

TOWN OF CORNWALL

**ZONING & SUBDIVISION
CONTROL
(DEVELOPMENT) BYLAW**

Bylaw #414
Consolidated Version



January 27, 2014
(Amended June 11th, 2014)
(Amended July 23, 2015)
(Amended June 14, 2016)
(Amended December 20, 2017)

This document is intended for information and reference purposes only. This document is not the official version, which is available from the Cornwall Town Office.

SECTION #1 - SCOPE

1.1 **TITLE**

This Bylaw shall be known and may be cited as the Town of Cornwall Zoning and Subdivision (Development) Control Bylaw or the Development Bylaw.

1.2 **AUTHORITY**

This Bylaw is enacted under the authority of the *Planning Act, R.S.P.E.I. 1988, Cap. P-8*, referred to here as the “*Planning Act*” and the *Charlottetown Area Municipalities Act, R.S.P.E.I. 1988, Cap. C-4.1*.

1.3 **AREA DEFINED**

This Bylaw applies to the geographical area within which the Town of Cornwall Council has jurisdiction.

1.4 **SCOPE**

No Dwelling, Business, trade, or industry shall be located, nor shall any Building or Structure be Erected, Altered, used or have its Use changed, nor shall any land be divided, consolidated or used in the Town of Cornwall, except in conformity with this Bylaw and subject to the provisions contained herein.

1.5 **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, 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) Commercial Developments with a building having an area greater than 600 sq. m. (6,458 sq.ft.);
- (b) Institutional Developments with a building having an area greater than 600 sq. m. (6,458 sq.ft.);
- (c) Industrial Developments with a building having an area greater than 600 sq. m. (6,458 sq.ft.);

- (d) Multiple Family Dwellings of greater than 12 units;
- (e) Subdivisions of more than one Lot;
- (f) Variances of more than five percent (5%);
- (g) Special Permits; and
- (h) Change of Use.

SECTION #2 - DEVELOPMENT ZONES

2.1 DEVELOPMENT ZONES

For the purpose of this Bylaw, the Town is divided into the following Development Zones, the boundaries of which are subject to section 2.2 as shown in Appendix "A" on the zoning map. Such Zones may be referred to by the appropriate symbols.

Zone	Symbol
Mini Home	RM1
Rural Residential	RR
Single Family Residential	R1
Two Family Residential	R2
Multiple Family Residential	R3
Planned Unit Residential Development	PURD
General Commercial	C1
Business Park	M2
Comprehensive Development Area	CDA
Agricultural Reserve	A1
Recreation and Open Space	O1
Public Service and Institutional	PSI
Special Overlay Zone	Symbol
Environmental Reserve	O2

2.2 INTERPRETATION OF ZONE BOUNDARIES

- (1) Boundaries between Zones as indicated in Appendix A, Zoning Map, shall be determined as follows:
 - (a) Where a Zone boundary is indicated as following a Street or Highway, the boundary shall be the centre line of such Street or Highway.
 - (b) Where a Zone boundary is indicated as following Lot or Property lines, the boundary shall be such Lot or Property lines.
 - (c) Where a Zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.

(d) Where none of the above provisions apply, the Zone boundary shall be scaled from the original zoning map lodged with the Municipality.

(2) The Zone boundaries for the Environmental Reserve Zone shall be the area in or on a Watercourse or Wetland and the area within fifteen (15) m. (49.2 ft.) of a Wetland Boundary or a Watercourse Boundary.

2.3 ZONING MAP

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

2.4 PERMITTED USES

In this Bylaw any Use not listed as a Permitted Use in a Zone is prohibited in that Zone unless otherwise indicated.

2.5 CERTAIN WORDS

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

2.6 DEFINED TERMS

In this Bylaw, words beginning with uppercase letters carry the defined meaning set forth in section 25. Words that are defined in section 25 but do not begin with an uppercase letter when used in the Bylaw carry their ordinary meaning.

2.7 UNITS OF MEASURE

All official measurements are in metric. Where imperial measurements are provided they are for information purposes only.

2.8 APPENDICES

All appendices attached to this Bylaw form part of this Bylaw.

SECTION #3 - ADMINISTRATION

3.1 **DEVELOPMENT PERMIT REQUIRED**

- (1) No Person shall, without first applying for and receiving a permit from the Authority Having Jurisdiction:
 - (a) change the Use of a parcel of land or a Structure;
 - (b) commence any Development;
 - (c) construct any Structure on a Property;
 - (d) make Structural Alterations to any Structure;
 - (e) make any water or sewer connection;
 - (f) make any underground installation such as a septic tank, a fuel tank, a foundation wall or the like;
 - (g) move or demolish any Structure;
 - (h) establish or operate an Excavation Pit;
 - (i) construct a driveway;
 - (j) place, dump any fill or other material;
 - (k) subdivide or consolidate a parcel or parcels of land;
 - (l) construct a Fence over 1.22 m. (4 ft.) high;
 - (m) establish or place a Swimming Pool;
 - (n) erect or replace a Wind Energy System; or
 - (o) construct a Deck.

3.2 **NO DEVELOPMENT PERMIT REQUIRED**

- (1) Unless otherwise specified, no Development Permit shall be required for:
 - (a) laying paving materials for Patios or sidewalks;
 - (b) constructing or replacing a Fence less than 1.22 m. (4 ft.) in Height;
 - (c) installing clotheslines, poles, and radio or television antennae, except satellite dishes (that are less than 0.61 m. (2) foot diameter);
 - (d) making a Garden;
 - (e) growing a crop or preparing land for a crop;
 - (f) making Landscaping improvements or constructing Ornamental Structures of less than 5.95 sq.m. (64) sq. ft.;
 - (g) conducting routine maintenance which has the effect of maintaining or restoring a Structure or any of its elements to its original state or condition;
 - (h) 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 Use of the Building; and
- (i) Public utilities located within the Street right-of-way;

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

3.3 PERMIT APPLICATIONS

- (1) Any Person applying for a permit shall do so on a form prescribed by the Authority Having Jurisdiction, and shall submit the application to the Town.
- (2) In addition to the above permit application, section 3.3 (1), the Applicant may be required to submit a drainage plan (signed and sealed by a land surveyor, a professional engineer, or a landscape architect licensed to practice in the Province) prior to construction where the Authority Having Jurisdiction deems it necessary to determine how the storm water drainage will be managed.
- (3) **In addition to the above permit application, section 3.3 (1), the Applicant may be required to submit a footing plan (signed and sealed by a land surveyor or a professional engineer licensed to practice in the Province) immediately after the footings are poured, and prior to any further construction, where the Authority Having Jurisdiction deems it necessary to determine whether the proposed Development conforms to the requirements of this Bylaw before the construction continues. (amended July 23, 2015).**
- (4) Every application form shall be signed by the Property owner or the Property owner's authorized agent, and shall be accompanied by an application fee in accordance with the schedule of fees established by Council and annexed hereto as Appendix D.

3.4 PAYMENT OF FEES

Notwithstanding any section of this Bylaw, Development Permits are not valid and will not be recognized until the application fee and any other required fees are paid in full and the said permit is signed by the Developer.

3.5 DEVELOPMENT PERMIT

- (1) A Development Permit shall be valid for a twelve-month period, or such

additional time as may be authorized by the Authority Having Jurisdiction.

- (2) The Authority Having Jurisdiction may revoke a Development Permit where information provided on the application is found to be inaccurate.

3.6 **SITE PLAN**

- (1) The Authority Having Jurisdiction may require an Applicant to submit a site plan drawn to a convenient scale certifying the agreement of the Applicant to develop the site in accordance with the plan.
- (2) A site plan shall be prepared to a scale showing existing and proposed conditions and may include:
 - (a) location of all Buildings and Structures on the parcel with respect to the Lot boundaries;
 - (b) location of the septic system or sewer service;
 - (c) location of the well or water service;
 - (d) location of the electrical service;
 - (e) location of the existing or proposed driveway(s);
 - (f) floor plan(s) of the proposed Building or Structure;
 - (g) elevation plan(s) of each exterior wall of the proposed Building or Structure;
 - (h) drainage plan of the site, signed and sealed by a land surveyor, a professional engineer, or a landscape architect licensed to practice in the Province.
 - (i) any other information the Authority Having Jurisdiction deems necessary to determine whether or not the proposed development conforms to the requirement of this Bylaw.

3.7 **CONDITIONS ON PERMITS**

The Authority Having Jurisdiction shall have the authority to impose conditions on a Development Permit subject to such conditions being directly related to or consistent with Bylaws of the Town and the Official Plan.

3.8 **DEVELOPMENT AGREEMENT**

The Authority Having Jurisdiction may require any Applicant to enter into a Development Agreement. This Agreement shall be a contract binding on both parties, containing all conditions which were attached to the Development Permit. Failure to comply with a Development Agreement shall constitute an offense under this Bylaw.

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;
- d) vehicular access and exits;
- e) Signage;
- f) security and safety lighting;
- g) methods of waste storage and disposal;
- h) fencing; and
- i) any other matters that the Authority Having Jurisdiction deems necessary to ensure the health, safety and convenience of Town residents and the travelling Public.

3.9 **OTHER INFORMATION**

- (1) The Authority Having Jurisdiction may require an Applicant to submit any additional information related to the proposed Development, which it deems pertinent, including but not limited to the following:
 - (a) parking lot layout and internal circulation patterns;
 - (b) location of garbage containers and description of any screening or fencing;
 - (c) storm water management plan or a drainage plan;
 - (d) location of Open Space and Amenity Areas;
 - (e) Landscaping plan;
 - (f) buffer zones adjacent to Wetland areas or Watercourses;
 - (g) existing vegetation;
 - (h) easements;
 - (i) proposed storage areas and description of any screening or fencing; and
 - (j) traffic impact studies.

3.10 **AUTHORIZATION FOR INSPECTION**

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

3.11 **PERMITS POSTED**

All permits shall be posted by the Developer on the subject Property and be visible from the Street.

3.12 **MOVING OF BUILDINGS**

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

3.13 **CONSTRUCT IN ACCORDANCE WITH APPLICATION**

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

3.14 **DENYING PERMITS**

- (1) **No Development Permit shall be issued if the proposed Development could, in the opinion of the Authority Having Jurisdiction, injure or damage neighbouring Property or other Property in the Municipality, such injury or damage to include but not be limited to water, drainage or other water run-off damage.**
- (2) **No Development Permit shall be issued if the access for the proposed Development has not received approval from the Province's Department of Transportation, Infrastructure and Energy or any successor department of transportation. (amended June 14, 2016)**

3.15 **DEVELOPMENT RESTRICTIONS**

- (1) The Authority Having Jurisdiction shall not issue a Development Permit for a Development if, in its opinion:
 - (a) the proposed Development does not conform to this Bylaw;
 - (b) the method of water supply is not appropriate;
 - (c) the method of sanitary waste disposal is not appropriate;
 - (d) there is not a safe and efficient access to the Public Highway, Street, or Road;
 - (e) the impact of the proposed development would be detrimental to the environment;
 - (f) the proposed Development would create unsafe traffic conditions; or
 - (g) the proposed Development would be detrimental to the health or

safety of residents in the vicinity or the general Public.

3.16 **SURVEYS REQUIRED**

Where a Development Officer is unable to determine whether the proposed Development conforms to this Bylaw and other Bylaws and regulations in force which affect the proposed Development, the Development Officer may require that the plans submitted under this section be based upon an actual survey by a licensed Prince Edward Island land surveyor.

3.17 **CONSTRUCTION PLAN**

Prior to any construction being carried out, the Authority Having Jurisdiction 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;
- (d) temporary screening or fencing;
- (e) erosion or run-off control measures;
- (f) heavy truck access; and
- (g) any other item which could in the opinion of the Authority Having Jurisdiction present a nuisance or hazard during construction.

3.18 **FOOTING PLAN**

(1) In conjunction with section 3.3(3), above, the Authority Having Jurisdiction may require the Applicant to submit a footing plan (signed and sealed by a land surveyor or a professional engineer licensed to practice in the Province) containing the following information: (amended July 23, 2015)

- (a) closest distance from the concrete footing to all Property lines;
- (b) closest distance from the concrete footing to any buffer or easements;
- (c) top of foundation elevation in relation to existing Grade and centre of Street;
- (d) the location of existing structures and structures on adjacent properties; and
- (e) any other information the Authority Having Jurisdiction deems necessary to determine whether or not the proposed development conforms to the requirement of this Bylaw.

(2) **Removed (amended July 23, 2015)**

3.19

DRAINAGE PLAN

- (1) The Authority Having Jurisdiction may require the Applicant to submit a drainage plan prepared by a land surveyor, or a professional engineer, or a landscape architect licensed to practice in the Province. The drainage plan shall be signed and sealed by a qualified professional as noted above attesting that the design, construction and completed Development shall be in accordance with acceptable standards and no water runoff (no additional or changed characteristics) is permitted onto other lands unless legal permission has been obtained. The drainage plan shall show such details as:
- (a) certification by the Person who prepared the plan;
 - (b) name of the Company that prepared the Certificate;
 - (c) Property information, dimensions, PID number, civic number, Subdivision Lot number;
 - (d) existing surface conditions, i.e.: clay, topsoil, sod or landscaped;
 - (e) existing elevations referenced to NAD83 metric showing:
 - i) all improvements on the subject site;
 - ii) spot elevations throughout the site; and
 - iii) any improvements or spot elevations on adjacent properties necessary to show the existing drainage patterns.
 - (f) proposed elevations referenced to NAD83 metric showing:
 - i) all proposed improvements on the subject site;
 - ii) proposed spot elevations throughout the site;
 - iii) any proposed improvements or spot elevations on adjacent properties necessary to show the proposed drainage patterns;
 - iv) top of foundation elevations (existing and proposed); and
 - v) location and elevation of Structures on adjoining Properties along with any elevations necessary to confirm drainage patterns.
 - (g) date of survey;
 - (h) scale of drawing;
 - (i) north arrow;
 - (j) proposed Structure layout and top of foundation elevations;
 - (k) location of discharge into storm sewer system, ditch, etc;
 - (l) projected storm water flow rates for new Subdivisions

- shown on a Storm Water Management Plan;
- (m) detailed surveys for Lots adjacent to storm water management ponds or storage areas including the location and elevations of Structures or features within maintenance and overflow areas; and
- (n) any other information the Authority Having Jurisdiction deems necessary to determine whether or not the proposed development conforms to the requirement of this Bylaw.

3.20 **NATIONAL BUILDING CODE**

- (1) **Where any building falls under the scope of Part 3 of the National Building Code (2010 Edition as amended from time to time), it shall be designed by a registered professional architect and/or engineer licensed to practice in the Province to meet the requirements of the National Building Code (2010 Edition as amended from time to time). (amended June 11, 2014)**
- (2) Where a Building is required to be designed by a registered professional architect and/or engineer, the architect and/or engineer shall submit a Building code design certificate(s) certifying that the Building has been designed to meet the requirements of the National Building Code (2010 Edition as amended from time to time).
- (3) Where a Building has been designed by a registered professional architect and/or engineer, the architect and/or engineer shall submit a certificate(s) of compliance certifying that the Building has been constructed in accordance with their design and in accordance with the requirements of the National Building Code (2010 Edition as amended from time to time). The Building shall not be occupied until the certificate of compliance has been submitted to the satisfaction of the Town.

3.21 **CERTIFICATE OF COMPLIANCE**

As a condition of any Development Permit, the Authority Having Jurisdiction may require that any Applicant shall not use or occupy, or being the owner thereof, shall not permit any Building or premises, or part thereof, to be used or occupied after it has been Erected, Altered, placed or reconstructed until there has been issued to the owner an official certificate of compliance certifying that the Building or premises or part thereof conform to the provisions of this Bylaw and any conditions noted on the Development Permit or the Development Agreement.

