

Town of Souris

2023 Land Use Bylaw

Draft for Statutory Public Meeting

October 19, 2023

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1. SCOPE

1.1 TITLE

- 1) This *Bylaw* shall be known and may be cited as the Town of Souris Land Use Bylaw.

1.2 AUTHORITY

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

1.3 AREA DEFINED

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

1.4 PURPOSE

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

1.5 SCOPE

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

1.6 AUTHORITY OF DEVELOPMENT OFFICER

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

1.7 PERMITTED USES

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

1.8 CERTAIN WORDS

- 1) In this *Bylaw*, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular, the word 'shall' is mandatory and not permissive; and the word 'may' is permissive and not mandatory.
- 2) In this *Bylaw*, italicized words carry the defined meaning set forth in part 24. Words that are defined in Part

24 but are not italicized when used in the *Bylaw* carry their ordinary meaning.

1.9 UNITS OF MEASURE

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

1.10 SCHEDULES

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

2. DEVELOPMENT ZONES

2.1 DEVELOPMENT ZONES

- 1) For the purpose of this *Bylaw*, the *Town* is divided into the following *zones*, the boundaries of which are subject to section 2.2 and are shown on the *Zoning Map* in Schedule A. Such *zones* may be referred to by the appropriate codes.

| ZONE | ZONE CODE |
|----------------------------------|-----------|
| LOW DENSITY RESIDENTIAL | R1 |
| MEDIUM DENSITY RESIDENTIAL | R2 |
| MIXED DENSITY RESIDENTIAL | R3 |
| GENERAL COMMERCIAL | C1 |
| INDUSTRIAL | M1 |
| AGRICULTURAL | A1 |
| OPEN SPACE | OS |
| PUBLIC SERVICE AND INSTITUTIONAL | PSI |
| ENVIRONMENTAL RESERVE (OVERLAY) | ER |

2.2 INTERPRETATION OF ZONE BOUNDARIES

- 1) Boundaries between *zones* as indicated in Schedule “A” shall be determined as follows:
 - a) where a *zone* boundary is indicated as following a street, the boundary shall be the centre line of such street;
 - b) where a *zone* boundary is indicated as following *lot lines*, the boundary shall be such *lot lines*;
 - c) where a *zone* boundary is indicated as following the limits of the *Town*, the *zone* limits shall be the boundary of the *Town*; or
 - d) where none of the above provisions apply, the *zone* boundary shall be scaled from the original *Zoning Map* on file at the *Town’s* office.
- 2) The *zone* boundaries for the Environmental Reserve *Zone* shall be:
 - a) the area in or on a *watercourse* or *wetland* and any *buffer zones* required under those Regulations or by this *Bylaw*; and
 - b) *coastal floodplains*, andin the event of a conflict, the more stringent standard shall apply.

2.3 ZONING MAP

- 1) Schedule A shall be cited as the *Zoning Map* and forms a part of this *Bylaw*.
- 2) Where the *zone* boundary delineates the Environmental Reserve Overlay *Zone*:
 - a) the *Zoning Map* reflects the location of *wetlands*, *watercourses* and the buffer zone as defined in the *Watercourse and Wetland Protection Regulations*;
 - b) the *Zoning Map* has been drawn based on the 2010 provincial delineation of the coastline, *wetland*

and *watercourse* boundaries;

- c) the location of the Environmental Reserve Overlay *Zone* boundary may change over time as the coastline and *wetland* and *watercourse* boundaries change due to natural processes including sea level rise and coastal erosion;
- d) in the event of an application in relation to a *lot* located in or within 30 m. (98.43 ft.) of the Environmental Reserve Overlay *Zone*, the boundary of the *watercourse* or *wetland* shall be delineated on a *survey plan*, which shall be dated no more than 12 months from the date of the application; and
- e) in the event of discrepancies between the Environmental Reserve Overlay *Zone* as indicated on the *Zoning Map* and a site-level analysis, the *development officer* may consult qualified professionals or the *Province's* department responsible for the *Environmental Protection Act* or both and a determination will be made as to the actual boundary of the Environmental Reserve Overlay *Zone*.

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3. ADMINISTRATION

3.1 DEVELOPMENT APPROVAL

- 1) No *person* shall:
 - a) change the *use* on a *parcel* of land, or of a *structure* or part of a *structure*;
 - b) commence any *development*;
 - c) construct or replace any *structure*, *patio*, or *deck*;
 - d) make *structural alterations* to any *structure*;
 - e) establish or start a *home-based business*;
 - f) make any water or sewer connection;
 - g) make any underground installation such as a septic tank, a fuel tank, or a foundation wall;
 - h) move or demolish any *structure*;
 - i) construct a new driveway or alter a driveway access;
 - j) establish an *excavation pit*;
 - k) establish or place a *swimming pool*;
 - l) construct a *street*;
 - m) place or dump any fill or other material;
 - n) *erect* or replace a *solar array*;
 - o) *subdivide* or *consolidate* a parcel or parcels of land; or
 - p) construct a *fence* of 1.2 m. (4 ft.) in height or greater.

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

3.2 NO DEVELOPMENT PERMIT REQUIRED

- 1) Unless otherwise specified, no *development permit* shall be required for:
 - a) laying paving materials for *patios* or sidewalks;
 - b) constructing fences of less than 1.2 m. (4 ft.) in height;
 - c) installing clotheslines, poles, and radio or television antennae,
 - d) making a *garden*;
 - e) growing a crop or preparing land for a crop;
 - f) *home office uses*;
 - g) making landscaping improvements, or constructing or installing play structures or ornamental *structures* or *accessory structures* of less than 6 sq. m. (65 sq. ft.); and
 - h) conducting routine maintenance which has the effect of maintaining or restoring a *structure* or any of its elements to its original state or condition,

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

3.3 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS

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

3.4 PERMIT APPLICATION

- 1) Any *person* applying for a permit or approval shall do so on a form prescribed by *Council* and shall submit the application to the *Town*. Where the *person* applying for the permit or approval is not the *owner* of the subject *property*, they must provide the *Town* with written authorization from the *owner* allowing that *person* to apply for the permit on the *owner's* behalf as the authorized agent.
- 2) An application is considered incomplete, and a decision shall not be rendered on such an application, until such time as all required information is submitted, including the:
 - a) application form, signed and dated by the *owner* or *owner's* authorized agent;
 - b) the application fee and any other required fees in accordance with the schedule of fees established by *Council* and annexed hereto as Schedule C;
 - c) *site plans*, drawings, and other representations of the proposed *development*, as required;
 - d) approval(s) from other governments or agencies, as required; and
 - e) additional information, as required by the *development officer*.
- 3) An incomplete application shall be considered null and void if the *applicant* does not submit the required information and does not make payment in full on the application, within six (6) months of submitting the initial application form.
- 4) Notwithstanding any section of this *Bylaw*, *development permits* are not valid and will not be recognized until the application fee and any other required fees are paid in full, and the said permit is signed by the *applicant*.

3.5 SITE PLAN

- 1) Every application for a *development permit* shall be accompanied by a *site plan*, drawn to scale, and showing:
 - a) the true shape and dimensions of the *lot* to be used, and upon which it is proposed to erect any

structure;

- b) the location, height and dimensions of the *structure*, or work proposed to be erected, including any deck, porch or veranda attached thereto;
 - c) the distance from the proposed *structure* to all *property* boundaries;
 - d) the distance from the proposed *structure* to any existing adjacent *structures*;
 - e) the proposed *use* of the *lot* and each *structure* to be developed;
 - f) the location of every *structure* already erected on the lot and the general location of *buildings* on abutting *lots*;
 - g) slope and direction of surface drainage;
 - h) the proposed location and dimensions of any *parking spaces*, loading spaces, driveways and landscaped areas;
 - i) the distance from the proposed *structure* to the boundary of any adjacent *wetland*, *watercourse*, sand dune, or the top of the bank adjacent to a *wetland* or *watercourse* and the location of the *buffer zone* as defined in the *watercourse and wetland protection regulations*;
 - j) north arrow and scale; and
 - k) any other information which the *development officer* deems necessary to determine whether or not the proposed development conforms with the requirements of this *Bylaw*.
- 2) Notwithstanding subsection 1), the *development officer* may receive applications for *accessory structures*, and require only the information which they deem applicable to each individual application.

3.6 OTHER INFORMATION

- 1) The *development officer* or *Council* may require an applicant to submit any additional information related to the proposed *development* which is deemed necessary in order to determine whether or not the *development* conforms to the requirements of the *Bylaw*, *Official Plan*, and applicable laws of the *Province*, including such things as, but not limited to, the following:
- a) *parking lot* layout and internal circulation patterns;
 - b) location of garbage containers, storage areas, and description of any screening or *fencing*;
 - c) stormwater management plan;
 - d) location of open space and amenity areas;
 - e) location of existing chemical storage areas or underground petroleum storage areas;
 - f) *buffer zones* adjacent to *wetland* areas or *watercourses*;
 - g) easements;
 - h) traffic impact studies;
 - i) existing and proposed contours;
 - j) adjacent surface water features and steep slopes;
 - k) the stormwater management plan for the *subdivision* if applicable;
 - l) the proposed storage areas and description of any *screening* or *fencing*;
 - m) the location and size of underground shared sewer and water utilities; and

- n) an indication that consideration has been given to accommodating the appropriate future *development* of the balance of the site.
- 2) In the event of an application in relation to a *lot* located within or within 30 m. (98.43 ft.) of the Environmental Reserve Overlay *Zone*, the boundary of the *watercourse* or *wetland* shall be determined by a qualified professional authorized to do so by the *Province* and delineated on a *survey plan*, which shall be dated no more than 12 months from the date of the application.

