

TOWN OF STRATFORD
ZONING AND DEVELOPMENT
BYLAW # 45



Imagine that!

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TOWN OF STRATFORD

ZONING AND DEVELOPMENT BYLAW

BYLAW NUMBER 45



This Bylaw is made under the authority of the *Planning Act*, R.S.P.E.I. 1988, Cap P-8 and the *Municipal Government Act*, 1988 R.S.P.E.I., Cap M-12.1

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

1. SCOPE AND INTERPRETATION

1.1. TITLE

1.1.1. This Bylaw shall be known and may be cited as the Town of Stratford Zoning and Development Bylaw, herein referred to as Bylaw.

1.2. AREA DEFINED

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

1.3. SCOPE

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

1.4. COMPLIANCE WITH OTHER LEGISLATION

1.4.1. 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 from any laws of the Province or of the Government of Canada.

1.4.2. 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.

1.5. AUTHORITY OF DEVELOPMENT OFFICER

1.5.1. The Council hereby delegates the Chief Administrative Officer the power to appoint a Development Officer(s), in accordance with Subsection 20(2) of the Planning Act, 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 applications made in accordance with this Bylaw in all areas except for:

- (a) Commercial developments that fall under Part 3 of the National Building Code;
- (b) Institutional developments that fall under Part 3 of the National Building Code;
- (c) Industrial developments;
- (d) Multiple family dwellings of greater than 18 units;
- (e) Special permit uses;
- (f) Conditional uses;
- (g) Variances of greater than 5% in accordance with the relevant provisions of this bylaw;
- (h) Preliminary approval of subdivisions of greater than five (5) Lots or where the extension of water mains, sewer mains or Streets is required; and.
- (i) Bylaw amendments.

1.6. DEVELOPMENT ZONES

1.6.1. For the purpose of this Bylaw, the Town is divided into the following Zone categories and Use Zones, the boundaries of which are shown in *APPENDIX A – TOWN OF STRATFORD ZONING MAP* on the Official Zoning Map. Such Zones may be referred to by the following map symbols.

1.6.2. Where this bylaw refers to a residential zone, it shall include all of the zones listed in the table under the residential use category. The same shall apply to all other use categories.

<u>BYLAW</u> <u>SECTI</u> <u>ON</u>	<u>USE CATEGORY</u>	<u>NAME OF ZONE</u>	<u>MAP SYMBOL</u>
11	Residential	Low Density Residential Large Lot	R1L
		Low Density Residential	R1
		Medium Density Residential	R2
		Multiple Unit Residential	R3
		Planned Unit Residential Development	PURD
		Sustainable Subdivision Overlay	SS

		Waterfront Residential Town Centre Residential Mason Road Residential	WR TCR MRR
12	Mixed Use	Waterfront Mixed Use Town Centre Mixed Use Mason Road Mixed Use	WMU TCMU MRMU
13	Commercial	General Commercial Highway Commercial Neighbourhood Commercial Town Centre Commercial Mason Road Commercial	C1 C2 C3 TCC MRC
14 15 16	Agricultural Business Industrial	Agricultural Reserve Business Park Light Industrial	A1 M1 M2
17	Recreation	Open Space Environmental Reserve Waterfront Open Space Town Centre Open Space	O1 O2 WOS TCOS
18	Institutional	Public Service & Institutional Town Centre Institutional	PSI TCI

1.7. INTERPRETATION OF ZONE BOUNDARIES

1.7.1. Boundaries between Zones as indicated in *APPENDIX A – TOWN OF STRATFORD ZONING MAP* shall be determined as follows:

- (a) 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;
- (b) Where a Zone boundary is indicated as following Lot lines, the boundary shall be such Lot or Property lines;

- (c) Where a Zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary;
 - (d) Where none of the above provisions apply, the Zone boundary shall be scaled from the original copy of the Official Zoning Map lodged with the Municipality;
- 1.7.2. Where any land or Building is proposed for more than one (1) Use, 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.

1.8. OFFICIAL ZONING MAP

- 1.8.1. *APPENDIX A – TOWN OF STRATFORD ZONING MAP* may be cited as the Official Zoning Map and forms part of this Bylaw.

1.9. PERMITTED USES

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

1.10. CERTAIN WORDS

- 1.10.1. 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.

1.11. UNITS OF MEASURE

- 1.11.1. All official measurements are in metric. Where imperial measurements are provided they are for informational purposes only. Units of measure and conversion shall be in accordance with either Imperial or Metric standards.

1.12. APPENDICES AND SCHEDULES

- 1.12.1. All appendices attached to this Bylaw form part of the Bylaw.
- 1.12.2. All schedules and figures attached to this Bylaw are for information purposes only and do not form part of this Bylaw.

2. DEFINITIONS

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

In this Bylaw:

A

ACCESSORY BUILDING/STRUCTURE - means a building or structure which use is subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

ACCESSORY FARM DWELLING – means an accessory use to a one-unit dwelling on a farm operation where a small dwelling unit is established that can attached or separate from the main building.

ADULT ENTERTAINMENT USES – means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services or entertainment appealing to or designed to appeal to erotic or sexual appetites or inclinations.

AGRICULTURAL USE - means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre and associated on-farm buildings and structures, including accommodation for full-time farm labour needs to support the use. Agricultural uses include activities required to make a commodity saleable (i.e. such as picking, drying, washing, sorting, packing, and packaging). Accommodations can be provided for seasonal workers in temporary employment subject to a development agreement and a sunset clause for the work term.

AGRI-TOURISM AND RECREATION USE - means a secondary use to a farm operation that involves tourist activities that have a direct relationship to the agricultural activities on the farm or surrounding farm activities. Such activities may include farm-mazes, seasonal festivals, equine related activities and educational related specialty tours which may include accommodation for related activities subject to a development agreement.

Agri-Tourism and Recreation Use – means a Use involving any agriculturally-based operation or activity that brings visitors to a Farm including, but not limited to farm-mazes, seasonal festivals, equine related activities and education-related tours.

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

AMENITY AREA - means an area of land set aside for the common use of residents for the purpose of visual improvement or relaxation, including but not limited to, communal or rooftop gardens, patios, balconies with a minimum depth of 2.0 m, communal lounges and recreational uses, courtyards, fountains, gazebos, landscaped open spaces, arboretums, plazas, atriums, or public seating areas.

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

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.

AUTO BODY SHOP - means a building established 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.

AUTOMOBILE CAR WASH - means a building used for the operation of automobile washing equipment which is manual, automatic or semi-automatic.

AUTOMOBILE SALES AND SERVICE - means a retail goods use established for the sale and, as a secondary use, the maintenance of used or new automobiles.

AUTOMOBILE SERVICE STATION - means a commercial use established 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.

B

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

BED AND BREAKFAST – means a secondary use in a single unit dwelling that is owner-occupied and used incidentally to provide accommodation and meals to the public of up to three (3) separate rooms, and up to five (5) separate rooms as a conditional use or by special permit. This use 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 Town.

BUFFER – means vegetation planted, or land maintained in natural vegetation or landscaped area 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, as amended from time to time.

BUILDING CODE - means that edition of the National Building Code of Canada adopted 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 - means the formal and written authorization for a person to carry out any building or construction pursuant to the Building Bylaw.

BUILDING SETBACK - means the distance between the lot 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 the retailing, wholesaling, manufacturing or conversion of goods.

BYLAW - means the Town of Stratford Zoning and Development Bylaw # 45.

C

Cannabis Retail Operation means a retail store established by the Cannabis Management Corporation.

Cannabis Management Corporation means the body corporate established in accordance with the *Cannabis Management Corporation Act*, R.S.P.E.I 1988, Cap. C.-1.3.

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

CHILD CARE, CENTRE - means an establishment that provides care and supervision for up to fifty (50) children, including an early childhood centre, occupational centre or school age child care centre.,

CHLD CARE, DAY CARE HOME - means any secondary use where the occupant provides care and supervision for up to seven (7) children

CHILD CARE, FACILITY - means any place where or in which child care is offered at any time to:

- 1) more than six children;
- 2) more than five children all of whom are less than six years of age; or
- 3) more than three children all of whom are less than two years of age.

CHILD CARE, NEIGHBOURHOOD – means any secondary use where the occupant provides care and supervision for seven (7) to fifteen (15) children, including an early childhood centre, occupational centre or school age child care centre

CAMPGROUND - means a location established for providing short term accommodation for tents, tent trailers, recreational vehicles, and campers; but does not include a mobile home park.

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

CLUSTER TOWNHOUSE - means a Building that is divided vertically into three or more Dwelling Units by common walls which prevent internal access between Dwelling Units, each with an outdoor entrance but without its own Street Frontage.

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 ordinary high water mark of all coastal and tidal waters.

COMMERCIAL DWELLING UNIT- means a secondary unit where residential dwellings are contained within or attached to the main commercial use.

COMMUNITY GATHERING PLACE - means a use where, at no cost to the public, people are able to congregate and socialize within their neighbourhoods including, but not limited to, community centres, public squares, halls, picnic shelters, and recreational facilities.

CONDITIONAL USE - see "Use".

COMMUNITY CARE FACILITY - means a community care facility as defined in the Province's *Community Care Facilities and Nursing Homes Act*, as amended from time to time.

GROUP HOME, - means an establishment for 6 or fewer residents who require special care or supervision, staffed 24 hours per day by trained care giver(s), and recognized as a group home by the Minister of the Provinces' Department of Health or Wellness or any successor department

NURSING HOME, - means a nursing home as defined in the *Community Care Facilities and Nursing Homes Act*, as amended from time to time.

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 a 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.

CONDOMINIUM - means a building in which each dwelling 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 USE - means the use of land which enhances

and protects the health of any open space or natural area.

CONSERVATION PLAN – means a plan that is completed by a qualified professional and includes the location and extent of a 60 metre buffer area along any watercourse or wetland as well as any sensitive habitat within the buffer area.

CONVENIENCE STORE - means a retail establishment, not exceeding 190 sq. m. (2,045 sq. ft.) of floor area, where not less than half of the floor area is dedicated to supplying basic groceries to the surrounding neighbourhood residents.

COUNCIL – means the municipal Council for the Town of Stratford.

D

DAY CARE HOME - means any secondary use where the occupant provides care and supervision for up to seven (7) children.

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 applicant and the municipality respecting the terms under which a development may be carried out.

DEVELOPMENT OFFICER - means a person charged by the Chief Administrative Officer 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. OR: Means a 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

DEVELOPMENT SCHEME - means a detailed plan showing the location, land use, and form of all land uses 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 on premise signs of a sign area of 0.26 sq. m (2.8 sq. ft.) 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 independent exterior entrances, kitchen and sanitary facilities are provided.

DUPLEX DWELLING - means a building containing two dwelling units, but does not include a semi-detached dwelling.

MULTIPLE DWELLING- means a building containing three or more dwellings that is not a townhouse dwelling or cluster townhouse.

SEASONAL DWELLING - means a dwelling intended for seasonal residential use.

SECONDARY DWELLING - means a secondary use to an owner-occupied one-unit dwelling where an additional small dwelling unit is established that is not separate from the main building.

SEMI DETACHED DWELLING - means a building containing two dwelling units arranged side by side and separated vertically by a common wall extending from the foundation to the roof.

SINGLE DWELLING - means a building designed or used for occupancy as one dwelling unit.

TOWNHOUSE DWELLING - means a building containing three or more dwelling units arranged side by side each with an independent exterior entrance and separated vertically by a common wall extending from the foundation to the roof and includes clustered townhouse dwellings when permitted under this bylaw.

E

ENTERTAINMENT ESTABLISHMENT – means an establishment providing musical, dramatic, dancing, or cabaret entertainment and/or facilities for alcoholic beverage consumption and includes supplementary food service. This term refers to Uses such as theaters, cinemas, auditoria, beverage rooms, cocktail lounges, cabarets, nightclubs

and theater restaurants.

ERECT - means to build, construct, reconstruct, alter or relocate and, without limiting the generality of the foregoing, includes 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 street, or a snow-trap constructed to protect a street from snow accumulation.

F

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 bonafide 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 (431 square feet) located on the farm property for the temporary sale of produce grown on the farm property.

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

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

FINANCIAL SERVICE - means a use where money is deposited, retained, loaned, exchanged, or managed, and includes, but not limited to, a bank, credit union, or trust company.

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:

(1) With reference to Accessory Buildings, the area contained within the outside walls;

(2) With reference to “commercial Buildings”, the total usable floor area within the outside walls of a Building used for commercial purposes; and

(3) With reference to Dwellings, means the area contained within the outside walls of a Building excluding any porch, verandah, stairwell, unfinished attic and unfinished basement.

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.

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.

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.

H

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

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

HOME OCCUPATION - means an accessory or secondary use conducted by a resident occupying the residential dwelling in a portion of a dwelling or a part of an accessory building, for pursuits which are compatible with a domestic household. For the purpose of this

bylaw a home occupation shall be clearly incidental and secondary to the residential use.

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, but is not a health clinic.

HOTEL - means a building use other than a motel or bed and breakfast occupied or intended to be occupied as the temporary lodging place for any individual for a fee.

HOUSEHOLD SERVICE AND REPAIR – means a building or part there used for the sale and repair of household items, including furniture, electronics and appliances but not including any obnoxious use or use involving any use of solvents or other industrial processes or auto body repair shops.

I

INDUSTRIAL SERVICE AND REPAIR - means a Building or a part of a Building where equipment, machines or goods are repaired, serviced or maintained, including but not limited to Auto Body Shops, laundromats and dry cleaners.

INFILLING - means the development of vacant lots between lots which are currently fully or partially developed.

INSTITUTIONAL USE - means any use, other than a recreational use, established for the provision of a community service or for providing a public benefit, including: associations, cemeteries, religious institutions, colleges and universities, civic centres, medical clinics, hospitals, government offices, supportive housing, libraries, museums and art galleries; public and private schools, and child care facilities associated with an institutional use.

INTENSIVE AGRICULTURAL USE - means an agriculture use which is characterized by a significant number of animal units, 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 – means an agricultural use where livestock are found in a density greater than seven animal units per acre in a confined area to which the

livestock have access, with the calculation of animal units to be determined by the Province.

L

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

LIGHT INDUSTRIAL USE - means any use involving a manufacturing process, whether or not a finished article is produced, and may include the repairing and or servicing of vehicles, machinery, or buildings, but shall not include any use that results in excessive water usage, effluent discharge, any contamination which may contribute to the biological, chemical, physical, or aesthetic pollution of land, water, and/or air, or manufacturing processes taking place outside of a building other than outdoor storage, parking, and loading.

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.

LOUNGE - means a commercial use other than a restaurant licensed to sell alcoholic beverages and cannabis to the public.

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

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

LOT LAYOUT:

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

LOT COVERAGE – means, with respect to uses, the percentage of the lot covered by the main building.

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

LOT LINE - means any boundary of a lot.

LOT TYPE:

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

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

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

LOT LINES:

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.

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.

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

M

MAIN BUILDING - means that Building in which is carried on the principal purpose or purposes for which the Lot is Used.

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.

MANUFACTURING AND ASSEMBLY- means a use primarily engaged in the chemical, mechanical or physical transformation of materials or substances into new products.

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 use established 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 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.

O

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

OFFICIAL ZONING MAP - means the map included as *APPENDIX A – TOWN OF STRATFORD ZONING MAP* to this Bylaw or as amended from time to time, depicting the boundaries of all Zones.

OFFICIAL PLAN - means the Town’s 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 land used for recreational or leisure activities that shall include landscaping, community gathering places, trails, and uses that enhance or protect the health of the natural flora and fauna, but does not include space used for service drive-ways or off-street parking.

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

OUTDOOR STORAGE - means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment.

P

PARCEL - see "Lot".

PARK OR PARKLAND - means an area of land designated for recreational use which may include playgrounds, 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.

PERSON - means an individual, association, corporation, contractor, commission, developer, 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 SHOPS- means a use where 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 aesthetician, barbershop, beauty salon, clothes alteration, repair, or manufacture for individuals, professional dry cleaning or shop, hairdresser, laundromats, shoe repair, or pet grooming, but shall not laundry service or large scale dry cleaners.

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

PLANNING, DEVELOPMENT AND HERITAGE COMMITTEE - means the committee of the Town appointed by Council pursuant to Section 9 of the *Planning Act*, R.S.P.E.I., 1988, P-8 in order to prepare and administer the Town's Official Plan.

PRIVATE GARAGE - means a building or part thereof, which can be detached or attached to the main building, is used for the sheltering of vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing, painting or servicing of such vehicles for remuneration or commercial use.

PROPERTY - see "Lot".

PROPERTY OWNER - means a registered owner of a property or lot, 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.

R

RECREATIONAL VEHICLE - means a vehicles which provides sleeping and other facilities 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.

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

RECREATION USE - means a use in which facilities are provided for recreational, athletic, or cultural activities.

ACTIVE RECREATIONAL USE – Means outdoor recreational activities, such as organized sports, playground activities, and the use of motorized vehicles, that require extensive facilities or development or that have a considerable environmental impact on the recreational site.

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

RESTAURANT - means a use where food and drink 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, but excludes a Cannabis Retail Operation.

RIGHT OF WAY - means an area of land that is legally described in a registered deed for the

provision of private or public access.

S

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, and car batteries, but shall not include hazardous waste materials.

SECONDARY SUITE – Means a second dwelling unit, located within the structure of an owner-occupied single dwelling.

SIGN - means any Display of advertisement of any form, or means of public announcement or notice, whether electronic, erected, painted, or pasted, but that shall not include a display that is inside a building or affixed to the inside of a glass door or window of a building.

BANNER SIGN – means a temporary Sign that is composed of lightweight, non-rigid material such as cloth, canvas, nylon or similar fabric whether enclosed or not enclosed by a rigid frame.

COMMUNITY IDENTIFICATION SIGN - means a sign identifying the Town, or a neighbourhood within the Town.

ELECTION SIGN - means a sign associated with a municipal, provincial, or federal election.

ELECTRONIC SIGN, - Means an electronic sign that automatically displays information / messages to the public by way of a pre-arranged sequence(s) of letters, numbers, words, or images that are generated by the illumination of tubes, bulbs, LEDs, or similar electronically controlled technology. Each individual message and/or image displayed on an electronic sign shall be static in nature, and shall not incorporate animation, videos, moving effects, or changes in intensity of illumination.

FASCIA SIGN - means a sign mounted on the exterior wall surface of a building, but does not include a roof sign.

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, but does not include a sandwich sign.

MEMORIAL OR TABLETS SIGNS - means a sign commemorating a person or event.

OFF-PREMISE SIGN - means any sign which is not on the premises or Parcel of land on which the business is situated.

ON PREMISE SIGN - means a freestanding sign or fascia 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 fascia sign that projects from and is supported by the wall of a Building and shall include an awning.

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.

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 of the Province's Department of Transportation, Infrastructure and Energy, or any successor Department of Transportation, and may include 15 centimeters of class A or B imported aggregate, recycled asphalt paving (RAP), chip-seal, concrete, roller- compacted concrete, asphalt or other materials acceptable to the Authority Having Jurisdiction.

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

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 - 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 people including all modes of travel and includes any bridge over which any such road, street or right-of-way passes.

ARTERIAL STREET - means a street designed to move large volumes of traffic between major centres, as designated by the provincial minister responsible for highway safety.

COLLECTOR STREET - means a street designed to move traffic from residential neighbourhoods to commercial and institutional areas and to arterial streets, as designated by the provincial minister responsible for highway safety.

CUL-DE-SAC STREET - means a dead-end street with one end open to traffic and with a turnaround at the other end

LOCAL STREET - means a street designed to move traffic in residential neighbourhoods, as designated by the provincial minister responsible for highway safety.

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

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

STREETSCAPE - means the scene as may be observed along a 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.

SUSTAINABLE SUBDIVISION - means a holistic approach to the site design and development, including consideration of environmental sustainability, pedestrian needs, efficient servicing, access to public and private amenities, and connected and complimentary land uses.

CERTIFIED SUSTAINABLE SUBDIVISION - means a subdivision that earns at least 65% of available points under the sustainable subdivision scoring system referenced in section 5.2 of the bylaw.

GOLD SUSTAINABLE SUBDIVISION - means a sustainable subdivision that earns at least 75% of available points under the sustainable subdivision scoring system referenced in section 5.2 of this bylaw.

PLATINUM SUSTAINABLE SUBDIVISION - means a sustainable subdivision that earns at least 85% of available points under the sustainable subdivision scoring system referenced in section 5.2 of the bylaw.

SUBDIVISION AGREEMENT - means an agreement executed between the property owner and the town which sets out the terms under which a specific subdivision may be developed and approved.

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

TEMPORARY COMMERCIAL USE - means the use of a building, structure, tent, trailer, vehicle or any other venue without a permanent foundation, established on a commercial lot for a temporary period not to exceed 20 weeks.

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

TOWING SERVICE - means a use where trucks are dispatched to transport inoperable vehicles, and may include the outdoor compound area for the secure storage of such vehicles and or the administrative functions associated with this use, but it does not include a salvage yard.

TRUCK AND DISTRIBUTION FACILITY– means a facility primarily engaged in transporting, warehousing and storing goods, before distribution and delivery to these establishments that cater to such products.

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.

ACCESSORY USE - means a subordinate use, incidental to a primary use of land that is not to the main building but is located on the same lot.

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.

SECONDARY USE - means a use which is subordinate and incidental to the primary use of land that is attached to the Main Building and located on the same lot.

SPECIAL PERMIT USE - means a Use that may be problematic within a Zone and whose intensity, impacts or other characteristics require 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 a relaxation to a requirement of this Bylaw granted by Council.

