



Town of Cornwall

ZONING AND SUBDIVISION CONTROL (DEVELOPMENT) BYLAW

Bylaw #422

March 2022

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SCHEDULE A ZONING MAP

SCHEDULE B PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS
REGULATIONS

SCHEDULE C BUSINESS PARK ZONE EFFLUENT RESTRICTIONS

SCHEDULE D SCHEDULE OF FEES

SCHEDULE E DESIGNATED MIXED USE CORE

1. SCOPE

1.1. TITLE

1. 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

1. 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 Section 14 (b) of the *Municipal Government Act*, R.S.P.E.I. 1988, c M-12.1.

1.3. AREA DEFINED

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

1.4. SCOPE

1. 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 Unit Dwellings of greater than 12 units;

- e. Subdivisions of more than one Lot;
- f. Variances of more than five percent (5%); and
- g. Special Permits.

2. DEVELOPMENT ZONES

2.1. DEVELOPMENT ZONES

1. 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 Schedule "A" on the Zoning Map. Such Zones may be referred to by the appropriate symbols.

| Zone | Symbol |
|--------------------------------------|--------|
| Mini Home | RM1 |
| Rural Residential | RR |
| Single-detached Residential | R1 |
| Two-Unit Residential | R2 |
| Attached Residential | R3 |
| Multiple Unit Residential | R4 |
| 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 Schedule 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; or
 - 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, as well as any area designated as a Municipal Wellfield.

2.3. ZONING MAP

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

2.4. PERMITTED USES

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

2.5. CERTAIN WORDS

1. 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 "may" is permissive and not mandatory.

2.6. UNITS OF MEASURE

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

2.7. SCHEDULES

1. All schedules attached to this Bylaw form part of this Bylaw.
2. Notwithstanding 2.7(1) above, certain matters in the Bylaw may be established or altered by resolution of Council, in accordance with Section 135 of the *Municipal Government Act*.
3. The matters referred to in subsection (2) shall be limited to:
 - a. Schedule of fees and charges for activities authorized by the Bylaw;
 - b. Forms required for the purposes of the Bylaw; and
 - c. Other matters related to the administration of the Bylaw.

3. ADMINISTRATION

3.1. DEVELOPMENT PERMIT REQUIRED

1. No Person shall, without first applying for and receiving a permit from the Development Officer or Council, as appropriate:
 - a. change the Use of a parcel of land, a Structure or part of a Structure;
 - b. commence any Development;
 - c. construct any Structure on a Property;
 - d. make Structural Alterations to any Structure;
 - e. 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 greater than 20 m² (215.28 ft²);
 - h. construct a new driveway or altered driveway access;
 - i. place, dump any fill or other material;
 - j. subdivide or consolidate a parcel or parcels of land;
 - k. construct a Fence more than 1.22 m. (4 ft.) high;
 - l. establish or place a Swimming Pool;
 - m. erect or replace a Wind Energy System or Solar array; or
 - n. construct or replace a Deck or Patio.

3.2. NO DEVELOPMENT PERMIT REQUIRED

1. Unless otherwise specified, no Development Permit shall be required for:
 - a. constructing or replacing a fence 1.22 m. (4 ft.) or less in height;
 - b. installing clotheslines, poles, and radio or television antennae, except satellite dishes larger than 0.61 m (2-foot) diameter;
 - c. making a garden;
 - d. growing a crop or preparing land for a crop;

- e. Making landscaping improvements or constructing or installing ornamental or play structures or accessory structures of 5.95 sq. m. (64 sq. ft.) or less in area;
 - f. conducting routine maintenance which has the effect of maintaining or restoring a structure or any of its elements to its original state or condition;
 - g. a development that involves the interior or exterior renovation of a building that will not change the shape of the building or increase its volume, will not add more dwelling units, or will not involve a change in the Use of the building; and
 - h. public utilities located within the street right-of-way, although the applicable requirements of this bylaw shall still be met.
2. When a Development does not require a Development Permit, the requirements of the Bylaw and any other applicable bylaws of the Municipality or any statute, regulation, or other enactment of the Provincial government or the Government of Canada, shall still apply.
 3. A Development Permit issued under the Bylaw does not substitute or supersede the requirement for a building permit for the construction, demolition, occupancy or use of a building under the *Building Codes Act*, RSPEI 1988, c B-5.1, and applicable regulations.
 4. A Building permit issued under the Provincial *Building Codes Act* and applicable regulations, does not substitute or supersede the requirement for a development permit under the Bylaw.

3.3. DEVELOPMENT PERMIT APPLICATIONS

1. Any Person applying for a permit shall do so on a form prescribed by Council and shall submit the application to the Town.
2. In addition to the development permit application required under 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) showing existing and proposed final grading and the grading relationships with adjacent lots prior to issuance of a permit, where the Development Officer deems it necessary to determine how the storm water drainage will be managed in accordance with Town's lot grading policy.
3. In addition to the development permit application required under Section 3.3 (1), the Applicant shall be required to submit a footing certificate (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 Development Officer deems it necessary to determine whether the proposed Development conforms to the requirements of this Bylaw before the construction continues.

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 Schedule D.
5. The Development Officer may require the Applicant to update information on the application form where in the opinion of the Development Officer the relevant information provided may have changed.

3.4. PAYMENT OF FEES

1. 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 Applicant.

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 Development Officer.
2. The Development Officer may revoke a Development Permit where information provided on the application is found to be inaccurate.

3.6. SITE PLAN

1. The Development Officer 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 including its elevation. The Applicant shall be responsible to ensure the size and elevation of the lateral will accommodate the proposed development;
 - 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 including any Deck, Porch or veranda attached thereto;
 - 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; and
- i. any other information the Development Officer deems necessary to determine whether the proposed development conforms to the requirement of this Bylaw.

3.7. CONDITIONS ON PERMITS

1. The Development Officer or Council, as appropriate, shall have the authority to impose conditions on a Development Permit subject to such conditions being directly related to and consistent with bylaws of the Town and the Official Plan.

3.8. DEVELOPMENT AGREEMENT

1. The Development Officer or Council, as appropriate, 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, as well as any other matters identified pursuant to subsection (2). Failure to comply with a Development Agreement shall constitute an offence under this Bylaw.
2. A Development Agreement may address but shall not be limited to the following matters:
 - a. Site plan design;
 - b. The design and construction of sidewalks, pathways, trails and other pedestrian circulation facilities;
 - c. Landscaping and screening, including the specification of the number and type of trees to be maintained and/or planted;
 - d. Vehicular access and exits;
 - e. The design and allocation of parking lots and parking spaces;
 - f. Signage;
 - g. Security and safety lighting;
 - h. Methods of waste storage and disposal;
 - i. Fencing; and
 - j. Any other matters that the Development Officer or Council, as appropriate, deems necessary to ensure the health, safety and convenience of Town residents and the travelling Public.

3. The development agreement shall be registered in accordance with the *Registry Act*, R.S.P.E.I. 1988, c. R-10.
4. A permit issued subject to a development agreement shall reference the signed agreement as a condition of the permit.
5. Fees associated with the preparation, registration and enforcement of the development agreement shall be paid by the Applicant.

3.9. OTHER INFORMATION

1. The Development Officer may require an Applicant to submit any additional information related to the proposed Development, which they deem 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 drainage plan, as appropriate;
 - d. location of Open Space and Amenity Areas;
 - e. Landscaping plan;
 - f. Buffer Zones adjacent to Wetland areas or Watercourses;
 - g. existing vegetation including trees;
 - h. easements;
 - i. proposed storage areas and description of any screening or fencing; and
 - j. traffic impact studies.
2. For a development application on a lot adjacent to or near a watercourse or wetland, the information required under Section 4.29 shall also be included.

3.10. AUTHORIZATION FOR INSPECTION

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

3.11.PERMITS POSTED

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

3.12.DEMOLITION OR MOVING PERMITS

1. 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.
2. When a Structure is demolished or moved, the well and sewerage disposal system, where they exist, must be decommissioned or temporarily capped in accordance with any applicable statute, regulation or other enactment.
3. When a Structure has been moved or demolished, the Applicant shall be responsible for ensuring the lot is graded appropriately to address any potential stormwater run-off and returned to a state that complies with the property maintenance bylaw.

3.13.CONSTRUCT IN ACCORDANCE WITH APPLICATION

1. 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.

3.14.DENYING PERMITS

1. No Development Permit shall be issued if:
 - a. the proposed Development could create a hazard to the general public or any resident of the Town or could injure or damage a neighbouring Lot or other property in the Town, including but not be limited to, hazards, injuries or damages arising from water drainage run-off;
 - b. the proposed Development could create a health, fire or accident hazard or increase the likelihood of the existence of rodents, vermin or other pests;
 - c. the proposed Development does not conform to this Bylaw or other bylaws of the Town or any applicable enactments of the Provincial Government or of the Government of Canada;
 - d. the method of water supply is not appropriate;
 - e. the method of sanitary waste disposal is not appropriate;
 - f. there is not a safe and efficient access to the Public Highway, Street, or Road;

- g. the proposed Development would create unsafe traffic conditions;
- h. the proposed Development involves a proposed access that requires the use of an existing Private Road or access over an adjacent property for which a legal right-of-way has not been properly granted;
- i. the proposed Development would be Detrimental to the environment by reason of noise, dust, drainage, infilling or excavation which affects environmentally sensitive or residential areas;
- j. the proposed Development would be Detrimental to the convenience, health, or safety of residents in the vicinity of the Development or of the general public; or
- k. the proposed Development does not conform to any lot grading policy adopted by Council.

3.15.SURVEYS REQUIRED

1. Where a Development Officer is unable to determine whether the proposed Development conforms to this Bylaw and other Bylaws, policies 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.

3.16.CONSTRUCTION PLAN

1. Prior to any construction being carried out, the Development Officer may require the Applicant to submit a construction plan(s) for the Development addressing such details as:
 - a. construction phasing;
 - b. hours of operation;
 - c. stockpiling of soil including the location and the date of removal;
 - d. temporary screening or fencing;
 - e. erosion or run-off control measures, including type, location and maintenance procedures;
 - f. heavy truck access; and
 - g. any other item which could in the opinion of the Development Officer present a nuisance or hazard during construction.
2. Except where otherwise authorized by Council, construction shall be permitted between the hours of 7 am and 7 pm, Monday to Saturday only.

3.17.FOOTING PLAN CERTIFICATE

1. In conjunction with subsection 3.3(3), above, the Development Officer may require the Applicant to submit a footing plan or certificate signed and sealed by a land surveyor or a professional engineer licensed to practice in the Province containing the following information:
 - a. closest distance from the concrete footing to all Property lines;
 - b. closest distance from the concrete footing to any buffer, Buffer Zone, or easements;
 - c. top of foundation elevation in relation to existing Grade and centre of Street;
 - d. elevations of door or window bucks in the foundation;
 - e. the location of existing structures and structures on adjacent properties; and
 - f. any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirement of this Bylaw.

3.18.STORM WATER MANAGEMENT PLANS

1. The Development Officer may, as part of a subdivision application, require the Applicant to submit a Storm Water Management Plan signed and sealed by a professional engineer licensed to practice in the Province, along with an attestation that the design is in accordance with acceptable standards and that no additional or changed storm water runoff shall be directed onto other lands unless legal permission has been obtained. The Storm Water Management 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;
 - 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 Development Officer deems necessary to determine whether or not the proposed development conforms to the requirement of this Bylaw.

3.19. PROPOSED LOT GRADING PLANS

1. The Development Officer may require an Applicant to submit a lot grading plan signed and sealed by a land surveyor or a professional engineer licensed to practice in the Province, prepared in accordance with any lot grading policy adopted by Council and any current stormwater management plan in place for the Lot, and containing the following information:
 - a. property site lines including dimensions and orientations;
 - b. location of all buildings/structures and all structure to property line setback distances;
 - c. existing and proposed elevations, including but not limited to existing and proposed structures, drainage channels and any other notable site features, and minimum 4.57m (15ft) into all adjacent properties
 - d. all existing and proposed public roads, existing private roads, internal drives, and existing and proposed driveway accesses and road rights-of-way denoting the names of all adjacent roads/highways;

- e. areas that may be used for the outdoor storage that will be visible on the site along with strategies for screening including but not limited to fencing, planting and other landscape screening techniques detailing the type, location, and expected height of proposed landscape buffers in each case;
- f. proposed site drainage, including any onsite storm water retention/detention, drainage swales, culverts, etc.;
- g. hard surface development areas indicating the materials used. (e.g., paved areas, compressed gravel surfaces);
- h. parking, and loading facilities where applicable including:
 - i. fully dimensioned staff and public parking plan, including tabulation of proposed and required parking spaces based on zoning requirements; and
 - ii. loading areas and docks;
- i. an attestation that the grading plan conforms to the stormwater management plan developed for the site; and
- j. any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirement of this Bylaw.