3.7 SURVEYS REQUIRED

- 1) Where it is necessary to confirm the location of an existing *structure* in relation to a boundary in order to determine the compliance of an application with this *Bylaw* or other bylaws, policies or regulations in force which apply to the proposed *development*, the *development officer* may require the *developer* to provide a *survey plan*.
- 2) Following the issuance of a *development permit* for any proposed *development* within 0.30 m. (1.0 ft.) or less of the minimum *setback* permitted in the *zone*, a footing certificate or *survey plan* shall be prepared by a *professional land surveyor* and submitted to the *Town* to confirm the location of the *building's* footing prior to the foundation walls being poured.
- 3) The *site plan* shall be based on a *survey plan* when:
 - a) the *lot* subject to a *development* does not meet the minimum *lot area* or *lot frontage* requirements of this *Bylaw*; or
 - b) the location of an existing *structure* with respect to the *lot* boundary or with respect to the proposed *structure* is necessary, in the opinion of the *development officer*, in order to determine whether the application complies with the *Bylaw*.

3.8 STORMWATER MANAGEMENT PLAN

- 1) Except for the reasons provided by subsection (2) below, a *development permit* application shall be accompanied by a drainage plan, prepared by a *professional engineer* or *landscape architect*, drawn to scale and showing the following information:
 - a) existing and proposed *grade* elevations relative to the adjoining *lot(s)* and the *street* or right-of-way;
 - b) stormwater management design features, including but not limited to swales and berms, and the proposed direction of flow for the surface water runoff, which shall not result in direct water runoff onto adjacent *lots*, *private roads* or rights-of-way.
 - c) the finished floor elevation or foundation elevation of existing *structures* on the *lot* and of existing *structures* on adjacent *lots* located within 15 m. (49.2 ft.) of the adjoining *lot line*; and
 - d) the proposed surface, finished floor elevation or foundation elevation of the proposed *structure*.
- 2) A stormwater management plan is not required for the following types of *development*, where the *development* does not involve an alteration or change to the existing *grade* of the land within the minimum *yard setbacks* of the *lot*:
 - a) a *development* that conforms with a preapproved stormwater management plan as prepared for the *subdivision* approval of the *lot*;
 - b) a *development* of a *structure* with a footprint less than 65 sq. m. (699.7 sq. ft.) and a proposed *setback* of more than 15 m. (49.2 ft.) from any *lot line* or existing *structure*;

- c) a *development* that will result in a total *lot coverage* of less than 10%;
 - d) a *development* of a *structure* with a footprint less than 20 sq. m. (215.3 sq. ft.);
 - e) a *development* of a *structure* that will be built on raised sonotubes, posts or piles and will not affect the natural and existing flow for drainage; or
 - f) the replacement of a *structure* with one of the same size and in the same general location, provided no changes are being made to the grade of the *lot* under or around the *structure*.
- 3) A stormwater management plan required under this section shall include the following information:
- a) the existing and proposed *grade* elevations relative to any adjoining *lot* and *street*;
 - b) the surface water management strategies to be used, including but not limited to swales and berms, when applicable, and the proposed surface drainage flow as designed to prevent surface water run-off from the lot in question onto any adjoining *lot* or *street*;
 - c) the finished floor elevation or foundation elevation of any existing *building(s)* on the *lot* and on any adjacent *lot* located within 15 m. (49.21 ft.) of the adjoining *lot line*; and
 - d) the proposed surface, finished floor, or foundation elevation of the proposed *structure*.
- 4) For *properties* with, or located adjacent to, a *watercourse* or *wetland*, the stormwater management plan shall also include the location of any *buffer zone* as defined in the *Watercourse and Wetland Protection Regulations*.
- 5) A *site plan* and stormwater management plan may be submitted together as a single plan of the proposed *development*.

3.9 CONDITIONS ON PERMITS

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

3.10 PROCEDURES FOR SPECIAL PERMIT USES

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

3.11 FIRE MARSHAL APPROVAL

- 1) The *development officer* shall refer applications involving the following *uses* to the *Province's* fire marshal's office for comment prior to the *development permit* being issued:
 - a) twelve or more *dwelling units* on a single parcel;
 - b) *commercial uses*;
 - c) public service and *institutional uses*; and

- d) outdoor sporting event or concerts.
- 2) The *development officer* may refer any other application for a *development permit* as required to the *Province's* fire marshal's office for comment prior to the *development permit* being issued.

3.12 DEVELOPMENT AGREEMENT

- 1) The *development officer* or *Council*, as appropriate, may require any *owner* of a *property* that is the subject of an application for a *development permit* to enter into a *development agreement*. This *agreement* shall be a contract binding on both parties, containing all conditions which were attached to the *development permit*, as well as any other matters identified pursuant to subsection (4).
- 2) Failure to comply with a *development agreement* shall constitute an offence under this *Bylaw*.
- 3) A *development agreement* shall be required for all:
 - a) new *industrial uses*; and
 - b) any *new developments* serviced by on-site well and septic services, pursuant to subsection 4.18(1).
- 4) A *development agreement* may address but shall not be limited to the following matters:
 - a) *site plan* design;
 - b) the design and construction of pathways, trails and other pedestrian circulation facilities, where required;
 - c) *landscaping* and *screening*, including the specification of the number and type of trees to be maintained or planted or both;
 - d) *vehicular* access and exits;
 - e) the design and allocation of *parking lots* and *parking spaces*;
 - f) security and safety lighting;
 - g) the posting of a financial guarantee, performance bond, or other security satisfactory to *Council*;
 - h) methods of waste storage and disposal; and
 - i) any other matters that the *development officer* or *Council*, as appropriate, deems necessary to ensure compliance with this *Bylaw*.
- 5) The *development agreement* shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *development agreement*, including the *Town's* legal fees, shall be paid by the *developer*.
- 6) A *development permit* issued subject to a *development agreement* shall include a condition that the *development agreement* be signed prior to the issuance of the *development permit*.

3.13 CERTIFICATE OF COMPLIANCE

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

3.14 AUTHORIZATION FOR INSPECTION

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

3.15 PERMITS POSTED

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

3.16 EXPIRY OF APPROVALS

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

3.17 DEMOLITION OR MOVING PERMITS

- 1) No *building* shall be moved into, out of, or within the *Town* without a *development permit* and such other permits as may be required by law.
- 2) When a *structure* is *demolished* or moved, the *applicant* shall be responsible for ensuring that the well and *sewage disposal system*, where they exist, are decommissioned or temporarily capped in accordance with any applicable statute, regulation or other enactment.
- 3) When a *structure* has been moved or *demolished*, the *owner* shall be responsible for ensuring the *lot* is *graded* appropriately to address any potential stormwater run-off.

3.18 DEVELOP IN ACCORDANCE WITH APPLICATION

- 1) Any *person* who has been granted a *development permit* shall agree to develop in accordance with the information given on the prescribed application form and the conditions laid down by the *development permit* and/or the *development agreement*.

3.19 DENYING PERMITS

- 1) No *development permit* shall be issued if:
 - a) the proposed *development* does not conform to this *Bylaw* or other bylaws of the *Town* or any applicable enactments of the *Province* or of the Government of Canada;
 - b) the proposed *development* could create a hazard to the general public, including but not be limited to, hazards, injuries or damages arising from excessive slope, water drainage run-off, and flooding;
 - c) the method of water supply is not appropriate;
 - d) the method of sanitary waste disposal is not appropriate;
 - e) there is not a safe and efficient access to a *street*;

- f) the proposed *development* would create unsafe traffic conditions;
 - g) the proposed *development* involves a proposed access that requires the use of an existing *private road* or access over an adjacent *property* for which a legal right-of-way has not been properly granted; or
 - h) the proposed *development* would be *detrimental* to the environment, including by reason of noise, dust, drainage, infilling, or excavation which affects environmentally sensitive or residential areas.
- 2) The *development officer* may revoke a *development permit* where information provided on the application is found to be inaccurate.

3.20 CONSTRUCTION PLAN

- 1) Prior to any construction being carried out, the *development officer* may require the *applicant* to submit a construction plan(s) for the *development* addressing such details as:
- a) construction phasing;
 - b) hours of operation;
 - c) stockpiling of soil, including the location and the date of removal;
 - d) temporary *screening* or fencing;
 - e) erosion or run-off control measures, including type, location and maintenance procedures;
 - f) heavy truck access; and
 - g) any other item which could in the opinion of the *development officer* present a nuisance or hazard during construction.