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.

VETERINARY HOSPITALS AND KENNELS - means the provision of services by veterinarians for the purposes of consultation, diagnosis, and treatment of animals and the necessary

boarding thereof, separate or part of an animal hospital, and may also include the retailing of pet supplies.

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 an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body, any water therein, and any part thereof, up to and including the watercourse boundary.

WATERCOURSE BOUNDARY: means:

- (1) in a non-tidal Watercourse, the edge of the sediment bed; and
- (2) in a tidal Watercourse, the top of the bank of the Watercourse and where there is no discernable bank, means the mean high watermark of the Watercourse.

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

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

WHOLESALE OPERATION - means an establishment primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users, 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.

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.

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.

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.

3. BYLAW AND PLAN AMENDMENTS

3.1. AMENDMENT APPLICATIONS

- 3.1.1. A requested change to either the text **of this Bylaw** or the Official Zoning Map shall be considered a zoning amendment and must be consistent with Official Plan.
- 3.1.2. 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.
- 3.1.3. A Person who seeks an amendment to this Bylaw or the Official Plan shall file a written and signed application.
- 3.1.4. 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:
 - (a) a preliminary site plan showing proposed land uses, any subdivisions, Buildings, means of servicing, traffic access and parking; and
 - (b) an assessment of any potentially significant Development impacts on Town or other public infrastructure, the existing development character of the area, and the natural environment.
- 3.1.5. 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.

3.2. AMENDMENT PROCEDURES

- 3.2.1. The Planning Board shall review each amendment request and make a recommendation to Council.
- 3.2.2. The Planning Board and Council shall consider the following general criteria when reviewing applications for Development Bylaw or Official Plan amendments, as applicable:
 - (a) conformity with all requirements of this Bylaw;
 - (b) conformity with the Official Plan;
 - (c) conformity with provincial land use policies pursuant to the Planning Act;
 - (d) suitability of the site for the proposed Development including the preservation of existing site features and earthworks as proposed;

- (e) compatibility of the proposed Development with surrounding land uses, including both existing and projected uses;
 - (f) any comments from residents or other interested Persons;
 - (g) adequacy of existing infrastructure such as water, sewer, road, stormwater, electrical services, and parkland.
 - (h) the economic and environmental viability of any proposed utility, road extensions or development and maintenance of public open spaces;
 - (i) impacts from the proposed Development on all modes of transportation, including access and safety;
 - (j) compatibility of the proposed Development with surrounding environmental, aesthetic, scenic and heritage features;
 - (k) impacts on Town finances and budgets;
 - (l) other matters as specified in this Bylaw; and
 - (m) other matters as considered relevant by Council.
- 3.2.3. Council shall hold a public meeting to solicit input from residents on the proposed amendment request. At least seven 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:
- (a) in a newspaper circulating in the area and at least two occasions.
- 3.2.4. 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.
- 3.2.5. 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. The applicant shall be notified in writing of the decision.
- 3.2.6. Nothing in this Bylaw restricts the right of the Town to initiate its own amendment requests.
- 3.2.7. Related Official Plan and Bylaw amendments shall 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.
- 3.2.8. 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.

4. SUBDIVISION AND CONSOLIDATION

4.1. SUBDIVISION APPROVAL

4.1.1. 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.

4.2. CONVEYING INTEREST IN A LOT

4.2.1. No Person shall sell or convey any interest in a Lot in a Subdivision without first obtaining final approval for the Subdivision and or consolidation in which the Lot is situated.

4.2.2. No person shall sell or convey any interest in a consolidated Lot before the Town has issued a stamp of approval for the consolidation.

4.3. PERMISSION TO SUBDIVIDE

4.3.1. No Person shall subdivide land within the Town unless the proposed subdivision:

- (a) conforms with the requirements of this Bylaw;
- (b) is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
- (c) demonstrates the design will preserve existing trees and other natural features on the site;
- (d) will not cause undue flooding or erosion;
- (e) has adequate utilities and services available or can be conveniently provided with such utilities and services;
- (f) will reasonably conform to or is compatible with existing land Use in the immediate vicinity;
- (g) will provide for safe Street access and traffic flow based on an assessment by the Province's Department of Transportation, Infrastructure and Energy, or any successor Department of Transportation.
- (h) is designed so that streets, private Rights-Of-Way and Lots have suitable dimensions and orientation. Lot orientation for solar gain and preserving existing topography shall be priority in the proposed design;
- (i) streets have appropriate connections to adjacent land uses or neighbourhoods;
- (j) conforms to the Official Plan, this Bylaw, or the Building Bylaw;
- (k) is designed with connection to existing pedestrian amenities, including adjacent trails, sidewalks, bicycle lanes where connection is practicable;

- (l) is suitable to the Use for which it is intended, and the future Use of adjacent lands;
- (m) all proposed Lots shall have Frontage on a street a private Right-Of-Way pursuant to *Subsection 4.5.2* of this Bylaw, which shall be consistent with the Town's Official Plan;
- (n) 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;
- (o) 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;
- (p) Where any land or Building is used for more than one (1) purpose, and having a mixed use, 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.

4.4. CHANGES TO EXISTING LOTS

4.4.1. 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.

4.4.2. 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.

4.5. SERVICING

4.5.1. No Development Permit shall be issued unless the Lot or Parcel of land abuts and fronts upon a public Street unless:

4.5.2. Notwithstanding *Section 4.5.1* 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:

- (a) the applicant proposes by submitting design and servicing details to ensure a private road that demonstrates safe access, effective stormwater management and adequate pedestrian amenities based on the proposed density;
- (b) safe ingress and egress from the Lot can be provided based on an assessment by the Province's Department of Transportation, Infrastructure and Energy, or any successor Department of Transportation, or provincial department responsible for the *Prince Edward Island Roads Act*;

- (c) the proposed Development can be conveniently connected to municipal service(s), if required, at no cost to the Town or Utility; and
 - (d) 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.
- 4.5.3. 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.
- 4.5.4. No Development Permit shall be issued unless the Lot or Parcel of land proposed for Development can be serviced by Town water or sanitary sewer services where deemed available by the Town. Where such municipal services are not deemed available, it will be the sole responsibility of the person undertaking the Development to install private on-site services.
- 4.5.5. Notwithstanding any other provisions of this Bylaw, public and private utilities located within the Street or underground may be placed in any Zone and no Development Permit shall be required and no Zone standards shall apply.
- 4.5.6. If required, the stormwater management plan shall be prepared by a licenced professional engineer and shall be subject to approval by the Town and provincial department responsible for the *Roads Act*.
- 4.6. **SPECIAL REQUIREMENTS - AGRICULTURAL RESERVE (A1) ZONE**
- 4.6.1. 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.
- 4.6.2. Within an Agricultural Reserve (A1) Zone, no Person shall be permitted to subdivide from any existing Parcel of land more than two (2) Lots.
- 4.6.3. 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.
- 4.6.4. Within an Agricultural Reserve (A1) Zone:
- (a) a residential Subdivision shall not be permitted within 150 metres (500 feet) of an existing intensive livestock operation.
 - (b) where a residential Subdivision is proposed, Council shall notify operators of intensive livestock operations within 300 metres (1,000 feet) in writing and invite their comments.
- 4.6.5. Notwithstanding the above, Council may authorize the Subdivision of farmland for farm purposes, provided that any residual parcels which are created comply with the provisions of this Bylaw.

- 4.6.6. 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.

4.7. SPECIAL REQUIREMENTS - COASTAL SUBDIVISIONS

- 4.7.1. Where a Subdivision is located along a Coastal Area , the Subdivision shall include the following:
- (a) Public access to the shore if the Property being subdivided includes Frontage on a shoreline, with at least one access to be located approximately every 200 metres (656 ft.) of beach Frontage;
 - (b) where deemed appropriate by Council, the area to be set aside as Park dedication shall be located at least in part along the shoreline; and
 - (c) Public access to the shore shall measure at least 5 metres (16.4 ft.) in width.

4.8. SPECIAL REQUIREMENTS – WATERCOURSE SUBDIVISIONS

- 4.8.1. Where a Subdivision is located along a Watercourse, the following provisions may apply:
- (a) where deemed appropriate by Council, the area to be set aside as Parkland dedication shall be located at least in part along the watercourse; and
 - (b) watercourse accesses shall measure at least 5 metres (16.4 ft) in width.

4.9. PARKLAND DEDICATION and/or PARK DEDICATION FEE

- 4.9.1. Council shall require, for the purpose of developing Parkland for open space, recreation, park or other public use not less than 10% of the lands being subdivided shall be conveyed to the Town. The physical, location and lot dimensions of land proposed for Parkland dedication shall be determined by Council.
- 4.9.2. 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.
- 4.9.3. 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 shall consult the Province's Land Valuation and Assessment Division in determining the assessed value of land for the purpose of administering this Section.

4.10. SEWER AND WATER SERVICING

4.10.1. All new subdivisions are to be serviced with central water supply and municipal sewer systems as a condition of Subdivision approval and in accordance with the requirements of the Stratford Utility Corporation.

4.11. SPECIAL PROVISIONS FOR CORE AREA SERVICING

4.11.1. Notwithstanding the provisions of this section, within the Core Area Council may enter into an agreement with a Developer to provide or to cost share provision of services, including central sewer, central water, sidewalks, streets, street lighting, street furnishings.

4.11.2. 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.

4.12. SUBDIVISION AGREEMENT

4.12.1. The town shall require an Applicant to enter into a Subdivision Agreement as a condition of Subdivision approval. The Subdivision Agreement may include, but not be limited to, the following:

- (a) design and construction costs of sidewalks, trails, water supply, and distribution sanitary sewer and storm water infrastructure, roads, street lighting, underground electrical, Canada Post mail box and public transit stop;
- (b) dedication of land for parks and public Uses, or payment of a fee in lieu of land, which may require upgrading and/or improvement;
- (c) deeding of roads to the Province;
- (d) posting of a financial guarantee satisfactory to Council;
- (e) provision of a landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of Lots within the Subdivision and adjacent properties;
- (f) provision of such services, facilities or actions as are necessary to ensure the satisfactory Development of the Subdivision;
- (g) provision for the phasing of the Subdivision;
- (h) preservation and enhancement of surface water drainage systems; and/or
- (i) tree preservation and tree planting.

4.13. APPLICATION AND APPROVAL PROCESS

4.13.1. Applications to Subdivide land in the Town of Stratford shall be submitted on a form as prescribed by the Development Officer.

4.13.2. All Subdivision applications shall be accompanied by the following:

- (a) an orthophoto showing the location of the land and all adjoining properties;
- (b) a description of land uses on the surrounding properties;
- (c) a contour map showing the topography of the site with at least 2 metre contour Lines; and
- (d) a conceptual design showing the location and dimensions of all proposed Lots, Roads, bicycle lanes, sidewalks, walkways and trails, Parks and Open Space, watercourses, wetlands, surrounding land Uses and other site features such as woodlands. Any contaminated sites or hazards shall be disclosed to the Development Officer.

4.13.3. 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:

- (a) a written assessment by the Province on any potential environmental impacts, including any requirements imposed by provincial legislation or regulations;
- (b) a written assessment by the Province on any access, transportation or pedestrian issues related to the design;
- (c) a storm water management plan prepared by a licenced professional engineer;
- (d) a conceptual servicing plan prepared by a licenced professional engineer;
- (e) any other studies or documentation required by the Development Officer in order to adequately assess the impact of the proposed subdivision.

4.13.4. Where the proposed subdivision is part of a larger area that is in the same ownership, the whole of which may eventually be subdivided, the developer shall be required to submit an overall concept plan for the whole area as part of preliminary approval of the subdivision. The overall concept plan shall include the following information:

- (a) an overall concept plan showing the general scheme of the subdivision designating the parts intended for different classes of uses for the whole area drawn on a metric scale including contour intervals of 0.5 metres (1.6 ft) or less and proposed public or private streets, rights-of-way, other particulars or data, as may be required by the Development Officer in order to adequately assess the impact of the proposed subdivision;
- (b) a report on the long term vision proposed for the land under consideration.

4.13.5. After reviewing all information required by the Development Officer, Planning Development and Heritage Committee may make a recommendation to Council for approval or rejection of the subdivision application.

4.13.6. Council may either accept or reject the recommendations of Planning Development and Heritage Committee. Where Council generally accepts the details of a Subdivision Application, Council may issue a preliminary approval, which shall include all conditions imposed on the Subdivision.

4.13.7. Failure to comply with a Development Agreement shall constitute an offense under this Bylaw.

4.13.8. The Development Officer shall enter a Subdivision Agreement with the Town which addresses conditions for receiving Final Approval and all other matters required under *Section 4.12.1*.

4.14. FINAL APPROVAL

4.14.1. Final Subdivision approval shall be granted by the Development Officer only after the Applicant has complied fully with all applicable requirements of this and has submitted one (1) electronic copy and 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.

4.14.2. 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.

4.14.3. The Development Officer shall give Notice of final approval of a Subdivision in writing, and shall place the Town's Approval stamp on the nine (9) copies of the Survey Plan and shall return one copy to the Applicant.

4.14.4. The Development Officer shall file two copies of the final stamped Survey Plan with the Province's Land Registry Office.

4.15. SEVERANCES/CONSOLIDATION

4.15.1. Notwithstanding the above provisions of this Section, the Development Officer may approve applications for single Lot subdivisions, partial Lots or easements and Lot consolidations having regard to only those provisions that are applicable.

4.16. BUILDING PERMITS

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

5. SUSTAINABLE SUBDIVISION OVERLAY APPLICATION PROCESS

5.1. INTENT

- 5.1.1. The intent of this overlay zone is an approval and performance-based scoring criteria to encourage a holistic site design and development standards, including consideration of environmental sustainability, pedestrian needs, efficient servicing, access to public and private amenities and land use diversity
- 5.1.2. 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:
 - (a) The Evaluation Criteria and Indicators; and
 - (b) The Scoring System.

5.2. APPLICATION PROCESS

- 5.2.1. The Sustainability Overlay Zone will be used in conjunction with or replace the requirement of the R1, R1L, R2 and PURD Zones where:
 - (a) the application is initiated pursuant to this Section; and
 - (b) the proposed subdivision receives final approval.
- 5.2.2. Under this Section shall be scored using the Performance Criteria to determine whether the proposed subdivision qualifies as a Sustainable Subdivision. The initial assessment application shall be completed by the Development Officer but shall be subject to Council's approval. A final assessment shall also be completed by the development officer prior to issuing final approval.
- 5.2.3. Sixty-five percent (65%) of the available and applicable points under the evaluation scoring system shall be designated by Council as a Certified Sustainable Subdivision, provided all other requirements under this Section are met.
- 5.2.4. Applications that earn at least seventy-five percent (75%) of the available and applicable points under the evaluation scoring system shall be designated by Council as a Gold Sustainable Subdivision, provided all other requirements under this Section are met.
- 5.2.5. Applications that earn at least seventy-five percent (85%) of the available and applicable points under the evaluation scoring system shall be designated by Council as a Platinum Sustainable Subdivision, provided all other requirements under this Section are met.
- 5.2.6. The zone provisions that would normally apply to the Subdivision shall remain applicable if the Sustainable Subdivision is not granted.
- 5.2.7. In the event of any inconsistency between this Section and the remainder of the Bylaw, the provisions of this Section shall prevail.

5.2.8. 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.

5.2.9. The following are the criteria that will be used to assess whether or not a subdivision is “Sustainable”

5.3. APPLICATION SCORING

5.3.1. A scoring system has been developed to facilitate sustainable subdivision evaluation (See APPENDIX B – SUSTAINABLE SUBDIVISION SCORING TABLE). The scoring system presented here classifies criteria and specifies indicators with their maximum possible weight. As the scoring table appended to this Bylaw allows for a maximum possible score of 400 points, which is the sum of points for each individual criteria and associated indicators.

5.4. QUALIFICATION AND APPROVAL

5.4.1. Every new subdivision application and conceptual design shall be reviewed and evaluated against the appended sustainable subdivision scoring system.

5.5. INDICATORS AND EVALUATION CRITERIA

5.5.1. NATURAL ENVIRONMENT CONSERVATION

(a) FOREST AND TREE CONSERVATION (MAX 20 POINTS)

- i. Applications made under this subsection shall preserve and maintain any existing hedgerows or mature wooded areas within the project boundaries to the maximum extent possible in order to obtain points for tree conservation. Points shall not be granted for tree conservation if less than 1% of the total land area covered by trees.
- ii. Points shall be granted as listed in **Table 1** below, based on the percentage of land covered by trees and the percentage of trees conserved.

Table 1: Tree Conservation Points

Percent (%) of Trees Conserved	Points	Points [< 5 Percent (%) Covered]
90	20	10
70	15	7.5
50	10	5

30	5	2.5
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- iii. The above points will be multiplied by 50% if less than 5% of the total land area in originally covered by trees.
- iv. Any existing hedgerow(s) should be maintained.

(b) WETLAND AND WATERCOURSE CONSERVATION (20 POINTS)

- i. Applications made under this subsection shall provide a report showing the extent of any Wetland and Watercourse on the site as well as the ecological functions, including: water quality maintenance, wildlife habitat protection, and hydrologic function maintenance.
- ii. Assign appropriate buffers (not less than 30 meters for water bodies and 15 meters for wetlands) based on a site assessment conducted by a qualified professional. Proposed development shall not disturb wetlands, water bodies, or buffers; and shall protect them from development in perpetuity, with points obtained as outlined in **Table 2**.
- iii. Additional points may be granted if a greater buffer zone required by the assessor is provided.

Table 2: Wetlands and Watercourse Conservation Points

Buffer Zone		Points
Wetland	Watercourse	
60 m	60 m	20
45 m	45 m	15
30 m	30 m	10

(a) ECOLOGICAL COMMUNITIES CONSERVATION PLAN (10 POINTS)

- i. Applications made under this subsection shall submit and implement a detailed Conservation Plan, as defined in this Bylaw, in order to receive points for ecological conservation.
- ii. If any portion of the identified habitat and buffer cannot be protected in perpetuity, the applicant must quantify the effects by acres or number of plants and/or animals affected.

(b) FLOODPLAIN AVOIDANCE (10 POINTS)

- i. Applications made under this subsection shall be eligible to obtain points for floodplain avoidance if any part of the site lies within the Coastal Zone and is within a high or moderate risk of floodplain, as identified by the Department of Communities, Land and Environment, responsible for the *Environmental Protection Act of Prince Edward Island*.
- ii. In order to obtain points under this section, the application must not propose any development within an identified floodplain and shall maintain an adequate buffer area deemed acceptable to the provincial department responsible for the *Environmental Protection Act of Prince Edward Island*.
- iii. Previously developed portions in the floodplain must be developed according to the federal and/or provincial standards and requirements.

(c) STEEP SLOPE PROTECTION (10 POINTS)

- i. No Disturbance of Slopes Over 15%, Any Slope Over 15% is not applicable for criteria.
- ii. Applications made under this subsection shall either:
 - ii.i. 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;
 - ii.ii. limit development to no more than 40% of the land area on land having a slope greater than 15% and do not develop portions of the project site within 30 meters horizontally to the top of the slope and 25 meters horizontally from the toe of the slope, and;
 - ii.iii. limit development to no more than 40% of the land area where slope is between 25% and 40% and to no more than 60% of the land area with 15% to 25% slopes, and;
 - ii.iv. locate development such that the proposed development footprint on land having a slope less than 15% exceeds the footprint on land having a slope greater than 15%
- iii. Any existing natural or constructed slopes that exist or are proposed are considered as part of this subsection.
- iv. Notwithstanding this subsection, portions of project sites with slopes up to 7 meters in elevation, measured from the toe of the slope to top of the slope, that are more than 10 meters (33 feet) in any direction from another slope greater than 15%, are exempt from the requirements.

(d) CREATION & RESTORATION OF WILDLIFE HABITAT / WETLANDS (10 POINTS)

- i. Applications made under this subsection shall, using only native plants, identify and restore pre-development habitat for native species, water bodies, or wetlands on the project site in an area equal to or greater than 10% of the development footprint where ecological resources are proposed to be developed.
- ii. At least one (1) qualified professional biologist shall be required 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 may be granted for creation and/or restoration.

Table 3: Points Granted for Creation and/or Restoration.

Percentage of Land Created or Restored	Points
10 %	10
5 %	5

- iii. Applications made under this subsection shall prohibit development on identified areas in perpetuity by way of a legal covenant or land dedication. The applicant shall propose a plan for ongoing management of the restored lands over a three (3) year period following the restoration’s completion, which shall be submitted to the Town and shall address and commit to ongoing management activities, along with any parties to be responsible for management activities and funding available, so that restored areas are maintained for a minimum of three years after the project or restoration is completed, whichever is later.

5.5.2. SOCIAL AND CULTURAL AMENITIES

(a) PUBLIC TRANSIT FACILITIES (10 POINTS)

- i. Applications made under this subsection shall consult with the any public transit operator that provides service to or nearby the land under consideration to identify future transit stop locations within or bordering the project boundary that will be warranted within five years of project completion. The applicant shall reserve space for transit shelters based on projected usage.
- ii. Where applicable, applications made under this subsection shall consult with the any public transit operator that provides service to or nearby the land under consideration to identify and propose transit stop locations within or bordering the project boundary, including any proposed shelters and bicycle facilities The Development officer shall not issue final approval for more than 50% of the proposed dwelling units unless any proposed transit shelters or other facilities proposed have been installed.

(b) **HOUSING DIVERSITY AND INCLUSION**

i. **DIVERSITY OF HOUSING TYPES (10 POINTS)**

- i.i. Applications made under this subsection shall be required to 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 the *Canada Mortgage and Housing Corporation*.
- i.ii. The Development officer shall employ the diversity score and the applicant shall obtain points based on the minimum diversity outlined in **Table 4**. Differing housing types must be listed, with greater diversity the more points shall be added.

Table 4: Points for Housing Diversity

Number of various housing types	Points
3 – 4 types	10
1 – 2 types	5

ii. **AFFORDABLE HOUSING (10 POINTS)**

- ii.i. The Development Officer shall calculate points to be obtained by the applicant based on Data provided by data and methods for calculating affordability provided by the Canada Mortgage and Housing Corporation and other related governmental agencies.

Table 5: Points granted for building affordable housing

Percentage of Affordable Dwellings	Points
20	10
10	5

(c) **RESIDENT AND EXPERT COLLABORATION DURING DESIGN (10 POINTS)**

- i. Applications made under this subsection shall be required by the developer to undertake the following process:
- ii. Meet with Town staff for an initial discussion of the general proposal, project team, stakeholder and expert-input identification, timelines prior to engaging residents.

- iii. Meet with adjacent property owners, residents, business owners, Town staff, non-governmental organizations, scientists and identified experts preferably on the project site to collect background information, solicit and document their input on the proposed project prior to drafting a preliminary plan.
- iv. Work directly with identified stakeholders and/or the Town to advertise an open community meeting, other than a regular Council meeting, to start the design process.
- v. Host an open community meeting.
- vi. 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.
- vii. 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.

(d) COMMUNITY GATHERING PLACE / FACILITIES (20 POINTS)

- i. Applications made under this subsection shall be required to, in consultation with the Town, design and build a publicly accessible Community Gathering Place and/or an indoor Recreational Use in the subdivision. Points will be granted as listed in **Table 6** based on the costs of construction.

Table 6: Points Granted for a Community-Gathering Place

Total Cost Per Dwelling Unit	Points
\$200	20
\$100	10

(e) PUBLIC PARKS AND RECREATION (20 POINTS)

- i. Applications made under this subsection shall be required, in consultation with the Town, to provide an accessible public park and/or outdoor recreation facility in the subdivision. **(5 Points, Required)**
- ii. The Development officer shall grant points 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 Land)	Points
30 % or greater	20
25%	15
20%	10

(f) ENVIRONMENTAL PROTECTION MITIGATION DURING CONSTRUCTION (MAX. 20 POINTS)

- i. Applications made under this subsection shall be required to submit and implement a mitigation plan for all new construction activities associated with the project. The plan must be prepared by a qualified professional to 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 practices being proposed, which exceed the current provincial minimum requirements, and describe how they accomplish the following objectives:
 - i.i. 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)**.
 - i.ii. Minimize the amount of topsoil removal from the project site and restore the maximum amount of topsoil already removed **(5 points)**.
 - i.iii. Have a periodic inspection during construction to see if mitigation measures are being addressed **(5 points)**.
 - i.iv. Prevent sedimentation of any affected stormwater conveyance systems or receiving streams **(5 points)**.
 - i.v. Prevent polluting the air with dust and particulate matter **(5 points)**.

(g) HERITAGE RESOURCE CONSERVATION OPTION (10 POINTS)

- i. Where applicable applications made under this subsection shall be required to identify at least one heritage structure or resource on the project site.
- ii. The proposed development shall not be permitted to demolish or remove any heritage resources.
- iii. An exception is granted only if such action has been approved by the Town Council based on a recommendation by the Heritage Subcommittee.

- iv. Properties designated under the *Heritage Places Act*, the proposed use of designated heritage features on the site shall be consistent with the designation for the property.
- v. Building in the project site is to be rehabilitated, rehabilitation shall be performed in accordance with the *Guidelines for Historic Places of Canada*.

(h) **PUBLIC ART CREATION OPTION (10 POINTS)**

- i. Where applicable, applications made under this subsection shall be required to, in consultation with the Town, construct, conserve or protect any existing public art and/or cultural resources other than a heritage resource.

5.5.3. **BUILDING EFFICIENCY AND RENEWABLE ENERGY**

(a) **ON-SITE RENEWABLE ENERGY SOURCES (20 POINTS)**

- i. Applications made under this subsection shall be required to incorporate on-site renewable energy generation, such as solar, wind, or biomass, with production capacity based on a rating system used by Natural Resources Canada. It is determined by the sq. ft./m of the building site. Points are awarded as listed in **Table 8**.

Table 8: Points for On-Site Renewable Energy Generation

Size of Residential Home (sq. ft.)	Atlantic Average Annual Energy Consumption (kwh)	Annual Amount of Energy Produced by Renewable Energy System	Possible Points Earned
601 to 1,000	19,166.7	1,000 to 10,000	10
		10,001 to 19,166.7 or greater	20
1,001 to 1,500	21,583.3	2,000 to 10,500	10
		10,501.0 to 21,583.3 or greater	20
1,501 to 2,000	28,555.6	3,000 to 14,500	10
		14,501 to 28,555.6 or greater	20

		greater	
2,001 to 2,500	32,166.7	4,000 to 16,000	10
		16,001 to 32,166.7 or greater	20
≥ 2,501	39,250	5,000 to 18,500	10
		18,501 to 39,250	20

(b) BUILDING ENERGY EFFICIENCY (20 POINTS)

- i. Achieve certification by Natural Resources Canada
- ii. The Development Officer shall require the applicant to conduct an initial assessment of the development, as proposed, using the Energy Star Certification through Natural Resources Canada.
- iii. Final scoring shall be completed in accordance with **Table 9** following the applicant’s certification and label from the approval authority.

Table 9: Points for Building Energy Efficiency.

Description	Energy Star [®]	Points
High-Performance Energy Efficient New House or Passive House	86 – 99	20
Energy Efficient New House	81 – 85	10
Building Code Standards with Energy Requirements	77 - 80	5

(c) WASTE WATER MANAGEMENT (MAX 20 POINTS)

- i. 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.

- ii. 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**).
- iii. 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 Water Reused	Points
50%	20
25%	10

(a) **BUILDING WATER EFFICIENCY (MAX 20 POINTS)**

- i. Applications made under this subsection shall be required to design and install an efficient water system including higher performance fixtures.
- ii. The baseline usage is based on the existing usage data produced by the Town.
- iii. Calculations based on estimated occupant usage including toilets, lavatory faucets, showers, and kitchen sink faucets, as applicable. Inclusion of these efficient types of water fixtures can also increase scoring as per the Town’s recommended performance index (See **Table 10A**).
- iv. 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**).
- v. Note: This requirement can be achieved through development an appropriate agreement with the Town

Table 10A: Sustainable Subdivision Water Fixture Efficiency Scoring

Appliance or Fixture	Industry Standard	Points	Town Water Efficiency Standard ¹	Points

¹ In this table GPM = Gallons Per Minute, LPM = Litres Per Minute, GPF = Gallons Per Flush, LPF = Litres Per Flush, GPL = Gallons Per Load, LPL = Litres Per Load, IWF = Integrated Water Factor.

Toilets ²	1.6 GPF (6 LPF)	0	1.28 GPF (4.8 LPF) or dual flush	6
Showers ³	2.5 GPM (9.7 LPM)	0	1.5 GPM (5.7 LPM)	3
Kitchen Faucets	2.2 GPM (8.3 LPM)	0	1.5 GPM (5.7 LPM)	2
Bathroom Faucets	1.5 GPM (5.7 LPM)	0	0.5 GPM	2
Dish Washer	5 GPL (19 LPL)	0	≤ 3.5 GPL (14 LPL)	2
Clothes Washer ⁴	> 3.5 IWF	0	≤ 3.5 IWF	5
Total Points		0		20

Table 11: Points for Reducing Water Consumption in Buildings

Percentage of Reduced Water Consumption	Points
50%	20
25%	10

(b) CERTIFIED GREEN BUILDINGS (LEED, GREEN GLOBE, ETC.) (20 POINTS)

- i. Applications made under this subsection shall be required to construct or retrofit at least one building within the project site to be certified through a green building rating system such as Passive House, LEED, Green Globe, etc.
- ii. The Development Officer may require the development of an appropriate agreement with the Town to ensure that the proposed requirement will be met in all proposed buildings.

Table 12: Points for Green Building Certification

² All toilets shall be rated at 1000MAP to receive full points

³ Showers including more than one shower head shall receive zero points.

⁴ Water Factor (WF or iWF) is the number of gallons per cycle per cubic foot that the washer uses. The lower the water factor, the more efficient the washer is.

Percentage of Certified Buildings	Points
> 50%	20
> 30% and < 50%	15
> 10% and < 50%	10
One Building and up to 10%	5

5.5.4. **THE BUILT ENVIRONMENT**

(a) **CONNECTIVITY TO THE TOWN STREET NETWORK (10 POINTS)**

- i. Any application for a Sustainable Subdivision shall be required to, in consultation with the Town and provincial department responsible for the *Roads Act*:
 - i.i. Provide at least two main external accesses for the entire subdivision. In some cases, one of these two roads could be non-motorized.
 - i.ii. Provide at least two accesses for every lot. One of these access roads could be non-motorized.
 - i.iii. Provide for connectivity of the existing streets within 170 meters of the project boundary unless an existing use, natural feature or hazard prevents a connection from being of public benefit.
 - i.iv. 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.
- ii. All rights-of-way proposed for points under this subsection shall be must be available for general public use and not gated.

(b) **STREET TREES AND PUBLIC AREAS (20 POINTS)**

- i. Any application for a Sustainable Subdivision shall be required to, in consultation with the Town and the provincial minister responsible for the *Roads Act*, obtain the services of a registered landscape architect or a horticulturist to develop a planting and maintenance program and to achieve one of the following options for shading streets:
 - i.i. *OPTION 1: Tree-Lined Streets* – Provide trees on both sides of all proposed 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) to receive 10 points for achieving this objective.

- i.ii. *OPTION 2: Shaded Streets and Public Areas* - b) provide shade trees or a structure to provide shade along the length of public pathways and streets within the project site will be granted 10 points for achieving this objective, or 5 points if 50% of proposed public areas are proposed for shading.
 - ii. For providing 50% Shaded Streets and obtaining services of a landscape architect, horticulturist, or arborist with landscaping standards will be granted 10 points for achieving this objective.
- (c) **ACTIVE TRANSPORTATION NETWORK (20 POINTS)**
- i. Applications made under this subsection shall be required to, in consultation with the Town and minister responsible for the Roads Act, provide at least one multi-use public access that will connect the proposed to the Town's existing active transportation network.
 - ii. A pedestrian or bicycle through-connection shall be included in any proposed cul-de-sac where no existing land use or structure prevents this connection.
 - iii. Council may contribute up to fifty (50) percent of the cost of construction for the multi-use public access.
- (d) **STORMWATER MANAGEMENT (20 POINTS)**
- i. Maintaining the pre-development Maximum Water Flow applications made under this subsection shall be required to undertake the following:
 - i.i. Employ a low impact development approach to the development of the required stormwater management plan for the project.
 - i.ii. The Development Officer shall grant 10 points if the proposed development based on comments from the provincial department responsible for the *Roads Act* maintains the maximum volume water flow rate to the downstream in pre-development conditions.
 - ii. Reducing Pre-development maximum water flow:
 - ii.i. Calculate, through consultation with provincial departments and as part of the Stormwater Management planning process, rainfall volume based on the project's development footprint, proposed impervious areas, and any pollution generating pervious surfaces
 - ii.ii. The Development Officer shall grant points according to a percentage of retaining rainfall volumes in the project site and the associated points are listed in **Table 13**.

Table 13: Downstream Flow Reduction Points

Percentage of Reduced Pre-development Max. Water Flow	Points
50%	10
40%	8
30%	6
20%	4

(e) **INNOVATIVE DESIGN AND SOLAR ORIENTATION (20 POINTS)**

- i. *Innovative Design*: applications made under this subsection shall be required to, in consultation with the Town, obtain a qualified site design professional for twenty (20) points to design the subdivision to protect and preserve scenic or cultural viewsapes and prioritize orientation of proposed lots and/ or buildings. Additional points shall be granted in accordance with **Table 14**.
- i.i. *Solar Orientation*: Achieve enhanced energy efficiency by creating optimum conditions for the use of passive and active solar strategies.
- i.ii. *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: Building Solar Orientation

Building Orientation	Points
> 90%	20
> 70%	15
> 50%	12
> 35%	10

6. VARIANCES FROM THE DEVELOPMENT BYLAW

6.1. VARIANCES FROM THE DEVELOPMENT BYLAW

- 6.1.1. Council may authorize a minor Variance not exceeding 10% from the provisions of this Bylaw if the Variance is in accordance with this Section.
- 6.1.2. Variance applications shall demonstrate one of the following be considered against the following tests for justifying a Variance approval:
 - (a) 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;
 - (b) 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;
 - (c) the Variance is consistent with the intent and purpose of Official Plan and
- 6.1.3. Authorization for a Variance shall be documented and recorded in writing.
- 6.1.4. 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.
- 6.1.5. 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.
- 6.1.6. Where a variance in excess of ten percent (10%) is being requested, 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-one metres (61m) two hundred feet from any lot line of the parcel being proposed for the variance.
- 6.1.7. Notwithstanding Subsection 6.11, a Development Officer can approve or deny a variance up to 5%.

7. ADMINISTRATIVE DEVELOPMENT PROVISIONS

7.1. DEVELOPMENT PERMIT/PERMISSION REQUIRED

7.1.1. Unless otherwise stated in this Bylaw, no Person shall:

- (a) change the Use of a Parcel of land or a Structure;
- (b) commence any Development;
- (c) construct or replace any Structure;
- (d) make structural alterations to any Structure classified under Part 3 of the National Building Code;
- (e) make any underground installation such as a septic tank, a fuel tank, a foundation wall or the like;
- (f) move or demolish any Structure;
- (g) establish or operate an Excavation Pit;
- (h) construct a parking lot;
- (i) place, dump or remove any Fill or other material;
- (j) construct a Fence over 1.2 meters (4 feet) in height;
- (k) erect a Sign except as permitted under Section 9.3 herein;

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

7.2. NO DEVELOPMENT PERMIT REQUIRED

7.2.1. Unless otherwise stated in this Bylaw, no Development Permit shall be required for:

- (a) laying paving materials for patios or sidewalks;
- (b) constructing a Fence up to and including 1.2 meters (4 feet) in height;
- (c) installing clotheslines and poles, awnings, garden trellises, radio or television antennae, and satellite dishes under 0.91 metres (3 ft.) in diameter;
- (d) planting a garden;
- (e) growing a crop or preparing land for a crop other than an Intensive Agricultural Use;
- (f) landscaping improvements, constructing ornamental Structures or play Structures of less than 6 sq. m (65 sq. ft.);
- (g) maintaining or restoring a Structure or any of its elements to its original state or condition;
- (h) a Development that involves the interior or exterior renovation of a Building 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;
- (i) public and private utilities located within a public street;
- (j) signs exempted from a permit as listed in Section 9.3 herein;
- (k) solar panels and rainwater catch basins that are attached to a Building; and

- (l) ground level HVAC systems, which shall be screened from any public street and adjacent residential zone.

7.3. DEVELOPMENT PERMIT APPLICATION

- 7.3.1. Every Development Permit application shall be in a form prescribed by the Development Officer 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.
- 7.3.2. Any applicant that does not satisfy all the requirements of a development permit after 90 days will be notified in writing, explaining the deficiencies, and will be given (1) one month to satisfy the requirements. If the requirements are not satisfied the Town reserves the right to close a file.
- 7.3.3. When an application has been received that seeks approval of a matter that has been denied, it will not be reconsidered unless it is demonstrated that it is different from the previous application and altered to meet the requirements of the Bylaw.
- 7.3.4. Every Development Permit application shall be accompanied by a site plan drawn to an appropriate scale certifying the agreement of the Applicant to develop the site in accordance with the site plan.
- 7.3.5. A site plan shall show the following information:
 - (a) the shape and dimensions of the Lot to be used;
 - (b) the distance from the Lot boundaries and all dimensions, and heights of any Buildings or Structures proposed to be erected or altered;
 - (c) the distance from the proposed Lot boundaries and size of every Building or Structure existing on the Lot and the distance from the proposed Lot boundaries of any Structures on the abutting Lots;
 - (d) the proposed location and dimensions of any Parking Areas, Parking Spaces, and internal circulation patterns, Loading Spaces, driveways, landscaped areas, fencing or gates or easement;
 - (e) any proposed Use(s); and
 - (f) any other information the Development Officer deems necessary to determine whether or not the proposed Development conforms to the requirements of this Bylaw.
- 7.3.6. Every Development Permit application shall also be accompanied by any information required pursuant to the Building Bylaw.

7.4. OTHER INFORMATION

7.4.1. Council may require an Applicant to submit additional information related to the Development, which it deems necessary to determine whether or not if the application meets the requirements of the Bylaw; including but not limited to the following:

- (a) parking Lot layout and internal circulation patterns;
- (b) location and dimensions of recycling or waste disposal areas and any screening or fencing thereof;
- (c) stormwater management plan;
- (d) location of Parkland, trails and any other amenity areas;
- (e) landscaping plan;
- (f) location and extent of legislated Buffer Areas, including Wetland or Watercourse Buffer Area; and
- (g) location and extent of legislated Coastal Areas and proposed mitigation;
- (h) existing vegetation;
- (i) easements;
- (j) proposed storage areas and description of any screening or fencing thereof;
- (k) construction plan;
- (l) construction mitigation plans;
- (m) traffic impact studies;
- (n) soil investigation report;

7.4.2. 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, so that the overall density for the site is the same.

7.5. PAYMENT OF FEES

7.5.1. 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 Development Permit is acquired by the Applicant.

7.6. DEVELOPMENT PERMIT

7.6.1. 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.

- 7.6.2. A Development Permit shall be valid for a twenty four-month period from the date of issue or such additional time as may be authorized by the Town based on special circumstances beyond the control of the Applicant.
- 7.6.3. Council may revoke a Development Permit where information provided on the application is found to be inaccurate.

7.7. **CONDITIONS ON PERMITS**

- 7.7.1. The Town may impose conditions on a Development Permit subject to such conditions being directly related to or consistent with bylaws, approved plans or policies of the Town or the Official Plan.

7.8. **DEVELOPMENT AGREEMENT**

- 7.8.1. Town 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:

- (a) parking;
- (b) loading zones;
- (c) internal pedestrian circulation;
- (d) ingress and egress;
- (e) public and private utilities;
- (f) storm water drainage and run-off;
- (g) buffer areas adjacent to neighbouring properties;
- (h) coastal areas and mitigation;
- (i) signage;
- (j) sidewalks,
- (k) trails or multi use paths;
- (l) landscaping and visual screening;
- (m) exterior lighting;
- (n) noise and other nuisances;

- (o) maintenance performance;
- (p) any improvements deemed to be required to the public Streets adjacent to the Development and arrangements for cost-sharing of such improvements; and
- (q) any other matters deemed by The Town to affect the health, wellbeing, or safety of the public that impose a detriment or financial burden on the Town or any other Person.

7.9. AUTHORIZATION FOR INSPECTION

7.9.1. 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.

7.10. ENFORCEMENT

7.10.1. If a Development does not comply with the requirements of this Bylaw, the Town may issue a notice in writing delivered by registered mail to the Property Owner to:

- (a) stop the Development in whole or in part within a specified time; and/or, at Council's option;
- (b) take measures to ensure that the Development complies with requirements of this Bylaw within a specified time.

7.10.2. Any Person who fails to comply with a notice under subsection (1) above is guilty of an offence under this Bylaw.

7.11. OFFENCES AND PENALTIES

7.11.1. 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.

7.11.2. Any prosecution for an offense under subsection (1) may be instituted within one year after the time when the contravention occurred.

7.11.3. The Applicant and the Property Owner are liable for any offence under this Bylaw.

7.11.4. The Town is entitled to all of the enforcement remedies as set forth in Section 24 of the *Planning Act*.

7.12. APPEALS

7.12.1. Any Person who is dissatisfied by a decision of Council in respect to the administration of this Bylaw may, within 21 days after the date of the decision, appeal in writing to the Island Regulatory and Appeals Commission in accordance with the provisions of the *Planning Act*.

- (a) that is made in respect of an application by the person, or any other person, under a bylaw for:
 - i. a building, development or occupancy permit;
 - ii. a preliminary approval of a subdivision;
 - iii. a final approval of a subdivision; or
- (b) to adopt an amendment to a bylaw, including:
 - i. an amendment to a zoning map established in a bylaw; or
 - ii. an amendment to the text of a bylaw.

7.12.2. Notwithstanding *Section 7.12.1* 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.

7.12.3. A Notice of appeal to the Island Regulatory and Appeals Commission under *Section 7.12.1* shall be in writing and shall state the grounds for the appeal and the relief sought.

7.12.4. 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.

7.12.5. 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.

7.13. BUILDING PERMITS POSTED

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

7.14. DEVELOPING IN ACCORDANCE WITH APPLICATION

7.14.1. 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.

7.15. **AUTHORITY TO DENY PERMITS**

- 7.15.1. No Development Permit shall be issued if, in the opinion of Council, the proposed Development 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.
- 7.15.2. No Development Permit shall be issued if, in the opinion of Council:
- (a) the proposed Development does not conform to the Official Plan, approved plan or this Bylaw or the Building Bylaw;
 - (b) the proposed provision of sanitary sewer, stormwater or method of water supply is not suitable;
 - (c) the method of sanitary waste disposal and stormwater management is not adequate in terms of capacity or design;
 - (d) the proposed streets have appropriate connections to adjacent land uses or neighbourhoods;
 - (e) the proposed Development is likely to have long term or acute environmental impacts;
 - (f) the proposed Development would create unsafe traffic conditions;
 - (g) the proposed Building design components such as Building material, scale, and form are inconsistent with surrounding Development and will negatively impact the character of the surrounding neighbourhood; or,
 - (h) the proposed Development is likely to have long term or acute impacts on the health or safety of residents .
- 7.15.3. 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, Development 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.

7.16. **SURVEYS REQUIRED**

- 7.16.1. 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.

7.17. **CONSTRUCTION PLANS**

7.17.1. The Town may require the Applicant to submit a Construction Plan for the Development that includes: addressing such details as construction phasing, stockpiling of soil, temporary screening or fencing, erosion or run-off control measures, heavy truck access, noise and dust issues and any other items including, but not limited to; construction schedule, hours of operation, signage details which could, in the opinion of Council, present a nuisance or hazard during and after construction.

7.18. **BUILDING CODE**

7.18.1. 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.

8. GENERAL PROVISIONS FOR ALL ZONES

8.1. ACCESSORY BUILDINGS AND STRUCTURES

- 8.1.1. Accessory Buildings and Structures shall be permitted on any Lot but shall not:
- (a) be used for human habitation except where allowed in the Agricultural Zone (A1) as an accessory farm dwelling;
 - (b) be located within the Front Yard or Flanking Side Yard of a Lot;
 - (c) 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 Dwellings may be centred on a mutual Side Lot Line.
- 8.1.2. Notwithstanding subsection (a) 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 the Town is satisfied the Structure includes Building design components such as Building material, scale, and form are consistent with surrounding Development.
- 8.1.3. Notwithstanding anything else in this Bylaw, awnings, clothesline poles, flagpoles, garden trellises, retaining walls and fences shall be exempt from any requirement under *Section 8.1.1.(b)(c)*
- 8.1.4. Except in any Industrial Zone, Commercial Zone or the Agricultural Reserve Zone on a farm Use Property, Accessory Buildings and Structures shall not:
- (a) exceed 3.6 m (12') ft. in height above Grade;
 - (b) exceed 18 sq. m (200 sq. ft.) in total Floor Area;
 - (c) exceed one (1) Building per Single Dwelling Lot; exceed one (1) Accessory Building or Structure per Single Dwelling Lot if there is a detached garage existing or proposed;
 - (d) exceed one (1) Accessory Building per Semi Detached Dwelling, Town House Dwelling or Row House Dwelling or Multiple Attached or Apartment Building; and
 - (e) be considered an Accessory Building if attached to the Main Building.
- 8.1.5. Except in an industrial Zone, commercial Zone or Agricultural Reserve Zone, a detached garage shall not:
- (a) 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;
 - (b) 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 consistency with the main building;
 - (c) be considered as an Accessory Building in determining the number of Accessory Buildings permitted on one Lot.
- 8.1.6. No Accessory Building or Structure shall be constructed:

- (a) 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
- (b) prior to the establishment of the main Use of the land where no Main Building is to be built.
- (c) All Accessory Buildings shall be included in the calculation of maximum Lot coverage as described in the Lot Requirements for an applicable Zone. 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;
- (d) Where any land or Building is used for more than one (1) purpose, and having a mixed use, 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.

8.2. AUTHORIZATION FOR INSPECTION

- 8.2.1. 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.

8.3. DEVELOPMENT WITHIN A BUFFER ZONE

- 8.3.1. The provisions of the Watercourse and Wetland Regulations pursuant to approval by the Prince Edward Island Department of Communities, Land and Environment shall apply for any type of buffer development in any zone, in accordance with the Environmental Protection Act of Prince Edward Island.
- 8.3.2. No person shall construct or place, repair or replace, demolish or remove, buildings or structures, including but not limited to bridges, culverts, breakwaters, dams, wharves, docks, slipways, decks, or flood or erosion protection works within 15 metres of a watercourse boundary or a wetland boundary , unless approved by the Island Department of Communities, Land and Environment.
- 8.3.3. Notwithstanding subsection 1, within an Environmental Reserve Zone (O2), no person shall construct or place, repair or replace, demolish or remove, any buildings or structures, including but not limited to bridges, culverts, breakwaters, dams, wharves, docks, slipways, decks, or flood or erosion protection works, within the entire zone.

8.4. DRIVEWAY ACCESS

8.4.1. Driveway access location for a Through Lot shall be determined by the Development Officer having regard to adjacent Building orientations and traffic safety considerations.

8.4.2. A driveway access to:

- (a) a Local Street shall be a minimum of 15 metres (50 ft.) from a Street intersection;
- (b) a Collector Street shall be a minimum of 25 metres (80 ft.) from a Street intersection; and
- (c) an Arterial Street shall be a minimum of 30 metres (100 ft.) from a Street intersection.

8.4.3. Where an entranceway permit is required under the *Roads Act* or *Highway Access Regulations*, its issuance shall be a precondition of the approval of a Subdivision of land or a Development Permit.

8.4.4. 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.

8.5. ENCROACHMENTS PERMITTED

8.5.1. 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	1 0.6 m (3.32 ft.)
window bays, awnings, oil tanks, and propane tanks	1 0.9 m (3.3 ft.)
exterior staircases, wheelchair ramps, and fire escapes	1.5 m (5 ft.)
patio / deck not exceeding 0.6 m (2 ft.) in height from surrounding Grade	1.5 m (5 ft.)

8.6. STORMWATER MANAGEMENT

8.6.1. All construction activities required for any Subdivision or Development must adhere to a storm water management plan for the site that has been approved by the Province and the Province’s approval must be in place prior to any construction taking place on the site.

8.6.2. All stormwater management plans shall include low impact management practices that minimize alteration of drainage patterns, enhance existing Wetland and Watercourses and retain existing vegetative cover during and following construction. The stormwater management plan must address:

- (a) surface drainage patterns;
- (b) material storage locations and protection measures;
- (c) construction phasing;
- (d) runoff quantity and quality control measures during construction or any required earthworks;
- (e) a stormwater management plan approved as part of any approved Subdivision; and
- (f) Climate change

8.7. **GRADE OF SITE**

8.7.1. No Person shall change the Grade of a Property without the written permission of the Town or property owner.

8.7.2. Any applications for Development shall disclose significant grading and other Earthworks at the time of application and the proposed Development shall minimize alteration of existing grades where feasible.

8.8. **HEIGHT RESTRICTION EXEMPTION**

8.8.1. 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.

8.8.2. Council may allow a Building in excess of 11 m (36 ft.), if the following requirements are met:

- (a) provision is made for unobstructed access around the Building exterior year round for emergency services access;
- (b) the Building contains a sprinkler system with adequate fire rated central water pressure or an internal standpipe system with adequate water capacity and pressure;
- (c) approval is obtained from the Crossroads Rural Community Fire Company; and

- (d) Building design components such as building material, scale, and form are consistent with surrounding development and will not negatively impact the character of surrounding neighbourhood.

8.9. ILLUMINATION

- 8.9.1. No Person shall illuminate the area outside any Building or Structure unless the illumination is directed away from adjoining properties and any adjacent Street
- 8.9.2. All exterior lighting proposed within the Side Yard should be downward-facing exterior lighting and shall not direct light onto adjoining properties or any adjacent Street, and be dark sky compliant which shall be included in a Development Agreement as part of the any Application proposing outdoor lighting.

8.10. LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS

- 8.10.1. 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.
- 8.10.2. 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.

8.11. NON-CONFORMING BUILDINGS

- 8.11.1. 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:
 - (a) 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
 - (b) all other applicable provisions of this Bylaw are satisfied.

8.12. NON-CONFORMING LOTS

- 8.12.1. Notwithstanding any other provisions of this Bylaw:
 - (a) A vacant Lot held in separate ownership from adjoining parcels on the effective date of this Bylaw, having less than the minimum width, depth or area required, may be used for a purpose permitted in the Zone in which the Lot is located and a Building may be

erected or enlarged on the Lot provided that all other applicable provisions in this Bylaw are satisfied.

- (b) A lot containing a building 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.
- (c) 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:
 - i. 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 character of the neighbourhood and may issue a permit on a non-conforming Lot; or
 - ii. 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.

8.13. NON-CONFORMING USES

8.13.1. 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.

8.13.2. The Use of a Building or Structure shall be deemed to exist on the effective date of approval of this Bylaw if:

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

8.13.3. 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.

8.13.4. Notwithstanding *Section 8.12.3* above, nothing in this Bylaw shall apply to prevent the alteration and/or extension of a Single 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 (Low Density Residential Zone).

- 8.13.5. If a Use of a Building or structure 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.
- 8.13.6. Any change of tenants or occupants of any premises or Building or structure shall not of itself be deemed to affect the Use of the premises or Building for the purposes of this Bylaw.
- 8.13.7. 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.
- 8.13.8. 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 if it changes the appearance and involves any alteration of building or structures.
- 8.13.9. No increase in the area occupied by the Non-Conforming Use shall occur while a Non-Conforming Use is being continued.

8.14. **OUTDOOR SWIMMING POOLS**

- 8.14.1. The installation of an outdoor Swimming Pool shall be permitted in any Zone in accordance with the following provisions:
- (a) the Property Owner shall first obtain a Development Permit from the Town;
 - (b) 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;
 - (c) As a condition of permit, any gate on the Fence shall be self-closing and self-latching;
 - (d) A four-sided fence shall be required. However, the development officer may allow the home or building to take the place of the fourth wall of enclosure.
 - (e) the Applicant shall agree that other initiatives regarding maintenance and safety which are reasonable and prudent will be carried out either at the initiative and cost of the Applicant;
 - (f) no Swimming Pool shall be installed in any required Front Yard or Flankage Yard.

8.15. PERMITTED USES IN ALL ZONES

- 8.15.1. Notwithstanding any other provisions of this Bylaw, public utility Buildings and Structures and service facilities provided by the Town or the Stratford Utility Corporation such as, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, Streets and pedestrian amenities, 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.
- 8.15.2. Private utility Buildings and Structures which are considered by Council to be necessary and appropriate to the Municipality shall be permitted in all zones.
- 8.15.3. Parks and Open Spaces shall be a permitted Use in all Zones.
- 8.15.4. 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.

8.16. SPECIAL PERMIT USES

- 8.16.1. 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 a sufficient Buffer Area along the periphery of the Property and existing wooded areas separating adjacent Uses are preserved;
 - iii. in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion, hours of operation, 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 to allow residents to provide their input prior to the development of a preliminary site plan; and
 - vi. all other relevant provisions of this Bylaw are met.

8.17. PUBLIC AND PRIVATE UTILITIES

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

8.18. RECREATIONAL VEHICLES

8.18.1. Unless the Town has issued a temporary use permit for such use in accordance with Section 8.17 below No Person shall occupy a Recreational Vehicle on a temporary or permanent basis other than in a Campground licensed by the Province.

8.19. TEMPORARY USES

8.19.1. 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.

8.19.2. The duration of a temporary Use permit shall not exceed thirty (30) days.

8.19.3. 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.

8.19.4. 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.

8.20. YARDS

8.20.1. Subject to *Section 8.5* 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.

8.21. VISIBILITY AT STREET INTERSECTIONS

8.21.1. 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.

8.22. SECONDARY SUITE

8.22.1. A Secondary Suite may be constructed as part of any existing owner-occupied Single Dwelling if the owner of the Dwelling, upon written application to the Town, has first entered into a written Development Agreement.

8.22.2. **A copy of the Development Agreement shall be registered at the Provincial Land Registry office at the cost of the Property Owner.**

8.22.3. The total Floor Area of all Storeys of a Secondary Suite shall not be more than:

- (a) 80% of the Total Floor Area of all Storeys of the entirety of the Single Dwelling (excluding the garage Floor Area and common spaces serving both Dwelling Units), or
- (b) 80 square meters. The total Floor Area of all Storeys of a Secondary Suite shall not be more than:

8.22.4. Property Owners that directly abut the lot on which dwelling unit is proposed shall be notified in writing of details of the proposed Development.

8.22.5. Where a separate entrance is proposed within an R1 or R1L zone, the entrance shall access frontage on a different Right-of-Way whenever possible.

8.22.6. The application shall be reviewed by the Town to ensure compatibility with existing development, and may require such changes to the exterior of the Secondary suite to ensure compliance with this Bylaw.

8.22.7. The suite cannot be rented less than a period of one month.

8.23. MAIN BUILDING

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

8.24. MOBILE HOMES

8.24.1. Mobile Homes shall not be permitted in any Zone.

8.25. SPECIAL REQUIREMENTS: SEMI DETACHED, TOWNHOUSE DWELLINGS

8.25.1. Semi Detached Dwellings, Town House Dwellings which front on a Street shall be erected in a manner which will permit Subdivision into individual lots pursuant to subsection (8.23.2) below.

8.25.2. Semi Detached and Town House Dwellings may be divided independently for individual sale and ownership provided that:

- (a) 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 backyard);
- (b) the dwelling 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;
- (c) 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;
- (d) a separate electrical service is provided for each dwelling unit;
- (e) a separate heating device is provided for each dwelling unit;
- (f) separate parking is provided unless a satisfactory parking alternative is provided;
- (g) 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 Applicant's or Property Owner's cost:
 - i. common walls;
 - ii. maintenance;
 - iii. fire insurance;
 - iv. easements;
 - v. parking;
 - vi. snow removal;
 - vii. any other items jointly owned or used; and
 - viii. any other terms and conditions as imposed by Council.

8.25.3. 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.

8.26. SPECIAL PROVISIONS FOR SEASONAL DWELLINGS

8.26.1. Existing approved Lots intended for seasonal development may be used for the purpose of developing a Single Dwelling within any R1 or R1L Zone, subject to the following:

- (a) the Development shall conform to the Lot requirements of the Zone for which the development is proposed.
- (b) the Property Owner shall agree to enter into a Development Agreement with the Town stipulating that: the Developer and/or Property Owner shall be responsible for the provision of any roads, sewer water or stormwater infrastructure;

- 8.26.2. Property Owners shall be responsible to pay all future costs related to the upgrading, alteration and extension of the services noted in *Clause 8.24.1(c)* above;
- 8.26.3. Council shall 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 Town may require that 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;
- 8.26.4. the Property Owner shall be responsible for the cost of registering the above noted Development Agreement in the Province's Land Registry.

8.27. **BED AND BREAKFAST**

8.25.1 A Bed and Breakfast may be permitted to operate in any Single Dwelling in any Residential Zone or in the Agricultural Reserve Zone (A1), subject to the Property Owner and the Town entering into a Development Agreement stipulating, but not limited to, the following conditions:

- (a) The Dwelling shall be occupied as a residence by the principal operator of the Bed and Breakfast and the external appearance of the Dwelling shall not be changed by the Bed and Breakfast operation.
- (b) No more than three (3) separate rooms shall be offered for overnight accommodation;
- (c) Notwithstanding clause (b), a Bed and Breakfast may offer up to five (5) separate rooms for overnight accommodation as either a Conditional Use or by obtaining a Special Use Permit; **[Note: If you delete the concept of conditional uses, this term should be removed]**
- (d) Adequate off-street Parking Spaces shall be provided in accordance with section 10.1.1. For greater certainty, the Parking Spaces that are required for the Bed and Breakfast Use are in addition to the Parking Spaces required for the Single Dwelling;
- (e) Premise Signs shall be restricted to a maximum of .03 square meters (465 square inches);
- (f) There shall be no other Signs, Storage, or visible Display on the Lot;
- (g) The Property Owner shall provide a copy of their tourist establishment license, issued by the Minister pursuant to s. 2(3) of the *Tourism Industry Act*, R.S.P.E.I. 1988, c. T.-3.3, to the Town;
- (h) A copy of the Development Agreement shall be registered at the Provincial Land Registry office at the cost of the Property Owner.

8.28. HOME OCCUPATIONS

8.26.1 Any Single Dwelling, or part of an Accessory Building, may be Used as a Home Occupation, subject to the condition that the Property Owner and the Town enter into a Development Agreement stipulating, but not limited to, the following conditions:

- (a) A Home Occupation shall only be conducted as a Secondary Use to the residential occupancy. The Home Occupation shall be confined to the portion of the Dwelling or Accessory Building devoted to the Home Occupation.
- (b) There shall be no Storage on the Lot.
- (c) The Home Occupation shall not involve the use or employment of more than two people who do not reside in the Dwelling;
- (d) The Floor Area devoted to the Home Occupation shall not be more than 25 percent of the combined Floor Area of all Buildings on the Lot, or 50 square metres (538 square feet), whichever is less;
- (e) The Home Occupation shall not create a nuisance to residents in the surrounding neighbourhood such as:
 - (i) traffic generation,
 - (ii) noise,
 - (iii) hours of operation,
 - (iv) the creation of any vibration, heat, glare, odour or electrical interference, which is detectable from outside the Dwelling;
 - (v) the discharge of any smoke, fumes, toxic substance or other noxious matter into the atmosphere;
- (g) The driveway to the Home Occupation must be separate and independent from the residential driveway of the Dwelling;
- (h) No mechanical equipment shall be used except for what is reasonably consistent with the Use of the Dwelling;
- (h) No Display shall be permitted;
- (i) The character of the Dwelling as a residential Building shall not change and the Home Occupation shall not cause any interference with the enjoyment of the neighborhood's residential amenities.
- (j) The Development Agreement shall be registered on the title of the Property at the expense of the Owner.

8.26.2 The following types of occupations or businesses shall be permitted in a Home Occupation:

- (a) Professional Offices;
- (b) Occupations and businesses that create and/or offer for sale arts and crafts, weavings, paintings, and sculptures;
- (c) Occupations and businesses that repair garden or household ornaments, personal effects, clothing, or toys;
- (d) Hairdressing salon or barbershop; and
- (e) Photography studio.

8.29. INTENSIVE AGRICULTURE

8.29.1. Agricultural uses which are currently established within any Zone other than A1 and deemed by Council to be intensive, which shall include any Intensive Livestock Operation or Intensive Agricultural Use, 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 that conforms to the *Prince Edward Island Crop Rotation Act*.

8.30. MIXED USE

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

8.31. PETROLEUM STORAGE

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

8.32. SPECIAL PROVISIONS FOR TEMPORARY USES

8.32.1. Where the Townl deems that there would be no health or safety risks to users and when there would be no significant nuisance created for adjoining properties the Town 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.

8.32.2. The duration of a Temporary Use permit shall not exceed thirty (30) days.

8.32.3. The Town 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.

8.32.4. 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 a 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.

8.32.5. **CANNABIS RETAIL OPERATION**

(a) Any Cannabis Retail Operation shall not be located within 300 meters (984.2 feet) of the following land Uses:

(i) School Premises;

(ii) Playground;

(iii) Early Learning and/or Child Care Centre .

(b) Notwithstanding any other provision of this Bylaw, a Cannabis Retail Operation shall not be located within 1,000 meters (3280.8 feet) of an existing Cannabis Retail Operation.

(c) For greater certainty, these provisions are only intended to limit the development of future Cannabis Retail Operations. Once a Cannabis Retail Operation has been established in the Town, these provisions do not restrict or limit the development of any subsequent School Premise, Playground, or Early Learning and/or Child Care Centre.

8.33. **TEMPORARY COMMERCIAL USES**

8.33.1. In addition to the lot requirements, notwithstanding any other provision of this Bylaw, temporary Development permits may be issued for a temporary commercial use subject to compliance with the following:

- (a) the Development shall not result in any traffic hazard;
- (b) the Development shall not interfere with the parking requirements of permanent users of the Lot on which the Development will be located;
- (c) the Development shall not create a public nuisance;
- (d) the temporary permit shall not exceed a twenty (20) week period;

- (e) the Applicant shall provide a letter of approval from the Property Owner of the Lot on which the temporary Development will be situated;
- (f) where required, the Applicant shall satisfy Council that such Development complies with all health regulations.

8.34. AUTOMOBILE SERVICE STATIONS

8.34.1. In addition to the lot requirements, 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 Distance from Access or Egress	9 m (30 ft.)
Minimum Width of Driveway	7.5 metre (25 ft.)
Minimum Pump Setback	6 m (20 ft.)

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

8.35. DWELLING UNITS WITHIN COMMERCIAL BUILDINGS

8.35.1. Where a Dwelling Unit is proposed in connection with a commercial Use the following minimum standards shall apply:

- (a) the Dwelling Unit, or any part thereof, shall not be located on the ground floor or at Street level below a commercial Use;
- (b) the Dwelling Unit is not located above any Use or activity that stores or uses hazardous or explosive materials;
- (c) separate entrances serve the Dwelling Unit;
- (d) for each Dwelling Unit, 37 sq. m. (400 sq. ft.) of landscaped Open Space and 1.5 Parking Spaces are provided;
- (e) each Dwelling Unit meets the requirements of the Provincial Fire Marshal; and
- (f) the total Floor Area of a Dwelling Unit does not exceed the commercial Floor Area.

8.36. SPECIAL PROVISIONS FOR CORE AREA PARKING

- 8.36.1. 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.
- 8.36.2. 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.
- 8.36.3. Council may adjust the parking requirements under 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.

8.37. **SPECIAL PROVISIONS FOR CORE AREA SERVICING**

- 8.37.1. Notwithstanding the provisions of *Section 4*, 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 and street furnishings.
- 8.37.2. 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.

9. SIGNAGE

9.1. GENERAL

- 9.1.1. 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.
- 9.1.2. No Off-premise Signs shall be permitted except directional and information Signs erected within the street as part of the Highway Information Signage System (HISS).
- 9.1.3. 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.
- 9.1.4. No Temporary Sign permit shall be effective for a period of more than thirty (30) days. Council may permit additional time and may permit the annual placement of a Temporary Sign for a period of no more than one hundred twenty (120) days in a given location for an annual or seasonal event.
- 9.1.5. Internally lit Signs shall be permitted provided that the light source is concealed by a diffusive material.
- 9.1.6. Signs lit by external illumination shall have the light source directed at the Sign. no illumination shall be aimed at the Street or any adjacent Residential Zone
- 9.1.7. 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.
- 9.1.8. For the purposes of this section 9, a Sign with two or more faces shall count as one Sign.

9.2. MAINTENANCE

- 9.2.1. All Signs shall be made of durable materials and shall be maintained in good condition at the property owner or tenant's expense. A Development Officer who identifies a Sign which is deemed to be in poor condition may order the Property Owner to have such Sign repaired to a safe condition or to be removed.
- 9.2.2. 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.
- 9.2.3. 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.

- 9.2.4. *Subsection 2.3* 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.

Where any Property Owner does not comply with an order issued under *Section (2.3) or (2.4)* above, the Development Officer may cause the sign to be removed in accordance with the Municipal Governance Act. (MGA.)

9.3. **SIGNS PERMITTED IN ALL ZONES**

- (a) 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:
- (b) Signs identifying the name and address of a Resident and not more than 0.3 square metres (465 sq. in.) in area;
- (c) 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;
- (d) real estate and land for development Signs, placed on the Lot, which advertise the sale of the lot;
- (e) rental or lease of land, a Lot or Building on a Lot of not more than 0.93 sq. metres (10 sq. ft.);
- (f) on-premise directional or traffic control Signs not more than 0.3 square metres (465 square inches) in area;
- (g) Signs erected by a government body or under the direction of a government body;
- (h) Memorial Signs or Tablets;
- (i) Community identification Signs;
- (j) Outdoor recreational facility identification Signs of not more than 3.7 sq. m. (40 sq. ft.) in area;
- (k) entrance identification Signs for residential neighbourhoods or business parks of not more than 3.7 sq. m. (40 sq. ft.) in area;
- (l) the flag or insignia of any religious, charitable or fraternal organization;
- (m) Signs associated with a non-profit, special or a public event provided the sign does not exceed three square metres (32.2 sq. ft.) in total area;
- (n) election Sign up to a maximum Sign Area of 3 sq. m (32.3 sq. ft.), which may be erected 30 days prior to the election and shall be removed within 7 days following the election; and
- (o) temporary signs advertising a construction firm in the lots where the construction is taking place;

- (p) religious institution identification Signs; and
- (q) flags and bunting exhibited to temporarily commemorate national or civic holidays and temporary banners announcing charitable events, civic events, or grand openings.

9.4. **SIGNS PROHIBITED IN ALL ZONES**

9.4.1. The following Signs shall be prohibited in all zones:

- (a) flashing Signs, Roof Signs, Signs containing moving parts and reflective elements which sparkle or twinkle when lighted or Signs containing strings of bulbs;
- (b) 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;
- (c) any Signs which represent a safety hazard;
- (d) 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;
- (e) any Signs that obstruct the free egress from any fire exit door, window, or other required exit way;
- (f) signs painted on, attached to, or supported by a tree, or other natural objects; and
- (g) off Premises Signs.

9.5. **FASCIA SIGNS**

- 9.5.1. One (1) Fascia Sign shall be permitted for each property boundary facing a public street right of way on Buildings in commercial, industrial, institutional, Open Space and Mixed Use 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;
- 9.5.2. 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;
- 9.5.3. The area of a Fascia Sign 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.
- 9.5.4. Notwithstanding the above, a Fascia Sign may be permitted in Residential Zones for a home occupation or Bed and Breakfast only.

9.6. PROJECTING SIGNS

- 9.6.1. One (1) Projecting Sign shall be permitted on Buildings within Commercial, Industrial, Institutional and Mixed Use Zones.
- 9.6.2. A Projecting Sign shall
- (a) not have a Sign face larger than 0.5 sq. m. (5.4 sq. ft.);
 - (b) 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;
 - (c) not project above the wall to which it is affixed;
 - (d) be limited to one (1) per business;
 - (e) not extend beyond the Property line of the Property on which it is erected;
 - (f) not swing freely on its support; and
 - (g) not obstruct pedestrian or vehicular traffic on the Lot or impede visibility for pedestrians or traffic accessing the Lot.

9.7. SUBDIVISION SIGNS

- 9.7.1. Permanent Signs for each public access to a subdivision to identify a subdivision shall be permitted in any zone, subject to the following requirements:
- (a) There shall be a limit of one identification Sign for each entrance into the subdivision;
 - (b) The message of the sign shall be limited to identifying the name of the subdivision where it is situated and shall not advertise lots or land for sale;
 - (c) Unless authorized by Town, the neighbourhood identification sign shall not be located on a parcel of land owned by the Town;
 - (d) The neighbourhood identification sign shall have a maximum area of three (3) square metres and a maximum height of two (2) metres;
 - (e) The neighbourhood identification sign shall not be lighted from within the sign structure; and
 - (f) The signs shall be consistent in design and reflect the branding of the Town including Town colours or logo.

9.8. ELECTRONIC SIGNS WITH A MESSAGE BOARD

- 9.8.1. An electronic sign with a message board will have a maximum total sign face area of 3.5 square metres shall be permitted on Buildings in Commercial, Industrial, Institutional and Mixed Use Zones, subject to the following requirements:

- (a) only one free standing electronic Sign with a message board shall be permitted for each Lot;
- (b) messages shall be limited to static images displayed for at least eight (8) seconds; and
- (c) messages transitions shall not be animated, flash, or scroll.

9.9. FREE-STANDING SIGNS

9.9.1. Free-standing Signs shall be permitted in commercial, industrial, institutional, mixed use, high density residential and recreation zones and shall:

- (a) be compatible with the Building in scale and colour;
- (b) not have a Sign face greater than 6 sq. m. (64 sq. ft.) and a width not exceeding four times the height;
- (c) be set back at least 2.5 m (8.5 ft.) from the Property line; and
- (d) not exceed 8 m (26 ft.) in height above the average finished Grade of the Lot.

9.9.2. Where there are more than one (1) commercial operation on a single Lot:

- (a) all commercial operations on the same Lot shall share one (1) Free-Standing Sign;
- (b) 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
- (c) where a Sign for a Building is shared by more than one (1) commercial operation 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.
- (d) 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.

9.10. CANOPIES OR AWNINGS

9.10.1. Signs incorporated into a canopy or awnings are permitted on the Building and shall be considered a Fascia Sign.

9.11. TEMPORARY SIGNS

9.11.1. Temporary Signs shall not be permitted to be placed within the boundaries of the Town unless a temporary permit has been issued by the Town.

9.11.2. The Town may grant temporary permits for commercial Signs for a period not to exceed six (6) months, where 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.

9.11.3. The Town may revoke a temporary permit issued pursuant to this Section at any time where the Town deems that the applicant or Property Owner has not conformed to the provisions of this Section;

9.11.4. Where a temporary permit has been revoked, the Development Officer shall have the authority to enter upon the property and remove the Sign cited in the order.

9.12. LARGE SIGNS FOR SPORTS FIELDS AND OUTDOOR STADIUMS

9.12.1. Notwithstanding anything else in this Bylaw, Council may approve 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. The sign may exceed the maximum size permitted in Subsection 9, if a Development Agreement 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.

10. PARKING PROVISIONS

10.1. PARKING REQUIREMENTS

10.1.1. In all zones, off-street parking and loading facilities shall be provided in accordance with this section.

Primary Type of Building	Minimum Requirement
Single Dwelling	2 parking spaces
Duplex, Semi Detached and Townhouse Dwellings having six (6) Dwelling Units or less	2 parking spaces per Dwelling Unit
Multiple Attached having six (6) Dwelling Units or less	2 parking spaces per Dwelling Unit
Multiple Attached Dwellings having more than six (6) Dwelling Units and less than nineteen (19) Dwelling Units	1.5 parking spaces per Dwelling Unit
Multiple Attached Dwellings having more than nineteen (19) Dwelling Units	1 parking space per Dwelling Unit
Hotel, Motel, or Bed and Breakfast	1 parking space per guest room
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
Nursing Homes, Community Care Facilities, Hospitals	0.75 parking spaces per bed
Senior Citizens Apartments Supportive Housing and Facilities	1.00 parking spaces per Dwelling Unit (minimum 2)
Schools	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. ft.) 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. m (200 sq. ft.) of floor area
Restaurant or Lounge	1 Parking Space per 10 sq. m (108 sq. ft.)
Retail Stores	1 Parking Space per 20 sq. m (215 sq. ft.) of Floor Area
Convenience Store	1 Parking Space per 14 sq. m (150 sq. ft.) of Floor Area
Industrial, Warehouses, manufacturing	1 Parking Space per 28 sq. m (300 sq. ft.) of Floor Area or 1 Parking Space per employee and 1 Loading Area per loading bay
Colleges, Universities	As determined by Council at the time of application
Other Institutional	1 Parking Space per 37 sq. m (398 sq. ft.) of Floor Area

All other uses not listed	1 Parking Space per 20 sq. m (215 sq. ft.) of Floor Area
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10.1.2. Additional Parking Spaces may be required if, in the opinion of Council, the Parking Spaces required under *Section 10.1.1* will not meet the anticipated parking requirements.

10.1.3. Notwithstanding the requirements of *Section 10.1.1.*, Council may permit a reduced standard if the applicant demonstrates through an alternative parking plan based on the standards of the Institute of Transportation Engineers and to the satisfaction of Council that the an alternative parking plan will adequately provide for parking.

10.2. PARKING AREA STANDARDS

10.2.1. Where parking facilities are required or permitted:

- (a) Any parking area shall be maintained with a Stable Surface.
- (b) The lights used for illumination of a parking area shall have downward facing fixtures and shall not divert the light toward adjacent Streets, Lots or Buildings.
- (c) A Structure not more than 3 m (10 ft.) in height and not more than 10 sq. m (108 sq. ft.) in area may be erected in the parking area for the Use of attendants;
- (d) The parking area shall be within 90 m (300 ft.) of the location which it is intended to serve and shall be situated on the same Lot in the same Zone, unless it is a stand alone lot developed by the Town;
- (e) 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;
- (f) Where the parking facilities for four (4) or more vehicles are required or permitted:
 - i. Parking areas for Multiple Dwellings containing more than three (3) Dwelling Units shall not be located in the Front Yard, nor shall they be situated within 1.5 m (5 ft.) of any door, or any window serving a bedroom;
 - ii. A parking lot involving five or more parking spaces shall include provision for the turning of vehicles and such turning area shall be considered part of the parking lot.
 - iii. Where there are ten (10) or more Parking Spaces proposed, or where required by the Town, 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;

- iv. Where there are eighteen (18) or more parking spaces proposed, an application shall demonstrate safe pedestrian access to and from parking spaces and to all buildings on the lot.
 - (g) 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;
 - (h) Where a parking lot is in or abuts a residential Zone where there are eighteen (18) or more parking spaces, a landscaped Buffer area of at least 1 m (3.3 ft.) in height shall be planted on the adjacent bordering property for which the application is made and shall be maintained in a healthy growing condition by the Property Owner;
 - (i) The Town 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;
 - (j) Off-street Parking Spaces for developments in commercial or institutional zones shall not be located in the Front Yard or in the Flankage Yard;
 - (k) Notwithstanding *subsection 10.2.1(k)* 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:
 - i. activities connected with the automobile trade; or
 - ii. where the provisions of *subsection 10.2.1(k)* above would unduly restrict Development on a Parcel of land in existence prior to approval of this Bylaw.

10.3. PARKING SPACE DIMENSIONS

10.3.1. All Parking Spaces must be a minimum of 2.8 m (9 ft.) wide by 5.5 m (18 ft.) deep and shall ensure a minimum height clearance of 2 m (6.6 ft.).

10.3.2. All Parallel Parking Spaces must be a minimum of 2.8 m (9 ft.) wide by 6.5 m (21 ft.) deep and shall ensure a minimum height clearance of 2 m (6.6 ft.).

10.4. UNDERGROUND PARKING

Where there is Underground Parking located within or under the main footprint of a Multi-unit residential Building, the density of units on a Lot may be increased by 20% of the requirements set out for the Zone (# of units x 20% = increase); parking is required for the increased density. A minimum of 75% of parking required for the Development must be Underground Parking in order to receive the 20% density bonus.

10.5. DRIVEWAY AND PARKING AISLES

10.5.1. 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 m (30 ft.) at the Street line and edge of pavement.

10.5.2. Any driveway or aisle leading to a parking or loading area may, based on the scale or intensity of the proposed use, be required to provide safe pedestrian access to any adjacent public streets.

10.6. **LOADING ZONES**

10.6.1. In any commercial or industrial Zone one (1) off-street Loading Space for standing, loading and unloading for each Loading Bay shall be provided.

10.6.2. 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.

10.6.3. The provision of a Loading Space for any Building with less than 140 sq. m (1500 sq. ft.) shall be optional.

10.6.4. 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.

10.7. **BARRIER FREE PARKING**

10.7.1. In addition to the parking requirements found in *Section 10.1*, where off-street parking is provided one (1) Barrier Free Parking Space shall be provided for the first 10 provided and an additional barrier free space for every 40 spaces provided. More may be provided at the discretion of council.

10.7.2. Notwithstanding subsection 10.3.1 each barrier free parking space shall have a minimum width of 3.9 m, a minimum depth of 5.5 m, and a minimum height clearance of 4.2 m.

10.7.3. A barrier free parking space shall be located within 30 m of the building entrance it serves and such entrance shall include a curb ramp.

10.8. **BICYCLE PARKING**

10.8.1. Bicycle parking will consist of bicycle racks or stands, located on the ground or stand up posts, which allow for the locking of a bicycle by the frame and the front wheel.

11. RESIDENTIAL ZONES

11.1. LOW DENSITY RESIDENTIAL LARGE LOT (R1L)

11.1.1. 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.

11.1.2. PERMITTED USES

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

- i. Single Dwellings;
- ii. Secondary Dwelling Units;
- iii. Home-based Child Care Facilities;
- iv. Bed and Breakfast Establishments;
- v. Active and Passive Recreation;
- vi. Accessory Buildings;
- vii. Private Garages.

11.1.3. CONDITIONAL USES

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

- i. Converted Single Dwellings;
- ii. Wind power generators for personal use.

11.1.4. SPECIAL PERMIT USES

(a) Notwithstanding *Section 11.1.2* above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:

- i. Senior Homes
- ii. Community Care Facilities;
- iii. Neighbourhood Child Care Facilities;
- iv. Convenience Stores; and
- v. Group Homes.

(b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to this section:

- 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, hours of operation, or any other potential nuisance;
- iv. Property Owners within 61 m (200 ft.) of the subject Property are notified in writing of details of the proposed Development and asked to provide their comments;
- v. a public meeting to allow the Applicant to present the Development proposal to residents to provide obtain their input prior to the development of a preliminary site plan; and
- vi. all other relevant provisions of this Bylaw are met.

11.1.5. SUMMER COTTAGES

- (a) 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 *Clause 11.11.6(a)*.
 - ii. the Property Owner shall agree to enter into a Development Agreement on any development on a private road with the Town stipulating that:
 - ii.i. the Developer and/or Property Owner shall be responsible for the provision of any roads, sewer services and/or water supply;
 - ii.ii. the Property Owner shall agree to pay all future costs related to the extension of the services noted in clause *ii.i* above;
 - ii.iii. 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;
 - ii.iv. 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;
 - ii.v. the Seasonal Residence or Summer Cottage not be occupied as a year round residence;
 - ii.vi. the maximum Lot coverage shall not be greater than ten percent (10%) of the Lot; and
 - ii.vii. the Property Owner shall be responsible for the cost of registering the above noted Development Agreement in the Province's Land Registry Office.
- (b) Notwithstanding *Subsection 11.1.5* above, all Development in the R1L Zone shall be serviced by municipal sewer.

11.1.6. LOT REQUIREMENTS

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

Requirement	Standard w/ Municipal Sewer
Minimum Lot Area	1,440 sq. m (15,070 sq. ft.)
Minimum Frontage	25 m (82 ft.)
Minimum Circle Diameter to be Contained Within the Boundaries of the Lot	30 m (100 ft.)
Minimum Front Yard	10.6 m (35 ft.)
Minimum Rear Yard	7.5 m (25 ft.)
Minimum Side Yard	3.5 m (12 ft.)
Minimum Flankage Yard	6 m (20 ft.)
Maximum Building Height	11 m (36 ft.)

- (b) In addition to the above requirements, all Lots shall also conform to the Provincial Minimum Lot Standards as noted in *SCHEDULE A: MINIMUM LOT SIZE STANDARDS*.
- (c) 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;
- (d) 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.

11.2. LOW DENSITY RESIDENTIAL ZONE (R1)**11.2.1. 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.

11.2.2. PERMITTED USES

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

- i. Single Dwellings;
- ii. Secondary Dwelling Units;
- iii. Home Occupations;
- iv. Active and Passive Recreation;
- v. Accessory Buildings;
- vi. Private Garages; and
- vii. General Agricultural Uses.

11.2.3. CONDITIONAL USES

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

- i. Duplex or Semi Detached Dwellings (up to 20% of units in a Block);
- ii. Prior to the issuance of a Development Permit for a Conditional Use, Council shall ensure that property owners that directly about the subject Property are notified in writing of details of the proposed Development and asked to provide their comments.

11.2.4. SPECIAL PERMIT USES

- (a) Notwithstanding *Section 11.2.2* above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - i. Duplex or Semi Detached Dwellings (up to 40% of units in a Block);
 - ii. Neighbourhood Child Care Facilities;
 - iii. Child Care Centres;
 - iv. Convenience Stores;
 - v. Health Clinics;
 - vi. Group Homes; or
 - vii. Community Care Facilities.

- viii. Day care homes
 - (b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section Error! Reference source not found.* of this Bylaw.

11.2.5. SUMMER COTTAGES

- (a) Existing approved Summer Cottage Lots intended to seasonal development 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 11.2.6.*
 - ii. the Property Owner shall agree to enter into a Development Agreement with the Town stipulating that:
 - ii.i. the Developer and/or Property Owner shall be responsible for the provision of any roads, sewer services or water supply;
 - ii.ii. the Property Owner shall agree to pay all future costs related to the extension of the services noted in *subsection (ii.i)* above;
 - ii.iii. 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;
 - ii.iv. the maximum Lot coverage shall not be greater than ten percent (10%) of the Lot;
 - ii.v. the Property Owner shall be responsible for the cost of registering the above noted Development Agreement in the Province’s Land Registry.
- (b) Notwithstanding *SubsSection 11.2.5* above, all Development in the R1 Zone shall be serviced by municipal sewer and water supply.

11.2.6. LOT REQUIREMENTS

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

Requirement	Standard
Minimum Lot Area	700 sq. m (7535 ft.)
Minimum Frontage	22 m (72 ft.)
Minimum Circle Diameter to be Contained Within the	N/A

Boundaries of the Lot	
Minimum Front Yard	4.5 m (15 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	2.5 m (8 ft.)
Minimum Flankage Yard	4.5 m (15 ft.)
Maximum Building Height	11 m (36 ft.)

- (b) In addition to the above requirements, all Lots shall also conform to the Provincial Minimum Lot Standards as noted in the table in *SCHEDULE A: MINIMUM LOT SIZE STANDARDS*
- (c) 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.
- (d) Maximum Lot Coverage shall be 30%, provided however, that Council may permit coverage 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.

11.3. **MEDIUM DENSITY RESIDENTIAL ZONE (R2)**

11.3.1. **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.

11.3.2. **PERMITTED USES**

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

- i. Single Dwellings;
- ii. Duplex or Semi Detached Dwellings (up to 40% of units in a Block);
- iii. Townhouse Dwellings having up to three (3) dwelling units (up to 40% of units in a Block);
- iv. Secondary Dwelling Units;
- v. Home-based Child Care Facilities;
- vi. Neighbourhood Child Care Facilities;
- vii. Health Clinics;
- viii. Parks and Playgrounds;
- ix. Active and Passive Recreation;
- x. Accessory Buildings; and
- xi. Private Garages.

11.3.3. **CONDITIONAL USES**

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

- i. Duplex up to 100% of the block;
- ii. Town House Dwellings or Row House Dwellings having up to six (6) Dwelling Units (owned either individually or as Condominiums); and
- iii. Group Homes.

11.3.4. **SPECIAL PERMIT USES**

- (a) Notwithstanding the above section, 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. Town House Dwellings or Row House Dwellings having up to six (6) Dwelling Units (owned either individually or as Condominiums), and can be (up to 40% of units in a Block);

- iii. Senior Homes;
 - iv. Child Care Centres; and
 - v. Convenience Stores.
- (b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section Error! Reference source not found.* of this Bylaw.

11.3.5. SERVICING

- (a) All new Development in an R2 Zone shall be serviced by municipal sewer services where municipal water services exist.

11.3.6. LOT REQUIREMENTS

- (a) Lot requirements for Single Dwellings shall be as follows:

Requirement	Standard w/ Municipal Sewer
Minimum Lot Area	700 sq. m (7535 sq. ft.)
Minimum Frontage	22 m (72 ft.)
Minimum Circle Diameter to be Contained Within the Boundaries of the Lot	N/A
Minimum Front Yard	4.5 m (15 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	2.5 m (8 ft. 12 ft.)
Minimum Flankage Yard	4.5 m (15 ft.)
Maximum Building Height	11 m (36 ft.)

