

# COMMUNITY OF VICTORIA

## Zoning & Subdivision Control (Development) Bylaw

### Bylaw #414



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# **COMMUNITY OF VICTORIA**

## **Zoning & Subdivision Control (Development) Bylaw**

### **1.0 Introduction**

The following Bylaw was prepared to regulate the Use and Subdivision of land, as well as the Use and location of buildings and Structures, in the Community of Victoria, in order to promote public health, safety, Community aesthetics, and the general welfare of its residents.

As a consequence, the lands within the Community of Victoria have been divided into Zones pursuant to the provisions of the Province's *Planning Act, R.S.P.E.I. 1988, Cap. P-8*, having due regard to:

- a) the promotion of the health, safety, convenience, and welfare of the public;
- b) the preservation of the natural environment;
- c) land and the nature of its present and prospective uses;
- d) the promotion of sound environmental and agricultural practices; and
- e) the implementation of the Victoria Official Plan.

### **1.1 Title**

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

### **1.2 Authority**

This Bylaw is enacted under the authority of the *Planning Act, R.S.P.E.I. 1988, Cap. P-8*, referred to here as the "*Planning Act*".

### **1.3 Planning Area**

This Bylaw shall apply to the geographical area within which the Community of Victoria Council has jurisdiction.

### **1.4 Scope**

No Dwelling, business, trade, or industry shall be located, nor shall any building or Structure be erected, Altered, Used or have its Use changed, nor shall any land be developed, Subdivided, consolidated or Used in the Community of Victoria, except in conformity with this Bylaw and

subject to the provisions contained herein.

### **1.5 Authority of Development Officer**

- (1) Council shall appoint a Development Officer(s) whose duties shall be as provided in this Bylaw. A Development Officer shall have the authority to administer this Bylaw. Notwithstanding the foregoing, 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:
  - (a) large scale residential developments of more than four Lots;
  - (b) new commercial operations or existing commercial operations wishing to expand;
  - (c) new Residential-Commercial Operations or existing Residential-Commercial Operations wishing to expand;
  - (d) new light industrial operations or existing light industrial operations wishing to expand;
  - (e) new public service and institutional operations or existing public service and institutional operations wishing to expand;
  - (f) new recreation and Public Open Space operations or existing recreation and Public Open Space operations wishing to expand;
  - (g) new utility Structures or existing utility Structures wishing to expand;
  - (h) Variances of more than five percent (5%);
  - (i) Special Permits;
  - (j) Change of Use; and
  - (k) Rezoning applications.
  
- (2) Where an application is not entirely clear in its intent, or where an application does not appear to conform with the provisions of this Bylaw or any other Bylaws which may be in force, the Development Officer shall submit the application to Council for its interpretation and instruction.

## 2.0 Definitions

- (1) 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.

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

**“Administrator”** means the Administrator of the Community of Victoria.

**“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 Community of Victoria.

**“Bed and Breakfast Operation”** means a Dwelling occupied by a Family and used incidentally to provide accommodation of up to three (3) separate rooms and meals to transient travellers, and shall include Tourist Homes, but shall exclude boarding houses, rooming houses, domiciliary hostels, Group Homes, Hotels, Motels, Restaurants and Lounges.



**“Block”** means the smallest until of land that is bounded on all sides by Watercourses, Streets, Zone boundaries, large tracks of land, or any combination thereof as determined by the Authority Having Jurisdiction.

**“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.

**“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.

**“Community”** means the Community of Victoria.

**“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 Community of Victoria.

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

**“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 Community.

**“Development Officer”** means any person authorized by Council to act on its behalf with respect to the implementation of the Community’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.

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

- (i) *“Accessory Single Family Dwelling”* means a separate subordinate Building designed or Used for occupancy as one Dwelling Unit for the sole purpose of accommodating a person and their Family employed by the Owner(s) of the Farm Property Main Building Single Family Dwelling.
- (ii) *“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.
- (iii) *“Single Family 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.

**“Family”** means or may encompass individuals residing in one (1) Dwelling Unit, or group of individuals related by marriage, cohabitation, blood or adoption residing together in one (1) Dwelling Unit and includes domestic servants, non-paying guests and foster children, and not more than two (2) roomers or boarders living in the Dwelling Unit.

**“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.

**“Floor Area”** means:

- (i) With reference to “Dwelling” the area contained within the outside walls excluding any private garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year.
- (ii) With reference to “Commercial Building” the total usable floor area within a Building used for commercial purposes excluding washrooms, furnace rooms and common halls between stores.

(iii) With reference to “Accessory Building” the area contained within the outside walls.

“**Frontage**” means all land abutting on one side of a Street or Road measured along the Street or Road line.

“**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.

“**Hotel**” means a Building other than a Motel occupied or intended to be occupied as the temporary lodging place for any individual for a fee.

“**Immediate Family**” means the following persons:

- (a) parents of the Owner and his or her spouse;
- (b) the sons and/or daughters of the Owner and his or her spouse, including step or foster children;
- (c) the grandchildren of the Owner and his or her spouse;
- (d) the grandparents of the Owner and his or her spouse; and
- (e) the brothers and/or sisters of the Owner and his or her spouse.

“**Infilling**” means the Development or Use of a vacant Lot or Parcel of land within the Community.

“**In-Law Suite**” means a self-contained Dwelling Unit constructed in an Owner-occupied Single Family Dwelling for the sole purpose of accommodating an Immediate Family member during a limited period of time in which the Immediate Family member may be in need of such a facility.

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

- (a) community centres;
- (b) government offices;
- (c) clinics and hospitals;
- (d) libraries, museums, theatres and art galleries;
- (e) public and private recreational centres;
- (f) public and private Utility Buildings;

- (g) child care facilities;
- (h) fire halls;
- (i) visitor information building; and
- (j) churches, places of worship and religious institutions
- (k) light-houses.

**“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, Pub, micro brewery 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 which is held in separate Ownership from the adjoining land and

- (i) “Lot Area” means the total area included within the Lot Lines.
- (ii) “Corner Lot” means a Lot situated at an intersection of and abutting on two or more Streets.
- (iii) “Flankage Lot Line” means the Side Lot Line which abuts the Street on a Corner Lot.

- (iv) “Front Lot Line” means the Lot Line abutting the Street upon which the Building or Structure erected or to be erected has its principal entrance.
- (v) “Interior Lot” means a Lot other than a Corner Lot.
- (vi) “Lot Depth” means the depth from the Front Lot Line to the Rear Lot Line.
- (vii) “Lot Line” means any boundary of a Lot.
- (viii) “Rear Lot Line” means the Lot Line further from and opposite to the Front Lot Line.
- (ix) “Side Lot Line” means a Lot Line other than a front, rear or Flankage Lot Line.
- (x) “Through Lot” means a Lot bounded on two opposite sides by Streets.

**“Lounges and Pubs”** means an establishment which may provide indoor musical entertainment and/or facilities where alcoholic beverage may be served and includes supplementary food service.

**“Major Development”** means any Development as defined under Appendix B to this Bylaw.

**“Mini-Home”** means a pre-manufactured Dwelling Unit having an average width of less than 20 feet (6.1 m), not including entries, porches or other appurtenances and certified under the Z240 provisions of the Canadian Standards Association (CSA).

**“Modular Home”** means any Dwelling Unit which is manufactured and sold as such by the housing industry, and which, though transported to a Building site, is then placed on a poured or slab foundation, and which, for clarification purposes is not a “Mobile Home”;

**“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;

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

**“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.

**“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 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.

**“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.

**“Setback”** means the distance between the Street line and the nearest main wall of any Building or Structure, except Fences, and extending the full width of the Lot.

**“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 Community central waste treatment system.

**“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.

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

**“Street, 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 Community 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 his 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.

**“Summer Cottage”** means a single unit Dwelling that is occupied primarily during the summer months, and located on a Lot or Parcel of land serviced by a private Road.

**"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 m. (3 ft.) or more at any point and having a minimum surface area of 10 sq. m. (108 sq. ft.).

**"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 Accommodations"** means a Dwelling Unit which is operated for the Business of providing or offering overnight accommodation for transient guests for compensation.

**"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.

**"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;

(a) **"Flankage Yard"** means, on a Corner Lot, that yard extending across the full width of the Lot and fronting on a Roadway which is not the Roadway along which the Front Yard extends;

(b) **"Front Yard"** means a yard extending across the full width of the Lot between the Front Lot Line and the nearest main wall of the main Building

on the Lot;

(c) **"Rear Yard"** means a yard extending across the full width of the Lot between the Rear Lot Line and the nearest main wall of the main Building on the Lot; and

(d) **"Side Yard"** means a yard extending across the full width of the Lot between a Side Lot Line and the nearest main wall of the main Building on the Lot, exclusive of any chimney breast.

**"Zone"** means an area of land designated under 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.

### 3.0 Development Zones

#### 3.1 Development Zones

For the purpose of this Bylaw, the Community of Victoria is divided into the following Development Zones, the boundaries of which are subject to section 3.2 as shown in Appendix "A" on the Zoning Map. Such Zones may be referred to by the appropriate symbols.