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4. GENERAL PROVISIONS FOR ALL ZONES

4.1 ACCESSIBILITY & BARRIER FREE DESIGN

- 1) For all new *multiple attached dwelling buildings* featuring twelve or more units, at least one (1) Barrier Free Access unit shall be provided for every twelve (12) units.

4.2 ACCESSORY STRUCTURES

- 1) *Accessory structures* shall be permitted on any *lot* subject to the following:

| | | |
|--|--|--|
| | All uses | |
| Used for human habitation | Only where a <i>dwelling</i> is a permitted <i>accessory use</i> | |
| Located in <i>front yard</i> or <i>flankage yard</i> | Not permitted | |
| Minimum distance to any <i>lot line</i> | 1.2 m. (4 ft.) | |
| | Residential Use | Commercial zone, Industrial zone, Institutional property, Farm property |
| Maximum <i>height</i> | 4.6 m (22 ft) or the <i>height</i> of the <i>main building</i> on the <i>lot</i> | No limit |
| <i>Outdoor wood furnace</i> | Not permitted | Permitted |
| Maximum combined <i>floor area</i> | The lesser of 10% of the <i>lot area</i> or 93 sq. m. (1,000 sq. ft.) | No limit |

- 2) All *accessory structures* shall be included in the calculation of maximum *lot coverage* as described in the lot requirements for the applicable *zone*.

- 3) No *accessory structures* shall be:

- a) considered an *accessory structure* if it is *attached* to the *main building*; or
- b) considered an *accessory structure* if it located completely underground.

- 4) No *accessory structures* shall be constructed:

- a) prior to the construction of the *main building* to which it is *accessory*; or

- b) prior to the establishment of the *use* of the *lot* where no *main building* is to be built.

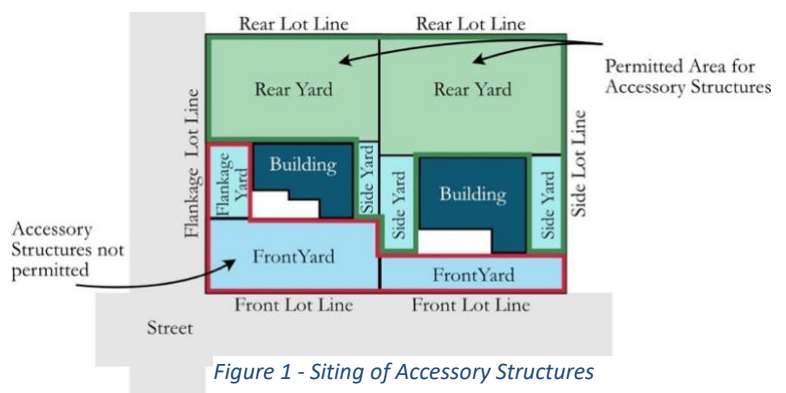


Figure 1 - Siting of Accessory Structures

4.3 BED AND BREAKFAST AND SHORT-TERM-RENTALS

- 1) *Bed and breakfasts* shall be permitted to operate in any *single-detached dwelling* subject to the following:

- a) the *dwelling* shall be occupied as a residence by the principal operator and the external appearance

- of the *dwelling* shall not be changed by the *bed and breakfast* operation;
 - b) not more than three (3) rooms shall be offered for overnight accommodation;
 - c) adequate off-*street parking spaces* shall be provided in accordance with Part 6 of this *Bylaw* and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
 - d) *premise signs* shall be restricted to a maximum of 0.58 sq. m. (900 sq. in.);
 - e) there shall be no other *signage, open storage* or visible display area.
- 2) A *short-term rental* shall be permitted to operate in any *single-detached dwelling* subject to the following:
- a) the external residential appearance of the *dwelling* shall not be changed by the *short-term rental* operation;
 - b) adequate off-*street parking spaces* shall be provided in accordance with Part 6 of this *Bylaw* and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
 - c) there shall be no *open storage* or *display area*; and
 - d) there shall be no *signs* permitted except in accordance with the signage requirements of this *Bylaw*.
- 3) Any approval of a *bed and breakfast* or *short-term rental* shall be conditional on the *applicant* securing a Tourism Establishment License from the *Province*.

4.4 BUILDING TO BE ERECTED ON A LOT

- 1) No *building* shall be *erected* or *used* unless it is *erected* on and contained within a single *lot*.

4.5 COASTAL HAZARD ASSESSMENT

- 1) A copy of a provincial *coastal hazard assessment* shall be included with a *development* or *subdivision* application for a *lot* that is:
- a) 4.16 m. (13.65 ft.) CGVD2013 (or 4.52 m. (14.83 ft.) CGVD28) or less in elevation and is adjacent to a *coastal area, wetland, watercourse, or shoreline*; or
 - b) located within 23 m. (75.5 ft.) of a *coastal area, wetland, or watercourse*.

4.6 ENCROACHMENTS PERMITTED

- 1) The following portions of *structures* may project into a *yard* required by this *Bylaw* to the limit of the specified distance:

| Structure or Feature | Distance |
|--|------------------|
| sills, cornices, eaves, gutters, chimneys, pilasters, and canopies | 0.6 m. (2 ft.) |
| window bays, awnings, cantilevers, heat pumps, oil tanks, and propane tanks | 1 m. (3.3 ft.) |
| exterior staircases, wheelchair ramps, and fire escapes | 1.4 m. (4.6 ft.) |
| balcony not supported at <i>grade</i> (covered or uncovered) | 1.5 m. (5 ft.) |
| <i>patio / deck</i> not exceeding 0.6 m. (2 ft.) from surrounding <i>grade</i> | 1 m. (3.3 ft.) |

4.7 NON-CONFORMING LOTS

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

4.8 NON-CONFORMING STRUCTURES & USES

- 1) Subject to the provisions of this *Bylaw*, a *structure*, or a *use* of land or *structures* lawfully in existence on the effective date of approval of this *Bylaw* may continue to exist.
- 2) A *structure* shall be deemed to exist on the effective date of approval of this *Bylaw* if:
 - a) it was lawfully under construction, or
 - b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within 12 months after the date of the issue of the *development permit* and is completed in conformity with the *development permit* prior to its expiry.
- 3) Where a *structure* has been erected on or before the effective date of this *Bylaw* on a lot having less than the minimum *frontage* or area, or having less than the minimum *setback* or *side yard* or *rear yard* required by this *Bylaw*, the *structure* may be repaired or renovated provided that:
 - a) the 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.
- 4) If a *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 footprint of the *structure*, it shall only be reconstructed or repaired in conformity with the provisions of this *Bylaw*.
- 5) No *structural alterations* that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a *structure* while a non-conforming *use* thereof is continued;
- 6) Any change of tenants or occupants of any premises or *building* shall not of itself be deemed to affect the use of the premises or *building* for the purposes of this *Bylaw*;
- 7) A non-conforming *use* of land or *structure* shall not be permitted to resume if it has been discontinued for a period of twelve (12) consecutive months without a bona fide intention to resume the non-conforming *use*, and in such event the land or *structure* shall not thereafter be *used* except in conformity with this *Bylaw*.
- 8) A non-conforming *use* may be enlarged or expanded provided that the enlargement or expansion does not increase the level of non-compliance.

- 9) No increase in the area occupied by the non-conforming *use* shall occur while a non-conforming *use* is being continued to the extent that the increase in the area would have the impact of changing the type of *use*, or modifying or adding activities.

4.9 FRONTAGE ON A STREET

- 1) Subject to subsection (2), no *development permit* shall be issued unless the *parcel of land* intended to be *used* or upon which the *structure* is to be *erected* abuts and fronts upon a *street*.
- 2) *Council* may approve a *development permit* for a residential or commercial *structure* which fronts on an existing *private right-of-way*, provided that the following criteria are met:
 - a) the *parcel* was approved prior to the effective date of this *Bylaw*;
 - b) no acceptable provision can be made to provide access to a *street*;
 - c) safe ingress and egress from the *parcel* can be provided from the *parcel* or *private right-of-way* to a *street*;
 - d) the name of the *private road* or *private right-of-way* has been approved by the Minister of Justice & Public Safety, in accordance with the *Emergency 911 Act* where the *development* results in three (3) or more civic addressed *dwellings, buildings*, or units sharing the same *private road* or driveway;
 - e) the *applicant* can establish legal entitlement to use the *private right-of-way* for access to the *parcel* in question for the proposed use and any such legal entitlement that has been established through an agreement with the *owner* of the *private right-of-way* shall be registered in accordance with the provisions of the *Registry Act*; and
 - f) The *property owner* shall be required to enter into a *development agreement* with the *Town*, registered in accordance with the provisions of the *Registry Act* at the *applicant's* expense, acknowledging the following: "*The private right-of-way serving PID _____ is not owned or maintained by the Town of Souris and therefore the Town shall not have any liability for that private right-of-way. Without limiting the generality of the foregoing, the Town shall not be responsible for providing any services of any nature or kind to the private right-of-way. In addition, the private right-of-way may not be entitled to receive other public services such as grading, ditching, snowplowing, gravelling, school busing, solid waste collection, or emergency vehicle access.*"
- 3) All fees associated with the preparation and registration of the *development agreement* required under clause (2)(f), including the *Town's* legal fees, shall be paid by the *applicant*.
- 4) Where an entranceway permit or other approval is required under any applicable enactment, a *development permit* shall not be granted until that entrance way permit or other approval or permit has been granted.
- 5) No *person* shall construct or use any entrance way except where that entrance way meets the minimum sight distance standards as established under any applicable enactment.

