

COMMUNITY OF NORTH SHORE

2014 LAND USE BYLAW

JANUARY 8TH, 2014

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1. Introduction

1.1. Title

This Bylaw shall be known and cited as the 2013 Community of North Shore Land Use Bylaw).

1.2. Purpose

The purpose of this Bylaw is to implement the land use development policies found in the Official Plan and to establish a fair and systematic means of development control for the Community.

1.3. Authority from the Province of Prince Edward Island

This Bylaw is enacted under the authority of the Planning Act, R.S.P.E.I. 1988, Cap. P-8, referred to here as the “Planning Act” and the Municipalities Act, R.S.P.E.I. 1988, Cap. M- 13. The Planning Act gives Council the authority to appoint a planning board, adopt an Official Plan for the Community, and to make Bylaws that will help, in part, to implement the policies identified in the Plan. Under the Municipalities Act, municipalities have the right to pass bylaws and provide services in a number of local fields. Communities such as North Shore that were incorporated as Community Improvement Committees (before 1983) have responsibility over Official Plans and Bylaws, fire protection, garbage collection, street lights, administration and recreation.

1.4. Area Defined

This Bylaw applies to the geographical area within which the Community of North Shore has jurisdiction. This Bylaw shall apply to all lands within the municipal boundaries.

1.5. Scope

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

1.6. Authority of Development Officer

Council may appoint one or more individuals to act as a Development Officer whose duties shall be as provided in this Bylaw. The Development Officer shall not be a member of Council. 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:

- Commercial;
- Resort Commercial;
- Industrial;

- Institutional; and
- Special Permit uses.

1.7. Interpretation

In this Bylaw, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word "used" includes "arranged, designed or intended to be used"; and the word "shall" is mandatory and not permissive. All official measurements are in metric. Where imperial measurements are provided they are for information purposes only.

2. Administration

2.1. Effective Date

This Bylaw shall come into force effective **January 8th, 2014**.

2.2. Repeal

Any prior Bylaws covering the lands or structures contained within the current boundaries of the Municipality of North Shore are hereby repealed.

2.3. Administration

The Development Officer shall administer this Bylaw.

2.4. Development Permit

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) construct a driveway;
- i) place, dump any fill or other material over 10 cubic metres; or
- j) subdivide or consolidate a parcel or parcels of land;

without first applying for, and receiving a permit from Council. A development permit shall be valid for up to 12 months. Council may grant an extension not greater than six (6) months from the date of expiry, after such time Council may consider an application for a new development permit. Council may revoke a development permit where information provided on the application is found to be inaccurate.

2.5. No Development Permit Required

Unless otherwise specified, no development permit shall be required for:

- a) laying paving materials for patios or sidewalks;
- b) constructing fences of less than 1.2 m in height;
- c) installing clotheslines, poles, and radio or television antennae;
- d) making a garden;
- e) growing a crop or preparing land for a crop;
- f) making landscaping improvements or constructing ornamental structures or accessory buildings of less than 10 square metres.

- g) conducting routine maintenance which has the effect of maintaining or restoring a structure or any of its elements to its original state or condition;
 - h) a development that involves the interior or exterior renovation of a building that will not change the shape of the building or increase its volume, will not add more dwelling units, or will not involve a change in use of the building; and
 - i) public and private utilities located within the right-of-way;
- although the applicable requirements of this Bylaw must still be met.

2.6. 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 Municipality;
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 the fee schedule established by Council;
3. An application for a development permit shall constitute authorization for inspection of the building or land in question by an officer or agent of the Municipality for the purpose of ensuring compliance with the provisions of this Bylaw; and
4. All other permits required by other agencies will form part of the complete permit application.

2.7. Payment of Fees

Notwithstanding any section of this Bylaw, development permits are not valid and will not be recognized until the non-refundable administrative fee and the application fee and any other required fees, such as additional costs incurred by the Community with respect to processing the application, are paid in full and the developer acquires the said permit.

2.8. Site Plan and Elevation Plan

1. No permanent building shall be erected or placed without first providing existing and proposed grade elevations relative to the adjoining property or properties, and to the public right of way, as well as showing the pattern and allowing for surface water run off on the lot so as not to cause damage or water run off onto adjacent lots. Such a plan shall be prepared by a licensed engineer, qualified landscape architect or licensed land surveyor.
2. Every application for a development permit shall be accompanied by a site plan, drawn to scale and showing:
 - a) the shape and dimensions of the lot to be used;
 - b) existing and proposed grade elevations relative to the adjoining property or properties;
 - c) the distance from the lot boundaries, dimension, and height of the building or structure proposed to be erected;
 - d) the distance from the lot boundaries and size of every building or structure already erected on the lot and the location of the buildings on abutting lots;

- e) the proposed location and dimension of any well, sewerage systems, parking space, loading space, driveway, and landscaped area on the subject lot as well as within a minimum of 30 m on abutting lots;
 - f) the proposed use of the lot and any building or structure; and
 - g) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.
3. Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, the Development Officer may require that the plans submitted under clause a) be based upon a survey by a Licensed Prince Edward Island Land Surveyor; and
 4. The applicant may be required to submit any additional information related to the development.

2.9. Conditions on Permits

Council or the Development Officer 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.

2.10. Development Agreement

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

2.11. Penalties

A person who violates any provision of this Bylaw is guilty of an offence and liable on summary conviction. The provisions of this Bylaw may be enforced by Council via injunction or fine. See Schedule F to this Bylaw.

2.12. Bylaw and Official Plan Amendments

2.12.1. *Zoning and General Land Use Map Revisions*

1. Provided that there is no inconsistency with Official Plan policies, the Development Officer may make technical revisions to the Zoning Map and/or the General Future Land Use Map in the Official Plan for purposes of:
 - a) better reflecting detailed topographical or legal conditions; or
 - b) ensuring that the Zoning Map and the General Future Land Use Map are concurrent.
2. The Development Officer shall advise Council of all technical revisions made and may refer a proposed technical revision to Council to determine its consistency with Official Plan policies.

2.12.2. Amendment Applications

1. A change to either the text or the Zoning Map of this Bylaw shall be considered a zoning amendment and must be consistent with Official Plan policies;
2. Council may amend an Official Plan policy to enable a zoning amendment, including policy statements and/or the general land use plan, but any such Official Plan amendment shall precede the zoning amendment;
3. A person who seeks an amendment to this Bylaw or the Official Plan shall address a written and signed application to Council;
4. An application under this Section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to:
 - a) general development concept showing proposed land uses, any subdivisions, buildings, means of servicing, traffic access and parking; and
 - b) assessment of any potentially significant development impacts on Municipal infrastructure and the natural environment.
5. The applicant shall at the time of submitting the application, deposit with the Municipality the application fee, a fee to cover the cost of mapping changes and any other required fees in accordance with a fee schedule, which the Council shall establish.

2.12.3. Council Decision to Amend the Bylaws

Council shall determine whether or not to pursue such an amendment, and before making any decision shall examine the Community of North Shore 2013 Official Plan to ensure that the proposed amendment will not be contrary to any stated policy within the Official Plan.

No amendment shall be made to this Bylaw except in accordance with the requirements of Part III, Sections 16 -19 of the Planning Act R.S.P.E.I. 1988, Cap. P-8, attached as Schedule D to the Bylaws.

2.12.4. Amendment Procedures

1. Planning Board shall review each amendment request and provide recommendations to Council;
2. Planning Board and Council shall consider the following general criteria when reviewing applications for zoning amendments, as applicable:
 - a) Conformity with all requirements of this Bylaw;
 - b) Conformity with the Official Plan;
 - c) Suitability of the site for the proposed development;
 - d) Compatibility of the proposed development with surrounding land uses, including both existing and projected uses;
 - e) Any comments from residents or other interested persons;

- f) Adequacy of existing or proposed water, sewer, road, storm water and electrical services, and parklands for accommodating the development, and any projected infrastructure requirements;
 - g) Impacts from the development on pedestrian/vehicular access and safety, and on public safety generally;
 - h) Compatibility of the development with agricultural, environmental, scenic and heritage resources;
 - i) Impact on Municipal finances and budgets;
 - j) Other matters as specified in this Bylaw; and
 - k) Other matters as considered relevant.
3. Council retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land use planning standards or the Official Plan. Should Council not proceed with a public meeting, the application fee shall be returned to the applicant;
4. Council shall hold a public meeting to solicit input from residents on the proposed request. At least 7 clear days prior to the public meeting, the Development Officer shall post the date, time and place of the public meeting, together with the general terms of the application, by:
 - a) public notice in a newspaper circulating in the area;
 - b) written notice to all property owners wholly or partially within 60 m (197 ft) of the boundaries of the subject property; and
 - c) placing a sign on the land being proposed for rezoning indicating that a rezoning request has been received.
5. Following the public meeting, Council shall formulate a decision on the proposed amendment. Council shall have the authority to determine whether an amendment request is approved, modified, or denied and applications shall be approved or denied by resolution of Council and the applicant shall be notified in writing of the decision;
6. Nothing in this Bylaw restricts the right of Planning Board or Council to initiate its own amendment requests;
7. Related Official Plan and zoning amendments may be considered concurrently by Council, provided that applications for both amendments are posted on the same public and written notices, and that the Official Plan amendment precedes the zoning amendment in compliance with Section 2.12.4; and
8. Official Plan and zoning amendments approved by Council also require approval by the Minister responsible for administering the Planning Act or any successive legislation.