- (b) Lot requirements for Duplex and Semi Detached Dwellings shall be as follows:

Requirement	Standard w/ Municipal Sewer
Minimum Lot Area	910 sq. m (9800 sq. ft.)
Minimum Frontage	30 m (100 ft.) or 15 m (50 ft.) for each unit.

Minimum Circle Diameter to be Contained Within the Boundaries of the Lot	N/A
Minimum Front Yard	4 m (13 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	3 m (10 ft.)
Minimum Flankage Yard	5 m (17 ft.)
Maximum Building Height	11 m (36 ft.)

(c) Lot requirements for Townhouse Dwellings shall be as follows:

Requirement	Standard
Minimum Lot Area	300 sq. m (3229 sq. ft.) per unit; or 200 sq. m (2153 sq. ft.) per unit if parking is provided in the rear yard and accessed by a private lane that is buffered from all buildings and a minimum out door private amenity area of 25 sq. m per Dwelling is provided; or 1260 sq. m (14000 sq. ft.) for the first three (3) units; and 278 sq. m (3000 sq. ft.) for each additional unit.
Minimum Frontage	9 m (29.5 ft.) per unit; or 8 m (26 ft.) per unit if parking is provided in the rear yard and accessed by a private lane that is buffered from all buildings and a minimum out door private amenity area of 25 sq. m per Dwelling is provided; or 30 m (100 ft.) and 7 m (23 ft.) for each unit.
Minimum Front Yard	5 m (17 ft.); or 3 m (10 ft.) if parking is provided in the rear yard and accessed by a private lane that is buffered from all

	buildings and a minimum out door private amenity area of 25 sq. m per Dwelling is provided.
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	3 m (10 ft.)
Minimum Flankage Yard	5 m (17 ft.)
Maximum Building Height	11 m (36 ft.)

11.3.7. 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.

11.3.8. All Lots shall conform to the Provincial Minimum Lot Standards as noted in *SCHEDULE A: MINIMUM LOT SIZE STANDARDS*.

11.4. MULTIPLE UNIT RESIDENTIAL ZONE (R3)**11.4.1. 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.

11.4.2. PERMITTED USES

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

- i. Duplex Dwellings and Semi Detached Dwellings;
- ii. Townhouse Dwellings up to six (6) units;
- iii. Multiple Attached Dwellings;
- iv. Home Occupations;
- v. Home-based Child Care Facilities;
- vi. Neighbourhood Child Care Facilities;
- vii. Senior Homes;
- viii. Supportive Housing;
- ix. Accessory Buildings;
- x. Private Garages.

11.4.3. CONDITIONAL USES

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.

11.4.4. SPECIAL PERMITTED USES

(a) Notwithstanding *SubSection 11.4.2* 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;
- ii. First Floor Commercial;
- iii. Health Clinics;
- iv. Convenience Stores;

- v. Child Care Centres;
- vi. Hospitals.
- (b) Prior to the issuance of a Development Permit for a Special Permit Use, Council shall ensure that it conforms to *Section Error! Reference source not found.* of this Bylaw.

11.4.5. LOT REQUIREMENTS

- (a) The following requirements shall apply to Development in an R3 Zone:
 - i. For Single, Duplex, or Semi Detached Dwellings and Townhouse Dwellings, the Lot requirements shall be the same as in the Medium Density Residential Zone;
 - ii. For Multiple Attached Dwellings, the Lot requirements shall be as follows:

Requirement	Standard
Minimum Lot Area	810 sq. m (9000 sq. ft.) plus 135 sq. m (1500 sq. ft.) for each Dwelling Unit.
Minimum Frontage	30 m (98 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	5 m (16 ft.)
Maximum Building Height	10.5 m (35 ft.)

- (b) Notwithstanding the above Lot requirements, Council may authorize reduced Lot requirements where the Applicant agrees to provide underground parking.
- (c) 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.
- (d) All Lots shall also conform to the Provincial Minimum Lot Standards as noted in *SCHEDULE A: MINIMUM LOT SIZE STANDARDS.*

11.4.6. DENSITY

The maximum density in a R3 Zone shall be no greater than 25 Dwelling Units per acre.

11.5. **PLANNED UNIT RESIDENTIAL DEVELOPMENT ZONE (PURD)**

11.5.1. **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.

11.5.2. **PERMITTED USES**

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

- i. Single Dwellings;
- ii. Duplex Dwellings and Semi Detached Dwellings;
- iii. Townhouse Dwellings up to six (6) units (owned either individually, or as Condominiums);
- iv. Home Occupations;
- v. Home-based Child Care Facilities;
- vi. Neighbourhood Child Care Facilities;
- vii. Active and Passive Recreation;
- viii. Parks and Playgrounds;
- ix. Accessory Buildings;
- x. Private Garages.
- xi. Public and/or Private Assisted Care Facilities.

11.5.3. **SPECIAL PERMIT USES**

(a) Notwithstanding *Subsection 11.5.2* above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:

- i. Group Child Care Centre;
- ii. Community Care Facility
- iii. Public/ and or Private Assisted Care facilities
- iv. Child Care Facilities;
- v. Health Clinics;
- vi. Multiple Attached Dwellings; and
- vii. First Floor Commercial.

(b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

11.5.4. SERVICING

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

11.5.5. LOT REQUIREMENTS

- (a) The following requirements shall apply to Development in a PURD Zone:
- i. For Single, Duplex or Semi Detached the Lot requirements shall be the same as Medium Density Residential;
 - ii. For Multiple Attached and Townhouse Dwellings, the Lot requirements shall be the same as Multi Unit Residential;
 - iii. For Town House Dwellings or Multi Unit Dwellings
- (b) Notwithstanding *subsections (i)(ii) and (iii)* 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:
- i. Prior to the development of a preliminary site plan to receive their input prior to the development of a preliminary Development Scheme;
 - ii. Council shall require the Applicant to submit a detailed Development Plan review;
 - iii. 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:
 - iii.i. Subdivision requirements pursuant to *Section 4* of this Bylaw;
 - iii.ii. Building types within the Development;
 - iii.iii. a schedule of styles and design, with emphasis placed on the placement of buildings relative to surrounding uses and streets;
 - iii.iv. a schedule of Subdivision and/or Development phases.
 - iv. All Developments shall be developed only in accordance with an approved Development Scheme and the provisions of the any Subdivision Agreements or Development Agreements;
 - v. Council may require the establishment of an incorporated homeowners' association to own and maintain any lands or facilities held in common.

11.5.6. DENSITY

The maximum density in a PURD Zone shall be no greater than ten (10) Dwelling Units per acre, or fifteen (15) dwelling units per acre if parking is provided in the rear yard and accessed by a private lane that is buffered from all buildings and a minimum outdoor private amenity area of 25 sq. m. per Dwelling is provided.

11.6. WATERFRONT RESIDENTIAL ZONE (WR)

11.6.1. 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.

11.6.2. PERMITTED USES

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; and
- v. Accessory Buildings.

11.6.3. CONDITIONAL USES

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.

11.6.4. SERVICING

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

11.6.5. DEVELOPMENT STANDARDS

All Developments in a WR Zone shall conform to the Development Standards and architectural guidelines as noted in *APPENDIX C – CORE AREA DESIGN STANDARDS – WATERFRONT CORE AREA (WCA)*.

11.6.6. LOT REQUIREMENTS

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

- i. Town House or Row House Dwellings

Requirement	Standard
Minimum Lot Area	N/A
Minimum 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.)

ii. Apartments

Requirement	Standard
Minimum Lot Area	N/A
Minimum Frontage	N/A
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.)

- (b) 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).

- (c) 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.

11.7. **TOWN CENTRE RESIDENTIAL ZONE (TCR)**

11.7.1. **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.

11.7.2. **PERMITTED USES**

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;
- vi. Parks and Playgrounds;
- vii. Accessory Buildings; and
- viii. Private Garages.

11.7.3. **SPECIAL PERMITTED USES**

(a) Notwithstanding *Subsection 11.7.2* 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;

(b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

11.7.4. **SERVICING**

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

11.7.5. **DEVELOPMENT STANDARDS**

All development in a TCR Zone shall conform to the Development Standards and Architectural Guidelines as noted in *APPENDIX D – CORE AREA DESIGN STANDARDS – TOWN CENTRE CORE AREA (TCCA)*.

11.7.6. LOT STANDARDS

- (a) The following requirements shall apply to all Development in a TCR Zone:
 - i. For Single Dwellings the lot requirements shall be the same as *Subsection 11.2.6* Low Density Residential;
 - ii. For Duplex Dwellings or Semi Detached Dwellings, the lot requirements shall be the same as *Subsection 11.3.6(b)* Medium Density Residential;
 - iii. Other Lot Requirements as follows:

iii.i. Town House or Row House Dwellings

Requirement	Standard
Minimum Lot Area	270 sq. m (3000 sq. ft.) per unit
Minimum 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.)

iii.ii. Cluster Housing

Requirement	Standard
Minimum Lot Area	N/A
Minimum 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

iii.iii. Apartments and Other Uses

Requirement	Standard
Minimum Lot Area	135 sq. m (1500 sq. ft.) per unit
Minimum 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	25 units per acre

- (b) Notwithstanding the above Lot requirements, Council may authorize reduced lot requirements where the Applicant agrees to provide underground parking.
- (c) 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.
- (d) Semi Detached Dwellings, Town House Dwellings or Row House Dwellings must be built in accordance with *APPENDIX D – CORE AREA DESIGN STANDARDS – TOWN CENTRE CORE AREA (TCCA)*.

11.8. MASON ROAD RESIDENTIAL ZONE (MRR)

11.8.1. 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.

11.8.2. PERMITTED USES

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.

11.8.3. SERVICING

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

11.8.4. DEVELOPMENT STANDARDS

All Development in a MRR Zone shall conform to the Development Standards and Architectural Guidelines as noted in *APPENDIX E - CORE AREA DESIGN STANDARDS – MASON ROAD CORE AREA (MRCA) – PART I*.

11.8.5. LOT REQUIREMENTS

The following lot requirements shall apply to Developments in an MRR Zone:

- i. Single Family Dwellings

Requirement	Standard
Minimum Lot Area	990 sq. m (11,000 sq. ft.)
Minimum Frontage	21.9 m (72 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.)

(ii) Duplex Dwellings and Semi-Detached Dwellings

Requirement	Standard
Minimum Lot Area	1260 sq. m (14000 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.)

(iii) Town House or Row House Dwelling

Requirement	Standard
Minimum Lot Area	630 sq. m (7000 sq. ft.) for each unit
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.)

11.8.6. BUILDING HEIGHT

All Development in an MRR Zone shall be restricted to a maximum of 2 stories and no greater than 10.5 metres (35 ft.) in height.

11.8.7. 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.

11.8.8. DENSITY

The maximum density in a MRR Zone shall be no greater than ten (10) Dwelling Units per acre.

11.9. SUSTAINABILITY SUBDIVISION OVERLAY ZONE (SS)**11.9.1. INTENT**

The intent of this overlay zone is to encourage a holistic approach to the site design and development standards, including consideration of environmental sustainability, pedestrian needs, efficient servicing, access to public and private amenities and connected and complimentary land uses.

11.9.2. GENERAL

The Sustainable subdivision Overlay will replace requirements of the R1, R1L, PURD and R2 Zones when a Sustainable Subdivision application is initiated under this Bylaw.

11.9.3. PERMITTED USES

- (a) No Building or part thereof and no land shall be used for purposes other than a combination of the following uses:
- i. Single Dwellings;
 - ii. Duplex Dwelling and Semi Detached Dwellings;
 - iii. Townhouse Dwellings;
 - iv. Clustered Townhouse Dwellings;
 - v. Home Occupations;
 - vi. Home-based Child Care Facilities;
 - vii. Neighbourhood Child Care Facilities;
 - viii. Bed and Breakfast Establishments;
 - ix. Active Recreation;
 - x. Passive Recreation;
 - xi. Accessory buildings;
 - xii. Private Garages;
 - xiii. Community Gathering Places; and
 - xiv. Convenience Stores.
- (b) The Developer's proposed combination of the Uses in the Sustainable Subdivision shall be submitted for preliminary subdivision approval by Council.

11.9.4. SPECIAL PERMITTED USES

- (a) Notwithstanding *Section 11.9.3* above, Council may approve the following Uses in a Sustainable Subdivision subject to such terms and conditions as Council deems necessary:
- i. Multiple Attached Dwelling;
 - ii. Child Care Centre;
 - iii. Senior Citizen Home;
 - iv. Health Clinics;
 - v. Public and/or Private Assisted Care Facilities;
 - vi. Child Care Facilities; and
 - vii. First floor commercial.
- (b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

11.9.5. **SERVICING**

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

11.9.6. **LOT REQUIREMENTS**

- (a) Each application for a Sustainable Subdivision shall include existing site features, proposed site amenities, proposed Lot dimensions, Uses, Frontages, Setbacks, Lot Coverages and proposed Building dimensions.
- (b) Council shall assess the proposed site design for each Sustainable Subdivision based on the guidelines and requirements set forth in the annexed *APPENDIX B – SUSTAINABLE SUBDIVISION SCORING TABLE*.
- (c) The proposed plan of subdivision site design that has received preliminary approval under this Section shall not be amended without Council's approval of the proposed amendments.
- (d) All applications made under this Section shall be subject to the Developer entering into a Subdivision Agreement and Development Agreement in accordance with this Bylaw with the Town that may include, but is not limited to, the following:
 - i. a schedule of allowable Building types within the Subdivision;
 - ii. 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;

- iii. requirements and features of the Sustainable Subdivision as set forth in the application, Development Scheme or as required by Council.
- (e) All Sustainable Subdivisions shall meet the requirements set forth in *Part V* of this Bylaw.
- (f) No Developments shall be developed except in accordance with the approved Development Scheme and the provisions of the any Subdivision Agreements or Development Agreements.
- (g) Council may require the establishment of an incorporated homeowners' association to own and maintain any lands or facilities held in common.

11.9.7. DENSITY

- (a) 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.

12. MIXED USE ZONES

12.1. WATERFRONT MIXED USE ZONE (WMU)

12.1.1. 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.

12.1.2. PERMITTED USES

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; and
- xiii. Accessory Buildings.

12.1.3. SPECIAL PERMIT USES

(a) Notwithstanding *Subsection 12.1.2* 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.

(b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

12.1.4. SERVICING

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

12.1.5. DEVELOPMENT STANDARDS

All Development in a WMU Zone shall conform to the Development Standards and Architectural Guidelines as noted in *APPENDIX C – CORE AREA DESIGN STANDARDS – WATERFRONT CORE AREA (WCA)*.

12.1.6. LOT REQUIREMENTS

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

- i. All lot requirements noted in *Subsection 0* for Apartments shall apply to all forms of Development in a WMU Zone.
- ii. 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.

12.2. TOWN CENTRE MIXED USE ZONE (TCMU)**12.2.1. 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.

12.2.2. PERMITTED USES

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. Retail stores;
- iii. Parks and Playgrounds;
- iv. Private Garages;
- v. Innovative “cluster” style Housing;
- vi. Business and Professional Offices
- vii. Health Clinics;
- viii. Child Care Facilities;
- ix. Community Care Facilities;
- x. Public and/or Private Assisted Care Facilities;
- xi. Institutional Buildings;
- xii. Group Homes;
- xiii. Civic Centres;
- xiv. Municipal Buildings;
- xv. Accessory Buildings/Structures;
- xvi. Recreational Uses;
- xvii. Nursing Homes.

12.2.3. CONDITIONAL USES

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

- i. Single 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).

12.2.4. SERVICING

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

12.2.5. 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 – CORE AREA DESIGN STANDARDS – TOWN CENTRE CORE AREA (TCCA)*.

12.2.6. LOT REQUIREMENTS

- (a) The following requirements shall apply to all Developments in a TCMU Zone:
- (b) Single Dwellings The following requirements shall apply to all Development in a TCR Zone:

- i. For Single Dwellings the lot requirements shall be the same as *Section 11.2.6* Low Density Residential;
- ii. For Duplex Dwellings or Semi Detached Dwellings, the lot requirements shall be the same as *Section 11.3.6(b)* Medium Density Residential;
- iii. Town House or Row House Dwellings

Requirement	Standard
Minimum Lot Area	270 sq. m (3000 sq. ft.) per unit
Minimum 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.)
Minimum Building Height	10.5 m (35 ft.)

- iv. Cluster Housing

Requirement	Standard
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Minimum Lot Area	N/A
Minimum 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.)
Minimum Building Height	10.5 m (35 ft.)
Maximum Density	15 units per acre

v. Apartments

Requirement	Standard
Minimum Lot Area	135 sq. m (1500 sq. ft.) per unit
Minimum 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.)
Minimum Building Height	12 m (40 ft.)
Maximum Density	30 units per acre

vi. All Other Uses

Requirement	Standard
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Minimum Lot Area	N/A
Minimum 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.)
Minimum Building Height	1 Storey, 12 m (40 ft.)

- (c) Where a TCMU 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 9 metres (30 feet). No existing trees shall be removed within 6 metres (20 feet) of the boundary of any existing residential zone.

12.2.7. EXISTING DEVELOPMENT

Notwithstanding the provisions of *Section 12.2.6* 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.

12.3. **MASON ROAD MIXED USE ZONE (MRMU)**

12.3.1. **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.

12.3.2. **PERMITTED USES**

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

- i. Apartments (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; and
- xvi. Nursing Homes.

12.3.3. **SERVICING**

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

12.3.4. **DEVELOPMENT STANDARDS**

All Developments in a MRMU Zone shall conform to the Development Standards and Architectural Guidelines as noted in *APPENDIX E - CORE AREA DESIGN STANDARDS – MASON ROAD CORE AREA (MRCA) – PART I*

12.3.5. LOT REQUIREMENTS

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

i. Townhouse or Row House Dwellings

Requirement	Standard
Minimum Lot Area	270 sq. m (3000 sq. ft.) per unit
Minimum 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.)
Minimum Building Height	10.5 m (35 ft.)

ii. Apartments

Requirement	Standard
Minimum Lot Area	135 sq. m (1500 sq. ft.) per unit
Minimum 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.)
Minimum Building Height	12 m (40 ft.)
Maximum Density	25 units per acre

iii. All Other Uses

Requirement	Standard
Minimum Lot Area	N/A
Minimum 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.)
Minimum Building Height	3 Stories, 12 m (40 ft.)
Maximum Density	25 units per acre

- (b) 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.
- (c) 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.

13. COMMERCIAL ZONES

13.1. GENERAL COMMERCIAL ZONE (C1)

13.1.1. 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.

13.1.2. PERMITTED USES

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 and Motels;
- vii. Entertainment Facilities;
- viii. Institutional Uses;
- ix. Recreational Uses;
- x. Household Service and Repair;
- xi. Accessory Structures;
- xii. Temporary Commercial Uses; and
- xiii. Nursery and Garden Centre.
- xiv. Veterinary Hospitals and Kennels

13.1.3. CONDITIONAL USES

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

- i. Commercial Dwelling Units;

13.1.4. SPECIAL PERMITTED USES

(a) Notwithstanding *Subsections 13.1.2 and 13.1.3* above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:

- i. Automobile Service Stations;
- ii. Community Care Facilities;

- iii. Child Care facilities;
 - (b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

13.1.5. SERVICING

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

13.1.6. LOT REQUIREMENTS

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

Requirement	Standard
Minimum Lot Area	1390 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 Building Height	10.5 m (35 ft.)

- (b) All Lots shall also conform to the Provincial Minimum Lot Standards as noted in *SCHEDULE A: MINIMUM LOT SIZE STANDARDS.*

13.1.7. SPECIAL REQUIREMENTS: COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES

- (a) 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 (14.7ft.) 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 year-round 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.
- (b) all commercial developments which are required to comply with this Section shall proceed via a Development Agreement in accordance with this Bylaw.

13.2. **HIGHWAY COMMERCIAL ZONE (C2)**

13.2.1. **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.

13.2.2. **PERMITTED USE**

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

- i. Automobile sales and service establishments;
- ii. Retail Stores;
- iii. Business and Professional Offices;
- iv. Service and Personal Service Shops;
- v. Restaurants and Lounges;
- vi. Hotels;
- vii. Motels;
- viii. Institutional Uses;
- ix. Recreational Uses;
- x. Household service and repair;
- xi. Temporary commercial uses;
- xii. Accessory Buildings;
- xiii. Nursery and Garden Centres;
- xiv. Health Clinics.
- xv. Veterinary Hospitals and Kennels

13.2.3. **CONDITIONAL USE**

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

- i. Automobile Service Stations; and
- ii. Commercial Dwelling Units.

13.2.4. **SPECIAL PERMITTED USE**

(a) Notwithstanding *Subsections 13.2.2 and 13.2.3* above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:

- i. Equipment Dealerships and Repair Shops;

- ii. Industrial Service and Repair;
 - iii. Building Supply Dealers;
 - iv. Warehouses;
 - v. Temporary Commercial; and
 - vi. Automobile Service Stations.
- (b) 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 a 9 m (30 ft.) Buffer Area along the periphery of the Property and existing wooded areas separating adjacent Uses are preserved;
 - iii. in the opinion of Council, the Development does not cause any hardship to surrounding Property Owners due to excessive noise, traffic congestion, hours of operation, 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 to allow residents to obtain their input prior to the development of a preliminary site plan; and
 - vi. all other relevant provisions of this Bylaw are met.