4.10 GRADE OF SITE

- 1) No *building* shall be erected or placed except in conformance with the finished *grade* for its site, adjacent *buildings* or the street, after its construction.

4.11 HEIGHT REGULATIONS

- 1) Any maximum *height* regulations set out in this *Bylaw* shall not apply to chimneys, clock towers, communications towers, drive-in theatre screens, elevator enclosures, fire towers, flag poles, lightning rods, lightning standards, monuments, power transmission towers, roof-mounted solar arrays, roof top cupolas, silos, skylights, smokestacks, spires, steeples, television or radio antennas, utility poles, ventilators, or water tanks.
- 2) Notwithstanding any maximum *height* restriction set out in this *Bylaw* and the *variance* provisions in Part 17, *Council* may approve a *structure* exceeding the maximum *height* where:
 - a) the *building* and construction are in accordance with the National Building Code;
 - b) the firefighting access has been approved by the *Province's* fire marshal's office and the *Town's* fire department;
 - c) the *building* contains a sprinkler system;
 - d) for an *apartment dwelling use* adjacent to an existing *single detached dwelling, duplex dwelling, or semi-detached dwelling*, the proposed *structure* uses gradual *height* transitions or *landscaping* and increased *setbacks* or both in a form acceptable to *Council*; and
 - e) for an *industrial use*, the proposed *height* of the *structure* would not exceed 30 m. (98.4 ft.), or 20 m. (65.6 ft.) where the *structure* is within 100 m. (328 ft.) of an existing *dwelling*.

4.12 HOME-BASED BUSINESSES

- 1) Where a *residential lot* is used for a *home-based business use*, the following shall apply:
 - a) the *dwelling* shall be occupied as a residence by the principal operator;
 - b) the external residential appearance of the *building* or *property* shall not be changed by the *home-based business*;
 - c) there shall be no more than two non-resident assistants or employees for the *home-based business*;
 - d) a maximum of either
 - i. 25% of the *total floor area* of the *dwelling*; or
 - ii. up to 100% of the *total floor area* of an *accessory structure*shall be occupied by the *home-based business*;
 - e) *adequate street* access and *off-street parking spaces* shall be provided in accordance with Part 6 of this *Bylaw* and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
 - f) there shall be no *open storage* or *display* area;
 - g) the *home-based business* may be permitted in the *dwelling* or in an *accessory structure* on a lot containing a *single-detached dwelling* but shall be restricted to the *dwelling* for other *dwelling* types; and
 - h) *premise signs* shall be restricted to a maximum of 0.258 sq. m. (400 sq. in) in total.
- 2) A *home-based business* includes:
 - a) animal grooming;
 - b) *bed and breakfast* or *short-term rental*, subject to section 4.3 of this *Bylaw*;

- c) business or professional offices;
 - d) catering, for off-premise delivery of products;
 - e) dressmaking and tailoring;
 - f) *family home centre*, in accordance with the *Early Learning and Child Care Act and Regulations*;
 - g) hairdressing salon, barbershop, or aesthetics shop;
 - h) occupations and *businesses* that create arts and crafts, weavings, paintings, and photography and sculptures on site;
 - i) *businesses* that repair garden or household furniture or ornaments, personal effects, clothing, or toys;
 - j) an online retail store;
 - k) the sale or display of arts and crafts, weavings, paintings, photography and sculptures that are created on site; and
 - l) private lessons, tutoring or training sessions of up to 6 students at any time.
- 3) The *home-based business* shall not create a nuisance to residents in the surrounding neighbourhood by:
- a) traffic generation,
 - b) noise,
 - c) hours of operation,
 - d) the creation of any vibration, heat, glare, odour or electrical interference, which is detectable from outside the *dwelling*; or
 - e) the discharge of any smoke, fumes, toxic substances or other noxious matter into the atmosphere.
- 4) The use of a residential *property* for *automobile sales and service establishments, car washes, or auto body shops* as *home-based businesses* shall be prohibited in a residential zone.
- 5) *Home office uses* shall be permitted in all *dwelling units*, subject to the following:
- a) the principal operator of a *home office use*, and any employees, shall reside on the *lot* where the use is located;
 - b) any *home office use* shall be wholly contained within a *dwelling unit* or an *accessory structure*, and shall not be apparent from the outside of the *dwelling unit* or *accessory structure*; and
 - c) no *signage* is permitted for a *home office use*.

4.13 LANDSCAPING

- 1) The provision and maintenance of adequate *landscaping* buffering shall be required to the satisfaction of the *Council* between residential zones and new *commercial* or *industrial uses*.
- 2) The provision and maintenance of adequate *landscaping* including the preservation and planting of trees shall be required for new *developments* to the satisfaction of the *Development Officer*.
- 3) Where a C1 or a M1 Zone abuts a residential zone along a *side* and/or *rear lot line* or both, the provision of a *landscaping* buffer of not less than 4.5 m. (15 ft.) in width along the abutting *lot line* providing a visual buffer and maintained clear of any *structure, driveway or parking lot*, shall be included as a condition on the *development permit* where a *development permit* has been granted for the C1 or M1 Zone *property*.

- 4) An adequate *landscaping* buffer may consist of, among other things, the following or a combination of the following:
 - a) a grassed berm;
 - b) planted vegetation;
 - c) mature trees; and/or
 - d) *fencing*.

4.14 MAIN BUILDING

- 1) No person shall erect more than one *building* for a *residential use* or *main building* on a *lot* in a R1 or R2 *zone* except where a *garden suite* is a *permitted use* in conjunction with a *single-detached dwelling*.
- 2) Subject to subsection (1), more than one *main building* may be placed on a *lot*, provided all other provisions of this *Bylaw* are met.
- 3) Where more than one *main building* is located on the same *lot* and is serviced by an *internal drive* providing access to the *street* or right-of-way:
 - a) the *development officer* may refer the proposed access and the *site plan* and *internal drive* design to the *Province's* Fire Marshal's Office and the *Province's* department responsible for the *Roads Act* for review and comment;
 - b) the name of the *internal drive* shall be submitted for approval by the *Province's* Minister of Justice & Public Safety, in accordance with the Emergency 911 Act, where the *development* results in three (3) or more civic addressed dwellings, *buildings*, or units sharing the same *internal drive* or driveway, prior to the issuance of any permits; and
 - c) in the case of a *clustered housing development*, the *internal drive* shall be developed to the *Province's* public road standards and shall be designed by, constructed under the supervision of, and certified by, a *professional engineer*.
- 4) The following *site design standards* shall apply for commercial or *residential lots* containing more than one *main building* on a *lot*, including *clustered housing* and *tourism establishments*:
 - a) with respect to vehicular and pedestrian circulation, including walkways, *interior drives*, and parking, special attention shall be given to the location and number of access points to the *street(s)*, width of *interior drives* and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of *parking lots* that are safe and convenient;
 - b) off-street *parking lots* shall not open directly onto a *street* but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified *parking lot* and shall be kept clear of parked *vehicles*;
 - c) pedestrian walks shall be not less than 1.25 m. (4.1 ft.) in width and shall be provided wherever normal pedestrian traffic will occur; and
 - d) exposed storage areas, exposed machinery installation, solid waste storage and pickup areas, service areas, truck loading areas, *utility buildings* and *structures* and similar *accessory* areas and *structures* shall be subject to such *setbacks*, screen planting or other *screening* methods as shall reasonably be required to prevent their being incongruous with existing or contemplated environment and the surrounding *properties*.

- 5) Where *clustered housing* is being proposed:
- a) the minimum *lot area* shall apply to the entire *property* where multiple *buildings* are being proposed, including any per-unit *minimum lot area* required under the applicable *zone*;
 - b) the minimum *lot frontage* shall be calculated as if one *building* is being located on the *lot*;
 - c) the minimum standards of the *zone* including *setbacks*, *building height*, and *building separation* shall apply to each individual *building*;
 - d) the maximum *lot coverage* shall be calculated using the combined coverage of all *structures* on the *property*; and
 - e) in any new *clustered housing development* featuring 3 or more *main buildings* or an expansion of a *clustered housing development* bringing the total number of *main buildings* to 3 or more, 10% of the total land being used for *clustered housing* shall be designated for *open space* and *park* purposes.

4.15 MAXIMUM LOT COVERAGE

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

4.16 MIXED USE

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

4.17 MOBILE HOMES

- 1) *Mobile homes* shall not be permitted to be located within the *Town*.