3.20.FIRE MARSHAL APPROVAL

1. The Development Officer may refer applications for a Development Permit to the provincial fire marshal's office for comment prior to the Development Permit being issued.

3.21.APPEALS

1. Any Person who is dissatisfied by a decision of the Development Officer or Council in respect to the administration of this bylaw may, within twenty-one (21) days of the decision, appeal to the Island Regulatory and Appeals Commission in accordance with Section 28 of the Planning Act.
2. Notwithstanding subsection (1) above, no appeals may be filed regarding a decision of the Development Officer or Council 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 Town.

4. GENERAL PROVISIONS

4.1. ACCESSORY BUILDINGS & STRUCTURES

1. Accessory Buildings and Structures may be permitted on any Lot or Mini Home Court Site but shall not:
 - a. be used for human habitation except where a Dwelling is a permitted Accessory Use;
 - b. be built closer than 1.22 m. (4 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 Public Service Institutional, Comprehensive Development Area, Business Park or Commercial Zone or for a Farm or Resource Use Structure, Accessory 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; or
 - c. exceed, except where otherwise provided for in this bylaw, a maximum of two (2) Buildings per Lot/Site, with a combined maximum total Floor Area of 92.9 sq. m. (1,000 sq. ft.).
3. Notwithstanding subsection (2) above, Council may approve a Development Permit for an Accessory Building in the Agricultural Reserve (A1) Zone or in the Rural Residential (RR) Zone that exceeds the Building height, Floor Area and/or number of Buildings per Lot, provided that the following criteria are met:
 - d. the minimum Yard requirements for the applicable Zone are met for all Buildings;
 - e. the maximum Lot Coverage for the applicable Zone is not exceed; and
 - f. all other Bylaw requirements are met.
4. 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.
5. All Accessory Buildings shall be included in the calculation of maximum Lot Coverage as described in the Lot requirements for the applicable Zone including where a Development Permit is not required under Section 3.2.

6. 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 Development Officer.
7. A Shipping Container shall only be used as an accessory building or structure for storage purposes in the Agricultural Reserve Zone (A1), Rural Residential Zone (RR), and General Commercial Zone (C1), subject to the following provisions:
 - a. shall be accessory use to the permitted Main Building on the same Lot;
 - b. shall be maintained in good condition, free from rust, painted to remove any markings and/or labels, and generally match the aesthetic character of the Main Building;
 - c. shall only be used to store dry goods and materials incidental to the operations or Use of the Main Building;
 - d. shall be subject to all other provisions of Section 4.1; and
 - e. shall be subject to all other provision of the applicable Zone.
8. Notwithstanding the above provisions, the Council may issue a special Development Permit for an Accessory Building located within the Front Yard or Flanking Side Yard of a Lot, where the Council 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 Council may impose.

4.2. ACCESSIBILITY

1. For all new multi-unit residential developments featuring twelve or more units, at least one (1) Barrier Free Access unit shall be provided for every twelve (12) units.

4.3. BED AND BREAKFAST ESTABLISHMENTS

1. Bed and breakfast establishments shall be permitted to operate in any Single-detached Dwelling in any residential or agricultural Zone subject to the following:
 - a. the Dwelling shall be occupied as a principal residence by the Property Owner and the external appearance of the Dwelling shall not be changed by the bed and breakfast operation;
 - b. not more than three (3) rooms shall be offered for overnight accommodation; and
 - c. adequate off-Street parking, in accordance with this Bylaw, separate from that required for the Dwelling, shall be provided; and
 - d. the Bed and Breakfast is licensed in accordance with the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3. A copy of the license shall be submitted to the Town and the license

number shall be included in all public and online advertisements of the Tourist Establishment.

4.4. BUSINESS USES IN RESIDENTIAL ZONES

1. Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit as a personal office for residents of the dwelling unit provided the personal office will not be visited by members of the public and no signage is posted. No development permit is required.
2. Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit for the instruction of up to two students at a time provided no signage is posted. No development permit is required.
3. The following and similar Uses are permitted in any single-detached or semi-detached dwelling as a Home Occupation:
 - a. Business or Professional Offices;
 - b. Family Home Centre, in accordance with the *Early Learning and Child Care Act* and Regulations;
 - c. Occupations and businesses that create arts and crafts, weavings, paintings, and sculptures;
 - d. The sale of arts and crafts, weavings, paintings, and sculptures that are created on site;
 - e. Dressmaking and tailoring;
 - f. Occupations and businesses that repair Garden or household furniture or ornaments, personal effects, clothing, or toys;
 - g. Hairdressing salon, barbershop or aesthetics shop;
 - h. Catering, for off-premise delivery of products;
 - i. Bed and breakfast;
 - j. Private lessons, tutoring, or training sessions of between 3 and 6 students at any one time;
 - k. Online Retail Store;
 - l. Photography studio; and
 - m. Animal grooming.
4. Where a Property is used for a home occupation in a single-detached or semi-detached dwelling unit, the following shall apply:

- a. the Dwelling shall be occupied as a residence by the principal operator and the external appearance of the Building or Property shall not be changed by the Home Occupation;
 - b. there shall be no more than two non-resident assistants or employees for the Home Occupation;
 - c. not more than 25% of the total Floor Area of the Dwelling shall be occupied by the Home Occupation;
 - d. Adequate off-Street parking, in accordance with this Bylaw, separate from that required for the Dwelling, shall be provided; and
 - e. There shall be no Open Storage or Display area.
5. The Home Occupation shall be limited to activities which in the opinion of the Development Officer would not create a residential nuisance due to issues such as traffic generation, noise or hours of operation.
6. The following Uses are prohibited on a Residential Lot:
- a. Automobile Shop;
 - b. Automobile Service Station;
 - c. Subject to clause d), Retail Store; and
 - d. Light industrial Uses, manufacturing and assembly facilities, or warehouse, wholesale and distribution operations and facilities permitted in the M2 Zone.

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 subsection (1) above, the Council may approve a Development Permit for a residential or commercial Structure that 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 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; and

- d. where no owner of the existing Private Right-of-way can be identified for the purposes of clause (c), a development agreement is registered in accordance with the provisions of the *Registry Act*, binding on the Lot owner making application for the development permit and their respective heirs, successors, and assigns, acknowledging the following:
“The private right-of-way serving PID _____ is not owned or maintained by either the Province of Prince Edward Island or the Town of Cornwall and therefore 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 any provincial or municipal services including grading, ditching, snowplowing, gravelling, school busing, solid waste collection, or emergency Vehicle access to the private right-of-way.”

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, smokestacks, clock towers, roof-mounted solar array, power transmission towers, roof top cupolas, meteorological test tower, Wind Energy Systems, or utility poles.
2. Notwithstanding any maximum Height restriction set out in this Bylaw and the variance provisions in Part 21, Council may approve a Building exceeding the maximum Height where:
 - a. the Building and construction are in accordance with the National Building Code;
 - b. the firefighting access has been approved by the provincial fire marshal’s office;
 - c. the Building contains a sprinkler system; and
 - d. in the opinion of the Council, the Building is compatible with surrounding development in terms of architectural design, building materials, building massing, building form and streetscape.

4.7. ACCESSORY DWELLING UNITS

1. Secondary Suites and Garden Suites shall be permitted, subject to the following:
 - a. the Property Owner shall submit a written application to the Town on the prescribed form;
 - b. the Secondary Suite or Garden Suite, or both, shall comply with the following:

| | Secondary Suite | Garden Suite |
|--|---|---|
| Permitted in association with | single detached dwellings, semi-detached dwellings and townhouse dwellings | single detached dwellings and semi-detached dwellings |
| Maximum floor area | <p>no more than the lesser of:</p> <ul style="list-style-type: none"> 40% of the total floor area of all storeys of the main dwelling, excluding the garage floor area and common spaces serving both dwelling units; or 80 sq. m. (861 sq. ft) of finished living space. | no more than 80 sq. m. (861 sq. ft) of finished living space |
| Use restrictions | not permitted in a main dwelling that is operated as a tourism establishment, boarding house, or group home and shall not be rented for a period of less than one month | shall not be operated as a tourism establishment and shall not be rented for a period of less than one month |
| Parking | one parking space, in addition to the parking space(s) required for the main dwelling and any Garden Suite under this Bylaw | one parking space, in addition to the parking space(s) required for the main dwelling and any Secondary Suite under this Bylaw |
| Number permitted per lot | 1 | 1 |
| Electrical, water, and sewer services | <ul style="list-style-type: none"> connected to the same electrical, water and sewer services as the main dwelling on the lot, except where a shared connection is not feasible or appropriate; and in the case of an on-site septic system, the system shall be certified by a qualified engineer licensed to practice in the province | <ul style="list-style-type: none"> connected to the same electrical, water and sewer services as the main dwelling on the lot, except where a shared connection is not feasible or appropriate; and in the case of an on-site septic system, the system shall be certified by a qualified engineer licensed to practice in the province |
| Design requirements | where the Secondary Suite has a separate outside entrance from the main dwelling, the entrance must | windows in the Garden Suite shall be placed and sized such that they minimize direct views of adjacent |

be located on the side or rear wall of the main dwelling

lot(s) through one or more of the following:

- Off-setting window placement to limit direct view into a window of an adjacent site;
 - Strategic placement of windows in conjunction with landscaping features; and/or
 - Placing larger windows to face a lane, flanking public roadway or other dwelling on the same site.
-

c. Garden Suites:

- i. shall be subject to the standards of clause 4.1(2)(c) with respect to the number of accessory buildings and structures per lot;
 - ii. may be established in existing accessory buildings, where all applicable standards can be met. In addition, a new or converted building containing a Garden Suite may include accessory uses such as a garage or storage; and
 - iii. shall not exceed one storey in height;
- d. Notwithstanding subclause 4.7(1)(c)(iii), where the Garden Suite is in an accessory building that includes accessory uses such as a garage or storage, the accessory building may be more than one storey, provided the living space does not exceed one storey in height and in no case shall the Garden Suite or accessory building containing the Garden Suite exceed the height of the main dwelling on the lot; and
- e. The Secondary Suite or Garden Suite or both shall meet the requirements of the National Building Code and all requirements under the Town's Bylaw.

4.8. BUFFERING

1. The provision and maintenance of adequate landscape buffering and/or appropriate fencing shall be required to the satisfaction of the Development Officer or Council, as appropriate, 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 and grading, including the preservation and planting of trees, shall be required for new Development to the satisfaction of the Development Officer or Council, as appropriate.

3. Where a C1, C2 Zone, or an M2 Zone property abuts a Residential Zone along a side or Rear Lot Line or both, a strip of land not less than 4.5 m. in width shall be landscaped along that Side or Rear Lot Line to the satisfaction of the Development Officer or Council, as appropriate, as part of the Development for which a Development Permit has been granted.
4. An adequate landscape buffer may consist of, among other things, the following or a combination of the following:
 - a. a grassed berm;
 - b. planted vegetation;
 - c. mature trees; 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 enactment 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, the higher or more stringent provision shall prevail.

4.10. MAIN BUILDINGS

1. 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.
2. In an R3 zone, no more than four (4) Main Buildings may be placed on a Lot.
3. Where more than one Main Building is located on the same Lot and are serviced by an Internal Drive providing access to the public right-of-way, the Development Officer may refer the proposed access, and may refer the site plan and Internal Drive design, to the provincial Fire Marshal's Office and the provincial department responsible for the *Roads Act* for review and comment.
4. The following Site Design Standards shall apply for Commercial or residential Lots containing more than one (1) Main Building on a Lot:
 - a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings, including through the enclosure of space in conjunction with other existing buildings or other proposed

buildings and the creation of focal points with respect to avenues of approach, terrain features and other buildings;

- b. With respect to vehicular and pedestrian circulation, including walkways, Interior Drives and parking, special attention shall be given to the location and number of access points to the public streets, width of Interior Drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient;
- c. At least one wall of each Main Building shall be oriented to face the Internal Drive;
- d. Off-street parking areas shall not open directly onto a public street but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified parking area and shall be kept clear of parked vehicles;
- e. Pedestrian walks shall be not less than 1.25 m (4.1 ft) in width and shall be provided wherever normal pedestrian traffic will occur;
- f. Exposed storage areas, exposed machinery installation, solid waste storage and pickup areas, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen planting or other screening methods as shall reasonably be required to prevent their being incongruous with existing or contemplated environment and the surrounding properties; and
- g. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police or other emergency personnel and equipment.

4.11. MAXIMUM LOT COVERAGE

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

4.12. MIXED USE

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

4.13. FRONT YARD SETBACKS BETWEEN EXISTING DWELLINGS

- 1. Notwithstanding the minimum front yard requirements in this bylaw, when a dwelling is erected adjacent to an existing dwelling or between two existing dwelling located within 15.24 m (50 ft)

of the proposed dwelling, the minimum front yard setback requirement shall be no less than that of the adjacent building(s) that is closest to the Highway, Road or Street.