3.22

FIRE MARSHAL APPROVAL

- (1) Applications must be approved by the provincial fire marshal's office prior to the Development Permit being issued for the following types of Developments:
 - (a) Commercial;
 - (b) Industrial;
 - (c) Multiple Family Dwellings;
 - (d) Institutional Buildings;
 - (e) In-Law Suite; and
 - (f) Duplex Dwelling Unit.

3.23

APPEALS

- (1) Any Person who is dissatisfied by a decision of the Authority Having Jurisdiction in respect to the administration of regulations or Bylaws made pursuant to the powers conferred by the *Planning Act* may, within twenty-one (21) days of the decision, appeal to the Island Regulatory and Appeals Commission.
- (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.
- (3) A notice of appeal to the Commission under subsection (1) shall be in writing and shall state the grounds for the appeal and the relief sought.
- (4) The appellant shall, within seven (7) days of filing an appeal with the Commission, serve a copy of the notice of appeal on the Authority Having Jurisdiction.

SECTION #4 - GENERAL PROVISIONS FOR ALL ZONES

4.1

ACCESSORY BUILDINGS

- (1) Accessory Buildings 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 0.91 m. (3 ft.) to any Lot Line; or
 - (c) be located in the Front Yard or the Flankage Yard except on a Farm or Farm Property.
- (2) Except in a Business Park Zone, Commercial Zone or on a Farm or resource Use Property, accessory Uses, Buildings and Structures shall not:
 - (a) exceed 4.27 m. (14 ft.) in Building Height;
 - (b) exceed 67.6 sq. m. (728 sq. ft.) of Floor Area per Building;
 - (c) exceed a maximum of two (2) Buildings per Property, with a combined maximum total Floor Area of 92.9 sq. m. (1,000 sq. ft.);
- (3) No Accessory Building shall be constructed:
 - (a) prior to the time of construction of the Main Building to which it is accessory, or
 - (b) prior to the establishment of the main Use of the land where no Main Building is to be built.
- (4) All Accessory Buildings shall be included in the calculation of maximum Lot Coverage as described in the Lot requirements for the applicable Zone;
- (5) Satellite dishes greater than 0.61 m. (2 ft.) in diameter shall not be Erected in any Zone in the Town unless a special permit has been issued by the Authority Having Jurisdiction;
- (6) Notwithstanding the above provisions, the Authority Having Jurisdiction may issue a special Development Permit for an Accessory Building located within the Front Yard or Flanking Side Yard of a Lot, where the

Authority Having Jurisdiction is satisfied the Accessory Building will have

the general standard and appearance compatible with adjacent Structures and no permanent injury would be caused to adjoining properties, subject to such conditions as the Authority Having Jurisdiction may impose.

4.2 **ACCESSIBILITY**

- (1) The Authority Having Jurisdiction may, as a condition of granting a Development Permit, require the Applicant to design and develop a Structure or provide such facilities as necessary to permit access to the Building or Structure by physically challenged persons.
- (2) No Development Permit shall be issued for an Institutional Building until the Authority Having Jurisdiction receives a “Confirmation of Receipt of a Quality Control Plan” from the Provincial Government, pursuant to the Barrier- Free Design Regulations or subsequent regulations invoked for the same purpose.

4.3 **BED AND BREAKFAST**

Bed and breakfast establishments shall be permitted to operate in any single Family residence in any residential or agricultural Zone subject to the following:

- (1) the Dwelling shall be occupied as a residence by the principal operator and the external appearance of the Dwelling shall not be changed by the bed and breakfast operation;
- (2) not more than three (3) rooms shall be offered for overnight accommodation; and
- (3) adequate off-Street parking, in accordance with this Bylaw, separate from that required for the Dwelling, shall be provided.

4.4 **BUSINESS USES IN RESIDENTIAL ZONES**

Where a Property is used for Domestic Arts, or Business and Professional Offices in a residential or agricultural Zone, the following shall apply:

- (1) the Dwelling shall be occupied as a residence by the principal operator and the external appearance of the Dwelling shall not be changed by the Business Use.
- (2) there shall be no more than two non-resident assistants employed in the Business or profession or the carrying on of Domestic Arts.

- (3) not more than 25% of the total Floor Area of the Dwelling shall be occupied by the Business or profession or be used for carrying on of Domestic Arts.
- (4) adequate off-Street parking, in accordance with this Bylaw, separate from that required for the Dwelling, shall be provided.
- (5) there shall be no Open Storage or Display area.
- (6) Business and the Professional Uses shall be limited to activities which in the opinion of the Authority Having Jurisdiction would not create a residential nuisance due to issues such as traffic generation, noise or hours of operation.

4.5 FRONTAGE ON A STREET

- (1) No Development Permit shall be issued unless the Lot or parcel of land intended to be used or upon which the Building or Structure is to be Erected abuts and fronts upon a Street.
- (2) Notwithstanding section 4.5 (1) above, the Authority Having Jurisdiction may approve a Development Permit for a residential or commercial Structure which fronts on an existing private right-of-way, provided that the following criteria are met:
 - (a) no acceptable provision can be made to provide access to a Public Street,
 - (b) safe ingress and egress from the Lot can be provided,
 - (c) an agreement providing for the long term ownership and maintenance of the existing private-right-of-way is registered in the Prince Edward Island Registry Office, binding on the owner of the existing private-right-of-way, the Lot owner making application for the Development Permit, and their respective heirs, successors, and assigns.
 - (d) the minimum acceptable frontage shall be 7.32 m. (24 ft.). (Amended July 23, 2015).**

4.6

HEIGHT RESTRICTION EXEMPTION

- (1) Any maximum Height restriction set out in this Bylaw shall not apply to steeples, spires, lightning rods, water tanks, monuments, elevator enclosures, mechanical enclosures, silos, flag poles, lightning standards, television or radio antennas, telecommunications towers, ventilators, skylights, chimneys, smoke stacks, clock towers, solar collectors, power transmission towers, roof top cupolas, Wind Energy Systems, or utility poles.

- (2) **The Authority Having Jurisdiction may allow a Building in excess of 12.19m. (40 ft.) in Height if the following requirements are met: (amended December 20, 2017)**
 - (a) the Building and construction are in accordance with the latest version of the National Building Code;
 - (b) **The firefighting access has been approved by the provincial fire marshal's office; (amended July 23, 2015)**
 - (c) the Building contains a sprinkler system; and
 - (d) in the opinion of the Authority Having Jurisdiction, the Building is compatible with surrounding development in terms of architectural design, Building materials, Building massing, Building form and streetscape.

4.7

IN-LAW SUITE

- (1) An In-Law Suite may be constructed within any existing Single Family Dwelling in the A1, R1, R2 or PURD Zone, upon written application to the Authority Having Jurisdiction, and if the owner and the Authority Having Jurisdiction have first entered into a written Development Agreement pursuant to which the owner has agreed with the Authority Having Jurisdiction as follows:
 - (a) the In-Law Suite shall be used only by a specified and Immediate Family member of the owner;
 - (b) the Dwelling shall be restored by the owner, at the owner's cost and expense, to a Single Family Dwelling within 60 days following the departure of such relative from the In-Law Suite;
 - (c) the owner shall advise any prospective purchaser or other Person to whom the owner intends to transfer or otherwise dispose of the Dwelling, that the In-law Suite cannot be used except in accordance with a written Development Agreement with the Authority Having

Jurisdiction;

- (d) all other provisions of this Bylaw remain applicable to the Dwelling and the Authority Having Jurisdiction may require such changes to the exterior of the Dwelling as may be necessary to ensure compliance with this Bylaw, whether in connection with the construction of the In-Law Suite or the restoration of the Dwelling to a Single Family Dwelling;
- (e) the Development Agreement shall be registered, recorded or filed by the Authority Having Jurisdiction in such Public offices as the Authority Having Jurisdiction deems appropriate;
- (f) the owner shall pay all legal costs and expenses which the Authority Having Jurisdiction may incur in connection with the preparation, registration or enforcement of the Development Agreement;
- (g) the In-Law Suite shall be approved by the Fire Marshal; and
- (h) the In-Law Suite water and sewer services shall be provided from the Single Family Dwelling by municipal water and sewer services or by an on-site sewer and/or water system.

4.8

LANDSCAPING

- (1) The provision and maintenance of adequate landscape buffering and/or appropriate fencing shall be required to the satisfaction of the Authority Having Jurisdiction between Residential Zones and new commercial, 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 shall be required for new Development to the satisfaction of the Authority Having Jurisdiction;
- (3) Where a C1, C2 Zone, or an M2 Zone property abuts a Residential Zone along a side and/or Rear Lot Line, a strip of land not less than 4.5 m. in width along the said side and/or Rear Lot of the property shall be landscaped to the satisfaction of the Authority Having Jurisdiction as part

of the Development for which a Development Permit has been granted.
- (4) An adequate landscape buffer may consist of, but not limited to, the following or a combination of the following:

- (a) a grassed berm; or
- (b) planted vegetation; or
- (c) mature trees; or
- (d) appropriate fencing.

4.9 **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 of Prince Edward Island or the Government of Canada.
- (2) Where the provisions of this Bylaw conflict with those of any other Bylaw of the municipality or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

4.10 **LOT FRONTAGE**

- (1) If a parcel of land in any Zone is of such configuration that it cannot reasonably be subdivided in such a way to provide the required minimum Frontage on a Street, the Authority Having Jurisdiction may approve a reduced Frontage, provided that the Lot width at the front Building Line measures at least as much as the minimum Lot Frontage for the Zone.
- (2) In any Zone, Lots designed with a reduced Frontage along a bend in a Street or facing a cul-de-sac, may be approved by the Authority Having Jurisdiction if in the opinion of the Authority Having Jurisdiction adequate and safe access is provided and if the Lot width at the front Building Line measures at least as much as the minimum Lot Frontage for the Zone.

4.11 **MAIN BUILDING**

Except in an RR, R1 or R2 Zone, more than one (1) Main Building may be placed on a Lot in any Zone, provided all other provisions of this Bylaw are met.

4.12 **MAXIMUM LOT COVERAGE**

- (1) Maximum Lot Coverage in areas serviced by Town sewer services shall be determined as the percentage of the Lot covered by the Main Building, Accessory Buildings and Decks.

- (2) Maximum Lot Coverage in areas serviced by on-site septic systems shall be determined as the percentage of the Lot covered by the Main Building, Accessory Buildings, Swimming Pools, Decks, Patios and Gazebos.

4.13 **MIXED USE**

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.

4.14 **MINI HOMES**

- (1) Mini Homes shall not be permitted other than in a designated Mini Home Zone (RM1).
- (2) Notwithstanding subsection (1) above, a Mini Home may be permitted as an Accessory Use on a Bona Fide Farmer's Property, in an A1 Zone, provided that the additional Dwelling Use shall have the same yard requirements and shall use the same driveway or entrance as the principal Dwelling on the Lot.
- (3) Mobile Homes shall not be permitted in any Zone.

4.15 **EXISTING NON-CONFORMING BUILDINGS**

- (1) Where a Building has been Erected on or before the effective date of this Bylaw on a Lot having less than the minimum Frontage or area, or having less than the minimum setback or Side Yard or Rear Yard required by this Bylaw, the Building may be enlarged, reconstructed, repaired or renovated provided that:
 - (a) the enlargement, reconstruction, 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.

4.16 **EXISTING NON-CONFORMING LOTS**

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 Building may be Erected on the Lot provided that all other applicable provisions in this Bylaw are satisfied;

- (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, depth or 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.

4.17

NON-CONFORMING USES

- (1) Subject to the provisions of this Bylaw, a Building or Structure, or Use of land, Buildings or Structures lawfully in existence on the effective date of approval of this Bylaw may continue to exist.
- (2) A Building or Structure shall be deemed to exist on the effective date of approval of this Bylaw if:
 - (a) it was lawfully under construction; or
 - (b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within twelve (12) months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time;
- (3) No Structural Alterations that would increase the exterior dimensions, except as required by statute or Bylaw, shall be made to a Building or Structure while a non-conforming Use thereof is continued.
- (4) If a Building which does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of seventy-five percent (75%) or more of the assessed value of the Building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw, except if the Building or repair work would not be detrimental, in the opinion of the Authority Having Jurisdiction, to the health or safety of residents in the vicinity or the general Public.
- (5) Any change of tenants or occupants of any premises or Building shall not of itself be deemed to affect the Use of the premises or Building for the purposes of this Bylaw.

- (6) A non-conforming Use of land, Building or Structure shall not be permitted to resume if it has been discontinued for a period of twelve (12) consecutive months, and in such event the land, Building or Structure shall not thereafter be used except in conformity with this Bylaw.
- (7) No intensification of use or increase in business volumes or activity levels shall be made while a non-conforming use of land, buildings or structures is being continued.
- (8) No increase in the area occupied by the non-conforming Use shall occur while a non-conforming Use is being continued.

4.18 **OUTDOOR SWIMMING POOLS**

- (1) The installation of a Swimming Pool shall be permitted in any Zone in accordance with the following provisions:
 - (a) The owner shall first secure a Development Permit from the Authority Having Jurisdiction;
 - (b) A 1.8 m. (6 ft.) Fence shall be constructed in such a manner so as to impede unauthorized Persons from entering over or under said Fence.
 - (c) Any gate on such Fence shall be capable of being locked;
 - (d) The water used in the pool may be disposed through the Municipal Sewer System.

4.19 **PERMITTED USES IN ALL ZONES**

- (1) Notwithstanding anything else in this Bylaw, Public utility Buildings and Structures and service facilities provided by the municipality including, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, Public Parks and playgrounds, utility services, water storage reservoirs, and storm water management facilities, may be located in any Zone and no Development Permit shall be required and no Zone standards shall apply.
- (2) Private utility Buildings and Structures which are considered by the Authority Having Jurisdiction to be necessary and appropriate to the municipality shall be permitted in all Zones.

4.20 **PETROLEUM STORAGE**

- (1) Underground gasoline storage facilities shall not be permitted in the RM1, RR, R1, R2, R3, PURD, and O2 Zone.
- (2) The storage of gasoline on a residential Lot shall be limited to 50 litres (11 imperial gallons).

4.21 **PUBLIC UTILITIES**

Notwithstanding anything else in this Bylaw, Public utilities located within the Street right-of-way or underground may be placed in any Zone, and no Development Permit shall be required and no Zone standards shall apply.

4.22 **RECREATIONAL TRAILERS OR VEHICLES**

No Person shall Use or occupy a Recreational Trailer or Vehicle other than in an approved Campground, unless the Authority Having Jurisdiction has issued a Temporary Permit for such Use.

4.23 **SPECIAL REQUIREMENTS FOR SEMI-DETACHED, ROW OR TOWN HOUSE DWELLINGS**

- (1) No Semi-detached, Row or Townhouse Dwelling shall be Erected in a manner which will not permit Subdivision into individual Lots pursuant to subsection (2).
- (2) Semi-detached and Row or Townhouse Dwellings may be divided independently for individual sale and ownership provided that:
 - (a) A Subdivision of the parcel of land has been approved by the Authority Having Jurisdiction (such Subdivision to provide for appropriate easements or common area to allow entry by an owner of any portion of the Building to his back yard area);
 - (b) the units shall be separated from the Basement floor to the underside of the roof by a vertical masonry fire separation wall built in accordance with applicable National Building and Fire Code regulations;

- (c) a separate water and sewer service is provided for each unit in accordance with Bylaws governing water supply and sewerage services for the Town;
- (d) separate electrical services are provided for each unit;
- (e) a separate heating device is provided for each unit;
- (f) separate parking is provided for each unit unless the Authority Having Jurisdiction waives same;
- (g) a copy of the agreement made between the owners covering the following terms is approved by the Authority Having Jurisdiction and registered on the title of each unit. The agreement will address the following:
 - common walls;
 - maintenance;
 - fire insurance;
 - easements;
 - parking;
 - snow removal;
 - any other items jointly owned or used; and
 - Any other terms and conditions as shall be imposed by the Authority Having Jurisdiction.