4.18 ON-SITE WELLS AND SEPTIC SYSTEMS

- 1) Any *permit* for residential, commercial, industrial or institutional *building* located on a *lot* that is not able to be connected to the municipal water and sewer system shall be conditional on the execution of a *development agreement* that will require the property owner to connect the property to municipal water or sewer or both at such as time as servicing is feasible.
- 2) Notwithstanding the minimum *lot size* standards of this *Bylaw*, all applications involving an on-site *sewage disposal system* or on-site water supply shall meet the requirements of the *Province-Wide Minimum Development Standards Regulations* for on-site servicing based on soil category, as included as Schedule B of the *Bylaw*, and the *Sewage Disposal Systems Regulations*, *Water Withdrawal Regulations*, and *Well Construction Regulations*.
- 3) Every application for a *development permit* involving an on-site *sewage disposal system* or on-site water supply, or both, shall include a *site plan* showing the location of the on-site *sewage disposal system* and all proposed *buildings* and *structures*, a copy of the Sewage Disposal System Registration Form, and a site assessment for any *lot* for which a site assessment pursuant to the *Environmental Protection Act* has not been conducted within 22.86m (75 feet) of the *lot* since December 31, 2006.
- 4) Any application for a *development* or *subdivision* where daily groundwater extraction rates are expected to

be higher than 25 cubic meters per day or in areas with existing intensive *development* shall be referred to the *Province's* department responsible for the *Environmental Protection Act or the Water Act*.

- 5) Where *Council* has approved a *variance* to the minimum *lot frontage, lot area* and/or circle diameter requirements of the *Province-Wide Minimum Development Standards Regulations* in accordance with sections 4, 5, or 9 of those *Regulations*, or where the minimum *lot size* standards do not apply pursuant to section 8 of those *Regulations*, an application for a *development permit* shall also include the following:
 - a) an on-site *sewage disposal system* proposal appropriate for the soil type, *lot area* and proximity to adjacent *lots*, designed and certified by a *professional engineer*; and
 - b) confirmation from a licensed well driller that the proposed well location meets all applicable requirements for separation distance from adjacent existing wells and/or *sewage disposal systems* within the *lot*, or to wells or *sewage disposal systems* on adjacent *lots*.

4.19 OUTDOOR AREA LIGHTING

- 1) No *person* shall install any outdoor light in such a way as would cause a nuisance to adjacent *property owners* or a safety hazard to the motoring public.

4.20 PERMITTED USES IN ALL ZONES

- 1) The following *uses* are permitted in all *zones*:
 - a) temporary construction facilities such as sheds, scaffolds and equipment incidental to the *development* for a maximum period of six months or for so long as construction is in progress, whichever is earlier, and for a maximum of 30 days following the completion of the *development*.
- 2) Except where otherwise specifically provided in this *Bylaw, public parks, open space, recreational trails, public utilities, private utilities, utility buildings* and service facilities including, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, *utility services*, and stormwater management facilities:
 - a) may be located in any *zone*; and
 - b) no *zone* standards related to *setbacks, lot size*, and siting in *yards* shall apply.

4.21 PETROLEUM STORAGE

- 1) Underground petroleum storage tanks shall require a *development permit* from the *Town* before installation may proceed. In processing such application, the *Town* shall refer the application initially to the *Province's* department having jurisdiction for these facilities whereupon such application will be processed in accordance with applicable regulations. The *Town* shall not issue a permit to the *developer* until it has received written approval from the appropriate government authority.
- 2) Notwithstanding subsection (1), underground petroleum storage tanks shall not be permitted in any residential, OS, or ER *zone*.

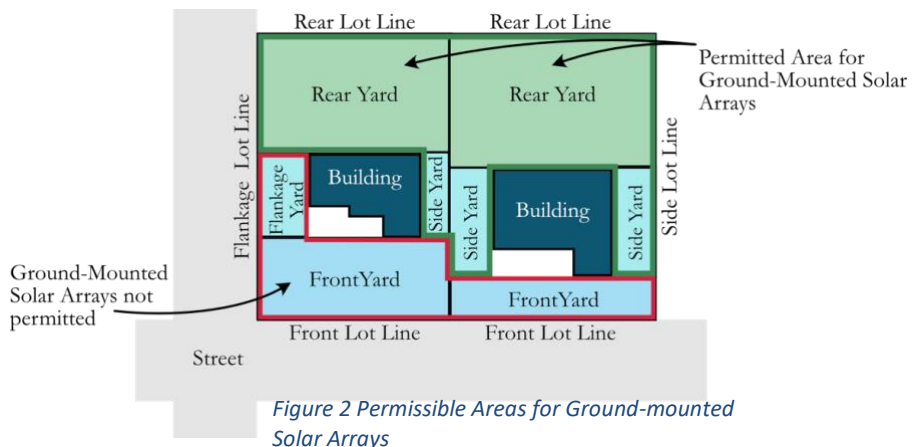
4.22 RECREATIONAL VEHICLES

- 1) No *person* shall use or occupy a *recreational vehicle* other than in an approved *campground*.
 - a) the *recreational vehicle* shall not be occupied for more than seven (7) consecutive days or between the months of October and April.

- 2) No *recreational vehicle* shall be attached to municipal water and sewer systems or onsite wells or *sewage disposal system* except within an approved *campground*.
- 3) Notwithstanding subsection (1) above:
 - a) an *owner* of a *parcel* may park and store a *recreational vehicle* on their *parcel* when it is not in use, provided the *recreational vehicle* is not located in the *front yard* and meets the *rear yard* and *side yard setback* requirements for a *single-detached dwelling* as required in the *zone* in which it is located;
 - b) an *owner* of a *parcel* may occupy a *recreational vehicle* on their *parcel* if:
 - i. the *owner* has obtained a *development permit* for the construction of a *dwelling* on that *parcel*; and
 - ii. the work has commenced on that *parcel*.

4.23 RENEWABLE ENERGY SYSTEMS

- 1) Where a *wind energy system* is permitted, the following shall apply:
 - a) no *person* shall erect or place a *wind energy system* without first applying for and receiving a *development permit*;
 - b) the standards of Schedule F shall apply; and
 - c) all *wind energy systems* shall be constructed and operated in a manner that minimizes any adverse visual, safety and environmental impacts.
- 2) *Roof-mounted solar arrays* shall be permitted in all *zones*, subject to the following:
 - a) *roof-mounted solar arrays* shall be installed in conformity with Chapter 11 of the National Fire Prevention Association (NFPA) 1 Fire Code.
- 3) *Ground-mounted solar arrays* shall be permitted in all *zones*, subject to the following:
 - a) the minimum *setback* to adjacent *side* or *rear lot lines* for *ground-mounted solar arrays* shall be 4.6 m. (15 ft.) or the *height* of the *ground-mounted solar array* as measured from *grade* to the highest point of the *solar array*, whichever is greater;
 - b) the maximum *height* of a *ground-mounted solar array*, as measured from *grade* to the highest point of the *solar array*, shall be 4.3 m. (14 ft.).
 - c) in a residential *zone*, *ground-mounted solar arrays* may only be placed in the rear or side yard; and
 - d) the *owner* of the *ground-mounted solar array* shall remove the *ground-mounted solar array* and associated equipment sufficient to return the land to its previous use within two (2) years of the date the *ground-mounted solar array* ceases to generate electricity.



- 4) The application for a *development permit* for a *ground-mounted solar array* must include, in addition to the requirements of sections 3.5 and 3.6, the design of the solar collectors including racking and footings.
- 5) *Ground-mounted solar arrays* shall be subject to the *lot coverage* standards for the *zone* in which they are located.

4.24 REQUIREMENTS FOR STRUCTURES WITH COMMON WALLS

- 1) Notwithstanding any other provisions of this *Bylaw*, where *buildings* on adjacent *lots* share a common wall, the applicable *side yard* requirement shall be zero (0) along the common *lot line*.
- 2) No *semi-detached dwellings* or *townhouse dwelling* shall be erected in a manner which will not permit subdivision into individual *lots* pursuant to Section 19.8.

4.25 SECONDARY SUITES AND GARDEN SUITES

- 1) A *secondary suite* shall be permitted within any *single-detached dwelling* as an *accessory use*, provided the following conditions are met:
 - a) the *owner* submits a written application to the *Town* on the prescribed form;
 - b) the total *floor area* of all *storeys* of a *secondary suite* does not exceed the lesser of:
 - i. eighty percent (80%) of the total *floor area* of all *storeys* of the entirety of the main *single-detached dwelling unit* (excluding the *garage floor area*, and common spaces serving both *dwelling units*); or
 - ii. 80 sq. m. (861 sq. ft.);
 - c) one *parking space* is provided for the *secondary suite*, in addition to the *parking space(s)* required for the main *dwelling* under section 6.1 of this *Bylaw*;
 - d) the *secondary suite* meets the requirements of the National Building Code and all requirements under the *Town's* bylaws; and
 - e) water and wastewater treatment services for the *secondary suite* are provided through the *single-detached dwelling* and in the case of a connection with a septic tank system, the capacity of the systems shall be upgraded as needed to accommodate the increased intensity of *use*.
- 2) A *secondary suite* shall not be occupied by a *shared housing use*.
- 3) A *garden suite* shall be permitted on any *single-detached dwelling lot* as an *accessory use* in any *zone* provided that:
 - a) the *owner* submits a written application to the *Town* on the prescribed form;
 - b) the *garden suite* meets the *accessory structure* built form and siting requirements of section 4.2;
 - c) the *garden suite* does not exceed 74.3 sq. m. (800 sq. ft.) in *floor area*;
 - d) the *garden suite* is no greater than 6.1 m. (20 ft.) in *height*;
 - e) the *garden suite* is connected to the same electrical, water and sewage services as the principal *dwelling* on the *lot*, and that, in the case of a connection with a septic tank system, the capacity of the tank is adequate to accommodate both the principal *dwelling* and the *garden suite*;
 - f) one *parking space* is provided for the *garden suite*, in addition to the *parking space(s)* required for the main *dwelling* under section 6.1 of this *Bylaw*;

- g) the *garden suite* utilizes the existing access driveway to the *lot*.
- 4) A *garden suite* shall not be occupied by a *shared housing use*.
- 5) Notwithstanding the requirements of clause (3)(e), *Council* may approve a *garden suite* having its own connection to the *Town's* water and/or sewer system where in the opinion of *Council*, a shared connection would not be feasible and separate connections would comply with all utility requirements.
- 6) A *lot* shall not contain both a *secondary suite* and a *garden suite*.

