

Town of O'Leary 2023 Land Use Bylaw

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upon adoption and approval]

Table of Contents

Table of Contents	<i>i</i>
1 <i>SCOPE</i>	<i>1</i>
1.1 TITLE	1
1.2 AUTHORITY	1
1.3 AREA DEFINED	1
1.4 PURPOSE.....	1
1.5 SCOPE	1
1.6 AUTHORITY OF DEVELOPMENT OFFICER	1
1.7 PERMITTED USES	1
1.8 CERTAIN WORDS	1
1.9 UNITS OF MEASURE.....	2
1.10 SCHEDULES.....	2
2 <i>DEFINITIONS</i>.....	<i>3</i>
3 <i>DEVELOPMENT ZONES</i>.....	<i>23</i>
3.1 DEVELOPMENT ZONES	23
3.2 INTERPRETATION OF ZONE BOUNDARIES.....	23
3.3 ZONING MAP	23
4 <i>ADMINISTRATION</i>.....	<i>24</i>
4.1 DEVELOPMENT PERMIT REQUIRED.....	24
4.2 NO DEVELOPMENT PERMIT REQUIRED.....	24
4.3 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS	25
4.4 PERMIT APPLICATION	25
4.5 SITE PLAN.....	26
4.6 OTHER INFORMATION.....	27
4.7 SURVEYS REQUIRED.....	27
4.8 CONDITIONS ON PERMITS.....	28
4.9 PROCEDURES FOR SPECIAL PERMIT USES	28
4.10 FIRE MARSHAL APPROVAL	28
4.11 DEVELOPMENT AGREEMENT	28
4.12 AUTHORIZATION FOR INSPECTION	29
4.13 CONSTRUCTION PLANS	29
4.14 CERTIFICATE OF COMPLIANCE	29

4.15	PERMITS POSTED.....	29
4.16	EXPIRY OF APPROVALS	29
4.17	MOVING OF BUILDINGS	30
4.18	DEVELOP IN ACCORDANCE WITH APPLICATION	30
4.19	DENYING PERMITS.....	30
5	GENERAL PROVISIONS FOR ALL ZONES.....	31
5.1	ACCESSORY STRUCTURES	31
5.2	BED AND BREAKFAST AND Short-Term rentals.....	32
5.3	EXISTING NON-CONFORMING LOTS.....	32
5.4	EXISTING NON-CONFORMING STRUCTURES.....	32
5.5	EXISTING NON-CONFORMING USES	33
5.6	FRONTAGE ON A STREET AND ACCESS.....	33
5.7	HEIGHT REGULATIONS	34
5.8	HOME-BASED BUSINESSES.....	34
5.9	LANDSCAPE BUFFERING	35
5.10	MAIN BUILDING.....	36
5.11	MAXIMUM LOT COVERAGE.....	36
5.12	MIXED USE.....	36
5.13	ON-SITE WELLS AND SEPTIC SYSTEMS	37
5.14	PERMITTED USES IN ALL ZONES	37
5.15	PETROLEUM STORAGE TANKS.....	38
5.16	RECREATIONAL VEHICLES.....	38
5.17	SECONDARY SUITES AND GARDEN SUITES.....	38
5.18	SOLAR ENERGY SYSTEMS.....	39
5.19	STRUCTURES WITH COMMON WALLS	40
5.20	SWIMMING POOLS.....	40
5.21	TEMPORARY USES	41
5.22	VISIBILITY AT STREET INTERSECTIONS.....	42
6	PARKING REQUIREMENTS.....	43
6.1	PARKING REQUIREMENTS	43
6.2	OTHER REQUIREMENTS.....	44
6.3	LOADING ZONES	44
6.4	WAIVER OF COMMERCIAL PARKING REQUIREMENTS.....	45
6.5	ACCESSIBLE PARKING	45
7	LOW DENSITY RESIDENTIAL ZONE (R1)	46

7.1	GENERAL.....	46
7.2	PERMITTED USES.....	46
7.3	SPECIAL PERMIT USES.....	46
7.4	SERVICES.....	46
7.5	LOT REQUIREMENTS.....	46
8	<i>MEDIUM DENSITY RESIDENTIAL ZONE (R2).....</i>	48
8.1	GENERAL.....	48
8.2	PERMITTED USES.....	48
8.3	SPECIAL PERMIT USES.....	48
8.4	SERVICES.....	48
8.5	LOT REQUIREMENTS.....	48
9	<i>MIXED DENSITY RESIDENTIAL ZONE (R3)</i>	50
9.1	GENERAL.....	50
9.2	PERMITTED USES.....	50
9.3	SPECIAL PERMIT USES.....	50
9.4	SERVICES.....	50
9.5	LOT REQUIREMENTS.....	50
10	<i>GENERAL COMMERCIAL (C1).....</i>	52
10.1	GENERAL.....	52
10.2	PERMITTED USES.....	52
10.3	SPECIAL PERMIT USES.....	52
10.4	SERVICING.....	52
10.5	LOT REQUIREMENTS.....	53
10.6	COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES	53
10.7	DWELLINGS IN COMMERCIAL BUILDINGS.....	53
10.8	TEMPORARY COMMERCIAL USES.....	54
10.9	AUTOMOBILE SERVICE STATION	54
11	<i>INDUSTRIAL ZONE (M1)</i>	55
11.1	GENERAL.....	55
11.2	PERMITTED USES.....	55
11.3	SPECIAL PERMIT USES.....	55
11.4	LOT REQUIREMENTS.....	56
11.5	INDUSTRIAL ZONE ADJACENT TO RESIDENTIAL ZONES	56
11.6	ENVIRONMENTAL IMPACT ASSESSMENT	56
12	<i>PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI).....</i>	57

12.1	GENERAL.....	57
12.2	PERMITTED USES.....	57
12.3	LOT REQUIREMENTS.....	57
13	<i>RECREATION AND OPEN SPACE ZONE (01).....</i>	58
13.1	GENERAL.....	58
13.2	PERMITTED USES.....	58
13.3	LOT REQUIREMENTS.....	58
14	<i>ENVIRONMENTAL RESERVE (OVERLAY) ZONE (ER).....</i>	60
14.1	GENERAL.....	60
14.2	PURPOSE.....	60
14.3	PERMITTED USES.....	60
14.4	ZONE REQUIREMENTS.....	60
14.5	SETBACKS FROM WATERCOURSES, EMBANKMENTS AND WETLANDS	60
15	<i>AGRICULTURAL ZONE (A1).....</i>	61
15.1	GENERAL.....	61
15.2	PERMITTED USES.....	61
15.3	SPECIAL PERMIT USES.....	61
15.4	LOT REQUIREMENTS.....	61
15.5	INTENSIVE LIVESTOCK OPERATIONS	62
15.6	WIND ENERGY FACILITIES.....	63
16	<i>VARIANCES.....</i>	64
16.1	VARIANCE APPLICATIONS.....	64
16.2	VARIANCES OF UP TO 10%	64
16.3	VARIANCES IN EXCESS OF 10%.....	65
17	<i>OFFICIAL PLAN AND BYLAW AMENDMENTS.....</i>	66
17.1	AMENDMENT APPLICATIONS.....	66
17.2	SITE-SPECIFIC AMENDMENTS.....	66
17.3	AMENDMENT PROCEDURES	67
17.4	PUBLIC MEETING REQUIREMENTS.....	68
17.5	ZONING AND GENERAL LAND USE MAP REVISIONS	69
18	<i>GENERAL PROVISIONS FOR SUBDIVIDING LAND</i>	70
18.1	SUBDIVISION APPROVAL	70
18.2	CONVEYING INTEREST IN A LOT	70
18.3	PERMISSION TO SUBDIVIDE	70

18.4	REDUCED LOT FRONTAGE OR AREA	70
18.5	CHANGES TO EXISTING LOTS	71
18.6	ROAD STANDARDS.....	71
18.7	SUBDIVISIONS IN AGRICULTURAL (A1) ZONE.....	72
18.8	SUBDIVISIONS IN WATERFRONT AND WETLAND AREAS	73
18.9	SUBDIVIDING OF ATTACHED DWELLINGS	73
18.10	PARKLAND DEDICATION AND/OR PARK DEDICATION FEE	74
18.11	APPLICATION AND PRELIMINARY APPROVAL PROCESS.....	74
18.12	SUBDIVISION AGREEMENT	76
18.13	FINAL APPROVAL	76
18.14	CONSOLIDATIONS.....	77
18.15	DEVELOPMENT PERMITS.....	77
18.16	RESCINDING OR ALTERING APPROVAL	77
19	<i>PENALTIES.....</i>	<i>79</i>
19.1	FINES.....	79
20	<i>NOTICE OF DECISIONS.....</i>	<i>79</i>
21	<i>APPEALS.....</i>	<i>79</i>
22	<i>REPEAL.....</i>	<i>80</i>
22.1	EFFECTIVE DATE.....	80
22.2	REPEAL.....	80
	<i>SCHEDULE A – ZONING MAP.....</i>	<i>81</i>
	<i>SCHEDULE B – PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS</i>	<i>82</i>
	<i>SCHEDULE C – SCHEDULE OF FEES</i>	<i>91</i>
	<i>SCHEDULE D – WIND ENERGY FACILITIES.....</i>	<i>92</i>

1 SCOPE

1.1 TITLE

- (1) This *Bylaw* shall be known and may be cited as the Town of O’Leary Land Use Bylaw.

1.2 AUTHORITY

- (1) This *Bylaw* is enacted under the authority of the *Planning Act* and clause 14 (b) of the *Municipal Government Act*.

1.3 AREA DEFINED

- (1) This *Bylaw* applies to the geographical area within which the *Town’s Council* has jurisdiction.

1.4 PURPOSE

- (1) The purpose of this *Bylaw* is to implement the policies of the *Official Plan* and to establish a transparent, fair, and systematic means of *subdivision* and *development* control for the *Town*.

1.5 SCOPE

- (1) No *dwelling*, business, trade or industry shall be located, nor shall any *structure* be *erected*, *altered*, used or have its *use* changed, nor shall any land be divided, consolidated or used in the *Town*, except in conformity with this *Bylaw* and subject to the provisions contained herein.

1.6 AUTHORITY OF DEVELOPMENT OFFICER

- (1) *Council* may appoint a *development officer(s)* whose duties shall be as provided in this Bylaw. A *development officer* shall have the authority to administer this *Bylaw*. Notwithstanding the foregoing and except where otherwise specified in this *Bylaw*, the *development officer* shall have the authority to approve or deny *lot consolidation* and *development permits* in accordance with this Bylaw in all areas except for:
 - (a) *special permit uses*;
 - (b) permanent commercial uses;
 - (c) institutional developments;
 - (d) *industrial uses*;
 - (e) subdivisions; and
 - (f) *multiple attached dwellings*.

1.7 PERMITTED USES

- (1) In this *Bylaw*, any *use* not listed as a *permitted use* in a *zone* is prohibited in that *zone* unless otherwise indicated.

1.8 CERTAIN WORDS

- (1) In this *Bylaw*, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular, the word ‘shall’ is mandatory and not permissive; and the word ‘may’ is permissive and not mandatory.

- (2) In this *Bylaw*, italicized words carry the defined meaning set forth in Part 2. Words that are defined in Part 2 but are not italicized when used in the *Bylaw* carry their ordinary meaning.

1.9 UNITS OF MEASURE

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

1.10 SCHEDULES

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

2 DEFINITIONS

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

In this *Bylaw*:

A

ACCESSORY STRUCTURE means a separate subordinate *structure* which is *used* or intended for the personal use of the occupants of the *main building* to which it is accessory and located upon the *parcel* of land upon which such *building* is to be *erected*, and includes a detached or private garage.

ACCESSORY USE or **ACCESSORY** means a *use* subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main *use* of *land* or *building* and located on the same *lot*. Accessory uses may also be referred to as a secondary use.

AGRICULTURAL USE means the utilizing of land, buildings, or structures to raise crops or animals or fowl, including the harbouring or keeping of livestock, and includes an agricultural use pursuant to the *Farm Practices Act*.

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

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

APPLICANT means any *person* responsible for and authorized to complete an application for a *subdivision*, *development permit* or zoning or *official plan* amendment and for fulfilling any required preconditions or conditions of permit approval under this *Bylaw*.

ATTACHED means a *structure* which has a common wall and/or common roof line and the *structure* may be considered common as long as a minimum of 20% of the length of the wall or roof line is common with the *main structure* wall or roof.

AUTOMOBILE SALES AND SERVICE ESTABLISHMENT means a *building* or part of a *building* or a clearly defined space on a *lot* used for the sale and maintenance of used or new automobiles.

AUTOMOBILE SERVICE STATION OR SERVICE STATION means a *building* or part of a *building* or a clearly defined space on a *lot* used for the sale of lubricating oils and/or gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor vehicles.

AUTOMOBILE WASHING ESTABLISHMENT means a *building* or part thereof used for the operation of automobile washing equipment which is manual, automatic or semi-automatic.

B

BED AND BREAKFAST means a *dwelling* in which there is a resident *owner* or manager who provides accommodation and meals (usually breakfast) for the travelling public and includes tourist home but does not include boarding house, rooming house, domiciliary *hostel*, *group home*, *hotel*, *motel*, *restaurant*, or *lounge*. *Bed and breakfasts* may include *accessory uses* or activities that are complimentary thereof.

BEDROOM means a habitable room used, designed, or intended for use for sleeping.

BUFFER ZONE means the land within 15 m (49.2 ft) of a *watercourse boundary* or a *wetland boundary* as defined in the *Watercourse and Wetland Protection Regulations*.

BUILDING includes any *structure* having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel.

BUILDING HEIGHT means the vertical distance measured from the averaged finished *grade* to the highest point of roof surface.

BUILDING LINE means any line regulating the position of a *structure* on a *lot*.

BUILDING SETBACK means the distance between the *street line* and the nearest main wall of any *structure*, except *fences*, and extending the full width of the *lot*.

BUSINESS OR PROFESSIONAL OFFICE means premises where services are offered for a fee but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.

BYLAW means the Town of O’Leary Land Use Bylaw.

C

CAMPGROUND OR RV PARK means a tract or *parcel* of land used or permitted to be used by the travelling public that provides sites for tents, trailers, or motor homes and may also be called a RV park but shall not include industrial, work or construction camps.

CENTRAL SEWER means a system of pipes for the disposal of sewage controlled by a municipal *utility*.

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

CHANGE OF USE means the change of purpose for which land, *buildings*, or *structures*, or any combination thereof, is designed, arranged, *erected*, occupied, or maintained, including an increase in the number of *dwelling units*.

CHIEF ADMINISTRATIVE OFFICER means the Chief Administrative Officer for the *Town*.

CHILD CARE FACILITY means any institution, agency, or place, whether known as a day nursery, nursery school, kindergarten or play school, which receives for temporary care apart from the parents on a daily or hourly basis, with or without stated educational purposes and during or all of the day, more than five *children* under seven years of age.

CHURCH means a *building* dedicated to religious worship and includes a *church* hall, *church* auditorium, Sunday School, parish hall, rectory, manse and day nursery operated by the *church*.

CLEAR DAYS means ‘clear days’ as defined in the *Interpretations Act*.

CLUB means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for co-operation or conviviality. *Club* shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the *club* are conducted.

CLUSTERED HOUSING means a land development project for more than two residential *use buildings* on the same lot, including any combination of residential *dwelling* type, *mini homes*, and *tiny homes*.

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

COMMERCIAL USE means the sale or distribution of materials or provision of services including, but not limited to:

- .i art galleries and studios;
- .ii bakeries;
- .iii banks and financial institutions;
- .iv business and professional offices;
- .v craft breweries;
- .vi craft workshop and studios;
- .vii entertainment establishments;
- .viii event venues;
- .ix funeral homes and crematoria;
- .x lounges and restaurants;
- .xi retail stores, service shops and personal service shops; and
- .xii tourism establishments and attractions.

COMMUNITY CARE FACILITY means a community care facility as defined in the *Province's Community Care Facilities and Nursing Homes Act*, R.S.P.E.I. 1988, Cap. C-13 as amended from time to time, and may include *ancillary institutional uses*.

COMMUNITY CENTRE means a *building, structure or public* place where members of a community gather for recreational, educational, artistic, social or cultural activities.

CONDOMINIUM means a *building* in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the *Condominium Act* R.S.P.E.I. 1988, Cap. C-16.

CONTRACTORS YARD means a Yard of any general contractor or builder where equipment and materials are stored and where shop or assembly work is performed.

CONVENIENCE STORE means a retail commercial establishment, not exceeding 139.35 sq. m. (1,500 sq. ft.) of gross *floor area*, supplying daily household necessities for the immediate surrounding area in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to compliment such items which may include the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, tobacco products and video tape sales and rentals.

CONSOLIDATE – see LOT CONSOLIDATION

COUNCIL means the *Council* for the Town of O’Leary.

D

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

DEMOLITION means to remove, pull down or destroy a *structure*.

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

- .i real *property* value;
- .ii competition with existing businesses;
- .iii viewscapes; or
- .iv *development* approved pursuant to subsection 9 (1) of the *Environmental Protection Act*.

DEVELOPER – means any *person* who is responsible for any undertaking that requires a *development permit*, *subdivision* approval or *consolidation* approval.

DEVELOPMENT means the carrying out of any construction operation, including excavation, in preparation for building, on, over or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premises and includes the placing of *structures* on, over or under land.

DEVELOPMENT AGREEMENT means an agreement executed between the *developer* and the *Town* respecting the terms under which a *development* may be carried out.

DEVELOPMENT OFFICER means the person charged by the *Council* with the duty of administering the provisions of this Bylaw.

DEVELOPMENT PERMIT means the formal and written authorization for a person to carry out any *development*.

DISPLAY means any item, group of items, *sign*, or billboard visible to the general public, indicating that items or services are offered for sale or trade, but does not include *premise signs* of 400 sq. in. (2.78 sq ft.) or less.

DOMESTIC ANIMALS means dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs and fish.

DORMITORY means a *structure* where residents have exclusive *use* of a bedroom but common washroom and/or kitchen facilities, and where each resident individually compensates the *owner* for providing the accommodation.

DWELLING means a *building* or portion thereof designated or *used* for residential occupancy, but does not include *hotels* and *motels*. Also see **SECONDARY SUITE** and **GARDEN SUITE**.

APARTMENT DWELLING means a *dwelling* in a *building* containing three or more such *dwelling units* that share common hallways and a common outdoor entrance, *dwelling units* attached to a *building* which is principally commercial, or a *dwelling* in a *building* that is divided vertically into three or more *attached dwelling units* that do not each have their own *street frontage*. An *apartment dwelling* does not include a *townhouse dwelling* or *stacked townhouse dwelling*.

DUPLEX DWELLING means a *building* containing two *dwelling units*, with one *dwelling unit* placed over the other in whole or in part with each *dwelling unit* having their own separate and individual outdoor entrance, not necessarily directly to *grade*.

MULTIPLE ATTACHED DWELLING means a *building* containing three or more *dwelling units* and includes *apartment dwellings*, *townhouse dwellings*, and *stacked townhouse dwellings*.

SEMI-DETACHED DWELLING means a *building* divided vertically into two separate *dwelling units*, each with its own *street frontage* and outdoor entrance.

SINGLE-DETACHED DWELLING means a *building* designed or *used* for occupancy as one *dwelling unit* and includes a *modular home* but does not include a *mini home*, *tiny home*, or *mobile home*.

STACKED TOWNHOUSE DWELLING means a *building*, other than a *townhouse* or *apartment building*, containing three or more *dwelling units* attached side by side, two units high, where each *dwelling unit* has an independent outdoor entrance at *grade*.

TOWNHOUSE DWELLING means a *building* that is divided vertically into three or more *attached dwelling units*, each with its own *street frontage* and outdoor entrance.

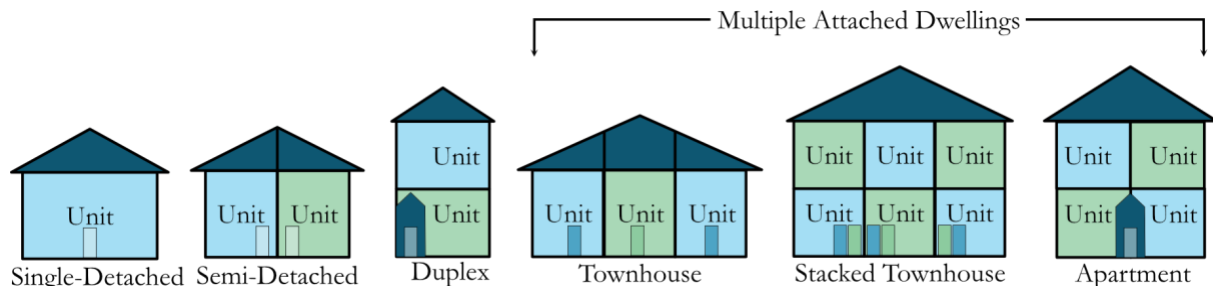


Figure 1 - Dwelling Examples

DWELLING UNIT means a self-contained unit contained within common walls with a separate entrance intended for year-round occupancy. The principal use of such *dwelling unit* is residential with complete living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

E

EARLY LEARNING AND CHILD CARE ACT means the *Early Learning and Child Care Act*, R.S.P.E.I. 1988, Cap. E-.01, as amended from time to time.

