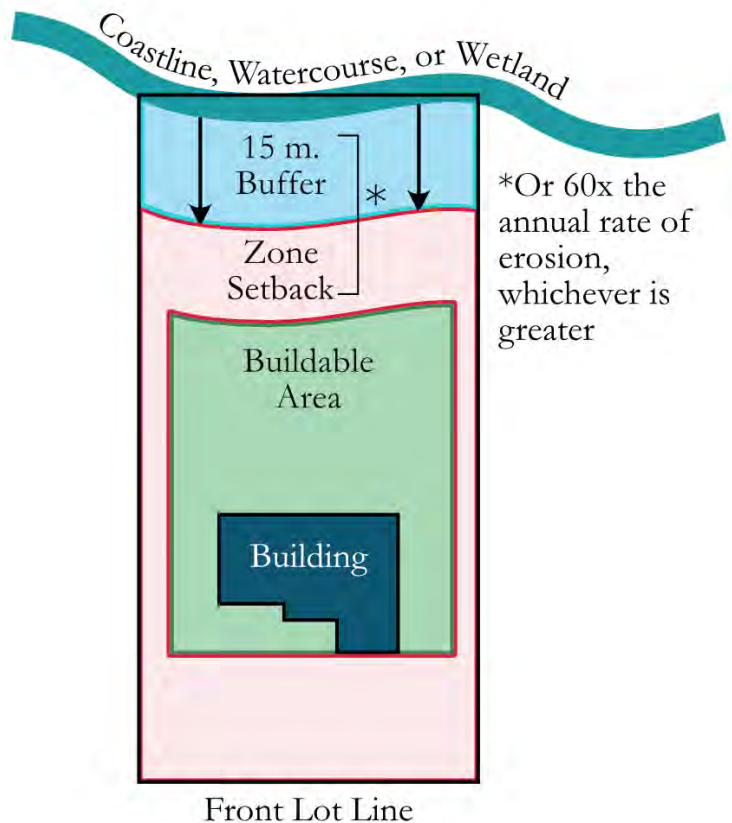


Figure 2 - Coastline, watercourse or wetland horizontal setback

- (2) The minimum Setback of any Structure from a Coastal Area, Wetland, Watercourse or shoreline shall be the greater of 15 m. (49.21 ft.) plus the minimum Setbacks for the proposed Structure for the Zone or 60 times the annual rate of erosion, where applicable, as determined by the Province's department responsible for such calculations.
- (3) A Coastal Hazard Assessment shall be included with a Development or Subdivision application for a Lot that is:
- 3.79 m. (12.43 ft.) CGVD2013 (or 4.13 m. CGVD28) or less in elevation and is adjacent to a Coastal Area, Wetland, Watercourse, or shoreline; or
 - located within 22.9 m. (75 ft.) of a Coastal Area, Watercourse, Wetland, or shoreline.
- (4) On a Lot located within or adjacent to a Coastal Floodplain, no Structure shall be Erected or placed where the elevation of the Grade of the Lot is 2.71 m. (8.89 ft.) CGVD2013 (or 3.05 m. CGVD28) or less to avoid potential coastal flood risk, except where the Structure will be used for fishing or bait sheds, aqua-culture operations, boat launches, wharfs, or Structures or Buildings on a Property used in connection with a wharf.
- (5) Notwithstanding subsection (4), where a Property that is the subject of an application for a Subdivision approval or Development Permit has been identified as having a risk of coastal flooding through a Coastal Hazard Assessment and the finished Grade of the Lot can be raised to accommodate the projected risk, the proposed Subdivision or Development may be permitted, subject to the following:

- (a) the submission of a grading plan, designed and stamped by a Professional Engineer,
- (b) any alteration to the Grade does not encroach into the Buffer Zone, as defined in the Environmental Protection Act and the Watercourse and Wetland Protection Regulations, except where a watercourse, wetland and buffer zone activity permit has been issued by the Province; and
- (c) compliance with all other applicable requirements of this Bylaw.

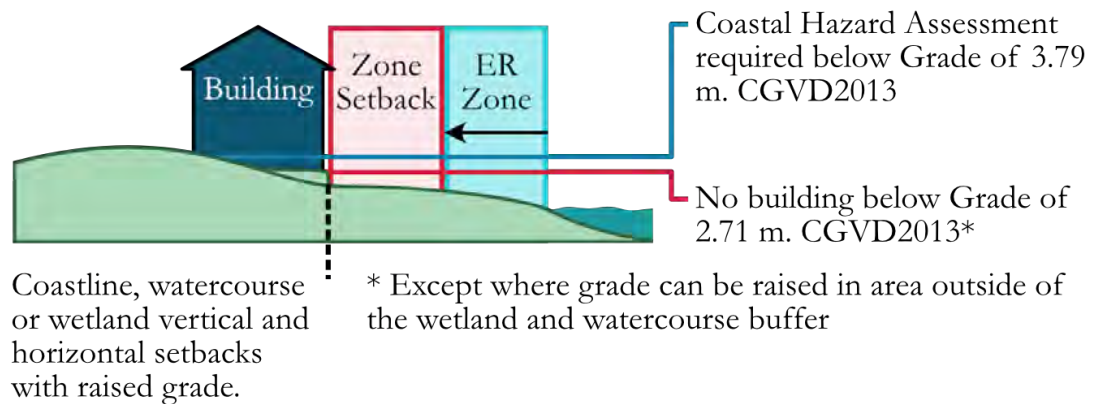
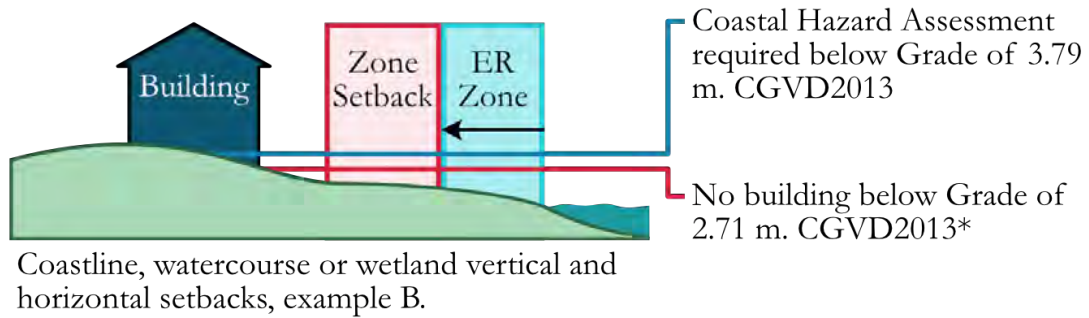
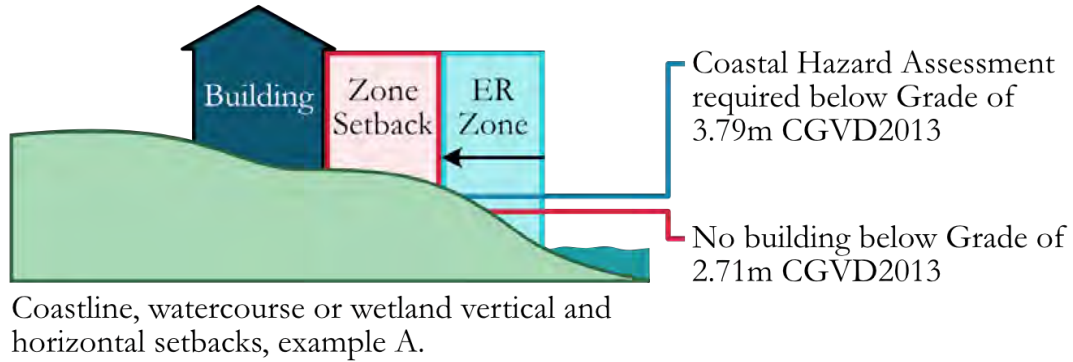


Figure 3 - Vertical and Horizontal Setback Examples

- (6) Notwithstanding subsection (4), where a Property that is the subject of an application for a Development Permit has been identified as Legacy Lands by the Council pursuant to its Legacy Lands Assessment Policy, Development may be permitted subject to the following:
 - (a) the submission of a grading plan, designed and stamped by a Professional Engineer,

- (b) any alteration to the grade does not encroach into the Buffer Zone, as defined in the Environmental Protection Act and the Watercourse and Wetland Protection Regulations, except where a watercourse, wetland and buffer zone activity permit has been issued by the Province;
 - (c) the development of the Legacy Lands is in compliance with all other applicable requirements of this Bylaw to the greatest extent possible and is only inconsistent with the Bylaw insofar as is necessary to recognize the vested right of the Owner of the Legacy Lands;
 - (d) the Owner of the Legacy Lands provides a signed waiver, in the form prescribed by Council, waiving all claims against the Municipality, its Council members, employees, agents, successors and assigns; and
 - (e) the Owner of the Legacy Lands enters into a Development Agreement with the Municipality which includes the obligation for the Owner of the Legacy Lands to obtain a written assignment of the waiver referenced in (d) from subsequent Owner(s) before the Legacy Lands, or any part thereof, are conveyed.
- (7) Where an Existing Lot held in separate ownership is unsuitable for Development as a result of the requirements of this section and is not identified as Legacy Lands by the Council pursuant to its Legacy Lands Assessment Policy, the Lot may be used seasonally with a Recreational Vehicle, subject to meeting all requirements for on-site systems.
 - (8) The Authority Having Jurisdiction may require the Applicant to provide an erosion management plan to address siltation and overland erosion during construction that may impact an adjacent Wetland or Watercourse
 - (9) Development will be in accordance with provincial policies and regulations to address coastal flood risk, erosion, and environmentally sensitive areas.

4.8 EXISTING NON-CONFORMING STRUCTURES

- (1) Where a Structure 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 or Side Yard or Rear Yard required by this Bylaw, the Structure may be enlarged, reconstructed, repaired or renovated provided that:
 - (a) the repair or renovation does not further reduce the Front Yard or Side Yard or Rear Yard which does not conform to this Bylaw; and
 - (b) all other applicable provisions of this Bylaw are satisfied.
- (2) If a Structure which does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of 50% or more of the assessed value of the Structure above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw.

4.9 EXISTING NON-CONFORMING LOTS

- (1) Notwithstanding any other provisions of this Bylaw:

- (a) a vacant Lot held in separate Ownership from adjoining Parcels on the effective date of this Bylaw, having less than the minimum width, depth or area required, may be Used for a purpose permitted in the Zone in which the Lot is located, and a Structure may be Erected on the Lot provided that all other applicable provisions in this Bylaw are satisfied; and
 - (b) a Lot containing a Structure and held in separate Ownership from adjoining Parcels on the effective date of this Bylaw, having less than the minimum Frontage, Lot Depth or Lot Area required by this Bylaw, may be Used for a purpose permitted in the Zone in which the Lot is located, and a Development Permit may be issued provided that all other applicable provisions in this Bylaw are satisfied.
- (2) A non-conforming Lot which is increased in area or Lot Frontage or both, but remains undersized, is still considered an existing non-conforming Lot.

4.10 EXISTING NON-CONFORMING USES

- (1) Subject to the provisions of this Bylaw, a Structure, or Use of land or Structures lawfully in existence on the effective date of approval of this Bylaw may continue to exist.
- (2) A Structure shall be deemed to exist on the effective date of approval of this Bylaw if:
 - (a) it was lawfully under construction; or
 - (b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within 16 months after the date of the issue of the Development Permit and is completed in conformity with the Development Permit prior to its expiry.
- (3) No Structural Alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a Structure while a non-conforming Use thereof is continued.
- (4) Any change of tenants or occupants of any premises or Building shall not of itself be deemed to affect the Use of the premises or Building for the purposes of this Bylaw.
- (5) A non-conforming Use of land or Structure shall not be permitted to resume if it has been discontinued for a period of twelve (12) consecutive months without a bona fide intention to resume the non-conforming Use, and in such event the land or Structure shall not thereafter be Used except in conformity with this Bylaw.
- (6) No increase in the area occupied by the non-conforming Use shall occur while a non-conforming Use is being continued to the extent that the increase in the area would have the impact of changing the type of Use, modifying or adding activities.

4.11 FRONTAGE ON A STREET

- (1) Subject to subsections (2) and 16.3(2) below, no Development Permit shall be issued unless the Lot or Parcel of land intended to be Used or upon which the Structure is to be Erected abuts and fronts upon a Street.

- (2) 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:
 - (a) no acceptable provision can be made to provide access to a Street;
 - (b) safe ingress and egress from the Lot can be provided from the Lot or Private Right-of-Way to a Street;
 - (c) the Applicant can establish legal entitlement to use the Private Right-of-Way for access to the Property in question and any such legal entitlement that has been established through an agreement with the Owner of the Private Right-of-Way shall be registered in accordance with the provisions of the Registry Act; and
 - (d) The Owner shall be required to enter into a Development Agreement with the Municipality, registered in accordance with the provisions of the Registry Act at the Applicant's expense, acknowledging the following: *The Private Right-of-Way serving PID _____ is not owned or maintained by the Resort Municipality and therefore the Resort Municipality shall have no liability for the Private Right-of-Way. Without limiting the generality of the foregoing, the Resort Municipality shall not be responsible for providing any services of any nature or kind to the Private Right-of-Way. In addition, the Private Right-of-Way may not be entitled to receive other public services such as grading, ditching, snowplowing, gravelling, school busing, solid waste collection, or emergency vehicle access.*
- (3) All fees associated with the preparation and registration of the Development Agreement required under clause (2)(d), including the Municipality's legal fees, shall be paid by the Applicant.
- (4) No Person shall construct or use an entrance way except where that entrance way meets the minimum requirements as established under the Planning Act, the Roads Act, or any successor enactment.
- (5) Where an entrance way permit or other approval is required under the Highway Access Regulations, a Development Permit shall not be granted until that entrance way permit or other approval or permit has been granted.

4.12 HEIGHT RESTRICTION EXEMPTIONS

- (1) Any maximum Height restriction set out in this Bylaw shall not apply to steeples, spires, lightning rods, water tanks, monuments, elevator enclosures, silos, flag poles, lightning standards, television or radio antennas, Communications Towers, ventilators, skylights, chimneys, smokestacks, clock towers, power transmission towers, roof top cupolas, Utility poles, fire towers, Tourism Attractions, or drive-in theatre screens.
- (2) Notwithstanding any maximum Height restriction set out in this Bylaw and the variance provisions in Part 14, Council may approve a Building exceeding the maximum Height where:
 - (a) the Building and construction are in accordance with the National Building Code;
 - (b) the firefighting access has been approved by the Province's fire marshal's office and the municipality's fire protection provider;

- (c) the Building contains a sprinkler system; and
- (d) the proposed Building is not located within an established view planes as designated in the Official Plan.

4.13 MAIN BUILDING

- (1) Except in the R1 Zone or on a Lot in the RR Zone where the primary Use is residential, more than one (1) non-residential Main Building may be placed on a Lot in any Zone, provided all other provisions of this Bylaw are met.
- (2) More than one (1) residential Main Building may be placed in any Zone where Clustered Housing is a Permitted Use.
- (3) Where more than one Main Building is located on the same Lot and are serviced by an Internal Drive providing access to the Public Street or right-of-way:
 - (a) the Development Officer may refer the proposed access and the Site Plan and Internal Drive design to the provincial Fire Marshal's Office and the Province's department responsible for the Roads Act for review and comment; and
 - (b) in the case of more than one residential Main Building on the same Lot, the Internal Drive shall be designed by, constructed under the supervision of, and certified by, a Professional Engineer.
- (4) The following Site Design Standards shall apply for commercial or residential Lots containing more than one (1) Main Building on a Lot, including Clustered Housing and Tourism Establishments:
 - (a) with respect to vehicular and pedestrian circulation, including walkways, Interior Drives, and parking, special attention shall be given to the location and number of access points to the Public Streets, width of Interior Drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of Parking Lots that are safe and convenient;
 - (b) off-Street Parking Lots shall not open directly onto a Public Street but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified Parking Lot and shall be kept clear of parked Vehicles;
 - (c) pedestrian walks shall be not less than 1.25 m (4.1 ft.) in width and shall be provided wherever normal pedestrian traffic will occur; and
 - (d) exposed storage areas, exposed machinery installation, solid waste storage and pickup areas, service areas, truck loading areas, Utility Buildings and Structures and similar Accessory areas and Structures shall be subject to such Setbacks, screen planting or other Screening methods as shall reasonably be required to prevent their being incongruous with existing or contemplated environment and the surrounding Properties.
- (5) Where Clustered Housing is being proposed:
 - (a) the minimum Lot Area shall apply to the entire Property where multiple Buildings are being proposed;
 - (b) the minimum Lot Frontage shall be calculated as if one Building is being located on the lot;

- (c) the minimum standards of the Zone including Setbacks, Building Height, and Building separation shall apply to each individual Building; and
- (d) the maximum Lot Coverage shall be calculated using the combined coverage of all Buildings on the Property.

4.14 MAJOR DEVELOPMENT

- (1) No Major Development shall be approved by Council unless:
 - (a) written notice to adjacent Property Owners is provided in accordance with section 15.3, including the details of the proposed Major Development and inviting written comments;
 - (b) a public meeting is held to receive comments on the proposed Major Development in accordance with the requirements of section 15.2; and
 - (c) all other relevant provisions of this Bylaw are met including, but not limited to, the requirements set out in section 3.12 and 4.6.

4.15 MAXIMUM LOT COVERAGE

- (1) Maximum Lot Coverage shall be determined as the percentage of the Lot covered by the Main Building, Accessory Buildings, Swimming Pools, Decks, Patios, and Gazebos.

4.16 MIXED USES

- (1) Where any land or Building is Used for more than one (1) Use, all provisions of this Bylaw relating to each Use shall be satisfied. Where there is a conflict, such as in the case of Lot Size or Frontage, the most stringent standards shall prevail.

4.17 ON-SITE AND CENTRAL SERVICES

- (1) Notwithstanding the minimum Lot size standards of this Bylaw, all applications involving an on-site Sewage Disposal System or on-site water supply must meet the requirements of the Province-Wide Minimum Development Standards Regulations for on-site servicing based on soil category, as included as Schedule B of the Bylaw, and the Sewage Disposal Systems Regulations, Water Withdrawal Regulations, and Well Construction Regulations.
- (2) Every application for a Development Permit involving an on-site Sewage Disposal System or on-site water supply, or both, shall include a Site Plan showing the location of the on-site Sewage Disposal System and all proposed Buildings and Structures, a copy of the Sewage Disposal System Registration Form, and a site assessment for any Lot for which a site assessment pursuant to the Environmental Protection Act has not been conducted within 23 m. (75 ft.) of the Lot since December 31, 2006.
- (3) Every on-site sewage treatment system with a capacity of more than 1500 gallons shall be designed and certified by a Professional Engineer.

- (4) Any application for a Development or Subdivision where daily groundwater extraction rates are expected to be higher than 25 cubic meters per day or in areas with existing intensive Development shall be referred to the Province’s department responsible for the Environmental Protection Act.
- (5) Where Council has approved a Variance to the minimum Lot Frontage, Lot Area and/or circle diameter requirements of the Province-Wide Minimum Development Standards Regulations in accordance with sections 4, 5, or 9 of those Regulations, or where the minimum Lot size standards do not apply pursuant to section 8 of those Regulations, an application for a Development Permit shall also include the following:
 - (a) an on-site Sewage Disposal System proposal appropriate for the soil type, Lot size and proximity to adjacent Lots, designed and certified a Professional Engineer; and
 - (b) confirmation from a licensed well driller that the proposed well location meets all applicable requirements for separation distance from adjacent existing wells and/or Sewage Disposal Systems within the Lot, or to wells or Sewage Disposal Systems on adjacent Lots.
- (6) Where a Development will involve connection to the municipal sewer system, the Applicant shall be responsible for ensuring the size and elevation of any sewer lateral will accommodate the proposed Development.

4.18 OUTDOOR AREA LIGHTING

- (1) Exterior lighting shall be arranged in any Zone so as to deflect light away from any Dwelling.
- (2) No Person shall install any outdoor light in such a way as would cause a nuisance to adjacent Property Owners or a safety hazard to the motoring Public.

