

RURAL MUNICIPALITY OF  
**VICTORIA**  
VISION 2036

# Zoning & Subdivision Control Bylaw



Adopted \_\_\_\_\_, 2022  
With Amendments To \_\_\_\_\_, 2022

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RURAL MUNICIPALITY OF  
**VICTORIA**

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# 1 Preamble + Interpretation

## 1.1 Title

1.1.1 This Bylaw shall be known and may be cited as the Rural Municipality of Victoria Zoning and Subdivision Control Bylaw, or the “Development Bylaw” for short.

## 1.2 Authority

1.2.1 This Bylaw is enacted under the authority of the *Planning Act*, R.S.P.E.I. 1988, Cap. 4.

## 1.3 Planning Area

1.3.1 This Bylaw applies to the geographical area within which the Rural Municipality of Victoria has jurisdiction.

## 1.4 Purpose

1.4.1 The purpose of this Bylaw is to facilitate the orderly, economical, and beneficial development and use of land and buildings within the municipality. This Bylaw is also intended to implement the Official Plan and promote public health, safety, convenience and welfare; the preservation of the natural environment; preservation of cultural heritage values and assets; and the promotion of sound environmental and agricultural practices. For these purposes the Bylaw, among other things:

- (a) divides the municipality into zones;
- (b) prescribes and regulates for each zone the purposes for which land and buildings may be used;
- (c) establishes the office of one or more Development Officers;
- (d) establishes processes for subdividing land, creating streets, and providing recreational lands;
- (e) establishes a method for making decisions on applications for development permits, including the issuing of development permits; and
- (f) establishes a process whereby environmental impact assessments need to be undertaken for all light industrial & commercial special permitted use development proposals.

## 1.5 Scope

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

## 1.6 Certain Words

1.6.1 In this Bylaw:

- (a) words used in the present tense include future;
- (b) words in the singular number include the plural;
- (c) the word "shall" is mandatory and not permissive; and
- (d) gendered words shall be interpreted to mean any gender.

**1.7 Conflict**

- 1.7.1 In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall take priority.
- 1.7.2 In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall take priority.

**1.8 Rounding**

- 1.8.1 Unless otherwise specified, if the physical nature of a regulation requires rounding, rounding shall:
  - (a) be to the nearest whole number; and
  - (b) if the number to be rounded ends in exactly one half (.5), shall be to the nearest even number.
- 1.8.2 Rounding shall only occur after all applicable regulations have been combined. For example, the number of parking spaces required on a lot shall be summed in decimal form for all uses prior to rounding the final sum.

**1.9 Defined Terms**

- 1.9.1 For the purposes of this By-law, words shall have the meaning or meanings assigned to them in Chapter 12, Definitions. Where a word is not defined in Chapter 12, the word shall have the meaning or meanings assigned by accepted English dictionaries.

**1.10 Units of Measurement**

- 1.10.1 This Bylaw uses the metric system of measurement. Conversions to imperial measurements are often noted; however, these are for convenience only and measurements in metric shall take precedence.

**1.11 Severability**

- 1.11.1 If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Bylaw.

Chapter 1 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change



## 2 Development Zones

### 2.1 Development Zones

2.1.1 For the purpose of this Bylaw, the Municipality is divided into the following development zones, the boundaries of which are subject to Appendix A, the Zoning Map. Such zones may be referred to by the appropriate symbols.

<b>Zone</b>	<b>Symbol</b>
General Residential	R1
Single-Unit Residential	SR
Commercial	C
Central Core	CC
Light Industrial	M
Agricultural	A
Recreation & Public Open Space	P
Public Service & Institutional	PSI
<b>Special Overlay Zones</b>	
Environmental Reserve	O2
Wellfield Protection	WP

### 2.2 Interpretation of Zone Boundaries

2.2.1 The extent and boundaries of zones are shown on Appendix A, the Zoning Map, of this Bylaw and the appropriate provisions of this Bylaw shall apply to each zone. Boundaries between zones shall be determined as follows:

- (a) where a zone boundary is indicated as following a survey line as recorded at the Registry of Deeds, the boundary shall follow that line;
- (b) where a zone boundary is indicated as following a street, private road, or highway, the centreline of the street, private road, or highway shall be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated as following a utility right-of-way, the centreline of the right-of-way shall be the boundary unless otherwise indicated;
- (d) where the zone boundary is indicated as approximately following lot or property lines, the boundary shall follow the lot or property lines;
- (e) where the zone boundary is indicated as following the shoreline of a river, watercourse, lake or salt water body, the mean high-water mark shall be the boundary;
- (f) where the zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary;
- (g) where the zone boundary buffers a wetland or watercourse, the 15-metre buffer shall be the boundary; and
- (h) where none of the above provisions apply, the Development Officer shall scale the zone boundary from the zoning map.

**2.3 Appendices**

2.3.1 All appendices attached to this Bylaw form a part of this Bylaw.

2.3.2 Appendix A shall be cited as the “Zoning Map”.

**2.4 Permitted Uses**

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

Chapter 2 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

## 3 Administration

### 3.1 Development Approval

- 3.1.1 Unless otherwise stated in this Bylaw, no person shall undertake a development within the Municipality without first obtaining a development permit from the Development Officer.
- 3.1.2 No building shall be moved into or within the area covered by this Bylaw without a development permit and such other permits as may be required by law.
- 3.1.3 Unless otherwise stated in this Bylaw, no development permit shall be required for the following developments:
- (a) Laying paving materials for patios or sidewalks.
  - (b) Constructing fences of less than 1.83 metres (6 feet) in height.
  - (c) Installing clothes lines, poles, and radio or television antennae (except ground-based satellite dishes).
  - (d) Making a garden.
  - (e) Growing a crop or preparing land for a crop.
  - (f) Temporary crop structures such as, but not limited to, cloches, cold frames, row hoops, and temporary greenhouses.
  - (g) Conducting routine maintenance which has the effect of maintaining or restoring a structure or any of its elements to its original state or condition.
  - (h) Making landscape improvements or constructing ornamental structures or play structures of less than 5.95 square metres (64 square feet).
  - (i) Constructing a dog house or dog run.
  - (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 use of the building, except:
    - i. exterior renovations to buildings designated as heritage properties.
  - (k) Public utilities located within the street right-of-way.
- 3.1.4 For greater clarity, for the purposes of Subclause 3.1.3(j)i. pertaining to designated heritage properties, the following activities shall not be considered an exterior renovation and shall not require a development permit:
- (a) Routine maintenance.
  - (b) Painting, including painting that changes the colour.
  - (c) Replacement of roofing with same materials.
  - (d) Replacement of cladding with same materials,
- ### 3.2 Compliance with Bylaw
- 3.2.1 All development, including those for which no development permit is required, shall comply with the requirements of this Bylaw.

### **3.3 Other Approvals**

3.3.1 Nothing in this Bylaw exempts any person from the requirement to obtain any permit, license, permission, authority or approval required by any other regulations or laws in force, including approvals required as a precondition to an authorization pursuant to this Bylaw.

### **3.4 Development Officer**

3.4.1 Council shall appoint a Development Officer(s) whose duties shall be as provided in this Bylaw.

3.4.2 A Development Officer shall have the authority to administer this Bylaw.

3.4.3 Notwithstanding the foregoing, a Development Officer shall have the authority to approve or deny severances, lot consolidations, and development permits in accordance with this Bylaw in all areas except for the following:

- (a) New public utility structures or existing utility structures wishing to expand.
- (b) Variances of more than five percent (5%).
- (c) Special Permitted uses.
- (d) Rezoning applications.

### **3.5 Development Restrictions**

3.5.1 The Development Officer shall not issue a development permit for a development if in the opinion of the Development Officer and following the submission of all relevant information:

- (a) council approval has not been granted for any aspect of the development for which this Bylaw requires Council approval;
- (b) the proposed development does not conform to the provisions of this Bylaw and/or any development agreement applicable to this site;
- (c) the proposed development would contravene any bylaw, law, or federal or provincial legislation in effect in the municipality;
- (d) the method or quantity of water supply is not appropriate;
- (e) the method of sanitary waste disposal is not appropriate;
- (f) there is no safe or efficient access to the street, highway, or road;
- (g) the impact of the proposed development would be detrimental to the natural environment;
- (h) the impact of the proposed development would be detrimental to the convenience, health, or safety of residents or public in the immediate vicinity;
- (i) the proposed development would create unsafe traffic conditions; or
- (j) the proposed development does not meet environmental assessment criteria.

### **3.6 Development Permit Application**

- 3.6.1 Any person applying for a permit shall do so on a form prescribed by the Development Officer, and shall submit the application and fee to the Municipal Administrative Office. The application will be forwarded to the Development Officer.
- 3.6.2 Every application form shall be signed by the property owner or the property owner's authorized agent, and shall be accompanied by an application fee in accordance with the Appendix of Fees established by Council and annexed hereto as Appendix D.
- 3.6.3 The Development Officer shall notify the applicant, in writing, if the application is incomplete or lacking in plan details, and shall indicate any additional information or documentation required.

### **3.7 Payment of Fees**

- 3.7.1 Notwithstanding any section of this Bylaw, development permits are not valid and will not be recognized until the application fee and any other required fees are paid in full and the said permit is signed by the Development Officer and applicant.

### **3.8 Development Permit**

- 3.8.1 A development permit shall be issued once the Development Officer is satisfied that the proposed development conforms with all relevant provisions of this Bylaw, any other relevant bylaws, and is not considered an obnoxious use. The Development Officer shall only issue a development permit upon receipt of the appropriate fee(s), as set out in Appendix D.
- 3.8.2 A development permit shall be valid for a twelve-month period, or such additional time as may be authorized by the Development Officer.
- 3.8.3 The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or where the permit was issued in error.

### **3.9 Conditions on Permits**

- 3.9.1 The Authority Having Jurisdiction shall have the authority to impose conditions on a development permit subject to such conditions being directly related to or consistent with bylaws of the Municipality and the Official Plan.

### **3.10 Special Permitted Uses**

- 3.10.1 This Bylaw provides for special permitted uses.
- 3.10.2 Special permitted uses represent exceptions to the "permitted uses" in each zone and shall be subject to the approval of Council.
- 3.10.3 Prior to the issuance of a development permit for a special permitted use, Council shall ensure that:
  - (a) the development and the conditions placed upon it are consistent with the criteria for the applicable use as outlined in Chapter 8;
  - (b) the development is consistent with all applicable requirements of this Bylaw necessary for the issuance of a development permit, except where those requirements are modified by the criteria of Chapter 8; and

- (c) property owners within 30 metres (98.4 feet) of the subject property are notified in writing with the details of the proposed development and asked to provide their comments in relation to the criteria of Chapter 8 within 21 days, following which Council will determine whether a public review is necessary.

3.10.4 A public review may be required for any special permitted use as determined by Council, and shall be required for the following uses:

- (a) new commercial development inside or outside the Commercial Zone or the expansion of an existing commercial development inside or outside the Commercial Zone.
- (b) new light industrial development or the expansion of an existing light industrial development.

3.10.5 Where Council has determined that a public review is necessary, the following provisions shall apply:

- (a) a public meeting shall be held to allow the developer to present the development proposal to residents to obtain their input;
- (b) the time, date, location, and details of the meeting shall be advertised in a local newspaper at least twice, at the cost of the developer, not less than seven days in advance of the meeting date;
- (c) council shall appoint a Planning Board member to chair the meeting;
- (d) written comments respecting the proposed development may be forwarded to the Municipal Administrative Officer, or designate, prior to the meeting for those unable to attend; and
- (e) the developer or their agent shall attend the meeting in order to present and defend the proposed development.

3.10.6 The agenda for the public meeting shall include the following:

- (a) introduction and opening remarks by the chair;
- (b) presentation of the proposed development including visual materials by the developer or their agent; and
- (c) question period opened to Planning Board members:
  - i. Questions on the proposed development shall be addressed by the developer or their agent.
  - ii. Questions on municipal procedure and policy shall be handled by the chair.
- (d) comments, questions and opinions by interested persons wishing to be heard.
- (e) a summary of previously submitted written comments, presented by the chair.

3.10.7 A written summary of the oral comments received at the public meeting shall be prepared by the Municipal Administrative Officer, or designate, a copy of which shall be filed in the municipal office and made available to any interested person during the Administration Office's usual hours of operation.

### **3.11 Development Agreements**

- 3.11.1** The Development Officer may require any applicant to enter into a development agreement. This agreement shall be a contract binding on both parties, containing all conditions which were attached to the development permit.
- 3.11.2** Failure to comply with a development agreement shall constitute an offense under this Bylaw.
- 3.11.3** A development agreement may address but shall not be limited to the following matters:
- (a) Site plan design.
  - (b) The design and construction of sidewalks, pathways, trails, and other pedestrian or bicycle circulation facilities.
  - (c) The location and number of bicycle and vehicular parking and loading spaces.
  - (d) Connections to existing or planned pedestrian, bicycle, and vehicular networks.
  - (e) Connections to existing coastal access points.
  - (f) Landscaping and screening.
  - (g) Types of materials stored and/or sold on site.
  - (h) Open space and amenity areas.
  - (i) Vehicular access and exists.
  - (j) Security and safety lighting.
  - (k) Fencing.
  - (l) The emission of noise, odour, light, liquids, gasses, and dust.
  - (m) Storm water management and drainage.
  - (n) Servicing.
  - (o) Methods and location of waste storage and disposal.
  - (p) Time limits for the initiation and/or completion of the development.
  - (q) Any other matters that the Development Officer deems necessary to ensure the health, safety, and convenience of residents and the public.

### **3.12 Site Plan**

- 3.12.1** The Development Officer may require an applicant to submit a site plan drawn to a convenient scale certifying the agreement of the applicant to develop the site in accordance with the plan.
- 3.12.2** A site plan shall be prepared to a scale showing existing and proposed conditions and may, at the Development Officer's request, include:
- (a) the location of all buildings and structures on the parcel with respect to the lot boundaries;
  - (b) the location of the septic system or sewer service;
  - (c) the location of the well or water service;
  - (d) the location of the electrical service;
  - (e) the location of the existing or proposed driveway(s);
  - (f) floor plan(s) of the proposed building or structure;
  - (g) elevation plan(s) of each exterior wall of the proposed building or structure;
  - (h) drainage plan of the site, signed and sealed by a land surveyor, a professional engineer, or a landscape architect licensed to practice in the Province; and/or
  - (i) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirement of this Bylaw.