EARLY LEARNING AND CHILD CARE CENTRE means a *building* where children are cared for as permitted under the *Early Learning and Child Care Act*.

EMERGENCY 911 ACT means the *Emergency 911 Act*, R.S.P.E.I. 1988, Cap. E-5.1, as amended from time to time.

ENGINEERING PROFESSION ACT means the *Engineering Profession Act*, R.S.P.E.I. 1988 Cap. E-8.1, as amended from time to time.

ENTERTAINMENT ESTABLISHMENT means an establishment providing musical, dramatic, dancing or cabaret entertainment and/or facilities for alcoholic beverage consumption and includes supplementary food service. this term refers to *uses* such as theatres, cinemas, auditoria, beverage rooms, cocktail *lounges*, cabarets, nightclubs and theatre *restaurants*.

ENTRANCE WAY means a driveway providing access to and from a *parcel* of land to a *street*.

ENVIRONMENTAL PROTECTION ACT means the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9, as amended from time to time.

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

EVENT VENUE means a *commercial use* of a *structure* or part of a *structure* or land as a *place of assembly* by the public for special events such as weddings, performances, and cultural gatherings but does not include sporting events.

EXCAVATION PIT means any excavation in the ground for the purpose of searching for or removing clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a *street*, or a snow-trap constructed to protect a *street* from snow accumulation.

EXISTING LOT means a *lot* in existence on the effective date of this *Bylaw*, except where otherwise indicated in this *Bylaw*.

F

FAMILY HOME CENTRE means an early learning and child care centre located in a private residence as regulated under the *Early Learning and Child Care Act*.

FARM DWELLING means a *single-detached dwelling* that is located on a *farm*, and is owned and occupied by the principal *owner* of the *farm* or a *person* whose primary occupation is to work on the *farm parcel*.

FARM GATE OUTLET means an accessory use located on a property for sale of its own agricultural or garden products and excluding sale of any non-farm or garden products or those from a plant nursery.

FARM MARKET means a *building* or part of a *building* in which *farm* produce; crafts and baked goods make up the major portion of items offered for sale.

FARM or **FARM PROPERTY** means land, including any complementary buildings, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of livestock or production of raw dairy products.

FARM PRACTICES ACT means the *Farm Practices Act*, R.S.P.E.I. 1988, Cap. F-4.1, as amended from time to time.

FARMING means the outdoor cultivation of agricultural products, and the raising of *farm livestock*.

FENCE means an artificially constructed barrier made of metal slats, glass, wire, wood or similar materials, or a combination of such materials, *erected* to enclose or screen areas of land.

FOOD TRUCK means any trailer or motorized vehicle used for the *display*, storage, or sale of food and/or non-alcoholic beverages on a temporary basis.

FORESTRY USE means commercial silvaculture and the production of timber or pulp and any *uses* associated with a *forestry use*, including sawmills, shingle mills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

FRONTAGE means the horizontal distance between the *side lot lines* bordering on a street and according to the direction of the front of the *dwelling* or *structure*.

FLOOR AREA means:

- .i with reference to a dwelling – the area contained within the outside walls excluding any porch, veranda, sunroom, *greenhouse*, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year.
- .ii with reference to a commercial building – the total usable *floor area* within a *building* used for commercial purposes excluding washrooms, furnace rooms and common halls between stores.
- .iii with reference to an accessory structure – the area contained within the outside walls.

G

GARDEN SUITE means a self-contained second *dwelling unit* that is:

- .iv accessory to the main *dwelling*;
- .v located within an *accessory structure*,
- .vi located on its own footing or foundation; and
- .vii not attached to the *main building*.

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

GAZEBO means a freestanding, roofed *accessory structure* which is not enclosed, except for *screening* or glass and which is utilized for the purposes of relaxation in conjunction with a residential *dwelling unit* but shall not include any other *use* or activity otherwise defined or classified in this *Bylaw*.

GRADE (as it applied to the determination of *building height*) means the highest among the average, finished ground levels around each respective *main wall* of a *building*, excluding consideration of local depressions on the ground, such as for *vehicle* or pedestrian entrances.

GROUND FLOOR means the uppermost *storey* having its floor level not more than 2 m. (6.6 ft.) above *grade*.

GROUP HOME means an establishment for the accommodation of four or more persons, exclusive of staff, living under supervision in a single housekeeping unit who require special care or supervision, and which is staffed 24 hours per day by trained care giver(s).

H

HEAVY EQUIPMENT DEPOT means a lot and/or building where heavy machinery is stored and serviced.

HIGHWAY – see **STREET**.

HIGHWAY ACCESS REGULATIONS means the Highway Access Regulations made under the Roads Act, as amended from time to time.

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

HISTORIC SITE means any site that has been designated as a historic site or a heritage place under provincial or federal legislation, as well as any *accessory uses* or *structures* to support visitation.

HOME OFFICE USE means an office-related activity operated within a *dwelling unit* that does not regularly require direct in-person contact with clients on the premises, but excludes a *home-based business use*.

HOME-BASED BUSINESS means the accessory use of a dwelling or of a building accessory to a dwelling for an occupation or business conducted for profit involving the production, sale, or provision of goods and services.

HOSPITAL means any institution, building, or other premises or place established for the maintenance, observation, medical and dental care and supervision, and skilled nursing care of persons afflicted with or suffering from sickness, disease, injury, or for convalescing or chronically ill persons.

HOSTEL means a building other than a motel occupied or intended to be occupied as the temporary lodging place for any individual for a fee.

HOTEL means a commercial building providing temporary accommodations for travellers or transients, and may have one or more public dining rooms and convention meeting rooms but does not include a motel.

HOUSING CORPORATION ACT means the *Housing Corporation Act*, R.S.P.E.I. 1988, Cap. H-11.1, as amended from time to time.

I

INDUSTRIAL USE means *use* of land or *buildings* in or from which goods or materials are manufactured, processed, assembled or extracted or premises from which wholesale trade is carried on, including warehousing.

INSTITUTIONAL USE means the *use* of premises, other than retail or industrial premises, for community, public, or non-profit *uses* and includes but is not limited to:

- .i *clinics and hospitals;*
- .ii *shared housing with special care, including but not limited to, group homes, community care facilities, nursing homes, and senior citizens homes;*
- .iii *community centres, libraries, museums, cultural centres;*
- .iv *education facilities and early learning and child care centres;*
- .v *government offices and facilities;*
- .vi *historic sites;*
- .vii *places of worship, manses, cemeteries, and crematoria;*
- .viii *public and private parks, including sports fields; and*
- .ix *recreation centres and facilities.*

INTERNAL DRIVE means a lane, access road, or tight-of-way for providing general traffic circulation within a single lot.

INTERPRETATIONS ACT means the *Interpretations Act*, R.S.P.E.I. 1988, Cap. I-8.1, as amended from time to time.

K

KENNEL means a *structure* where more than four (4) *domestic animals* excluding *livestock* are kept, bred or raised for profit or gain.

L

LAND SURVEYORS ACT means the *Land Surveyors Act*, R.S.P.E.I. 1988, Cap. L-3.1, as amended from time to time.

LANDSCAPE ARCHITECT means a person who is a member in good standing in the Canadian Society of Landscape Architects.

LANDSCAPING means all the elements of a lot or site development other than the building or buildings, and may include pedestrian facilities, grass and other ground cover, flower beds, shrubbery, trees, hedges, berms, fences and retaining structures, off- street lighting devices, forms of natural landscaping, and various combinations thereof.

LIVESTOCK means farm animals kept for use, for propagation, or for intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkeys, goats, geese, mink, llamas and rabbits.

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

LOT OR PROPERTY means any *parcel* of land which is held in separate ownership from the adjoining land, and

CORNER LOT means a *lot* situated at an intersection of and abutting on two or more *streets*.

INTERIOR LOT means a *lot* other than a *corner lot*.

PANHANDLE LOT means any *lot* which gains *street frontage* through the *use* of a narrow strip of land which is an integral part of the *lot*.

THROUGH LOT means a *lot* bounded on two opposite sides by *streets*.

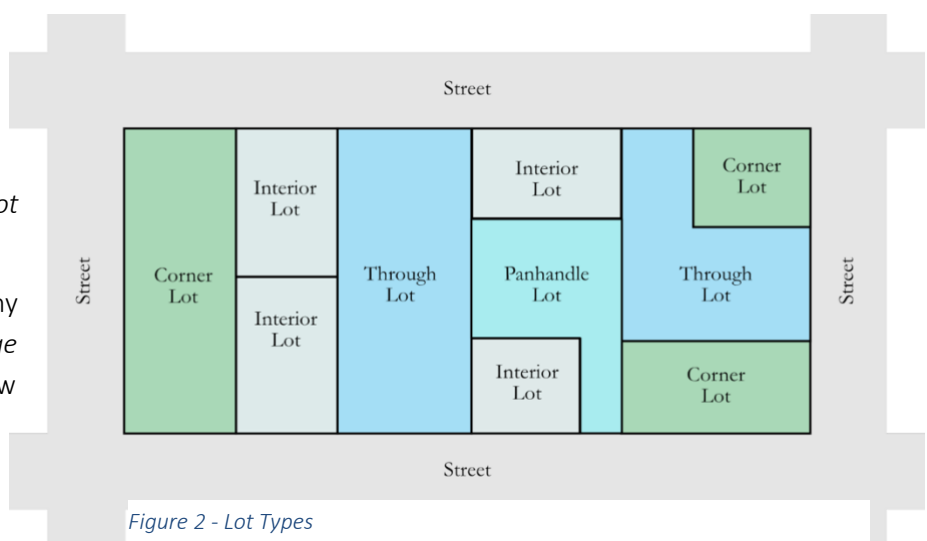


Figure 2 - Lot Types

LOT AREA means the total area included within the *lot lines*.

LOT CONSOLIDATION means the legal incorporation of two or more existing *parcels* of land to form a single, larger *parcel*.

LOT COVERAGE means the percentage of *lot area* covered by *structures* above established *grade* and may include *main building*, *accessory buildings*, *swimming pools*, *decks*, *patios* and *gazebos*.

LOT DEPTH means the depth from the *front lot line* to the *rear lot line*.

LOT LINE means any boundary of a *lot*.

FLANKAGE LOT LINE means the *side lot line* which abuts the *street* on a *corner lot*.

FRONT LOT LINE means the *lot line* abutting the *street* upon which the *structure erected* or to be *erected* has its principal entrance.

REAR LOT LINE means the *lot line* further from and opposite to the *front lot line*.

SIDE LOT LINE means a *lot line* other than a Front, Rear or *flankage lot line*.

LOUNGE means a commercial facility or *structure* licensed to sell alcoholic beverages to the public.

M

MAIN BUILDING means that *building* in which is carried on the principal purpose or purposes for which the *lot* is *used*.

MAIN USE means the principal purpose or purposes for which the *lot* is *used*, the nature of the *use* of which determines the status of the *lot* upon which it is authorized to be constructed or upon which it is constructed.

MAIN WALL means the exterior wall of a *building*, but excluding projections such as balconies, bay windows, chimneys, *decks*, exterior stairs, fire escapes, projecting roofs, and wheelchair ramps.

MINI HOME means a premanufactured *dwelling unit*, permanently affixed to the ground, having an average width of less than 6.1 m (20 ft.) not including appurtenances such as porches, entries, etc., provided with permanent on-site services and/or connected to municipal services, and certified under the Z240 provisions of the Canadian Standards Association (CSA) or as subsequently amended.

MOBILE HOME means a transportable *dwelling unit* suitable for permanent occupancy, designed to be transported with or without its own wheeled chassis.

MODULAR HOME means a premanufactured *dwelling unit* having an average width of 6.1 m. (20 ft.) or more, not including appurtenances such as porches, entries, etc.

MOTEL means a *building* occupied in whole or in part as a temporary lodging place for an individual and for which there is an exit for any room or suite of rooms directly to the outdoors with access to *grade* level.

MUNICIPAL GOVERNMENT ACT means the *Municipal Government Act*, R.S.P.E.I. 1988, cap M-12.1, as amended from time to time.

N

NURSING HOME means a nursing home as defined in the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, C-13, as amended from time to time.

O

OBNOXIOUS USE means a *use* which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, and any objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

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

OFFICIAL PLAN means the *Town* 's Official Plan as adopted by *Council*.

OPEN SPACE means that portion of a *lot* which may be used for *landscaping*, recreational space or leisure activities normally carried on outdoors; but does not include space used for service drive-ways or off-street parking.

OPEN STORAGE means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment, or other items.

ORNAMENTAL STRUCTURES means *landscaping* or architectural *structures* such as arbours, fixed seating, sculptures or similar improvements.

OUTDOOR DISPLAY means an area of land where goods are *displayed* and which are available for sale to the general public from a retail outlet located on the same *lot*.

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.

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

P

PARCEL means a *lot* or other division of land which is recognized as a separate unit of land for the purposes of this *Bylaw*.

PARCEL means a *lot*, *block* or other division of land or *property* which is recognized as a separate unit of land for the purposes of this bylaw.

PARK means *public* or private open area devoted to *passive recreational uses* or conservation *uses*, outdoor furniture, *accessory structures*, playgrounds, and on-site *parking lots* which support *park uses*.

PARKING LOT means an area reserved for parking more than one automobile, and includes lanes between *parking spaces*.

PARKING SPACE means an area of land which is suitable for the parking of a *vehicle* accessible to *vehicles* without the need to move other *vehicles* on adjacent areas.

PASSIVE RECREATION refers to recreational activities that do not require prepared facilities like sports fields or *pavilions* and which place minimal stress on a site's resources.

PATIO means a platform without a roof, or surfaced area without a roof, at *grade*, adjacent to a residential *dwelling unit* used for leisure activities.

PAVILION means a *structure used* as a shelter that is either covered or uncovered and includes a *gazebo* and a *pergola*.

PERGOLA means a *garden* feature forming a walkway, passageway or sitting area of vertical posts or pillars that usually support crossbeams and a sturdy open lattice.

PERMITTED USE means a *use* which is allowable by right, subject to meeting applicable *bylaw* requirements.

PERSON means an individual, association, corporation, contractor, commission, *public utility*, firm, partnership, trust, heirs, executors or other legal representatives of a *person*, or organization of any kind, including both principal and agent in an agency situation.

PERSONAL SERVICE SHOP means a *building* in which *persons* are employed in furnishing services and otherwise administering to individual and personal needs including but not limited to barbershops, hairdressing shops, beauty parlours, pet grooming, shoe repair, laundromats, tailoring, or dry-cleaning.

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

PLACE OF ASSEMBLY – means a *building* or facility where people congregate for deliberation, entertainment, cultural, recreation or similar purposes, including but not limited to auditoriums, *places of worship*, *clubs*, halls, meeting halls, community facilities, *open spaces*, *restaurants*, galleries, and recreation fields, courts, or facilities.

PLACES OF WORSHIP means a *building* used for religious workshop, study, and instruction, including but not limited to *churches*, monasteries, mosques, synagogues, temples, etc. and may include *ancillary uses* such as an auditorium, hall, daycare facility or nursery operated by the place of worship.

PLANNING ACT means the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8, as amended from time to time.

PLANNING BOARD means the Planning Board of the *Town* appointed by *Council*.

PLANT NURSERY (AND GREENHOUSE) means a premise or any land used primarily to raise and store trees, shrubs, flowers, and other plants for sale or for transplanting.

PLANT NURSERY means a *building* or land *used* for the growing of young trees and/or other plants which may be retailed at the same location and may also include retailing of *gardening* tools and other related supplies but does not include a *farm gate outlet*.

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

PREMISE SIGN means a *sign* that directs attention to a business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the *lot* upon which such *sign* is located, or to which it is affixed.

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

PROFESSIONAL ARCHITECT means an architect licensed to practice in the *Province*.

PROFESSIONAL ENGINEER means an engineer licensed to practice in the *Province*.

PROFESSIONAL LAND SURVEYOR means a land surveyor licensed to practice in the *Province*.

PROVINCE means the Province of Prince Edward Island.

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS mean the *Province-Wide Minimum Development Standards Regulations* made under the *Planning Act*, as amended from time to time.

PUBLIC HEALTH ACT means the *Public Health Act*, R.S.P.E.I. 1988, Cap. P-30.1, as amended from time to time.

PUBLIC means for the use of the general population.

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

PUBLIC UTILITY BUILDING means a Building which houses stationary equipment for telephone, electric power, public water supply, or sewage services.

R

REAL PROPERTY ASSESSMENT ACT means the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4, as amended from time to time.

RECREATIONAL USE means the *use* of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, *swimming pools*, day camps, sports arenas and similar *uses* but does not include areas for shooting (e.g., gun ranges, paint ball) or a tract for the racing of animals or any form of motorized *vehicles*.

RECREATIONAL VEHICLE means a *vehicle* which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor *vehicle*, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes, recreation vehicles or other similar vehicles. *Recreational vehicles* may often be referred to as RVs.

RECYCLING DEPOT means premises on which recoverable materials such as newspaper, glassware, and metal cans are separated prior to shipment but does not include any processing of the material or a *salvage yard*.

RECYCLING PLANT means a *building* in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production but it does not include a *salvage yard*.

REGISTRY ACT means the *Registry Act*, R.S.P.E.I. 1988, Cap. R-10, as amended from time to time.

RESIDENTIAL CARE FACILITY means a *building* or premises licensed by the Province of Prince Edward Island, where accommodation and supervisory and/or personal care is provided or made available for more than three persons and includes a *group home*.

RESIDENTIAL LOT means a *lot* where the primary *use* is *residential*.

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

RESIDENTIAL USE means the *use* of a *parcel, structure* or parts thereof as a *dwelling*.

RESOURCE COMMERCIAL USE means the *use* of a *building* or *lot* for the storage, *display* or sale of goods directly and primarily related to *resource uses*.

RESOURCE INDUSTRIAL USE means the *use* of land or *buildings* for any industrial *development* directly associated with agriculture, fisheries or forestry industries.

RESOURCE USE means the *use* of land or *buildings* for production and harvesting or extraction of any agricultural, forestry, or fisheries product.

RESTAURANT means *structures* or part thereof where food and drink is prepared and offered for sale to the public.

RETAIL STORE means a *building* or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public.

ROAD – see **STREET**

ROADS ACT means the *Roads Act*, R.S.P.E.I. 1988, Cap. R-15, as amended from time to time.

RURAL TOURISM USE means the *use* of a *building* or land for non-recreational commercial *uses* related to tourism, including rental accommodations and *campgrounds*.

S

SALVAGE YARD means an area of land *used* for the storage, handling, processing, and sale of scrap materials including but not limited to scrap metal, *vehicles*, tires and batteries, but shall not include a hazardous waste materials storage or disposal site or *recycling depot*.

SCREENING means to limit the view of objects through the *use* of *landscaping* and/or *fencing*.

SECONDARY SUITE means a self-contained second *dwelling unit*, located within the *structure* of a *single-detached dwelling*.

SECONDARY USE means a *use* subordinate and naturally, customarily and normally incidental to and exclusively devoted to a *main use* of land or *building* and located on the same *lot*.

SENIOR CITIZEN HOME means a *residential building* featuring multiple *dwelling units* designed for occupation by *senior citizens*, which may include *ancillary uses* such as *lounges* and *recreation facilities*.

SENIOR CITIZEN means a person deemed to be eligible for accommodation in a *senior citizen home* under the terms of the *PEI Housing Corporation Act* or comparable Provincial statute.

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

SERVICE STATION means a *building* or part of a *building* or a clearly defined space on a *lot used* for the sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor *vehicles*.

SETBACK means the minimum horizontal separation distance between two objects as identified in this *Bylaw*, such as a *structure*, *street line*, *watercourse*, or *zone* boundary, except *fences*.

SEVERANCE - see **SUBDIVISION**.

SEWAGE DISPOSAL SYSTEM means any system or part thereof for disposing of sewage or waste by means of one or more settling or septic tanks and one or more disposal fields, and any other system or part thereof for sewage or waste disposal not directly connected to a municipal or approved central waste treatment system.

SEWAGE DISPOSAL SYSTEMS REGULATIONS means the *Sewage Disposal Systems Regulations* made under the *Environmental Protection Act*, as amended from time to time.

SEWAGE SYSTEM means a system of pipes for the disposal of sewage controlled by a utility.

SHARED HOUSING means a *use* that contains four (4) or more bedrooms, that meets one or more of the following:

- .i that are rented for remuneration as separate rooms for residential accommodation; or
- .i that are operated by a non-profit organization or a registered Canadian charitable organization that provides support services to the occupants of *the shared housing*, such as *group homes*, *dormitories*, *rooming houses*, and *community care facilities*, *nursing homes*, and senior citizen homes

and includes *shared housing with special care* but does not include a *bed and breakfast*, *short-term rental*, hotel, motel, or tourism establishment. For greater certainty, a *shared housing use* is not considered a *multiple attached dwelling use*.