4.24

TEMPORARY USES, BUILDINGS AND STRUCTURES PERMITTED

- (1) The Authority Having Jurisdiction may issue a Temporary Permit for the temporary Use of land or the temporary Use of a Building or Structure incidental to a construction project provided that a Development Permit has been issued for the main construction project, subject to such conditions as the Authority Having Jurisdiction may deem appropriate to protect the interests of adjacent property owners or the general Public.

The permit shall require that the temporary Use shall be removed from the site within 30 days of completion of the main construction project.

- (2) The Authority Having Jurisdiction may at its sole discretion issue a permit for the temporary erection of a Structure or the temporary Use of land in any Zone in order to accommodate a special event or occasion. The Authority Having Jurisdiction may attach such conditions as it deems appropriate to ensure Public safety and to mitigate any negative impacts on surrounding properties.

4.25 **UNDERGROUND PETROLEUM STORAGE TANKS**

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

4.26 **VISIBILITY AT STREET INTERSECTIONS**

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 two feet above Grade of the abutting Streets.

4.27 **ENCROACHMENTS PERMITTED**

The following portions of Structures may project into a Yard required by this Bylaw to the limit of the specified distance:

Structure or Feature	Distance
sills, cornices, eaves, gutters, chimneys, pilasters, and canopies	0.6 m. (2 ft.)
window bays, awnings, cantilevers, oil tanks, and propane tanks	1 m. (3.3 ft.)
exterior staircases, wheelchair ramps, and fire escapes	1.4 m. (4.6 ft.)
balcony not supported at grade (covered or uncovered)	1.5 m. (5 ft.)
patio / Deck not exceeding 0.6 m. (2 ft.) from surrounding grade	1 m. (3.3 ft.)

4.28 **YARDS**

Except for Accessory Buildings, every part of any Yard required by this Bylaw shall be open and unobstructed by any Structure from the ground to the sky, subject to section 4.27.

4.29

BUILDING TO BE ERECTED ON A LOT

No building shall be erected or used unless it is erected on a single lot.

SECTION # 5 – SIGNAGE
(amended June 11, 2014)

5.1 INTRODUCTION

No Person shall Erect, Alter or enlarge a Sign within the boundaries of the Town except in conformance with the provisions of this section and any other relevant provisions of this Bylaw, and without first applying for and receiving a permit from the Authority Having Jurisdiction.

5.2 GENERAL

(1) No Off-Premise Signs shall be permitted with the following exceptions:

(a) directional and information Signs Erected within the public Right-of-Way as part of the Highway Information Signage System (HISS);

(b) up to two (2) commercial directional Signs per business, as approved by the Authority Having Jurisdiction, with a maximum size of 48 inches by 18 inches stating only the name of the business, distance and an arrow pointing left, right or straight ahead;

(c) directional Signs for public buildings or facilities, as approved by the Authority Having Jurisdiction;

(d) shared, Free-Standing commercial Signs pursuant to the provisions of Section 5.9 where several commercial businesses on individual Lots share a common Parking Lot and common access; and

(e) shared, Free-Standing Signs at the entrance to a Business Park pursuant to the provisions of Section 5.9.

(2) An indoor Sign shall not be considered a Sign for the purpose of this Bylaw unless it is placed within a window and can be viewed from outside of the Building.

- (3) No Temporary Signs, including Mobile Signs, shall be permitted in any Zone without a permit from the Authority Having Jurisdiction. A permit for a Temporary Sign shall not exceed a period of more than 30 days.**
- (4) Internally illuminated Signs shall be permitted and shall have the light source concealed by a diffusive material.**
- (5) Signs illuminated by external illumination shall have the light source directed at the Sign and no illumination shall be aimed at the Roadway. No stray illumination from external light sources shall be permitted to shine on the Roadway or adjacent residentially or agriculturally zoned land.**
- (6) No Sign shall be Erected or placed on the side or rear of a Building, or within a Side or Rear Yard where such Yard abuts a Residential or Agricultural zone.**
- (7) Notwithstanding 5.2(1) above, Special Event Signage shall be permitted provided:
 - (a) Signs are no larger than 0.8 sq. m. (8 sq. ft.);**
 - (b) Signs do not obstruct pedestrian or vehicular traffic along any public sidewalk or Street right-of-way;**
 - (c) there are no more than five (5) such Signs per event;**
 - (d) Signs are displayed for a period not exceeding seven (7) consecutive days; and**
 - (e) only one Sign permit shall be issued per event.****
- (8) Any Sign identified by the Authority Having Jurisdiction as being a safety concern or unlawfully located within the Street may be immediately removed by Town staff and the provisions in subsection 5.2(9), below, shall not apply. (Amended June 14, 2016)**
- (9) The owner or occupant of the Property displaying an illegal Sign shall be contacted by phone where possible and issued a written removal order by the Authority Having Jurisdiction. The removal order shall require the illegal Sign to be removed**

from the Property within forty-eight (48) hours or it will be removed by Town staff.

- (10) Signs collected by Town staff pursuant to Section 5.2 (8) and (9) will be held at the Town's maintenance Building for a period of not less than ten (10) business days and can be picked up by the owner during regular business hours.

5.3 MAINTENANCE

- (1) All Signs shall be made of durable materials and shall be maintained in good condition.
- (2) The Authority Having Jurisdiction may identify a Sign which may be unsafe to the Public, either as an adjunct to pursuing his/her normal activities or in response to a concern from a member of the Public, and may consequently order the Property Owner to have such Sign repaired to a safe condition or to be removed.
- (3) The Authority Having Jurisdiction may order a Property Owner to immediately remove any Sign relating to a Business or Use which is no longer active, or which carries no advertising or has missing parts.
- (4) Subsection (3) above shall not apply to a seasonal enterprise that normally closes during part of the year, however, a Sign advertising a seasonal enterprise shall either indicate the time of year the enterprise is in operation or the time of year it is not in operation.
- (5) Where any Property Owner does not comply with an order issued under subsection (2) or (3) above, the Authority Having Jurisdiction may remove the Sign cited in the order at the cost of the Property Owner and the Town may take such judicial proceedings as necessary to enforce such payment.

5.4 NUMBER OF SIGNS

- (1) For the purposes of this section, a Sign with two or more faces such as a Projecting Sign or Free-Standing Sign shall count as one Sign.

- (2) **Other than directional Signs containing no promotional content, only one (1) Free-Standing Sign shall be Erected on any commercial, industrial or institutional Lot; except where a Lot is bordered by more than one Street, in which case one (1) Free-Standing Sign may be permitted along each Street line.**
- (3) **Notwithstanding Section 5.4(2), above, Lots in the Business Park Zone which have Rear Yards backing onto the Trans-Canada Highway shall not be permitted to Erect Free-Standing Signs in their Rear Yards.**

5.5 SIGNS PERMITTED IN ALL ZONES

- (1) **The following Signs shall be permitted in all zones and no Development Permit shall be required, but the Signs shall be subject to all requirements of this Bylaw:**
 - (a) **Signs identifying the name and address of a resident and not more than 0.3 square metres (3.2 sq. ft.) in area; (amended June 14, 2016)**
 - (b) **Signs for regulating the Use of Property such as “NO TRESPASSING” and of not more than 0.3 square metres (3 sq. ft.) in area;**
 - (c) **real estate Signs, placed on the subject Lot, which advertise the sale, rental or lease of a Lot or Building, with an area of not more than 0.93 square metres (10 square feet);**
 - (d) **on-premise directional or traffic control Signs not more than 0.3 square metres (3 sq. ft.) in area;**
 - (e) **Signs Erected by a government body or under the direction of a government body;**
 - (f) **Memorial Signs or tablets;**
 - (g) **Town identification Signs;**
 - (h) **outdoor recreational facility identification Signs of not more than 3.7 square metres (40 square feet) in area;**

- (i) not withstanding Section 5.9, entrance Display identification Signs for residential neighbourhoods or business parks of not more than 3.0 square metres (32 square feet) in area;
- (j) the flag or insignia of any government, religious, charitable or fraternal organization;
- (k) temporary election Signs;
- (l) temporary Signs advertising a construction firm, located on the Lot where the construction is taking place;
- (n) flags, buntings and temporary banners exhibited to temporarily commemorate national or civic holidays and such other events as approved by the Authority Having Jurisdiction; and
- (o) Signs Erected pursuant to Sections 4.3 and 4.4.

5.6 SIGNS PROHIBITED IN ALL ZONES

- (1) The following Signs shall be prohibited in all zones:
 - (a) Billboards, streamers, pennants, ribbons, spinners or other similar devices. Exceptions may be granted by the Authority Having Jurisdiction for flags and buntings exhibited to temporarily commemorate national or civic holidays or other civic or charitable events;
 - (b) flashing Signs, Roof Signs, Signs containing moving parts and reflective elements which sparkle or twinkle when lighted or Signs containing strings of bulbs;
 - (c) Signs which Use the words “stop”, “caution”, “danger” or incorporate red, amber or green lights resembling traffic signals, or resemble traffic control Signs in shape or colour, except government traffic or regulatory Signs;
 - (d) any Signs which, in the opinion of the Authority

Having Jurisdiction, represent a safety hazard;

- (e) any Signs that obstruct or detract from the visibility or effectiveness of any traffic Sign or control device or constitutes a hazard to pedestrian or vehicular traffic due to restriction of view planes at intersections or due to the intensity or direction of illumination;**
- (f) any Signs that obstruct the free egress from any fire exit door, window, or other required exit way;**
- (g) Signs painted on, attached to, or supported by a tree, or other natural object;**
- (h) Signs painted, embossed or applied to the roof of a building; and**
- (i) Signs not related to any Business or Use located on the Lot or premises, except for Signs Erected by a government body.**

5.7

FASCIA SIGNS

- (1) Fascia Signs shall be permitted on Buildings in Commercial, Industrial, Business Park, Institutional, Comprehensive Development Area, and Recreation and Open Space Zones and shall project no more than 46 centimetres (18 inches) from the wall of the Building and shall be no higher than the eave or top of a parapet wall;**
- (2) The area of a Fascia Sign shall not exceed ten (10) percent of the area of the wall on which the Sign is to be located, or 14 square metres (150 square feet), whichever is less;**
- (3) The area of Fascia Signs shall be calculated as a block, including any individual letters and the total area covered by symbols and blocks of text including the spaces between them; and**
- (4) Notwithstanding the above, Fascia Signs may be permitted in Residential or Agricultural Zones pursuant to Section 4.3 and 4.4.**

5.8

PROJECTING SIGNS

- (1) Projecting Signs shall be permitted in Commercial, Institutional, Comprehensive Development Area and Recreation and Open Space Zones and shall:**
 - (a) not have a Sign area larger than 0.5 square metres (5.4 square feet);**
 - (b) not project further than 1.1 metres (3.6 feet) from the Building wall and be at least 2.2 metres (7.2 feet) from the ground;**
 - (c) not project above the wall to which it is affixed;**
 - (d) be limited to one (1) per Business;**
 - (e) not extend beyond the Property line of the Property on which it is Erected;**
 - (f) not swing freely on its support; and**
 - (g) not obstruct pedestrian or vehicular traffic on the Lot or impede visibility for pedestrians or traffic accessing the Lot.**

5.9

FREE-STANDING SIGNS

- (1) Free-Standing Signs shall be permitted in Commercial, Business Park, Industrial, Institutional, Comprehensive Development Area and Recreation and Open Space Zones and shall:**
 - (a) be permitted if compatible with the Building in scale and colour;**
 - (b) not have a Sign face greater than 6 square metres (64 square feet);**
 - (c) be set back at least 2.5 metres (8.5 feet) from the Property line; and**
 - (d) not exceeding 6 metres (20 feet) in height above the average finished Grade of the Lot.**

- (2) Where there are more than one (1) commercial businesses on a single Lot:**
 - (i) all businesses on the same Lot shall share one (1) Free-Standing Sign;**
 - (ii) the total size of any shared Sign shall be no greater than 6 square metres (64 square feet) for each Use or a total of 19 square metres (200 square feet); and**
 - (iii) where a Sign for a Building or Lot is shared by more than one (1) commercial business the Sign elements for all businesses must be of similar material and lettering design to produce a uniformity of signage for the common facility. Logos may be incorporated into the common Sign.**

5.10 CANOPIES OR AWNINGS

- (1) Signs incorporated into a Canopy or Awning are permitted on the Building and shall be considered as Fascia Signs.**

5.11 SANDWICH SIGNS

- (1) Temporary Sandwich Signs shall not be permitted to be placed within the boundaries of the Town unless a temporary permit has been issued by the Authority Having Jurisdiction.**
- (2) The Authority Having Jurisdiction may grant temporary permits for commercial Sandwich Signs for a period not to exceed six (6) months, where the Authority Having Jurisdiction deems there will be no nuisance or hazard caused to the general public and where the Sign does not detract from the appearance of the Property or the area.**
- (3) The Authority Having Jurisdiction may revoke a temporary permit issued pursuant to this Section at any time where the Authority Having Jurisdiction deems that the Applicant or Property Owner has not conformed to the provisions of this Section.**
- (4) Where a temporary permit has been revoked, the Authority Having Jurisdiction shall have the authority to enter upon the Property and remove the Sandwich Sign.**

5.12

SIGNS FOR SPORTS FIELDS AND OUTDOOR STADIUMS

- (1) Notwithstanding the number limitations in Section 5.4 any number of sponsorship Signs may be Erected in sports field or outdoor arena provided the Signs are intended for view from within the sports field or are not visible from the Street.**

SECTION #6 PARKING REQUIREMENTS

6.1 **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 following chart:

Primary Type of Building	Minimum Requirement
Single Family Dwelling	2 Parking Spaces
Duplex / Semi-detached Dwelling	2 Parking Spaces for Dwelling unit
Row or Townhouse Dwelling	2 Parking Spaces per Dwelling Unit
Block Townhouse Dwelling or Apartment Dwelling	1.5 Parking Spaces per Dwelling Unit
Hotel, Motel or other Tourist Establishment	1 Parking Space per guest/room or rental unit and 1 Parking Space for each 23 sq. m. (250 sq. ft.) of Floor Area devoted for Public Use (e.g. banquet rooms, Lounge)
Auditoriums, churches, halls, libraries, museums, theatres, arenas, private Clubs, and other places of assembly or recreation	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.
Hospitals and Nursing Homes	0.75 Parking Spaces per bed
Senior Citizens Apartments and Community Care Facilities	1.25 Parking Spaces per Dwelling Unit
Elementary School	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
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
Business and Professional Offices,	1 Parking Space per 28 sq m. (300 sq. ft.) of

Service and Personal Service Shops	Floor Area
Automobile Dealership	1 Parking Space per 4.7 sq m. (50 sq. ft.) of Floor Area
Shopping Centre (Indoor Mall)	1 Parking Space per 18.6 sq m. (200 sq ft.) of gross Floor Area
Restaurant or Lounge	1 Parking Space per four seats of seating capacity
Other Commercial / Retail Stores	1 Parking Space per 14 sq m. (150 sq. ft.) of Floor Area
Business Park	As determined by the Authority Having Jurisdiction, taking into consideration the size of the office facility or plant, and the number of employees for which it is designed; the projected flow of visitors and customers; and the amount of truck parking projected
Secondary School, Colleges	1 Parking Space for each staff Person plus 6 Parking Spaces per teaching classroom
Government Offices	1 Parking Space per 28 sq. m. of Floor Area
All other Uses not listed	1 space per 20 sq. m. (215 sq. ft.) of Floor Area or 1 space per 10 seats.