<b>Zone</b>	<b>Symbol</b>
Agricultural	A
Single-Family Residential	R1
Commercial	C
Central Core	CC
Light Industrial	M
Recreation and Public Open Space	O
Public Service and Institutional	PSI
<b>Special Overlay Zone</b>	<b>Symbol</b>
Environmental Reserve	O2

#### 3.2 Interpretation of Zone Boundaries

- (1) Boundaries between Zones as indicated in Appendix A, Zoning Map, shall be determined as follows:
  - (a) Where a Zone boundary is indicated as following a Street or Highway, the boundary shall be the centre line of such Street or Highway.
  - (b) Where a Zone boundary is indicated as following Lot or Property lines, the boundary shall be such Lot or Property lines.
  - (c) Where a Zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.
  - (d) Where none of the above provisions apply, the Zone boundary shall be scaled from the original Zoning Map lodged with the Municipality.
- (2) The Zone boundaries for the Environmental Reserve Zone shall be the area in or on a Watercourse or Wetland and the area within fifteen (15) m. (49.2 ft.) of a Wetland Boundary or a Watercourse Boundary.

### 3.3 **Zoning Map**

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

### 3.4 **Permitted Uses**

In this Bylaw any Use not listed as a Permitted Use in a Zone is prohibited in that Zone unless otherwise indicated.

### 3.5 **Certain Words**

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

### 3.6 **Defined Terms**

In this Bylaw, words beginning with uppercase letters carry the defined meaning set forth in section 2. Words that are defined in section 2 but do not begin with an uppercase letter when used in the Bylaw carry their ordinary meaning.

### 3.7 **Units of Measure**

All official measurements are in metric. Where imperial measurements are provided they are for information purposes only.

### 3.8 **Appendices**

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

## **4.0 Administration**

### **4.1 Development Permit Required**

No Person shall, without first applying for and receiving a permit from the Authority Having Jurisdiction:

- (a) change the use of a parcel of land or a Structure;
- (b) commence any Development;
- (c) construct any Structure on a Property;
- (d) make exterior Structural Alterations to any Structure;
- (e) make any water or sewer connection;
- (f) make any underground installation such as a septic tank, a fuel tank, a foundation wall or the like;
- (g) move or demolish any Structure;
- (h) establish or operate an Excavation Pit;
- (i) construct a driveway;
- (j) place, dump any fill or other material;
- (k) subdivide or consolidate a parcel or parcels of land;
- (l) construct a Fence over 6 feet (1.83 m) or more high;
- (m) establish or place a Swimming Pool;
- (n) construct a Deck.

### **4.2 No Development Permit Required**

Unless otherwise specified, no Development Permit shall be required for:

- (a) laying paving materials for patios or sidewalks;
- (b) constructing Fences of less than 6 feet / 1.83 m 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) conducting routine maintenance which has the effect of maintaining or restoring a Structure or any of its elements to its original state or condition;
- (g) making landscape improvements, constructing ornamental Structures or play Structures of less than 64 sq. ft. / 5.95 sq. m.;
- (h) constructing a Dog House or Dog Run;
- (i) a Development that involves the interior or exterior Renovation of a Building that will not change the shape of the Building or increase its volume, will not add more Dwelling Units, or will not involve a change in Use of the Building; and
- (j) Public utilities located within the Street right-of-way;

although the applicable requirements of this Bylaw must still be met.

#### **4.3 Moving of Buildings**

No Building shall be moved out of or within the area covered by this Bylaw without a Development Permit and such other permits as may be required by law.

#### **4.4 Permit Applications**

(a) Any Person applying for a permit shall do so on a form prescribed by Authority Having Jurisdiction, and shall submit the application to the Authority Having Jurisdiction.

(b) In addition to the above permit application, section 4.4 (a), the Applicant may be required to submit a drainage plan (signed and sealed by a land surveyor, a professional engineer, or a landscape architect licensed to practice in the Province) prior to construction where the Authority Having Jurisdiction deems it necessary to determine how the storm water drainage will be managed.

(c) 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 schedule of fees established by Council and annexed hereto as Appendix B.

(d) The Authority Having Jurisdiction 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.

#### **4.5 Payment of Fees**

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

#### **4.6 Development Permit**

(a) A Development Permit shall be issued once the Authority Having Jurisdiction 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 Authority Having Jurisdiction shall issue a Development Permit upon receipt of the appropriate fee(s), as set out in Appendix E.

(b) Where an application is not entirely clear in its intent, or where an application does not appear to conform with the provisions of this Bylaw or any other Bylaw which may be in force, the Development Officer shall submit the application to Council and if Council deems it appropriate they will have the Development Officer

review it with the Planning Board for its interpretation and instruction.

(c) A Development Permit shall be valid for a twelve-month period, or such additional time as may be authorized by the Authority Having Jurisdiction.

(d) The Authority Having Jurisdiction may revoke a Development Permit where information provided on the application is found to be inaccurate.

#### **4.7 Site Plan**

(1) The Authority Having Jurisdiction 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.

(2) A Site Plan shall be prepared to a scale showing existing and proposed conditions and may include:

- (a) location of all Buildings and Structures on the parcel with respect to the Lot boundaries;
- (b) location of the septic system or sewer service;
- (c) location of the well or water service;
- (d) location of the electrical service;
- (e) 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.
- (i) any other information the Authority Having Jurisdiction deems necessary to determine whether or not the proposed development conforms to the requirement of this Bylaw.

#### **4.8 Conditions on Permits**

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 Community and the Official Plan.

#### **4.9 Development Agreement**

The Authority Having Jurisdiction 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. Failure to comply with a Development Agreement shall constitute an offense under this Bylaw.



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 circulation facilities;
- (c) Landscaping and screening;
- (d) vehicular access and exits;
- (e) security and safety lighting;
- (f) methods of waste storage and disposal;
- (g) fencing; and
- (h) any other matters that the Authority Having Jurisdiction deems necessary to ensure the health, safety and convenience of the Community residents and the travelling public.

#### **4.10 Other Information**

The Authority Having Jurisdiction may require an Applicant to submit any additional information related to the proposed Development, which it deems pertinent, including but not limited to the following:

- (a) parking, parking lot layout and internal circulation patterns;
- (b) location of garbage containers and description of any screening or fencing;
- (c) storm water management plan or a drainage plan;
- (d) location of Open Space and Amenity Areas;
- (e) Landscaping plan;
- (f) Buffer Zones adjacent to Wetland areas or Watercourses;
- (g) existing vegetation;
- (h) easements; and
- (i) proposed storage areas and description of any screening or fencing.

#### **4.11 Authorization for Inspection**

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

#### **4.12 Permits Posted**

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 Community of Victoria Post Office, 24 Bardin St, Victoria within 5 working days of approval.

#### 4.13 **Fire Marshall Approval**

Applications must be approved by the provincial fire marshal's office prior to the Development Permit being issued for the following types of Developments:

- (a) Commercial;
- (b) Industrial;
- (c) Institutional Buildings;
- (d) Residential-Commercial Operations; and
- (e) In-Law Suite.

#### 4.14 **Surveys Required**

No person shall subdivide one or more Lots or any portion or interest in a Lot and no person shall consolidate two or more parcels of land until the conditions of this Bylaw have been complied with and the Applicant has submitted six (6) copies of a Survey Plan prepared by a licensed Prince Edward Island land surveyor.

#### 4.15 **Development Restrictions**

The Authority Having Jurisdiction shall not issue a Development Permit for a Development if, in its opinion:

- (1) the proposed Development does not conform to the provisions of this Bylaw;
- (2) the method of water supply is not appropriate;
- (3) the method of sanitary waste disposal is not appropriate;
- (4) there is no safe or efficient access to a Street;
- (5) the proposed Development would create unsafe traffic conditions;
- (6) the impact of the proposed Development would be detrimental to the natural environment of the Community;
- (7) the proposed Development would be detrimental to the convenience, health or safety of the residents in the immediate vicinity or general public; or
- (8) the impact of the proposed Development would be detrimental to the heritage character of the Central Core.

#### 4.16 **Construct in Accordance with Application**

Any Person who has been granted a Development Permit shall agree to develop in accordance with the information given on the prescribed application form and the conditions laid down by the Development Permit or Development Agreement and shall comply therewith.

#### 4.17 **Denying Permits**

- (1) No Development Permit shall be issued if the proposed Development could in the opinion of the Authority Having Jurisdiction create a hazard to the general Public or any resident of the municipality or could injure or damage neighbouring Property or other Property in the municipality, such injury or damage to include but not be limited to water, drainage or other water run-off damage; or
- (2) No Development Permit shall be issued if the proposed Development could create a health or fire hazard.

#### 4.18 **Appeals**

- (1) Any Person who is dissatisfied by a decision of the Authority Having Jurisdiction 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.
- (2) Notwithstanding subsection (1) above, no appeals may be filed regarding a decision of the Authority Having Jurisdiction 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) A notice of appeal to the Commission under subsection (1) shall be in writing and shall state the grounds for the appeal and the relief sought.
- (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 Authority Having Jurisdiction.