SHARED HOUSING WITH SPECIAL CARE means a type of *shared housing use* that is designed to provide a level of care to residents with cognitive, physical or behavioural limitations including options for individual *dwelling units* for occupants, such as assisted living, community care, nursing homes, senior citizen homes, and includes a *group home*. For greater certainty, *shared housing with special care* must meet the definitions for *shared housing*.

SHORT-TERM RENTAL means the *use* of a residential *dwelling*, or one or more sleeping units or rooms within a *dwelling* for temporary overnight accommodation for a period of 29 days or less. This *use* does not include *bed and breakfasts*, *hotels* or *motels*.

SITE PLAN means an appropriately scaled drawing or drawings of the proposed *development* of a site, showing the existing and proposed natural and built features of the site.

SITE-SPECIFIC AMENDMENT USE means a use that is not allowable by right and is only permitted where a site-specific amendment has been enacted.

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

SOLAR ARRAY, GROUND-MOUNTED or **GROUND MOUNTED SOLAR ARRAY** means a *solar array* of any size that is structurally supported by the ground, rather than by a *building*.

SOLAR ARRAY, ROOF-MOUNTED or **ROOF MOUNTED SOLAR ARRAY** means a solar array that is structurally supported by a building, rather than by the ground.

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

SPECIAL PERMIT USE means a *use* that may be problematic within a *zone* and whose intensity, impacts or other characteristics require review by *Council* to ensure that the *development* meets certain restrictive performance standards for the *use* at the designated location.

STOREY means that portion of a *building* which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it provided that any portion of a *building* partly below *grade* shall not be deemed a *storey* unless its ceiling is at least 1.83 m. (6 ft.) above *grade* and provided also that any portion of a *storey* exceeding 4.27 m. (14 ft.) in *height* shall be deemed an additional *storey* for each 4.27 m. (14 ft.) or fraction thereof.

STREET LINE means the boundary of a *street* or *private road*.

STREET means all the area within the boundary lines of every *road*, *street* or right-of-way which is vested in the *Province* or the *Town* and used or intended for *use* by the general public for the passage of vehicles and includes any bridge over which any such *road*, *street* or right-of-way passes.

STRUCTURAL ALTERATIONS means any change in the supporting members of a *structure*, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, any change in the exterior dimensions of a *structure*, or any increase in the *floor area* of a *structure*.

STRUCTURE means any construction including a *building* fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a *swimming pool*.

STUDIO means a *building* or part thereof *used* for the study, or instruction on of any fine or commercial art including photography, music, visual arts, and commercial design or the sale of craft products.

SUBDIVISION AGREEMENT means an agreement executed between the *developer* and the *Town* respecting the terms under which a *subdivision* may be carried out.

SUBDIVISION or **SUBDIVIDE** means a severance, division, *consolidation*, or other re-configuration of a *lot(s)* or *parcel(s)* for the purpose of *development* and/or transfer of ownership.

SURVEY PLAN means an appropriately scaled drawing of survey details, certified by a *professional land surveyor*.

SWIMMING POOL means any outdoor *structure*, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 0.91 m. (3 ft.) or more at any point and having a minimum surface area 10 sq. m. (108 sq. ft.).

T

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

TEMPORARY USE means any *commercial* or non-commercial facility or *use* of a *parcel* of *land*, *structure* which by its nature is not permanently established or has a limited duration and shall include but not be limited to the following: yard sales, tents, *awnings*, lean-tos, kiosks, carts, prefabricated *structures*, sheds, moveable *vehicles* and moveable *structures* with or without chassis or wheels, and any other facility, *structure*, enclosure or device *used* or intended to be *used* for the *temporary display* or sale of retail goods, provision of services or sale of any food or beverage.

TINY HOME means a *dwelling unit*, affixed to the ground, not more than 55.7 sq. m. (600 sq. ft.) in *floor area* including loft *floor area* that is site built or prefabricated, permanently affixed to the ground, and provided with permanent on-site services and/or connected to municipal services.

TOURISM ESTABLISHMENT means an establishment that provides *temporary* accommodation for a guest for a continuous period of less than one month, and includes a *building, structure* or place in which accommodation or lodging, with or without food, is furnished for a price to travellers, such as a cabin, rental cottage, housekeeping unit, *hotel*, lodge, *motel*, inn, *hostel*, *bed and breakfast* establishment, resort, *recreational vehicle*, travel trailer park, *recreational vehicle park*, *yurt*, geodesic dome, bunkie, houseboat, *short-term rental*, camping cabin, and *campground*, but does not include a *summer camp*.

TOURISM INDUSTRY ACT means the *Tourism Industry Act*, R.S.P.E.I 1988, T-3.3, as amended from time to time.

TOURIST ATTRACTION means the operation of one or more commercial tourist attractions which includes indoor and/or outdoor activities, *structures*, scenic attractions, and/or educational, scientific, natural, cultural, heritage or entertainment experiences. This *use* may include indoor and outdoor interpretive, *display*, and performance spaces.

TOWN means the Town of O’Leary.

U

USE means any purpose for which a *structure* or *parcel* of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, business or operation carried on, or intended to be carried on, in a *structure* or on a *parcel*.

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

- .ii for the conveyance or transmission of telephone messages or internet services;
- .iii for the production, transmission, distribution or furnishing of electric energy; or
- .iv for the provision of water or sewer service,

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

UTILITY BUILDING means a *building* which houses stationary equipment for telephone, electric power, *public* water supply, or sewage services.

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

- .i for the conveyance or transmission of telephone messages or internet services;
- .ii for the production, transmission, distribution or furnishing of electric energy; or
- .iii for the provision of water or sewer service.

V

VARIANCE means an authorized relaxation from the standards imposed by this *Bylaw* with respect to *lot size* or dimensions, *setbacks*, area or the *height* or size of a *structure*.

VEHICLE means any motor *vehicle*, trailer, boat, motorized snow *vehicle*, mechanical equipment and any *vehicle* drawn, propelled or driven by any kind of power, including muscular power.

W

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

WATER ACT means the *Water Act* R.S.P.E.I. 1988, Cap. W-1.1, as amended from time to time.

WATER WITHDRAWAL REGULATIONS means the *Water Act Water Withdrawal Regulations* made under the *Water Act*, as amended from time to time.

WATERCOURSE AND WETLAND PROTECTION REGULATIONS means the *Watercourse and Wetland Protection Regulations* made under the *Environmental Protection Act*, as amended from time to time.

WATERCOURSE BOUNDARY means:

- .i in a non-tidal *watercourse*, the edge of the sediment bed; and
- .ii in a tidal *Watercourse*, the top of the bank of the *watercourse* and where there is no discernable bank, means the mean highwater mark of the *watercourse*.

WATERCOURSE means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any water therein, and any part thereof, up to and including the *Watercourse Boundary*.

WELL CONSTRUCTION REGULATIONS means the *Water Act Well Construction Regulations* adopted pursuant to the *Water Act*, as amended from time to time.

WETLAND BOUNDARY means where the vegetation in a *wetland* changes from aquatic or water-tolerant vegetation to terrestrial vegetation or water-intolerant vegetation.

WETLAND means an area which contains hydric soil, aquatic or water-tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the *wetland boundary*, and without limiting the generality of the foregoing, includes any area identified in the Prince Edward Island Wetland inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or a meadow.

WIND ENERGY FACILITY consists of any number of *Wind Turbine Generators* and associated roads, power lines, interconnection equipment, control systems, energy storage systems, inverters or transformers. Wind Energy Facilities are classified as follows:

SMALL WIND ENERGY FACILITY means any number of *Wind Turbine Generators* with an aggregate nameplate capacity equal to or less 100 KW.

LARGE WIND ENERGY FACILITY means any number of *Wind Turbine Generators* with an aggregate

nameplate capacity greater than 100 KW up to 1 MW.

PARTICIPATING PROPERTIES means a lot or parcel of land that are considered to be party to a *wind energy facility*, whose owners has confirmed in writing that they acknowledge their intent to host physical components, waive setback requirements, or generally participate in the *wind energy facility*.

WIND TURBINE GENERATOR or **WIND TURBINE** means all parts of a generator that converts kinetic energy from the wind to electrical energy, including the foundation, tower, blades, nacelle, and guy wires.

TOTAL TURBINE HEIGHT means the height from ground level to the top of the rotor at its highest point.

WIND TURBINE TOWER means the guyed or freestanding *structure* that supports a wind *turbine* generator.

WIND TURBINE TOWER HEIGHT means the height above *grade* to the centre of the rotor hub.

Y

YARD means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *structures* except as specifically permitted in this Bylaw and

FRONT YARD means a yard extending across the width of a *lot* between the *front lot line* and nearest wall of any *structure* on the *lot* and “minimum *front yard*” means the minimum depth of a *front yard* on a *lot* between the *front lot line* and the nearest main wall of any *structure* on the *lot*.

REAR YARD means a yard extending across the width of a *lot* between the *rear lot line* and the nearest wall of any *main structure* on the *lot* and “minimum *rear yard*” means the minimum depth of a *rear yard* on a *lot* between the *rear lot line* and the nearest main wall of any *main structure* on the *lot*.

SIDE YARD means a yard extending from the *front yard* to the *rear yard* of a *lot* between a *side lot line* and nearest wall of any *structure* on the *lot*, and “minimum *side yard*” means the minimum width of a *side yard* on a *lot* between a *side lot line* and the nearest main wall of any *main structure* on the *lot*.

FLANKAGE YARD means the *side yard* of a *corner lot* which *side yard* extends from the *front yard* to the *rear yard* between the *flankage lot line* and the nearest main wall of any *structure* on the *lot*.

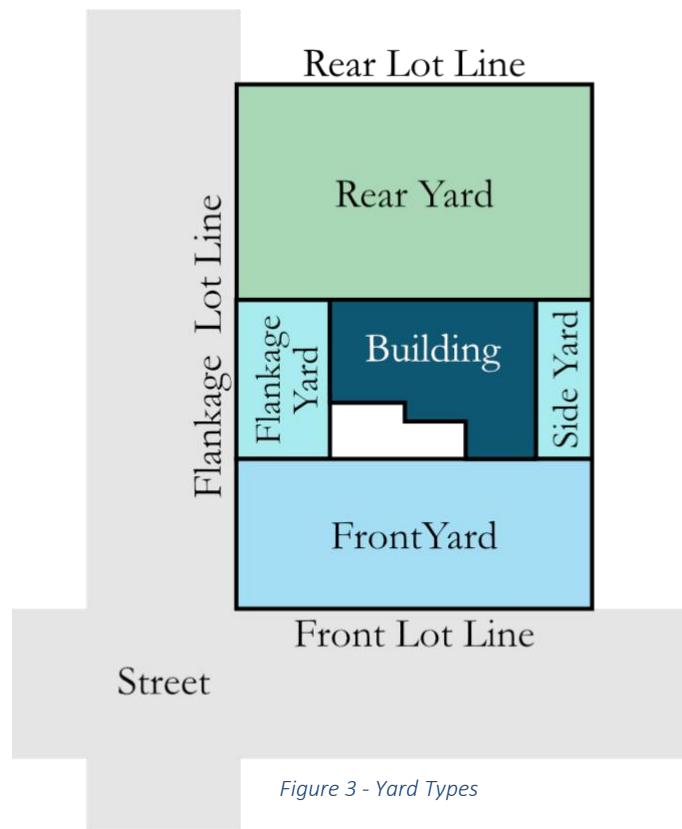


Figure 3 - Yard Types

Z

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

ZONING MAP means the map included as Schedule A to this *Bylaw* or as amended from time to time, depicting the boundaries of all land *use zones*.

3 DEVELOPMENT ZONES

3.1 DEVELOPMENT ZONES

- (1) For the purpose of this *Bylaw* the *Town* is divided into the following *zones*, the boundaries of which are subject to section 3.2 and are shown on the Zoning Map in Schedule A. Such *zones* may be referred to by the appropriate symbols.

ZONE	SYMBOL
Low Density Residential	R1
Medium Density Residential	R2
Mixed Density Residential	R3
General Commercial	C1
Industrial	M1
Public Service and Institutional	PSI
Recreation and Open Space	O1
Environmental Reserve (Overlay)	ER
Agricultural	A1

3.2 INTERPRETATION OF ZONE BOUNDARIES

- (1) Boundaries between *zones* as indicated in Schedule “A” shall be determined as follows:
- (a) where a *zone* boundary is indicated as following a *street*, the boundary shall be the center line of such *street*;
 - (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 *Town*, the limits shall be the boundary of the *Town*; or
 - (d) where none of the above provisions apply, the *zone* boundary shall be scaled from the original Zoning Map on file at the *Town’s* office .
- (2) The *Zoning Map* shall indicate the approximate boundaries of the Environmental Reserve (Overlay) (ER) Zone; however, the exact boundaries of the ER Zone shall be the boundaries of all *wetlands*, *watercourses*, and *buffer zones* as determined by the *Province’s* department responsible for the *Watercourse and Wetland Protection Regulations*.

3.3 ZONING MAP

- (1) Schedule A may be cited as the Zoning Map and forms a part of this *Bylaw*.

4 ADMINISTRATION

4.1 DEVELOPMENT PERMIT REQUIRED

(1) No *person* shall:

- (a) *change* the *use* of a *parcel* of land or a *structure* or part of a *structure*;
- (b) commence any “*development*”;
- (c) construct or replace any *structure* or *deck*;
- (d) make *structural alterations* to any structure;
- (e) establish or start a home-based business;
- (f) make any sewer connection;
- (g) make any underground installation such as a septic tank, fuel tank, or a foundation wall;
- (h) move or demolish any *structure* greater than 20 sq. m. (215.3 sq. ft.);
- (i) establish or operate an excavation pit;
- (j) construct a *street*;
- (k) construct a new driveway or alter a driveway access;
- (l) place, dump or remove any fill or other material;
- (m) establish or place a *swimming pool*;
- (n) *erect* or replace a *solar array*;
- (o) *subdivide* or consolidate a *parcel* or *parcels* of land; or
- (p) construct a *fence* over 1.22 m. (4 ft.) high

without first applying for, and receiving, a *development permit* or *subdivision* approval, as the case may be, except where otherwise specifically provided in this *Bylaw*.

4.2 NO DEVELOPMENT PERMIT REQUIRED

(1) Unless otherwise specified, no *development permit* shall be required for:

- (a) laying paving materials for patios or sidewalks;
- (b) constructing a *fence* 1.22 m. (4 ft.) or less 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* of less than 64 sq. ft. (6.4 sq. m.);
- (g) the use of a portion of any *dwelling unit* or *building accessory* to a *dwelling unit* as a personal office for residents of the *dwelling unit* provided the personal office will not be visited by members of the public and no signage is posted;

- (h) the use of a portion of any *dwelling unit* for the instruction of up to two students at a time provided no signage is posted;
- (i) *public utilities* located within the *street*, and
- (j) a *development* that involves the interior or exterior renovation of a *building* that will not change the shape of the *building* or increase its volume, will not add more *dwelling units*, or will not involve a change in the *use* of the *building*,

although the applicable requirements of this *Bylaw* shall still be met.

4.3 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS

- (1) Nothing in this *Bylaw* shall exempt any *person* from complying with the requirements of any other bylaw of the *Town* or from obtaining any license, permission, authority, or approval required by any other bylaw of the *Town* or any legislation or regulation of the *Province* or the Government of Canada.
- (2) Where the provisions of this *Bylaw* conflict with those of any other bylaw of the *Town*, the more stringent provision shall prevail.
- (3) When a *development* does not require a *development permit*, the requirements of the *Bylaw* and any other applicable bylaws of the *Town* or any statute, regulation, or other enactment of the *Province* or the Government of Canada, shall still apply.
- (4) A *development permit* issued under the *Bylaw* does not substitute or supersede the requirement for a building permit for the construction, *demolition*, occupancy or *use* of a *building* under the *Building Codes Act* and applicable regulations.
- (5) A building permit issued under the *Building Codes Act* and applicable regulations, does not substitute for or supersede the requirement for a *development permit* under the *Bylaw*.

4.4 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 *Town*. where the *person* applying for the permit is not the *owner* of the subject *property*, they must provide the *Town* with written authorization from the *property owner* allowing that person to apply for the permit on the *owner's* behalf as the authorized agent.
- (2) An application is considered incomplete, and a decision shall not be rendered on such an application, until such time as all required information is submitted, including the:
 - (a) application form, signed and dated by the *owner* or *owner's* authorized agent;
 - (b) the application fee and any other required fees in accordance with the schedule of fees established by *Council* and annexed hereto as Schedule C;
 - (c) *site plans*, drawings, and other representations of the proposed *development*, as required;
 - (d) approval(s) from other governments or agencies, as required; and
 - (e) additional information, as required by the *development officer*.

- (3) An incomplete application shall be considered null and void if the *applicant* does not submit the required information and does not make payment in full on the application, within six (6) months of submitting the initial application form.
- (4) An application submitted in accordance with the *Bylaw* shall constitute authorization for inspection of the *structure* or land in question by the *development officer*, or an officer or agent of the *Town*, for the purpose of ensuring compliance with the provisions of the *Bylaw*.
- (5) Notwithstanding any section of this *Bylaw*, *development permits* are not valid and will not be recognized until the application fee and any other required fees are paid in full, and the *development permit* is signed by the *applicant*.

4.5 SITE PLAN

- (1) Every application for a *development permit* shall be accompanied by a site plan, drawn to scale, and showing:
 - (a) the proposed *use* of the *lot* and each *structure* to be developed;
 - (b) the boundaries of the subject *lot*, including dimensions and *lot area*;
 - (c) the general location and *use* of every *structure* already *erected* on the *lot* and of *buildings* on abutting *lots* within 15.2 m. (50 ft.) of the location of the proposed *structure*;
 - (d) the location of the *sewage disposal system*, if required;
 - (e) the location of the well, if required;
 - (f) the distance between any existing or proposed well and *sewage disposal system*;
 - (g) the location of any well, *sewage disposal system*, and driveways within 30 m. (98.43 ft.) on adjacent *lots*;
 - (h) the proposed and existing location and dimensions of any *entrance way*, *parking space*, and *parking lot* on the *lot*;
 - (i) all existing *streets*, rights-of-way, and easements on and adjacent to the *lot*;
 - (j) the location of existing and proposed driveways, including the distance from the centre of the driveway to the nearest *property* boundary;
 - (k) the location and exterior dimensions of the proposed *structure*, including any *deck*, *porch* or veranda *attached* thereto;
 - (l) the distance from the proposed *structure* to all *property* boundaries;
 - (m) the distance from the proposed *structure* to any existing *structures*;
 - (n) elevation plan(s) of each exterior wall of the proposed *structure*;
 - (o) slope and direction of surface drainage;
 - (p) the distance from the proposed *structure* to the boundary of any *wetland*, *watercourse*, or the top of the bank adjacent to a *wetland* or *watercourse* and the location of the *buffer zone* as defined in the *Watercourse and Wetland Protection Regulations*;
 - (q) north arrow and scale; and
 - (r) any other information the *development officer* deems necessary to determine whether the proposed *development* conforms to the requirement of this *Bylaw*.

4.6 OTHER INFORMATION

- (1) The *development officer* or *Council* may require an applicant to submit any additional information related to the proposed *development* which is deemed necessary in order to determine whether or not the *development* conforms to the requirements of the *Bylaw*, *Official Plan*, and applicable laws of the *Province*, including but not limited to the following:
 - (a) *parking lot* layout and internal circulation patterns;
 - (b) location of garbage containers, storage areas, and description of any screening or *fencing*;
 - (c) landscaping plan;
 - (d) *buffer zones* adjacent to wetland areas or watercourses;
 - (e) existing vegetation;
 - (f) easements;
 - (g) surveys;
 - (h) existing and proposed contours;
 - (i) adjacent surface water features and steep slopes;
 - (j) the stormwater management plan for the *subdivision*;
 - (k) the location of *open space* and *amenity areas*;
 - (l) existing and proposed vegetation including trees and *landscaping*, with proposed and existing differentiated;
 - (m) the proposed storage areas and description of any *screening* or fencing;
 - (n) the location and size of underground shared sewer and water utilities;
 - (o) an indication that consideration has been given to accommodating the appropriate future *development* of the balance of the site; and
 - (p) traffic impact studies.
- (2) In the event of an application in relation to a *lot* located in or within 30 m. (98.43 ft.) of the Environmental Reserve (ER) *Zone*, the boundary of the *watercourse* or *wetland* shall be delineated on a *survey plan*, which shall be dated no more than 12 months from the date of the application.