2.13. Appeals and Enforcement

2.13.1. *Right to Appeal*

Any person who is dissatisfied by a decision of Council in respect of the administration of this Bylaw or any other bylaw in force within the Community, may, within twenty-one (21) days of the relevant Council decision, appeal to the Island Regulatory & Appeals Commission, as set out in Section 28 of the Planning Act R.S.P.E.I. 1988, Cap. P-8, attached as Schedule E to this Bylaw.

2.13.2. *Violation of Bylaw*

Part IV, Section 26 of the Planning Act R.S.P.E.I. 1988, Cap. P-8 is attached as Schedule F to this Bylaw. The Community is entitled to all of the enforcement remedies set forth in Section 24 of the Planning Act R.S.P.E.I. 1988, Cap. P-8:

- a) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
 - (1) on a first conviction, to a fine not exceeding \$2,000; and
 - (2) on a subsequent conviction, to a fine of not more than \$400 for each day upon which the contravention has continued after the day on which he was first convicted.
- b) Any prosecution for an offence under subsection (1) may be instituted within one year after the time when the contravention occurred; and
- c) The Judge presiding on any prosecution under this Bylaw may fix the costs of prosecution to be paid by the person found guilty hereunder.

3. Zones and Zoning Map

3.1. Zones

For the purpose of this Bylaw, the Community is divided into the following development zones, the boundaries of which are shown on the attached Schedule A, the Zoning Map, The zones may be referred to by the appropriate symbols. All lands within the boundaries of the Community of North Shore shall have the following zone designation under this Bylaw:

<i>Zone</i>	<i>Symbol</i>
Agricultural	A
Residential	R
Duplex Residential	R2
Resort Commercial	RC
General Commercial	C
Institutional	IS
Industrial	I
Parks and Conservation	PC

3.2. Zoning Map

Schedule A to this Bylaw shall be a map showing the boundaries of each zone indicated in Section. 3.1. Any revisions or amendments to the Zoning Map shall be recorded by the Municipality, and the Development Officer shall keep a record copy of the amended Zoning Map on file.

3.3. Zones Not on the Map

The Zoning Map may be amended, in conformance with the provisions of this Bylaw, to use any zone in this Bylaw, regardless of whether or not such a zone has previously appeared on the Zoning Map.

4. Interpretation

4.1. Symbols

The symbols used on the Zoning Map refer to the corresponding zones established in the Bylaw.

4.2. Definitions

The definitions used in this Bylaw are provided in Appendix A.

4.3. Interpretation of Zone Boundaries

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

- a) Where a zone boundary is indicated as following a street, road or highway, the boundary shall be the centre line of such street, road or highway;
- b) Where a zone boundary is indicated as following lot or property lines, the boundary shall be such lot or property lines;
- c) Where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary;
- d) Where none of the above provisions apply, the zone boundary shall be scaled from the original Zoning Map lodged with the municipality; and
- e) Where a zone boundary is indicated as following the edge or a watercourse the zone shall follow any change in the boundary of that watercourse.

4.4. Permitted Uses

In this Bylaw any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.

Where a permitted use within any zone is defined in the Bylaw the uses permitted in the zone include any similar uses except where a definition specifically excludes any similar use.

4.5. Special Permit Uses

Subject to these Regulations, the uses that fall within the Special Permit Uses set out in the appropriate Use Zone Table may be permitted in that Use Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Official Plan, and to the public interest, and if Council has given notice of the application in accordance with the procedures established in this Bylaw, under section 2.12.4.4 and has considered any objections or representations which may have been received on the matter. Council will consider the suitability of the site for the proposed development, the potential for conflicting land uses, the impact on neighbouring properties and any potential impact on municipal finances, municipal liability or municipal responsibility.

4.6. Uses Not Permitted

Uses that do not fall within the Permitted Uses or Special Permit Uses set out in the appropriate Use Zone Tables shall not be permitted in that Use Zone.

4.7. All Land to be Zoned

All lands within the municipality shall be zoned.

4.8. Schedules and Appendices

All schedules attached to this Bylaw form an official part of the Bylaw. Any appendices that may be attached to this Bylaw are for informative purposes.

5. General Provisions for All Zones

5.1. Accessory Buildings and Structures

1. Accessory uses, buildings and structures, including detached garages, shall be permitted on any lot but shall not:
 - a) be used for human habitation except where a dwelling is a permitted accessory use; and
 - b) be built closer than 1.5 m to any lot line, except that common garages for semi-detached dwellings may be centred on a mutual side lot line; and
2. No accessory building or structure shall be constructed prior to the time of construction of the main building to which it is accessory.

5.2. Bed and Breakfast

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

- a) the use is carried out by a resident of the dwelling;
- b) not more than three (3) rooms shall be offered for overnight accommodation;
- c) adequate off-street parking, separate from that required for the dwelling, shall be provided; and
- d) the establishment is licensed under Provincial Regulations.

5.3. Buffering

Where a non-residential use abuts a residential use along a side and/or rear lot line, a strip of not less than 4.5 m in width along the said side and/or rear lot shall be landscaped using plants, trees, shrubs or fences or any combination of these, such that any structure or storage area is screened from view from the abutting yard.

5.4. Building to be Erected on a Lot

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

5.5. Building to be Moved

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.

5.6. Building Setback

1. Minimum building setback from public roadways shall be determined as follows:
 - a) 15.2 m (50 ft) minimum setback from arterial roads, collector roads, and local roads having 66 ft wide ROW; and
 - b) 5.2 m (17 ft) minimum setback from interior subdivision roads, or seasonal subdivision roads.
2. Minimum building setback from private roadways 15.2 m (50 ft) from the centre line of the roadway

3. Minimum setback from coastal areas, wetlands, watercourses and shorelines shall be the greater of 23 m (75 ft) or 60 times the erosion rate as determined by staff at the department for environment.

5.7. Calculation of Lot Frontage

Lot frontage shall be measured as the distance between the side lot lines where they meet the front lot line.

- a) If a parcel of land in any zone is of such a configuration that it cannot reasonably be subdivided in such a way to provide the required minimum frontage on a street or road, Council may approve a reduced frontage, provided that the lot width at the front building line measures at least as much as the minimum lot frontage for the zone; and
- b) 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 front building lot line measures at least as much as the minimum lot frontage for the zone.

5.8. Commercial Operation within a Residence

A commercial operation may be located in a residential dwelling or an accessory building in any zone, provided:

- a) the owner of the business lives in the dwelling;
- b) not more than two (2) employees live outside the dwelling;
- c) not more than twenty five percent (25%) of the total floor area of the dwelling is used for the business;
- d) adequate off-street parking is provided for both the dwelling and the business;
- e) no outdoor storage of materials or outdoor product display is used in conjunction with the business;
- f) the external appearance of the dwelling is not altered; and
- g) water and sewerage requirements are satisfied.

5.9. Conformity with Existing Front Yards

Notwithstanding the minimum front yard requirements found elsewhere in this Bylaw, in any zone, when a building is erected between two existing buildings within 15 m of the proposed building, the minimum front yard requirement shall be no less than that of the adjacent building which is closer to the street or road.

5.10. Driveway Access

1. Where an entranceway permit is required under the Roads Act Highway Access Regulations, its issuance shall be a precondition of the approval of a subdivision or development permit; and
2. 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, the Roads Act, or any successor act.

5.11. Erosion

1. Coastal and inland erosion and siltation resulting from the process of development may be addressed at the development permit stage and/or at the subdivision approval stage. An erosion management plan shall be designed to address siltation and erosion; and
2. Development will be in accordance with provincial policies and regulations to address coastal change and/or erosion.