## **5.0 General Provisions for All Zones**

### **5.1 Existing Non-conforming Buildings**

- (1) Where a Building or Structure has been Erected on or before the effective date of this Bylaw on a Lot having less than the minimum Frontage or area, or having less than the minimum Setback or Side Yard or Rear Yard required by this Bylaw, the Building or Structure may be enlarged, reconstructed, relocated, repaired or renovated or demolished provided that:
  - (a) the Building or Structure's proposed location does not increase the fire safety hazard to the neighbouring Buildings or Structures;
  - (b) the enlargement, reconstruction, repair, relocation or Renovation does not further reduce the Front Yard or Side Yard or Rear Yard which does not conform to this Bylaw;
  - (c) the applicant must provide the following information along with the application:
    - Site Plan to scale showing existing conditions and shall include;
    - location of all Buildings and Structures with respect to the boundaries;
    - location of the septic system or sewer service;
    - location of the water service;
    - location of the electrical service;
    - location of the driveway(s);
    - Site Plan to scale showing proposed conditions;
    - floor plan(s) of the proposed Building or Structure;
    - elevation plan(s) of each exterior wall of the proposed Building or Structure;
    - drainage plan of the site; and
  - (d) all other applicable provisions of this Bylaw are satisfied.

### **5.2 Existing Non-conforming Lots**

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;

- (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, 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.

### 5.3 Non-conforming Uses

- (1) Subject to the provisions of this Bylaw, a Building or Structure, or Use of land, Buildings or Structures lawfully in existence on the effective date of approval of this Bylaw may continue to exist.
- (2) A Building or Structure shall be deemed to exist on the effective date of approval of this Bylaw if:
  - (a) it was lawfully under construction; or
  - (b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within twelve (12) months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time;
- (3) No Structural Alterations that would increase the exterior dimensions, except as required by statute or Bylaw, shall be made to a Building or Structure while a non-conforming Use thereof is continued.
- (4) If a Building which does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of seventy-five percent (75%) or more of the assessed value of the Building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw, except if the Building or repair work would not be detrimental, in the opinion of the Authority Having Jurisdiction, to the health or safety of residents in the vicinity or the general public.
- (5) Any change of tenants or occupants of any premises or Building shall not of itself be deemed to affect the Use of the premises or Building for the purposes of this Bylaw.
- (6) A non-conforming Use of land, 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 thereafter be used except in conformity with this Bylaw.
- (7) No intensification of use or increase in business volumes or activity levels shall be made while a non-conforming use of land, Buildings or Structures is being continued.

- (8) No increase in the area occupied by the non-conforming Use shall occur while a non-conforming Use is being continued.

#### 5.4 **Lot Frontage**

- (1) No Development Permit shall be issued unless the Lot or parcel of land intended to be used or upon which the Building or Structure is to be Erected abuts and fronts upon a Street.
- (2) 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 the Lot width at the Building Line measures at least as much as the minimum Lot Frontage requirement.
- (3) In any Zone, Lots designed with a reduced Road Frontage along a bend in a Street or facing a cul-de-sac may be approved by Council, if, in the opinion of Council, adequate and safe access to the Lot is provided, and the following criteria are met:
  - (a) the Lot width at the Building Line measures at least as much as the minimum Lot Frontage requirement; and
  - (b) the minimum acceptable Frontage for a residential development shall be 7.32 m (24 ft.).

#### 5.5 **Mixed Use**

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.

#### 5.6 **Public Utilities**

- (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, 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.
- (2) Private Utility Buildings and Structures which are considered by the Authority Having Jurisdiction to be necessary and appropriate to the municipality shall be permitted in all Zones.
- (3) Notwithstanding anything else in this Bylaw, public utilities located within the Street right-of-way or under ground may be placed in any Zone, and no Development Permit shall be required and no Zone standards shall apply.

### 5.7 **Petroleum Storage**

- (1) Underground gasoline storage facilities shall not be permitted in any Zone.
- (2) The storage of gasoline on a residential Lot shall be limited to 50 litres (11 imperial gallons).

### 5.8 **Access Driveway**

- (1) No person shall construct or Use any access driveway prior to obtaining an access permit from the Authority Having Jurisdiction.
- (2) No person shall change the Use of any access driveway to a more intensive Use without the evaluation and approval of the Authority Having Jurisdiction.

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

- (1) The Authority Having Jurisdiction 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 Authority Having Jurisdiction 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 Authority Having Jurisdiction.
- (2) The Authority Having Jurisdiction may at its 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. The Authority Having Jurisdiction may attach such conditions as it deems appropriate to ensure Public safety and to mitigate any negative impacts on surrounding properties.
- (3) The Authority Having Jurisdiction shall not issue a permit for mobile trailers or mobile Structures for commercial use.

### 5.10 **Accessibility**

- (1) The Authority Having Jurisdiction may, as a condition of granting a Development Permit, require the Applicant to design and develop a Structure or provide such facilities as necessary to permit access to the Building or Structure by physically challenged persons.
- (2) No Development Permit shall be issued for a Building or Structure which provides access to the general public until the Authority Having Jurisdiction receives a

“Confirmation of Receipt of a Quality Control Plan” from the Provincial Government, pursuant to the Barrier- Free Design Regulations or subsequent regulations invoked for the same purpose.

#### 5.11 Accessory Uses

Accessory uses, buildings and Structures shall be permitted on any lot but shall not:

- (1) be used for human habitation except where a dwelling is a specifically permitted Accessory Use;
- (2) be built closer than 1.52 m (5.0') to the side or rear property lines;
- (3) be built within the Front Yard or Flankage Yard of a Lot;
- (4) exceed the height of the main building or the total Floor Area of the main building except in the Agricultural and Light Industrial Zones;
- (5) be permitted if an Accessory Building already exists, except:
  - (a) where it is an Accessory Use on a Farm Property, in which case necessary Accessory Buildings shall be permitted;
  - (b) where it is located on a lot greater than 4,046 sq. m. (1) acre, in which case a maximum of two Accessory Buildings are permitted; or
  - (c) where the property is Zoned Agricultural or Light Industrial.
- (6) be constructed with wood frame covered with canvas or fabric;
- (7) be constructed with metal frame covered with canvas or fabric;
- (8) Notwithstanding the above provisions, Council may issue a special development permit for an accessory Structure located within the Front Yard or Flankage Yard of a Lot where Council is satisfied the Structure will be compatible with adjacent Structures and no permanent injury would be caused to adjoining properties, subject to such conditions as Council may impose.
- (9) be serviced with water or sewer;
- (10) be located completely underground;
- (11) Except in a Commercial, Light Industrial, Public Service and Institutional, or Agricultural Zone, Accessory Uses, Buildings and Structures shall not:
  - (a) exceed 4.27 m. (14 ft.) in Building Height;



- (b) exceed 18.58 sq. m. (200 sq. ft.) of Floor Area per Building in the Central Core Zone; or
- (c) exceed 46.45 sq. m. (500 sq. ft.) of Floor Area per Building in the Residential or Recreation & Public Open Space Zones; or
- (d) exceed a maximum of one (1) Accessory Building per Property.

#### **5.12 Attached Accessory Building**

Any Accessory Building which is attached to a Dwelling shall be considered as part of the Dwelling.

#### **5.13 Parking**

- (1) Any off-Street parking in conjunction with a residential, Residential-Commercial Operation, commercial, public service and institutional, industrial or recreation Development shall be provided, where practical and possible, in conformity with the standards set out in Appendix C, Parking Standards, of this Bylaw.
- (2) A Parking Space shall have a minimum size of 3.05 m (10 ft.) by 6.1 m (20 ft.), and shall have clear access to a manoeuvring lane.
- (3) No parked vehicles shall be permitted to idle their motor for extended periods of time.

#### **5.14 Community of Victoria Servicing Standards Manual**

All applicants requesting a Development Permit or Subdivision approval shall be subject to the requirements of the Community of Victoria Servicing Standards Manual.

#### **5.15 On-site Sewage Disposal System**

- (1) 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 Authority Having Jurisdiction; 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 Authority Having Jurisdiction; and
- ii) the Change of Use is in conformity with the requirements imposed by this Bylaw.

#### **5.16 Community Central Sewer System**

Any person wishing to construct, erect, place, make any Alterations to, or change the Use of a Structure on any Lot within the Community which will require connection to the Community's Central Sewer System shall apply for and receive permission for such connection(s) from the Authority Having Jurisdiction, and shall provide proof of such permission prior to receiving a Development Permit.

#### **5.17 Community Water System**

Any person wishing to construct, erect, place, make any Alterations to, or change the Use of a Structure on any Lot within the Community which will require connection to the Community's water system, shall apply for and receive permission for such connection(s) from the Authority Having Jurisdiction, and shall provide proof of such permission prior to receiving a Development Permit.

#### **5.18 Low Flow Toilets**

Only low flow designated toilets are to be installed in Buildings and Structures within the Community.

#### **5.19 Garburators**

No garburators are to be used within any Building or Structure that is connected to the Community Central Sewer System.

#### **5.20 Swimming Pools**

- (1) Except within the Central Core (CC) Zone, the installation of a Swimming Pool shall be permitted in any Zone in accordance with the following provisions:
  - (a) The Owner shall first secure a Development Permit from the Authority Having Jurisdiction;

- (b) A 1.8 m. (6 ft.) Fence shall be constructed around the pool in such a manner so as to impede unauthorized Persons from entering over or under said Fence;
- (c) Any gate on such Fence shall be capable of being locked;
- (d) The water used in the pool shall not be disposed through the Community Central Sewer System;
- (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;
  - iii) the Owner shall agree that other initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the Owner or at Council's request.

