

# Community of Kinkora

## Zoning and Subdivision Control Bylaws



Established 1835  
Incorporated 1955

Derek A. French,  
Professional Services Inc.  
April, 2009  
amended Feb., 2012

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## COMMUNITY OF KINKORA

### ZONING & SUBDIVISION CONTROL (DEVELOPMENT) BYLAW

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

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

#### SECTION #1 – SCOPE

##### 1.1 TITLE

This Bylaw shall be known and may be cited as the Community of Kinkora Zoning and Subdivision Control Bylaw or the Development Bylaw.

##### 1.2 AREA DEFINED

This Bylaw applies to the geographical area within which the Community of Kinkora Council has jurisdiction.

##### 1.3 SCOPE

No dwelling, business, trade, or industry shall be located, nor shall any building or structure be erected, altered, used or have its use changed, nor shall any land be subdivided, consolidated or used in the Community of Kinkora, except in conformity with this Bylaw and subject to the provisions contained herein.

##### 1.4 AUTHORITY OF DEVELOPMENT OFFICER

Council shall appoint a Development Officer whose duties shall be as provided in this Bylaw. The Development Officer shall have the authority to administer this Bylaw. Notwithstanding the foregoing, the Development Officer shall have the authority to approve or deny **severances, lot consolidations and** development permits in accordance with this Bylaw in all areas except for:

- (1) Commercial Developments
- (2) Institutional
- (3) Industrial
- (4) Multiple Family Dwellings of greater than 2 units

## SECTION #2 – DEFINITIONS

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

In this Bylaw:

- 2.1 **"Accessory Building"** - means a separate subordinate building, not used for human habitation which is used or intended for the better or more convenient enjoyment of the main building to which it is accessory, and located upon the parcel of land upon which such building is or is intended to be erected, and is compatible in design to the main buildings and surrounding structures.
- 2.2 **"Accessory Use"** - means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
- 2.3 **"Alter"** - means any change in the structural component or physical appearance of a building or any increase in the volume of a building or structure.
- 2.4 **"Attached"** - means a building or structure which has a common wall and/or common roof line and the building or structure may be considered common as long as a minimum of twenty (20) percent of the length of the wall or roof line is common with the main building or structure wall or roof.
- 2.5 **"Automobile Sales and Service Establishment"** - means a building or part of a building or a clearly defined space on a lot used for the sale and maintenance of used or new automobiles.
- 2.6 **"Automobile Service Station or Service Station"** – means a building or part of a building or a clearly defined space on a lot used for the sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor vehicles.
- 2.7 **"Automobile Washing Establishment"** - means a building or part thereof used for the operation of automobile washing equipment which is manual, automatic or semi-automatic.
- 2.8 **"Bed and Breakfast"** - means a dwelling occupied by a family and used incidentally to provide accommodation of up to three (3) separate rooms and meals to transient travellers and includes a tourist home but does not include a

boarding house, rooming house, domiciliary, hostel, group home, hotel, motel, restaurant or lounge.

- 2.9** "**Block**" - means any unit of land consisting of a grouping of lots bounded on all sides by watercourses, streets or large parcel boundaries or as otherwise defined by the municipality.
- 2.10** "**Building**" - includes any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel.
- 2.11** "**Building Height**" - means the vertical distance measured from the averaged finished grade to the highest point of roof surface.
- 2.12** "**Building Line**" - means any line regulating the position of a building or structure on a lot.
- 2.13** "**Building Setback**" - means the distance between the street line and the nearest main wall of any building or structure, except fences, and extending the full width of the lot.
- 2.14** "**Business or Professional Office**" - means premises where services are offered for a fee but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.
- 2.15** "**Child Care Facility**" - means any institution, agency, or place, whether known as a day nursery, nursery, school, kindergarten or play school, which receives for temporary care apart from the parents on a daily or hourly basis, with or without stated educational purposes and during part or all of the day, more than three children under seven years of age.
- 2.16** "**Club**" - means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the club are conducted.
- 2.17** "**Community**" or "**Municipality**" - means the area incorporated and known as the Community of Kinkora.



- 2.18** "Community Care Facility" - means an establishment that provides care services for compensation to five or more residents who are not members of the operator's immediate family but does not, unless otherwise ordered by the Lieutenant Governor in Council, include
- (i) a group home recognized as such by the Minister,
  - (ii) a residential school,
  - (iii) an establishment providing accommodation only,
  - (iv) a hospital,
  - (v) a correctional institution,
  - (vi) a facility in which treatment services are provided under the Addiction Services Act R.S.P.E.I. 1988, Cap. A-3,
  - (vii) a nursing home, or
  - (viii) a residential institution as defined in Part II of the regulations made under the Welfare Assistance Act R.S.P.E.I. 1988, Cap. W-3 which is operated or funded by the Minister.
- 2.19** "Council" - means the Council for the Community of Kinkora.
- 2.20** "Councillor" - means any resident who has been duly elected and sworn to office in order that such resident may execute those duties as prescribed by the law.
- 2.21** "Demolition" - means to remove, pull down or destroy a structure.
- 2.22** "Development" - means the carrying out of any building, engineering, excavation, dumping, filling or other operations in, on, over or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premises without limiting the generality of the foregoing.
- 2.23** "Development Officer" - means the person charged by the Council with the duty of administering the provisions of this Bylaw.
- 2.24** "Development Permit" - means the formal and written authorization for a person to carry out any development.
- 2.25** "Display" - includes any item, group of items, sign, or billboard visible to the general public, indicating that items or services are offered for sale or trade, but does not include Premise Signs of 400 square inches or less.

**2.26** "**Dwelling**" - means a building or portion thereof designated or used for residential occupancy, but does not include hotels and motels.

(i) "Dwelling Unit" - means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided.

(ii) "Single Family Dwelling" - means a building designed or used for occupancy as one dwelling unit and shall include Modular Homes.

(iii) "Duplex Dwelling" - means a building containing two dwelling units each of which has at least two independent entrances.

(iv) "Multiple Family Dwelling" - means a building containing three or more dwelling units.

(v) "Semi-detached Dwelling" - means a building divided vertically into two (2) separate units, each of which has at least two independent entrances.

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

**2.27** "**Erect**" - means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, filling or draining.

**2.28** "**Family**" - means an individual residing in one (1) dwelling unit, or a group of persons related by marriage, cohabitation, blood or adoption residing together in

(1) dwelling unit and includes:

i) domestic servants, non-paying guests and foster children; and,

ii) not more than two (2) roomers or boarders living in the dwelling unit.

"Immediate Family" - means the following persons:

i) parents of the owner and their spouse;

ii) the sons and/or daughters of the owner and their spouse;

iii) the grandparents of the owner and their spouse;

iv) the brothers and/or sisters of the owner and their spouse; and,

v) the aunts and/or uncles of the owner and their spouse.

- 2.29** "Farming" - means the outdoor cultivation of agricultural products, and the raising of farm livestock.
- 2.30** "Fence" - means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 2.31** "Floor Area" - means:
- i) With reference to "Dwelling" - the area contained within the outside walls excluding any private garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year.
  - ii) With reference to "Commercial Building" - the total usable floor area within a building used for commercial purposes excluding washrooms, furnace rooms and common halls between stores.
  - iii) With reference to "Accessory Building" - the area contained within the outside walls.
- 2.32** "Frontage" - means the horizontal distance between the side lot lines bordering on a street and according to the direction of the front of the dwelling or structure.
- 2.33** "Grade" - means the lowest point of elevation of the finished surface of the ground, paving or sidewalks within the area between the building and the property line or when the property line is more than five (5) ft. (1.5 m) from the building, between the building and a line five (5) ft. (1.5 m) from the building.
- 2.34** "Highway, Road or Street" - means all the area within the boundary lines of every road, street or right-of-way which is vested in the Province of Prince Edward Island or the municipality and used or intended for use by the general public for the passage of vehicles and includes any bridge over which any such road, street or right-of-way passes.
- 2.35** "Hotel" - means a building other than a motel occupied or intended to be occupied as the temporary lodging place for any individual for a fee.
- 2.36** "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.

**2.37** "In-Law Suite" - means a self-contained suite constructed in an owner-occupied single family dwelling for the sole purpose of accommodating a relative or relatives of the owner(s) during a limited period of time in which the relative may be in need of such a facility.

**2.38** "Institutional Premises" - means premises, other than retail or industrial, used for community services and includes:

- i) cemeteries
- ii) churches, places of worship and religious institutions
- iii) colleges, universities and non-commercial schools
- iv) community centres
- v) golf courses
- vi) government offices
- vii) senior citizens homes, community care facilities, and nursing homes
- viii) hospitals
- ix) libraries, museums and art galleries
- x) public and private parks
- xi) public and private recreational centres
- xii) public and private schools
- xiii) experimental farms
- xiv) child care facilities.

**2.39** "Landscaping" - means any combination of trees, shrubs, flowers, grass, other horticultural elements, paving, or other architectural elements, all of which are designed to enhance the visual amenity of a property.

**2.40** "Loading Space" - means an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area is provided for the temporary parking of one (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded, and such parking space shall not be for the purpose of sale or display.

