

COMMUNITY OF TIGNISH
ZONING AND SUBDIVISION CONTROL BYLAW
2008

Pursuant to Section 17 of the Planning Act,
RSPEI 1988, Cap. P-8 I hereby give my approval
of the attached Bylaw, effective on the _____ day
of _____, 2008.

Hon. Carolyn I. Bertram
Minister of Communities, Cultural Affairs and Labour

(Final No. 2 December 19, 2008)

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ZONING MAP

APPENDIX A

COMMUNITY OF TIGNISH ZONING & SUBDIVISION CONTROL BYLAW

This Bylaw is made under the authority of the Planning Act, RSPEI 1988, Cap. P-4 and the Municipalities Act, RSPEI 1988, Cap M-13

BE IT ENACTED by the Council of the Community of Tignish as follows:

1.0 GENERAL

1.1 TITLE

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

1.2 AREA DEFINED

1.2.1 This Bylaw applies to the geographic area within which the Council of the Community of Tignish has jurisdiction.

1.3 SCOPE

1.3.1 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 subdivided, consolidated or used in the Community of Tignish, except in conformity with this Bylaw and subject to the provisions contained herein.

1.4 ADMINISTRATION

1.4.1 The Council shall appoint a Development Officer, who may be the Chief Administrative Officer, and whose duties and authority shall include the administration of this Bylaw.

1.4.2 The Development Officer may consult with the Council or the Planning Board, or both, with respect to an application for a development permit, subdivision or lot consolidation approval prior to making a decision on the application.

1.4.3 The Development Officer shall, prior to making a decision, consult with the Planning Board and the Council on any application for a development permit which includes a building containing more than 8 residential units, or is more than 35 feet (10.7 meters) or 2.5 storeys in height, or has a gross floor area in excess of 8,000 square feet (743.2 square meters).

1.4.4 Where an application is denied the Development Officer shall inform the applicant of the decision in writing within 21 days of the date of the decision to deny the application.

2.0 DEFINITIONS

- 2.1 For the purpose of this Bylaw, all words shall carry their customary meaning except for those defined hereinafter.
- 2.2 In this Bylaw:
- 2.2.1 "Accessory Building" means a separate subordinate building, not used for human habitation, which is used or intended for the better or more convenient enjoyment of the main building to which it is accessory, and located upon the parcel of land upon which the main building is or is intended to be erected, and is compatible in design to the main building and surrounding structures.
- 2.2.2 "Accessory Use" means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
- 2.2.3 "Alter" means any change in a structural component or the physical appearance of a building or any increase in the volume, bulk or scale of a building or structure.
- 2.2.4 "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 where more than 20 percent of the length of the wall or roof line is common with the main building or structure wall or roof.
- 2.2.5 "Automobile Sales and Service Establishment" means a building or part of a building or a clearly defined space on a lot used for the sale, repair and maintenance of used or new motor vehicles
- 2.2.6 "Automobile Service Station or Service Station" means a building or part of a building or a clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and repairing of mechanical, electrical or hydraulic components of motor vehicles.
- 2.2.7 "Automobile Washing Establishment" means a building or part thereof used for the washing of motor vehicles.
- 2.2.8 "Bed and Breakfast" means a dwelling occupied by the owner and used incidentally to provide accommodation in not more than three separate rooms and meals to transient travelers and includes a tourist home but does not include a boarding house, rooming house, domiciliary hostel, group home, hotel, motel, restaurant or lounge.
- 2.2.9 "Block" means a unit of land consisting of a grouping of lots bounded on all sides by water-courses, streets or large parcel boundaries or as otherwise defined by the Council or the Development Officer.
- 2.2.10 "Building" means a structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel.
- 2.2.11 "Building Height" means the vertical distance measured from the average finished grade of the building to the highest point of a roof surface.
- 2.2.12 "Building Line" means any line regulating or defining the position of a building or structure on a lot.

- 2.2.13 "Building Setback" means the shortest distance between a street line and the nearest main wall of any building or structure, except a fence, and extending the full width of the lot.
- 2.2.14 "Business or Professional Office" means premises where services are offered for a fee and does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.
- 2.2.15 "Campground" means an area of land, managed or operated as a unit, providing short term accommodation for tents, tent trailers, travel trailers or recreational vehicles and campers.
- 2.2.16 "Carport" means a roofed building or structure which is not wholly enclosed and is used for the parking or storage of private passenger vehicles.
- 2.2.17 "Child Care Facility" means an institution, agency, or place, whether known as a day nursery, nursery school, kindergarten, day care, play school or any other name, which receives compensation for the temporary care apart from the parents, during part or all of a day, more than three children of less than seven years of age.
- 2.2.18 "Club" means an association of persons, whether incorporated or not, united by a common interest, meeting periodically for cooperation or conviviality. "Club" shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the club are conducted.
- 2.2.19 "Community Care Facility" means an establishment which provides care services for compensation to 5 or more residents who are not members of the operator's immediate family but does not include
- i) a group home;
 - ii) a residential school;
 - iii) an establishment providing accommodation only;
 - iv) a hospital;
 - v) a correctional institution;
 - vi) a facility in which addiction treatment services are provided;
 - vii) a nursing home;
 - viii) a welfare assistance residential institution which is operated or funded by the Province.
- 2.2.20 "Condominium" means a residential building and lot owned by a corporation in which individual dwelling units are held in separate private ownership and all floor space, facilities and outdoor areas used in common by the dwelling unit owners are owned, administered and maintained by the condominium corporation created under the relevant legislation.
- 2.2.21 "Convenience Store" means a retail commercial establishment, not exceeding 1,500 square feet (139.4 square meters) of gross floor area, supplying household goods to the immediate surrounding area and in which articles for sale are restricted to a limited range of food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat and which may include the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, tobacco products and video tape or DVD sales and rentals.
- 2.2.22 "Council" means the Council of the Community of Tignish
- 2.2.23 "Councillor" means a member of the Council and includes the Chair of the Council.

- 2.2.24 "Demolition" means the removal, pulling down, dismantling, or destruction of a structure.
- 2.2.25 "Developer" means the person to whom a development permit has been granted.
- 2.2.26 "Development" means the carrying out of any construction, building, excavation, dumping, filling, demolition 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 the cultivation of land for farming or forestry purposes or an activity deemed in this bylaw to be maintenance.
- 2.2.27 "Development Agreement" means a contract between the Community as represented by the Council and an applicant, owner or developer as the context requires in which the parties agree to conditions precedent to the issuance of a development permit for a development.
- 2.2.28 "Development Officer" means the person charged by the Council with the administration of this Bylaw.
- 2.2.29 "Development Permit" means the formal and written authorization for a person to carry out a development.
- 2.2.30 "Development Scheme- means a detailed plan showing the location, land use and form of all development of land in a defined area.
- 2.2.31 "Display" means any item, group of items, sign, or billboard visible to the general public, offering items or services for sale or trade, but does not include premise signs of 3 square feet (0.3 square meters) or less.
- 2.2.32 "Dwelling" means a building or portion thereof designated or used for residential occupancy, but does not include hotels and motels and
- (i) "Dwelling Unit" means 1 or more habitable rooms designed or intended for use by 1 or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided.
 - (ii) "Single Family Dwelling" means a building containing 1 dwelling unit with 2 separate entrances and includes modular homes and mini homes but does not include mobile homes or trailers.
 - (iii) "Duplex Dwelling" means a building divided horizontally and containing 2 dwelling units each of which has two separate entrances.
 - (iv) "Multiple Family Dwelling" means a building containing 3 or more dwelling units and has at least 2 separate entrances to the building and at least 1 entrance to each dwelling unit.
 - (v) "Semi-detached Dwelling" means a building divided vertically and containing 2 dwelling units each of which has 2 separate entrances.
 - (vi) "Townhouse Dwelling or Row House Dwelling" - means a building that is divided vertically into 3 or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- 2.2.33 "Erect" means to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, includes any preliminary physical operation leading to

- constructing, reconstructing, altering or relocating such as excavating, filling, draining, or other action.
- 2.2.34 "Family" means an individual residing in 1 dwelling unit, or a group of persons related by marriage, cohabitation, blood or adoption residing together in 1 dwelling unit and includes:
- i) domestic servants, non-paying guests and foster children; and,
 - ii) not more than 2 roomers or boarders living in the dwelling unit.
- 2.2.35 "Farming" means the cultivation of agricultural products, and the raising of farm livestock.
- 2.2.36 "Farm" or "Farm Property" means at least 10 acres of arable land, dwelling and complementary buildings operated as a farm enterprise and includes land leased from the Crown by bona fide farmers.
- 2.2.37 "Fence" means an artificially constructed barrier of any material or combination of materials erected and intended to enclose, define, screen or beautify areas of land.
- 2.2.38 "Floor Area" means:
- i) With reference to a dwelling, the habitable area contained within the outside walls;
 - ii) With reference to a commercial building, the total gross leasable floor area excluding washrooms, mechanical rooms and common areas.
 - iii) With reference to an accessory building, the area contained within the outside walls.
- 2.2.39 "Frontage" means the horizontal distance between the side lot lines bordering on a street or, in the case of an irregularly shaped lot, the horizontal distance between the side lot lines at the building line.
- 2.2.40 "Grade" means the average elevation of the finished surface of the ground, paving or sidewalk adjacent to a building or part thereof and shall exclude localized depressions such as vehicle or pedestrian entrances.
- 2.2.41. "Highway", "Road" or "Street" means the area within the boundary lines of a right-of-way which is vested in the Province of Prince Edward Island and used or intended for use by the general public for the passage of vehicles and includes any bridge over which any of the right-of-way passes.
- 2.2.42 "Hotel" means a building occupied or intended to be occupied as the temporary lodging place for any individual for a fee and excludes a motel.
- 2.2.43 "Industrial Premises" means premises in or from which goods or materials are manufactured, processed, assembled or extracted or premises from which wholesale trade is carried on including warehousing.
- 2.2.44 "Infill development" means a development in which 1 of not more than 3 adjoining vacant lots, or 450 feet of frontage on a street, whichever is the greater distance, located between two developed lots is proposed to be developed.