4.26 SWIMMING POOLS

- 1) The installation of a swimming pool shall be permitted in any zone in accordance with the following provisions:
 - a) a *development permit* has been issued for the *swimming pool*;
 - b) a 1.8 m. (6 ft.) high *fence* fully encloses the *swimming pool* and is constructed in such a manner so as to impede unauthorized *persons* from entering over or under said *fence*;
 - c) any gate on such *fence* is self-closing and self-latching to prevent its opening from outside the fenced area;
 - d) notwithstanding 5.22(1)(b), the *development officer* may allow one or more *buildings* to take the place of a portion of the *fence* so long as the *swimming pool* is fully enclosed by the *fence* and *building(s)*;
 - e) the *swimming pool* is placed not less than 4.6 m. (15 ft.) from the nearest *side yard line* and not less than 6.1 m. (20 ft.) from the *rear lot line*; and
 - f) disposal of water after dechlorination shall be either through the sanitary sewer system or carried off by truck.
- 2) An inflatable temporary *swimming pool* is exempt from these requirements.

4.27 TEMPORARY USES

- 1) *Temporary structures* shall conform to the *setback* requirements for an *accessory structure* in the *zone*.
- 2) *Council* may grant a *temporary permit* for the temporary *erection* of a *structure* or for a *temporary use* for a period not exceeding 20 weeks where, in the opinion of *Council*, the *temporary use* does not represent a conflict or nuisance to *property owners* in the vicinity or the general public. *Council* may attach such conditions it deems appropriate to ensure public safety and to mitigate any negative impacts on surrounding properties, including but not limited to water supply, wastewater disposal and emergency management.
- 3) The hours of the *temporary use* shall be limited from 8:00 a.m. - 11:00 p.m. daily, unless otherwise authorized by *Council*.
- 4) No *temporary permits* shall be granted where in the opinion of *Council*:
 - a) parking facilities are not adequate;
 - b) ingress or egress or both to the site would create excessive congestion or a traffic hazard;
 - c) washroom facilities are not adequate;
 - d) garbage collection and storage facilities are not adequate; or

e) the *use* would create a conflict due to excessive noise, hours or operation, lighting or another nuisance.

5) No *temporary use* shall be permitted to encroach within the *front yard, rear yard or side yards* as required under this *Bylaw*.

4.28 VISIBILITY AT STREET INTERSECTIONS

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

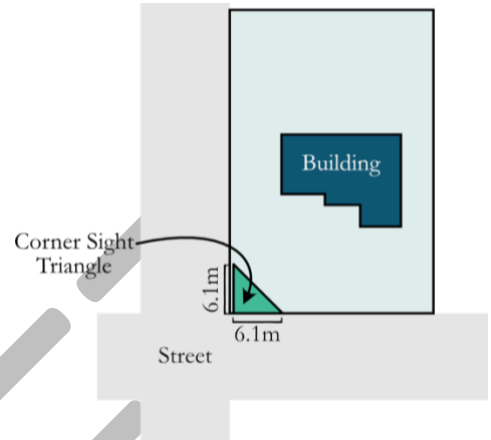


Figure 3 - Corner Sight Triangle

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5. SIGNAGE

5.1 GENERAL

- 1) No *person* shall *erect, alter* or enlarge a *sign* within the boundaries of the *Town* except in conformance with the provisions of this Part and any other relevant provisions of this *Bylaw*, and without first applying for and receiving a permit from *Council*.
- 2) An indoor *sign* shall not be considered a *sign* for the purpose of this *Bylaw* unless it is placed within a window and can be viewed from outside of the *building*.
- 3) No *temporary sign* permit shall be effective for a period of more than 30 days.
- 4) Internally lit *signs* shall be permitted provided that the light source is concealed by a diffusive material.
- 5) Electronic *signs* are permitted as part of a freestanding, *facia*, or canopy sign in the C1 or M1 zones subject to the general provisions for those types of *signs* as well as the following standards:
 - a) the message duration shall not be less than 10 seconds;
 - b) the message transition shall be instantaneous;
 - c) message transition shall not involve any visible effects including but not limited to scrolling, fading, dissolving, intermittent or flashing light, or the illusion of such effects;
 - d) the maximum brightness levels of the electronic *sign* shall be 5,000 nits during daytime and 500 nits at nighttime;
 - e) the *sign* shall use automatic dimming technology which automatically adjusts the *sign copy's* brightness in direct correlation with ambient light conditions;
 - f) illumination shall not negatively impact adjacent *residential properties*;
 - g) the *sign* shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless the business is open or in operation during those hours; and
 - h) the *sign* shall be turned off in the case of a malfunction.
- 6) *Signs* lit by external illumination shall have the light source directed at the *sign* and no illumination shall be aimed at the roadway. No stray illumination from external light sources shall be permitted to shine on the roadway or adjacent residentially or agriculturally zoned land.
- 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*.

5.2 MAINTENANCE

- 1) All *signs* shall be made of durable materials and shall be maintained in good condition.
- 2) A *development officer* who identifies a *sign* which may be unsafe to the public, either as an adjunct to pursuing their normal activities or in response to a concern from a member of the public, may order the *property owner* to have such *sign* repaired to a safe condition or to be removed.
- 3) The *development officer* may order a *property owner* to immediately remove any *sign* relating to a *business* or activity which is no longer active, or which carries no advertising or has missing parts.
- 4) Subsection (3) above shall not apply to a seasonal enterprise that normally closes during part of the year,

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

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

5.3 NUMBER OF SIGNS

- 1) For the purposes of this Part, a *sign* with two or more faces such as a *projecting sign* or *free-standing sign* shall count as one *sign*.
- 2) Other than directional *signs* containing no promotional content, only one (1) *free-standing sign* shall be erected on any commercial or industrial *lot*; except where a *lot* is bordered by more than one *street*, in which case one (1) *free-standing sign* may be permitted along each *street line*.
- 3) Commercial enterprises shall also be permitted to erect up to two (2) *off-premise signs* of a directional nature, with a maximum size of 122 cm. (48 in.) by 46 cm. (18 in.). Sign message to depict only the name of the business, distance and an arrow pointing left, right or straight ahead.

5.4 SIGNS PERMITTED IN ALL ZONES

- 1) The following *signs* shall be permitted in all *zones* and no *development permit* shall be required, but the *signs* shall be subject to all requirements of this *Bylaw*:
 - a) *signs* identifying the name and/or address of a resident and not more than 0.3 sq. m. (465 sq. in.) in area;
 - b) *signs* for regulating the use of property such as “no trespassing” and of not more than 0.3 sq. m. (465 sq. in.) in area;
 - c) real estate signs of not more than 0.93 sq. m. (10 sq. ft.) placed on the lot, which advertise the sale, rental or lease of a *lot* or *building on a lot*;
 - d) on-premise directional or traffic control *signs* not more than 0.3 sq. m. (465 sq. in.) in area;
 - e) *signs* erected by a government body or under the direction of a government body;
 - f) memorial *signs* or tablets;
 - g) *Town* identification *signs*;
 - h) outdoor recreational facility identification *signs* of not more than 3.7 sq. m. (40 sq. ft.) in area;
 - i) entrance display identification *signs* for residential neighbourhoods or business parks of not more than 3.7 sq. m. (40 sq. ft.) in area;
 - j) the flag or insignia of any government, religious, charitable or fraternal organization;
 - k) temporary election *signs*;
 - l) *temporary signs* advertising a construction firm in the area where the construction is taking place;
 - m) identification *signs* for *places of worship*;
 - n) flags and buntings exhibited to temporarily commemorate national or civic holidays and temporary banners announcing charitable events, civic events, or grand openings;
 - o) *signs* erected pursuant to sections 4.3 or 4.12.