**2.41** "Lot or Property" - means any parcel of land described in a deed or as shown in a registered subdivision plan.

- i) "Lot Area" - means the total area included within the lot lines.
- ii) "Corner Lot" - means a lot situated at an intersection of and abutting on two or more streets.
- iii) "Flankage Lot Line" - means the side lot line which abuts the street on a corner lot.

- v) "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.

**2.42** "Lot Consolidation" - means the legal incorporation of two or more existing parcels of land to form a single, larger parcel.

**2.43** "Lounge"- means a commercial facility or structure licensed to sell alcoholic beverages to the public.

**2.44** "Main Building" - means that building, the nature of the use of which determines the status of the lot upon which it is authorized to be constructed or upon which it is constructed.

**2.45** "Major Development" - means any development as defined in Section 2.23 that will have a major impact on the Community as a whole or any part thereof including, but so as not to limit the foregoing, any major impact on municipal services, transportation, tax rates, retail outlets, institutions and residential expansion.

**2.46** "Mini-Home" - means a pre-manufactured dwelling unit having an average width of less than 20 feet, not including appurtenances such as porches, entries, etc.

**2.47** "Mobile Home" - means a transportable dwelling unit suitable for permanent occupancy, designed to be transported on its own wheeled chassis.

**2.48** "Modular Home" - means a pre-manufactured dwelling unit having an average width of 20 feet or more, not including appurtenances such as porches, entries, etc.

- 2.49** "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 grade level.
- 2.50** "Nursing Home" - means a building, part of building, or group of buildings in which, for a fee, charge or reward, direct or indirect, there are housed patients requiring or receiving active treatment for, or convalescing from, or being rehabilitated after illness or injury, but does not include a public hospital, mental hospital, tuberculosis hospital or sanatorium.
- 2.51** "Obnoxious Use" - means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, and any objectionable odor, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
- 2.52** "Open Space" - means that portion of a lot which may be used for landscaping, recreational space or leisure activities normally carried on outdoors; but does not include space used for service drive-ways or off-street parking.
- 2.53** "Parking Space" - means an area of land which is suitable for the parking of a vehicle, not less than nine feet wide and eighteen feet long, accessible to vehicles without the need to move other vehicles on adjacent areas.
- 2.54** "Personal Service Shop"- means a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons. (e.g. barbershop)
- 2.55** "Phase" - means to develop a parcel of land over time in a series of prescribed stages; or one of such stages.
- 2.56** "Private Garage" - means a building or part thereof which is used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.
- 2.57** "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 is affixed.

- 2.58** "Public Park or Parkland" - means land owned by the Community or some other level of government used or intended for use by members of the public.
- 2.59** "Restaurant" - means buildings or structures or part thereof where food and drink is prepared and offered for sale to the public.
- 2.60** "Retail Store" - means a building or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.
- 2.61** "Senior Citizen" - means a person deemed to be eligible for accommodation in a Senior Citizen Home under the terms of the P.E.I. Housing Corporation Act or comparable Provincial statute.
- 2.62** "Senior Citizen Home" - means any home for Senior Citizens either privately sponsored or administered by any public agency or any service club either of which obtains its financing from federal, provincial or municipal governments or agencies or by public subscription or donations, or by a combination thereof, and shall include auxiliary uses such as lounges and recreation facilities usually associated with senior citizens' developments, and solely for the use of its residents.
- 2.63** "Service Shop" - means a building or part thereof used for the sale and repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial, manufacturing or motor vehicle body repair shops.
- 2.64** "Sewerage System" - means a system of pipes for the disposal of sewage controlled by a utility.
- 2.65** "Storey" - means that portion of a building between any floor and ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 m (approximately 6 feet) above grade and provided also that any portion of a building between any floor and ceiling or roof next above exceeding 4.2 m (approximately 14 feet) in height shall be deemed an additional storey.
- 2.66** "Street or Road" - see Highway, Section 2.34.

- 2.67** "Structure" - means any construction including a building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.
- 2.68** "Subdivision" - means a division of a parcel of land by means of a plan of subdivision, plan or survey, agreement, deed or any instrument, including a cave at transferring or creating an estate or interest in part of the parcel.
- 2.69** "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 60 cm (approximately 24 inches) or more at any point or with a surface area exceeding 10 square meters (108 square feet).
- 2.70** "Survey Plan" - means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island land surveyor.
- 2.71** "Tourist Establishment" - means a dwelling in which is operated the business of providing or offering overnight accommodation for transient guests for compensation.
- 2.72** "Recreational Trailer or Vehicle" - means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers pick-up coaches, motorized campers, motorized homes, recreation vehicles or other similar vehicles.
- 2.73** "Use" - means any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel.
- 2.74** "Warehouse" - means a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.
- 2.75** "Watercourse" - means the full width and length including the bed, shore, and bank of a fresh or tidal waterbody situated below the high water mark of every stream, river, lake, pond, creek, ravine, and gulch or any part thereof.



**2.76** "Wetland" - means all freshwater and tidal areas that are or may be submerged or periodically submerged under freshwater or saltwater, including all bodies of water or areas commonly referred to as marshes, salt marshes, swamps, sloughs, and flats.

**2.77** "Yard" - means an open, uncovered space on a lot pertinent to a building and unoccupied by buildings or structures except as specifically permitted in this Bylaw and

i) "Front Yard" - means a yard extending across the width of a lot between the front lot line and nearest wall of any building or structure on the lot and "minimum front yard" means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot.

ii) "Rear Yard" - means a yard extending across the width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot and "minimum rear yard" means the minimum depth of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.

iii) "Side Yard" - means a yard extending from the front yard to the rear yard of a lot between a side lot line and nearest wall of any building or structure on the lot, and "minimum side yard" means the minimum width of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

iv) "Flankage Yard" - means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure on the lot.

**2.78** "Zone" - means a designated area of land shown on the Official Zoning Map of the Bylaw within which land uses are restricted to those specified by this Bylaw.

### **SECTION #3 - DEVELOPMENT ZONES**

#### **3.1 DEVELOPMENT ZONES**

For the purpose of this Bylaw, the Municipality is divided into the following development zones, the boundaries of which are subject to section 3.2 as

shown in Appendix "A" on the Official Zoning Map. Such zones may be referred to by the appropriate symbols.

<u>ZONE</u>	<u>SYMBOL</u>
Single Family Residential (Restricted)	R1
Single Family Residential	R2
Multiple Family Residential	R3
Multiple Family Residential	R4
General Commercial	C1
Light Industrial	M1
Agricultural Reserve	A1
Public Service and Institutional	PSI
Recreation and Open Space	01

### **3.2 INTERPRETATION OF ZONE BOUNDARIES**

Boundaries between zones as indicated in Appendix "A" shall be determined as follows:

- i) Where a zone boundary is indicated as following a street or highway, the boundary shall be the 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 OFFICIAL ZONING MAP**

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

### **3.4 CERTAIN WORDS**

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

### **3.5 UNITS OF MEASURE**

Units of measure and conversion shall be in accordance with either Imperial or Metric standards.

## **SECTION #4 - GENERAL PROVISIONS FOR ALL ZONES**

### **4.1 DEVELOPMENT APPROVAL**

1. No person shall:
  - a) change the use of a parcel of land or a structure;
  - b) commence any "development";
  - c) construct or replace any structure;
  - d) make structural alterations to any structure;
  - e) make any water or sewer connection;
  - f) make any underground installation such as a septic tank, a fuel tank, a foundation wall or the like;
  - g) move or demolish any structure;
  - h) establish an excavation pit;
  - i) construct a driveway;
  - j) place, dump any fill or other material;
  - k) subdivide or consolidate a parcel or parcels of land; or
  - l) construct a fence over four (4) feet high.

without first applying for, and receiving a permit from Council.

2. For the purpose of this Bylaw:

- a) laying paving materials for patios or sidewalks;
- b) constructing fences of less than 4 feet in height;
- c) installing clotheslines, poles, and radio or television antennae, and satellite dishes of less than 2 feet in diameter;
- d) making a garden;
- e) growing a crop or preparing land for a crop; and
- f) making landscaping improvements or constructing ornamental structures of less than 64 sq. ft. shall not be interpreted as changing

the use of land or a structure or constructing or replacing a structure, and shall not require a permit from Council.

- g) conducting routine maintenance which has the effect of maintaining or restoring a structure or any of its elements to its original state or condition.

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

#### **4.2 PERMIT APPLICATION**

- (1) Any person applying for a permit shall do so on a form prescribed by Council, and shall submit the application to the Administrator.
- (2) Every application form shall be signed by the property owner or the property owner's authorized agent, and shall be accompanied by an application fee in accordance with a fee schedule which the Council shall establish.

#### **4.3 PAYMENT OF FEES**

Notwithstanding any Section of this Bylaw, development permits are not valid and will not be recognized until the application fee and any other required fees are paid in full and the said permit is acquired by the developer.

#### **4.4 DEVELOPMENT PERMIT**

A development permit shall be valid for a twelve- month period, or such additional time as may be authorized by Council.

#### **4.5 SITE PLAN**

Council may require an applicant to submit a site plan drawn to a convenient scale certifying the agreement of the applicant to develop the site in accordance with the plan.

#### **4.6 CONDITIONS ON PERMITS**

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

#### **4.7 DEVELOPMENT AGREEMENT**

Council may require any applicant to enter into a Development Agreement. This Agreement shall be a contract binding on both parties, containing all conditions which were attached to the building permit. Failure to comply with a Development Agreement shall constitute an offense under this Bylaw.

#### **4.8 EXISTING NON-CONFORMING LOTS**

Notwithstanding any other provisions of this Bylaw, a vacant lot held in separate ownership from adjoining parcels on the effective date of this bylaw, having less than the minimum width or area required, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this Bylaw are satisfied.

#### **4.9 LOT FRONTAGE**

1. If a parcel of land in any zone is of such configuration that it cannot reasonably be subdivided in such a way to provide the required minimum frontage on a street, the Council may approve a reduced frontage, provided that the lot width at the building line measures at least as much as the minimum lot frontage for the zone.
2. In any zone, lots designed with a reduced frontage along a bend in a street or facing a cul-de-sac, may be approved by Council if in the opinion of Council adequate and safe access is provided and if the lot width at the building line measures at least as much as the minimum lot frontage for the zone.

#### **4.10 EXISTING NON-CONFORMING BUILDINGS**

Where a building has been erected on or before the effective date of this Bylaw on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this Bylaw,

the building may be enlarged, reconstructed, repaired or renovated provided that:

- (1) the enlargement, reconstruction, repair or renovation does not further reduce the front yard or side yard or rear yard which does not conform to this bylaw; and,
- (2) all other applicable provisions of this Bylaw are satisfied.

#### **4.11 OTHER INFORMATION**

Council may require an applicant to submit any additional information related to the development, which it deems pertinent, including but not limited to the following:

- parking lot layout and internal circulation patterns;
- location of garbage containers and description of any screening or fencing;
- storm water management plan;
- location of open space and amenity areas;
- landscaping plan;
- buffer zones adjacent to wetland areas or watercourses;
- existing vegetation;
- easements;
- proposed storage areas and description of any screening or fencing;
- traffic impact studies.

#### **4.12 ACCESS**

- (1) No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a street.
- (2) Notwithstanding Section 4.12, (1) above, Council may approve a development permit for a residential or commercial structure which fronts on a private right-of-way, provided that the following criteria are met:
  - i) no reasonable provision can be made to provide access to a public street,
  - ii) safe ingress and egress from the lot can be provided,

- iii) an agreement is registered in the P.E.I. Registry Office, binding on all land owners abutting or fronting on the private right-of-way providing for the long term ownership and maintenance of the right-of-way, such agreement shall be binding on all heirs, successors and assigns of the current property owners.

#### **4.13 ENTRANCEWAY PERMIT**

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

#### **4.14 SIGHT DISTANCE**

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

#### **4.15 DEVELOPMENT RESTRICTIONS**

Council shall not issue a development permit for a development if, in the opinion of Council:

- (1) the proposed development does not conform to this Bylaw;
- (2) the method of water supply is not appropriate;
- (3) the method of sanitary waste disposal is not appropriate;
- (4) there is not a safe and efficient access to the public highway, street, or road;
- (5) the impact of the proposed development would be detrimental to the environment;
- (6) the proposed development would create unsafe traffic conditions;
- (7) the proposed development would significantly or permanently injure neighboring properties by reason of architectural disharmony, or,

- (8) the proposed development would be detrimental to the convenience, health, or safety of residents in the vicinity or the general public.

#### **4.16 MAIN BUILDING**

Except in a R1, R2 or R3 zone, more than one (1) main building may be placed on a lot in any zone, provided all other provisions of this Bylaw are met.

#### **4.17 ACCESSIBILITY**

Council may, as a condition of granting a development permit, require the applicant to design and develop a structure or provide such facilities as necessary to permit access to the building or structure by physically challenged persons.

#### **4.18 MIXED USE**

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

#### **4.19 YARDS**

Except for accessory buildings, every part of any yard required by this Bylaw shall be open and unobstructed by any structure from the ground to the sky.

#### **4.20 CONSTRUCTION PLANS**

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

#### **4.21 OTHER REQUIREMENTS**

Nothing in this Bylaw exempts any person from the requirement to obtain any permit, license, permission, authority or approval required by any other regulations or laws in force.



#### **4.22 SITE WORK**

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

#### **4.23 AUTHORIZATION FOR INSPECTION**

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

#### **4.24 ACCESSORY STRUCTURES**

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

- (1) be used for human habitation except where a dwelling is a permitted accessory use;
- (2) be located within the front yard or flanking side yard of a lot;
- (3) be built closer than three (3.0') feet (1 m) to any lot line;
- (4) except in an industrial zone, commercial zone or on a farm property exceed twelve (12.0') ft. (3.6 m) in height above grade, unless a special permit has been issued by Council allowing a greater height in order to achieve architectural harmony with the main building;
- (5) except in an industrial zone, commercial zone or on a farm property exceed three hundred (300) sq. ft. (27 sq.m) total floor area.
- (6) be considered an accessory building if attached to the main building in any way;
- (7) except in an industrial zone, commercial zone or on a farm property exceed a maximum of two (2) buildings per property, with a maximum total floor area of 1,000 sq ft. (90 sq.m)

All accessory buildings shall be included in the calculation of maximum lot coverage as described in the Lot Requirements for the applicable zone.

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

Notwithstanding the above provisions, Council may issue a special development permit for an accessory structure located within the front yard or flanking side yard of a lot, where Council is satisfied the structure will be architecturally compatible with adjacent structures and no permanent injury would be caused to adjoining properties, subject to such conditions, as Council may impose.

#### **4.25 IN-LAW SUITES**

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

- a) that the in-law suite shall be used only by a specified and immediate family relative of the owner;
- b) that the dwelling shall be restored by the owner, at the owner's cost and expense, to a single family dwelling within 180 days following the death or other departure of such relative from the in-law suite;
- c) that the owner shall advise any prospective purchaser or other person to whom the owner intends to transfer or otherwise dispose of the dwelling, that the in-law suite cannot be used except in accordance with a written development agreement with the Council;
- d) that all other provisions of this Bylaw remain applicable to the dwelling and that the Council may require such changes to the exterior of the dwelling as may be necessary to ensure compliance with this Bylaw, whether in connection with the

construction of the in-law suite or the restoration of the dwelling to a single family dwelling.

- e) that the development agreement may be registered, recorded or filed by Council in such public offices as the Council deems appropriate.
- f) that the owner shall pay all legal costs and expenses which Council may incur in connection with the preparation, registration or enforcement of the development agreement.

#### **4.26 PERMITS POSTED**

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

#### **4.27 MOVING OF BUILDINGS**

No building shall be moved within or into the area covered by this Bylaw without a development permit and such other permits as may be required by law.

#### **4.28 HEIGHT REGULATIONS**

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.

#### **4.29 INTERSECTION TRIANGLE**

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

#### **4.30 PERMITTED USES IN ALL ZONES**

The following uses are permitted in all zones:

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

#### **4.31 CONSTRUCT IN ACCORDANCE WITH APPLICATION**

Any person who has been granted a development permit shall agree to develop in accordance with the information given on the prescribed application form and the conditions laid down by the development permit or development agreement and shall comply therewith.

#### **4.32 DENYING PERMITS**

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

#### **4.33 UNDERGROUND PETROLEUM STORAGE TANKS**

Underground Petroleum Storage Tanks shall require a development permit from the Community before installation may proceed. In processing such application, the Community shall refer the application initially to the government authority having jurisdiction for these facilities whereupon such application will be processed in accordance with applicable regulations. The Community shall not issue a permit to the Developer until it has received WRITTEN approval from the appropriate authority. However, the written approval of the latter shall not alone be conclusive of the right to have a permit issued hereunder.

#### **4.34 OUTDOOR SWIMMING POOLS**

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

- (i) The land owner shall first secure a Development Permit from Council;
- (ii) A 6 ft. (1.8 m) fence shall be constructed in such a manner so as to impede unauthorized persons from entering over or under said fence. Such fence shall be aesthetically presentable and preference will be given to wood type fence;
- (iii) Any gate on such fence shall be capable of being locked;
- (iv) Disposal of water after dechlorination shall be either through the sanitary sewer system or carried off by truck unless otherwise authorized by Council;
- (v) A safety cover for the pool area is mandatory; and
- (vi) The Developer shall agree that other reasonable initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the Developer or the Council.

#### **4.35 SURVEYS REQUIRED**

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

#### **4.36 CERTIFICATE OF COMPLIANCE**

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

#### **4.37 SUBDIVIDING OF ATTACHED DWELLINGS**

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

- (i) a subdivision of the parcel of land has been approved by Council (such subdivision to provide for appropriate easements or common area to allow entry by an owner of any portion of the building to his back yard area);
- (ii) the units must be separated from the basement floor to the underside of the roof by a vertical fire wall built in accordance with applicable National Building and Fire Code regulations;
- (iii) a separate water and sewer service is provided for each unit in accordance with policies governing water supply and sewerage services for the Community;
- (iv) a separate electrical service is provided for each unit;
- (v) a separate heating device is provided for each unit;
- (vi) separate parking to be provided unless Council waives same;
- (vii) a copy of the agreement made between the owners covering the following terms is approved by Council and registered on the title of each unit:
  - (1) common walls
  - (2) maintenance
  - (3) fire insurance
  - (4) easements
  - (5) parking
  - (6) snow removal and
  - (7) any other items jointly owned or used.
- (viii) Any other terms and conditions as shall be imposed by Council.

#### **4.38 GRADE OF SITE**

No building shall be erected or placed except in conformance with the finished grade for its site or the road, after its construction.

#### **4.39 LANDSCAPING**

- (i) The provision and maintenance of adequate landscape buffering and/or appropriate fencing shall be required to the satisfaction of the Council between residential zones and new commercial, industrial or other land uses characterized by significant traffic generation, the heavy use of trucks, noise, outdoor storage, congregations of people other factors that may adversely affect adjacent residential amenity;
- (ii) The provision and maintenance of adequate landscaping shall be required for new development to the satisfaction of the Development Officer;
- (iii) Where a C1 Zone, or an M1 Zone abuts a Residential Zone along a side and/or rear lot line, a strip of not less than fifteen (15') feet. (4.5m) in width along the said side and/or rear lot shall be landscaped to the satisfaction of the Development Officer as part of the development for which a building permit has been granted.

#### **4.40 WATERCOURSES AND WETLANDS**

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

#### **4.41 PETROLEUM STORAGE**

- (1) Underground gasoline storage facilities shall not be permitted in any residential zone; and
- (2) the storage of gasoline on a residential lot shall be limited to 50 litres (13 gallons).

#### **4.42 NON-CONFORMING USES**

- (1) Subject to the provisions of this Bylaw, a building or structure, or use of land, buildings or structures lawfully in existence on the effective date of approval of this Bylaw may continue to exist;
- (2) A building or structure shall be deemed to exist on the effective date of approval of this Bylaw if:
  - (a) it was lawfully under construction, or
  - (b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within six (6) months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time;
- (3) No structural alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a building or structure while a non-conforming use thereof is continued;
- (4) If a building which does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of fifty percent (50%) or more of the assessed value of the building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw, except if the building or repair work would not be detrimental, in the opinion of Council, to the convenience, health or safety of residents in the vicinity or the general public;
- (5) Any change of tenants or occupants of any premises or building shall not of itself be deemed to affect the use of the premises or building for the purposes of this bylaw;
- (6) A non-conforming use of land, buildings or structures shall not be permitted if it has been discontinued for a period of twelve (12) months



consecutively, and in such event, the land, building or structure shall not thereafter be used except in conformity with this Bylaw.

- (7) No intensification of use or increase in business volumes or activity levels shall be made while a non-conforming use of land, buildings or structures is being continued.
- (8) No increase in the area occupied by the non-conforming use shall occur while a non-conforming use is being continued.

#### **4.43 DOMESTIC AND HOUSEHOLD ARTS IN RESIDENTIAL ZONES**

- (i) Nothing in this Bylaw shall prevent the carrying on in a residential or **agricultural** zone of domestic and household arts provided that all conditions as specified in Section 4.43 are complied with.
- (ii) Domestic and household arts include:
  - (a) Dressmaking and tailoring
  - (b) Hairdressing
  - (c) Instruction in the arts (music, dance, etc.)
  - (d) Arts and crafts, weaving, painting, sculpture, and repair of garden or household ornaments, personal effects or toys.

#### **4.44 BUSINESS USES IN RESIDENTIAL ZONES**

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

- (i) the dwelling shall be occupied as a residence by the principal operator and the external appearance of the dwelling shall not be changed by the business use.
- (ii) there shall be no more than two nonresident assistants employed in the business or profession or the domestic and household arts carried on.

- (iii) not more than 25% of the total floor area of the dwelling shall be occupied by the business or profession or domestic and household arts use.
- (iv) adequate off-street parking, in accordance with this Bylaw, separate from that required for the dwelling, shall be provided.
- (v) there shall be no open storage or display area.
- (vi) premise signs shall be restricted to a maximum of 400 square inches in total.

#### **4.45 SPECIAL REQUIREMENTS FOR PRIVATE DETACHED GARAGES**

- (i) A private detached garage shall not exceed seven hundred (700) sq. ft. (63 sq.m.) of floor space.
- (ii) A private detached garage shall not exceed a height in excess of twelve (12') ft. (3.6 m) above grade, unless a special permit has been issued by Council allowing a greater height in order to achieve architectural harmony with the main building.
- (iii) A private detached garage shall be included in the calculation of maximum lot coverage as described in the Lot Requirements for the applicable zone.

#### **4.46 SPECIAL REQUIREMENTS FOR SEMI-DETACHED, ROW OR TOWNHOUSE DWELLINGS**

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

#### **4.47 RECREATIONAL TRAILERS OR VEHICLES**

No person shall use or occupy a Recreational Trailer or Vehicle other than in an approved Campground, unless Council has issued a temporary permit for such use.

#### **4.48 MOBILE HOMES**

Mobile Homes shall not be permitted to be located within the Municipality.

#### **4.49 BED AND BREAKFAST**

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

- 1) the dwelling shall be occupied as a residence by the principal operator and the external appearance of the dwelling shall not be changed by the bed and breakfast operation;
- 2) not more than three (3) rooms shall be offered for overnight accommodation;
- 3) adequate off-street parking, in accordance with this Bylaw, separate from that required for the dwelling, shall be provided;
- 4) premise signs shall be restricted to a maximum of 400 square inches;
- 5) there shall be no other signage, open storage or visible display area.

#### **4.50 SIGNAGE**

Any sign, billboard or poster, temporary or permanent erected in any commercial or industrial zone shall conform to the following provisions:

- i) other than directional signs containing no promotional content, only one (1) free-standing sign shall be erected on a lot; except where the lot is bordered by more than one street in which case one (1) free-standing sign may be permitted along each street line;
- ii) free-standing signs shall be permitted if compatible with the building in scale and colour. The area of a free-standing sign shall be no greater than fifty (50) sq. ft. (4.5 sq. m). Free-standing signs shall be set back at least 8 1/2 ft. (2.5 m) from the street line;
- iii) fascia signs shall be permitted on the building and shall project no more than eighteen inches (18") from the wall of the building and shall be no higher than the roof line of the building or part of the building.

The area of fascia signs shall not exceed ten percent (10%) of the area of the wall on which the sign is to be located, or one hundred square feet (100 sq. ft.) (9 sq. m) whichever is less;

- iv) no sign other than a traffic directional sign erected by a public authority shall be on the side or rear of a building, or within a side, flankage or rear yard when such side, flankage or rear yard abuts a residential zone;
- v) no signs painted on sloping roofs shall be permitted;
- vi) all signs shall be made of durable materials and shall be maintained in good condition;
- vii) internally lit signs shall be permitted and shall have the light source concealed by a diffusive material;
- viii) signs lit by floodlighting shall have the floodlighting directed at the sign and no floodlighting shall be aimed at the road. No stray illumination from floodlighting shall shine on adjacent residential land;
- ix) where there are more than one (1) commercial uses on one lot, all uses on the same lot shall share one (1) sign. The total size of any shared sign shall be no larger than 50 sq. ft. (4.5 sq. m) for each use or a total of 150 sq. ft. (13.5 sq. m), unless a larger size is authorized by Council. Where a sign for a building is shared by more than one (1) commercial use, the signs for all uses must be of similar material and lettering design to produce a uniformity of signs for the common facility. Logos may be incorporated into the common sign.
- x) No mobile signs shall be permitted in any zone.

#### **4.51 UNSIGHTLY PROPERTY**

Unsightly property includes any property or part thereof upon which there is litter or any dangerous or hazardous building.

- i) No owner of any property shall permit the property or any building thereon to be or become:
  - a) an unsightly property; or
  - b) otherwise hazardous, dangerous, a fire hazard or unsightly.

- ii) Every building and every part thereof shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any normal load to which it may be subject.
- iii) Grass on any property, except for that property or any part thereof being used for agricultural purposes, natural parklands, trails or ditches, shall be maintained at a height of 20 centimetres or less.
- iv) All property shall be kept clean and free of:
  - a) Objects or conditions that may create fire, health or accident hazards;
  - b) Litter; or
  - c) Heavy undergrowth, with the exception of any land being used for agricultural purposes.

## **SECTION #5 PARKING REQUIREMENTS**

### **5.1 PREAMBLE**

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

### **5.2 PARKING REQUIREMENTS**

<b><u>Primary Type of Building</u></b>	<b><u>Minimum Requirement</u></b>
i) Single Family Dwelling	2 parking spaces
ii) Duplex Dwelling	2 parking spaces for each unit
iii) Multiple Family Dwelling	1.5 parking spacing per dwelling unit
iv) Hotel, Motel or other Tourist Establishment	1 parking space per guest/room or parking space for each 23 sq.m. (250 sq.ft.) of floor area devoted for public use (e.g. banquet rooms, lounge)
v) Auditoriums, churches, halls, libraries, museums, theatres, arenas, private clubs, and other places of	Where there are fixed seats, 1 parking space for every four (4) seats where there are no fixed seats, the seat count

assembly seats or recreation	will be based on the Fire Marshall's seating capacity rating.
vi) Hospitals and Nursing Homes	.75 parking spaces per bed
vii) Senior Citizens Apartments and Community Care Facilities	1.25 parking spaces per dwelling unit
viii) Elementary School	1.5 parking spaces per teaching classroom and 1 parking space for each six seats of seating capacity of the auditorium
ix) Funeral Home	1 parking space per four seats of seating capacity
x) Business and Professional Offices, Service and Personal Service Shops	1 parking space per 28.0 sq meters (300 sq. feet) of floor area
xi) Automobile Dealership	1 parking space per 4.65 sq. meters (50 sq. ft.) of floor area.
xii) Restaurant or Lounge	1 parking space per four seats of seating capacity
xiii) Other Commercial/ Retail Stores	1 parking space per 14 sq. meters (150 sq. ft.) of floor area
xiv) Industrial	1 parking space per 28 sq. meters (300 sq. ft.) of floor area or one parking space per employee, whichever is greater
xv) Secondary School, Colleges	As determined by Council at the time of application

### **5.3 ADDITIONAL PARKING SPACES**

Additional parking spaces may be required, if in the opinion of Council the spaces required under Section 5.2 will not meet anticipated parking requirements.

### **5.4 OTHER REQUIREMENTS**

Where parking facilities are required or permitted:

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

- (2) 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;
- (3) A structure not more than ten ft.(10') (3 m) in height and not more than fifty (50) sq. ft. (4.6 sq.m.) in area may be erected in the parking area for the use of attendants;
- (4) The parking area shall be within three hundred ft.(300') ( 91.4 m) of the location which it is intended to serve and shall be situated in the same zone;
- (5) When the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated with painted lines and maintained on the parking lot;
- (6) A parking space shall consist of an area of not less than two hundred (200) sq. ft. (18.6 sq. m.) measuring ten (10) ft. ( 3 m) by twenty (20) ft. (6 m), exclusive of driveways and aisles, unless otherwise authorized by Council;
- (7) Entrances and exits to parking areas shall not exceed a width of thirty ft.(30') (9 m) at the street line and edge of pavement; and
- (8) The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of ten ft. (10') (3 m) for one-way traffic, and a minimum width of twenty ft. (20') (6 m) for two-way traffic.

## **5.5 LOADING ZONES**

- (1) In any commercial or industrial zone, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, unless there is maintained on the same premises with every such building, structure or use one (1) off-street space for standing, loading and unloading for every thirty thousand (30,000) sq. ft. (2,790 sq. m.) or fraction thereof of building floor area used for any such purpose;

- (2) Each loading space shall be at least twelve feet (12') ( 3.6 m) wide with a minimum of fourteen ft. (14') (4.25 m) height clearance.
- (3) The provision of a loading space for any building with less than fifteen hundred (1500) sq. ft. (139.5 sq. m.) shall be optional.
- (4) No such loading spaces shall be located within any required front yard or be located within any yard which abuts a residential or open space zone, unless in the opinion of Council adequate screening is provided.

## **SECTION #6 SINGLE FAMILY RESIDENTIAL (RESTRICTED) ZONE (R1)**

### **6.1 GENERAL**

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an R1 Zone shall conform to the provisions of this Section.

### **6.2 PERMITTED USES**

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

- (1) Single Family Dwellings
- (2) Parks and Playgrounds
- (3) Accessory Buildings
- (4) Private Garages
- (5) Agricultural uses which in the opinion of Council do not represent a significant nuisance or health hazard to adjacent residents.

### **6.3 SPECIAL PERMIT USES**

Notwithstanding Section 6.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- (1) group homes
- (2) child care facilities

### **6.4 SERVICING**



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

## **6.5 LOT REQUIREMENTS**

The following regulations shall apply to fully serviced development in an R1 Zone:

(i) For single family dwellings, lot requirements shall be as follows:

1. Minimum Lot Area 7,500 sq.ft. (70 sq. m)
2. Minimum Frontage 75 feet (23 m)
3. Minimum Front Yard 20 feet (6.5 m)
4. Minimum Rear Yard 15 feet (4.5 m)
5. Minimum Side Yard 7.5 feet (2.3 m)
6. Minimum Flankage Yard 20 feet (6.5 m)
7. Maximum Height of any Building 2.5 stories or 35 feet (10.5 m)

The following regulations shall apply to development serviced by central sewer and on-site water supply:

All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B". (see attached)

1. Minimum Lot Area, see Appendix "B"
2. Minimum Frontage, see Appendix "B"
3. Minimum circle diameter to be contained within the boundaries of the lot, see Appendix "B"
4. Minimum Front Yard 20 feet (6.5 m)
5. Minimum Rear Yard 15 feet (4.5 m)
6. Minimum Side Yard 7.5 feet (2.3 m)
7. Minimum Flanking Yard 20 feet (6.5 m)
8. Maximum Height of any Building 2.5 stories or 35 feet (10.5 m)

Notwithstanding the above regulations, within existing approved subdivisions, Council may require that new developments conform with the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.

Maximum lot coverage for a one-storey single family dwelling shall be 20%, provided however, that Council may permit a coverage up to 25% where it

deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.

Maximum lot coverage for single family dwellings of more than one-storey shall be 15%, provided however, that Council may permit a coverage up to 20% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.

## **SECTION #7 SINGLE FAMILY RESIDENTIAL ZONE (R2)**

### **7.1 GENERAL**

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an R2 Zone shall conform with the provisions of this Section.

### **7.2 PERMITTED USES**

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

- (i) (1) Single Family Dwellings
- (2) In-Law suites (pursuant to provisions of Section 4.25)
- (3) Bed & Breakfast (pursuant to provisions of Section 4.49)
- (4) Parks and Playgrounds
- (5) Accessory Buildings
- (6) Private Garages
- (7) Agricultural uses which in the opinion of Council do not represent a significant nuisance or health hazard to adjacent residents.

### **7.3 SPECIAL PERMIT USES**

Notwithstanding Section 7.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate.

- (1) Group Homes
- (2) Child Care Facilities

### **7.4 SERVICING**

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

## **7.5 LOT REQUIREMENTS**

The following regulations shall apply to development in an R2 Zone:

- (i) For Single Family Dwellings, lot requirements shall be the same as Section 6.5, Single Family Residential.

All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B". (see attached)

Notwithstanding the above regulations, within existing approved subdivisions, Council may require that new developments conform with the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.

## **SECTION #8 MULTIPLE FAMILY RESIDENTIAL ZONE (R3)**

### **8.1 GENERAL**

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an R3 Zone shall conform with the provisions of this Section.

### **8.2 PERMITTED USES**

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

- (i)
  - (1) Single Family Dwellings
  - (2) Duplex & Semi-Detached Dwellings
  - (3) In-Law suites (pursuant to provisions of Section 4.25)
  - (4) Bed & Breakfast (pursuant to provisions of Section 4.49)
  - (5) Parks and Playgrounds
  - (6) Accessory Buildings
  - (7) Private Garages

### **8.3 SPECIAL PERMIT USES**

The provisions of Section 7.3 shall also apply to an R3 Zone.

## 8.4 SERVICING

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

## 8.5 LOT REQUIREMENTS

The following regulations shall apply to development in an R3 Zone:

(i) For Single Family Dwellings, lot requirements shall be the same as Section 6.5, Single Family Residential.

(ii) For Duplex and Semi-Detached Dwellings the lot requirements shall be as follows:

- |  |   |
|--|---|
| 1. Minimum Lot Area<br><u>Duplex &amp; Semi-Detached</u><br>(fully-serviced)     | - 12,000 sq ft. (1,080 sq. m)<br>Or 6,000 sq ft. (540 sq. m) for<br>each unit.  |
| <u>Duplex &amp; Semi-Detached</u><br>(central sewer and on-site<br>water supply) | - see Appendix “B”<br>with a minimum circle diameter<br>to be contained within the<br>boundaries of the lot, see<br>Appendix “B”. |
| 2. Minimum Frontage<br><u>Duplex &amp; Semi-Detached</u>                         | - see Appendix “B”  |
| 3. Minimum Front Yard<br><u>Duplex &amp; Semi- Detached</u>                      | - 20 feet (6.5 m)   |
| 4. Minimum Rear Yard<br><u>Duplex &amp; Semi- Detached</u>                       | - 15 feet (4.5 m)   |
| 5. Minimum Side Yard<br><u>Duplex &amp; Semi- Detached</u>                       | -10 feet (3 m)  |
| 6. Minimum Flankage Yard<br><u>Duplex &amp; Semi- Detached</u>                   | - 20 feet (6.5 m)   |

## 7. Maximum Height of Any Building - 2.5 stories or 35 feet (10.5 m)

All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B". (see attached)

Notwithstanding the above regulations, within existing approved subdivisions, Council may require that new developments conform with the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.

Maximum lot coverage for a one-storey duplex or semi-detached dwelling shall be 30%, provided however, that Council may permit a coverage of up to 35% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.

Maximum lot coverage for a duplex or semi-detached dwelling of more than one-storey shall be 25%, provided however, that Council may permit a coverage up to 30% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.

## **SECTION #9 MULTIPLE FAMILY RESIDENTIAL ZONE (R4)**

### **9.1 GENERAL**

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an R4 Zone shall conform with the provisions of this Section.

### **9.2 PERMITTED USES**

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

- (i) (1) Duplex & Semi-Detached Dwellings
- (2) Row or Townhouse Dwellings up to five (5) units (owned either individually, or as condominiums or by a single owner)
- (3) Apartments up to 12 units (owned by a single owner or as condominiums)

- (4) Bed & Breakfast
- (5) In-Law Suites
- (6) Parks and Playgrounds
- (7) Accessory Buildings
- (8) Private Garages

(ii) the following conditional uses subject to such terms and conditions as shall be imposed by Council:

- (1) Apartments with over 12 units (owned by a single owner or as condominiums)

### **9.3 SPECIAL PERMIT USES**

The provisions of Section 7.3 shall also apply to an R4 Zone.

### **9.4 SERVICING**

All developments in an R4 Zone shall be serviced by municipal sewer services and municipal water supply where water services exists.

### **9.5 LOT REQUIREMENTS**

The following regulations shall apply to development in an R4 Zone:

- (i) For Duplex or Semi-Detached Dwellings, the lot requirements shall be the same as Section 8.5, Duplex and Semi-Detached Dwellings.
- (ii) For Apartments Row and Townhouse Dwellings the lot requirements shall be as follows:

#### **Apartments**

- (1) Minimum Lot Area - see Appendix "B"
- (2) Minimum Frontage- see Appendix "B"
- (3) Minimum Front Yard- 25 ft. (7.5 m)
- (4) Minimum Rear Yard- 15 ft. (4.5 m)
- (5) Minimum Side Yard- 10 ft. (3 m)
- (6) Minimum Flankage Yard- 17 ft. (5 m)
- (7) Maximum Height of any Building- 2.5 stories or 35 ft. (10.5 m)

### Row or Townhouse Dwellings

- (1) Minimum Lot Area- see Appendix “B”
- (2) Minimum Frontage- see Appendix “B”
- (3) Minimum Front Yard 17 feet (5 m)
- (4) Minimum Rear Yard 15 feet (4.5 m)
- (5) Minimum Side Yard 10 feet (3 m)
- (6) Minimum Flanking Yard 17 feet (5 m)
- (7) Maximum Height of any Building 2.5 stories or 35 ft. (10.5 m)

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

Notwithstanding the above regulations, within existing approved subdivisions, Council may require that new developments conform with the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.

Maximum lot coverage for a one-storey duplex or semi-detached dwelling shall be 30%, provided however, that Council may permit a coverage of up to 35% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.

Maximum lot coverage for a duplex or semi-detached dwelling of more than one-storey shall be 25%, provided however, that Council may permit a coverage up to 30% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.

## **SECTION #10 GENERAL COMMERCIAL ZONE (C1)**

### **10.1 GENERAL**

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a C1 Zone shall conform with the provisions of this Section.

### **10.2 PERMITTED USES**

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

- (i) Retail Stores
- (ii) Business and Professional Offices
- (iii) Service and Personal Service Shops
- (iv) Banking and Financial Institutions
- (v) Restaurants
- (vi) Hotels, Motels or other Tourist Establishments
- (vii) Entertainment Facilities
- (viii) Activities connected with the automobile trade except for a scrap yard or body shop
- (ix) Institutional buildings
- (x) Multiple Family Dwellings
- (xi) Accessory Buildings
- (xii) Transient or Temporary Commercial**

No development of a Major Retail Development shall take place unless a special development permit has been issued by Council. This permit shall take the form of a development agreement addressing all aspects of the development including, but not limited to the following:

- (i) Parking
- (ii) Loading Zones
- (iii) Internal Circulation
- (iv) Ingress and Egress
- (v) Any improvements deemed to be required to the public streets adjacent to the development and arrangements for cost-sharing of such improvements
- (vi) Public and Private Utilities
- (vii) Storm Water Drainage and Runoff
- (viii) Buffer Zones adjacent to neighboring properties
- (ix) Signage
- (x) Sidewalks, and
- (xi) Any other matter deemed by Council to affect the health, well-being, safety or convenience of the public or to impose a detriment or financial on the community or any other person.

### **10.3 SPECIAL PERMIT USES**

Notwithstanding Section 10.2 above, Council may issue a special development permit for the following uses where it deems the development is



appropriate, all other relevant provisions of this Bylaw are met and subject to such conditions as Council may impose:

- (1) child care facilities
- (2) dwelling units in a commercial building
- (3) lounges

#### **10.4 LOT REQUIREMENTS**

The following regulations shall apply to development in a C1 Zone:

- |                          |  |
|--------------------------|--|
| (i) Minimum Lot Area     | 15,000 sq. ft. (1,350 sq.m)                        |
| (ii) Minimum Frontage    | 100 feet (30.5 m)                                  |
| (iii) Minimum Front Yard | 17 feet (5 m) (if no parking in front of building) |
| (iv) Minimum Side Yard   | 10 feet (3 m)                                      |
| (v) Minimum Rear Yard    | 15 feet (4.5 m)                                    |
| (vi) Maximum Height      | 2.5 stories or 35 feet (10.5 m)                    |

Multiple Family Residential developments shall conform to Section 8.5.

All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B". (see attached)

#### **10.5 SPECIAL REQUIREMENTS: COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES**

Notwithstanding any other provision of this Bylaw, where a Commercial Development located on lands zoned General Commercial (C1) directly abuts on any residential zone, the following conditions shall be complied with:

- (i) a strip of land not less than 15 ft. (4.5 m) in width along the lot line within the C1 Zone and adjacent to the residential zone shall be maintained clear of any structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer.
- (ii) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and

- (iii) 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.

## **10.6 DWELLINGS IN COMMERCIAL BUILDINGS**

Where a dwelling unit is provided in connection with a commercial use the following minimum standards shall apply:

- (i) the dwelling unit is not above a restaurant, lounge, automobile service station, dry cleaning establishment or repair shop storing explosive materials;
- (ii) separate entrances serve the dwelling unit;
- (iii) for each dwelling unit, 400 sq. ft. (47 sq. m) of landscaped open area and 1.5 parking spaces are provided;
- (iv) each dwelling unit meets the requirements of the Provincial Fire Marshall;
- (v) the floor area in residential use does not exceed the commercial floor area.

## **10.7 TRANSIENT OR TEMPORARY COMMERCIAL PERMITS**

Notwithstanding any other provision of this Bylaw, temporary permits may be issued for a transient-type Commercial operation subject to compliance with the the following:

- (i) the development shall not result in any traffic hazard;
- (ii) the development shall not interfere with the parking requirements of permanent users of the lot in which the development will be located;
- (iii) the development shall not create a public nuisance;
- (iv) the temporary permit shall not exceed a twenty (20) week period;

- (v) the applicant shall provide a letter of approval from the owner of the lot on which the temporary development will be situated;
- (vi) where required, the applicant shall satisfy Council that such development complies with all health regulations.

**10.8 AUTOMOBILE SERVICE STATION**

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

- (a) Minimum Lot Frontage 150 feet (45 m)
- (b) Minimum Pump Setback 20 feet (6 m)
- (c) Minimum Pump Distance from access or egress 30 feet (9 m)
- (d) Minimum Width of Driveway 25 feet (7.5 m)

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

**10.9 PARKING IN FRONT OF BUILDING**

Where parking is provided in front of any building in a C1 Zone a five foot (5') (1.5 m) landscaped buffer shall be provided between the parking area and the street boundary.

**SECTION #11 LIGHT INDUSTRIAL ZONE (M1)**

**11.1 GENERAL**

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a M1 Zone shall conform with the provisions of this Section.

**11.2 PERMITTED USES**

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

- (i)
  - (1) Manufacturing and Assembly
  - (2) Warehousing
  - (3) Transport Operations
  - (4) Activities connected with the Automobile Trade other than a scrap yard
  - (5) Wholesale Operations
  - (6) Business and Professional Offices
  - (7) Service Shops
  - (8) Commercial uses accessory to a main use permitted in an M1 Zone
  - (9) Restaurants and Cafeterias
  - (10) Farm Machinery and Heavy Equipment Dealerships and Repair Shops
  - (11) Building Supply Dealers
  - (12) Construction Yards
  - (13) Accessory Buildings
  
- (iii) Notwithstanding the foregoing, any use which is deemed by Council to be obnoxious by reason of sound, odor, dust, fumes, smoke or as noted in Section 2.51 shall be denied approval.

### **11.3 LOT REQUIREMENTS**

The following regulations shall apply to development in a M1 Zone:

- (i) Minimum Area 15,000 sq. ft. (1,350 sq. m)
- (ii) Minimum Frontage 100 feet (30 m)
- (iii) Minimum Front Yard 25 feet (7.5 m)
- (iv) Minimum Side Yard 15 feet (4.5 m)
- (v) Minimum Rear Yard 25 feet (7.5 m)
- (vi) Maximum Height 2.5 stories or 35 feet (10.5 m)
- (vii) Minimum Flankage Yard 25 feet (7.5 m)

All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B". (see attached)

#### **11.4 SPECIAL REQUIREMENTS: LIGHT INDUSTRIAL ZONE ADJACENT TO RESIDENTIAL ZONES**

The special requirements as delineated in Section 10.5 of this Bylaw also apply in a M1 Zone.

- 11.5** All developments in an M1 Zone shall be serviced by municipal sewer services and central water supply where water services exists.

#### **SECTION #12 AGRICULTURAL RESERVE ZONE (A1)**

##### **12.1 GENERAL**

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an A1 Zone shall conform with the provisions of this Section.

##### **12.2 PERMITTED USES**

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

- (1) Single Family Dwellings
- (2) Agriculture
- (3) Forestry
- (4) Parks and Open Space
- (5) Accessory Buildings which in the opinion of Council are clearly incidental to the main use of land.
- (6) Accessory Buildings for the purpose of human habitation, in connection with a farm.

##### **12.3 LOT REQUIREMENTS**

The following regulations shall apply to development in an A1 Zone:

- (i) Minimum Lot Area 43,560 sq. ft. (1 acre)  
(.4 hectares)
- (ii) Minimum Frontage 150 feet (45 m)
- (iii) Minimum Front Yard 50 feet (15 m)
- (iv) Minimum Rear Yard 25 feet (7.5 m)
- (v) Minimum Side Yard 15 feet (4.5 m)

(vi) Minimum Flanking Yard 50 feet (15 m)

(vii) Maximum Height of  
any Building 35 feet (10.5 m)

All lots shall also conform to the Provincial Minimum Lot  
Standards as noted in Appendix “B”. (see attached)

## **12.4 INTENSIVE LIVESTOCK OPERATIONS**

(1) For the purpose of this Section “Intensive Livestock Operation” means a feedlot, piggery, dairy, fox ranch or similar operation, or a building used for the raising of poultry.

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

Distance from any dwelling on an adjacent property	500 feet (150 m)
--	------------------

Distance from Public Road	150 feet (45 m)
---------------------------	-----------------

Distance from any domestic Well	500 feet (150 m)
---------------------------------	------------------

Distance from any lot line	50 feet (45 m)
----------------------------	----------------

(3) All intensive livestock buildings shall have a manure storage facility with a capacity for retention of manure for a period of time for which conditions do not permit spreading.

(4) Council may consult the Department of Agriculture for manure storage capacities and design standards and shall require the livestock operator to follow these capacities and design requirements.

## **SECTION #13 RECREATION AND OPEN SPACE ZONE (01)**

### **13.1 GENERAL**

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an 01 Zone shall conform with the provisions of this Section.

### **13.2 PERMITTED USES**

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

- (i) Public and Private Parks
- (ii) Open Space and Conservation Activities
- (iii) Golf Courses
- (iv) Recreational Uses
- (v) Pavillions and Band Shells
- (vi) Recreation Administrative Offices
- (vii) Parking lots related to the above
- (viii) Accessory Buildings

### **13.3 LOT REQUIREMENTS**

Minimum Lot Area	1 Acre (.40 hectares)
Minimum Lot Frontage	150 feet (45 m)
Minimum Front Yard	50 feet (15 m)
Minimum Rear Yard	50 feet (15 m)
Minimum Side Yard	25 feet (7.5 m)
Maximum Height of Building	2.5 stories or 35 feet (10.5 m)

All lots shall also conform to the Provincial Minimum Lot Standards as noted in Appendix "B". (see attached)

## **SECTION #14 PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI)**

### **14.1 GENERAL**

Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a PSI Zone shall conform with the provisions of this Section.

### **14.2 PERMITTED USES**

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

- (1) Institutional Buildings
- (2) Group Homes
- (3) Community Centres

- (4) Accessory Buildings
- (5) Public and Private Parks
- (6) Recreational Uses

**14.3 LOT REQUIREMENTS**

Minimum Lot Area	15,000 sq. ft. (1,350 sq. m)
Minimum Lot Frontage	100 feet (30 m)
Minimum Front Yard	17 feet (5 m) (where there is no parking in the Front Yard)
Minimum Rear Yard	15 feet (4.5 m)
Minimum Side Yard	7.5 feet (2.3 m)
Minimum Flankage Yard	17 feet (5 m)
Maximum Height of Building	2.5 stories or 35 feet (10.5 m)

All lots shall also conform with the Provincial Minimum Lot Standards as noted in Appendix “B”. (see attached)

**14.4 PARKING IN FRONT YARD**

Where parking is provided in front of any building in a PSI Zone a ten foot (10') (3 m) landscaped buffer shall be provided between the parking area and the street boundary.

**SECTION #15 MINOR VARIANCE**

**15.1 MINOR VARIANCE**

- (i) Council may authorize a minor variance not exceeding 10% from the provisions of this Bylaw if the variance is desirable and appropriate, and if the general intent and purpose of this Bylaw is maintained.
- (ii) Authorization for a minor variance shall be documented and recorded in writing.
- (iii) No variance shall be granted where the difficulty experienced is the result of intentional or negligent conduct of the applicant in relation to the property.



- (iv) Notwithstanding any other section of this Bylaw, Council may, authorize variances in excess of ten (10%) percent variance from the provisions of this Bylaw if Council deems such a variance desirable and appropriate and if such variance is in keeping with the general intent and purpose of this Bylaw.
- (v) Where Council deems that a variance application could have a significant effect on adjacent properties or properties in the general vicinity, Council may require that a public meeting be held pursuant to the provisions of Section 16.1.

## **SECTION #16 REZONING PROCEDURES**

### **16.1 REZONING PROCEDURES**

- (i) A person who seeks the rezoning of a lot or to have this Bylaw otherwise amended shall address a written and signed application to Council.
- (ii) An application under this Section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal.
- (iii) The applicant shall at the time of submitting his application, deposit with the Administrator money necessary to cover all costs, direct and indirect pertaining to the processing of his application. This shall apply to costs associated with advertising and costs associated with preparing and mailing notifications.
- (iv) Planning Board shall review each rezoning request and advise Council accordingly.
- (v) Council retains the right to deny a re-zoning request - without holding a public meeting - if such request is deemed to be inconsistent with appropriate land use planning standards or the Official Plan. Should Council not proceed with a public meeting, the deposit as per Section 22.1 (iii) shall be returned to the applicant.

- (vi) Subject to Section 22.1 (v), Council shall hold a public meeting to solicit input from residents on the proposed rezoning request.
  - (1) Council shall give seven (7) days clear notice of the public meeting. This notice shall be advertised in a newspaper with circulation in the Community.
  - (2) Council shall also forward a notification letter to property owners who own parcel(s) of land which are located in whole (or in part) within two hundred (200)feet (60 m) from any lot line of the parcel being proposed for rezoning.
- (vii) Following the public meeting, Council shall formulate a decision on the zoning proposal. Council shall have the authority to determine whether a re-zoning proposal is approved, modified, or denied.
- (viii) Nothing in this Bylaw restricts the right of Planning Board or Council to initiate its own re-zoning requests.

## **SECTION #17 GENERAL PROVISIONS FOR SUBDIVIDING LAND**

### **17.1 SUBDIVISION APPROVAL**

No person shall subdivide one or more lots or any portion of a lot and no person shall consolidate two or more parcels of land until the conditions of this Bylaw have been complied with and the applicant has received final approval from the Council.

### **17.2 CONVEYING INTEREST IN A LOT**

No person shall sell or convey any interest in a lot in a subdivision before Council has issued a stamp of approval for the subdivision in which the lot is situated.

### **17.3 PERMISSION TO SUBDIVIDE**

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

- (i) conforms with the requirements of this Bylaw;

- (ii) is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
- (iii) will not cause undue flooding or erosion;
- (iv) has convenient street access;
- (v) has adequate utilities and services available or can be conveniently provided with such utilities and services;
- (vi) will reasonably conform with existing land use in the immediate vicinity;
- (vii) will provide for safe and convenient traffic flow;
- (viii) is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
- (ix) is suitable to the use for which it is intended, and the future use of adjacent lands; and,
- (x) the parcel of land in respect of which the permit is requested has frontage on a public road or a private right-of-way established pursuant to Section 4.12 of this Bylaw.

#### **17.4 CHANGES TO EXISTING LOTS**

- (1) No person shall reduce the dimensions or change the use of any lot in an approved subdivision where Council deems these would be a detrimental effect on neighboring property owners.
- (2) Where an application to subdivide land would change the dimensions or the use of a lot in an existing approved subdivision, Council shall notify all property owners within 500 feet of the boundaries of the lot in writing, informing them of the details of the application and soliciting their comments.

#### **17.5 SPECIAL REQUIREMENTS- AGRICULTURAL RESERVE (A1) ZONE**

- (1) Within an Agricultural Reserve (A1) Zone, no person shall be permitted to subdivide from any existing parcel of land more than two (2) lots.
- (2) For the purposes of this Section “existing parcel” shall mean a parcel of land which was held in separate ownership as of November 28, 1985.
- (3) No person shall establish more than one access driveway for each 10 chains of property frontage on a highway.
- (4) Any lots subdivided pursuant to this Section shall conform to the lot requirements for an A1 Zone and all other relevant provisions of this Bylaw.
- (5) Within an Agricultural Reserve (A1) Zone:
  - (i) A residential subdivision shall not be permitted within five hundred (500) feet (150 m) of an existing intensive livestock operation.
  - (ii) Where a residential subdivision is proposed, Council shall notify operators of intensive livestock operations within 1,000 ft. (300 m) and invite their comments.
  - (iii) Where a new intensive livestock operation is proposed within 1,000 feet of an existing residential subdivision Council shall notify the property owners and invite their comments.

## **17.6 PROCEDURE**

Any person seeking Council's approval of a subdivision shall first make application for preliminary approval, and shall be required to submit, along with the application, four (4) copies of a preliminary subdivision plan drawn to scale showing:

- (i) the true shape and dimensions of every lot;
- (ii) the location of every existing building or structure on the parcel;
- (iii) existing and proposed services and utilities;

- (iv) proposed widths and locations of all streets;
- (v) location of land proposed for recreation and public open space use;  
and
- (vi) the existing use of the land and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.

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

- (1) a soil test conducted in a manner acceptable to Council;
- (2) contours and spot elevations;
- (3) traffic surveys.

Council may refuse to approve a subdivision which is unsuitable under the provisions of this Bylaw. In formulating its decision, Council may consult with Government officials and private consultants and may conduct a public hearing to consider public opinion.

Council shall evaluate any proposed subdivision to determine whether appropriate street design standards and lot configurations have been used to promote the development of safe, convenient and pleasant neighbourhoods.

#### **17.7 PARKLAND DEDICATION and/or PARK DEDICATION FEE**

Council may require, for the purpose of developing parkland, that up to 10% of the lands being subdivided be conveyed to the Community. The physical condition and location of parkland shall be determined by Council.

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

current assessed value of lands being subdivided and shall not take into account value of structures on such lands. Council retains the right to use the Land Valuation and Assessment Division in determining the assessed value of land when such lands are not specifically valued in the Community's assessment roll.

## **17.8 SUBDIVISION AGREEMENT**

Council may require an applicant to enter into a subdivision agreement as a condition of subdivision approval. The subdivision agreement may cover any matters as required by Council and may include, but not be limited to the following:

- (i) design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
- (ii) dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
- (iii) deeding of roads to the Department of Transportation and Public Works;
- (iv) posting of a financial guarantee satisfactory to Council;
- (v) provision of a controlled landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of lots within the subdivision and adjacent properties;
- (vi) provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision; and
- (vii) provision for the phasing of the subdivision.
- (viii) preservation and enhancement of surface water drainage systems.

## **17.9 FINAL APPROVAL**

Final subdivision approval shall be granted by Council only after the applicant has complied fully with all applicable requirements of this Section and has submitted five (5) copies of a final subdivision plan showing all lots pinned and certified by a surveyor registered to practice in the province. Council may

grant final approval to part of a subdivision which is proposed to be developed in phases.

Council shall give notice of final approval of a subdivision in writing, and shall place its seal on the five copies of the survey plan and shall return one copy to the sub-divider.

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

- a) the Registrar of Deeds
- b) the Dept. of Transportation and Public Works
- c) Council files.

#### **17.10 SEVERANCES/CONSOLIDATION**

Notwithstanding the above provisions, Council may approve applications for single lot subdivisions, partial lots or easements and lot consolidations at its discretion, having regard for only those provisions which it deems applicable to each individual application, provided the application conforms with all other Sections of this Bylaw.

#### **17.11 BUILDING PERMITS**

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

### **SECTION #18 PENALTIES**

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

- (i) In the case of a first or subsequent offence, to a fine not exceeding one thousand (\$1,000.00) dollars in each case together with the cost of prosecution and in default of payment of the fine and costs, to imprisonment for a terms not exceeding three (3) months, unless the fine and costs of enforcing the same, are sooner paid.

- (ii) Where the offence is a continuing offence, to a fine not exceeding two hundred (200.00) dollars for every day the said offence continues, together with the cost of prosecution, and in default of payment of the fine or costs, to imprisonment not exceeding three (3) months, unless the fine and costs of prosecution are paid within the time provided by the court.
- (iii) The Judge presiding on any prosecution under this Bylaw may fix the costs of prosecution to be paid by the person found guilty hereunder.

### **SECTION #19 REPEAL**

#### **19.1 EFFECTIVE DATE**

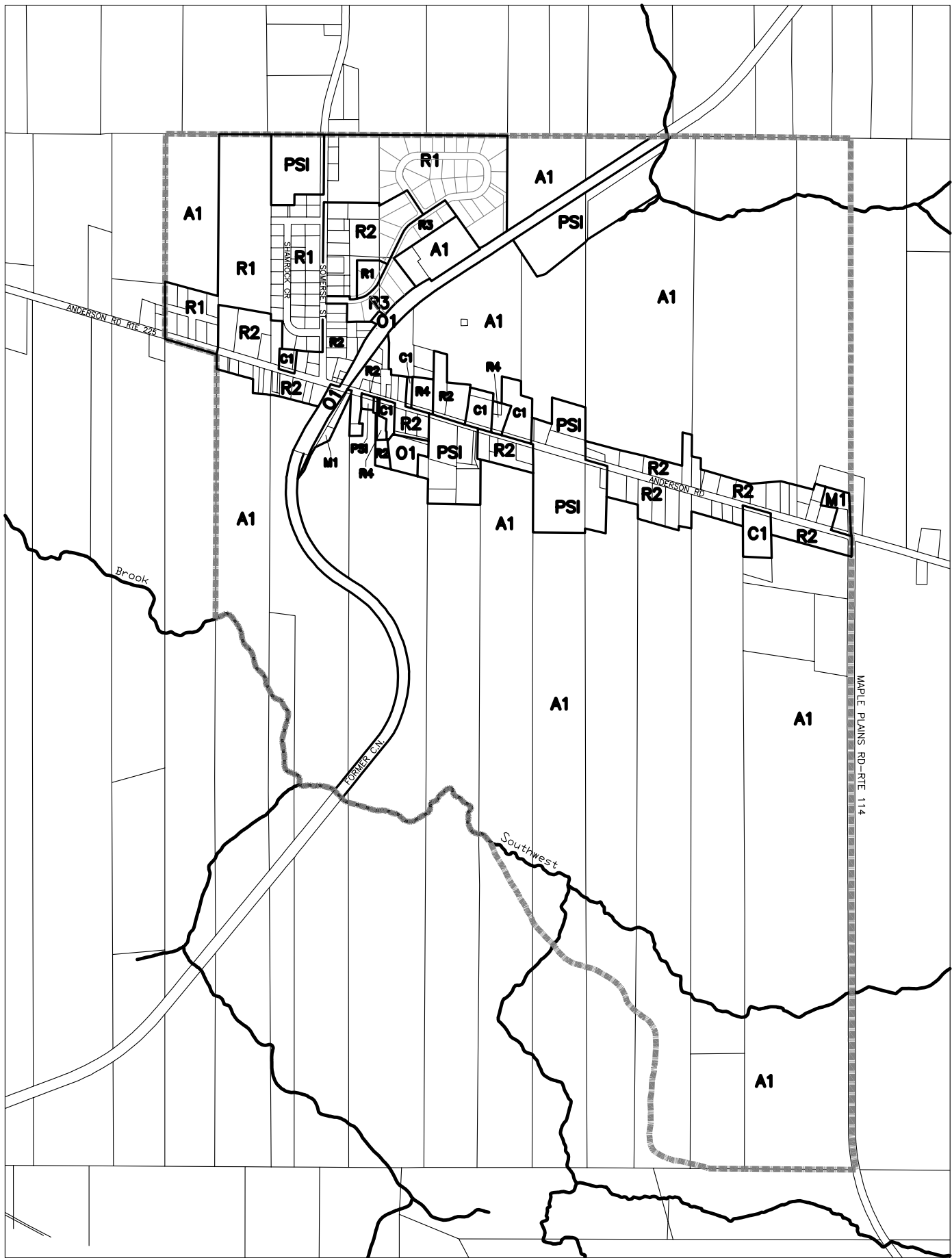
This Bylaw shall come into force effective \_\_\_\_\_.

#### **19.2 REPEAL**

The Community of Kinkora Zoning and Subdivision Control Bylaw is hereby repealed.



**Appendix “A”**  
**Official Zoning Map**



**LEGEND**

- R1** SINGLE FAMILY RESIDENTIAL (RESTRICTED) (R1)
- R2** SINGLE FAMILY RESIDENTIAL (R2)
- R3** MULTIPLE FAMILY RESIDENTIAL (R3)
- R4** MULTIPLE FAMILY RESIDENTIAL (R4)
- PSI** PUBLIC SERVICE and INSTITUTIONAL
- M1** LIGHT INDUSTRIAL
- C1** GENERAL COMMERCIAL
- A1** AGRICULTURAL RESERVE
- O1** RECREATION and OPEN SPACE
- COMMUNITY LIMITS

PREPARED BY:



**ADI Limited**  
 Charlottetown, PE, Canada  
 Engineering, Consulting, Procurement  
 and Project Management

PLAN NOT TO BE SCALED



**COMMUNITY OF KINKORA**  
ESTABLISHED 1855, INCORPORATED 1955

**ZONING MAP**

MAY 7, 2009

**Appendix “B”**

**Provincial Minimum  
Lot Standards**

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

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

## Province-Wide Minimum Development Standards Regulations

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

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

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

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

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

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