4.7 SURVEYS REQUIRED

- (1) Where it is necessary to confirm the location of an existing *structure* in relation to a boundary in order to determine the compliance of an application with this *Bylaw* or other bylaws, policies or regulations in force which apply to the proposed *development*, the *development officer* may require the *developer* to provide a *survey plan*.
- (2) Following the issuance of a *development permit* for any proposed *development* within 0.30 m. (1.0 ft.) or less of the minimum *setback* permitted in the *zone*, a footing certificate or *survey plan* shall be prepared by a *professional land surveyor* and submitted to the *Town* to confirm the location of the *building's* footing prior to the foundation walls being poured.
- (3) The *site plan* shall be based on a *survey plan* when:

- (a) the *lot* subject to a *development* does not meet the minimum *lot area* or *lot frontage* requirements of this *Bylaw*; or
- (b) the location of an existing *structure* with respect to the *lot* boundary or with respect to the proposed *structure* is necessary, in the opinion of the *development officer*, in order to determine whether the application complies with the *Bylaw*.

4.8 CONDITIONS ON PERMITS

- (1) *Council* or the *development officer*, as the case may be, shall have the authority to impose conditions on a permit subject to such conditions being directly related to or consistent with the *Town's* bylaws and *Official Plan*.

4.9 PROCEDURES FOR SPECIAL PERMIT USES

- (1) A *development permit* for *special permit use* set out in a *zone* may be issued in that *zone* if *Council* is satisfied that the proposed *development*:
 - (a) is deemed appropriate and complements the scale of the adjoining *properties*;
 - (b) would not be contrary to the general intent and purpose of the *Official Plan*, to this *Bylaw*, and to the public interest, and
 - (c) is not likely to cause any hardship to surrounding *properties* due to excessive noise, traffic congestion or any other potential unreasonable nuisance.

4.10 FIRE MARSHAL APPROVAL

- (1) The *development officer* shall refer applications involving the following *uses* to the *Province's* fire marshal's office for comment prior to the *development permit* being issued:
 - (a) twelve or more *dwelling units* on a single *parcel*;
 - (b) *commercial uses*;
 - (c) *institutional uses*; and
 - (d) outdoor sporting event or concerts.
- (2) The *development officer* may refer any other applications for a *development permit* as required to the *Province's* fire marshal's office for comment prior to the *development permit* being issued.

4.11 DEVELOPMENT AGREEMENT

- (1) *Council* may require any *owner* of a *property* that is the subject of an application for a *development permit* to enter into a *development agreement*. This *development agreement* shall be a contract binding on both parties, containing all conditions which were attached to the *development permit*, as well as any other matters identified pursuant to subsection (2). Failure to comply with a *development agreement* shall constitute an offence under this *Bylaw*.
- (2) A *development agreement* may address but shall not be limited to the following matters:
 - (a) site design;
 - (b) the design and construction of sidewalks, pathways and other pedestrian access matters;
 - (c) *landscaping* and screening;

- (d) vehicular accesses and exits;
 - (e) the design and allocation of *parking lots* and *parking spaces*;
 - (f) security and safety lighting;
 - (g) posting of a financial guarantee, performance bond, or other security satisfactory to *Council*;
 - (h) methods of waste storage and disposal;
 - (i) fencing; and
 - (j) any other matters that *Council* deems necessary to ensure compliance with this *Bylaw*.
- (3) The development agreement shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *development agreement*, including the *Town's* legal fees, shall be paid by the *developer*.
- (4) A *development permit* issued subject to a *development agreement* shall include a condition that the *development agreement* be signed prior to the issuance of the *development permit*.

4.12 AUTHORIZATION FOR INSPECTION

- (1) An application submitted in accordance with the *Bylaw* shall constitute authorization for inspection of the *structure* or land in question by the *development officer* or an officer or agent of the *Town* for the purpose of ensuring compliance with the provisions of this *Bylaw* and in accordance with Part IV of the *Planning Act* and Part 9, Division 1 of the *Municipal Government Act*.

4.13 CONSTRUCTION PLANS

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

4.14 CERTIFICATE OF COMPLIANCE

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

4.15 PERMITS POSTED

- (1) The *property owner* shall be responsible for displaying a copy of all permits in a visible location on the *property*.

4.16 EXPIRY OF APPROVALS

- (1) A *development permit* shall be valid for a 24-month period from the date of issue.

- (2) If, after 24 months, work has not been completed, an application shall be made to the *development officer*, the appropriate fee shall again be paid, and a new *development permit* shall be obtained before any further work is undertaken, and the application shall be assessed against the requirements of this *Bylaw* and the *Official Plan* at the time of re-application.
- (3) Preliminary approvals of a *subdivision* shall be effective for a period of 24 months.

4.17 MOVING OF BUILDINGS

- (1) 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.
- (2) When a *structure* has been moved or *demolished*, the *applicant* shall be responsible for ensuring the *lot* is *graded* appropriately to address any potential stormwater run-off.

4.18 DEVELOP IN ACCORDANCE WITH APPLICATION

- (1) Any *person* who has been granted a *development permit* shall develop in accordance with the information given on the prescribed application form and the conditions included in the *development permit* or *development agreement*.
- (2) No *building* shall be *erected* or placed except in conformance with the approved finished *grade* for its site or the street, after its construction.

4.19 DENYING PERMITS

- (1) No *development permit* shall be issued if:
 - (a) the proposed *development* does not conform to this *Bylaw* or other bylaws of the *Town* or any applicable enactments of the Province or of the Government of Canada;
 - (b) the proposed *development* could injure or damage a neighbouring lot or other *property* in the *Town*, including but not be limited to, hazards, injuries or damages arising from water drainage run-off and flooding;
 - (c) the method of water supply is not appropriate;
 - (d) the method of sanitary waste disposal is not appropriate;
 - (e) there is not a safe and efficient access to a *street*;
 - (f) the proposed *development* would create unsafe traffic conditions;
 - (g) the proposed *development* involves a proposed access that requires the use of a *private road* or access over an adjacent *property* for which a legal right-of-way has not been properly granted;
 - (h) the proposed *development* would have a *detrimental impact* on the environment, including by reason of noise, dust, drainage, infilling, or excavation which affects environmentally sensitive areas; or
 - (i) the proposed development does not conform to any landscaping or lot grading policy adopted by council.
- (2) The *development officer* may revoke a *development permit* where information provided on the application is found to be inaccurate.

5.2 BED AND BREAKFAST AND SHORT-TERM RENTALS

- (1) *Bed and Breakfasts* shall be permitted to operate in any *single-detached dwelling* subject to the following:
 - (a) the *dwelling* shall be occupied as a residence by the principal operator and the external appearance of the *dwelling* shall not be changed by the *bed and breakfast* operation;
 - (b) not more than 3 rooms shall be offered for overnight accommodation;
 - (c) adequate off-street parking, shall be provided in accordance with Part 5 of this Bylaw and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
 - (d) there shall be no *outdoor storage* or visible *outdoor display* area.
- (2) A *short-term rental* shall be permitted to operate in any *single-detached dwelling* subject to the following:
 - (a) the external residential appearance of the *dwelling* shall not be changed by the *short-term rental* operation; and
 - (b) there shall be no *outdoor storage* or *outdoor display* area.
- (3) Notwithstanding clauses 5.3 (1)(b), *Council* may allow a larger number of rooms, where it deems that such a *development* is appropriate and there would be no significant inconvenience or nuisance to adjoining *properties*.

5.3 EXISTING NON-CONFORMING LOTS

- (1) Notwithstanding any other provisions of this Bylaw:
 - (a) a vacant *lot* held in separate ownership from adjoining *parcels* on the effective date of this *Bylaw*, having less than the minimum width or area required, may be used for a purpose permitted in the *zone* in which the *lot* is located and a *structure* may be *erected* on the *lot* provided that all other applicable provisions in this Bylaw are satisfied; and
 - (b) a *lot* containing a *structure* and held in separate ownership from adjoining *parcels* on the effective date of this *Bylaw*, having less than the minimum *frontage*, *lot depth* or *lot area* required by this *Bylaw*, may be used for a purpose permitted in the *zone* in which the *lot* is located, and a *development permit* may be issued provided that all other applicable provisions in this *Bylaw* are satisfied.
- (2) A non-conforming *lot* which is increased in area or *lot frontage* or both, but remains undersized, is still considered an existing non-conforming *lot*.

5.4 EXISTING NON-CONFORMING STRUCTURES

- (1) Where a *structure* has been *erected* on or before the effective date of this *bylaw* having less than the minimum *frontage* or area, or having less than the minimum *setback* or *side yard* or *rear yard* required by this *Bylaw*, the *structure* may be enlarged, reconstructed, repaired or renovated provided that:
 - (a) the enlargement, reconstruction, repair or renovation does not further reduce the *front yard*, *side yard* or *rear yard* which does not conform to this *Bylaw*; and
 - (b) all other applicable provisions of this *Bylaw* are satisfied.
- (2) If a *structure* which does not conform to provisions of this *Bylaw* is destroyed by a fire or otherwise to an extent of 50% or more of the assessed value of the *structure* above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this *Bylaw*.

5.5 EXISTING NON-CONFORMING USES

- (1) Subject to the provisions of this *Bylaw*, a *structure*, or *use* of land or *structures* lawfully in existence on the effective date of approval of this *Bylaw* may continue to exist.
- (2) A *structure* shall be deemed to exist on the effective date of approval of this *Bylaw* if:
 - (a) it was lawfully under construction; or
 - (b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within 6 months after the date of the issue of the *development permit* and is completed in conformity with the *development permit* prior to its expiry.
- (3) Notwithstanding anything else in this *Bylaw*, a *structure*, or *use* of land or *structures* lawfully in existence on the effective date of this *Bylaw* may be changed to a *use* permitted on the *lot* where the *lot* Area or *frontage* or both is less than that required by this *Bylaw*, provided that all other applicable provisions of this *Bylaw* are satisfied.
- (4) No structural alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a *structure* while a non-conforming *use* thereof is continued;
- (5) Any change of tenants or occupants of any premises or *building* shall not of itself be deemed to affect the *use* of the premises or *building* for the purposes of this *Bylaw*;
- (6) A non-conforming *use* of land 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, *structure* shall not thereafter be used except in conformity with this *Bylaw*.
- (7) No increase in the area occupied by the non-conforming *use* shall occur while a non-conforming *use* is being continued to the extent that the increase in the area would have the impact of changing the type of *use*, modifying or adding activities.

5.6 FRONTAGE ON A STREET AND ACCESS

- (1) Subject to subsections (2), no *development permit* shall be issued unless the *lot* or *parcel* of land intended to be used or upon which the *structure* is to be *erected* abuts and fronts upon a *street*.
- (2) *Council* may approve a *development permit* for a residential or commercial *structure* which fronts on a *private right-of-way*, provided that the following criteria are met:
 - (a) no reasonable provision can be made to provide access to a *street*;
 - (b) safe ingress and egress from the *lot* can be provided from the *lot* or *private right-of-way* to a *street*;
 - (c) the *applicant* can establish legal entitlement to use the *private right-of-way* for access to the *property* in question and any such legal entitlement that has been established through an agreement with the *owner* of the *private right-of-way* shall be registered in accordance with the provisions of the *Registry Act*; and

- (d) The *owner* shall be required to enter into a *Development Agreement* with the *Town*, registered in accordance with the provisions of the *Registry Act* at the *applicant's* expense, acknowledging the following: *The private right-of-way serving PID _____ is not owned or maintained by the Town of O'Leary and therefore the Town of O'Leary shall have no liability for the private right-of-way. Without limiting the generality of the foregoing, the Town of O'Leary shall not be responsible for providing any services of any nature or kind to the private right-of-way. In addition, the private right-of-way may not be entitled to receive other public services such as grading, ditching, snowplowing, gravelling, school busing, solid waste collection, or emergency vehicle access.*
- (3) All fees associated with the preparation and registration of the *development agreement* required under clause (2)(d) including the *Town's* legal fees, shall be paid by the *applicant*.
- (4) No *person* shall construct or use an entrance way except where that entrance way meets the minimum requirements as established under the *Planning Act*, the *Roads Act*, or any successor enactment.

5.7 HEIGHT REGULATIONS

- (1) Any maximum *height* restriction set out in this *Bylaw* shall not apply to steeples, spires, lightning rods, water tanks, monuments, elevator enclosures, silos, flag poles, lightning standards, television or radio antennas, communications towers, ventilators, skylights, chimneys, smokestacks, clock towers, power transmission towers, roof top cupolas, utility poles, *roof-mounted solar arrays*, fire towers, tourism attractions, or drive-in theatre screens.
- (2) Notwithstanding any maximum *height* restriction set out in this *Bylaw* and the variance provisions in Part 16, *Council* may approve a *building* exceeding the maximum *height* where:
 - (a) the *building* and construction are in accordance with the National Building Code;
 - (b) the firefighting access has been approved by the *Province's* fire marshal's office and the *Town's* fire protection provider; and
 - (c) the *Building* contains a sprinkler system.

5.8 HOME-BASED BUSINESSES

- (1) Where a *property* is used for a *home-based business use*, the following shall apply:
 - (a) the *dwelling* shall be occupied as a residence by the principal operator;
 - (b) the external residential appearance of the *building* or *property* shall not be changed by the *home-based business*;
 - (c) there shall be no more than two non-resident assistants or employees for the *home-based business*;
 - (d) a maximum of either
 - (i) 25% of the *total floor area* of the *dwelling*; or
 - (ii) in the case of a *single-detached dwelling lot*, up to 100% of the *total floor area* of an *accessory structure*
 shall be occupied by the *home-based business*;

- (e) *adequate street* access and *off-street parking spaces* shall be provided in accordance with Part 6 of this *Bylaw* and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
 - (f) there shall be no *open storage* or *display area*;
 - (g) the *home-based business* may be permitted in the *dwelling* or in an *accessory structure* on a *lot* containing a *single-detached dwelling* but shall be restricted to the *dwelling* for other *dwelling* types; and
 - (h) *premise signs* shall be restricted to a maximum of 0.258 sq. m. (400 sq. in) in total.
- (2) The use of a *residential property* for *automobile sales and service establishments*, *car washes*, or *auto body shops* as *home-based businesses* shall be prohibited in a residential or agricultural zone.
- (3) The *home-based business* shall not create a nuisance to residents in the surrounding neighbourhood such as:
- (a) generating traffic in a greater volume than would be normally expected in a residential neighbourhood;
 - (b) generating noise at greater levels than would be normally expected in a residential neighbourhood;
 - (c) hours of operation;
 - (d) the creation of any vibration, heat, glare, odour or electrical interference, which is detectable from outside the *dwelling*; or
 - (e) use or store hazardous, toxic, flammable, or explosive substances;
 - (f) the discharge of any smoke, fumes, toxic substances or other noxious matter into the atmosphere.
- (4) *Home office uses* shall be permitted in all *dwelling units*, subject to the following:
- (a) the principal operator of a *home office use*, and any employees, shall reside on the *lot* where the *use* is located;
 - (b) any *home office use* shall be wholly contained within a *dwelling unit* or an *accessory structure*, and shall not be apparent from the outside of the *dwelling unit* or *accessory structure*; and
 - (c) no signage is permitted for a *home office use*.

5.9 LANDSCAPE BUFFERING

- (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 and other factors that may adversely affect adjacent residential amenity;
- (2) Where a General Commercial (C1) Zone or the Industrial (M1) Zone abuts the R1 Zone, Agricultural Zone, or an existing residential use along a *side* or *rear lot line* or both, the provision of a landscaping buffer of not less than 7.6 m. (25 ft.) in width along that *side* or *rear lot line* providing a visual buffer and maintained clear of any *structure*, driveway or *parking lot* shall be included as a condition on the *development permit* where a *development permit* for a *commercial* or *industrial use* has been granted for the C1 or M1 Zone *property*.
- (3) An adequate landscape buffer may consist of, among other things, the following or a combination of the following:

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

5.10 MAIN BUILDING

- (1) Except in an R1 or R2 zone, more than one (1) main building may be placed on a lot in any zone, provided all other provisions of this *Bylaw* are met.
- (2) More than one (1) *residential main building* may be permitted on a *parcel* where *clustered housing* is a *permitted use*.
- (3) Where more than one *main building* is located on the same *lot* and is serviced by an *internal drive* providing access to the *street* or right-of-way:
 - (a) the *development officer* may refer the proposed access and the *site plan* and *internal drive* design, to the *Province's* Fire Marshal's Office and the *Province's* department responsible for the *Roads Act* for review and comment;
 - (b) the name of the *internal drive* shall be submitted for approval by the *Province's* Minister of Justice & Public Safety, in accordance with the *Emergency 911 Act*, where the *development* results in three (3) or more civic addressed *dwelling*s, *buildings*, or units sharing the same *internal drive* or driveway, prior to the issuance of any permits; and
 - (c) in the case of a *clustered housing development*, the *internal drive* shall be designed by, constructed under the supervision of, and certified by, a *professional engineer*;
- (4) *Where clustered housing is being proposed*:
 - (a) the minimum *lot area* shall apply to the entire *property* where multiple *buildings* are being proposed, including any per-unit *minimum lot area* required under the applicable *zone*;
 - (b) the minimum *lot frontage* shall be calculated as if one *building* is being located on the *lot*; and
 - (c) the minimum standards of the *zone* including *setbacks* shall apply to each individual *building*.
 - (d) the maximum *lot coverage* shall be calculated using the combined coverage of all *structures* on the *property*.

5.11 MAXIMUM LOT COVERAGE

- (1) Maximum *lot coverage* shall be determined as the percentage of the *lot* covered by the *main building(s)* and any *accessory structure(s)*.

5.12 MIXED USE

- (1) Where any land or *building* is used for more than one (1) purpose, all provisions of this *Bylaw* relating to each *use* shall be satisfied.
- (2) Where there is a conflict such as in the case of *lot area* or *lot frontage*, the higher or more stringent standard shall prevail.

5.13 ON-SITE WELLS AND SEPTIC SYSTEMS

- (1) Any *permit* for a residential, commercial, industrial or institutional *building* located on a *lot* that is not able to be connected to the municipal sewer system shall be conditional on the execution of a *development agreement* that will require the *property owner* to connect the *property* to municipal sewer at such as time as servicing is feasible.
- (2) Notwithstanding the minimum *lot* size standards of this *Bylaw*, all applications involving an on-site *sewage disposal system* or on-site water supply must meet the requirements of the *Province-Wide Minimum Development Standards Regulations* for on-site servicing based on soil category, as included as Schedule B of the *Bylaw*, and the *Sewage Disposal Systems Regulations*, *Water Withdrawal Regulations*, and *Well Construction Regulations*.
- (3) Every application for a *development permit* involving an on-site *sewage disposal system* or on-site water supply, or both, shall include a *site plan* showing the location of the on-site *sewage disposal system* and all proposed *structures*, a copy of the sewage disposal system Registration Form, and a site assessment for any *lot* for which a site assessment pursuant to the *Environmental Protection Act* has not been conducted within 22.86 m. (75 ft.) of the *lot* since December 31, 2006.
- (4) Every on-site *sewage disposal system* with a capacity of more than 6810 litres shall be designed and certified by a *professional engineer*.
- (5) Any application for a *development* or *subdivision* where daily groundwater extraction rates are expected to be higher than 25 cubic meters per day or in areas with existing intensive *development* or where, in the opinion of *Council*, there are concerns about the supply or quality of groundwater shall be referred to the *Province's* department responsible for the *Environmental Protection Act* or the *Water Act*.
- (6) Where *Council* has approved a *variance* to the minimum *lot frontage*, *lot area* and/or circle diameter requirements of the *Province-Wide Minimum Development Standards Regulations* in accordance with sections 4, 5, or 9 of those Regulations, or where the minimum *lot* size standards do not apply pursuant to section 8 of those Regulations, an application for a *development permit* shall also include the following:
 - (a) an on-site *sewage disposal system* proposal appropriate for the soil type, *lot area* and proximity to adjacent *lots*, designed and certified by a *professional engineer*; and
 - (b) confirmation from a licensed well driller that the proposed well location meets all applicable requirements for separation distance from adjacent existing wells and/or *sewage disposal systems* within the *lot*, or to wells or *sewage disposal systems* on adjacent *lots*.

5.14 PERMITTED USES IN ALL ZONES

- (1) The following *uses* are permitted in all *zones*: temporary construction facilities such as sheds, scaffolds and equipment incidental to the *development* for a maximum period of six months or for so long as construction is in progress, whichever is earlier, and for a maximum of 30 days following the completion of the *development*.
- (2) Except where otherwise specifically provided in this *Bylaw*, *public parks* or *open space*, *public utilities*, *private utilities*, *utility buildings*, and service facilities including, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, *utility* services, and stormwater management facilities:
 - (a) may be located in any *zone*; and

- (b) no *zone* standards related to *setbacks*, *lot size*, and siting in *yards* shall apply.

5.15 PETROLEUM STORAGE TANKS

- (1) Underground Petroleum Storage Tanks shall require a *development permit* from the *Town* before installation may proceed. In processing such application, the *Town* shall refer the application initially to the *Province's* department having jurisdiction for these facilities whereupon such application will be processed in accordance with applicable regulations. The *Town* shall not issue a permit to the *developer* until it has received written approval from the appropriate government authority.