5.5 SIGNS PROHIBITED IN ALL ZONES

- 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, except government traffic or regulatory *signs*;
 - c) any *signs* which, in the opinion of the *development officer*, 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 or any utility pole;
 - g) *off premise signs* (except as per 6.3(3)) and
 - h) *signs* painted, embossed or applied to the roof of a *building*.

5.6 FASCIA SIGNS

- 1) Fascia *signs* shall be permitted on *buildings* in commercial, industrial, institutional and recreation *zones* and shall project no more than 46 cm. (18 in) from the wall of the *building* and shall be no higher than the eave or top of a parapet wall;
- 2) The area of a fascia *sign* shall not exceed ten (10) percent of the area of the wall on which the *sign* is to be located, or 7 sq. m. (75 sq. ft.), whichever is less.
- 3) The area of fascia *signs* shall be calculated as a block, including any individual letters and the total area covered by symbols and blocks of text including the spaces between them.
- 4) Notwithstanding the above, fascia *signs* may be permitted in residential or agricultural *zones* pursuant to sections 4.3 or 4.12.

5.7 PROJECTING SIGNS

- 1) 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.

5.8 FREE-STANDING SIGNS

- 1) Free-standing *signs* shall be permitted in commercial, industrial, institutional *zones* and shall:
 - a) be permitted if 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*;
 - d) not exceed 8 m. (26 ft.) in *height* above the average finished *grade* of the *lot*; and
 - e) include LED signs.
- 2) where there are more than one (1) commercial business on a single *lot*:
 - a) all businesses 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 business the *sign* elements for all businesses must be of similar material and lettering design to produce a uniformity of a signage for the common facility. Logos may be incorporated into the common *sign*.

5.9 CANOPIES OR AWNINGS

- 1) *Signs* incorporated into a canopy or awning are permitted on the *building* and shall be considered as fascia *signs*.

5.10 SANDWICH SIGNS

- 1) Temporary *sandwich signs* shall not be permitted to be placed within the boundaries of the *Town* unless a *temporary permit* has been issued by the *development officer*.
- 2) *Temporary permits* for commercial *sandwich signs* may be granted for a period not to exceed six (6) months, where the *development officer* deems there will be no nuisance or hazard caused to the general public.
- 3) The *development officer* may revoke a *temporary permit* issued pursuant to this section at any time where the *applicant* or *property owner* has not conformed to the provisions of this *section*.
- 4) Where a *temporary permit* has been revoked, the *development officer* shall have the authority to enter upon the property and remove the *sandwich sign*.

5.11 SIGNS FOR SPORTS FIELDS AND OUTDOOR STADIUMS

- 1) Notwithstanding anything else in this *Bylaw*, *Council* may issue a permit for sponsorship *signs* for a sports field or outdoor stadium where the *signs* are attached to an approved *structure* that is required for the sport or arena, and where the *signs* face into the field or arena. A *development agreement* shall be executed between the *property owner* and the *Town*, at the *property owner's* expense, to specify the number, size, shape location, promotional content and maintenance program for the *signs*.

6. PARKING REQUIREMENTS

6.1 PARKING REQUIREMENTS

- 1) For every *building* to be *erected*, placed, used or enlarged, there shall be provided and maintained *off-street* parking on the same *lot* to the extent, at least, prescribed in this Part.

| Primary Type of Building | Minimum Requirement |
|--|--|
| <i>Single-detached dwelling, semi-detached dwellings, or townhouse dwellings</i> | 2 <i>parking spaces</i> |
| <i>Duplex dwelling, stacked townhouse dwelling or apartment dwelling</i> | 1.25 <i>parking spaces</i> per <i>dwelling unit</i> |
| <i>Hotel, motel or other tourist establishment</i> | 1 <i>parking space</i> per guest/room or rental unit and 1 <i>parking space</i> for each 23 sq. m. (250 sq. ft.) of floor area devoted for public use (e.g., banquet rooms, lounge) |
| Auditoriums, <i>places of worship</i> , halls, library, museums, theatres, arenas, private clubs, and other places of assembly or recreation | Where there are fixed seats, 1 <i>parking space</i> for every four (4) seats; where there are no fixed seats, the seat count will be based on the Fire Marshall's seating capacity rating. |
| <i>Hospitals and nursing homes</i> | 0.75 <i>parking spaces</i> per bed |
| <i>Senior citizens apartments and community care facilities</i> | 1.0 <i>parking space</i> per <i>dwelling unit</i> |
| Schools, colleges and education facilities | 1.5 <i>parking spaces</i> per teaching classroom and 1 <i>parking space</i> for each six seats of seating capacity in the auditorium. |
| Funeral home | 1 <i>parking space</i> per four seats of seating capacity. |
| Business and professional offices, <i>service shops</i> and <i>personal service shops</i> | 1 <i>parking space</i> per 28.0 sq. m. (300 sq. ft.) of <i>floor area</i> . |
| <i>Automobile sales and service establishments</i> | 1 <i>parking space</i> per 4.65 sq. m. (200 sq. ft.) of <i>gross floor area</i> . |
| <i>Restaurant</i> or lounge | 1 <i>parking space</i> per four seats of seating capacity. |
| Other <i>commercial/retail stores</i> | 1 <i>parking space</i> per 14 sq. m. (150 sq. ft.) of floor area. |
| <i>Industrial</i> | 1 <i>parking space</i> per 28 sq. m. (300 sq. ft.) of floor area or 1 <i>parking space</i> per employee, whichever is greater |

- 2) Individual *parking spaces* shall have minimum dimensions of 2.7 m. (9 ft.) by 5.5 m. (18 ft.) exclusive of driveways and aisles and shall be accessible from a *street*.

6.2 OTHER REQUIREMENTS

- 1) Where four (4) or more *parking spaces* are required for the *use* on a *lot*, the following minimum requirements shall apply:

- a) the *parking lot* shall be maintained with a stable surface sufficient to support a *vehicle* without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as drivable grass or grass grid;
 - b) the lights used for illumination of the *parking lot* or parking station shall be so arranged as to divert the light away from the *streets*, adjacent *lots* and *buildings*;
 - c) a *structure* not more than 3 m. (9.8 ft.) in *height* and not more than 4.6 sq. m. (50 sq. ft.) in area may be erected in the *parking lot* for the use of attendants;
 - d) the *parking lot* shall be within 91.4 m. (300 ft.) of the location which it is intended to serve and shall be situated in the same *zone*;
 - e) when the *parking lot* is of a permanent hard surfacing, each *parking space* shall be clearly demarcated with painted lines and maintained on the *parking lot*;
 - f) entrances and exits to *parking lots* shall not exceed a width of 9.1 m. (30 ft.) at the street line and edge of pavement; and
 - g) the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a *parking lot*, shall be a minimum width of 3 m. (9.8 ft.) for one-way traffic, and a minimum width of 6.1 m. (20 ft.) for two –way traffic.
- 2) Where parking is provided in front of any *building* in a non-residential *zone*, a 1.5 m. (4.9 ft.) landscaped buffer shall be provided between the *parking lot* and the street boundary.

6.3 LOADING ZONES

- 1) In any commercial or industrial *zone*, no *person* shall *erect* or *use* any *structure* for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, unless there is maintained on the same premises with every such building, *structure* or use one (1) off-street space for standing, loading and unloading for every 2,787 sq. m. (30,000 sq. ft.) or fraction thereof of *building floor area* used for any such purpose.
- 2) Each *loading space* shall be at least 3.7 m. (12 ft.) wide with a minimum of 4.3 m. (14 ft.) height clearance.
- 3) The provision of a *loading space* for any *building* with less than 139 m. (1,500 sq. ft.) shall be optional.
- 4) No such *loading spaces* shall be located within any required *front yard* or be located within any *yard* which abuts a residential or open space *zone*, unless in the opinion of *Council* adequate screening is provided.

6.4 WAIVER OF COMMERCIAL PARKING REQUIREMENTS

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

- b) the extent to which the proposed *development* contributes toward the objectives and policies of the *Official Plan*
- c) estimated traffic generation of the proposed *development*.

6.5 ACCESSIBLE PARKING

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

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7. LOW-DENSITY RESIDENTIAL ZONE (R1)

7.1 GENERAL

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

7.2 PERMITTED USES

- 1) The following are *permitted uses* in the R1 Zone:
 - a) *single-detached dwellings*; and
 - b) *duplex dwellings* or *semi-detached dwellings*.
- 2) The following are permitted as *accessory uses* in the R1 Zone:
 - a) *accessory structures* in accordance with the requirements of section 4.2;
 - b) *secondary suites* and *garden suites*, on *single-detached dwelling lots*, in accordance with the requirements of section 4.25;
 - c) *bed and breakfasts* and *short-term rentals* on *single-detached dwelling lots* in accordance with the requirements of section 4.3; and
 - d) *home-based businesses* in accordance with the requirements of section 4.12.

7.3 SPECIAL PERMIT USES

- 1) Notwithstanding section 7.2 above, *Council* may issue a *development permit* for the following *special permit uses*, subject to the requirements of sections 3.10 and 4.18, subsection 7.3(2) and such conditions as *Council* deems necessary:
 - a) *early learning and child care centres*;
 - b) *bed and breakfasts* with more than 3 bedrooms;
 - c) *shared housing*, to a maximum of 6 *bedrooms* per *building*; and
 - d) *shared housing with special care*.