5.12. Excavation Pits

1. A municipal development permit is required for operation of any excavation pit within the Municipality. All permits must be renewed annually. Excavation pits shall not be permitted in any residential zone. In addition, all provincial requirements for excavation pits shall be addressed;
2. The following minimum separation distances shall apply to all new excavation pits:

Distance from any residential property other than a residence occupied by the applicant	300 metres
Setback from property boundary	8 metres
Distance from any church, school, hospital, cemetery, public hall, bathing beach, public park, or public playground	500 metres
Distance from a watercourse	50 metres
Distance from a highway	60 metres

3. The following conditions shall apply to all new excavation pits:
 - a) the location of a road from the excavation pit giving access to a highway shall not create a hazard to the public and the applicant shall obtain an access permit from the provincial department responsible for transportation;
 - b) the application for an excavation pit shall include provisions to provide reasonable protection for people and livestock from the hazards created by the excavation pit;
 - c) the application for an excavation pit shall include a plan for the restoration of the site to a condition suitable for agricultural, reforestation or other use acceptable to Council and Council shall require the applicant post a bond or other surety acceptable to the Community to cover the cost of carrying out the restoration plan;
 - d) the site shall be restored according to the plan within 12 months of cessation of excavation;
 - e) the application for an excavation pit shall include a soil erosion prevention plan and an existing and proposed topographical plan showing existing and proposed elevations, prepared by a land surveyor or a licensed engineer;
 - f) no permit shall be issued where there would be any detrimental effect on the water table or surface drainage patterns as a result of the excavation;

- g) no permit shall be issued where the operation of an excavation pit would create a conflict with existing land use, natural features or aesthetic quality of the surrounding area;
 - h) no permit shall be issued for any period of time exceeding one year from the date of issue;
 - i) permits will be required for operation of excavation pits on formerly active sites; and
 - j) other conditions as deemed necessary by Council to protect adjacent properties and natural features such as watercourses.
4. Operation of excavation pits:
- a) No person shall, in operating an excavation pit, excavate below a gradient line which slopes downward from an adjacent property boundary at a slope of one vertical to three horizontal off of the property line;
 - b) The holder of a permit for an excavation pit shall ensure that the interior of the excavation pit is screened from view of every adjacent highway either by a growth of trees of sufficient density or by the creation of an earthen berm;
 - c) The holder of a permit for an excavation pit shall control dust on the access road to the pit by means of an approved method;
 - d) No more than 1/3 of the permitted pit area shall be in active excavation at any time; and
 - e) The holder of a permit for an excavation pit shall, before the pit become an abandoned pit, comply with all terms of the restoration plan submitted with the permit application and in any event slope all walls of the excavation pit to a horizontal to vertical ratio not exceeding three to one (3 to 1).

5.13. Frontage on a Road

No development permit shall be issued unless the lot intended to be used, or upon which a building or structure is to be erected, abuts and fronts upon a public road or a private road.

5.14. Garden Suites

1. A garden suite may be permitted on any single family dwelling lot if the owner of the dwelling, upon written application to the Council, satisfies the Council that the garden suite is a temporary housing unit, and if the application meets the following requirements:
 - a) The garden suite shall be accessory to the permanent detached dwelling on the property with respect to its services and utilities and must be connected to the services and utilities of the permanent detached dwelling;
 - b) The owner of the single unit dwelling applies for and receives a development permit for the garden suite; and
 - c) The garden suite is approved by the Provincial Fire Marshal.

2. a) The following site standards for a garden suite shall apply:

Standard

<i>Maximum height</i>	5.0 m.
<i>Minimum floor area</i>	32.5 m.
<i>Maximum floor area</i>	60 sq.m.
<i>Maximum width</i>	7.3 m.
<i>Maximum roof pitch</i>	4/12
<i>Permitted location</i>	rear yard only, within the width of the existing primary unit
<i>Minimum setback from property boundary</i>	3 m.

- b) the garden suite shall use the existing access to the lot unless said access leads to a garage, in which case provisions must be made for access to the rear yard for emergency vehicles;
 - c) the garden suite shall be constructed and erected in such a manner as to be capable of being readily removed from the site;
 - d) the unit shall not be situated over any existing underground services or utilities and shall not encroach upon any permanent easements registered on the property. Council may require the owner to submit a survey plan certified by a duly licensed Prince Edward Island land surveyor or licensed engineer;
 - e) the installation of the garden suite shall not interfere with, nor disrupt, the existing storm water drainage pattern on adjacent properties, nor cause any ponding of storm water; and
 - f) the main residence shall not contain an accessory apartment.
3. a) The owner shall enter into a development agreement with the Municipality that may be registered, recorded or filed by Council in such public offices as the Council deems appropriate;
- b) 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; and
 - c) when the garden suite no longer complies with any requirements under subsections 1 and 2, the owner of the single unit dwelling shall, within 1 year, remove the garden suite from the site. If the owner fails to remove the suite within the required period, the Municipality reserves the right to remove the suite at cost to the owner.

5.15. Grade of Site

1. No building shall be erected or placed without first providing existing and proposed grade elevations relative to the adjoining property, and to the public right of way, as well as showing the pattern and allowing for surface water run off on the lot so as not to cause damage or water run off onto adjacent lots; and
2. No building shall be erected or placed in areas less than four metres above mean sea level.

5.16. Height Restriction Exemption

Any maximum height requirement set out in this Bylaw shall not apply to church spires, lightning rods, water tanks, monuments, elevator enclosures, silos, flag poles, lighting standards, television or radio antennae, telecommunications towers, ventilators, skylights, barns, fire towers, drive-in theatre screens, chimneys, clock towers, solar collectors, power transmission towers, roof top cupola, wind power generators, or utility poles.

5.17. Inspection

The Community's Development Officer, as authorized by Council may, with reasonable prior notice, enter a building or a premise at a reasonable hour in the performance of duties with respect to the administration and enforcement of this Bylaw.

5.18. Landscaping

1. 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 or other factors that may adversely affect adjacent residential amenity;
2. The provision and maintenance of adequate landscaping to the satisfaction of the Development Officer shall be required for new development; and
3. Where a Commercial or an Industrial Zone abuts a Residential Zone along a side and/or rear lot line, a strip of not less than 4.5 m 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 development permit has been granted.

5.19. Licences, Permits and Compliance with Other Bylaws

1. Nothing in this Bylaw shall exempt any person from complying with the requirements of any other Bylaw of the Municipality or from obtaining any license, permission, permit, authority, or approval required by any other Bylaw of the Municipality or any regulation of the Province of Prince Edward Island or the Government of Canada; and
2. Where the provisions of this Bylaw conflict with those of any other Bylaw of the Municipality or regulation of the Province or the Government of Canada, the higher or more stringent provision shall prevail.

5.20. Location of Wind Turbines

1. No permit holder shall locate a wind turbine tower of a wind energy conversion system development with a name plate capacity of 100 kilowatts or less within the distance equal to three times the total height of the wind turbine tower from any existing habitable building;
2. No wind turbine tower or a wind energy conversion system development with a name plate capacity in excess of 100 kilowatts shall be permitted; and

3. Any application for the development of wind turbines will require a public review process as defined in section 2.12.4.4.

5.21. Maximum Lot Coverage

Maximum lot coverage shall be determined as the percentage of the lot covered by the main building, attached or detached garage, and any garden suites, accessory buildings or in-ground swimming pools.

5.22. Multiple Uses

In any zone, where any land or building is used for more than one purpose, all provisions of the Bylaw relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot size or frontage, the standards that apply to the most dominant use shall prevail.

5.23. Nonconforming 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 one year.
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. Notwithstanding Subsection 3. above, nothing in this Bylaw shall apply to prevent the alteration and/or extension of a single family dwelling existing at the date of passing of this Bylaw in any non-residential or agricultural zone provided that the number of dwelling units is not increased and provided further that such alteration does not contravene any of the provisions of this Bylaw for such use in an R (single family residential zone);
5. 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;
6. 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;

7. 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;
8. 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; and
9. No increase in the area occupied by the non-conforming use shall occur while a non-conforming use is being continued.

5.24. One Main Building on a Lot

No person shall erect more than one main building on any residential lot.