4.19 PERMITTED USES IN ALL ZONES

- (1) The following Uses are permitted in all Zones:
 - (a) temporary construction of facilities such as sheds, scaffolds and equipment incidental to the Development for a maximum period of six months or for so long as construction is in progress, whichever is earlier, and for a maximum of 30 days following the completion of the Development; and
 - (b) Public Parks or Open Space.
- (2) Except where otherwise specifically provided in this Bylaw, Public and Private Utilities and Utility-related Structures and service facilities provided by the Municipality including, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, Utility services, and stormwater management facilities:
 - (a) may be located in any Zone; and
 - (b) no Zone standards shall apply.

4.20 PETROLEUM STORAGE

- (1) Underground petroleum storage tanks shall require a Development Permit from the Province before installation may proceed. In processing such application, the Municipality shall refer the application initially to the Province's department 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 Province.
- (2) Notwithstanding subsection (1), underground petroleum storage tanks shall not be permitted in any R1, O1, or O2 Zone.

4.21 PROHIBITED USES

- (1) The following Uses are not permitted in any Zone:
 - (a) Excavation Pits;
 - (b) Mobile Homes or tiny homes;
 - (c) Salvage Yards;
 - (d) water bottling plants; and
 - (e) Wind Energy Facilities.

4.22 RECREATIONAL VEHICLES

- (1) No Person shall Use or occupy a Recreational Vehicle other than on an approved Campground Site, unless the Development Officer has issued a Temporary Permit under this section and subject to the following conditions:
 - (a) the Property contains an existing Single-Detached Dwelling that has not been licensed as a Tourism Establishment by the Province;
 - (b) a Campground or RV Park has not been approved on the Property;
 - (c) the Recreational Vehicle is not advertised, rented or used for profit;
 - (d) no more than one Recreational Vehicle is in Use on the Property at the same time;
 - (e) the Recreational Vehicle shall not be located in the Front Yard;
 - (f) the Recreational Vehicle meets the Setback requirements for a Single-Detached Dwelling as required in the Zone in which it is located;
 - (g) the Recreational Vehicle shall not be occupied for more than seven (7) consecutive days; and
 - (h) No more than four (4) Temporary Use permits shall be issued for any Parcel in any calendar year and all permits issued shall be non-consecutive.
- (2) Notwithstanding subsection 4.22(1) above, an Owner of a Parcel may park and store a Recreational Vehicle on their Parcel when it is not in use, provided the Recreational Vehicle is not located in the Front Yard and meets the Rear Yard and Side Yard Setback requirements for a Single-Detached Dwelling as required in the Zone in which it is located.

- (3) Notwithstanding subsection 4.22(1) above, an Owner of a Parcel may occupy a Recreational Vehicle on their Parcel if:
 - (a) the Owner has obtained a Development Permit for the construction of a Dwelling on that Parcel; and
 - (b) the work has commenced on that Parcel.
- (4) The provisions of section 4.29 shall not apply to Temporary Permits issued under this section 4.22.

4.23 RENEWABLE ENERGY SYSTEMS

- (1) Roof-Mounted Solar Arrays shall be permitted in all Zones, subject to the following:
 - (a) Roof-Mounted Solar Arrays shall be permitted upon submission of a certificate of compliance from a structural engineer licensed to practice in the Province or other professional certified in the installation of Roof-Mounted Solar Arrays.
 - (b) Roof-Mounted Solar Arrays shall be installed in conformity with Chapter 11 of the National Fire Prevention Association (NFPA) 1 Fire Code.
 - (c) Roof-Mounted Solar Arrays shall adhere to the maximum Building Height as required in the Zone in which it is located.
- (2) Ground-Mounted Solar Arrays shall be permitted in all Zones, subject to the following:
 - (a) the minimum Setback to adjacent side or Rear Lot Lines for Ground-Mounted Solar Arrays shall be 4.6 m. (15 ft.) or the Height of the Ground-Mounted Solar Array as measured from Grade to the highest point of the Solar Array, whichever is greater;
 - (b) the maximum Height of a Ground-Mounted Solar Array, as measured from Grade to the highest point of the Solar Array, shall be 4.3 m. (14 ft.).
 - (c) in a Residential Zone, Ground-Mounted Solar Arrays may only be placed in the Rear Yard or Side Yard; and
 - (d) the Owner of the Ground-Mounted Solar Array shall remove the Ground-Mounted Solar Array and associated equipment sufficient to return the land to its previous Use within one (1) year of the date the Ground-Mounted Solar Array ceases to generate electricity.

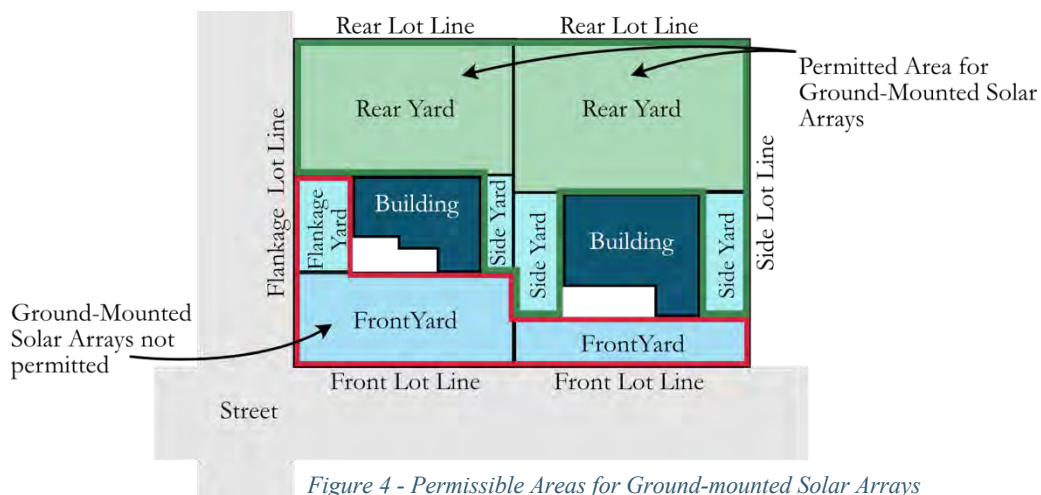


Figure 4 - Permissible Areas for Ground-mounted Solar Arrays

- (3) The application for a Development Permit for a Ground-Mounted Solar Array must include, in addition to the requirements of sections 3.5 and 3.6, the design of the Solar Collectors including racking and footings.
- (4) Ground-Mounted Solar Arrays shall be subject to the Lot Coverage standards for the Zone in which they are located.

4.24 REQUIREMENTS FOR SEMI-DETACHED OR TOWNHOUSE DWELLINGS

- (1) No Semi-Detached or Townhouse Dwelling shall be Erected or placed in a manner which will not permit Subdivision into individual Lots pursuant to section 16.9.

4.25 SECONDARY SUITES

- (1) A Secondary Suite shall be permitted within any Single-Detached Dwelling provided the following conditions are met:
 - (a) the Property Owner submits a written application to the Municipality on the prescribed form;
 - (b) the Property Owner and the Municipality have first entered into a written Development Agreement that includes, but is not limited to, the conditions below:
 - (i) the exterior of the Single-Detached Dwelling within which the Secondary Suite is located shall retain the appearance of a Single-Detached Dwelling;
 - (ii) the Property Owner shall advise any prospective purchaser, or other Person to whom the Owner intends to transfer or otherwise dispose of the Single-detached Dwelling, that the Secondary Suite cannot be used except in accordance with a Development Agreement with the Municipality;
 - (iii) The total Floor Area of all Storeys of a Secondary Suite shall not exceed the lesser of:
 - (A) 80% of the total Floor Area of all Storeys of the entirety of the main Single-Detached Dwelling Unit (excluding the garage Floor Area, and common spaces serving both Dwelling Units); or
 - (B) 80 sq. m. (861 sq. ft.);
 - (iv) one additional Parking Space is provided for the Secondary Suite, as required under section 5.1 of this Bylaw; and
 - (v) the Development Officer may require such changes to the exterior of the Single-Detached Dwelling as may be necessary to ensure compliance with this Bylaw, whether in connection with the construction or removal of the Secondary Suite;
 - (c) the Development Agreement shall be registered in accordance with the Registry Act and all fees associated with the preparation, registration, and enforcement of the Subdivision Agreement shall be paid by the Developer;
 - (d) the Secondary Suite meets the requirements of the National Building Code and all requirements under the Municipality's bylaws; and
 - (e) water and sewer services for the Secondary Suite shall:

- (i) be provided through the Single-Detached Dwelling; and
- (ii) in the case of an on-site sewage treatment system, be certified by a Professional Engineer.

4.26 SIDE YARD WAIVER

- (1) Notwithstanding any other provisions of this Bylaw, where Buildings on adjacent Lots share a Common Wall, the applicable Side Yard requirement shall be zero (0) along the common Lot Line.

4.27 SIGNAGE

- (1) No Person shall Erect, Alter or enlarge a Sign within the boundaries of the Municipality except in conformance with the Municipality's Signage Bylaw.

4.28 SWIMMING POOLS

- (1) The installation of a Swimming Pool shall be permitted in any Zone in accordance with the following provisions:
 - (a) a Development Permit has been issued for the Swimming Pool;
 - (b) a 1.8 m. (6 ft.) high Fence fully encloses the Swimming Pool and is constructed in such a manner so as to impede unauthorized persons from entering over or under said Fence;
 - (c) any gate on such Fence is self-closing and self-latching to prevent its opening from outside the fenced area;
 - (d) notwithstanding 4.28(1)(b), the Development Officer may allow one or more Buildings to take the place of a portion of the Fence so long as the Swimming Pool is fully enclosed by the Fence and Building(s);
 - (e) the Swimming Pool is placed not less than 4.57 m. (15 ft.) from the nearest Side Yard Line and not less than 6.10 m. (20 ft.) from the Rear Lot Line;
 - (f) no Swimming Pool is placed in any Front Yard or Flankage Yard;
 - (g) no Swimming Pool water is discharged on any adjacent public or private property or into any Watercourse or Wetland; and
 - (h) Swimming Pool water is either drained to a dry ditch on the Swimming Pool Owner's Property or carried off by trucks.

4.29 TEMPORARY USES, BUILDINGS AND STRUCTURES PERMITTED

- (1) No Property Owner shall construct, Erect, place, allow or establish a Temporary Use on any Parcel or within any Structure within the Municipality without first applying for and receiving a permit from Council.
- (2) Permits for Temporary Uses shall be for a period not exceeding 30 days.

- (3) Notwithstanding subsection 4.29(2) above, Council may grant a seasonal Temporary Use permit for a period not exceeding 5 months where, in the opinion of Council, the Temporary Use is compatible with an established or proposed permanent facility on the Parcel and does not represent a conflict or nuisance to Property Owners in the vicinity or the general Public.
- (4) No more than four (4) Temporary Use permits shall be issued for any Parcel in any calendar year and all permits issued shall be non-consecutive.
- (5) The hours of the Temporary Use shall be limited from 8:00 a.m. - 11:00 p.m. daily, or such other hours as approved by Council.
- (6) No Temporary Use permits shall be granted where in the opinion of Council:
 - (a) parking facilities are not adequate;
 - (b) ingress or egress or both 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; or
 - (e) the Use would create a conflict due to excessive noise, hours or operation, lighting or another nuisance.
- (7) Council may attach conditions to a Temporary Use permit relating to the following:
 - (a) parking;
 - (b) washroom facilities;
 - (c) Landscaping;
 - (d) lighting;
 - (e) physical appearance;
 - (f) maintenance;
 - (g) hours of operation;
 - (h) garbage collection and storage;
 - (i) staffing;
 - (j) policing; and
 - (k) any other matters which could represent a hazard or a nuisance to the Public.
- (8) No Temporary Use shall be permitted to encroach within the Front Yard, Rear Yard or Side Yards as required under this Bylaw.
- (9) All Temporary Uses shall comply fully with the provisions of the Municipality's Signage Bylaw.
- (10) No Temporary Use Permit for a Special Event shall be approved by Council unless:
 - (a) written notice to adjacent Property Owners is provided in accordance with section 15.3, including the details of the proposed Special Event and inviting written comments;
 - (b) a public meeting is held to receive comments on the proposed Special Event in accordance with the requirements of section 15.3; and

(c) all other relevant provisions of this Bylaw are met including, but not limited to, the requirements set out in sections 3.12 and 4.29.

(11) A Person applying for a Temporary Use permit for a Special Event shall submit an application to the Development Officer on the form prescribed by Council and in accordance with the requirements of Schedule F and any Special Event Guidelines adopted by Council, and the following process shall apply:

(a) the Development Officer shall:

- (i) receive from the Applicant sufficient funds to cover the application fee set out in Schedule C and the cost to advertise the public meeting and mail the written notices required under subsection (10) and section 15.3; and
- (ii) if Council determines under subclause (11)(c)(ii) that a public meeting will be held, provide written notice in accordance with the requirements of clause (10)(a), explaining the details of the proposed application and the date by which written comments must be received;

(b) Planning Board shall review each Temporary Use permit application for a Special Event and provide a recommendation to Council as to whether it should proceed to a public meeting;

(c) Council shall:

- (i) consider the recommendation of Planning Board; and
- (ii) determine whether it will hold a public meeting in accordance with the provisions of subsection (10) and section 15.3 in this Bylaw and receive comments on the proposed Special Event;

(d) Following the public meeting:

- (i) Planning Board shall consider the feedback received from the public by way of written responses and comments made at the public meeting;
- (ii) the Applicant may be provided another opportunity to meet with Planning Board to answer any further questions that may have arisen at or following the public meeting; and
- (iii) Planning Board shall make a recommendation to Council as to whether the application should receive preliminary approval.

(e) Planning Board and Council shall consider the following general criteria when reviewing Temporary Use permit applications for a Special Event, in addition to the items identified in subsection (6):

- (i) adequacy of infrastructure to accommodate the Special Event;
- (ii) impact of event timing and venue location(s) on municipal service delivery and public safety;
- (iii) suitability of the site to accommodate the Special Event; and
- (iv) the Applicant's ability to meet the requirements of other departments and agencies, including those of the Province.

- (f) Following the public meeting and after having considered the recommendation of Planning Board, Council shall determine whether or not to issue preliminary approval for the proposed Special Event and may identify conditions for final approval and matters to be included in the Development Agreement required pursuant to section 3.12.
- (g) Upon receipt of such information as is required to establish compliance with the requirements set out in both the preliminary approval and the Development Agreement, the Council may grant final approval for a Temporary Use permit for a Special Event.

4.30 VISIBILITY AT STREET INTERSECTIONS

- (1) On a Corner Lot, within a triangular area 6.1 m. (20 ft.) back from the intersecting Corner Lot Line, no Fence, Sign, hedge, shrub, bush or tree or any other Structure or vegetation shall be Erected or permitted to grow to a Height greater than 0.6 m. (2 ft.) above Grade of the abutting streets.

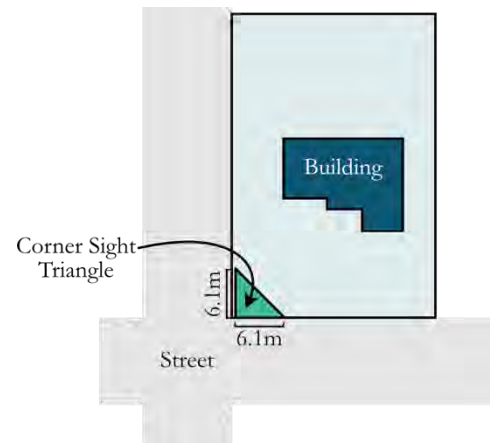


Figure 5 - Corner Sight Triangle

5. PARKING REQUIREMENTS

5.1 PARKING REQUIREMENTS

- (1) 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, prescribed in the following chart:

Primary Type of Building	Minimum Requirement	
-Single-Detached Dwelling	2 Parking Spaces	
-Mini Homes		
-manses		
-Duplex Dwelling	2 Parking Spaces per Dwelling Unit	
-Semi-Detached Dwelling		
-Townhouse Dwellings	1.5 Parking Spaces per Dwelling Unit	
-Apartment Dwelling		
-Dwelling Units in a Commercial Building	2 Parking Spaces per Dwelling Unit plus 1 Parking Space per 9.3 sq. m. (100 sq. ft.) of Floor Area of Commercial Space	
-Tourism Establishment	1 Parking Space per guest room or rental unit and 1 Parking Space for each 14 sq. m. (150 sq. ft.) of Floor Area devoted for Public Use (e.g. banquet rooms, Lounge)	
-Bed and Breakfast;		
-Short-Term Rentals;		
-Hostels		
-Yurts		
-Campgrounds and RV Parks or RV Sites	1 Parking Space for every 10 Campground or RV Sites, or fraction thereof, for registration and visitor parking which is to be in addition to the parking provided on a Campground or RV Site	
-Place of Worship	Where there are fixed seats, 1 Parking Space for every four (4) seats; where there are no fixed seats, the seat count will be based on the Fire Marshal's seating capacity rating.	
-Community Centres		
-Cultural Centres		
-Historic Sites		
-Bandstands		
-indoor and Outdoor Recreational Establishments		
-Pavilions		
-sports fields		
-Dormitory		1 Parking Space for every 3 beds or 1 Parking Space per unit, whichever is greater
-Hospitals		0.75 Parking Spaces per bed
-Nursing Homes		
-Senior Citizens Homes		
-Group Homes	1.25 Parking Spaces per Dwelling Unit	
-Community Care Facilities		
-Early Learning and Child Care Centres	1 space for each employee plus one (1) designated drop-off Parking Space for every five (5) children	

Primary Type of Building	Minimum Requirement
-elementary school (public or private)	1.5 Parking Spaces per teaching classroom and 1 Parking Space for each six seats of seating capacity in the auditorium; where there are no fixed seats, the seat count will be based on the Fire Marshal's seating capacity rating
-secondary school (public or private) -colleges -universities	1 Parking Space for each staff Person plus 6 Parking Spaces per teaching classroom
-funeral home	1 Parking Space per four seats of seating capacity; where there are no fixed seats, the seat count will be based on the Fire Marshal's seating capacity rating
-outdoor Tourist Attractions	1 Parking Space per four (4) Persons, based on rated design capacity.
-indoor Tourist Attractions	1 Parking Space per 7 sq. m. (75 sq. ft.) of Floor Area
-administrative offices -Home Occupations (excluding Bed and Breakfast and Short-Term Rentals) -Business Offices or Professional Offices -government offices -Services Shops -Personal Service Shops	1 Parking Space per 28 sq. m. (300 sq. ft.) of Floor Area
-Automobile Sales and Service Establishment -Automobile Service Station -dine-in Restaurant -Lounge	1 Parking Space per 4.7 sq. m. (50 sq. ft.) of Floor Area
-take-out Restaurant	1 Parking Space per four seats of seating capacity 1 Parking Space per 14 sq. m. (150 sq. ft.) of Floor Area, whichever is greater.
-bank and financial institutions -Convenience Stores -Grocery Stores -Farm Market -Retail Stores -all other commercial Uses	1 Parking Space per 9.3 sq. m. (100 sq. ft.) of Floor Area
-Light Industrial Uses	1 Parking Space per 28 sq. m. (300 sq. ft.) of Floor Area or 1 Parking Space per employee, whichever is greater.
-all other Uses not listed	1 Parking Space per 20 sq. m. (215 sq. ft.) of Floor Area or 1 Parking Space per 10 seats, whichever is greater.

(2) The following Uses are exempt from the parking requirements above:

- (a) Accessory Buildings;
- (b) Agricultural Uses;

- (c) Automobile Washing Establishments;
 - (d) Cemeteries;
 - (e) facilities for Recreational Uses;
 - (f) forestry Uses;
 - (g) Intensive Livestock Operations;
 - (h) Open Space;
 - (i) Parking Lots;
 - (j) Public and Private Parks;
 - (k) Public Utility Buildings and Structures;
 - (l) Resource Commercial Uses; and
 - (m) Resource Industrial Uses.
- (3) Except where otherwise indicated, each Parking Space shall measure not less than 2.7 m. (9 ft.) wide and 5.48 m. (18 ft.) long.