## 5.21 Drainage Plan

- (1) The Authority Having Jurisdiction 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. 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. The drainage plan shall show such details as:
  - (a) certification by the Person who prepared the plan;
  - (b) name of the Company that prepared the Certificate;
  - (c) Property information, dimensions, PID number, civic number, Subdivision Lot number;
  - (d) existing surface conditions, ie: clay, topsoil, sod or landscaped;
  - (e) existing elevations referenced to NAD83 metric 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 metric 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 foundation elevations (existing and proposed); and
  - v) location and elevation of Structures on adjoining Properties along with any elevations necessary to confirm drainage patterns.
- (g) date of survey;
  - (h) scale of drawing;
  - (i) north arrow;
  - (j) proposed Structure layout and top of foundation elevations;
  - (k) location of discharge into storm Sewer System, ditch, etc;
  - (l) projected storm water flow rates for new Subdivisions shown on a Storm Water Management Plan;
  - (m) detailed surveys for Lots adjacent to storm water management ponds or storage areas including the location and elevations of Structures or features within maintenance and overflow areas; and
  - (n) any other information the Authority Having Jurisdiction deems necessary to determine whether or not the proposed development conforms to the requirement of this Bylaw.
- (2) The Authority Having Jurisdiction 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.

## 5.22 Vending

### (1) Street Vending

No person shall park, place or permit to be parked or placed on any Street, park or public place within the Community any Vehicle, mobile canteen, stand, van, trailer, push cart or combined unit of Vehicle and trailer for the purposes of selling goods of any description or providing any type of entertainment.

### (2) Outdoor Vending

No person shall undertake outdoor vending on any park or public place within the Community without first applying for, paying the appropriate fee as set forth in Appendix E and obtaining a permit from the Authority Having Jurisdiction. Authority Having Jurisdiction 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 Authority Having Jurisdiction may impose.

**5.23 Light Pollution**

No Property Owner shall cause Light Pollution. Light Pollution can be minimized by selecting light fixtures which limit the amount of light emitted 80 degrees above the nadir (lowest point on the ground surface), thus reducing the effects of light trespass and unnecessary illumination of the night sky.

**5.24 Wind Energy System**

Wind Energy System, “Wind Mill”, of any size is not permitted within the Community.

**5.25 Recreational Trailer or Vehicle**

No Person shall sleep or reside in a Recreational Trailer or Vehicle, unless the Authority Having Jurisdiction has issued a Temporary Permit for such Use.

**5.26 Summer Cottages**

Summer Cottages shall not be permitted within the Community.

**5.27 In-Law Suite**

- (1) An In-Law Suite may be constructed within any existing Single Family Dwelling residence in any Zone, upon written application to the Authority Having Jurisdiction, and if the Owner and the Authority Having Jurisdiction have first entered into a written Development Agreement pursuant to which the Owner has agreed with the Authority Having Jurisdiction as follows:
  - (a) the In-Law Suite shall be used only by a specified and Immediate Family member of the Owner;
  - (b) the Dwelling shall be restored by the Owner, at the Owner’s cost and expense, to a Single Family Dwelling within 60 days following the departure of such relative from the In-Law Suite;
  - (c) the Owner shall advise any prospective purchaser or other person to whom the Owner intends to transfer or otherwise dispose of the Dwelling, that the In-Law Suite cannot be used except in

accordance with a written Development Agreement with the Authority Having Jurisdiction;

- (d) all other provisions of this Bylaw remain applicable to the Dwelling and the Authority Having Jurisdiction may require such changes to the exterior of the Dwelling as may be necessary to ensure compliance with this Bylaw, whether in connection with the construction of the In-Law Suite or the restoration of the Dwelling to a Single Family Dwelling;
- (e) the Development Agreement shall be registered, recorded or filed by the Authority Having Jurisdiction in such public offices as the Authority Having Jurisdiction deems appropriate;
- (f) the Owner shall pay all legal costs and expenses which the Authority Having Jurisdiction may incur in connection with the preparation, registration or enforcement of the Development Agreement;
- (g) the In-Law Suite shall be approved by the Fire Marshal; and
- (h) the In-Law Suite water and sewer services shall be provided from the Single Family Dwelling by municipal water and sewer services or by an approved on-site sewer and/or water system.

#### **5.28 Residential-Commercial Operation**

A Residential-Commercial Operation may be located in a Single Family Dwelling or an Accessory Building in the Central Core (CC) Zone or Agricultural (A) Zone provided:

- (a) In the case of an Accessory Building it shall not to be used as human habitation;
- (b) the Owner of the business lives in the Dwelling;
- (c) not more than two (2) employees live outside the Dwelling;
- (d) not more than fifty percent (50%) of the total Floor Area of the Dwelling or up to one hundred percent (100%) of the total Floor Area of the Accessory Building is used for the business;
- (e) adequate off-Street parking is provided for both the Dwelling and the business;
- (f) no outdoor storage of materials or product display is used in conjunction with the business; and
- (g) the external appearance of the Dwelling is not Altered.

### 5.29 **Mobile and Mini Homes**

Mini homes shall not be permitted within the Community, with the exception of the Agricultural (A) Zone. Mobile homes shall not be permitted within the Community.

### 5.30 **Wellfield Protection**

All development within the wellfield protection zones must adhere to the Wellfield Protection Plan Specifications.

## **6.0 Single Family Residential (R1) Zone**

### **6.1 General**

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in a R1 Zone shall conform with the provisions of this section.

### **6.2 Permitted Uses**

- (1) No Building or part thereof and no land shall be Used for purposes other than:
  - (a) Single Family Dwellings;
  - (b) recreation/Public Open Space facilities; and
  - (c) Accessory Building or Structure to the above, (See Section 5.11).

### **6.3 Special Permitted Uses**

- (1) Notwithstanding section 6.2 above, the Authority Having Jurisdiction 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 the Authority Having Jurisdiction may impose:
  - (a) In-Law Suites; and
  - (b) Large-Scale Residential Developments.

### **6.4 Servicing**

- (1) All Developments in a R1 Zone shall be serviced by Community water system.
- (2) All Developments in a R1 Zone shall be serviced by Community Sewer System where available.
- (3) All Developments in a R1 Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission, when necessary.
- (4) All Developments in a R1 Zone shall be serviced by the appropriate solid waste and recyclable services.



6.5

**Lot Requirements**

(1) The following regulations shall apply to all Development in a R1 Zone:

<b>Requirement</b>	
Minimum Lot Area	see Appendix D, Minimum Lot Size Standards
Minimum Frontage	see Appendix D
Minimum Front Yard	6.10 m. (20 ft.)
Minimum Flankage Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Maximum Height of any Building	2.5 Storeys or 35 ft., whichever is less
Minimum Height of the main Building	1.5 Storeys

- (2) In addition to the above requirements, all Lots shall conform to the Province-Wide Minimum Development Standards Regulations as noted in Appendix D.
- (3) Notwithstanding the above requirements, within existing approved Residential Subdivision Developments, the Authority Having Jurisdiction may require new Developments to conform with the Development standards which have been established, even if these standards exceed the minimum standards stated above.

6.6

**New Residential Developments**

- (1) New residential Developments or existing residential Developments within the R1 Zone wishing to expand shall be deemed as “Major Development” proposals, and, as such, shall be considered by Authority Having Jurisdiction in conformity with the public review process set out in Appendix B to this Bylaw.
- (2) All new residential Developments shall, wherever practical, be integrated, at no cost to the Community, into the Community’s existing or planned pedestrian accesses, parking, and recreation and Public Open Space network.

## **7.0 Central Core (CC) Zone**

### **7.1 General**

Except as provided in this Bylaw, all Buildings and parts thereof erected, placed or Altered or any land Used in a CC Zone shall conform with the provisions of this section.

### **7.2 Permitted Uses**

- (1) No Building or part thereof and no land shall be Used for purposes other than:
  - (a) Single Family Dwellings;
  - (b) recreation/Public Open Space facilities; and
  - (c) accessory Structures to the above, (See Section 5.11).

### **7.3 Special Permitted Uses**

- (1) Notwithstanding section 7.2 above, the Authority Having Jurisdiction 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 the Authority Having Jurisdiction may impose:
  - (a) Bed and Breakfast Operations;
  - (b) galleries, libraries, museums and theatres;
  - (c) Residential-Commercial Operations;
  - (d) Restaurants and cafes;
  - (e) bookstores;
  - (f) antiques shops;
  - (g) real estate offices;
  - (h) farmer's markets;
  - (i) Hotels and inns;
  - (j) Personal Service Shops;
  - (k) artist and handicraft studios;
  - (l) post offices;
  - (m) fast food/take out operations (to a maximum of 200 sq. ft. in total area);
  - (n) Licensed Premises;
  - (o) Professional Offices
  - (p) specialty food stores;
  - (q) florist shops;
  - (r) recreation and Public Open Space Uses;
  - (s) bait sheds and assorted fisheries storage facilities;
  - (t) accessory Structures to the above, (See Section 5.11); and
  - (u) senior citizen care facilities and housing.

7.4

**Servicing**

- (1) All Developments in a CC Zone shall be serviced by Community water system.
- (2) All Developments in a CC Zone shall be serviced by Community Sewer System.
- (3) All Developments in an CC Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission.
- (4) All Developments in an CC Zone shall be serviced by the appropriate solid waste and recyclable services.

7.5

**Lot Requirements**

- (1) The following regulations shall apply to all Development in a CC Zone:

<b>Requirement</b>	
Minimum Lot Area	464.5 sq.m. / 5,000 sq.ft.
Minimum Frontage	15.24 m. (50 ft.)
Minimum Front Yard	6.10 m. (20 ft.) *
Minimum Flankage Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	1.52 m. (5 ft.)
Maximum Height of any Building	2.5 Storeys or 35 ft., which ever is less
Minimum Height of the main Building	1.5 Storeys

- \* (2) Where a Lot is located between existing Buildings on the same Block and side of the Street:
  - (a) the Setback from the Front Lot Line shall be the average distance that the front walls of the existing Buildings, other than Accessory Buildings or Structures, are set back from their Front Lot Line; or
  - (b) where a Building can meet the minimum Front Yard Setback and will not be located closer to the Street than the Buildings on the adjoining Lots, it may be permitted.

## 7.6

### **New Non-residential Developments**

- (1) New non-residential Developments or existing non-residential Developments within the Central Core (CC) Zone wishing to expand shall be deemed as “Major Development” proposals, and, as such, shall be considered by Authority Having Jurisdiction in conformity with the public review process set out in Appendix B to this Bylaw.
- (2) All new non-residential Developments shall, wherever practical, be integrated, at no cost to the Community, into the Community’s existing or planned pedestrian accesses, parking, and recreation and Public Open Space network.

## **8.0 Agricultural (A) Zone**

### **8.1 General**

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an A Zone shall conform with the provisions of this section.

### **8.2 Permitted Uses**

- (1) No Building or part thereof and no land shall be Used for purposes other than:
  - (a) Single Family Dwellings;
  - (b) Modular Homes;
  - (c) recreation/Public Open Space facilities;
  - (d) Mini-Homes;
  - (e) Agricultural Uses (excluding chemical storage);
  - (f) One Accessory Single Family Dwelling, in connection with a Farm; and
  - (g) Accessory Structures to the above, (See Section 5.11).

### **8.3 Special Permitted Uses**

- (1) Notwithstanding section 8.2 above, the Authority Having Jurisdiction 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 the Authority Having Jurisdiction may impose:
  - (a) Residential-Commercial Operations;
  - (b) In-Law Suites;
  - (c) Bed and Breakfast Operations;
  - (d) Intensive Livestock Operations;
  - (e) Resource Uses;
  - (f) Animal Kennels; and
  - (g) Animal Kennel Runs.

### **8.4 Servicing**

- (1) All Developments in an A Zone shall be serviced by Community water system.
- (2) All Developments in an A Zone shall be serviced by Community Sewer System where available.

- (3) All Developments in an A Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission, when necessary.
- (4) All Developments in an A Zone shall be serviced by the appropriate solid waste and recyclable services.

**8.5 Lot Requirements**

- (1) The following regulations shall apply to all Development in an A Zone:

<b>Requirement</b>	
Minimum Lot Area	see Appendix D, Minimum Lot Size Standards
Minimum Frontage	See Appendix D
Minimum Front Yard	15.24 m. (50 ft.)
Minimum Flankage Yard	15.24 m. (50 ft.)
Minimum Rear Yard	7.62 m. (25 ft.)
Minimum Side Yard	4.57 m. (15 ft.)
Maximum Height of any Building	2.5 Storeys or 35 ft. which ever is less

- (2) In addition to the above requirements, all Lots shall conform to the Province-Wide Minimum Development Standards Regulations as noted in Appendix D.

**8.6 New Intensive Livestock Operations**

New Intensive Livestock Operations shall be deemed “Major Development” proposals, and shall be considered by Authority Having Jurisdiction in conformity with the public review process set out in Appendix B to this Bylaw, as well as with the standards set out in the PEI Department of Agriculture’s “Manure Management and Separation Guidelines”.

**8.7 Existing Intensive Livestock Operations**

Existing Intensive Livestock Operations wishing to expand shall be deemed “Major Development” proposals, and shall be considered by Authority Having Jurisdiction in conformity with the public review process set out in Appendix B to

this Bylaw, as well as with the standards set out by the Province’s “Manure Management and Separation Guidelines”.

## 8.8 **Forestry Use**

In any Agricultural (A) Zone, land which is no longer used for agricultural purposes may be converted to forestry Use provided the conversion is undertaken through an established Forestry Management Program approved by the PEI Department of Agriculture and Forestry or its successor.

## **9.0 Commercial (C) Zone**

### **9.1 General**

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in a C Zone shall conform with the provisions of this section.

### **9.2 Permitted Uses**

- (1) No Building or part thereof and no land shall be Used for purposes other than:
  - (a) Single Family Dwellings;
  - (b) recreation/Public Open Space facilities; and
  - (c) Accessory Building or Structure to the above, (See Section 5.11).

### **9.3 Special Permitted Uses**

- (1) Notwithstanding section 9.2 above, the Authority Having Jurisdiction 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 the Authority Having Jurisdiction may impose:
  - (a) Retail Stores (to a max. of 2,000 sq. ft in total Floor Area);
  - (b) Business or Professional Office;
  - (c) Personal Service Shops;
  - (d) convenience stores (to a max. of 2,000 sq. ft in total Floor Area);
  - (e) delicatessens, Restaurants and takeout establishments;
  - (f) Entertainment Establishments;
  - (g) banking and financial institutions;
  - (h) Hotels, Motels, Bed & Breakfast Operations, Tourist Accommodations;
  - (i) Licensed Premises;
  - (j) Accessory Structures to the above, (See Section 5.11); and
  - (k) senior citizen care facilities and housing.
  - (l) Residential-Commercial Operations

### **9.4 Servicing**

- (1) All Developments in a C Zone shall be serviced by Community water system.
- (2) All Developments in a C Zone shall be serviced by Community Sewer System.
- (3) All Developments in a C Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission.



- (4) All Developments in a C Zone shall be serviced by the appropriate solid waste and recyclable services.

9.5

**Lot Requirements**

- (1) The following regulations shall apply to all Development in a C Zone:

<b>Requirement</b>	
Minimum Lot Area	1,858.1 sq.m. / 20,000 sq.ft.
Minimum Frontage	45.72 m. (150 ft.)
Minimum Front Yard	9.14 m. (30 ft.)
Minimum Flankage Yard	9.14 m. (30 ft.)
Minimum Rear Yard	9.14 m. (30 ft.)
Minimum Side Yard	4.57 m. (15 ft.)
Maximum Height of any Building	2.5 Storeys or 35 ft., which ever is the lesser
Minimum Height of Main Building	1.5 Storeys

Tourist Accommodations

<b>Requirement</b>	
Minimum Lot Area per Dwelling Unit	1,858.1 sq.m. / 20,000 sq.ft.
Minimum Front Yard	6.01 m. (20 ft.)
Minimum Rear Yard	6.01 m. (20 ft.)
Minimum Side Yard	4.57 m. (15 ft.)
Maximum Height of any Building	2.5 Storeys or 35 ft., which ever is the lesser
Minimum Height of Main Building	1.5 Storeys
Minimum Setback Between Tourist Accommodation Dwelling Unit	9.14 m. (30 ft.)

9.6 **Accessory Building Requirements: New Commercial or Residential-Commercial Operations**

New commercial or Residential-Commercial Operations, or existing commercial or Residential-Commercial Operations wishing to expand within a Commercial (C) Zone, shall be deemed as “Major Development” proposals, and, as such, shall be considered by Council in conformity with the public review process set out in Appendix B to this Bylaw.

9.7 **Special Requirements: Commercial Zones**

Where a Lot or Parcel of land Zoned as Commercial (C) is developed which directly abuts a Lot or Parcel of land in the adjacent Zone:

(a) a strip of land not less than 9.14 m., (30 ft.) in width along the Lot Line within the Commercial (C) Zone and adjacent to any other Zone shall be maintained clear of any Structure, driveway or parking area, and shall be adequately landscaped to provide a visual buffer;

(b) any exterior lighting or illuminated Sign shall be so arranged as to deflect light away from the adjacent residence to eliminate Light Pollution; and

(c) 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.

**10.0 Light Industrial (M) Zone**

**10.1 General**

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in a M Zone shall conform with the provisions of this section.

**10.2 Permitted Uses**

- (1) No Building or part thereof and no land shall be Used for purposes other than:
  - (a) scientific research facilities;
  - (b) Business or Professional Office: and
  - (c) Accessory Structure to the above, (See Section 5.11).

**10.3 Special Permitted Uses**

- (1) Notwithstanding section 10.2 above, the Authority Having Jurisdiction 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 the Authority Having Jurisdiction may impose:
  - (a) greenhouses and garden centres;
  - (b) boat building operations;
  - (c) fully recirculating Aquaculture Farming (excluding processing); and
  - (d) Accessory Structures to the above, (See Section 5.11).

**10.4 Servicing**

- (1) All Developments in a M Zone shall be serviced by Community water system where available.
- (2) All Developments in a M Zone shall be serviced by Community Sewer System where available.
- (3) All Developments in a M Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission, when necessary.
- (4) All Developments in a M Zone shall be serviced by the appropriate solid waste and recyclable services.

10.5

**Lot Requirements**

(1) The following regulations shall apply to all Development in a M Zone:

<b>Requirement</b>	
Minimum Lot Area	see Appendix D, Minimum Lot Size Standards
Minimum Frontage	see Appendix D
Minimum Front Yard	6.10 m. (20 ft.)
Minimum Flankage Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Maximum Height of any Building	2.5 Storeys or 35 ft., which ever is less

10.6

**New Light Industrial Development**

New light industrial, or existing light industrial operations wishing to expand within a Light Industrial (M) Zone, shall be subject to a Development Agreement and shall be deemed as “Major Development” proposals, and, as such, shall be considered by Council in conformity with the public review process set out in Appendix B to this Bylaw.