- (2) Additional Parking Spaces may be required if, in the opinion of the Authority Having Jurisdiction, the spaces required under section 6.1(1) will not meet anticipated parking requirements.

6.2

PARKING LOT STANDARDS

- (1) Where parking facilities are required or permitted:
- (a) The parking area shall be maintained with a Stable Surface;
 - (b) The lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from the Streets, adjacent Lots and Buildings;

- (c) A Structure not more than 3 m. (10 ft.) in Height and not more than 4.6 sq. m.(50 sq. ft.) in area may be Erected in the parking area for the use of attendants;
- (d) The parking area shall be within 90 m. (300 ft.) of the location which it is intended to serve and shall be situated in the same Zone;
- (e) When the parking area is of a permanent hard surfacing, each Parking Space shall be clearly demarcated with painted lines and maintained on the parking lot;
- (f) The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be:
 - (i) a minimum width of 3 m. (10 ft.) for one-way traffic;
 - (ii) a minimum width of 6 m. (20 ft.) for two-way traffic; and
 - (iii) a maximum entrance and exit width of 9 m. (30ft.) at the Street line and edge of pavement;
- (g) parking Spaces for any residential Building containing more than six (6) Dwelling Units shall not be located in the Front Yard, nor shall they be situated within 3.05 m. (10 ft.) of any door, or window servicing a bedroom;**
- (h) no driveway surface area shall occupy more than 50% of the required Front Yard for any residential Building containing more than three (3) Dwelling Units.**
- (i) notwithstanding the provisions of subsections (g) and (h) above, the Authority Having Jurisdiction may permit Parking Spaces in the required Front Yard setback of a Row Dwelling or Townhouse Dwelling.**
- (j) scale drawings certified by an engineer, architect, professional planner, or public 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.**
- (k) where off-Street parking areas are located in front of any Building, a five foot landscaped buffer shall be provided between the parking area and the Street boundary.**
- (l) off-Street Parking Spaces for Developments in commercial or institutional Zones shall not be located in the Front Yard or in the flanking Side Yard.**

- (m) Notwithstanding subsection (l) above, the Authority Having Jurisdiction may permit off-Street Parking Spaces in commercial or institutional Zones to be located in the Front Yard or flanking Side Yard where the provisions of paragraph (l) would, in the opinion of Council, unduly restrict Development on a parcel of land in existence prior to approval of this Bylaw.
(amended June 14, 2016)**

6.3 **LOADING ZONES**

- (1) In any Commercial, Business Park and Comprehensive Development Area Zone, no Person shall Erect or Use any Building or Structure for manufacturing, storage, Warehouse, department store, Retail Store, wholesale store, market, freight or passenger terminal, Hotel, Hospital, mortuary or other Uses involving the frequent shipping, loading or unloading of Persons, animals, 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 two thousand eight hundred (2,800) sq. m. (30,000 sq. ft.) or fraction thereof of Building Floor Area used for any such purpose;
- (2) Notwithstanding subsection (1) above, Loading Spaces in the Business Park Zone shall be designed on the basis of the number of loading bays in the facility, the average length of tractor-trailers and the alignment of the loading areas with the driveway entry to the site;
- (3) 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;
- (4) The provision of a Loading Space for any Building with less than 140 sq. m. (1500 sq. ft.) shall be optional, except in the Business Park Zone.
- (5) No such Loading Spaces shall be located within any required Front Yard or be located within any yard which abuts a residential or Open Space Zone, unless in the opinion of the Authority Having Jurisdiction adequate screening is provided.

6.4 **PARKING FOR PEOPLE WITH DISABILITIES**

In addition to the parking requirements found in section 6.1, where off Street parking is to be provided on the same Lot as the Building, two (2) spaces dedicated to people with disabilities shall be provided for every 30 spaces provided, or minimum of one (1) space for part thereof. Dedicated Parking Spaces are to be a minimum of 20% wider, 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 wheel chairs and Persons with walking disabilities.

SECTION #7 - MINI HOME ZONE (RM1)

7.1 GENERAL

- (1) Except as provided by this Bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered or any land used in a RM1 Zone shall conform with the provisions of this section.
- (2) Any Mini Home to be located in the Zone shall be located in a Mini Home Court or Subdivision and no Person shall locate a Mini Home in this Zone without first obtaining a permit from the Authority Having Jurisdiction.
- (3) No Person shall establish or make an extension to a Mini Home Court or Subdivision without first submitting a Development Concept to and receiving a written notice of approval from the Authority Having Jurisdiction.
- (4) In any new Mini Home Court or Subdivision or an expansion of a Mini Home Court or Subdivision, ten percent (10%) of the total land being Used for the Mini Home Court or Subdivision or expansion shall be designated for Open Space and playground purposes.

7.2 PERMITTED USES

- (1) In the Mini Home (RM1) Zone no Person shall Use any land or Building except for:
 - (a) Mini Homes located in Mini Home Courts or Subdivisions;
 - (b) Single Family Dwellings in conformance with the R1 Lot and Structure standards;
 - (c) Accessory Buildings; and
 - (d) Parks.

7.3 SPECIAL PERMIT USE

- (1) Notwithstanding section 7.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as shall be imposed by the Authority Having Jurisdiction upon recommendations of Planning Board:
 - (a) Mini Homes on individual Lots.

7.4

LOT REQUIREMENTS

Where a Mini Home is located on an individual Lot or a site in a Mini Home Court or Subdivision the Development shall conform with the following standards:

Lot/site area, minimum	512.8 sq. m. (5,520 sq. ft.)
Minimum Frontage	14.02 m. (46 ft.)
Lot/site width at Building Line, minimum	14.02 m. (46 ft.)
Lot/site depth, minimum	36.58 m. (120 ft.)
Front Yard depth, minimum	5.18 m. (17 ft.)
Side Yard width, minimum	2.29 m. (7.5 ft.)
Rear Yard depth, minimum	6.10 m. (20 ft.)
Building Height, maximum	4.27 m. (14 ft.)
Maximum Lot/site coverage including Main Building and Accessory Buildings	35%
Width of continuous private right-of-way, minimum	12.19 m. (40 ft.)
Width of paved portion of right-of-way, minimum	7.32 m. (24 ft.)
Area of playground/recreational area, minimum up to 10%	37.2 sq. m. (400 sq. ft.) per Lot/site

* Individual Lot/site may also be approved where the Mini Home is situated with its longest dimensions fronting on the right-of-way, (“side on” to the street rather than “end-on”).

7.5

OTHER REQUIREMENTS

- (1) All Lots/sites shall be served by central water and sewer services and each Mini Home shall be connected.
- (2) Each individual Mini Home Lot/site in a Mini Home Court shall have access on a continuous right-of-way connected to a Road in accordance with the minimum standard set out in section 7.4; each Lot shall have access to a

Public Road.

- (3) Each individual Mini Home Lot/site in a Mini Home Subdivision shall have frontage on a Road in accordance with section 7.4.
- (4) The travelled portion of any right-of-way shall be surfaced with a minimum width of pavement in accordance with the minimum standard set forth in section 7.4.
- (5) Each Lot/site shall be provided with a paved driveway connecting with the paved right-of-way or Road.
- (6) A playground or other recreational park shall be provided in every Mini Home Court or Subdivision, located in such a way as to provide convenient access from all parts of the Court or Subdivision

7.6

ZERO LOT LINE OPTION

Notwithstanding section 7.4, the Authority Having Jurisdiction may approve Lots or sites in a Mini Home Court or Subdivision with a zero side yard setback on one side of the Lot/site where the Developer submits a comprehensive site plan showing all Lot/site boundaries and where all building footprints are designated in advance. The building footprints shall also be identified in the Subdivision Agreement and the Development Agreement.

SECTION #8 - RURAL RESIDENTIAL ZONE (RR)

8.1 **GENERAL**

Except as provided in this Bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered or any land Used in a RR Zone shall conform with the provisions of this section.

8.2 **PERMITTED USES**

- (1) No Building or Structure or part thereof and no land shall be Used for purposes other than:
 - (a) Single Family Dwellings;
 - (b) Parks and Playgrounds;
 - (c) Accessory Buildings;
 - (d) Agricultural Buildings and General Agricultural Uses which in the opinion of the Authority Having Jurisdiction do not represent a significant nuisance or health hazard to adjacent residences; and
 - (e) **Group Homes. (Amended June 14, 2016)**

8.3 **SUMMER COTTAGES**

- (1) Existing approved Summer Cottage Lots may be Used for the purpose of developing a Seasonal Residence or Summer Cottage, subject to the following:
 - (a) the Lot is serviced by a municipal sewer system, or on-site sewage system designed and certified by a professional engineer or a sewer system approved by the Province.
 - (b) the Lot has Frontage on either a Public right-of-way or a private right-of-way, provided that Frontage on a private right-of-way meets the requirements set forth in subsection 4.5(2).
 - (c) the owner of the Property shall agree to enter into a Development Agreement with the Town stipulating that:
 - (i) the Seasonal Residence or Summer Cottage shall not be occupied as a year round residence;
 - (ii) the owner shall be responsible for the provision of sewer services and water supply;
 - (iii) the owner shall agree to pay all future costs related to the

extension of the services noted in section 8.3 (1)(c)(ii);

iv) the maximum Lot Coverage shall not be greater than seven percent (7%) of the Lot for a single Storey cottage or five percent (5%) for a cottage of more than one Storey; and

(v) in cases where the Lot is accessed by a private right-of-way, the owner shall acknowledge and agree that neither the Town nor the Province maintains the private right-of-way, that neither the Town nor the Province shall have any liability for that private right-of-way and, without limiting the generality of the foregoing, that neither the Town nor the Province is responsible for providing snow removal, solid waste service, bus service or emergency Vehicle access to the private right-of-way.

(f) the owner shall be responsible for all costs of preparing and registering the above noted Development Agreement in the P.E.I. Registry Office.

(2) Summer Cottage Lots shall be subject to the regulations of section 8.4.

8.4

LOT REQUIREMENTS

(1) The following regulations shall apply to Development in a RR Zone:

Minimum Lot Area	4,046.8 sq. m. (43,560 sq. ft.)
Minimum Lot Area if Central Water System Supplied	see Appendix "B" Minimum Lot Size Standards
Minimum Frontage	45.72 m. (150 ft.)
Minimum Front Yard	15.24 m. (50 ft.)
Minimum Rear Yard	7.62 m. (25 ft.)
Minimum Side Yard	4.57 m. (15 ft.)
Minimum Flanking Yard	15.24 m. (50 ft.)
Maximum Height of any Building	10.67 m. (35 ft.)

(2) All Lots shall also conform to the Provincial Minimum Lot Standard as noted in Appendix "B."

- (3) Maximum Lot Coverage for approved Single-Family Dwelling Lots in the RR Zone shall be 10%. **(amended December 20, 2017)**

8.5 **SERVICING**

- (1) Notwithstanding any other provisions of this Bylaw, the RR Zone is established principally to retain low density Uses of land where no central municipal water or sewer service will be provided in the foreseeable future.
- (2) All Subdivisions of four (4) or more Lots, whether developed as one application or in Phases, shall be provided with a central water system approved by the Authority Having Jurisdiction. All related costs shall be borne by the Developer.
- (3) On-site sewage treatment systems in an RR Zone shall be designed and certified by a professional engineer or a licensed sewage disposal contractor. Central sewage systems may be considered based on the recommendations of the **Department of Communities, Land and Environment or any successor department of environment** and subject to the approval of the Town. All costs related to the design and approval of a shared or central sewage system shall be borne by the Developer(s).
- (4) **No Development Permit shall be issued in the RR Zone unless a site plan showing the location of the on-site sewage treatment system and all proposed Buildings and Structures has first been approved by the Province's Department of Communities, Land and Environment or any successor department of environment. (amended June 14, 2016)**

SECTION #9 - SINGLE FAMILY RESIDENTIAL ZONE (R1)

9.1 GENERAL

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an R1 Zone shall conform with the provisions of this section.

9.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be Used for purposes other than:
 - (a) Single Family Dwellings;
 - (b) Parks and Playgrounds; and
 - (c) Accessory Buildings.

9.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 9.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:
 - (a) Group Homes; and
 - (b) Child Care Facilities.

9.4 SERVICING

All Developments in an R1 Zone shall be serviced by municipal sewer services and municipal water supply.

9.5 LOT REQUIREMENTS (amended December 20, 2017)

- (1) The following regulations shall apply to all Development in an R1 Zone:

Requirement	
Minimum Lot Area	696.8 sq. m. (7,500 sq. ft.)
Minimum Frontage	22.86 m. (75 ft.)
Minimum Front Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	2.29 m. (7.5 ft.)
Minimum Flankage Yard	6.10 m. (20 ft.)
Maximum Height of any Building	12.19 m. (40 ft.) (amended December 20, 2017)

- (2) In addition to the above requirements, all Lots shall conform to the provincial minimum Lot standards as noted in Appendix “B”.
- (3) Notwithstanding the above requirements, within existing approved Residential Subdivision Developments, the Authority Having Jurisdiction may require new Developments to conform with the Development standards which have been established, even if these standards exceed the minimum standards stated above.
- (4) Maximum Lot Coverage shall be 25%.

SECTION #10 - TWO FAMILY RESIDENTIAL ZONE (R2)

10.1 **GENERAL**

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an R2 Zone shall conform with the provisions of this section.

10.2 **PERMITTED USES**

- (1) No Building or part thereof and no land shall be Used for purposes other than:
 - (a) Single Family Dwellings;
 - (b) Duplex or Semi-detached Dwellings (up to 20% of units in a block);
 - (c) **Narrow Lot Single Family Dwellings, where a narrow lot development has been approved; (amended July 23, 2015)**
 - (d) Parks and Playgrounds; and
 - (e) Accessory Buildings.

10.3 **SPECIAL PERMIT USES (amended June 11, 2014)**

- (1) **Notwithstanding Section 10.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, the Development is fully serviced, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose;**
 - (a) **Group Homes;**
 - (b) **Child Care Facilities;**
 - (c) **Campgrounds; and**

Clause “(d)” deleted. (Amended June 14, 2016)

10.4 **SERVICING**

All Developments in an R2 Zone shall be serviced by municipal sewer services and municipal water supply.

10.5 **LOT REQUIREMENTS (amended June 11, 2014) (amended December 20, 2017)**

- (1) The following requirements shall apply to Development in an R2 Zone:

- (a) For Single Family Dwellings, Lot requirements shall be the same as section 9.5, Single Family Dwellings.
- (b) For Duplex or Semi-detached Dwellings the Lot requirements shall be as follows:

Requirement	Standard - Fully Serviced
Minimum Lot Area	743.2 sq. m. (8,000 sq. ft.) or 371.6 sq. m. (4,000 sq. ft.) for each unit
Minimum Frontage	24.38 m. (80 ft.) or 12.19 m. (40 ft.) for each unit
Minimum Front Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	2.29 m. (7.5 ft.)
Minimum Flankage Yard	6.10 m. (20 ft.)
Maximum Height of any Building	12.19 m. (40 ft.) – amended December 20, 2017

Clause “(c)” including the table deleted. (Amended June 14, 2016)

- (2) Semi-detached Dwellings must be built in accordance with section 4.23.
- (3) In addition to the above requirements, all Lots shall conform to the provincial minimum Lot standards as noted in Appendix “B”.
- (4) Notwithstanding the above regulations, within existing approved Subdivisions, the Authority Having Jurisdiction may require that new Development conform with the Development standards which has been established, even if these standards exceed the minimum standards stated above.
- (5) Maximum Lot Coverage for a Duplex or a Semi-detached Dwelling shall be 35%.

SECTION #11 - MULTIPLE FAMILY RESIDENTIAL ZONE (R3)

11.1 GENERAL

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an R3 Zone shall conform with the provisions of this section.

11.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be Used for purposes other than:
 - (a) Duplex & Semi-detached Dwellings;
 - (b) Row or Townhouse Dwellings up to six (6) units;
 - (c) Apartments up to twelve (12) units;
 - (d) Parks and Playgrounds; and
 - (e) Accessory Buildings.

11.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 11.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, the Development is fully serviced, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:
 - (a) Group Homes;
 - (b) Child Care Facilities;
 - (c) Health Clinics;
 - (d) Apartments with over twelve (12) units; and
 - (e) Block Townhouse Dwellings up to six (6) units.

11.4 SERVICING

All Developments in an R3 Zone shall be serviced by municipal sewer services and municipal water supply.

11.5 LOT REQUIREMENTS (amended December 20, 2017)

- (1) The following requirements shall apply to Developments in an R3 Zone:
 - (a) For Duplex or Semi-detached Dwellings, Lot requirements shall be the same as section 10.5.

(b) For Apartments, Row and Townhouse, and Block Townhouse Dwellings the Lot requirements shall be as follows:

Apartments

Minimum Lot Area	836.1 sq. m. (9,000 sq. ft.), plus 139.4 sq. m. (1,500 sq. ft.) for each Dwelling Unit
Minimum Frontage	30.48 m. (100 ft.)
Minimum Front Yard	7.62 m. (25 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Minimum Flankage Yard	5.18 m. (17 ft.)
Maximum Height of any Building	12.19 m. (40 ft.)

Row or Townhouse Dwellings

Minimum Lot Area	1,114.8 sq. m. (12,000 sq. ft.) for the 1 st 3 units plus 278.7 sq. m. (3,000 sq. ft.) for each additional unit
Minimum Frontage	24.38 m. (80 ft.) for the 1 st 3 units plus 6.10 m. (20 ft.) for each additional unit
Minimum Front Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Minimum Flanking Yard	6.10 m. (20 ft.)
Maximum Height of any Building	12.19 m. (40 ft.)

Block Townhouse Dwellings

Minimum Lot Area	1,114.8 sq. m. (12,000 sq. ft.) for the 1 st 3 units plus 278.7 sq. m. (3,000 sq. ft.) for each additional unit
Minimum Frontage	30.48 m. (100 ft.)

Minimum Front Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Minimum Flanking Yard	6.10 m. (20 ft.)
Maximum Height of any Building	12.19 m. (40 ft.)
Minimum distance between each separate Block Townhouse Building	6.10 m. (20 ft.)

- (2) Notwithstanding the above Lot requirements, the Authority Having Jurisdiction may authorize reduced Lot requirements where the owner agrees to provide underground parking.
- (3) Notwithstanding the above Lot requirements, the Authority Having Jurisdiction may impose restrictions on the number of Dwelling Units where, in the opinion of the Authority Having Jurisdiction, the Development would create unsafe traffic conditions.
- (4) Semi-detached, Row, and Townhouse Dwellings must be built in accordance with section 4.23.
- (5) Block Townhouse Dwelling Units must be separated from the Basement floor to the underside of the roof by a vertical fire wall built in accordance with applicable National Building and Fire Code regulations.

11.6 **ACCESSIBILITY BONUS**

Notwithstanding the Lot Requirements in section 11.5 above and provisions of section 4.2, the Authority Having Jurisdiction may grant a Density Bonus of ten percent (10%) in terms of the total allowable units in an Apartment, Townhouse or Block Townhouse Development where at least ten percent (10%) of the total

Dwelling Units meet the Barrier-Free Design Regulations, section 3.8 of the National Building Code (2010 Edition, as amended from time to time).

SECTION #12 - PLANNED UNIT RESIDENTIAL DEVELOPMENT
ZONE (PURD)

12.1 **GENERAL**

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in a PURD Zone shall conform with the provisions of this section.

12.2 **PERMITTED USES**

- (1) No Building or part thereof and no land shall be Used for purposes other than:
 - (a) Single Family Dwellings;
 - (b) Semi-detached Dwellings;
 - (c) Row or Townhouse Dwellings up to six (6) units;
 - (d) Parks and Playgrounds;
 - (e) Accessory Buildings;
 - (f) Block Townhouse Dwellings up to six (6) units; and
 - (g) **Group Homes. (amended June 14, 2016)**

12.3 **SPECIAL PERMIT USES**

- (1) Notwithstanding section 12.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, the Development is fully serviced, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:
 - (a) Apartments; and
 - (b) Child Care Facilities.

12.4 **SERVICING**

All Developments in a PURD Zone shall be serviced by municipal sewer services and municipal water supply.

12.5 LOT REQUIREMENTS

- (1) The following regulations shall apply to Development in a PURD Zone:
 - (a) **For Single Family Dwellings, Semi-detached Dwellings, Townhouse Dwellings or ROW House Dwellings or Block Town House Dwellings the Lot requirements shall be the same as Sections 9.5, 10.5, 11.5 and 11.6 respectively. (amended July 23, 2015)**
 - (b) Notwithstanding section 12.5(1)(a) above the Authority Having Jurisdiction may approve innovative housing forms with less than the minimum Lot requirements provided that in the opinion of the Authority Having Jurisdiction all other sections of this Bylaw are complied with and that the application involves the Development of at least twenty (20) Dwelling Units and at least one (1) Block of land.

12.6 DENSITY

The maximum density in a PURD Zone shall be no greater than ten (10) Dwelling Units per acre, (based on the total area zoned PURD, owned by the Developer), provided however that where the Developer is required to retain environmentally sensitive areas in their natural state, the Authority Having Jurisdiction may permit the balance of a parcel of land to be developed at a proportionately higher density per acre.

12.7 NEW PURD DEVELOPMENTS

- (1) All new PURD Subdivisions or Developments shall first submit a Development Concept to the Town.
- (2) All new PURD Subdivisions or Developments shall be reviewed at a Public meeting held pursuant to the provisions of section 21.2.
- (3) All new PURD Subdivisions or Developments shall be subject to a Development Agreement approved by the Authority Having Jurisdiction that may include, but not be limited to, the following:
 - (a) Subdivision requirements pursuant to section 22 of this Bylaw
 - (b) Building types within the Development
 - (c) Schedule of Building styles and design

- (4) All new PURD Developments shall be developed in accordance with the Development Concept and the provisions of the Development Agreement.
- (5) The Authority Having Jurisdiction may require the establishment of an incorporated Homeowners' Association or a Condominium Corporation to own and maintain any lands or facilities held in common.

12.8 **EXISTING PURD DEVELOPMENTS**

Section 12.7 above shall not apply to any existing Lot Zoned PURD with an area that is less than 1,114.8 sq. m. (12,000 sq. ft.) and existed prior to the effective date of this Bylaw.

SECTION #13 - GENERAL COMMERCIAL ZONE (C1)

13.1 GENERAL

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in a C1 Zone shall conform with the provisions of this section.

13.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be Used for purposes other than:
 - (a) Retail Stores;
 - (b) Business and Professional Offices;
 - (c) Service and Personal Service Shops;
 - (d) Banking and Financial Institutions;
 - (e) Restaurants and Lounges;
 - (f) Hotels, Motels or other Tourist Establishments;
 - (g) Entertainment Establishments;
 - (h) Institutional Buildings;
 - (i) Accessory Buildings;
 - (j) Transient or Temporary Commercial; and
 - (k) Mixed commercial and residential use.

- (2) No Development of a Major Retail Development shall take place unless a special Development Permit has been issued by the Authority Having Jurisdiction. This permit shall take the form of a Development Agreement addressing all aspects of the Development including, but not limited to the following:
 - (a) Parking;
 - (b) Loading Zones;
 - (c) Internal Circulation;
 - (d) Ingress and Egress;
 - (e) Any improvements deemed to be required to the Streets adjacent to the Development and arrangements for cost-sharing of such improvements;
 - (f) Public and Private Utilities;
 - (g) Storm Water Drainage and Runoff;
 - (h) Buffer Zones adjacent to Residential Zones;
 - (i) Signage;
 - (j) Sidewalks, and
 - (k) any other matter deemed by the Authority Having Jurisdiction to affect the health, well-being, safety or convenience of the

Public or to impose a detriment or financial burden on the Town or any other Person.

13.3 **SPECIAL PERMIT USES**

- (1) Notwithstanding section 13.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:
 - (a) Activities connected with the Automobiles Sales and Services, Establishments, Automobile Service Stations and Automobile Washing Establishments;
 - (b) Dwelling Units in a commercial Building;
 - (c) Apartments; and
 - (d) Warehouses.

13.4 **LOT REQUIREMENTS**

- (1) The following regulations shall apply to Development in a C1 Zone:
(amended July 23, 2015) (amended December 20, 2017)

Minimum Lot Area	3.5 sq. m. (15,000 sq. ft.)
Minimum Frontage	30.48 m. (100 ft.)
Minimum Front Yard	6.1 m. (20 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Minimum Flanking Side Yard	6.1 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Maximum Height	12.19 m. (40 ft.)

- (2) Notwithstanding the above requirements, Apartments in the C1 Zone shall comply with the lot requirements in section 11.5.

13.5 **SITE DESIGN**

- (1) All Main Buildings shall meet the following requirements:
 - (a) Buildings shall have Street-level entrances;
 - (b) Building fronts shall include windows and/or Display areas; and
 - (c) all non-residential Buildings shall include an area for parking bicycles. This area may be a designated Parking Space within the

parking Lot near the Building or an area outside the parking Lot adjacent to the Building. The bike parking area must include a bike rack with locking area.

13.6 **SPECIAL REQUIREMENTS: COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES**

- (1) Notwithstanding any other provision of this Bylaw, where a Commercial Development located on lands Zoned General Commercial (C1) directly abuts on any Residential Zone, the following conditions shall be complied with:
 - (a) a strip of land not less than 4.57 m. (15 ft.) in width along the Lot Line within the C1 Zone and adjacent to the residential Zone shall be maintained clear of any Structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer.
 - (b) outdoor storage shall be prohibited adjacent to a residential Zone unless it is hidden from view by means of a landscaped buffer hedge of adequate size or architectural screening such as a wall, Fence or other appropriate Structure.

13.7 **MIXED USE**

- (1) A mixed Use commercial Building may have a combination of commercial Use and residential Use 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).
- (2) Where a Dwelling Unit is provided in connection with a commercial Use the following minimum standards shall apply:
 - (a) the Dwelling Unit is not above a Restaurant, Lounge, Automobile Service Station, dry-cleaning establishment, repair shop, or any Use involving the storing of hazardous or explosive materials;
 - (b) separate entrances serving each Dwelling Unit;

- (c) for each Dwelling Unit, 37.2 sq. m. (400 sq. ft.) of landscaped open area and 1.5 Parking Spaces are provided;
- (d) each Dwelling Unit meets the requirements of the Provincial Fire Marshal.

13.8 SCREENING OF REFUSE CONTAINERS

- (1) In any commercial Zone where refuse and recycling containers are located outside the Building, they shall be screened from the adjacent Property and the Street through the Use of Landscaping or visibility restrictive fencing.

13.9 TRANSIENT OR TEMPORARY COMMERCIAL PERMITS

- (1) Notwithstanding any other provision of this Bylaw, temporary permits may be issued for a transient-type Commercial operation subject to compliance with the following:
 - (a) the Development shall be approved by the Department of Transportation and Infrastructure Renewal or its successor;
 - (c) the Development shall not interfere with the parking requirements of permanent users of the Lot in which the Development will be located;
 - (c) the temporary permit shall not exceed a twenty (20) week period;
 - (d) the Applicant shall provide a letter of approval from the owner of the Lot on which the temporary Development will be situated;
 - (e) where required, the Applicant shall satisfy the Authority Having Jurisdiction that such Development complies with all health regulations.

13.10 AUTOMOBILE SERVICE STATION

- (1) In addition to the Lot requirements set forth in section 13.4 and any other provisions of this Bylaw, the following special provisions shall apply to an Automobile Service Station:

Minimum Lot Frontage	45.72 m. (150 ft.)
Minimum Pump Setback	6.1 m. (20 ft.)
Minimum Pump Distance from access or egress	9.14 m. (30 ft.)
Minimum width of Driveway	7.62 m. (25 ft.)

- (2) Where the service station includes an automobile washing facility, all washing operations shall be carried on inside the Building.

SECTION #14 - BUSINESS PARK ZONE (M2)

14.1 GENERAL

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an M2 Zone shall conform with the provisions of this section.

14.2 DETERMINATION OF PERMITTED USES

- (1) The following Uses shall be permitted in the M2 Zone:
 - (a) Multiple-unit mixed-Use malls for small Business, Service Shops, and light industry;
 - (b) Manufacturing and assembly facilities;
 - (c) Warehouse, wholesale and distribution operations and facilities;
 - (d) Business and Professional Offices;
 - (e) Information technology operations, and call centres;
 - (f) Retail commercial shops, and retail box stores;
 - (g) Commercial Uses accessory to a main facility or operation on a site;
 - (h) Restaurants and cafeterias; and
 - (i) Accessory Buildings.
- (2) Any Uses requiring outside storage capacity shall be permitted only if the means and location of storage on the site and an adequate method of Screening or concealment of stored goods and materials are satisfactory to the Authority Having Jurisdiction.

14.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 14.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:
 - (a) Transport operations;
 - (b) Building supply dealerships;
 - (c) Sales and service operations for new and used trucks, automobiles; trailers or motor homes;
 - (d) farm machinery; and
 - (e) Heavy Equipment.

14.4 **LOT SIZE, BUILDING HEIGHT AND SETBACKS**

- (1) The following minimum requirements shall apply in the M2 Zone: **(amended December 20, 2017)**

Minimum Open Space	10 % of the total area of the Lot
Minimum Lot Area	1,393.5 sq. m. (15,000 sq. ft.)
Minimum Driveway Width	6.1 m. (20 ft.)
Minimum Frontage	22.86 m (75 ft.)
Minimum Front Yard	7.62 m. (25 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Minimum Rear Yard	7.62 m. (25 ft.)
Minimum Building Height	12.19 m. (40 ft.)
Minimum Flankage Yard	7.62 m. (25 ft.)

14.5 **OPEN SPACE**

- (1) A minimum of 10% of the area of any Lot shall be developed as high quality landscaped Open Space for aesthetic purposes and for the Use and enjoyment of owners and staff.
- (2) No parking area shall be considered as part of this Open Space requirement.
- (3) The perimeter of every Lot shall have a minimum 3.05 m. (10 ft.) width of Landscaping, with the exception of areas that are Used for driveway and walkway access.

14.6 **MUNICIPAL SERVICES**

- (1) No Development Permit shall be issued in the M2 Zone until the Developer enters into a Development Agreement with the Town requiring the lot be serviced by municipal sewer services and municipal water supply.
- (2) No Development shall discharge prohibited matter or waste materials into the sewage collection and treatment system, including but not limited to the effluents described in Appendix C.

14.7 **DEVELOPMENT AGREEMENT**

- (1) No Development Permit shall be issued in the M2 Zone until the Developer enters into a Development Agreement with the Town.

- (2) The Development Agreement shall address all aspects of the Development including, but not limited to the following:
- (a) Parking;
 - (b) Loading Zones;
 - (c) Internal circulation;
 - (d) Ingress and egress;
 - (e) Any improvements deemed to be required to the Streets adjacent to the Development and arrangements for cost-sharing of such improvements;
 - (f) Public and private utilities;
 - (g) Storm water drainage and run-off;
 - (h) buffering adjacent Residential Zones;
 - (i) Signage;
 - (j) Sidewalks;
 - (k) Landscaping and visual screening;
 - (l) Exterior lighting;
 - (m) Noise and other nuisances; and
 - (n) Any other matter deemed by the Authority Having Jurisdiction to affect the health, well-being, or safety of the Public or to impose a detriment or financial burden on the Town or any other Person.

14.8

SPECIAL REQUIREMENTS: BUSINESS PARK ZONES ADJACENT TO RESIDENTIAL ZONES

- (1) Notwithstanding any other provision of this Bylaw, where a Business Park Development located on lands Zoned Business Park (M2) directly abuts on any Residential Zone, the following conditions shall be complied with:
- (a) a strip of land not less than 4.57 m. (15 ft.) in width along the Lot Line within the M2 Zone and adjacent to the residential Zone shall be maintained clear of any Structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer.
 - (b) outdoor storage shall be prohibited adjacent to a residential Zone unless the outdoor storage is hidden from view by means of a landscaped buffer hedge of adequate size or architectural screening such as a wall, Fence or other appropriate Structure.

SECTION #15 - COMPREHENSIVE DEVELOPMENT AREA ZONE (CDA)

15.1 GENERAL

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in a CDA Zone shall conform with the provisions of this section.

15.2 PERMITTED USES

Uses permitted in a CDA Zone shall be those approved by the Authority Having Jurisdiction and may include all those Uses allowed in either a C1 Zone, M2 Zone, PSI Zone or R3 Zone, and may also include innovative mixed-Use Developments, subject to such conditions as may be stipulated by the Authority Having Jurisdiction.

15.3 SPECIAL PERMIT USE

- (1) Notwithstanding section 15.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:
 - (a) Madison Heights Narrow Lot Requirements as per section 15.8.

15.4 DEVELOPMENT CONCEPT PLAN

- (1) Development within a Comprehensive Development Area shall be subject to the approval of a Development Concept Plan and any attached schedule by the Authority Having Jurisdiction.
- (2) No Development consisting of new Buildings or the Demolition or relocation of Buildings shall take place in a Comprehensive Development Area until a Development Concept Plan has been proposed and adopted by the Authority Having Jurisdiction.
- (3) The Authority Having Jurisdiction, before approving or amending a Development Concept Plan, shall consider the following:
 - (a) the means proposed for the maintenance of design standards of the proposed Buildings and their acceptability with respect to land Uses and the character and scale of existing and proposed Development in the vicinity;

- (b) the preservation of existing site features of unique quality and the preservation of the natural beauty of the area;
- (c) the proposed population density of the area, the Floor Space Ratio, the adequacy of Open Space areas, Building form, parking, pedestrian walkways, Streets, water supply, sanitary and storm sewers;
- (d) any other factors recommended by the Authority Having Jurisdiction.

15.5 AREA REQUIREMENT

- (1) A Comprehensive Development Scheme shall comprise no less than two (2) hectares (4.94 acres) in one contiguous area unless it constitutes an expansion of an existing Comprehensive Development Scheme.
- (2) Notwithstanding subsection (1) above, the Authority Having Jurisdiction may exempt the conversion of existing Structures to a Permitted Use within the CDA Zone from Comprehensive Development Scheme requirements.

15.6 APPROVAL PROCEDURE

- (1) Subsequent to approval of the Development Scheme, the Authority Having Jurisdiction shall approve each portion or Phase within the Comprehensive Development Area provided it is, in the opinion of the Authority Having Jurisdiction, consistent with the overall Development Scheme and schedule. The quality of architectural design of proposed Buildings and their compatibility with the architectural character of adjacent Development shall be considered.
- (2) Upon approval of the Development Scheme by the Authority Having Jurisdiction, the Development Scheme and the schedule shall form part of, and be an amendment to, this Bylaw.
- (3) Before the Authority Having Jurisdiction approves or amends a Development Scheme in a Comprehensive Development Area, a Public meeting shall be called in the same manner as if an amendment to this Bylaw were being considered.
- (4) Changes to a Development Scheme that do not change the approved intent of the Use of the Lot such as small additions to a Building, Lot Subdivision

or consolidation will not be considered an amendment to the Development Scheme and may be approved by a Development officer.

15.7 **SPECIAL REQUIREMENTS: DEVELOPMENT CONCEPTS ADJACENT TO RESIDENTIAL ZONES**

- (1) Notwithstanding any other provision of this Bylaw, where a Development Concept located on lands Zoned CDA directly abuts on a Residential Zone, the following conditions shall be complied with:
 - (a) A strip of land not less than 60 m. (196.7 ft.) in width along the Lot Line within the CDA Zone and adjacent to a Single Family Residential Zone shall be restricted to residential Uses and shall incorporate a transition in density from lower density residential to higher density residential compatible with adjacent residential Uses.
 - (b) Transition residential Lots shall be a minimum of 10% larger than the minimum Lot standards for the relevant category of residential Lot and such additional space shall be located in the yard adjacent to any commercial properties.
 - (c) outdoor storage shall be prohibited adjacent to a Residential Zone unless outdoor storage is screened.

15.8 **GENERAL**

MADISON HEIGHTS NARROW LOT REQUIREMENTS

****Removed – See Section 10.5(1)(c) ** - (amended June 11, 2014)**

SECTION #16 - AGRICULTURAL RESERVE ZONE (A1)

16.1 GENERAL

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an A1 Zone shall conform with the provisions of this section.

16.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be Used for purposes other than:
 - (a) Agricultural Uses;
 - (b) Resource Uses;
 - (c) Parks and Open Space;
 - (d) Accessory Buildings which in the opinion of the Authority Having Jurisdiction are clearly incidental to the main Use of land;
 - (e) Accessory Single Family Dwelling, in connection with a Farm
 - (f) Excavation Pits;
 - (g) Single Family Dwellings, in accordance with the provisions of section 16.4;
 - (h) Wind Energy System; and
 - (i) Farm Gate Outlets.

16.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 16.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Use where it deems the Development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:
 - (a) Group Homes with maximum capacity of six (6) clients.

16.4

LOT REQUIREMENTS

The following regulations shall apply to Development in an A1 Zone:
(amended December 20, 2017)

Minimum Lot Area	446.9 sq. m. (43,560 sq. ft.)
Minimum Frontage	45.72 m. (150 ft.)
Minimum Front Yard	15.24 m. (50 ft.)
Minimum Rear Yard	7.62 m. (25 ft.)
Minimum Side Yard	4.57 m. (15 ft.)
Minimum Flanking Yard	15.24 m. (50 ft.)
Maximum Height of any Building	12.19 m. (40 ft.)

All Lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix “B.”

16.5

INTENSIVE LIVESTOCK OPERATIONS

- (1) The following separation distances shall apply to all new Intensive Livestock Operations or extensions. The following separation distances shall also apply to a new residential development in the vicinity of an Intensive Livestock Operation:

Distance from any Dwelling on an adjacent property	152.4 m. (500 ft.)
Distance from a Public Road	45.72 m. (150 ft.)
Distance from any Domestic Well	152.4 m. (500 ft.)
Distance from any Lot Line	45.72 m. (150 ft.)
Distance from any Watercourse or Wetland boundary	90.00 m. (295.3 ft.)

- (3) Where a new intensive livestock operation is proposed within 300 m. (984.2 ft.) of an existing residential Subdivision, the Authority Having Jurisdiction shall notify the Property owners within 300 m. (984.2 ft.) of the proposed operation and invite their comments.
- (4) All intensive livestock Buildings shall have a manure storage facility with a capacity for retention of manure for a period of time for which conditions do not permit spreading.
- (5) The Authority Having Jurisdiction may consult the Department of Agriculture for manure storage capacities and design standards and shall require the livestock operator to follow these capacity and design requirements.

16.6 **EXCAVATION PITS**

- (1) No contractor or a property owner shall open or operate an Excavation Pit without first applying for and receiving a permit from the Authority Having Jurisdiction:
- (2) Applications shall be pursuant to the Environmental Protection Act, Excavation Pits Regulations, R.S.P.E.I. 1988, Cap. E-9.

SECTION #17 - RECREATION AND OPEN SPACE ZONE (O1)

17.1 **GENERAL**

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an O1 Zone shall conform with the provisions of this section.

17.2 **PERMITTED USES**

- (1) No Buildings or part thereof and no land shall be Used for purposes other than:
- (a) Public parks;
 - (b) Campgrounds;
 - (c) Open Space and conservation activities;
 - (d) golf courses, golf driving ranges and mini-golf courses;
 - (e) recreational Uses;
 - (f) pavilions and band shells;
 - (g) marinas and yacht Clubs;
 - (h) Gardens;
 - (i) recreation administrative offices;
 - (j) parking Lots related to the above; and
 - (k) Accessory Buildings.

17.3 **LOT REQUIREMENTS**
(amended December 20, 2017)

Minimum Lot Area	4,046.9 sq. m. (43,560 sq. ft.)
Minimum Lot Frontage	45.72 m. (150 ft.)
Minimum Front Yard	15.24 (50 ft.)
Minimum Side Yard	7.62 m. (25 ft.)
Maximum Height of Building	12.19 m. (40 ft.)

All Lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix “B”.

SECTION #18 - ENVIRONMENTAL RESERVE ZONE (O2)

18.1 GENERAL

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an O2 Zone shall conform with the provisions of this section.

18.2 PERMITTED USES

(1) Within any Wetland Boundary or Watercourse Boundary and any area within 15 m. (49.2 ft.) of a Wetland or Watercourse, no Building or part thereof and no land shall be Used for purposes other than:

- (a) Passive recreational Uses, such as skiing or hiking; and
- (b) Conservation related activities.

18.3 ZONE REQUIREMENTS

Within an O2 Zone, no Person shall cut down any trees or disturb the natural ground cover without first submitting a landscape plan to the Authority Having Jurisdiction documenting all proposed changes to the topography and vegetation and measures to control erosion and siltation.

SECTION #19 - PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI)

19.1 **GENERAL**

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in a PSI Zone shall conform with the provisions of this section.

19.2 **PERMITTED USES**

- (1) No Building or part thereof and no land shall be Used for purposes other than:
- (a) Institutional Buildings;
 - (b) Group Homes;
 - (c) civic centres;
 - (d) Accessory Buildings;
 - (e) Public and private parks;
 - (f) recreational Uses;
 - (g) Burial Place;
 - (h) Church/Religious/Multi-cultural Buildings; and
 - (i) **Gardens. (amended June 14, 2016)**

19.3 **SPECIAL PERMIT USES**

- (1) Notwithstanding section 19.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:
- (a) retail operations associated with Hospitals and Clinics such as pharmacies and medical supply stores; and
 - (b) Apartment Buildings designed and built specifically for people with disabilities.

19.4 **LOT REQUIREMENTS (amended July 23, 2015) (amended December 20, 2017)**

Minimum Lot Area	1,393.5 sq. m. (15,000 sq. ft.)
Minimum Lot Frontage	30.48 m. (100 ft.)
Minimum Front Yard	6.1 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	2.29 m. (7.5 ft.)
Minimum Flankage Yard	6.1 m. (20 ft.)
Maximum Height of Building	12.19 m. (40 ft.)

All Lots shall also conform with the Provincial Minimum Lot Standards as noted in Appendix “B.”

SECTION #20 - VARIANCE

- 20.1
- (1) All variance applications over 5% require the Town to give written notification to all properties within 75 m. (246.1 ft.) of the subject Property.
 - (2) The Development Officer may authorize a variance not exceeding 5% from the provisions of this Bylaw if the variance is appropriate, and if the general intent and purpose of this Bylaw is maintained.
 - (3) Council may authorize a variance not exceeding 10% from the provisions of this Bylaw if the variance is appropriate, and if the general intent and purpose of this Bylaw is maintained.
 - (4) 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.
 - (5) Authorization for a variance shall be documented and recorded in writing.
 - (6) Notwithstanding any other section of this Bylaw, Council in its discretion may authorize variances in excess of ten percent (10%) variance from the provisions of this Bylaw, where warranted, if Council deems such a variance appropriate and if such variance is in keeping with the general intent and purpose of this Bylaw or the Official Plan for the Town of Cornwall.

SECTION #21 - ZONING AND OFFICIAL PLAN AMENDMENTS

21.1 AMENDMENT APPLICATIONS

- (1) All amendments shall be adopted in accordance with the procedures set out in the *Planning Act*.
- (2) A change to either the text or the zoning map of this Bylaw shall be considered an amendment and must be consistent with Official Plan policies.
- (3) Council may amend an Official Plan policy to enable a zoning amendment, including policy statements and/or the General Land Use Plan. Such Official Plan amendment shall proceed concurrently with the zoning amendment.
- (4) A Person who seeks an amendment to this Bylaw or the Official Plan shall address a written and signed application to the Authority Having Jurisdiction.
- (5) An application under this section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to:
 - (a) general Development Concept showing proposed land Uses, any Subdivisions, Buildings, means of servicing, traffic access and parking; and
 - (b) assessment of any potentially significant Development impacts on Town infrastructure and the natural environment.
- (6) The Applicant shall at the time of submitting the application, deposit with the Town the application fee and any other required fees in accordance with the schedule of fees established by Council and annexed hereto as Appendix D.

21.2 AMENDMENT PROCEDURES

- (1) Planning Board shall review each amendment request and provide recommendations to Council.
- (2) Planning Board and Council shall consider the following general criteria when reviewing applications for zoning amendments, as applicable:

- (a) Conformity with all requirements of this Bylaw;
 - (b) Conformity with the Official Plan;
 - (c) Suitability of the site for the proposed Development;
 - (d) Compatibility of the proposed Development with surrounding land Uses, including both existing and future Uses as per the Zoning Map;
 - (e) Any comments from residents or other interested Persons;
 - (f) Adequacy of existing water, sewer, Road, storm water, and Parklands for accommodating the Development, and any projected infrastructure requirements;
 - (g) Impacts from the Development on pedestrian/vehicular access and safety, and on Public safety generally;
 - (h) Compatibility of the Development with environmental, scenic and Historic Resources;
 - (i) Impact on Town finances and budgets; and
 - (j) Other matters as considered relevant by the Authority Having Jurisdiction.
- (3) The Authority Having Jurisdiction 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 Authority Having Jurisdiction not proceed with a Public meeting, the application fee as per section 21.1 (6) shall be returned to the Applicant.
- (4) **Subject to section 21.2 (3) above, the Authority Having Jurisdiction shall hold a Public meeting to solicit input from public on the proposed amendment request. At least seven (7) clear days prior to the Public meeting, the Town shall:**
- (a) **place a Sign a minimum of 1.22 m. by 1.22 m. (4 ft. by 4 ft.) on the land being proposed for rezoning indicating that a rezoning request has been received;**

- (b) **post the date, time and place of the public meeting, together with the general terms of the application, by:**

 - (i) **notice in a newspaper circulation in the area and on the Town’s website; and**
 - (ii) **written notice to all Property owners wholly or partially within 60.96 m. (200 ft.) of all boundaries of the subject Property. (amended June 14, 2016)**

- (5) Following the Public meeting, the Authority Having Jurisdiction shall formulate a decision on the proposed amendment. The Authority Having Jurisdiction shall have the authority to determine whether an amendment request is approved, modified, or denied and applications shall be approved or denied by resolution of Council. The Applicant shall be notified in writing of the decision and the decision shall be posted on the Town’s website.

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

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

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

SECTION #22 - GENERAL PROVISIONS FOR SUBDIVIDING LAND

22.1 SUBDIVISION APPROVAL

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, as applicable.

22.2 CONVEYING INTEREST IN A LOT

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

22.3 PERMISSION TO SUBDIVIDE

- (1) No land shall be subdivided within the Town 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 be conveniently 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 safe traffic flow;
 - (h) is designed so that Lots will have suitable dimensions, shapes, orientation and accessibility; and
 - (i) is suitable to the Use for which it is intended, and the future Use of adjacent lands.

22.4 **CHANGES TO EXISTING LOTS**

- (1) No Person shall reduce the dimensions or change the Use of any existing Lot where the Authority Having Jurisdiction deems there would be a detrimental effect 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 Authority Having Jurisdiction shall notify all property owners within 150 m. (492.1 ft.) of the boundaries of the Lot in writing, informing them of the details of the application and soliciting their comments. (amended December 20, 2017)**

22.5 **SPECIAL REQUIREMENTS - AGRICULTURAL RESERVE (A1) ZONE**

- (1) Within an Agricultural Reserve (A1) Zone, no Person shall be permitted to subdivide from any existing parcel of land more than two (2) Lots.
- (2) For the purposes of this section “existing parcel” shall mean a parcel of land which was held in separate ownership as of January 25, 1989.
- (3) Any Lots subdivided pursuant to this section shall conform to the Lot requirements for an A1 Zone, the driveway access requirements of section 4.5, and all other relevant provisions of this Bylaw.
- (4) Within an Agricultural Reserve (A1) Zone:
 - (a) A residential Subdivision shall not be permitted within 152.4 m. (500 ft.) of an existing intensive livestock operation.
 - (b) Where a residential Subdivision is proposed, the Authority Having Jurisdiction shall notify operators of intensive livestock operations within 300 m. (984.2 ft.) of the boundaries of the Lot in writing, informing them of the details of the application and soliciting their comments.

22.6 **SPECIAL REQUIREMENTS - COASTAL SUBDIVISIONS**

- (1) Where a Subdivision is located along a Coastal Area or Watercourse, the Subdivision shall include the following:

- (a) Public access to the beach or Watercourse if the Property being subdivided includes Frontage on a beach or Watercourse, with at least one access to be located approximately every 200 m. (656.2 ft.) of Watercourse Frontage;
- (b) Where appropriate, the area to be set aside as Parkland dedication shall be located at least in part along the Watercourse; and
- (c) Beach and Watercourse Public accesses shall measure at least 6.1 m. (20 ft.) in width.

22.7

PROCEDURE

- (1) Any Person seeking approval of a Subdivision shall first make application for preliminary approval, and shall be required to submit to the Development Officer, along with the application in the form approved by the Authority Having Jurisdiction, the application fee as set forth in Appendix D and five (5) copies of a preliminary Subdivision plan drawn to scale showing:
 - (a) the true shape and dimensions of every Lot;
 - (b) the location of every existing Building or Structure on the parcel;
 - (c) existing and proposed services and utilities;
 - (d) proposed widths and locations of all Streets;
 - (e) location of land proposed for recreation and Public Open Space Use; and
 - (f) the existing Use of the land and all immediately adjacent properties, showing Buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.
- (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 soil test(s);
 - (b) contours and spot elevations;
 - (c) traffic surveys; and

- (d) storm water management plan.
- (3) The Authority Having Jurisdiction may refuse to approve a Subdivision which is unsuitable under the provisions of this Bylaw. In formulating its decision, the Authority Having Jurisdiction may consult with Government officials and private consultants and may conduct a Public hearing to consider Public opinion, in accordance with the procedures established in section 21.2.
- (4) 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.
- (5) Preliminary approval for any proposed Subdivision shall not be construed as final approval of such Subdivision for legal conveyance or for land registration purposes.
- (6) Preliminary approval shall be effective for a period of 12 months, or such additional time as may be authorized by Council.

22.8

PARKLAND DEDICATION and/or PARK DEDICATION FEE

- (1) The Authority Having Jurisdiction may require, for the purpose of developing Parkland, that up to ten percent (10%) of the lands being subdivided be conveyed to the Town in the form of dedication of land, fee or a combination of both. The physical condition and location of parkland shall be determined by the Authority Having Jurisdiction.
- (2) The Authority Having Jurisdiction retains the right not to accept a dedication of land but rather may impose a minimum park dedication fee of five percent (5%) up to a maximum of ten percent (10%) of the land assessment of the subdivided lands, which sum shall be specifically designated for the purchase, development or maintenance of Public parklands in the Town. It is understood that the park dedication fee shall be 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 value of Structures on such lands. The Authority Having Jurisdiction retains the right to use the Province's Land Valuation and Assessment Division in determining the assessed value of the land.

22.9 **SERVICING**

The Authority Having Jurisdiction may require that new Subdivisions be provided with central water and sewer systems as a condition of Subdivision approval. Developers may be required to contribute to the capital costs necessitated for the Development.

22.10 **SUBDIVISION AGREEMENT**

- (1) The Authority Having Jurisdiction may require an Applicant to enter into a Subdivision agreement as a condition of Subdivision approval. The Subdivision agreement may cover any matters as required by the Authority Having Jurisdiction and may include, but not be limited to the following:
 - (a) the design and construction costs of sidewalks, water supply, sanitary and storm sewers, Roads, 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 Roads to provincial standards and deeding of Roads to the Department of Transportation and Infrastructure Renewal or its successor;
 - (d) the posting of a financial guarantee satisfactory to the Authority Having Jurisdiction;
 - (e) the provision of a controlled landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of Lots within the Subdivision and adjacent properties;
 - (f) 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.

22.11

FINAL APPROVAL

- (1) Final Subdivision approval shall be granted by the Town only after the Applicant has:
 - (a) complied fully with all applicable requirements of this section and any Subdivision agreement between the Applicant and the Town;
 - (b) submitted seven (7) copies of a final Survey Plan showing all Lots pinned and certified by a surveyor registered to practice in the Province; and
 - (c) completed an agreement with the provincial Department of Transportation and Infrastructure Renewal or successor respecting Road construction and the Roads have been accepted as Public.
- (2) The Town may grant final approval to part of a Subdivision which is proposed to be developed in Phases.
- (3) The Town shall give notice of final approval of a Subdivision in writing, and shall place its seal on the seven copies of the Survey Plan and shall return one copy to the subdivider.
- (4) The Town shall file copies of the final Survey Plan with:
 - (a) the Registrar of Deeds;
 - (b) **the Department of Transportation, Infrastructure and Energy or any successor department of Transportation; (amended June 14, 2016)**
 - (c) the Authority Having Jurisdiction files; and
 - (d) the local utilities, as required.

22.12

SEVERANCES/CONSOLIDATION

Notwithstanding the above provisions, the Authority Having Jurisdiction may approve applications for single Lot Subdivisions, partial Lots or easements and Lot Consolidations or Subdivisions which do not require the extension of municipal services or Public roads at its discretion, having regard for only those provisions which it deems applicable to each individual application, provided the application conforms with all other sections of this Bylaw.

22.13

BUILDING PERMITS

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.

22.14

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.

SECTION #23 - PENALTIES

- 23.1
- (1) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction.
 - (a) on a first conviction, to a fine not exceeding \$2,000;
 - (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 he was first convicted.
 - (2) Any prosecution for an offence under subsection (1) may be instituted within one year after the time when the contravention occurred.

SECTION #24 - REPEAL

24.1 **EFFECTIVE DATE**

This Bylaw shall come into force effective _____.

24.2 **REPEAL**

The Town of Cornwall Zoning and Subdivision Bylaw #403 (enacted July 26, 2004, last amendment November 14, 2012) is hereby repealed.

SECTION #25 – DEFINITIONS

(amended June 11, 2014)

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

In this Bylaw:

ACCESSORY BUILDING - means a separate subordinate Building, not Used for human habitation which is Used or intended for the better or more convenient enjoyment of the Main Building to which it is accessory, and located upon the parcel of land upon which such Building is to be erected.

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 includes:

“General Agricultural Use” - means an Agricultural Use of a Building or land pursuant to the Farm Practices Act, 1988 Cap. F-4.1.

“Intensive Agricultural Use” - means an Agricultural Use of a Building or land for potato production, tobacco production, and Intensive Livestock Operations such as abattoirs, piggeries, year-round feed Lots, and commercial poultry-keeping based on confinement rather than free-range operations.

ALLOWABLE USE - means a Use identified as allowable in a Zone, including:

“Permitted Use” - means a Use which is allowable by right, subject to meeting applicable Bylaw requirements.

“Special Permit Use” - means a Use that may be problematic within a Development Zone and whose intensity, impacts or other characteristics require review to ensure that the Development meets certain restrictive performance standards for the Use at the designated location.

ALTER - means to make a change in the site, shape, bulk or Structure, whether interior or exterior, of a Building or any part thereof, but does not include repairs carried out for the purposes of maintenance or non-structural renovation or improvement.

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

APPLICANT - means any Person responsible for completing 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.

AUTHORITY HAVING JURISDICTION - means Province, Council, the Development Officer or an agent of the Town.

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 twenty percent (20%) of the length of the wall or roof line is common with the Main Building or Structure wall or roof.

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 OR SERVICE STATION - means a Building or part of a Building or a clearly defined space on a Lot used for the sale of lubricating oils and gasolines and may include the sale of automobile accessories 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 automobile washing equipment which is manual, automatic or semi-automatic.

AUTO BODY REPAIR SHOP or AUTO BODY SHOP - means a Building Used for the storage, repair, and servicing of motor Vehicles including body repair, detailing, painting and engine rebuilding, but does not include an Automobile Service Station or an Automobile Sales Establishment.

AWNING – means a rooflike 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. (amended June 11, 2014)

BASEMENT - means a Storey or Stories of a Building located below the First Storey.

BED AND BREAKFAST - means a Dwelling occupied by a Family and Used incidentally to provide accommodation of up to three (3) separate rooms and meals to transient travellers and includes tourist home but does not include boarding house, rooming house, domiciliary hostel, Group Home, Hotel, Motel, Restaurant or Lounge.

BLOCK - means the smallest unit of land that is bounded on all sides by Watercourses, Streets, Zone boundaries, large tracts of land, or any combination thereof as determined by the Authority Having Jurisdiction.

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

BUILDING HEIGHT - means the vertical distance measured from the average finished Grade to the highest point of the roof surface in the case of a flat roof, or the ridge of a gable, hip, or gambrel roof, and excluding such Structures as steeples, spires, lightning rods, water tanks, monuments, elevator enclosures, roof top mechanical enclosures, silos, flag poles, lightning standards, television or radio antennas, telecommunications towers, ventilators, skylights, chimneys, smoke stacks, clock towers, solar collectors, power transmission towers, roof top cupolas, Wind Energy Systems, or utility poles.

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

BUILDING SETBACK - means the distance between the Street line, measured at right angles to the Street line, to the nearest Main Wall of any Building or Structure.

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

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

CAMPGROUND - means an area of land, managed as a unit, providing short term accommodation for tents, tent trailers, Recreational Vehicles and campers, but does not include a Mini Home Court.

CANOPY – **means a roof free of enclosing walls over an entrance to a Building, Structure or gasoline pump island. (amended June 11, 2014)**

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.

CHILD CARE FACILITY - means any place where or in which child care is offered at any time to:

- (i) more than six children;
- (ii) more than five children all of whom are less than six years of age; or
- (iii) more than three children all of whom are less than two years of age.

CHURCH/RELIGIOUS/MULTI-CULTURAL BUILDING - includes any Structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any Person(s) attending meetings of certain rituals, religious doctrines and/or practices.

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.

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 Province, lying within 500 m. (1640.42 ft.) inland and seaward of the mean high water mark of all coastal and tidal waters.

COMMUNITY CARE FACILITY - means an establishment that provides care services for compensation to five or more residents who are not members of the operator's Immediate Family but does not, unless otherwise ordered by the Lieutenant Governor in Council, include:

- i) a Group Home recognized as such by the Minister;
- ii) a residential school;
- iii) an establishment providing accommodation only;
- iv) a Hospital;
- v) a correctional institution;
- vi) a facility in which addiction treatment services are provided;
- vii) a Nursing Home; or
- viii) a residential or nursing care home which is operated by or on behalf of the Province.

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

CONVENIENCE STORE - means a retail commercial establishment supplying daily household necessities for an area in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to compliment such items which may include the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, tobacco products and video tape sales and rentals.

COUNCIL - means the Council for the Town of Cornwall.

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.

DEMOLITION - means to remove, pull down or destroy a Structure.

DENSITY BONUS - means obtaining extra Dwelling Units over and above the maximum allowable for meeting or exceeding the Barrier Free Access Standards.

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 without limiting the generality of the foregoing.

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

DEVELOPMENT CONCEPT PLAN - means a plan drawn to represent a proposed Development showing all necessary information in order to confirm compliance with this Bylaw.

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.

DEVELOPMENT SCHEME - means a detailed plan showing the location, land Use and form of all Development of any land in a defined area.

DISPLAY - includes any item, group of items, Sign, or billboard visible to the general Public, indicating that items or services are offered for sale or trade, but does not include Premise Signs.

DOMESTIC ARTS - means a vocation that can be carried out in a Dwelling Unit which shall include and be limited to:

- (a) dressmaking and tailoring;
- (b) hairdressing, barber shop and esthetics;
- (c) instruction in the arts (music, dance, etc.); and

- (d) arts and crafts, weaving, painting, sculpture, and repair of Garden or household ornaments, personal effects or toys.

DWELLING - means a Building or portion thereof designated or used for residential occupancy, but does not include Hotels and Motels.

"Accessory Single Family Dwelling" - means a separate subordinate Building designed or Used for occupancy as one Dwelling Unit for the sole purpose of accommodating a Person and their family employed by the owner(s) of the Farm Property Main Building Single Family Dwelling.

"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.

"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. An "Apartment Dwelling" does not include a "Row House Dwelling."

"Block Townhouse Dwelling" - means a Building that is divided vertically into three or more Dwellings, each with an outdoor entrance at or above Grade, but without their own Street Frontage.

"Duplex Dwelling" - a Building that is divided horizontally into two Dwellings, each with their own outdoor entrance.

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

"Narrow Lot Single Family Dwelling" - means a Building designed or Used for occupancy as one Dwelling Unit and shall include Modular Homes on a Lot which meets the requirements of a narrow Lot Development.

"Semi-detached Dwelling" - means a Building divided vertically into two (2) separate units, each with their own Street Frontage and outdoor entrance.

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

"Townhouse Dwelling or Row House Dwelling" - means a Building that is divided vertically into three or more attached Dwelling Units, each with their own Street Frontage and outdoor entrance.

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.

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 Highway, or a snow-trap constructed to protect a Roadway from snow accumulation.

FAMILY - means individuals residing in one (1) Dwelling Unit, or group of individuals related by marriage, cohabitation, blood or adoption residing together in one (1) Dwelling Unit and includes domestic servants, non-paying guests and foster children, and not more than two (2) roomers or boarders living in the Dwelling Unit.