5.2 PARKING LOT STANDARDS

- (1) Where four (4) or more Parking Spaces are required for the land Use on a Lot, the following minimum requirements shall apply:
- (a) the Parking Lot shall be maintained with a stable surface sufficient to support a Vehicle without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as drivable grass or grass grid;
 - (b) the lights used for illumination of the Parking Lot shall be so arranged as to divert the light away from the Streets, adjacent Lots and Buildings;
 - (c) a Structure not more than 3.05 m. (10 ft.) in Height and not more than 4.6 sq. m. (50 sq. ft.) in area may be Erected in the Parking Lot for the use of attendants;
 - (d) the Parking Lot shall be within 60.96 m. (200 ft.) of the location which it is intended to serve and shall be situated in the same Zone; and
 - (e) when the Parking Lot is of a permanent hard surfacing, each Parking Space shall be clearly demarcated with painted lines maintained on the Parking Lot.
- (2) The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a Parking Lot, shall be:
- (a) a minimum width of 3.05 m. (10 ft.) for one-way traffic;
 - (b) a minimum width of 6.10 m. (20 ft.) for two-way traffic; and
 - (c) a maximum entrance and exit width of 9.14 m. (30 ft.) at the street line and edge of pavement.
- (3) Scale drawings certified by a Professional Engineer, a Landscape Architect or Professional Land Surveyor shall be submitted where there are eight (8) or more Parking Spaces, showing entrances and exits to such parking facilities, all proposed and existing Parking Spaces, aisles, lighting, and drainage of the Lot.

- (4) Where off-Street Parking Lots are located in front of any Building, a 1.52 m. (5 ft.) landscaped buffer shall be provided between the Parking Lot and the Street boundary.

5.3 ACCESSIBLE PARKING

- (1) In addition to the parking requirements found in section 5.1, where a Parking Lot is required, two (2) Parking Spaces dedicated to people with disabilities shall be provided for every 30 Parking Spaces provided, or minimum of one (1) Parking Space for part thereof. These dedicated Parking Spaces are to be a minimum of 3.7 m. (12 ft.) in width. Access from the dedicated parking to the Building is to consist of a smooth asphalt or concrete surface, in order to allow easy ingress and egress for wheelchairs and persons with walking disabilities.

5.4 LOADING ZONES

- (1) In any Commercial Zone, no Person shall Erect or Use any 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 1,394 sq. m. (15,000 sq. ft.) or fraction thereof of Building Floor Area Used for any such purpose.
- (2) Each Loading Space shall be at least 3.6 m. (12 ft.) wide by 21 m. (70 ft.) in length, with a minimum of 4.3 m. (14 ft.) Height clearance.

6. RESIDENTIAL ZONE (R1)

6.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in an R1 Zone.

6.2 PURPOSE

- (1) The Residential Zone is established principally to permit low density residential Developments, primarily where municipal sewer is available, as well as limited Accessory or Secondary Uses. Council may consider slightly higher density Residential Uses where municipal sewer is available, as well as other potentially compatible Uses, subject to the special permit process.

6.3 PERMITTED USES

- (1) The following are Permitted Uses in the R1 Zone:
 - (a) Single-Detached Dwellings; and
 - (b) Mini Homes.
- (2) The following are permitted as Accessory or Secondary Uses in the R1 Zone:
 - (a) Accessory Buildings;
 - (b) Bed and Breakfasts;
 - (c) Home Occupations; and
 - (d) Short-Term Rentals.

6.4 SPECIAL PERMIT USES

- (1) Notwithstanding section 6.3 above, the following are permitted as Special Permit Uses, subject to the requirements of section 3.10 and such conditions as Council deems necessary:
 - (a) Duplex Dwellings;
 - (b) Clustered Housing;
 - (c) Community Care Facilities;
 - (d) Nursing Homes;
 - (e) Semi-Detached Dwellings; and
 - (f) Senior Citizen Homes.

6.5 LOT REQUIREMENTS

- (1) Subject to subsection 2, the following Lot requirements shall apply to Mini Homes, Single-Detached Dwellings, Duplex Dwellings, and Semi-Detached Dwellings in a R1 Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,393.5 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.5 m. (100 ft.)
		All Lots	
Minimum Front Yard		7.6 m. (25 ft.)	
Minimum Rear Yard		6.1 m. (20 ft.)	
Minimum Side Yard		4.6 m. (15 ft.)	
Minimum Flankage Yard		7.6 m. (25 ft.)	
Maximum Building Height		12.2 m. (40 ft.)	
Minimum Building Separation		3.7 m. (12 ft.)	
Maximum Lot Coverage		25%	

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations (see Schedule B).

6.6 SERVICING

- (1) All Developments within an R1 Zone shall be serviced by Central Sewer services where those services are located and available at the Property's Lot Line.

7. RESORT COMMERCIAL ZONE (C1)

7.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in a C1 Zone.

7.2 PERMITTED USES

- (1) The following are Permitted Uses in the C1 Zone:
 - (a) Apartment Dwellings;
 - (b) art galleries;
 - (c) bakeries;
 - (d) banks and financial institutions;
 - (e) Business Offices or Professional Offices;
 - (f) Campground and RV Parks or RV Sites;
 - (g) Community Care Facilities;
 - (h) Craft Breweries;
 - (i) Craft Workshops;
 - (j) Cultural Centres;
 - (k) Duplex Dwellings;
 - (l) Early Learning and Child Care Centres
 - (m) Entertainment Establishments;
 - (n) farm markets;
 - (o) Historic Sites;
 - (p) Personal Service Shops;
 - (q) Restaurants and Lounges;
 - (r) Retail Stores;
 - (s) Single-Detached Dwelling;
 - (t) Semi-Detached Dwellings;
 - (u) Service Shops;
 - (v) Studios;
 - (w) taxi and bus terminals;
 - (x) Tourism Establishments;
 - (y) Tourist Attractions;
 - (z) Townhouse Dwellings; and
 - (aa) Veterinary Clinics.
- (2) The following are permitted as Accessory or Secondary Uses in the C1 Zone:
 - (a) Accessory Buildings;
 - (b) Dormitories;

- (c) Dwelling Units in a commercial building; and
- (d) Home Occupations.

7.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 7.2 above, the following are permitted as Special Permit Uses, subject to the requirements of section 3.10 and such conditions as Council deems necessary:
 - (a) Automobile Service Stations;
 - (b) Automobile Washing Establishments;
 - (c) Clustered Housing;
 - (d) Light Industrial Uses;
 - (e) Nursing Homes; and
 - (f) Senior Citizen Homes.

7.4 LOT REQUIREMENTS

- (1) Subject to subsection 2, the following Lot requirements shall apply to any Development in a C1 Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,393.5 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.5 m. (100 ft.)
		All Lots	
Minimum Front Yard		7.6 m. (25 ft.)	
Minimum Rear Yard		6.1 m. (20 ft.)	
Minimum Side Yard		4.6 m. (15 ft.)	
Minimum Flankage Yard		7.6 m. (25 ft.)	
		Resort Core Overlay Zone (adjacent to Residential Uses):	
		12.2 m. (40 ft.)	
		Resort Core Overlay Zone (not adjacent to Residential Uses): 18.3 m. (60 ft.)	
		Outside Resort Core: 12.2 m. (40 ft.)	
Maximum Structure Height		18.3 m. (60 ft.)	
		Resort Core Overlay Zone: 6.1 m. (20 ft.)	
Minimum Building Separation		Outside Resort Core: 3.7 m. (12 ft.) for single Storey Buildings and 6.1 m. (20 ft.) for greater than one Storey	
Maximum Lot Coverage		25%	

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations (see Schedule B).

- (3) 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.

7.5 LANDSCAPED AREAS

- (1) Where a commercial establishment is adjacent to a Residential Zone, a landscaped strip of not less than 7.6 m. (25 ft.) 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 3.0 m. (10 ft.) in width between the Front Lot Line and the Parking Lot shall be maintained in a properly landscaped condition, free of parking or maneuvering lanes, other than a driveway.

7.6 DWELLINGS IN A COMMERCIAL BUILDING

- (1) A mixed use Commercial/Residential Building may have a combination of commercial Uses and Residential Uses provided they meet the following requirements:
 - (a) no Dwelling Unit, or any part thereof, shall be located on the Ground Floor;
 - (b) on floors other than the Ground Floor, Dwelling Units may be permitted on the same floor as commercial Uses, provided they are completely segregated from the commercial Use and have a separate entrance which serves the Dwelling Unit(s);
 - (c) the Dwelling Unit shall not be above a Restaurant, Lounge, an Autobody Repair Shop, Automobile Service Station, or a dry-cleaning establishment;
 - (d) for each Dwelling Unit, 37.2 sq. m. (400 sq. ft.) of landscaped Open Space and adequate off-Street Parking Spaces in accordance with Part 5 are provided;
 - (e) each Dwelling Unit meets the requirements of the Provincial Fire Marshal; and
 - (f) the Floor Area in Residential Use does not exceed the commercial Floor Area.

7.7 AUTOMOBILE SERVICE STATION

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

	Requirement
Minimum Lot Frontage	45.7 m. (150 ft.)
Minimum pump Setback	6.1 m. (20 ft.)
Minimum pump distance from access or egress	9.1 m. (30 ft.)
Minimum Width of Driveway	7.6 m. (25 ft.)

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

7.8 SERVICING

- (1) All Developments within a C1 Zone shall be serviced by Central Sewer services where those services are located and available at the Property's Lot Line.

8. RESORT ACCOMMODATIONS ZONE (C2)

8.1 GENERAL

- (1) Except as provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in a C2 Zone.

8.2 PURPOSE

- (1) The Resort Accommodations Zone is established principally to permit Tourism Establishment Uses and Accessory Uses that support Tourism Establishment operations, as well as lower density Residential Uses. Council may consider slightly higher density Residential Uses where municipal sewer is available, and other potentially compatible Uses, subject to the special permit process.

8.3 PERMITTED USES

- (1) The following are Permitted Uses in the C2 Zone:

- (a) Apartment Dwellings;
- (b) Campgrounds and RV Parks or RV Sites;
- (c) Clustered Housing;
- (d) Community Care Facilities;
- (e) Convenience Stores;
- (f) Dormitories;
- (g) Duplex Dwellings;
- (h) Early Learning and Child Care Centres;
- (i) facilities for recreational Use;
- (j) Grocery Stores;
- (k) Group Homes;
- (l) Historic Sites;
- (m) Nursing Homes; and
- (n) Personal Service Shops;
- (o) Semi-Detached Dwellings;
- (p) Senior Citizen Homes;
- (q) Service Shops;
- (r) Single-Detached Dwellings;
- (s) Tourism Establishments; and
- (t) Townhouse Dwellings.

- (2) The following are permitted as Accessory or Secondary Uses in the C2 Zone:

- (a) Accessory Buildings;
- (b) Business Offices or Professional Offices;

- (c) convention meeting rooms and event spaces;
- (d) Home Occupations;
- (e) Restaurants and Lounges; and
- (f) Retail Stores.

8.4 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following Lot requirements shall apply to any Development in a C2 Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,393.55 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.48 m. (100 ft.)
All Lots			
Minimum Front Yard	15.2 m. (50 ft.) or in conformance with a lesser Setback which has been established on adjoining Properties, as determined by Council.		
Minimum Rear Yard	6.1 m. (20 ft.)		
Minimum Side Yard	4.6 m. (15 ft.)		
Minimum Flankage Yard	15.2 m. (50 ft.) or in conformance with a lesser Setback which has been established on adjoining Properties, as determined by Council.		
Maximum Building Height	12.2 m. (40 ft.)		
Minimum Building Separation	3.7 m. (12 ft.) for single Storey Buildings and 6.1 m. (20 ft.) for greater than one Storey		

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations, (see Schedule B).

8.5 OUTDOOR RECREATION SPACE

- (1) In a C2 Zone, designated useable outdoor recreation space shall be provided on any Parcel of Land used for Tourism Establishments 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 92.9 sq. m. (1,000 sq. ft.) for the first Dwelling Unit plus 46.5 sq. m. (500 sq. ft.) for each additional Dwelling Unit.

8.6 DESIGN AND CONSTRUCTION STANDARDS FOR CAMPGROUNDS AND RECREATIONAL VEHICLE FACILITIES OR SITES

- (1) All applications to Develop or expand a Campground or Recreational Vehicle Park or sites shall include a Site Plan showing the following information:
- (a) boundaries of the Property to be developed;
 - (b) location of all existing Streets, Utility lines, easements, and the like;

- (c) existing contours at 0.6 m. (2 ft.) 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 built features; and
- (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 Lots, stalls, and adjacent Streets, and delineation of traffic flow with directional arrows, and indication of the location of directions Signs or other motorists' aids;
 - (ii) 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 15.2 m. (50 ft.) 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; and
 - (vi) location and size of underground sewer and water utilities;

8.7 SERVICING

- (1) All Developments within an C2 Zone shall be serviced by Central Sewer services where those services are located and available at the Property's Lot Line.

9. RURAL RESERVE ZONE (RR)

9.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in a RR Zone.

9.2 PURPOSE

- (1) The Rural Reserve Zone is established principally to support the agricultural and resource sectors, retain the natural beauty and rural character of the area, and to retain the low density Uses of land where no shared water or municipal sewer Utility services will be provided in the foreseeable future.

9.3 PERMITTED USES

- (1) The following are Permitted Uses in the RR Zone:
 - (a) Agricultural Uses;
 - (b) Campgrounds and RV Parks or Campground Sites or RV Sites, containing up to and including five (5) sites;
 - (c) forestry Uses;
 - (d) golf courses;
 - (e) historic sites;
 - (f) Mini Homes;
 - (g) Resource Commercial Uses;
 - (h) Resource Industrial Uses;
 - (i) Resource Uses including a barn, stable, and Buildings directly related to a Farm;
 - (j) Single-Detached Dwellings; and
 - (k) Tourism Establishments up to and including five (5) units.
- (2) The following are permitted as Accessory or Secondary Uses in the RR Zone:
 - (a) Accessory Buildings;
 - (b) Accessory Single-Detached Dwellings;
 - (c) Bed and Breakfasts;
 - (d) Dormitories;
 - (e) Home Occupations; and
 - (f) Short-Term Rentals.

9.4 SPECIAL PERMIT USES

- (1) Notwithstanding section 9.3 above, the following are permitted as Special Permit Uses, subject to the requirements of section 3.10 and such conditions as Council deems necessary:

- (a) Campground and RV Parks or RV Sites of more than five (5) sites;
- (b) Intensive Livestock Operations;
- (c) Outdoor Recreation Establishments; and
- (d) Tourism Establishments of more than 5 units.

9.5 SUPPORTING INFORMATION

- (1) Any application for a Special Permit Use pursuant to section 9.4 shall be accompanied by the following supporting information, in a form acceptable to Council:
 - (a) 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;
 - (b) a statement documenting the compatibility of the Development with general Agriculture Uses and other predominant features of the RR Zone including adjacent land Uses; and
 - (c) 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 Professional Engineer.
- (2) The Comprehensive Development Concept Plan required for Special Permit Uses in the RR Zone shall also indicate measures to protect agricultural activities and significant natural features.

9.6 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following Lot requirements shall apply to any Development in an RR Zone:

	Requirement
Minimum Lot Area	4,047 sq. m. (43,560 sq. ft./1 acre)
Minimum Frontage or Lot Width	45.7 m. (150 ft.)
Minimum Front Yard	15.2 m. (50 ft.)
Minimum Rear Yard	7.6 m. (25 ft.)
Minimum Side Yard	7.62 m. (25 ft.)
Minimum Flankage Yard	15.2 m. (50 ft.)
Maximum Building Height	12.2 m. (40 ft.)
Minimum Building Separation	6.1 m. (20 ft.)

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations, and where there is a conflict, the more stringent shall apply (see Schedule B).

9.7 INTENSIVE LIVESTOCK OPERATIONS

- (1) The following shall apply to all new Intensive Livestock Operations or extensions:

	Requirement
Min. distance from any Dwelling on an Adjacent Property	305 m. (1000 ft.)
Min. distance from a Public Street	45.7 m. (150 ft.)

Min. distance from Any Domestic Well	152.4 m. (500 ft.)
Min. distance from Any Lot Line	45.7 m. (150 ft.)
Min. distance from Any Watercourse or Wetland Boundary	90 m. (295.3 ft.), except where permitted under the Watercourse and Wetland Protection Regulations

- (2) Where a new Intensive Livestock Operation is proposed, the Development Officer shall provide written notice to adjacent Property Owners in accordance with section 15.3.
- (3) All intensive Livestock Buildings shall have a manure storage facility with a capacity for retention of manure.
- (4) The Development Officer may consult the Province’s Department of Agriculture for manure storage capabilities and design standards, and the operator of the Livestock Operation shall be required to follow those capacity and design requirements.

9.8 SERVICING

- (1) All Developments within an RR Zone shall be serviced by Central Sewer services where those services are located and available at the Property’s Lot Line.
- (2) Council may consider shared or common servicing systems based on the recommendations of the Province's Department of Environment or successor department. All related costs shall be borne by the Developer.

10. PUBLIC SERVICE & INSTITUTIONAL ZONE (PSI)

10.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in a PSI Zone.

10.2 PERMITTED USES

- (1) The following are Permitted Uses in the PSI Zone:
 - (a) Cemeteries;
 - (b) colleges;
 - (c) Community Care Facilities;
 - (d) Community Centres;
 - (e) Cultural Centres;
 - (f) Early Learning and Child Care Centres;
 - (g) facilities for recreational uses;
 - (h) government offices;
 - (i) Group Homes;
 - (j) historic sites;
 - (k) Hospitals;
 - (l) manses;
 - (m) Nursing Homes;
 - (n) Places of Worship;
 - (o) public and private schools;
 - (p) Senior Citizen Homes; and
 - (q) Universities.
- (2) The following are permitted as Accessory or Secondary Uses in the PSI Zone:
 - (a) Accessory Buildings;
 - (b) administrative offices;
 - (c) Bandstands;
 - (d) Convenience Stores;
 - (e) Dormitories;
 - (f) Pavilions;
 - (g) Personal Service Shops;
 - (h) Restaurants;
 - (i) Retail Stores; and
 - (j) sports fields.

10.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 10.2 above, the following are permitted as Special Permit Uses, subject to the requirements of section 3.10 and such conditions as Council deems necessary:
- (a) taxi and bus terminals.

10.4 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following Lot requirements shall apply to any Development in a PSI Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,393.5 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.5 m. (100 ft.)
		All Lots	
Minimum Front Yard		7.6 m. (25 ft.)	
Minimum Rear Yard		6.1 m. (20 ft.)	
Minimum Side Yard		4.6 m. (15 ft.)	
Minimum Flankage Yard		7.6 m. (25 ft.)	
Maximum Building Height		12.2 m. (40 ft.)	
Minimum Building Separation		3.7 m. (12 ft.)	

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations (see Schedule B).

10.5 SERVICING

- (1) All Developments within an PSI Zone shall be serviced by Central Sewer services where those services are located and available at the Property’s Lot Line.

11. PARKS AND OPEN SPACE ZONE (O1)

11.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in a O1 Zone.

11.2 PERMITTED USES

- (1) The following are Permitted Uses in the O1 Zone:
 - (a) Bandstands;
 - (b) historic sites;
 - (c) Open Space;
 - (d) Outdoor Recreation Establishments;
 - (e) Parks and playgrounds;
 - (f) Pavilions; and
 - (g) sports fields.
- (2) The following are permitted as Accessory or Secondary Uses in the O1 Zone:
 - (a) Accessory Buildings, including washrooms and concession stands;
 - (b) administrative offices; and
 - (c) Parking Lots.

11.3 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following Lot requirements shall apply to any Development involving a Building in an O1 Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,393.5 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.5 m. (100 ft.)
		All Lots	
Minimum Front Yard		7.6 m. (25 ft.)	
Minimum Rear Yard		6.10 m. (20 ft.)	
Minimum Side Yard		4.57 m. (15 ft.)	
Minimum Flankage Yard		7.62 m. (25 ft.)	
Maximum Building Height		12.2 m. (40 ft.)	
Minimum Building Separation		3.7 m. (12 ft.)	