- 2.2.45 "In-Law Suite" means a self-contained dwelling constructed as part of in an owner-occupied single family dwelling for the sole purpose of accommodating the parents or grandparents of the owner or spouse.
- 2.2.46 "Landscaping" means any combination of trees, shrubs, flowers, grass, other horticultural elements, paving, or architectural and artistic elements, which are designed to enhance the visual amenity of a property.
- 2.2.47 "Loading Space" means an area of land provided and maintained upon the same lot or lots upon which a principal use is located and which area is provided for the temporary parking of 1 commercial motor vehicle while merchandise or materials are being loaded or unloaded.
- 2.2.48 "Lot" or "Property" means a parcel or tract of land described in a deed, shown on a registered subdivision plan and which has a Provincial Property Identification Number (PID).
- i) "Lot Area" means the area included within the lot lines.
 - ii) "Corner Lot" means a lot abutting an intersection of streets.
 - iii) "Flankage Lot Line" means the side lot line which abuts the street on a corner lot.
 - iv) "Front Lot Line" means the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance.
 - v) "Interior Lot" means a lot other than a corner lot.
 - vi) "Lot Depth" means the depth from the front lot line to the rear lot line.
 - vii) "Lot Line" means any boundary of a lot.
 - viii) "Rear Lot Line" means the lot line further from and opposite to the front lot line.
 - ix) "Side Lot Line" means a lot line other than a front, rear or flankage lot line.
 - x) "Through Lot" means a lot bounded on two opposite sides by streets.
- 2.2.49 "Lot Consolidation" means the legal incorporation of two or more existing lots, parcels or tracts of land to form a single, larger lot, parcel or tract.
- 2.2.50 "Lot Coverage" means the percentage of the lot covered by the main building, attached or detached garage or carport and any accessory buildings or decks and does not include a sidewalk or patio.
- 2.2.51 "Lounge" means a commercial premise or structure licensed to sell alcoholic beverages to the public.
- 2.2.52 "Main Building" means the building whose use determines the use of the lot upon which it is constructed.
- 2.2.53 "Major Development" means a development that will have a major impact on the Community as a whole including, but not limited to, impacts on municipal services, transportation, tax rates, retail outlets, institutions and residential expansion.

- 2.2.54 "Mini-Home" means a premanufactured dwelling unit having an average width of less than 20 feet (6.1 meters), not including entries, porches or other appurtenances and does not include a mobile home.
- 2.2.55 "Mobile Home" means a transportable dwelling unit suitable for permanent occupancy, having an average width of less than 20 feet (6.1 meters), not including entries, porches or other appurtenances and designed to be transported with its own wheeled chassis and hitch and does not include a mini-home.
- 2.2.56 "Modular Home" means a premanufactured dwelling unit having an average width of 20 feet or more, not including appurtenances such as porches, entries and other appurtenances and does not include a mini-home or mobile home.
- 2.2.57 "Motel" means a building occupied in whole or in part as a temporary lodging place for an individual and for which there is an exit for any room or suite of rooms directly to the outdoors with access to ground level.
- 2.2.58 "Noxious Use" means a land use or development which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, or any objectionable odour.
- 2.2.59 "Nursing Home" means a building, part of building, or group of buildings in which, for a fee, charge or reward, direct or indirect, there are housed persons requiring or receiving active treatment for, or convalescing from, or being rehabilitated following, illness or injury, but does not include a hospital, mental hospital, tuberculosis hospital or sanitorium.
- 2.2.60 "Open Space" means that portion of a lot which may be used for landscaping, recreational space or leisure activities normally carried on outdoors and does not include space used for driveways or off-street parking.
- 2.2.61 "Parking Space" means an area of land which is suitable for the temporary parking of a vehicle, not less than 9 feet (2.7 meters) wide and 18 feet (5.5 meters) long and accessible to vehicles by aisles, driveways or maneuvering areas other than parking spaces except in single family, semi-detached and duplex dwellings which may be in a single driveway for each unit.
- 2.2.62 "Personal Service Shop" means a building in which persons are engaged in providing lawful services or otherwise administering to the individual and personal needs of persons.
- 2.2.63 "Phase" means the development of a parcel of land over time in a series of prescribed stages or one of such stages.
- 2.2.64 "Private Garage" means an accessory building or part thereof which is used for the storage of private motor vehicles or the storage of household equipment incidental to a residential use, in which there is no commercial use and does not include a carport.
- 2.2.65 "Premise Sign" means a sign that directs attention to a business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the lot upon which such sign is located, or to which it is affixed.
- 2.2.66 "Public Park" or "Parkland" means land owned by a government and is used or intended for use by the general public.

- 2.2.67 "Recreational Trailer" or "Recreational Vehicle" means a vehicle which provides sleeping and other facilities while travelling or vacationing and does not include a mobile home, mini home or modular home.
- 2.2.68 "Restaurant" means a building or structure or part thereof where food is prepared and offered for sale to the public.
- 2.2.69 "Retail Store" - means a building or part thereof in which food, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.
- 2.2.70 "Senior Citizen" means a person deemed to be eligible for accommodation in a Senior Citizen Home under the Prince Edward Island Housing Corporation Act or other similar statute.
- 2.2.71 "Senior Citizen Home" means a building providing housing exclusively for Senior Citizens, and may include auxiliary uses such as lounges and recreation facilities for the sole use of the residents and without separate fees.
- 2.2.72 "Service Shop" means a building, or part thereof, used for the sale and repair of household articles and does not include industrial, manufacturing or motor vehicle repair shops.
- 2.2.73 "Sewerage System" means a system of pipes and treatment for the collection and disposal of sewage operated by a public utility.
- 2.2.74 "Storey" means that portion of a building between any floor and ceiling or roof next above, provided that any portion of a building partly below final finished grade level shall not be deemed a storey unless its ceiling is at least 6 feet (1.8 meters) above grade and that any portion of a building between any floor and ceiling or roof next above exceeding 14 feet (4.3 meters) in height shall be deemed an additional storey.
- 2.2.75 "Structure" means any construction including a building fixed to, supported by or sunk into land or water, excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.
- 2.2.77 "Subdivision" means a division of a lot, parcel or tract of land by means of a plan of subdivision, survey, agreement, deed or any instrument, including a caveat transferring or creating an estate or interest in part of the lot, parcel or tract.
- 2.2.78 "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 2 feet (0.6 meters) or more at any point or with a surface area exceeding 100 square feet (9.3 square meters).
- 2.2.79 "Summer Cottage" or "Seasonal Residence" means a dwelling intended for seasonal residential use from April 1st to November 30th annually and does not include a year round residence.
- 2.2.80 "Survey Plan" means an appropriately scaled drawing of survey details, stamped by a public land surveyor licensed to practice in Prince Edward Island and who has certified that the plan has been surveyed in accordance with the PEI Land Surveyors Act.
- 2.2.81 "Tourist Establishment" means a building in which overnight accommodation for transient guests for compensation is provided on a seasonal basis.

- 2.2.82 "Use" means any purpose for which a building or other structure or land is designed, arranged, intended, maintained or occupied, and includes any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel.
- 2.2.83 "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.
- 2.2.84 "Watercourse" means the full width and length including the bed, shore, and bank of a fresh or tidal water body situated below the high water mark of a stream, river, lake, pond, creek, ravine, and gulch or any part thereof.
- 2.2.85 "Wetland" means a freshwater or tidal area that is or may be submerged or periodically submerged under freshwater or saltwater, including, but not limited to marshes, salt marshes, swamps and sloughs and does not include salt water beaches.
- 2.2.86 "Yard" means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as permitted in this Bylaw and
- i) "Flankage Yard" means the side yard of a corner lot which extends from the front yard to the rear yard along the flankage lot line.
 - ii) "Front Yard" means a yard extending across the width of a lot between the front lot line and nearest wall of any building or structure on the lot.
 - iii) "Rear Yard" means a yard extending across the width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
 - iv) "Side Yard" means a yard extending from the front yard to the rear yard of a lot between a side lot line and nearest wall of any building or structure on the lot.
- 2.2.87 "Zone" means a designated area of land shown on the Official Zoning Map of the Bylaw within which land uses are restricted to those specified by this Bylaw.

3.0 DEVELOPMENT ZONES

3.1 ZONES

- 3.1.1 For the purpose of this Bylaw, the Community is divided into the following land use and development zones, the boundaries of which are as shown on the Official Zoning Map.
- 3.1.2 The zones may be referred to by their symbols.
- 3.1.3 The following zones are established:

ZONE	SYMBOL
Residential	R
Commercial	C
Industrial	M

Institutional and Public Service	I
Recreation and Open Space	O
Agriculture and Forestry	A

3.2 INTERPRETATION OF ZONE BOUNDARIES

3.2.1 Boundaries between zones shall be determined as follows:

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

3.3 LIKE AND SIMILAR USES

3.3.1 Where an application for a development permit specifies a use which is not a specifically permitted use under this Bylaw, and the use is sufficiently like or similar to a permitted use as to deem that the proposed use would have the same characteristics and impact as a permitted use, the Development Officer may determine that the proposed use is a permitted use.

3.4 OFFICIAL ZONING MAP

3.4.1 The zoning map, as amended, appended to this Bylaw shall be and may be cited as the "Official Zoning Map" and forms a part of this Bylaw.

3.5 CERTAIN WORDS

3.5.1 In this Bylaw:

- a) words used in the present tense include the future and vice versa;
- b) words in the singular number include the plural and vice versa ;
- c) the word "shall" is mandatory and not permissive;
- d) the word "may" is permissive and not mandatory;
- e) the word "he" includes "she".

3.6 UNITS OF MEASURE

3.6.1 Conversion of units of measure shall be in accordance with either Imperial or metric standards carried to one decimal place.