5.25. Parking

1. Unless otherwise specified two parking spaces shall be provided for every dwelling unit. Parking standards shall be subject to the provisions of the Planning Act respecting Parking Standards. See Appendix B Parking Standards for more detailed information; and
2. As part of the development permit application process, all new commercial, public service and institutional, resource-based industrial, and recreation and public open space developments will attach, to the development permit application, a copy of a parking plan indicating the provision of adequate off-street parking for employees, visitors and other traffic.

5.26. Reduced Lot Requirements

Notwithstanding anything else in this Bylaw, a lot approved in accordance with the provisions of this Bylaw may be used for a purpose permitted in the zone in which it is located and a building may be erected provided all other applicable provisions of this Bylaw are satisfied.

5.27. Servicing

1. Council, in consultation with the Province of Prince Edward Island, may withhold approval of developments in any zone until such time as adequate water and sewer servicing is addressed;
2. Private property owners are expected to have inspections completed for on-site water and sewerage systems; if requested, written proof of inspections shall be provided to the Municipality;
3. Any reported deficiencies shall be addressed and achieve compliance within 12 months of detailing deficiencies;
4. As part of the building application process, the owner shall provide proof of private water quality to meet minimum Provincial standards; and
5. As part of the building application process, the owner shall provide proof of private wastewater systems meeting Provincial standards. Council may require on-site sewerage treatment systems in any zone to be designed and construction certified

by a licensed professional engineer. Council may also consider shared or common sewerage treatment systems based on the recommendations of staff at the department responsible for environmental resources and subject to the approval of the Community's consulting engineer. All costs related to the design and approval of a shared or common sewerage treatment system shall be borne by the developer(s). Council may also establish individual lot levies in order to offset potential future municipal servicing costs.

5.28. Side Yard Waiver

Notwithstanding anything else in this Bylaw, where buildings on adjacent lots share a common wall, the applicable side yard requirement will be zero along the common lot line.

5.29. Swimming Pools

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

- a) The owner shall first secure a Development Permit from Council;
- b) A 1.8 m fence shall be constructed in such a manner as to impede unauthorized persons from entering over or under said fence;
- c) Such fence shall be aesthetically presentable and preference will be given to wood type fence; and
- d) A self-closing and self-latching gate shall be installed.

5.30. Temporary Buildings

Temporary construction camps and structures directly pertinent to the approved construction project shall be permitted during construction, erection, placement or alteration of a building or structure, and up to a maximum of thirty (30) days after the completion of the building or structure, after which time, if they have not applied for and received an extension from Council, they shall be immediately removed.

5.31. Waiver of Minimum Yard Standards

- 1. Notwithstanding anything else in this Bylaw, a building erected on or before the effective date of this Bylaw and which has less than the minimum yard distances required by this Bylaw, may be enlarged, reconstructed, renovated or repaired provided the said development does not further reduce the yard distance that does not conform to this Bylaw and all other applicable provisions of this Bylaw are satisfied; and
- 2. Any building erected on or before the effective date of this Bylaw may be used in a manner permitted in the zone in which the building is located.

5.32. Waiver of Minimum Lot Area and Frontage Standards

- 1. Notwithstanding anything else in this Bylaw, a lot which existed on or before the effective date of this Bylaw and which had less than the minimum frontage or area required by this Bylaw, may be used for a purpose permitted in the Zone, and a

- building may be erected on the lot provided that all other applicable provisions of this Bylaw are satisfied; and
2. An existing undersized lot which is increased in area or frontage or both, but remains undersized, is still considered an existing undersized lot for the purposes of this Section.

5.33. Watercourse Protection

Notwithstanding anything contained in this Bylaw, no person shall erect any building or structure in the Community:

- a) within an area that is less than 2 m above sea level;
- b) within 22.85 m (75 ft) of the mean high watermark of any river, stream or watercourse located within or bordering on the legal boundaries of the Community;
- c) within 22.85 m (75 ft) of any embankment, excluding highway embankments, the slope of which is greater than 30 degrees from horizontal;
- d) this Section does not apply to buildings or structures used for fishing or bait sheds, aqua-culture operations, boat launches, structures or buildings on a wharf, or wharf structures, but Council, in issuing a development permit, may stipulate that the building or structure be located some fixed distance from the watercourse or wetland; and
- e) development shall be subject, where applicable, to the provisions of the Coastal Area regulations under the Province's Planning Act, R.S.P.E.I. 1988, Cap. P-8.

5.34. Watercourse Retention of Natural Vegetation

No person shall, without a license or a Buffer Zone Activity Permit issued by the Province, alter or disturb the ground or soil within 15 m of a watercourse boundary or wetland boundary, or cause or permit the alteration or disturbance of the ground or soil, therein, in any manner.

6. General Provisions for Subdividing Land

6.1. 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 Development Officer or Council, as applicable.

6.2. 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.

6.3. Permission to Subdivide

No land shall be subdivided within the Municipality unless the subdivision:

- a) conforms with the requirements of this Bylaw;
- b) is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
- c) will not cause undue flooding or erosion;
- d) has convenient road or street access;
- e) has adequate utilities and services available or can be conveniently provided with such utilities and services;
- f) will reasonably conform to or is compatible with existing land use in the immediate vicinity;
- g) will provide for safe and convenient traffic flow;
- h) is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
- i) is suitable to the use for which it is intended, and the future use of adjacent lands; and
- j) the parcel of land in respect of which the permit is requested has frontage on a public road or a private right-of-way.

6.4. Changes to Existing Lots

1. No person shall reduce the dimensions or change the use of any lot in a residential zone where Council deems there would be a detrimental effect on neighbouring property owners; and
2. Where an application to subdivide land would change the dimensions or the use of a lot in a residential zone, Council shall notify all property owners within 150 metres of the boundaries of the lot in writing, informing them of the details of the application and soliciting their comments.

6.5. Special Requirements

1. Special Requirements Road Standards:

- a) No development for residential use shall be permitted on a lot or parcel served by a private road;
 - b) Notwithstanding Subsection a) Council may permit development on a lot served by a private road, if the private road existed prior to the effective date of this Bylaw; and
 - c) All new roads shall be public roads.
2. **Special Requirements Agricultural Zone:**
 Within an Agricultural (A) Zone, no person shall be permitted to subdivide from any existing parcel of land more than four (4) lots.
- a) For the purposes of this Section “existing parcel” shall mean a parcel of land which was held in separate ownership as of January 25, 1989;
 - b) Any lots subdivided pursuant to this Section shall conform to the lot requirements for an Agricultural Zone, the driveway access requirements of the Province of Prince Edward Island and all other relevant provisions of this Bylaw; and
 - c) Within an Agricultural (A) Zone:
 - i) A residential subdivision shall not be permitted within 150 m of an existing intensive livestock operation; and
 - ii) Where a residential subdivision is proposed, Council shall notify operators of intensive livestock operations within 300 m and invite their comments.
3. **Special Requirements Coastal Areas:**
 Where a subdivision is located along land abutting the coastline, the subdivision shall include the following:
- a) Where adjacent to a beach or a sand dune, a buffer having a minimum width of 20 m, measured from the top of the bank adjacent to the beach or watercourse or from the inland boundary of the sand dune; and
 - b) Where adjacent to a beach, the subdivision shall allow for public access from a public road to the beach.
4. **Special Requirements Conservation Subdivisions:**
 Notwithstanding the provisions of this Bylaw, within any Residential Zone, Council may grant approval of conservation subdivisions with reduced minimum lot standards where the following criteria have been met:
- a) The property to be subdivided is at least 6 hectares in size;
 - b) At least 50% of the lands being subdivided is put aside in the form of an undivided permanent conservation zone to be deeded to the Community, an incorporated homeowners association or a recognized land trust or conservancy, and a maintenance fund is established to protect this conservation area;
 - c) All undivided open space capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in form acceptable to the Community, and duly recorded with the Provincial Registry Office;

- d) At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site;
- e) A portion of the conservation zone shall be designated for general public access;
- f) The subdivision is serviced by shared on-site water and septic systems that meet current provincial standards and are designed and certified by a licensed professional engineer;
- g) The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, subject to approval by the provincial department responsible for the environment. However, “mound” systems protruding above grade and aerated sewerage treatment ponds shall be limited to no more than ten percent of the required minimum open space;
- h) Council may conduct a public hearing to consider public opinion on the design of the subdivision; and
- i) Council shall establish evaluation criteria for the layout of lots and open space.