13.2.5. LOT REQUIREMENTS

The requirements as delineated in the C1 Zone shall also apply in a C2 Zone.

13.2.6. SPECIAL REQUIREMENTS: COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES

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:

- (a) a Buffer Area not less than 9 m (29.5 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 year-round visual buffer;
- (b) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone; and

- (c) outdoor storage shall be prohibited adjacent to a residential zone unless it is hidden from view by means of a landscaped Buffer Area of 4.5 m (15 ft.) or architectural screening such as a wall, fence or other appropriate structure.
- (d) all commercial developments which are required to comply with this Section shall proceed via a Development Agreement in accordance with this Bylaw.

13.2.7. SERVICING

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

13.3. NEIGHBOURHOOD COMMERCIAL ZONE (C3)

13.3.1. 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.

13.3.2. PERMITTED USES

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

- i. Commercial Dwelling Units;
- ii. Recreational Uses;
- iii. Convenience Stores ;
- iv. Professional Services;
- v. Personal Services;
- vi. Health Clinics;
- vii. Day Care Home;
- viii. Accessory Structures.

13.3.3. SPECIAL PERMIT USES

(a) Notwithstanding *Subsection 13.3.2* above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:

- i. Restaurants;
- ii. Financial Services;
- iii. Neighbourhood Child Care.

(b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

13.3.4. SERVICING

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

13.3.5. LOT REQUIREMENTS

The following requirements shall apply to Development in a C3 Zone:

Requirement	Standard
Minimum Lot Area	450 sq. m (4844 sq. ft.)

Maximum Lot Area	1390 sq. m (15000 sq. ft.)
Minimum Frontage	22 m (72 ft.)
Minimum Front Yard	5 m (17 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	3 m (10 ft.)
Minimum Flankage Yard	5 m (17 ft.)
Maximum Height	11 m (36 ft.)

13.3.6. SPECIAL REQUIREMENTS: COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES

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:

- (a) A Buffer Area not less than 4.5 m (14.7 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 year round visual buffer;
 - i. any exterior lighting shall be separated by a Buffer Area or be so arranged as to deflect light away from the adjacent residential zone;
 - ii. outdoor storage shall be prohibited adjacent to a residential zone unless it is hidden from view by means of a landscaped Buffer Area, or a hedge of adequate size or architectural screening such as a wall, fence or other appropriate structure.
 - iii. all commercial developments which are required to comply with this Section shall proceed via a Development Agreement in accordance with this Bylaw.

13.4. **TOWN CENTRE COMMERCIAL ZONE (TCC)**

13.4.1. **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.

13.4.2. **PERMITTED USES**

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.

13.4.3. **SPECIAL PERMITTED USES**

(a) Notwithstanding *Subsection 13.4.2*, 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. Automobile sales and service;
- vi. Activities related to the Automobile Trade other than a Scrap Yard or Auto Body Shop.

(b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

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

13.4.4. **SERVICING**

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

13.4.5. DEVELOPMENT STANDARDS

All Development in a TCC Zone shall conform to the Development Standards and Architectural Guidelines as noted in *APPENDIX D – CORE AREA DESIGN STANDARDS – TOWN CENTRE CORE AREA (TCCA)*.

13.4.6. LOT REQUIREMENTS

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

Requirement	Standard
Minimum Lot Area	1390 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 (19.6 ft.)
Maximum Building Height	10.5 m (35 ft.)

13.4.7. SPECIAL REQUIREMENTS: COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES

Notwithstanding any other provisions of this Bylaw, where a Commercial Development located on lands zoned Town Centre Commercial (TCC) directly abuts on any residential Zone, the following conditions shall be complied with:

- i. 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. a strip of land not less than 9 m (29.7 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.

13.5. **MASON ROAD COMMERCIAL ZONE (MRC)**

13.5.1. **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.

13.5.2. **PERMITTED USES**

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

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

13.5.3. **SPECIAL PERMITTED USES**

(a) Notwithstanding *Section 13.5.2*, 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. Automobile sales and services;
- 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.

(b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

13.5.4. SERVICING

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

13.5.5. DEVELOPMENT STANDARDS

All Development in a MRC Zone shall conform to the Development Standards and Architectural Guidelines as noted in *APPENDIX E - CORE AREA DESIGN STANDARDS – Mason Road Core Area (MRCA) – PART II*

13.5.6. LOT REQUIREMENTS

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

Requirement	Standard
Minimum Lot Area	1390 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 Building Height	10.5 m (35 ft.)

13.5.7. SPECIAL REQUIREMENTS: COMMERCIAL ZONE ADJACENT TO RESIDENTIAL ZONE

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 (29.5 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 subject to a development

14. INDUSTRIAL ZONES

14.1. INDUSTRIAL ZONE (M1)

14.1.1. 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.

14.1.2. PERMITTED USES

- (a) No Building or part thereof and no land shall be used for purposes other than:
- i. Manufacturing;
 - ii. Warehouses;
 - iii. Wholesale Operations;
 - iv. Business and Professional Offices;
 - v. Automobile Sales and Service Establishments;
 - vi. Automobile Service Stations;
 - vii. Service and Repair shops
 - viii. Retail Uses Accessory to a Main Use up to 25% of Total Floor Area;
 - ix. Restaurants and Cafeterias;
 - x. Recreational Uses;
 - xi. Farm Machinery and Heavy Equipment Dealerships and Repair Shops;
 - xii. Building Supply Dealers;
 - xiii. Accessory Buildings; and
 - xiv. Truck and distribution Facility.
- (b) Notwithstanding *Subsection 13.6.2*, any Use which is deemed by Council to be an Obnoxious Use as defined in this Bylaw, shall be denied approval.

14.1.3. SPECIAL PERMITTED USE

- (a) Notwithstanding *Subsection 13.6.2*, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
- i. Neighbourhood Childcare;
 - ii. Child Care Centre.
- (b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

14.1.4. LOT REQUIREMENTS

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

Requirement	Standard
Minimum Lot Area	1350 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	3 m (10 ft.)
Minimum Flankage Yard	7.5 m (25 ft.)
Maximum Building Height	11 m (36 ft.)

14.1.5. SPECIAL REQUIREMENTS: INDUSTRIAL ZONES ADJACENT TO RESIDENTIAL ZONES

Notwithstanding any provisions of this Bylaw, where an Industrial Development located on lands within an Industrial zone directly abuts on any residential zone, the following conditions shall be complied with:

- i. a Buffer Area not less than 9 m (29.5 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;
- ii. any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residential zone;
- iii. outdoor storage shall be prohibited adjacent to a residential zone unless it is hidden from view by means of a landscaped Buffer Area not less than 4.5 m (15 ft.) or architectural screening such as a wall, fence, or other appropriate structure; and
- iv. all commercial developments which are required to comply with this Section shall proceed via a Development Agreement in accordance with this Bylaw.

14.1.6. SERVICING

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

14.2. BUSINESS PARK ZONE (M2)**14.2.1. GENERAL**

- a) 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.
- b) The storage of materials, equipment and vehicles shall not be permitted in any part of the front yard which abuts a public street.
- c) All outdoor storage shall be screened on all sides by a fence or wall that is
 - i. A minimum of 2.4 m (8 ft) in height;
 - ii. Constructed of a permanent opaque materials that provide a visual barrier; and
 - iii. Requires minimum maintenance.
- d) Outside manufacturing, assembling, cleaning or any other processes that could create a nuisance for adjoin properties shall not be permitted.

14.2.2. PERMITTED USES

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

- i. Light Industrial Uses;
- ii. Manufacturing;
- 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. Laboratories
- viii. Restaurants and Cafeterias;
- ix. Recreational Uses;
- x. Childcare Centre;
- xi. Neighbourhood Childcare; and
- xii. Accessory Buildings.

14.2.3. SPECIAL PERMITTED USES

- (a) Notwithstanding *Subsection 14.2.2* above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - i. Automobile Sales and Service Establishments;
 - ii. Service and Repair Uses;

- iii. Automobile Service Stations;
 - iv. Towing Services; and
 - v. Recreation and Open Space.
- (b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section Error! Reference source not found.* of this Bylaw.

14.2.4. LOT REQUIREMENTS

The following minimum requirements shall apply in the M2 Zone:

Requirement	Standard
Minimum Lot Area	1400 sq. m (15,070 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.)
Maximum Flankage Yard	15 m (50 ft.)
Maximum Building Height	11 m (36 ft.)

14.2.5. SPECIAL REQUIREMENTS: INDUSTRIAL ZONES ADJACENT TO RESIDENTIAL ZONES

- (a) 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 Buffer Area not less than 9 m (29.5 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 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 in accordance with this Bylaw.

14.2.6. **OPEN SPACE**

- (a) A minimum of 10% of the area of any Lot, required for dedication shall be developed as high quality landscaped Open Space for aesthetic purposes and for the Use and enjoyment of owners and staff.
- (b) No parking area shall be considered as part of this Open Space requirement.
- (c) 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 3 m (10 ft.) width, with the exception of areas that are used for driveway and walkway access.

14.2.7. **SERVICING**

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

14.2.8. **DEVELOPMENT STANDARDS**

All Development in a M2 Zone shall conform to the Development Standards and Architectural Guidelines as noted in *APPENDIX E - CORE AREA DESIGN STANDARDS – Mason Road Core Area (MRCA) – PART II*

14.2.9. **DEVELOPMENT AGREEMENT**

- (a) Any Development in the M2 Zone may be required to enter into a Development Agreement with the Town.
- (b) 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.

15. AGRICULTURAL ZONES

15.1. AGRICULTURAL RESERVE ZONE (A1)

15.1.1. 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.

15.1.2. PERMITTED USES

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

- i. Single Dwellings;
- ii. Agricultural Uses Except for Intensive Livestock Operations;
- iii. Agriculture-Related Use;
- iv. Farm-Gate Outlets;
- v. Farm Greenhouses;
- vi. Forestry Uses;
- vii. Residential Scale Wind Power Generators for Personal Use;
- viii. Recreational Uses
- ix. Accessory Buildings; and
- x. Accessory Farm Dwellings.

15.1.3. SPECIAL PERMITTED USES

(a) Notwithstanding *Subsection 15.1.2* above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:

- i. Nursery and Garden Centres 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;
- v. Agri-tourism and recreation use.

(b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

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15.1.4. LOT REQUIREMENTS

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

Requirement	Standard
Minimum Lot Area	19974 sq. m (215000 sq. ft.)
Minimum Frontage	45 m (150 ft.)
Minimum Front Yard	15 m (50 ft.)
Minimum Side Yard	4.5 m (15 ft.)
Minimum Rear Yard	7.5 m (25 ft.)
Maximum Flankage Yard	15 m (50 ft.)
Maximum Building Height	10.5 m (35 ft.)

- (b) All Lots shall also conform to the Provincial Minimum Lot Standards as noted in *SCHEDULE A: MINIMUM LOT SIZE STANDARDS*.

15.1.5. **SERVICING**

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

15.1.6. **ACCESSORY FARM DWELLINGS**

- (a) No Accessory Farm Dwelling shall exceed 100 sq. m (1076 sq. ft.) in total floor area.
- (b) No more than 1 unit will be permitted for residential purposes and the use of such residential dwellings as a source of revenue shall not be expanded, nor be allowed to continue as such once the operation ceases to be a farming operation.
- (c) Accommodations for seasonal workers in temporary employment subject to a development agreement and a sunset clause for the work in the A1 zone;

15.1.7. INTENSIVE LIVESTOCK OPERATIONS

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

Requirement	Standard
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.)

- (b) 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.
- (c) 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.
- (d) Council shall consult the Department of Agriculture for manure storage capacities and design standards and shall require the livestock operator to follow the capacity and design requirements.
- (e) Any new residential Development shall be located a minimum of 305 m (1000 ft.) from an existing Intensive Livestock Operation.

15.1.8. EXCAVATION PITS

- (a) 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 Subsection.
- (b) In this Subsection:
 - 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;
 - (c) No Person shall:
 - i. open or operate an Excavation Pit;
 - ii. remove excavated material from an Excavation Pit;
 - iii. allow any other Person to operate an Excavation Pit on that Property; or
 - iv. allow any other Person to remove excavated material from that Property except in compliance with a valid permit issued under this Bylaw.
 - (d) 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.

15.1.9. APPLICATION FOR PERMITS

- (a) 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.
- (b) An application shall be made:
 - i. 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
 - ii. 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.
- (c) An application shall contain:
 - i. 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;
 - ii. details of the existing land Use of the proposed site of the Excavation Pit;

- iii. information in respect of the Use of all land within a distance of 500 metres (1600 feet) of the boundary of the proposed pit;
 - iv. the location and extent of all Watercourses within the Property boundaries or within 250 metres (800 feet) of the proposed Excavation Pit;
 - v. the details of all drainage from the proposed Excavation Pit;
 - vi. the plans to prevent soil eroded from the Excavation Pit from entering any adjacent Watercourses;
 - vii. a description of all entrances and exits from the proposed Excavation Pit;
 - viii. the location and amount of all stockpiles of the matter being excavated, overburden and waste;
 - ix. 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;
 - x. a plan for the restoration of the site to a condition suitable for agricultural, reforestation or other Use acceptable to Council;
 - xi. an undertaking to post a bond or other surety acceptable to Council to cover the costs of carrying out the restoration plan; and
 - xii. such other information as may be required by Council.
- (d) Each application under this Section 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.
 - (e) A plan referred to in *Section 15.1.9(c)i* 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 15.1.9(c)* with such clarity as shall be satisfactory to Council.

15.1.10. ISSUANCE OF PERMITS

- (a) No permit shall be issued if:
 - i. an application in accordance with *Subsection 15.1.9* has not been submitted;
 - ii. the plan submitted by the Applicant does not contain sufficient particulars;
 - iii. the Use of the land as an Excavation Pit would be in contravention of any other act, regulation or bylaw;
 - iv. 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;

- v. 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;
- vi. 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;
- vii. in the opinion of Council, any detrimental effect on the water table or surface drainage patterns would occur;
- viii. any part of the site proposed for an Excavation Pit is within 50 metres (160 feet) of a Watercourse;
- ix. 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;
- x. the bond or surety referred to in *clause 15.1.9(c)xi* has not been executed;
- xi. for any period of time exceeding one year from the date of issue; or
- xii. for an Excavation Pit to be located within 60 metres (200 feet) of a highway.
- xiii. 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.

15.1.11. EXCAVATIONS FROM EXCAVATION PITS

- (a) No Person shall in operating an Excavation Pit:
 - i. excavate below a line extending horizontally from an adjacent Property boundary, within eight (8) metres of that boundary; or
 - ii. excavate below a gradient line which slopes downward from an adjacent Property boundary at a slope of one unit vertical to one unit horizontal.
- (b) The holder of a permit for an Excavation Pit shall:
 - i. 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;
 - ii. control dust on the access Road to the Excavation Pit by means of an approved method.
- (c) 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).

- (d) 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.

16. RECREATIONAL ZONES

16.1. RECREATION AND OPEN SPACE ZONE (O1)

16.1.1. GENERAL

(a) 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.

16.1.2. PERMITTED USES

- (a) No Buildings or part thereof and no land shall be used for purposes other than:
- i. Parks;
 - ii. Arts and Entertainment Use;
 - iii. Campgrounds;
 - iv. Open Spaces;
 - v. Golf Courses, Golf Driving Ranges and Mini-Golf Courses;
 - vi. Marinas and Yacht Clubs;
 - vii. Restaurants Accessory to the Main Use;
 - viii. Lounges Accessory to the Main Use;
 - ix. Recreational Uses;
 - x. Pavilions, Band Shells and Outdoor Theatres;
 - xi. Public Gardens;
 - xii. Recreation Administrative Offices;
 - xiii. Accessory Structures Related to Park and Open Space.
 - xiv. Parking lots related to the above uses.

16.1.3. LOT REQUIREMENTS

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

Requirement	Standard
Minimum Lot Area	0.4 hectares (43560 sq. ft.)
Minimum 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	10.5 m (35 ft.)

16.1.4. All Lots shall also conform to the Provincial Minimum Lot Standards as noted in *SCHEDULE A: MINIMUM LOT SIZE STANDARDS*.

16.2. ENVIRONMENTAL RESERVE ZONE (O2)

16.2.1. GENERAL

- (a) Except as otherwise provided in this Bylaw, all Buildings and parts thereof erected, placed or altered or any land used in a O2 Zone shall conform with the provisions of this Section.
- (b) 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 14.2.1(a)* above and in addition shall include the area within 60 meters (197 feet) of a Wetland or Watercourse.

16.2.2. PERMITTED USES

- (a) Building or part thereof and no land shall be used for purposes other than:
 - i. passive recreational uses;
 - ii. Conservation and Preservation Related Activities.

16.2.3. ZONE REQUIREMENTS

- (a) Within a O2 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.

17. INSTITUTIONAL ZONES

17.1. TOWN CENTRE OPEN SPACE ZONE (TCOS)

17.1.1. GENERAL

(a) 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.

17.1.2. PERMITTED USES

(a) 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.

17.1.3. SERVICING

(a) All Developments in a TCOS Zone shall conform to the Development Standards and Architectural Guidelines as noted in *APPENDIX D – CORE AREA DESIGN STANDARDS – TOWN CENTRE CORE AREA (TCCA)*.

17.1.4. LOT REQUIREMENTS

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

Requirement	Standard
Minimum Lot Area	0.4 hectares (43,560 sq. ft.)
Minimum 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.)

17.2. WATERFRONT PUBLIC SPACE ZONE (WPS)**17.2.1. GENERAL**

- (a) 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.

17.2.2. PERMITTED USES

- (a) 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.

17.2.3. SPECIAL PERMIT USES

- (a) Notwithstanding *Section 15.2.2* above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary.
- i. Retail Stores;
 - ii. Restaurants, Lounges and other food service facilities;
 - iii. Service or commercial facilities.
- (b) Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

17.2.4. TRANSIENT OR TEMPORARY COMMERCIAL USES

- (a) 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.

17.2.5. SERVICING

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

17.2.6. DEVELOPMENT STANDARDS

- (a) All Development in a WPS Zone shall conform to the Development Standards Architectural Guidelines as noted in *APPENDIX C – CORE AREA DESIGN STANDARDS – WATERFRONT CORE AREA (WCA)*

17.2.7. LOT REQUIREMENTS

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

Requirement	Standard
Minimum Lot Area	N/A
Minimum 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.)

- (b) 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.

17.3. PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI)

17.3.1. GENERAL

- (a) 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.

17.3.2. PERMITTED USES

- (a) No Building or part thereof and no land shall be used for purposes other than:
 - i. Institutional Uses;
 - ii. Group Homes;
 - iii. Community Care Facilities;
 - iv. Civic Centres;
 - v. Municipal Buildings;
 - vi. Public and Private Parks;
 - vii. Recreational Uses;
 - viii. Health Clinics;
 - ix. Child Care Facilities;
 - x. Supportive Facilities;
 - xi. Accessory Buildings.

17.3.3. SPECIAL PERMITTED USES

- (a) Notwithstanding *Subsection 15.3.2* above, Council may issue a Development Permit for the following uses subject to such terms and conditions as Council deems necessary:
 - i. Hospitals;
 - ii. operations secondary to and associated with Hospitals.

- (b) Prior Prior to the issuance of a Development Permit for a Special Permit Use Council shall ensure that it conforms to *Section **Error! Reference source not found.*** of this Bylaw.

17.3.4. LOT REQUIREMENTS

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

Requirement	Standard
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Minimum Lot Area	675 sq. m (7500 sq. ft.)
Minimum Frontage	20 m (66 ft.)
Minimum Front Yard	3 m (10 ft.)
Minimum Rear Yard	4.5 m (15 ft.)
Minimum Side Yard	3 m (10 ft.)
Maximum Building Height	11 m (36 ft.)

17.3.5. SERVICING

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

17.4. TOWN CENTRE INSTITUTIONAL ZONE (TCI)

17.4.1. GENERAL

- (a) 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.

17.4.2. PERMITTED USES

- (a) 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.

17.4.3. SERVICING

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

17.4.4. DEVELOPMENT STANDARDS

- (a) All Development in a TCI Zone shall conform to the Development Standards and Architectural Guidelines as noted in *APPENDIX D – CORE AREA DESIGN STANDARDS – TOWN CENTRE CORE AREA (TCCA)*
- (b) The following requirements shall apply to all Development in a TCI Zone:

Requirement	Standard
Minimum Lot Area	1350 sq. m (15000 sq. ft.)
Minimum Frontage	30 m (15000 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.)

18. REPEAL AND SEVERABILITY

18.1. REPEAL

18.1.1. The Town of Stratford Zoning and Subdivision Control Bylaw # 29 (enacted October 2011) is hereby repealed.

18.2. SEVERABILITY

18.2.1. If any provision in this bylaw is deemed to be invalid for any reason, then that provision shall be severed from this bylaw and all remaining provisions shall remain valid and in force.

18.3. EFFECTIVE DATE

18.3.1. This Bylaw is effective on the date of approval and adoption below.

First Reading:

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the ____ day of _____, 2018.

Second Reading:

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on the ____ day of _____, 2018.

Approval and Adoption by Council:

This bylaw was formally adopted by a majority of Council members present at the Council meeting held on the ____ day of _____, 2018.

This bylaw is hereby declared to be passed and proclaimed as a bylaw of the Town of Stratford on this ____ day of _____, 2018.

Witness the corporate seal of the Town.

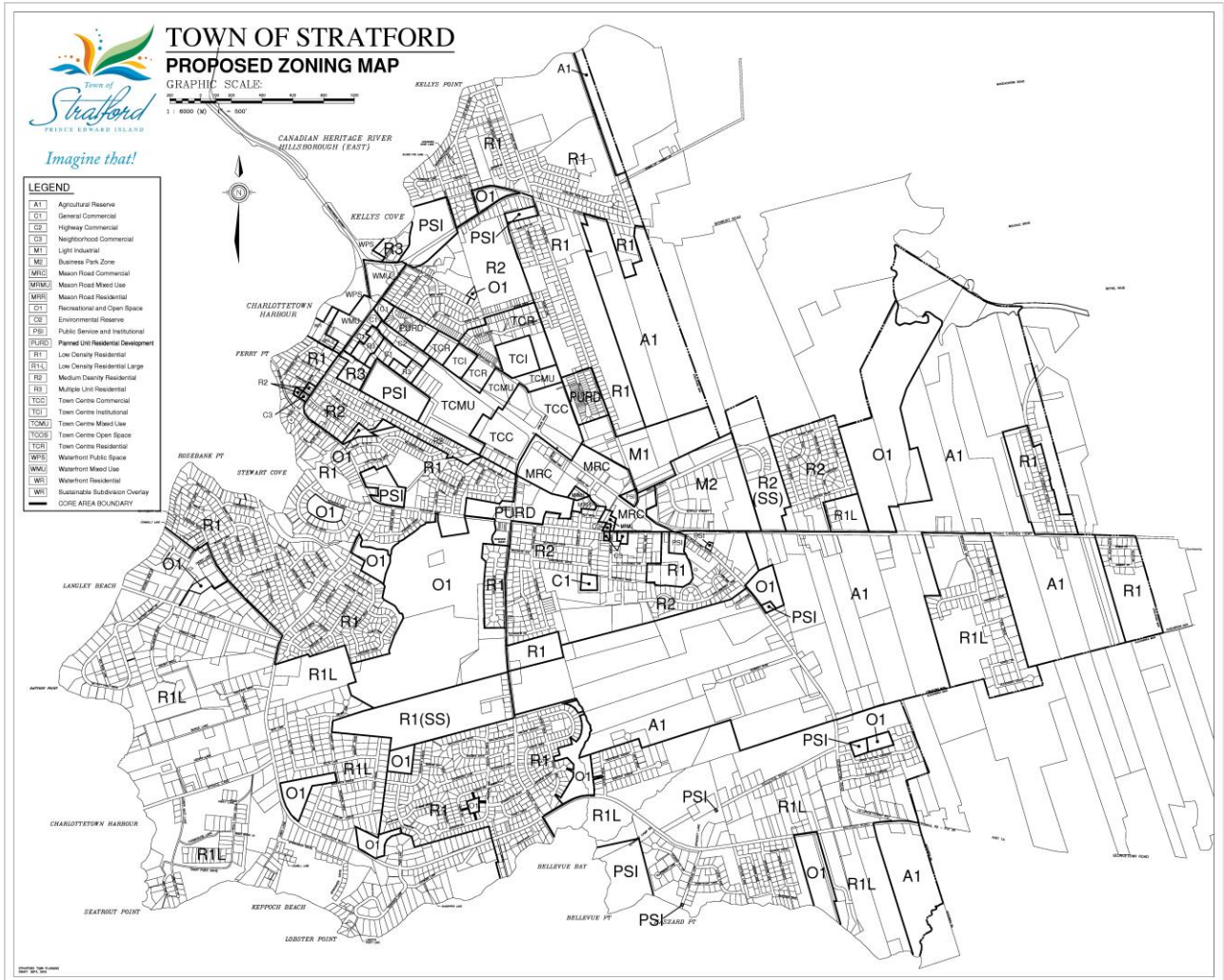
Mayor

Chief Administrative Officer

This Bylaw was filed with the Minister of Communities, Land and Environment on this ____ day of _____ 2018.

APPENDIX A – TOWN OF STRATFORD ZONING MAP

Website link to digital PDF Zoning Map inserted here



APPENDIX B – SUSTAINABLE SUBDIVISION SCORING TABLE

Certified requires 65% of applicable points Gold requires 75% of applicable points Platinum requires 85% of applicable points	if	Max	Min.	Requirements
	Ap plic abl e	P o i n t		
A) Natural Environment Conservation				
1) Forest and Tree Conservation		20	5	
2) Wetland and Water Body Conservation		20	10	
3) Ecological Communities Conservation Plan		10	10	
4) Floodplain Avoidance		10	10	
5) Steep Slope Protection and Soil Erosion Control		10	10	
6) Restoration Habitat/Wetland		10	-	
Subtotal		80	45	
B) Social / Cultural Amenities				
7) Public Transit Facilities		10	10	
8) Housing Diversity		10	5	
9) Collaboration with Neighboring Residents and		10	10	
10) Community Gathering Place		20	-	
11) Public Parks and Recreation		20	5	
12) Mitigation/Prevention		20	10	
13) Heritage Resources Conservation		10	-	
14) Public Arts and Cultural Conservation		10		
Subtotal		120	40	
C) Renewable Energy and Water Efficiency				
15) On-Site Renewable Energy Sources		20	-	
16) Energy Efficient Building		20		
17) Waste Water Management		20	-	
18) Building Water Efficiency		20		
19) Certified Green Building		20	-	
Subtotal		100	-	
D) Quality Of Built Environment				
20) Connectivity to the Town’s Street Network		10	10	
21) Tree-Lined and Shaded Streets		20	-	
22) Active Transportation Network		20	20	
23) Storm-water Management Plan (Low Impact		20	10	
24) Innovative Design and Solar Orientation		30	10	
Subtotal		100	50	
TOTAL		400	135	

APPENDIX C – CORE AREA DESIGN STANDARDS – WATERFRONT CORE AREA (WCA)**18.4. INTENT**

18.4.1. 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:

- (a) traditional building forms and massing
- (b) zero lot line development
- (c) historic architectural details
- (d) attractive streetscapes
- (e) welcoming facades
- (f) human scale
- (g) public and intimate spaces
- (h) waterfront activity
- (i) waterfront viewscales
- (j) human interaction
- (k) minimal vehicle dominance

18.4.2. 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.

18.5. WATERFRONT CORE AREA DESIGN STANDARDS**18.5.1. BUILDING HEIGHT**

- (a) 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.
- (b) 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.

18.5.2. MASSING

- (a) 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.

18.5.3. 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 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 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.

- iii. All residential buildings shall have a maximum front yard setback of 33 metres (10 ft.)
 - (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.
 - ii. 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.

18.5.4. 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.

18.5.5. 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:
 - iii.i. Enhancing pedestrian scale of the building.
 - iii.ii. Screening views of unsightly elements, such as utility boxes.
 - iii.iii. Softening hard edges visually.
 - iii.iv. Providing a transition between different use areas.
 - iii.v. Creating an attractive aesthetic environment.
 - iii.vi. Creating usable pedestrian areas.
 - iii.vii. Reducing energy consumption.
 - iii.viii. Defining specific areas and enhancing architectural features.
 - iii.ix. 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.

18.5.6. 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.

18.5.7. 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.

18.5.8. **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) – PART I

18.6. **INTENT**

- 18.6.1. 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.
- 18.6.2. 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.
- 18.6.3. 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.

18.7. **ARCHITECTURAL DESIGN GUIDELINES**

18.7.1. **RESIDENTIAL AND MIXED USE**

(a) **GENERAL**

- i. Sheds, detached garages and other accessory buildings shall be compatible with the style, colour and composition of the main building.
- ii. 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.

- iii. Porches and other appropriate architectural details are encouraged.
- iv. 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.
- v. Low flush toilets and low-flow shower heads are encouraged in all bathrooms.
- vi. Fence designs should be appropriate for the architectural style of the building. Chainlink fences are discouraged.
- vii. 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.
- viii. Apartments shall have no parking between the building and the street.

18.7.2. 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.

18.7.3. 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.

(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.

18.7.4. 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.

APPENDIX D – CORE AREA DESIGN STANDARDS – COMMERCIAL ZONE (TCC) – PART II**18.8. ARCHITECTURAL DESIGN GUIDELINES****18.8.1. 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.

18.8.2. 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.

18.8.3. 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.

18.8.4. GENERAL DESIGN STANDARDS

- (a) These standards apply to all development in the (TCCA)

18.8.5. 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:
 - iii.i. Enhancing pedestrian scale of the building;
 - iii.ii. Screening views of unsightly elements, such as utility boxes.
 - iii.iii. Softening hard edges visually.
 - iii.iv. Providing a transition between different use areas.
 - iii.v. Creating an attractive aesthetic environment.
 - iii.vi. Creating usable pedestrian areas.
 - iii.vii. Reducing energy consumption.
 - iii.viii. 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.

18.8.6. PARKING AREA LANDSCAPING

- (a) 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.
- (b) 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.
- (c) 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.

- (d) 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.
- (e) Drainage into swale areas and other stormwater detention features is required.
- (f) All free standing light standards in commercial developments should be fitted for hanging flower baskets.

18.8.7. 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.

18.8.8. DESIGN ELEMENTS

- (a) 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.

18.8.9. 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.

18.8.10. **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.

18.8.11. **MECHANICAL EQUIPMENT, TRASH ENCLOSURES, AND UTILITIES**

- (a) Mechanical equipment, trash enclosures and utilities should be provided with architectural enclosures or fencing, sited in unobtrusive locations, and screened by landscaping.

18.8.12. **STREETSCAPES**

- (a) All streets in the TCCA shall have curbs and gutters and sidewalks on at least one side of the street.
- (b) 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) – PART I**18.9. INTENT**

18.9.1. 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:

- (a) enhance pedestrian enjoyment and safety;
- (b) minimize storm water run-off;
- (c) encourage superior architectural design in keeping with the high residential standards established within the Town of Stratford;
- (d) reduce the visual impact of large parking areas;
- (e) provide adequate buffering between commercial development;
- (f) established residential areas; and
- (g) minimize commercial signage.

18.10. DESIGN GUIDELINES: RESIDENTIAL AND MIXED USE DEVELOPMENTS**18.10.1. 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.

18.10.2. 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.

18.10.3. **BUILDING DESIGN**

- (a) Residential building design should not be limited to any particular style, however, it should generally be compatible with surrounding development.
- (b) 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.

18.10.4. **ROOF DESIGN**

- (a) Form, colour and texture of the roof should be an integral part of the building design.
- (b) Roof materials shall relate to the design and architectural style of the building.
- (c) 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.
- (d) Green roofs are encouraged as a means of retaining storm water and to add to visual interest.

18.10.5. **FLAT ROOFS**

- (a) Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs.

18.10.6. **ROOF TOP AND BUILDING APPURTENANCES**

- (a) Rooftop and building appurtenances larger than 4 sq. ft. such as mechanical, communication, or ventilation equipment shall not be visible from the street.

18.10.7. **GROUND FLOORS**

- (a) Blank walls of length greater than 20 feet are prohibited along street frontages.

- (b) Large windows with attractive accents and articulated building entrances are encouraged along the ground floor to create a transparent, open concept ground level.

18.10.8. **UTILITY COMPONENTS**

- (a) 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.

18.10.9. **ARCHITECTURAL DETAILS**

- (a) Exterior finish of buildings, excluding roof treatments, are encouraged to be brick, finished concrete, architecturally faced block, stucco or wood.
- (b) Untreated or unfinished concrete, metal, or aluminum as a final building finish is not encouraged.

18.10.10. **EXTERIOR MATERIALS**

- (a) Large expanses of any one material are discouraged unless effective architectural details are used to break up the visual monotony.

18.10.11. **SITE ELEMENTS**

- (a) 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.

18.10.12. **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.
 - 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. 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.

APPENDIX E - CORE AREA DESIGN STANDARDS – Mason Road Core Area (MRCA) – PART II**18.11. DESIGN GUIDELINES****18.11.1. 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.

18.11.2. 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.

18.11.3. 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.

(f) **General Design Standards**

- i. These standards apply to all development in the MRCA

18.11.4. **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:
 - iii.i. Screening views of unsightly elements, such as utility boxes.
 - iii.ii. Softening hard edges visually.
 - iii.iii. Providing a transition between different use areas.
 - iii.iv. Creating an attractive aesthetic environment.
 - iii.v. Creating usable pedestrian areas.
 - iii.vi. Reducing energy consumption.
 - iii.vii. Defining specific areas and enhancing architectural features.
 - iii.viii. 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.

18.11.5. **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 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.

18.11.6. **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.

18.11.7. **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.

18.11.8. **MECHANICAL EQUIPMENT, TRASH ENCLOSURES AND UTILITIES**

- (a) Mechanical equipment, trash enclosures and utilities should be provided with architectural enclosures or fencing, sited in unobtrusive locations, and screened by landscaping.

18.11.9. **STREETSCAPES**

- (a) 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 A: MINIMUM LOT SIZE STANDARDS

1. MINIMUM RESIDENTIAL LOT SIZE STANDARDS

1.1. The following table outlines minimum residential lot size standards as defined in the *Prince Edward Island Planning Act*.

1.2. In the table below Lot Categories shall be as follows:

1.2.1. Category I:

- (a) the depth of permeable natural soil is 2 ft. (0.61 m.) or greater,
- (b) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
- (c) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;

1.2.2. Lot Category II:

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

1.2.3. Lot Category III:

- (a) the depth of permeable natural soil is 1 ft. (0.3 m.) or greater,
- (b) the depth to bedrock is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.), or
- (c) the depth to the maximum groundwater elevation is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.);

1.2.4. Lot Category IV:

- (a) the lot has a depth of permeable natural soil of less than 1 ft. (0.3 m.),
- (b) the depth to bedrock is greater than 1 ft. (0.3 m.), and
- (c) the depth of the maximum groundwater elevation is greater than 2 ft. (0.61 m.);

1.2.5. Lot Category V:

- (a) the depth to bedrock is less than 1 ft. (0.3 m.), and
- (b) the depth to the maximum ground water elevation is greater than 2 ft. (0.61 m.).
(EC703/95; 694/00; 552/11)

Servicing	Lot C a t e g o r y	Min. Lot Frontage	Number o f D e w e l l i n g U	Min. Lot Area (sq. ft./sq. m)	Min. Circle Diamet er to be Contain ed Within the Bounda ries of
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			units		the Lot (ft./m)
On-site Water & On-site Sewage Disposal System	I	100 ft. / 30.5 m (or 50 ft. / 15.25 m, where the frontage is on the interior curve of a street)	1	25,000 sq. ft. / 2,322.5 sq. m	150 ft. / 45.7 m
			2	30,000 sq. ft. / 2,787 sq. m	160 ft. / 48.8 m
			3	35,000 sq. ft. / 3,251.5 sq. m	175 ft. / 53.3 m
			4	40,000 sq. ft. / 3,717 sq. m	200 ft. / 61 m
			> 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m
On-site Water & On-site Sewage Disposal System	II	100 ft. / 30.5 m (or 50 ft. / 15.25 m, where the frontage is on the interior curve of a street)	1	35,000 sq. ft. / 3,251.5 sq. m	175 ft. / 53.3 m
			2	40,000 sq. ft. / 3,717 sq. m	200 ft. / 61 m
			3	45,000 sq. ft. / 4,180.5 sq. m	225 ft. / 68.6 m
			4	50,000 sq. ft. / 4,645 sq. m	250 ft. / 76.2 m
			> 4	50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each	250 ft. / 76.2 m

				additional unit	
On-site Water & On-site Sewage Disposal System	III	100 ft. / 30.5 m (or 50 ft. / 15.25 m, where the frontage is on the interior curve of a street)	1	51,000 sq. ft. / 4,738 sq. m	225 ft. 68.6 m.
			2	56,000 sq. ft. / 5,202 sq. m	250 ft. /76.2 m
			3	61,000 sq. ft. / 5,667 sq. m	275 ft. / 83.8 m
			4	66,000 sq. ft. / 6,131 sq. m	300 ft. / 91.4 m
			> 4	66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	300 ft. / 91.4 m
On-site Water & On-site Sewage Disposal System	IV	100 ft. / 30.5 m (or 50 feet / 15.25 m, where the frontage is on the interior curve of a street)	1	75,000 sq. ft. / 6,975 sq. m	300 ft. / 91.4 m
			2	80,000 sq. ft. / 7,440 sq. m	
			3	85,000 sq. ft. / 7,905 sq. m	
			4	90,000 sq. ft. / 8,370 sq. m	
			> 4	90,000 sq. ft. / 8,370 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	
On-site	V	N/A	N/A	Not Developable	N/A

Water & On-site Sewage Disposal System					
Central Water Supply and On-Site Sewage Disposal System	I	50 ft. / 15.25 m	1	20,000 sq. ft. / 1,858 sq. m	125 ft. / 38.1 m
			2	25,000 sq. ft. / 2,322.5 sq. m	150 ft. / 45.7 m
			3	30,000 sq. ft. / 2,787 sq. m	160 ft. / 48.8 m
			4	35,000 sq. ft. / 3,251.5 sq. m	175 ft. / 53.3 m
			> 4	35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m
Central Water Supply and On-Site Sewage Disp	II	50 ft. / 15.25 m	1	25,000 sq. ft. / 2,322.5 sq. m	150 ft. / 45.7 m
			2	30,000 sq. ft. / 2,787 sq. m	160 ft. / 48.8 m
			3	35,000 sq. ft. / 3,251.5 sq. m	175 ft. / 53.3 m
			4	40,000 sq. ft. /	200 ft. / 61 m

os Syst em				3,717 sq. m	
			> 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m
Central Wat er Sup ply and On- Site Sew age Disp osal Syst em	III	50 ft. / 15.25 m	1	40,000 sq. ft. / 3,717 sq. m	200 ft. / 61 m
			2	45,000 sq. ft. / 4,180.5 sq. m	225 ft. / 68.6 m
			3	50,000 sq. ft. / 4,645 sq. m	250 ft. / 76.2 m
			4	55,000 sq. ft. / 5,110 sq. m	275 ft. / 83.8 m
			> 4	55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	275 ft. / 83.8 m
Central Wat er Sup ply and On- Site Sew age Disp	IV	50 ft. / 15.25 m	1	60,000 sq. ft. / 5,580 sq. m	275 ft. / 83.8 m
			2	65,000 sq. ft. / 6,450.5 sq. m	
			3	70,000 sq. ft. / 6,510 sq. m	
			4	75,000 sq. ft. / 6,975 sq. m	

osal Syst em			> 4	75,000 sq. ft. / 6,975 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	
Central Wat er Sup ply and On- Site Sew age Disp osal Syst em	V	N/A	N/A	Not Developable	N/A
On-site Wat er Sup ply and Cen tral Was te Tre atm ent Syst em	I or II	50 ft. / 15.25 m	1	15,000 sq. ft. / 1,393.5 sq. m	100 ft. / 30.5 m
			2	20,000 sq. ft. / 1,858 sq. m	125 ft. / 38.1 m
			3	25,000 sq. ft. / 2,322.5 sq. m	150 ft. / 45.7 m
			4	30,000 sq. ft. / 2,787 sq. m	160 ft. / 48.8 m
			> 4	30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional	160 ft. / 48.8 m

				unit	
On-site Water Supply and Central Waste Treatment System	III	50 ft. / 15.25 m	1	20,000 sq. ft. / 1,858 sq. m	125 ft. / 38.1 m
			2	25,000 sq. ft. / 2,322.5 sq. m	150 ft. / 45.7 m
			3	30,000 sq. ft. / 2,787 sq. m	160 ft. / 48.8 m
			4	35,000 sq. ft. / 3,251.5 sq. m	175 ft. / 53.3 m
			> 4	35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m
Central Water Supply and Waste Treatment Systems	I, II, or III	N/A	Any	As determined by the Minister	As determined by the Minister

2. MINIMUM NON-RESIDENTIAL LOT SIZE STANDARDS

- 2.1. The following table outlines minimum non-residential lot size standards as defined in the *Prince Edward Island Planning Act*.
- 2.2. Lot categories for the following table are outlined in section 1.2 above.

Servicing	Lot C a t e g o r y	Min. Lot Frontage	Min. Lot Area (sq. ft./sq. m)	Min. Circle Diameter to be Contained Within the Boundaries of the Lot (ft./m)
On-site Water & On-site Sewage Disposal System	I	100 ft. / 30.5 m (or 50 ft. / 15.25 m, where the frontage is on the interior curve of a street)	25,000 sq. ft. / 2,322.5 sq. m	150 ft. / 45.7 m
On-site Water & On-site Sewage Disposal System	II	100 ft. / 30.5 m (or 50 ft. / 15.25 m, where the frontage is on the interior curve of a street)	35,000 sq. ft. / 3,251.5 sq. m	175 ft. / 53.3 m
On-site Water & On-site Sewage Disposal System	III	100 ft. / 30.5 m (or 50 ft. / 15.25 m, where the frontage is on the interior curve of a street)	51,000 sq. ft. / 4,738 sq. m	225 ft. 68.6 m
Central Water Supply and On- site Sewage Disposal System	I	50 ft. / 15.25 m	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
Central Water Supply and On- site Sewage Disposal System	II	50 ft. / 15.25 m	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
Central Water Supply	III	50 ft. / 15.25 m	35,000 sq. ft. / 3,251.5	175 ft. / 53.3 m.

and On-site Sewage Disposal System			sq. m.	
On-site Water Supply and Central Waste Treatment System	I, II, or III	50 ft. / 15.25 m	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
Central Water Supply and Waste Treatment Systems	I, II, or III	N/A	As determined by the Minister	As determined by the Minister