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 or FARM PROPERTY - means land comprising an area of 20.2 hectares (49.92 acres) or more, 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, R.S.P.E.I. 1988, Cap. R-4.

FENCE - means an artificially constructed barrier of any material or combination of materials Erected to enclose or screen areas of land.

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

FLOOR AREA - means:

- (a) 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.
- (b) With reference to "Commercial Building" - the total usable floor area within a Building used for commercial purposes excluding washrooms, furnace rooms and common halls between stores.
- (c) With reference to "Accessory Building" - the area contained within the outside walls.

FLOOR SPACE RATIO - means the ratio of the total Floor Area divided by the total Lot Area.

FORESTRY USE - means the Use of land for the growing, conservation, or harvesting of trees, but shall not include the processing or manufacturing of wood products.

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.

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.

GROUP HOME - means a Dwelling for six (6) or fewer residents who require special care or supervision, staffed 24 hours a day by trained care giver(s), and recognized as a group home by the Minister of Health and Wellness or by the Minister of any successor department. (Amended June 14, 2016)

HEALTH CLINIC - see "Clinic"

HEAVY EQUIPMENT - means vehicles, construction equipment and apparatuses, as well as equipment associated with any form of heavy manufacturing.

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

HIGHWAY, ROAD or STREET - means all the area within the boundary lines of every road, street

or right-of-way which is vested in the Province of Prince Edward Island or the municipality and used or intended for use by the general Public for the passage of Vehicles and includes any bridge over which any such road, street or right-of- way passes.

HISTORIC RESOURCE - means any work of nature or of man that is primarily of value for its paleontological, archaeological, prehistoric, historic, cultural, natural, scientific or aesthetic interest.

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.

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

HOUSEHOLD ARTS - see **DOMESTIC ARTS**

IMMEDIATE FAMILY - means the following Persons:

- (a) parents of the owner and his or her spouse;
- (b) the sons and/or daughters of the owner and his or her spouse;
- (c) the grandchildren of the owner and his or her spouse;
- (d) the grandparents of the owner and his or her spouse;
- (e) the brothers and/or sisters of the owner and his or her spouse; and
- (f) the aunts and/or uncles of the owner and his or her spouse.

IN-LAW SUITE - means a self-contained Dwelling Unit constructed in an owner-occupied Single Family Dwelling for the sole purpose of accommodating an Immediate Family member during a limited period of time in which the Immediate Family member may be in need of such a facility.

INSTITUTIONAL BUILDINGS - means premises, other than retail or industrial, Used for community services and includes:

- (a) cemeteries
- (b) churches, places of worship and religious institutions
- (c) colleges, universities and non-commercial schools
- (d) community centres
- (e) golf courses
- (f) government offices
- (g) Senior Citizens homes, Community Care Facilities, and Nursing Homes
- (h) Clinics and Hospitals
- (i) libraries, museums and art galleries
- (j) Public and private parks
- (k) Public and private recreational centres

- (l) Public and private schools
- (m) experimental Farms
- (n) Child Care Facilities.

INTENSIVE AGRICULTURAL USE - see Agricultural Use

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

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.

LIVESTOCK - means cattle, horses, swine, poultry, sheep, goats, fox and mink.

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 Building or 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 or Flag 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.

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.

MAIN BUILDING - means that Building in which is carried on 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 wheel chair ramps.

MAJOR RETAIL DEVELOPMENT - means any Development which foods, wares, merchandise, substances, articles, or things offered or kept for sale directly to the Public at retail that will have a major impact on the Town as a whole or any part thereof including, but so as not to limit the foregoing, any major impact on municipal services, transportation, tax rates, retail outlets, institutions and residential expansion.

MINI HOME - means a pre-manufactured Dwelling Unit having an average width of less than 6.1 m. (20 ft.), 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.

MINI HOME COURT - means a parcel of land on which a number of Mini Home sites are provided, and which may include other directly related Uses.

MODULAR HOME - means a pre-manufactured Dwelling Unit having an average width of 6.1 m. (20 ft.) or more, not including appurtenances such as porches, entries, etc.

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.

NARROW LOT DEVELOPMENT – means a multi-lot Subdivision comprised of lots for human habitation which is recognized by one designated name and which meets the lot requirements set forth in section 26.5 (1)(c) of this Bylaw. (Amended June 14, 2016)

NURSING HOME - means an establishment that, for compensation, provides continual residential accommodation with meals and housekeeping and nursing services, as required, to any five or more residents but does not, unless otherwise ordered by the Lieutenant Governor in Council, include

- (i) a group home, **(amended June 14, 2016)**
- (ii) a residential school,
- (iii) an establishment providing accommodation only,
- (iv) a hospital,
- (v) a correctional institution,

- (vi) a facility in which addiction treatment services are provided,
- (vii) a community care facility, or
- (viii) a residential or nursing care home which is operated by or on behalf of the Province.

OFFICIAL PLAN - means the Town of Cornwall's Official Plan as adopted by Council.

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 drive-ways, 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 not intended for immediate sale.

ORNAMENTAL STRUCTURES - means Landscaping or decorative architectural structures such as arbours, pergolas, fixed seating, sculptures or similar improvements.

PARKING SPACE - means an area of land which is suitable for the parking of a Vehicle, not less than 3.05 m. (10 ft.) wide and 6.1 m. (20 ft.) long, accessible to Vehicles without the need to move other Vehicles on adjacent areas.

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.

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

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: barbershop, hairdressing shops, beauty parlours, shoe repair, laundromats, tailoring, dry-cleaning, etc.)

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

PLANNING BOARD - means the Planning Board of the Town of Cornwall 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.

PROFESSIONAL OFFICE - means premises where goods and/or services are offered but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.

PROVINCE - means the Province of Prince Edward Island.

PUBLIC - means for the use of the general population.

PUBLIC PARK or **PARKLAND** - means land owned by the Town or some other level of government used or intended for use by members of the Public.

RECREATIONAL TRAILER or **VEHICLE** - means a vehicle which provides sleeping and other facilities for short periods of time, 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, pick-up coaches, motorized campers, motorized homes, recreation vehicles or other similar Vehicles.

RELIGIOUS LEADER - means a Person who leads certain rituals and helps spread religious doctrines and practices.

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

RESIDENTIAL ZONES - means RM1, RR, R1, R2, R2S, R3, PURD or CDA Zones. (Amended June 14, 2016)

RESOURCE USES - means any Uses involving the 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 industrial Uses such as processing plants.

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.

SCRAP 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.

SENIOR CITIZEN HOME - means any home for Senior Citizens either privately sponsored or administered by any Public agency or any service Club either of which obtains its financing from federal, provincial or municipal governments or agencies or by Public subscription or donations, or by an combination thereof, and shall include auxiliary uses such as Lounges and recreation facilities usually associated with Senior Citizens' Developments, and solely for the use of its residents.

SERVICE SHOP - means a Building or part thereof used for the sale and repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial, manufacturing or motor Vehicle body repair shops.

SIGN - means any Display or lettering, logos, lights, or illuminated neon tubes visible to the Public from outside or a Building or from a travelled way, which either conveys a message to the Public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a Use conducted, goods, products, services or facilities available, either on the Lot or on any other premises, excluding window Displays and merchandise.

“Billboard Sign” - means a free-standing Sign larger than 4.6 sq. m. (50 sq. ft.) in gross area, or a wall Sign covering more than ten percent (10%) of the wall area to which it is affixed.

“Community Identification Sign” - means a Sign identifying a municipality or neighbourhood.

“Fascia Sign” - means a Sign mounted on the exterior wall surface of a Building.

“Free Standing Sign” - means a self-supporting Sign not Attached to any Building, wall or Fence, but in a fixed location. This does not include portable or trailer type Signs.

“Mobile Sign” - means a portable Sign designed and intended to be moved from one site to another and is not permanently affixed to the ground or a Building but shall not include the side, body, or trailer of a commercial motor Vehicle.

“Off-Premise Sign” - means any Sign which is not on the premises or parcel of land on which the Business is situated.

“Political Sign” - means a Sign promoting a candidate or political party in support of an election.

“Premise Sign” - means a Sign that directs attention to a Business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the Lot upon which such Sign is located, or to which it is affixed.

“Projecting Sign” - means a Sign that projects from and is supported by the wall of a Building.

“Roof Sign” - means a Sign which is located above, or projects above, the lowest point of the eaves of the top of the parapet wall of any Building, or which is painted on or fastened to a roof.

“Sandwich Sign” - means a self-supporting, two sided, A-frame style Sign that is not affixed to the ground.

“Special Event Sign” - means a Sign not exceeding 0.4 sq.m. (4 sq.ft.) and erected for a period not to exceed three (3) consecutive days and is placed for the purpose of promoting an event such as a festival or large sporting event within the Town.

“Temporary Sign” - means a Sign intended to be Used for a period of no more than 30 days.

STABLE SURFACE - means a surfacing that meets the **standards of the Province’s Department of Transportation, Infrastructure and Energy, or any successor department of transportation** and may include 15 cm of Class A or B imported aggregate, recycled

asphalt paving (RAP), chip seal, concrete, roller compacted concrete, asphalt or other materials acceptable to the Authority Having Jurisdiction. **(Amended June 14, 2016)**

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 1.83 m. (6 ft.) above Grade and provided also that any portion of a Storey exceeding 4.27 m. (14 ft.) in Height shall be deemed an additional Storey for each 4.27 m. (14 ft.) or fraction thereof.

STREET or ROAD - see Highway.

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

STRUCTURAL ALTERATIONS - means any change in the structural component or physical appearance of a Building or Structure or any increase in the volume of a Building or Structure.

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.

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.

SUMMER COTTAGE/SEASONAL RESIDENCE - means a Dwelling intended for seasonal residential use from April 1st to November 30th annually and shall not include a year round residence.

SURVEY PLAN - means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island 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.).

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.

TOURIST ESTABLISHMENT - means a Dwelling in which is operated the seasonal Business of providing or offering overnight accommodation for transient guests for compensation.

TOWN or MUNICIPALITY - means the area incorporated and known as the Town of Cornwall.

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.

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.

WATER AND SEWER UTILITY - means the Town of Cornwall Water & Sewer Corporation.

WAREHOUSE - means a Building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.

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.

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, means the mean high water mark of the watercourse.

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 SYSTEM - may consist of either a wind turbine, a tower, guy wires and associated control or conversion electronics or a combination thereof, to convert wind mechanical energy to other forms of energy. Regulated by the *Renewable Energy Act* R.S.P.E.I. 1988, Cap. R-12.1.

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" or "Flanking Yard" - means the Side Yard of a Corner Lot extending from the Front Yard to the Rear Yard and between the flanking 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.

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 Appendix A to this Bylaw or as amended from time to time, depicting the boundaries of all land Use Zones.

SECTION #26 ~ SEMI-DETACHED RESIDENTIAL ZONE (R2S)

26.1 GENERAL

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an R2S Zone shall conform with the provisions of this section.

26.2 PERMITTED USES

(1) No Building or part thereof and no land shall be Used for purposes other than:

- (a) Single Family Dwellings;
- (b) Semi-detached Dwellings (up to 100% of the units in a Block);
- (c) Narrow Lot Single Family Dwellings, where a Narrow Lot Development has been approved;
- (d) Parks and Playgrounds; and
- (e) Accessory Buildings.

26.3 SPECAIL PERMIT USES

(1) Notwithstanding Section 26.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, the Development is fully serviced, all other relevant provisions of this Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:

- (a) Group Homes;
- (b) Child Care Facilities; and
- (c) Narrow Lot Developments.

26.4 SERVICING

All Developments in an R2S Zone shall be serviced by municipal sewer services and municipal water supply.

26.5 LOT REQUIREMENTS

(1) The following requirements shall apply to Development in an R2S Zone:

- (a) For Single Family Dwellings, Lot requirements shall be the same as Section 9.5;
- (b) For Semi-detached Dwellings, Lot requirements shall be the same as Section 10.5; and
- (c) For Narrow Lot Single Family Dwellings, the minimum Lot requirements shall be as follows: **(amended December 20, 2017)**

Requirement:	
Minimum Lot Area	371.6 sq. m. (4,000 sq. ft.)
Minimum Frontage	12.19 m. (40 ft.)
Minimum Front Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft)
Minimum Side Yard	2.29 m. (7.5 ft.)
Minimum Flankage Yard	6.10 m. (20 ft.)
Maximum Height of any Building	12.19 m. (40 ft.)

- (2) Semi-detached Dwellings must be built in accordance with Section 4.23.
- (3) In addition to the above requirements, all Lots shall conform to the provincial minimum Lot standards as noted in Appendix “B”.
- (4) Notwithstanding the above regulations, within existing approved Residential Subdivision Developments, the Authority Having Jurisdiction may require that new Development conforms with the Development standards which have been established, even if these standards exceed the minimum standards stated above.
- (5) Maximum Lot Coverage for a Semi-detached Dwelling shall be 35%.
- (6) Maximum Lot Coverage for approved Narrow Lot Single Family Dwellings shall be 30%. (amended December 20, 2017)**

Appendix A

Zoning Map

(Please contact the Town Hall (902) 566-2354 for a current copy of the Zoning Map)

Appendix B

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)

- 1) Notwithstanding the minimum Lot Areas set out in this column, the Development of a non-residential Lot which is serviced by an on-site septic systems shall be subject to the minimum requirements of the *Environment Protection Act Sewage Disposal Regulations*.
- 2) With respect to the minimum circle diameter requirement set out in column (f) of Table 1, where applicable, the space encompassed by the circle shall be in a location on the Lot which will accommodate on-site septic system.

Appendix C - Business Park Zone Effluent Restrictions

No discharge directly or indirectly into the sanitary sewer of any of the following will be accepted:

- a) Matter having a temperature more than 150 F.
- b) Matter which may contain any volatile oils or more than one hundred (100) parts per million by weight, of fat, oil or grease of animal or vegetable origin or fifteen (15) parts per million of oil or grease or mineral origin.
- c) Gasoline, benzene, naphtha, fuel oil, acetone, solvents or other flammable or explosive matter.
- d) Ashes, cinders, garbage, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, cellulose, paunch manure or other solids of a type or quantity capable of causing obstruction to the flow in the sewers or causing other interference with the proper operation of pumping facilities or sewage treatment equipment.
- e) Matter having a pH lower than 5.5 or higher than 9.5 or where the pH becomes lower than 5.5 or higher than 9.5 if the matter is diluted by any liquid.
- f) Any liquid matter containing suspended solids exceeding three hundred and fifty (350) parts per million by weight.
- g) Matter that may cause the death or injury to any Person or is capable of causing carnage or hazard to Structures equipment and Personnel of the sewage works.
- h) Hydrogen sulphide, carbon bisulphide, ammonia, trichloroethylene, sulphur dioxide, formaldehyde, chlorine, bromine, pyridine or any other matter that has or may cause an offensive odour or is capable of creating a Public nuisance.
- i) Any matter in which the BOD exceeds three hundred (300) parts per million.
- j) Animal wastes such as hair, wool or fur, feather, intestines or stomach casings, paunch manure or intestinal contents, hides or parts thereof, hooves, toenails, horns, bones and fleshings.
- k) Matter containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans or animals. Included in this category are waters or wastes containing metals or chemicals such as cyanide, hexavalent chromium, phenols, copper whose concentrations are more than:
 - (i) Chromium as CR (hexavalent) 3 ppm
 - (ii) Cyanide as HCN 2 ppm
 - (iii) Phenol equivalents (primary treatment) 50 ppm
 - (iv) Phenol equivalents (secondary treatment) 100 ppm
 - (v) Copper as Cu 1 ppm.

Appendix D
Schedule of Fees