10.7

**Special Requirements: Light Industrial Zones**

Where a Lot or Parcel of land Zoned as Light Industrial (M) is developed which directly abuts a Lot or Parcel of land in the adjacent Zone:

- (a) a strip of land not less than 9.14 m. (30 ft.) in width along the Lot Line within the Light Industrial (M) Zone and adjacent to the another Zone shall be maintained clear of any Structure, driveway or parking area, and shall be adequately landscaped to provide a visual buffer;
- (b) any exterior lighting or illuminated Sign shall be so arranged as to deflect light away from the adjacent residence to eliminate light pollution; and
- (c) 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.

**11.0 Recreation and Public Open Space (O) Zone**

**11.1 General**

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an O Zone shall conform with the provisions of this section.

**11.2 Permitted Uses**

- (1) No Building or part thereof and no land shall be Used for purposes other than:
  - (a) public and private parks;
  - (b) open space and conservation activities;
  - (c) nature trails;
  - (d) community gardens;
  - (e) playgrounds and sports fields; and
  - (f) Accessory Structures to the above, including Parking Lots.

**11.3 Special Permitted Uses**

- (1) Notwithstanding section 11.2 above, the Authority Having Jurisdiction 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 the Authority Having Jurisdiction may impose:
  - (a) recreational Uses and directly related commercial services;
  - (b) pavilions and band shells; and
  - (c) recreation administrative offices.

**11.4 Servicing**

- (1) All Developments in an O Zone shall be serviced by municipal water supply.
- (2) All Developments in an O Zone shall be serviced by municipal sewer services where available.
- (3) All Developments in an O Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission.
- (4) All Developments in an O Zone shall be serviced by the appropriate solid waste and recyclable services.

## 11.5 Lot Requirements

(1) The following regulations shall apply to all Development in an O Zone:

Requirement	
Minimum Lot Area	see Appendix D, Minimum Lot Size Standards
Minimum Frontage	6.10 m. (20 ft.)
Minimum Front Yard	6.10 m. (20 ft.)
Minimum Flankage Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Maximum Height of any Building	2.5 Storeys or 35 ft., which ever is the lesser

## 11.6 New Recreation and Public Open Space Developments

New Recreation and Public Open Space Developments or existing Recreation and Public Open Space Developments wishing to expand within a Recreation and Public Open Space (O) Zone shall be deemed as “Major Development” proposals, and, as such, shall be considered by Council in conformity with the public review process set out in Appendix B to this Bylaw.

## 11.7 Special Requirements: Recreation and Public Open Space Development Zones

Where a Lot or Parcel of land Zoned as Recreation and Public Open Space (O) is developed which directly abuts a Lot or Parcel of land in the adjacent Zones:

(a) a strip of land not less than 4.57 m. (15 ft.) in width along the Lot Line within the Recreation and Public Open Space (O) Zone and adjacent to the another Zone shall be maintained clear of any Structure, driveway or parking area, and shall be adequately landscaped to provide a visual buffer;

(b) any exterior lighting or illuminated Sign shall be so arranged as to deflect light away from the adjacent Zone; and

(c) 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.

**12.0 Public Service and Institutional (PSI) Zone**

**12.1 General**

Except as provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an PSI Zone shall conform with the provisions of this section.

**12.2 Permitted Uses**

- (1) No Building or part thereof and no land shall be Used for purposes other than:
  - (a) Institutional Buildings; and
  - (b) Accessory Structures to the above, (See Section 5.11).

**12.3 Servicing**

- (1) All Developments in a PSI Zone shall be serviced by municipal water supply.
- (2) All Developments in a PSI Zone shall be serviced by municipal sewer services where available.
- (3) All Developments in a PSI Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewage Commission.
- (4) All Developments in a PSI Zone shall be serviced by the appropriate solid waste and recyclable services.

**Lot Requirements**

(1) The following regulations shall apply to all Development in an PSI Zone:

<b>Requirement</b>	
Minimum Lot Area	1,858.1 sq.m. / 20,000 sq.ft
Minimum Frontage	6.10 m. (20 ft.)
Minimum Front Yard	6.10 m. (20 ft.)
Minimum Flankage Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Maximum Height of any Building	2.5 Storeys or 35 ft., which ever is the lesser

(2) In addition to the above requirements, all Lots shall conform to the Province-Wide Minimum Development Standards Regulations as noted in Appendix D.



**13.0 Environmental Reserve (O2) Zone**

**13.1 General**

No Structures and parts thereof shall be permitted in an Environmental Reserve (O2) Zone.

**13.2 Permitted Uses**

- (1) Within any Wetland Boundary or Watercourse Boundary and any area within 15 m. (49.2 ft.) of a Wetland or Watercourse, no Structures or part thereof and no land shall be Used for purposes other than:
  - (a) Passive recreational Uses, such as skiing or hiking; and
  - (b) Conservation related activities.

**13.3 Zone Requirements**

Within an O2 Zone, no Person shall cut down any trees or disturb the natural ground cover without first submitting a landscape plan to the Authority Having Jurisdiction documenting all proposed changes to the topography and vegetation and measures to control erosion and siltation.

**14.0 Variance**

14.1 Where Authority Having Jurisdiction is presented with an application which does not conform to the provisions of this Bylaw, the Authority Having Jurisdiction shall determine whether to grant a minor variance.

- (1) All variance applications over 5% (major variance) require the Authority Having Jurisdiction to give written notification to all property Owners within 30 m. (98.4 ft.) of the subject Property.
- (2) The Development Officer may authorize a variance not exceeding 5% (minor variance) from the provisions of this Bylaw if the variance is appropriate, and if the general intent and purpose of this Bylaw is maintained.
- (3) The Authority Having Jurisdiction may authorize a variance not exceeding 10% from the provisions of this Bylaw and if the general intent and purpose of this Bylaw is maintained.
- (4) Variance applications shall be considered against the following tests for justifying a variance:
  - (a) That the Lot in question has peculiar physical conditions, including small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;
  - (b) That strict application of all Bylaw standards would impose undue hardship on the Applicant by excluding them from the same rights and privileges for reasonable Use of their Lot as enjoyed by other Persons in the same Zone;
  - (c) That the variance is of the least magnitude required to enable reasonable Use of the Lot; and
  - (d) That the proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.
- (5) Authorization for a variance shall be documented and recorded in writing.
- (6) All variance applications are subject to applicable fees, see Appendix E, (Fee Schedule).

**15.0 General Provisions for Subdividing Land**

**15.1 Subdivision Approval**

No Person shall subdivide one or more Lots or any portion or interest in a Lot and no Person shall consolidate two or more parcels of land until the conditions of this Bylaw have been complied with and the Applicant has received final approval from the Authority Having Jurisdiction, as applicable.

**15.2 Conveying Interest in a Lot**

No Person shall sell or convey any interest in a Lot in a Subdivision before the Authority Having Jurisdiction has issued a stamp of final approval for the Subdivision in which the Lot is situated.

**15.3 Permission to Subdivide**

- (1) No land shall be subdivided within the Community 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 Community to provide services.

#### 15.4 Changes to Existing Lots

- (1) No Person shall reduce the dimensions or change the Use of any existing Lot where the Authority Having Jurisdiction deems there would be a detrimental effect on neighbouring property Owners.
- (2) Where an application to subdivide land would change the dimensions or the Use of a Lot in an existing approved Subdivision Development, the Authority Having Jurisdiction shall notify all property Owners within 150 m. (492.1 ft.) of the boundaries of the Lot in writing, informing them of the details of the application and soliciting their comments.

#### 15.5 Procedure

- (1) Any person seeking approval of a Subdivision shall first make application for preliminary approval, and shall be required to submit to the Authority Having Jurisdiction, along with the application in the form approved by the Authority Having Jurisdiction, the application fee as set forth in Appendix E 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; and
  - (f) the existing Use of the land and all immediately adjacent properties, showing Buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.
- (2) The Authority Having Jurisdiction may also require the Applicant to provide additional information 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) storm water management plan.
- (3) The Authority Having Jurisdiction 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.
  - (4) The Authority Having Jurisdiction may refuse to approve a Subdivision which is unsuitable under the provisions of this Bylaw. In formulating its decision, the Authority Having Jurisdiction may consult with Government officials and private consultants and may conduct a public hearing to consider public opinion, in accordance with the procedures established in Appendix B.
  - (5) The Authority Having Jurisdiction 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.
  - (6) The Authority Having Jurisdiction 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.
  - (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.
  - (8) Preliminary approval shall be effective for a period of 12 months, or such additional time as may be authorized by Authority Having Jurisdiction.

#### **15.6 Parkland Dedication and/or Park Dedication Fee**

Any person applying to subdivide four (4) or more Lots or four (4) or more Tourist Accommodations units within the Community shall be subject to the following:

- (1) The Authority Having Jurisdiction shall require, for the purpose of developing Parkland, that up to ten percent (10%) of the lands being

developed be conveyed to the Community in the form of dedication of land, fee or a combination of both. The physical condition and location of parkland shall be determined by the Authority Having Jurisdiction.

- (2) The Authority Having Jurisdiction retains the right not to accept a dedication of land but rather may impose a minimum park dedication fee of five percent (5%) up to a maximum of 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 Community. It is understood that 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 Authority Having Jurisdiction retains the right to use the Province's Land Valuation and Assessment Division in determining the assessed value of the land.

## 15.7 Servicing

The Authority Having Jurisdiction 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.

## 15.8 Subdivision Agreement

- (1) The Authority Having Jurisdiction 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 Authority Having Jurisdiction 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 Authority Having Jurisdiction;

- (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.

## 15.9 Final Approval

- (1) Final Subdivision approval shall be granted by the Authority Having Jurisdiction only after the Applicant has:
  - (a) complied fully with all applicable requirements of this section and any Subdivision Agreement between the Applicant and the Community;
  - (b) submitted six (6) copies of a final Survey Plan showing all Lots pinned and certified by a surveyor registered to practice in the Province; and
  - (c) completed an agreement with the provincial Department of Transportation and Infrastructure Renewal or successor respecting Road construction and the Roads have been accepted as public.
- (2) The Authority Having Jurisdiction may grant final approval to part of a Subdivision which is proposed to be developed in Phases.
- (3) The Authority Having Jurisdiction shall give notice of final approval of a Subdivision in writing, and shall place its seal on the six copies of the Survey Plan and shall return one copy to the Subdivider.
- (4) The Authority Having Jurisdiction 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 Authority Having Jurisdiction files; and
  - (d) the local utilities, as required.

### **15.10 Severances / Consolidation**

Notwithstanding the above provisions, the Authority Having Jurisdiction 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 its discretion, having regard for only those provisions which it deems applicable to each individual application, provided the application conforms with all other sections of this Bylaw.

### **15.11 Development Permits**

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.

### **15.12 Rescinding or Altering Approval**

- (1) An existing approved Subdivision or portion thereof may be rescinded or Altered by the Authority Having Jurisdiction 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.



**16.0 Zoning and Official Plan Amendments**

**16.1 Amendment Applications**

- (1) All amendments shall be adopted in accordance with the procedures set out in the *Planning Act*.
- (2) A change to either the text or the Zoning Map of this Bylaw shall be considered an amendment and must be consistent with Official Plan policies.
- (3) Authority Having Jurisdiction may amend an Official Plan policy to enable a zoning amendment, including policy statements. Such Official Plan amendment shall proceed concurrently with the zoning amendment.
- (4) A person who seeks an amendment to this Bylaw or the Official Plan shall address a written and signed application to the Authority Having Jurisdiction.
- (5) An application under this section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to:
  - (a) general Development Concept showing proposed land Uses, any Subdivisions, Buildings, means of servicing, traffic access and parking; and
  - (b) assessment of any potentially significant Development impacts on Community infrastructure and the natural environment.
- (6) The Applicant shall at the time of submitting the application, deposit with the Community the application fee and any other required fees in accordance with the schedule of fees established by Council and annexed hereto as Appendix E.

**16.2 Amendment Procedures**

- (1) Authority Having Jurisdiction shall review each amendment request and provide recommendations to Council.
- (2) Planning Board and Council shall consider the following general criteria when reviewing applications for zoning amendments, as applicable:
  - (a) Conformity with all requirements of this Bylaw;
  - (b) Conformity with the Official Plan;
  - (c) Suitability of the site for the proposed Development;

- (d) Compatibility of the proposed Development with surrounding land Uses, including both existing and future Uses as per the Zoning Map;
  - (e) Any comments from residents or other interested Persons;
  - (f) Adequacy of existing water, sewer, Road, storm water, and Public Open Space for accommodating the Development, and any projected infrastructure requirements;
  - (g) Impacts from the Development on pedestrian/vehicular access and safety, and on Public safety generally;
  - (h) Compatibility of the Development with environmental, scenic and historic resources;
  - (i) Impact on the Community finances and budgets; and
  - (j) Other matters as considered relevant by the Authority Having Jurisdiction.
- (3) The Authority Having Jurisdiction retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land Use planning standards or the Official Plan.
- (4) Subject to section 16.2 (3) above, the Authority Having Jurisdiction shall hold a public meeting as pursuant to Appendix B, to solicit input from public on the proposed amendment request. At least seven (7) business days prior to the public meeting, the Authority Having Jurisdiction shall post the date, time and place of the public meeting, together with the general terms of the application, by:
- (a) public notice at least twice in a newspaper circulating in the area; and
  - (b) written notice to all Property Owners wholly or partly within 60 m. (196.9 ft.) of the boundaries of the subject Property.
- (5) Following the public meeting, the Authority Having Jurisdiction shall formulate a decision on the proposed amendment. The Authority Having Jurisdiction shall have the authority to determine whether an amendment request is approved, modified, or denied and applications shall be approved or denied by resolution of Council. The Applicant shall be notified in writing of the decision.
- (6) Nothing in this Bylaw restricts the right of Planning Board or Council to initiate its own amendment requests.

- (7) Related Official Plan and Zoning amendments may be considered concurrently by the Authority Having Jurisdiction, provided that applications for both amendments are posted on the same public and written notices, and that the Official Plan amendment precedes the Zoning amendment.
- (8) Official Plan and Zoning amendments approved by Council also require approval by the Minister responsible for administering the Planning Act or any successive legislation.

## **17.0 Penalties**

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

## **18.0 Repeal**

### **18.1 Effective Date**

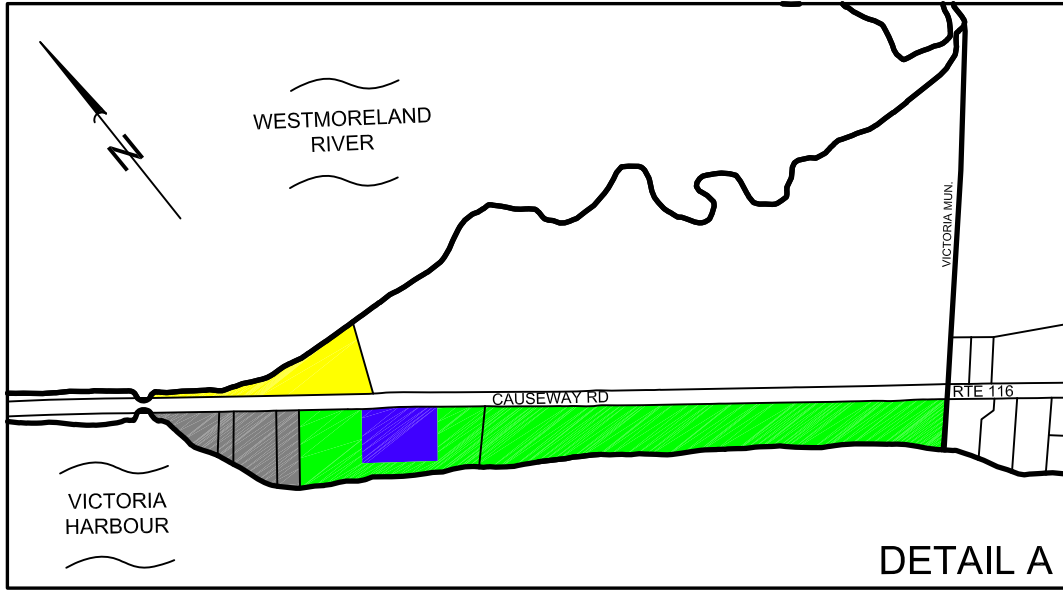
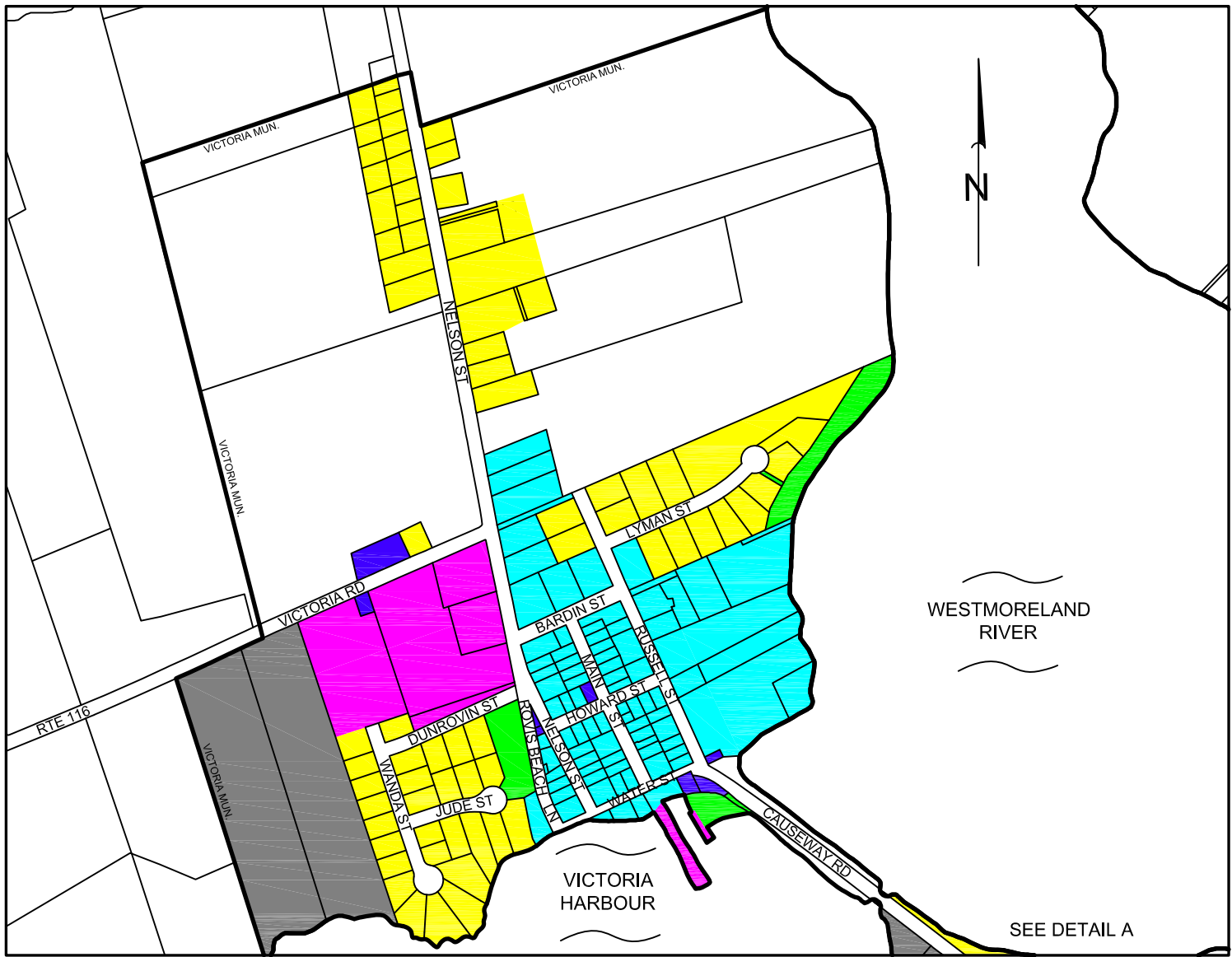
This Bylaw shall come into force effective \_\_\_\_\_.

### **18.2 Repeal**

The Community of Victoria 2009 Zoning & Subdivision Control Bylaws (enacted September 1, 2009) is hereby repealed.

# APPENDICES

<b>Appendix:</b>	<b>Description</b>
<b>A -</b>	<b>Zoning Map</b>
<b>B -</b>	<b>Major Developments</b>
<b>C-</b>	<b>Parking Standards</b>
<b>D-</b>	<b>Province-Wide Minimum Development Standards Regulations</b>
<b>E-</b>	<b>Fee Schedule</b>



- LEGEND:**
- A - AGRICULTURE
  - C - COMMERCIAL
  - CC - CENTRAL CORE
  - M - LIGHT INDUSTRIAL
  - O - RECREATION AND PUBLIC OPEN SPACE
  - PSI - PUBLIC SERVICES AND INSTITUTIONAL
  - R1 - SINGLE FAMILY RESIDENTIAL
  - O2 - ENVIRONMENTAL RESERVE (SEE NOTE 1.)
- NOTES:**
- The limits of the Environmental Reserve Zone shall be determined by the Environmental Protection Act, Watercourse and Wetland Protection Regulations.

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Project Title  
**Community of VICTORIA**

Title  
**Zoning Map**

Date Printed: <b>02-09-14</b>	Drawn by: <b>DAF</b>
Job No. <b>1405</b>	Plan No. <b>Z1</b>
Scale: <b>nts</b>	

## **Appendix B**

### **Major Developments**

1. For the purposes of this section, the following shall be deemed as “Major Developments” within the Community of Victoria:

- Large-Scale Residential Developments;
- new commercial operations or existing commercial operations wishing to expand;
- new Residential-Commercial Operations or existing Residential-Commercial Operations wishing to expand;
- new light industrial operations or existing light industrial operations wishing to expand;
- new public service and institutional operations or existing public service and institutional operations wishing to expand;
- new recreation and Public Open Space operations or existing recreation and Public Open Space operations wishing to expand;
- new utility Structures or existing utility Structures wishing to expand; and
- new Tourist Accommodations or existing Tourist Accommodations wishing to expand.

2. The following words and expressions shall have the meanings prescribed:

- (a) “commercial operation” means the Use of a Structure or Parcel of land for the public or private sale of goods, wares, products or personal services;
- (b) “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;
- (c) “light industrial operation ” means the Use of a Structure or Parcel of land for the light industrial Uses permitted in a Light Industrial (M) Zone;
- (d) “public service and institutional operation” means the Use of a Building, Structure or Parcel of land for the social and/or cultural Use of the general public or a specific section of the general public, and shall include, but not be limited to, senior citizen housing, nursing homes, hospitals, clinics, religious institutions, churches, public and private schools, colleges, cultural centres, libraries;
- (e) “recreation and Public Open Space Use” means any Building, Structure or Parcel of land used for the passive or active recreational Use of the general public or a specific section of the general public, and shall include, but not be limited to, parks, playgrounds, athletic or sports fields, nature trails, or open space areas whether man-made or natural; and
- (f) “utility Structure” means a Structure which houses or supports stationary equipment for telephone, electric power, public water supply, or sewage services.

3. If there is an application for the change in use, the Development Officer will seek comments from the property Owners located within 30 m. (98.4 ft.) of subject property requesting comments to be received within 21 days. After that date Council will determine whether a public review is necessary.

4. Where Council has determined that a proposed Development constitutes a “Major Development”, and that a public review of the Development proposal is warranted, the following provisions shall apply:



- (a) Council shall appoint a Council member to chair the meeting;
  - (b) the meeting shall be advertised at least twice in a newspaper circulating in the area, the cost of which shall be borne by the developer, stating the date, time, location and purpose of the proposed meeting, and that, for those unable to attend the public meeting, written comments respecting the proposed Development may be forwarded to the Administrator prior to the meeting;
  - (c) the first advertisement shall be placed not less than seven (7) business days prior to the date of the meeting;
  - (d) adjacent land Owners within 200 ft. of the proposed Development shall receive a separate written notice pertaining to the proposed Development, and
  - (e) all interested persons may attend and be heard;
  - (f) the Administrator, on Council's behalf, shall give separate notice in writing to the developer of the date, time and place at which Council shall hold a public meeting regarding the developer's proposed Development;
  - (g) the meeting shall be held at a location in the Community; if this is not practical, a meeting hall shall be rented for purposes of holding the public meeting, the cost of which rental shall be borne by the developer;
  - (h) the developer shall make visual materials pertaining to the proposed Development available for examination by the public at the municipal office at least one (1) week prior to the date of the public meeting; and
  - (i) the developer or his agent shall attend the meeting in order to present and defend the proposed Development.
5. The agenda for the public meeting shall include the following:
- (a) introduction and opening remarks by the chair;
  - (b) presentation of the proposed Development by the developer or his agent;
  - (c) question period:
    - (i) questions on the proposed Development shall be handled by the developer;
    - (ii) questions on procedure or municipal policy shall be handled by the chairman;
  - (d) comments and opinions by interested persons wishing to be heard;
  - (e) summary by the chair of previously submitted written comments from persons unable to attend the meeting.
6. A transcript of the oral comments received at the public meeting shall be prepared by the Administrator, 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.
7. 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.

## Appendix C

### Parking Standards

Parking may be provided on an off site location, as approved by Council.

<b>Type of Use</b>	<b>Number of Parking Spaces</b>	<b>Loading Area</b>
Residential	1 per Dwelling Unit	n/a
Hotel, Motel, or Tourist Home	1 per guest room	n/a
Restaurants (including take outs)	1 per 50 square feet (4.6 square metres)	n/a
Business or Professional Offices	1 per 300 square feet (27.9 square metres)	n/a
Warehouse and storage facilities and other industrial Uses	1 per employee	1 per loading bay
Other commercial Uses	1 per 300 square feet (27.9 square metres) of Floor Area	1 per loading bay
Other institutional or recreation Uses	1 per 400 square feet (37.2 square metres) of Floor Area	n/a
Other industrial Uses	1 per employee	1 per loading bay

# Appendix D

## Province-Wide Minimum Development Standards Regulations

4

Cap. P-9

Planning Act

Updated 2011

Province-Wide Minimum Development Standards Regulations

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

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

## Province-Wide Minimum Development Standards Regulations

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

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

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

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

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

## Appendix E (Fee Schedule)

<b>Permit Type:</b>	<b>Fee:</b> (also see notes on next page)
<b>Development Permits:</b> - Dwellings or other Structures (excepting Accessory Building) - Accessory Building - Demolition / Moving / Change of Use - Decks, pools & fences -Special Permit Use -Permit Extension	\$300.00 \$100.00 \$100.00 \$100.00 \$200.00 No charge (when received prior to expiration)
<b>Subdivision:</b> - Lot Subdivision - Lot Consolidation - Lot Revision - Change of Use	\$100.00/Lot
Official Plan/Bylaw Amendments or Rezoning	\$500.00 plus notification fees for newspaper ads and/or postage (if applicable)
Variance	\$50.00 (for variances up to 5%) \$100.00 (for variances greater than 5%)
Development Agreement	\$200.00 plus applicable Provincial Registration Fees
Subdivision Agreement	\$200.00 plus applicable Provincial Registration fees
Outdoor Vending fees	\$25.00 (per event up to one month)

\*See notes continued on next page.

\*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.