2. Subsection 1 shall not apply to dwellings subject to the lot requirements set out in clause 14.4(3)d.

4.14. 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;
 - b. In cases of reconstruction, the reconstructed main building shall have no greater area than the main building it is replacing and no area from any existing structure on the property shall be removed and added to the area of that reconstructed Main Building; and
 - c. all other applicable provisions of this Bylaw are satisfied.
2. 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 Council, to the health or safety of residents in the vicinity or the general Public.

4.15. EXISTING NON-CONFORMING LOTS

1. Notwithstanding any other provisions of this Bylaw:
 - a. a vacant Lot held in separate ownership from adjoining parcels on the effective date of this Bylaw, having less than the minimum width, depth or area required, may be used for a purpose permitted in the Zone in which the Lot is located, and a 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.

2. A nonconforming lot which is increased in area or lot frontage or both, but remains undersized, is still considered an existing nonconforming lot.

4.16. 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. Any change of tenants or occupants of any premises or Building shall not of itself be deemed to affect the Use of the premises or Building for the purposes of this Bylaw.
5. A non-conforming Use of land, Building or Structure shall not be permitted to resume if it has been discontinued for a period of twelve (12) consecutive months without a bona fide intention to resume the non-conforming use, and in such event the land, Building or Structure shall not thereafter be used except in conformity with this Bylaw.
6. 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 to the extent that the intensification or increase would have the impact of changing the type of use, modifying or adding activities or creating undue additional or aggravated problems for the municipality or adjacent properties.
7. No increase in the area occupied by the non-conforming Use shall occur while a non-conforming Use is being continued to the extent that the increase in the area would have the impact of changing the type of use, modifying or adding activities or creating undue additional or aggravated problems for the municipality or adjacent properties.

4.17. 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 Development Officer;
- b. A 1.8 m. (6 ft.) Fence shall be constructed in such a manner as to impede unauthorized Persons from entering over or under said Fence;
- c. Any gate on such Fence shall be capable of being locked; and
- d. The Swimming Pool shall be placed not less than 2.29 m. (7.5 ft.) from the nearest side yard line and 4.57 m. (15 ft.) from the rear property line.

2. An inflatable temporary Swimming Pool is exempt from these requirements.

4.18. 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 Development Officer to be necessary and appropriate to the municipality shall be permitted in all Zones.

4.19. PETROLEUM STORAGE

1. 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.
2. Notwithstanding subsection (1), Underground Petroleum Storage Tanks shall not be permitted in any RM1, RR, R1, R2, R3, PURD, or O2 Zone, or within any area designated as a Municipal Wellfield.
3. The storage of gasoline on a residential Lot shall be limited to 50 litres (11 imperial gallons).

4.20. PUBLIC UTILITIES

1. 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.

4.21.RECREATIONAL TRAILERS OR VEHICLES

1. 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 addressing the permitted location and terms and conditions for such Use.

4.22.RENEWABLE ENERGY SYSTEMS

1. Solar arrays mounted on the wall of a building are prohibited.
2. Roof-mounted solar arrays shall be permitted upon submission of a certificate of compliance from a licensed structural engineer.
3. Ground-mounted solar arrays shall be permitted in all zones, subject to the following:
 - a. The minimum setback to adjacent side or rear lot lines for ground mounted solar arrays shall be 4.57 m (15 ft) or the height of the ground-mounted solar array as measured from grade to the highest point of the solar array, whichever is greater;
 - b. The maximum height of a ground-mounted solar array, as measured from grade to the highest point of the solar array, shall be 14 ft.
 - c. In a residential zone, ground mounted solar arrays may only be placed in the rear or side yard; and
 - d. The owner of the ground-mounted solar array shall remove the ground-mounted solar array and associated equipment sufficient to return the land to its previous use within two (2) years of ground-mounted solar array inactivity.
4. The application for a development permit for a ground-mounted solar array must include, in addition to the requirements of sections 3.6 and 3.9, the design of the solar collectors including racking and footings.
5. Ground-mounted solar arrays shall be subject to the lot coverage standards for the zone in which they are located.

4.23.SUBDIVISION REQUIREMENTS FOR SEMI-DETACHED OR TOWNHOUSE DWELLINGS

1. No Semi-Detached 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 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 Development Officer and such Subdivision provides for appropriate easements or common area to allow entry by an owner of any portion of the Building to their backyard area;
- b. the units shall be separated from the Basement floor to the underside of the roof sheathing by a vertical fire wall built in accordance with the National Building Code;
- 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 Development Officer waives the requirement;
- g. any required occupancy permit has been issued; and
- h. a copy of the agreement made between the owners covering the following terms is approved by the Council and registered on the title of each unit. The agreement will address the following:
 - i. common walls;
 - ii. maintenance;
 - iii. fire insurance;
 - iv. easements;
 - v. parking;
 - vi. snow removal;
 - vii. any other items jointly owned or used; and
 - viii. any other terms and conditions as shall be imposed by the Development Officer or Council, as appropriate.

4.24. TEMPORARY USES, BUILDINGS AND STRUCTURES PERMITTED

1. The Development Officer 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 Development Officer may deem appropriate to protect the interests of adjacent Property Owners or the general Public.

2. The permit shall require that the temporary Use shall be removed from the site within 30 days of completion of the main construction project.
3. The Development Officer may at their 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, use, or occasion. The Development Officer may attach such conditions as they deem appropriate to ensure Public safety and to mitigate any negative impacts on surrounding properties.

4.25. VISIBILITY AT STREET INTERSECTIONS

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

4.26. ENCROACHMENTS PERMITTED

1. 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, Heat Pumps, 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.) |

4.27. YARDS

1. Except for Accessory Buildings and ground-mounted solar arrays, 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 4.26.

4.28. BUILDING TO BE ERECTED ON A LOT

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

4.29. DEVELOPMENT ADJACENT TO WETLANDS AND WATERCOURSES

1. No person shall, without a license or a Watercourse, Wetland and Buffer Zone Activity Permit issued by the Province, alter or disturb the ground or soil within the Buffer Zone as defined in the *Environmental Protection Act*, Watercourse and Wetland Protection Regulations.
2. The minimum setback of any building or structure from a coastal area, wetland, watercourse or shoreline shall be the greater of 15 m (49.21 ft) plus the applicable building setback for the zone or 60 times the annual rate of erosion, where applicable, as determined by the provincial department responsible for such calculations.
3. A copy of a provincial Coastal Hazard Assessment shall be included with a development or subdivision application for a lot that is:
 - a. 4.17 m CGDV2013 (or 4.51 m CGVD28) or less in elevation and is adjacent to a coastal area, wetland, watercourse, or shoreline; or
 - b. located within 22.9 m (75 ft) of a coastal area, watercourse, or shoreline.
4. Where a property is at risk of coastal flooding or erosion, the Development Officer or Council, as appropriate, may require property owners to engage a qualified professional regarding the design and location of any coastal development to ensure that the projected lifespan of the development, value of a structure, and individual risk tolerances are considered when making decisions about the development of a coastal property.
5. No building or structure on a lot near a coastal area, wetland, watercourse, or shoreline shall be erected or placed where the elevation of the grade of the lot is 3.05 m CGVD2013 (3.846 chart datum) (3.39 m CGVD28) or less to avoid potential coastal flood risk, except where the structure will be used for fishing or bait sheds, aqua-culture operations, boat launches, wharfs, or structures or buildings on a property in which a wharf is located.
6. Where a property is at risk of coastal flooding and the finished grade of the lot can be raised to accommodate the projected risk, the grading plan shall be designed and stamped by a qualified engineer and any alteration to the grade shall not encroach within the Buffer Zone, as defined in the *Environmental Protection Act*, Watercourse and Wetland Protection Regulations, except where a Watercourse, Wetland and Buffer Zone Activity Permit has been issued by the Province.
7. An erosion management plan may be required to address siltation and overland erosion during construction that may impact an adjacent wetland or watercourse

8. Development will be in accordance with provincial policies and regulations to address coastal flood risk, erosion, and environmentally sensitive areas.

4.30. PEDESTRIAN INFRASTRUCTURE

1. The provision of pedestrian walkways, designed and built to the standard established by the Town, shall be required within new PURD Developments.
2. The Council may require that sidewalks be provided new developments where the sidewalks are necessary for connectivity with existing pedestrian infrastructure or to accommodate the anticipated volume of pedestrian activity associated with the proposed development.
3. Notwithstanding the development requirements in this bylaw, the Council may grant a Density Bonus of ten percent (10%) in terms of the total allowable units in an Apartment Dwelling, Townhouse or Block Townhouse Development where pedestrian walkway systems, designed and built to the standards established by the Town, are provided.

5. SIGNAGE

5.1. INTRODUCTION

1. 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 Development Officer.

5.2. GENERAL

1. No Off-Premises 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) or by the Town as an alternative to HISS signs;
 - b. up to two (2) commercial directional Signs per business, as approved by the Development Officer, with a maximum size of forty-eight (48) inches by eighteen (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 Development Officer;
 - 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;
 - e. shared, Free-Standing Signs at the entrance to a Business Park pursuant to the provisions of Section 5.9; and
 - f. electronic signs pursuant to the provisions of section 5.13.
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 Development Officer. 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. (86 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 Development Officer 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.
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 Development Officer. 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 Development Officer may identify a Sign which may be unsafe to the Public, either as an adjunct to pursuing their 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 Development Officer 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 Development Officer 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 subsection 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 not more than 0.3 square metres (32 sq. ft.) in area;
 - b. Signs for regulating the Use of Property such as “NO TRESPASSING” not more than 0.3 square metres (3.2 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, not more than 0.93 square metres (10 square feet) in area;
 - d. on-Premises directional or traffic control Signs not more than 0.3 square metres (3.2 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 not more than 3.7 square metres (40 square feet) in area;
- i. notwithstanding Section 5.9, entrance Display identification Signs for residential neighbourhoods or business parks 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;
- m. flags, buntings and temporary banners exhibited to temporarily commemorate national or civic holidays and such other events as approved by the Development Officer; and
- n. 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 Development Officer 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 Development Officer, 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 Sections 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:
- a. all businesses on the same Lot shall share one (1) Free-Standing Sign;
 - b. 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
 - c. where a Sign for a Building or Lot is shared by more than one (1) commercial business the Sign elements for all businesses shall 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 Development Officer.
2. The Development Officer may grant temporary permits for commercial Sandwich Signs for a period not to exceed six (6) months, where the Development Officer 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 Development Officer may revoke a temporary permit issued pursuant to this Section at any time where the Development Officer 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 Development Officer 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 a sports field or outdoor arena provided the Signs are intended for view from within the sports field or are not visible from the Street.

5.13.ELECTRONIC SIGNS

1. Electronic signs are permitted as part of a freestanding, fascia, or canopy sign in the PSI, C1 or M1 zones subject to the general provisions for those types of signs as well as the following standards:
 - a. the message duration shall not be less than 10 seconds;
 - b. the message transition shall be instantaneous;
 - c. the message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;
 - d. the maximum brightness levels of the electronic sign shall be 5,000 nits during daytime and 500 nits at nighttime;
 - e. the sign shall use automatic dimming technology which automatically adjusts the sign copy's brightness in direct correlation with ambient light conditions;
 - f. illumination shall not negatively impact adjacent residential properties;
 - g. the sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless the business is open or in operation during those hours; and
 - h. the sign shall be turned off in the case of a malfunction.