5.16 RECREATIONAL VEHICLES

- (1) No *person* shall use or occupy a *recreational vehicle* other than in an approved *campground* unless *Council* has issued a *temporary permit* for such use under this section of this *Bylaw*.
- (2) A permit issued in accordance with subsection (1) shall be valid for one single period of not more than 120 days per year.
- (3) A *recreational trailer* occupied in accordance with this *Bylaw* shall be vacated or removed from the *lot* or *parcel* of land immediately following expiry of the *development permit*.
- (4) Notwithstanding subsection 5.16(1) above, an *owner* of a *parcel* may park and store a *recreational vehicle* on their *parcel* when it is not in use, provided the *recreational vehicle* is not located in the *front yard* and meets the *rear yard* and *side yard setback* requirements for a *single-detached dwelling* as required in the *zone* in which it is located.
- (5) Notwithstanding subsection 5.16(1) above, an *owner* of a *parcel* may occupy a *recreational vehicle* on their *parcel* if:
 - (a) the *owner* has obtained a *development permit* for the construction of a *dwelling* on that *parcel*; and
 - (b) the work has commenced on that *parcel*; and
- (6) The provisions of section 5.21 shall not apply to *temporary permits* issued under this section.

5.17 SECONDARY SUITES AND GARDEN SUITES

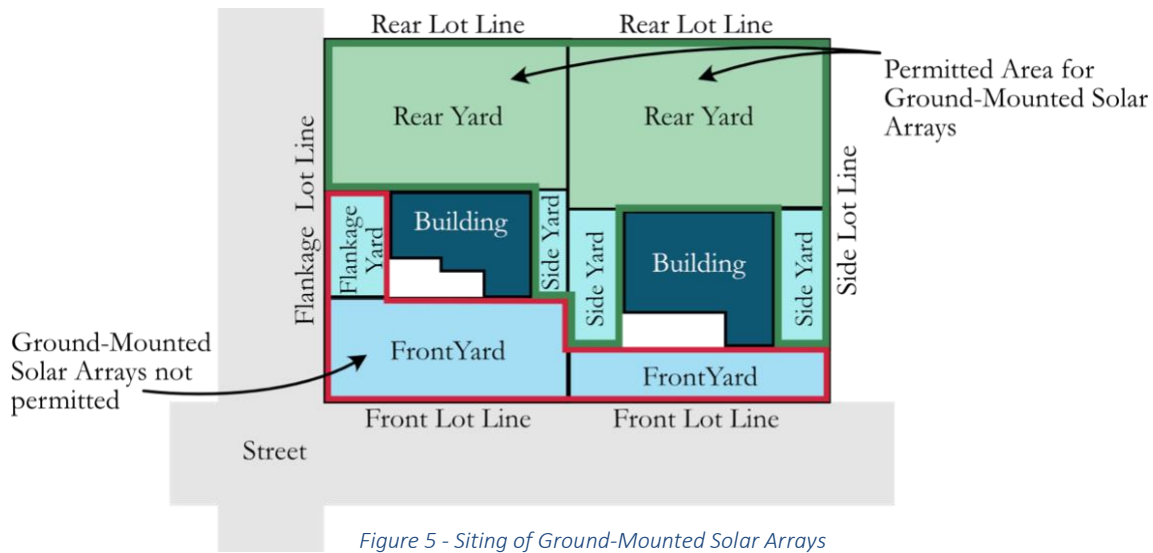
- (1) One (1) *secondary suite* may be constructed within any existing *single-detached* dwelling if the *owner* of the *dwelling*, provided the following conditions are met:
 - (a) the *property owner* submits a written application to the *Town* on the prescribed form;
 - (b) the *total floor area of all storeys of a secondary suite does not exceed the lesser of*:
 - (i) eighty percent (80%) of the *total floor area* of all *storeys* of the entirety of the main *single-detached dwelling unit* (excluding the *garage floor area*, and common spaces serving both *dwelling units*); or
 - (ii) 80 sq. m. (861 sq. ft.);
 - (c) one *parking space* is provided for the *secondary suite*, in addition to the *parking space(s)* required for the main *dwelling* under section 6.1 of this *Bylaw*;

- (d) *the secondary suite meets the requirements of the National Building Code and all requirements under the Town's bylaws; and*
- (e) *water and wastewater treatment services for the secondary suite are provided through the single-detached dwelling and in the case of a connection with a septic tank system, the capacity of the systems shall be upgraded as needed to accommodate the increased intensity of use.*
- (2) *A secondary suite shall not be occupied by a shared housing use.*
- (3) *One (1) garden suite per single-detached dwelling lot shall be permitted in any zone provided that:*
 - (a) *the property owner submits a written application to the Town on the prescribed form;*
 - (b) *the garden suite does not exceed 80 sq. m. (861 sq. ft.) in total floor area;*
 - (c) *the garden suite does not exceed one storey in height;*
 - (d) *the garden suite is connected to the same electrical, water and sewage services as the principal dwelling on the lot, and that, in the case of a connection with a septic tank system, the capacity of the tank is adequate to accommodate both the principal dwelling and the garden suite;*
 - (e) *the aggregate coverage of the lot by the principal dwelling and the garden suite does not exceed thirty-five percent (35%);*
 - (f) *one parking space is provided for the garden suite, in addition to the parking space(s) required for the main dwelling under section 6.1 of this Bylaw;*
 - (g) *the garden suite utilizes the existing access driveway to the lot;*
 - (h) *the garden suite is not located in the front or flankage yard of the lot, and meets the minimum side and rear yard setbacks;*
 - (i) *the garden suite is constructed and erected in such a manner as to be capable of being readily removed from the site.*
- (4) *A garden suite shall not be occupied by a shared housing use.*
- (5) *Notwithstanding the requirements of clause (2)(c), Council may approve a garden suite having its own connection to the Town's sewer system where in the opinion of Council, a shared connection would not be feasible and separate connections would comply with all utility requirements.*

5.18 SOLAR ENERGY SYSTEMS

- (1) *Roof-mounted solar arrays shall be permitted in all zones, subject to the following:*
 - (a) *Roof-mounted solar arrays shall be installed in conformity with Chapter 11 of the National Fire Prevention Association (NFPA) 1 Fire Code.*
- (2) *Ground mounted solar arrays shall be permitted in all zones, subject to the following:*
 - (a) *the minimum setback to adjacent side or rear lot lines for ground mounted solar arrays shall be 4.6 m. (15 ft.) or the height of the ground mounted solar array as measured from grade to the highest point of the solar array, whichever is greater;*
 - (b) *the maximum height of a ground mounted solar array, as measured from grade to the highest point of the solar array, shall be 4.3 m. (14 ft.).*
 - (c) *in a residential zone, ground mounted solar arrays may only be placed in the rear or side yard; and*

- (d) the owner of the *ground mounted solar array* shall remove the *ground mounted solar array* and associated equipment sufficient to return the land to its previous use within two (2) year of the date the *ground-mounted solar array* ceases to generate electricity.
- (3) The application for a *development permit* for a *ground-mounted solar array* must include, in addition to the requirements of sections 4.5 and 4.13, the design of the solar collectors including racking and footings.
- (4) *Ground-mounted solar arrays* shall be subject to the *lot coverage* standards for the *zone* in which they are located.



5.19 STRUCTURES WITH COMMON WALLS

- (1) Notwithstanding any other provisions of this *Bylaw*, where *buildings* on adjacent *lots* share a common wall, the applicable *side yard* requirement shall be zero (0) along the common *lot line*.
- (2) No *semi-detached dwellings* or *townhouse dwelling* shall be erected in a manner which will not permit subdivision into individual *lots* pursuant to section 18.9.

5.20 SWIMMING POOLS

- (1) The installation of a *swimming pool* shall be permitted in any *zone* in accordance with the following provisions:
 - (a) a *development permit* has been issued for the *swimming pool*;
 - (b) a 1.8 m. (6 ft.) *fence* fully encloses the *swimming pool* and is constructed in such a manner so as to impede unauthorized persons from entering over or under said *fence*;
 - (c) any gate on such *fence* is self-closing and self-latching to prevent its opening from outside the fenced area;
 - (d) notwithstanding clause 5.20(1)(b), the *development officer* may allow one or more *buildings* to take the place of a portion of the *fence* so long as the *swimming pool* is fully enclosed by the *fence* and *building(s)*;
 - (e) the *swimming pool* is placed not less than 4.5 m. (15 ft.) from the nearest *side yard line* and not less than 6.1 m. (20 ft.) from the *rear lot line*;

- (f) disposal of water after de-chlorination shall be either through the sanitary sewer system or carried off by truck unless otherwise authorized by *Council*; and
- (g) the *developer* shall agree that other reasonable initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the *developer* or the *Council*; and
- (h) the *swimming pool* shall not be located within a required yard that abuts a *street*.

5.21 TEMPORARY USES

- (1) *Temporary structures* shall conform to the *setback* requirements for an *accessory structure* in the *zone*.
- (2) The *development officer* may issue a *temporary permit* for the temporary *erection* of a *structure* or the *temporary use* of land in any *zone* in order to accommodate a special event, *use*, or occasion. The *development officer* may attach such conditions as they deem appropriate to ensure public safety and to mitigate any negative impacts on surrounding properties, including but not limited to parking, water supply, wastewater disposal and emergency management.
- (3) *Council* may grant a seasonal *temporary use* permit for a period not exceeding 5 months where, in the opinion of *Council*, the *temporary use* is compatible with an established or proposed permanent facility on the *parcel* of *land* and does not represent a conflict or nuisance to *property owners* in the vicinity or the general public. *Council* may attach such conditions it deems appropriate to ensure public safety and to mitigate any negative impacts on surrounding properties, including but not limited to parking, water supply, wastewater disposal and emergency management.
- (4) No more than four (4) *temporary use* permits shall be issued for any *parcel* of land in any calendar year.
- (5) The hours of the *temporary use* shall be limited from 8:00 a.m. - 11:00 p.m. daily, unless otherwise authorized by *Council*.
- (6) No *temporary permits* shall be granted where:
 - (a) parking facilities are not adequate;
 - (b) ingress or egress or both to the site would create excessive congestion or a traffic hazard;
 - (c) washroom facilities are not adequate;
 - (d) garbage collection and storage facilities are not adequate; or
 - (e) the *use* would create a conflict due to excessive noise, hours of operation, lighting or another nuisance.
- (7) No *temporary use* shall be permitted to encroach within the *front yard*, *rear yard* or *side yards* as required under this *Bylaw*.

5.22 VISIBILITY AT STREET INTERSECTIONS

- (1) On a *corner lot*, within a triangular area 6.1 m. (20 ft.) back from the intersecting *corner lot line*, no *fence, sign, hedge, shrub, bush* or tree or any other *structure* or vegetation shall be *erected* or permitted to grow to a *height* greater than two ft. above *grade* of the abutting *streets*.

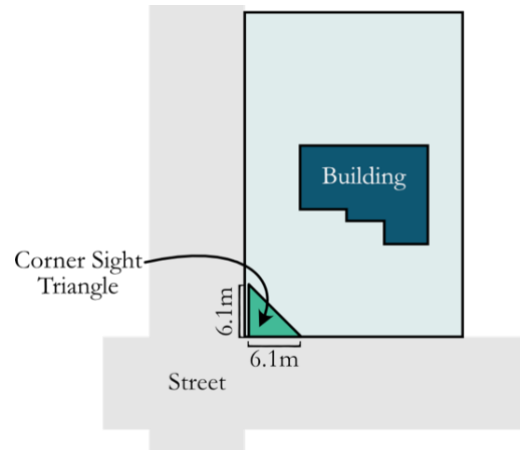


Figure 6 - Corner Sight Triangle

6 PARKING REQUIREMENTS

6.1 PARKING REQUIREMENTS

- (1) For every *building* to be *erected*, placed, used or enlarged, there shall be provided and maintained off-street parking on the same *lot* to the extent prescribed in the following:

PRIMARY TYPE OF BUILDING	# OF PARKING SPACES
<i>Single-detached dwelling</i>	<i>2 parking spaces</i>
<i>Duplex dwelling</i>	<i>2 parking spaces per dwelling unit</i>
<i>Semi-detached dwelling</i>	<i>2 parking spaces per dwelling unit</i>
<i>Townhouse dwelling or row house dwelling</i>	<i>2 parking spaces per dwelling unit</i>
<i>Multiple attached dwelling</i>	<i>1.5 parking spaces per dwelling unit</i>
<i>Secondary suite or Garden Suite</i>	<i>1 parking space</i>
<i>Shared housing with special care, except where otherwise specified</i>	<i>1 parking space per bedroom</i>
<i>Child care facility</i>	<i>1 parking space per employee plus a drop-off area for the children</i>
<i>Hotel</i>	<i>1 parking space per guest room or rental unit and 1 parking space for each 23.23 sq. m. (250 sq. ft.) of floor area devoted for public use (e.g. banquet rooms, lounge)</i>
<i>Motel</i>	<i>1 parking space per guest room and 1 parking space for each 23.23 sq. m. (250 sq. ft.) of floor area devoted for public use (e.g. banquet rooms, lounge)</i>
<i>Tourism establishment</i>	<i>1 parking space per guest room</i>
<i>Bed and breakfast</i>	<i>1 parking space per guest room</i>
<i>Community care facility</i>	<i>1 parking space per unit</i>
<i>Nursing home</i>	<i>0.75 parking spaces per bed</i>
<i>Senior citizen home</i>	<i>1 parking space per unit</i>
<i>Retail store</i>	<i>1 parking space per 27.87 sq. m. (300 sq. ft.) of floor area.</i>
<i>Business or professional office</i>	<i>1 parking space per 27.87 sq. m. (300 sq. ft.) of floor area.</i>
<i>Service shop</i>	<i>1 parking space per 27.87 sq. m. (300 sq. ft.) of floor area.</i>
<i>Personal service shop</i>	<i>1 parking space per 27.87 sq. m. (300 sq. ft.) of floor area.</i>
<i>Restaurant</i>	<i>1 per 4 seats of seating capacity (minimum of 10)</i>
<i>Lounge</i>	<i>1 per 4 seats of seating capacity (minimum of 10)</i>
<i>Funeral Home</i>	<i>1 parking space per four (4) seats of seating capacity</i>

Other <i>commercial uses</i>	1 <i>parking space</i> per 13.94 sq. m. (150 sq. ft.) of floor area.
Other <i>industrial uses</i>	1 <i>parking space</i> per 27.87 sq. m. (300 sq. ft.) of floor area or 1 <i>parking space</i> per employee, whichever is greater
Other <i>institutional uses</i>	1 <i>parking space</i> per 37.16 sq. m. (400 sq. ft.) of floor area
Other <i>recreational uses</i>	1 <i>parking space</i> per 37.16 sq. m. (400 sq. ft.) of floor area

6.2 OTHER REQUIREMENTS

- (1) Where four (4) or more *parking spaces* are required, for the *use* on a *lot*, the following minimum requirements shall apply:
 - (a) the *parking lot* shall be maintained with a stable surface sufficient to support a *vehicle* without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as drivable grass or grass grid;
 - (b) the lights used for illumination of the *parking lot* or parking station shall be so arranged as to divert the light away from the *streets*, adjacent *lots* and *buildings*;
 - (c) the *parking lot* shall be within 91.4 m. (300 ft.) of the location which it is intended to serve and shall be situated in the same *zone*;
 - (d) when the *parking lot* is of a permanent hard surfacing, each *parking space* shall be clearly demarcated with painted lines and maintained on the *parking lot*;
 - (e) entrances and exits to *parking lots* shall not exceed a width of 9.1 m. (30 ft.) at the street line and edge of pavement; and
 - (f) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a *parking lot*, shall be a minimum width of 3 m. (9.8 ft.) for one-way traffic, and a minimum width of 6.1 m. (20 ft.) for two-way traffic.
- (2) Where parking is provided in front of any *building* in a non-residential *zone*, a 1.5 m. (4.9 ft.) landscaped buffer shall be provided between the *parking lot* and the street boundary.

6.3 LOADING ZONES

- (1) In the General Commercial (C1) Zone, Industrial (M1) Zone or the Public Service and Institutional (PSI) Zone, no person shall *erect* or *use* any *structure* for manufacturing, storage, a *warehouse*, department store, *retail store*, wholesale store, market, freight or passenger terminal, *hotel*, hospital, mortuary or other *uses* involving the frequent shipping, loading or unloading of persons, animals, or goods, unless there is maintained on the same premises with every such *building*, *structure* or *use* one (1) off-street space for standing, loading and unloading for every 2,787 sq. m. (30,000 sq. ft.) or fraction thereof of *building floor area* used for any such purpose.
- (2) Each *loading space* shall be at least 3.7 m. (12 ft.) wide with a minimum of 4.3 m. (14 ft.) height clearance.
- (3) The provision of a *loading space* for any *building* with less than 139 m. (1,500 sq. ft.) shall be optional.

- (4) No such *loading spaces* shall be located within any required *front yard* or be located within any *yard* which abuts a residential or open space *zone*, unless in the opinion of Council adequate screening is provided.

6.4 WAIVER OF COMMERCIAL PARKING REQUIREMENTS

- (1) Notwithstanding the provisions of Part 6, above, or other provisions of this *Bylaw*, *Council* may through a *development agreement* waive or reduce the *parking* requirements in a commercial *zone* in return for parking fees or other considerations as approved by *Council*, which will further the objectives and policies of the *Official Plan* in relation to *development* in the *Town*.
- (2) In rendering its decision, *Council* shall give consideration to the following:
 - (a) availability of parking in the proximity of the proposed *development*
 - (b) the extent to which the proposed *development* contributes toward the objectives and policies of the *Official Plan*
 - (c) estimated traffic generation of the proposed *development*.

6.5 ACCESSIBLE PARKING

- (1) In addition to the parking requirements found in Section 6.1, where off street parking is to be provided on the same *lot* as the *building*, accessible *parking spaces* shall be provided in accordance with the National Standard of Canada, CSA B651-18 Accessible design for the built environment.

7 LOW DENSITY RESIDENTIAL ZONE (R1)

7.1 GENERAL

- (1) Except as provided in this Bylaw, the following standards shall apply to all *structures* or parts thereof erected, placed or altered or any parcel of land used in the Low Density Residential (R1) Zone.

7.2 PERMITTED USES

- (1) The following are *permitted uses* in the R1 Zone:
 - (a) *single-detached dwellings*;
 - (b) *duplex dwellings* and *semi-detached dwellings*;
 - (c) *mini homes*; and
 - (d) *tiny homes*.
- (2) The following are permitted as *accessory uses* in the R1 Zone:
 - (a) *accessory structures* in accordance with the requirements of section 5.1;
 - (b) *secondary suites* and *garden suites* on *single-detached dwelling lots* in accordance with the requirements of section 5.17;
 - (c) *bed and breakfasts* and *short-term rentals* on *single-detached dwelling lots* in accordance with the requirements of section 5.2; and
 - (d) *home-based businesses* in accordance with the requirements of section 5.8.

7.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 7.2 above, *Council* may issue a *development permit* for the following *special permit uses* subject to the requirements of sections 4.9 and such conditions as *Council* deems necessary:
 - (a) *early learning and child care centres*; and
 - (b) *bed and breakfasts* containing more than three (3) bedrooms.

7.4 SERVICES

- (1) All *developments* in an R1 Zone shall be serviced by municipal sewer services and such a connection will be made at the *developer's* expense.
- (2) Notwithstanding subsection (1), and subject to section 5.13, *Council* may approve a *development* in an R1 Zone serviced by an on-site sewage treatment system where the municipal sewer services are not available and extending the services would be prohibitive or premature.

7.5 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following *lot* requirements shall apply to *development* in the R1 Zone:

	Single-Detached Dwelling	Duplex Dwelling	Semi-Detached Dwelling
Minimum <i>lot area</i>	See Schedule “B”	See Schedule “B”	See Schedule “B”
Minimum <i>lot frontage</i>	30.5 m. (100 ft.)	38.1 m. (125 ft.)	19 m. (62.3 ft.)/unit
Minimum <i>front yard</i>	6.1 m. (20 ft.)	6.1 m. (20 ft.)	6.1 m. (20 ft.)
Minimum <i>rear yard</i>	4.5 m. (14.8 ft.)	4.5 m. (14.8 ft.)	4.5 m. (14.8 ft.)
Minimum <i>side yard</i>	3 m. (9.8 ft.)	3 m. (9.8 ft.)	3 m. (9.8 ft.)
Minimum <i>flankage yard</i>	6.1 m. (20 ft.)	6.1 m. (20 ft.)	6.1 m. (20 ft.)
Maximum <i>height of any building</i>	12.2 m. (40 ft.)	12.2 m. (40 ft.)	12.2 m. (40 ft.)
Maximum <i>lot coverage</i>	35%	35%	35%

- (2) All *lots* shall conform with the minimum lot size standards in *the Province-Wide Minimum Development Standards Regulations*, including but not limited to minimum *frontage*, *lot area*, and minimum circle diameter to be contained within the boundaries of the *lot* (see Schedule B).