- (2) All Lots shall conform with the minimum lot size standards in the Province-Wide Minimum Development Standards Regulations (see Schedule B).

12. ENVIRONMENTAL RESERVE (OVERLAY) ZONE (O2)

12.1 GENERAL

- (1) The Environmental Reserve (Overlay) Zone applies to any Wetland, Watercourse, and Buffer Zone identified on a Lot by the Province's department responsible for the Environmental Protection Act.
- (2) Except as otherwise provided in this Bylaw, the following standards shall apply to all Buildings and Structures or parts thereof Erected, placed or Altered or any Parcel used in the O2 Zone.

12.2 PURPOSE

- (1) The O2 Zone is an overlay Zone intended to enhance the protection of surface and ground water quality, sensitive landscapes, and wildlife habitat. Passive agricultural activities, together with tree, shrub and plant cover is intended to be predominant Use in this Zone.
- (2) For the avoidance of doubt, the requirements in this Bylaw for the O2 Zone are in addition to all requirements in the Watercourse and Wetland Protection Regulations made pursuant to the Environmental Protection Act, and any other federal or provincial statute, regulation, or other enactment.

12.3 PERMITTED USES

- (1) No Structure or part thereof and no land shall be Used for purposes other than:
 - (a) conservation activities;
 - (b) Open Space; and
 - (c) Passive Recreational Uses.

12.4 ZONE BOUNDARIES

- (1) The Zoning Map shall indicate the approximate boundaries of the O2 Zone; however, the exact boundaries of the O2 Zone shall be the boundaries of all Wetlands, Watercourses, and Buffer Zones as determined by the Province's department responsible for the Watercourse and Wetland Protection Regulations.
- (2) The boundary of any Wetland, Watercourse, and Buffer Zone shall be shown on any Site Plan submitted to the Development Officer as part of a Development Permit application.

12.5 ZONE REQUIREMENTS

- (1) In the O2 Zone, no Development shall occur and no disturbance to the ground, soil or vegetation shall occur except in conformance with the Watercourse and Wetland Protection Regulations made pursuant to the Environmental Protection Act.

13. NATIONAL PARK ZONE (NP)

13.1 GENERAL

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

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

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

14. VARIANCES

14.1 VARIANCE APPLICATIONS

- (1) When a Development Permit application cannot be approved because the proposed Development does not meet the minimum requirements of the Bylaw, the Applicant may apply in writing for a Variance on the form prescribed by Council.
- (2) Subject to the Province-wide Minimum Development Standards Regulations, a Variance from the minimum requirements of this Bylaw may be granted for any of the following requirements provided they meet the intent of the Official Plan:
 - (a) Lot size or dimensions or both;
 - (b) Setbacks;
 - (c) the area or size of a Structure; or
 - (d) the Height of a Structure.
- (3) Variance applications shall be considered against the following tests for justifying a Variance:
 - (a) that the Lot in question has peculiar physical conditions, including small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;
 - (b) that strict application of all Bylaw standards would impose undue hardship on the Applicant by excluding them from the same rights and privileges for reasonable Use of their Lot as enjoyed by other Persons in the same Zone;
 - (c) that the Variance is of the least magnitude required to enable reasonable Use of the Lot; and
 - (d) that the proposed Variance would not impact unduly on the enjoyment of adjacent Properties, or on the essential character of the surrounding neighbourhood.
- (4) Authorization for a Variance shall be documented and recorded in writing.
- (5) No Variance shall be granted where the matter is the result of intentional or negligent conduct of the Owner, including ignorance on the part of the Owner, or where the difficulty can be remedied in some other reasonable manner.
- (6) When an application for a Variance has been decided, Council may refuse to hear an application for the same or a similar Variance for the Lot for one (1) year after its rendering a decision unless Council is of the opinion that there is new information.
- (7) If, after one (1) year of a Variance approval, no Development Permit is issued for the Lot or the Development has not been commenced, the Variance and any related Development Permit shall be deemed null and void.

14.2 VARIANCES OF UP TO 10%

- (1) Council may authorize a Variance not exceeding 10% from the provisions of this Bylaw if, in the opinion of Council, the Variance is appropriate and justified pursuant to subsection 14.1(3) and if the general intent and purpose of this Bylaw is maintained.

14.3 VARIANCES IN EXCESS OF 10%

- (1) Notwithstanding any other section of this Bylaw, Council in its discretion may authorize Variances in excess of 10% but no greater than 50% from the provisions of this Bylaw, where warranted, if Council deems such a Variance appropriate and if such Variance meets the criteria of subsection 14.1(3) and is in keeping with the general intent and purpose of this Bylaw or the Official Plan for the Municipality.
- (2) Before Council considers a Variance in excess of 10%,
 - (a) the Development Officer shall:
 - (i) receive from the Owner sufficient funds to cover the costs of the application fee, and the advertising and mailing of written notices required for a public meeting under section 15.3; and
 - (ii) provide written notice in accordance with the requirements of clause 15.3(1)(b) explaining the details of the proposed application and the date by which written comments must be received,
 - (b) Council shall:
 - (i) hold a public meeting to receive comments on the proposed Variance, notice of which shall be provided in accordance with the provisions of clause 15.3(1)(b) indicating in general terms the nature of the Variance application and the date, time, and place of the meeting; and
 - (ii) request and consider the recommendation of Planning Board.
- (3) In making its recommendation to Council, Planning Board shall consider the application having regard for the criteria in subsection 14.1(3), the input received from the Public, and the policies and objectives of the Official Plan.

15. OFFICIAL PLAN AND BYLAW AMENDMENTS

15.1 AMENDMENT APPLICATIONS

- (1) A Person making application for an amendment to the provisions of this Bylaw shall do so on a form prescribed by Council and shall submit the application to the Development Officer. The Applicant shall describe in detail the reasons for the desired amendment and request that Council consider the proposed amendment. Any request for an amendment shall be signed by the Person seeking the amendment or the Person's authorized agent.
- (2) A change to either the text or the Zoning Map of this Bylaw is an amendment and any amendment shall be consistent with the policies of the Official Plan.
- (3) An application under this section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to:
 - (a) general Development concept showing proposed land Uses, any Subdivisions, Buildings, means of servicing, traffic access and parking; and
 - (b) assessment of any potentially significant Development impacts on the Municipality's infrastructure and the natural environment.
- (4) The Applicant shall, at the time of submitting the application, deposit with the Municipality the application fee and any other required fees in accordance with the schedule of fees established by Council and annexed hereto as Schedule C.
- (5) Council shall determine whether or not to consider an amendment and before making a decision shall consider whether:
 - (a) the proposed amendment is in conformity with the Official Plan; or
 - (b) to amend the Official Plan in accordance with the provisions of the Planning Act.
- (6) Related Official Plan and Bylaw amendments may be considered concurrently, provided that the public and written notices required under section 15.3 indicate in general terms the nature of both the proposed Official Plan amendment and proposed Bylaw amendment, and consideration and a decision regarding the Official Plan amendment precedes the Bylaw amendment.

15.2 AMENDMENT PROCEDURES

- (1) Planning Board shall review each amendment request and provide recommendations to Council;
- (2) Prior to making a final recommendation with regards to a proposed amendment to the Official Plan or this Bylaw, Planning Board shall provide public notice and hold a public meeting in accordance with the provisions of section 15.3 in this Bylaw and the requirements of the Planning Act.

- (3) Following the public meeting, Planning Board shall consider the feedback received from the public by way of written responses and comments made at the public meeting. The Applicant may be provided another opportunity to present to Planning Board to answer any further questions that may have arisen at or following the public meeting. Planning Board shall make a recommendation to Council on the application.
- (4) Planning Board and Council shall consider the following general criteria when reviewing applications for amendments to the Bylaw, as applicable:
 - (a) conformity with the Official Plan;
 - (b) conformity with all requirements of this Bylaw;
 - (c) suitability of the site for the proposed Development;
 - (d) compatibility of the proposed Development with surrounding land Uses, including both existing and future Uses as per the Zoning Map;
 - (e) the impact of transitioning rural lands to more intensive Development Use on existing Farm and resource operations, where applicable;
 - (f) any comments from residents or other interested Persons;
 - (g) adequacy of existing water, sewer, Street, stormwater, and parklands for accommodating the Development, and any projected infrastructure requirements;
 - (h) impacts from the Development on pedestrian and vehicular access and safety, and on public safety generally;
 - (i) compatibility of the Development with environmental, scenic and Historic Resources;
 - (j) impact on the Municipality's finances and budgets; and
 - (k) other matters as considered relevant by the Planning Board or Council.
- (5) Following the public meeting and after having considered the recommendation of Planning Board, Council shall formulate a decision on the proposed amendment. Council shall have the authority to determine whether an amendment request is approved, modified, or denied in accordance with the procedures established under the Planning Act.
- (6) All amendments to the Official Plan or this Bylaw shall be made in accordance with the procedures set out in the Planning Act.
- (7) The Development Officer shall notify the Applicant in writing of the decision and the decision shall be posted on the Municipality's website in accordance with section 23.1 of the Planning Act. Where a proposed amendment has been denied by Council, the reasons for the denial shall be stated in writing to the Applicant.
- (8) Amendments to the Official Plan or this Bylaw approved by Council also require approval by the Minister responsible for administering the Planning Act or any successive legislation.
- (9) No Development Permits or Subdivisions related to a proposed amendment shall be approved until the approval from the Minister responsible for administering the Planning Act or any successor legislation has been granted for the necessary amendments.

- (10) When an application for an amendment has been decided, Council may refuse to hear the same or a similar application for one (1) year after rendering a decision unless Council is of the opinion that there is new information.
- (11) The Council retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land use planning standards or the Official Plan. Should the Council not proceed with a public meeting, the application fee as per subsection 15.1(4) shall be returned to the Applicant.
- (12) Nothing in this Bylaw restricts the right of Planning Board or Council to initiate its own amendment to the Official Plan or this Bylaw.

15.3 PUBLIC MEETING REQUIREMENTS

- (1) Where a public meeting is required under this Bylaw the Development Officer shall, at least seven (7) Clear Days prior to the public meeting:
 - (a) ensure that a notice is placed in a newspaper circulation in the area and on the Municipality's website; and
 - (b) ensure that the following written notice is provided:
 - (i) where the subject of the meeting is an application for a Special Permit Use Development or a Major Development, to all Property Owners wholly or partially within 61 m. (200 ft.) of all boundaries of the subject Property;
 - (ii) where the subject of the meeting is an application for a Variance pursuant to section 14.3, to all Property Owners wholly or partially within 122 m. (400 ft.) of all boundaries of the subject Property;
 - (iii) where the subject of the meeting is an amendment to the Official Plan or this Bylaw in relation to the subject Property, to all Property Owners wholly or partially within 122 m. (400 ft.) of all boundaries of the subject Property;
 - (iv) where the subject of the meeting is an application for an Intensive Livestock Operation to all Property Owners wholly or partially within 305 m. (1,000 ft.) of all boundaries of the subject Property, and
 - (v) where the subject of the meeting is an application for a Special Event, to all Property Owners whose Properties are adjacent to the subject Property.

15.4 ZONING AND GENERAL LAND USE MAP REVISIONS

- (1) The Development Officer may make technical revisions to the Zoning Map and the general Future Land Use Map in the Official Plan for purposes of
 - (a) better reflecting detailed or changing topographical or legal conditions such as new Streets or approved Lots; or
 - (b) ensuring that the Zoning Map and the general Future Land Use Map reflect approved amendments to the Official Plan and Bylaw.

16. GENERAL PROVISIONS FOR SUBDIVIDING LAND

16.1 SUBDIVISION APPROVAL

- (1) No Person shall subdivide one or more Lots or any portion or interest in 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 Authority Having Jurisdiction.
- (2) Notwithstanding subsection (1), where a Parcel is naturally subdivided into two or more units by a Public Street, a Watercourse, or other body of water, each of the units shall be treated as a separate Parcel.

16.2 CONVEYING INTEREST IN A LOT

- (1) No Person shall sell or convey any interest in a Lot before the Authority Having Jurisdiction has issued a stamp of approval for the Lot or the Subdivision in which the Lot is situated.

16.3 PERMISSION TO SUBDIVIDE

- (1) No land shall be subdivided within the Municipality unless the Subdivision:
 - (a) conforms with the requirements of this Bylaw;
 - (b) is suitable to the topography, physical conditions, soil characteristics, and the natural surface drainage of the land;
 - (c) will not cause undue flooding or erosion;
 - (d) has Street access;
 - (e) has adequate utilities and services available or can reasonably be provided with such utilities and services;
 - (f) will reasonably conform to or is compatible with existing land Use in the immediate vicinity;
 - (g) will provide for effective and efficient traffic flow and access that takes into consideration emergency access, natural hazards, and other safety risks;
 - (h) is designed so that Lots will have suitable dimensions, shapes, orientation and accessibility;
 - (i) is designed to accommodate climate change mitigation and adaptation measures such as ensuring there is adequate land above the flood risk elevation to establish legal access and accommodate proposed Development; and
 - (j) is suitable to the Use for which it is intended, and the future Use of adjacent lands.
- (2) Notwithstanding clause 16.3(1)(d), above, Council may approve the Subdivision of a Lot which has Frontage on a Private Right-of-Way subject to the following:

- (a) a Private Right-of-Way serving six or more Lots approved after the effective date of this Bylaw shall be designed by, constructed under the supervision of, and certified to be completed in accordance with the approved design drawings and required specifications by a Professional Engineer in accordance with the applicable standards for Private Rights-of-Way set out in Schedule E;
- (b) safe ingress and egress from the Lot can be provided from the Lot or Private Right-of-Way serving the Lot to a Street;
- (c) access to a Street is by way of a legally defined access driveway or Private Right-of-Way measuring at least 20.12 m. (66 ft.) in width;
- (d) the name of the Private Right-of-Way has been approved in accordance with the Emergency 911 Act, in either of the following circumstances:
 - (i) the Subdivision results in any configuration of three (3) or more properties, including the parent Parcel, being accessed via the Private Right-of-Way; or
 - (ii) the Subdivision results in three (3) or more civic addressed Dwellings, Buildings, or units sharing the same Private Right-of-Way or driveway;
- (e) the Owner enters into a Subdivision Agreement with the Municipality in accordance with section 16.14, which includes among its terms the following acknowledgment which shall be binding on the Owner and the Owner's successors in title: *The Private Right-of-Way serving PID _____ is not owned or maintained by the Resort Municipality and therefore the Resort Municipality shall have no liability for the Private Right-of-Way. Without limiting the generality of the foregoing, the Resort Municipality shall not be responsible for providing any services of any nature or kind to the Private Right-of-Way. In addition, the Private Right-of-Way may not be entitled to receive other public services such as grading, ditching, snowplowing, gravelling, school busing, solid waste collection, or emergency vehicle access;*
- (f) an agreement that provides for the use, ownership and long-term maintenance of the Private Right-of-Way is registered in accordance with the provisions of the Registry Act and is binding on the Owner of the Private Right-of-Way and the Owner's heirs, executors, administrators, successors (including successors in title), and assigns; and
- (g) the Lot conforms to the Lot requirements of the Zone in which the Lot is located.

16.4 REDUCED LOT FRONTAGE OR AREA

- (1) If a Parcel of land in any Zone is of such configuration that the Council deems it cannot reasonably be subdivided in such a way to provide the required minimum Frontage on a Street or where Lots are designed with a reduced Frontage along a bend in a Street or facing a cul-de-sac, the Council may approve a reduced Frontage, if in the opinion of the Council:
 - (a) adequate and safe access is provided;
 - (b) the Lot width at the front Building Line measures at least as much as the minimum Lot Frontage for the Zone; and
 - (c) the access driveway has a minimum Frontage of 7.3 m (24 ft.).

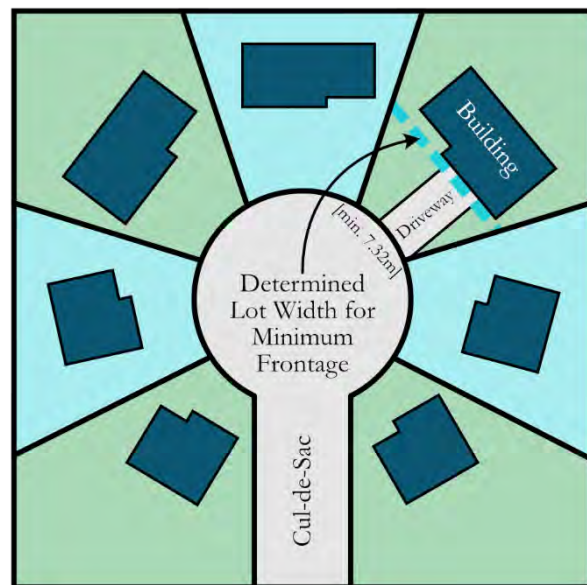


Figure 6 - Cul-de-Sac Lot Frontage

- (2) The Subdivision of Panhandle Lots shall be restricted to Parcels existing in separate Ownership as of November 30, 1991, and not more than one (1) Panhandle Lot may be subdivided per existing Parcel.
- (3) The minimum acceptable Frontage for a Panhandle Lot shall be 7.3 m. (24 ft.).
- (4) The area of the access driveway or right-of-way portion of a Panhandle Lot shall not be included in the minimum Lot Area requirements.
- (5) The Subdivision or consolidation of an existing non-conforming Lot(s) may be permitted if the Subdivision or Lot Consolidation results in an increase to the Lot Area or Lot Frontage or both, even if the Lot will remain undersized following the Subdivision, where the Subdivision would otherwise be permitted under this Bylaw.

16.5 CHANGES TO EXISTING LOTS

- (1) No Person shall reduce the dimensions or change the Use of any existing Lot in an existing approved Residential Subdivision Development where the Council determines there would be a Detrimental Impact on neighbouring Property Owners.
- (2) Where an application would change the dimensions or the Use of a Lot in an existing approved Residential Subdivision Development, the Development Officer shall provide written notice to all Property Owners within 121.9 m. (400 ft.) of the boundaries of the Lot, informing them of the details of the application and soliciting their comments.

16.6 SUBDIVISIONS IN RURAL RESERVE (RR) ZONE

- (1) Within a Rural Reserve (RR) Zone, Subdivisions shall be restricted to existing Parcels only and no Person shall be permitted to subdivide more than two (2) Lots from any existing Parcel of land.
- (2) For the purposes of this section, existing Parcel shall mean a Parcel of land which was held in separate Ownership as of November 30, 1991.
- (3) Any Lots subdivided pursuant to this section shall conform to the Lot requirements for an RR Zone, the access requirements of section 4.11, and all other relevant provisions of this Bylaw.
- (4) Within the Rural Reserve (RR) Zone:
 - (a) A Subdivision for Residential Uses shall not be permitted within 305 m. (1000 ft.) of the Lot Line of an existing Intensive Livestock Operation; and
 - (b) Where a residential Subdivision is proposed, the Development Officer shall provide written notice to all operators of Intensive Livestock Operations within 305 m. (1,000 ft.) of the boundaries of the Lot, informing them of the details of the application and soliciting their comments.

16.7 SUBDIVISIONS IN COASTAL, WATERFRONT, AND WETLAND AREAS

- (1) Where a Subdivision is located adjacent to a Coastal Area, Watercourse, or Wetland, the Subdivision shall be subject to the following:
 - (a) Public access to the beach shall be provided if the Property being subdivided includes Shore Frontage, with at least one access measuring at least 6.1 m. (20 ft.) to be located approximately every 200 m. (656.2 ft.) of Shore Frontage;
 - (b) the area to be set aside as parkland dedication may include land along the Watercourse; and
 - (c) compliance with the requirements of subsection 4.7(3).
- (2) The area of a Lot that falls within the 02 Zone may be included as part of the Lot in a Subdivision where the Lot has sufficient area exclusive of the 02 Zone area to permit the required Setbacks, on-site services and the minimum circle diameter requirements under the Province-wide Minimum Development Standards Regulations.
- (3) Where a Lot or a portion of a Lot contains a Wetland or Watercourse, the boundary of which is defined by the Watercourse and Wetland Protection Regulations, the Lot(s) shall meet the minimum Lot Area for the Zone exclusive of the area of the Wetland or Watercourse.

16.8 ROAD STANDARDS

- (1) Subject to subsection 16.3(2), all new Streets or extensions to existing Streets or Private Rights-of-Way shall be Public Streets.

- (2) All applications for Subdivision shall be reviewed by the Province’s department responsible for the Roads Act, and where an entrance way permit or other approval or permit is required pursuant to the Roads Act, a final approval of Subdivision shall not be granted until that entrance way permit or other approval or permit has been granted.
- (3) Subject to subsection 16.8(1) above, and all other requirements of this Bylaw, the Subdivision of Lots that abut, and require access to, a Collector Highway that has not been designated as infill under the Roads Act shall be subject to the following standards:

Frontage of Parcel being subdivided:	Maximum number of Lots that may be approved abutting, and requiring access to, the Collector Highway:
a. less than 402.3 m. (1,320 ft.), Parcel existing prior to February 3, 1979	One Lot, where no Lot has previously been approved for Subdivision from the parent Parcel as it existed on February 2, 1979.
b. 402.3 m. (1,320 ft.) or more, Parcel existing prior to February 3, 1979	One Lot for every 201 m. (660 ft.) of Frontage of the parent Parcel on February 2, 1979.
c. less than 402.3 m. (1,320 ft.), Parcel approved on or after February 3, 1979	No Lot may be approved for Subdivision.
d. 402.3 m. (1,320 ft.) or more, Parcel approved on or after February 3, 1979	One Lot for every 201 m. (660 ft.) of Frontage, and each Lot must have a minimum of Frontage of 201 m. (660 ft.).

- (4) Subject to subsection 16.8(1), above, and all other requirements of this Bylaw, one Lot, in addition to those permitted in clauses 16.8(3)(a) or (b), may be approved provided that:
 - (a) the proposed Lot contains an existing Dwelling served by an existing Highway access;
 - (b) the Dwelling on the Lot shall be served by the existing Dwelling access; and
 - (c) no Development Permit shall be issued for a Dwelling on the remainder of the parent Parcel.
- (5) Subsection (3) does not apply to a Parcel of land along a portion of a Collector Highway that is designated for infilling under the regulations made under the Roads Act.
- (6) Notwithstanding the restrictions on Subdivisions specified in subsection (3), and subject to subsection 16.8(1), a Person may subdivide Lots from a Parcel of land that abuts, or requires access to, a Collector Highway, provided:
 - (a) the Person has applied for and obtained approval of a plan of Subdivision that includes approval for a Street connecting to and within the Subdivision to serve the Lots; and
 - (b) all other requirements of this Bylaw can be met.

16.9 SUBDIVISIONS OF SEMI-DETACHED AND TOWNHOUSE DWELLINGS

- (1) Semi-Detached Dwellings and Townhouse Dwellings may be Subdivided for individual sale and Ownership provided that:
 - (a) a Subdivision of the Parcel of land has been approved by the Authority Having Jurisdiction and such Subdivision provides for appropriate easements or common area to allow entry by an Owner of any portion of the Building to their backyard area;
 - (b) each individual Dwelling Unit within the Semi-Detached Dwelling or Townhouse Dwelling shall be separated by a vertical fire separation built in accordance with the National Building Code;
 - (c) a separate water and sewer service is provided for each Dwelling Unit in accordance with the Municipality's bylaws governing water supply and sewage services;
 - (d) separate electrical services are provided for each Dwelling Unit;
 - (e) a separate heating device is provided for each Dwelling Unit;
 - (f) separate parking is provided for each Dwelling Unit unless the Council waives the requirement; and
 - (g) a copy of the agreement made between the Owners covering the following terms is approved by the Council and registered on the title of each Dwelling Unit. The agreement shall address the following:
 - (i) common walls;
 - (ii) maintenance;
 - (iii) fire insurance;
 - (iv) easements;
 - (v) parking;
 - (vi) snow removal;
 - (vii) any other items jointly owned or used; and
 - (viii) any other terms and conditions as shall be imposed by the Authority Having Jurisdiction, as required in order to ensure compliance with this Bylaw.

16.10 CONSERVATION SUBDIVISIONS

- (1) Notwithstanding the provisions of this Bylaw and in particular the minimum Lot size standards in the RR and R1 Zones and limits under section 16.6 on the number of Lots that may be subdivided in the RR Zone, within any Rural Reserve or Residential Zone, Council may grant approval of Conservation Subdivisions with reduced standards for minimum Lot size and number where the following criteria have been met:
 - (a) the Property to be subdivided is at least 6 hectares (14.83 acres) in size;
 - (b) all proposed Lots comply with the minimum Lots size standards established in the Province-Wide Minimum Development Standards Regulations;

- (c) at least 50% of the lands being subdivided is put aside in the form of an undivided permanent conservation area to be deeded to the Municipality, or, subject to clause (f), an incorporated homeowner’s association or a recognized land trust or conservancy;
 - (d) all undivided land in the designated conservation area capable of further Subdivision shall be restricted from further Subdivision through a permanent conservation covenant, in a form acceptable to the Municipality, and duly recorded with the Provincial Registry Office;
 - (e) at least 25% of the minimum required conservation area shall be suitable for active recreation purposes, but no more than 50% shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site;
 - (f) a portion of the conservation area shall be designated for general Public access in accordance with the parkland dedication requirements in this Bylaw and conveyed to the Municipality; and
 - (g) the Subdivision is serviced by shared on-site water and septic systems that meet current provincial standards and are designed and certified by a Professional Engineer.
- (2) The required conservation area may be used, without restriction, for underground drainage fields for individual or community septic systems, subject to approval by the Province’s department responsible for the environment. However, “mound” systems protruding above Grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum conservation area.
 - (3) Council may conduct a public meeting to consider public opinion on the design of the Subdivision.
 - (4) In evaluating the layout of Lots and conservation area, Council shall give consideration to environmental constraints and significant features such as view planes, old growth forests, habitat for endangered species or species at risk, and Historic Sites.

16.11 APPLICATION AND PRELIMINARY APPROVAL PROCESS

- (1) Any Person seeking approval of a Subdivision shall first make application for preliminary approval, and shall be required to submit to the Authority Having Jurisdiction the following:
 - (a) an application in the form prescribed by the Council;
 - (b) the application fee as set forth in Schedule C;
 - (c) a description of Uses on the surrounding Parcels; and
 - (d) five (5) copies of a preliminary Subdivision plan, prepared by a Professional Land Surveyor or Professional Engineer, showing:
 - (i) contours showing topography of the Parcel with at least 2 m (6.6 ft.) contour lines;
 - (ii) a soil assessment;
 - (iii) the true shape and dimensions of the proposed Lots;
 - (iv) the location of the Parcel and all adjoining Properties;
 - (v) the location of every existing Structure on the Parcel and adjacent Parcels;
 - (vi) existing and proposed services and utilities;

- (vii) proposed widths and locations of all Streets and, where one or more Private Rights-of-Way has been requested pursuant to subsection 16.3(2), the proposed widths and locations of such Private Rights-of-Way;
 - (viii) location of land proposed for Open Space and Parks use;
 - (ix) proposed surface water drainage patterns and designed drainage features, when applicable; and
 - (x) other existing features, including Buildings, Watercourses, Wetlands, Buffer Zones, wooded areas, and areas subject to flooding or erosion.
- (2) The Authority Having Jurisdiction may also require the Applicant to provide additional information required to assist in evaluating a proposed Subdivision, including, but not limited to:
- (a) a water test;
 - (b) an assessment on any potential environmental impacts, including any requirements imposed by provincial statutes, regulations or other enactments;
 - (c) a stormwater management plan;
 - (d) a traffic survey or a traffic study;
 - (e) a written assessment by the Province on potential environmental impacts, including requirements imposed by provincial statutes, regulations or other enactments;
 - (f) a written assessment by the Province on access and/or transportation issues; and
 - (g) any other studies or documentation required in order to adequately determine whether the requirements of this Bylaw are met.
- (3) The Authority Having Jurisdiction may refuse to approve a Subdivision which is unsuitable under the provisions of this Bylaw.
- (4) In formulating their decision, the Authority Having Jurisdiction may:
- (a) consult with the Province's officials or private consultants or both; and
 - (b) conduct a public meeting to consider public opinion in accordance with the procedures of section 15.3.
- (5) In consultation with the Province, and in review of water supply and sewage disposal needs, Subdivision approval may be withheld until such time as adequate servicing has been designed for the Subdivision. Central water supply or sewage disposal or both may be required as a condition of Subdivision approval.
- (6) Street design drawings and a stormwater management plan prepared by a Professional Engineer shall be submitted with an application for preliminary approval for any Subdivision involving the construction of a new Street and, where one or more new or extended Private Rights-of-Way has been requested pursuant to subsection 16.3(2), Private Right-of-Way design drawings and a stormwater management plan prepared by a Professional Engineer shall be submitted with the application.

- (7) The Authority Having Jurisdiction 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.
- (8) Where a Subdivision application is submitted concurrently with a rezoning application, the preliminary Subdivision approval shall not be granted until the rezoning application has been processed and has received approval.
- (9) Where the Authority Having Jurisdiction generally accepts the details of a Subdivision application, they may issue a preliminary approval, which shall include all conditions to be satisfied for the Subdivision to proceed to final approval.
- (10) Preliminary approval for any proposed Subdivision shall not be construed as final approval of such Subdivision for legal conveyance or for land registration purposes.
- (11) Preliminary approval shall be effective for a period of 24 months.

16.12 PARKLAND DEDICATION AND / OR PARKLAND DEDICATION FEE

- (1) A Person seeking to subdivide three (3) or more Lots, exclusive of the parent Parcel, shall be required to dedicate and convey to the Municipality 10% of the lands being subdivided from the parent Parcel for recreation and Public Open Space purposes, subject to the following:
 - (a) the location of the parkland to be conveyed shall be at the discretion of, and shall be subject to approval by Council;
 - (b) the parkland shall be free of all encumbrances; and
 - (c) Council may apply some or all of the dedication and conveyance of the Lot Area to active transportation routes or trail systems or both where such can be provided within or between Subdivisions, or to ensure that valued natural assets such as forest cover can be protected.
- (2) In lieu of a parkland conveyance, where land is deemed to be inappropriate by Council, Council shall require a payment of 10% of the assessed value of the Lots to be subdivided, calculated on the projected value of the lands being subdivided, including all infrastructure costs upon final approval of the Subdivision, and shall not take into account the value of Structures on such lands. The Council retains the right to use the Province's Land Valuation and Assessment Division in determining the assessed value of the land.
- (3) Council may, where Council determines that a combination of parkland and cash-in-lieu payments is in the best interests of the Municipality, require that parkland dedication be in the form of a combination of land and cash of an equivalent value.
- (4) Any monies collected pursuant to subsections (2) or (3) shall be designated for the purpose of recreational and Public Open Space lands or Uses.

- (5) A further Subdivision of land that has already been subject to a parkland dedication or conveyance shall be exempt from the requirements of this section.

16.13 SERVICING

- (1) The Council may require that new Subdivisions be provided with shared water and sewer systems as a condition of Subdivision approval. Where a new Subdivision will involve a connection to the municipal sewer system, the Subdivision Agreement may include matters relating to the servicing standards, process of installation, review during construction, testing, and final acceptance.
- (2) All costs related to the design, approval, and construction of a shared or central water or sewage system shall be borne by the Developer(s).
- (3) The provision of pedestrian walkways, designed and built to the standard established by the Municipality, may be required within new Townhouse Dwelling or Apartment Dwelling Developments and commercial Developments where the walkways are necessary for connectivity with existing pedestrian infrastructure or in relation to the anticipated volume of pedestrian activity associated with the proposed Development.

16.14 SUBDIVISION AGREEMENT

- (1) The Authority Having Jurisdiction may require an Applicant to enter into a Subdivision Agreement prior to issuing preliminary approval. The Subdivision Agreement may cover such matters required in order to ensure compliance with this Bylaw and may include, but not be limited to the following:
 - (a) the design and construction costs of sidewalks, water supply, sanitary and storm sewers, Streets, and Street lighting;
 - (b) the dedication of land for recreation and Public Open Space purposes, or payment of a fee in lieu of land;
 - (c) the building of Streets to provincial standards and deeding of Streets to the Province's Department of Transportation and Infrastructure or its successor;
 - (d) the posting of a financial guarantee satisfactory to the Council;
 - (e) the provision of a controlled landscape plan and stormwater management plan to facilitate the drainage of water and to guard against flooding of Lots within the Subdivision and adjacent Properties;
 - (f) the provision of such services, facilities or actions as are necessary to ensure the satisfactory Development of the Subdivision;
 - (g) the provision for the phasing of the Subdivision; and
 - (h) the preservation and enhancement of surface water drainage systems.
- (2) The Subdivision Agreement shall be registered in accordance with the Registry Act and all fees associated with the preparation, registration, and enforcement of the Subdivision Agreement shall be paid by the Developer.

16.15 FINAL APPROVAL

- (1) A stormwater management plan prepared by a Professional Engineer shall be submitted with an application for final approval for any Subdivision of a Lot into two (2) or more Lots. The stormwater management plan shall include an overall surface water management strategy for the proposed Subdivision, and shall include the proposed general location and top of foundation elevation for the Main Buildings to be Erected on each Lot.
- (2) No final Subdivision approval shall be granted by the Municipality unless:
 - (a) the Applicant has complied fully with all applicable requirements of this section, any Subdivision Agreement between the Applicant and the Municipality, and any other conditions of preliminary approval;
 - (b) the Applicant has submitted at least eight (8) copies of a final Survey Plan showing all Lots pinned and certified by a Professional Land Surveyor; and
 - (c) all agreements and other documents required under this Bylaw have been prepared and concluded to the satisfaction of the Development Officer;
 - (d) all transactions involving the transfer of land, money or security in conjunction with the Subdivision have been concluded to the satisfaction of the Development Officer; and
 - (e) where Street construction is required, the Applicant has completed any necessary conditions of agreements with the Province's Department of Transportation and Infrastructure or its successor and the Street has been accepted as Public.
- (3) The Authority Having Jurisdiction may require the Applicant to provide a digital file containing the (real earth) geographic co-ordinates of the plan of Subdivision.
- (4) The Development Officer shall give notice of final approval of a Subdivision in writing and shall place the Municipality's approval stamp on the eight copies of the Survey Plan and shall return one copy to the Applicant.
- (5) The Municipality shall file a copy of the final Survey Plan with:
 - (a) the Province's Registrar of Deeds (2 copies);
 - (b) the Province's 911 Administration Office;
 - (c) the Province's Department of Transportation and Infrastructure or its successor, as required;
 - (d) the Municipality's files; and
 - (e) the Cavendish Sewer Utility, as required.
- (6) The Municipality may grant final approval to part of a Subdivision which is proposed to be developed in Phases.

16.16 SEVERANCES & CONSOLIDATIONS

- (1) Any approval for a Lot Consolidation shall be conditional on the Applicant combining the Lots by deed expressing the perimeter boundary of the new Parcel, registered in accordance with the Registry Act, and all fees associated with the preparation and registration of the deed shall be paid by the Applicant.
- (2) Notwithstanding subsection 16.11, applications for final approval for Lot Consolidations or boundary line adjustments may be submitted without the preliminary approval stage of the application process, having regard to the provisions in the Bylaw for the approval of Subdivisions, as may be applicable, and provided the application otherwise conforms to the Bylaw.

16.17 DEVELOPMENT PERMITS

- (1) Development Permits shall not be issued for any Lot in a proposed Subdivision until all the requirements of the Subdivision Agreement and of this Bylaw have been fulfilled and final Subdivision approval has been granted.

16.18 RESCINDING OR ALTERING APPROVAL

- (1) An existing approved Subdivision or portion thereof may be rescinded or altered by the Authority Having Jurisdiction if:
 - (a) the Subdivision has been carried out contrary to the application, the conditions of approval, or these regulations; or
 - (b) the Subdivision Owner has confirmed in writing that the sale of Lots is no longer intended and has requested that approval be rescinded.

17. PENALTIES

17.1 FINES

- (1) Any Person who violates any provision of this Bylaw shall be guilty of an offence and liable on summary conviction
 - (a) on a first conviction, to payment of a fine not exceeding \$2,000;
 - (b) on a subsequent conviction, to a fine of not more than \$400 for each day upon which the contravention has continued after the day on which the Person was first convicted;as well as payment of any outstanding fees. The judge presiding on any prosecution under this Bylaw may fix the costs of prosecution to be paid by the Person found guilty.
- (2) Any prosecution for an offence under subsection (1) may be instituted within one year after the time when the contravention occurred.
- (3) The Applicant and the Property Owner are liable for any offence under this Bylaw.
- (4) The Municipality is entitled to all of the enforcement remedies as set forth in section 24 of the Planning Act and in Part 9 of the Municipal Government Act.

18. NOTICE OF DECISIONS

- (1) The Development Officer shall ensure that all decisions relating to applications are posted in accordance with section 23.1 of the Planning Act.

19. APPEALS

- (1) Any Person who is dissatisfied by a decision enumerated in section 28 of the Planning Act in respect to the administration of this Bylaw may, within twenty-one (21) days of the decision, appeal to the Island Regulatory and Appeals Commission in accordance with the Planning Act.
- (2) Notwithstanding subsection (1) above, no appeals may be filed regarding a decision of the Authority Having Jurisdiction respecting the final approval of a Subdivision where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the Subdivision.

20. REPEAL

20.1 EFFECTIVE DATE

- (1) This Bylaw shall come into force on the date it is signed by the Minister responsible for the Planning Act.

20.2 REPEAL

- (1) The Resort Municipality Zoning and Subdivision Control (Development) Bylaw 2017, as amended from time to time, is hereby repealed.

21. DEFINITIONS

Subject to section 1.8, in this Bylaw:

A

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 upon which such Main Building is to be Erected.

ACCESSORY STRUCTURE means a separate subordinate structure, 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 upon which such Main Building is to be Erected, and includes an Accessory Building.

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.

AGRICULTURAL USE means the utilizing of land, a Building, or Structures to raise crops or animals or fowl and including the harbouring or keeping of Livestock and includes agricultural operations as defined in the *Farm Practices Act*, R.S.P.E.I. 1988 Cap. F-4.1.

ALTER means any change in the structural component of a Structure or any increase in the volume of a Structure.

ANCILLARY USE means a listed, permitted land Use that is additional, secondary, and complementary to a permitted principal Use.

AMENITY AREA means an area of land set aside for the purpose of visual improvement or relaxation.

APPLICANT means any Person responsible for and authorized to complete an application for a Subdivision, Development Permit or Zoning or Official Plan amendment and for fulfilling any required preconditions or conditions of permit approval under this Bylaw.

ARCHITECTS ACT means the *Architects Act*, R.S.P.E.I. 1988 Cap. A-18.1, as amended from time to time.

ATTACHED means a Building or Structure which has a common wall and/or common roof line and the Building or Structure may be considered common as long as a minimum of 20% of the length of the wall or roof line is common with the Main Building or Structure wall or roof.

AUTHORITY HAVING JURISDICTION means the Council or the Development Officer.

AUTOBODY REPAIR SHOP means a Building Used for the storage, repair, and servicing of motor Vehicles including body repair, detailing, painting and engine rebuilding. This definition does not include an Automobile Service Station, an Automobile Sales and Service Establishment, or Salvage Yard.

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.

AUTOMOBILE 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 and the servicing and repairing essential to the actual operation of motor Vehicles.

AUTOMOBILE WASHING ESTABLISHMENT means a Building or part thereof used for the operation of manual, automatic or semi- automatic automobile washing equipment.

AWNING means a roof-like shelter of canvas or other material extending over a doorway, from the top of a window, over a Deck, etc., in order to provide protection, as from the sun.

B

BANDSTAND means a raised platform, with or without a roof or enclosed sites, intended for outdoor performances.

BASEMENT means a Storey or Stories of a Building located below the Ground Floor.

BED AND BREAKFAST means a Dwelling in which there is a resident Owner or manager who provides accommodation and meals (usually breakfast) for the travelling Public and includes tourist home but does not include boarding house, rooming house, domiciliary Hostel, Group Home, Hotel, Motel, Restaurant, or Lounge. Bed and Breakfasts may include Accessory activities that are complimentary thereof.

BUFFER ZONE means the land within 15 m (49.2 ft.) of a Watercourse Boundary or a Wetland Boundary as defined in the Watercourse and Wetland Protection Regulations.

BUILDING means any Structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any Person, animal or chattel.

BUILDING CODES ACT means the *Building Codes Act*, R.S.P.E.I 1988, Cap. B-5.1, as amended from time to time.

BUILDING HEIGHT means the vertical distance measured from the average finished Grade to the highest point of the roof surface.

BUILDING LINE means any line defining the position of a Structure on a Lot.

BUSINESS means a premise where goods and/or services are offered, including but not limited to premises used for the retail, wholesaling, manufacture or conversion of goods.

BYLAW means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico Land Use Bylaw.

C

CAMPGROUND OR RV PARK means an area of land, managed as a unit, providing short-term accommodation for tents, tent trailers, Recreational Vehicles and campers.

CAMPGROUND SITE or **RV SITE** means an individual outdoor space, within a Campground or RV Park or the premises of a Tourism Establishment, providing short-term accommodation for tents, tent trailers, Recreational Vehicles and campers and allocated to one Person or group.

CENTRAL SEWER means a system of pipes for the disposal of sewage controlled by a municipal Utility.

CEMETERY means a spatially defined area where the intact or cremated remains of deceased people are buried or are otherwise interred.

CGVD means Canadian Geodetic Vertical Datum. CGVD2013 is a gravimetric datum defined by the equipotential surface $W_0=62,636,856.0 \text{ m}^2\text{s}^{-2}$, representing by convention the coastal mean sea level for North America.

CHANGE OF USE means the change of purpose for which land, Buildings, or Structures, or any combination thereof, is designed, arranged, Erected, occupied, or maintained.

CLEAR DAYS means ‘clear days’ as defined in the Interpretations Act.

CLINIC means a Public or private Building Used for medical, surgical, dental, physiotherapeutic, chiropractic, or other human health treatment by one or more licensed practitioners, but does not include Hospitals.

CLUSTERED HOUSING means a land Development project for more than two Residential Use Building on the same Lot.

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.

COASTAL AREA means all the lands, including surface water bodies, streams, rivers, and off- shore islands in the Municipality, lying within 500 m. (1640.42 ft.) inland and seaward of the mean high-water mark of all coastal and tidal waters.

COASTAL HAZARD ASSESSMENT means a summary report issued by the Province describing the potential erosion and flood hazards associated with a coastal Property.

COASTAL FLOODPLAIN means the area of land adjacent to the shoreline that will be affected by a coastal flooding event (i.e. storm surge) with a 1% chance of happening annually, often referred to as the 1-in-100 year flood level, as identified by the Province.

COLLECTOR HIGHWAY means any Highway that has been designated as a Collector Highway under the provisions of the Highway Access Regulations;

COMMUNICATIONS TOWER means a tower, pole, or similar Structure of any size that supports wireless telecommunication equipment, transmission or reception, and is utilized by commercial, governmental, or other Public or quasi-public users, above ground in a fixed location, free-standing, guyed, or on a Structure.

COMMUNITY CARE FACILITY means a community care facility as defined in the Province's *Community Care Facilities and Nursing Homes Act*, R.S.P.E.I. 1988, Cap. C-13 as amended from time to time.

COMMUNITY CENTRE means a Building, Structure or Public place where members of a community gather for recreational, educational, artistic, social or cultural activities.

COMPREHENSIVE DEVELOPMENT CONCEPT PLAN means a plan representing a proposed Development showing all necessary information in order to confirm compliance with this Bylaw prepared in accordance with Scheduled D.

CONSERVATION SUBDIVISION means a Subdivision designed to leave 50% of the land area in Open Space and place developed areas away from important water or natural resources, yet still allow a similar or greater lot yield as a traditional Residential Subdivision Development.

CONVENIENCE STORE means a Retail Store or establishment supplying daily household necessities including food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, and meat, as well as the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, tobacco products and similar items.

COUNCIL means the Council for the Municipality.

CRAFT BREWERY means a place where craft beer, cider, and spirits are produced.

CRAFT WORKSHOP means a Building or part of a Building where craft products are produced and offered for sale, and where craft instruction on may be offered.

CULTURAL CENTRE means a site used for display, storage, restoration, or events related to art, literature, music, history, or science. This term refers to Uses such as art galleries, theatres, libraries, auditoria, archives, music concerts, interpretive centres and museums.

D

DECK means a Structure abutting a Dwelling with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-Grade for use as an outdoor living area.

DEMOLISH means to remove, pull down or destroy a Structure.

DETRIMENTAL IMPACT means any loss or harm suffered in Person or Property in matters related to public health, public safety, protection of the natural environment and surrounding land Uses, but does not include potential effects of new Subdivisions, Buildings or Developments with regards to:

- (i.) real property value;
- (ii.) competition with existing Businesses;
- (iii.) National Park viewsapes; or

(iv.) a Development approved pursuant to subsection 9(1) of the Environmental Protection Act.

DEVELOPER means any Person who is responsible for any undertaking that requires a Development Permit, Subdivision approval or consolidation approval.

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.

DEVELOPMENT AGREEMENT means an Agreement executed between the Developer and the Municipality respecting the terms under which a Development may be carried out.

DEVELOPMENT OFFICER means any Person charged by the Council with the duty of administering the provisions of this Bylaw.

DEVELOPMENT PERMIT means the formal and written authorization for a Person to carry out any Development.

DISPLAY means any item, group of items visible to the general public.

DORMITORY means a Structure where residents have exclusive Use of a Bedroom but common washroom and/or kitchen facilities, and where each resident individually compensates the Owner for providing the accommodation.

DWELLING means a Building or portion thereof designated or Used for residential occupancy, but does not include Hotels and Motels. Also see Secondary Suite.

ACCESSORY SINGLE-DETACHED DWELLING means a separate subordinate Building designed or Used for occupancy as one Dwelling Unit for the sole purpose of accommodating a Person employed by the Owner(s) of the Farm Property.

APARTMENT DWELLING means a Dwelling in a Building containing three or more such Dwelling Units that share common hallways and a common outdoor entrance; or Dwellings Attached to a Building which is principally commercial or a Building that is divided vertically into three or more Attached Dwelling Units that do not each have its own Street Frontage. An Apartment Dwelling does not include a Townhouse Dwelling.

DUPLEX DWELLING means a Building that is divided horizontally into two Dwellings, each with their own outdoor entrance.

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 for the exclusive Use of such individuals, with a private entrance from outside of the Building or from a common hallway or stairway inside the Building.

SEMI-DETACHED DWELLING means a Building divided vertically into two (2) separate Dwelling Units, each with its own Street Frontage and outdoor entrance.

SINGLE-DETACHED DWELLING means a Building designed or Used for occupancy as one Dwelling Unit.

TOWNHOUSE DWELLING means a Building that is divided vertically into three or more Attached Dwelling Units, each with its own Street Frontage.

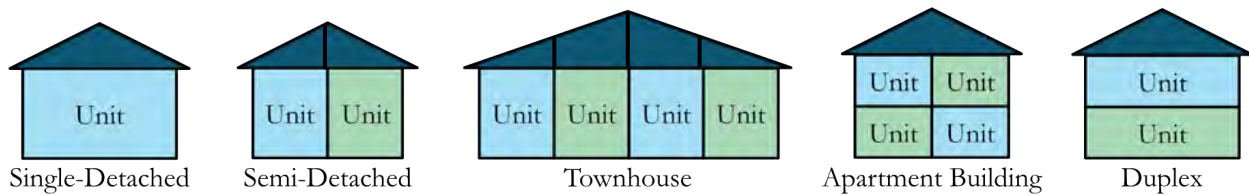


Figure 7 - Types of dwellings

E

EARLY LEARNING AND CHILD CARE ACT means the *Early Learning and Child Care Act*, R.S.P.E.I. 1988, Cap. E-.01, as amended from time to time.

EARLY LEARNING AND CHILD CARE CENTRE means a Building where children are cared for as permitted under the Early Learning and Child Care Act.

EMERGENCY 911 ACT means the *Emergency 911 Act*, R.S.P.E.I. 1988, Cap. E-5.1, as amended from time to time.

ENGINEERING PROFESSION ACT means the *Engineering Profession Act*, R.S.P.E.I. 1988 Cap. E-8.1, as amended from time to time.

ENTERTAINMENT ESTABLISHMENT means an establishment providing musical, dramatic, dancing or cabaret entertainment and/or facilities for alcoholic beverage consumption and includes supplementary food service. This term refers to Uses such as theatres, cinemas, auditoria, beverage rooms, cocktail Lounges, cabarets, nightclubs and theatre Restaurants.

ENVIRONMENTAL IMPACT ASSESSMENT means an assessment that considers and predicts the physical and biological impacts of a proposed Development on the environment.

ENVIRONMENTAL IMPACT STATEMENT means the summary of findings produced from studying the potential environmental impacts of a proposed project.

ENVIRONMENTAL PROTECTION ACT means the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9, as amended from time to time.

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.

EXCAVATION PIT means any excavation in the ground for the purpose of searching for or removing clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a Street, or a snow-trap constructed to protect a Street from snow accumulation.

F

FAMILY HOME CENTRE means an Early Learning and Child Care Centre located in a private residence as regulated under the Early Learning and Child Care Act.

FARM or **FARM PROPERTY** means land, including any complementary Buildings, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of Livestock or production of raw dairy products, and may comprise a lesser area when operated as a Farm enterprise by a *bona fide* farmer as defined in the Real Property Assessment Act.

FARM DWELLING means a single-unit Dwelling that is located on a Farm, and is owned and occupied by the principal Owner of the Farm Parcel or a Person whose primary occupation is to work on the Farm Parcel.

FARM GATE OUTLET means an Accessory Use located on a Farm for sale only of its own agricultural products and excluding sale of Farm products not grown on the premises or any non-Farm products and excluding a Plant Nursery.

FARM MARKET means a Building or part of a Building in which Farm produce; crafts and baked goods make up the major portion of items offered for sale.

FENCE means an artificially constructed barrier made of metal slats, glass, wire, wood or similar materials, or a combination of such materials, Erected to enclose or screen areas of land.

FLOOR AREA means:

- (i.) With reference to Dwelling – the area contained within the outside walls including any Attached Garage, Porch, veranda, sunroom, greenhouse, Basement, but excluding any unfinished attic;
- (ii.) With reference to a commercial Building – the total usable Floor Area within a Building Used for commercial purposes excluding washrooms, furnace rooms and common halls between stores; and
- (iii.) With reference to Accessory Building – the area contained within the outside walls.

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.

G

GARDEN means a plot of land for growing flowers, vegetables, or fruit.

GAZEBO means a freestanding, roofed Accessory Structure which is not enclosed, except for Screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential Dwelling Unit but shall not include any other Use or activity otherwise defined or classified in this Bylaw.

GRADE means the highest among the average, finished ground levels around each respective Main Wall of a Building, excluding consideration of local depressions on the ground, such as for Vehicle or pedestrian entrances.

GROCERY STORE means a Retail Store or establishment which primarily sells food as well as other convenience and household goods.

GROUND FLOOR means the uppermost Storey having its floor level not more than 2 m. (6.6 ft.) above Grade.

GROUP HOME means an establishment for six (6) or fewer residents who require special care or supervision, staffed 24 hours per day by trained care giver(s), and recognized as a group home by the Minister of the Province's Department of Health or Wellness or any successor department.

H

HEALTH CLINIC – see Clinic

HEIGHT means the vertical distance measured from the average finished Grade to the highest point of a Structure.

HIGHWAY – see **STREET**

HIGHWAY ACCESS REGULATIONS mean the *Highway Access Regulations* made under the *Roads Act*, as amended from time to time.

HIGHWAY, COLLECTOR – means any Highway that has been designated as a collector highway under the provisions of the Highway Access Regulations.

HISTORIC RESOURCE means any natural or built feature that is primarily of value for its paleontological, archaeological, prehistoric, historic, cultural, natural, scientific or aesthetic interest.

HISTORIC SITE means any site that has been designated as a historic site or a heritage place under provincial or federal legislation, as well as any Accessory Uses or Structures to support visitation.

HOME OCCUPATION means an occupation or Business conducted for profit within a portion of a Single-Detached Dwelling, or within a part of an Accessory Building, which is undertaken by a permanent occupant of the Single-Detached Dwelling.

HOSPITAL means any institution, Building, or other premises or place established for the maintenance, observation, medical and dental care and supervision, and skilled nursing care of Persons afflicted with or suffering from sickness, disease, injury, or for convalescing or chronically ill Persons.

HOSTEL means a Building other than a Motel occupied or intended to be occupied as the temporary lodging place for any individual for a fee.

HOTEL means a commercial Building providing temporary accommodations for travellers or transients, and may have one or more Public dining rooms and convention meeting rooms, but does not include a Motel.

HOUSING CORPORATION ACT means the *Housing Corporation Act*, R.S.P.E.I. 1988, Cap. H-11.1, as amended from time to time.

I

INSTITUTIONAL USE means the Use of premises, other than retail or Light Industrial premises, for community services and includes:

- (i.) Cemeteries;
- (ii.) Clinics and Hospitals;
- (iii.) colleges, universities and non-commercial schools;
- (iv.) Community Care Facilities, Nursing Homes, and Senior Citizens homes.
- (v.) Community Centres;
- (vi.) Cultural Centres;
- (vii.) Early Learning and Child Care Centres;
- (viii.) experimental Farms;
- (ix.) government offices;
- (x.) libraries, museums and art galleries;
- (xi.) Places of Worship and religious institutions;
- (xii.) Public and private parks;
- (xiii.) Public and private recreational centres;
- (xiv.) Public and private schools; and
- (xv.) Recreation facilities.

INTENSIVE LIVESTOCK OPERATION means a place where Livestock are found in a density greater than seven animal units per acre in a confined area to which the livestock have access, with the calculation of animal units to be determined by the Province.

INTERNAL DRIVE means a lane, access road, or right-of-way for providing general traffic circulation within a single Lot.

INTERPRETATIONS ACT means the *Interpretations Act*, R.S.P.E.I. 1988, Cap. I-8.1, as amended from time to time.

L

LAND SURVEYORS ACT means the *Land Surveyors Act*, R.S.P.E.I. 1988, Cap. L-3.1, as amended from time to time.

LANDSCAPE ARCHITECT means a Person who is a member in good standing in the Canadian Society of Landscape Architects.

LANDSCAPING means all the elements of a Lot or site Development other than the Building or Buildings, and may include pedestrian facilities, grass and other ground cover, flower beds, shrubbery, trees, hedges, berms, Fences and retaining Structures, off- Street lighting devices, forms of natural Landscaping, and various combinations thereof.

LEGACY LANDS means a property which:

- (i.) has a Subdivision or Development approval in effect for certain uses,
- (ii.) has not yet been fully developed,
- (iii.) meets the assessment criteria prescribed in the Legacy Lands Assessment Policy, and
- (iv.) currently does not comply with the Bylaw.

LEGACY LANDS ASSESSMENT POLICY means the Legacy Lands Assessment Policy adopted by Council, as amended from time to time.

LIGHT INDUSTRIAL means the Use of land or Buildings for the assembling, fabricating, manufacturing, repairing, storing of goods and materials, or processing that does not result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluents.

LIVESTOCK means Farm animals kept for use, for propagation, or for intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkeys, goats, geese, mink, llamas and rabbits.

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 occupancy 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.

LOT or **PROPERTY** means any Parcel of land described in a deed or as shown in a registered Subdivision plan.

LOT AREA means the total area included within the Lot Lines.

CORNER LOT means a Lot situated at an intersection of and abutting on two or more Streets.

FLANKAGE LOT LINE means the Side Lot Line which abuts the Street on a Corner Lot.

FRONT LOT LINE means the Lot Line abutting the Street upon which the Structure Erected or to be Erected has its principal entrance.

INTERIOR LOT means a Lot other than a Corner Lot.

LOT DEPTH means the depth from the Front Lot Line to the Rear Lot Line.

LOT LINE means any boundary of a Lot.

PANHANDLE LOT means any Lot which gains Street Frontage through the use of a narrow strip of land which is an integral part of the Lot.

REAR LOT LINE means the Lot Line further from and opposite to the Front Lot Line.

SIDE LOT LINE means a Lot Line other than a front, rear or Flankage Lot Line.

THROUGH LOT means a Lot bounded on two opposite sides by Streets.

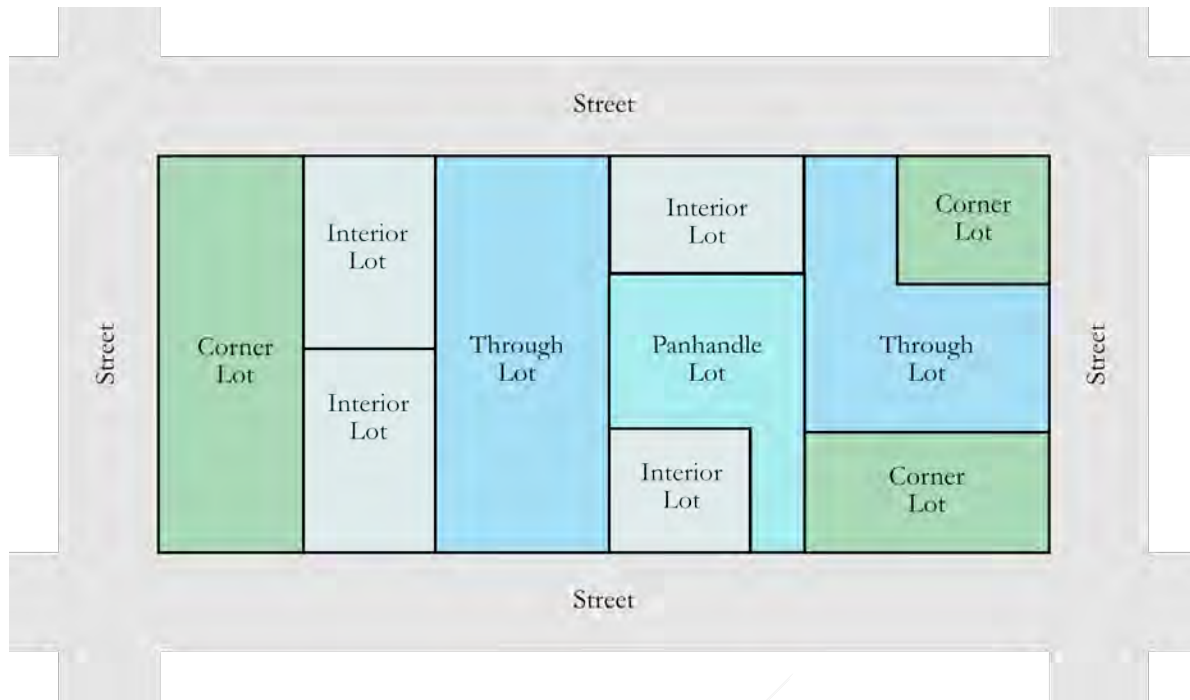


Figure 8 - Lot Types

LOT CONSOLIDATION means the legal incorporation of two or more existing parcels of land to form a single, larger Parcel.

LOT COVERAGE means the percentage of Lot Area covered by Buildings and Structures above established Grade and may include Main Building, Accessory Buildings, Swimming Pools, Decks, Patios and Gazebos.

LOUNGE means a commercial facility or Structure licensed to sell alcoholic beverages to the Public.

M

MAIN BUILDING means that Building in which is carried on the principal purpose or purposes for which the Lot is Used.

MAIN USE means the principal purpose or purposes for which the Lot is Used, 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.

MAIN WALL means the exterior wall of a Building, but excluding projections such as balconies, bay windows, chimneys, Decks, exterior stairs, fire escapes, projecting roofs, and wheelchair ramps.

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

- (i) new or additional commercial space which results in the establishment of a commercial facility

in excess of 930 sq. m. (10,000 sq. ft.);

- (ii.) Tourist Attractions in excess of 0.81 hectares (2 acres);
- (iii.) new Tourism Establishments with more than 20 accommodation units;
- (iv.) new Campgrounds or RV Parks with more than 20 Campground Sites/ RV Sites;
- (v.) Developments that would result in more than 20 new units being added after the effective date of this Bylaw to Tourism Establishments that were legally established on the effective date of this Bylaw; and
- (vi.) Developments that would result in more than 20 new Campground Sites/ RV Sites being added after the effective date of this Bylaw in Campgrounds or RV Parks that were legally established on the effective date of this Bylaw,

and, for the purposes of calculating whether a Development qualifies as a Major Development under subclauses (iii), (iv), (v) and (vi), if a Development initially has less than 20 units but subsequently adds additional units, the Development will be considered to be a Major Development as soon as the number of units exceeds 20.

MINI HOME means a pre-manufactured Dwelling Unit, affixed to the ground, having an average width of 6.1 m. (20 ft.) or less, not including entries, Porches or other appurtenances and certified under the Z240 provisions of the Canada Standards Association (CSA).

MOBILE HOME means a transportable dwelling unit suitable for permanent occupancy, designed to be transported with or without its own wheeled chassis.

MOTEL means a Building occupied in whole or in part as a temporary lodging place for an individual(s) and for which there is an exit for any room or suite of rooms directly to the outdoors with access to Grade level.

MUNICIPALITY means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

MUNICIPAL GOVERNMENT ACT means the *Municipal Government Act*, R.S.P.E.I. 1988, Cap M-12.1, as amended from time to time.

N

NURSING HOME means a nursing home as defined in the Community Care Facilities and Nursing Homes Act R.S.P.E.I. 1988, C-13, as amended from time to time.

O

OFFICE, BUSINESS OR PROFESSIONAL means premises where services are offered but does not include premises Used for the retailing, wholesaling, manufacturing or conversion of goods.

OFFICIAL PLAN means the Municipality 's Official Plan as adopted by Council.

ONLINE RETAIL STORE means the sale of foods, goods, wares, merchandise, substances, articles or things directly to the Public through web or electronic device-based applications but does not include customers making purchases on-site.

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, off-Street parking, or Loading Spaces.

OPEN STORAGE means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment, or other items.

ORNAMENTAL STRUCTURES means Landscaping or decorative architectural Structures such as arbours, Pergolas, fixed seating, sculptures, or similar improvements.

OUTDOOR RECREATION ESTABLISHMENT means a Business or enterprise providing outdoor recreation activities with low impact Uses. Activities include, but are not necessarily limited to paint ball, orienteering, geocaching, non-motorized trails or tracks, rock climbing and other recreational establishments.

OWNER or **PROPERTY OWNER** means a registered Owner of a Lot or Property in accordance with the records on file at the Province's Land Registry Office.

P

PARCEL means a lot or other division of land which is recognized as a separate unit of land for the purposes of this Bylaw.

PARK means a Public or private open area devoted to Passive Recreational Uses or conservation Uses, Accessory Structures, playgrounds, and on-site Parking Lots which support Park Uses.

PARKING LOT means an area reserved for parking more than one automobile, and includes lanes between Parking Spaces.

PARKING SPACE means an area of land which is suitable for the parking of a Vehicle, accessible to Vehicles without the need to move other Vehicles on adjacent areas.

PASSIVE RECREATION refers to recreational activities that do not require prepared facilities like sports fields or Pavilions and which place minimal stress on a site's resources.

PATIO means a platform without a roof, or surfaced area without a roof, at Grade, adjacent to a residential Dwelling Unit Used for leisure activities.

PAVILION means a Structure Used as a shelter that is either covered or uncovered and includes a Gazebo and a Pergola.

PERGOLA means a Garden feature forming a walkway, passageway or sitting area of vertical posts or pillars that usually support crossbeams and a sturdy open lattice.

PERMITTED USE means a Use which is allowable by right, subject to meeting applicable Bylaw requirements.

PERSON means an individual, association, corporation, contractor, commission, Public Utility, firm, partnership, trust, heirs, executors or other legal representatives of a Person, or organization of any kind, including both principal and agent in an agency situation.

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 including but not limited to barbershops, hairdressing shops, beauty parlours, shoe repair, laundromats, tailoring, or dry-cleaning.

PHASE means to develop a Parcel of land over time in a series of prescribed stages; or one of such stages.

PLACES OF WORSHIP – means a Building Used for religious workshop, study, and instruction, including but not limited to churches, monasteries, mosques, synagogues, temples, etc. and may include Ancillary Uses such as an auditorium, hall, daycare facility or nursery operated by the place of worship.

PLANNING ACT means the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8, as amended from time to time.

PLANNING BOARD means the Planning Board of the Municipality appointed by Council.

PLANT NURSERY means a Building or land Used for the growing of young trees and/or other plants which may be retailed at the same location and may also include retailing of Gardening tools and other related supplies but does not include a Farm Gate Outlet.

PORCH – means a covered shelter projecting in front of an entrance to a Building.

PRIVATE ROAD or **PRIVATE RIGHT-OF-WAY** means a road, street, or right-of-way which is not vested in the Province of Prince Edward Island or the Municipality, but does not include an Internal Drive.

PROFESSIONAL ENGINEER means an engineer licensed to practice in the Province.

PROFESSIONAL LAND SURVEYOR means a land surveyor licensed to practice in the Province.

PROVINCE means the Province of Prince Edward Island.

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS mean the *Province-Wide Minimum Development Standards Regulations* made under the *Planning Act*, as amended from time to time.

PUBLIC HEALTH ACT means the *Public Health Act*, R.S.P.E.I. 1988, Cap. P-30.1, as amended from time to time.

PUBLIC means for the use of the general population.

PUBLIC PARK means land owned by the Resort Municipality or some other level of government used or intended for use by members of the public.

PUBLIC UTILITY BUILDING means a Building which houses stationary equipment for telephone, electric power, public water supply, or sewage services.

R

REAL PROPERTY ASSESSMENT ACT means the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4, as amended from time to time.

RECREATIONAL USE means the Use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, Swimming Pools, day camps, and similar Uses but does not include a tract for the racing of animals or any form of motorized Vehicles

RECREATIONAL VEHICLE means a Vehicle which provides sleeping and other facilities, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such Vehicles commonly known as travel trailers, camper trailers, recreational trailers, pick-up coaches, motorized campers, motorized homes, recreation vehicles or other similar Vehicles. Recreational Vehicles may often be referred to as RVs.

REGISTRY ACT means the *Registry Act*, R.S.P.E.I. 1988, Cap. R-10, as amended from time to time.

RESIDENTIAL SUBDIVISION DEVELOPMENT means a multi-Lot Subdivision comprised of Lots for human habitation which is recognized by one designated name.

RESIDENTIAL USE means the Use of a Parcel or Structure or parts thereof as a Dwelling.

RESIDENTIAL ZONE means the R1 Zone as defined in this Bylaw and as depicted on the Zoning Map.

RESOURCE USES means any Uses involving the harvesting, processing or storing of natural resource materials including but not limited to agricultural, forestry, fishing and mining resources and shall include the production of agricultural products and the keeping of Farm animals but shall not include related Light Industrial Uses such as processing plants.

RESOURCE COMMERCIAL USE means the Use of a Parcel or Building for the storage, Display or sale of goods directly and primarily related to Resource Uses and includes Farm Gate Outlets.

RESOURCE INDUSTRIAL USE means the Use of a Parcel or Building for any Light Industrial Use directly associated with agriculture, fisheries or forestry industries.

RESTAURANT means Buildings or Structures or part thereof where food and drink is prepared and offered for sale to the Public and may include alcoholic beverages.

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.

ROAD – see **STREET**

ROADS ACT means the *Roads Act*, R.S.P.E.I. 1988, Cap. R-15, as amended from time to time.

S

SALVAGE YARD means an area of land Used for the storage, handling, processing, and sale of scrap materials including but not limited to scrap metal, Vehicles, tires and batteries, but shall not include hazardous waste materials.

SCREENING means to limit the view of objects through the Use of Landscaping and/or fencing.

SECONDARY SUITE means a second Dwelling Unit, located within the Structure of an Owner occupied Single-Detached Dwelling.

SECONDARY 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.

SENIOR CITIZEN HOME means a residential Building featuring multiple Dwelling Units designed for occupation by Senior Citizens, which may include Ancillary Uses such as Lounges and recreation facilities.

SENIOR CITIZEN means a Person deemed to be eligible for accommodation in a Senior Citizen Home under the terms of the Housing Corporation Act or comparable Provincial statute.

SERVICE SHOP means a Building or part thereof Used for the sale and repair of household articles and shall include computer, electronic, and appliance repair shops but shall not include Light Industrial, manufacturing or motor Vehicle body repair shops.

SETBACK means the minimum horizontal separation distance between two objects as identified in this Bylaw, such as a Structure, Street Line, Watercourse, or Zone boundary, except Fences.

SEWAGE DISPOSAL SYSTEM means any wastewater treatment system or part thereof for disposing of sewage or waste by means of one or more settling or septic tanks and one or more disposal fields, and any other system or part thereof for sewage or waste disposal not directly connected to a municipal or central waste treatment system.

SEWAGE DISPOSAL SYSTEMS REGULATIONS means the *Water Act Sewage Disposal Systems Regulations* made under the *Water Act* R.S.P.E.I. 1988, Cap. W-1.1, as amended from time to time.

SHORE FRONTAGE means, with respect to a Parcel of land, the side or sides of the Parcel of land that abut the waters of the Gulf of St. Lawrence, New London Bay, or any body of water that is connected to tidal waters and has a tidal flow.

SHORT-TERM RENTAL means the Use of a residential Dwelling, or one or more sleeping units or rooms within a Dwelling for temporary overnight accommodation for a period of 29 days or less. This Use does not include Bed and Breakfasts, Hotels or Motels.

SIGN or **SIGNAGE** means a sign as defined in the Municipality's Signage Bylaw.

SITE PLAN means an appropriately scaled drawing or drawings of the proposed Development of a site, showing the existing and proposed natural and built features of the site.

SOLAR ARRAY means a system of any number of Solar Collectors and associated mounting and electrical equipment. The capacity of a photovoltaic Solar Array is considered to be the aggregate nameplate capacity of all associated Solar Collectors.

SOLAR COLLECTOR means a device, Structure or a part of a device or Structure for which the primary purpose is to convert solar radiant energy into thermal, chemical, or electrical energy (photovoltaic).

SOLAR ARRAY, GROUND-MOUNTED, or GROUND-MOUNTED SOLAR ARRAY means a Solar Array of any size that is structurally supported by the ground, rather than by a Building.

SOLAR ARRAY, ROOF-MOUNTED, or ROOF-MOUNTED SOLAR-ARRAY means a Solar Array of any size that is structurally supported by a Building, rather than by the ground.

SPECIAL EVENT means a sporting, cultural, business or other type of activity occurring for a limited and fixed period of time and involving the attendance of 5,000 or more people per day in the Municipality.

SPECIAL PERMIT USE means a Use that may be problematic within a Development Zone and whose intensity, impacts or other characteristics require review by Council to ensure that the Development meets certain restrictive performance standards for the Use at the designated location.

STOREY means that portion of a Building which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it provided that any portion of a Building partly below Grade shall not be deemed a Storey unless its ceiling is at least 1.8 m. (6 ft.) above Grade and provided also that any portion of a Storey exceeding 4.3 m. (14 ft.) in Height shall be deemed an additional Storey for each 4.3 m. (14 ft.) or fraction thereof.

STREET, HIGHWAY or ROAD 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.

STREET LINE means the boundary of a Street or Private Road.

STREETSCAPE means the scene as may be observed along a Public Street, composed of natural and built components including Buildings, paving, planting, Street hardware and miscellaneous Structures.

STRUCTURAL ALTERATIONS means any change in the supporting members of a Structure such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, any change in the exterior dimensions of a Structure, or any increase in the Floor Area of a Structure.

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.

STUDIO means a Building or part thereof Used for the study, or instruction on of any fine or commercial art including photography, music, visual arts, and commercial design or the sale of craft products.

SUBDIVISION means a division, consolidation, or other re-configuration of a Lot(s) or Parcel(s) for the purpose of Development and/or transfer of ownership.

SUBDIVISION AGREEMENT means an agreement executed between the Developer and the Municipality respecting the terms under which a Subdivision may be carried out.

SURVEY PLAN means an appropriately scaled drawing of survey plan details, certified by a Professional Land Surveyor.

SWIMMING POOL means any outdoor Structure, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 0.91 m. (3 ft.) or more at any point and having a minimum surface area 10 sq. m. (108 sq. ft.).

T

TEMPORARY PERMIT means a permit for a fixed period of time with the intent to discontinue such Use upon the expiration of the time period.

TEMPORARY USE means any commercial or non-commercial facility or Use of a Parcel of Land or Structure which by its nature is not permanently established or has a limited duration and shall include but not be limited to the following: Special Events, 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.

TOURISM ESTABLISHMENT means an establishment that provides temporary accommodation for a guest for a continuous period of less than one month, and includes a Building, Structure or place in which accommodation or lodging, with or without food, is furnished for a price to travellers, such as a cabin, cottage, housekeeping unit, Hotel, lodge, Motel, inn, Hostel, Bed and Breakfast establishment, resort, Yurt, houseboat, Short-Term Rental, and camping cabin, but does not include Campgrounds or RV Parks or RV Sites.

TOURISM INDUSTRY ACT means the *Tourism Industry Act*, R.S.P.E.I 1988, T-3.3, as amended from time to time.

TOURIST ATTRACTIONS mean the operation of one or more commercial tourist attractions which includes indoor and/or outdoor activities, scenic attractions, and/or educational, scientific, natural, cultural, heritage or entertainment experiences. This Use may include indoor and outdoor interpretive, Display, and performance spaces.

U

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.

UTILITY, PRIVATE means any Person or corporation and the lessees, trustees, liquidators or receivers of any Person or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment

- (i.) for the conveyance or transmission of telephone messages or internet services;
- (ii.) for the production, transmission, distribution or furnishing of electric energy; or
- (iii.) for the provision of water or sewage service,

to or for that Person or corporation and not to or for the Public.

UTILITY, PUBLIC means any Person or corporation and the lessees, trustees, liquidators or receivers of any Person or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment

- (i.) for the conveyance or transmission of telephone messages or internet services;

- (ii.) for the production, transmission, distribution or furnishing of electric energy; or
 - (iii.) for the provision of water or sewage service,
- either directly or indirectly, to or for the Public.

V

VARIANCE means an authorized relaxation from the standards imposed by this with respect to lot size or dimensions, Setbacks, area or the Height or size of a Structure.

VEHICLE means any motor Vehicle, trailer, boat, motorized snow Vehicle, mechanical equipment and any Vehicle drawn, propelled or driven by any kind of power, including muscular power.

VETERINARY CLINIC means a Building or part of a Building Used for the medical, surgical or therapeutic treatment of animals.

W

WATER WITHDRAWAL REGULATIONS means the *Water Act Water Withdrawal Regulations* made under the *Water Act*, as amended from time to time.

WATERCOURSE AND WETLAND PROTECTION REGULATIONS means the Watercourse and Wetland Protection Regulations made under the Environmental Protection Act, as amended from time to time.

WATERCOURSE BOUNDARY means:

- (i.) in a non-tidal Watercourse, the edge of the sediment bed; and
- (ii.) in a tidal Watercourse, the top of the bank of the Watercourse and where there is no discernable bank, means the mean highwater mark of the Watercourse.

WATERCOURSE means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any water therein, and any part thereof, up to and including the Watercourse Boundary.

WATER ACT means the *Water Act* R.S.P.E.I. 1988, Cap. W-1.1, as amended from time to time.

WELL CONSTRUCTION REGULATIONS means the *Water Act Well Construction Regulations* adopted pursuant to the *Water Act*, as amended from time to time.

WETLAND means an area which contains hydric soil, aquatic or water-tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the Wetland Boundary, and without limiting the generality of the foregoing, includes any area identified in the Prince Edward Island Wetland inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or a meadow.

WETLAND BOUNDARY means where the vegetation in a Wetland changes from aquatic or water-tolerant vegetation to terrestrial vegetation or water-intolerant vegetation.

WIND ENERGY FACILITY means a system intended to generate electricity from the wind and may consist of any number of wind turbines and associated equipment including but not limited to electrical equipment and energy storage systems commonly referred to as a wind farm.

Y

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

FRONT YARD means a Yard extending fully across a Lot between the Front Lot Line and the nearest point of the Main Wall of any Main Building on the Lot. The ‘minimum Front Yard’ is measured at the minimum Yard depth as required under this Bylaw.

REAR YARD means a Yard extending fully across a Lot between the Rear Lot Line and the nearest point of the Main Wall of any Main Building on the Lot. The ‘minimum Rear Yard’ is measured at the minimum Yard depth as required under this Bylaw.

SIDE YARD means a Yard extending between the front and Rear Yards and the nearest point of the Main Wall of any Main Building on the Lot. The ‘minimum Side Yard’ is measured at the minimum Yard depth as required under this Bylaw.

FLANKAGE YARD means the Side Yard of a Corner Lot extending from the Front Yard to the Rear Yard and between the Flankage Lot Line and the nearest point on the Main Wall of any Main Building on the Lot. The ‘minimum Flankage Yard’ is measured at the minimum Yard depth as required under this Bylaw. Where a minimum Flankage Yard is not separately specified, the ‘minimum Side Yard’ shall also apply to a Flankage Yard.