### **3.13 Drainage Plan**

**3.13.1** The Development Officer may require the applicant to submit a drainage plan prepared by a land surveyor, or a professional engineer, or a landscape architect licensed to practice in the Province.

**3.13.2** The drainage plan shall be signed and sealed by a qualified professional as noted above attesting that the design, construction and completed development shall be in accordance with acceptable standards and no water runoff (no additional or changed characteristics) is permitted onto other lands unless legal permission has been obtained.

**3.13.3** The drainage plan shall show such details as the following:

- (a) Certification by the person who has prepared the plan.
- (b) Name of the company that prepared the certificate.
- (c) Property information, dimensions, PID number, civic number, subdivision lot number, date of survey, drawing scale, and north arrow.
- (d) Existing surface conditions, e.g. clay, topsoil, sod or landscaped.
- (e) Existing elevations referenced to the NAD83 Geodetic Reference System showing:
  - i. all improvements on the subject site;
  - ii. spot elevations throughout the site; and
  - iii. any improvements or spot elevations on adjacent properties necessary to show the existing drainage patterns;
- (f) Proposed elevations referenced to NAD83 Geodetic Reference System showing:
  - i. all proposed improvements on the subject site;
  - ii. proposed spot elevations throughout the site;
  - iii. any proposed improvements or spot elevations on adjacent properties necessary to show the proposed drainage patterns;
  - iv. top of existing and proposed foundation elevations; and
  - v. location and elevation of structures on adjoining properties along with any elevations necessary to confirm drainage patterns;
- (g) Location of discharge into storm sewer system, ditch, etc.
- (h) Projected storm water flow rates for new subdivisions shown on a storm water management plan.
- (i) Detailed surveys for lots adjacent to storm water management ponds or storage areas including the location and elevations of structures or features with maintenance and overflow areas.
- (j) Any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

**3.13.4** The Development Officer shall review the proposed structure layout and top of foundation elevations to verify the design, construction and completed development. A commonly accepted standard is a 3% slope from the foundation of the structure to the street.



### **3.14 Other Information**

**3.14.1** The Development Officer may require an applicant to submit any additional information, prepared by the appropriate professional, necessary to confirm compliance with this Bylaw, including but not limited to the following:

- (a) Parking lot layout and internal circulation patterns.
- (b) Location of solid waste containers and description of any screening or fencing.
- (c) Storm water management plan.
- (d) Traffic study.
- (e) Environmental study.
- (f) Location of open space and amenity areas.
- (g) Landscaping plan.
- (h) Buffer zones adjacent to wetlands or watercourses.
- (i) Plan and description of existing vegetation.
- (j) Existing heritage registered or designated properties.
- (k) Easements.
- (l) Proposed storage areas and description of any screening or fencing.
- (m) Description and location of ventilation systems and other equipment that could create excessive noise and odour.

### **3.15 Surveys Required**

**3.15.1** 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 met and the applicant has submitted six (6) paper copies in addition to one (1) digital copy of a survey plan prepared by a licensed Prince Edward Island land surveyor.

### **3.16 Construct in Accordance with Application**

**3.16.1** Any person who has been granted a development permit shall develop in accordance with the information given on the prescribed application form, any supporting documentation and the conditions and requirements of said development permit or development agreement.

### **3.17 Authorization for Inspection**

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

### **3.18 Permits Posted**

**3.18.1** All permits shall be posted by the developer on the subject property and be visible from the street. A list of approved development permits and rezoning approvals (including the date on which it was approved) shall be posted in the Rural Municipality of Victoria Municipal Office, 730 Victoria Road, Victoria as well as on the Municipal and Provincial Government websites within five (5) working days of approval.

### **3.19 Building Code Compliance**

**3.19.1** Council shall co-operate with the Province in the implementation of the Prince Edward Island *Building Code Act*, which legislates compliance with the National Building Code.

3.19.2 A building permit may be withheld upon failure to obtain a development permit.

### **3.20 Specialized Fire Services**

3.20.1 Developers shall be required to cover all costs of specialized fire services or facilities, as required, for the following types of development:

- (a) light industrial development;
- (b) new commercial development outside the Commercial Zone; and
- (c) the expansion of commercial development outside the Commercial Zone.

### **3.21 Temporary Uses, Buildings and Structures**

3.21.1 The Development Officer may issue a temporary permit for the temporary use of land or the temporary use of a building or structure incidental to a construction project provided that a development permit has been issued for the main construction project, subject to such conditions as the Development Officer may deem appropriate to protect the interests of adjacent property owners or the general public. The permit shall require that the temporary use shall be removed from the site within 30 days of completion of the main construction project, unless otherwise approved by the Development Officer.

3.21.2 The Development Officer may at their sole discretion issue a permit for the temporary erection of a structure or the temporary use of land in any zone in order to accommodate a special event or occasion, as long as the temporary use does not exceed 14 consecutive days and is discontinued and removed afterwards. The Development Officer may attach such conditions as it deems appropriate to ensure public safety and to mitigate any negative impacts on surrounding properties.

3.21.3 The Development Officer shall not issue a permit for mobile trailers or mobile structures for commercial use.

### **3.22 Denying Permits**

3.22.1 No development permit shall be issued if the proposed development could, in the opinion of the Development Officer, create a hazard to the public or any resident or could injure or damage other property within the municipality, such injury or damage could include but is not limited to, water, drainage, or other water run-off damage.

3.22.2 No development permit shall be issued if the proposed development could create a health or fire hazard.

**3.23 Appeals**

- 3.23.1 Any person who is dissatisfied by a decision of the Development Officer in respect to the administration of regulations or Bylaws made pursuant to the powers conferred by the *Planning Act* may, within twenty-one (21) consecutive days of the decision, appeal to the Island Regulatory and Appeals Commission.
- 3.23.2 Notwithstanding subsection 3.23.1 above, no appeals may be filed regarding a decision of the Development Officer respecting the final approval of a subdivision where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the subdivision.
- 3.23.3 A notice of appeal to the Commission under Subsection 3.23.1 shall be in writing and shall state the grounds for the appeal and the relief sought.
- 3.23.4 The appellant shall, within seven (7) consecutive days of filing an appeal with the Commission, serve a copy of the notice of appeal on the Development Officer.

Chapter 3 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

## 4 General Provisions for All Zones

### 4.1 Existing Non-conforming Buildings and Structures

4.1.1 Where a building or structure exists on or before the effective date of this Bylaw and does not comply with one or more requirements of this Bylaw the building or structure may be enlarged, reconstructed, relocated, repaired or renovated, or demolished provided that:

- (a) the enlargement, reconstruction, repair, relocation or renovation does not increase the non-conformance(s) with this Bylaw;
- (b) the applicant has provided a complete site plan along with the application; and
- (c) all other provisions of this Bylaw are satisfied.

4.1.2 A building or structure shall be deemed to exist on the effective date of approval of this Bylaw if:

- (a) it has lawfully been constructed; or
- (b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within twelve (12) months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time.

4.1.3 If a building or structure that does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of seventy-five percent (75%) or more of the assessed value of the building or structure above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw, except if the building or repair work would not be detrimental, in the opinion of the Development Officer, to the health or safety of residents in the vicinity or the general public.

### 4.2 Existing Undersized Lots

4.2.1 Notwithstanding any other provisions of this Bylaw:

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

### **4.3 Existing Non-conforming Uses**

- 4.3.1 Subject to the provisions of this Bylaw, a use of land, building, or structure lawfully in existence on the effective date of approval of this Bylaw may continue to exist.
- 4.3.2 No structural alterations that would increase the exterior dimensions, except as required by statute or Bylaw, shall be made to a building or structure while a non-conforming use thereof is continued.
- 4.3.3 Any change of tenants or occupants of any premises or building shall not of itself be deemed to affect the use of the premises or building for the purposes of this Bylaw.
- 4.3.4 A non-conforming use of land, building, or structure shall not be permitted to resume if it has been discontinued for a period of twelve (12) consecutive months, and in such event the land, building, or structure shall not afterward be used except in conformity with this Bylaw. In the case of seasonal businesses, the use shall be considered discontinued starting on December 31<sup>st</sup> if the business had not operated in that that calendar year.
- 4.3.5 A non-conforming use of land, building, or structure shall not be permitted to undergo an intensification of use or an increase in business volumes or activity levels.
- 4.3.6 A non-conforming use of land, building, or structure shall not be permitted to increase in area.

### **4.4 Accessory Uses and Buildings**

- 4.4.1 Accessory uses and buildings shall be permitted on any lot but shall not:
- (a) be built closer than 1.2 metres (3.9 feet) to the side or rear property lines;
  - (b) be built within the front yard or flankage yard of a lot;
  - (c) exceed the height of the main building or the total floor area of the main building except in the Agricultural and Light Industrial Zones;
  - (d) exceed 20 square metres (215 square feet) of floor area per building in the Central Core Zone; or
  - (e) exceed 47 square metres (506 square feet) of floor area per building in the Residential or Recreation & Public Open Space Zones; or
  - (f) exceed one accessory building per lot, except:
    - i. necessary accessory buildings for agricultural uses;
    - ii. on a lot greater than 4,046 square metres (1 acre), in which case a maximum of two (2) accessory buildings are permitted;
    - iii. lots with a detached accessory dwelling may have an additional accessory building up to 18.5 square metres (200 square feet); or
    - iv. where the property is zoned Agricultural, Public Service and Institutional, or Light Industrial.

4.4.2 Notwithstanding the above provisions, Council may issue a special development permit for an accessory building located within the front yard or flankage yard of a lot where Council is satisfied the building will be compatible with adjacent structures and no permanent injury would be caused to adjoining properties, subject to such conditions as Council may impose, including but not limited to:

- (a) requirements for water or sewer servicing, or a prohibition on such servicing; and
- (b) a requirement for the building to be located completely underground.

4.4.3 Any accessory building attached to a dwelling shall be considered part of the dwelling.

#### **4.5 Mixed Use**

4.5.1 Where any land or building is used for more than one (1) use, all provisions of this Bylaw relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot size or frontage, the most stringent standards shall prevail.

#### **4.6 Lot Frontage**

4.6.1 No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a street.

4.6.2 If a parcel of land in any zone is of such configuration that it cannot reasonably be subdivided in such a way as to provide the required minimum lot frontage on a street, Council may approve a reduced road frontage, provided that:

- (a) adequate, safe, and perpetual access to the lot is provided; and
- (b) the lot width at the building line measures at least as much as the minimum lot frontage requirement.

#### **4.7 Access Driveway**

4.7.1 No person shall construct or use any access driveway prior to obtaining an access permit from the provincial road authority.

4.7.2 No person shall change the use of any access driveway to a more intensive use without the evaluation and approval of the Development Officer.

**4.8 Setback Encroachments**

4.8.1 Except for accessory buildings, every part of any yard required by this Bylaw shall be open and unobstructed by any structure from the ground to the sky, provided that those structures listed in the following table shall be permitted to project for the specified distance as follows:

Structure	Setback in Which Projection is Permitted	Maximum Projection from Main Wall Permitted into Setback
Retrofits to existing buildings to increase the amount of exterior insulation.	Any setback	0.3 metres (1 foot)
Sills, belt, courses, cornices, eaves, gutters, chimneys, pilasters or canopies	Any setback	0.6 metres (2 feet)
Window bays up to 3 metres (10 feet) wide	Front, rear, and flankage setbacks only	0.9 metres (3 feet)
Fire escapes up to 3 metres (10 feet) wide	Rear and side setbacks only	1.5 metres (5 feet)
Balconies	Front, rear and flankage setbacks only	1.8 metres (6 feet)
Open, roofed porches or verandahs not exceeding one storey in height; uncovered terraces	Front, rear and flankage setbacks only	2.4 metres (8 feet) including eaves and cornices
Barrier-free access ramps	Any setback	2.4 metres (8 feet)

**4.9 Height Exemptions**

4.9.1 The height regulations of this Bylaw shall not apply to church spires or steeples, mosque minarets, water tanks or reservoirs, elevator enclosures, stairwells, commercial communications towers, television or radio antennae, tree houses, silos, flag poles, ventilators, barns, chimneys, skylights, public art, solar collector systems, bee hives, or clock towers.

**4.10 Conformity with Existing Adjacent Setbacks**

4.10.1 The Development Officer may approve a front setback less than the minimum front setback required in a zone if:

- (a) the proposed setback is not less than the smallest front setback of any main building within 60 metres (197 feet) on the same street and within the same zone as the proposed building; and
- (b) the proposed setback is not less than 2 metres.

#### **4.11 Intersection Triangle**

4.11.1 On a corner lot, 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 0.6 metres (2 feet) above grade within the triangular area formed by a line connecting the abutting street boundary lines at a distance of 6 metres (20 feet) from their point of intersection.

#### **4.12 Servicing**

4.12.1 All applicants requesting a development permit or subdivision approval shall be subject to the requirements of the Rural Municipality of Victoria Servicing Standards Manual.

4.12.2 All Development with an existing or proposed on-site sewage disposal system shall comply with the following:

(a) No person shall sever a lot unless:

- i. an approved site suitability assessment has been obtained from the Development Officer; and
- ii. the lot to be severed is in conformity with the requirements imposed by this Bylaw.

(b) No person shall make any alterations or increase the usage of an existing on-site sewage disposal system unless:

- i. an approved site suitability assessment has been obtained from the Development Officer; and
- ii. the change of use is in conformity with the requirements imposed by this Bylaw.

4.12.3 Any person wishing to construct, erect, place, make any alterations to, or change the use of a structure on any lot within the municipality which will require connection to the Municipality's central sewer system shall apply for and receive permission for such connection(s) from the Development Officer and the Water and Sewage Commission, and shall provide proof of such permission prior to receiving a development permit.

4.12.4 Any person wishing to construct, erect, place, make any alterations to, or change the use of a structure on any lot within the municipality which will require connection to the Municipality's central water system, shall apply for and receive permission for such connection(s) from the Development Officer and the Water and Sewage Commission, and shall provide proof of such permission prior to receiving a development permit.

#### **4.13 Light Pollution**

4.13.1 In order to limit unnecessary light pollution, all exterior light fixtures shall direct light downward.



#### **4.14 Swimming Pools**

**4.14.1** Except in the Central Core Zone, the installation of an inground swimming pool shall be permitted in any zone in accordance with the following provisions:

- (a) the owner shall first secure a development permit from the Development Officer;
- (b) a fence a minimum of 1.8 metres (6 feet) in height shall be constructed around the pool in such a manner so as to impede unauthorized persons from entering;
- (c) any gate on such fence shall be capable of being locked;
- (d) the water from the pool shall not be disposed of through the Municipality's central sewer system; and
- (e) the water from the pool shall be permitted to be disposed of onto the ground, provided:
  - i. the water does not enter a watercourse;
  - ii. the water has been de-chlorinated through the use of hydrogen peroxide, or allowed to stand unused for a period of time, until the residual chlorine in the water has been reduced to an acceptable level; and
  - iii. the owner shall agree that other initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out at Council's request.

#### **4.15 Automobile Parking**

**4.15.1** Off-street parking in conjunction with a residential, residential-commercial operation, commercial, public service and institutional, industrial or recreation use shall be provided in conformity with the standards set out in Appendix B, Parking Standards, of this Bylaw.

**4.15.2** A parking space shall have a minimum size of 2.4 metres (8 feet) by 6.1 metres (20 feet).

**4.15.3** Unless otherwise permitted in this Bylaw, each automobile parking space shall be independently accessible and shall have clear access to a maneuvering lane.

**4.15.4** Any parking lot for four (4) or more automobile parking spaces shall meet the following requirements:

- (a) the parking area shall be maintained with a stable surface;
- (b) any lights used for illumination of the parking area shall be designed and installed in a manner that does not project onto adjacent properties;
- (c) a structure, not more than 4.5 metres in height and not more than 5 square metres in area may be erected in the parking area for the use of attendants;
- (d) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
- (e) gasoline pumps or other service station equipment shall not be located or maintained on the required parking area;
- (f) traffic aisles leading to and within parking areas shall be a minimum width of 3 metres for one-way traffic and a minimum width of 6 metres for two-way traffic;
- (g) individual parking spaces shall be located such that they do not interfere with the functioning of any entrance or exit to a building or structure; and

- (h) if the parking area is located adjacent to residential uses, an opaque fence with a minimum height of 1.8 metres (6 feet) shall be constructed on the lot line.

**4.15.5** Where the parking area is located between a main building and a street, any parking lot for four (4) or more automobile parking spaces may be encouraged to provide a marked pedestrian pathway between the street and the main entrance of the main building. The pedestrian pathway shall be a minimum 1.5 metres wide and surfaced with asphalt, concrete, or interlocking paving stones.

**4.15.6** The Development Officer may waive the automobile parking space requirement in whole or in part where, due to high lot coverage and/or the lack of front and side yards, it is impossible to site an automobile parking space without the removal of existing buildings.

#### **4.16 Bicycle Parking**

**4.16.1** The following commercial and institutional uses may be encouraged to provide bicycle parking spaces:

- (a) Academic schools.
- (b) Business or professional offices.
- (c) Restaurants.
- (d) Retail stores (excluding residential-commercial operations).

**4.16.2** Where bicycle parking spaces are provided, they shall be encouraged to abide by these guidelines:

- (a) be located in the front, flankage, or side yard;
- (b) be visible from the street;
- (c) have minimum dimensions of 0.6 metres by 2 metres (2 feet by 6.6 feet);
- (d) be surfaced with a hard, permanent surface (brick, asphalt, concrete, or similar); and
- (e) include an “inverted U” or “post and ring” bicycle rack that:
  - i. Is located on one side of the parking space and oriented parallel to the length of the parking space;
  - ii. is permanently mounted into or onto surface with the midline of the rack at the midline of the length of the parking space; and
  - iii. is made of metal.

#### **Chapter 4 Changelog**

Reference No.	Effective Date	File or Project	General Nature of Change

## 5 Use Specific Regulations

### 5.1 Wind Turbines

5.1.1 Wind turbines of any size shall not be permitted within the Municipality.

### 5.2 Solar Collectors

5.2.1 Solar collector systems shall be permitted as an accessory use in all zones.

### 5.3 Electric Vehicle Charging

5.3.1 Electric vehicle charging stations shall be permitted as an accessory use in all zones.

### 5.4 Farm, Fish, and Forest Stalls

5.4.1 Notwithstanding Subsection 5.9.2, nothing in this Bylaw shall prevent the direct sale of fish or other seafood; farm products such as but not limited to, flowers, fruit, and vegetables; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products by individuals or companies engaged in the harvesting of such, subject to the following provisions:

- (a) any associated structures shall be limited to a maximum total footprint of 10 square metres (107.6 square feet) on a lot;
- (b) associated structures shall meet zone requirements for side and rear setbacks, but shall not be required to meet minimum front setbacks;
- (c) the individual or company engaged in the harvesting owns the property where the stall is operating.; and
- (d) no development permit shall be required.

### 5.5 Fowl and Rabbits

5.5.1 The keeping of fowl and rabbits shall be permitted as an accessory use in all zones except the Central Core Zone, subject to the requirements of this Section.

5.5.2 For the purpose of this Section, any combination of up to three fowl and rabbits shall be considered one animal unit.

5.5.3 The following restrictions shall regulate minimum lot size requirements for the keeping of fowl and rabbits:

- (a) On lots less than 500 square metres (5,380 square feet) in area, up to three (3) hens shall be permitted.
- (b) On lots 500 square metres (5,380 square feet) or more in area and less than 2,500 square metres (26,910 square feet) in area, five (5) small animal units shall be permitted;
- (c) On lots 2,500 square metres (26,910 square feet) or more in area and less than 10,000 square metres (1.48 acres) in area, 25 small animal units shall be permitted; and
- (d) On lots 10,000 square metres (2.47 acres) or more in area, 50 small animal units shall be permitted for each 10,000 square metres (2.47 acres) of lot area.

- 5.5.4 No roosters shall be permitted on lots under 6,000 square metres (1.48 acres) in area.
- 5.5.5 Structures housing more than 4 small animal units and fewer than 25 small animal units shall have a minimum setback of 15 metres (49 feet) from any lot line or watercourse.
- 5.5.6 Structures housing 25 or more small animal units shall have a minimum setback of 30 metres (98 feet) from any lot line or watercourse.
- 5.5.7 Retail sale of fowl and rabbit products is permitted in accordance with Section 5.4.

## **5.6 Beekeeping**

- 5.6.1 The keeping of bees shall be permitted as an accessory use in all zones, subject to the following requirements:
  - (a) Hives shall be set back 1.8 metres (6 feet) from any property lines unless:
    - i. the property line is fenced with a solid, opaque fence a minimum of 1.8 metres (6 feet) in height;
    - ii. the property line includes a hedge or other vegetative obstruction at least 1.8 metres (6 feet) in height that covers the entire length of the property line; or
    - iii. the hive is located on a structure at least 1.8 metres (6 feet) in height.
  - (b) A constant source of water shall be provided on-site.

## **5.7 Livestock**

- 5.7.1 The keeping of livestock shall be prohibited except on a farm property or in accordance with Section 5.5, Fowl and Rabbits.

## **5.8 Community Gardens**

- 5.8.1 A community garden may be permitted as a main use on a lot in any zone provided it:
  - (a) conforms with the applicable zone requirements for accessory structures or greenhouses;
  - (b) has an accessible constant on-site water source, such as piped water or a refillable cistern; and
  - (c) provides an on-site location for odour-free organic waste disposal or transport organic waste to a suitable disposable facility.

## **5.9 Vending**

- 5.9.1 No person shall park, place or permit to be parked or placed on any street, park or public place within the municipality any mobile vending unit.
- 5.9.2 No person shall undertake outdoor vending on any park or public place within the municipality without first applying for, paying the appropriate fee as set forth in Appendix D and obtaining a permit from the Development Officer. The Development Officer may issue a development permit for an outdoor vending activity (including but not limited to garage sales, farmer markets, festivals, music events or entertainment) where it deems the outdoor vending activity is appropriate and all other relevant provisions of this Bylaw are met, and subject to such conditions as the Development Officer may impose.

## **5.10 Gasoline Storage**

5.10.1 Underground gasoline storage facilities shall not be permitted in any zone.

5.10.2 The storage of gasoline on a residential lot shall be limited to 50 litres (11 gallons).

## **5.11 Vehicle Bodies**

5.11.1 Trucks, buses, boats, automobiles, street car bodies, and structures of any kind other than a mobile home or dwelling unit erected and used in accordance with this By-law shall not be used for human habitation whether or not the same is mounted on wheels.

5.11.2 Notwithstanding Subsection 5.11.1, Recreational trailers or vehicles shall not be permitted to be used as a dwelling in any zone unless the Development Officer has issued a temporary permit for such use.

## **5.12 Utilities and Public Uses**

5.12.1 Notwithstanding anything else in this Bylaw, public utility buildings and structures and service facilities provided by the Municipality, including, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, public parks and playgrounds, public washrooms, utility services, water storage reservoirs, and storm water management facilities may be located in any zone and no development permit shall be required and no zone standards shall apply.

5.12.2 Accessory structures for parks and open space uses shall have a maximum height of 6 metres (19.7 feet) and shall have a minimum setback of 3 metres (9.8 feet) from all lot lines. Where a parks and open space use spans multiple lots, no setback shall be required from the lot lines internal to the use.

5.12.3 Notwithstanding anything else in this Bylaw, public utilities located within the street right-of-way or underground may be placed in any zone, and no development permit shall be required and no zone standards shall apply.

5.12.4 Private utility buildings and structures shall be permitted in all zones as a special permitted use.

## **5.13 Cemeteries**

5.13.1 Cemeteries shall not be permitted in any zone.

## **5.14 Accessory Dwellings**

5.14.1 Accessory dwelling units shall be permitted within the General Residential, Central Core, and Agricultural Zones within a single-detached dwelling or duplex, or as all or part of an accessory building.

5.14.2 Accessory dwellings forming all or part of an accessory building shall meet the following requirements:

- (a) only one accessory dwelling shall be permitted on a lot;
- (b) the accessory dwelling shall be subject to zone requirements for main buildings;
- (c) lot coverage shall not exceed 35 percent; and
- (d) the gross floor area of the accessory dwelling shall not exceed 100 square metres.

5.14.3 Accessory dwellings within centrally serviced areas shall be subject to review by the Victoria Water and Sewer Commission and be in compliance with the Municipal Servicing Standards.

5.14.4 The owner of accessory dwellings within unserviced areas shall be required to provide confirmation from the Prince Edward Island Department of Environment, Water and Climate Change that the additional unit can be accommodated by on-site water and septic services.

## **5.15 Residential Facilities**

5.15.1 Residential facilities shall be permitted as dwellings and subject to the applicable zone requirements for dwellings based on the following equivalencies:

- (a) A residential facility with fewer than five beds shall be treated as a single-unit dwelling.
- (b) A residential facility with five to eight beds shall be treated as a duplex dwelling.

5.15.2 A single bedroom for a staff member shall be permitted without being counted for the purposes of the equivalencies in Subsection 5.15.1. All other staff bedrooms shall be counted for the purpose of equivalencies in Subsection 5.15.1.

## **5.16 Personal Office or Studio**

5.16.1 Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit as a personal office or studio for residents of the dwelling unit, provided the personal office or studio is not intended to be visited by members of the public.

5.16.2 No development permit is required for a personal office or studio.

## **5.17 Instruction of One Student at a Time**

5.17.1 Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit for the instruction of one student at a time.

5.17.2 No development permit is required for the instruction of one student at a time.

## **5.18 Residential-Commercial Operation**

5.18.1 A residential-commercial operation may be located in a dwelling or an accessory building within the Central Core and Commercial Zones provided that:

- (a) in the case of an accessory building it shall not be used as human habitation;
- (b) residential-commercial operations shall not exceed fifty (50) percent of the total floor area of the dwelling or up to one-hundred (100) percent of the total floor area of the accessory building;
- (c) residential-commercial operations shall not have outdoor storage or outdoor display; and
- (d) the external appearance of the dwelling is not altered.

## **5.19 Short-term Rentals**

5.19.1 Short-term rentals shall not be permitted in the Municipality.

5.19.2 The definition of short-term rental is outlined in Section 12, Definitions, of this Bylaw.

**5.20 Outdoor Storage and Display**

5.20.1 Outdoor storage shall not be located in any required side or rear setback or between a main building and a front lot line.

5.20.2 Outdoor display shall not be located within 3 metres of the front lot line.

**5.21 Drive-throughs**

5.21.1 Drive-throughs shall not be permitted in the Municipality.

Chapter 5 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 6 Land Use Zones

## 6.1 General Residential Zone

### General

6.1.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in the General Residential Zone shall conform with the provisions of this section.

### Permitted Uses

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

- (a) Duplex dwellings
- (b) Public utilities
- (c) Recreation and public open space facilities
- (d) Single-unit dwellings

### Special Permitted Uses

6.1.3 Notwithstanding Subsection 6.1.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- (a) Accessory dwellings
- (b) Grouped dwellings
- (c) Major residential developments of more than four lots
- (d) Private utilities

6.1.4 Chapter 8 of this Bylaw shall guide Council's considerations when issuing special development permits.

### Servicing

6.1.5 All developments in the General Residential Zone shall be serviced by the central water system.

6.1.6 All developments in the General Residential Zone shall be serviced by the central sewer system, where available.

6.1.7 All developments in the General Residential Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission, when necessary.

6.1.8 All developments in the General Residential Zone shall be serviced by the appropriate solid waste and recyclable services.



**Lot Requirements**

6.1.9 The following requirements shall apply to all development in a General Residential Zone:

Requirement	
Minimum lot area	750 square metres (8073 square feet)
Minimum frontage	15 metres (49.2 feet)
Minimum front setback	6 metres (19.7 feet)
Minimum flankage setback	6 metres (19.7 feet)
Minimum rear setback	4.5 metres (14.8 feet)
Minimum side setback	3 metres (9.8 feet)
Maximum height of any building	2.5 storeys or 10.7 metres (35.1 feet), whichever is less

6.1.10 In addition to the above requirements, all lots not serviced by both central sewer and water shall conform to the Province-wide minimum development standards regulations as noted in Appendix C.