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 the following chart:

| Primary Type of Building | Minimum Requirement |
|--|--|
| Single-detached Dwelling | 2 Parking Spaces per Dwelling Unit |
| Accessory Dwelling Unit | 1 additional Parking Space per Dwelling Unit |
| Ground Oriented Housing | 1.5 Parking Spaces per Dwelling Unit |
| Apartment Dwelling and other Multiple Unit Dwellings | 1 Parking Spaces per Dwelling Unit |
| Senior Citizens Apartments and Community Care Facilities | 1 Parking Spaces per Dwelling Unit |
| Hospitals and Nursing Homes | 0.75 Parking Spaces per bed |
| Hotel, Motel or Other Tourist Establishment | 1 Parking Space per guest/room or rental unit and 1 Parking Space for each 5 sq. m. (53.8 sq. ft.) of Floor Area devoted for public use (e.g. banquet rooms, Lounge) |
| Auditoriums, Places of Worship, Halls, Libraries, Museums, Theatres, Arenas, Private Clubs, And Other Places of Assembly or Recreation | 1 Parking Space/20 sq. m. (215.2 sq. ft.) of public use area |
| Schools (public and private) | 1 space/employee + 1 drop-off space + elementary school 1 space/8 classrooms junior secondary school 1 space/4 classrooms senior secondary school 2 spaces/classroom |
| Funeral Home | 1 space/4.5 sq. m. (48.4 sq. ft.) of assembly area |
| Business and Professional Offices, Service and Personal Service Shops, and home occupations | 1 Parking Space per 30 sq. m. (323 sq. ft.) of Floor Area |
| Shopping Centre (Indoor Mall) | 1 Parking Space per 30 sq. m. (323 sq. ft.) of retail space, excluding temporary retail uses in public areas |
| Restaurant or Lounge | 1 Parking Space per four seats of seating capacity |
| Other Commercial / Retail Stores | 1 Parking Space per 25 sq. m. (269.1 sq. ft.) of Floor Area |

| Primary Type of Building | Minimum Requirement |
|--|---|
| Business Park | As determined by the Development Officer, 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 |
| Automobile Sales and Service Establishment | 1 Parking Space per 4.7 sq. m. (50 sq. ft.) of Floor Area |
| Automobile establishment: Automobile Service Station or Service Station, Automobile Washing Establishment, Auto Body Repair Shop or Auto Body Shop | 3 spaces / bay |
| All other Uses not listed | 1 space per 20 sq. m. (215 sq. ft.) of Floor Area, 1 space per 10 seats, or as otherwise determined by the Development Officer. |

2. Additional Parking Spaces may be required if, in the opinion of the Development Officer, the spaces required under Section 6.1(1) will not meet anticipated parking requirements.

3. Where,

- a. a proposed change of use within a building or structure existing as of the date of passage of this Bylaw; or
- b. the proposed expansion or an increase in capacity or intensity of use of any building or structure existing as of the date of passage of this Bylaw

will, in the opinion of the Development Officer, substantially increase the volume of traffic necessitating off-street parking, the number of additional parking or loading spaces required shall be the difference between the parking and/or loading spaces required by the new or expanded use and the parking and/or loading spaces required by the former use.

4. Notwithstanding the above requirements, in the C-1 Zone fronting Main Street beginning in the vicinity of Main Street’s its intersection with Meadowbank and Cornwall Roads and extending to Hyde Creek as depicted in Schedule “E”:

- a. no parking spaces shall be required; and
- b. no parking shall be permitted between any structure located within the zone and Main Street.

5. Notwithstanding the provisions of Part 6 above or other provisions of this Bylaw, Council may through a development agreement waive or reduce the parking requirements in return for cash in lieu of parking spaces or other considerations, as approved by Council, which will further the

objectives and policies of the Official Plan in relation to development in the Town. In rendering its decision, Council shall consider factors such as but not limited to the following:

- a. availability of parking in the proximity of the proposed development;
- b. the extent to which the proposed development contributes toward the objectives and policies of the Official Plan;
- c. the availability of public transportation services within 400 m. (0.25 miles) of the site; and
- d. estimated traffic generation and parking requirements of the proposed development.

6. The minimum number of off-street parking spaces required for each building shall be calculated to the nearest whole number.

6.2. PARKING LOT STANDARDS

1. Where four (4) or more parking spaces are required for the use on a lot, the following minimum requirements shall apply:

- 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 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 closer than 3.05 m. (10 ft.) to any wall of the building.
- 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 paragraphs (g) and (h) above, the Development Officer may permit Parking Spaces in the required Front Yard setback of a 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; and
- m. Notwithstanding clause (l) above, the Development Officer 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.

6.3. LOADING ZONES

1. In any Commercial, Business Park or 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 140 sq. m. (1500 sq. ft.) or less floor area 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 Development Officer adequate screening is provided.

6.4. PARKING FOR PEOPLE WITH DISABILITIES

1. 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, at least two (2) spaces dedicated to people with disabilities shall be provided for every 30 spaces provided, or a 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 shall be a smooth asphalt or concrete surface, in order to allow easy ingress and egress for wheelchairs and Persons with walking disabilities.

7. MINI HOME (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 Development Officer.
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 Development Officer.
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.
5. In any new Mini Home Court or in the expansion of a Mini Home Court, the application shall be accompanied by a site plan delineating each mini-home site to the satisfaction of the Development Officer.

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-detached Dwellings in conformance with the R1 Lot and Structure standards;
 - c. Accessory Buildings, limited to 1 per Lot/Site; and
 - d. Parks.

7.3. SPECIAL PERMIT USE

1. Notwithstanding Section 7.2 above, the Council 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 Council upon recommendations of Planning Board:
 - a. Mini Homes on individual Lots
 - b. Narrow Lot Single-detached Dwelling subdivisions.

7.4. LOT REQUIREMENTS

1. 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:

| | Requirement |
|--|------------------------------|
| Minimum Lot/Site Area | 512.8 sq. m. (5,520 sq. ft.) |
| Minimum Frontage | 12.2 m. (40 ft.) |
| Minimum Lot/Site Width at Building Line | 14.0 m. (46 ft.) |
| Minimum Lot/Site Depth | 36.6 m. (120 ft.) |
| Minimum Front Yard Depth | 5.2 m. (17 ft.) |
| Minimum Side Yard Width | 2.3 m. (7.5 ft.) |
| Minimum Rear Yard Depth | 6.1 m. (20 ft.) |
| Maximum Building Height | 4.3 m. (14 ft.) |
| Maximum Lot/Site Coverage Including Main Building and Accessory Buildings | 35% |
| Minimum Width of Continuous Private Right-of-Way / Internal Drive | 12.3 m. (40 ft.) |
| Minimum Width of Paved Portion of Right-of-Way / Internal Drive | 7.3 m. (24 ft.) |

* 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 site in a Mini Home Court shall have access to a continuous Internal Drive built in accordance with the minimum standard set out in Section 7.4 and connected to a Street.
3. Each individual Mini Home Lot in a Mini Home Subdivision shall have frontage on a Street.
4. The travelled portion of any Internal Drive shall be surfaced with a minimum width of pavement in accordance with the minimum standard set forth in Section 7.4 and the requirements of Section 4.10.
5. Each Lot/site shall be provided with a paved driveway connecting with the Street or Internal Drive.

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

1. Notwithstanding Section 7.4, the Council may approve Sites in a Mini Home Court or Lots in a 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.

8. RURAL RESIDENTIAL (RR)

8.1. GENERAL

1. 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-detached Dwellings;
 - b. Parks and Playgrounds;
 - c. Accessory Buildings;
 - d. Agricultural Buildings and General Agricultural Uses which in the opinion of the Development Officer do not represent a significant nuisance or health hazard to adjacent residences; and
 - e. Group Homes.

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 shared sewer system approved by the Province.
 - b. The Lot has Frontage on either a Street 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;
- v. in cases where the Lot is accessed by a Private Right-of-way, the owner shall meet the requirements of clauses 4.5(2)(c) and (d); and
- vi. Summer Cottage Lots shall be subject to the requirements of Section 8.4.

8.4. LOT REQUIREMENTS

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

| | Requirement |
|--|---|
| Minimum Lot Area | 4,046.8 sq. m. (43,560 sq. ft.) |
| Minimum Lot Area if Central Water System Supplied | see Schedule “B” Minimum Lot Size Standards |
| Minimum Frontage | 45.7 m. (150 ft.) |
| Minimum Front Yard | 15.2 m. (50 ft.) |
| Minimum Rear Yard | 7.6 m. (25 ft.) |
| Minimum Side Yard | 4.6 m. (15 ft.) |
| Minimum Flankage Yard | 15.2 m. (50 ft.) |
| Maximum Building Height | 12.2 m. (40 ft.) |

2. All Lots shall also conform to the Provincial Minimum Lot Standard as noted in Schedule “B.”
3. Maximum Lot Coverage for approved Single-Detached Dwelling Lots in the RR Zone shall be 10%.

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 serviced with a central water system approved by the provincial department responsible for the *Environmental Protection Act*. All costs related to the design, approval, and construction of a shared or central water system shall be borne by the Developer(s).
3. All costs related to the design, approval, and construction of a shared or central sewage system shall be borne by the Developer(s).

4. Where Council has approved a variance to the minimum lot frontage, lot area, circle diameter requirements, or any combination thereof, of the *Province-Wide Minimum Development Standards Regulations* in accordance with sections 4, 5, or 9 of those Regulations, or where the minimum lot size standards do not apply pursuant to Section 8 of those Regulations, an application for a development permit shall also include the following:
 - a. An on-site sewerage disposal system proposal appropriate for the soil type, lot size and proximity to adjacent lots, designed and certified by a licensed professional engineer; and
 - b. Confirmation from a licensed well driller that the proposed well location meets all applicable requirements for separation distance from adjacent existing wells or sewerage disposal systems within the lot, or to wells or sewerage disposal systems on adjacent lots.
5. Every application for a Development Permit in the RR Zone shall include a site plan showing the location of the on-site sewage disposal system and all proposed Buildings and Structures, a copy of the Sewage Disposal System Registration Form, and a site assessment for any Lot for which a site assessment pursuant to the *Environmental Protection Act* has not been conducted within 75 feet of the Lot since December 31, 2006.

9. SINGLE-DETACHED RESIDENTIAL (R1)

9.1. GENERAL

1. 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-detached Dwellings;
 - b. Parks and Playgrounds; and
 - c. Accessory Buildings.

9.3. SPECIAL PERMIT USES

1. Notwithstanding Section 9.2 above, the Council may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all relevant provisions of this Bylaw are met, and subject to such conditions as the Council may impose:
 - a. Group Homes; and
 - b. Early Learning and Child Care Centres.

9.4. SERVICING

1. All Developments in an R1 Zone shall be serviced by municipal sewer services and municipal water supply.
2. Notwithstanding subsection (1) and section 1.5, Council may approve a Development Permit on a Lot where municipal sewer services and/or municipal water supply are unavailable provided that:
 - a. is not reasonably possible to extend municipal sewer services and/or municipal water supply to the Lot; and
 - b. the Developer enters into a Development agreement which includes a condition that the Developer connects to municipal sewer services and municipal water supply as soon as those services become available.

9.5. LOT REQUIREMENTS

1. The following regulations shall apply to all Development in an R1 Zone:

| | Requirement |
|--------------------------------|------------------------------|
| Minimum Lot Area | 557.4 sq. m. (6,000 sq. ft.) |
| Minimum Frontage | 18.3 m. (60 ft.) |
| Minimum Front Yard | 6.1 m. (20 ft.) |
| Minimum Rear Yard | 4.6 m. (15 ft.) |
| Minimum Side Yard | 2.3 m. (7.5 ft.) |
| Minimum Flankage Yard | 6.1 m. (20 ft.) |
| Maximum Height of any Building | 12.2 m. (40 ft.) |

- 2. In addition to the above requirements, all Lots shall conform to the provincial minimum Lot standards as noted in Schedule “B”.
- 3. Notwithstanding the above requirements, within existing approved Residential Subdivision Developments, the Development Officer may require new Developments to conform generally with the Development standards for lot area and setbacks which have been established, even if these standards exceed the minimum standards stated above.
- 4. Maximum Lot Coverage shall be 35%.

10. TWO-UNIT RESIDENTIAL (R2)

10.1.GENERAL

1. 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-detached Dwellings;
 - b. Duplex or Semi-detached Dwellings (up to 20% of units in a block);
 - c. Parks and Playgrounds; and
 - d. Accessory Buildings.

10.3.SPECIAL PERMIT USES

1. Notwithstanding Section 10.2 above, the Council 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 Council may impose:
 - a. Group Homes;
 - b. Early Learning and Child Care Centres;
 - c. Campgrounds; and
 - d. Narrow Lot Single-detached Dwelling subdivisions.

10.4.SERVICING

1. All Developments in an R2 Zone shall be serviced by municipal sewer services and municipal water supply.
2. Notwithstanding subsection (1) and section 1.5, Council may approve a Development Permit on a Lot where municipal sewer services and/or municipal water supply are unavailable provided that:
 - a. it is not reasonably possible to extend municipal sewer services and/or municipal water supply to the Lot; and

- b. the Developer enters into a Development Agreement which includes a condition that the Developer connects to municipal sewer services and municipal water supply as soon as those services become available.