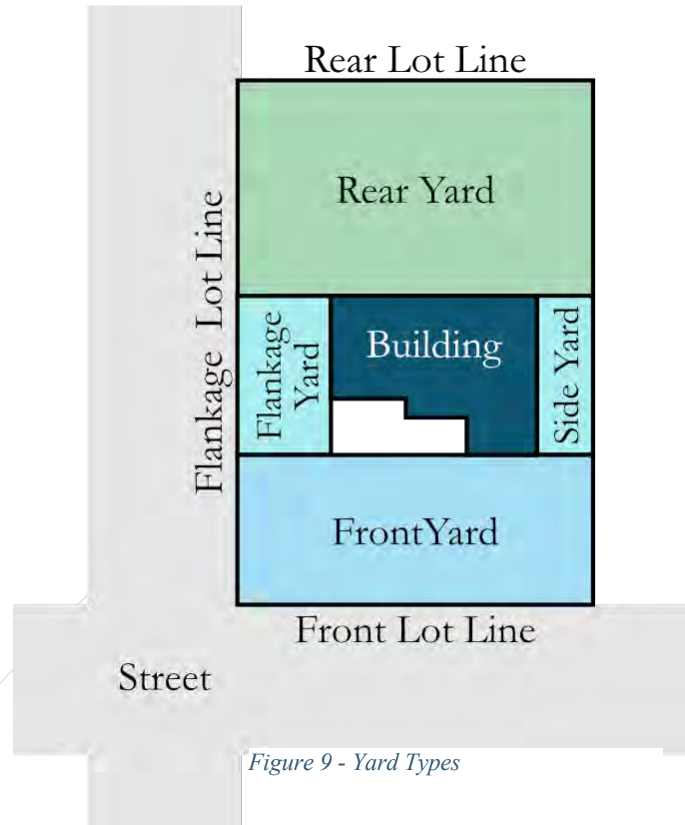


Figure 9 - Yard Types

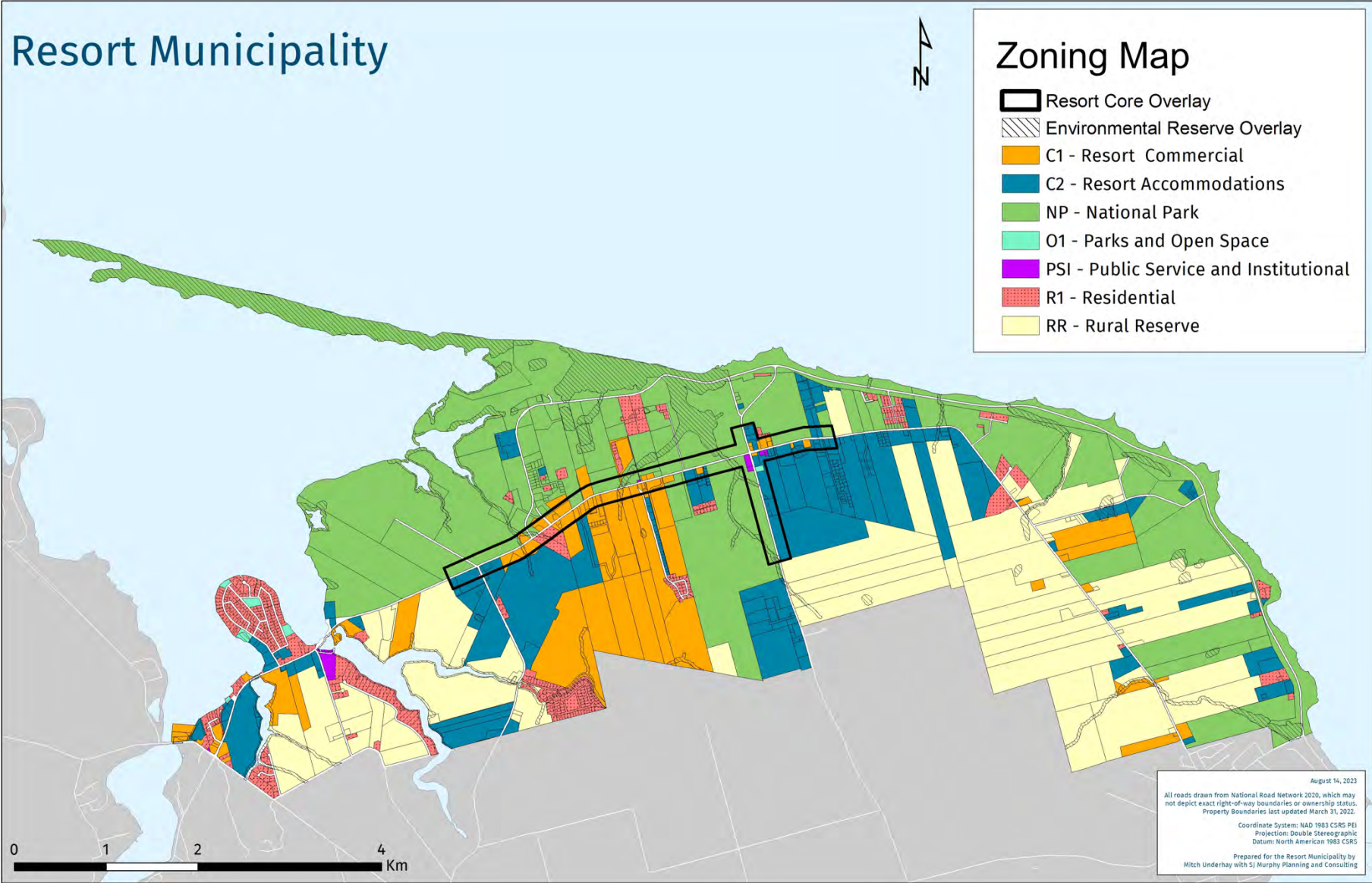
YURT means a Structure Used for temporary human habitation, consisting of a frame covered by natural or synthetic materials, and approved pursuant to the Tourism Industry Act and Regulations, or any successor legislation.

Z

ZONE means a designated area of land shown on the Zoning Map of the Bylaw within which land Uses are restricted to those specified by this Bylaw.

ZONING MAP means the map included as Schedule A to this Bylaw or as amended from time to time, depicting the boundaries of all land Use Zones.

SCHEDULE A | ZONING MAP



SCHEDULE B | PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS

Notwithstanding any provisions of this Bylaw, the Province-Wide Minimum Development Standards Regulations prescribed under the Planning Act R.S.P.E.I. 1988, c. P-8, as amended from time to time, apply in the Municipality. The Province-Wide Minimum Development Standards Regulations are included for information and reference purposes only.

NOTE: This Schedule is not the official version of these regulations and these regulations may be amended after the enactment of this Bylaw.



PLEASE NOTE

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to November 19, 2011. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4291
Email: legislation@gov.pe.ca

CHAPTER P-8

PLANNING ACT

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

Pursuant to clause 7(1)(c) of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, Council made the following regulations:

1. (1) In these regulations “authority having jurisdiction” means the Minister responsible for the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, or in the case of a municipality with an official plan and bylaws, the municipal council. “authority having jurisdiction”, defined

(2) Words and expressions defined in section 1 of the *Planning Act* Subdivision and Development Regulations have the same meaning when used in these regulations. (EC703/95; 552/11) *Idem*, existing definitions

2. These regulations apply to all areas of the province. (EC703/95) Application

3. Revoked by EC41/96. Lot size

4. (1) No approval or permit shall be granted for the subdivision of a lot for residential use unless the lot conforms with the minimum lot size standards set out in Table 1. Residential

(2) The area encompassed by the required minimum circle diameter as set out in Table 1 and Table 2 shall be located on the lot such that it will accommodate an on-site sewage disposal system. Location

(3) Notwithstanding the minimum lot size standards set out in Table 1 and Table 2, for infilling purposes, a lot may be reduced to a minimum of 10,000 sq. ft. / 929 sq. m. provided that Reduced size

- (a) it is serviced by an on-site water supply system and a central sewerage system; and
- (b) only one additional lot from the existing parcel is created by any proposed subdivision.

(4) Notwithstanding the minimum circle diameter requirements set out in column (f) of Table 1 and column (e) 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 Reduced circle requirement

- (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 I standards in accordance with clause 5(a) and the minimum lot area requirements set out in column (e) of Table 1 and column (d) 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. (EC703/95; 41/96; 694/00; 552/11)

Non-residential **5.** (1) No approval or permit shall be issued to subdivide a lot for non-residential use unless in conformity with the minimum lot size standards set out in Table 2.

Exception (2) Notwithstanding subsection (1),

- (a) where a lot is intended for any non-residential use where water and sewage services are not required for the proposed development, the Minister may approve an exemption from the requirement of subsection (1);
- (b) where an approval or permit has been granted by an authority having jurisdiction pursuant to subsection (1), a subsequent approval or permit requiring or proposing a sewerage system shall only be granted in accordance with the standards set out in Table 2. (EC703/95; 41/96; 552/11)

Categories of lots **6.** Every lot on a plan of subdivision shall be categorized in accordance with the following site suitability standards:

- (a) Category I, where
 - (i) the depth of permeable natural soil is 2 ft. (0.61 m.) or greater,
 - (ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
 - (iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
- (b) Category II, where
 - (i) the depth of permeable natural soil is greater than 1 ft. (0.3 m.), but less than 2 ft. (0.61 m.),
 - (ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
 - (iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
- (c) Category III, where
 - (i) the depth of permeable natural soil is 1 ft. (0.3 m.) or greater,
 - (ii) the depth to bedrock is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.), or

- (iii) the depth to the maximum groundwater elevation is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.);
- (d) Category IV, where
 - (i) the lot has a depth of permeable natural soil of less than 1 ft. (0.3 m.),
 - (ii) the depth to bedrock is greater than 1 ft. (0.3 m.), and
 - (iii) the depth of the maximum groundwater elevation is greater than 2 ft. (0.61 m.);
- (e) Category V, where
 - (i) the depth to bedrock is less than 1 ft. (0.3 m.), and
 - (ii) the depth to the maximum ground water elevation is greater than 2 ft. (0.61 m.). (EC703/95; 694/00; 552/11)

- 7. Revoked by (EC694/00). Upgrade
- 8. The minimum lot size standards set in Tables 1 and 2 do not apply to subdivisions approved prior to October 14, 1995. (EC703/95; 552/11) Application
- 9. (1) The authority having jurisdiction may, for special cause, authorize such minor variance from the provisions of these regulations as, in its opinion, is desirable and not inconsistent with the general intent and purpose of these regulations. Minor variance
- (2) Notwithstanding any other provisions of these regulations, where a lot is designed for use by a public or a private utility, the authority having jurisdiction may authorize a variance from the provisions of these regulations as, in its opinion, is desirable. (EC703/95; 552/11) Variance, public utility use

MINIMUM HIGHWAY ACCESS

- 10. (1) The *Roads Act* Highway Access Regulations shall constitute the Minimum Highway Access Standards. Minimum highway access standards
- (2) An authority having jurisdiction shall not grant an approval or issue a permit for development unless an entrance way permit has been obtained for the applicable lot or development when so required. (EC703/95; 2/96; 552/11) Entrance way permit

Province-Wide Minimum Development Standards Regulations

**TABLE 1 - MINIMUM LOT SIZE STANDARDS:
RESIDENTIAL LOTS**

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

Province-Wide Minimum Development Standards Regulations

central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	1 2 3 4 more than 4	20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	1 2 3 4 more than 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	1 2 3 4 more than 4	40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 55,000 sq. ft. / 5,110 sq. m. 55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 275 ft. / 83.8 m.
central water supply and on-site sewage disposal system	IV	50 feet / 15.25 metres	1 2 3 4 more than 4	60,000 sq. ft. / 5,580 sq. m. 65,000 sq. ft. / 6,450.5 sq. m. 70,000 sq. ft. / 6,510 sq. m. 75,000 sq. ft. / 6,975 sq. m. 75,000 sq. ft. / 6,975 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	275 ft. / 83.8 m.
central water supply and on-site sewage disposal system	V	N/A	N/A	not developable	N/A
on-site water supply and central waste treatment system	I or II	50 feet / 15.25 metres	1 2 3 4 more than 4	15,000 sq. ft. / 1,393.5 sq. m. 20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	100 ft. / 30.5 m. 125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 160 ft. / 48.8 m.

Province-Wide Minimum Development Standards Regulations

on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			more than 4	35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m.
central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister

TABLE 2**TABLE 2 - MINIMUM LOT SIZE STANDARDS:
NON-RESIDENTIAL LOTS**

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

Province-Wide Minimum Development Standards Regulations

on-site water supply and central waste treatment system	I, II or III	50 feet / 15.25 metres	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and waste treatment systems	I, II or III	n/a	as determined by the Minister	as determined by the Minister

(EC542/87; 703/95; 694/00; 552/11)

SCHEDULE C | SCHEDULE OF FEES

Last revised: December 11, 2023

Application Type*	Fee
Decks, patios, garden structures, gazebos	\$50.00
Change of Use	\$50.00
Residential Farm storage, livestock Accessory structures, including detached garages	\$1.00 per \$1,000 of estimated cost, (minimum fee, \$50.00)
Commercial Tourism establishments Tourism attractions Light Industrial	\$2.50 per \$1,000 of estimated cost (minimum fee of \$50.00)
Official Plan and Bylaw amendments, including rezoning	\$100 + public meeting ad costs
Variance	\$100 + public meeting ad costs where applicable
Sewer inspections	All costs for sewer inspections shall be borne by the Developer.

* includes new, renovation, repairs, and additions except where otherwise stated.

SCHEDULE D | COMPREHENSIVE DEVELOPMENT CONCEPT PLANS

COMPREHENSIVE DEVELOPMENT CONCEPT STANDARDS

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

1. Design and site Buildings to preserve and enhance special views of natural areas.
2. Site new Developments to ensure that adjacent Properties have visual privacy as well as protection from the new Development's site illumination, noise and odour, if applicable.
3. Design Landscaping and Buildings adjacent to heritage or cultural areas that are complimentary to the Property's significant features.
4. Design and site Buildings to screen from Public view unsightly site elements such as shipping and loading areas, transformers and meters and parking.
5. Link Development to pedestrian system by means of a safe, convenient and well-lit walking system.
6. Identify walkways that cross vehicular lanes with different paving materials, Signs, paint, etc.
7. Protect pedestrian areas from vehicular intrusion with Landscaping and curbs or bollards that are integrated into the overall Streetscape design.
8. Provide safe, convenient access for the handicapped to all major Building entrances by means of minimal Grade changes, curb cuts, ramps and railings that are integrated into the overall design of the pedestrian area.
9. Minimize the number of vehicular access points along roadway by sharing and linking Parking Lots with adjacent Properties.
10. In Parking Lots, landscaped islands, curbs and Signs to clearly distinguish parking from loading and delivery area drive lanes.
11. Provide turning areas in order to avoid dead-ended parking situations that require Vehicles to back out on to Streets.
12. In order that parking not be the dominant visual element in the Streetscape, screen extensive parking with Buildings, vegetative plantings or low walls.
13. Ensure access to parking is evident to the approaching motorist.
14. Provide adequate and convenient parking for all types of Vehicles.
15. Provide properly identified handicapped Parking Spaces located in close proximity to the Building

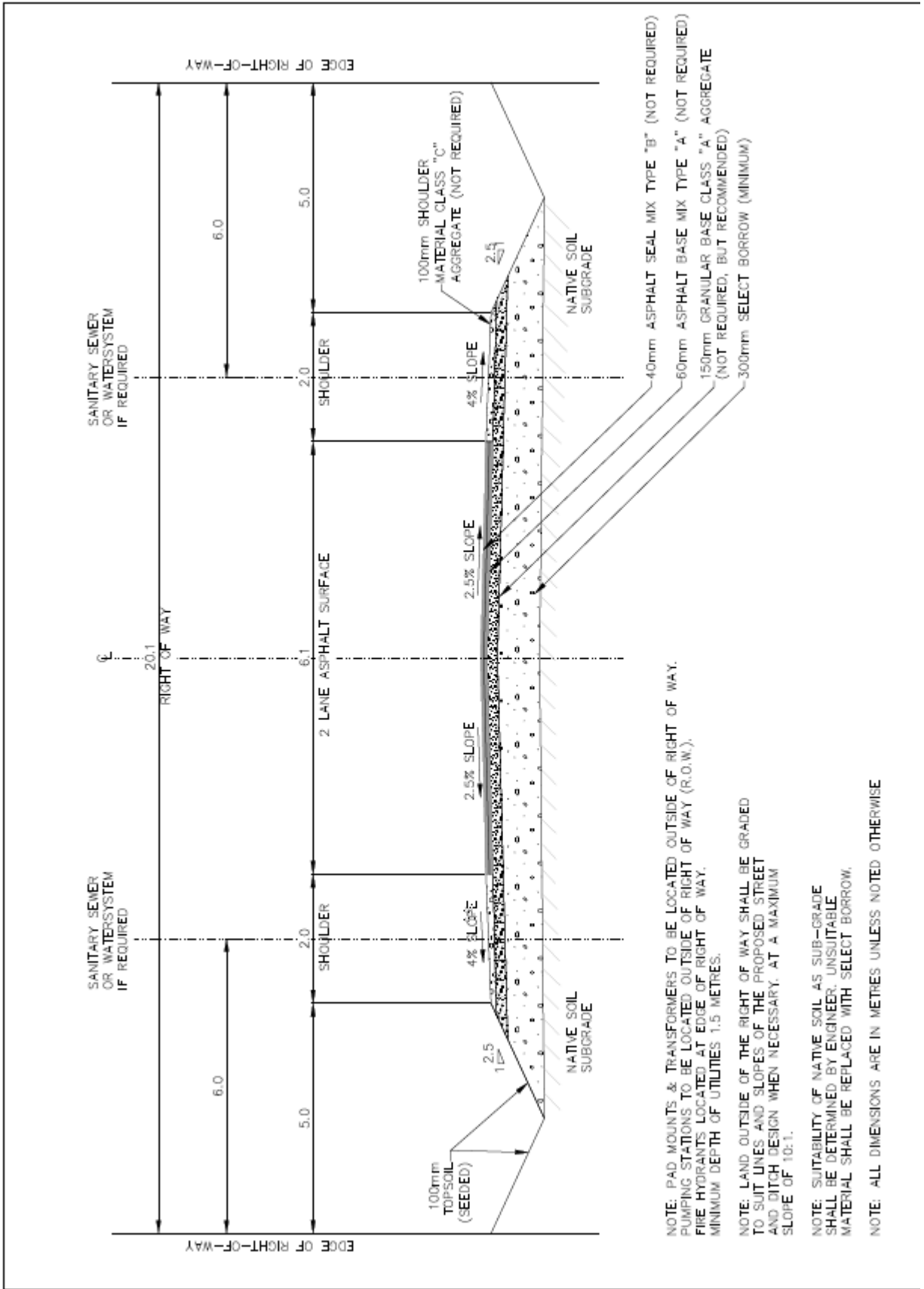
entrance.

16. Accommodate cyclists by providing bicycle racks located within the Public view but out of the way of pedestrian movement.
17. Provide lighting in Parking Lots:
 - i. that does not glare into adjacent Properties;
 - ii. that is related to Parking Lot design and circulation; and
 - iii. that is compatible with the scale of adjacent Buildings.
18. Provide Landscaping to:
 - i. add visual interest to Open Spaces and Building facades;
 - ii. soften dominant Building mass at a pedestrian scale;
 - iii. screen unsightly areas.
19. Screening of service Yards and other places that tend to be unsightly shall be accomplished by the use of walls, fencing, planting, or combinations of these.
20. Exterior lighting, when used, shall enhance the Building design and the adjoining landscape. Lighting standards and Building fixtures shall be of a design and size compatible with the Building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.
21. Care shall be taken in planting adjacent to driveway access so that vegetation does not obstruct sight distance from Vehicles entering the Street.

SCHEDULE E | PRIVATE RIGHT-OF-WAY STANDARD

Where a Private Right-of-Way is provided to service 6 or more lots approved either jointly or in phases after the effective date of this Bylaw, the following standards shall apply:

- (1) The Developer shall submit a letter signed by a Professional Engineer confirming that the Professional Engineer has been hired to design, inspect, and ensure quality control with respect to the construction of the Private Right of Way and has been provided with a copy of the Bylaw requirements.
- (2) A stormwater management plan shall be designed, prepared and certified to be completed by the Professional Engineer.
- (3) Road construction shall include the following:
 - (a) native soil subgrade – suitability of native soil as sub-grade shall be determined by the Professional Engineer and unsuitable material shall be replaced with select borrow;
 - (b) a minimum 300 mm of select borrow; and
 - (c) 150 mm of granular base Class A.
- (4) Except as modified in this Schedule E, the typical Private Right of Way cross section shall be as set out in the attached schematic:



SCHEDULE F | SPECIAL EVENTS

- (1) Where a Special Event is proposed, the application for a Temporary Use permit shall include the following:
 - (a) a site plan for each venue involved in the Special Event;
 - (b) dates, time, and schedule of the Special Event, including set-up, disassembling, and clean-up;
 - (c) information on venue location(s), provisions for parking, and transportation plans for movement to and between venues if applicable;
 - (d) anticipated visitation numbers per day;
 - (e) information on anticipated activities and any specialized equipment and temporary structures;
 - (f) an emergency management plan;
 - (g) a security plan;
 - (h) a fire safety plan
 - (i) a traffic safety and management plan
 - (j) food and beverage plans, and, if licensed, a responsible alcohol service plan;
 - (k) a list of banners and other materials to be placed on municipal infrastructure; and
 - (l) any other information or documentation deemed necessary by the Municipality.
- (2) It shall be the responsibility of the Applicant to undertake the planning and management of the Special Event in accordance with the Application and to notify the Municipality and other parties associated with the assessment and management of the proposed Special Event of any changes to the Special Event that would result in a change to the requirements and conditions associated with the Special Event in relation to matters such as planning, public safety response, and traffic impact.
- (3) It shall be the responsibility of the Applicant to acquire and complete, at the Applicant's expense any additional permits, licenses, and approvals required by applicable provincial or federal governments or agencies, including fire protection and to supply proof of such permits, licenses, and approvals.
- (4) It shall be the responsibility of the Applicant to participate in a public meeting within 30 days or some other time period approved by Council after the Special Event to provide an opportunity for community engagement and feedback.