6.1.11 Notwithstanding the above requirements, within existing approved residential subdivision developments, the Development Officer may require new development to conform with the development standards which have been established, even if these standards exceed the minimum standards stated above.

**New Residential Developments**

6.1.12 All new residential developments shall, wherever practical, be integrated, at no cost to the Municipality, into the Municipality’s existing or planned pedestrian accesses, parking, coastal access points, and recreation and public open space network.

## 6.2 Single-Unit Residential Zone

### General

6.2.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in the Single-Unit Residential Zone shall conform with the provisions of this section.

### Permitted Uses

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

- (a) Public utilities
- (b) Recreation and public open space facilities
- (c) Single-unit dwellings

### Special Permitted Uses

6.2.3 Notwithstanding Subsection 6.2.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- (a) Private utilities

6.2.4 Chapter 8 of this Bylaw shall guide Council’s considerations when issuing special development permits.

### Servicing

6.2.5 All developments in the Single-Unit Residential Zone shall be serviced by the central water system.

6.2.6 All developments in the Single-Unit Residential Zone shall be serviced by the central sewer system, where available.

6.2.7 All developments in the Single-Unit Residential Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission, when necessary.

6.2.8 All developments in the Single-Unit Residential Zone shall be serviced by the appropriate solid waste and recyclable services.

### Lot Requirements

6.2.9 The following requirements shall apply to all development in a Single-Unit Residential Zone:

Requirement	
Minimum lot area	750 square metres (8073 square feet)
Minimum frontage	15 metres (49.2 feet)
Minimum front setback	6 metres (19.7 feet)
Minimum flankage setback	6 metres (19.7 feet)
Minimum rear setback	4.5 metres (14.8 feet)
Minimum side setback	3 metres (9.8 feet)
Minimum Height of Main Building	1.5 storeys or 6.5 metres (21 feet), whichever is less

Maximum height of any building	2.5 storeys or 10.7 metres (35 feet), whichever is less
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6.2.10 In addition to the above requirements, all lots not serviced by both central sewer and water shall conform to the Province-wide minimum development standards regulations as noted in Appendix C.

6.2.11 Notwithstanding the above requirements, within existing approved residential subdivision developments, the Development Officer may require new development to conform with the development standards which have been established, even if these standards exceed the minimum standards stated above.

**New Residential Developments**

6.2.12 All new residential developments shall, wherever practical, be integrated, at no cost to the Municipality, into the Municipality's existing or planned pedestrian accesses, parking, coastal access points, and recreation and public open space network.

## 6.3 Commercial Zone

### General

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

### Permitted Uses

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

- (a) Duplex dwellings
- (b) Public utilities
- (c) Recreation and public open space facilities
- (d) Single-unit dwellings

### Special Permitted Uses

6.3.3 Notwithstanding Subsection 6.3.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- (a) Accommodations
- (b) Tourist Cottages
- (c) Banking and financial institutions
- (d) Bed and breakfast operations
- (e) Business or professional office
- (f) Convenience stores (to a max. of 185 square metres (2,000 square feet) in total floor area)
- (g) Delicatessens, restaurants, and takeout establishments
- (h) Entertainment establishments
- (i) Galleries, libraries, museums and theatres
- (j) Grouped dwellings
- (k) Licensed premises
- (l) Major residential developments of more than four lots
- (m) Parking lots
- (n) Personal service shops
- (o) Places of worship
- (p) Private utilities
- (q) Residential-commercial operations
- (r) Retail stores (to a max. of 185 square metres (2,000 square feet) in total floor area)

6.3.4 Chapter 8 of this Bylaw shall guide Council's considerations when issuing special development permits.

### Servicing

6.3.5 All developments in a Commercial Zone shall be serviced by the central water system.

6.3.6 All developments in a Commercial Zone shall be serviced by the central sewer system.

6.3.7 All developments in a Commercial Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission.

6.3.8 All developments in a Commercial Zone shall be serviced by the appropriate solid waste and recyclable services.

**Lot Requirements**

6.3.9 The following requirements shall apply to all development in a Commercial Zone:

Requirement	
Minimum lot area	1,850 square metres (19,913 square feet)
Minimum frontage	45 metres (147.6 feet)
Minimum front setback	9 metres (29.5 feet)
Minimum flankage setback	9 metres (29.5 feet)
Minimum rear setback	9 metres (29.5 feet)
Minimum side setback	4.5 metres (14.8 feet)
Minimum height of main building	1.5 storeys or 6.5 metres (21 feet), whichever is less
Maximum height of any building	2.5 storeys or 10.7 metres (35.1 feet), whichever is less

**Special Requirements**

6.3.10 Where a lot zoned as Commercial is developed which directly abuts a lot or parcel of land not zoned as Commercial:

- (a) a strip of land not less than 9 metres (29.5 feet) in width along the lot line within the Commercial Zone and adjacent to any other zone shall be maintained clear of any driveway, or parking area, and shall be adequately landscaped to provide a visual buffer;
- (a) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residence to eliminate light pollution; and
- (b) outdoor storage shall be prohibited adjacent to a residence, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural screening, such as a wall, visibility restrictive fence or other appropriate structure.

## 6.4 Central Core Zone

### General

6.4.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in the Central Core Zone shall conform with the provisions of this section.

### Permitted Uses

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

- (a) Public utilities
- (b) Recreation and public open space facilities
- (c) Single-unit dwellings

### Special Permitted Uses

6.4.3 Notwithstanding Subsection 6.4.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- (a) Accessory dwellings
- (b) Accommodations
- (c) Antique shops
- (d) Artist and handicraft studios
- (e) Bait sheds and assorted fisheries storage facilities
- (f) Bed and breakfast operations
- (g) Bookstores
- (h) Convenience stores (to a max. of 93 square metres (1,000 square feet) in total floor area)
- (i) Farmer's markets
- (j) Florist shops
- (k) Galleries, libraries, museums and theatres
- (l) Licensed premises
- (m) Major residential development of more than four lots
- (n) Personal service shops
- (o) Post offices
- (p) Private utilities
- (q) Real estate offices
- (r) Residential-commercial operations
- (s) Restaurants and cafes
- (t) Specialty food stores
- (u) Takeout establishments (to a max. of 18.5 square metres (200 square feet) in total area)

6.4.4 Chapter 8 of this Bylaw shall guide Council's considerations when issuing special development permits.

**Servicing**

- 6.4.5 All developments in a Central Core Zone shall be serviced by the central water system.
- 6.4.6 All developments in a Central Core Zone shall be serviced by the central sewer system.
- 6.4.7 All developments in a Central Core Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission.
- 6.4.8 All developments in a Central Core Zone shall be serviced by the appropriate solid waste and recyclable services.

**Lot Requirements**

6.4.9 The following requirements shall apply to all development in a Central Core Zone:

Requirement	
Minimum lot area	464.5 square metres / 5,000 square feet
Minimum frontage	15 metres (49.2 feet)
Minimum front setback	6 metres (19.7 feet)
Minimum flankage setback	6 metres (19.7 feet)
Minimum rear setback	4.5 metres (14.8 feet)
Minimum side setback	1.5 metres (4.9 feet)
Minimum Height of Main Building	1.5 storeys or 6.5 metres (21 feet), whichever is less
Maximum height of any building	2.5 storeys or 10.7 metres (35.1 feet), whichever is less

## 6.5 Light Industrial Zone

### General

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

### Permitted Uses

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

- (a) Business or professional offices
- (b) Public utilities
- (c) Scientific research facilities

### Special Permitted Uses

6.5.3 Notwithstanding Subsection 6.5.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- (a) Animal processing
- (b) Boat building operations
- (c) Fully recirculating aquaculture farming (excluding processing)
- (d) Greenhouse and garden centres
- (e) Light manufacturing
- (f) Private utilities

6.5.4 Chapter 8 of this Bylaw shall guide Council’s considerations when issuing special development permits.

### Servicing

6.5.5 All developments in a Light Industrial Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission, when necessary.

6.5.6 All developments in a Light Industrial Zone shall be serviced by the appropriate solid waste and recyclable services.

### Lot Requirements

6.5.7 The following requirements shall apply to all development in a Light Industrial Zone:

Requirement	
Minimum lot area	See Appendix C
Minimum frontage	See Appendix C
Minimum front setback	6 metres (19.7 feet)
Minimum flankage setback	6 metres (19.7 feet)
Minimum rear setback	4.5 metres (14.8 feet)
Minimum side setback	3 metres (9.8 feet)
Maximum height of any building	2.5 storeys or 10.7 metres (35.1 feet), whichever is less



**Special Requirements**

6.5.8 Where a lot or parcel of land zoned as Light Industrial is developed which directly abuts a lot or parcel of land not zoned as Light Industrial:

- (a) a strip of land not less than 9 metres (29.5 feet) in width along the lot line within the Light Industrial Zone and adjacent to another zone shall be maintained clear of any building, driveway or parking area, and shall be adequately landscaped to provide a visual buffer;
- (a) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residence to eliminate light pollution; and
- (b) outdoor storage shall be prohibited adjacent to a residence, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural screening, such as a wall, fence or other appropriate structure.

## 6.6 Agricultural Zone

### General

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

### Permitted Uses

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

- (a) Accessory dwellings
- (b) Duplex dwellings
- (c) Mobile homes
- (d) Public utilities
- (e) Recreation and public open space facilities
- (f) Single-unit dwellings

### Special Permitted Uses

6.6.3 Notwithstanding Subsection 6.6.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- (a) Animal kennel runs
- (b) Animal kennels
- (c) Intensive livestock operations
- (d) Major residential development of more than four lots
- (e) On-site animal processing
- (f) Parking lots
- (g) Places of worship
- (h) Private utilities
- (i) Resource uses
- (j) Solar collectors as a main use

6.6.4 Chapter 8 of this Bylaw shall guide Council's considerations when issuing special development permits.

### Servicing

6.6.5 All developments in an Agricultural Zone shall be serviced by the central water system.

6.6.6 All developments in an Agricultural Zone shall be serviced by the central sewer system, where available.

6.6.7 All developments in an Agricultural Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission, when necessary.

6.6.8 All developments in an Agricultural Zone shall be serviced by the appropriate solid waste and recyclable services.

**Lot Requirements**

6.6.9 The following requirements shall apply to all development in an Agricultural Zone:

Requirement	
Minimum lot area	See Appendix C
Minimum frontage	See Appendix C
Minimum front setback	15 metres (49.2 feet)
Minimum flankage setback	15 metres (49.2 feet)
Minimum rear setback	7.5 metres (24.6 feet)
Minimum side setback	4.5 metres (14.8 feet)
Maximum height of any building	2.5 storeys or 10.7 metres (35.1 feet), whichever is less

6.6.10 In addition to the above requirements, all lots not serviced by both central water and sewer shall conform to the province-wide minimum development standards regulations as noted in Appendix C.

**Forestry Use**

6.6.11 In the Agricultural Zone, land which is no longer used for agricultural purposes may be converted to forestry uses provided the conversion is undertaken through an established Forestry Management Program approved by the Prince Edward Island Department of Agriculture and Forestry or its successor.

## **6.7 Recreation & Public Open Space Zone**

### **General**

6.7.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a Recreation & Public Open Space Zone shall conform with the provisions of this section.

### **Permitted Uses**

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

- (a) Nature trails
- (b) Open space and conservation activities
- (c) Playgrounds and sports fields
- (d) Public and private parks
- (e) Public utilities

### **Special Permitted Uses**

6.7.3 Notwithstanding Subsection 6.7.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- (a) Pavilions and bandshells
- (b) Private utilities
- (c) Recreation administrative offices
- (d) Recreational uses and directly related commercial services

6.7.4 Chapter 8 of this Bylaw shall guide Council's considerations when issuing special development permits.

### **Servicing**

6.7.5 Plumbed developments in a Recreation & Public Open Space Zone shall be serviced by the central water system.

6.7.6 Plumbed developments in a Recreation & Public Open Space Zone shall be serviced by the central sewer system, where available.

6.7.7 All developments in a Recreation & Public Open Space Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission, as needed.

6.7.8 All developments in a Recreation & Public Open Space Zone shall be serviced by the appropriate solid waste and recyclable services.

**Lot Requirements**

6.7.9 The following requirements shall apply to all development in a Recreation & Public Open Space Zone:

Requirement	
Minimum lot area	See Appendix C, minimum lot size standards
Minimum frontage	6 metres (19.7 feet)
Minimum front setback	6 metres (19.7 feet)
Minimum flankage setback	6 metres (19.7 feet)
Minimum rear setback	4.5 metres (14.8 feet)
Minimum side setback	3 metres (9.8 feet)
Maximum height of any building	2.5 storeys or 10.7 metres (35.1 feet), whichever is less

**Special Requirements**

6.7.10 Where a lot or parcel of land zoned as Recreation and Public Open Space is developed which directly abuts a lot or parcel of land zoned as General Residential or Central Core:

- (a) a strip of land not less than 4.5 metres (14.8 feet) in width along the lot line within the Recreation and Public Open Space Zone and adjacent to another zone shall be maintained clear of any driveway or parking area, and shall be adequately landscaped to provide a visual buffer;
- (a) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent zone to eliminate light pollution; and
- (b) outdoor storage shall be prohibited adjacent to another zone, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural screening, such as a wall, fence or other appropriate structure.

## 6.8 Public Service & Institutional Zone

### General

6.8.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a Public Service & Institutional Zone shall conform with the provisions of this section.

### Permitted Uses

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

- (a) Institutional uses
- (b) Public utilities

### Special Permitted Uses

6.8.3 Notwithstanding Subsection 6.8.2 above, Council may issue a special development permit for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as Council may impose:

- (a) Parking lots
- (b) Private utilities

6.8.4 Chapter 8 of this Bylaw shall guide Council’s considerations when issuing special development permits.

### Servicing

6.8.5 All developments in a Public Service & Institutional Zone shall be serviced by the central water system.

6.8.6 All developments in a Public Service & Institutional Zone shall be serviced by the central sewer system, where available.

6.8.7 All developments in a Public Service & Institutional Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission.

6.8.8 All developments in a Public Service & Institutional Zone shall be serviced by the appropriate solid waste and recyclable services.

### Lot Requirements

6.8.9 The following requirements shall apply to all development in a Public Service & Institutional Zone:

Requirement	
Minimum lot area	1,850 square metres (19,913 square feet)
Minimum frontage	6 metres (19.7 feet)
Minimum front setback	6 metres (19.7 feet)
Minimum flankage setback	6 metres (19.7 feet)
Minimum rear setback	4.5 metres (14.8 feet)
Minimum side setback	3 metres (9.8 feet)
Maximum height of any building	2.5 storeys or 10.7 metres (35.1 feet), whichever is less

**6.8.10** In addition to the above requirements, all lots not serviced by both central water and sewer shall conform to the province-wide minimum development standards regulations as noted in Appendix C.

## 6.9 Environmental Reserve Overlay Zone

### General

6.9.1 In accordance with the Province’s *Environmental Protection Act*, no structures or parts thereof shall be permitted in the Environmental Reserve Overlay Zone.

### Permitted Uses

6.9.2 Within any wetland boundary or watercourse boundary and any area within 15 metres (49.2 feet) of a wetland or watercourse, no structure or parts thereof shall be used for purposes other than:

- (a) Conservation-related activities
- (b) Passive recreational uses, such as skiing or hiking

### Special Requirements

6.9.3 Within the Environmental Reserve Overlay Zone, no person shall cut down any trees or disturb the natural ground cover without first submitting all proposed changes to the topography and vegetation and measures to control erosion and siltation.

## 6.10 Wellfield Protection Overlay Zone

### General

6.10.1 In accordance with the Wellfield Protection Plan, except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a Wellfield Protection Overlay Zone shall conform with the provisions of this section.

### Servicing

6.10.2 All developments in a Wellfield Protection Overlay Zone shall be serviced by the central water system.

6.10.3 All developments in a Wellfield Protection Overlay Zone shall be serviced by the central sewer system.

### Special Requirements

6.10.4 All development in a Wellfield Protection Overlay Zone shall comply with the policies stated within the Wellfield Protection Plan.

## Chapter 6 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change



# 7 Variances

## 7.1 Variances

- 7.1.1 Where the Development Officer is presented with an application that does not conform to the provisions of this Bylaw, the applicant may request a variance.
- 7.1.2 Variance requests not exceeding 5% of the provisions of this Bylaw shall be considered minor and may be evaluated by the Development Officer.
- 7.1.3 Variances greater than 5% but not exceeding 10% of the provisions of this Bylaw shall be considered major and shall be evaluated by Council.
- 7.1.4 Variances greater than 10% of the provisions of this Bylaw shall not be considered.
- 7.1.5 All major variance applications shall require the Development Officer to give written notification to all property owners within 30 metres (98.4 feet) of the subject property.
- 7.1.6 Variance applications shall be considered against the following criteria for justifying a variance:
  - (a) that the general intent and purpose of the Bylaw is maintained;
  - (b) 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;
  - (c) 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;
  - (d) that the variance is of the least magnitude required to enable reasonable use of the lot; and
  - (e) that the proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.
- 7.1.7 Authorization for a variance shall be documented and recorded in writing.
- 7.1.8 All variance applications are subject to applicable fees as outlined in Appendix D, Fee Schedule.

### Chapter 7 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

## 8 Special Permitted Uses

### 8.1 Major Residential Development

8.1.1 In considering a residential development over four lots as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) infrastructure including sidewalks, water supply, sanitary and storm sewers, roads, and street lighting shall meet the appropriate design standards;
- (b) the development shall preserve natural areas where possible; and
- (c) pedestrian and vehicle connectivity shall be established or maintained through the street layout.

### 8.2 Changes to Subdivision Agreements

8.2.1 In considering any changes to an existing subdivision agreement as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) infrastructure including sidewalks, water supply, sanitary and storm sewers, roads, and street lighting shall meet the appropriate design standards;
- (b) the development shall preserve natural areas where possible;
- (c) pedestrian and vehicle connectivity shall be established or maintained through the street layout; and
- (d) all parkland to be transferred is appropriate in physical condition and location.

### 8.3 Commercial Development

8.3.1 In considering a new commercial development inside or outside the Commercial Zone or the expansion of an existing commercial development inside or outside the Commercial Zone as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) proposed operations shall not create significant impacts on the noise, and traffic of the surrounding area;
- (b) the proposed use shall not present significant environmental concerns on the contamination of water, soil and air, as determined by an environmental impact assessment;
- (c) ventilation and outdoor lighting shall not be directed towards abutting residential uses;
- (d) outdoor components of the commercial use—such as, but not limited to, customer seating—located in a yard abutting a residential use shall be screened from view of the abutting residential use by means of a fence or suitable vegetation;
- (e) all businesses shall be responsible for establishing structures which conceal waste disposal bins; and
- (f) the architectural design of the building shall be consistent with neighbouring buildings.

## **8.4 Residential-commercial Operations**

**8.4.1** In considering a new residential-commercial development or the expansion of an existing residential-commercial development as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) proposed operations shall not create significant impacts on the noise, and traffic of the surrounding area; and
- (b) any changes to the public façade(s) shall be reasonably consistent with neighbouring buildings.

## **8.5 Light Industrial Development**

**8.5.1** In considering a new light industrial development or the expansion of an existing light industrial development as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed use shall not create significant impacts on the odour or noise of the surrounding area; and
- (b) the proposed use shall not present significant environmental concerns on the contamination of water, soil and air, as determined by an environmental impact assessment.

## **8.6 Intensive Livestock Development**

**8.6.1** In considering a new intensive livestock operation or the expansion of an existing intensive livestock as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed operations shall meet standards set out by the Prince Edward Island Department of Agriculture's Manure Management and Separation Guidelines and the *Environmental Protection Act*.

## **8.7 On-site Animal Processing**

**8.7.1** In considering on-site animal processing of meat or fish products as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed use shall not create significant impacts on the odour or noise of the surrounding area;
- (b) the proposed use shall not create significant environmental concerns on the contamination of water, soil and air; and
- (c) the proposed operations shall, as applicable:
  - i. Meet standards set by the Slaughter House Regulations set out by the *Public Health Act*; or
  - ii. Meet standards set out by the *Fisheries Act*.

**8.8 Places of Worship**

8.8.1 In considering places of worship as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) proposed operations shall not create significant impacts on the noise, and traffic of the surrounding area.

**8.9 Grouped Dwellings**

8.9.1 In considering grouped dwellings as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the density of the development shall not exceed one dwelling unit per 750 square metres of lot area;
- (b) all utility equipment shall be enclosed within a building or screened from the street. Utility equipment includes, but is not limited to, utility boxes, meters, and air compressors;
- (c) enclosed facilities for solid waste shall be provided for the use of residents. These facilities shall accommodate the number of waste stream collection (e.g. garbage, compost, recycling) provided in the municipality at the time of permitting. These may be provided as a central collection point or, where appropriate, individual facilities for each dwelling unit. Adequate access shall be provided to the solid waste collection facilities;
- (d) areas not used for structures, solid waste handling, automobile parking and circulation, or pedestrian walkways shall be landscaped. Such landscaping shall consist, at a minimum, of sod but may also include decorative grasses, trees, shrubs, flowers, mulch, fountains, ponds, and/or decorative pavers; and
- (e) the primary entrance(s) of all dwelling units shall be connected to the nearest street right-of-way and to any adjacent active transportation route identified in a municipal active transportation plan by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres in width and paved with asphalt, concrete, bricks, or interlocking pavers.

Chapter 8 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 9 General Provisions for Subdividing Land

## 9.1 Subdivision Approval

9.1.1 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 met and the applicant has received final approval from the Development Officer, as applicable.

## 9.2 Conveying Interest in a Lot

9.2.1 No Person shall sell or convey any interest in a lot in a subdivision before the Development Officer has issued a stamp of final approval for the subdivision in which the lot is situated.

## 9.3 Permission to Subdivide

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

- (a) conforms with the requirements of this Bylaw;
- (b) is suitable to the topography, physical conditions, soil characteristics, and the natural surface drainage of the land;
- (c) will not cause or contribute to undue flooding or erosion or other undue damage to the natural environment;
- (d) has frontage on a street;
- (e) has adequate utilities and services available or can be conveniently provided with such utilities and services;
- (f) will reasonably conform to or is compatible with existing land use in the immediate vicinity;
- (g) will provide for safe traffic flow;
- (h) is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
- (i) is suitable to the use for which it is intended, and the future use of adjacent lands; and
- (j) would not precipitate premature development, cause unnecessary public expenditure, or place undue pressures on the Municipality to provide services.

## 9.4 Changes to Existing Lots

9.4.1 No Person shall reduce the dimensions or change the use of any existing lot where the Development Officer deems there would be a detrimental effect on neighbouring property owners.

9.4.2 Where an application to subdivide land would change the dimensions or the use of a lot in an existing approved subdivision development, the Development Officer shall notify all property owners within 150 metres (492.1 feet) of the boundaries of the lot in writing, informing them of the details of the application and soliciting their comments.

## **9.5 Procedure**

- 9.5.1** Any person seeking approval of a Subdivision shall first make application for preliminary approval, and shall be required to submit to the Development Officer, along with the application in the form approved by the Development Officer, the application fee as set forth in Appendix D and four (4) copies of a preliminary subdivision plan drawn to scale showing:
- (a) the true shape and dimensions of every lot;
  - (b) the location of every existing building or structure on the parcel;
  - (c) existing and proposed services and utilities;
  - (d) proposed widths and locations of all streets;
  - (e) location of land proposed for recreation and public open space use;
  - (f) existing and proposed public shoreline access; and
  - (g) the existing use of the land and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.
- 9.5.2** The Development Officer may also require the applicant to provide additional information, prepared by the appropriate professional, required to assist in evaluating a proposed subdivision, including, but not limited to:
- (a) soil testing;
  - (b) contours and spot elevations;
  - (c) traffic surveys; and
  - (d) a storm water management plan.
- 9.5.3** The Development Officer shall notify the applicant, in writing, if the application is incomplete or lacking in plan details, and shall indicate any additional information or documentation required.
- 9.5.4** The Development Officer may refuse to approve a subdivision which is unsuitable under the provisions of this Bylaw.
- 9.5.5** The Development Officer shall evaluate any proposed subdivision to determine whether appropriate street design standards and lot configurations have been used to promote the development of safe, convenient and pleasant neighbourhoods.
- 9.5.6** The Development Officer shall within twenty (20) working days of the date of receiving the application and appropriate fees, advise the applicant in writing that the subdivision has obtained preliminary approval with certain specific conditions, or that the subdivision cannot be preliminary approved, and shall state the reasons for the decision.
- 9.5.7** Preliminary approval for any proposed subdivision shall not be construed as final approval of such subdivision for legal conveyance or for land registration purposes.
- 9.5.8** Preliminary approval shall be effective for a period of 12 months, or such additional time as may be authorized by Development Officer.

## **9.6 Parkland Dedication and / or Fee**

- 9.6.1 Any person applying to subdivide four (4) or more lots or four (4) or more accommodation units within the Municipality shall convey to the Municipality, for the purpose of developing parkland, ten percent (10%) of the lands being developed. The physical condition and location of the parkland shall be determined by the Development Officer.
- 9.6.2 The Development Officer shall require that conveyed parkland fronts onto a street.
- 9.6.3 Where a subdivision is proposed within a coastal area, the Development Officer shall require that conveyed parkland maintains a minimum of one (1) access to the shoreline, where feasible and appropriate.
- 9.6.4 The Development Officer may, at their discretion, accept a park dedication fee in lieu of land and equal to ten percent (10%) of the land assessment of the developed lands, which sum shall be specifically designated for the purchase, development, or maintenance of public parklands in the Municipality.
- 9.6.5 The park dedication fee shall be calculated on the projected value of the lands being developed including all infrastructure costs upon final approval of the development and shall not take into account value of structures on such lands. The Development Officer retains the right to use the Province’s Land Valuation and Assessment Division in determining the assessed value of the land.

## **9.7 Servicing**

- 9.7.1 The Development Officer may require that new subdivisions be provided with central water and sewer systems as a condition of subdivision approval. Developers may be required to contribute to the capital costs necessitated for the development.

## **9.8 Public Accesses**

- 9.8.1 All new non-residential developments shall, wherever practical, be integrated, at no cost to the Municipality, into the Municipality’s existing or planned pedestrian accesses, parking, and recreation and public open space network.

## **9.9 Subdivision Agreement**

- 9.9.1 The Development Officer shall require an applicant to enter into a subdivision agreement as a condition of subdivision approval. The subdivision agreement shall cover any matters as required by the Development Officer and may include, but not be limited to the following:
- (a) the design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
  - (b) the dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
  - (c) the building of roads to provincial standards and deeding of roads to the Department of Transportation and Infrastructure Renewal or its successor;
  - (d) the posting of a financial guarantee satisfactory to the Development Officer;
  - (e) the provision of a controlled landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of lots within the subdivision and adjacent properties;

- (f) the provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision;
- (g) the provision for the phasing of the subdivision; and
- (h) the preservation and enhancement of surface water drainage systems.

9.9.2 Any changes to an existing subdivision agreement shall be considered a special permitted use, and shall abide by the same process.

## **9.10 Final Approval**

9.10.1 Final Subdivision approval shall be granted by Development Officer only after the applicant has:

- (a) complied fully with all applicable requirements of this section and any subdivision agreement between the applicant and the Municipality;
- (b) submitted six (6) copies and one (1) digital copy of a final survey plan showing all lots pinned and certified by a surveyor registered to practice in the Province; and
- (c) completed an agreement with the provincial Department of Transportation and Infrastructure Renewal or successor respecting road construction and the roads have been accepted as public.

9.10.2 The Development Officer may grant final approval to part of a subdivision which is proposed to be developed in phases.

9.10.3 The Development Officer shall give notice of final approval of a subdivision in writing, and shall place their seal on the six copies of the survey plan and shall return one copy to the subdivider.

9.10.4 The Development Officer shall file copies of the final survey plan with:

- (a) the Registrar of Deeds;
- (b) the Department of Transportation and Infrastructure Renewal or its successor;
- (c) the Development Officer; and
- (d) the local utilities, as required.

## **9.11 Severances / Consolidation**

9.11.1 Notwithstanding the above provisions, the Development Officer may approve applications for single lot subdivisions, partial lots or easements and lot consolidations or subdivisions which do not require the extension of municipal services or public roads at their discretion, having regard for only those provisions which they deem applicable to each individual application, provided the application conforms with all other sections of this Bylaw.

## **9.12 Development Permits**

9.12.1 Development permits shall not be issued for any lot in a proposed subdivision until all the requirements of the subdivision agreement and of this Bylaw have been fulfilled and final subdivision approval has been granted.



### 9.13 Rescinding or Altering Approval

9.13.1 An existing approved subdivision or portion thereof may be rescinded or altered by the Development Officer if:

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

### Chapter 9 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 10 Penalties

## 10.1 Penalties

10.1.1 Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction. Enforcement and the collection of fees shall be in accordance with Part 9 of the *Municipal Government Act*.

10.1.2 Any prosecution for an offence under Subsection 10.1.1 above may be initiated within six (6) months after the time when the contravention occurred.

### Chapter 10 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 11 Repeal

## 11.1 Effective Date

11.1.1 This Bylaw shall come into force effective in 2022 upon approval of the Official Plan by the Minister.

## 11.2 Repeal

11.2.1 The Community of Victoria Zoning & Subdivision Control (Development) Bylaw #414 (enacted October, 2014), all previous versions, and all amendments thereto are hereby repealed.

### Chapter 11 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change



# 12 Definitions

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

In this Bylaw:

**“Accessory Building”** means a separate subordinate building, not used for human habitation which is used or intended for the better or more convenient enjoyment of the main building to which it is accessory, and located upon the parcel of land upon which such building is to be erected.

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

**“Accommodation”** means a building or group of buildings not intended for residential use where sleeping facilities are provided for persons and which may also contain recreational facilities, commercial use and additional facilities including but not limited to eating establishments, drinking establishments, room service, meeting rooms, public convention rooms, and laundry service, but does not include short-term rentals, or bed and breakfast operations, or tourist cottages.

**“Aquaculture”** means the use of water, land and buildings for the farming of aquatic organisms such as fish, crustaceans, molluscs and aquatic plants.

**“Agricultural Use”** means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce.

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

**“Animal Kennel”** any part of a lot, building structure or establishment where domestic animals excluding livestock are kept, bred, boarded or trained for profit or gain for the purposes of breeding, boarding, grooming, commercial, or animal welfare purposes.

**“Animal Kennel Run”** shall mean a fenced area provided for the use of domestic animals housed in a structure.

**“Authority Having Jurisdiction”** means Province, Council, the Development Officer or an agent of the Rural Municipality of Victoria, as applicable to the context.

**“Barrier-free”** means the design of buildings, structures, products or the environment which make them accessible to all users, regardless of age, ability, or other factors.

**“Bed and Breakfast Operation”** means a single-detached dwelling where the proprietor lives on-site and where up to six (6) rooms are rented or hired out to provide overnight accommodation with breakfast or meals to the travelling public for monetary gain and does not include facilities open to the general public such as meeting rooms, restaurants or entertainment facilities. This definition shall exclude accommodations and short-term rentals.

**“Buffer Zone”** means the fifteen 15 metre wide area adjacent to all Watercourses and Wetlands as per PEI Department of Environment, Labour and Justice, *Environmental Protection Act, R.S.P.E.I. 1988, Cap. E-9 and 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, and includes a mini-home or existing mobile home.

**“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 building or structure on a lot.

**“Business or Professional Office”** means premises where services are offered for a fee but do not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.

**“Change of Use”** means the change of use of a parcel of land or a building from one class of use to another or an increase in the intensity of use, including an increase in the number of dwelling units.

**“Chemical Plants”** means a building or structure used for the manufacturing, storage or distribution of hazardous materials and controlled products according to the Federal *Hazardous Products Act*.

**“Cladding”** means a covering or coating on a building structure.

**“Commercial Activities”** means the use of land, building or structure for the purpose of buying and selling commodities and supplying of services, excluding manufacturing, warehousing and other similar uses.

**“Consolidation”** means the legal incorporation of two or more existing Parcels of land to form a single, larger Parcel.

**“Council”** means the Community Council of the Rural Municipality of Victoria.

**“Councillor”** means any resident who has been duly elected and sworn to office for the Rural Municipality of Victoria in order that such resident may execute those duties as prescribed by the law.

**“Deck”** means a structure intended as outdoor living space, either attached or adjacent to a building.

**“Demolition”** means the removal, pulling down or destruction of a structure.

**“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 a legally binding written agreement between Council and a developer, covering such matters deemed by council to be pertinent and necessary to the final approval of any development or subdivision of property within the Municipality.

**“Development Officer”** means any person authorized by Council to act on its behalf with respect to the implementation of the Municipality’s Official Plan and Zoning and Subdivision Control Bylaw.

**“Development Permit”** means the formal and written authorization for a person to carry out any development including alterations or erections of a building or structure, except where such alterations or erections are in conformance with this Bylaw and subject to the provisions contained herein.

**“Dog House”** shall mean any building or structure where dogs are kept by residents as pets and not for breeding, boarding, commercial, or animal welfare purposes.

**“Dog Run”** means a fenced area provided for the use of dogs which are kept by residents as pets and not for breeding, boarding, commercial or animal welfare purposes.

**“Domestic Animals”** means animals such as and including dogs, cats, budgies, parrots, parakeets, hamsters, gerbils and guinea pigs.

**“Domestic Arts”** means a vocation that can be carried out in a dwelling unit which shall include and be limited to:

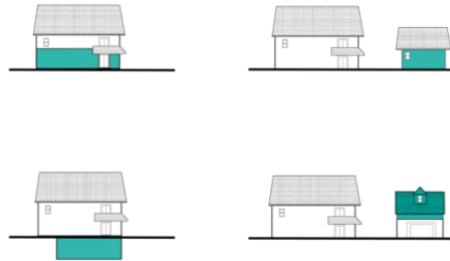
- (a) dressmaking and tailoring;
- (b) hairdressing, barber shop and esthetics;
- (c) instruction in the arts; and

- (d) arts and crafts, weaving, painting, sculpture, and repair of garden or household ornaments, personal effects or toys.

**“Dormer”** with reference to a roof, means a window that projects vertically from a sloping roof.

**“Dwelling”** means a building or portion thereof designed, arranged or intended for residential occupancy, and

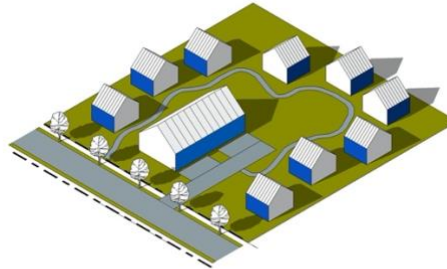
- (a) *“Accessory Dwelling”* means a dwelling that contains one dwelling unit and is located on a lot with a single-unit dwelling or duplex.



- (b) *“Duplex Dwelling”* means a building that is divided horizontally into two dwelling units, each of which has an independent entrance either directly from outside or through a common vestibule.

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

- (d) *“Grouped Dwelling”* means three or more dwellings of any type, except accessory dwellings, located on a lot.



- (e) *“Single-Unit Dwelling”* means a building containing one dwelling unit and does not include mobile homes or mini-homes.

**“Entertainment Establishment”** means an establishment providing musical, dramatic, dancing or cabaret entertainment and/or facilities where alcoholic beverages may be served and includes supplementary food service. This term refers to uses such as theatres, cinemas, auditoria, and theatre restaurants.

**“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, and may comprise a lesser area when operated as a farm enterprise by a bona fide farmer as defined in the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4.

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

**“Fence”** means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**“Flankage”** see **“Yard”** and **“Lot Line”**

**“Floor Area”** means:

- (a) with reference to “dwelling” the area contained within the outside walls excluding any private garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year;
- (b) with reference to “commercial building” the total usable floor area within a building used for commercial purposes excluding washrooms, furnace rooms and common halls between stores; or
- (c) with reference to “accessory building” the area contained within the outside walls.

**“Frontage”** means all land abutting on one side of a street or road measured along the street or road line. For lots located on the outside curve of a road or on a cul-de-sac, frontage shall be measured at a distance 6 metres (20 feet) from the front lot line along the side lot lines.

**“Glazed”** means a building, structure or architectural feature fitted with panes of glass.

**“Grade”** (as it applied to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

**“Group Home”** means a building recognized as such by the Minister of Health and Wellness or its successor for accommodating individuals.

**“Infilling”** means the development or use of a vacant lot or parcel of land within the Municipality.

**“Institutional Buildings”** means premises, other than retail or industrial, used for community services and includes but is not limited to the following uses:

- (a) Child care facilities;
- (b) Community centres
- (c) Fire halls
- (d) Government offices
- (e) Libraries, museums, theatres and art galleries
- (f) Lighthouses
- (g) Medical clinic and hospitals for the treatment of physical and mental health
- (h) Places of worship and religious institutions
- (i) Public and private recreational centres
- (j) Schools
- (k) Visitor information building

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

**“Large-Scale Residential Development”** means any residential development of greater than four (4) lots on a parent parcel of land or the balance of a parent parcel of land after the severing of four (4) lots.

**“Licensed Premises”** means any lounge, brew-pub, micro-brewery, winery, or distillery as defined in the *Liquor Control Act* Regulations R.S.P.E.I. 1988, Cap. L-14 and any subsequent changes to those regulations.

**“Light Pollution”** means any adverse or intrusive effect of artificial light sources including sky glow (illumination of the night sky), glare, light trespass (unwanted light entering one's property), light clutter (excessive grouping of lights), decreased visibility at night, and energy waste. Also means any annoying light that intrudes on otherwise natural or low light setting.

**“Livestock”** means animals such as and including: horses, cattle, buffalos, sheep, swine, goats, poultry, fox, mink, chinchilla, rabbits, camelids, llamas, alpacas, donkeys, emus and ostrich.

**“Lot” or “Property”** means any parcel of land described in a deed or as shown in a registered plan of subdivision, and

- (a) *“Corner Lot”* means a lot situated at an intersection of and abutting on two or more streets.
- (b) *“Interior Lot”* means a lot other than a corner lot.
- (c) *“Lot Depth”* means the depth from the Front Lot Line to the Rear Lot Line.
- (d) *“Through Lot”* means a lot bounded on two opposite sides by streets.

**“Lot Area”** means the total area included within the lot lines.

**“Lot Line”** means any boundary of a lot, and

- (a) *“Flankage Lot Line”* means the side lot line which abuts the street on a corner lot.
- (b) *“Front Lot Line”* means the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance.
- (c) *“Rear Lot Line”* means the lot line further from and opposite to the front lot line.
- (d) *“Side Lot Line”* means a lot line other than a front, rear or flankage lot line.

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

**“Mobile Vending”** means a transportable vehicle, trailer, push cart, or stand designed for the purpose of selling goods of any description or providing any type of entertainment, including a mobile canteen or food truck.

**“Moulding or molding”** means a defining, transitional, or terminal element that contours or outlines the edges and surfaces on a projection or cavity, and shall include a cornice, architrave, capital, arch, base or jamb.

**“Municipality”** means the Rural Municipality of Victoria.

**“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 electronic interference or by reason of the emission of gases, fumes, dust, and any objectionable odor, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

**“Owner”** means a person who legally owns a lot and is a registered land owner; and may include or encompass, a tenant, lessee, or other person in possession or occupancy of the subject lot or building; or an executor,

administrator, trustee, agent, or other person managing the subject lot or building for the registered owner.

**“Parent Parcel”** means an approved parcel of land legally existing on the effective date of this Bylaw.

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

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

**“Personal Service Shop”** means a building in which persons are employed in furnishing services and otherwise administering to the individual and person needs of persons (including but not limited to: barbershop, hairdressing shops, beauty parlours, shoe repair, laundromats, tailoring, dry-cleaning, etc.).

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

**“Place of Worship”** means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

**“Processing”** means the transformation of raw ingredients into food, or of food into other forms. Involves taking clean, harvested crops or butchered animal, fish or other aquatic products and using these to produce attractive, marketable and often long shelf-life food products.

**“Professional Office”** means premises where goods and/or services are offered, but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.

**“Public Façade”** means any side of a building facing the street, including front and flankage yards.

**“Public Open Space”** means land which may be used for recreational or other outdoor leisure activities by the general public.

**“Recreational Trailer or Vehicle”** means a vehicle which provides sleeping and other facilities for short periods of time, while traveling 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.

**“Renovation”** means any change in a non-structural component of a building or structure and does not include a change in a structural

component, or any increase or decrease in the volume of a building or structure.

**“Residential-Commercial Operation”** means an owner-occupied dwelling unit, a portion of which is used by the owner for commercial activities, including domestic arts. The commercial activities and the domestic arts shall be clearly incidental and secondary to the residential use of the dwelling unit.

**“Residential Facility”** means a building or part of a building operated as one integrated facility in which accommodation is provided to individuals and that includes additional care and services for residents, such as, but not limited to, medical care, supervisory or personal care, and counselling. This includes supportive housing, transitional housing, nursing homes, long-term care facilities, rooming homes, emergency shelters, and similar uses, but shall not include a facility that is licensed by or under contract to Corrections Canada or Prince Edward Island Correctional Services, or successor bodies.

**“Resource Uses”** means any uses involving the processing or storing of natural resource materials including but not limited to agricultural, forestry, fishing and mining resources and shall include the production of agricultural products and the keeping of farm animals, but shall not include related industrial uses such as processing plants.

**“Restaurant”** means buildings or structures or part thereof where food and drink is prepared and offered for sale to the public.

**“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.

**“Rezoning”** means the changing of one land zone classification to another.

**“Roof”** means the structure forming the upper covering of a building or structure, and

- (a) *“Gable Roof”* means a roof where two sections slope in opposite directions, such that the highest, horizontal edges meet to form the roof ridge.
- (b) *“Cross Gable Roof”* means a roof where two or more gable rooflines intersect at an angle, most often with two ridges placed perpendicular to one another.
- (c) *“Gambrel Roof”* means a roof consisting of two symmetrical sections with two slopes on each side, such that the highest edges meet to form the roof ridge. The upper slope is positioned at a shallow angle, while the lower slope is steep.
- (d) *“Hip Roof”* means a roof where four sections slope downwards to the walls.

**“Setback”** means the horizontal distance between the specified lot line and the nearest main wall of any building or structure, except fences, and extending the full width or length of the lot.

**“Sewer 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 directly connected or not to the Municipality’s central waste treatment system.

**“Short-term Rental”** means the full- or part-time rental of a dwelling unit for durations not exceeding 28 continuous days. This shall include tourist homes.

**“Sign”** means a structure, device, light or natural object including the ground itself, or any part, or any device attached, or painted or represented on which shall be used to advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot.

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

**“Storage Depot”** means a storage facility, warehouse and/or outdoor area used for storage of goods.

**“Street, Road or Highway”** means all the area within the boundary lines of every road, street or right-of-way which is vested in the Province of Prince Edward Island 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.

**“Streetscape”** means the buildings, street furniture, open space, parks, street surface, trees, water bodies or streams, and other features that add to or make up the physical features of a Municipal street block or portion thereof, and streetscape also means, when applied to an individual property, the overall visual appearance of that individual property from the street.

**“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.

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

**“Subdivision”** means a division, consolidation, or other re-configuration of a lot(s) or parcel(s) for the purpose of development and/or transfer of ownership or interests.

**“Subdivision Agreement”** means a legal document describing a two-party agreement between a subdivider and the Authority Having Jurisdiction, the subject of which pertains to actions to be taken in the subdividing of a Parcel of land.

**“Survey Plan”** means an appropriately scaled drawing of survey details certified by a Prince Edward Island Land Surveyor.

**“Swimming Pool”** means any 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 metres (3 feet) or more at any point and having a minimum surface area of 10 square metres (108 square feet).

**“Temporary Permit”** means a permit for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**“Tourist Cottage”** means a group of two or more buildings not intended for residential use where sleeping facilities are provided for persons and which may also contain additional facilities including but not limited to recreational offerings, laundry service, and commercial uses, but does not include accommodations, bed and breakfast operations, or short-term rentals.

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

**“Utility Building”** means a building that houses stationary equipment for telephone, electric power, public water supply, or sewage services.

**“Verandah”** means a roofed platform projected along the outside of a building, level with the ground floor, and shall include a porch.

**“Watercourse”** shall have the same meaning as defined under the *Environmental Protection Act, R.S.P.E.I. 1988, Cap. E-9, Watercourse and Wetland Protection Regulations* and in the case of any dispute the final determination shall be made by the Provincial Department having authority to enforce these regulations. More particularly defined as “an area which has a sediment bed and may or may not contain water, and includes the full length and width of the sediment bed, bank and shore of

any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body.”

**“Wetland”** shall be defined as noted above under “watercourse”.

**“Wind Energy System”** a wind energy conversion system consisting of a wind turbine including the rotor and associated control or conversion electronics to convert wind mechanical energy to electricity.



**“Yard”** means an open, uncovered, unoccupied space appurtenant to a Building, and

- (a) *“Flankage Yard”* means a yard extending the depth between the front yard and rear yard and between the flankage lot line and the main walls of the main building facing the flankage lot line.
- (b) *“Front Yard”* means a yard extending across the full width of the lot between the front lot line and main walls of the main building facing the front lot line
- (c) *“Rear Yard”* means a yard extending across the full width of the lot between the rear lot line and the main walls of the main building facing the rear lot line.
- (d) *“Side Yard”* means a yard extending the depth between the front yard and rear yard and between the side lot line(s) and the main walls of the main building facing the side lot line(s), exclusive of any chimney breast.

**“Zone”** means an area of land designated under this Bylaw within which specific land uses are permitted and others restricted or prohibited.

**“Zoning Map”** means the map included as Appendix A to this Bylaw or as amended from time to time, depicting the boundaries of all land use zones.

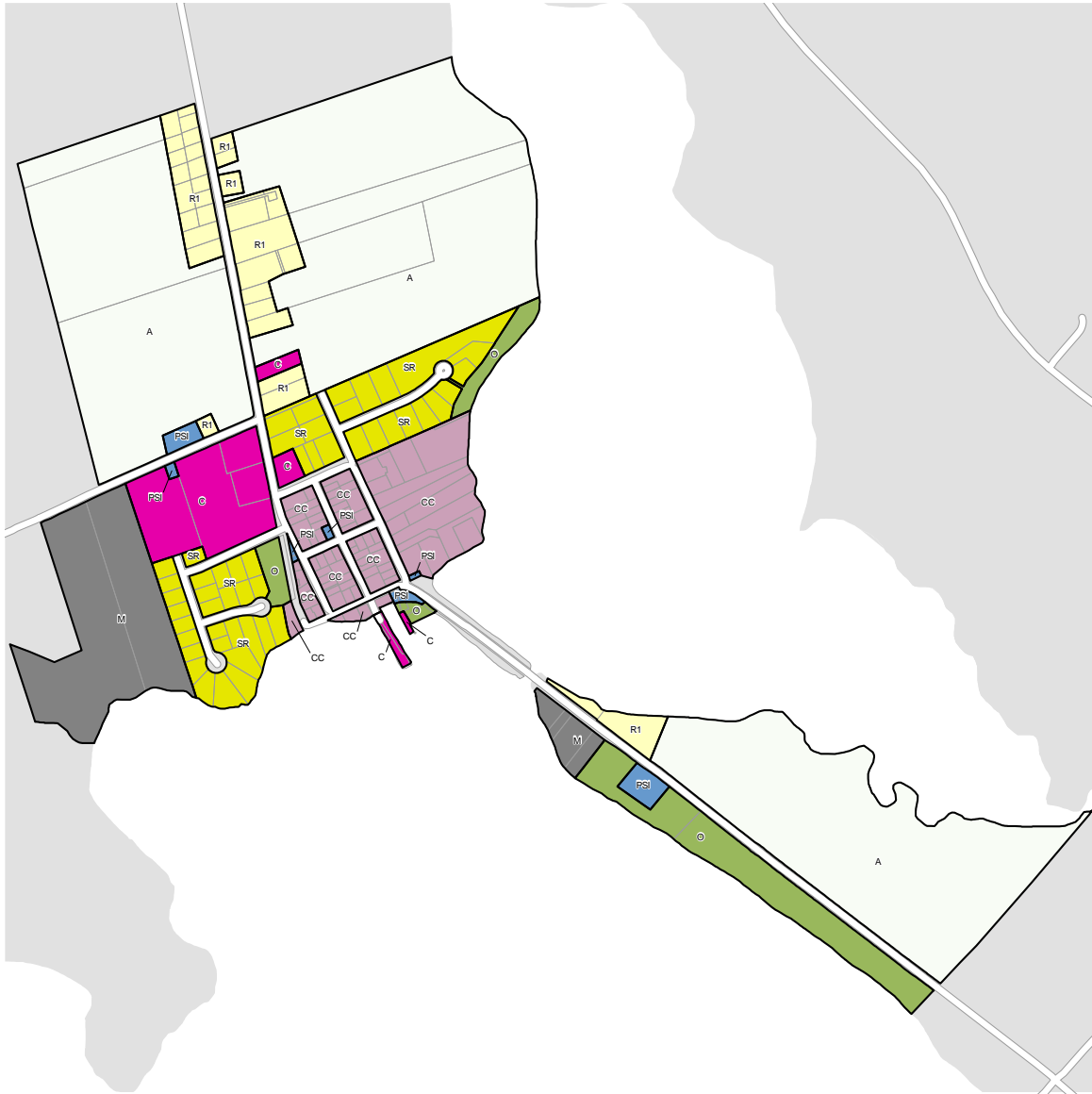
Chapter 12 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change









# 13 Appendices

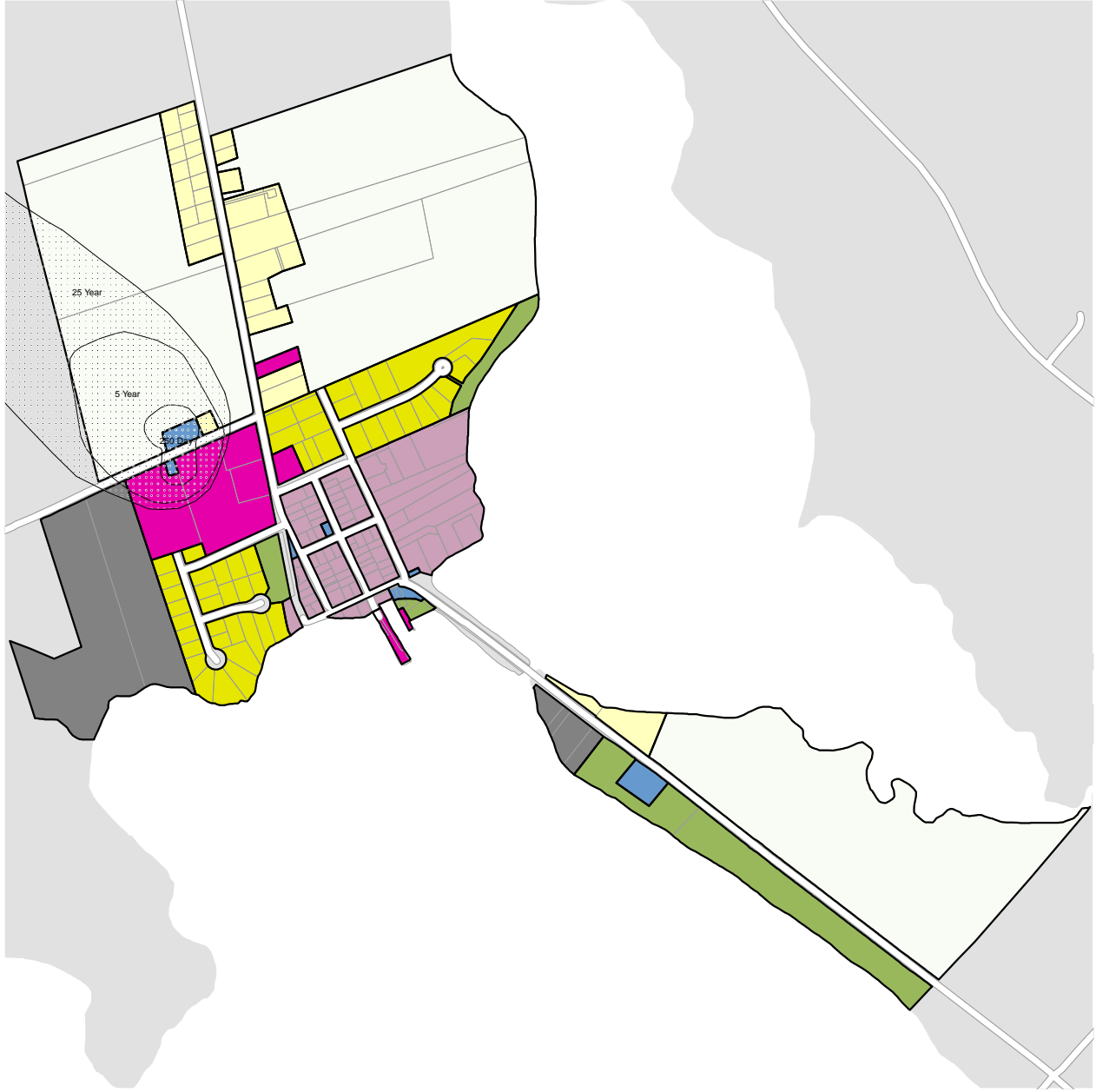
## 13.1 Appendix A: Zoning Maps

The Zoning Map shows the boundaries of all zones within the Municipality, corresponding with the regulations included in this Development Bylaw. Also included is a map which indicates overlay zones, where land is subject to the requirements of multiple zones. The Zoning Map must conform to the General Land Use Plan, and properties within the Community shall only be rezoned in accordance with the future land use identified on the General Land Use Plan.



Zoning

General Residential	R1	
Single-Unit Residential	SR	
Commercial	C	
Central Core	CC	
Agriculture	A	
Light Industrial	M	
Recreation and Public Open Space	P	
Public Services and Institutional	PSI	



Zoning

Environmental Reserve



Wellfield Protection



General Residential R1



Single-Unit Residential SR



Commercial C



Central Core CC



Agriculture A



Light Industrial M



Recreation and Public Open Space P



Public Services and Institutional PSI



**13.2 Appendix B: Parking Guidelines**

Type of Use	Number of Parking Spaces Required	Loading Area Required
Dwellings	1 per dwelling unit	n/a
Accommodations	1 per guest room	n/a
Tourist Cottages	1 per guest room	n/a
Restaurants (including take-out operations)	1 per 4.6 square metres (50 square feet)	n/a
Business or professional office	1 per 27.9 square metres (300 square feet)	n/a
Warehouse and storage facilities and other industrial uses	1 per employee	1 per loading bay
Other commercial uses	1 per 27.9 square metres (300 square feet) of floor area	1 per loading bay
Other institutional uses	1 per 37.2 square metres (400 square feet) of floor area	n/a

### 13.3 Appendix C: Province-wide Minimum Development Standards Regulations

**TABLE 1**

**MINIMUM LOT SIZE STANDARDS:**

(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 disposal system	IV	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 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 disposal system	V	N/A	N/A	not developable	N/A

(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:**

(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



**13.4 Appendix D: Fee Schedule**

Permit Type	Fee (also see notes on next page)
Development permits	
Dwellings, including additions and accessory dwellings (excluding other accessory buildings)	\$300.00
Accessory building	\$100.00
Demolition / moving / change of use	\$100.00
Decks / pools / fences	\$100.00
Special permit use	\$200.00 plus any other applicable fees
Permit extension	No charge when received prior to expiration
Subdivision	
Lot subdivision application	\$250.00/lot
Lot consolidation	\$250.00/lot
Lot revision	\$250.00/lot
Change of use	\$100.00/lot
Other	
Official Plan / Bylaw amendments or rezoning	\$500.00 plus notification fees for newspaper ads and/or postage (if applicable)
Variances up to 5%	\$50.00
Variances greater than 5%	\$100.00
Development agreement	\$200.00 plus applicable Provincial Registration Fees
Subdivision agreement	\$200.00 plus applicable Provincial Registration Fees
Outdoor vending fees	\$25.00 (per request)

## Notes

1. All fees are subject to HST.
2. All fees are subject to associated costs which may include public meeting costs such as all advertising, printing and consulting/legal fees. Council shall have the final decision in determining the total fee of the applicable costs.
3. All initial fees shall be due with the application.
4. All fees are non-refundable.
5. All fees are doubled for an application after the fact.

## 13.5 Appendix E: Design Guidelines

### Purpose

These design guidelines are intended to communicate the Rural Municipality of Victoria's heritage values for the commercial and central core areas, providing a clear and concise set of guidelines for property owners. The community has a strong set of cultural and heritage values, and these guidelines are part of the effort to respect and protect the historic character of the core.

These areas are the social, cultural, and commercial heart of the Municipality and their character influences the quality of life for all residents. The following design guidelines support the economic activity within these areas and foster an attractive and comfortable pedestrian environment which reflects the unique character of Victoria.

### Local Context

This region has a long history of settlement dating back to Mi'kmaq presence at least 10,000 years ago, but the built structure of what is now known as Victoria represents mainly a Victorian era of European settlers' construction efforts. The existing street grid of the central core was laid out in the 1860s, and three wharves were soon built along the waterfront.

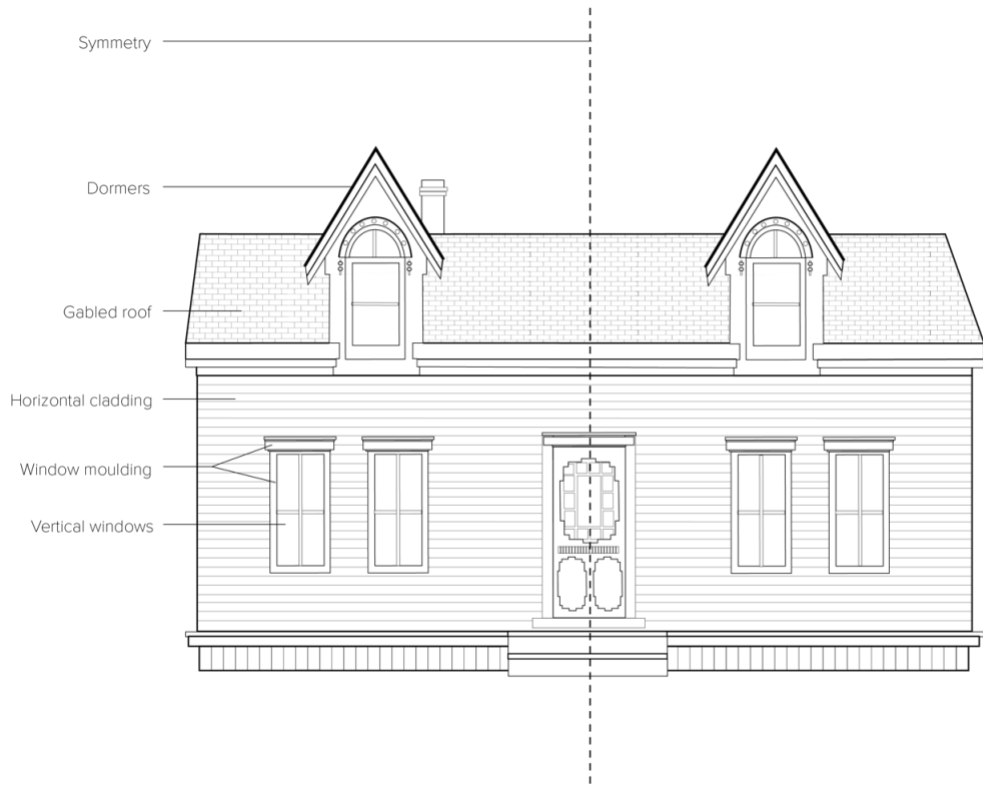
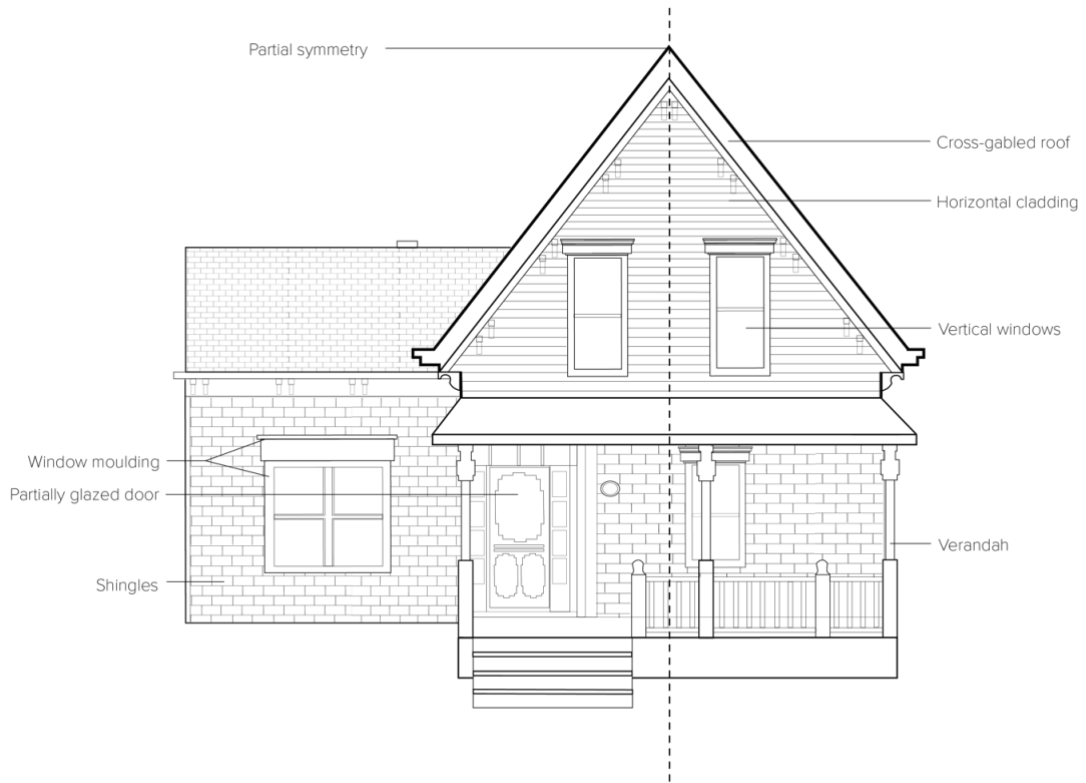
Today many of the community's homes date back to the 19<sup>th</sup> century, with a mix of Late Victorian Plain, Gothic Revival, and other Victorian home styles. Mixed uses are traditional to the area, and the central core reflects this today. At the present, 28 properties in the municipality are registered heritage properties, while four are designated heritage properties, protected under Provincial legislation.

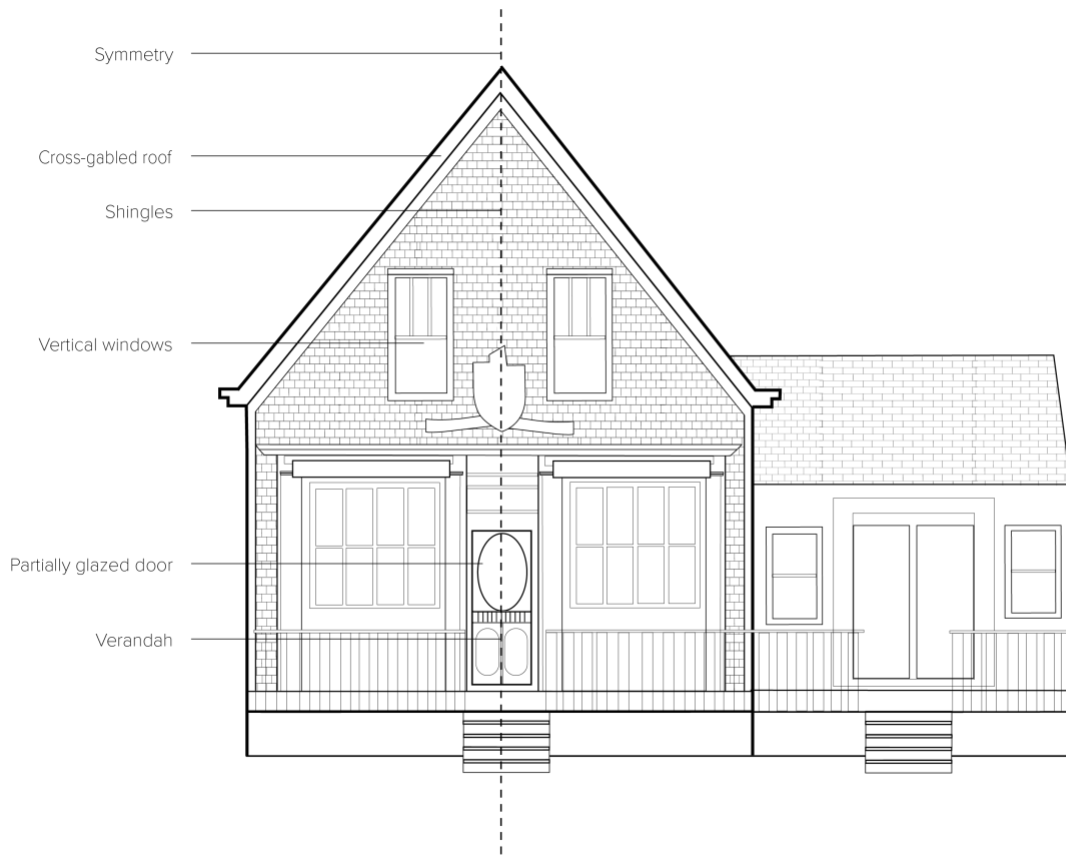
### Principles and Features

These selected principles and features are intended to encourage all future development to respect the area's character, while preserving the authenticity of heritage properties. The associated architectural guidelines are intended as guidance for a cohesive and enjoyable built environment and streetscape.

Relevant principles and features include:

- a) roof styles;
- b) window and door styles;
- c) cladding;
- d) the placement of porches and verandahs;
- e) symmetry; and
- f) barrier-free entrances and exits.

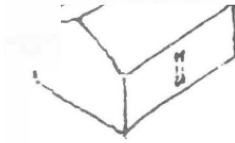




**Architectural Guidelines**

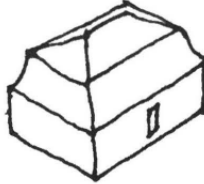
**13.5.1** Developments within the Central Core and Commercial Zones are encouraged to incorporate one of the following roof styles:

a) gable roof;



**Gable**

b) cross gable;



**Mansard**

c) gambrel roof; or



**Gambrel**

d) hip roof.



**Hip**

Illustrations c/o *Houses of Nova Scotia* (1989), Allen Penney

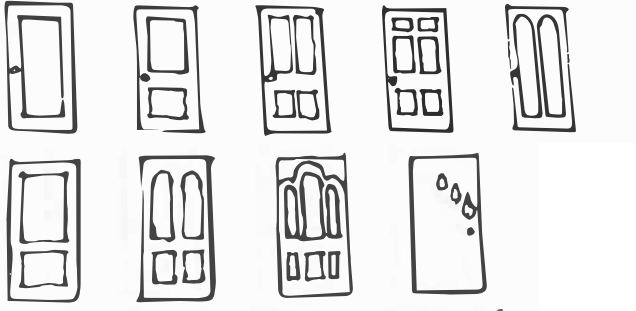
**13.5.2** Developments within the Central Core and Commercial Zones are encouraged to incorporate dormers into roof design.

**13.5.3** Developments within the Central Core and Commercial Zones are encouraged to incorporate vertically oriented windows on all public façades.

**13.5.4** Development within the Central Core and Commercial Zones are encouraged to incorporate window moulding on all public façades.

**13.5.5** Doors on the public façade of commercial uses within the Central Core and Commercial Zones are encouraged to be fully or partially glazed.

**13.5.6** Doors on the public façade of residential uses within the Central Core and Commercial Zones are encouraged to be paneled or partially glazed; slab doors are discouraged.



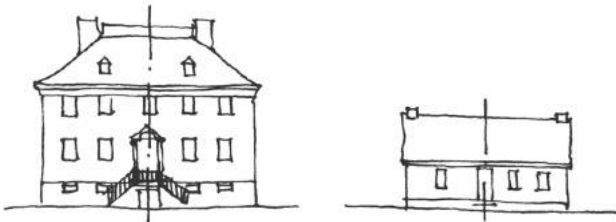
Illustrations c/o *Houses of Nova Scotia* (1989), Allen Penney

**13.5.7** Developments within Central Core and Commercial Zones are encouraged to incorporate shingles or horizontal cladding all public façades.

**13.5.8** Cladding within the Central Core and Commercial Zones is encouraged to turn corners and extend beyond just the front façade for a minimum of 2 metres (6.5 feet), preferably around the entire building.

**13.5.9** Developments within the Central Core and Commercial Zones are encouraged to incorporate a porch or verandah at ground level on the public façade, with a height not exceeding one storey.

**13.5.10** Developments within the Central Core and Commercial Zones are encouraged to incorporate complete or partial symmetry in design, through the placement of features like windows and columns.



Illustrations c/o *Houses of Nova Scotia* (1989), Allen Penney

**13.5.11** Building mechanicals (including but not limited to air conditioning units and heat pumps) are discouraged on the public façade(s) of buildings in the Central Core and Commercial Zones.

**Checklist**

Guidelines for Central Core and Commercial Zones	
Gable, cross-gable, gambrel or hip roof	
Vertical windows on public façade	
Moulding around all windows on public façade	
Doors on the public façade of commercial buildings fully or partially glazed	
Doors on the public façade of residential buildings paneled or partially glazed	
Shingles or horizontal cladding	
Cladding extends beyond the public façade for a min. of 2 metres	

Chapter 13 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change