10.5.LOT REQUIREMENTS

1. The following requirements shall apply to Development in an R2 Zone:

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

| | Requirement |
|-------------------------|------------------------------------|
| Minimum Lot Area | 250 sq. m (2,691 sq. ft.) per unit |
| Minimum Frontage | 9 m. (29.5 ft.) for each unit |
| Minimum Front Yard | 6.1 m. (20 ft.) |
| Minimum Rear Yard | 4.6 m. (15 ft.) |
| Minimum Side Yard | 2.3 m. (7.5 ft.) |
| Minimum Flankage Yard | 6.1 m. (20 ft.) |
| Maximum Building Height | 12.2 m. (40 ft.) |

- c. For Narrow Lot Single-detached Dwelling subdivisions, the Lot requirements shall be as follows:

| | Requirement |
|-------------------------|------------------------------|
| Minimum Lot Area | 371.6 sq. m. (4,000 sq. ft.) |
| Minimum Frontage | 12.2 m. (40 ft.) |
| Minimum Front Yard | 6.1 m. (20 ft.) |
| Minimum Rear Yard | 4.6 m. (15 ft.) |
| Minimum Side Yard | 2.3 m. (7.5 ft.) |
| Minimum Flankage Yard | 6.1 m. (20 ft.) |
| Maximum Building Height | 12.2 m. (40 ft.) |

- 2. Semi-detached Dwellings shall 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 Schedule “B”.
- 4. Notwithstanding the above regulations, within existing approved Subdivisions, the Development Officer may require new Developments to conform generally with the Development standards for lot area and setbacks which have 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%.

11. ATTACHED RESIDENTIAL (R3)

11.1.GENERAL

1. 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. Single-detached Dwellings;
 - b. Ground-Oriented Housing, to a maximum of six (6) Dwelling Units per building, or in the case of Stacked Townhouse Dwellings, a maximum of six (6) stacks;
 - c. Parks and Playgrounds; and
 - d. Accessory Buildings.

11.3.SPECIAL PERMIT USES

1. Notwithstanding Section 11.2 above, the Council 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 Council may impose:
 - a. Group Homes;
 - b. Early Learning and Child Care Centres; and
 - c. Narrow Lot Single-detached Dwellings.

11.4.SERVICING

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

11.5.LOT REQUIREMENTS

1. The following requirements shall apply to Development in an R3 Zone:
 - a. For Single-detached Dwellings, Lot requirements shall be the same as subsections 9.5 (1) to (3);

b. For Narrow Lot Single-detached Dwellings the Lot requirements shall be as follows:

| | Requirement |
|--------------------------------|------------------------------|
| Minimum Lot Area | 371.6 sq. m. (4,000 sq. ft.) |
| Minimum Frontage | 12.2 m. (40 ft.) |
| Minimum Front Yard | 6.1 m. (20 ft.) |
| Minimum Rear Yard | 4.6 m. (15 ft.) |
| Minimum Side Yard | 2.3 m. (7.5 ft.) |
| Minimum Flankage Yard | 6.1 m. (20 ft.) |
| Maximum Building Height | 12.2 m. (40 ft.) |

c. for Ground-Oriented Housing, the lot requirements shall be as follows:

| | Requirements |
|--------------------------------|--|
| Minimum Lot Area | 250 sq. m (2,691 sq. ft.) per unit |
| Minimum Frontage | 9 m. (29.5 ft.) for each unit or stack in the case of stacked units |
| Minimum Front Yard | 6.1 m. (20 ft.) |
| Minimum Rear Yard | 4.6 m. (15 ft.) |
| Minimum Side Yard | 2.3 m. (7.5 ft.) |
| Minimum Flankage Yard | 6.1 m. (20 ft.) |
| Maximum Building Height | 12.2 m. (40 ft.) |

2. Semi-detached and Townhouse Dwellings shall 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 Schedule “B”.
4. Notwithstanding the above regulations, within existing approved Residential Subdivision Developments, the Development Officer may require that new Development conforms generally with the Development standards for lot area and setbacks which have been established, even if these standards exceed the minimum standards stated above.
5. Maximum Lot Coverage for approved Narrow Lot Single-detached Dwellings shall be 30%.

12. MULTIPLE UNIT RESIDENTIAL (R4)

12.1. GENERAL

1. Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an R4 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. Ground-Oriented Housing, to a maximum of six (6) Dwelling Units per building, or in the case of Stacked Townhouse Dwellings, to a maximum of six (6) stacks per building;
 - b. Apartment Dwellings, to a maximum of twelve (12) Dwelling Units per building;
 - c. Parks and Playgrounds; and
 - d. Accessory Buildings.

12.3. SPECIAL PERMIT USES

1. Notwithstanding Section 12.2 above, the Council 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 Council may impose:
 - a. Ground-Oriented Housing with more than six (6) Dwelling Units per building, or in the case of Stacked Townhouse Dwellings, more than six (6) stacks per building;
 - b. Apartment Dwellings with more than twelve (12) units per building;
 - c. Group Homes;
 - d. Early Learning and Child Care Centres;
 - e. Health Clinics; and
 - f. Other types of Multiple Unit Dwellings that are not included under subsections 12.2(1) or 12.3(1).

12.4. SERVICING

1. All Developments in an R4 Zone shall be serviced by municipal sewer services and municipal water supply.

12.5.LOT REQUIREMENTS

1. The following requirements shall apply to Developments in an R4 Zone:
 - a. for Ground-Oriented Housing, the Lot requirements shall be the same as clause 11.5(1)(c); and
 - b. for Apartment Dwellings and other types of Multiple Unit Dwellings not covered by clause (a), Lot requirements shall be as follows:

| | Requirement |
|--------------------------------|---------------------------------------|
| Minimum Lot Area | 139.4 sq. m. (1,500 sq. ft.) per unit |
| Minimum Frontage | 25 m. (82 ft.) |
| Minimum Front Yard | 6.1 m. (20 ft.) |
| Minimum Rear Yard | 4.6 m. (15 ft.) |
| Minimum Side Yard | 4 m. (13 ft.) |
| Minimum Flankage Yard | 6.1 m. (20 ft.) |
| Maximum Building Height | 18.3 m. (60 ft.) |

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

13. PLANNED UNIT RESIDENTIAL DEVELOPMENT (PURD)

13.1. GENERAL

1. 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.

13.2. PERMITTED USES

1. No Building or part thereof and no land shall be Used for purposes other than:
 - a. Single-detached Dwellings;
 - b. Ground-Oriented Housing, to a maximum of four (4) Dwelling Units;
 - c. Parks and Playgrounds;
 - d. Accessory Buildings;
 - e. Group Homes; and
 - f. Ancillary Uses such as Community Facilities and laundromats.

13.3. SPECIAL PERMIT USES

1. Notwithstanding Section 13.2 above, the Council 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 Council may impose:
 - a. Ground-Oriented Housing with more than four (4) Dwelling Units;
 - b. Apartment Dwellings;
 - c. Early Learning and Child Care Centres;
 - d. Convenience Stores; and
 - e. Other types of Multiple Unit Dwellings that are not included under subsections 13.2(1) or 13.3(1)

13.4.SERVICING

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

13.5.LOT REQUIREMENTS

1. The following regulations shall apply to Development in a PURD Zone:
 - a. For Single-detached Dwellings, Ground-Oriented Housing, or Apartment Dwellings, the Lot requirements shall be the same as Sections 9.5, 11.5, and 12.5 respectively.
 - b. Notwithstanding clause (a) above, the Council may approve innovative housing forms with less than the minimum Lot requirements provided that in the opinion of the Council 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.

13.6.NEW PURD DEVELOPMENTS

1. Any application for approval of new PURD Subdivisions or Developments involving special permit uses identified in section 13.3 shall include a Development Concept which shall address 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; and
 - d. any other factors recommended by the Development Officer.
2. The provision of Pedestrian Walkways, designed and built to the standard established by the Town, shall be required within new PURD Developments.
3. Any application for approval of new PURD Subdivisions or Developments involving special permit uses identified in section 13.3 shall be reviewed at a Public meeting held pursuant to the provisions of Section 22.2.

4. All new PURD Subdivisions or Developments involving special permit uses identified in section 13.3 shall be subject to a Development Agreement approved by the Council that may include, but not be limited to, the following:
 - a. Subdivision requirements pursuant to Section 23 of this Bylaw;
 - b. Building types within the Development;
 - c. A grading plan signed and sealed by a land surveyor or a professional engineer licensed to practice in the Province and prepared in accordance with any Town of Cornwall grading policy; and
 - d. A Schedule of Building styles and design.
5. All new PURD Subdivisions or Developments involving special permit uses identified in section 13.3 shall be developed in accordance with the Development Concept and the provisions of the Development Agreement.
6. The Development Officer or Council may require the establishment of an incorporated Homeowners' Association or a Condominium Corporation to own and maintain any lands or facilities held in common.

14. GENERAL COMMERCIAL ZONE (C1)

14.1. GENERAL

1. 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.

14.2. 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. Ground-Oriented Housing, up to 12 Dwelling Units;
 - j. Apartment Dwellings, up to 12 Dwelling Units;
 - k. Transient or Temporary Commercial; and
 - l. Accessory Buildings.
2. No Major Retail Development shall take place unless a special Development Permit has been issued by the Council. 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 Council 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.

14.3.SPECIAL PERMIT USES

1. Notwithstanding Section 14.2 above, the Council 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 Council may impose:
 - a. Activities connected with the Automobile Sales and Services Establishments, Automobile Service Stations and Automobile Washing Establishments;
 - b. Dwelling Units in a commercial Building;
 - c. Apartment Dwellings with more than 12 Dwelling Units;
 - d. Warehouses; and
 - e. Other types of Multiple Unit Dwellings that are not included under subsections 14.2(1) or 14.3(1).

14.4.LOT REQUIREMENTS

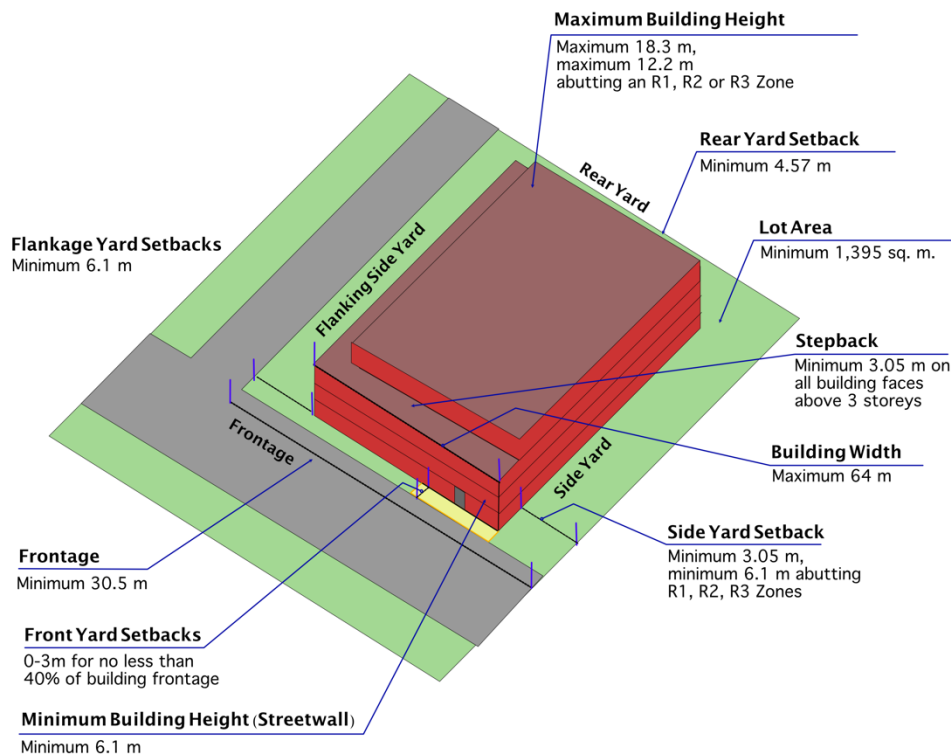
1. Except where otherwise specified, the following lot requirements shall apply to Development in a C1 Zone:

| | Requirement |
|--------------------------------|-------------------------------|
| Minimum Lot Area | 1,395 sq. m. (15,000 sq. ft.) |
| Minimum Frontage | 30.5 m. (100 ft.) |
| Minimum Front Yard | 6.1 m. (20 ft.) |
| Minimum Rear Yard | 4.6 m. (15 ft.) |
| Minimum Side Yard | 3.0 m. (10 ft.) |
| Minimum Flankage Yard | 6.1 m. (20 ft.) |
| Maximum Building Height | 18.3 m. (60 ft.) |

2. Notwithstanding subsection (1) and subject to subsection (3),
 - a. for Ground-Oriented Housing, the Lot requirements shall be the same as clause 11.5(1)(c); and
 - b. for Apartment Dwellings, the Lot requirements shall be the same as clause 12.5(1)(b).
3. The following regulations shall apply to any main building in the C1 Zone fronting on Main Street beginning in the vicinity of Main Street’s intersection with Meadowbank and Cornwall Roads and extending to Hyde Creek, as depicted in Schedule E:
 - a. At least 50% of the ground floor area shall be used for commercial purposes permitted by Section 14.2;
 - b. Any parking spaces provided shall be located in the rear yard behind the building or within the building structure;
 - c. The primary entrance to any commercial use in a structure permitted under clause (a) shall be via the Main Street frontage;
 - d. The following lot requirements shall apply:

| | Requirement |
|--|---|
| Minimum Lot Area | 1,395 sq. m. (15,000 sq. ft.) |
| Minimum Frontage | 30.5 m. (100 ft.) |
| Maximum Front Yard | 3.05 m. (10 ft.) for at least 40% of building frontage |
| Minimum Rear Yard | 4.57 m. (15 ft.) |
| Minimum Side Yard | 3.05 m. (10 ft.) / 6.1 m. (20 ft.) abutting a R1, R2 or R3 Zone |
| Minimum Flankage Yard | 6.1 m. (20 ft.) |
| Maximum Building Width | 64 m / (210 ft.) |
| Minimum Height of any Building (Streetwall) | 6.1 m. (20 ft.) |
| Maximum Building Height | 18.3 m. (60 ft.)/12.2 m. (40 ft.) abutting a R1, R2 or R3 Zone |
| Minimum Stepback above the Streetwall | 3.05 m. (10 ft.) on all building faces above 3 storeys |

Figure 1 – Main Street Core Standards (See Schedule E for designated area)



- e. all portions of the exterior wall of a building facing a street located above three (3) storeys shall be stepped back from the exterior wall of the 3rd storey in accordance with the standards in clause (d) above;
- f. at least 40% of the building frontage facing the street shall be set back no more than 3.05 m. and there shall be no minimum front yard setback; and
- g. no access to underground or covered parking shall be located on the front façade of the building.