7.4 SERVICING

- 1) All *developments* in an R1 *Zone* shall be serviced by municipal sewer services and municipal water supply and such a connection will be made at the *developer's* expense.
- 2) Notwithstanding subsection 1), and subject to section 4.18, *Council* may approve a development in an R1 *Zone* serviced by an on-site well and/or sewage treatment system where the municipal water and/or sewer services are not available and extending the services would be prohibitive or premature.

7.5 LOT REQUIREMENTS

- 1) Subject to subsection 2),
 - a) the following *lot* requirements shall apply to any *single-detached dwelling* in an R1 Zone:

| Single Detached Dwellings | |
|----------------------------------|----------------------------|
| Minimum lot area | 604 sq. m. (6,500 sq. ft.) |
| Minimum frontage | 19.8 m. (65 ft.) |
| Minimum front yard | 4.6 m. (15 ft.) |
| Minimum rear yard | 4.6 m. (15 ft.) |
| Minimum side yard | 3 m. (9.8 ft.) |
| Minimum flankage yard | 4.6 m. (15 ft.) |
| Maximum building height | 11 m. (36.1 ft.) |
| Maximum lot coverage | 35% |
| Minimum floor area | 46.5 sq. m. (500 sq. ft.) |

- b) for *duplex dwellings* and *semi-detached dwellings*, the lot requirements shall be as follows:

| | Duplex Dwellings | Semi-Detached Dwellings |
|-----------------------------------|----------------------------|-------------------------------------|
| Minimum lot area (fully serviced) | 743 sq. m. (7,998 sq. ft.) | 371.5 sq. m. (3,999 sq. ft.) / unit |
| Minimum frontage | 22.9 m. (75 ft.) | 11.5 m. (37.7 ft.) / unit |
| Minimum front yard | 4.6 m. (15 ft.) | 4.6 m. (15 ft.) |
| Minimum rear yard | 4.6 m. (15 ft.) | 4.6 m. (15 ft.) |
| Minimum side yard | 3 m. (9.8 ft.) | 3 m. (9.8 ft.) |
| Minimum flankage yard | 4.6 m. (15 ft.) | 4.6 m. (15 ft.) |
| Maximum building height | 11 m. (36.1 ft.) | 11 m. (36.1 ft.) |
| Maximum lot coverage | 35% | 35% |

- 2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations*, as amended from time to time, and where there is a conflict, the more stringent shall apply (see Schedule B).
 - 3) For *shared housing uses*, the lot requirements of section 14.3 in the *PSI Zone* shall apply.

8. MEDIUM-DENSITY RESIDENTIAL ZONE (R2)

8.1 GENERAL

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

8.2 PERMITTED USES

- 1) The following are *permitted uses* in the R2 Zone:
 - a) *uses* permitted in the R1 Zone, subject to the requirements of the R1 Zone;
 - b) *townhouse dwellings*, up to 8 units; and
 - c) *stacked townhouse dwellings* or *apartment dwellings*, up to 12 units.
- 2) The following are permitted as *accessory uses* in the R2 Zone:
 - a) *accessory structures* in accordance with the requirements of section 4.2;
 - b) *secondary suites* and *garden suites*, on *single-detached dwelling lots*, in accordance with the requirements of section 4.25;
 - c) *bed and breakfasts* and *short-term rentals* on *single-detached dwelling lots* in accordance with the requirements of section 4.3; and
 - d) *home-based businesses* in accordance with the requirements of section 4.12.

8.3 SPECIAL PERMIT USES

- 1) Notwithstanding section 8.2 above, *Council* may issue a *development permit* for the following *special permit uses*, subject to the requirements of sections 3.10 and 4.18 and such conditions as *Council* deems necessary:
 - a) *shared housing uses* with 6 or fewer *bedrooms* per *building*;
 - b) *shared housing with special care*, subject to subsection (2) below;
 - c) *early learning and child care centres*; and
 - d) *bed and breakfasts* with more than 3 bedrooms in accordance with section 4.3.
- 2) *Shared housing with special care* requires a minimum of 10% of floor space to be reserved for communal amenity or recreation space for the residents of the building.

8.4 SERVICING

- 1) All *development* in a R2 Zone shall be serviced by municipal sewer services and municipal water supply.

8.5 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply to any *development* in an R2 Zone:
 - a) for *single-detached dwellings*, the *lot* requirements of section 7.5 (1)(a) shall apply.
 - b) for *duplex dwellings* and *semi-detached dwellings*, the *lot* requirements of section 7.5 (1)(b) shall apply.
 - c) for *townhouse dwellings*, *stacked townhouse dwellings*, and *apartments dwellings*, the *lot*

requirements shall be as follows:

| | Townhouse Dwellings and Stacked Townhouse Dwellings | Apartment Dwellings |
|-----------------------------------|--|--|
| Minimum lot area (fully serviced) | 929 sq. m. (10,000 sq. ft.) for the first 3 units plus 278 sq. m. (3,000 sq. ft.) for each additional unit. | 557 sq. m. (6,000 sq. ft.) plus 93 sq. m. (1,000 sq. ft.) per unit |
| Minimum frontage | 30.5 m. (100 ft.) for the first 3 townhouse units or 2 stacks for stacked townhouses, plus 7.6 m. (25 ft.) for each additional townhouse unit or stack for stacked townhouses. | 22.8 m. (75 ft.) |
| Minimum front yard | 4.6 m. (15 ft.) | 4.6 m. (15 ft.) |
| Minimum rear yard | 4.6 m. (15 ft.) | 4.6 m. (15 ft.) |
| Minimum side yard | 3 m. (9.8 ft.) | 3 m. (9.8 ft.) |
| Minimum flankage yard | 4.6 m. (15 ft.) | 4.6 m. (15 ft.) |
| Maximum building height | 11 m. (36.1 ft.) | 11 m. (36.1 ft.) |
| Maximum lot coverage | 35% | 35% |

- 2) All lots shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations*, as amended from time to time, and where there is a conflict, the more stringent shall apply (see Schedule B).
- 3) For *shared housing uses*, the lot requirements of section 14.3 in the *PSI Zone* shall apply.

9. MIXED-DENSITY RESIDENTIAL ZONE (R3)

9.1 GENERAL

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

9.2 PERMITTED USES

- 1) The following are *permitted uses* in the R3 Zone:
 - a) *single-detached dwellings*;
 - b) *duplex dwellings* or *semi-detached dwellings*;
 - c) *multiple attached dwellings*;
 - d) *shared housing use* with 8 or fewer *bedrooms* per *building*; and
 - e) *shared housing with special care*.
- 2) The following are permitted as *accessory uses* in the R3 Zone:
 - a) *accessory structures* in accordance with the requirements of section 4.2;
 - b) *secondary suites* and *garden suites*, on *single-detached dwelling* lots, in accordance with the requirements of section 4.25;
 - c) *bed and breakfasts* and *short-term rentals* on *single-detached dwelling* lots in accordance with the requirements of section 4.3; and
 - d) *home-based businesses* in accordance with the requirements of section 4.12.

9.3 SPECIAL PERMIT USES

- 1) Notwithstanding section 9.2 above, *Council* may issue a *development permit* for the following *special permit uses*, subject to the requirements of sections 3.10 and 4.18 and such conditions as Council deems necessary:
 - a) *clustered housing*, subject to subsection 4.14 (5);
 - b) *early learning and child care centres*;
 - c) *institutional uses*; and
 - d) *retail stores* and *personal service shops* accessory to a *residential* or *institutional use*.

9.4 SERVICING

- 1) All *development* in an R3 Zone shall be serviced by municipal sewer services and municipal water supply.

9.5 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following shall apply to any development in an R3 Zone:
 - a) for *single-detached dwellings*, the requirements of clause 7.5(1)(a) shall apply;
 - b) for *duplex dwellings* and *semi-detached dwellings*, the requirements of clause 7.5(1)(b) shall apply; and
 - c) for *townhouse dwellings*, *stacked townhouse dwellings* and *apartment dwellings*, the requirements

of clause 8.5(1)(c) shall apply.

- 2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations*, as amended from time to time, and where there is a conflict, the more stringent shall apply (see Schedule B).
- 3) For *shared housing uses*, a minimum of 10% of floor space shall be reserved for communal amenity or recreation space for the residents of the *building*.
- 4) For *shared housing uses*, the lot requirements of section 14.3 in the *PSI Zone* shall apply.

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10. GENERAL COMMERCIAL ZONE (C1)

10.1 GENERAL

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

10.2 PERMITTED USES

- 1) The following are *permitted uses* in the C1 Zone:
 - a) *commercial uses*;
 - b) *institutional uses*;
 - c) *recreational uses*;
 - d) *apartment dwellings*; and
 - e) *public parking lots or structures*.
- 2) The following are permitted as *accessory uses* in the C1 Zone:
 - a) *accessory structures* in accordance with the requirements of section 4.2.

10.3 SPECIAL PERMIT USES

- 1) