

TOWN OF STRATFORD
ZONING & SUBDIVISION
CONTROL (DEVELOPMENT)
BYLAW #29

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TOWN OF STRATFORD

ZONING & SUBDIVISION CONTROL (DEVELOPMENT) BYLAW BYLAW 29

This Bylaw is made under the authority of the *Planning Act*, R.S.P.E.I. 1988, C. P-8 and the *Charlottetown Area Municipalities Act*, R.S.P.E.I. 1988, C-4.1.

BE IT ENACTED by the Council of the Town of Stratford as follows:

SECTION 1 - DEFINITIONS

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

In this Bylaw:

“A”

ACCESSORY BUILDING/STRUCTURE- means a separate subordinate building, not used for human habitation which is used or intended for the better or more convenient enjoyment of the main building to which it is accessory, and located upon the parcel of land upon which such building is or is intended to be erected, and is compatible in design to the main buildings and surrounding structures.

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.

AGRICULTURAL USE includes:

“**General Agricultural Use**” - means an agricultural use of a building or land, such as animal husbandry, dairying, field cropping, horticulture, market gardening, pasturage, and any associated packing and storage of agricultural products on a farm, but excluding any intensive agricultural use.

“**Intensive Agricultural Use**” - means land or buildings which is characterized by significant use of pesticides or herbicides, strong odours, storage of large volumes of manure or other features or practices which could present a significant nuisance to residential properties, and shall include non-organic potato production, tobacco production, intensive livestock operations and similar activities.

“**Intensive Livestock Operation**” - as defined under the *Environmental Protection Act*, means a livestock operation where (i) animals that are kept or housed in a confined area with or without access to an outside lot or yard; (ii) the animal density, based on total living area is greater than 7 animal units per acre, and (iii) feed and water are delivered to

the animals”.

ALTER - means any change in the structural component of a building or any increase in the volume of a building or structure.

AMENITY AREA - means an area of land set aside for the purpose of visual improvement or relaxation.

APPLICANT - means any person responsible for completing an application for a development permit or zoning or Official Plan amendment and for fulfilling any required preconditions or conditions of permit approval under this Bylaw.

ARTISAN - means a person involved in the production and/or sale of crafts or works of art made primarily by hand.

ATTACHED - means a building or structure which has a common wall and/or common roof line and the building or structure may be considered common as long as a minimum of twenty (20) percent of the length of the wall or roof line is common with the main building or structure wall or roof.

ARCHITECTURAL DISHARMONY - means incompatibility of building forms or designs which significantly detracts from or negatively impacts the physical appearance of a neighbourhood or non-residential area.

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

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

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

AUTO BODY REPAIR SHOP or AUTO BODY SHOP - means a building used for the storage, repair, and servicing of motor vehicles including body repair, detailing, painting and engine rebuilding, but does not include an Automobile Service Station or an Automobile Sales Establishment.

“B”

BANKING OR FINANCIAL INSTITUTION - means a building or premises used primarily for the transaction of financial activities, such as depositing and withdrawing funds, provision of loans and mortgages, safety deposit boxes and related personal and

corporate financial services.

BASEMENT - means a storey or stories of a building located below the first storey.

BED AND BREAKFAST - means a dwelling occupied by a family and used incidentally to provide accommodation of up to three (3) separate rooms and meals to transient travellers and includes a tourist home but does not include a boarding house, rooming house, apartment, domiciliary hostel, group home, hotel, motel, restaurant or lounge.

BLOCK - means any unit of land consisting of a grouping of Lots bounded on all sides by watercourses, streets or large parcel boundaries or as otherwise defined by the municipality.

BUFFER OR BUFFER ZONE - means an area of land maintained in natural vegetation or landscaped which serves to protect an adjacent area from the encroachment or negative effects of a development.

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

BUILDING BYLAW - means the Town of Stratford Building Bylaw.

BUILDING CODE - means that edition of the National Building Code of Canada adopted and/or amended by Council under the Building Bylaw.

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

BUILDING INSPECTOR - means any person designated by the Town's chief administrative officer to have the administration and/or enforcement of the Building Bylaw or any aspect thereof.

BUILDING LINE - means any line regulating the position of a Building or structure on a lot.

BUILDING PERMIT - see "Development Permit".

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

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

BYLAW - means the Town of Stratford Zoning and Subdivision Control (Development)

Bylaw 29.

“C”

CAMPGROUND - means an area of land, managed as a unit, providing short term accommodation for tents, tent trailers, recreational vehicles and campers, but does not include a mobile home park.

CARPORT - means a Building or structure which is not wholly enclosed and is used for the parking or storage of private passenger vehicles.

CERTIFIED SUSTAINABLE SUBDIVISION - means a subdivision that earns at least 65% of available points under the Sustainable Subdivision scoring system referenced in Section 18 of the Bylaw.

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

CIVIC CENTRE - means a Building or structure containing municipal offices, recreational facilities, meeting rooms, libraries and other related facilities and services.

CLINIC OR HEALTH CLINIC - means a public or private Building used for medical, surgical, dental, physiotherapeutic, chiropractic, or other human health treatment by one or more licensed practitioners, but does not include hospitals.

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

COASTAL AREA - means all the land, including surface water bodies, streams, rivers, and off-shore islands in the province, lying within 500 metres (1640 feet) inland and seaward of the high water mark of all coastal and tidal waters.

COMMERCIAL GREENHOUSE - means a Building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.

COMMUNITY GATHERING PLACE - means a place where people are able to congregate and socialize within their neighbourhoods including, but not limited to, community centres, public squares, halls, theatres and recreational facilities.

COMMUNITY CARE FACILITY - means an establishment licensed by the Province of Prince Edward Island that provides care services for compensation to five or more residents who are not members of the operator's immediate family but does not, unless otherwise ordered by the Lieutenant Governor in Council, include:

- (i) a group home recognized as such by the Minister,
- (ii) a residential school,
- (iii) an establishment providing accommodation only,
- (iv) a Hospital,
- (v) a correctional institution,
- (vi) a facility in which treatment services are provided under the *Addiction Services Act*, R.S.P.E.I. 1988, Cap. A-3,
- (vii) a nursing home, or
- (viii) a residential institution as defined in Part II of the regulations made under the *Welfare Assistance Act*, R.S.P.E.I. 1988, Cap. W-3 which is operated or funded by the Minister.

CONDITIONAL USE- see “Use”.

CONDOMINIUM - means a Building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate legislation.

CONSERVATION AND PRESERVATION RELATED ACTIVITIES - means activities and uses of land which enhance and protect the health of the natural flora and fauna.

CONVENIENCE STORE - means a retail commercial establishment, not exceeding 190 sq. m. (2,035 sq. ft.) of gross floor area, supplying daily household necessities for the immediate surrounding area in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to compliment such items which may include the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, tobacco products and video tape sales and rentals.

COUNCIL - means the Council for the Town of Stratford.

“D”

DEVELOPER - means any Person who is responsible for any undertaking that requires a Development Permit, subdivision approval or lot consolidation approval.

DEVELOPMENT - means the carrying out of any building, engineering, excavation, dumping, filling or other operations in, on, over or under land, or the making of any

material change in the use, or the intensity of use of any land, buildings, or premises without limiting the generality of the foregoing.

DEVELOPMENT AGREEMENT - means an agreement executed between the Developer and the Municipality respecting the terms under which a Development may be carried out.

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

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

DEVELOPMENT SCHEME - means a detailed plan showing the location, land use and form of all Development of any land in a defined area together with any accompanying text and schedules.

DISPLAY - includes any item, group of items, sign, or billboard visible to the general public, indicating that items or services are offered for sale or trade, but does not include Premise Signs of 400 square inches or less.

DWELLING - means a Building or portion thereof designated or used for residential occupancy, but does not include hotels and motels.

"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.

"Single Family Dwelling" - means a Building designed or used for occupancy as one Dwelling Unit.

"Duplex Dwelling" - means a Building containing two Dwelling Units each of which has an independent entrance.

"Multiple Family Dwelling" - means a Building containing three or more Dwelling Units.

"Semi Detached Dwelling" - means a Building divided vertically into two (2) separate units, each of which has an independent entrance.

"Town House Dwelling or Row House Dwelling" - means a Building that is divided vertically into three or more Dwelling Units, each of which has independent entrances to a Front Yard and Rear Yard immediately abutting the front and rear walls of each Dwelling Unit.

“E”

ENTERTAINMENT FACILITIES - means Buildings or structures used to

accommodate public or private recreational activities whether for profit or not for profit.

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

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

“F”

FAMILY - means an individual residing in one (1) Dwelling Unit, or a group of persons related by marriage, cohabitation, blood or adoption residing together in 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 comprising an area of 20.2 hectares (50 acres) or more, 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 GATE OUTLET - means a Building or structure of less than 40 square metres (400 square feet) located on the farm property for the temporary sale of produce grown on the farm property.

FARM GREENHOUSE - means a Building for the growing of plants, shrubs, trees and similar vegetation which are primarily transplanted outdoors on the same lot containing such greenhouse and may also include a Building housing commercial production of vegetables, flowers and similar crops.

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

FENCE - means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FILL - means natural material such as topsoil, shale, rock or similar material used to change the topography or grade of a lot.

FIRST FLOOR or FIRST STOREY- means the uppermost storey having its floor level not more than 2 m (6.6 ft) above grade.

FLOOR AREA - means:

- i) With reference to "**Dwelling**" - the area contained within the outside walls excluding any private garage, porch, veranda, unfinished attic, unfinished Basement.
- ii) With reference to "**Commercial Building**" - the total usable Floor Area within a Building used for commercial purposes excluding washrooms, mechanical rooms and common halls between stores.
- iii) With reference to "**Accessory Building**" - the area contained within the outside walls.

FORESTRY USE - means the use of land for the growing, conservation, or harvesting of trees, but shall not include the processing or manufacturing of wood products.

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

“G”

GARDEN CENTRE - means a commercial facility used solely for the retail sale of plant materials and includes the limited sale of related materials such as peat moss, manure, top soil, mulch and other supplies required by a home gardener, but shall not include motorized equipment or accessories, lawn furniture or other general hardware items. Garden Centre retail space shall include all Buildings devoted to the sale or storage of non-plant material but shall not include greenhouses used for growing or storing plant materials.

GOLD SUSTAINABLE SUBDIVISION - means a Sustainable Subdivision that earns at least 75% of available points under the Sustainable Subdivision scoring system referenced in Section 18 of this Bylaw.

GRADE - means the lowest point of elevation of the finished surface of the ground, paving or sidewalks within the area between the Building and the property line or when the property line is more than five (5) ft.(1.5 m) from the Building, between the Building and a line five (5) ft. (1.5 m) from the Building.

GROUP HOME - means a residential facility wherein food, lodging and care are furnished, with or without charge, to more than 5 but less than 15 people, not related to the owner of the facility by blood, marriage or adoption who, on account of age, infirmity, physical or mental defect, or other disability, require care.

“H”

HEALTH CLINIC - see “Clinic”.

HERITAGE RESOURCE - those properties either registered or designated on the Prince Edward Island Register of Historic Places and located within the Town of Stratford.

HIGHWAY, ROAD OR STREET - means all the area within the boundary lines of every Road, Street or Right-Of-Way which is vested in the Province of Prince Edward Island or the municipality and used or intended for use by the general public for the passage of vehicles and includes any bridge over which any such Road, Street or Right-Of-Way passes.

HOLIDAY - means certain statutory holidays as determined and designated by the Government of Prince Edward Island.

HOME OCCUPATION - means an accessory use conducted in a portion of a Dwelling Unit or a part of an Accessory Building, for pursuits which are compatible with a domestic household and which are carried on by at least one member of the Family residing in that Dwelling Unit. For the purpose of this Bylaw a Home Occupation shall be clearly incidental and secondary to the residential use of the Dwelling Unit.

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

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.

“I”

IMMEDIATE FAMILY - means the following persons:

- (i) parents of the Property Owner and their spouse;
- (ii) the sons and/or daughters of the Property Owner and their spouse;
- (iii) the grandchildren of the Property Owner and their spouse;
- (iv) the grandparents of the Property Owner and their spouse;
- (v) the brothers and/or sisters of the Property Owner and their spouse; and
- (vi) the aunts and/or uncles of the Property Owner and their spouse.

INFILLING - means the Development of vacant Lots between Lots which are currently fully or partially developed.

IN-LAW SUITE - means a self-contained suite constructed in an owner-occupied Single Family Dwelling for the sole purpose of accommodating an Immediate Family member of the owner(s) during a limited period of time in which the relative may be in need of such a facility.

INNOVATIVE CLUSTER-STYLE DWELLINGS - means residential Dwellings that

are built closer together as a result of a density transfer to provide an improved design, more efficient construction, community green or open space, shared parking or access, and other amenities that might not be obtainable through conventional development.

INSTITUTIONAL USE - means Buildings, Structures or land, other than retail or industrial, used for community services and includes:

- i) cemeteries
- ii) churches, places of worship and religious institutions
- iii) colleges, universities and non-commercial schools
- iv) Civic Centres
- v) golf courses
- vi) government offices
- vii) Senior Citizens Homes, Community Care Facilities, and Nursing Homes
- viii) hospitals
- ix) libraries, museums and art galleries
- x) Public and private Parks
- xi) public and private recreational centres
- xii) public and private schools
- xiii) Child Care Facilities.

“L”

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

LOADING SPACE - means an area of land provided and maintained upon the same lot or Lots upon which the principal use is located and which area is provided for the temporary parking of one (1) commercial motor Vehicle while merchandise or materials are being loaded or unloaded, and such Parking Space shall not be for the purpose of sale or Display.

LOT OR PROPERTY OR PARCEL - means any Parcel of land described in a deed or as shown in a registered approved subdivision plan.

"Lot Area" - means the total area included within the Lot lines.

“Corner Lot” - means a Lot situated at an intersection of and abutting on two or more Streets.

"Flankage Lot Line" - means the Side Lot Line which abuts the Street on a Corner Lot.

"Front Lot Line" - means the Lot line abutting the Street upon which the Building or structure erected or to be erected has its principal entrance.

"Interior Lot" - means a Lot other than a Corner Lot.

"Lot Depth" - means the depth from the Front Lot Line to the Rear Lot Line.

"Lot Line" - means any boundary of a Lot.

"Rear Lot Line" - means the Lot Line further from and opposite to the Front Lot Line.

"Side Lot Line" - means a Lot Line other than a front, rear or Flankage Lot Line.

"Through Lot" - means a Lot bounded on two opposite sides by streets.

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

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

“M”

MAIN BUILDING - means that Building, the nature of the use of which determines the status of the Lot upon which it is authorized to be constructed or upon which it is constructed.

MAIN WALL - means the exterior wall of a Building, but excluding projections such as balconies, bay windows, chimneys, decks, exterior stairs, fire escapes, projecting roofs, and wheel chair ramps.

MAJOR DEVELOPMENT - means any Development that will have a major impact on the Town as a whole or any part thereof including, but so as not to limit the foregoing, any major impact on municipal services, transportation, tax rates, retail outlets, institutions and residential expansion.

MAJOR COMMERCIAL DEVELOPMENT - means a commercial facility or group of Buildings which could have a significant impact on surrounding land uses or the Town due to its physical size, traffic generation or other land use or servicing impacts.

MINI HOME - means a pre-manufactured Dwelling Unit having an average width of less than six (6) metres (20 ft.), not including entries, porches or other appurtenances.

MOBILE HOME - means a transportable Dwelling Unit suitable for permanent occupancy, designed to be transported with or without its own wheeled chassis and may include a pre-manufactured Dwelling Unit commonly referred to as a “mini-home”.

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.

“N”

NON-CONFORMING BUILDING - means a Building or Structure erected prior to the adoption of this Bylaw which does not conform to the Development requirements of the Zone in which it is situated, and may include a Building or Structure for which a valid Development Permit had been issued prior to the adoption of this Bylaw.

NON-CONFORMING USE - means the use of a Building, Structure or land which was already established prior to the adoption of this Bylaw but which does not conform to the permitted uses allowed in the Zone in which it is situated.

NURSING HOME - means a residential institution that is (i) a manor owned by the province and operated by a regional authority; or (ii) a Nursing Home licensed under the *Community Care Facilities and Nursing Home Act*, R.S.P.E.I., 1988, C-13 that provides to the applicant sleeping accommodations, meals and nursing, medical or similar care and treatment based on assessed needs.

“O”

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

OFFICIAL ZONING MAP - means the map included as Schedule “A” to this Bylaw or as amended from time to time, depicting the boundaries of all land use Zones.

OFFICIAL PLAN - means the Town of Stratford Official Plan as adopted by Council pursuant to the provisions of the *Planning Act*, R.S.P.E.I., 1988, P-8.

OPEN SPACE - means that portion of a Lot which may be used for Landscaping, recreational space or leisure activities normally carried on outdoors; but does not include space used for service drive-ways or off-street parking but shall not include land used for open space including public trails.

OPEN STORAGE - means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment, or other items not intended for immediate sale.

OUTDOOR STADIUM - means an outdoor structure designed to accommodate a Sports Field and associated seating, washrooms and other amenities.

“P”

PARCEL - see “Lot”.

PARK - means an area of land designated for public recreational use which may include play areas and structures and other amenities designed to enhance the passive or active enjoyment of the site.

PARKING SPACE - means an area of land which is suitable for the parking of a Vehicle, not less than 2.75 metres wide and 5.5 metres long (9 feet by 18 feet), accessible to vehicles without the need to move other vehicles on adjacent areas.

PASSIVE RECREATION USE - means an activity or use of land related to the peaceful enjoyment of an open area, such as walking or hiking.

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

PERSONAL SERVICE SHOP - means a premises in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing, may include hairdressers, beauty parlours, shoe repair, tailoring, etc., but shall not include laundromats or dry cleaners.

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

PLANNING BOARD - means the Planning Board of the Town of Stratford appointed by Council pursuant to the *Planning Act*, R.S.P.E.I., 1988, P-8.

PLAYGROUND - means a landscaped Open Space equipped with children's play equipment such as slides, swings and other similar equipment or facilities.

PLATINUM SUSTAINABLE SUBDIVISION - means a Sustainable Subdivision that earns at least 85% of available points under the Sustainable Subdivision scoring system referenced in Section 18 of the Bylaw.

PRIVATE GARAGE - means a Building or part thereof which is used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.

PROPERTY - see "Lot".

PROPERTY OWNER - means the registered owner of the Property in accordance with the records on file at the Province's Land Registry Office.

PROVINCE - means the Province of Prince Edward Island.

PUBLIC OR PRIVATE ASSISTED CARE LIVING FACILITIES - means any

Building, establishment, complex or distinct part thereof, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide public and/or private accommodations and/or services to respond to the individual needs of the residents.

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

“R”

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

RELATIVE - see “Immediate Family”.

RESIDENT - means a Person who has attained the age of eighteen (18) years and is ordinarily Resident within the boundaries of the Town. Ordinary Resident has the same meaning as in the *Election Act*, R.S.P.E.I., 1988 E-1.1.

RESTAURANT - means a Building or Structure or part thereof where food and alcohol may be 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 at retail.

RIGHT OF WAY (ROW) - means an area of land that is legally described in a registered deed for the provision of private or public access.

ROAD - See “Highway, Road or Street”.

“S”

SEASONAL RESIDENCE - see “Summer Cottage”.

SCRAP YARD - means an area of land used for the storage, handling, processing, and sale of scrap materials including but not limited to scrap metal, vehicles, tires, car batteries, etc., but shall not include hazardous waste materials.

SENIOR CITIZEN HOME - means any home for senior citizens either privately sponsored or administered by any public agency or any service club either of which obtains its financing from federal, provincial or municipal governments or agencies or by public subscription or donations, or by an combination thereof, and shall include

auxiliary uses such as lounges and recreation facilities usually associated with senior citizens' developments, and solely for the use of its residents.

SERVICE SHOP - means a Building or part thereof used for the sale and repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial uses, manufacturing or Autobody Repair Shops.

SIGN - means any Display or lettering, logos, lights, or illuminated neon tubes visible to the public from outside or a Building or from a travelled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the Lot or on any other premises, excluding window displays and merchandise.

“Billboard Sign” - means a free-standing Sign larger than 4.6 square metres (50 sq. ft.) in gross area, or a wall Sign covering more than 10 percent of the wall area to which it is affixed.

“Community Identification Sign” - means a Sign identifying a municipality or neighbourhood.

“Fascia Sign” - means a Sign mounted on the exterior wall surface of a Building.

“Free-Standing Sign” - means a self-supporting Sign not attached to any Building, wall or Fence, but in a fixed location. This does not include portable or trailer type Signs.

“Memorial Signs or Tablets” - means a Sign or Sign commemorating a Person or event.

“Mobile Sign” - means a portable Sign designed and intended to be moved from one site to another and is not permanently affixed to the ground or a Building but shall not include the side, body, or trailer of a commercial motor Vehicle.

“Off-Premise Sign” - means any Sign which is not on the premises or Parcel of land on which the business is situated.

“Political Sign” - means a Sign promoting a candidate or political party in support of an election.

“Premise Sign” - means a Sign that directs attention to a business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the Lot upon which such Sign is located, or to which it is affixed.

“Projecting Sign” - means a Sign that projects from and is supported by the wall of a Building.

“Roof Sign” - means a Sign which is located above, or projects above, the lowest point of the eaves of the top of the parapet wall of any Building, or which is painted on or fastened to a roof.

“Sandwich Sign” - means a self-supporting, two sided, A-frame style Sign that is not affixed to the ground.

“Temporary Sign” - means a Sign intended to be used for a period of no more than 30 days.

SIGN AREA - means the entire area of the Sign on which the graphics could be placed, including the frame or structural feature which forms an integral part of the Display. In the case of double face or multi-face Sign, only half of the total area of all Sign faces will be counted in the Sign Area calculation.

SPECIAL PERMIT USE - see “Use”.

SPORTS FIELD - means an area of land landscaped and graded to accommodate various outdoor sports, and may include features such as bleachers, fencing, washrooms and accessory Buildings.

STABLE SURFACE - means a surfacing that meets the standards as set out by the Department of Transportation and Public Works, or any successor department and may include 15cm of Class A or B imported aggregate, recycled asphalt paving (RAP), chip seal, concrete, roller compacted concrete, asphalt or other materials acceptable to Council.

STOREY - means that portion of a Building between any floor and ceiling or roof next above, provided that any portion of a Building partly below Grade level shall not be deemed a Storey unless its ceiling is at least 1.8 m (approximately 6 ft) above Grade and provided also that any portion of a Building between any floor and ceiling or roof next above exceeding 4.2 m (approximately 14 ft) in height shall be deemed an additional Storey.

STREET - see “Highway, Road or Street”.

STREET, ARTERIAL - means a Street designed to move large volumes of vehicular traffic between major centres as designated by Council.

STREET, COLLECTOR - means a Street designed to move vehicular traffic from residential neighbourhoods to commercial and institutional areas and to Arterial Streets as designated by Council.

STREET, LOCAL - means a Street designed to serve vehicular traffic in residential neighbourhoods as designated by Council.

STREETSCAPE - means the scene as may be observed along a public Street, composed

of natural and man-made components including Buildings, paving, planting, Street hardware and miscellaneous structures.

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.

SUBDIVISION - means a division of a Parcel of land by means of a plan of Subdivision, plan or survey, Agreement, deed or any instrument, including a caveat transferring or creating an estate or interest in part of the Parcel.

SUBDIVISION AGREEMENT - means an agreement executed between the Developer and the Town which sets out the terms under which a specific Subdivision may be developed and approved.

SUSTAINABLE SUBDIVISION - means a subdivision that aims to preserve the natural environment and ecology, improve social amenities and cultural inclusion, increase energy efficiency, reduce fossil fuel energy consumption, improve the Town's active transportation network and reduce the cost of building and maintaining the Town's infrastructure and which has been approved in accordance with Section 18 of this Bylaw.

SUMMER COTTAGE / SEASONAL RESIDENCE - means a Dwelling intended for seasonal residential use from April 1st to November 30th annually and shall not include a year round residence.

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 60 cm (approximately 24 inches) or more at any point or with a surface area exceeding 10 square metres (108 square feet).

“T”

TOURIST ESTABLISHMENT - means a Dwelling in which is operated the seasonal business of providing or offering overnight accommodation for transient guests for Compensation.

TOWN OR MUNICIPALITY - means the area incorporated and known as the Town of Stratford.

TRANSIENT OR TEMPORARY COMMERCIAL USE - means a Building, Structure, tent, trailer, vehicle or any other venue without a permanent foundation, established on a commercial lot for a period not to exceed 20 weeks.

“U”

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.

“Unconditional Use” - means a Use which is allowable by right, subject to meeting applicable Bylaw requirements.

“Conditional Use” - means a Use which may be allowed subject to the Council approving a permit with attached conditions on performing the Use, which can be revoked by Council for unsatisfactory performance.

“Special Permit Use” - means a Use presumed to be potentially problematic within a Development Zone and whose intensity, impacts or other characteristics which require discretionary review to ensure that the Development meets certain restrictive performance standards for the Use at the designated location.

UTILITY/UTILITY CORPORATION - means the Town of Stratford Utility Corporation.

“V”

VARIANCE - means permission to depart from the literal requirements of this Bylaw by virtue of unique hardship due to special circumstances regarding a person’s Property.

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

“W”

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

WATERCOURSE - means the full width and length including the bed, shore, and bank of a fresh or tidal waterbody situated below the high water mark of every stream, river, lake, pond, creek, ravine, and gulch or any part thereof, or any other similar area as defined under the *Environmental Protection Act*.

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

WHOLESALE OPERATION - means an establishment primarily engaged in selling

merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to such individuals or companies.

“Y”

YARD- means an open, uncovered space on a Lot appurtenant to a Building and unoccupied by Buildings or Structures except as specifically permitted in this Bylaw.

"Front Yard" - means a Yard extending across the width of a Lot between the Front Lot Line and nearest wall of any Building or Structure on the Lot and **"Minimum Front Yard"** means the minimum depth of a Front Yard on a Lot between the Front Lot Line and the nearest Main Wall of any Building or Structure on the Lot.

"Rear Yard" - means a Yard extending across the width of a Lot between the Rear Lot Line and the nearest wall of any Main Building or Structure on the Lot and **"Minimum Rear Yard"** means the minimum depth of a Rear Yard on a Lot between the Rear Lot Line and the nearest Main Wall of any Main Building or Structure on the Lot.

"Side Yard" - means a Yard extending from the Front Yard to the Rear Yard of a Lot between a Side Lot Line and nearest wall of any Building or Structure on the Lot, and **"Minimum Side Yard"** means the minimum width of a Side Yard on a Lot between a Side Lot Line and the nearest Main Wall of any Main Building or Structure on the Lot.

"Flankage Yard" - means the side Yard of a Corner Lot which Side Yard extends from the Front Yard to the Rear Yard between the Flankage Lot Line and the nearest Main Wall of any Building or Structure on the Lot.

“Z”

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

SECTION 2 – SCOPE

2.1 TITLE

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

2.2 AUTHORITY

This Bylaw is enacted under the authority of the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8, referred to herein as the “*Planning Act*” and the *Charlottetown Area Municipalities Act*, R.S.P.E.I. 1988, Cap. C-4.1.

2.3 AREA DEFINED

This Bylaw shall apply to the geographical area within which the Town of Stratford Council has jurisdiction.

2.4 SCOPE

No Dwelling, business, trade, or industry shall be located, nor shall any Building or Structure be erected, altered, Use or have its Use changed, nor shall any land be developed, subdivided, consolidated or used in the Town of Stratford, except in conformity with this Bylaw and, if applicable, the Building Bylaw..

2.5 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, and unless otherwise stipulated, a Development Officer shall have the authority to approve or deny Development permits in accordance with this Bylaw in all areas except for:
 - (i) commercial developments that fall under Part 3 of the National Building Code;
 - (ii) institutional developments that fall under Part 3 of the National Building Code;
 - (iii) industrial developments;
 - (iv) Multiple Family Dwellings of greater than 18 units.
 - (v) Special Permit Uses
 - (vi) Conditional Uses
- (2) Notwithstanding the section above, a Development Officer shall also have the authority to approve or deny:
 - (i) variances of no greater than 5% in accordance with the relevant provisions of this Bylaw;

- (ii) subdivisions of no greater than five (5) Lots where the extension of water mains, sewer mains or Streets is not required;
- (iii) final subdivision approval.

SECTION 3 - DEVELOPMENT ZONES

3.1 DEVELOPMENT ZONES

For the purpose of this Bylaw, the Town is divided into the following Development Zones, the boundaries of which are subject to Section 3.2 as shown in Schedule “A” on the Official Zoning Map. Such Zones may be referred to by the appropriate symbols.

<u>ZONE</u>	<u>SYMBOL</u>
Single Family Residential	R1
Single Family Residential Large	R1L
Two-Family Density Residential	R2
Multiple Family Residential	R3
Planned Unit Residential Development	PURD
General Commercial	C1
Highway Commercial	C2
Neighbourhood Commercial	C3
Industrial	M1
Business Park	M2
Comprehensive Development Area	CDA
Agricultural Reserve	A1
Public Service and Institutional	PSI
Recreation and Open Space	01
Environmental Reserve	02

3.2 INTERPRETATION OF ZONE BOUNDARIES

- (1) Boundaries between Zones as indicated in Schedule “A” shall be determined as follows:
 - (i) Where a Zone boundary is indicated as following a Highway, Road or Street, the boundary shall be the centre line of such Highway, Road or Street;
 - (ii) Where a Zone boundary is indicated as following Lot or Property lines, the boundary shall be such Lot or Property lines;
 - (iii) Where a Zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary; and
 - (iv) Where none of the above provisions apply, the Zone boundary shall be scaled from the original copy of the Official Zoning Map lodged with the Municipality.

3.3 OFFICIAL ZONING MAP

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

3.4 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 UNITS OF MEASURE

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

3.7 APPENDICES AND SCHEDULES

- (2) All appendices attached to this Bylaw form part of the Bylaw.
- (3) All schedules and figures attached to this Bylaw are for information purposes only and do not form part of this Bylaw.

SECTION 4 – ADMINISTRATION

4.1 DEVELOPMENT PERMIT REQUIRED

- (1) Unless otherwise stated in this Bylaw, no Person shall:
- (i) change the Use of a Parcel of land or a Structure;
 - (ii) commence any Development;
 - (iii) construct or replace any Structure;
 - (iv) make structural alterations to any Structure classified under Part 3 of the National Building Code;
 - (v) make any underground installation such as a septic tank, a fuel tank, a foundation wall or the like;
 - (vi) move or demolish any Structure;
 - (vii) establish or operate an Excavation Pit;
 - (viii) construct a parking Lot;
 - (ix) place, dump or remove any Fill or other material;
 - (x) subdivide or consolidate a Parcel or parcels of land;
 - (xi) construct a Fence over 1.2 meters (4 feet) in height;
 - (xii) Erect a Sign except as allowed under Section 4.2(1)(x) herein;
 - (xiii) Erect a cell tower;
 - (xiv) Erect a wind powered generator, or
 - (xv) install stand alone solar panels

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

4.2 NO DEVELOPMENT PERMIT REQUIRED

- (1) Unless otherwise stated in this Bylaw, no Development Permit shall be required for:
- (i) laying paving materials for patios or sidewalks;
 - (ii) constructing a Fence up to and including 1.2 meters (4 feet) in height;
 - (iii) installing clotheslines and poles, awnings, garden trellises, radio or television antennae, and satellite dishes under 2 feet in diameter;
 - (iv) making a garden;
 - (v) growing a crop or preparing land for a crop other than an Intensive Agricultural Use;
 - (vi) making Landscaping improvements, constructing ornamental Structures or play Structures of less than 5.8 sq. m (64 sq. ft.);
 - (vii) conducting routine maintenance which has the effect of maintaining or restoring a Structure or any of its elements to its original state or condition;
 - (viii) a Development that involves the interior or exterior renovation of a Building that is in keeping with the integrity of the existing, approved Development, will not change the shape of the Building or increase its volume, will not add more Dwelling Units, or will not involve a change or

Use of the Building and does not require a permit under the Town's Building Bylaw;

- (ix) public and private utilities located within a public Right-Of-Way;
- (x) Signs exempted from a permit as listed in Section 6.5 herein; and
- (xi) solar panels that are attached to a Building.

4.3 DEVELOPMENT PERMIT APPLICATION

- (1) Every Development Permit application shall be in a form prescribed by Council and every application form shall be signed by the registered owner of the Lot or by the owner's agent duly authorized in writing to act for the owner and shall be accompanied by an application fee in accordance with the fee schedule established by Council.
- (2) Every Development Permit application shall be accompanied by a site plan drawn to a convenient scale certifying the agreement of the Applicant to develop the site in accordance with the site plan. A site plan shall show the following information:
 - (i) the shape and dimensions of the Lot to be used;
 - (ii) the distance from the Lot boundaries, dimension, and height of the Building or Structure proposed to be erected;
 - (iii) the distance from the Lot boundaries and size of every Building or Structure existing on the Lot and the general location of the Buildings on the abutting Lots;
 - (iv) the proposed location and dimensions of any Parking Space, Loading Space, driveway, landscaped area or easement;
 - (v) the proposed Use of the Lot and any Building or Structure; and
 - (vi) any other information the Development Officer deems necessary to determine whether or not the proposed Development conforms to the requirements of this Bylaw.
- (3) Every Development Permit application shall also be accompanied by any information required pursuant to the Building Bylaw.

4.4 PAYMENT OF FEES

- (1) Notwithstanding any section of this Bylaw, Development permits are not valid and will not be recognized until the application fee and any other required fees are paid in full and the said permit is acquired by the Developer.

4.5 DEVELOPMENT PERMIT

- (1) A Development Permit is written authorization granted by the Town to a Person(s) to carry out a specific Development in compliance with this Bylaw and, if applicable, the Building Bylaw, and any conditions listed on the Development Permit and any attached schedules.
- (2) A Development Permit shall be valid for a twelve-month period or such additional time as may be authorized by Council based on special circumstances beyond the control of the Developer.
- (3) Council may revoke a Development Permit where information provided on the application is found to be inaccurate or where the Development is not in compliance with the Development Permit.

4.6 CONDITIONS ON PERMITS

Council 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 Town or the Official Plan.

4.7 OCCUPANCY PERMIT

THE BYLAW is amended by deleting Section 4.7 - Occupancy Permit on May 11, 2011

4.8 SUBDIVISION AGREEMENT

Council may require any Applicant to enter into a Subdivision Agreement, pursuant to Section 25.9 of this Bylaw. Such Agreement shall be a contract binding on both parties, containing all conditions which were attached to the preliminary Subdivision approval. Failure to comply with a Subdivision Agreement shall constitute an offense under this Bylaw

4.9 DEVELOPMENT AGREEMENT

Council may require any Applicant to enter into a Development Agreement. Such 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 not be limited to, the following:

- (i) parking;
- (ii) loading zones;
- (iii) internal circulation;
- (iv) ingress and egress;
- (v) public and private utilities;
- (vi) storm water drainage and run-off;
- (vii) Buffer Zones adjacent to neighbouring properties;
- (viii) signage;
- (ix) sidewalks;
- (x) Landscaping and visual screening;
- (xi) exterior lighting;
- (xii) noise and other nuisances;
- (xiii) maintenance performance;
- (xiv) any improvements deemed to be required to the public Streets adjacent to the Development and arrangements for cost-sharing of such improvements; and
- (xv) any other matters deemed by Council to affect the health, well being, safety or convenience of the public or to impose a detriment or financial burden on the Town or any other Person.

4.10 OTHER INFORMATION

(1) Council may require an Applicant to submit additional information related to the Development, which it deems pertinent, including but not limited to the following:

- (i) parking Lot layout and internal circulation patterns;
- (ii) location of garbage containers and description of any screening or fencing;
- (iii) storm water management plan;
- (iv) location of Parkland, trails and amenity areas;
- (v) Landscaping plan;
- (vi) Buffer Zones adjacent to Wetland areas or Watercourses;
- (vii) existing vegetation;
- (viii) easements;
- (ix) proposed storage areas and description of any screening or fencing;
- (x) traffic impact studies, and
- (xi) soil investigation report.

4.11 AUTHORIZATION FOR INSPECTION

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

4.12 ENFORCEMENT

- (1) If a Development does not comply with the requirements of this Bylaw, Council may issue a notice in writing delivered by registered mail to the Property Owner of the Property directing him or her to:
 - (i) stop the Development in whole or in part within a specified time; and/or, at Council's option;
 - (ii) take measures to ensure that the Development complies with requirements of this Bylaw within a specified time.
- (2) Any Person who fails to comply with a notice under subsection (1) above is guilty of an offence under this Bylaw.

4.13 OFFENCES AND PENALTIES

- (1) Any Person who violates any provision of this Bylaw or who fails to perform any act hereunder or does any prohibited act, shall be guilty of an offence and liable on summary conviction to payment of a fine not exceeding \$2,000, as well as payment of any outstanding fees. Each day the offence continues shall constitute a separate offence subject to a fine not exceeding \$400 per day. The Judge presiding on any prosecution under this Bylaw may fix the costs of prosecution to be paid by the Person found guilty under hereunder.
- (2) Any prosecution for an offense under subsection (1) may be instituted within one year after the time when the contravention occurred.
- (3) The Applicant and the Property Owner are liable for any offence under this Bylaw.
- (4) The Town is entitled to all of the enforcement remedies as set forth in Section 24 of the *Planning Act*.

4.14 APPEALS

- (1) Any Person who is dissatisfied by a decision of Council in respect to the administration of this Bylaw, made pursuant to the powers conferred by the *Planning Act* may, within 21 days of public notice of the decision, appeal in writing to the Island Regulatory and Appeals Commission.
- (2) Notwithstanding subsection (1) above, no appeal lies from a decision of Council respecting the final approval of a Subdivision where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the Subdivision.
- (3) A Notice of appeal to the Island Regulatory and Appeals 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) days of filing an appeal with the Island Regulatory and Appeals Commission, serve a copy of the Notice of appeal on the Town.
- (5) The Town is not liable for damage suffered by any Person resulting from Development undertaken during an appeal period, or while a decision is under appeal.

4.15 PERMITS POSTED

All permits shall be posted at the site by the Developer during the construction period and the permit shall be properly maintained in a location easily visible for viewing.

4.16 MOVING OF BUILDINGS

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

4.17 CONSTRUCT IN ACCORDANCE WITH APPLICATION

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

4.18 AUTHORITY TO DENY PERMITS

- (1) No Development Permit shall be issued if, in the opinion of Council, the proposed Development could 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.
- (2) No Development Permit shall be issued if, in the opinion Council, the proposed Development could create a health, fire or accident hazard or increase the likelihood of the existence of rodents, vermin, or other pests.
- (3) No Development Permit shall be issued if, in the opinion of Council:
 - (i) the proposed Development does not conform to this Bylaw or the Building Bylaw;
 - (ii) the method of water supply is not suitable;
 - (iii) the method of sanitary waste disposal is not appropriate;
 - (iv) there is not a safe and efficient access to a public Highway, Road or Street;
 - (v) the impact of the proposed Development would be detrimental to the environment;
 - (vi) the proposed Development would create unsafe traffic conditions;
 - (vii) the proposed Development would significantly or permanently injure neighbouring properties by reason of Architectural Disharmony; or,
 - (viii) the proposed Development would be detrimental to the convenience, health, or safety of residents in the vicinity or the general public.
- (4) A development permit to demolish, move or otherwise remove a Heritage Resource shall be withheld for a maximum of one hundred twenty (120) days during which time the application will be reviewed by the Heritage Advisory Committee. The committee will evaluate the application considering established criteria and make a recommendation to the Planning and Heritage Committee to recommend to Council to either approve the application or to withhold it for a maximum of one hundred twenty (120) days from the date of application. If at the end of the one hundred and twenty (120) day period no solution has been found that would prevent the demolition of the building, the permit shall be approved.

4.19 SURVEYS REQUIRED

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

4.20 CONSTRUCTION PLANS

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

4.21 NATIONAL BUILDING CODE

All Buildings that are subject to the Building Code shall adhere to the requirements set forth in the Building Bylaw and, if the Building Code applies to the Development, no Development Permit shall be issued by the Development Officer under this Bylaw until the Building Inspector has issued a building permit under the Building Bylaw.

4.22 PROVINCIAL FIRE MARSHAL APPROVAL

THE BYLAW is amended by deleting Section 4.22 - Provincial Fire Marshal Approval on May 11, 2011.

SECTION 5 - GENERAL PROVISIONS FOR ALL ZONES

5.1 ACCESSORY USES, BUILDINGS AND STRUCTURES

- (1) Accessory Uses, Buildings and Structures shall be permitted on any Lot but shall not:
 - (i) be used for human habitation except where allowed in the Agricultural Zone (A1) where a Dwelling is a permitted accessory Use;
 - (ii) be located within the Front Yard or Flanking Side Yard of a Lot;
 - (iii) be built closer than 0.9 m (3 ft) to any Lot Line, except that common Accessory Buildings for Semi Detached Dwellings or Town House Dwelling or Row House Dwelling may be centred on a mutual Side Lot Line.
- (2) Notwithstanding subsection (ii) above, Council may issue a Development Permit for an accessory Use, Building or Structure located within the Front Yard or Flanking Side Yard of a Lot, where Council is satisfied the Structure will be architecturally compatible with adjacent Structures and no permanent injury or hardship would be caused to adjoining properties, subject to any conditions which Council deems appropriate to ensure architectural compatibility and eliminate or minimize any injury or hardship.
- (3) Notwithstanding anything else in this Bylaw, awnings, clothesline poles, flagpoles, garden trellises, retaining walls and fences shall be exempt from any requirement under subsection (1).
- (4) Except in an industrial Zone, commercial Zone or on a farm Use Property, Accessory Uses, Buildings and Structures shall not:
 - (i) exceed 3.6 m (12') ft. in height above Grade;
 - (ii) exceed 18 sq. m (200 sq. ft.) in total Floor Area;
 - (iii) exceed one (1) Building per Single Family Dwelling Lot;
 - (iv) exceed one (1) Building per Semi Detached Dwelling, Town House Dwelling or Row House Dwelling or Apartment Building;
 - (v) be considered an Accessory Building if attached to the Main Building.
- (5) Except in an industrial Zone, commercial Zone or on a Farm or Farm Property, a detached garage shall not:
 - (i) exceed 67.5 sq. m (750 sq. ft.) on Lots of 1 acre or less, and 108 sq. m (1,200 sq. ft.) on Lots of over an acre;
 - (ii) exceed a height in excess of 4.5 m (15 ft.) above Grade unless a special permit has been issued allowing a greater height in order to achieve architectural harmony with the main building;
 - (iii) be considered as an Accessory Building in determining the number of Accessory Buildings permitted on one Lot.

- (6) No Accessory Building or Structure shall be constructed:
 - (i) prior to the time of construction of the Main Building to which it is accessory, unless a Development Agreement is executed with the Town and registered on the title of the Property at the cost of the Applicant, or
 - (ii) prior to the establishment of the main Use of the land where no Main Building is to be built.
- (7) All Accessory Buildings shall be included in the calculation of maximum Lot coverage as described in the Lot Requirements for an applicable Zone.

5.2 SATELLITE DISHES

Satellite dishes greater than 2 feet in diameter shall not be erected in any Zone in the Town unless a special development permit has been issued by Council.

5.3 BED AND BREAKFAST

Bed and Breakfast establishments shall be permitted to operate in any Single Family Dwelling in any residential or agricultural Zone subject to the following:

- (1) That the Property Owner and the Town shall enter into an agreement stipulating, but not limited to, the following conditions:
 - (i) the Dwelling shall be occupied as a residence by the principal operator and the external appearance of the Dwelling shall not be changed by the Bed and Breakfast operation;
 - (ii) no more than three (3) rooms shall be offered for overnight accommodation;
 - (iii) adequate off-street parking shall be provided, in accordance with this Bylaw, separate from that required for the Dwelling;
 - (iv) Premise Signs shall be restricted to a maximum of 0.3 sq. metres (465 square inches);
 - (v) there shall be no other Signs, Open Storage or visible Display area;
 - (vi) where a Provincial permit is required to operate a Bed and Breakfast, the Applicant shall provide written proof of the permit to the Town;
 - (vii) a copy of the agreement shall be registered at the Provincial Land Registry office at the cost of the Applicant; and
 - (viii) the overall visual appearance and character of the neighbourhood shall not be negatively impacted by the establishment.

5.4 DRIVEWAY ACCESS

- (1) Driveway access location for a Through Lot shall be determined by the Development Officer having regard to adjacent Building orientations and traffic

- safety considerations.
- (2) A driveway access to:
- (i) a Local Street shall be a minimum of 15 metres (50 ft.) from a Street intersection;
 - (ii) a Collector Street shall be a minimum of 25 metres (80 ft.) from a Street intersection; and
 - (iii) an Arterial Street shall be a minimum of 30 metres (100 ft.) from a Street intersection.
- (3) Where an entranceway permit is required under the *Roads Act Highway Access Regulations*, its issuance shall be a precondition of the approval of a Subdivision of land or a Development Permit.
- (4) No Person shall construct or Use any driveway except where that access driveway meets the minimum sight distance standards as established under the *Planning Act*, the *Roads Act* or any successor act.

5.5 ENCROACHMENTS PERMITTED

The following Structures or portions of Structures may project into a Yard required by this Bylaw to the limit of the specified distance:

Structure or Feature	Distance
sills, cornices, eaves, gutters, chimneys, pilasters, and canopies	0.6 metre (2 ft.)
window bays, awnings, oil tanks, and propane tanks	0.9 metre (3 ft.)
exterior staircases, wheelchair ramps, and fire escapes	1.5 metres (5 ft.)
patio / deck not exceeding 0.6 m (2 ft.) in height from surrounding Grade	1.5 metre (5 ft.)

5.6 FRONTAGE ON A STREET

- (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 public Street.
- (2) Notwithstanding Section 5.6(1) above, Council may approve a Development Permit for a residential or commercial Structure which fronts on a private Right-Of-Way, provided that the following criteria are met:
- (i) no reasonable provision can be made to provide access to a public Street;
 - (ii) safe ingress and egress from the Lot can be provided;
 - (iii) the residential or commercial Structure can be conveniently connected to municipal service(s), if required, at no cost to the Town or Utility; and
 - (iv) an agreement is registered in the Province's Land Registry Office,

binding on all Property Owners abutting or fronting on a private Right-Of-Way providing for the long term ownership and maintenance of the Right-Of-Way, which agreement shall be binding on all heirs, successors and assigns of the parties to the agreement.

5.7 GRADE OF SITE

No Person shall change the Grade of a Property so as to cause increased water run-off onto an adjoining Property without the written permission of the affected Property Owner.

5.8 HEIGHT RESTRICTION EXEMPTION

- (1) Any maximum height requirement set out in this Bylaw shall not apply to church spires, lightning rods, water tanks, monuments, elevator enclosures, silos, flag poles, lighting standards, television or radio antennae, telecommunications towers, ventilators, skylights, barns in an A1 Zone, fire towers, chimneys, clock towers, solar collectors, power transmission towers, roof top cupola, wind power generators, or utility poles.
- (2) Council may allow a Building in excess of 10.5 m (35 ft) if the following requirements are met:
 - (i) the design and construction are in accordance with the latest version of the National Building Code;
 - (ii) provision is made for unobstructed access around the Building exterior year round for fire fighting purposes;
 - (iii) the Building contains a sprinkler system with adequate fire rated central water pressure or an internal standpipe system with adequate water capacity and pressure;
 - (iv) approval is obtained from the Crossroads Rural Community Fire Company; and
 - (v) Building design components such as building material, scale, and form are reviewed and assessed by Council and will not create Architectural Disharmony with the surrounding buildings and Streetscape.

5.9 HOME OCCUPATION

- (1) Any Dwelling may be used for a Home Occupation if the Property Owner of the Dwelling and Town have first entered into a Development Agreement pursuant to which the Property Owner agrees with the Town as follows:
 - (i) the Dwelling is occupied as a residence by the principal operator and the external appearance of the Dwelling is not changed by the Home Occupation;
 - (ii) no more than two non-resident assistants are employed in the Home Occupation;

- (iii) not more than 25 % of the total Floor Area of the Dwelling is devoted to the Home Occupation;
- (iv) not more than 50% of the total Floor Area of any Accessory Building(s) is devoted to the Home Occupation;
- (v) adequate off-street parking, separate from that required for the Dwelling, in accordance with this Bylaw, is provided;
- (vi) Premise Signs shall be restricted to a maximum of 0.3 sq. m. (465 sq. in.) and are non-illuminated;
- (vii) there is no Open Storage or Display area;
- (viii) no mechanical equipment is used except what is reasonably consistent with the Use of the Dwelling;
- (ix) the level of intensity of the Use shall not be increased to a level which would damage the integrity of the existing neighbourhood; and
- (x) a Development Agreement shall be registered on the title of the Property at the expense of the Developer.

(2) The following types of Uses shall be permitted in a Home Occupation:

- (i) Business and professional Uses which in the opinion of Council would not create a nuisance due to issues such as traffic generation, noise or hours of operation;
- (ii) Artisan and crafts, weaving, painting, sculpture, and repair of garden or household ornaments, personal effects or toys;
- (iii) hairdressing salon including a barbershop;
- (iv) photographic studio; and
- (v) day care centre of five (5) children or less.

5.10 ILLUMINATION

No Person shall illuminate the area outside any Building or Structure unless the illumination is directed away from adjoining properties and any adjacent Street.

5.11 IN-LAW SUITES

- (1) An In-Law Suite may be constructed as part of any existing Single Family Dwelling if the owner of the Dwelling, upon written application to the Town has first entered into a written Development Agreement pursuant to which the owner has agreed with Council as follows:
 - (i) the In-Law Suite shall be used only by a specified and Immediate Family Relation of the Property Owner;
 - (ii) a permit for an In-Law Suite shall have a time limit of two (2) years, after which point Council may grant a further extension of two (2) years if the Property Owner is in full conformance with the conditions of this section and the Development Agreement;
 - (iii) the Dwelling shall be restored by the Property Owner, at the Property Owner's cost and expense, to a Single Family Dwelling within 90 days

following the death or other departure of such Relative from the In-Law Suite and the Town shall be notified in writing upon completion of the restoration;

- (iv) the Property Owner shall advise any prospective purchaser or other Person to whom the Property 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 Town;
- (v) all other provisions of this Bylaw remain applicable to the Dwelling and that Council may require such changes to the exterior of the Dwelling as may be necessary to ensure compliance with this Bylaw, whether in connection with the construction of the In-Law Suite or the restoration of the Dwelling to a Single Family Dwelling.
- (vi) the Development Agreement shall be registered on the title of the Property.
- (vii) the Property Owner shall pay all legal costs and expenses which the Town may incur in connection with the preparation, registration or enforcement of the Development Agreement.
- (viii) the establishment of the In-Law Suite shall not change the Single Family Dwelling appearance of the Building.

5.12 INTENSIVE AGRICULTURE

Agricultural activities which are currently established within any Zone other than A1 and deemed by Council to be intensive, such as intensive livestock operations or potato production, shall not be re-established once they are abandoned for a twelve (12) month period unless they are part of an established crop rotation schedule.

5.19 LANDSCAPING

- (1) The provision and maintenance of adequate landscape buffering and/or appropriate fencing shall be required to the satisfaction of Council between residential zones and new commercial, industrial or other land uses characterized by significant traffic generation, the heavy use of trucks, noise, outdoor storage, congregations of people or other factors that may adversely affect adjacent residential Use.
- (2) The provision and maintenance of adequate Landscaping shall be required for new Development to the satisfaction of Council.
- (3) Where a Commercial Zone or Industrial Zone abuts a Residential Zone along a Side and/or Rear Lot Line, a Buffer of not less than 4.5 m (15 ft.) in width along the said Side and/or Rear Lot Line shall be landscaped to the satisfaction of Council as part of the Development for which a Building permit has been granted. No Building or parking shall be allowed in the Buffer.

5.14 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS

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

5.15 LOT FRONTAGE

In any Zone, Lots designed with a reduced Frontage along a bend or curve in a Street or facing a cul-de-sac may be approved by Council if, in the opinion of Council, adequate and safe access is provided and the Lot width at the front Building Line measures at least as much as the minimum Lot Frontage for the Zone.

5.16 MAIN BUILDING

Except in a R1, R1L, R2 Zone, more than one (1) main Building may be placed on a Lot in any Zone, provided all other provisions of this Bylaw are met.

5.17 MAXIMUM LOT COVERAGE

Maximum Lot coverage shall be determined as the percentage of the Lot covered by the Main Building, attached and detached garage and any Accessory Buildings.

5.18 MIXED USE

Where any land or Building is used for more than one (1) purpose, all provisions of this Bylaw relating to each Use shall be satisfied. Where there is conflict, such as in the case of Lot size or Frontage, the most stringent standards shall apply.

5.19 MOBILE HOMES

Mobile Homes shall not be permitted in any Zone.

5.20 NON-CONFORMING BUILDINGS

- (1) Where a Building has been erected on or before the effective date of this Bylaw on a Lot having less than the minimum Frontage or area, or having less than the minimum setback or Side Yard or Rear Yard required by this Bylaw, the Building may be enlarged, reconstructed, repaired or renovated provided that:
 - (i) the enlargement, reconstruction, repair or renovation does not further

- reduce the Front Yard or Side Yard or Rear Yard which does not conform to this Bylaw; and
- (ii) all other applicable provisions of this Bylaw are satisfied.

5.21 NON-CONFORMING LOTS

- (2) Notwithstanding any other provisions of this Bylaw:
 - (i) 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 or enlarged on the Lot provided that all other applicable provisions in this Bylaw are satisfied;
 - (ii) 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 applicable provisions in this Bylaw are satisfied;
 - (iii) no Person who owns a Lot 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, shall be deprived of the ability to make reasonable Use of the Lot in accordance with the Zone in which it is located, and where such a Person makes application for a Development Permit:
 - (a) Council may grant a Variance to the Rear Yard, Front Yard or Side Yard setback requirements to an extent that is reasonable and feasible and does not compromise safety, convenience or the aesthetic character of the neighbourhood and may issue a permit on a non-conforming Lot; or
 - (b) Council may approve an increase in the area of any undersized Lot notwithstanding that it may still have less than the minimum Frontage, depth or area required by this Bylaw, provided that this increase does not further reduce an adjacent Lot which may be below the standard set out in this Bylaw.

5.22 NON-CONFORMING USES

- (1) Subject to the provisions of this Bylaw, a Building(s) or Structure(s), or Use of land lawfully in existence on the effective date of approval of this Bylaw may continue to exist.
- (2) The Use of a Building or Structure shall be deemed to exist on the effective date of approval of this Bylaw if:

- (i) it was lawfully under construction; or
 - (ii) 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.
- (3) No structural alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a Building or Structure while a Non-Conforming Use thereof is continued.
- (4) Notwithstanding subsection (3) above, nothing in this Bylaw shall apply to prevent the alteration and/or extension of a Single Family Dwelling existing at the date of passing of this Bylaw in any non-residential Zone provided that the number of Dwelling Units is not increased and provided further that such alteration does not contravene any of the provisions of this Bylaw for such Use in a R1 (Single Family Residential Zone).
- (5) If a Use of a Building which does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of fifty percent (50%) or more of the assessed value of the Building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw, except if the Building or repair work would not be detrimental, in the opinion of Council, to the convenience, health or safety of residents in the vicinity or the general public.
- (6) Any change of tenants or occupants of any premises or Building shall not of itself be deemed to affect the Use of the premises or Building for the purposes of this Bylaw.
- (7) A Non-Conforming Use of land, Buildings or Structures shall not be permitted if it has been discontinued for a period of twelve (12) months consecutively, and in such event, the land, Building or Structure shall not thereafter be used except in conformity with this Bylaw.
- (8) No intensification of Use or increase in business volumes or activity levels shall be made while a Non-Conforming Use of land, Buildings or Structures is being continued.
- (9) No increase in the area occupied by the Non-Conforming Use shall occur while a Non-Conforming Use is being continued.

5.23 OUTDOOR SWIMMING POOLS

- (1) The installation of an outdoor Swimming Pool shall be permitted in any Zone in accordance with the following provisions:
 - (i) the Property Owner shall first obtain a Development Permit from the Town;
 - (ii) a minimum 1.8m (6 ft.) high Fence shall be constructed in such a manner so as to impede unauthorized persons from entering over or under the Fence and the Fence shall be designed to restrict climbing and the Fence shall be aesthetically presentable and preference will be given to a wood Fence;
 - (iii) any gate on the Fence shall be self-closing and self-latching;
 - (iv) A four-sided fence shall be requested. However, the development officer may retain the ability for a home/building to take the place of the fourth wall of enclosure. Residents can take responsibility for locking doors leading to pool decks within the home.
 - (v) the Developer shall agree that other reasonable initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the Developer or the Town, the cost of which shall be borne by the Developer;
 - (vi) no outdoor Swimming Pool shall be installed in any required Front Yard or Flankage Yard.

5.24 PERMITTED USES IN ALL ZONES

- (1) Notwithstanding any other provisions of this Bylaw, public utility Buildings and Structures and service facilities provided by the Municipality or the Stratford Utility Corporation such as, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, public Streets, public parks, 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 Council to be necessary and appropriate to the Municipality shall be permitted in all zones.
- (3) Parks and Open Spaces shall be a permitted Use in all Zones.
- (4) Notwithstanding any other provisions of this Bylaw, Parks and Open Space Parcels shall be exempt from the minimum Lot area requirements and the minimum Lot Frontage requirement in any Zone.

5.25 PETROLEUM STORAGE

Underground gasoline storage facilities shall not be permitted in any residential Zone.

5.26 PUBLIC AND PRIVATE UTILITIES

Notwithstanding any other provisions of this Bylaw, public and private utilities located within the Street Right-Of-Way or underground may be placed in any Zone and no Development Permit shall be required and no Zone standards shall apply.

5.27 RECREATIONAL TRAILERS OR VEHICLES

- (1) No Person shall occupy a Recreational Trailer or Vehicle on a temporary or permanent basis other than in a Campground licensed by the Province.
- (2) Notwithstanding Section 5.27(1) above, Council may issue a temporary permit to a Property Owner permitting the temporary occupation of a Recreational Trailer or Recreational Vehicle while located on a specified Lot for a period not exceeding 14 days, subject to such conditions as Council may deem appropriate to ensure the health and safety of the occupants and to minimize any nuisance to the neighbouring properties.
- (3) A temporary permit issued pursuant to Section 5.27(2) above, may be extended for a further period to be determined by Council where Council has determined that there is no hazard to the occupants and no negative impact on the neighbourhood.

5.28 SETBACK FOR FLANKAGE YARD

Notwithstanding any other provision of this Bylaw, on a Corner Lot in any Zone, the minimum Yard requirement for the Flankage Yard shall be the same as that required for the Front Yard.

5.29 SIDE YARD WAIVER

Notwithstanding any other provision of this Bylaw, where Buildings on adjacent Lots share a common wall, the applicable Side Yard requirement will be zero along the common Lot Line.

5.30 SPECIAL REQUIREMENTS FOR SEMI DETACHED, TOWN HOUSE OR ROW DWELLINGS

- (1) Semi Detached Dwellings, Town House Dwellings and Row House Dwellings which front on a Street shall be erected in a manner which will permit Subdivision into individual units pursuant to subsection (2) below.
- (2) Semi Detached and Town House or Row House Dwellings may be divided independently for individual sale and ownership provided that:
 - (i) a Subdivision of the Parcel of land has been approved by the Town (and the Subdivision provides for appropriate easements or common area to allow entry by a Property Owner of any portion of the Building to his/her Rear Yard area);
 - (ii) the units are separated from the Basement floor to the apex of the roof by a vertical fire wall to meet the requirements of the National Building Code of Canada;
 - (iii) a separate water service and sewer service is provided for each unit in accordance with policies governing water supply and sewerage services for the Town;
 - (iv) a separate electrical service is provided for each unit;
 - (v) a separate heating device is provided for each unit;
 - (vi) separate parking is provided unless Council waives same;
 - (vii) a copy of the agreement made between the owners covering the following items is approved by Council and registered on the title of each unit at the Developer's or Property Owner's cost:
 - (a) common walls;
 - (b) maintenance;
 - (c) fire insurance;
 - (d) easements;
 - (e) parking;
 - (f) snow removal; and
 - (g) any other items jointly owned or used.
 - (viii) any other terms and conditions as imposed by Council.

5.31 TEMPORARY USES, BUILDINGS AND STRUCTURES PERMITTED

- (1) Where Council deems that there would be no health or safety risks to users and when there would be no significant nuisance created for adjoining properties Council may issue a temporary Development Permit enabling the temporary erection of a Building or Structure and/or the temporary Use of land to accommodate a celebration or event.
- (2) The duration of a temporary Use permit shall not exceed 14 days.

- (3) Council may attach any conditions to a temporary Use permit which are appropriate to ensure the health and safety of residents or visitors and neighbouring residents, or to minimize any potential nuisances.
- (4) Notwithstanding any other provisions of this Bylaw, nothing shall prevent the temporary Use of land or the temporary Use of a Building or Structure incidental to a construction project provided that valid Development Permit has been issued for the main construction project and a Development Permit for the temporary Use has been obtained from the Town. The temporary Use shall be discontinued and removed within 30 days following completion of the main construction project or expiration of the Building permit.

5.32 YARDS

Subject to Section 5.5 and except where Accessory Buildings and Structures are permitted in this Bylaw, every part of any minimum Yard setback required by this Bylaw shall be open and unobstructed by any Structure from the ground to the sky.

5.33 VISIBILITY AT STREET INTERSECTIONS

On a Corner Lot, within a triangular area measured 6 m (20 ft.) back from the intersecting Corner Lot lines, no Fence, Sign, hedge, shrubs, bush, tree or any other Structure or vegetation shall be erected or permitted to grow to a height greater than 61 cm (2 ft.) above the centre line elevation of the abutting Streets.

SECTION 6 – SIGNAGE

6.1 SIGNAGE

No person shall Erect, Alter or enlarge a Sign within the boundaries of the Town except in conformance with the provisions of this Section and any other relevant provisions of this Bylaw, and without first applying for and receiving a permit from the Town.

6.2 GENERAL

- (1) No Off-premise Signs shall be permitted except directional and information Signs erected within the public Right-Of-Way as part of the Highway Information Signage System (HISS).
- (2) An indoor Sign shall not be considered a Sign for the purpose of this Bylaw unless it is placed within a window and can be viewed from outside of the Building.
- (3) No Temporary Sign permit shall be effective for a period of more than 30 days.
- (4) Internally lit Signs shall be permitted provided that the light source is concealed by a diffusive material.
- (5) Signs lit by external illumination shall have the light source directed at the Sign and no illumination shall be aimed at the roadway. No stray illumination from external light sources shall be permitted to shine on the roadway or adjacent residentially zoned land.
- (6) No Sign shall be erected or placed on the side or rear of a Building, or within a Side or Rear Yard where such Yard abuts a residential Zone.

6.3 MAINTENANCE

- (1) All Signs shall be made of durable materials and shall be maintained in good condition.
- (2) A Development Officer who identifies a Sign which may be unsafe to the public, either as an adjunct to pursuing his/her normal activities or in response to a concern from a member of the public, may order the Property Owner to have such Sign repaired to a safe condition or to be removed.
- (3) The Development Officer may order a Property Owner to immediately remove any Sign relating to a business or activity which is no longer active, or which carries no advertising or has missing parts.
- (4) Subsection (3) above shall not apply to a seasonal enterprise that normally closes

during part of the year, however, a Sign advertising a seasonal enterprise shall either indicate the time of year the enterprise is in operation or the time of year it is not in operation.

- (5) Where any Property Owner does not comply with an order issued under subsection (2) or (3) above, the Town may remove the Sign cited in the order at the cost of the Property Owner and the Town may take such judicial proceedings as necessary to enforce this section.

6.4 NUMBER OF SIGNS

- (1) For the purposes of this section, a Sign with two or more faces such as a Projecting Sign or a Free-Standing Sign shall count as one Sign.
- (2) Other than directional Signs containing no promotional content, only one (1) free-standing Sign shall be erected on any commercial or industrial Lot; except where a Lot is bordered by more than one Street, in which case one (1) free-standing Sign may be permitted along each Street line.

6.5 SIGNS PERMITTED IN ALL ZONES

- (1) The following Signs shall be permitted in all zones and no Development Permit shall be required, but the Signs shall be subject to all requirements of this Bylaw:
 - (i) Signs identifying the name and address of a Resident and not more than 0.3 square metres (465 square inches) in area;
 - (ii) Signs for regulating the Use of Property such as “NO TRESPASSING” and of not more than 0.3 square metres (465 square inches) in area;
 - (iii) real estate Signs, placed on the Lot, which advertise the sale, rental or lease of a Lot or Building on a Lot of not more than 0.93 sq. metres (10 sq. ft.);
 - (iv) on-premise directional or traffic control Signs not more than 0.3 square metres (465 square inches) in area;
 - (v) Signs erected by a government body or under the direction of a government body;
 - (vi) Memorial Signs or Tablets;
 - (vii) Community identification Signs;
 - (viii) outdoor recreational facility identification Signs of not more than 3.7 sq. m. (40 sq. ft.) in area;
 - (ix) entrance Display identification Signs for residential neighbourhoods or business parks of not more than 3.7 sq. m. (40 sq. ft.) in area;
 - (x) the flag or insignia of any government, religious, charitable, or fraternal organization;
 - (xi) temporary election Signs;
 - (xii) Temporary Signs advertising a construction firm in the area where the construction is taking place;
 - (xiii) church identification Signs; and

- (xiv) flags and buntings exhibited to temporarily commemorate national or civic holidays and temporary banners announcing charitable events, civic events, or grand openings.

6.6 SIGNS PROHIBITED IN ALL ZONES

- (1) The following Signs shall be prohibited in all zones:
 - (i) flashing Signs, Roof Signs, Signs containing moving parts and reflective elements which sparkle or twinkle when lighted or Signs containing strings of bulbs;
 - (ii) Signs which Use the words “stop”, “caution”, “danger”, or incorporate red, amber or green lights resembling traffic signals, or resemble traffic control Signs in shape or colour, except government traffic or regulatory Signs;
 - (iii) any Signs which, in the opinion of the Development Officer, represent a safety hazard;
 - (iv) any Signs that obstruct or detract from the visibility or effectiveness of any traffic Sign or control device or constitutes a hazard to pedestrian or vehicular traffic due to restriction of view planes at intersections or due to the intensity or direction of illumination;
 - (v) any Signs that obstruct the free egress from any fire exit door, window, or other required exit way;
 - (vi) Signs painted on, attached to, or supported by a tree, or other natural objects, with the exception of Signs included in Section 6.5 (1)(ii); and,
 - (vii) Off Premises Signs.

6.7 FASCIA SIGNS

- (1) Fascia Signs shall be permitted on Buildings in commercial, industrial, institutional, comprehensive Development area, and recreation zones and shall project no more than 46 centimetres (18 inches) from the wall of the Building and shall be no higher than the eave or top of a parapet wall;
- (2) The area of a fascia Sign shall not exceed ten (10) percent of the area of the wall on which the Sign is to be located, or 14 square metres (150 sq. ft.), whichever is less.
- (3) The area of Fascia Signs shall be calculated as a block, including any individual letters and the total area covered by symbols and blocks of text including the spaces between them.
- (4) Notwithstanding the above, Fascia Signs may be permitted in Residential Zones pursuant to Section 5.9 (1)(vi).

6.8 PROJECTING SIGNS

- (1) A Projecting Sign shall:

- (i) not have a Sign face larger than 0.5 sq. m. (5.4 sq. ft.);
- (ii) not project further than 1.1 m (3.6 ft.) from the Building wall and be at least 2.2 m (7.2 ft.) from the ground;
- (iii) not project above the wall to which it is affixed;
- (iv) be limited to one (1) per business;
- (v) not extend beyond the Property line of the Property on which it is erected;
- (vi) not swing freely on its support; and
- (vii) not obstruct pedestrian or vehicular traffic on the Lot or impede visibility for pedestrians or traffic accessing the Lot.

6.9 FREE-STANDING SIGNS

- (2) Free-standing Signs shall be permitted in commercial, industrial, institutional, comprehensive development area, high density residential and recreation zones and shall:
 - (i) be permitted if compatible with the Building in scale and colour;
 - (ii) not have a Sign face greater than 6 sq. m. (64 sq. ft.) and a width not exceeding four times the height;
 - (iii) be set back at least 2.5 m (8.5 ft.) from the Property line; and
 - (iv) not exceed 8 m (26 ft.) in height above the average finished Grade of the Lot.
- (3) Where there are more than one (1) commercial businesses on a single Lot:
 - (i) all businesses on the same Lot shall share one (1) Free-Standing Sign;
 - (ii) the total size of any shared Sign shall be no greater than 6 sq. m (64 sq. ft.) for each Use or a total of 14 sq. m (150 sq. ft.) and the width shall not exceed four times the height; and
 - (iii) where a Sign for a Building is shared by more than one (1) commercial business the Sign elements for all businesses must be of similar material and lettering design to produce a uniformity of a signage for the common facility. Logos may be incorporated into the common Sign.

6.10 CANOPIES OR AWNINGS

- (1) Signs incorporated into a canopy or awning are permitted on the Building and shall be considered as Fascia Signs.

6.11 SANDWICH SIGNS

- (1) Temporary Sandwich Signs shall not be permitted to be placed within the boundaries of the Town unless a temporary permit has been issued by Council.
- (2) Council may grant temporary permits for commercial Sandwich Signs for a

period not to exceed six (6) months, where Council deems there will be no nuisance or hazard caused to the general public and where the Sign does not detract from the appearance of the property or the area.

- (3) Council may revoke a temporary permit issued pursuant to this Section at any time where Council deems that the applicant or Property Owner has not conformed to the provisions of this Section.
- (4) Where a temporary permit has been revoked, the Development Officer shall have the authority to enter upon the property and remove the Sandwich Sign.

6.12 SIGNS FOR SPORTS FIELDS AND OUTDOOR STADIUMS

- (1) Notwithstanding anything else in this Bylaw, Council may issue a permit for sponsorship Signs for a Sports Field or Outdoor Stadium where the Signs are attached to an approved Structure that is required for the sport or arena, and where the Signs face into the field or arena. A Development Agreement shall be executed between the Property Owner and the Town, at the Property Owner's expense, to specify the number, size, shape, location, promotional content, and maintenance program for the Signs.

SECTION 7 - PARKING REQUIREMENTS

7.1 PARKING REQUIREMENTS

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

Primary Type of Building	Minimum Requirement
Single Family Dwelling	2 parking spaces
Duplex/Semi Detached Dwelling	2 parking spaces for each unit
Multiple Family Dwelling	1.5 parking spaces per Dwelling Unit
Hotel, Motel or other Tourist Establishment	1 Parking Space per guest/room or rental unit and 1 Parking Space for each 23 sq. m. (250 sq. ft.) of Floor Area devoted for public Use (e.g. banquet rooms, Lounge)
Auditoriums, churches, halls, libraries, museums, theatres, arenas, private clubs, and other places of assembly or recreation	Where there are fixed seats, 1 Parking Space for every four(4)seats; where there are no fixed seats, the seat count shall be based on the Provincial Fire Marshal's seating capacity rating
Hospitals, Nursing Homes and Community Care Facilities	0.75 parking spaces per bed
Senior Citizens Apartments	1.00 parking spaces per Dwelling Unit
Elementary School	1.5 parking spaces per teaching classroom and 1 Parking Space for each six seats of seating capacity in the auditorium; where there are no fixed seats, the seat count will be based on the Provincial Fire Marshal's seating capacity rating
Funeral Home	1 Parking Space per four seats of seating capacity; where there are no fixed seats, the seat count will be based on the Provincial Fire Marshal's seating capacity rating
Business and Professional Offices, Service and Personal Service Shops	1 Parking Space per 28 sq. m. (300 sq. feet) of Floor Area

Automobile Sales and Service Establishments	1 Parking Space per 4.7 sq. m (50 sq. ft.) of Floor Area
Shopping Centre (Indoor Mall)	1 Parking Space per 18.6 sq metres (200 sq. feet) of gross Floor Area
Restaurant or Lounge	1 Parking Space per four seats of seating capacity
Other Commercial / Retail Stores	1 Parking Space per 14 sq metres (150 sq. ft.) of Floor Area
Industrial Uses	1 Parking Space per 28 sq. m (300 sq. ft.) of Floor Area or 1 Parking Space per employee, whichever is greater
Secondary School, Colleges	As determined by Council at the time of application
Government Offices	1 Parking Space per 28 sq metres (300 sq. ft.) of Floor Area
All other uses not listed	1 Parking Space per 20 sq m (215 sq. ft.) of Floor Area or 1 space per 10 seats

- (2) Additional Parking Spaces may be required if, in the opinion of Council, the Parking Spaces required under Section 7.1(1) will not meet the anticipated parking requirements.

7.2 PARKING LOT STANDARDS

- (1) Where parking facilities are required or permitted:
- (i) The parking area shall be maintained with a Stable Surface;
 - (ii) The lights used for illumination of a parking Lot shall be so arranged as to divert the light away from the Streets, adjacent Lots and Buildings;
 - (iii) A Structure not more than 3 metres (10') in height and not more than 4.6 sq m (50 sq. ft.) in area may be erected in the parking area for the Use of attendants;
 - (iv) The parking area shall be within 90 metres (300') of the location which it is intended to serve and shall be situated on the same Lot in the same Zone;
 - (v) When the parking area is of a permanent hard surfacing, each Parking Space shall be clearly demarcated with painted lines and maintained on the parking Lot;
 - (vi) The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be:
 - (a) a minimum width of 3 metres (10') for one-way traffic;
 - (b) a minimum width of 6 metres (20') for two-way traffic; and
 - (c) a minimum entrance and exit width of 9 metres (30') at the Street

line and edge of pavement.

- (2) Where the parking facilities for four (4) or more vehicles are required or permitted:
 - (i) Parking Spaces for apartment Buildings containing more than three (3) Dwelling Units shall not be located in the Front Yard, nor shall they be situated within 1.5 metres (5 ft.) of any door, or any window serving a bedroom;
 - (ii) where there are ten (10) or more Parking Spaces, or where required by Council, scale drawings shall be prepared and submitted with the application for the Development Permit showing entrances and exits to such parking facilities, all proposed and existing Parking Spaces, aisles, lighting, islands, landscaping/berms, refuse collection area, service Vehicle turning radius, and drainage of the Lot;
 - (iii) where off-street parking areas are located in front of any Building, a 1.5 m (5 ft.) landscaped Buffer shall be provided between the parking area and the Street boundary;
 - (iv) where a parking lot is in or abuts a residential Zone, a landscaped Buffer area of at least 1 m (3.3 ft.) in height shall be planted at least 1 m (3.3 ft.) in from the Lot Line on the Property for which the application is made and shall be maintained in a healthy growing condition by the Property Owner;
 - (v) Council may, where for safety reasons due to traffic volumes and the number of existing access points to an Arterial Street or Collector Street, require adjoining Property owners to share the access to their Lots and parking, or Council may refuse a new access to a Lot;
 - (vi) off-street Parking Spaces for developments in commercial or institutional zones shall not be located in the Front Yard or in the Flankage Yard;
 - (vii) Notwithstanding subsection (vi) above, Council may permit off-street Parking Spaces in commercial or institutional zones to be located in the Front Yard or Flankage Yard for the following:
 - (a) activities connected with the automobile trade; or
 - (b) where the provisions of subsection (vi) would unduly restrict Development on a Parcel of land in existence prior to approval of this Bylaw.

7.3 LOADING ZONES

- (1) In any commercial or industrial Zone, no Person shall Erect or Use any Building or Structure for manufacturing, storage, Warehouse, department store, Retail Store, wholesale store, market, freight or passenger terminal, Hotel, Hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, unless there is maintained on the same Lots with every such Building, Structure or Use one (1) off-street Loading Space for standing, loading and unloading and an additional space for every 2,800 sq. metres (30,000 sq. ft.) or fraction thereof of Building Floor Area used for any

such purpose.

- (2) Each Loading Space shall be at least 3.6 m (12 ft) wide by 21 m (70 ft) in length, with a minimum of 4.3 m (14 ft) height clearance.
- (3) The provision of a Loading Space for any Building with less than 140 sq m (1500 sq. ft.) shall be optional.
- (4) No such loading spaces shall be located within any required Front Yard or Flankage Yard or be located within any Yard which abuts a residential or Open Space Zone, unless in the opinion of Council, adequate screening is provided.

7.4 PARKING FOR PEOPLE WITH DISABILITIES

In addition to the parking requirements found in Section 7.1, where off-street parking is provided one (1) Parking Space dedicated to persons with disabilities shall be provided for the first 10 provided and an additional space for every 40 spaces provided.

SECTION 8 – SINGLE FAMILY RESIDENTIAL ZONE (R1)

8.1 GENERAL

Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in an R1 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:
 - (i) Single Family Dwellings;
 - (ii) Parks and Playgrounds;
 - (iii) Accessory Buildings;
 - (iv) Private Garages;
 - (v) General Agricultural Uses.

8.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 8.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - (i) Group Homes;
 - (ii) Community Care Facilities;
 - (iii) Child Care Facilities.
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing residential development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
 - (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
 - (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
 - (vi) all other relevant provisions of this Bylaw are met.

8.4 SUMMER COTTAGES

- (1) Existing approved Summer Cottage Lots may be used for the purpose of developing a Seasonal Residence or Summer Cottage, subject to the following:
 - (i) the Development shall conform to the Lot requirements in Section 8.6.
 - (ii) the Property Owner shall agree to enter into a Development Agreement with the Town stipulating that:
 - (a) the Developer and/or Property Owner shall be responsible for the provision of any roads, sewer services or water supply;
 - (b) the Property Owner shall agree to pay all future costs related to the extension of the services noted in subsection (i) above;
 - (c) Council may require that any on-site sewage systems be designed and certified by a professional engineer licensed to practice in the Province of Prince Edward Island and the Property Owner shall submit a Landscaping plan and/or grading plan to minimize the visual effect of the engineered on-site sewage system, if deemed necessary by the Development Officer;
 - (d) the maximum Lot coverage shall not be greater than ten percent (10%) of the Lot;
 - (e) the Property Owner shall be responsible for the cost of registering the above noted Development Agreement in the Province's Land Registry.

8.5 SERVICING

Notwithstanding Section 8.4 above, all Development in the R1 Zone shall be serviced by municipal sewer services and municipal water supply, where water services exist.

8.6 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in an R1 Zone:

Requirement	Standard with Central Sewer and Water Services	Standard with Central Sewer and On-Site Water
Minimum Lot Area	990 sq. m (11,000 sq. ft.)	1,350 sq. m (15,000 sq. ft.)
Minimum Frontage	23 m (75 ft)	23 m (75 ft)
Minimum Circle Diameter to be Contained Within the Boundaries of the Lot	n/a	30 m (100 ft)
Minimum Front Yard	5 m (17 ft)	5 m (17 ft)

Minimum Rear Yard	4.5 m (15 ft)	4.5 m (15 ft)
Minimum Side Yard	4 m (12 ft)	4 m (12 ft)
Minimum Flankage Yard	5 m (17 ft)	5 m (17 ft)
Maximum Building Height	10.5 m (35 ft)	10.5 m (35 ft)

- (2) In addition to the above requirements, all Lots shall also conform to the Provincial Minimum Lot Standards as noted in Schedule “B”.
- (3) Notwithstanding the above requirements, within existing approved subdivisions, Council may require that new developments conform with the Development standards and Development character which has been established, even if these standards exceed the minimum standards stated above.
- (4) Maximum Lot coverage for a one-storey Dwelling shall be 25%, provided however, that Council may permit a coverage up to 30% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.
- (5) Maximum Lot coverage for a Dwelling of more than one-storey shall be 20%, provided however, that Council may permit a coverage of up to 25% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.

SECTION 9 - SINGLE FAMILY RESIDENTIAL LARGE ZONE (R1L)

9.1 GENERAL

Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in an R1L 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:
 - (i) Single Family Dwellings;
 - (ii) Parks and Playgrounds;
 - (iii) Accessory Buildings;
 - (iv) Private Garages;
 - (v) General Agricultural Uses.
- (2) The following Conditional Uses subject to such terms and conditions as shall be imposed by Council:
 - (i) wind power generators for personal use.

9.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 9.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - (i) Group Homes;
 - (ii) Community Care Facilities;
 - (iii) Child Care Facilities.
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing residential development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
 - (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;

- (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

9.4 SUMMER COTTAGES

- (1) Existing approved Summer Cottage Lots may be used for the purpose of developing a Seasonal Residence or Summer Cottage, subject to the following:
 - (i) the Development shall conform to the Lot requirements in Section 9.6.
 - (ii) the Property Owner shall agree to enter into a Development Agreement with the Town stipulating that:
 - (a) the Developer and/or Property Owner shall be responsible for the provision of any roads, sewer services and/or water supply;
 - (b) the Property Owner shall agree to pay all future costs related to the extension of the services noted in subsection (a) above;
 - (c) any on-site sewage systems shall be designed and certified by a professional engineer licensed to practice in the Province of Prince Edward Island and the Property Owner shall submit a Landscaping plan and/or grading plan to minimize the visual effect of the engineered on-site sewage system, if deemed necessary by the Development Officer;
 - (d) the Seasonal Residence or Summer Cottage not be occupied as a year round residence;
 - (e) the maximum Lot coverage shall not be greater than ten percent (10%) of the Lot;
 - (f) the Property Owner shall be responsible for the cost of registering the above noted Development Agreement in the Province's Land Registry Office.

9.5 SERVICING

Notwithstanding Section 9.4 above, all Development in the R1L Zone shall be serviced by municipal sewer services and municipal water supply, where water services exist.

9.6 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in the R1L Zone:

Requirement	Standard
Minimum Lot Area	2,044 sq. m (22,000 sq. ft.)
Minimum Frontage	30 m (100 ft)
Minimum Circle Diameter to be Contained Within the Boundaries of the Lot	30 m (100 ft)
Minimum Front Yard	15 m (50 ft)
Minimum Rear Yard	7.5 m (20 ft)
Minimum Side Yard	4.5 m (15 ft)
Minimum Flankage Yard	15 m (50 ft)
Maximum Building Height	10.5 m (35 ft)

- (2) In addition to the above requirements, all Lots shall also conform to the Provincial Minimum Lot Standards as noted in Schedule “B”.
- (3) Notwithstanding the above requirements, within existing approved subdivisions, Council may require that new developments conform with the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.
- (4) Maximum Lot coverage for a one-storey Dwelling shall be 25%, provided however, that Council may permit a coverage up to 30% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.
- (5) Maximum Lot coverage for a Dwelling of more than one-storey shall be 20%, provided however, that Council may permit a coverage of up to 25% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.

9.7 TRANSITION REQUIREMENTS

- (6) Where new lots are being created which abut existing residential subdivisions in the R1L Zone, the following lot standards shall apply.
- (i) lots which abut the side Yard of an existing residential lot shall conform to the adjacent lot size and lot frontage dimensions, to a maximum of 4,050 sq. m. (43,560 sq. ft.) and 45m (150 ft.).

- (ii) Lots which abut the rear yard of an existing residential lot shall conform to the adjacent lot size and lot frontage dimensions to a maximum of 3,050 sq. m. (37,500 sq. ft.) and 37.5m (125 ft.).
- (iii) Notwithstanding the above, all new lots in the R1L Zone must conform with the minimum lot standards in Section 9.6.

SECTION 10 – TWO-FAMILY RESIDENTIAL ZONE (R2)

10.1 GENERAL

Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in a R2 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:
 - (i) Single Family Dwellings;
 - (ii) Duplex or Semi Detached Dwellings (up to 20% of units in a Block);
 - (iii) Parks and Playgrounds;
 - (iv) Accessory Buildings;
 - (v) Private Garages;
 - (vi) General Agricultural Uses.

- (2) The following Conditional Uses subject to such terms and conditions as shall be imposed by Council:
 - (vii) Duplex Dwellings or Semi Detached Dwellings up to 100% of units in a Block;
 - (viii) Town House Dwellings or Row House Dwellings having up to six (6) Dwelling Units (owned either individually or as Condominiums);
 - (ix) Group Homes.

10.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 10.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - (i) Community Care Facilities;
 - (ii) Child Care Facilities.

- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing residential development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;

- (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
- (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

10.4 SERVICING

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

10.5 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in a R2 Zone:
 - (i) For Single Family Dwellings, Lot requirements shall be the same as Section 8.6 Single Family Residential.
 - (ii) For Duplex and Semi Detached Dwellings, Lot requirements shall be as indicated in the schedule below.
 - (iii) For Town House Dwellings or Row House Dwellings, Lot requirements shall be as indicated in the scheduled below.

Duplex Dwellings and Semi Detached Dwellings

Requirement	Standard with Central Sewer and Water Services	Standard with Central Sewer and On- Site Water
Minimum Lot Area	1,260 sq. m. (14,000 sq. ft) or 630 sq. m. (7,000 sq. ft.) for each unit	1,800 sq. m. (20,000 sq. ft.) or 900 sq. m. (10,000 sq. ft.) for each unit
Minimum Circle Diameter to be Contained within the Boundaries of the Lot	n/a	38.1 m (125 ft.)
Minimum Lot Frontage	30 m (100 ft.) or 15 m (50 ft). for each unit	30 m (120 ft.)
Minimum Front Yard	5 m (17 ft.)	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)	4.5 m (15 ft.)
Minimum Side Yard	4 m (12 ft.)	4 m (12 ft.)
Minimum Flankage Yard	5 m (17 ft.)	5 m (17 ft.)
Maximum Building Height	10.5 m (35 ft.)	10.5 m (35 ft.)

Town House or Row House Dwellings

Requirement	Standard with Central Sewer and Water Services
Minimum Lot Area	1,260 sq. m. (14,000 sq. ft) for the first three units; and 278 sq m.(3,000 sq. ft.) for each additional unit
Minimum Lot Frontage	30 m (100 ft.) and 7 m (23 ft). for each unit
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	4 m (12 ft.)
Minimum Flankage Yard	5 m (17 ft.)
Maximum Building Height	10.5 m (35 ft.)

- (2) Semi Detached Dwellings, Town House Dwellings and Row House Dwellings shall be built in accordance with Section 5.30 .
- (3) All Lots shall also conform to the Provincial Minimum Lot Standards as noted in Schedule “B”.
- (4) Notwithstanding the above requirements, within existing approved subdivisions, Council may require that new development conform with the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.
- (5) Maximum Lot coverage for a one-storey Single Family Dwelling shall be 25%, provided however, that Council may permit a coverage up to 30% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.
- (6) Maximum Lot coverage for Single Family Dwellings of more than one-storey shall be 20%, provided however, that Council may permit a coverage up to 25% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.
- (7) Maximum Lot coverage for a one-storey duplex or Semi Detached Dwelling shall be 35%, provided however, that Council may permit a coverage of up to 40% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.
- (8) Maximum Lot coverage for a duplex or Semi Detached Dwelling of more than one-Storey shall be 30%, provided however, that Council may permit a coverage up to 35% where it deems there would not be an adverse impact on adjoining properties, subject to such terms and conditions as may be established by Council.

- (9) Maximum Lot coverage for any Town House Dwelling or Row House Dwelling shall be 40%, calculated based on the aggregate of all attached Dwelling Units and the aggregate of the Lots upon which they are situated.

SECTION 11 – MULTIPLE FAMILY RESIDENTIAL ZONE (R3)

11.1 GENERAL

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

11.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than:
 - (i) Duplex Dwellings and Semi Detached Dwellings;
 - (ii) Town House Dwellings or Row House Dwelling up to six (6) units (owned either individually, or as condominiums or by a single owner);
 - (iii) Apartments up to 12 units (owned by a single Property Owner or as Condominiums);
 - (iv) Parks and Playgrounds;
 - (v) Accessory Buildings;
 - (vi) Private Garages.

- (2) The following Conditional Uses subject to such terms and conditions as shall be imposed by Council:
 - (i) Apartments with over 12 units;
 - (ii) Community Care Facilities;
 - (iii) Public and/or Private Assisted Care Facilities.

11.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 11.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - (i) Group Homes;
 - (ii) Child Care Facilities;
 - (iii) Health Clinics.

- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing residential development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;

- (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
- (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
- (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

11.4 SERVICING

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

11.5 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in an R3 Zone:
 - (i) For Duplex Dwellings or Semi Detached Dwellings, the Lot requirements shall be the same as Section 10.5 Two-Family Residential;
 - (ii) For Town House Dwellings or Row House Dwellings the Lot requirements shall be the same as Section 10.5 Two-Family Residential;
 - (iii) For Apartments the Lot requirements shall be as follows:

Apartments

Requirement	Standard
Minimum Lot Area	810 sq. m (9,000 sq. ft.) plus 135 sq. m (1,500 sq. ft.) for each Dwelling Unit
Minimum Frontage	30 m (100 ft.)
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	4.5 m (15 ft.)
Minimum Flankage Yard	5 m (17 ft.)
Maximum Building Height	10.5 m (35 ft.)

- (iv) Notwithstanding the above Lot requirements, Council may authorize reduced Lot requirements where the Applicant agrees to provide underground parking.

- (v) Notwithstanding the above Lot requirements, Council may impose restrictions on the number of Dwelling Units where, in the opinion of Council, the Development would create unsafe traffic conditions.
- (vi) Semi Detached Dwellings, Town House Dwellings or Row House Dwellings must be built in accordance with Section 5.30.
- (vii) All Lots shall also conform to the Provincial Minimum Lot Standards as noted in Schedule “B”.

11.6 DENSITY

The maximum density in a R3 Zone shall be no greater than 20 Dwelling Units per acre.

SECTION 12 – PLANNED UNIT RESIDENTIAL DEVELOPMENT ZONE (PURD)

12.1 GENERAL

Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in a PURD 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:
 - (i) Single Family Dwellings;
 - (ii) Duplex Dwellings and Semi Detached Dwellings;
 - (iii) Town House Dwellings or Row House Dwellings up to six (6) units (owned either individually, or as Condominiums);
 - (iv) Parks and Playgrounds;
 - (v) Accessory Buildings;
 - (vi) Private Garages.
- (2) The following Conditional Uses subject to such terms and conditions shall be imposed by Council:
 - (i) Community Care Facilities;
 - (ii) Public and/or Private Assisted Care Facilities.

12.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 12.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - (i) Group Homes;
 - (ii) Child Care Facilities;
 - (iii) Apartments (owned by a single Property Owner or as a Condominium).
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing residential development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;

- (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
- (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
- (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

12.4 SERVICING

All Development in a PURD Zone shall be serviced by municipal sewer services and a municipal water supply system.

12.5 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in a PURD Zone:
 - (i) For Single Family Dwellings, Duplex or Semi Detached Dwellings, the Lot requirements shall be the same as Section 10-Two-Family Residential;
 - (ii) For Apartments and Town House Dwellings or Row House Dwellings, the Lot requirements shall be the same as Section 11-Multiple Family Residential;
 - (iii) Notwithstanding subsections (i) and (ii) above, Council may approve innovative housing forms with less than a minimum Lot requirements provided that in the opinion of Council all other Sections of this Bylaw are complied with and that the application involves the Development of at least twenty (20) Dwelling Units and at least one (1) Block of land, and subject to the following:
 - (a) Council shall hold a public meeting to inform residents and property owners of the details of such a proposal and to receive their comments;
 - (b) Council shall require the Applicant to submit a Detailed Development Scheme for review, pursuant to Section 18.3(3).
 - (iv) Council shall require the Applicant to submit a detailed Development Scheme for review, pursuant to Section 18.3(3);
 - (v) All subdivisions and/or developments shall be subject to a Subdivision Agreement and/or Development Agreement that may include, but not limited to, the following:
 - (a) Subdivision requirements pursuant to Section 25 of this Bylaw;
 - (b) Building types within the Development;
 - (c) a schedule of styles and design;
 - (d) a schedule of Subdivision and/or Development phases.

- (vi) All Developments shall be developed only in accordance with an approved Development Scheme and the provisions of the any Subdivision Agreements or Development Agreements;
- (vii) Council may require the establishment of an incorporated homeowners' association to own and maintain any lands or facilities held in common.

12.6 DENSITY

The maximum density in a PURD Zone shall be no greater than ten (10) Dwelling Units per acre, provided however that where the Developer is required to retain environmentally sensitive areas in their natural state, Council may permit the balance of a Parcel of land to be developed at a proportionately higher density per acre.

SECTION 13 – GENERAL COMMERCIAL ZONE (C1)

13.1 GENERAL

Except as otherwise provided in this Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land used in a C1 Zone shall conform with the provisions of this Section.

13.2 PERMITTED USES

(1) No Building or part thereof and no land shall be used for purposes other than:

- (i) Retail Stores;
- (ii) Business and Professional Offices;
- (iii) Service and Personal Service Shops;
- (iv) Banking and Financial Institutions;
- (v) Restaurants and Lounges;
- (vi) Hotels, Motels or other Tourist Establishments;
- (vii) Entertainment Facilities;
- (viii) Institutional Buildings;
- (ix) Accessory Buildings;
- (x) Transient or Temporary Commercial;
- (xi) Health Clinics;
- (xii) Garden Centre.

(2) The following Conditional Uses subject to such terms and conditions as shall be imposed by Council:

- (i) Dwelling Units within a Commercial Building

13.3 MAJOR COMMERCIAL DEVELOPMENT

(1) No Major Commercial Development shall take place unless a Development Permit has been issued by Council. This permit shall take the form of a Development Agreement addressing all aspects of the Development.

13.4 SPECIAL PERMIT USES

(1) Notwithstanding Section 13.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:

- (i) Group Homes;
- (ii) Community Care Facilities;
- (iii) Child Care Facilities;
- (iv) Automobile Service Stations.

- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
- (i) the Development is deemed appropriate and complements the scale of the existing adjacent development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
 - (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
 - (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
 - (vi) all other relevant provisions of this Bylaw are met.

13.5 SERVICING

All Development in a C1 Zone shall be serviced by municipal sewer services and municipal water supply.

13.6 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in a C1 Zone:

Requirement	Standard
Minimum Lot Area	1,390 sq. m (15,000 sq. ft.)
Minimum Frontage	30 m (100 ft)
Minimum Front Yard	5 m (17 ft)
Minimum Rear Yard	4.5 m (15 ft)
Minimum Side Yard	3 m (10 ft)
Maximum Height of Building	10.5m (35 ft)

- (2) All Lots shall also conform to the Provincial Minimum Lot Standards as noted in Schedule “B”.

13.7 SPECIAL REQUIREMENTS: COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES

- (1) Notwithstanding any provisions of this Bylaw, where a Commercial Development located on lands zoned General Commercial (C1) directly abuts on any residential zone, the following conditions shall be complied with:
 - (i) a strip of land not less than 4.5 m (15 ft.) in width along the lot line within the C1 Zone and adjacent to the residential zone shall be maintained clear of any structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer;
 - (ii) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and
 - (iii) outdoor storage shall be prohibited adjacent to a residential zone unless it is hidden from view by means of a landscaped buffer hedge of adequate size or architectural screening such as a wall, fence or other appropriate structure.
 - (iv) all commercial developments which are required to comply with this Section shall proceed via a Development Agreement, pursuant to Section 4.9.

13.8 DWELLING UNITS WITHIN COMMERCIAL BUILDINGS

- (1) Where a Dwelling Unit is proposed in connection with a commercial Use the following minimum standards shall apply:
 - (i) the Dwelling Unit, or any part thereof, shall not be located on the ground floor or at Street level below a commercial Use;
 - (ii) the Dwelling Unit is not located above any Use or activity that stores or uses hazardous or explosive materials;
 - (iii) separate entrances serve the Dwelling Unit;
 - (iv) for each Dwelling Unit, 37 sq. m. (400 sq. ft.) of landscaped Open Space and 1.5 Parking Spaces are provided;
 - (v) each Dwelling Unit meets the requirements of the Provincial Fire Marshal;
 - (vi) the total Floor Area of a Dwelling Unit does not exceed the commercial Floor Area.

13.9 TRANSIENT OR TEMPORARY COMMERCIAL USES

- (1) Notwithstanding any other provision of this Bylaw, temporary Development permits may be issued for a transient-type commercial operation subject to compliance with the following:
 - (i) the Development shall not result in any traffic hazard;
 - (ii) the Development shall not interfere with the parking requirements of permanent users of the Lot on which the Development will be located;
 - (iii) the Development shall not create a public nuisance;
 - (iv) the temporary permit shall not exceed a twenty (20) week period;
 - (v) the Applicant shall provide a letter of approval from the Property Owner of the Lot on which the temporary Development will be situated;
 - (vi) where required, the Applicant shall satisfy Council that such Development complies with all health regulations.

13.10 AUTOMOBILE SERVICE STATIONS

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

Requirement	Standard
Minimum Lot Frontage	45 m (150 ft)
Minimum Pump Setback	6 m (20 ft)
Minimum Pump Distance from access or egress	9 m (30 ft)
Minimum Width of Driveway	7.5 m (25 ft)

- (2) Where the Automobile Service Station includes an Automobile Washing Establishment, all washing operations shall be carried on inside the Building.

SECTION 14 – HIGHWAY COMMERCIAL ZONE (C2)

14.1 GENERAL

Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in a C2 Zone shall conform with the provisions of this Section.

14.2 PERMITTED USES

(1) No Building or part thereof and no land shall be used for purposes other than:

- (i) Retail Stores;
- (ii) Business and Professional Offices;
- (iii) Service and Personal Service Shops;
- (iv) Banking and Financial Service Shops;
- (v) Restaurants and Lounges;
- (vi) Hotels, Motels or other Tourist Establishments;
- (vii) Entertainment Facilities;
- (viii) Institutional Buildings;
- (ix) Accessory Buildings;
- (x) Garden Centres;
- (xi) Health Clinics.

(2) The following Conditional Uses subject to such terms and conditions as shall be imposed by Council:

- (i) Dwelling Units within a Commercial Building.

14.3 MAJOR COMMERCIAL DEVELOPMENTS

(1) No Major Commercial Development shall take place unless a Development Permit has been issued by Council. This permit shall take the form of a Development Agreement addressing all aspects of the Development.

14.4 SPECIAL PERMIT USES

(1) Notwithstanding Section 14.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:

- (i) Farm Equipment Dealerships and Repair Shops;
- (ii) Heavy Equipment Dealerships and Repair Shops;
- (iii) Building Supply Dealers;
- (iv) Warehouses;

- (v) Transient or Temporary Commercial;
 - (vi) activities connected with the automobile trade except for a Scrap Yard or an Auto Body Shop;
 - (vii) other Uses which may generate frequent heavy truck traffic or hazards to the travelling public;
 - (viii) Automobile Service Stations.
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
- (i) the Development is deemed appropriate and complements the scale of the existing adjacent development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
 - (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
 - (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
 - (vi) all other relevant provisions of this Bylaw are met.

14.5 LOT REQUIREMENTS

The requirements as delineated in Section 13.6 of this Bylaw shall also apply in a C2 Zone.

14.6 SPECIAL REQUIREMENTS: COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES

- (1) Notwithstanding any provisions of this Bylaw, where a Commercial Development located on lands zoned Highway Commercial (C2) directly abuts on any residential zone, the following conditions shall be complied with:
- (vii) a strip of land not less than 9 m (30 ft.) in width along the lot line within the C2 Zone and adjacent to the residential zone shall be maintained clear of any structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer;
 - (viii) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and
 - (ix) outdoor storage shall be prohibited adjacent to a residential zone unless it is hidden from view by means of a landscaped buffer hedge of adequate

size or architectural screening such as a wall, fence or other appropriate structure.

- (x) all commercial developments which are required to comply with this Section shall proceed via a Development Agreement, pursuant to Section 4.9.

14.7 SERVICING

All Developments in a C2 Zone shall be serviced by a municipal sewer services and municipal water supply.

14.8 DWELLING UNITS WITHIN COMMERCIAL BUILDINGS

The requirements as delineated in Section 13.7 of this Bylaw shall also apply in a C2 Zone.

14.9 TRANSIENT OR TEMPORARY COMMERCIAL PERMITS

The requirements as delineated in Section 13.8 of this Bylaw shall also apply in a C2 Zone.

14.10 AUTOMOBILE SERVICE STATION

The requirements as delineated in Section 13.9 of this Bylaw shall also apply in a C2 Zone.

SECTION 15 – NEIGHBOURHOOD COMMERCIAL ZONE (C3)

15.1 GENERAL

Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in a C3 Zone shall conform with the provisions of this Section.

15.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than:
 - (i) Convenience Stores of no greater than 190 sq. m (2,035 sq. ft.);
 - (ii) Business and Professional Offices;
 - (iii) Service and Personal Service Shops up to 25% of total Floor Area.

15.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 15.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - (i) Restaurants unlicensed for the sale of alcohol;
 - (ii) Dwelling Units within a Commercial Building.
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing adjacent development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
 - (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
 - (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
 - (vi) all other relevant provisions of this Bylaw are met.

15.4 SERVICING

All Developments in a C3 Zone shall be serviced by municipal sewer services and municipal water supply, where water services exist.

15.5 LOT REQUIREMENTS

The requirements as delineated in Section 13.6 of this Bylaw shall also apply in a C3 Zone.

15.6 SPECIAL REQUIREMENTS: COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES

- (1) Notwithstanding any provisions of this Bylaw, where a Commercial Development located on lands zoned Neighbourhood Commercial (C3) directly abuts on any residential zone, the following conditions shall be complied with:
 - (vii) a strip of land not less than 4.5 m (15 ft.) in width along the lot line within the C3 Zone and adjacent to the residential zone shall be maintained clear of any structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer;
 - (viii) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and
 - (ix) outdoor storage shall be prohibited adjacent to a residential zone unless it is hidden from view by means of a landscaped buffer hedge of adequate size or architectural screening such as a wall, fence or other appropriate structure.
 - (x) all commercial developments which are required to comply with this Section shall proceed via a Development Agreement, pursuant to Section 4.9.

15.7 DWELLING UNITS WITHIN COMMERCIAL BUILDINGS

The requirements as delineated in Section 13.7 of this Bylaw also apply in a C3 Zone.

SECTION 16 – INDUSTRIAL ZONE (M1)

16.1 GENERAL

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

16.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than:
 - (i) manufacturing and assembly;
 - (ii) warehousing;
 - (iii) transport operations;
 - (iv) activities connected with the automobile trade other than a Scrap Yard;
 - (v) wholesale operations;
 - (vi) Business and Professional Offices;
 - (vii) Service Shops;
 - (viii) retail uses accessory to a main Use up to 25% of total Floor Area;
 - (ix) Restaurants and cafeterias;
 - (x) farm machinery and heavy equipment dealerships and repair shops;
 - (xi) building supply dealers;
 - (xii) Accessory Buildings/Structures.
- (2) Notwithstanding subsection (1) above, any Use which is deemed by Council to be an Obnoxious Use by reason of sound, odour, dust, fumes, smoke or as defined under “Obnoxious Use”, shall be denied approval.

16.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 16.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - (i) Child Care Facilities.
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing adjacent development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;

- (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
- (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
- (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

16.4 LOT REQUIREMENTS

The following requirements shall apply to Development in a M1 Zone:

Requirements	Standards
Minimum Lot Area	1,350 sq. m (15,000 sq. ft.)
Minimum Frontage	30 m (100 ft)
Minimum Front Yard	7.5 m (25 ft)
Minimum Rear Yard	7.5 m (25 ft)
Minimum Side Yard	4.5 m (15 ft)
Minimum Flankage Yard	7.5 m (25 ft)
Maximum Building Height	10.5m (35 ft)

16.5 SPECIAL REQUIREMENTS: INDUSTRIAL ZONES ADJACENT TO RESIDENTIAL ZONES

- (1) Notwithstanding any provisions of this Bylaw, where an Industrial Development located on lands zoned Light Industrial (M1) directly abuts on any residential zone, the following conditions shall be complied with:
 - (vii) a strip of land not less than 9 m (30 ft.) in width along the lot line within the M1 Zone and adjacent to the residential zone shall be maintained clear of any structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer;
 - (viii) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and
 - (ix) outdoor storage shall be prohibited adjacent to a residential zone unless it is hidden from view by means of a landscaped buffer hedge of adequate size or architectural screening such as a wall, fence or other appropriate structure.
 - (x) all commercial developments which are required to comply with this Section shall proceed via a Development Agreement, pursuant to Section 4.9.

16.6 SERVICING

All Development in a Light Industrial (M1) Zone shall be fully serviced by municipal sewer and water systems.

SECTION 17 – BUSINESS PARK ZONE (M2)

17.1 GENERAL

Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in a M2 Zone shall conform with the provisions of this Section.

17.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than:
 - (i) Service Shops or light industrial Uses;
 - (ii) manufacturing and assembly;
 - (iii) Warehouses, wholesale and distribution operations and facilities;
 - (iv) Business and/or Professional Offices;
 - (v) retail uses accessory to a main Use up to 25% of total Floor Area;
 - (vi) commercial Uses accessory to a main plant, facility or operation on a site;
 - (vii) Restaurants and cafeterias;
 - (viii) Child Care Facilities;
 - (ix) Accessory/Building Structures.

17.3 SPECIAL PERMIT USES

- (1) The following uses shall be permitted in the M2 Zone by Council subject to such terms and conditions as Council deems necessary:
 - (i) transport operations;
 - (ii) building supply dealerships;
 - (iii) sales and service shops for farm machinery or heavy equipment;
 - (iv) sales and service operations for automobile, trucks, trailer or recreational vehicles;
 - (v) recreation and open space uses.
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing adjacent development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;

- (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
- (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

17.4 LOT REQUIREMENTS

- (1) The following minimum requirements shall apply in the M2 Zone:

Requirement	Standard
Minimum Lot Area	2787 sq. m (30,000 sq. ft.)
Minimum Frontage	30 m (100 ft.)
Minimum Front Yard	15 m (50 ft.)
Minimum Side Yard	6.1 m (20 ft.)
Minimum Rear Yard (Interior Lots)	7.6 m (25 ft.)
Minimum Rear Yard	15 m (50 ft.)
Minimum Flankage Yard	15 m (50 ft.)
Minimum Building Height	10.5m (35 ft)

17.5 SPECIAL REQUIREMENTS: INDUSTRIAL ZONES ADJACENT TO RESIDENTIAL ZONES

- (1) Notwithstanding any provisions of this Bylaw, where an Industrial Development located on lands zoned Business Park (M2) directly abuts on any residential zone, the following conditions shall be complied with:
 - (i) a strip of land not less than 9 m (30 ft.) in width along the lot line within the M2 Zone and adjacent to the residential zone shall be maintained clear of any structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer;
 - (ii) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and
 - (iii) outdoor storage shall be prohibited adjacent to a residential zone unless it is hidden from view by means of a landscaped buffer hedge of adequate size or architectural screening such as a wall, fence or other appropriate structure.
 - (iv) all commercial developments which are required to comply with this Section shall proceed via a Development Agreement, pursuant to Section 4.9.

17.6 OPEN SPACE

- (1) A minimum of 10% of the area of any Lot shall be developed as high quality landscaped Open Space for aesthetic purposes and for the Use and enjoyment of owners and staff.
- (2) No parking area shall be considered as part of this Open Space requirement.
- (3) Building setbacks from Lot Lines, front, side and back, shall provide adequate space for required Landscaping, but in all cases, the perimeter of every Lot shall have Landscaping of a minimum 10-foot width, with the exception of areas that are used for driveway and walkway access.

17.7 SERVICING

All Developments in a M2 Zone shall be serviced by municipal sewer services and municipal water supply.

17.8 DEVELOPMENT AGREEMENT

- (1) Any Development in the M2 Zone may be required to enter into a Development Agreement with the Town.
- (2) The agreement may set out and require such security as may be acceptable to Council and shall encompass all responsibilities on the part of the Developer and the Town.

COMPREHENSIVE DEVELOPMENT AREA ZONE (CDA) is hereby repealed and replaced with the following:

SECTION 18 – SUSTAINABLE SUBDIVISION OVERLAY ZONE

18.1 GENERAL

- (1) The Sustainable Subdivision Overlay Zone will replace the requirement of the R1, R1L, R2 and PURD Zones where:
 - (i) the Developer initiates an application under this Section; and
 - (ii) the proposed subdivision meets the requirement for a Sustainable Subdivision as set forth in this Section 18.
- (2) Any application submitted by a Developer under this Section shall be scored using the scoring system hereto annexed as Appendix “B” to determine whether the proposed subdivision qualifies as a Sustainable Subdivision.
- (3) The initial assessment of the Developer’s application and the scoring under Appendix “B” shall be completed by the Development Officer but shall be subject to Council’s approval.
- (4) Applications that earn at least 65% of the available points under the evaluation criteria and scoring system attached as Appendix “B” shall be designated by Council as a Sustainable Subdivision and, more particularly, as either a Certified Sustainable Subdivision, a Gold Sustainable Subdivision or a Platinum Sustainable Subdivision, provided all other requirements under this Section are met.
- (5) The zone provisions that would normally apply to the Subdivision shall remain applicable if the Sustainable Subdivision is not granted or if a Sustainable Subdivision is not approved under this Section.
- (6) In the event of any inconsistency between this Section and the remainder of the Bylaw, the provisions of this Section 18 shall prevail.

18.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than a combination of the following uses:
 - (i) Single Family Dwellings;
 - (ii) Duplex Dwelling and Semi-Detached Dwellings;
 - (iii) Town House Dwellings or Row House Dwellings units (owned either

- individually, or as Condominiums);
- (iv) Innovative Cluster-Style Dwellings;
- (v) Parks and Playgrounds;
- (vi) Accessory buildings;
- (vii) Private Garages;
- (viii) Community Gathering Places;
- (ix) Convenience Stores.

- (2) The Developer's proposed combination of the Uses in the Sustainable Subdivision shall be submitted to and approved by Council.

18.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 18.2 above, Council may approve the following Uses in a Sustainable Subdivision subject to such terms and conditions as Council deems necessary:

- (i) Apartments (owned by a single Property Owner or as a Condominium)
- (ii) Community Care Facilities;
- (iii) Public and/or Private Assisted Care Facilities;
- (iv) Group Homes;
- (v) Child Care Facilities.

- (2) Prior to approving a Special Permit Use, Council shall ensure that:

- (i) the Use is deemed appropriate for and complements the Sustainable Subdivision;
- (ii) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of the details of the proposed Use and are asked to provide their comments;
- (iii) a public meeting is held pursuant to Section 24.2(3) to allow the Applicant to present the proposal to residents and to obtain their input; and
- (iv) all other relevant provisions of this Bylaw are met.

18.4 SERVICING

All Development in a Sustainable Subdivision shall be serviced by municipal sewer services and municipal water supply.

18.5 LOT REQUIREMENTS

- (1) Each application for a Sustainable Subdivision shall include a Development Scheme that sets forth proposed Lot Areas, types and numbers of Dwellings, Frontages, Setbacks, Lot Coverages and Building Heights
- (2) Council shall approve the lot requirements for each Sustainable Subdivision based on the guidelines and requirements set forth in the annexed Appendix “B” and may approve variations from the zone requirements that would normally apply.
- (3) The lot requirements approved for the Sustainable Subdivision under Section 18.5(2) shall not be altered without Council’s approval.
- (4) All Sustainable Subdivisions shall be subject to the Developer entering into a Subdivision Agreement/and/or Development Agreement with the Town that may include, but is not limited to, the following:
 - (i) Development Agreement requirement set forth in Section 4.9 of this Bylaw;
 - (ii) Subdivision Agreement requirements set forth in Section 25.9 of this Bylaw;
 - (iii) a schedule of allowable Building types within the Subdivision;
 - (iv) a schedule of allowable Building styles and design within the Subdivision;
 - (v) the ability to develop the Sustainable Subdivision in phases, which may include a requirement to convey all lands within the Sustainable Subdivision that are designated for public purposes to the Town prior to commencing Development in the first phase of the Sustainable Subdivision;
 - (vi) requirements and features of the Sustainable Subdivision as set forth in the application, Development Scheme or as required by Council.
- (5) All Sustainable Subdivisions shall meet the requirements set forth in Section 25 of this Bylaw.
- (6) No Developments shall be developed except in accordance with the approved Development Scheme and the provisions of the any Subdivision Agreements or Development Agreements.
- (7) Council may require the establishment of an incorporated homeowners’ association to own and maintain any lands or facilities held in common.

18.6 DENSITY

- (8) The maximum density in a Sustainable Subdivision shall be calculated as follows:
 - (i) In a Certified Sustainable Subdivision, the overall maximum density (number of units per acre) will remain the same as in the original zone but Council may grant a proportionately higher density in the buildable area.
 - (ii) In a Gold Sustainable Subdivision, Council may increase the overall maximum density of the original zone by up to 25 percent.
 - (iii) In a Platinum Sustainable Subdivision, Council may increase the overall maximum density of the original zone by up to 50 percent.

SECTION 19 – AGRICULTURAL RESERVE ZONE (A1)

19.1 GENERAL

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

19.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than:
 - (i) Single Family Dwellings;
 - (ii) agricultural Uses except for Intensive Livestock Operations;
 - (iii) Farm-Gate Outlets;
 - (iv) Farm Greenhouses;
 - (v) forestry Uses;
 - (vi) Wind Power Generators for personal Use;
 - (vii) Parks and Open Space;
 - (viii) Accessory Buildings which in the opinion of Council are clearly incidental to the main Use of land;
 - (ix) Accessory Buildings/Structures such as a bunkhouse for the purpose of human habitation, in connection with a Farm.

19.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 19.2 above, Council may issue a Development Permit for the following uses:
 - (i) Garden Centres or Commercial Greenhouses containing no more than 1,000 sq. ft. (90 sq. m) of retail space;
 - (ii) commercial wind powered generators;
 - (iii) Excavation Pits;
 - (iv) Intensive Livestock Operations.
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing adjacent development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
 - (iv) Property Owners within 61 metres (200 feet) of the subject Property are

notified in writing of details of the proposed Development and asked to provide their comments;

- (v) a public meeting shall be held pursuant to Section 25.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

19.4 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in an A1 Zone:

Minimum Lot Area	0.4 hectares (43,560 sq. ft.)
Minimum Frontage	45 m (150 ft)
Minimum Front Yard	15 m (50 ft)
Minimum Rear Yard	7.5 m (25 ft)
Minimum Side Yard	4.5 m (15 ft)
Minimum Flanking Yard	15 m (50 ft)
Maximum Building Height	10.5m (35 ft)

- (2) All Lots shall also conform to the Provincial Minimum Lot Standards as noted in Schedule “B”.

19.5 SERVICING

Council shall require on-site sewage treatment systems in an A1 Zone to be designed and certified by a professional engineer licensed to practice on Prince Edward Island. Council may also consider shared or common sewage treatment systems based on the recommendations of the Department of Environment, Energy and Forestry and subject to the approval of the Town.

All costs related to the design, approval and installation of a shared or common sewage treatment system shall be borne by the Developer(s).

19.6 INTENSIVE LIVESTOCK OPERATIONS

- (1) The following separation distances shall apply to all new Intensive Livestock Operations or extensions:

Distance from any Dwelling on an adjacent Property	304 m (1000 ft)
Distance from Public Road	152 m (500 ft)
Distance from any Domestic Well	304 m (1000 ft)

Distance from any Lot Line	152 m (500 ft)
Distance from any Watercourse or Wetland	152 m (500 ft)

- (2) Where a new intensive livestock operation is proposed within 500 m (1600 ft) of an existing residential Subdivision or an existing residential Dwelling, Council shall notify the Property Owner(s) and invite their comments.
- (3) All intensive livestock Buildings shall have a manure storage facility with a capacity for retention of manure for a period of time for which conditions do not permit spreading as per the Manure Storage Regulations of the Department of Environment.
- (4) Council shall consult the Department of Agriculture for manure storage capacities and design standards and shall require the livestock operator to follow these capacity and design requirements.
- (5) Any new residential Development shall be located a minimum of 305 m (1000 ft) from an existing Intensive Livestock Operation.

19.7 EXCAVATION PITS

- (1) No Person shall operate an Excavation Pit in an Agricultural Reserve Zone unless a valid permit has been issued pursuant to the provisions of this Section.
- (2) In this Section
 - (i) “abandoned” in relation to an Excavation Pit, means an Excavation Pit for which a valid permit has not been in force for a period of one year;
 - (ii) “contractor” means any Person who has an understanding, agreement or contract with a Property Owner to open or operate an Excavation Pit on the land of the Property Owner;
 - (iii) “Excavation Pit” means any excavation in the ground for the purpose of searching for or removing clay, gravel, sand, shale, sub-soil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a highway, or a snow-trap constructed to protect a roadway from snow accumulation;
 - (iv) “operate” in relation to an Excavation Pit, means to search for, move or remove any clay, gravel, sand, shale, sub-soil, topsoil, rock or any other surface or subterranean deposit, or any part thereof;
- (3) Requirement for Permit

- (i) No Person shall:
 - (a) open or operate an Excavation Pit;
 - (b) remove excavated material from an Excavation Pit;
 - (c) being a Property Owner
 - (1) allow any other Person to operate an Excavation Pit on that Property; or
 - (2) allow any other Person to remove excavated material from that Property

except in compliance with a valid permit issued under this Bylaw.

- (ii) A Property Owner upon which an Excavation Pit is situated, whether or not there has been a permit issued therefore, shall at his or her own expense, comply with the provisions of an order by Council for closure and restoration of the Excavation Pit.

(4) Application for Permits

- (i) Before opening or operating any Excavation Pit, a contractor or Property Owner shall have made application for and be in possession of a valid permit issued therefore.
- (ii) An application shall be made:
 - (a) by the contractor in the case of an Excavation Pit that is to be operated by a contractor, but must contain the approval in writing of the Property Owner of the Property upon which the Excavation Pit is to be located; or
 - (b) by the Property Owner on which the Excavation Pit is to be located, in the case of an Excavation Pit that is to be operated by the Property Owner.

- (iii) An application shall contain:
 - (a) a map or plan showing the location, shape, dimension, approximate area and description of the Property upon which the Excavation Pit is to be located and the location of the proposed Excavation Pit, together with existing grades of the Property on which the Excavation Pit is to be located, and the anticipated grades of the Excavation Pit when it has been abandoned;
 - (b) details of the existing land Use of the proposed site of the Excavation Pit;
 - (c) information in respect of the Use of all land within a distance of 500 metres (1600 feet) of the boundary of the proposed pit;
 - (d) the location and extent of all Watercourses within the Property boundaries or within 250 metres (800 feet) of the proposed Excavation Pit;
 - (e) the details of all drainage from the proposed Excavation Pit;
 - (f) the plans to prevent soil eroded from the Excavation Pit from entering any adjacent Watercourses;
 - (g) a description of all entrances and exits from the proposed Excavation Pit;
 - (h) the location and amount of all stockpiles of the matter being excavated, overburden and waste;
 - (i) proposals for the protection of people and livestock from any hazards that may be created by the Excavation Pit, including proposals for the fencing and posting of Signs for the Excavation Pit;
 - (j) a plan for the restoration of the site to a condition suitable for agricultural, reforestation or other Use acceptable to Council;
 - (k) an undertaking to post a bond or other surety acceptable to Council to cover the costs of carrying out the restoration plan required in sub-clause (j); and
 - (l) such other information as may be required by Council.
- (iv) Each application under subsection (i) shall contain the real property tax number and the name of the owner appearing on the tax notices under the *Real Property Tax Act*, R.S.P.E.I. 1988, Cap. R-5.
- (v) A plan referred to in clause (iii)(a) may be an aerial photograph, a Survey Plan certified by a Prince Edward Island land surveyor, or it may be a line drawing made by the Applicant, but any plan submitted shall be of such detail and shall identify the matters referred to in subsection (3) with such clarity as shall be satisfactory to Council.

- (vi) Each application shall be accompanied by a fee of \$100 made payable to the Town of Stratford.
- (vii) No fee shall be payable in respect of an Excavation Pit for which a valid permit has been in force within six months prior to the date the application is received by Council and for which a fee has been paid.

(5) Issuance of Permits

- (i) No permit shall be issued:
 - (a) if an application in accordance with subsection (4) has not been submitted;
 - (b) if the plan submitted by the Applicant does not contain sufficient particulars;
 - (c) if the Use of the land as an Excavation Pit would be in contravention of any other act, regulation or bylaw;
 - (d) if any part of the proposed Excavation Pit is within 300 metres (1000 feet) of any residential Property other than a residence occupied by the Applicant or within 500 metres (1600 feet) of any church, school, Hospital, cemetery, public hall, bathing beach, Public Park or public playground;
 - (e) if, in the opinion of Council, the location of a Road from the Excavation Pit giving access to the highway would create a hazard to the public;
 - (f) if, in the opinion of Council, the proposals of the Applicant are insufficient to provide reasonable protection for people and livestock from the hazards created by the Excavation Pit;
 - (g) if, in the opinion of Council, any detrimental effect on the water table or surface drainage patterns would occur;
 - (h) if any part of the site proposed for an Excavation Pit is within 50 metres (160 feet) of a Watercourse;
 - (i) if, in the opinion of Council, the operation of an Excavation Pit at that location would create a conflict with existing land Use, natural features or aesthetic quality of the surrounding area;
 - (j) if the bond or surety referred to in clause (4)(iii)(k) has not been executed;
 - (k) for any period of time exceeding one year from the date of issue;
or
 - (l) for an Excavation Pit to be located within 60 metres (200 feet) of a highway.
- (ii) Where Council is satisfied that the requirements of this Bylaw have been complied with, it shall issue a permit for an Excavation Pit subject to any conditions contained in the permit.

(6) Excavations from Excavation Pits

- (i) No Person shall in operating an Excavation Pit:
 - (a) excavate below a line extending horizontally from an adjacent Property boundary, within eight (8) metres of that boundary; or
 - (b) excavate below a gradient line which slopes downward from an adjacent Property boundary at a slope of one unit vertical to one unit horizontal.

- (ii) The holder of a permit for an Excavation Pit shall:
 - (a) ensure that the interior of the Excavation Pit is screened from view of every adjacent Highway either by a growth of trees of sufficient density or by the creation of an earthen berm;
 - (b) control dust on the access Road to the Excavation Pit by means of an approved method.

- (iii) The holder of a permit for an Excavation Pit shall, before an Excavation Pit becomes an abandoned pit, slope all of the walls of the Excavation Pit to a minimum 3:1 slope (horizontal to vertical).

- (iv) No Person who holds a permit under this section shall fail to carry out any proposal contained in the application or any condition placed on the operation of the Excavation Pit.

SECTION 20 – RECREATION AND OPEN SPACE ZONE (01)

20.1 GENERAL

Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in an O1 Zone shall conform with the provisions of this Section.

20.2 PERMITTED USES

- (1) No Buildings or part thereof and no land shall be used for purposes other than:
- (i) Public and Private Parks;
 - (ii) campgrounds;
 - (iii) Open Space and Conservation and Preservation Related Activities;
 - (iv) golf courses, golf driving ranges and mini-golf courses;
 - (v) marinas and yacht clubs;
 - (vi) Restaurants and Lounges accessory to the main Use and located within the same Building as the main Use;
 - (vii) recreational uses and directly related commercial services;
 - (viii) pavilions, band shells and outdoor theatres;
 - (ix) public gardens;
 - (x) recreation administrative offices;
 - (xi) parking lots related to the above Uses;
 - (xii) Accessory Buildings/Structures.

20.3 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in an O1 Zone:

Minimum Lot Area	0.4 hectares (43,560 sq. ft.)
Minimum Lot Frontage	45 m (150 ft)
Minimum Front Yard	15 m (50 ft)
Minimum Rear Yard	15 m (50 ft)
Minimum Side Yard	7.5 m (25 ft)
Maximum Building Height	10.5m (35 ft)

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

SECTION 21 – PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI)

21.1 GENERAL

Except as otherwise 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.

21.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than:
 - (i) Institutional Buildings;
 - (ii) Group Homes;
 - (iii) Community Care Facilities;
 - (iv) Civic Centres;
 - (v) municipal buildings;
 - (vi) Accessory Buildings/Structures;
 - (vii) Public and private Parks;
 - (viii) recreational uses;
 - (ix) Health Clinics;
 - (x) Nursing Homes.

21.3 SPECIAL PERMITTED USES

- (1) Notwithstanding Section 21.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - (i) Retail operations associated with hospitals and health clinics such as pharmacies and medical supply stores.
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing adjacent development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;

- (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
- (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

21.4 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in a PSI Zone:

Minimum Lot Area	1,350 sq. m (15,000 sq. ft.)
Minimum Lot Frontage	30 m (100 ft)
Minimum Front Yard	5 m (17 ft)
Minimum Rear Yard	4.5 m (15 ft)
Minimum Side Yard	4.5 m (15 ft)
Minimum Flankage Yard	5 m (17 ft)
Maximum Height	10.5m (35 ft)

- (2) All Lots, other than public and private parks, shall also conform to the Provincial Minimum Lot Standards as noted in Schedule “B”.

21.5 SERVICING

All Development in a PSI Zone shall be serviced by municipal sewer service and municipal water supply where such services exist.

SECTION 22 – ENVIRONMENTAL RESERVE ZONE (02)

22.1 GENERAL

- (1) Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in a 02 Zone shall conform with the provisions of this Section.
- (2) The Zone boundaries for the Environmental Reserve Zone shall be interpreted to include all the area defined as either a Wetland or Watercourse in Section 1 and in addition shall include the area within 23 meters (75 feet) of a Wetland or Watercourse.

22.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than:
 - (i) passive recreational uses, such as skiing or hiking;
 - (ii) Conservation and Preservation Related Activities.

22.3 ZONE REQUIREMENTS

Within a 02 Zone no Person shall cut down any trees or disturb the natural ground cover without first submitting a landscape plan to Council documenting all proposed changes to the topography and vegetation and measures to control erosion and siltation.

22.4 SETBACK ADJUSTMENT

- (1) Where the twenty-three metre (23 m) (75') setback would, in the opinion of Council, unduly restrict Development on a Parcel of land in existence prior to approval of this Bylaw, Council may grant a Development Permit within eleven metres (11 m) (35') of a Wetland or Watercourse provided that:
 - (i) the existing Parcel of land has insufficient area to provide a 75' (23 m) setback;
 - (ii) there would be no direct impact on the Wetland or Watercourse; and
 - (iii) a construction plan and schedule are submitted outlining appropriate measures to prevent erosion or siltation throughout construction and a stated period post construction.
- (2) The provisions of the *Environmental Protection Act* shall also apply within the 02 Zone.

SECTION 23 – MINOR VARIANCE

23.1 MINOR VARIANCE

- (1) Council may authorize a minor Variance not exceeding 10% from the provisions of this Bylaw if the Variance is desirable and appropriate, and if the general intent and purpose of this Bylaw is maintained.
- (2) Variance applications shall be considered against the following tests for justifying a Variance approval:
 - (i) the Lot in question has peculiar conditions, including small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;
 - (ii) strict application of all Bylaw standards would impose undue hardship on the Applicant by excluding the Applicant from the same rights and privileges for reasonable Use of his/her Lot as enjoyed by other persons in the same Zone;
 - (iii) the Variance is of the least magnitude required to enable reasonable Use of the Lot; and
 - (iv) the proposed Variance would not impact unduly on the enjoyment of adjacent properties or on the essential character of the surrounding neighbourhood.
- (3) Authorization for a Variance shall be documented and recorded in writing.
- (4) No Variance shall be granted where the difficulty experienced is the result of intentional or negligent conduct of the Applicant in relation to the Property.
- (5) Where Council deems that a Variance application could have a significant effect on adjacent properties or properties in the general vicinity, Council may require that a public meeting be held.
- (6) Notwithstanding any other sections of this Bylaw Council may authorize variances in excess of ten percent (10%) from the provisions of this Bylaw if Council deems such a variance to be desirable and appropriate and if such variance is in keeping with the general intent and purpose of this Bylaw and the Town of Stratford Official Plan.
- (7) Where a variance in excess of ten percent (10%) is being considered, Council shall forward a notification letter to property owners who own parcel(s) of land which are located in whole (or in part) within sixty metres (60 m) two hundred feet from any lot line of the parcel being proposed for re-zoning

SECTION 24 – ZONING BYLAW AND OFFICIAL PLAN AMENDMENTS

24.1 AMENDMENT APPLICATIONS

- (1) A requested change to either the text or the Official Zoning Map of this Bylaw shall be considered a zoning amendment and must be consistent with Official Plan.
- (2) Council may amend an Official Plan policy to enable a zoning amendment, including statements and/or the General Land Use Plan, but any such Official Plan amendment shall precede or be concurrent with the zoning amendment.
- (3) A Person who seeks an amendment to this Bylaw or the Official Plan shall file a written and signed application with Council.
- (4) An application under this Section shall include such information as may be required for the purpose of adequately assessing the appropriateness of the proposal, including but not limited to:
 - (i) a general development concept plan showing proposed land uses, any subdivisions, Buildings, means of servicing, traffic access and parking; and
 - (ii) an assessment of any potentially significant Development impacts on Town infrastructure, Public infrastructure, aesthetic value of the area and the natural environment.
- (5) The Applicant shall, at the time of submitting the application, deposit with the Town the application fee and other required fees in accordance with the fee schedule established by Council.

24.2 AMENDMENT PROCEDURES

- (1) Planning Board shall review each amendment request and make a recommendation to Council.
- (2) Planning Board and Council shall consider the following general criteria when reviewing applications for zoning bylaw amendments, as applicable:
 - (i) conformity with all requirements of this Bylaw;
 - (ii) conformity with the Official Plan;
 - (iii) suitability of the site for the proposed Development;
 - (iv) compatibility of the proposed Development with surrounding land uses including both existing and projected uses;
 - (v) any comments from residents or other interested persons;

- (vi) adequacy of existing infrastructure such as water, sewer, Road, storm water and electrical services, and parklands for accommodating the proposed Development and any projected infrastructure requirements;
 - (vii) impacts from the proposed Development on pedestrian/vehicular circulation, access and safety, and on the safety of the public in general;
 - (viii) compatibility of the proposed Development with environmental, aesthetic, scenic and heritage resources;
 - (ix) impacts on Town finances and budgets;
 - (x) other matters as specified in this Bylaw; and
 - (xi) other matters as considered relevant by Council.
- (3) Council shall hold a public meeting to solicit input from residents on the proposed amendment request. At least 7 clear days prior to the public meeting, the Development Officer shall post the date, time and place of the public meeting, together with the nature of the proposed amendment in general terms:
- (i) public Notice in a newspaper circulating in the area.
- (4) Council shall also provide written notice of the amendment request to all Property Owners wholly or partially within 150 metres (490 feet) of the boundaries of the subject property and shall place a sign on the land being proposed for re-zoning indicating that a re-zoning request has been received.
- (5) Following the public meeting, Council shall formulate a decision on the proposed amendment. Council shall have the authority to determine whether an amendment request is approved, modified, or denied and applications shall be approved or denied by resolution of Council and the Applicant shall be notified in writing of the decision.
- (6) Nothing in this Bylaw restricts the right of the Town to initiate its own amendment requests.
- (7) Related Official Plan and Zoning Bylaw amendments may be considered concurrently by Council, provided that the application for both amendments are posted on the same public and written notices, and that the Official Plan amendment precedes and receives approval before the zoning amendment in compliance with Section 24.1 (2).
- (8) Council retains the right to deny any 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.

SECTION 25 – GENERAL PROVISIONS FOR SUBDIVIDING LAND

25.1 SUBDIVISION APPROVAL

No Person shall subdivide one or more Lots or any portion of a Lot and no Person shall consolidate two or more Lots or portions of Lots until the conditions of this Bylaw have been complied with and the Applicant has received final approval from the Town.

25.2 CONVEYING INTEREST IN A LOT

No Person shall sell or convey any interest in a Lot in a Subdivision until Council has granted final approval for the Subdivision in which the Lot is situated.

25.3 PERMISSION TO SUBDIVIDE

- (1) No Person shall subdivide land within the Town unless the Subdivision:
 - (i) conforms with the requirements of this Bylaw;
 - (ii) is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
 - (iii) preserves existing trees, and the natural vegetation on the site to the extent possible while accommodating the installation of public infrastructures, approved Buildings and other required systems.
 - (iv) will not cause undue flooding or erosion;
 - (v) has convenient Street access;
 - (vi) has adequate utilities and services available or can be conveniently provided with such utilities and services;
 - (vii) will reasonably conform to or is compatible with existing land Use in the immediate vicinity;
 - (viii) will provide for safe and convenient traffic flow;
 - (ix) is designed so that Lots will have suitable dimensions, shapes, orientation and accessibility;
 - (x) is suitable to the Use for which it is intended, and the future Use of adjacent lands; and
 - (xi) the Parcel of land in respect of which the permit is requested has Frontage on a public Road or a private Right-Of-Way established pursuant to Section 5.6 of this Bylaw.

25.4 CHANGES TO EXISTING LOTS

- (1) No Person shall reduce the dimensions or change the Use of any Lot in an approved Subdivision where Council deems these would be a detrimental effect on 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, Council shall notify all Property

owners within 150 metres (500 feet) of the boundaries of the Lot in writing, informing them of the details of the application and soliciting their comments.

25.5 SPECIAL REQUIREMENTS - AGRICULTURAL RESERVE (A1) ZONE

- (1) Within an Agricultural Reserve (A1) Zone, no Person shall be permitted to subdivide from any existing Parcel of land more than two (2) Lots.
- (2) For the purposes of this Section “existing Parcel” shall mean a Parcel of land which was held in separate ownership as of May 21,1985.
- (3) Any Lots subdivided pursuant to this Section shall conform to the Lot requirements for an A1 Zone and all other relevant provisions of this Bylaw.
- (4) Within an Agricultural Reserve (A1) Zone:
 - (i) a residential Subdivision shall not be permitted within 150 metres (500 feet) of an existing intensive livestock operation.
 - (ii) where a residential Subdivision is proposed, Council shall notify operators of intensive livestock operations within 300 metres (1,000 feet) and invite their comments.
- (5) Notwithstanding the above, Council may authorize the Subdivision and consolidation of farmland for farm purposes, provided that any residual parcels which are created comply with the provisions of this Bylaw
 - (i) where a new intensive livestock operation is proposed within 300 m (1,000 feet) of an existing residential Subdivision Council shall notify the Property owners and invite their comments.

25.6 SPECIAL REQUIREMENTS - COASTAL SUBDIVISIONS

- (1) Where a Subdivision is located along a Coastal Area or Watercourse, the Subdivision shall include the following:
 - (i) Public access to the beach or Watercourse if the Property being subdivided includes Frontage on a beach or Watercourse, with at least one access to be located approximately every 200 metres (656 ft.) of Watercourse Frontage;
 - (ii) where appropriate, the area to be set aside as Parkland dedication shall be located at least in part along the Watercourse; and
 - (iii) beach and Watercourse accesses shall measure at least 5 metres (16.4 ft.) in width.

25.7 PARKLAND DEDICATION and/or PARK DEDICATION FEE

- (1) Council may require, for the purpose of developing Parkland, which may include

a trails system, that 10% of the lands being subdivided shall be conveyed to the Town. The physical condition, location, size and shape of Parkland shall be determined by Council.

- (2) When a dedication of land is not deemed to be appropriate or the exercising of the full ten percent (10%) conveyance is not appropriate, Council shall impose a Park dedication fee of up to 10% of the value of the lands being subdivided, which sum shall be specifically designated for the purchase, Development or maintenance of public parklands in the Town. The aggregate of the land dedication and the Park dedication fee shall be ten percent (10%). It is understood that the Park dedication fee shall be calculated on the projected value of the lands being subdivided upon final approval of the subdivision and shall not take into account value of Structures on such lands. Council retains the right to use the Province's Land Valuation and Assessment Division in determining the assessed value of land when such lands are not specifically valued in the Town's assessment roll.

25.8 SERVICING

Council may require that new subdivisions be serviced with central water and sewer systems as a condition of Subdivision approval and in accordance with the requirements of the Stratford Utility Corporation.

25.9 SUBDIVISION AGREEMENT

- (1) Council may require an Applicant to enter into a Subdivision Agreement as a condition of Subdivision approval. The Subdivision Agreement may cover any matters as required by Council and may include, but not be limited to, the following:
 - (i) design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and Street lighting, underground electrical, super mail box and public transit stop ;
 - (ii) dedication of land for recreation and public Open Space Uses, or payment of a fee in lieu of land;
 - (iii) deeding of roads to the Department of Transportation and Public Works;
 - (iv) posting of a financial guarantee satisfactory to Council;
 - (v) provision of a controlled landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of Lots within the Subdivision and adjacent properties;
 - (vi) provision of such services, facilities or actions as are necessary to ensure the satisfactory Development of the Subdivision;
 - (vii) provision for the phasing of the Subdivision;
 - (viii) preservation and enhancement of surface water drainage systems;
 - (ix) tree preservation and tree planting; and
 - (x) Parkland dedication which may require upgrading and/or improvement.

25.10 APPLICATION AND APPROVAL PROCESS

- (1) Applications to subdivide land in the Town of Stratford shall be submitted on a form as prescribed by Council.
- (2) All Subdivision applications shall be accompanied by the following:
 - (i) an orthophoto showing the location of the land and all adjoining properties;
 - (ii) a description of land uses on the surrounding properties;
 - (iii) a contour map showing the topography of the site with at least 2 metre contour Lines;
 - (iv) a conceptual design showing the location and dimensions of all proposed Lots, Roads, sidewalks, walkways and trails, Parks and Open Space, streams, wetlands and other site features such as woodlands.
- (3) The Development Officer may require such other information as may reasonably be required to assess the impact of any Subdivision, including but not limited to the following:
 - (i) a written assessment by the Provincial Government on any potential environmental impacts, including any requirements imposed by provincial legislation or regulations;
 - (ii) a written assessment by the Provincial Government on any access, transportation or pedestrian issues related to the design;
 - (iii) a storm water management plan prepared by a qualified engineer;
 - (iv) a conceptual servicing plan prepared by a qualified engineer;
 - (v) any other studies or documentation required by the Development Officer in order to adequately assess the impact of the proposed subdivision.
- (4) After reviewing all information required by the Development Officer, Planning Board may make a recommendation to Council for approval or rejection of the subdivision application.
- (5) Council may either accept or reject the recommendations of Planning Board. Where Council generally accepts the details of a Subdivision Application, Council may issue a preliminary approval, which shall include all conditions which shall be imposed on the Development.
- (6) The Development Officer shall then negotiate and execute a Subdivision Agreement which addresses all the above noted conditions and all other matters noted in Section 26.9.

25.11 FINAL APPROVAL

- (1) Final Subdivision approval shall be granted by the Development Officer only after the Applicant has complied fully with all applicable requirements of this

Bylaw and has submitted nine (9) copies of a final survey plan showing all Lots pinned and certified by a surveyor registered to practice in the Province of Prince Edward Island.

- (2) The Development Officer may grant final approval to part of a Subdivision which is proposed to be developed in phases, provided the entire Subdivision and phases have received preliminary approval by Council.
- (3) The Development Officer shall give Notice of final approval of a Subdivision in writing, and shall place the Town's seal on the nine (9) copies of the Survey Plan and shall return one copy to the Applicant.
- (4) The Development Officer shall file a copy of the final stamped Survey Plan with the Province's Land Registry Office.

25.12 SEVERANCES/CONSOLIDATION

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

25.13 DEVELOPMENT PERMITS

A Building permit shall not be issued in a Subdivision until all the requirements of the Subdivision approval and of this Bylaw have been fulfilled and final approval has been granted.

SECTION 26 – REPEAL

26.1 EFFECTIVE DATE

This Bylaw shall come into force effective _____.

26.2 REPEAL

The Town of Stratford Zoning and Subdivision Control Bylaw # 17 (enacted July 30, 1997) is hereby repealed.

SECTION 27- GENERAL PROVISIONS FOR THE CORE AREA

27.1 DEVELOPMENT ZONES

For the purpose of this Part, the Core Area shall be divided into the following Development Zones, the boundaries of which are as shown in the Subsidiary Official Zoning Map. Such Zones may be referred to by the following symbols:

ZONE	SYMBOL
Waterfront Residential	WR
Waterfront Mixed Use	WMU
Waterfront Public Space	WPS
Town Centre Residential	TCR
Town Centre Mixed Use	TCMU
Town Centre Commercial	TCC
Town Centre Institutional	TCI
Town Centre Open Space	TCOS
Mason Road Residential	MRR
Mason Road Mixed Use	MRMU
Mason Road Commercial	MRC

27.2 SUBSIDIARY OFFICIAL ZONING MAP

Appendix “B” may be cited as the Subsidiary Official Zoning Map for the Core Area and forms a part of this Bylaw.

27.3 OTHER PROVISIONS

All provisions in Part I of this Bylaw shall also apply to the Core Area unless otherwise stated in this Part.

27.4 DEVELOPMENT AGREEMENTS

All developments in the Core Area shall proceed via Development Agreements pursuant to Section 4.9 of this Bylaw.

27.5 SPECIAL PROVISIONS FOR CORE AREA PARKING

- (1) Within the Core Area Council may approve the provision of off-site parking provided that the Developer either owns the off-site parking area or has entered into a binding agreement for the long term use of the parking area.
- (2) Council may also accept cash in lieu of parking spaces where parking can be publicly provided. The amount of the cash in lieu contribution shall be determined by Council and shall reflect the projected or actual cost of land acquisition and parking lot development.
- (3) Council may adjust the parking requirements as provided in Section 7 of the this Bylaw to reflect the availability of on-street parking in the immediate vicinity of a Development or to acknowledge other mitigating factors such as the availability of public transit, proximity to significant residential densities (with pedestrian access), efficiencies of scale and use or peak demand synergies.

27.6 SPECIAL PROVISIONS FOR CORE AREA SERVICING

- (1) Notwithstanding the provisions of Section 25, within the Core Area Council may enter into an agreement with a Developer to provide or to cost share provision of services such as central sewer, central water, sidewalks, streets, street lighting, street furnishings, etc.
- (2) Where the Town provides such services the Subdivision Agreement may provide for the recovery of these costs via lot levies, additional building permit fees or other mechanisms as determined by Council.

SECTION 28- WATERFRONT RESIDENTIAL ZONE (WR)

28.1 GENERAL

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

28.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than:
 - (i) Town House Dwellings or Row House Dwellings;
 - (ii) Apartment Buildings (owned either individually or as condominiums);
 - (iii) Private Garages;

- (iv) Parking Lots
 - (v) Accessory Buildings
- (2) The following Conditional Uses subject to such terms and conditions as shall be imposed by Council:
- (i) Commercial uses on the first floor of a building.

28.3 SERVICING

All Development in a WR Zone shall be serviced by municipal sewer services and municipal water supply.

28.4 DEVELOPMENT STANDARDS

All Developments in a WR Zone shall conform to the Development Standards and Architectural Guidelines as noted in Appendix “C”.

28.5 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in a WR Zone:

Town House or Row House Dwellings

Minimum Lot Area	N/A
Minimum Lot Frontage	N/A
Minimum Front Yard	0 m (0 ft.)
Maximum Front Yard	3 m (10 ft.)
Minimum Rear Yard	3 m (10 ft.)
Minimum Side Yard	0 m (0 ft.)
Minimum Flankage Yard	0 m (0 ft.)
Maximum Flankage Yard	3 m (10 ft.)
Maximum Building Height	3 stories, 13 m (40 ft.)
Minimum Building Height	2 stories, 6 m (20 ft.)

Apartments

Minimum Lot Area	N/A
Minimum Lot Frontage	N/A
Minimum Front Yard	0 m (0 ft.)

Maximum Front Yard	3 m (10 ft.)
Minimum Rear Yard	3 m (10 ft.)
Minimum Side Yard	0 m (0 ft.)
Minimum Flankage Yard	0 m (0 ft.)
Maximum Flankage Yard	3 m (10 ft.)
Maximum Building Height	4 stories, 15 m (50 ft.)
Minimum Building Height	3 stories, 13 m (40 ft.)

- (2) Where a WR Zone abuts an existing residential zone the minimum abutting side yard depth shall be 6 metres (20 feet) and the minimum abutting rear yard depth shall be 13 metres (40 feet).
- (3) Notwithstanding the above, buildings having a height greater than 4 stories may be approved by Council where the impact on view planes of the waterfront are minimized, adequate parking is provided, adequate fire protection facilities are provided and the impact on the streetscape is minimized via building design features such as tiered building heights with taller building elements setback from the lot line. Taller buildings will be encouraged to be located in the middle of blocks rather than at intersections.

SECTION 29- WATERFRONT MIXED USE ZONE (WMU)

29.1 GENERAL

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

29.2 PERMITTED USES

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

- (i) Apartment Units, other than on the first floor;
- (ii) Business and Professional Offices;
- (iii) Retail Stores;
- (iv) Restaurants and Lounges;
- (v) Service and Personal Service Shops;
- (vi) Banking and Financial Institutions;

- (vii) Entertainment Facilities;
- (viii) Institutional Buildings;
- (ix) Hotels, Motels or other Tourist Establishments;
- (x) Health Clinics;
- (xi) Parking Lots
- (xii) Parking Garages
- (xiii) Accessory Buildings.

29.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 29.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary.
 - (i) Service Stations;
 - (ii) Activities connected with the Automobile Trade other than a Scrap Yard, Auto Body Shop.

- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and compliments the scale of the existing residential development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
 - (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
 - (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
 - (vi) all other relevant provisions of this Bylaw are met.

29.4 SERVICING

All Development in a WMU Zone shall be serviced by municipal sewer services and municipal water supply.

29.5 DEVELOPMENT STANDARDS

All Development in a WMU Zone shall conform to the Development Standards and Architectural Guidelines as noted in Appendix “C”.

29.6 LOT REQUIREMENTS

The following requirements shall apply to Development in a WMU Zone:

All lot requirements noted in Section 28.5 for Apartments shall apply to all forms of Development in a WMU Zone. Development shall also conform to the provisions of the Subsidiary Core Area Official Plan for the Waterfront Core Area.

Notwithstanding the above, Council may approve commercial buildings with a maximum front yard setback of twenty (20) feet where the front yard is utilized as a courtyard or patio and where the area is fully landscaped and is effectively integrated into the streetscape and compliments the overall building design.

SECTION 30- WATERFRONT PUBLIC SPACE ZONE (WPS)

30.1 GENERAL

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

30.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than:
 - (i) Public and Private Parks;
 - (ii) Marinas and Yacht Clubs;
 - (iii) Pavilions, Band Shells and Outdoor Theatres;
 - (iv) Recreation uses directly related to commercial services;
 - (v) Open Space;
 - (vi) Recreation Administrative Offices;
 - (vii) Institutional Uses;
 - (viii) Parking Lots.

30.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 30.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary and subject to conformance with the provisions of the Subsidiary Core Area Official Plan for the Waterfront Core Area.
 - (i) Retail Stores;
 - (ii) Restaurants, Lounges and other food service facilities;
 - (iii) Service or commercial facilities.
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing residential development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
 - (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;

- (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

30.4 TRANSIENT OR TEMPORARY COMMERCIAL USES

- (l) Notwithstanding any other provisions of this Bylaw, temporary Development permits may be issued in the Waterfront Public Space (WPS) Zone for a transient-type commercial operation subject to compliance with the following:
 - (i) the Development shall not result in any traffic hazard;
 - (ii) the Development shall not interfere with the parking requirements of permanent users of the Lot on which the Development will be located;
 - (iii) the Development shall not impede pedestrian, vehicular or bicycle movements and shall not create a public nuisance;
 - (iv) the temporary permit shall not exceed a twenty (20) week period;
 - (v) the Applicant shall provide a letter of approval from the Property Owner of the Lot on which the temporary Development will be situated;
 - (vi) the Applicant shall satisfy Council that the Development conforms with the provisions of the Subsidiary Core Area Official Plan for the Waterfront Core Area;

30.5 SERVICING

All Development in a WPS Zone shall be serviced by municipal sewer services municipal water supply.

30.6 DEVELOPMENT STANDARDS

All Development in a WPS Zone shall conform to the Development Standards Architectural Guidelines as noted in Appendix “C.”

30.7 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in a WPS Zone:

Minimum Lot Area	N/A
Minimum Lot Frontage	N/A
Minimum Front Yard	0 m (0 ft.)
Minimum Rear Yard	0 m (0 ft.)

Minimum Side Yard	0 m (0 ft.)
Minimum Flankage Yard	0 m (0 ft.)
Maximum Building Height	4 stories, 15 m (50 ft.)

Council may limit building height and location in order to preserve view planes of the waterfront in conformance with the provisions of the Subsidiary Core Area Official Plan for the Waterfront Core Area.

SECTION 31- TOWN CENTRE RESIDENTIAL ZONE (TCR)

31.1 GENERAL

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

31.2 PERMITTED USES

- (1) No Building or part thereof and no land shall be used for purposes other than:
 - (i) Single Family Dwellings
 - (ii) Duplex Dwellings or Semi-Detached Dwellings;
 - (iii) Town House Dwellings or Row House Dwellings (owned either individually or as Condominiums or by a single owner);
 - (iv) Apartments (owned by a single Property Owner or as Condominiums);
 - (v) Innovative “cluster” style Housing;
 - (v) Parks and Playgrounds;
 - (vi) Accessory Buildings;
 - (vii) Private Garages.

31.3 SPECIAL PERMIT USES

- (1) Notwithstanding Section 31.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - (i) Group Homes;
 - (ii) Child Care Facilities;
 - (iii) Health Clinics;
 - (iv) Community Care Facilities;
 - (v) Health Clinics.
- (2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:
 - (i) the Development is deemed appropriate and complements the scale of the existing residential development;
 - (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
 - (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
 - (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;

- (v) a public meeting shall be held pursuant to Section 24.2(3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

31.4 SERVICING

All Development in a TCR Zone shall be serviced by municipal sewer services and municipal water supply.

31.5 DEVELOPMENT STANDARDS

All development in a TCR Zone shall conform to the Development Standards and Architectural Guidelines as noted in Appendix “D”.

31.6 LOT REQUIREMENTS

(1) The following requirements shall apply to all Development in a TCR Zone:

- (i) For Single Family Dwellings the lot requirements shall be the same as Section, 8.6 Single Family Residential;
- (ii) For Duplex Dwellings or Semi Detached Dwellings, the lot requirements shall be the same as Section 10.5 Two Family Residential;

(2) Other Lot Requirements:

Town House or Row House Dwellings

Minimum Lot Area	270 sq. m. (3,000 sq.ft.) per unit
Minimum Lot Frontage	7.5 m (25 ft) per unit
Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	0 m (0 ft.)
Minimum Flankage Yard	4.5 m (15 ft.)
Maximum Building Height	10.5 m (35 ft.)

Cluster Housing

Minimum Lot Area	N/A
Minimum Lot Frontage	15 m (50 ft.)

Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	0 m (0 ft.)
Minimum Flankage Yard	3 m (10 ft.)
Maximum Building Height	10.5 m (35 ft.)
Maximum Density	15 units per acre

Apartments and Other Uses

Minimum Lot Area	135 sq. m. (1,500 sq. ft.) per unit
Minimum Lot Frontage	30 m (100 ft.)
Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	4.5 m (15 ft.)
Minimum Flankage Yard	3 m (10 ft.)
Maximum Building Height	12 m (40 ft.)
Maximum Density	30 units per acre

- (3) Notwithstanding the above Lot requirements, Council may authorize reduced lot requirements where the Applicant agrees to provide underground parking.
- (4) Notwithstanding the above Lot requirements, Council may impose restrictions on the number of Dwelling Units where, in the opinion of Council, the Development would create unsafe traffic conditions.
- (5) Semi Detached Dwellings, Town House Dwellings or Row House Dwellings must be built in accordance with Section 5.30.

31.7 EXISTING DEVELOPMENT

- (1) Notwithstanding the provisions of Section 31.6 above, within existing approved subdivisions or on established streetscapes Council may require that new developments conform with the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.

SECTION 32- TOWN CENTRE MIXED USE ZONE (TCMU)

32.1 GENERAL

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

32.2 PERMITTED USES

(l) No Building or part thereof and no land shall be used for purposes other than:

- (i) Single Family Dwellings
- (ii) Duplex Dwellings or Semi-Detached Dwellings;
- (iii) Town House Dwellings or Row House Dwellings (owned either individually or as Condominiums or by a single owner);
- (iv) Apartments (owned by a single Property Owner or as Condominiums);
- (v) Apartment Buildings with commercial uses on the first floor;
- (vi) Parks and Playgrounds;
- (vii) Private Garages;
- (viii) Innovative “cluster” style Housing;
- (ix) Office Uses;
- (x) Health Clinics;
- (xi) Child Care Facilities;
- (xii) Community Care Facilities;
- (xiii) Public and/or Private Assisted Care Facilities;
- (xiv) Institutional Buildings;
- (xv) Group Homes;
- (xvi) Civic Centres;
- (xvii) Municipal Buildings;
- (xviii) Accessory Buildings/Structures;
- (xix) Recreational Uses;
- (xx) Nursing Homes;
- (xxiv) Innovative “cluster” style Housing.

32.3 SERVICING

All Development in a TCMU Zone shall be serviced by municipal sewer services and municipal water supply.

32.4 DEVELOPMENT STANDARDS

All development in a TCMU Zone shall be required to conform to the Development Standards and Architectural Guidelines as noted in Appendix “D”.

32.5 LOT REQUIREMENTS

(1) The following requirements shall apply to all Developments in a TCMU Zone:

Single Family Dwellings

Minimum Lot Area	990 sq. m (11,000 sq. ft.)
Minimum Frontage	23 m (75 ft.)
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	4 m (12 ft.)
Minimum Flankage Yard	5 m (17 ft.)
Maximum Building Height	10.5 m (35 ft.)

Duplex Dwellings

Minimum Lot Area	1,260 sq. m. (14,000 sq. ft.) or 630 sq. m. (7,000 sq. ft.) for each unit
Minimum Lot Frontage	30 m (100 ft.) or 15 m (50 ft.) for each unit
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	4 m (12 ft.)
Minimum Flankage Yard	5 m (17 ft.)
Maximum Building Height	10.5 m (35 ft.)

Town House or Row House Dwellings

Minimum Lot Area	270 sq. m. (3,000 sq. ft.) per unit
Minimum Lot Frontage	7.5 m (25 ft.) per unit
Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	4.5 m (15 ft.)

Minimum Side Yard	0 m (0 ft.)
Minimum Flankage Yard	4.5 m (15 ft.)
Maximum Building Height	10.5 m (35 ft.)

Cluster Housing

Minimum Lot Area	N/A
Minimum Lot Frontage	15 m (50 ft.)
Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	0 m (0 ft.)
Minimum Flankage Yard	3 m (10 ft.)
Maximum Building Height	10.5 m (35 ft.)
Maximum Density	15 units per acre

Apartments

Minimum Lot Area	135 sq. m. (1,500 sq. ft.) per unit
Minimum Lot Frontage	30 m (100 ft.)
Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	4.5 m. (15 ft.)
Minimum Side Yard	4.5 m (15 ft.)
Minimum Flankage Yard	3 m (10 ft.)
Maximum Building Height	12 m (40 ft.)
Maximum Density	30 units per acre

All Other Uses

Minimum Lot Area	N/A
Minimum Lot Frontage	N/A
Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	3 m (10 ft.)
Minimum Side Yard	0 m (0 ft.)
Minimum Flankage Yard	3 m (10 ft.)
Maximum Building Height	3 stories, 12 m (40 ft.)

- (2) Where a TCMU Zone abuts an existing residential zone the minimum abutting sideyard depth shall be 6 metres (20 feet) and the minimum rear yard depth shall be 9 metres (30 feet). No existing trees shall be removed within 6 metres (20 feet) of the boundary of any existing residential zone.

32.6 EXISTING DEVELOPMENT

Notwithstanding the provisions of Section 32.5 above, within existing approved subdivisions or on established streetscapes Council may require that new developments conform with the development standards and development character which has been established, even if these standards exceed the minimum standards stated above.

SECTION 33- TOWN CENTRE COMMERCIAL ZONE (TCC)

33.1 GENERAL

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

33.2 PERMITTED USES

(1) No Building or part thereof and no land shall be used for purposes other than:

- (i) Retail Stores;
- (ii) Business and Professional Offices;
- (iii) Service and Personal Service Shops;
- (iv) Banking and Financial Service Shops;
- (v) Restaurants and Lounges;
- (vi) Hotels, Motels or other Tourist Establishments;
- (vii) Entertainment Facilities;
- (viii) Institutional Buildings;
- (ix) Accessory Buildings;
- (x) Garden Centres;
- (xi) Health Clinics.

33.3 SPECIAL PERMIT USES

(1) Notwithstanding Section 33.2 above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary.

- (i) Service Stations;
- (ii) Building Supply Dealers;
- (iii) Warehouses;
- (iv) Transient or Temporary Commercial;
- (v) Car Dealerships;
- (vi) Activities related to the Automobile Trade other than a Scrap Yard or Auto Body Shop.

(2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:

- (i) the Development is deemed appropriate and complements the scale of the existing residential development;
- (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
- (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;

- (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
- (v) a public meeting shall be held pursuant to Section 24.2 (3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

33.4 SERVICING

All Development in a TCC Zone shall be serviced by municipal sewer services and municipal water supply.

33.5 DEVELOPMENT STANDARDS

All Development in a TCC Zone shall conform to the Development Standards and Architectural Guidelines as noted in Appendix “D”.

33.6 LOT REQUIREMENTS

(1) The following requirements shall apply to Development in a TCC Zone:

Minimum Lot Area	1,390 sq. m (15,000 sq. ft.)
Minimum Frontage	30 m (100 ft.)
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	6 m (20 ft.)
Maximum Height of Building	10.5 m (35 ft.)

33.7 SPECIAL REQUIREMENTS: COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES

- (1) Notwithstanding any other provisions of this Bylaw, where a Commercial
 - (1) a strip of land not less than 9 m (30 ft.) in width along the lot line with the TCC Zone and adjacent to the residential Zone shall be maintained clear of any structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer;

- (2) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and
- (3) outdoor storage shall be prohibited adjacent to a residential Zone unless it is hidden from view by means of a landscaped buffer hedge of adequate size or architectural screening such as a wall, fence or other appropriate structure.

SECTION 34- TOWN CENTRE INSTITUTIONAL ZONE (TCI)

34.1 GENERAL

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

34.2 PERMITTED USES

(l) No Building or part thereof and no land shall be used for purposes other than:

- (i) Institutional Buildings;
- (ii) Group Homes;
- (iii) Community Care Facilities;
- (iv) Civic Centres;
- (v) Municipal Buildings;
- (vi) Accessory Buildings/Structures;
- (vii) Public and Private Parks;
- (viii) Recreational Uses;
- (ix) Health Clinics;
- (x) Nursing Homes.

34.3 SERVICING

All Development in a TCI Zone shall be serviced by municipal sewer services and municipal water supply.

34.4 DEVELOPMENT STANDARDS

All Development in a TCI Zone shall conform to the Development Standards and Architectural Guidelines as noted in Appendix "D".

34.5 LOT REQUIREMENTS

(l) The following requirements shall apply to all Development in a TCI Zone:

Minimum Lot Area	1,350 sq. m. (15,000 sq. ft.)
Minimum Lot Frontage	30 m (100 ft.)
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	4.5 m (15 ft.)
Minimum Flankage Yard	5 m (17 ft.)

Maximum Height	10.5 m (35 ft.)
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SECTION 35- TOWN CENTRE OPEN SPACE ZONE (TCOS)

35.1 GENERAL

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

35.2 PERMITTED USES

- (l) No Buildings or part thereof and no land shall be used for purposes other than:
- (i) Public and Private Parks;
 - (ii) Open Space and Conservation and Preservation Related Activities;
 - (iii) Golf Courses, Golf Driving Ranges and Mini-Golf Courses;
 - (iv) Restaurants and Lounges accessory to the main Use and located within the same Building as the main Use;
 - (v) Recreational uses and directly related commercial services;
 - (vi) Pavilions, Band Shells and Outdoor Theatres;
 - (vii) Public Gardens;
 - (viii) Recreation Administrative Offices;
 - (ix) Parking Lots related to the above Uses;
 - (x) Accessory Buildings/Structures.

35.3 SERVICING

All Developments in a TCOS Zone shall conform to the Development Standards and Architectural Guidelines as noted in Appendix “D”.

35.4 LOT REQUIREMENTS

- (l) The following requirements shall apply to Development in a TCOS Zone:

Minimum Lot Area	0.4 hectares (43,560 sq. ft.)
Minimum Lot Frontage	30 m (100 ft.)
Minimum Front Yard	15 m (50 ft.)
Minimum Rear Yard	15 m (50 ft.)
Minimum Side Yard	7.5 m (25 ft.)
Maximum Building Height	10.5 m (35 ft.)

SECTION 36- MASON ROAD RESIDENTIAL ZONE (MRR)

36.1 GENERAL

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

36.2 PERMITTED USES

- (l) No Building or part thereof and no land shall be used for purposes other than:
- (i) Single Family Dwellings;
 - (ii) Duplex Dwellings and Semi-Detached Dwellings;
 - (iii) Town House Dwellings or Row House Dwellings up to six (6) units (owned either individually or as a Condominium);
 - (iv) Parks and Playgrounds;
 - (v) Accessory Buildings;
 - (vi) Private Garages.

36.3 SERVICING

All Development in a MRR Zone shall be serviced by municipal sewer services and municipal water supply system.

36.4 DEVELOPMENT STANDARDS

All Development in a MRR Zone shall conform to the Development Standards and Architectural Guidelines as noted in Appendix "E".

36.5 LOT REQUIREMENTS

- (l) The following lot requirements shall apply to Developments in an MRR Zone

Single Family Dwellings

Minimum Lot Area	990 sq. m. (11,000 sq. ft.)
Minimum Frontage	7.5 m (25 ft.)
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	4 m (12 ft.)
Minimum Flankage Yard	5 m (17 ft.)

Duplex Dwellings and Semi-Detached Dwellings

Minimum Lot Area	1,260 sq. m. (14,000 sq. ft.)
Minimum Frontage	7.5 m (25 ft.) for each unit
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	4 m (12 ft.) or 0 m (0 ft.) for a common wall
Minimum Flankage Yard	5 m (17 ft.)

Town House or Row House Dwelling

Minimum Lot Area	630 sq. m. (7,000 sq. ft.) for each unit
Minimum Frontage	7.5 m (25 ft.)
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	4 m (12 ft.) or 0 m (0 ft.) for a common wall
Minimum Flankage Yard	5 m (17 ft.)

36.6 BUILDING HEIGHT

All Development in an MRR Zone shall be restricted to a maximum of 2 stories and no greater than 35 ft. in height.

36.7 DEVELOPMENT SCHEME

All Developments shall be developed only in accordance with an approved Development Scheme and the provisions of any Subdivision Agreements or Development Agreements.

36.8 DENSITY

The maximum density in a MRR Zone shall be no greater than ten (10) Dwelling Units per acre, provided however that where the Developer is required to retain environmentally sensitive areas in their natural state, Council may permit the balance of a Parcel of land to be developed at a proportionately higher density per acre.

SECTION 37- MASON ROAD MIXED USE ZONE (MRMU)

37.1 GENERAL

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

37.2 PERMITTED USES

- (l) No building or part thereof and no land shall be used for purposes other than:
 - (i) Apartments with (owned by a single Property Owner or as Condominiums);
 - (ii) Apartment Buildings with commercial uses on the first floor;
 - (iii) Town House Dwellings or Row House Dwellings (owned either individually or as Condominiums or by a single owner);
 - (iv) Office Uses;
 - (v) Office Buildings with commercial uses on the first floor;
 - (vi) Health Clinics;
 - (vii) Child Care Facilities
 - (viii) Community Care Facilities;
 - (ix) Public and/or Private Assisted Care Facilities;
 - (x) Institutional Buildings;
 - (xi) Group Homes;
 - (xii) Civic Centres;
 - (xiii) Municipal Buildings;
 - (xiv) Accessory Buildings/Structures;
 - (xv) Recreational Uses;
 - (xvi) Nursing Homes.

37.3 SERVICING

All Development in a MRMU Zone shall be serviced by municipal sewer services and municipal water supply.

37.4 DEVELOPMENT STANDARDS

All Developments in a MRMU Zone shall conform to the Development Standards and Architectural Guidelines as noted in Appendix "E".

37.5 LOT REQUIREMENTS

- (l) The following requirements shall apply to all Developments in a MRMU Zone:

Town House or Row House Dwellings

Minimum Lot Area	270 sq.m. (3,000 sq. ft.) per unit
Minimum Lot Frontage	7.5 m (25 ft.) per unit
Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	0 m (0 ft.)
Minimum Flankage Yard	4.5 m (15 ft.)
Maximum Building Height	10.5 m (35 ft.)

Apartments

Minimum Lot Area	135 sq. m. (1,500 sq. ft.) per unit
Minimum Lot Frontage	30 m (100 ft.)
Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	4.5 m (15 ft.)
Minimum Flankage Yard	3 m (10 ft.)
Maximum Building Height	12 m (40 ft.)
Maximum Density	30 units per acre

All Other Uses

Minimum Lot Area	N/A
Minimum Lot Frontage	N/A
Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	3 m (10 ft.)
Minimum Side Yard	0 m (0 ft.)
Minimum Flankage Yard	3 m (10 ft.)
Maximum Building Height	3 stories, 12 m (40 ft.)

- (2) Where a MRMU Zone abuts an existing residential zone the minimum abutting side yard depth shall be 6 metres (20 feet) and the minimum rear yard depth shall be 12 metres (40 feet). No existing trees shall be removed within 6 metres (20 feet) of the boundary of any existing residential zone.
- (3) There shall be no parking, outside storage, garbage, or loading activities in any yard abutting a residential zone. Any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone.

SECTION 38- MASON ROAD COMMERCIAL ZONE (MRC)

38.1 GENERAL

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

38.2 PERMITTED USES

(l) No Building or part thereof and no land shall be used for purposes other than:

- (i) Retail Stores;
- (ii) Business and Professional Offices;
- (iii) Service and Personal Service Shops;
- (iv) Banking and Financial Service Shops;
- (v) Restaurants and Lounges;
- (vi) Hotels, Motels or other Tourist Establishments;
- (vii) Entertainment Facilities;
- (viii) Institutional Buildings;
- (ix) Accessory Buildings;
- (x) Garden Centres;
- (xi) Health Clinics.

38.3 SPECIAL PERMIT USES

(1) Notwithstanding Section 38.2 above, Council may issue a Development Permit for the following uses subject to such items and conditions as Council deems necessary.

- (i) Service Stations;
- (ii) Building Supply Dealers;
- (iii) Warehouses;
- (iv) Transient or Temporary Commercial;
- (v) Car Dealerships;
- (vi) Manufacturing and Assembly;
- (vii) Activities connected with the Automobile Trade other than a Scrap Yard;
- (viii) Wholesale Operations;
- (ix) Farm Machinery and Heavy Equipment Dealerships and Repair Shops;
- (x) Accessory Buildings/Structures.

(2) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that:

- (i) the Development is deemed appropriate and complements the scale of the existing residential development;

- (ii) the Development has sufficient landscape Buffer around the periphery of the Property;
- (iii) in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion or any other potential nuisance;
- (iv) Property Owners within 61 metres (200 feet) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
- (v) a public meeting shall be held pursuant to Section 24.2(3) to allow the Applicant to present the Development proposal to residents to obtain their input; and
- (vi) all other relevant provisions of this Bylaw are met.

38.4 SERVICING

All Development in a MRC Zone shall be serviced by municipal sewer services and municipal water supply.

38.5 DEVELOPMENT STANDARDS

All Development in a MRC Zone shall conform to the Development Standards and Architectural Guidelines as noted in Appendix “E”.

38.6 LOT REQUIREMENTS

- (1) The following requirements shall apply to Development in a MRC Zone:

Minimum Lot Area	1,390 sq. m (15,000 sq. ft.)
Minimum Frontage	30 m (100 ft.)
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	3 m (10 ft.)
Maximum Height of Building	10.5 m (35 ft.)

38.7 SPECIAL REQUIREMENTS: COMMERCIAL ZONE ADJACENT TO RESIDENTIAL ZONE

- (1) Notwithstanding any other provisions of this Bylaw, where a Commercial Development located on lands zoned Mason Road Commercial (MRC) directly abuts on any residential Zone, the following conditions shall be complied with:

- (i) a strip of land not less than 9 m (30 ft.) in width along the lot line and

adjacent to the residential zone shall be maintained clear of any structure, driveway, storage or parking area and shall provide a combination of landscaping elements such as an earthen berm, trees, shrubs and a solid wall or fence at least 2.5 m (8 ft.) high which effectively restricts sight lines from the ground floor of the residences to the rear of any commercial building and is capable of substantially reducing or eliminating noise transmission;

- (ii) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and
- (iii) outdoor storage, garbage, or loading activities shall be prohibited in a yard adjacent to a residential Zone.

BYLAW NUMBER 29-B (PART III)

A Bylaw to amend the **The Development Bylaw # 29**, in order to allow and set provisions for establishing on-site small wind energy systems within the Town's boundaries

BE IT ENACTED by the Council of the Town of Stratford that

PART III as "On-Site Small Wind Energy Systems" be added to the Stratford Zoning and Subdivision (Development) Control Bylaw, Bylaw #29 as follows:

PART III) ON-SITE SMALL WIND ENERGY SYSTEMS

(1) Intent and Purpose:

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems to reduce the on-site consumption of utility-supplied electricity, while providing reasonable controls to protect public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system.

The Town of Stratford recognizes that small wind turbines are non-polluting, help reduce the Town's reliance on fossil fuels, help reduce public utility electrical demand and contribute to the efficiency of the utility grid.

The Town of Stratford further recognizes that small wind turbines are substantially different from commercial wind farms and from commercial cellular or radio towers as they are designed to supply electrical power for the owner and are not typically revenue-generating ventures.

This regulation requires the Town of Stratford to approve an application for a small wind energy system by right if the criteria below are met, and authorizes the Town to charge a one time development permit fee per application for small wind energy system. If any portion of the proposed small wind system does not meet the requirements set under this bylaw, a variance will be required.

(2) Definitions:

Wind Energy System

A Wind Energy System consists of a wind turbine, a tower, and associated control or conversion electronics to convert wind mechanical energy to electricity.

On-site Wind Energy System (OWES):

An On-site Wind Energy System consisting of a wind turbine, a tower, and associated control or conversion electronics, which is intended to provide electrical power for on-site use only and is not intended or used to produce power for resale or distribution. An OWES might be connected to the local utility grid or be off-grid. On-site wind energy systems are classified as follows:

- a) **Micro SOWES:** A wind energy conversion system, which has a rated capacity of less than 5 KW
- b) **Small SOWES:** A wind energy conversion system, which has a rated capacity of between 5 and 30 KW
- c) **Medium SOWES:** A wind energy conversion system, which has a rated capacity of between 30 and 100 KW

Commercial Wind Energy System (CWES):

A Commercial Wind Energy System is a system, which is intended to produce electricity for resale or distribution purposes. A commercial wind energy system could consist of a single freestanding windmill or a cluster of a number of windmills situated in the same location called a wind farm.

Turbine:

The parts of a wind system including the rotor, generator and tail.

Total System Height:

The height from ground level to the tip of the rotor at its highest point.

Wind Turbine Tower:

The guyed or freestanding structure that supports a wind turbine generator.

Wind Turbine Tower Height:

The height above grade of the fixed portion of the wind turbine tower, excluding the wind turbine and rotor.

Off-grid:

A stand-alone generating system not connected to or in any way dependent on the utility grid.

Behind the meter:

A generating system producing power for use on a grid-connected property, but which system may or may not be capable of sending power back into the utility grid.

(3) Permitted Use:

Establishment of micro wind energy systems (with a rated capacity not more than 5 KW) shall be permitted in all land zones subject to meeting all requirements of this section and any other relevant provisions of this bylaw.

No person shall erect, construct or install a wind energy system without first obtaining a development permit from the Town. All SWES(s) shall be constructed and operated in a manner that minimizes any adverse visual, safety and environmental impacts.

If a SWES meets the following criteria, the Town shall approve an application for installation of the SWES by right without a public hearing. For those proposed small wind energy systems that do not meet the above criteria, a zoning variance will be required.

3.1 Special Development Permits and Agreements:

Council may issue a Special Development Permit for establishing an on-site SWES with a rated capacity between 5 and 100 KW, except for an individual single family residential unit in R1 zone, subject to a written development agreement signed by the applicant pursuant to such terms and conditions, as Council deems necessary. Prior to the issuance of a special development permit, Council shall ensure that:

- I. The development does not cause any hardship to surrounding property owners due to excessive noise, safety issues, traffic congestion or any other potential disturbance;
- II. The development is deemed appropriate and complements the scale of the existing development;
- III. Property owners within 200 m (600 feet) of the subject SWES are notified in writing of details of the proposed development and asked to provide their comments;
- IV. All other relevant provisions of this Bylaw and provincial Planning Act and related national regulations are met.

3.2 Shared Wind Energy Systems

An on-site SWES with a rated capacity between 5 and 100 KW shared by multiple Single Family Dwellings in R1 zone may be permitted subject to meeting the requirements of Section 3.1 “Special Development Permit and Agreement”.

3.3 Wall or Roof-Mounted Systems:

Considering wind energy fast pace technology emerging new structures, materials and specifications, every small wind energy system fixed to a building shall be considered individually.

- I. A structural engineering analysis of such a wind turbine during installation and operation shall be provided and certified by a licensed professional engineer including requirements if the turbine is to be installed on any Duplex and multi unit dwelling.
- II. The Wall or Roof mounted turbine height shall be no higher than 5 ft above the building height.

3.4 Wind Turbine Tower Height:

The Wind Turbine Tower Height is subject to the setback requirements below, and provided that the application includes evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the system.

3.5 Set-back:

- I. The turbine base shall be no closer to the property line than the 2.1 times height of the wind turbine

- II. No part of the wind system structure, including guy wire anchors, may extend closer than one meter (3 ft) to the property boundaries of the installation site;
- III. In residential zones the freestanding turbine structure must be pre-designed and erected without guy wire requirement;
- IV. Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of two meters (6 ft) above the guy wire anchors;

The Town Council may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on the current and future owners.

In addition to satisfying the minimum setback requirement in Section 3.5 above, the minimum distance of a freestanding wind turbine from an inhabited dwelling shall meet the setback requirements for the noise generated (see section 3.6 below).

3.6 Noise:

- I. The mean value of the sound pressure level from any wind energy systems shall not exceed more than 5 decibels (dBA) above background sound, as measured at the exterior of the closest existing or potential neighboring inhabited dwelling (at the time of installation or during operation), for wind speeds below 10 m/s and except during short- term events such as utility outages and/or severe wind storms.
- II. Notwithstanding the above noise regulation appeared in subsection 3.6(I), the maximum allowed noise level generated by a wind energy system in residential areas shall be 45 dBA for wind speed 10 m/s, as measured at the exterior of the existing (or future) closest neighboring inhabited dwelling.
- III. The Town staff would assess and measure sounds generated by turbines and compare with the regulations.

3.7 Safety:

Any part of a small wind energy system shall be designed to prevent unauthorized access. For instance, the tower shall be designed and installed so as to not provide step bolts or any climbable parts readily accessible to the public, in particular children, for a minimum 8 feet above the ground.

3.8 Shadow flicker:

Shadow flicker at any point of neighboring inhabited dwelling shall be minimized and not be permitted to exceed 30 hours per year as a result of the operation of the wind turbine.

3.8 Advertising Sign:

No advertising sign or logo shall be visible on any turbine.

3.10 Number of Turbines:

A maximum of one small wind turbine per property is permitted

3.11 Color:

The color of a wind turbine and its tower shall be white, off-white, light grey or light blue.

3.12 Compliance with Canadian Building Code:

Permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the Canadian Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.

3.13 Compliance with Air Traffic Safety Regulations:

Where it is required, small wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lighted except as required by Navigation Canada.

3.14 Compliance with Existing Electric Codes:

Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes, if applicable.

3.15 Utility Notification:

No grid-interconnected a wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required.

Off-grid systems and grid-tied systems that are not capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from this requirement.

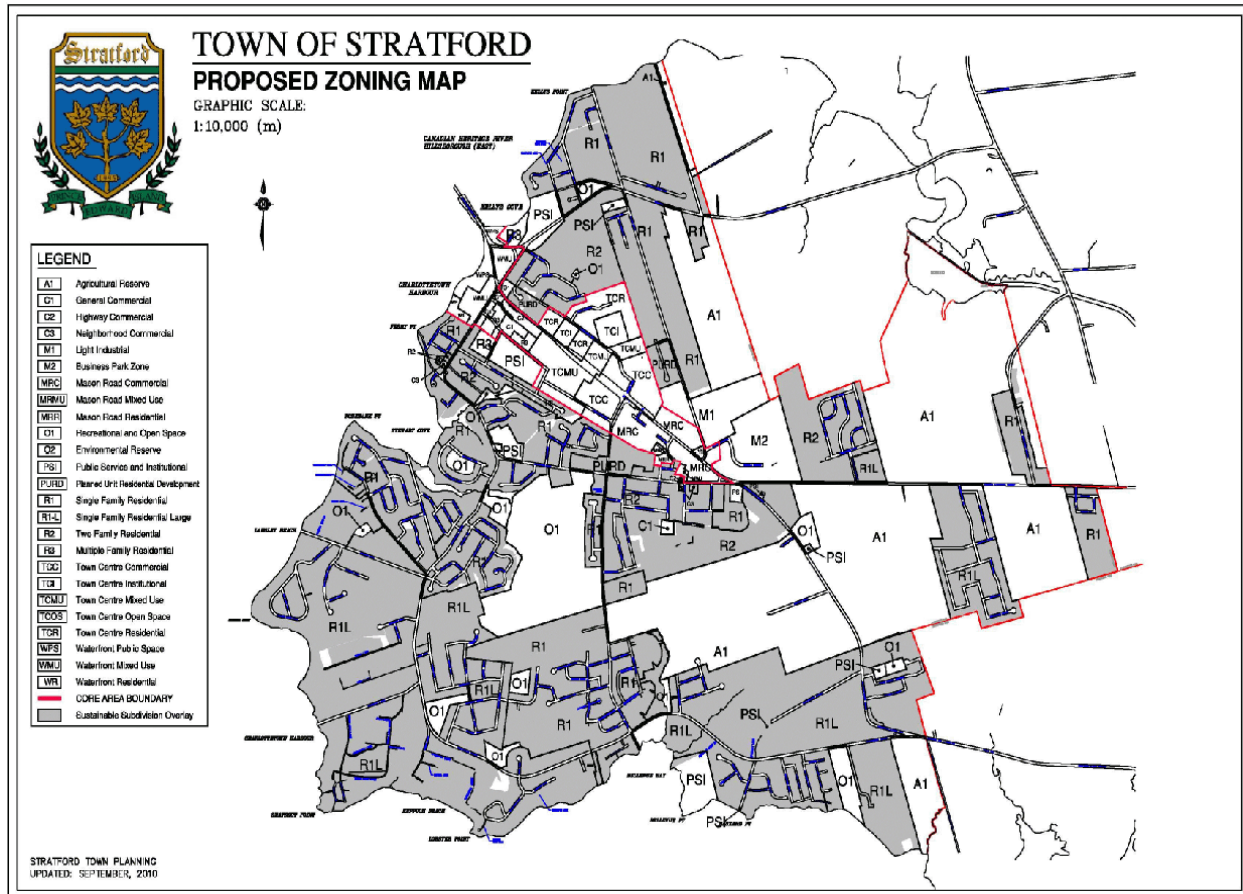
3.16 Abandonment or Decommissioning:

Should a wind energy system located on a site appear to Council to have discontinued producing power for a minimum one year, the system's owner must upon request of Council, prepare a status report. Following review of the status report, if in the opinion of Council power will not be produced on the site within a reasonable period of time, Council may order that the wind energy system located on the site be decommissioned in accordance with the decommissioning plan at the time of the issuance of the development permit.

4) Severability:

If any provision of this bylaw shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable.

APPENDIX "A" – ZONING MAP



APPENDIX “B” - SUSTAINABLE SUBDIVISION (Evaluation Criteria and Scoring System)

INTENT

The aim of a sustainable subdivision is to preserve the natural environment and ecology; improve social amenities and cultural inclusion; increase energy efficiency and reduce fossil fuel energy consumption; improve the Town’s active transportation Network and reduce the cost of building and maintaining the Town’s infrastructure. This Appendix contains two parts:

- I) The Evaluation Criteria and Indicators,
- II) The Scoring System

Part I) EVALUATION CRITERIA AND INDICATORS

The main purpose of the Sustainable Subdivision is to maintain, improve and increase the community’s capital. Accordingly, the evaluation criteria and associated indicators have been classified into four dimensions: Natural Environment; Social and Cultural Facilities; Economic and Energy Efficiency; and the Built Environment.

Each dimension consists of a number of qualitative and quantitative criteria, which will be broken down into measurable indicators. It should be noted that all four of these dimensions and indicators are strongly interrelated and associated with one another. Some of indicators could, therefore, be categorized under different dimensions. Any property larger than 4 acres may be considered under this policy.

In order to preserve and protect the community natural resources, in any of the following sections where land protection is requested, the developer shall donate or sell the designated land (or easement) to an accredited land trust or relevant public agency (a deed covenant is not sufficient to meet this requirement).

The following are the criteria that will be used to assess whether or not a subdivision is “Sustainable” for the purpose of the Town’s Official Plan and Development Bylaw.

A) NATURAL ENVIRONMENT

1) Forest and Tree Conservation

Preserve irreplaceable natural heritage and beauty by protecting prime and unique forest and trees from development. Maintain and preserve the natural character of the community by conservation and maintaining the existing trees while any changes made to the site conform to the requirements for development within the zone.

2) Wetland and Water Body Conservation

Preserve water quality, natural hydrology, habitat, and biodiversity through conservation of water bodies and wetlands. In order to limit development impacts, buffers shall surround all wetlands and other bodies of water.

3) Ecological Communities Conservation

Protect and conserve endangered species and ecological communities. Natural areas will be protected to preserve habitat for diverse ecological communities.

4) Floodplain Avoidance

Avoid development in floodplain areas in order to protect life and property, promote open space and habitat conservation, and enhance water quality and natural hydrological systems.

5) Steep Slope Protection and Soil Erosion Control

Preserve steep slopes on natural, vegetated land to minimize soil erosion, to protect habitat, and to reduce stress on natural water systems.

6) Creation and/or Restoration of Wildlife Habitat/Wetlands

Restore native plants, wildlife habitat, wetlands, and water bodies, which are endangered or have been harmed by previous human activities.

B) SOCIAL AND CULTURAL AMENITIES

7) Public Transit Facilities

Provide appropriate and efficient access to public transit for all neighbourhood residents.

8) Housing Diversity and Inclusion

Provide diversity of residential dwelling choices and create opportunities for all residents including young families, single parents and seniors to own an appropriate dwelling and being part of the community.

9) Collaboration with Neighboring Residents and Experts in the Design Process

Communicate and consult with local residents and experts, inform them about the concept and the sustainable subdivision criteria and get them involved in the planning and design processes.

10) Community Gathering Place / Facilities

Provide a community centre (such as a community hall, a picnic shelter...) and facilities within the subdivision to promote social interaction, inclusion and cultural diversity within the community and create an opportunity for all residents to communicate with each other.

11) Public Parks and Open Spaces

Provide visible high quality land (exceeds minimum bylaw requirement) in good locations with good accessibility and connectivity to the Town's open space network.

12) Environmental Protection During Construction Activity

Reduce pollution from construction activities by controlling soil erosion, waterway sedimentation and airborne dust generation.

13) Heritage/Historic Resources Conservation

Preserve, conserve and protect both the natural and built heritage located within the subdivision.

14) Public Arts and Cultural Heritage Conservation

Protect, conserve and maintain the existing public arts and cultural heritages of the community.

C) RENEWABLE ENERGY SOURCES and WATER EFFICIENCY

15) On-Site Renewable Energy Sources

Establish an on-site renewable energy system to reduce the adverse environmental and economic impacts associated with fossil fuel energy production and use.

16) Energy Efficient System

Reduce energy consumption through designing and installation of efficient energy system in the entire subdivision and/or in individual buildings

17) Waste Water Management

Design and install a wastewater management system to recycle and reuse grey water for different purposes, in particular, landscape irrigation, in the subdivision. Limit or eliminate the use of potable water, and other natural surface or subsurface water resources on project sites.

18) Building Water Efficiency

Reduce water consumption through installation efficient systems, materials and fixtures in buildings.

19) Certified Green Buildings (LEED, Green Globe..)

Direct and facilitate the design, construction, and retrofit of buildings that utilize green building practices (subdivision covenant).

D) THE BUILT ENVIRONMENT

20) Connectivity to the Town’s Street Network

Provide an appropriate connection between the subdivision and the Town active transportation network and public transit system.

21) Tree Areas, Tree-Lined and Shaded Streets

Preserve existing trees and promote planting new trees. Create tree area and tree-lined/shaded streets within the subdivision to improve air quality, and encourage walking and social interactions.

22) Active Transportation Network

Create a safe and accessible active transportation network within the subdivision and make an efficient connection with surrounding areas, which integrate into the Town’s existing Active Transportation Network.

23) Storm Water Management

Reduce pollution and hydrologic instability from storm water, reduce flooding, promote aquifer recharge, and improve water quality through the emulation of undeveloped natural hydrological conditions.

24) Innovation in Design and Solar Orientation

Encourage energy efficiency by creating optimum conditions for the use of passive and active solar strategies.

Create an innovative unique design to accomplish sustainability objectives. Protect and preserve the natural view of the site. Achieve enhanced energy efficiency by creating optimum conditions for the use of passive and active solar strategies.

Part II) THE SCORING SYSTEM

A scoring system has been developed to facilitate sustainable subdivision evaluation (See Table 1). The scoring system presented here classifies criteria and specifies indicators with their maximum possible weight. As the scoring table shows the maximum possible score would be 390 points, which is the sum of points for each individual criteria and associated indicators.

Accordingly, in Section A, the Natural Environment consists of 6 indicators with the sum of 80 points. Section B, the Social and Cultural Amenities includes 8 indicators for 120 points. Section 3, Renewable Energy and Water Efficiency consists of 5 indicators for 100 points. And finally, section D, Quality Of The Built Environment, includes 5 indicators for 90 points in total.

! QUALIFICATION AND APPROVAL

Every new subdivision application and conceptual design would be reviewed and evaluated against the proposed sustainable subdivision scoring system.

At the preliminary approval, in order to entitle a new subdivision as “Sustainable”

- 1) All “**Minimum Requirements**” criteria must be met,
- 2) At least 65 percent of applicable points must be obtained

At the final stage of evaluation, the proposed subdivision concept will be classified based on maximum points earned through the applicable indicators.

As an example method, every subdivision proposal will be qualified as:

Platinum	if it earns more than 85 percent of applicable points
Gold	if it earns more than 75 percent of applicable points
Certified	if it earns more than 65 percent of applicable points

Applications evaluated with less than 65 percent of applicable points would not be qualified as sustainable subdivisions.

Table 1) Sustainable Subdivision Scoring Table

	If Applicable	Max Point	Min. Requirements	Points Earned
A) Natural Environment Conservation				
1) Forest and Tree Conservation		20	5	
2) Wetland and Water Body Conservation		20	10	
3) Ecological Communities Conservation		10	10	
4) Floodplain Avoidance		10	10	
5) Steep Slope Protection and Soil Erosion Control		10	10	
6) Restoration wildlife Habitat/Wetland,		10	-	
Subtotal		80	45	
B) Social / Cultural Amenities				
7) Public Transit Facilities		10	10	
8) Housing Diversity and Inclusion		20	5	
9) Collaboration with Neighboring Residents and Experts		10	10	
10) Community Gathering Place / Facilities		20	-	
11) Public Parks and Open Spaces		20	5	
12) Construction Activity Pollution Prevention		20	-	
13) Heritage/Historic Places Conservation		10	-	
14) Public Arts and Cultural Heritage Conservation		10		
Subtotal		120	30	
C) Renewable Energy and Water Efficiency				
15) On-Site Renewable Energy Sources		20	-	
16) Energy Efficient System		20		
17) Waste Water Management		20	-	
18) Building Water Efficiency		20		
19) Certified Green Building (or part of)		20	-	
Subtotal		100	-	
D) Quality Of Built Environment				
20) Connectivity to the Town's Street Network		10	10	
21) Tree Areas, Tree-Lined and Shaded Street		20	-	
22) Active Transportation Network		20	20	
23) Storm-water Management Plan (Low Impact		20	10	
24) Innovative Design and Solar Orientation		20	-	
Subtotal		90	40	
TOTAL		390	115	

Certified >65 percent of applicable points granted
Gold >75 percent of applicable points granted
Platinum >85 percent of applicable points granted

- **INDICATORS AND EXPLANATION**

A) NATURAL ENVIRONMENT CONSERVATION

1) Tree Conservation (max 20 points)

Requirements

Preserve and maintain all existing trees in the project site in a maximum extent possible. Points are granted as listed in Table 1 based on the percentage of land covered by trees and the percentage of trees conserved.

Table 1. Tree conservation points

Percentage of Trees Conserved	Points (for land fully covered by trees)
90	20
70	15
50	10
30	5

- 1) The above points will be multiplied by 50% if less than 5% of the total land area in originally covered by trees.
- 2) This section would not be applicable if less than 1% of the total land area covered by trees.
- 3) The existing hedgerow(s) MUST be maintained.

2) Wetland and Water Bodies conservation (max 20 points)

Requirements

Design the project to conserve 100% of all water bodies, wetlands, land within 30 meters of water bodies, and land within 15 meters of wetlands on the site. Employ a qualified biologist, a nongovernmental conservation organization, or the appropriate government agency to conduct an assessment, or compile existing assessments, showing the extent to which those water bodies and/or wetlands perform the following functions:

- (1) Water quality maintenance,
- (2) Wildlife habitat protection, and
- (3) Hydrologic function maintenance, including flood protection.

Assign appropriate buffers (not less than 30 meters for water bodies and 15 meters for wetlands) based on the functions provided, contiguous soils and slopes, and contiguous land uses. Do not disturb wetlands, water bodies, and their buffers; and protect them from development in perpetuity.

Additional points might be granted if a greater buffer zone required by the assessor is provided, as listed in Table 2.

Table 2. Wetlands and water bodies conservation points

Buffer Zone		Points
Wetlands	Water Bodies	
15m	30m	10
22.5m	45m	15
30	60m	20

3) Ecological Communities Conservation (10 points)

Requirements

Employ a qualified biologist, a nongovernmental conservation organization, or the appropriate government agency to create and implement a conservation plan that includes the following actions:

- a. Identify and map the extent of the habitat and the appropriate buffer, not less than 30 meters, according to best available scientific information.
- b. To the maximum extent practicable, protect the identified habitat and buffer in perpetuity.
- c. If any portion of the identified habitat and buffer cannot be protected in perpetuity, quantify the effects by acres or number of plants and/or animals affected.

4) Floodplain Avoidance (10 points)

Requirements

If any part of the site is located in coastal zone or inland areas within a high- or moderate-risk floodplain, as identified by local authorities based on hydrological trends and the Climate Change studies demonstrating the projected impacts, develop only on portions of the site that are not in the floodplain. Previously developed portions in the floodplain must be developed according to the federal and/or provincial standards and requirements.

5) Steep Slope Protection and Soil Erosion Control (10 points)

Requirements

OPTION 1. No Disturbance of Slopes Over 15%

Locate on a site that has no existing slopes greater than 15%, or avoid disturbing portions of the site that have existing slopes greater than 15%.

OR

OPTION 3. Undeveloped Sites with Slopes Over 15% Protect

existing slopes over 15% as follows:

- a. Do not develop in slopes greater than 40% of the land area and do not develop portions of the project site within 30 meters horizontally of the top of the slope and 25 meters horizontally from the toe of the slope.
- b. Limit development to no more than 40% of the land area with 25% to 40% slopes and to no more than 60% of the land area with 15% to 25% slopes.
- c. Locate development such that the percentage of the development footprint that is on existing slopes less than 15% is greater than the percentage of buildable land that has existing slopes less than 15%.

All options apply to existing natural or constructed slopes. Portions of project sites with slopes up to 7 meters in elevation, measured from toe (a distinct break between a 40% slope and lesser slopes) to top, that are more than 30 feet in any direction from another slope greater than 15% are exempt from the requirements.

6) Creation and/or Restoration of Wildlife Habitat / Wetlands (10 Points)

Requirements

Using only native plants, restore predevelopment native ecological communities, water bodies, or wetlands on the project site in an area equal to or greater than 10% of the development footprint. Work with a qualified biologist to ensure that restored areas will have the native species assemblages, hydrology, and other habitat characteristics that likely occurred in predevelopment conditions. Table 3 sets the points that will be granted for creation and/or restoration.

Table 3. Points granted for creation and/or restoration.

Percentage of land created or restored	Points
5	5
10	10

Protect such areas from development in perpetuity. Identify and commit to ongoing management activities, along with parties responsible for management and funding available, so that restored areas are maintained for a minimum of three years after the project is built out or the restoration is completed, whichever is later.

Site Design for Habitat or Wetland and Water Body Conservation

Work with the designated government agencies to delineate identified significant habitat on the site.

Do not disturb significant habitat or portions of the site within an appropriate buffer around the habitat. The geographic extent of the habitat and buffer must be identified by a qualified biologist, a nongovernmental conservation organization, or the appropriate governmental agency.

Protect significant habitat and its identified buffers from development in perpetuity. Significant habitat for this credit includes the habitat for species that are listed or are candidates for listing under provincial or federal endangered species acts, conservation or green infrastructure plan(s).

B) SOCIAL AND CULTURAL AMENITIES

7) Public Transit Facilities (10 points)

Requirements

Work with the Town's transit agency serving the project to identify transit stop locations within and/or bordering the project boundary where transit agency-approved shelters and any other agency-required improvements, including bicycle racks, will be installed no later than construction of 50% of total dwelling units in the project.

AND

Work with the transit agency or agencies serving the project to identify locations within and bordering the project boundary where the agency determines that transit stops will be warranted within five years of project completion, either because of increased ridership on existing service resulting from the project or because of planned future transit. At those locations, reserve space for transit shelters and any required improvements, including bicycle racks.

8) Housing Diversity and Inclusion (20 points)

Requirements

a) Diversity of Housing Types

Include a sufficient variety of housing sizes and types in the project such that the total variety of planned and existing housing within the project represent various existing housing types defined by CMHC. Employing Simpson Diversity Index, if diversity score is greater than 0.5, the project will be granted 5 points.

$$\text{Score} = 1 - (n/N)^2$$

n = the total number of dwelling units in a single category, and N = the total number of dwelling units in all categories.

Table 4. Points for housing diversity

Simpson Diversity Score	Points
0.5–0.6	5
0.6–0.7	10

b) Affordable Housing

Data provided by CMHC and other related governmental agencies will be employed for determining units price and AMI.

Table 5. Points granted for building affordable housing

Percentage of buildings below AMI	Points
10	5
20	10

9) Collaboration with Neighboring Residents and Experts in the Design Process (10 points)

Undertaken the following collaboration process:

- Meet with adjacent property owners, residents, business owners, local planning and community development officials; scientists and experts, at the project site to collect background information, solicit and document their input on the proposed project prior to commencing a design.
- Work directly with community associations and/or the local government to advertise an open community meeting, other than an official public hearing, to start the design process.
- Host an open community meeting, other than an official public hearing, to solicit and document public input on the proposed project draft design.
- Modify the project’s conceptual design as a direct result of community input, or if modifications are not made, explain why community input did not generate design modifications.
- Establish ongoing means for communication between the developer and the community throughout the design and construction phases and, in cases where the developer maintains any control, during the post construction phase.

10) Community Gathering Place / Facilities (20 points)

Requirements

In consultation with the Town, design and build a publicly accessible violent and vandal proof Community Gathering Place and/or an Indoor Recreational Facility in the subdivision. Points will be granted as listed in Table 6 based on the costs of building such a place.

Table 6. Points granted for a community-gathering place.

Place costs (or contribution) per dwelling/unit	Points
\$100	10
\$200	20

Requirements

In consultation with the Town, locate and/or design the project to provide a publicly accessible public park and/or outdoor recreation facility in the subdivision. **(5 Points, Required)**

Extra points will be granted in accordance with Table 7 for the providing parkland and/or open spaces which exceed the Development Bylaw requirement of 10 percent of the whole land area.

Table 7. Parkland dedication in new subdivisions

Total park land dedication (percentage of the land)	Points
15	10
20	15
25 or greater	20

12) Environmental Protection During Construction Activity (max. 20 points)

Requirements

Create and implement an erosion and sedimentation control plan for all new construction activities associated with the project. The plan must incorporate practices such as phasing, seeding, grading, mulching, filter socks, stabilized site entrances, preservation of existing vegetation, and other best management practices (BMPs) to control erosion and sedimentation in runoff from the entire project site during construction. The plan must list the BMPs employed, which exceed the current provincial minimum requirements, and describe how they accomplish the following objectives:

- a. Prevent loss of soil during construction from stormwater runoff and/or wind erosion, including but not limited to stockpiling of topsoil for reuse **(5 points)**
- b. Minimize the amount of top soil removal from the project site and restore the maximum amount of top soil already removed **(5 points)**
- c. Prevent sedimentation of any affected stormwater conveyance systems or receiving streams **(5 points)**
- d. Prevent polluting the air with dust and particulate matter **(5 points)**

13) Heritage / Historic Resource Conservation (10 points)

Requirements

To achieve this credit, at least one historic building or cultural landscape must be present on the project site.

Must not demolish any historic buildings, or portions thereof, or alter any cultural landscapes as part of the project.

An exception is granted only if such action has been approved by the Town's Heritage Committee, or equivalent.

For buildings or landscapes that are recognized as registered and/or designated as Heritage Places by provincial or national authorities approval must appear in an agreement with the designated authorities.

If any heritage/historic building in the project site is to be rehabilitated, it should be performed in accordance with local review or federal standards for rehabilitation, whichever is more restrictive.

14) Public Art and Cultural Heritage Conservation (10 points)

In consultation with the Town, design and plan the project site in order to conserve and protect any existing public art and/or cultural resources (10 points)

20C) RENEWABLE ENERGY AND WATER EFFICIENCY

15) On-Site Renewable Energy Sources (20 points)

Incorporate on-site nonpolluting renewable energy generation, such as solar, wind, and/or biomass, with production capacity of at least 5% of the project's annual electrical and thermal energy cost (exclusive of existing buildings), as established through an accepted building energy performance simulation tool. Points are awarded as listed in Table 8.

Table 8. Points for on-site renewable energy generation

Percentage of annual electrical energy supply	Points
5%	5
15%	10
25%	20

16)Energy Efficient System (20 points)

Design and install an energy efficient system(s) for providing heating and/or hot water for onsite use (entire subdivision or individual buildings). Using National Energy Code model as a benchmark, points are awarded as listed in Table 9.

This requirement can be achieved through development of an appropriate agreement with the Town to ensure that the proposed requirement will be met in every new individual building within the subdivision.

Table 9. Points for on-site efficient heating system

Percentage of energy efficiency (saving energy)	Points
15%	5
25%	10
50%	20

17)Waste Water Management (max 20 points)

Design and construct the project to retain on-site at least 25% of the average annual wastewater generated by the project (exclusive of existing buildings), and reuse that wastewater to replace potable water. Additional points may be awarded for retaining and reusing 50%. Provide on-site treatment to a quality required by local regulations for the proposed reuse.

The percentage of wastewater diverted and reused is calculated by determining the total wastewater flow and determining how much of that volume is reused on-site (See Table 10).

Note: This requirement can be achieved through development of an appropriate agreement with the Town to ensure that the proposed requirement will be met in every new individual building within the subdivision.

Table 10. Points for reusing wastewater and/or reducing water consumption

Percentage of wastewater reused	Points
25%	10
50%	20

18) Building Water Efficiency (max 20 points)

Design and install an efficient system and higher performance fixtures to reduce the indoor water usage in buildings in comparison with the baseline buildings.

The baseline usage is based on the existing data produced by local authorities.

Calculations are based on estimated occupant usage including the following fixtures and fixture fittings (as applicable to the project scope): water closets (toilets), urinals, lavatory faucets, showers, kitchen sink faucets, and spray valves.

The water efficiency threshold is calculated as a weighted average of water usage for the buildings constructed as part of the project based on their conditioned square footage (See Table 11).

Note: This requirement can be achieved through development an appropriate agreement with the Town to ensure that the proposed requirement will be met in every new individual building within the subdivision.

Table 11. Points for reducing water consumption in buildings

Percentage of reduce water consumption	Points
25%	10
50%	20

19) Certified Green Buildings (LEED, Green Globe...) (20 Points)

Requirements

Design, construct, or retrofit at least one whole building within the project to be certified through a green building rating system such as LEED or Green Globe, requiring review by independent, impartial, third party certifying bodies. Additional points may be earned for each additional certified building that is part of the project (See table 12).

Note: This requirement can be achieved through development an appropriate agreement with the Town to ensure that the proposed requirement will be met in every new individual building within the subdivision.

Table 12. Points for green building certification

Percentage of certified buildings of total buildings	Points
One building and up to 10%	5
> 10% and <30%	10
>30% and <50%	15
≥ 50%	20

D) THE BUILT ENVIRONMENT

20) Connectivity to the Town Street Network (10 points)

Requirements

In consultation with the Town and Department of Transportation and Infrastructure Renewal (TIR) design and build the project as:

- a) Provide at least two main external accesses for the entire subdivision. In some cases, one of these two roads could be non-motorized.
- b) Provide at least two accesses for every lot. One of these access roads could be non-motorized.
- c) Provide for connectivity of the existing streets within 170 meters of the project boundary
- d) Provide at least one through street and/or non-motorized right-of-way intersecting or terminating at the project boundary at least every 250 meters, or at existing abutting street intervals and intersections, whichever is the shorter distance. At least one of these accesses should be motorized.

All streets and sidewalks that are counted toward the connectivity requirement must be available for general public use and not gated.

21) Tree areas, Tree-Lined and Shaded Streets (20 points)

Requirements

In consultation with the Town, and planting native species trees:

OPTION 1. Tree-Lined Streets (10 points)

Design and build the project to provide street trees on both sides of all new and existing streets within the project and on the project side of bordering streets, between the vehicle travel way and walkway, at intervals averaging no more than 40 feet (excluding driveways and utility vaults). 10 points will be granted for achieving this objective.

OPTION 2. Shaded Streets (10 points)

For planting mature trees or other structures to provide shade over of the length of public pathways and streets within the project, **10 points** will be granted. Trees must provide shade within ten years of landscape installation.

For providing 50 percent Shaded Streets **5 points** will be granted.

AND

FOR ALL PROJECTS INVOLVING STREET TREE PLANTINGS

Obtain a registered landscape architect or a horticulturist to determine that planting details are appropriate to growing healthy trees, taking into account tree species, root medium, and width and soil volume of planter strips or wells, and that the selected tree species are not considered invasive in the project context.

22) Active Transportation Network (20 points)

In consultation with the Town, design and build a multi-use public pathway such as a trail or a sidewalk, to connect the new neighbourhood to the Town’s trail and/or active transportation network. Include a pedestrian or bicycle through-connection in any new cul-de-sac. This does not apply to portions of the boundary where connections cannot be made because of physical obstacles, such as prior design of property, construction of existing buildings or other barriers, slopes over 15%, wetlands and water bodies, railroad and utility rights-of-way, existing limited-access motor vehicle rights-of-way, and parks and dedicated open space.

Note: Subject to the budget approval, the town may contribute up to 50 percent of the cost of building the Active Transportation Network in the subdivision.

23) Storm water Management (20 Points)

Requirements

- a) Maintaining the pre-development Maximum Water Flow

Use best practices for Low Impact Development approach and implement a comprehensive Stormwater management plan for the project that retains on-site, through infiltration, evapotranspiration, and/or reuse, the rainfall volumes. If the new development maintains the maximum volume water flow rate to the downstream in pre-development conditions, **10 points** will be granted

- b) Retaining Rainfall Volume

Rainfall volume is based on the project’s development footprint, any other areas that have been graded so as to be effectively impervious, and any pollution generating pervious surfaces, such as landscaping, that will receive treatments of fertilizers or pesticides. If the developer improves the pre-development conditions and reduces the volume of water flow to the down stream, extra points (up to 10 points) would be granted.

Percentage of retaining rainfall volumes in the project site and the associated points are listed in Table 13.

Table 13. The percentage of retaining rainfall volumes

Maximum percentage of water flow to be retained	Points
50%	10
40%	8
30%	6
20%	4

24) Innovative Design and Solar Orientation (20 points)

Requirements

a) Innovative Design

In consultation with the Town’s Planning department and employing a professional designer, create an innovative unique design to accomplish sustainability objectives. Protect and preserve the natural view of the site. A maximum of 10 points may be granted for a satisfactory innovative design.

b) Solar Orientation

Achieve enhanced energy efficiency by creating optimum conditions for the use of passive and active solar strategies.

OPTION 1. Block Orientation

Locate the project on existing blocks or design and orient the project such that 75% or more of the blocks have one axis within plus or minus 15 degrees of geographical east-west, and the east-west lengths of those blocks are at least as long as the north-south lengths of the blocks.

OPTION 2. Building Orientation (Available For All Projects)

Design and orient 75% or more of the project’s total building square footage (excluding existing buildings) such that one axis of each qualifying building is at least 1.5 times longer than the other, and the longer axis is within 15 degrees of geographical east west.

Table 14. Block or building solar orientation

Block Orientation	OR Building Orientation	Points
>75%	>75%	10
>50%	>50%	5

APPENDIX “C” - CORE AREA DESIGN STANDARDS – Waterfront Core Area (WCA)

INTENT

The intent of these Design Standards is to create a Waterfront Core Area (WCA) with a strong historic downtown character. In order to achieve this outcome, a mixed-use development approach has been adopted that utilizes the following elements:

- traditional building forms and massing
- zero lot line development
- historic architectural details
- attractive streetscapes
- welcoming facades
- human scale
- public and intimate spaces
- waterfront activity
- waterfront viewscapes
- human interaction
- minimal vehicle dominance

In summary, the goal is intended to address the relationship between facades and public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks all within a mixed-use development.

WATERFRONT CORE AREA DESIGN STANDARDS

1. BUILDING HEIGHT AND MASSING

a) Height

- i) Building height in the WCA shall be no less than 20 feet and no greater than 4 stories. The 4th floor shall be incorporated into the roof design.
- ii) Notwithstanding the above, buildings have a height greater than 4 stories may be approved by Council where the impact on view planes of the waterfront are minimized, adequate parking is provided, adequate fire protection facilities are provided and the impact on the streetscape is minimized via building design features such as tiered building heights with taller building elements set back from the lot line. Taller buildings will be encouraged to be located in the middle of blocks rather than at intersections.

b) Massing

- i) Buildings should be “massed” to give the impression of small blocks and to create visual interest by providing variations to architectural style such as facade materials, projections, roof changes, colours, etc.

2. FORM AND CHARACTER

a) **Identity**

- i) New buildings should be sensitive to the scale and features of adjacent development and the surrounding residential streets, particularly where new development interfaces with adjoining neighbourhoods.
- ii) Articulation of building facades and rooftops are encouraged and may be required.

b) **Building Design**

- i) Steel roof pitches are encouraged. Buildings designed with variations in the character of roof lines, sloping roof lines, gables and dormers, as well as, other interesting roof treatments will be encouraged.

c) **Flat Roofs**

- i) Flat roofs are generally discouraged unless part of a distinct architectural style. Where flat roofs are part of a distinct architectural style, elements of the streetscape vision such as building heights and facades, character of adjacent buildings, etc. shall be considered to determine a balanced streetscape.
- ii) Green roofs are encouraged as a means of retaining storm water and to add to visual interest.

d) **Rooftop/Building Appurtenances**

- i) Building appurtenances larger than 4 sq. ft. such as mechanical, communication or ventilation equipment shall not be visible from the street.

e) **Ground Floors**

- i) Blank walls of length greater than 20 feet are prohibited along street frontages.
- ii) The ground floor of buildings shall provide a traditional “storefront” appearance. Large windows with attractive accents and prominent building entrances are encouraged along the ground floor to create a transparent, open and welcoming character.

f) **Front Yards**

- i) All commercial buildings shall be constructed on the front lot line.
- ii) Notwithstanding the above, Council may approve commercial buildings with a maximum front yard set back of twenty (20) feet where the front yard is utilized as a courtyard or patio and where the area is fully landscaped and is effectively integrated into the streetscape and compliments the overall building design.

- iii) All residential buildings shall have a maximum front yard set back of ten (10) feet.
- g) **Side Yards**
 - i) Zero lot line development is preferred for all other than corner lots.
 - ii) Street corner lot side yards shall be designed to have publicly accessible alleyways not to exceed 15' or be less than 12'. Any alleyways between buildings (except corner lot alleyways) must be fenced with an opaque 6' high, high quality fence.
- h) **Building Footprint**
 - i) Building footprint envelope shall remain within 80' of the street right-of-way. Rear yard entry into buildings shall be provided.
- i) **Utility Components**
 - i) A shared service area may be incorporated into the rear parking lot design.
- j) **Patios**
 - i) No upper storey patios shall project over a public right-of-way.
- k) **Architectural Details**
 - i) Exterior finish of buildings, excluding roof treatments, are encouraged to be brick, finished concrete, architecturally faced block, stucco, or wood.
 - ii) Untreated or unfinished concrete, vinyl, metal or aluminum as a final building finish is not encouraged.
- l) **Exterior Materials**
 - i) Large expanses of any one material are discouraged unless effective details are used to break up the visual monotony.
- m) **Site Elements**
 - i) Site elements such as storage, shipping and loading areas, transformers and meters, bay doors and garbage receptacles shall be screened from adjacent streets.
- n) **Parkades**
 - i) Parkades should be integrated within a structure. The exterior facade and site

development of these structures should be sensitive to and complement the existing streetscape or the streetscape vision if no development has occurred along that street.

o) Underground Parking Garage

- i) Underground parking is encouraged. Where underground parking is proposed, access to the facility should be from the rear yard.

3. DETAILED DESIGN AND MATERIALS

a) Colours/Materials

- i) Colours should be generally “warm” in character and thoughtfully considered with respect to adjacent development and the typical Island palette. Colours deemed obtrusive or inconsistent with the architectural theme shall not be permitted.
- ii) The use of natural stone or brick materials should be used with complimentary accent colours.

b) Signage - Residential

- i) Residential building signage should be low level and illuminated, indicating street address in discreet, graphic style. Signage should be closely related to the principal building entrance.

c) Signage - Commercial

- i) Signage should add diversity and interest to retail streets through the use of projecting signs and windows signs.
- ii) Projecting signs shall not exceed 6 sq. ft.
- iii) Creative, artistic and contemporary signs are preferred which incorporate simplistic lettering.
- iv) Signs on the second storey are permitted provided they are no greater than 12 sq. ft.
- v) Signs in the first storey are permitted provided they are no greater than 9 sq. ft.
- vi) Back-lit signs are not permitted, except to back light raised lettering signs only.
- vii) Signs should be externally illuminated, preferably with downward lighting such as gooseneck lighting.
- viii) Signs must have at least 9.0' of ground clearance.

- ix) No free-standing signs shall be permitted unless they are located within a permitted front yard, are adequately integrated into the building design and landscaping plans and are ground mounted and do not exceed four (4) feet in height and a maximum of thirty-two (32) square feet.
- d) **Recycling and Garbage**
 - i) Provision should be made for storage space within individual units, and in the main garbage storage area of each building, for a full recycling program for residential waste.
 - ii) Garbage holding areas should be contained within buildings or, if adjacent to a building, be designed with adequate screening. In no case should large garbage containers be left exposed to the street. These areas are to be properly ventilated, enclosed behind operable doors and equipped for full sanitary management.
- e) **Bicycle Parking**
 - i) Bicycle parking shall be incorporated into the design of all developments.
- f) **Lighting**
 - i) Architectural lighting that is “Dark Sky Complaint” is encouraged.
 - ii) Pedestrian scale lighting should be provided along walkways, parking areas and unit entries. Light spillage into private units should be avoided.
- g) **Fencing**
 - i) Low maintenance opaque materials are preferred.
 - ii) Detailing, colours, and materials should compliment the architectural style of the building and overall design vision.
 - iii) Fences shall be constructed with the finish side facing the adjacent property.
- h) **Awnings/Overhangs**
 - i) Awnings are encouraged at all public entrances to buildings.
 - ii) Awnings should be traditional shed in design.
 - iii) Awnings must have at least 7.5' of clearance for snow clearing.

4. LANDSCAPING

a) **Landscape Design**

- i) Landscape plans shall be professionally prepared.
- ii) Landscaping shall be an integral part of the overall site design.
- iii) Landscaping shall be used to better integrate a development with its settings by:
 - Enhancing pedestrian scale of the building.
 - Screening views of unsightly elements, such as utility boxes.
 - Softening hard edges visually.
 - Providing a transition between different use areas.
 - Creating an attractive aesthetic environment.
 - Creating usable pedestrian areas.
 - Reducing energy consumption.
 - Defining specific areas and enhancing architectural features.
- iv) Landscape plans shall show how the design integrates existing vegetation and site features.

b) **Parking Area Landscaping**

- i) All parking areas are encouraged to provide interior landscaping for shade purposes and aesthetic enhancement.
- ii) Curbed planter areas shall be provided at the end of each parking aisle to protect parked vehicles from turning movements of other vehicles.
- iii) Parking lots should be landscaped with broad branching shade trees at a minimum ratio of three trees per 10 parking spaces for single-loaded stalls, six trees per 20 parking spaces for double-loaded stalls.
- iv) Views of parking areas from public streets should be buffered by landscaping in order to reduce the visual impact of large parking areas.
- v) Drainage into swale areas is encouraged and may be accommodated by design elements such as flush curbs, perforated curbs and tree offsets..
- vi) All free standing light standards in commercial developments should be fitted for hanging flower baskets.

5. OPEN SPACE

a) **Public and Private Open Space**

- i) Common open space areas should be accessible and visible for residents to promote social interaction among neighbours. Opportunities for small childrens' play areas, seating and outdoor eating should be considered.
- ii) Each dwelling unit is encouraged to have direct access to a private outdoor space in the form of a balcony, patio, or roof deck. Private patios and semi-private open space should be buffered through changes in elevation, hedges, low walls, or other measures.

b) **Design Elements**

- i) Design of hard landscape elements such as walls, metalwork, and structures should relate to the style, materials, and colour of adjacent architecture. Landscape features should mark entry points and special focal points.

6. ACCESSORY STRUCTURES

a) **Design Character**

- i) Design of accessory structures such as carports, detached garages and sheds shall draw upon the architectural character of the primary residence.

b) **Mailboxes**

- i) Design of mailboxes and mailbox enclosures should be consistent with the architectural style of the development and shall match the colours and materials of other onsite buildings.

c) **Mechanical Equipment, Trash Enclosures and Utilities**

- i) Mechanical equipment, trash enclosures and utilities should be provided with architectural enclosures or fencing, sited in unobstructive locations, and screened by landscaping.

7. STREETSCAPES

a) **Streetscapes**

- i) All streets in the WCA shall have curbs and gutters, parking lanes and sidewalks on both sides of the street, underground services and shall conform to the design standards as outlined in the Core Area Subsidiary Plan.

APPENDIX “D” - CORE AREA DESIGN STANDARDS – Town Centre Core Area (TCCA)

INTENT

The intent of these Design Standards is to create a Town Centre Core Area which has a distinct urban character. A mix of institutional, residential, commercial and mixed use land uses will be accommodated within distinct zones. The Town Centre Commercial area adjacent to the TCH/Kinlock Rd./Jubilee Rd. intersection will accommodate high traffic commercial uses with similar Design Standards to the adjacent Mason Road Commercial Zone.

The balance of the TCCA, including the institutional, mixed use and residential zones will be developed with high quality urban style streetscapes with on-street parking, curbs and gutters, sidewalks, underground services and street trees. Somewhat higher density and innovative housing forms will be encouraged. Site plans shall reflect high development standards, superior landscaping and provision of amenity areas for pedestrians. Pedestrian and bicycle facilities and linkages will be an intrinsic component of all development plans.

Buildings shall conform to traditional architectural styles and be of superior quality. Commercial signage shall be controlled and no “pylon” or elevated free-standing signs shall be permitted outside of the TCC zone.

I ARCHITECTURAL DESIGN GUIDELINES: **RESIDENTIAL AND MIXED USE**

1. General

- a) Sheds, detached garages and other accessory buildings shall be compatible with the style, colour and composition of the main building.
- b) Permitted roof materials are asphalt shingles, cedar shingles/shakes, slate or copper or a combination thereof or similar materials. Painted metal roofs and other materials may be allowed where, in the opinion of Council, they are architecturally compatible. Roof stacks and plumbing vents shall be placed on the rear slopes of the roof where possible to minimize visibility from the street.
- c) Porches and other appropriate architectural details are encouraged.
- d) Vinyl siding may be approved where the architectural details are appropriate with traditional building designs. All shingle or clapboard type siding shall be full profile and not wider than five (5) inches.
- e) Low flush toilets and low-flow shower heads are encouraged in all bathrooms.

- f) Fence designs should be appropriate for the architectural style of the building. Chainlink fences are discouraged.
- g) Garages shall be located and designed so that on approach the building is not visually dominated by the garage. To this end, attached garages must not extend more than four (4) feet past the front door of the building. Single garage doors shall be no more than twelve (12) feet wide. Carports are discouraged and will only be approved where they are compatible with the architectural style of the building and where adequate screened storage facilities are provided.
- h) Apartments shall have no parking between the building and the street.

2. **BUILDING HEIGHT AND MASSING**

a) **Height**

- i) Building height for Residential and Mixed Use buildings shall be no greater than 35 feet.
- ii) Notwithstanding the above, buildings having a height greater than 35 ft. may be approved by Council where adequate parking is provided, adequate fire protection facilities are provided, the impact on the streetscape is minimized via appropriate building design features and impacts on adjacent residential areas are mitigated. Taller buildings will be encouraged to be located in the middle of blocks rather than at intersections.

b) **Massing**

- i) Building massing should be varied by employing variations to architectural style such as wall breaks, facade materials, recessed and projection areas, roof changes, distinct colour schemes and roof treatments.

3. **FORM AND CHARACTER**

a) **Identity**

- i) New buildings should be sensitive to the scale and features of adjacent development and the surrounding residential streets, particularly where new development interfaces with adjoining neighborhoods.
- ii) Articulation of building facades and rooftops are encouraged and may be required.
- iii) In areas that possess strong existing development character, the

building design should respect the predominant characteristics of neighborhood development such as height, massing, setbacks, materials and architectural style.

b) **Building Design**

- i) Residential building design should not be limited to any particular style, however, it should generally be compatible with surrounding development.
- ii) Variety in terms of building designs and elevations shall be encouraged. Identical or extremely similar buildings shall not be permitted on adjacent lots or across the street from each other.

c) **Roof Design**

- i) Form, colour and texture of the roof should be an integral part of the building design.
- ii) Roof materials shall relate to the design and architectural style of the building.
- iii) Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should compliment the character of any development adjoining a neighbourhood.
- iv) Green roofs are encouraged as a means of retaining storm water and to add to visual interest.

d) **Flat Roofs**

- i) Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs.

e) **Roof Top and Building Appurtenances**

- i) Rooftop and building appurtenances larger than 4 sq. ft. such as mechanical, communication, or ventilation equipment shall not be visible from the street.

f) **Ground Floors**

- i) Blank walls of length greater than 20 feet are prohibited along street frontages.

g) **Utility Components**

- i) Utility components such as transformers should be screened with a wood fence if they occur between the parking lot and the back of the building. A shared service area may be incorporated into the rear parking lot design.

g) **Architectural Details**

- i) Exterior finish of buildings, excluding roof treatments, are encouraged to be brick, finished concrete, architecturally faced block, stucco or wood.
- ii) Untreated or unfinished concrete, metal, or aluminum as a final building finish is not encouraged.

i) **Exterior Materials**

- i) Large expanses of any one material are discouraged unless effective architectural details are used to break up the visual monotony.

j) **Site Elements**

- i) Site elements such as storage, shipping and loading areas, transformers and meters, bay doors and garbage receptacles shall be screened from adjacent streets.

3. DETAILED DESIGN AND MATERIALS

a) **Colour/Materials**

- i) Colours should be generally “warm” in character and thoughtfully considered with respect to adjacent development and the typical Island palette. Colours deemed obstructive or inconsistent with the architectural theme shall not be permitted.
- ii) Exterior materials should be used with complimentary accent colours.

b) **Signage - Residential**

- i) Residential building signage should be low level and externally illuminated, indicating street address in discreet, graphic style. Signage should be closely related to the principal building entrance.

c) **Signage - Mixed Use**

- i) Signage should add diversity and interest to retail streets through the use of projecting signs and window signs.
- ii) Projecting signs shall not exceed 6 sq. ft.
- iii) Creative, artistic and contemporary signs are preferred which incorporate simplistic lettering.
- iv) Signs on the second storey are permitted provided they are not greater than 12 sq. ft.
- v) No free standing signs shall be permitted unless they are located within a permitted front yard, are adequately integrated into the building design and landscaping plans, are ground mounted and do not exceed four (4) feet in height and a maximum of thirty-two (32) square feet.

d) **Recycling and Garbage**

- i) Provision should be made for storage space within individual units, and in the main garbage storage area for each building, for a full recycling program for residential waste.
- ii) Garbage holding areas should be contained within buildings or, if adjacent to a building, be designed with adequate screening. In no case should large garbage containers be left exposed to the street. These areas are to be properly ventilated, enclosed behind operable doors and equipped for full sanitary management.

e) **Bicycle Parking**

- i) Bicycle parking shall be incorporated into the design of all developments.

f) **Lighting**

- i) Adequate pedestrian scale lighting should be provided along walkways, parking areas and unit entries. Light spillage into adjacent properties should be avoided.

g) **Fencing and Screening**

- i) Low maintenance opaque materials are preferred.

- ii) Detailing, colours, and materials should compliment the architectural style of the building and overall design vision.
- iii) Fences shall be constructed with the finish side facing the adjacent property.

II. Design Guidelines: Commercial Zone (TCC)

1. BUILDING HEIGHT AND MASSING

a) Height

- i) Building height in the TCC Zone shall be no greater than 35 feet.
- ii) Notwithstanding the above, Council may allow a greater height where offices or other related uses are being accommodated or for hotels, motels or institutional buildings provided that adequate parking is provided, adequate fire protection facilities are provided and any negative impacts on the privacy or peaceful enjoyment of any adjacent residential properties are mitigated.

b) Massing

- i) The visual impact of building massing shall be minimized for all large commercial buildings via the use of variations to architectural style such as wall breaks, facade materials, recessed and projection areas, roof line changes, distinct and varied colour schemes.

2. FORM AND CHARACTER

a) Building Design

- i) Commercial building designs in the TCCA shall be of high quality and shall include design elements which serve to integrate them with surrounding residential, office and institutional uses.

b) Roof Lines

- i) Roof lines shall be varied, with a change in height encouraged every 15 linear metres in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers are encouraged to avoid or conceal flat roofs and roof top equipment from public view. All roof top equipment shall be concealed from public rights-of-way adjacent to the property.

c) Architectural Details

- i) Exterior finish of buildings, excluding roof treatments, are encouraged to be brick, finished concrete, architecturally faced block, stucco or wood.
 - ii) Untreated or unfinished concrete, vinyl, metal or aluminum as a final building is not encouraged.
- d) **Site Elements**
 - i) Site elements such as storage, shipping and loading areas, transformers and meters, bay doors and garbage receptacles shall be effectively screened from adjacent streets and residential areas.
- e) **Buffering**
 - i) All commercial buildings in the(TCCA) shall provide effective buffering from adjacent residential areas which serves to minimize land use conflicts such as noise, stray lighting, loss of privacy, views of storage, shipping, parking and/or utility/service equipment. Such buffering may be required to include provision of landscaping elements, berms, tree lines, solid walls and fencing and architectural screening.
- f) **Roof Top and Building Appurtenances**
 - i) Roof top and building appurtenances larger than 4 sq. ft. such as mechanical, communication or ventilation equipment shall not be visible from the street.
- g) **Exterior Materials**
 - i) Large expanses of any one material are discouraged unless effective architectural details are used to break up the visual monotony.

3. **DETAILED DESIGN AND MATERIALS**

- a) **Signage - Commercial**
 - i) Commercial signage in the TCCA shall be of high quality and professionally designed and constructed. Signs shall be maintained to a high standard.
- b) **Recycling and Garbage**
 - i) Garbage holding areas should be contained within buildings or, if adjacent to a building, be designed with adequate screening. In no case should large garbage containers be left exposed to the street. These areas are to be properly ventilated, enclosed behind operable doors and

equipped for full sanitary management.

c) **Bicycle Parking**

i) Bicycle parking shall be incorporated into the design of all developments.

d) **Lighting**

i) Adequate pedestrian scale lighting should be provided along walkways, parking areas and unit entries. Light spillage into adjacent properties should be avoided.

e) **Fencing and Screening**

i) Low maintenance opaque materials are preferred.

ii) Detailing, colours, and materials should compliment the architectural style of the building and overall design vision.

iii) Fences shall be constructed with the finish side facing the adjacent property.

III. GENERAL DESIGN STANDARDS

(These standards apply to all development in the (TCCA)

1. LANDSCAPING

a) **Landscape Design**

i) Landscape plans shall be professionally prepared.

ii) Landscaping shall be an integral part of the overall site design

iii) Landscaping shall be used to better integrate a development with its settings by:

- Enhancing pedestrian scale of the building.
- Screening views of unsightly elements, such as utility boxes.
- Softening hard edges visually.
- Providing a transition between different use areas.
- Creating an attractive aesthetic environment.
- Creating usable pedestrian areas.
- Reducing energy consumption.
- Defining specific areas and enhancing architectural features.

iv) Drainage swales and storm water detention areas are required to reduce water quality impacts associated with site runoff.

b) **Parking Area Landscaping**

- i) Every 10,000 sq. ft. of commercial building area (or a ratio thereof) requires 5 caliper sized trees (60 mm caliper) and 20 sq. ft. of landscape beds (shrubs, small trees, perennials, annuals, etc.). Native plants are preferred over non-native species.
- ii) At least 50 sq. ft. of mulched shrub beds should be planted for each multi-family development. These beds should be located between the building and the street or as a buffer between existing residential properties. Beds should be located adjoining the building wherever possible.
- iii) All parking lots greater than 24 cars require landscaping islands at the end of each row of parking (between the last stall and the travel lane). The island should be no less than 4' wide spanning the length of the parking stall. 1 caliper size tree (no less than 60 mm caliper) is required per island. The island should either be raised with a concrete curb, or the island should be designed to channel and store stormwater runoff into it as part of the overall stormwater management plan.
- iv) Views of parking areas from public streets should be enhanced by landscaping elements such as trees or flower beds in order to reduce the visual impact of large parking areas.
- v) Drainage into swale areas and other stormwater detention features is required.
- vi) All free standing light standards in commercial developments should be fitted for hanging flower baskets..

2. **OPEN SPACE**

a) **Public and Private Open Space**

- i) Common open space areas should be accessible and visible to promote social interaction among neighbours and/or patrons. Opportunities for small childrens' play areas, seating, and outdoor eating should be considered.
- ii) Open space areas should also be used to visually unify a development, link development clusters and provide enhanced pedestrian circulation within the development.
- iii) Private open spaces should compliment the Town's Open Space Master Plan.

b) **Design Elements**

- i) Design of hard landscape elements such as walls, metalwork, and structures should relate to the style, materials, and colour of adjacent architecture. Landscape features should mark entry points and special focal points.

6. PEDESTRIAN AMENITIES

a) Sidewalks

- i) Sidewalks on public right-of-way should be linked to commercial sites. These connecting sidewalks should be placed to minimize crossing internal roads or parking lots. There must be at least one sidewalk linkage per adjacent street frontage (eg. flankage yards require 2 connecting sidewalks; properties with 1 road frontage require 1 connecting sidewalk).
- ii) Continuous internal pedestrian walkways shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as but not limited to, transit stops, street crossings, building and store entry points and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials.
- iii) Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas.

b) Awnings or Arcades

- i) Weather protection features such as awnings or arcades in front of the main entrances and on each side of all customer entrances of the building, are encouraged to cover 1/3 of the length of the facade of the building. This is not intended to extend into the driving aisles or parking areas.

c) Walkway Crossings

- i) All major pedestrian walkway crossings shall be clearly delineated in order to enhance pedestrian safety and comfort.

4. ACCESSORY STRUCTURES/AREAS

a) Design Character

- i) Design of accessory structures such as carports, detached garages and sheds shall draw upon the architectural character of the primary residence.

- ii) All exterior shopping cart corrals should be designed to match the character of the main commercial building.
 - iii) Areas not inside a building for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences./ Materials, colours and design of screening walls and/or fences and covers shall conform to those used as predominant materials and colours for the building. If such areas are to be covered, then covering shall conform to those used as predominant materials and colours on the buildings.
- b) **Mailboxes**
- i) Design of mailboxes and mailbox enclosures should be consistent with the architectural style of the development and shall match the colours and materials of other onsite buildings.
- c) **Mechanical Equipment, Trash Enclosures and Utilities**
- i) Mechanical equipment, trash enclosures and utilities should be provided with architectural enclosures or fencing, sited in unobtrusive locations, and screened by landscaping.

5. **STREETSCAPES**

- a) **Streetscapes**
- i) All streets in the TCCA shall have curbs and gutters and sidewalks on at least one side of the street.
 - ii) The new street intersecting the TCA directly south of the Civic Centre Building and extending south of the TCH shall be developed to a similar standard to the Waterfront Core Area and in conformance with the policies in the Core Area Subsidiary Official Plan. The streetscapes shall include full underground services, curb and gutter, parking on both sides of the street, street trees and full sidewalk on both sides of the street.

APPENDIX “E” - CORE AREA DESIGN STANDARDS – Mason Road Core Area (MRCA)

INTENT

The intent of these Design Standards is to create a Mason Road Core Area (MRCA) which will accommodate and encourage high traffic, “big-box” style commercial developments which have a superior architectural quality and which are designed to minimize the aesthetic and environmental impacts of large expanses of parking. The standards are intended to:

- enhance pedestrian enjoyment and safety
- minimize storm water run-off
- encourage superior architectural design in keeping with the high residential standards established within the Town of Stratford
- reduce the visual impact of large parking areas
- provide adequate buffering between commercial development and established residential areas
- minimize commercial signage.

I. Design Guidelines: Residential and Mixed Use Developments

1. BUILDING HEIGHT AND MASSING

a) Height

- i) Building height for Residential and Mixed Use buildings shall be no greater than 35 feet.
- ii) Notwithstanding the above, buildings having a height greater than 35 ft. may be approved by Council where adequate parking is provided, adequate fire protection facilities are provided, the impact on the streetscape is minimized via building design feature and impacts on adjacent residential areas are mitigated. Taller buildings will be encouraged to be located in the middle of blocks rather than at intersections.

b) Massing

- i) Building massing should be varied by employing variations to architectural style such as wall breaks, facade materials, recessed and projection areas, roof changes, distinct colour schemes and roof treatments.

2. FORM AND CHARACTER

a) Identity

- i) New buildings should be sensitive to the scale and features of adjacent development and the surrounding residential streets, particularly where new

development interfaces with adjoining neighbourhoods.

- ii) Articulation of building facades and rooftops are encouraged and may be required.
- iii) In areas that possess strong existing development character, the building design should respect the predominant characteristics of neighbourhood development such as height, massing, setbacks, materials and architectural style.

b) **Building Design**

- i) Residential building design should not be limited to any particular style, however, it should generally be compatible with surrounding development.
- ii) Variety in terms of building designs and elevations shall be encouraged. Identical or extremely similar buildings shall not be permitted on adjacent lots or across the street from each other.

c) **Roof Design**

- i) Form, colour and texture of the roof should be an integral part of the building design.
- ii) Roof materials shall relate to the design and architectural style of the building.
- iii) Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should compliment the character of any development adjoining a neighbourhood.
- iv) Green roofs are encouraged as a means of retaining storm water and to add to visual interest.

d) **Flat Roofs**

- i) Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs.

e) **Roof Top and Building Appurtenances**

- i) Rooftop and building appurtenances larger than 4 sq. ft. such as mechanical, communication, or ventilation equipment shall not be visible from the street.

f) **Ground Floors**

- i) Blank walls of length greater than 20 feet are prohibited along street frontages.

- ii) Large windows with attractive accents and articulated building entrances are encouraged along the ground floor to create a transparent, open concept ground level.
- g) **Utility Components**
 - i) Utility components such as transformers should be screened with a wood fence if they occur between the parking lot and the back of the building. A shared service area may be incorporated into the rear parking lot design.
- h) **Architectural Details**
 - i) Exterior finish of buildings, excluding roof treatments, are encouraged to be brick, finished concrete, architecturally faced block, stucco or wood.
 - ii) Untreated or unfinished concrete, metal, or aluminum as a final building finish is not encouraged.
- i) **Exterior Materials**
 - i) Large expanses of any one material are discouraged unless effective architectural details are used to break up the visual monotony.
- j) **Site Elements**
 - i) Site elements such as storage, shipping and loading areas, transformers and meters, bay doors and garbage receptacles shall be screened from adjacent streets, where possible.

3. DETAILED DESIGN AND MATERIALS

- a) **Colour/Materials**
 - i) Colours should be generally “warm” in character and thoughtfully considered with respect to adjacent development and the typical Island palette. Colours deemed obstructive or inconsistent with the architectural theme shall not be permitted.
 - ii) Exterior materials should be used with complimentary accent colours.
- b) **Signage - Residential**
 - i) Residential building signage should be low level and externally illuminated, indicating street address in discreet, graphic style. Signage should be closely related to the principal building entrance.
- c) **Signage - Mixed Use**

- i) Signage should add diversity and interest to retail streets through the use of projecting signs and window signs.
 - ii) Projecting signs shall not exceed 6 sq. ft.
 - iii) Creative, artistic and contemporary signs are preferred which incorporate simplistic lettering.
 - iv) Signs must have at least 9.0' of clearance for snow clearing.
 - ix) No free standing signs shall be permitted unless they are located within a permitted front yard, are adequately integrated into the building design and landscaping plans, are ground mounted and do not exceed four (4) feet in height and a maximum of thirty-two (32) square feet.
- d) **Recycling and Garbage**
- i) Provision should be made for storage space within individual units, and in the main garbage storage area for each building, for a full recycling program for residential waste.
 - ii) Garbage holding areas should be contained within buildings or, if adjacent to a building, be designed with adequate screening. In no case should large garbage containers be left exposed to the street. These areas are to be properly ventilated, enclosed behind operable doors and equipped for full sanitary management.
- e) **Bicycle Parking**
- i) Bicycle parking shall be incorporated into the design of all developments.
- f) **Lighting**
- i) Architectural lighting that is “Dark Sky Compliant” is encouraged.
 - ii) Adequate pedestrian scale lighting should be provided along walkways, parking areas and unit entries. Light spillage into adjacent properties should be avoided.
- g) **Fencing and Screening**
- i) Low maintenance opaque materials are preferred.
 - ii) Detailing, colours, and materials should compliment the architectural style of the building and overall design vision.

II. Design Guidelines: Commercial Zone (MRC)

1. BUILDING HEIGHT AND MASSING

a) Height

- i) Building height in the MRC Zone shall be no greater than 35 feet.
- ii) Notwithstanding the above, Council may allow a greater height where offices or other related uses are being accommodated or for hotels, motels or institutional buildings provided that adequate parking is provided, adequate fire protection facilities are provided and any negative impacts on the privacy or peaceful enjoyment of any adjacent residential properties are mitigated

b) Massing

- i) The visual impact of building massing shall be minimized for all large commercial buildings via the use of variations to architectural style such as wall breaks, facade materials, recessed and projection areas, roof line changes, distinct and varied colour schemes.

2. FORM AND CHARACTER

a) Building Design

- i) Commercial building designs in the MRCA shall be of high quality and shall include design elements which serve to integrate them with surrounding residential, office and institutional uses.

b) Roof Lines

- i) Roof lines shall be varied, with a change in height encouraged every 15 linear metres in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers are encouraged to avoid or conceal flat roofs and roof top equipment from public view. All roof top equipment shall be concealed from public rights-of-way adjacent to the property.

c) Architectural Details

- i) Exterior finish of buildings, excluding roof treatments, are encouraged to be brick, finished concrete, architecturally faced block, stucco or wood.
- ii) Untreated or unfinished concrete, vinyl, metal or aluminum as a final building is not encouraged.

- d) **Site Elements**
 - i) Site elements such as storage, shipping and loading areas, transformers and meters, bay doors and garbage receptacles shall be effectively screened from adjacent streets and residential areas.
- e) **Buffering**
 - i) All commercial buildings in the MRCA shall provide effective buffering from adjacent residential areas which serves to minimize land use conflicts such as noise, stray lighting, loss of privacy, views of storage, shipping, parking and/or utility/service equipment. Such buffering may be required to include provision of landscaping elements, berms, tree lines, solid walls and fencing and architectural screening.
- f) **Roof Top and Building Appurtenances**
 - i) Roof top and building appurtenances larger than 4 sq. ft. such as mechanical, communication or ventilation equipment shall not be visible from the street.
- g) **Exterior Materials**
 - i) Large expanses of any one material are discouraged unless effective architectural details are used to break up the visual monotony.

3. **DETAILED DESIGN AND MATERIALS**

- a) **Signage - Commercial**
 - i) Commercial signage in the MRCA shall be of high quality and professionally designed and constructed. Signs shall be maintained to a high standard.
- b) **Recycling and Garbage**
 - i) Garbage holding areas should be contained within buildings or, if adjacent to a building, be designed with adequate screening. In no case should large garbage containers be left exposed to the street. These areas are to be properly ventilated, enclosed behind operable doors and equipped for full sanitary management.
- c) **Bicycle Parking**
 - i) Bicycle parking shall be incorporated into the design of all developments.
- d) **Lighting**

- i) Adequate pedestrian scale lighting should be provided along walkways, parking areas and unit entries. Light spillage into adjacent properties should be avoided.
- e) **Fencing and Screening**
 - i) Low maintenance opaque materials are preferred.
 - ii) Detailing, colours, and materials should compliment the architectural style of the building and overall design vision.
 - iii) Fences shall be constructed with the finish side facing the adjacent property.

III. GENERAL DESIGN STANDARDS

(These standards apply to all development in the MRCA)

1. LANDSCAPING

a) Landscape Design

- i) Landscape plans shall be professionally prepared.
- ii) Landscaping shall be an integral part of the overall site design.
- iii) Landscaping shall be used to better integrate a development with its settings by:
 - Screening views of unsightly elements, such as utility boxes.
 - Softening hard edges visually.
 - Providing a transition between different use areas.
 - Creating an attractive aesthetic environment.
 - Creating usable pedestrian areas.
 - Reducing energy consumption.
 - Defining specific areas and enhancing architectural features.
- iv) Drainage swales and storm water detention areas are required to reduce water quality impacts associated with site runoff.

b) Parking Area Landscaping

- i) Every 10,000 sq. ft. of commercial building area (or a ratio thereof) requires 5 caliper sized trees (60 mm caliper) and 20 sq. ft. of landscape beds (shrubs, small trees, perennials, annuals, etc.). Native plants are preferred over non-native species.
- ii) At least 50 sq. ft. of mulched shrub beds should be planted for each multi-family development. These beds should be located between the building and

the street or as a buffer between existing residential properties. Beds should be located adjoining the building wherever possible.

- iii) All parking lots greater than 24 cars require landscaping islands at the end of each row of parking (between the last stall and the travel lane). The island should be no less than 4' wide spanning the length of the parking stall. 1 caliper size tree (no less than 60 mm caliper) is required per island. The island should either be raised with a concrete curb, or the island should be designed to channel and store stormwater runoff into it as part of the overall stormwater management plan.
- iv) Views of parking areas from public streets should be enhanced by landscaping elements such as trees or flower beds in order to reduce the visual impact of large parking areas.
- v) Drainage into swale areas and other stormwater detention features is required.
- vi) All free standing light standards in commercial developments should be fitted for hanging flower baskets.

2. OPEN SPACE

a) Public and Private Open Space

- i) Common open space areas should be accessible and visible for residents to promote social interaction among neighbours and/or patrons. Opportunities for small childrens' play areas, seating, and outdoor eating should be considered.
- ii) Each residential dwelling unit is encouraged to have direct access to a private outdoor space in the form of a balcony, patio, or roof deck. Private patios and semi-private open space should be buffered through changes in elevation, hedges, low walls, or other measures.
- iii) Open space areas should also be used to visually unify a development, link development clusters and provide enhanced pedestrian circulation within the development.

b) Design Elements

- i) Design of hard landscape elements such as walls, metalwork, and structures should relate to the style, materials, and colour of adjacent architecture. Landscape features should mark entry points and special focal points.

6. PEDESTRIAN AMENITIES

a) Sidewalks

- i) Sidewalks on public right-of-way should be linked to commercial sites. These connecting sidewalks should be placed to minimize crossing internal roads or parking lots. There must be at least one sidewalk linkage per adjacent street frontage (eg. flankage yards require 2 connecting sidewalks; properties with 1 road frontage require 1 connecting sidewalk).
- ii) Continuous internal pedestrian walkways shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as but not limited to, transit stops, street crossings, building and store entry points and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials.
- iii) Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas.

b) Awnings or Arcades

- i) Weather protection features such as awnings or arcades in front of the main entrances and on each side of all customer entrances of the building, are encouraged to cover 1/3 of the length of the facade of the building. This is not intended to extend into the driving aisles or parking areas.

c) Walkway Crossings

- i) All major pedestrian walkway crossings shall be clearly delineated in order to enhance pedestrian safety and comfort.

4. ACCESSORY STRUCTURES/AREAS

a) Design Character

- i) Design of accessory structures such as carports, detached garages and sheds shall draw upon the architectural character of the primary residence.
- ii) All exterior shopping cart corrals should be designed to match the character of the main commercial building.

- iii) Areas not inside a building for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences./ Materials, colours and design of screening walls and/or fences and covers shall conform to those used as predominant materials and colours for the building. If such areas are to be covered, then covering shall conform to those used as predominant materials and colours on the buildings.
- b) **Mailboxes**
 - i) Design of mailboxes and mailbox enclosures should be consistent with the architectural style of the development and shall match the colours and materials of other onsite buildings.
- c) **Mechanical Equipment, Trash Enclosures and Utilities**
 - i) Mechanical equipment, trash enclosures and utilities should be provided with architectural enclosures or fencing, sited in unobtrusive locations, and screened by landscaping.

5. **STREETSCAPES**

- a) **Streetscapes**
 - i) All streets in the MRCA shall have curbs and gutters and sidewalks on at least one side of the street and shall have provision for bike paths..

SCHEDULE C: Development Permit Fees

RESIDENTIAL	<i>Current Rates</i>
New/Additions/Renovations	\$ 0.20/ft ² (Min. \$30.00)
Accessory Buildings / Structures	\$ 0.20/ft ² (Min. \$30.00)
Decks/Fences/Pools	\$30.00
AGRICULTURAL	
New/Renovations/Additions	\$4.50/\$1,000 estimated cost (Min. \$100.0)
COMMERCIAL-INDUSTRIAL-INSTITUTIONAL- RECREATION	
New/Renovations/Additions	\$6.00/\$1,000 estimated cost (Min. \$100.00)
SMALL WIND ENERGY SYSTEMS	
Micro 0 - 5 KW	\$50.00
Small 5 - 30 KW	\$200.00 (Registry / Agreement Fee)
Medium 30 - 100 KW	\$300.00 (Registry / Agreement Fee)
SUBDIVISION	
(six or more lots)	\$250.00 plus \$20.00 per lot
(five or less lots)	\$250.00
Severance or Consolidation	\$50.00
Subdividing of Attached Buildings/Duplex Lot.	\$250.00
GENERAL	
Signage	\$2.00 sq. ft. (Min \$50.00)
Non-profit organizations	\$100.00 (Max. Fee)
Change of Use	Actual Cost (Min. \$50.00)
Moving or Demolition	\$30.00
Agreements (In-law/Cottage/Home Occupation/Bed & Breakfast)	\$150.00 (Includes registration)
Agreements (Development/Subdivision)	\$150.00 (Includes registration)
Temporary Buildings/Structures/Signage	\$50.00
Fence (over four(4) feet in height)	\$30.00
Legal Zoning Inquiries	\$50.00
Renewal	\$30.00
OFFICIAL PLAN AND/OR DEVELOPMENT BYLAW	
Official Plan Amendment	\$300.00

Zoning amendment	\$300.00
Conditional Use	\$100.00
Special Permit Use	\$300.00
Variance - Minor (not exceeding 10%) - Major (exceeding 10%)	\$50.00 (after the fact \$300.00) \$300.00
Comprehensive Development Plan Approval	\$300.00
<i>PENALTIES</i>	
Permit obtained after-the-fact	Double the fee (Min.\$100.00)
Compliance Order	\$100.00
Uncover Order	\$100.00
Stop Work Order	\$250.00
Repair/Demolition Order	\$250.00
<i>PERMIT FEE DEPOSITS / REFUNDS</i>	
<p>A \$75.00 non-refundable deposit is required for a Development Permit. This deposit shall be applied as a credit towards the Development Permit Fee. Development Permit fees that are less than \$75.00 must be paid at the time of application and are non-refundable.</p>	