6.6. Preliminary Review Procedure

1. 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 in the form approved by Council, five (5) copies of a preliminary subdivision plan, prepared by a licensed land surveyor and/or registered engineer, drawn to scale showing:
 - a) the true shape and dimensions of every lot;
 - b) the location of every existing building or structure on the parcel;
 - c) existing and proposed services and utilities;
 - d) proposed widths and locations of all streets;
 - e) location of land proposed for open space and parks use; and
 - f) the existing use of the land and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.
2. Council may also require the applicant to provide additional information required to assist it in evaluating a proposed subdivision, including, but not limited to:
 - a) a soil test conducted in a manner acceptable to Council;
 - b) contours and spot elevations; and
 - c) traffic surveys.
3. 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, in accordance with the procedures established in this Bylaw;

4. 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;
5. Approval in principle for any proposed subdivision shall not be construed as final approval of such subdivision for legal conveyance or for land registration purposes;
6. Approval in principle shall be effective for a period of 12 months, or such additional time as may be authorized by Council; and
7. The total number of lots approved in any one phase of a subdivision shall not exceed 20.

6.7. Parkland Dedication

1. Council may require, for the purpose of developing parkland or open space, that up to 10% of the lands being subdivided be conveyed to the Municipality or to a tenant's association. The physical condition and location of parkland shall be determined by Council;
2. 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 minimum park dedication fee of five percent (5%) up to a maximum of ten percent (10%) of the fair market value of the subdivided lands, which sum shall be specifically designated for the purchase, development or maintenance of open space or public parklands in the Community. It is understood that the park dedication fee shall be calculated on the appraised value of the subdivided land and shall not take into account value of structures on such lands. Council retains the right to use the services of qualified property appraiser(s) to determine the appraised value of land.

6.8. Servicing

Council, in consultation with the province, may review water and sewer servicing needs and may withhold subdivision approval until such time as adequate servicing has been designed for the subdivision. Central water and/or sewer systems may be required as a condition of subdivision approval. See also section 5.27.

6.9. Subdivision Agreement

1. 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:
 - a) the design and construction costs of sidewalks, water system, sanitary and storm sewerage systems, roads, and street lighting;
 - b) the dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
 - c) the building of roads to provincial standards and deeding of roads to the Department of Transportation and Public Works;
 - d) the posting of a financial guarantee satisfactory to Council;

- e) the provision of a controlled landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of lots within the subdivision and adjacent properties;
- f) the provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision;
- g) the provision for the phasing of the subdivision; and
- h) the preservation and enhancement of surface water drainage systems.

6.10. Final Approval

1. Final subdivision approval shall be granted by the Municipality only after the applicant has:
 - a) complied fully with all applicable requirements of this Section and any subdivision agreement between the applicant and the Municipality;
 - b) submitted seven (7) copies of a final survey plan showing all lots pinned and certified by a surveyor registered to practice in the province; and
 - c) completed an agreement with the provincial department responsible for transportation respecting road construction and the roads have been accepted as public.
2. The Municipality may grant final approval to part of a subdivision which is proposed to be developed in phases;
3. The Municipality shall give notice of final approval of a subdivision in writing, and shall place its seal on the seven copies of the survey plan and shall return one copy to the sub-divider;
4. The Municipality shall file copies of the final survey plan with:
 - a) the Registrar of Deeds;
 - b) the provincial department responsible for Transportation;
 - c) Council files; and
 - d) local utilities, as required.

6.11. Severances and Consolidations

Notwithstanding the above provisions, the Development Officer or 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.

6.12. Development permits

A development permit shall not be issued in a subdivision until all the requirements of the subdivision approval and of this Bylaw have been fulfilled.

6.13. Rescinding or Altering Approval

An existing approved subdivision or portion thereof may be rescinded or altered by the Council if:

- a) The subdivision has been carried out contrary to the application, the conditions of approval, or these regulations; or
- b) The subdivision owner has confirmed in writing that the sale of lots is no longer intended, and has requested that approval be rescinded.

7. Agricultural Zone (A)

7.1. General Requirements

All buildings and parts thereof erected, placed or altered or any land used in an A zone shall conform to the provisions of this Section.

7.2. Permitted Uses

Agriculture, forestry, and related use and conservation (parks and open space)
Accessory buildings incidental to the main use of land- including Garden Suites
Accessory buildings for human habitation, in connection with farm operation
Single Family Dwellings
Farm Gate Outlets
Forestry Distribution Facilities
Home occupations

7.3. Special Permit Uses

Telecommunication towers
Wind turbines for farm or personal use
Mobile homes

7.4. Lot Standards

Excepting land used for the growing of agricultural crops and livestock operations, all lots, buildings and structures shall conform to the following standards:

Standard

Minimum lot area	0.8 ha/2 acres
Single family residential	per Provincial Standards
Two-family residential	per Provincial Standards
Public service and institutional type uses	per Provincial Standards
Commercial type uses	per Provincial Standards
Recreation and public open space	As required
Minimum lot frontage	45.7 m. (150 ft)
Minimum lot width	45.7 m. (150 ft)
Minimum front yard depth	15.2 m. (50 ft)
Minimum side yard depth	4.6 m. (15 ft)
Minimum rear yard depth	7.6 m. (25 ft)
Minimum flankage yard depth	15.2 m. (50 ft)
Maximum building height (excepting barns, grain silos, windmills)	10.6 m. (35 ft)

7.5. Subdivision of Land

In the Agricultural (A) Zone no more than four (4) residential lots may be severed from a parent parcel of land.

7.6. Structures for Livestock Operations

Lands and buildings or structures used for livestock operations shall conform to the following standards:

Standard

<i>Minimum lot area</i>	Per Provincial Standards and Guidelines
<i>Minimum lot width</i>	Per Provincial Standards and Guidelines
<i>Minimum front yard depth</i>	Per Provincial Standards and Guidelines
<i>Minimum side yard depth</i>	Per Provincial Standards and Guidelines
<i>Minimum rear yard depth</i>	Per Provincial Standards and Guidelines
<i>Minimum flankage yard depth</i>	Per Provincial Standards and Guidelines

7.7. Existing Livestock Operations

Existing livestock operations in the Community wishing to expand shall be considered by Council in conformity with the public review process set out in Section 2.12.4.4 in this Bylaw. As well, such operations shall conform to the standards set out in the PEI Department of Agriculture and Forestry’s “Manure Management and Separation Guidelines”.

7.8. Development of New Uses Adjacent to Agricultural Land

Where a lot or parcel of land is developed for a residential, commercial, public service and institutional, or recreation and public open space use, and where the lot or parcel of land directly abuts a lot or parcel of land in or planned for agricultural use:

- a) a strip of land, within the land for the commercial, public service and institutional, or recreation and public open space use to be developed, of not less than 4.5 m / 15 ft. width along the lot line adjacent to the agricultural lot or parcel of land shall be maintained clear of any structure, driveway or parking area, and shall be adequately landscaped to provide a visual buffer.

8. Residential Zone (R)

8.1. General Requirements

All buildings and parts thereof erected, placed or altered or any land used in an R zone shall conform to the provisions of this Section.

8.2. Permitted Uses

Single dwellings
Garden Suites
Conservation areas
Parks and playgrounds
Accessory Buildings
Private Garages
Small scale agricultural uses
Home occupations

8.3. Special Permit Uses

Wind Generators for domestic use

8.4. Lot Standards

<i>Lot Area (min)</i>	The greater of 0.4 ha/1 acre or per Province-Wide Minimum Development Standards See Schedule C
<i>Frontage (min)</i>	46 m
<i>Building Line Set Back (min)</i>	6 m or 15.2 m –(20 ft or 50 ft) * see 5.6 Building Setback
<i>Side Yard width (min)</i>	4.6 m (15 ft)
<i>Rear Yard (min)</i>	6 m (20 ft)
<i>Flanking Yard</i>	6 m (20 ft)
<i>Height (max)</i>	10.5 m (35 ft)
<i>Accessory Building Setback</i>	1 m (3.2 ft)

8.5. Servicing

Notwithstanding any other provisions of this Bylaw, the R Zone is established principally to retain low density uses of land where no central municipal water or sewer service currently exists. Requirements for servicing are provided in Section 5.27.

8.6. Reserved

8.7. Undersized Lots

1. Existing approved lots may be used for the purpose of developing a single family dwelling, subject to the following:
 - a) all existing lots that are below the current provincial minimum lot size shall have a site plan prepared by a licensed professional engineer;
 - b) the lot is serviced by an on-site sewerage system that meets current provincial standards and is designed and certified by a licensed professional engineer;
 - c) the lot has frontage on either a public right-of-way or a private right-of-way, provided that frontage on a private right-of-way meets the requirements set forth in this Bylaw;
 - d) the consolidation of several lots may be permitted as a means of acquiring the 0.4 hectare minimum lot area; and
 - e) the owner enters into a development agreement with the Municipality, which agreement shall be registered at the Queens County Registry Office, stipulating the following:
 - i) the development shall conform to the lot requirements in section 8.4;
 - ii) the owner shall be responsible for the provision of any roads, sewer services or water supply;
 - iii) the owner shall agree to pay all future costs related to the extension of the services noted in this Bylaw;
 - iv) the owner shall submit a landscaping and grading plan to minimize the visual effect of the engineered on-site sewerage system;
 - v) in cases where the lot is accessed by a private right-of-way, the owner shall acknowledge and agree that neither the Municipality nor the Province maintains the private right-of-way, that neither the Municipality nor the Province shall have any liability for that private right-of-way and, without limiting the generality of the foregoing, that neither the Municipality nor the Province is responsible for providing snow removal, bus service or emergency vehicle access to the private right-of-way; and
 - vi) the owner shall be responsible for the cost of registering the above-noted development agreement in the Queens County Registry Office.
2. The Municipality may consider installation of a communal-type sewage disposal system for a limited number of lots, provided that the proposed system is designed, construction supervised and then certified by a licensed professional engineer.

9. Duplex Zone (R2)

9.1. General Requirements

All buildings and parts thereof erected, placed, altered or used in an R2 zone shall conform to the provisions of this Section.

9.2. Permitted Uses

Single family dwellings
Two unit dwellings (duplex)
Garden Suites
Parks and playgrounds
Accessory Buildings
Private Garages
Small scale agricultural uses
Home occupations

9.3. Lot Standards

Lot Area (min)	The greater of 0.4 ha/1 acre or per Province-Wide Minimum Development Standards See Schedule C
Lot Area (max)	0.81 ha (2.0 acres)
Frontage (min)	46 m (150 ft.)
Building Line Set Back (min)	9 m (30 ft)
Side Yard width (min)	4.6 m (15 ft)
Rear Yard (min)	9 m (30 ft)
Flanking Yard	9 m (30 ft)
Height (max)	10.5 m (35 ft)

9.4. Servicing

Notwithstanding any other provisions of this Bylaw, the R2 Zone is established principally to retain low density uses of land where no central municipal water or sewer service currently exists. Requirements for servicing are provided in Section 5.27.

9.5. Lot Coverage

Maximum lot coverage shall be 10% for all lots.

9.6. Special Requirements for Semi-Detached or Duplex Dwellings

1. No semi-detached or duplex dwelling shall be erected in a manner which will not permit subdivision into individual units pursuant to Subsection 2.

2. Semi-detached or duplex dwellings may be divided independently for individual sale and ownership provided that:
 - a) 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);
 - b) the units must be separated from the basement floor to the underside of the roof by a vertical masonry fire wall built in accordance with applicable National Building Code and/or Fire Code regulations;
 - c) a separate water and sewer service is provided for each unit in accordance with policies governing water supply and sewerage services for the for the Province of Prince Edward Island and for the Municipality;
 - d) a separate electrical service is provided for each unit;
 - e) a separate heating device is provided for each unit;
 - f) separate parking to be provided unless Council waives same;
 - g) 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:
 - i) common walls;
 - ii) maintenance;
 - iii) fire insurance;
 - iv) easements;
 - v) parking;
 - vi) snow removal; and
 - vii) any other items jointly owned or used.
 - h) Any other terms and conditions as shall be imposed by Council.

10. General Commercial Zone (C)

10.1. General Requirements

All buildings and parts thereof erected, placed or altered or any land used in a C zone shall conform to the provisions of this Section.

10.2. Permitted Uses

Any business or commercial retail enterprise excluding box stores, strip malls and shopping malls
Office
Restaurant
Personal service shop

10.3. Lot Standards

<i>Minimum Driveway Width</i>	6 m
<i>Frontage (min)</i>	46 m
<i>Building Line Set Back (min)</i>	9 m
<i>Side Yard width (min)</i>	9 m
<i>Rear Yard (min)</i>	9 m
<i>Height (max)</i>	10.5 m
<i>Lot Area (min)</i>	The greater of 0.4 ha/1 acre or per Province - Wide Minimum Development Standards See Schedule C

10.4. Special Permit Uses

Commercial operations over 140 square metres (1,500 square feet)
--

11. Resort Commercial Zone (RC)

11.1. General Requirements

All buildings and parts thereof erected, placed or altered or any land used in an RC zone shall conform to the provisions of this Section. Resort development will not be permitted within the Agricultural Zone.

11.2. Permitted Uses

Single Family Dwelling
Tourist Accommodation Facility/ Resort
Garden Suite
Accessory Building
Private Garage
Business Office
Restaurants
Personal service shop
Convenience Shop
Parks and Playgrounds
Activity Building

11.3. Special Permit Uses

Golf Courses
Campgrounds
More than one dwelling per lot

11.4. Lot Standards

Minimum Driveway Width	6 m.
Frontage (min)	46 m.
Building Line Set Back (min)	9 m.
Side Yard width (min)	9 m.
Rear Yard (min)	9 m.
Height (max)	10.5 m.
Lot Area (min)	The greater of 0.4 ha/1 acre or per Province - Wide Minimum Development Standards See Schedule C

11.5. More than One Main Use

More than one main use will be permitted on any lot within the Resort Commercial Zone, provided that all other requirements of this Bylaw are met.

12. Industrial Zone (I)

12.1. General Requirements

All buildings and parts thereof erected, placed or altered or any land used in an I Zone shall conform to the provisions of this Section.

12.2. Permitted Uses

Agricultural Industries
Business and Professional Offices
Restaurants and Cafeterias
Accessory Buildings
Manufacturing, assembling, storage, or processing plant except those listed in Schedule G of this Bylaw
Commercial uses accessory to the main use
Fishery/Marine Related Industries
Forestry related industries
Research facilities
Service industries
Trucking Depots
Utilities
Wholesale and warehouse facilities

12.3. Lot Standards

Maximum building height	10.5 m
Minimum driveway width	6 m
Minimum frontage	46 m
Minimum front yard	9 m.
Minimum side yard	9 m.
Minimum rear yard	9 m.
Minimum lot area	The greater of 0.4 ha/1 acre or per Province - Wide Minimum Development Standards See Schedule C

12.4. Special Requirement Accessory Uses

Accessory uses are permitted within the main building or in an accessory building but in any case shall not be larger than 25% of the gross floor area devoted to the main use.

13. Institutional Zone (IS)

13.1. General Requirements

All buildings and parts thereof erected, placed or altered or any land used in an IS zone shall conform to the provisions of this Section.

13.2. Permitted Uses

Art Galleries, Libraries, Museums and Cultural Centres
Churches, Community Halls and Cemeteries
Community Service Clubs and Organizations
Emergency Service Facilities (fire halls)
Accessory Building
Private Garage
Nursing Homes and Senior Citizen Housing
Medical Clinics
Schools and Sports Facilities
Convenience Shop

13.3. Lot Standards

Maximum building height	10.5 m.
Minimum driveway width	6 m.
Minimum frontage	46 m.
Minimum front yard	9 m.
Minimum side yard	9 m.
Minimum rear yard	9 m.
Minimum lot area	The greater of 0.4 ha/1 acre or per Province - Wide Minimum Development Standards See Schedule C

13.4. Special Requirement Accessory Uses

Accessory uses are permitted within the main building or in an accessory building but in any case shall not be larger than 25% of the gross floor area devoted to the main use.

14. Parks and Conservation Zone (PC)

14.1. Permitted Uses

All buildings and parts thereof erected, placed or altered or any land used in a PC zone shall conform to the provisions of this Section.

Parks, Gardens and Playgrounds
Trails
Sport fields
Natural Areas
Conservation
Accessory Buildings
Wharves under 3.6 metres in width
Marine Access Points

14.2. Special Permit Uses

Activity Buildings/Concession Buildings
Campgrounds

14.3. Special Requirements – Accessory Buildings or Structures

Any building or structure erected in the PC zone shall be deemed to be an accessory building or structure and in addition to the requirements above such building or structure shall occupy an area no greater than 10% percent of the total lot area of the use. Notwithstanding any other sections of this Bylaw, accessory buildings in this zone may be permitted in the front yard.

15. Variances

1. The Development Officer 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. The Development Officer may refer any application for a variance directly to Council;
2. Variance applications shall be considered against the following tests for justifying a variance:
 - a) That the lot in question has peculiar physical conditions, including small lot size, irregular lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;
 - b) That strict application of all Bylaw standards would impose undue hardship on the applicant by excluding them from the same rights and privileges for reasonable use of their lot as enjoyed by other persons in the same zone;
 - c) That the variance is of the least magnitude required to enable reasonable use of the lot; and
 - d) That the proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.
3. Authorization for a minor variance shall be documented and recorded in writing;
4. No variance shall be granted where the difficulty experienced is the result of intentional or negligent conduct of the applicant or the owner, or where the difficulty cannot be remedied reasonably in some other manner;
5. 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; and
6. Where the Development Officer or 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 in this Bylaw (section 2.12.4.4).

Appendix A: Definitions

For the purpose of this Bylaw:

“accessory building” means a building on the same parcel of land as the main building, the use of which is clearly incidental to that of the main building.

“apartment” means a dwelling unit within a single family dwelling, duplex dwelling or other building which has, for purposes of habitation, its own kitchen and bathroom facilities separate from those of the main dwelling or building, and which is accessed by either a separate exterior entrance or an entrance leading from a common entryway.

“Community” means the Community of North Shore.

“Council” means the Community Council of the Community of North Shore.

“duplex dwelling” means a dwelling designed for occupancy by two separate family units, each with their own separate entryways, and bathroom and kitchen facilities.

“Development Officer” means an individual appointed by the Council to administer, on its behalf, the Community’s Zoning & Subdivision Control Bylaws.

“dwelling” or **“dwelling unit”** means a unit designed for occupancy by a family, with its own kitchen and bathroom facilities.

“existing parcel of land” or **“parent parcel of land”** means a parcel of land held under a separate deed, and having a Provincial property identification number (PID), existing on the effective date of this Bylaw.

“family” means one or more individuals living together as a unit, and includes boarders and tourists who may be living with the family temporarily.

“farm” means arable land greater than ten (10) acres in size and complimentary buildings, operated as a farm enterprise by a bona fide farmer and includes land leased from the Crown and operated as part of a farm enterprise, but excludes land leased or rented from owners who are not bona fide farmers.

“farm enterprise” for the purposes of these regulations has the same meaning as set out in the Real Property Assessment Act, R.S.P.E.I. 1988, Cap. R-5.

“footprint” means the outline of the total area of a lot or site that is surrounded by the exterior walls of a building or portion of a building, exclusive of courtyards.

“frontage” means all land abutting on one side of a street or road measured along the street or road line.

“garden suite” means a temporary additional dwelling unit intended for the sole occupancy of one or two adults. The floor area of the suite shall not exceed 30% of the existing primary residence.

“height, maximum” means the highest allowable distance from the ground level next to the main entrance of the building to the highest point of the building, exclusive of any accessory roof construction such as a chimney, antenna, or mechanical equipment enclosure;

“intensive livestock building” means any building or structure used in conjunction with an intensive livestock operation for the housing of livestock or poultry.

“intensive livestock operation” means the rearing of livestock or poultry which may be confined in buildings, open sheds, yards, paddocks or by field grazing, the numbers of which, type of management system, minimum separation distance, etc., as recommended by the P.E.I. Department of Agriculture and Forestry's "Guidelines for Manure Management and Separation Distances" shall define intensive use for the purpose of evaluating the environmental impact of such an operation on the surrounding area.

“lot coverage” means the percentage of the lot that is covered by buildings, also known as the building footprint; Maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot;

“mini home” means a pre-manufactured dwelling unit having an average width of less than six (6) metres or more, not including any appurtenances such as porches, entries, etc.

“mobile/home” means a transportable dwelling unit suitable for long-term occupancy, designed to be transported on its wheels and chassis, and, when located, fixed on a firmly grounded foundation;

- a) **“mobile/mini home court”** means a lot or parcel of land planned and developed for the placement of mobile/mini homes; and
- b) **“mobile/mini home space”** means a space in a mobile/mini home court for the placement of a mobile/mini home.

“parking lot” means an open area of land other than a street or access driveway, or an area within a structure used for the parking of vehicles.

“parking space” means a space on a parking lot for the temporary parking or storage of a vehicle.

“park/ parkland” means an area consisting largely of open space, which may include a recreational area, play ground or similar use but shall not include a mobile home park, a campground or trailer park.

personal service shop” means a shop in which personal services such as hair styling, tutoring, tailoring, shoe repairs, and small appliance repairs are performed.

“public open space” means land which may be used for recreational or other outdoor leisure activities by the general public.

“resort” means a tourist establishment that provides accommodations and that has facilities for serving meals and furnishes equipment, supplies, or services in connection with recreational purposes.

“sewerage system” means the infrastructure that collects, conveys, treats and/or disposes of sewage, encompassing but not limited to drains, sewers, manholes, pumping stations and sewage treatment.

“site plan” means a plan drawn to a suitable engineering scale showing details of existing and proposed features on a parcel of land which is the subject of an application for development.

“structure” means any construction fixed to, supported by or sunk in to land or water, and includes sewerage lagoons, manure pits, underground storage tanks, and fences over four (4) feet in height, but excludes concrete or asphalt paving or similar surfacing, clothesline poles, flagpoles and utility poles, or structures 100 sq. ft. or less in floor area..

“subdivider” means the owner of a parcel of land which is being subdivided, or his authorized agent; "subdivide" shall have a corresponding meaning.

"subdivision" means a division of a parcel of land by means of a plan of subdivision, plan of survey, agreement, deed or any instrument, including a caveat, transferring or creating an estate or interest in part of the parcel.

"subdivision agreement" means a legal document describing a two-party agreement between a subdivider and the authority having jurisdiction, the subject of which pertains to actions to be taken in the subdividing of a parcel of land.

"survey plan" means an appropriately scaled drawing of survey details certified by a Prince Edward Island land surveyor.

“swimming pool” means any structure used for bathing or swimming purposes which is sunk into the ground, or is erected above the ground and which has a possible maximum depth of greater than 0.6m, but shall not include inflatable pools or pools erected on a seasonal basis.

"tourist home or tourist accommodation facility" means a dwelling in which overnight accommodation is provided or offered for transient guests for compensation.

"**utility building**" means a building which houses stationary equipment for telephone, electric power, public water supply, or sewerage services.

"**variance**" means a minor variance of up to ten percent (10%) from the applicable provisions of these Regulations.

"**watercourse**" means the full length and width, including the sediment bed, bank and shore, of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal water body or any part thereof, whether the same contains water or not.

"**wetland**" means lands commonly referred to as marshes, salt marshes, swamps, bogs, flats and shallow watercourses that are saturated with water long enough to promote wetland or aquatic biological processes which are indicated by poorly drained soil, water-tolerant vegetation, and biological activities adapted to a wet environment.

"**yard**" means an open, uncovered, unoccupied space appurtenant to a building;

- a) "**flankage yard**" means, on a corner lot, that yard extending across the full width of the lot and fronting on a roadway which is not the roadway along which the front yard extends;
- b) "**front yard**" means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building on the lot;
- c) "**rear yard**" means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on the lot; and
- d) "**side yard**" means a yard extending across the full width of the lot between a side lot line and the nearest main wall of the main building on the lot, exclusive of any chimney breast.

"**zone**" means an area of land designated under these Bylaw within which specific land uses are permitted and others restricted or prohibited.

Appendix B: Parking Standards

<i>Land Use</i>	<i>Parking Spaces Required</i>
Dwellings, tourist homes, bed and breakfast operations	1 for each dwelling or sleeping unit
Convenience stores, personal service shops	1 per 9.3 square metres of floor area or as required by Council
Schools, churches, places of assembly	1 for every 5 seats of assembly
Other	As required by Council

Schedule A:

Community of North Shore Zoning Map

Schedule B:

Sight Distance Standards for Access Driveways

Access driveways to be used or established on arterial highways, collector highways, local highways and unpaved roads shall have a minimum sight distance to be measured by the following calculations:

ARTERIAL HIGHWAYS (Farm Access Exempt)

A vehicle operator approaching an access driveway with eye level 1.05 m above grade shall be able to see any object larger than 0.4 m in height at a driveway for a minimum distance of 170 metres. A farm access driveway shall be exempt from this requirement.

170 m - minimum

210 m - desirable

COLLECTOR HIGHWAYS, LOCAL HIGHWAYS AND UNPAVED ROADS (Farm Access Exempt)

A vehicle operator approaching an access driveway with eye level 1.05 m above grade shall be able to see any object larger than 0.4 metres in m at the driveway for a minimum distance of 140 m. A farm access driveway shall be exempt from this requirement.

140 m - minimum 150 m - desirable

Schedule C:

Table 1 Minimum Lot Size Standards Residential Lots

Chapter P-8 Planning Act Subdivision and Development Regulations

TABLE 1 - MINIMUM LOT SIZE STANDARDS: RESIDENTIAL LOTS

<i>(a) Servicing</i>	<i>(b) Lot Category</i>	<i>(c) Minimum Lot Frontage</i>	<i>(d) Number of Dwelling Units</i>	<i>(e) Minimum Lot Area sq. ft. / sq. m.</i>	<i>(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres</i>
on-site water supply and on-site sewage disposal system	I	100 ft / 30.5 m (or 50 ft / 15.25 m, 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.

(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	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
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.

<i>(a) Servicing</i>	<i>(b) Lot Category</i>	<i>(c) Minimum Lot Frontage</i>	<i>(d) Number of Dwelling Units</i>	<i>(e) Minimum Lot Area sq. ft. / sq. m.</i>	<i>(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres</i>
			more than 4	35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	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.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	1	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			2	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			3	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			4	55,000 sq. ft. / 5,110 sq. m.	275 ft. / 83.8 m.
			more than 4	55,000 sq. ft. / 5,110 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	IV	50 feet / 15.25 metres	1	60,000 sq. ft. / 5,580 sq. m.	275 ft. / 83.8 m.
			2	65,000 sq. ft. / 6,450.5 sq. m.	
			3	70,000 sq. ft. / 6,510 sq. m.	

(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
			4	75,000 sq. ft. / 6,975 sq. m.	
			more than 4	75,000 sq. ft. / 6,975 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	
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	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
			2	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			3	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			4	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			more than 4	30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	160 ft. / 48.8 m.
on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			more than 4	35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m.

(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
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 Minimum Lot Size Standards Non Residential Lots

<i>(a) Servicing</i>	<i>(b) Lot Category</i>	<i>(c) Minimum Lot Frontage</i>	<i>(e) Minimum Lot Area</i>	<i>(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres</i>
on-site water supply and on-site sewage disposal system	I	100 ft / 30.5 m (or 50 ft / 15.25 m, 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 ft / 30.5 m (or 50 ft / 15.25 m, 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 ft / 30.5 m (or 50 ft / 15.25 m, 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 ft / 15.25 m	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 m	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 ft / 15.25 m	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(e) Minimum Lot Area	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
on-site water supply and central waste treatment system	I, II or III	50 ft / 15.25 m	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

Schedule D:

Planning Act, Part III, Sections 16 -20

MUNICIPAL PLANNING BYLAWS

- 16.** A council may make bylaws implementing an official plan for the municipality. 1988, c.4, s.16.
- 17.** The bylaws shall be subject to the approval of the Minister and shall be effective on the date of approval by the Minister. 1988, c.4, s.17.
- 18.**
- (1) Before making any bylaw the council shall
 - (a) give an opportunity to residents and other interested persons to make representations; and
 - (b) at least seven clear days prior to the meeting, publish a notice in a newspaper circulating in the area indicating in general terms the nature of the proposed bylaw and the date, time and place of the council meeting at which it will be considered.
- 19.** A bylaw shall be made in accordance with the following procedure:
- (a) it is read and formally approved by a majority of councillors on two occasions at meetings of the council held on different days;
 - (b) after it is read a second time, it is formally adopted by resolution of the council;
 - (c) it is signed by the mayor or chairman, the administrator and the Minister and formally declared to be passed, and sealed with the corporate seal of the municipality;
 - (d) the minutes of the meeting record the name of the bylaw and the fact that it is passed; and
 - (e) a copy of the bylaw bearing the signature of the mayor or chairman, the administrator and the Minister is entered into the register of bylaws retained by the administrator. 1988, c.4, s.19.
- 20.**
- (1) The powers of a council to make bylaws includes the power to make bylaws applicable within the municipality with respect to all of the matters set out in clauses 8(a) to (q) except clauses (i), (l) and (p) as if
 - (a) references to the Crown were references to the municipality;
 - (b) references to the Minister were references to the council.
 - (2) A council may appoint a development officer to administer the bylaws for the council. 1988, c.4, s.20.

Schedule E:

Planning Act, Part V, Section 28

APPEALS

28.

- (1) Subject to subsections (1.2) to (4), any person who is dissatisfied by a decision of the Minister that is made in respect of an application by the person, or any other person, pursuant to the regulations for
 - (a) a development permit;
 - (b) a preliminary approval of a subdivision or a resort development;
 - (c) a final approval of a subdivision;
 - (d) the approval of a change of use; or
 - (e) any other authorization or approval that the Minister may grant or issue under the regulations, may appeal the decision to the Commission by filing with the Commission a notice of appeal.
- (1.1) Subject to subsections (1.2) to (1.4), any person who is dissatisfied by a decision of the council of a municipality
 - (a) that is made in respect of an application by the person, or any other person, under a bylaw for
 - (i) a building, development or occupancy permit,
 - (ii) a preliminary approval of a subdivision,
 - (iii) a final approval of a subdivision; or
 - (b) to adopt an amendment to a bylaw, including
 - (i) an amendment to a zoning map established in a bylaw, or
 - (ii) an amendment to the text of a bylaw, may appeal the decision to the Commission by filing with the Commission a notice of appeal.
- (1.2) In Subsection (1.1) and Subsection (1.4) "bylaw" means a bylaw made under this Act.
- (1.3) A notice of appeal must be filed with the Commission within 21 days after the date of the decision being appealed.
- (1.4) For greater certainty, where a person is dissatisfied by the decision of a council of a municipality to adopt an amendment to a bylaw, the 21-day period for filing a notice of appeal under this Section commences on the date that the council gave final reading to the amendment to the bylaw.
- (2) Where the Lieutenant Governor in Council has by order declared that
 - (a) a development for which approval is required under the *Environmental Protection Act* has met all the requirements of that Act and written approval has been given; and
 - (b) the right of appeal to the Commission in respect of that development should be curtailed, Subsection (1) has no application and there is no right of appeal to the Commission in respect of a decision on that development.

- (3) Where a declaration has been made under subsection (2), the Lieutenant Governor in Council shall submit to the next session of the Legislative Assembly a statement of the reasons for making the declaration.
- (4) No appeal lies from a decision of the council or the Minister respecting
 - (a) the final approval of a subdivision where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the subdivision; or
 - (b) the final approval of a subdivision or development permit within a resort development, where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of that subdivision or development. 2001, c.47,s.1.
- (5) A notice of appeal to the Commission under Subsection (1) shall be in writing and shall state the grounds for the appeal and the relief sought.
- (6) The appellant shall, within seven days of filing an appeal with the Commission, serve a copy of the notice of appeal on the council or the Minister, as the case may be.
- (7) Subject to adherence to the rules of natural justice, the Commission shall determine its own procedure.
- (8) The Commission shall hear and decide appeals and shall issue an order giving effect to its disposition.
- (9) The Commission shall give reasons for its decision.
- (10) The council or the Minister, as the case may be, shall implement an order made by the Commission.
- (11) Where the council or the Minister, as the case may be, fails to implement an order made under Subsection (8), the Commission, on its own initiative or the initiative of an interested person, may act in the name of the council or the Minister to implement the order. 1995, c.29, s.8 {eff.} Oct. 14/95; 2006,c.15,s.2.

Schedule F: Penalties

Planning Act, Part IV, Section 26

26.

- (1) Every person who contravenes any provision of this Act or any bylaw or regulation made under this Act is guilty of an offence and liable on summary conviction
 - (a) on a first conviction, to a fine not exceeding \$2,000;
 - (b) on a subsequent conviction, to a fine of not more than \$400 for each day upon which the contravention has continued after the day on which he was first convicted.
- (2) Any prosecution for an offence under Subsection (1) may be instituted within one year after the time when the contravention occurred. 1988, c.4, s.26; 1994, c.46, s.5 {*eff.*} July 14/94.

Schedule G:

Industrial Uses Not Permitted in the Industrial Zone (I)

All facilities for the manufacture, processing, or reprocessing of dangerous goods
Facilities for the chemical treatment of timber resources
Facilities engaged in the production of fish meal

Schedule H: Fee Schedule