4.0 GENERAL PROVISIONS FOR ALL ZONES

4.1 DEVELOPMENT APPROVAL

4.1.1 Subject to clause 4.1.2 no person shall:

- a) change the use of a parcel of land or a structure in such a way that it no longer complies with the uses permitted in the zone which applies to the lot or the structure;
- b) commence a development;
- c) construct or replace any structure;
- d) make structural alterations to any structure;
- e) move or demolish any structure;
- f) place or dump any fill or other material;
- g) subdivide or consolidate a parcel of land; or
- h) construct a fence over 4 feet high.

without first applying for, and receiving, a development permit therefor.

4.1.2. For the purposes of this Bylaw:

- a) constructing or maintaining a patio, deck, fence, sidewalk or driveway;
- b) installing a clothesline, pole, or radio or television antenna or satellite dish;
- c) making a garden;
- d) preparing land for or growing a crop;
- e) making landscaping improvements or constructing ornamental structures of less than 16 square feet (1.5 square meters) in area;
- f) constructing or placing an accessory building of less than 140 square feet (13.0 square meters) in area not closer to the property lines than the standards prescribed in the zone which applies to the lot;
- g) conducting routine maintenance which has the effect of maintaining a structure or restoring a structure or any of its elements;
- h) making a non-structural alteration to a structure;
- i) underground tanks which require and receive Provincial approval and do not result in a change of use, require a rezoning of the property or the construction or structural renovation of a building or structure;
- j) placing of a seasonal swimming pool whose maximum depth of water is less than 2 feet (0.6 meters);

- k) placing a temporary building or structure or creating a temporary parking lot on a lot in conjunction with a festival or event

shall not be interpreted as changing the use of land or a structure or constructing or replacing a structure, and shall not require a development permit.

4.2 PERMIT APPLICATION

- 4.2.1 A person applying for a development permit required under this Bylaw shall do so on a form prescribed by the Council, and shall submit the application to the Development Officer.
- 4.2.2 An application form shall be signed by the owner of the property to which the application applies or the property owner's authorized agent, and shall be accompanied by an application fee in accordance with a fee schedule established by the Council.

4.3 ESTABLISHMENT AND PAYMENT OF FEES

- 4.3.1 The Council shall establish fees for applications for approvals, permits, subdivisions or any matter or service which is carried out in the administration of this Bylaw
- 4.3.2 Notwithstanding any section of this Bylaw, a development permit is not valid and has no force until the application fee and any other required fees are paid in full and the permit is in the possession of the permit grantee.

4.4 DEVELOPMENT PERMIT TIME LIMIT

- 4.4.1 A development permit shall be valid for a continuous 12 month period, or such additional time as may be authorized by the Council or the Development Officer prior to the expiry date of the development permit

4.5 SITE PLAN

- 4.5.1 The Development Officer may require an applicant to submit a site plan drawn to a useable scale in addition to the application form and the site plan shall form part of the application.

4.6 CONDITIONS ON PERMITS

- 4.6.1 The Council or the Development Officer may impose conditions on a development permit provided that such conditions are consistent with this bylaw and the Official Plan.

4.7 DEVELOPMENT AGREEMENT

- 4.7.1 Notwithstanding the provisions of this Bylaw, the Council may require an applicant to enter into a development agreement with the Council prior to issuing a development permit.

4.8 CONSTRUCTION IN ACCORDANCE WITH APPLICATION

- 4.8.1 A developer or any agent, contractor or installer shall be deemed to have agreed to develop in accordance with the development permit and the information given on the prescribed application form and any conditions imposed by the development permit or development agreement and shall comply therewith.

4.9 INACCURATE OR FALSE INFORMATION

- 4.9.1 Where a development permit has been issued and information upon which the decision to issue the development permit was based in whole or in part is determined to be materially incorrect, false or inaccurate, the development permit shall be deemed to be null and void and the Development Officer shall order the developer to cease further construction and the developer shall comply forthwith with the order..

4.10 EXISTING VACANT NON-CONFORMING LOTS

- 4.10.1 A vacant lot held in separate ownership from adjoining parcels on the effective date of this bylaw, having less than the minimum frontage or area required, may be used for a purpose permitted in the zone in which the lot is located and a development permit may be issued for a development on the lot provided that all other applicable provisions are satisfied.

4.11 INFILL DEVELOPMENT

- 4.11.1 Infill development may be permitted in any zone.
- 4.11.2 The Development Officer may approve an application for an infill development which does not meet the requirements of this bylaw with respect to a front yard, side yard, flankage yard or rear yard, building height, lot area or lot frontage provided that:
- a) the lot was in lawful existence on the effective date of this Bylaw.
 - b) the development proposed is consistent with the development on adjacent developed lots.
 - c) the development is consistent with the Official Plan.

4.12 OTHER INFORMATION

- 4.12.1 The Development Officer may require an applicant to submit additional information related to the proposed development, which is deemed pertinent, including, but not limited to:
- a) parking lot layout and internal circulation patterns;
 - b) location of garbage containers and description of any screening or fencing;
 - c) storm water management;
 - d) location of open space and amenity areas;
 - e) landscaping;
 - f) buffer areas adjacent to wetland areas or watercourses;
 - g) existing vegetation;
 - h) easements;
 - i) proposed storage areas and description of any screening or fencing;

- j) traffic management

4.13 ACCESS

4.13.1 A development permit shall not be issued unless:

- a) 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;
- b) all driveway accesses shall meet the sight distance standards prescribed in the Roads Act Regulations.

4.13.2 Notwithstanding subsection 4.13.1, the Development Officer may, with the approval of the Council, approve a development permit for a residential or commercial structure which fronts on a private right-of-way, provided that:

- a) there is no reasonable means of providing access to a public street,
- b) the driveway or entranceway to the lot is safe and meets the sight distance requirements of the Roads Act Regulations;
- c) the applicant provides satisfactory evidence of access to the private right-of-way in perpetuity for the use or purpose intended and which is registered in the Prince Edward Island Registry Office.

4.14 ENTRANCEWAY PERMIT

4.14.1 Where an entranceway permit is required under the Roads Act Highway Access Regulations, its issuance shall be a precondition of the approval of a subdivision or issuance of a development permit.

4.15 SIGHT DISTANCE

4.15.1 No person shall construct or use any access driveway except where that access driveway meets the minimum sight distance standards as established under the Roads Act Regulations.

4.16 REFUSAL OF DEVELOPMENT

4.16.1 The Development Officer or the Council, as the case may be, shall not issue a development permit for a development if, in the opinion of the Development Officer or the Council, one or more of the following conditions exists:

- a) the proposed development does not conform to this Bylaw;
- b) the method of water supply is not adequate or appropriate;
- c) the method of sewage collection and disposal is not adequate or appropriate;
- d) there is not a safe and efficient access to a public highway, street, or road;
- e) the impact of the proposed development would be significantly detrimental to the natural environment;
- f) the proposed development would create unsafe traffic conditions;

- g) the proposed development would significantly or permanently injure neighbouring properties by reason of architectural disharmony, or,
- h) the proposed development would be detrimental to the health or safety of residents in the vicinity or the general public.

4.17 MINOR VARIANCES

4.17.1 Where the Development Officer is not able to issue a development permit because the proposed development does not meet the minimum requirements of this By-law, the Development Officer may grant a minor variance of up to 15 percent of the minimum setback requirements for a front, rear, side or flankage yard and 10 percent of other minimum standards pertaining to a lot area, a lot frontage or a building height, provided that:

- a) the requirements of this Bylaw cannot reasonably be met;
- b) the need for consideration of a variance is owing to conditions unique to the property or the area and is not either general to the area or has arisen as the result of actions by the Owner;
- c) a literal enforcement of this by-law would result in unnecessary and undue hardship;
- d) the proposed development complies with the intent and purpose of the Official Plan and this By-law;
- e) the proposal is desirable and is an appropriate development or use of the subject lot;
- f) no previous variance has been granted for the lot;
- g) the proposed variance is minor in nature;
- h) the lot is held in separate ownership from adjoining properties on the effective date of this By-law;
- i) granting of the variance will not compromise public health, public safety, or significantly harm the natural environment;
- j) the request for the variance is not intended to increase profit for the developer or owner.
- k) the variance request does not require or lead to a rezoning application.

4.17.2. Before granting a variance under this Section, the Development Officer shall:

- a) receive from the applicant an application for a minor variance and sufficient funds to cover the costs associated with the mailouts and processing of this application;
- b) provide written notice by ordinary mail explaining the purpose of the variance to all property owners within 300 feet of the boundaries of the subject lot;
- c) ensure that the notice identifies the subject lot and describes the variance application and the date by which written comments must be received;

- d) If an objection is received within 14 calendar days from the date of the notice, the application for the variance shall be referred to the Planning Board which shall consider the request having regard for the conditions set out in clause 4.17.1 and recommend to the Development Officer to either approve or reject the application.
- e) If no objection is received within 14 calendar days from the date of the notice the variance may be granted by the Development Officer.
- f) If, more than 1 year following a variance approval by the Development Officer, no development permit has been issued or acted upon, the variance and any development permit issued shall be deemed to be null and void.

4.18 OTHER VARIANCES

4.18.1 Where the Development Officer cannot issue a Development Permit because the variance being sought is not a minor variance as specified in this By-law, the Council may, following receipt of a recommendation from the Development Officer and the Planning Board grant a variance based on the same considerations except subclause 4.17.1(g), in the same manner and following the same procedures as if it were a minor variance granted by the Development Officer, except that the amount of the variance may be twice the amount which the Development Officer could have granted provided that:

- a) the variance does not result in a development in which the front yard, rear yard, side yard, flankage yard, lot area, lot frontage or building height is materially more deficient than those on adjacent developed lots;
- b) the variance is not detrimental to and will contribute to the preservation of the neighbourhood, area or streetscape on which the development is located.

4.18.2 Notwithstanding clause 4.18.1 where a development is an infill development the Council may permit a variance which exceed those enabled in Clause 4.18.1 provided that:

- a) the variance does not result in a development in which the front yard, rear yard, side yard, flankage yard, lot area, lot frontage or building height is materially more deficient than those on adjacent developed lots;
- b) the variance is necessary for the preservation of the neighbourhood, area or streetscape on which the development is located;

4.19 MAIN BUILDINGS

4.19.1 More than 1 main building may be placed on a lot in any zone except the Residential zone, provided all other provisions of this Bylaw are met.

4.20 ACCESSIBILITY

4.20.1 The Development Officer or the Council may, as a condition of granting of a development permit, require the developer to design and develop a structure or provide such facilities as are deemed to be necessary to permit access to a commercial or institutional building or structure open to the public by physically challenged persons.

4.21 MIXED USE

4.21.1 Where any land or building is used for more than 1 purpose, all provisions of this Bylaw relating to each use shall be satisfied.

4.22 MAJOR DEVELOPMENTS

4.22.1 The Development Officer shall not issue a development permit for a major development without the approval of the Council.

4.22.2 The Council may require a development agreement addressing all aspects of the development including, but not limited to, the following:

- a) parking
- b) loading zones
- c) internal pedestrian and vehicular circulation
- d) access and egress
- e) any improvements deemed to be required to the public streets adjacent to the development
- f) public and private utilities
- g) storm water drainage and runoff
- h) buffer areas adjacent to neighbouring properties
- i) signage
- j) sidewalks
- k) any other matter deemed by the Council to affect public health, public safety, protection of the natural environment or to impose a financial burden on the Community.

4.23 YARDS

4.23.1 Except for accessory buildings, outdoor furniture, trees and shrubs, outdoor ornaments, fences and swimming pools permitted under this bylaw and the like, every part of any yard required by this Bylaw shall be open and unobstructed by any structure.

4.24 CONSTRUCTION PLANS

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

4.25 OTHER PERMITS AND APPROVALS

- 4.25.1 Nothing in this Bylaw exempts any person from the requirement to obtain any permit, license, permission, authority or approval required by any other regulation or statute which is in force.

4.26 SITE WORK

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

4.27 AUTHORIZATION FOR INSPECTION

- 4.27.1 An application for a development permit or the existence of a development permit shall constitute authorization for inspection of the building or land in question by the Development Officer or an employee or agent of the Community for the purpose of assessing or ensuring compliance with the provisions of this Bylaw or a permit or approval granted by another authority having jurisdiction.

4.28 SURVEYS REQUIRED

- 4.28.1 Where the Development Officer is unable to determine whether a proposed development conforms to this Bylaw and other bylaws and regulations in force which affect the proposed development, the Development Officer may require that the plans submitted be based upon a survey carried out and stamped by a licensed Prince Edward Island Land Surveyor.

4.29 OCCUPANCY CERTIFICATE

- 4.29.1 As a condition of any development permit Council may require that the developer shall not use or occupy, or being the owner thereof, shall not permit any building or premises, or part thereof, to be used or occupied until an occupancy certificate has been issued by the Development Officer.

4.30 ACCESSORY USES, BUILDINGS AND STRUCTURES

- 4.30.1 Subject to clause 4.1.2, accessory uses, buildings and structures, including detached garages, shall be permitted on a lot but shall not:
- a) be used for human habitation except where a dwelling is permitted as an accessory use;
 - b) be located within the front yard or side yard of a lot;
 - c) be built closer than 3 feet (0.9 meters) to any lot line;
 - d) be closer than 8 feet (2.4 meters) to a main building;
 - e) except in a Commercial zone, Industrial zone or Agriculture and Forestry zone:
 - i) exceed 12 feet (3.7 meters) in height, unless the development permit specifically permits a greater height in order to achieve architectural harmony with the main building;
 - ii) exceed a total of 800 square feet (74.3 square meters) of floor area for any building or structure;

- iii) exceed a total of 2 buildings or structures with a combined maximum total floor area of 1,000 square feet (92.9 square meters).

4.30.2 Accessory buildings and structures shall be included in the calculation of maximum lot coverage.

4.31 PERMITS POSTED

4.31.1 A development permit shall be posted by the developer in an easily visible location.

4.32 MOVING OF BUILDINGS

4.32.1 No building shall be moved within or into the Community without a development permit.

4.33 HEIGHT REGULATIONS EXEMPTIONS

4.33.1 The height regulations of this Bylaw shall not apply to church spires, water tanks, flag poles, lighting standards, television or radio antennae, ventilators, skylights, chimneys, clock towers, or utility poles.

4.34 INTERSECTION TRIANGLE

4.34.1 On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 2 feet (0.6 meters) above grade of the streets which abut the lot within the triangular area indicated by the street boundary lines for a distance of 20 feet (6.1 meters) from their point of intersection.

4.35 PERMITTED USES IN ALL ZONES

4.35.1 The following uses are permitted in all zones:

- i) Temporary construction facilities such as sheds, scaffolds and equipment incidental to building on the premises for so long as work is in progress or for a maximum period of 6 months, whichever is the shorter period;
- ii) Public and private utility buildings and structures which are considered by the Development Officer to be necessary and appropriate.

4.36 OUTDOOR SWIMMING POOLS

4.36.1 The installation of a swimming pool shall be permitted in any zone in accordance with the following:

- a) A fence not less than 6 feet (1.8 meters) in height shall be constructed in such a manner so as to impede persons or animals from entering over or under the fence. The fence shall be consistent with the architecture of the area in which it is to be located.
- b) Any gate on the fence shall be capable of being locked;
- c) Disposal of water shall be through a method authorized by the Development Officer.

4.37 SUBDIVIDING OF ATTACHED DWELLINGS

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

- a) A subdivision of the parcel of land which provides for appropriate easements or common areas to allow entry by an owner of any portion of the building to that owner's back yard area has been approved by the Development Officer
- b) the unit is separated from the basement floor to the underside of the roof by a vertical fire wall built in accordance with applicable National Building and Fire Code regulations;
- c) a separate water and sewer service is provided for each unit;
- d) a separate electrical service is provided for each unit;
- e) a separate heating device is provided for each unit;
- f) separate parking is provided except where the Council has waived this requirement;
- g) a copy of the agreement made between the owners covering maintenance, easements, parking and other relevant matters is approved by the Council and registered on the title of each unit.

4.37.2 Notwithstanding the provisions of this Bylaw the residential side yard requirements for the interior units of the building shall be waived.

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

4.38.1 No semi-detached, row or town house dwelling shall be erected in a manner which will not permit subdivision into individual units pursuant to subsection 4.37.

4.39 GRADE OF SITE

4.39.1 No building shall be erected or placed except in conformance with its finished grade.

4.40 LANDSCAPING

4.40.1 Where a Commercial or Industrial Zone abuts a Residential Zone, the provision and maintenance of adequate landscape buffering or appropriate fencing shall be required to the satisfaction of the Development Officer between the Residential zone and new commercial, industrial or other land uses on land which adjoins the Residential zone.

4.41 ALTERATION OF EXISTING BUILDINGS ON NON-CONFORMING LOTS

4.41.1 A building lawfully existing on the effective date of this Bylaw located on a lot having less than the minimum frontage or area, or having less than the minimum front yard, side yard, flankage yard or rear yard required by this Bylaw may continue to exist and the building may be enlarged, reconstructed, repaired or renovated provided that:

- a) the use of the building is a use permitted in the zone in which it is located;

- b) the enlargement, reconstruction, repair or renovation does not further reduce the front yard, side yard, flankage yard or rear yard which does not conform to this bylaw;
 - c) all other applicable provisions of this Bylaw are satisfied.
- 4.41.2 A building legally existing on the effective date of this Bylaw whose use is not a permitted use in the zone in which it is located may continue to exist and be used provided that:
- a) the use on the effective date of the Bylaw shall not be changed except in conformance with this Bylaw.
 - b) the building may not be enlarged, reconstructed, repaired or renovated except where the enlargement, reconstruction, repair or renovation is required by statute or bylaw.
- 4.41.3 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 6 months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time.

4.42 NON-CONFORMING USES

- 4.42.1 A building or structure, or use of land, buildings or structures lawfully existing on the effective date of this Bylaw and which does not conform to the zoning may continue to exist;
- 4.42.2 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 6 months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time.
- 4.42.3 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;
- 4.42.4 Where a building which does not conform to the provisions of this Bylaw is destroyed by a fire or otherwise to an extent of 75% or more of the assessed value of the building above its foundation it shall only be rebuilt or repaired in conformity with this Bylaw.
- 4.42.5 Any change of tenants or occupants of any premises or building shall not of itself be deemed to affect the use of the premises or building for the purposes of this bylaw;
- 4.42.6 A non-conforming use of land, buildings or structures shall not be permitted if it has been discontinued for a period of 12 months consecutively and, in such event, the land, building or structure shall not thereafter be used except in conformity with this Bylaw.

4.42.7 No intensification of use shall be made while a non-conforming use of land, buildings or structures is being continued.

4.43 HOME OCCUPATIONS IN RESIDENTIAL ZONES

4.43.1 A dwelling in a residential zone may be used as a business or professional office provided:

- a) the dwelling shall be occupied as a residence by the principal operator of the business or professional office and the external appearance of the dwelling shall not be changed by the business use.
- b) there shall be no more than 2 non-resident assistants employed in the business or profession;
- c) not more than 25% of the total floor area of the dwelling shall be occupied by the business or professional office;
- d) off-street parking, in accordance with this Bylaw, in addition to and separate from that required for the dwelling, shall be provided;
- e) there shall be no open storage or display area;

4.44 RECREATION TRAILERS OR VEHICLES

4.44.1 No person shall use or occupy a recreation trailer or vehicle other than in an approved campground, for a period of more than 90 days, unless the Development Officer, with the prior approval of the Council, has issued a temporary permit for such use which shall not exceed a further 90 days.

4.45 MOBILE HOMES

4.45.1 Mobile Homes shall not be permitted other than in a designated mobile home park or as an accessory use on a farm property.

4.46 BED AND BREAKFAST ESTABLISHMENTS

4.46.1 Bed and breakfast establishments shall be permitted to operate within a dwelling in a Residential, Commercial or Agricultural and Forestry zone subject to the following:

- a) the dwelling shall be occupied as a residence by the operator;
- b) the external appearance of the dwelling shall not be changed by the bed and breakfast operation;
- c) not more than 3 rooms shall be offered for overnight accommodation;
- d) off-street parking, in accordance with this Bylaw, in addition to and separate from that required for the dwelling, shall be provided;
- e) premise signs shall not exceed a maximum of 4 square feet (0.37 square meters) in area;
- f) there shall be no other signage other than permitted in clause (e), open storage or visible display area.

5.0 PARKING

5.1 GENERAL

5.1.1 For every building to be erected, placed, used or enlarged, off-street parking shall be provided and maintained on the same lot to the extent, at least, set out in this Part.

5.2 PARKING REQUIREMENTS

5.2.1 The minimum parking requirements shall be as shown in Table 1.

**TABLE 1
PARKING REQUIREMENTS**

a	Single family dwelling	2 spaces per unit
b	Duplex or Semi Detached dwelling	2 spaces per unit
c	Multiple unit dwelling	1.5 spaces per unit
d	Hotel or Motel	1 space per guest room and 1 space per employee
e	Tourist Establishment	1 space per rental unit and 1 space per 250 sq.ft.(23.2 sq. m) of floor area for public use and 1 space per employee
f	Auditorium, Church, Hall, Library, Museum, Theatre, Arena, Private Club, Funeral Home, Restaurant, Lounge and similar uses with fixed seats	1 space per 4 seats and 1 space per full time employee equivalent
g	Auditorium, Church, Hall, Library, Museum, Theatre, Arena, Private Club, Funeral Home, Lounge, Restaurant and similar uses without fixed seats	1 space per 4 persons as determined by the capacity rating of the Provincial Fire Marshall's Office
h	Hospital, Nursing Home	0.75 spaces per bed
i	Seniors units, Community Care Facility	1 space per unit and 1 space per employee
j	Child care facility	0.25 spaces per child and 1 space per employee
k	Elementary School, Secondary School	1.5 spaces per teaching classroom and 1 space per 250 sq. ft. (23.2 sq. m) of auditorium space
l	High School	2 spaces per teaching classroom
m	Office, Service Shop, Personal Service Shop	1 space per 300 sq. ft.(27.9 sq. m) of gross leasable area
n	Retail Store	5.5 spaces per 1000 sq.ft. (92.9 sq. m) of gross leasable area
o	Industrial	1 space per 300 sq. ft (27.9 sq. m)

5.3 OTHER REQUIREMENTS

5.3.1 Where parking facilities are required or permitted:

- a) The parking area shall be maintained with a stable surface;

- b) The lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from the streets, adjacent lots and buildings;
- c) A structure not more than 10 feet (3.1 meters) in height and not more than 50 square feet (4.65 square meters) in area may be erected in the parking area for the use of parking lot attendants;
- d) A commercial or industrial parking area shall be within the same zone and lot and be within 500 feet (152.4 meters) of the building or structure for which it is required;
- e) Where the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated with painted lines;
- f) Entrances and exits to parking areas shall not exceed a width of 30 feet (9.1 meters) at the street line and edge of pavement;
- g) The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of 10 feet (3.1 meters) for one-way traffic, and a minimum width of 20 feet (6.1 meters) for two-way traffic;
- h) In a residential development no parking space shall be located in the portion of the front yard which extends from the nearest main wall of the habitable portion of the main building to the front lot line;
- i) Where parking of trucks with a carrying capacity of more than 1000 pounds (453.6 kilograms) is permitted or required, the location, layout and space size shall be the subject of additional or special consideration by the Development Officer.

5.4 LOADING SPACES

- 5.4.1 In a commercial or industrial zone, no person shall erect or use any building or structure which involves the frequent shipping, loading or unloading of persons, animals or goods, unless there is maintained on the same premises not less than 1 off-street space for standing, loading and unloading for every 30,000 square feet (2787.0 square meters) of gross leasable area.
- 5.4.2 Each loading space shall be not less than 12 feet (3.7 meters) wide with not less than 14 feet (4.3 meters) of height clearance.
- 5.4.3 Notwithstanding clauses 5.4.1 and 5.4.2 the requirement for loading space for any building with less than 1500 square feet (139.4 square meters) of gross leasable floor area may be waived by the Development Officer.
- 5.4.4 A loading space shall not be located within any required front yard or be located within any yard which abuts a Residential or Recreation and Open Space zone.

6.0 RESIDENTIAL ZONE (R)

6.1 GENERAL

- 6.1.1 Except as provided for in this Bylaw, all buildings or structures and parts thereof erected, placed or altered or any land used in a Residential (R) Zone shall conform with the provisions of this Part.

6.2 PERMITTED USES

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

- a) Single family dwellings (SFD)
- b) Single family mini-homes (SFM)
- c) Semi-detached and duplex dwellings (SDD and DD)
- d) Row houses (RH) and town houses (TH) containing not more than 4 units
- e) Apartment buildings (APT), including condominiums, containing not more than 8 units where served by a municipally owned central sewerage system and a municipally owned central water system.
- f) Apartment buildings (APT), including condominiums, containing not more than 4 units where served by an on-site sewerage system and a municipally owned central water system, an on-site water system and a municipally owned central sewerage system, or on-site sewerage and water systems.
- g) Parks and playgrounds
- h) Accessory buildings
- i) Home occupations, subject to subsection 4.43
- j) Bed and Breakfast establishments subject to subsection 4.46

6.3 CONDITIONAL USES

6.3.1 Notwithstanding section 6.2, the Development Officer may issue a development permit for the following uses where the Council deems the proposed development is consistent with the Official Plan and relevant community standards, all relevant provisions of this Bylaw are met, and subject to such conditions as the Council may impose:

- a) Group homes
- b) Child care facilities
- c) Apartment buildings containing more than 8 units and not more than 12 units.
- d) Sheds, barns and the storage of fishing boats which are clearly part of the commercial fishing industry.
- e) Grouped dwellings

6.4 LOT REQUIREMENTS

6.4.1 The following regulations shall apply to a development serviced by a municipally owned central sewerage service and a municipally owned central water service.

	Standard	SFD or SFM	SDD or DD	RH or TH	APT
a	Minimum Lot Area (Sq. Ft.)	7500 (696.8 sq. m)	12000 (1114.8 sq. m)	4000 (371.6 sq. m) per unit	3000 (278.7 sq. m) per unit
b	Minimum Frontage (Ft)	75 (22.9 m)	120 (36.6 m)	50 (15.2 m) per unit	50 (15.2 m) per unit
c	Minimum Front Yard (Ft)	17 (5.2 m)	17 (5.2 m)	17 (5.2 m)	17 (5.2 m)
d	Minimum Rear Yard (Ft)	15 (4.6 m)	15 (4.6 m)	15 (4.6 m)	15 (4.6 m)
e	Minimum Side Yard (Ft)	7.5 (2.2 m)	7.5 (2.2 m)	7.5 (2.2 m)	7.5 (2.2 m)
f	Minimum Flankage Yard (Ft)	17 (5.2 m)	17 (5.2 m)	17 (5.2 m)	17 (5.2 m)
g	Maximum Height of Any Building	2.5 storeys or 35 feet (10.7 m)	2.5 storeys or 35 feet (10.7 m)	2.5 storeys or 35 feet (10.7 m)	2.5 storeys or 35 feet (10.7 m)
h	Maximum Lot Coverage (%)	25	25	35	40

6.4.2 The following regulations shall apply to development serviced by a municipally owned central sewerage system and on-site water supply, on-site sewage disposal and a municipally owned central water service or on-site sewage disposal and on-site water supply:

	Standard	SFD or SFM	SDD or DD	RH or TH	APT
a	Minimum Lot Area (Sq, Ft)	See note 1	See note 1	See note 1	See note 1
b	Minimum Frontage (Ft)	100 (30.5 m)	120 (36.6 m)	50 (15.2 m) per unit	50 (15.2 m) per unit
c	Minimum Front Yard (Ft)	17 (5.2 m)	17 (5.2 m)	17 (5.2 m)	17 (5.2 m)
d	Minimum Rear Yard (Ft)	15 (4.6 m)	15 (4.6 m)	15 (4.6 m)	15 (4.6 m)
e	Minimum Side Yard (Ft)	7.5 (2.3 m)	7.5 (2.3 m)	7.5 (2.3 m)	7.5 (2.3 m)
f	Minimum Flankage Yard (Ft)	17 (5.2 m)	17 (5.2 m)	17 (5.2 m)	17 (5.2 m)
g	Maximum Height of Any Building	2.5 storeys or 35 ft. (10.7 m).	2.5 storeys or 35 ft. (10.7 m)	2.5 storeys or 35 ft. (10.7 m)	2.5 storeys or 35 feet (10.7 m)
h	Maximum Lot Coverage (%)	15	15	15	15
i	Minimum Circle Diameter (Ft.)	See note 1	See note 1	See note 1	See note 1

Notes: 1. In accordance with Province-wide Minimum Development Standards Regulations

7.0 COMMERCIAL ZONE (C)

7.1 GENERAL

7.1.1 Except as provided for in this Bylaw, all buildings or structures and parts thereof erected, placed or altered or any land used in a Commercial (C) Zone shall conform with the provisions of this Part.

7.2 PERMITTED USES

7.2.1 No building or structure 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 Facilities
- h) Uses connected with the automobile trade except for a scrap yard or body shop
- i) Institutional buildings

7.3 CONDITIONAL USES

7.3.1 Notwithstanding Section 7.2, the Development Officer may issue a development permit for the following uses where the Council deems the proposed development is consistent with the Official Plan and community standards, all relevant provisions of this Bylaw are met, and subject to such conditions as the Council may impose:

- a) Group homes
- b) Child care facilities
- c) Dwelling units in a commercial building
- d) Farm Equipment Dealerships and Repair Shops
- e) Heavy Equipment Dealerships and Repair Shops
- f) Building Supply Dealers
- g) Warehouses

7.4 LOT REQUIREMENTS

7.4.1 The following regulations shall apply to a development serviced by a municipally owned central sewer service and a municipally owned central water service.

	Standard	Commercial Uses (Excluding Conditional Uses)				
a	Minimum Lot Area (Sq, Ft)	7500 (696.8 sq. m)				
b	Minimum Frontage (Ft)	75 (22.9 m)				
c	Minimum Front Yard (Ft)	17 (5.2 m) where no parking permitted 57 (17.4 m) where parking permitted				
d	Minimum Rear Yard (Ft)	15 (4.6 m) where no parking permitted 55 (16.8 m) where parking permitted				
e	Minimum Side Yard (Ft)	7.5 (2.3 m) where no parking permitted 48 (14.6 m) where parking permitted				
f	Minimum Flankage Yard (Ft)	17 (5.2 m) where no parking permitted 57 (17.4 m) where parking permitted				
g	Maximum Height of Any Building	2.5 storeys or 35 feet (10.7 m).				
h	Maximum Lot Coverage (%)	50				

7.4.2 The following regulations shall apply to development serviced by a municipally owned central sewerage system and on-site water supply, on-site sewage disposal and a municipally owned central water service or on-site sewage disposal and on-site water supply:

	Standard	Commercial Uses (Excluding Conditional Uses)				
a	Minimum Lot Area (Sq, Ft)	See note 1				
b	Minimum Frontage (Ft)	75 (22.9 m)				
c	Minimum Front Yard (Ft)	17 (5.2 m) where no parking permitted 57 (17.4 m) where parking permitted				
d	Minimum Rear Yard (Ft)	15 (4.6 m) where no parking permitted 55 16.8 m) where parking permitted				
e	Minimum Side Yard (Ft)	7.5 (2.3 m) where no parking permitted 48 (14.6 m) where parking permitted				
f	Minimum Flankage Yard (Ft)	17 (5.2 m) where no parking permitted 57 (17.4 m) where parking permitted				
g	Maximum Height of Any Building	2.5 storeys or 35 feet.(10.7 m)				
h	Maximum Lot Coverage (%)	25				
i	Minimum Circle Diameter (Ft.)	See note 1				

Notes: 1. In accordance with Province-wide Minimum Development Standards Regulations

7.5 COMMERCIAL DEVELOPMENT ADJACENT TO RESIDENTIAL ZONES

7.5.1 Where a commercial development located on lands zoned Commercial (C) directly abuts on a residential zone, the following conditions shall apply:

- a) a strip of land not less than 15 ft. (4.6 m) in width along the lot line within the C 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) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone;
- c) 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.

7.6 DWELLINGS IN COMMERCIAL BUILDINGS

7.6.1 Where a dwelling unit is proposed as a use in a commercial building:

- a) the dwelling unit shall not be located adjoining a restaurant, lounge, automobile service station, drycleaning establishment or repair shop storing explosive materials;
- b) separate entrances shall serve the dwelling unit;
- c) the dwelling unit shall meet the requirements of the Provincial Fire Marshall.
- d) the residential use shall be clearly subordinate to the commercial use and, in any case, shall not exceed the non residential floor area of the building.

7.7 AUTOMOBILE SERVICE STATION

7.7.1 Where an automobile service station is proposed the following additional provisions shall apply:

- a) the minimum lot frontage shall be 150 feet (45.7 m) ;
- b) the minimum pump island setback shall be 20 feet (6.1 m);
- c) the minimum pump island distance from the access or egress shall be 30 feet (9.1 m);
- d) the minimum width of the driveway shall be 25 feet (7.6 m) and the maximum width of the driveway shall be 30 feet 9.2 m).

7.7.2 Where the service station includes an automobile washing facility, all washing operations shall be carried on inside the building.

7.8 PARKING IN FRONT OF BUILDING

7.8.1 Where parking is provided in front of any building a five foot landscaped buffer shall be provided between the parking area and the street boundary.

8.0 INDUSTRIAL ZONE (M)

8.1 GENERAL

8.1.1 Except as provided for in this Bylaw, all buildings or structures and parts thereof erected, placed or altered or any land used in an Industrial (M) Zone shall conform with the provisions of this Part.

8.2 PERMITTED USES

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

- a) Manufacturing and assembly establishments
- b) Warehousing establishments
- c) Transport operations
- d) Auto body shops
- e) Wholesale operations
- f) Service shops
- g) Farm machinery, heavy equipment dealerships and repair shops
- h) Building supply operations
- l) Excavation pits
- m) Road building and maintenance facilities and storage areas
- n) Heavy construction operations and storage areas

8.2.2 Notwithstanding the foregoing, any use which is deemed by the Council to be noxious, hazardous or a nuisance by reason of sound, odor, dust, fumes, smoke, electrical interference or be detrimental to public health, public safety or the natural environment shall be denied approval.

8.3 LOT REQUIREMENTS

8.3.1 The following regulations shall apply to a development serviced by a municipally owned central sewer service and a municipally owned central water service.

	Standard	Industrial Uses				
a	Minimum Lot Area (Sq, Ft)	15000 (1393.5 sq. m)				
b	Minimum Frontage (Ft)	100 (30.5 m)				
c	Minimum Front Yard (Ft)	17 (5.2 m) where no parking permitted 57 (17.4 m) where parking permitted				
d	Minimum Rear Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
e	Minimum Side Yard (Ft)	15 (4.6 m) where no parking permitted 55 (16.8 m) where parking permitted				
f	Minimum Flankage Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
g	Maximum Height of Any Building	2.5 storeys or 35 feet (10.7 m).				
h	Maximum Lot Coverage (%)	50				

8.3.2 The following regulations shall apply to development serviced by a municipally owned central sewerage system and on-site water supply, on-site sewage disposal and a

municipally owned central water service or on-site sewage disposal and on-site water supply:

	Standard	Industrial Uses				
a	Minimum Lot Area (Sq, Ft)	See note 1				
b	Minimum Frontage (Ft)	100 (30.5 m)				
c	Minimum Front Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
d	Minimum Rear Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
e	Minimum Side Yard (Ft)	15 (4.6 m) where no parking permitted 55 (16.8 m) where parking permitted				
f	Minimum Flankage Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
g	Maximum Height of Any Building	2.5 storeys or 35 feet (10.7 m).				
h	Maximum Lot Coverage (%)	25				
i	Minimum Circle Diameter (Ft.)	See note 1				

Notes: 1. In accordance with Province-wide Minimum Development Standards Regulations

8.4 EXCAVATION PITS

8.4.1 For the purpose of this section “excavation pit” means any excavation in the ground for the purpose of searching for or removing clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a highway, or a snow-trap constructed to protect a roadway from snow accumulation.

8.4.2 The following separation distances shall apply to all new excavation pits:

a	Distance from any residential property other than a residence occupied by the owner (Feet)	1000 (304.8 m)
b	Distance from any church, school, hospital, cemetery, public hall, bathing beach, public park, or public playground or any like or similar use (Feet)	1600 (487.7 m)
c	Setback from any property boundary (Feet)	25 (7.6 m)
d	Distance from any watercourse (Feet)	200 (61.0 m)
e	Distance from any highway (Feet)	200 (61.0 m)

8.4.3 The following conditions shall apply to all new excavation pits:

- a) the location of a road from the excavation pit giving access to a highway shall not create a hazard to the public and the applicant shall obtain permission for the highway access driveway from the Provincial Department of Transportation and Public Works prior to a development permit being granted;

- b) the application shall include plans approved by the Provincial Department of the Environment for:
 - i) the operation of the excavation pit which shall include provision for the protection of the natural environment including groundwater, air quality, noise, and soil erosion and fencing or other public safety measures;
 - ii) restoration of the site to a condition suitable for agricultural, forestry or other use acceptable to the Council.
- c) the Council may require the applicant to enter into a development agreement which may include provision for the applicant to post a bond or other security acceptable to the Council to cover the cost of carrying out the restoration plan;

9.0 INSTITUTIONAL AND PUBLIC SERVICE ZONE (I)

9.1 GENERAL

- 9.1.1 Except as provided for in this Bylaw, all buildings or structures and parts thereof erected, placed or altered or any land used in an Institutional and Public Service Zone (I) shall conform with the provisions of this Part.

9.2 PERMITTED USES

- 9.2.1 No building or structure or part thereof and no land shall be used for purposes other than:
 - a) Public institutional buildings
 - b) Group homes
 - c) Community centres
 - d) Recreation centres
 - e) Cemeteries
 - f) Government offices
 - g) Churches, places of worship and religious institutions
 - h) Public utilities
 - i) Public arenas and public recreational centres
 - j) Public museums and public cultural centres
 - k) Police stations
 - l) Fire halls
 - m) Public health facilities
 - n) Public educational facilities
 - o) Libraries

- p) Senior citizens homes, community care facilities, and nursing homes
- q) Hospitals
- r) Public schools

9.3 LOT REQUIREMENTS

9.3.1 The following regulations shall apply to a development serviced by a municipally owned central sewer service and a municipally owned central water service.

	Standard	Institutional and Public Service Uses				
a	Minimum Lot Area (Sq, Ft)	15000 (1393.5 sq. m)				
b	Minimum Frontage (Ft)	100 (30.5 m)				
c	Minimum Front Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
d	Minimum Rear Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
e	Minimum Side Yard (Ft)	15 (4.6 m) where no parking permitted 55 (16.8 m) where parking permitted				
f	Minimum Flankage Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
g	Maximum Height of Any Building	2.5 storeys or 35 feet (10.7 m).				
h	Maximum Lot Coverage (%)	25				

9.3.2 The following regulations shall apply to development serviced by a municipally owned central sewerage system and on-site water supply, on-site sewage disposal and a municipally owned central water service or on-site sewage disposal and on-site water supply:

	Standard	Institutional and Public Service Uses				
a	Minimum Lot Area (Sq, Ft)	See note 1				
b	Minimum Frontage (Ft)	100 (30.5 m)				
c	Minimum Front Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
d	Minimum Rear Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
e	Minimum Side Yard (Ft)	15 (4.6 m) where no parking permitted 55 (16.8 m) where parking permitted				
f	Minimum Flankage Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
g	Maximum Height of Any Building	2.5 storeys or 35 feet (10.7 m).				
h	Maximum Lot Coverage (%)	25				
i	Minimum Circle Diameter (Ft.)	See note 1				

Notes: 1. In accordance with Province-wide Minimum Development Standards Regulations

9.4 PARKING IN FRONT YARD

9.4.1 Where parking is permitted in front of any building a 10 foot (3.1 meter) landscaped buffer shall be provided between the parking area and the street boundary.

10.0 RECREATION AND OPEN SPACE ZONE (O)

10.1 GENERAL

10.1.1 Except as provided for in this Bylaw, all buildings or structures and parts thereof erected, placed or altered or any land used in a Recreation and Open Space Zone (O) shall conform with the provisions of this Part.

10.2 PERMITTED USES

10.2.1 No buildings or structures or part thereof and no land shall be used for purposes other than:

- a) Public and private parks
- b) Open Space and conservation activities
- c) Golf courses
- d) Recreational uses
- e) Pavilions and band shells
- f) Recreation administrative offices

10.3 LOT REQUIREMENTS

10.3.1 The following regulations shall apply to a development serviced by a municipally owned central sewer service and a municipally owned central water service.

	Standard	Recreation and Open Space uses				
a	Minimum Lot Area (Sq, Ft)	15000 (1393.5 sq. m)				
b	Minimum Frontage (Ft)	150 (45.7 m)				
c	Minimum Front Yard (Ft)	50 (15.2 m) where no parking permitted 90 (27.4 m) where parking permitted				
d	Minimum Rear Yard (Ft)	50 (15.2 m) where no parking permitted 90 (27.4 m) where parking permitted				
e	Minimum Side Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
f	Minimum Flankage Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
g	Maximum Height of Any Building	2.5 storeys or 35 feet (10.7 m).				
h	Maximum Lot Coverage (%)	15				

10.3.2 The following regulations shall apply to development serviced by a municipally owned central sewerage system and on-site water supply, on-site sewage disposal and a municipally owned central water service or on-site sewage disposal and on-site water supply:

	Standard	Recreation and Open Space Uses				
a	Minimum Lot Area (Sq, Ft)	See note 1				
b	Minimum Frontage (Ft)	150 (45.7 m)				
c	Minimum Front Yard (Ft)	50 (15.2 m) where no parking permitted 90 (27.4 m) where parking permitted				
d	Minimum Rear Yard (Ft)	50 (15.2 m) where no parking permitted 90 (27.4 m) where parking permitted				
e	Minimum Side Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
f	Minimum Flankage Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted				
g	Maximum Height of Any Building	2.5 storeys or 35 feet (10.7 m).				
h	Maximum Lot Coverage (%)	15				
i	Minimum Circle Diameter (Ft.)	See note 1				

Notes: 1. In accordance with Province-wide Minimum Development Standards Regulations

11.0 AGRICULTURE AND FORESTRY ZONE (A)

11.1 GENERAL

11.1.1 Except as provided for in this Bylaw, all buildings or structures and parts thereof erected, placed or altered or any land used in an Agriculture and Forestry Zone (A) shall conform with the provisions of this Part.

11.2 PERMITTED USES

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

- a) Single Family Dwellings (SFD)
- b) Agriculture
- c) Forestry
- d) Wetland conservation and management
- e) Wildlife conservation and management

11.3 CONDITIONAL USES

11.3.1 Notwithstanding subsection 11.2.1 the Development Officer may issue a development permit for the following uses where the Council deems the proposed development is consistent with the Official Plan and community standards, all relevant provisions of this Bylaw are met, and subject to such conditions as the Council may impose:

- a) rental cottages for use between May 1 and November 30 of any given year.

11.4 LOT REQUIREMENTS

11.4.1 The following regulations shall apply to a development serviced by a municipally owned central sewer service and a municipally owned central water service.

	Standard	Agriculture and Forestry Uses	SFD and Conditional Uses			
a	Minimum Lot Area (Sq, Ft)	43,560 (4046.7 sq. m)	7500 (696.8 m)			
b	Minimum Frontage (Ft)	150 (45.8 m)	75 (22.9 m)			
c	Minimum Front Yard (Ft)	50 (15.2 m) where no parking permitted 90 (27.4 m) where parking permitted	17 (5.2 m)			
d	Minimum Rear Yard (Ft)	50 (15.2 m) where no parking permitted 90 (27.4 m) where parking permitted	15 (4.6 m)			
e	Minimum Side Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted	7.5 (2.3 m)			
f	Minimum Flankage Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted	17 (5.2 m)			
g	Maximum Height of Any Building	2.5 storeys or 35 feet (10.7 m) except specialized structures which shall be determined on a case by case basis.	2.5 storeys or 35 feet (10.7 m) .			
h	Maximum Lot Coverage (%)	15	25			

11.4.2 The following regulations shall apply to development serviced by a municipally owned central sewerage system and on-site water supply, on-site sewage disposal and a municipally owned central water service or on-site sewage disposal and on-site water supply:

	Standard	Agricultural and Forestry Uses	SFD and Conditional Uses			
a	Minimum Lot Area (Sq, Ft)	See note 1	See note 1			
b	Minimum Frontage (Ft)	150 (945.7 m)	100 (30.5 m)			
c	Minimum Front Yard (Ft)	50 (15.2 m) where no parking permitted 90 (27.4 m) where parking permitted	17 (5.2 m)			
d	Minimum Rear Yard (Ft)	50 (15.2 m) where no parking permitted 90 (27.4 m) where parking permitted	15 (4.6 m)			
e	Minimum Side Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted	7.5 (2.3 m)			
f	Minimum Flankage Yard (Ft)	25 (7.6 m) where no parking permitted 65 (19.8 m) where parking permitted	17 (5.2 m)			
g	Maximum Height of Any Building	2.5 storeys or 35 feet (10.7 m) except specialized structures which shall be determined on a case by case basis.	2.5 storeys or 35 feet (10.7 m).			
h	Maximum Lot Coverage (%)	15	15			
i	Minimum Circle Diameter (Ft.)	See note 1	See note 1			

Notes: 1. In accordance with Province-wide Minimum Development Standards Regulations

11.5 INTENSIVE LIVESTOCK OPERATIONS

11.5.1 For the purpose of this Section “Intensive Livestock Operation” means a feedlot, piggery, dairy operation, fox ranch, mink ranch or similar operation, or a building used for the raising of poultry on a commercial scale.

11.5.2 The following separation distances shall apply to all new Intensive Livestock Operations or extensions of existing Intensive Livestock Operations and to new residential development in the vicinity of an Intensive Livestock Operation:

a	Distance between a dwelling and an Intensive Livestock Operation on an adjacent lot, or between an Intensive Livestock Operation and a dwelling on an adjacent lot. (Feet)	500 (152.4 m)
b	Setback distance between a public road and an Intensive Livestock Operation. (Feet)	150 (45.8 m)
c	Separation distance between a domestic or potable water well and an Intensive Livestock Operation or separation distance between an Intensive Livestock Operation and a domestic or potable water well. (Feet)	500 (152.4 m)
d	Setback distance between an Intensive Livestock Operation and any lot line. (Feet)	50 (15.2 m)

11.5.3 Notwithstanding subsection 11.5.2 the Development Officer may consult with the Department of Agriculture with respect to separation distances and may vary the separation distances on the advice of the Department.

11.5.4 An intensive livestock buildings shall have a manure storage facility with a capacity for retention of manure for the period of time during which conditions do not permit spreading of the manure on land approved for this purpose.

11.5.5 The Development Officer may consult the Department of Agriculture for manure storage capacities and design standards and shall stipulate as a condition on a development permit that these capacity and design requirements be followed.

12.0 BYLAW AMENDMENTS

12.1 AMENDMENT PROCEDURES

12.1.1 A person, other than the Council, who seeks to amend this Bylaw, including the rezoning of land, shall deliver a written and signed application to the Development Officer.

12.1.2 The Council may initiate an amendment, including the rezoning of land, to this Bylaw

12.1.3 An application, including one initiated by the Council, shall include such information as may be required by the Development Officer for the purpose of adequately assessing the desirability of the proposal.

12.1.4 An applicant other than the Council shall at the time of submitting an application, deposit with the Development Officer not less than \$100.00 to cover the costs of processing of the application, including the cost of advertising and preparing and mailing notifications. If the cost is less than \$100.00 the balance shall be returned to the applicant and, if more, the applicant shall be required to pay the additional amount.

12.1.5 The Planning Board, in consultation with the Development Officer, shall review each amendment application, including a rezoning, and make a recommendation to the Council on the application as to whether or not the application should proceed to a public meeting.

- 12.1.6 The Council may deny an application for an amendment, including a rezoning, without holding a public meeting, where the request is determined to be inconsistent with appropriate and relevant land use planning standards or the Official Plan.
- 12.1.7 Where the Council has decided not to proceed with a public meeting, the deposit of money made at the time of application shall be returned to the applicant.
- 12.1.8 Where the Council has decided to proceed with the application it shall hold a public meeting to solicit input from residents on the proposed amendment or rezoning request in accordance with the procedure prescribed in the Planning Act and, in addition, where the application is to rezone land, notify by ordinary mail not less than 7 clear days before the public meeting the property owners within 200 feet of the subject lot of the application, the relevant details of the application and the date of the public meeting.
- 12.1.9 Following the public meeting the Council shall decide to approve, approve with conditions or amendments, or deny the application.

13.0 SUBDIVISION OR CONSOLIDATION OF LAND

13.1 SUBDIVISION APPROVAL

13.1.1 No person shall:

- a) subdivide one or more lots;
- b) consolidate two or more lots;

without the prior final subdivision approval or consolidation approval, as the case may be, of the Development Officer or the Council.

13.2 CONVEYING INTEREST IN A LOT

13.2.1 No person shall convey a lot or an interest in a lot in a proposed subdivision or undertake a consolidation of land for which subdivision or consolidation approval for which approval is required until subdivision final approval or consolidation approval has been granted by the Development Officer or the Council.

13.3 PERMISSION TO SUBDIVIDE

13.3.1 A person proposing to subdivide a lot, parcel or tract of land shall apply to the Development Officer for approval on a prescribed form and include such information, documents or plans as are required.

13.3.2 The Development Officer shall not approve any stage of approval to subdivide land unless the lot proposed for subdivision:

- a) conforms with the requirements of this Bylaw;
- b) is suitable for the use for which it is intended;
- c) will not significantly adversely affect the present or future use of adjacent lands;
- d) is zoned for the use for which it is proposed;
- e) is located in one zone;

- f) has frontage on a public road.
- 13.3.3 A subdivision application which would result in the creation of a lot which does not meet the requirements of this Bylaw or would, if subdivided, further increase the degree or amount of non-conformance with this Bylaw shall not receive any stage of approval.
- 13.3.4 Where an application to subdivide land would significantly change the dimensions or the use of a lot in an existing approved subdivision, the Development Officer shall notify all property owners within 500 feet of the boundaries of the subject lot in writing, informing them of the relevant details of the application and soliciting their comments within 30 calendar days of the date of the notice and the Development Officer shall consider any comments in making a decision on the application.

13.4 APPROVAL STAGES

- 13.4.1 Approval to subdivide shall include a preliminary approval stage and a final approval stage.
- 13.4.2 Notwithstanding subsection 13.4.1 the Development Officer may waive the requirement for preliminary approval where the proposed subdivision contains 4 lots or less.
- 13.4.3 Prior to granting preliminary subdivision approval the Development Officer shall submit the subdivision plan to the Department of Transportation and Public Work to ensure that the proposed roads will be approved and accepted by the Department and the Provincial Crown and that a driveway access to each lot will be approved by the Department, where applicable.
- 13.4.4 The Development Officer shall not grant any stage of approval if the proposed roads will not be accepted by the Department of Transportation and Public Works and the Provincial Crown.

13.5 PRELIMINARY APPROVAL

- 13.5.1 An application for preliminary subdivision approval shall contain 5 copies of a preliminary subdivision plan, drawn to a scale suitable for the evaluation of the proposed subdivision, prepared by a public land surveyor licensed to practice in Prince Edward Island and showing the proposed subdivision layout.
- 13.5.2 A preliminary subdivision plan shall show:
 - a) the true shape and dimensions of every lot each of which shall conform to the provisions of this Bylaw;
 - b) the location of every existing building or structure on the parcel;
 - c) the location of all existing and proposed sewer and water services and utilities;
 - d) the location and proposed widths of all streets;
 - e) the location of land proposed for park land and recreation land use;
 - f) the existing use of the land on all adjoining lots;

- g) such other information as may be required by the Development Officer in order to evaluate the proposed subdivision including, but not limited to:
 - i) soil test results;
 - ii) contours and spot elevations.

13.5.3 Where a lot in a proposed subdivision has been designed with a reduced frontage along a street, a curve in a street or facing a cul-de-sac it may be approved by the Development Officer provided adequate and safe access to the street is provided and the lot width at the building line is not less than the minimum lot frontage within the applicable zone.

13.5.4 The Development Officer shall, with or without consultation with the Council, Planning Board, Provincial Government Departments or private consultants, or any of them:

- a) approve or approve with conditions, in whole or part or in phases, an application for preliminary subdivision approval which complies with this Bylaw; or
- b) deny an application for preliminary subdivision approval which does not comply with this Bylaw.

13.6 FINAL APPROVAL

13.6.1 An application for final subdivision approval shall contain 5 copies of a final subdivision plan, drawn to a scale suitable for the evaluation of the proposed subdivision, prepared and stamped by a public land surveyor licensed to practice in Prince Edward Island and showing the proposed subdivision layout.

13.6.2 A final subdivision plan shall include:

- a) the true location, shape and dimensions of every lot each of which shall be pinned;
- b) the location of every existing building or structure on the parcel;
- c) the location of all existing and proposed sewer and water services and utilities;
- d) the location and proposed widths of all streets;
- e) the location of land proposed for park land and recreation land use;
- f) the existing use of the land on all adjoining lots;
- g) such other information as may be required by the Development Officer in order to evaluate the proposed subdivision.

13.6.3 Where a lot in a proposed subdivision has been designed with a reduced frontage along a street, a curve in a street or facing a cul-de-sac it may be approved by the Development Officer provided adequate and safe access to the street is provided and the lot width at the building line is not less than the minimum lot frontage within the applicable zone

- 13.6.5 The Development Officer shall, with or without consultation with the Planning Board, the Council, Provincial Government Departments or private consultants or any of them:
- a) approve or approve with conditions, in whole or in part or in phases, an application for final subdivision approval which complies with this Bylaw subject to a written undertaking from the Department of Transportation and Public Works that it will accept the roads as shown on the final subdivision plan.
 - b) deny an application for final subdivision approval which does not comply with this Bylaw or where the Department of Transportation and Public Works has stated that it will not accept the roads as shown on the final subdivision plan.
- 13.6.6 Where final approval has been granted the Development Officer shall sign and date the plan, endorse any conditions to which the approval is subject on the plan, including the lots approved where the subdivision is approved in part or phased, and submit the plan to the Provincial Land Registry Office for registration.

13.7 SUBDIVISIONS IN THE AGRICULTURE AND FORESTRY ZONE (A)

- 13.7.1 For the purposes of this subsection "existing parcel" shall mean a parcel of land which was held in separate ownership as of January 1, 2008.
- 13.7.2 Within an Agriculture and Forestry Zone (A), no person shall be permitted to subdivide from any existing parcel of land a lot for residential use except where the resulting lot will be conveyed to a son or daughter or one parent of the owner or one parent of the owners spouse as his or her personal residence for a period of not less than 15 years.
- 13.7.3 The total number of lots subdivided for residential use pursuant to subsection 13.7.2 shall not be greater than one lot for each qualified person.
- 13.7.4 The Development Officer shall not give final approval to a lot subdivided pursuant to subsection 13.7.2 until there is a written undertaking from the owner that he or she will comply with subsection 13.7.2.
- 13.7.5 A development permit for residential development of a lot subdivided pursuant to subsection 13.7.2 shall not be issued by the Development Officer until the lot has been conveyed to the qualified person.

13.8 PARK LAND DEDICATION AND PARK DEDICATION FEE

- 13.8.1 An applicant shall, as a condition of preliminary and final subdivision approval, be required:
- a) to provide up to 10% of the land being subdivided to be conveyed to the Community for the purpose of providing park land or recreation land; or
 - b) in the alternative, at the sole option of the Council, to pay cash-in-lieu of parkland up to a maximum of 10% of the assessed value of the land being subdivided.
- 13.8.2 The combination of the percentage of the land to be dedicated for park land and recreation land purposes and the percentage of the assessed value of the land being subdivided to be paid as cash-in-lieu of parkland and recreation land shall total 10%.

- 13.8.3 The determination of a cash-in-lieu of parkland value shall be calculated on the assessed value of the land being subdivided following its subdivision as determined by the office of the Provincial Tax Commissioner.
- 13.8.4 The location of parks and recreation land shall be determined by the Development Officer who may consult with any or all of the Planning Board, the Council and the applicant.
- 13.8.5 Land acquired for parks and recreation land shall be suitable for and only be used for parks and recreation purposes and money collected as cash-in-lieu of parks and recreation land shall only be used for capital or equipment expenditures for parks and recreation purposes within the Community.

13.9 SUBDIVISION AGREEMENT

- 13.9.1 The Council may require the applicant to enter into a subdivision agreement as a condition of final subdivision approval.
- 13.9.2 A subdivision agreement may cover any or all, but shall not be limited to, the following matters:
- a) design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
 - b) dedication of land for recreation and public open space purposes, or payment of cash-in-lieu of land;
 - c) conveying of roads to the Department of Transportation and Public Works;
 - d) provision of financial security satisfactory to Council;
 - e) provision of landscape and surface water management plans;
 - f) provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision;
 - g) phasing of the subdivision.

13.10 DEVELOPMENT PERMITS

13.10.1 A development permit shall not be issued for development of a lot in a subdivision until all the requirements of the subdivision approval have been fulfilled.

13.11 LOT CONSOLIDATIONS

- 13.11.1 A person proposing to consolidate lots, parcels or tracts of land shall apply to the Development Officer for approval on a prescribed form and include such information, documents or plans as are required.
- 13.11.2 The Development Officer shall not approve an application to consolidate land unless the resulting lot, parcel or tract of land:
- a) conforms with the requirements of this Bylaw;
 - b) will be suitable for the use for which it is intended;
 - c) will not significantly adversely affect the present or future use of adjacent lands;

- d) will be zoned for the use for which it is proposed;
- e) will be located in one zone;
- e) will have frontage on a public road.

13.11.3 A consolidation of land which would result in the creation of a lot which does not meet the requirements of this Bylaw or, would, if approved, further increase the degree or amount of non-conformance with this Bylaw or if approved, increase the degree or amount of non conformance of an adjoining lot shall not receive approval.

13.11.4 Where an application to consolidate land would change the dimensions or the use of a lot in an existing approved subdivision, the Development Officer shall notify all property owners within 500 feet of the boundaries of the parent lot in writing, informing them of the relevant details of the application and soliciting their comments and the Development Officer shall consider any comments in making a decision on the application.

14.0 VIOLATIONS

14.1 PENALTIES

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

- a) on a first conviction, to a fine not exceeding \$2000;
- b) on a subsequent conviction, to a fine of not more than \$400 for each day upon which the contravention has continued after the day on which he was first convicted.

15.0 EFFECTIVE DATE AND REPEAL OF PREVIOUS BYLAWS

15.5.1 This Bylaw shall come into force upon its approval by the Minister of Communities, Cultural Affairs and Labour.

15.5.2 Upon the approval of this Bylaw by the Minister of Communities, Cultural Affairs and Labour the Community of Tignish, 2000 Zoning and Subdivision Control Bylaw is repealed.