8 MEDIUM DENSITY RESIDENTIAL ZONE (R2)

8.1 GENERAL

- (1) Except as provided in this *Bylaw*, the following standards shall apply to all *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of land used in the Medium Density Residential (R2) Zone.

8.2 PERMITTED USES

- (1) The following are *permitted uses* in the R2 Zone:
 - (a) *single-detached dwellings*;
 - (b) *duplex dwellings* and *semi-detached dwellings*;
 - (c) *townhouse dwellings* up to four (4) units;
 - (d) *shared housing with special care*; and
 - (e) uses permitted in the A1 Zone, subject to the regulations for uses for the A1 Zone as it pertains to PID 414426 only.
- (2) The following are permitted as *accessory uses* in the R2 Zone:
 - (a) *accessory structures* in accordance with the requirements of section 5.1;
 - (b) *secondary suites* and *garden suites* on *single-detached dwelling lots* in accordance with the requirements of section 5.17;
 - (c) *bed and breakfasts* and *short-term rentals* on *single-detached dwelling lots* in accordance with the requirements of section 5.2; and
 - (d) *home-based businesses* in accordance with the requirements of section 5.8.

8.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 8.2 above, *Council* may issue a *development permit* for the following *special permit uses* subject to the requirements of sections 4.9 and such conditions as Council deems necessary:
 - (a) *early learning and child care centres*; and
 - (b) *bed and breakfasts* containing more than three (3) bedrooms in a *single-detached dwelling*.

8.4 SERVICES

- (1) All *lots* shall be connected to municipal sewer services.

8.5 LOT REQUIREMENTS

- (1) The *lot* requirements as set out in section 7.5 shall apply to *single-detached dwellings*, *duplex dwellings*, and *semi-detached dwellings*.
- (2) Subject to subsection (3), the following *lot* requirements shall apply to *townhouse dwellings*:

	Townhouse Dwellings
Minimum <i>lot area</i>	See Schedule “B”
Minimum <i>lot frontage</i>	15.2 m. (49.9 ft.) / unit
Minimum <i>front yard</i>	6.1 m. (20 ft.)
Minimum <i>rear yard</i>	4.5 m. (14.8 ft.)
Minimum <i>side yard</i>	3 m. (9.8 ft.)
Minimum <i>flankage yard</i>	6.1 m. (20 ft.)
Maximum <i>height of any building</i>	12.2 m. (40 ft.)
Maximum <i>lot coverage</i>	35%

- (3) All *lots* shall conform with the minimum lot size standards in *the Province-Wide Minimum Development Standards Regulations*, including but not limited to minimum *frontage*, *lot area*, and minimum circle diameter to be contained within the boundaries of the *lot* (see Schedule B).
- (4) The *lot* requirement standards of section 12.3 of the Public Service and Institutional (PSI) Zone shall apply to all *shared housing with special care*.

9 MIXED DENSITY RESIDENTIAL ZONE (R3)

9.1 GENERAL

- (1) Except as provided in this *Bylaw*, the following standards shall apply to all *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of land used in the Mixed Density Residential (R3) Zone.

9.2 PERMITTED USES

- (1) The following are *permitted uses* in the R3 Zone:
 - (a) *single-detached dwellings*;
 - (b) *duplex dwellings* and *semi-detached dwellings*;
 - (c) *townhouse dwellings* and *stacked townhouse dwellings*;
 - (d) *multiple attached dwellings*;
 - (e) *shared housing uses*, with 8 or fewer *bedrooms* per building;
 - (f) *shared housing with special care uses*; and
 - (g) *clustered housing*, with a minimum of 6 *dwellings units*.
- (2) The following are permitted as *accessory uses* in the R3 Zone:
 - (a) *accessory structures* in accordance with the requirements of section 5.1;
 - (b) *secondary suites* and *garden suites* on *single-detached dwelling lots* in accordance with the requirements of section 5.17;
 - (c) *bed and breakfasts* and *short-term rentals* on *single-detached dwelling lots* in accordance with the requirements of section 5.2; and
 - (d) *home-based businesses* in accordance with the requirements of section 5.8.

9.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 9.2 above, *Council* may issue a *development permit* for the following *special permit uses* subject to the requirements of sections 4.9 and such conditions as *Council* deems necessary:
 - (a) *early learning and child care centres*; and
 - (b) *bed and breakfasts* containing more than three (3) bedrooms in a *single-detached dwelling*.

9.4 SERVICES

- (1) All *lots* shall be connected to municipal sewer services.

9.5 LOT REQUIREMENTS

- (1) The *lot* requirements as set out in section 7.5 shall apply to *single-detached dwellings*, *duplex dwellings*, and *semi-detached dwellings*.
- (2) The *lot* requirements as set out in section 8.5 shall apply to *townhouse dwellings*.

- (3) Subject to subsections (4), (5) and (6), the following *lot* requirements shall apply to *stacked townhouse dwellings* and *apartment dwellings* in the Mixed Density Residential (R3) Zone:

	Stacked Townhouses Dwellings	Apartment Dwellings
Minimum <i>lot area</i>	See Schedule “B”	See Schedule “B”
Minimum <i>lot frontage</i>	15.2 m. (49.9 ft.) per stack.	49 m. (161 ft.)
Minimum <i>front yard</i>	6.1 m. (20 ft.)	6.1 m. (20 ft.)
Minimum <i>rear yard</i>	4.5 m. (14.8 ft.)	4.5 m. (14.8 ft.)
Minimum <i>side yard</i>	3 m. (9.8 ft.)	3 m. (9.8 ft.)
Minimum <i>flankage yard</i>	6.1 m. (20 ft.)	6.1 m. (20 ft.)
Maximum <i>height of any building</i>	12.2 m. (40 ft.)	12.2 m. (40 ft.)

- (4) The *lot* requirement standards of section 12.3 of the Public Service and Institutional (PSI) Zone shall apply to all *shared housing uses*.
- (5) *For shared housing uses*, a minimum of 10% of floor space shall be reserved for communal amenity or recreation space for the residents of the *building*.
- (6) All *lots* shall conform with the minimum lot size standards in *the Province-Wide Minimum Development Standards Regulations*, including but not limited to minimum *frontage*, *lot area*, and minimum circle diameter to be contained within the boundaries of the *lot* (see Schedule B).

10 GENERAL COMMERCIAL (C1)

10.1 GENERAL

- (1) Except as provided in this *Bylaw*, the following standards shall apply to all *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of land used in the General Commercial (C1) Zone.

10.2 PERMITTED USES

- (1) The following are *permitted uses* in the C1 Zone:
 - (a) *commercial uses*;
 - (b) *early learning and child care centres*;
 - (c) *institutional uses*;
 - (d) *single-detached dwellings*;
 - (e) *duplex dwellings and semi-detached dwellings*;
 - (f) *townhouse dwellings and stacked townhouse dwellings*;
 - (g) *apartments and multiple attached dwellings*;
 - (h) *shared housing uses*;
 - (i) *public parking lots*;
 - (j) *temporary commercial uses*; and
 - (k) uses permitted in the A1 Zone, subject to the regulations for *uses* for the A1 Zone as it pertains to PID 41640, PID 41657, PID 584169, PID 590927, PID 651950, PID 718692, PID 718692, and PID 1020635 only.
- (2) The following are permitted as *accessory uses* in the C1 Zone:
 - (a) *secondary suites and garden suites*, on *single-detached dwelling lots* in accordance with the requirements of section 5.17;
 - (b) *bed and breakfasts and short-term rentals* on *single-detached dwelling lots* in accordance with the requirements of section 5.2; *and*
 - (c) *home-based businesses* in accordance with the requirements of section 5.8.

10.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 10.2 above, *Council* may issue a *development permit* for the following *special permit uses* subject to the requirements of sections 4.9 and such conditions as Council deems necessary:
 - (a) *Service stations* and other activities associated with the automobile trade, except for a scrap yard.

10.4 SERVICING

- (1) All *development* shall be connected to the municipal sewer services.

10.5 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following *lot* requirements shall apply in the General Commercial (C1) Zone:

Minimum <i>lot area</i>	1,394 sq. m. (15,000 sq. ft.)
Minimum <i>lot frontage</i>	30.5 m. (100 ft.)
Minimum <i>front yard</i>	4.6 m. (15 ft.)
Minimum <i>rear yard</i>	4.5 m. (14.8 ft.)
Minimum <i>side yard</i>	3 m. (9.8 ft.)
Minimum <i>flankage yard</i>	4.6 m. (15 ft.)
Maximum <i>height of any building</i>	15.25 m. (50 ft.)

- (2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations*, including but not limited to minimum *frontage*, *lot area*, and minimum circle diameter to be contained within the boundaries of the *lot* (see Schedule B).
- (3) *Notwithstanding the above, Council may also grant approval for a development in the General Commercial (C1) Zone with less than the minimum required front yard setback, in order to conform to the established building setback on a commercial streetscape.*

10.6 COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES

- (1) Notwithstanding any other provision of this *Bylaw*, where a *commercial development* located on lands zoned General Commercial (C1) directly abuts on any residential *zone*, the following conditions shall be met:
- (a) the *development* shall comply with the requirements of section 5.9;
 - (b) any exterior lighting or illuminated *sign* shall be so arranged as to deflect light away from the adjacent residential *zone*; and
 - (c) outdoor storage shall be prohibited adjacent to a residential *zone* unless it is hidden from view by means of a landscaped buffer hedge or adequate size or architectural screening such as a wall, *fence* or other appropriate *structure*.

10.7 DWELLINGS IN COMMERCIAL BUILDINGS

- (1) Where *dwelling units* are provided in connection with a *commercial use* the following minimum standards shall apply:
- (a) A separate entrance shall serve the *dwellings* ;
 - (b) 37.16 sq. m. (400 sq. ft.) of landscaped open area and 1.0 *parking spaces* shall be provided for each *dwelling unit*;
 - (c) each *dwelling unit* shall meet the requirements of the *Province's* Fire Marshall;

10.8 TEMPORARY COMMERCIAL USES

- (1) Notwithstanding any other provisions of this Bylaw, *temporary permits* may be issued for a transient-type *commercial* operation subject to compliance with section 5.21.

10.9 AUTOMOBILE SERVICE STATION

- (1) Notwithstanding any other provisions of this Bylaw, the following special provisions shall apply to an *automobile service station*:

Minimum <i>lot frontage</i>	45.7 m. (150 ft.)
Minimum pump setback	6.1 m. (20 ft.)
Minimum pump distance from access or egress	9.2 m. (30 ft.)
Minimum width of driveway	7.6 m. (25 ft.)

- (2) Where the *service station* includes an *automobile washing establishment*, all washing operations shall be carried out inside the *building*.

11 INDUSTRIAL ZONE (M1)

11.1 GENERAL

- (1) Except as provided in this *Bylaw*, the following standards shall apply to all *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of land used in the Industrial (M1) Zone.

11.2 PERMITTED USES

- (1) The following are *permitted uses* in the M1 Zone:
 - (a) manufacturing and assembly uses;
 - (b) warehousing;
 - (c) transport operations;
 - (d) activities connected with the automobile trade other than a scrap yard;
 - (e) wholesale operations;
 - (f) *farm* machinery and heavy equipment dealerships and repair shops;
 - (g) heavy equipment depots;
 - (h) contractors' yard;
 - (i) banks and financial institutions;
 - (j) *business or professional offices*;
 - (k) craft breweries;
 - (l) craft workshop and studios;
 - (m) funeral homes and crematoria;
 - (n) *lounges* and *restaurants*; and
 - (o) *retail stores, service shops and personal service shops*;
- (2) Notwithstanding the foregoing, any *use* which is deemed by *Council* to be an *obnoxious use* by reason of sound, odor, dust, fumes or smoke shall be denied approval.
- (3) The following are permitted as *accessory uses* in the M1 Zone:
 - (a) *accessory structures*; and
 - (b) *commercial uses accessory to a permitted use*.

11.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 11.2 above, *Council* may issue a *development permit* for the following *special permit uses* subject to the requirements of sections 4.9 and such conditions as *Council* deems necessary:
 - (a) storage of sand and aggregate;
 - (b) asphalt plants and concrete plants; and
 - (c) auto salvage facility

11.4 LOT REQUIREMENTS

- (1) Subject to subsection (2), the *lot* requirements of the C1 Zone shall apply to all *development* in the Industrial (M1) Zone.
- (2) All *lots* shall conform with the minimum lot size standards in *the Province-Wide Minimum Development Standards Regulations*, including but not limited to minimum *frontage*, *lot area*, and minimum circle diameter to be contained within the boundaries of the *lot* (see Schedule B).

11.5 INDUSTRIAL ZONE ADJACENT TO RESIDENTIAL ZONES

- (1) Notwithstanding any other provision of this *Bylaw*, where a *development* located on lands zoned Industrial Zone (M1) directly abuts on any residential *zone*, the following conditions shall be met:
 - (a) the *development* shall comply with the requirements of section 5.9;
 - (b) any exterior lighting or illuminated *sign* shall be so arranged as to deflect light away from the adjacent residential *zone*; and
 - (c) outdoor storage shall be prohibited adjacent to a residential *zone* unless it is hidden from view by means of a landscaped buffer hedge or adequate size or architectural screening such as a wall, *fence* or other appropriate *structure*.

11.6 ENVIRONMENTAL IMPACT ASSESSMENT

- (1) Where a proposed industry may occasionally have heavy usage of *streets*, sewerage or water systems or have a significant environmental impact on the surrounding area, *Council* may require the *developer* to apply to the *Province's* Department of the Environment for written approval under section 9 of the *Environmental Protection Act*, prior to consideration of a *development permit* application by *Council*.

12 PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI)

12.1 GENERAL

- (1) Except as provided in this *Bylaw*, the following standards shall apply to all *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of land used in the Public Service and Institutional (PSI) Zone.

12.2 PERMITTED USES

- (1) The following are *permitted uses* in the PSI Zone:
- (a) *institutional buildings and uses*;
 - (b) *civic centres*;
 - (c) *public parks* and *private parks*;
 - (d) *recreational uses*; and
 - (e) *clubs*.
- (2) The following are permitted as *accessory uses* in the PSI Zone:
- (a) *accessory structures*; and
 - (b) *commercial uses ancillary* to the *institutional* or *recreational use*.

12.3 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following *lot* requirements shall apply in the PSI Zone:

Minimum <i>lot area</i>	1394 sq. m. (15,000)
Minimum <i>lot frontage</i>	30.5 m. (100 ft.)
Minimum <i>front yard</i>	4.6 m. (15 ft.)
Minimum <i>rear yard</i>	6.1 m. (20 ft.)
Minimum <i>side yard</i>	3 m. (9.8 ft.)
Minimum <i>flankage yard</i>	4.6 m. (15 ft.)
Maximum <i>height of building</i>	15.25 m. (50 ft.)

- (2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations* (see Schedule B), including but not limited to minimum *frontage*, *lot area*, and minimum circle diameter to be contained within the boundaries of the *lot* (see Schedule B).

13 RECREATION AND OPEN SPACE ZONE (01)

13.1 GENERAL

- (1) Except as provided in this *Bylaw*, the following standards shall apply to all *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of land used in the Recreation and Open Space (01) Zone.

13.2 PERMITTED USES

- (1) The following are *permitted uses* in the O1 Zone:
- (a) *Public parks* and private *parks*;
 - (b) *open space* and conservation activities;
 - (c) golf courses;
 - (d) recreational uses;
 - (e) pavilions and band shells; and
 - (f) recreation administrative offices.
- (2) The following are permitted as *accessory uses* in the O1 Zone:
- (a) *accessory structures*; and
 - (b) *parking lots*.

13.3 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following *lot* requirements shall apply to *development* in the Recreation and Open Space Zone:

	PROPOSED
Minimum <i>lot area</i>	1394 sq. m. (15,000 sq. ft.)
Minimum <i>lot frontage</i>	30.5 m. (100 ft.)
Minimum <i>front yard</i>	4.6 m. (15 ft.)
Minimum <i>rear yard</i>	6.1 m. (20 ft.)
Minimum <i>side yard</i>	3 m. (9.8 ft.)
Minimum <i>flankage yard</i>	4.6 m. (15 ft.)
Maximum <i>height of building</i>	15.25 m. (50 ft.)

- (2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations* (see Schedule B), including but not limited to minimum *frontage*, *lot area*, and minimum circle diameter to be contained within the boundaries of the *lot* (see Schedule B).

- (3) *Notwithstanding the above, Council may waive minimum lot requirements where the recreation or open space use will not have any buildings or washrooms associated with the use.*

14 ENVIRONMENTAL RESERVE (OVERLAY) ZONE (ER)

14.1 GENERAL

- (1) Except as otherwise provided in this *Bylaw*, the following shall apply to all *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of land *used* in an ER Zone.

14.2 PURPOSE

- (1) The ER Zone is an overlay *zone* intended to enhance the protection of surface and ground water quality, sensitive landscapes, and wildlife habitat. Passive agricultural activities, together with tree, shrub and plant cover is intended to be the predominant *use* in this *zone*.
- (2) For the avoidance of doubt, the requirements in this *Bylaw* for the ER Zone are in addition to all requirements in the *Watercourse and Wetland Protection Regulations* made pursuant to the *Environmental Protection Act*, and any other federal or provincial statute, regulation, or other enactment.

14.3 PERMITTED USES

- (1) The following are *permitted uses* in the ER Zone:
 - (a) conservation activities;
 - (b) *open space*; and
 - (c) *passive recreational uses*.

14.4 ZONE REQUIREMENTS

- (1) In the ER Zone, no *development* shall occur and no disturbance to the ground, soil or vegetation shall occur except in conformance with the *Watercourse and Wetland Protection Regulations* made pursuant to the *Environmental Protection Act*.
- (2) The boundary of any *wetland*, *watercourse*, and *buffer zone* shall be shown on any site plan submitted to the *development officer* as part of a *development permit* application.

14.5 SETBACKS FROM WATERCOURSES, EMBANKMENTS AND WETLANDS

- (1) Notwithstanding anything contained in this *Bylaw*, the minimum horizontal setbacks for *watercourse* and *wetland buffer zones* shall be 15 m. (49.2 ft.) of the any river, stream or *watercourse* located within or bordering on the legal boundaries of the *Town* plus the minimum *setbacks* for the proposed *structure* for the underlying *zone*.

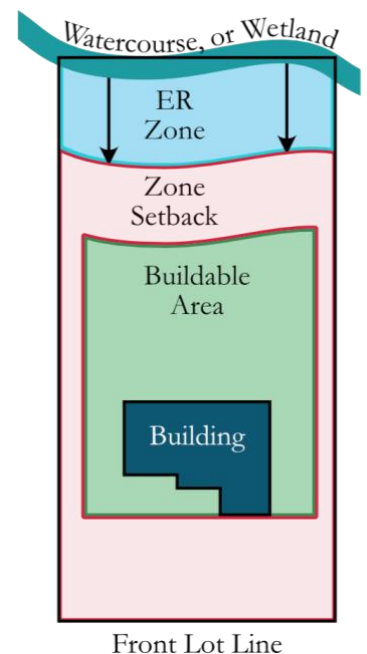


Figure 7 – Horizontal setback –
watercourses or wetlands

15 AGRICULTURAL ZONE (A1)

15.1 GENERAL

- (1) Except as provided in this *Bylaw*, the following standards shall apply to all *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of land used in the Agricultural (A1) Zone.

15.2 PERMITTED USES

- (1) The following are *permitted uses* in the A1 Zone:
 - (a) *agricultural uses*, including barns and stables;
 - (b) *resource uses*;
 - (c) forestry uses;
 - (d) *single-detached dwellings*;
 - (e) *small wind energy facility*; and
 - (f) *large wind energy facility*
- (2) The following are permitted as *accessory uses* in the A1 Zone:
 - (a) *accessory structures* in accordance with the requirements of section 5.1;
 - (b) *secondary suites* and *garden suites*, on *single-detached dwelling lots* in accordance with the requirements of section 5.17;
 - (c) *bed and breakfasts* and *short-term rentals* on *single-detached dwelling lots* in accordance with the requirements of section 5.2; and
 - (d) *home-based businesses* in accordance with the requirements of section 5.8.

15.3 SPECIAL PERMIT USES

- (1) Notwithstanding section 15.2 above, *Council* may issue a *development permit* for the following special permit *uses* subject to the requirements of sections 4.9 and such conditions as Council deems necessary:
 - (a) *shared housing with special care*;
 - (b) *duplex dwellings* or *semi-detached dwellings*;
 - (c) *early learning and child care centre*;
 - (d) *bed and breakfasts* containing more than three (3) bedrooms in a *single-detached dwelling*;
 - (e) *resource commercial uses*; and
 - (f) *resource industrial uses*

15.4 LOT REQUIREMENTS

- (1) Subject to subsection (2), the following *lot* requirements shall apply to *development* in the Agricultural (A1) Zone:

Minimum <i>lot area</i>	0.4 ha. (43,560 sq. ft.)
Minimum <i>lot frontage</i>	45.72 m. (150 ft.)
Minimum <i>front yard</i>	15 m. (49.2 ft.)
Minimum <i>rear yard</i>	15 m. (49.2 ft.)
Minimum <i>side yard</i>	4.5 m. (14.8 ft.)
Minimum <i>flankage yard</i>	15 m. (49.2 ft.)
Maximum <i>height of building</i>	12.2 m. (40 ft.)
Maximum <i>lot coverage</i>	10%

- (2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations*, including but not limited to minimum *frontage*, *lot area*, and minimum circle diameter to be contained within the boundaries of the *lot* (see Schedule B).

15.5 INTENSIVE LIVESTOCK OPERATIONS

- (1) For the purpose of this section, “Intensive *Livestock Operations*” means a place where *livestock* are found in a density greater than seven animal units per acre of living space, with the calculation of animal units to be determined by reference to Column 2 of Schedule D of the *Watercourse and Wetland Protection Regulations* made pursuant to the *Environmental Protection Act*.
- (2) The following separation distances shall apply to all new Intensive *Livestock Operations* or extensions and to new residential *development* in the vicinity of an Intensive *Livestock Operation*:

Distance of new or expanded <i>intensive livestock operations</i> from any <i>dwelling</i> on an adjacent <i>property</i>	152.4 m. (500 ft.)
Distance of new <i>dwellings</i> from an existing <i>intensive livestock operations</i>	152.4 m. (500 ft.)
Distance from any <i>lot line</i>	15.24 m. (50 ft.)
Distance from <i>street</i>	45.72 m. (150 ft.)
Distance from any domestic well	152.4 m. (500 ft.)

- (3) All intensive *livestock buildings* shall have a manure storage facility with a capacity for retention of manure for a period of time for which conditions do not permit spreading.
- (4) *Council* may consult the Department of Agriculture for manure storage capacities and design standards and shall require the *livestock operator* to follow these capacity and design requirements.

15.6 WIND ENERGY FACILITIES

(1) Where a *wind energy facility* is permitted, the following shall apply:

- (a) no *person* shall *erect* or place a *wind energy facility* without first applying for and receiving a *development permit*; and
- (b) the standards of Schedule D shall apply.

16 VARIANCES

16.1 VARIANCE APPLICATIONS

- (1) When a *development permit* application cannot be approved because the proposed *development* does not meet the minimum requirements of the *Bylaw*, the *applicant* may apply in writing for a *variance* on the form prescribed by *Council*.
- (2) Subject to the *Province-Wide Minimum Development Standards Regulations*, a *variance* from the minimum requirements of this *Bylaw* may be granted for any of the following requirements provided they meet the intent of the *Official Plan*:
 - (a) *lot area* or dimensions or both;
 - (b) *setbacks*; or
 - (c) the area or size of a *structure*; or
 - (d) the *height* of a structure.
- (3) *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.
- (4) Authorization for a *variance* shall be documented and recorded in writing.
- (5) No *variance* shall be granted where the matter is the result of intentional or negligent conduct of the *owner*, including ignorance on the part of the *owner*, or where the difficulty can be remedied in some other reasonable manner.
- (6) When an application for a *variance* has been decided, Council may refuse to hear an application for the same or a similar *variance* for the *lot* for one (1) year after its rendering a decision unless Council is of the opinion that there is new information.
- (7) If, after one (1) year of a *variance* approval, no *development permit* is issued for the *lot* or the *development* has not been commenced, the *variance* and any related *development permit* shall be deemed null and void.

16.2 VARIANCES OF UP TO 10%

- (1) *Planning Board* shall review each application for a *variance* and provide a recommendation to *Council*.

- (2) Council may authorize a *variance* not exceeding 10% from the provisions of this *Bylaw* if, in the opinion of Council, the *variance* is appropriate and justified pursuant to subsection 16.1(3) and if the general intent and purpose of this *Bylaw* is maintained.

16.3 VARIANCES IN EXCESS OF 10%

- (1) Notwithstanding any other section of this *Bylaw*, Council in its discretion may authorize a *variance* in excess of ten percent (10%) but no greater than 50% from the provisions of this *Bylaw*, where warranted, if Council deems such a *variance* appropriate and if such *variance* meets the criteria of subsection 16.1(3) and is in keeping with the general intent and purpose of this *Bylaw* and the *Official Plan* for the Town.
- (2) Before Council considers a *variance* in excess of 10%,
 - (a) the *development officer* shall:
 - (i) receive from the *owner* sufficient funds to cover the costs of the application fee, and the advertising and mailing of written notices required for a public meeting under section 17.4; and
 - (ii) provide written notice in accordance with the requirements of subclause 17.4(1)(b)(i) explaining the details of the proposed application and the date by which written comments must be received, and
 - (b) Council shall hold a public meeting to receive comments on the proposed variance, notice of which shall be provided in accordance with the provisions of section 17.4(1)(b) indicating in general terms the nature of the variance application and the date, time, and place of the meeting.
- (3) *Council* shall consider the application having regard for the criteria in subsection 16.1(3), the input received from the public, the policies and objectives of the *Official Plan* and the recommendation from the *Planning Board*.

17 OFFICIAL PLAN AND BYLAW AMENDMENTS

17.1 AMENDMENT APPLICATIONS

- (1) A *person* making application for an amendment to the provisions of this *Bylaw* shall do so on a form prescribed by *Council* and shall submit the application to the *development officer*. The *applicant* shall describe in detail the reasons for the desired amendment and request that *Council* consider the proposed amendment. Any request for an amendment shall be signed by the *person* seeking the amendment or the *person's* authorized agent.
- (2) A change to either the text of this *Bylaw* or the *Zoning Map* is an amendment and any amendment shall be consistent with the *Official Plan*.
- (3) An application for an amendment shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal or other potential *permitted uses*, 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 the *Town's* infrastructure and the natural environment.
- (4) The *applicant* shall, at the time of submitting the application for an amendment, deposit with the *Town* the application fee and any other required fees in accordance with the schedule of fees established by *Council* and annexed hereto as Schedule C.
- (5) *Council* shall determine whether or not to consider an amendment and before making a decision shall consider whether:
 - (a) the proposed amendment is in conformity with the *Official Plan*; or
 - (b) to amend the *Official Plan* in accordance with the provisions of the *Planning Act*.
- (6) Related *Official Plan* and *bylaw* amendments may be considered concurrently, provided that the public and written notices required under section 17.4 indicate in general terms the nature of both the proposed *Official Plan* amendment and proposed *bylaw* amendment, and consideration and a decision regarding the *Official Plan* amendment precedes the *bylaw* amendment.

17.2 SITE-SPECIFIC AMENDMENTS

- (1) *Council* may approve a site-specific amendment to the *permitted uses* and standards in any *zone* through a *bylaw* amendment process, where the following criteria are satisfied:
 - (a) the proposed site-specific amendment is not contrary to the *Official Plan*. If an application is contrary to the policies in the *Official Plan*, an application to amend the *Official Plan* must be filed in conjunction with the application to amend the *Bylaw*;
 - (b) the proposed *use* of land or a *building* that is otherwise not permitted in a *zone* is sufficiently similar to or compatible with the *permitted uses* in that *zone*; and

- (c) the proposed *use* does not undermine the overall integrity of the *zone*, is in the public interest, and is consistent overall with sound planning principles.
- (2) Prior to making a decision with regards to an application for a site-specific amendment, the *Town* shall ensure that:
 - (a) written notice to adjacent *property owners* is provided in accordance with section 17.4, including details of the proposed *development* and inviting written comments;
 - (b) a public meeting is held, where required for the proposed site-specific amendment, to receive comments on the proposed *use* in accordance with the requirements of section 17.4; and
 - (c) all other relevant provisions of this *Bylaw* can be met.
- (3) Notwithstanding any other provision of this Bylaw, *Council* may approve a site-specific amendment to the *permitted uses* or regulations within any *zone*, after:
 - (a) receiving a recommendation from the *Planning Board*; and
 - (b) following the process as prescribed for an amendment to this *Bylaw*

17.3 AMENDMENT PROCEDURES

- (1) *Planning Board* shall review each amendment request and provide a recommendation to *Council*.
- (2) Prior to making a final recommendation with regards to a proposed amendment to the *Official Plan* or this *Bylaw*, *Planning Board* shall provide public notice and hold a public meeting in accordance with the provisions of section 17.4 in this *Bylaw* and the requirements of the *Planning Act*.
- (3) Following the public meeting, *Planning Board* shall consider the feedback received from the public by way of written responses and comments made at the public meeting. The *applicant* may be provided another opportunity to present to *Planning Board* to answer any further questions that may have arisen at or following the public meeting. *Planning Board* shall make a recommendation to *Council* on the application.
- (4) *Planning Board* and *Council* shall consider the following general criteria when reviewing applications for amendments to the *bylaw*, as applicable:
 - (a) conformity with the *Official Plan*;
 - (b) conformity with all requirements of this *Bylaw*;
 - (c) suitability of the site for the proposed *development*;
 - (d) compatibility of the proposed *development* with surrounding land *uses*, including both existing and future *uses* as per the *Zoning Map*;
 - (e) any comments from residents or other interested *persons*;
 - (f) adequacy of existing water supply, wastewater treatment and disposal systems, *streets*, stormwater management, and *parkland* for accommodating the *development*, and any projected infrastructure requirements;
 - (g) impacts from the *development* on pedestrian and *vehicular* access and safety, and on public safety generally;

- (h) compatibility of the *development* with environmental systems;
 - (i) impact on the *Town's* finances and budgets; and
 - (j) other matters as considered relevant by the *Planning Board* or *Council*.
- (5) Following the public meeting and after having considered the recommendation from the *Planning Board*, *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 in accordance with the procedures established under the *Planning Act*.
- (6) All amendments to the *Official Plan* or this *Bylaw* shall be made in accordance with the procedures set out in the *Planning Act*.
- (7) The *development officer* shall notify the *applicant* in writing of the decision and the decision shall be posted on the *Town's* or other website in accordance with section 23.1 of the *Planning Act*. Where a proposed amendment has been denied by *Council*, the reasons for the denial shall be stated in writing to the *applicant*.
- (8) No *development permits* or *subdivisions* related to a proposed amendment shall be approved until the approval from the Minister responsible for administering the *Planning Act* or any successor legislation has been granted for the necessary amendments where such approval is required.
- (9) When an application for an amendment has been decided, *Council* may refuse to hear the same or a similar application for one (1) year after rendering a decision unless *Council* is of the opinion that there is new information.
- (10) The *Council* retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land use planning standards or the *Official Plan*. Should the *Council* not proceed with a public meeting, the application fee as per subsection 17.1(4) shall be returned to the *applicant*.
- (11) Nothing in this *Bylaw* restricts the right of *Planning Board* or *Council* to initiate its own amendment to the *Official Plan* or this *Bylaw*.

17.4 PUBLIC MEETING REQUIREMENTS

- (1) Where a public meeting is required under this *Bylaw*, the *development officer* shall, at least seven (7) *clear days* prior to the public meeting;
 - (a) ensure that a notice is placed in a newspaper circulation in the area and on the *Town's* website;
 - (b) ensure that written notice is provided to all *property owners* wholly or partially within:
 - (i) 153 m. (502 ft.) of all boundaries of the subject *property*, where the subject of the meeting is an application for a *variance* pursuant to subsection **Error! Reference source not found.**;
 - (ii) 153 m. (502 ft.) of all boundaries of the subject *property*, where the *property* is the subject of the meeting for an amendment to the *Official Plan* or this *Bylaw*, including a change in zoning or a site-specific amendment; and

- (iii) 305 m. (1,000 ft.) of all boundaries of the subject *property*, where the subject of the meeting is an application for an *intensive livestock operation*; and
- (iv) in the case of an application for a change in zoning or a site-specific amendment, ensure a sign a minimum of 1.22 m. by 1.22 m. (4 ft. by 4 ft.) is placed on the land being proposed for a rezoning or site-specific amendment indicating that an application has been received and directing people to contact the *Town* to get the specific details.

17.5 ZONING AND GENERAL LAND USE MAP REVISIONS

- (1) The *development officer* may make technical revisions to the *Zoning Map* and the Future Land Use Map in the *Official Plan* for purposes of
 - (a) better reflecting detailed or changing topographical or legal conditions such as new *streets* or approved *lots*; or
 - (b) ensuring that the *Zoning Map* and the Future Land Use Map in the *Official Plan* reflect approved amendments to the *Official Plan* and *Bylaw*.

18 GENERAL PROVISIONS FOR SUBDIVIDING LAND

18.1 SUBDIVISION APPROVAL

- (1) No *person* shall *subdivide* one or more *lots* or any portion or interest in a *lot* and no *person* shall *consolidate* two or more *parcels* of land until the conditions of this *Bylaw* have been complied with and the *applicant* has received final approval from the *development officer* or *Council*, as applicable.
- (2) Notwithstanding subsection (1), where a *parcel* is naturally *subdivided* into two or more units by a *street*, a *watercourse*, or other body of water, each of the units shall be treated as a separate *parcel*.

18.2 CONVEYING INTEREST IN A LOT

- (1) No *person* shall sell or convey any interest in a *lot* before the *development officer* or *Council*, as the case may be, has issued a stamp of approval for the *lot* or the subdivision in which the *lot* is situated.

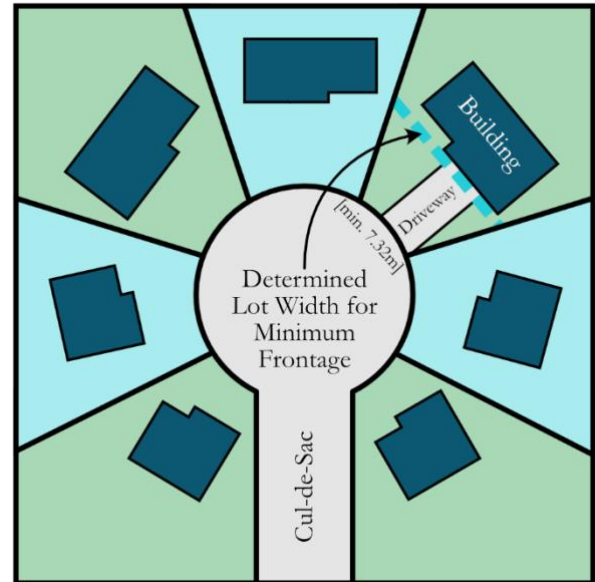
18.3 PERMISSION TO SUBDIVIDE

- (1) No land shall be *subdivided* within the Town unless the *subdivision*:
 - (a) conforms with the requirements of this *Bylaw*;
 - (b) is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
 - (c) will not cause undue flooding or erosion;
 - (d) has *frontage* on a *street* and legal access to a *street*;
 - (e) has adequate utilities and services available or can reasonably be provided with such utilities and services;
 - (f) will provide for effective and efficient traffic flow and access that takes into consideration emergency access, natural hazards, and other safety risks;
 - (g) is designed so that *lots* will have suitable dimensions, shapes, orientation and accessibility;
 - (h) is designed to accommodate climate change mitigation and adaptation measures; and
 - (i) is suitable to the *use* for which it is intended, and the future *use* of adjacent lands.

18.4 REDUCED LOT FRONTAGE OR AREA

- (1) If a *parcel* of land in any *zone* is of such configuration that the *Council* deems it cannot reasonably be *subdivided* in such a way to provide the required minimum *frontage* on a *street* or where *lots* are designed with a reduced *frontage* along a bend in a *street* or facing a cul-de-sac, the *Council* may approve a reduced *frontage*, if in the opinion of the *Council*:
 - (a) adequate and safe access is provided;
 - (b) the *lot* width at the *front building line* measures at least as much as the minimum *lot frontage* for the *zone*; and
 - (c) the proposed lot has a minimum *frontage* of 7.32 m. (24 ft.)

- (2) The *subdivision of panhandle lots* shall be restricted to *parcels* existing in separate *ownership* as of the effective date of this *Bylaw* and not more than one (1) *panhandle lot* may be subdivided per existing *parcel*.
- (3) The minimum acceptable *frontage* for a *panhandle lot* shall be 7.32 m. (24 ft.) and the *lot width* at the *front building line* shall measure at least as much as the minimum *lot frontage* for the *zone*;
- (4) The area of the access driveway or right-of-way portion of a *panhandle lot* shall not be included in the minimum *lot area* requirements.
- (5) The *subdivision* or *consolidation* of an existing non-conforming *lot(s)* may be permitted if the *subdivision* or *consolidation* results in an increase to the *lot area* or *lot frontage* or both, even if the *lot* will remain undersized following the *subdivision*, where the *subdivision* would otherwise be permitted under this *Bylaw*.



18.5 CHANGES TO EXISTING LOTS

- (1) No person shall reduce the dimensions or change the *use* of any *lot* in an approved *residential subdivision development* where *Council* determines there would be a *detrimental impact* on neighbouring *property owners*.

18.6 ROAD STANDARDS

- (1) All new *streets* or extensions to existing *streets* shall be *streets* and no *subdivision* shall be permitted of a *lot* served by a *private road*.
- (2) All applications for a *subdivision* along or accessing provincially-owned *streets* shall be reviewed by the *Province's* department responsible for the *Roads Act*, and where an entrance way permit or other approval or permit is required pursuant to the *Roads Act*, a final approval of *subdivision* shall not be granted until that entrance way permit or other approval or permit has been granted.
- (3) Subject to section 18.4 and subsection (1) above, and all other requirements of this *Bylaw*, the *subdivision* of *lots* that abut, and require access to, a *collector highway* that has not been designated as infill under the *Roads Act* shall be subject to the following standards:

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

- (4) Subject to section 18.7 and subsection (1) above, and all other requirements of this *Bylaw*, one *lot*, in addition to those permitted in clauses 18.6(3)(a) or (b), may be approved provided that:
 - (a) the proposed *lot* contains an existing *farm dwelling* served by an existing *highway* access;
 - (b) the *dwelling* on the *lot* shall be served by the existing *dwelling* access; and
 - (c) no *development permit* shall be issued for a *dwelling* on the remainder of the parent *parcel*.
- (5) Subsection (3) does not apply to a *parcel* of land along a portion of a *collector highway* that is designated for infilling under the regulations made under the *Roads Act*.
- (6) Notwithstanding the restrictions on *subdivisions* specified in subsection (3), and subject to section 18.7 and subsection (1), a *person* may subdivide *lots* from a *parcel* of land that abuts, and requires access to, a *collector highway*, provided:
 - (a) the *person* has applied for and obtained approval of a plan of *subdivision* that includes approval for a *street* connecting to and within the *subdivision* to serve the *lots*; and
 - (b) all other requirements of this *Bylaw* can be met.

18.7 SUBDIVISIONS IN AGRICULTURAL (A1) ZONE

- (1) Within an Agricultural (A1) *Zone*, *subdivisions* shall be restricted to existing *parcels* only and no *person* shall be permitted to *subdivide* more than two (2) *lots*.
- (2) For the purposes of this section “existing *parcel*” shall mean a *parcel* of *land* which was held in separate ownership as of the effective date of this *Bylaw*.

- (3) Any *lots subdivided* pursuant to this section shall conform to the *lot* requirements for an A1 *Zone* and all other relevant provisions of this *Bylaw*.
- (4) Within an Agricultural (A1) *Zone*:
 - (a) a *subdivision* for *residential uses* shall not be permitted within 152 m. (500 ft.) of an existing intensive *livestock* operation.
 - (b) where a residential *subdivision* is proposed, *Council* shall notify operators of intensive *livestock* operations within 304.8 m. (1,000 ft.) and invite their comments.
 - (c) Where a new *intensive livestock operation* is proposed *Council* shall notify the property owners of a *residential lot* within 300 m. (1,000 ft.) of the proposed operation and invite their comments.

18.8 SUBDIVISIONS IN WATERFRONT AND WETLAND AREAS

- (1) The area of a *lot* that is subject to the Environmental Reserve (Overlay) *Zone* may be included as part of the *lot* in a *subdivision* where the *lot* has sufficient area exclusive of the Environmental Reserve *Zone* area to permit the required *setbacks*, on-site services and the minimum circle diameter requirements under the *Province-wide Minimum Development Standards Regulations*.
- (2) Where a *lot* or a portion of a *lot* contains a *wetland* or *watercourse*, the boundary of which is defined by the *Watercourse and Wetland Protection Regulations*, the *lot(s)* shall meet the minimum *lot area* for the *zone* exclusive of the area of the *wetland* or *watercourse*.

18.9 SUBDIVIDING OF ATTACHED DWELLINGS

- (1) *Semi-detached dwellings* and *townhouse dwellings* may be *subdivided* for individual sale and ownership provided that:
 - (a) a *subdivision* of the *parcel* of land has been approved by the *development officer* or *Council*, as the case may be, and such *subdivision* provides for appropriate easements or common area to allow entry by an *owner* of any portion of the *building* to their *rear yard* area;
 - (b) each individual *dwelling unit* within the *semi-detached dwelling* or *townhouse dwelling* shall be separated by a vertical fire wall built in accordance with the National Building Code;
 - (c) a separate water and sewer service is provided for each *dwelling*;
 - (d) separate electrical services are provided for each *dwelling*;
 - (e) a separate heating device is provided for each *dwelling*;
 - (f) separate *parking* is provided for each *dwelling* unless the *Council* waives the requirement; and
 - (g) a copy of the agreement made between the *owners* covering the following terms is approved by the *Council* and registered on the title of each *dwelling*. The agreement shall address the following:
 - (i) common walls;
 - (ii) maintenance;
 - (iii) fire insurance;

- (iv) easements;
- (v) parking;
- (vi) snow removal;
- (vii) any other items jointly owned or used; and
- (viii) any other terms and conditions as shall be imposed by the *development officer* or *Council*, as appropriate.

18.10 PARKLAND DEDICATION AND/OR PARK DEDICATION FEE

- (1) A *person* seeking to subdivide 3 or more *lots*, exclusive of the parent *parcel*, shall be required to dedicate and convey to the *Town* 10% of the lands being *subdivided* from the parent *parcel* for recreation and *public open space* purposes, subject to the following:
 - (a) the location of the *parkland* to be conveyed shall be at the discretion of, and shall be subject to approval by *Council*;
 - (b) the *parkland* shall be free of all encumbrances; and
 - (c) *Council* may apply some or all of the dedication and conveyance of the *lot area* to active transportation routes or trail systems or both where such can be provided within or between subdivisions, or to ensure that valued natural assets such as forest cover can be protected.
- (2) In lieu of a *parkland* conveyance, where land is deemed to be inappropriate by *Council*, *Council* shall require a payment of 10% of the assessed value of the *lots* to be *subdivided*, calculated on the projected value of the lands being *subdivided*, including all infrastructure costs upon final approval of the *subdivision*, and shall not take into account the value of *structures* on such lands. *Council* retains the right to use the *Province's* land valuation and assessment division or a qualified property appraiser in determining the assessed value of the land.
- (3) *Council* may, where *Council* determines that a combination of *parkland* and cash-in-lieu payments is in the best interests of the *Town*, require that *parkland* dedication be in the form of a combination of land and cash of an equivalent value.
- (4) Any monies collected pursuant to subsections (2) or (3) shall be designated for the purpose of recreational and *public open space* lands or *uses*.
- (5) A further *subdivision* of land that has already been subject to a *parkland* dedication or conveyance shall be exempt from the requirements of this section.

18.11 APPLICATION AND PRELIMINARY APPROVAL PROCESS

- (1) Any *person* seeking *Council's* approval of a *subdivision* shall first make application for preliminary approval, and shall be required to submit to the *Town* the following:
 - (a) an application in the form prescribed by the *Council*;
 - (b) the application fee as set forth in Schedule C;
 - (c) four (4) copies of a preliminary subdivision plan drawn to scale showing:
 - (i) the true shape and dimensions of every *lot*;

- (ii) the location of every existing *structure* on the *parcel*;
 - (iii) existing and proposed services and utilities;
 - (iv) proposed widths and locations of all *streets*;
 - (v) location of land proposed for the parkland dedication, if applicable; and
 - (vi) proposed surface water drainage patterns and designed drainage features, when applicable; and
 - (vii) other existing features, including *buildings, watercourses, wetlands, buffer zones, wooded areas, and areas subject to current or projected future flooding.*
- (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;
 - (c) a water test;
 - (d) an assessment on any potential environmental impacts, including any requirements imposed by the *Province's* statutes or regulations or other enactments;
 - (e) a stormwater management plan;
 - (f) a traffic survey or a traffic study; and
 - (g) any other studies or documentation required in order to adequately determine whether the requirements of this *Bylaw* are met.
- (3) The *development officer* or *Council*, as appropriate, shall evaluate any proposed *subdivision* to determine whether:
 - (a) the proposed *subdivision* meets the intent of the *Official Plan* and the requirements of Part 18 of this *Bylaw*;
 - (b) appropriate *street* design standards and *lot* configurations have been used to promote the *development* of safe, convenient, and pleasant neighbourhoods; and
 - (c) a *subdivision* agreement shall be required in accordance with section 18.12.
- (4) The *development officer* or *Council*, as the case may be, may refuse to approve a *subdivision* which is unsuitable under the provisions of this *Bylaw*.
- (5) Where a *subdivision* application is submitted concurrently with a rezoning application, the preliminary *subdivision* approval shall not be granted until the rezoning application has been processed and has received approval.
- (6) *Street* design drawings and a stormwater management plan prepared by a *professional engineer* shall be submitted with an application for preliminary approval for any *subdivision* involving the construction of a new *street*.
- (7) After reviewing all information required by the *development officer*, *Planning Board* may make a recommendation to *Council* for approval or rejection of the *subdivision* application.

- (8) Where the *Council* accepts the details of a *subdivision* application, they may issue a preliminary approval, which shall include all conditions to be satisfied for the *subdivision* to proceed to final approval.
- (9) Preliminary approval for any proposed *subdivision* shall not be construed as final approval of such *subdivision* for legal conveyance or for land registration purposes.

18.12 SUBDIVISION AGREEMENT

- (1) The *development officer* or *Council*, as the case may be, may require an *applicant* to enter into a *subdivision agreement* prior to issuing preliminary approval. The *subdivision agreement* may cover such matters required in order to ensure compliance with this *Bylaw* and may include, but not be limited to the following:
 - (a) the design and construction costs of sidewalks, water supply, wastewater treatment and disposal, *streets*, and *street* lighting;
 - (b) the dedication of *parkland*, or payment of a fee in lieu of *parkland*;
 - (c) the *building* of *streets* to provincial standards and deeding of *streets* to the *Province's* Department of Transportation and Infrastructure or its successor;
 - (d) the posting of a financial guarantee, performance bond, or other security satisfactory to *Council*;
 - (e) the provision of a controlled landscape plan and stormwater 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.
- (2) The *subdivision agreement* shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *subdivision agreement* shall be paid by the *developer*.

18.13 FINAL APPROVAL

- (1) Except where otherwise provided for in this *Bylaw*, a stormwater management plan prepared by a *professional engineer* shall be submitted with an application for final approval for any *subdivision* of a *lot* into three (3) or more *lots*. The stormwater management plan shall include an overall surface water management strategy for the proposed *subdivision*, and shall include the proposed general location and top of the foundation elevation for the *main buildings* to be *erected* on each *lot*.
- (2) No final *subdivision* approval shall be granted by the *Town* unless:
 - (a) the *applicant* has complied fully with all applicable requirements of this part, any *subdivision agreement* between the *applicant* and the *Town*, and any other conditions of preliminary approval;

- (b) the *applicant* has submitted at least seven (7) copies of a final *survey plan* showing all *lots* pinned and certified by a *professional land surveyor*; and
 - (c) all agreements and other documents required under this *Bylaw* have been prepared and concluded to the satisfaction of the *development officer*;
 - (d) all transactions involving the transfer of land, money or security in conjunction with the *subdivision* have been concluded to the satisfaction of the *development officer*; and
 - (e) the *applicant* has completed any necessary conditions of agreements with the *Province's* department responsible for transportation and the *street* has been accepted as public.
- (3) The *development officer* may require the *applicant* to provide a digital file containing the (real earth) geographic co-ordinates of the plan of subdivision.
- (4) The *development officer* shall give notice of final approval of a *subdivision* in writing and shall place the *Town's* approval stamp on the submitted copies of the *survey plan* and shall return a copy to the *applicant*.
- (5) The *Town* shall file a copy of the final *survey plan* with:
- (a) the *Province's* Registrar of Deeds (2 copies);
 - (b) the *Province's* Department of Transportation and Infrastructure or any successor department of transportation, as required;
 - (c) the local utilities, as required; and
 - (d) the *Town's* files.
- (6) The *Town* may grant final approval to part of a *subdivision* which is proposed to be developed in *phases*.

18.14 CONSOLIDATIONS

- (1) Any approval for a *lot consolidation* shall be conditional on the *applicant* combining the *lots* by deed expressing the perimeter boundary of the new parcel. The deed shall be registered in accordance with the *Registry Act* and all fees associated with the preparation and registration of the deed shall be paid by the *developer/applicant*.
- (2) Notwithstanding subsection 18.11, applications for final approval for *lot consolidations* or boundary line adjustments may be submitted without the preliminary approval stage of the application process, having regard to the provisions in the *Bylaw* for the approval of *subdivisions*, as may be applicable, and provided the application otherwise conforms to the *Bylaw*.

18.15 DEVELOPMENT PERMITS

- (1) No *development permit* shall be issued for any *lot* in a proposed in a *subdivision* until all the requirements of the preliminary approval, *subdivision agreement* and of this *Bylaw* have been fulfilled and final *subdivision* approval has been granted.

18.16 RESCINDING OR ALTERING APPROVAL

- (1) An existing approved *subdivision* or portion thereof may be rescinded or altered by the *development officer* or *Council*, as the case may be, if:

- (a) the *subdivision* has been carried out contrary to the application, the conditions of approval, or the requirements of this *Bylaw*; 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.

19 PENALTIES

19.1 FINES

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

20 NOTICE OF DECISIONS

- (1) The *development officer* shall ensure that all decisions relating to applications are posted in accordance with section 23.1 of the *Planning Act*.

21 APPEALS

- (1) Any person who is dissatisfied by a decision enumerated in section 28 of the *Planning Act* in respect to the administration of this *Bylaw* may, within twenty-one (21) days of the decision, appeal to the Island Regulatory and Appeals Commission in accordance with the *Planning Act*.
- (2) Notwithstanding subsection (1) above, no appeals may be filed regarding a decision of the *development officer* or *Council* respecting the final approval of a *subdivision* where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the *subdivision*.

22 REPEAL

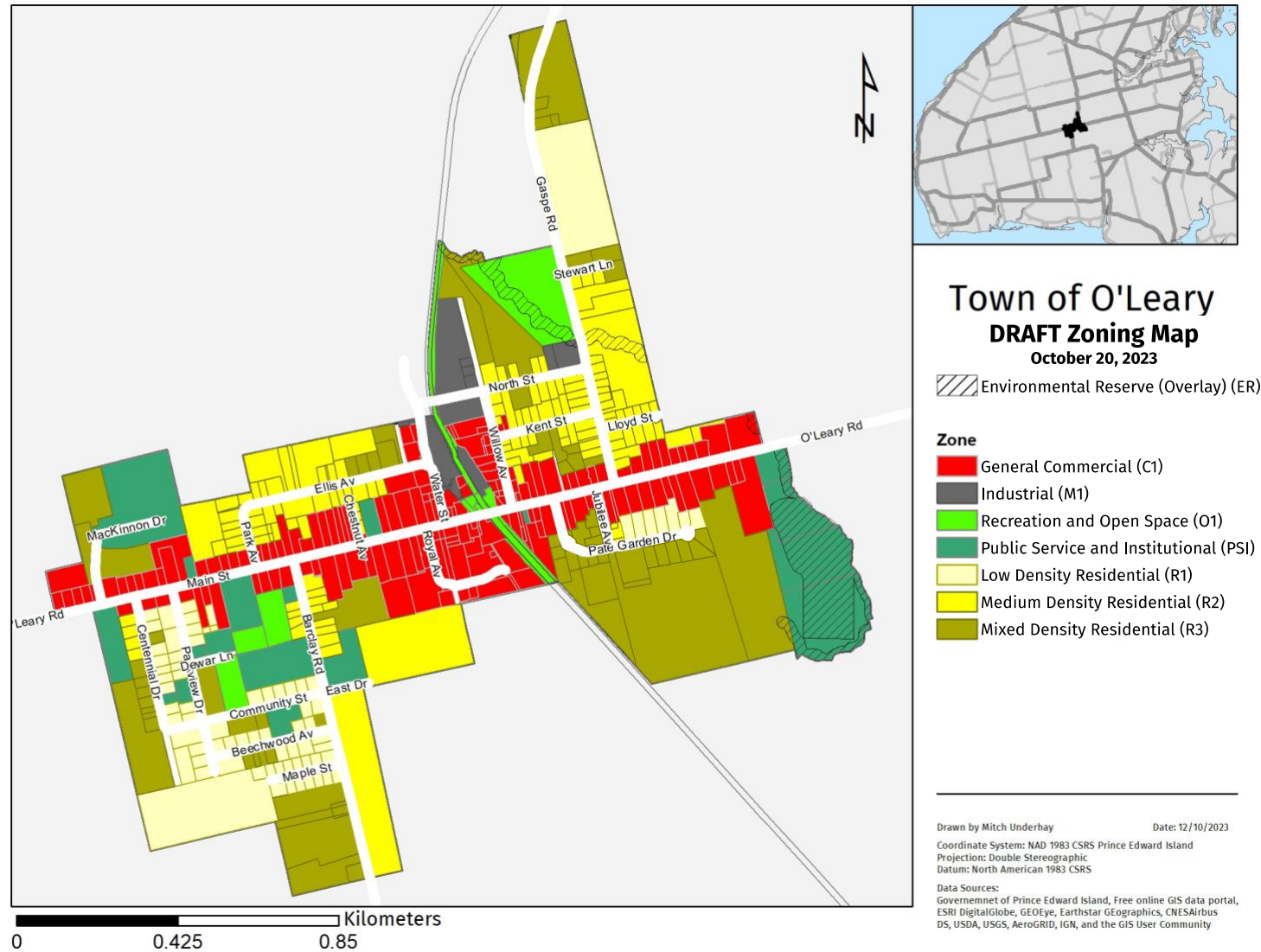
22.1 EFFECTIVE DATE

- (1) This *Bylaw* shall come into force on the date it is signed by the *Province's* minister responsible for the *Planning Act*.

22.2 REPEAL

- (1) The Town O'Leary Zoning & Subdivision Control (Development) Bylaw, Bylaw # (enacted DATE, last amendment DATE) is hereby repealed.

SCHEDULE A – ZONING MAP



SCHEDULE B – PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS

Notwithstanding any provisions of this *Bylaw*, the Province-Wide Minimum Development Standards Regulations prescribed under the Planning Act R.S.P.E.I. 1988, c. P-8, as amended from time to time, apply in the Town of O’Leary. The Province-Wide Minimum Development Standards Regulations are included for information and reference purposes only.

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

PLEASE NOTE

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

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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

Legislative Counsel Office

Tel: (902) 368-4292

Email: legislation@gov.pe.ca



PLANNING ACT
Chapter P-8

**PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS
REGULATIONS**

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

1. “authority having jurisdiction”, defined

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

Idem, existing definitions

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

2. Application

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

3. Lot size

Revoked by EC41/96.

4. Residential

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

Location

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

Reduced size

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



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

Reduced circle requirement

- (4) Notwithstanding the minimum circle diameter requirements set out in column (f) of Table 1 and column (e) of Table 2, a lot that does not meet those requirements may be subdivided from a lot or parcel that existed prior to June 12, 1993 where
 - (a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewerage disposal systems;
 - (b) the lot meets Category I standards in accordance with clause 5(a) and the minimum lot area requirements set out in column (e) of Table 1 and column (d) of Table 2 respectively;
 - (c) a circle with a minimum diameter of 125 ft./38.1 m. will fit within the boundaries of the lot; and
 - (d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement. (EC703/95; 41/96; 694/00; 552/11)

5. Non-residential

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

Exception

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

6. Categories of lots

Every lot on a plan of subdivision shall be categorized in accordance with the following site suitability standards:

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

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

7. Upgrade

Revoked by (*EC694/00*).

8. Application

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

9. Minor variance

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

Variance, public utility use

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

MINIMUM HIGHWAY ACCESS

10. Minimum highway access standards

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

Entrance way permit

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

TABLE 1
MINIMUM LOT SIZE STANDARDS:
RESIDENTIAL LOTS

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

TABLE 1

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



(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

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Minimum Lot Area	(e) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet/metres
on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	51,000 sq. ft. / 4,738 sq. m.	225 ft. / 68.6 m.
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and central waste treatment system	I, II or III	50 feet / 15.25 metres	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and waste treatment systems	I, II or III	n/a	as determined by the Minister	as determined by the Minister

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



SCHEDULE C – SCHEDULE OF FEES

Application Type	Fee
Residential: New building, addition, or renovation	\$25
Accessory Structures:	\$25
Commercial, Industrial, and Institutional New building, addition or renovation	\$25
General Fees	
Change of Use	\$50
Demolition	\$50
Zoning Inquiry	\$50
Subdivision	
Up to 2 lots, boundary line adjustment	\$50
Over 2 lots	\$250 for first five lots + \$25 per additional lot
Amendment to subdivision greater than 2 lots	\$300
Official Plan and Bylaw amendments , including rezoning	\$300 + public meeting costs*

* Associated costs shall be actual, quantifiable costs incurred by the Town in order to process the application or amendment, including professional and legal fees, notification fees for newspaper ads, hall rental, rental of public address system, and advertisement costs, postage, signage and any other the cost associated with the public meeting.

Refunds: all fees are non-refundable.

SCHEDULE D – WIND ENERGY FACILITIES

WIND ENERGY SYSTEMS

- (1) The owner of a *wind energy facility* shall comply with all applicable provincial statutes, regulations and other enactments related to *wind turbines*.
- (2) A *development permit* may be issued for a *wind energy facility* on one or more lots that do not have frontage on a street, provided proof of access to a street is submitted.
- (3) All *wind turbine generators* shall be finished in a non-reflective matte and unobtrusive colour in compliance with Navigations Canada.
- (4) The only artificial lighting permitted on *wind turbines* is lighting that is required by a federal or provincial statute, regulation, or other enactment.
- (5) No signage shall be permitted on a *wind turbine generator* except for the identification of the manufacturer or owner located on the nacelle(s), provided such identification is part of the manufacturing or installation process for the *wind turbine(s)*.
- (6) The owner of the *wind energy facility* shall remove the *wind turbine(s)* and associated structures above grade within two (2) years of *wind energy facility* inactivity.
- (7) A lot shall be deemed to be participating in the project where the lot owner is party to the application and provides written consent.

SMALL WIND ENERGY FACILITIES

- (1) A *small wind energy facility* shall:
 - (a) not be located within three (3) times the *total turbine height* from any existing dwelling;
 - (b) not be located within two (2) times the *total turbine height* from any existing public road;
 - (c) not be located within two (2) times *total turbine height* from a non-participating property or privately owned road.
 - (d) Where parcels are *participating properties*, the setback requirement from a common lot line shall be zero;
- (2) A development permit application for a *small wind energy facility* shall include:
 - (a) a project description including the owner of the *wind energy facility*, total nameplate capacity of the *wind energy facility*, *total turbine height*, *tower height*, rotor diameter, proposed signage, and the manufacturer's specification of all *wind turbine generators* and energy storage systems;
 - (b) signatures of all *participating property* owners party to the application, acknowledging their intent to host physical components or waive lot line setback requirements and thereby participate in the *wind energy facility*;
 - (c) a site plan showing:
 - (d) existing and proposed buildings;

- (e) existing dwellings;
- (f) existing and proposed *wind turbines*, energy storage systems and electrical equipment;
- (g) all lot lines;
- (h) *participating properties* and other adjacent properties;
- (i) compliance with all setback requirements.
- (j) any other information the development officer or Council deems necessary to determine whether the development conforms to this Bylaw.

LARGE WIND ENERGY FACILITIES

- (1) A *large wind energy facility* shall:
 - (a) not be located within 1 km of a dwelling, except where the dwelling is on a *participating property*, in which case the setback requirement shall be four (4) times the *total turbine height*;
 - (b) not be located within two (2) times the *total turbine height* from any existing public road;
 - (c) not be located within two (2) times the *total turbine height* from non-participating property or privately owned road.
 - (d) Where parcels are *participating properties*, the setback requirement from a common lot line shall be zero;
 - (e) The owner of the *wind energy facility* with a name plate capacity in excess of 100 kilowatts shall enter into a development agreement with *Council*, and the agreement shall be registered in accordance with the provisions of the *Registry Act*.
- (2) A development permit application for a *large wind energy facility* shall include:
 - (a) a project description including the owner of the *wind energy facility*, total capacity of the *wind energy facility*, *total turbine height*, tower height, rotor diameter, proposed signage, and the manufacturer's specification of all *wind turbine generators* and energy storage systems;
 - (b) signatures of all lot owners party to the application, acknowledging their intent to host physical components or waive lot line setback requirements and thereby participate in the *wind energy facility*;
 - (c) copies of all documentation submitted pursuant to any federal or provincial statute, regulation, or other enactment;
 - (d) an emergency response plan;
 - (e) an operations and maintenance plan;
 - (f) a decommissioning and reclamation plan;
 - (g) a site plan showing:
 - (h) existing and proposed buildings;
 - (i) existing and proposed *wind turbines*, energy storage systems and electrical equipment;
 - (j) lot lines;
 - (k) *participating properties* and other adjacent properties;

- (l) wetlands and watercourses;
- (m) access roads; and
- (n) compliance with all setback requirements.
- (o) any other information the development officer or Council deems necessary to determine whether the development conforms to this Bylaw.