14.5. SITE DESIGN

1. All Main Buildings in the C1 Zone 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 shall include a bike rack with locking area.

14.6.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.

14.7.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; and
 - d. each Dwelling Unit meets the requirements of the Provincial Fire Marshal.

14.8.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.

14.9. 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;
 - b. 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 commercial 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; and
 - e. where required, the Applicant shall satisfy the Development Officer that such Development complies with all health regulations.

14.10. 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:

| | Requirements |
|--|---------------------|
| 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.

15. BUSINESS PARK ZONE (M2)

15.1.GENERAL

1. 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.

15.2.DETERMINATION OF PERMITTED USES

1. The following Uses shall be permitted in the M2 Zone:
 - a. Retail Stores;
 - b. Business and Professional Offices;
 - c. Restaurants;
 - d. Multiple-unit mixed-Use malls for small Business, Service Shops, and light industry;
 - e. Manufacturing and assembly facilities;
 - f. Warehouse, wholesale and distribution operations and facilities;
 - g. Information technology operations and call centres;
 - h. Commercial Uses accessory to a main facility or operation on a site; 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 Screening or concealment of stored goods and materials are satisfactory to the Development Officer or Council, as appropriate.

15.3.SPECIAL PERMIT USES

1. Notwithstanding Section 15.2 above, the Council 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 Council may impose:
 - a. Activities connected with the Automobile Sales and Services Establishments, Automobile Service Stations and Automobile Washing Establishments;
 - b. Hotels, Motels or other Tourist Establishments;
 - c. Transport operations;
 - d. Building supply dealerships;

- e. Sales and service operations for new and used trucks, automobiles; trailers or motor homes;
- f. Farm machinery; and
- g. Heavy Equipment.

15.4.LOT SIZE, BUILDING HEIGHT AND SETBACKS

1. The following minimum requirements shall apply in the M2 Zone:

| | Requirement |
|--------------------------------|----------------------------------|
| Minimum Open Space | 10% of the total area of the Lot |
| Minimum Lot Area | 1,395 sq. m. (15,000 sq. ft.) |
| Minimum Driveway Width | 6.1 m. (20 ft.) |
| Minimum Frontage | 22.9 m. (75 ft.) |
| Minimum Front Yard | 7.6 m. (25 ft.) |
| Minimum Side Yard | 3.1 m. (10 ft.) |
| Minimum Rear Yard | 7.6 m. (25 ft.) |
| Minimum Flankage Yard | 7.6 m. (25 ft.) |
| Maximum Building Height | 18.3 m. (60 ft.) |

15.5.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.

15.6.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 Schedule “C”.

15.7.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, visual screening, and the preservation and planting of trees;
 - l. Exterior lighting;
 - m. Noise and other nuisances; and
 - n. Any other matter deemed by the Development Officer or Council, as appropriate, 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.

15.8. 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.

15.9.AUTOMOBILE SERVICE STATION

- 1. In addition to the Lot requirements set forth in Section 15.4 and any other provisions of this Bylaw, the following special provisions shall apply to an Automobile Service Station:

| | Requirements |
|---|--------------------|
| 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 Driveway Width | 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.

16. COMPREHENSIVE DEVELOPMENT AREA (CDA)

16.1. GENERAL

1. 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.

16.2. PERMITTED USES

1. Uses permitted in a CDA Zone may include all those Uses allowed in a C1 Zone, M2 Zone, PSI Zone, R3 Zone or R4 Zone, and may also include innovative mixed-Use Developments, subject to such conditions as may be stipulated by the Council.

16.3. 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 Council.
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 presented to and approved by the Council.
3. The Council, 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; and
 - d. any other factors recommended by the Development Officer.

16.4. 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 Council may exempt the conversion of existing Structures to a Permitted Use within the CDA Zone from Comprehensive Development Scheme requirements.

16.5. APPROVAL PROCEDURE

1. Before the Council 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.
2. Upon approval of the Development Scheme by the Council, the Development Scheme and the schedule shall form part of, and be an amendment to, this Bylaw.
3. Subsequent to approval of the Development Scheme, the Development Officer or Council, as appropriate, shall approve each portion or Phase within the Comprehensive Development Area provided it is, in the opinion of the Development Officer or Council, as appropriate, 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.
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.

16.6. 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-detached Residential Zone shall be restricted to residential Uses and shall incorporate a transition in density from lower higher density residential to higher lower 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; and
- c. Outdoor storage shall be prohibited adjacent to a Residential Zone unless outdoor storage is screened.

17. AGRICULTURAL RESERVE ZONE (A1)

17.1. GENERAL

1. 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.

17.2. 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 Development Officer are clearly incidental to the main Use of land;
 - e. Accessory Single-detached Dwelling or mini-home, in connection with a Farm
 - f. Single-detached Dwellings, in accordance with the provisions of Section 17.4;
 - g. Wind Energy System; and
 - h. Farm Gate Outlets.

17.3. SPECIAL PERMIT USES

1. Notwithstanding Section 16.2 above, the Council 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 Council may impose:
 - a. Group Homes with maximum capacity of six (6) clients.

17.4.LOT REQUIREMENTS

1. The following regulations shall apply to Development in an A1 Zone:

| | Requirement |
|--|--|
| Minimum Lot Area | 4,046.8 sq. m. (43,560 sq. ft.) |
| Minimum lot Area if Central Water System Supplied | See Schedule “B” Minimum Lot 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 Flankage Yard | 15.24 m. (50 ft.) |
| Maximum Building Height | 12.19 m. (40 ft.) |

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

3. Where Council has approved a variance to the minimum lot frontage, lot area, circle diameter requirements, or any combination thereof, of the *Province-Wide Minimum Development Standards Regulations* in accordance with sections 4, 5, or 9 of those Regulations, or where the minimum lot size standards do not apply pursuant to Section 8 of those Regulations, an application for a development permit shall also include the following:

- a. An on-site sewerage disposal system proposal appropriate for the soil type, lot size and proximity to adjacent lots, designed and certified by a licensed professional engineer; and
- b. Confirmation from a licensed well driller that the proposed well location meets all applicable requirements for separation distance from adjacent existing wells or sewerage disposal systems within the lot, or to wells or sewerage disposal systems on adjacent lots.

4. Every application for a Development Permit in the A1 Zone shall include a site plan showing the location of the on-site sewage disposal system and all proposed Buildings and Structures, a copy of the Sewage Disposal System Registration Form, and a site assessment for any Lot for which a site assessment pursuant to the *Environmental Protection Act* has not been conducted within 75 feet of the Lot since December 31, 2006.

17.5.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:

| | Requirement |
|---|--------------------|
| 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 | 90.0 m. (295.3 ft.) |

2. Where a new Intensive Livestock Operation is proposed within 300 m. (984.2 ft.) of an existing residential Subdivision, the Development Officer shall notify the Property Owners within 300 m. (984.2 ft.) of the proposed operation and invite their comments.
3. 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.
4. The Development Officer 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.

18. RECREATION AND OPEN SPACE (O1)

18.1.GENERAL

1. 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.

18.2.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.

18.3.LOT REQUIREMENTS

1. Except for lands uses for Public Parks, Gardens, and Open Space and conservation activities, the following regulations shall apply to Development in an O1 Zone:

| | Requirement |
|-------------------------|---------------------------------|
| 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 Building Height | 12.19 m. (40 ft.) |

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

19. ENVIRONMENTAL RESERVE ZONE (O2)

19.1. GENERAL

1. 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.
2. The O2 Zone is an overlay Zone intended to enhance the protection of surface and ground water quality, sensitive landscapes, and wildlife habitat.
3. For the avoidance of doubt, the requirements in this bylaw for the O2 Zone are in addition to all requirements in the Watercourse and Wetland Protection Regulations made pursuant to the *Environmental Protection Act*, and any other federal or provincial statute, regulation, or other enactment.

19.2. PERMITTED USES

1. Within any Wetland Boundary or Watercourse Boundary and any area within the 15 m. (49.2 ft.) Wetland or Watercourse Buffer Zone, 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.
2. Within any area designated by Council or the provincial government as a Municipal Wellfield, no Building or part thereof shall be Used for the following purposes:
 - a. Activities connected with Automobiles Sales and Services Establishments, Automobile Service Stations and Automobile Washing Establishments;
 - b. Fuel storage facilities and other uses involving the handling of materials or chemicals that may have a detrimental impact on water quality; or
 - c. Any other purpose that may be deemed to endanger the quality of the municipal water supply with the exception of domestic fuel supplies required for heating of structures on the same property.

20. PUBLIC SERVICE AND INSTITUTIONAL (PSI)

20.1. GENERAL

1. 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.

20.2. 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.

20.3. SPECIAL PERMIT USES

1. Notwithstanding Section 20.2 above, the Council 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 Council may impose:
 - a. retail operations associated with Hospitals and Clinics such as pharmacies and medical supply stores; and
 - b. Apartment Dwellings designed and built specifically for people with disabilities.

20.4. LOT REQUIREMENTS

1. The following regulations shall apply to Development in an PSI Zone:

| | Requirement |
|--------------------------------|---------------------------------|
| 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 Building Height | 12.19 m. (40 ft.) |

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

21. VARIANCES

21.1. VARIANCE APPLICATIONS

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 justified, 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. No variance shall be granted where the matter is the result of intentional or negligent conduct of the Owner, including ignorance on the part of the Owner, or where the difficulty can be remedied in some other reasonable manner.
7. Notwithstanding any other section of this Bylaw, Council in its discretion may authorize variances in excess of ten percent (10%) from the provisions of this Bylaw, where warranted, if Council deems such a variance appropriate and if such variance meets the criteria of subsection (4) above and is in keeping with the general intent and purpose of this Bylaw or the Official Plan for the Town of Cornwall.

22. ZONING AND OFFICIAL PLAN AMENDMENTS

22.1. 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 is an amendment and shall 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 Development Officer.
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 Schedule D.

22.2. 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 Council.
3. The Council retains the right to deny an amendment request, without holding a Public meeting, if such request is deemed to be inconsistent with appropriate land Use planning standards or the Official Plan. Should the Council not proceed with a Public meeting, the application fee as per subsection 22.1(6) shall be returned to the Applicant.
4. Subject to subsection 22.2(3) above, Council shall hold a Public meeting to solicit input from the 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 and directing people to contact the Town to get the specific details;
 - b. post the date, time, and place of the public meeting, together with the general terms of the proposed amendment 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 75 m. (246.1 ft.) of all boundaries of the subject Property.
5. Following the Public meeting, the Council shall formulate a decision on the proposed amendment. The Council shall have the authority to determine whether an amendment request is approved, modified, or denied in accordance with the procedures established under the *Planning Act*. The Applicant shall be notified in writing of the decision and the decision shall be posted on the Town's website in accordance with Section 23.1 of the *Planning Act*.
6. Nothing in this Bylaw restricts the right of Planning Board or Council to initiate its own amendment requests.
7. Related Official Plan and Bylaw amendments may be considered concurrently by Council, provided that the Public and written notices indicate in general terms the nature of both the

proposed Official Plan amendment and proposed bylaw amendment, and consideration and a decision regarding the Official Plan amendment precedes the Bylaw amendment.

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

23. GENERAL PROVISIONS FOR SUBDIVIDING LAND

23.1. SUBDIVISION APPROVAL

1. No Person shall subdivide one or more Lots or any portion or interest in a Lot and no Person shall consolidate two or more parcels of land until the conditions of this Bylaw have been complied with and the Applicant has received final approval from the Development Officer or Council, as applicable.

23.2. CONVEYING INTEREST IN A LOT

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

23.3. 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. will not result in the addition of buildings or critical infrastructure within a current or projected Coastal Floodplain, except where suitable accommodations have been identified;
 - e. has public Street access;
 - f. has adequate utilities and services available or can reasonably be provided with such utilities and services;
 - g. will reasonably conform to or is compatible with existing land Use in the immediate vicinity;
 - h. will provide for safe traffic flow and access;
 - i. is designed so that Lots will have suitable dimensions, shapes, orientation and accessibility; and

- j. is suitable to the Use for which it is intended, and the future Use of adjacent lands.

23.4. REDUCED LOT FRONTAGE OR AREA

1. If a parcel of land in any Zone is of such configuration that the Council deems it cannot reasonably be subdivided in such a way to provide the required minimum Frontage on a Street or where Lots are designed with a reduced Frontage along a bend in a Street or facing a cul-de-sac, the Council may approve a reduced Frontage, if in the opinion of the Council:
 - a. adequate and safe access is provided;
 - b. the Lot width at the front Building Line measures at least as much as the minimum Lot Frontage for the Zone; and
 - c. the access driveway has a minimum frontage of 7.3 m (24 ft)
2. The subdivision of Panhandle Lots shall be restricted to parcels existing in separate ownership as of January 25, 1989, and not more than one (1) Panhandle Lot may be subdivided per existing parcel.
3. The subdivision or consolidation of an existing non-conforming lot(s) may be permitted if the subdivision or consolidation results in an increase to the lot area or lot frontage or both, even if the lot will remain undersized following the subdivision, where the subdivision would otherwise be permitted under this bylaw.

23.5.CHANGES TO EXISTING LOTS

1. No Person shall reduce the dimensions or change the Use of any existing Lot where the Development Officer or Council, as appropriate, 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 Development Officer shall provide written notice to all Property Owners wholly or partially within 75 m. (246.1 ft.) of the boundaries of the Lot, informing them of the details of the application and soliciting their comments.

23.6.SUBDIVISIONS IN AGRICULTURAL RESERVE ZONE

1. Within an Agricultural Reserve (A1) Zone, subdivisions shall be restricted to existing parcels only and no Person shall be permitted to subdivide more than two (2) Lots from any existing parcel of land.
2. For the purposes of this section “existing parcel” shall mean a parcel of land which was held in separate ownership as of January 25, 1989.

3. Any Lots subdivided pursuant to this section shall conform to the Lot requirements for an A1 Zone, the 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; and
 - b. Where a residential Subdivision is proposed, the Development Officer 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.

23.7.COASTAL AND WATERCOURSE SUBDIVISION REQUIREMENTS

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.
2. The area of a Lot that falls within the O2 Zone may be included as part of the Lot in a Subdivision of a Lot adjacent to a Wetland or Watercourse, where the Lot has sufficient area exclusive of the area of the Buffer Zone to permit the Setbacks and on-site services, including the minimum circle diameter for the services, where required.
3. Where a Lot or a portion of a Lot contains a Wetland or Watercourse, the boundary of which is defined by the Watercourse and Wetland Protection Regulations prescribed under the *Environmental Protection Act*, the Lot(s) shall meet the minimum Lot Area for the Zone exclusive of the area of the Wetland or Watercourse.

23.8.ROAD STANDARDS

1. No subdivision shall be permitted of a lot served by a Private Road.
2. All new roads shall be Highways.
3. All applications for Subdivision shall be reviewed by the Provincial Government department responsible for the Roads Act, and where an entrance way permit or other approval or permit is

required pursuant to the Roads Act, a final approval of Subdivision shall not be granted until that entrance way permit or other approval or permit has been granted.

4. Subject to Section 23.6, subsection (2) above, and all other requirements of this Bylaw, the Subdivision of lots that abut, and require access to, a Collector Highway shall be subject to the following standards:

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

5. Subject to Section 23.6, subsection (2) above, and all other requirements of this Bylaw, one Lot, in addition to those permitted in clauses 23.8(4)(a) or (b), may be approved provided that:
 - a. the proposed Lot contains an existing farm Dwelling served by an existing Highway access;
 - b. the dwelling on the Lot shall be served by the existing Dwelling access; and
 - c. no Development Permit shall be issued for a Dwelling on the remainder of the parent parcel.
6. Subsection (4) does not apply to a parcel of land along a portion of a Collector Highway that is designated for infilling under the regulations made under the *Roads Act*.
7. Notwithstanding the restrictions on subdivisions specified in subsection (4), and subject to Section 23.6 and subsection 23.8(2), a person may subdivide Lots from a parcel of land that abuts, or requires access to, a collector Highway, provided:
 - a. the person has applied for and obtained approval of a plan of Subdivision that includes approval for a Road connecting to and within the Subdivision to serve the Lots; and

- b. all other requirements of this Bylaw can be met.

23.9.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 Council, the application fee as set forth in Schedule 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 Development Officer 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. a storm water management plan.
3. The Development Officer or Council, as appropriate, may refuse to approve a Subdivision which is unsuitable under the provisions of this Bylaw. In formulating their decision, the Development Officer or Council 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 22.2.
4. The Development Officer or Council, as appropriate, shall evaluate any proposed Subdivision to determine whether:
 - a. the proposed Subdivision meets the intent of the Official Plan and the requirements of Part 23 of this Bylaw;
 - b. appropriate Street design standards and Lot configurations have been used to promote the Development of safe, convenient, and pleasant neighbourhoods; and
 - c. a Subdivision agreement shall be required pursuant to section 23.12.

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.

23.10.PARKLAND DEDICATION AND PARKLAND DEDICATION FEES

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

23.11.SERVICING

1. The Council 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 or bear the capital costs required for the Development. An agreement must be entered into with the Sewer

and Water Utility prior to receiving preliminary approval regarding the servicing standards, process of installation, review during construction, testing, and final acceptance.

2. In addition to any requirements established by the provincial department responsible for the *Environmental Protection Act*, any shared or central water or sewage system developed to service multiple buildings, including the connections between the system and each building, shall be designed and constructed to the standards established by the Sewer and Water Utility, including where the system is not intended to be connected to the municipal system.
3. All costs related to the design, approval, and construction of a shared or central water or sewage system shall be borne by the Developer(s).

23.12. SUBDIVISION AGREEMENT

1. The Council may require an Applicant to enter into a Subdivision agreement and Utility agreement where appropriate prior to issuing Preliminary Approval. The Subdivision agreement may cover any matters as required by the Council 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 or its successor;
 - d. the posting of a financial guarantee satisfactory to the Council;
 - 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.

23.13. 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, any Subdivision agreement between the Applicant and the Town, and any other conditions of preliminary approval;
 - 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 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 Development Officer shall give notice of final approval of a Subdivision in writing, and shall place the Town's 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;
 - c. the Town's files; and
 - d. the local utilities, as required.

23.14. SEVERANCES & CONSOLIDATIONS

1. Notwithstanding the above provisions, the Development Officer 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 their discretion, having regard for only those provisions which they deem applicable to each individual application, provided the application conforms with all other Sections of this Bylaw.
2. All lot consolidation approvals shall be conditional on the Applicant combining the lots by deed expressing the perimeter boundary of the new parcel, and the deed shall be registered at the Province's Land Registry office at the Applicant's cost.
3. Notwithstanding subsection 23.9(1), applications for final approval of Lot Consolidations or boundary line adjustments may be submitted without the preliminary approval stage of the application process, having regard to the provisions in the Bylaw for the approval of Subdivisions, as may be applicable, and provided the application otherwise conforms to the Bylaw.

23.15.DEVELOPMENT PERMITS

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

23.16.RESCINDING OR ALTERING APPROVAL

1. An existing approved Subdivision or portion thereof may be rescinded or Altered by the Development Officer or Council, as appropriate, 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.

24. PENALTIES

24.1. FINES

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

25. REPEAL

25.1.EFFECTIVE DATE

1. This Bylaw shall come into force effective the date of the signature of the minister responsible for the *Planning Act*.

25.2.REPEAL

1. The Town of Cornwall Zoning and Subdivision Control (Development) Bylaw #414 (enacted January 27, 2014, last amended May 15, 2019) is hereby repealed.

26. DEFINITIONS

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

In this Bylaw:

A

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

ACCESSORY DWELLING UNIT means a self-contained Dwelling Unit which is secondary to a main Dwelling Unit, either attached to or detached from the main Dwelling Unit on the same Lot, and includes the following:

SECONDARY SUITE means a self-contained Dwelling Unit with a prescribed floor area located within a Single Detached Dwelling, a Semi-Detached Dwelling Unit or a Townhouse Dwelling Unit and where both Dwelling Units constitute a single real estate entity.

GARDEN SUITE means a self-contained Dwelling Unit located on the same Lot as a primary Dwelling Unit but detached from the main Dwelling Unit.

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 by Council 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.

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

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

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

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 manual, automatic or semi- automatic automobile washing equipment.

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

B

BARRIER FREE ACCESS UNIT: a unit designed for those with physical or other disabilities, involving the provision of alternative means of access to steps (e.g. ramps and lifts (elevators) for those with mobility problems), also known as *universal* or *barrier-free unit*.

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.

BUFFER ZONE - means the land within 15 m (49.2 ft) of a watercourse boundary or a wetland boundary as defined in the Watercourse and Wetland Protection Regulations, of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9.

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

BUILDING 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.

C

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.

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.

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

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

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

COMMUNITY CARE FACILITY - means 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:

- a. Group Home recognized as such by the Minister;
- b. a residential school;

- c. an establishment providing accommodation only;
- d. a Hospital;
- e. a correctional institution;
- f. a facility in which addiction treatment services are provided;
- g. a Nursing Home; or
- h. a residential or nursing care home which is operated by or on behalf of the Province.

COMMUNITY FACILITY – means a public place where members of a community gather for recreational, educational, artistic, social or cultural activities.

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

COUNCIL - means the Council for the Town of Cornwall.

D

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

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

DENSITY BONUS - means obtaining extra Dwelling Units over and above the maximum allowable units for the voluntary installation of pedestrian infrastructure.

DETRIMENTAL – means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regards to:

- a. real property value;
- b. competition with existing businesses;
- c. viewscales; or

d. development approved pursuant to subsection 9(1) of the *Environmental Protection Act*.

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

DEVELOPMENT - means the carrying out of any building, engineering, excavation, dumping, filling or other operations in, on, over or under land, or the making of any material change in the Use, or the intensity of Use of any land, Buildings, or premises, but does not include an excavation pit as defined in the *Excavation Pit Regulations*, EC146/17.

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 representing 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 Premises Signs.

DOMESTIC ARTS - means a vocation that can be carried out in a Dwelling Unit which may include:

- a. dressmaking and tailoring;
- b. hairdressing, barber shop and aesthetics;
- 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-DETACHED DWELLING" - means a separate subordinate Building designed or Used for occupancy as one Dwelling Unit for the sole purpose of accommodating a Person employed by the owner(s) of the Farm Property Main Building Single-detached 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 a Dwelling Attached to a Building which is principally commercial, but does not include Ground-Oriented Housing.

"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 UNIT DWELLING" - means a Building containing three or more Dwelling Units.

"NARROW LOT SINGLE-DETACHED 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 its own Street Frontage and outdoor entrance.

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

"STACKED TOWNHOUSE DWELLING" - means a Dwelling in a Building containing three (3) or more Dwelling Units attached side by side, two Dwelling Units high, where each Dwelling Unit has an independent outdoor entrance at grade, but does not include Townhouse Dwellings or Apartment Dwellings.

"TOWNHOUSE DWELLING" - means a Dwelling in a Building that is divided vertically into three or more attached Dwelling Units, each with its own Street Frontage and outdoor entrance.

E

EARLY LEARNING AND CHILD CARE CENTRE - means a building where children are cared for as permitted under the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01.

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.

F

FAMILY HOME CENTRE - means an early learning and child care centre located in a private residence as regulated under the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01.

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; and
- 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.

G

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

GARDEN SUITE – see ACCESSORY DWELLING UNIT

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.

GROUND-ORIENTED HOUSING - means a Building with more than one (1) Dwelling Unit, with each Dwelling Unit having direct access to a street or public space without the use of shared corridors, lobbies or hallways.

GROUP HOME - means a facility licensed or funded by the Province of Prince Edward Island that provides accommodation for six (6) or fewer residents who require special care or supervision, staffed 24 hours a day by trained care giver(s).

H

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

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.

HOME OCCUPATION - means the Accessory Use of a Dwelling for gainful employment involving the production, sale, or provision of goods and services, on a small scale.

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

I

INSTITUTIONAL BUILDINGS - means premises, other than retail or industrial premises 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. Early Learning and Child Care Centres.

INTENSIFICATION - means the Development of a Parcel at a higher density than previously existed and includes redevelopment or Development within existing communities, infill Development, or Development on vacant Lots or underdeveloped Lots within a built-up area, conversion or the Change of Use of an existing Structure or Use, and the creation of apartments or other accommodation in Dwellings.

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.

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

L

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.

M

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 wheelchair ramps.

MAJOR RETAIL DEVELOPMENT - means any Development in 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 not limited to, 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 6.1 m. (20 ft.) or less, not including entries, Porches or other appurtenances and certified under the Z240 provisions of the Canada Standards Association (CSA).

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

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.

MUNICIPAL WELLFIELD – means an area within the Town of Cornwall from which groundwater is drawn for the purposes of public consumption within which land uses and associated activities may have a detrimental impact on the quantity or quality of the groundwater.

NARROW LOT DEVELOPMENT or NARROW LOT SINGLE-DETACHED DWELLING SUBDIVISION – 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 Sections 10.5 and 11.5 of this Bylaw.

N

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:

- a. a group home recognized as such by the Minister,
- b. a residential school,
- c. an establishment providing accommodation only,
- d. a hospital,
- e. a correctional institution,
- f. a facility in which addiction treatment services are provided,
- g. a community care facility, or
- h. a residential or nursing care home which is operated by or on behalf of the Province.

O

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 driveways, off-Street parking, or Loading Spaces.

OPEN STORAGE - means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment, or other items not intended for immediate sale.

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

P

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 crossbeams 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 barbershops, 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.

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

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

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.

PROPERTY OWNER or **OWNER** - means a registered owner of a property or lot, in accordance with the records on file at the Province's Land Registry Office.

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.

R

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.

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, R3, R4, or PURD Zones.

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

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

ROAD – see HIGHWAY

S

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.

SECONDARY SUITE – see ACCESSORY DWELLING UNIT.

SENIOR CITIZEN HOME - means a Multiple Unit residential building designed for occupation by senior citizens, which may include auxiliary uses such as Lounges and recreation facilities.

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

SHIPPING CONTAINER – any new and/or used container designed and constructed for the purpose of intermodal shipment of goods and materials, and intended for repeated use.

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-PREMISES SIGN” - means a Sign that identifies or directs attention to a business, profession, commodity, service, event or other activity not being conducted, sold or offered on the property on which the sign is located.

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

“PREMISES 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.

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

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

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

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

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.

STEPBACK - means a change in the vertical plane of multi-story buildings that preserves the pedestrian experience at sidewalk-level by setting the upper story building facade away from the street beyond the maximum building height allowed at the build-to-zone.

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 - 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.

STREETWALL - means the wall of a building or portion of a wall facing a streetline that is below the height of a specified setback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.

STRUCTURAL ALTERATIONS - means any change to the structural components 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.).

T

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

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.

U

USE - means any purpose for which a Building or other Structure or parcel of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, Business or operation carried on, or intended to be carried on, in a Building or other Structure or on a parcel.

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

- a. for the conveyance or transmission of telephone messages or internet services;
- b. for the production, transmission, distribution or furnishing of electric energy; or
- c. for the provision of water or sewerage service,

to or for that person or corporation and not to or for the public.

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

- a. for the conveyance or transmission of telephone messages or internet services;
- b. for the production, transmission, distribution or furnishing of electric energy; or
- c. for the provision of water or sewerage service,

either directly or indirectly, to or for the public.

V

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.

W

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:

- a. in a non-tidal watercourse, the edge of the sediment bed; and
- b. in a tidal watercourse, the top of the bank, means the mean highwater 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.

Y

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

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

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

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

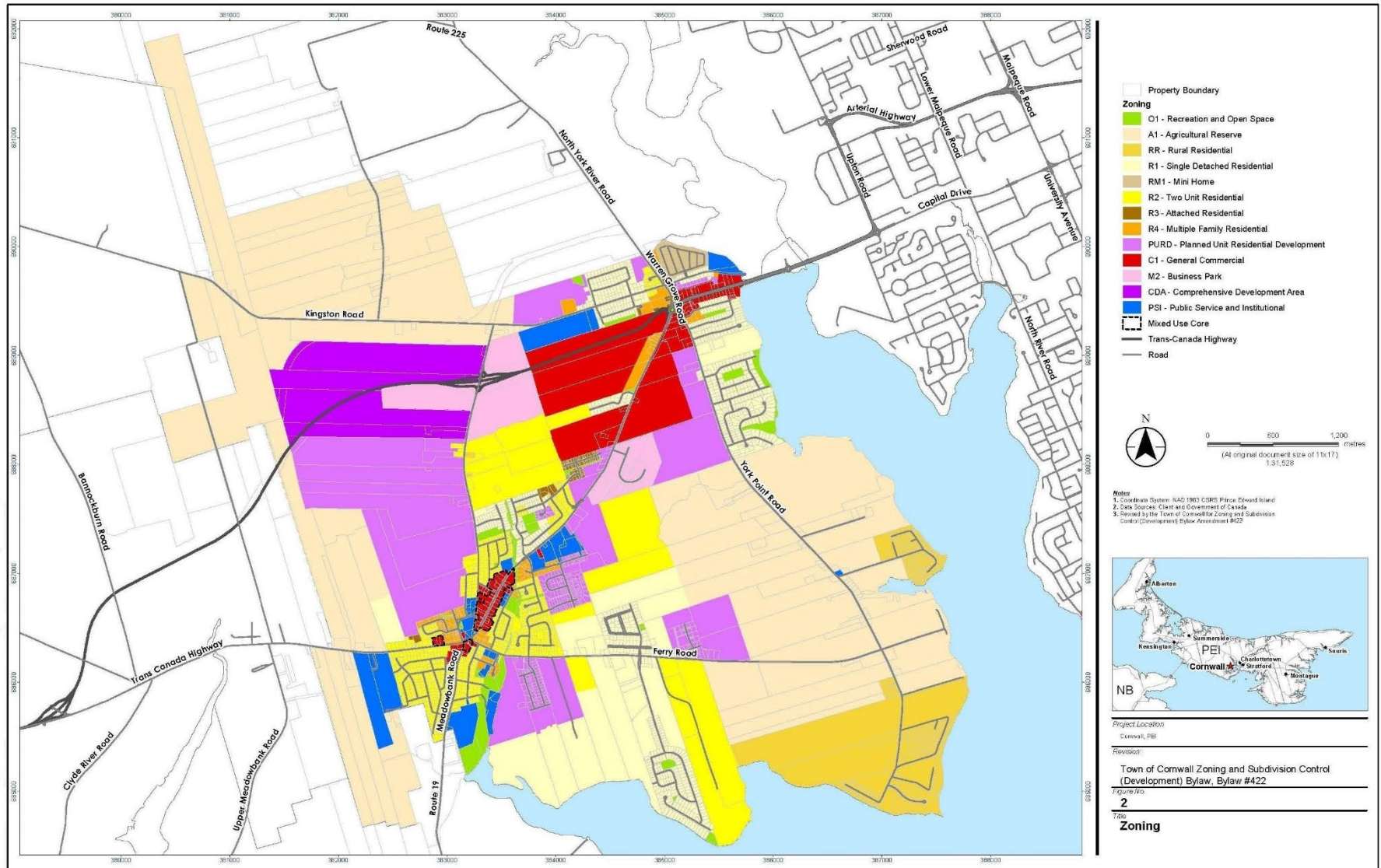
"FLANKAGE YARD" or "FLANKING YARD" - means the Side Yard of a Corner Lot extending from the Front Yard to the Rear Yard and between the flanking Lot Line and the nearest point on the Main Wall of any Main Building on the Lot. The 'minimum Flankage Yard' is measured at the minimum yard depth as required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

Z

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

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

SCHEDULE A - ZONING MAP – JANUARY 2025



117 Town of Cornwall Zoning and Subdivision Control (Development) Bylaw, Bylaw #422

SCHEDULE B

Province-Wide Minimum Development Standards Regulations

Notwithstanding any provisions of this bylaw, the Province-Wide Minimum Development Standards Regulations prescribed under the *Planning Act* R.S.P.E.I. 1988, c. P-8, as may be amended, apply in the Town of Cornwall. The Province-Wide Minimum Development Standards Regulations are included for information and reference purposes only.

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



PLEASE NOTE

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

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

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

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

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

CHAPTER P-8

PLANNING ACT

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

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

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

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

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

3. Revoked by EC41/96. Lot size

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

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

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

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

(4) Notwithstanding the minimum circle diameter requirements set out in column (f) of Table 1 and column (e) of Table 2, a lot that does not meet those requirements may be subdivided from a lot or parcel that existed prior to June 12, 1993 where Reduced circle requirement

- (a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewerage disposal systems;
- (b) the lot meets Category I standards in accordance with clause 5(a) and the minimum lot area requirements set out in column (e) of Table 1 and column (d) of Table 2 respectively;
- (c) a circle with a minimum diameter of 125 ft./38.1 m. will fit within the boundaries of the lot; and
- (d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement. (EC703/95; 41/96; 694/00; 552/11)

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

Exception (2) Notwithstanding subsection (1),

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

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

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

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

7. Revoked by (EC694/00).

Upgrade

8. The minimum lot size standards set in Tables 1 and 2 do not apply to subdivisions approved prior to October 14, 1995. (EC703/95; 552/11)

Application

9. (1) The authority having jurisdiction may, for special cause, authorize such minor variance from the provisions of these regulations as, in its opinion, is desirable and not inconsistent with the general intent and purpose of these regulations.

Minor variance

(2) Notwithstanding any other provisions of these regulations, where a lot is designed for use by a public or a private utility, the authority having jurisdiction may authorize a variance from the provisions of these regulations as, in its opinion, is desirable. (EC703/95; 552/11)

Variance, public utility use

MINIMUM HIGHWAY ACCESS

10. (1) The *Roads Act* Highway Access Regulations shall constitute the Minimum Highway Access Standards.

Minimum highway access standards

(2) An authority having jurisdiction shall not grant an approval or issue a permit for development unless an entrance way permit has been obtained for the applicable lot or development when so required. (EC703/95; 2/96; 552/11)

Entrance way permit

Province-Wide Minimum Development Standards Regulations

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

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

Province-Wide Minimum Development Standards Regulations

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

Province-Wide Minimum Development Standards Regulations

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

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

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

Province-Wide Minimum Development Standards Regulations

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

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

SCHEDULE C

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.

SCHEDULE D

Schedule of Fees

Last revised – July 30, 2018

| PERMIT TYPE: | FEE: |
|--|---|
| Residential | |
| Residential (including additions, attached garages and basement floor area) | \$0.15/sq. ft (Minimum \$40) |
| Accessory Structures | \$0.15/sq. ft (Minimum \$40) |
| Decks | \$40 |
| Pools | \$40 |
| Home Business Signage | \$40 |
| Agricultural | |
| Agriculture | \$0.12/sq. ft (Minimum \$40) |
| Commercial/Industrial/Institutional/Recreational | |
| Commercial/Industrial/Institutional/Recreational | \$5.00 /\$1,000 construction cost (Minimum \$100) |
| Signage | \$3.00/sq. ft |
| Excavation Pit | \$400 |
| Subdivision | |
| Sudivision Application | Minor Sub: \$300 (up to and including 5 lots) Major Sub: \$300 + \$25/lot (more than 5 lots) |
| Planned Unit Residential Development (PURD) | \$400 + \$25 per lot + Notification Fees for newspaper ads and/or postage (if applicable) |
| Lot Consolidation/Severance | \$150 |
| Subdivision of an attached building | \$300 |
| Amendments/Re-zoning/Agreements/Variances | |
| Variance | \$50 (for variances up to 5%) \$200 (for variances over 5%) |
| Agreements | Common Wall/Cottage/In-Law/ \$200 Subdivision/Development \$200 + applicable Provincial Registration Fees |
| Official Plan/Bylaw Amendments or Rezoning | \$500 + Notification Fees for newspaper ads and/or postage (if applicable) |
| Special/Permit Use | \$200 + Development Fee |

| | |
|---|---|
| Comprehensive Development Plan (CDA) | \$500 + Notification Fees for newspaper ads and/or postage (if applicable) |
| Change of Use | \$100 + Notification Fees for newspaper ads and/or postage (if applicable) |
| General | |
| Fence | \$40 |
| Demolition/Moving | \$75 |
| Temporary Permit/Day of Event Signage | \$40 |
| Zoning Inquiry | \$75 |
| Permit Extension (application must be received prior to expiration) | No charge |
| Approval/Permit “after the fact” | Double permit fee . |
| PERMIT/APPLICATION FEE DEPOSITS/REFUNDS | |
| A \$40.00 non-refundable deposit is required for a Development Permit. This deposit shall be applied as a credit towards the Development Permit fee. | |

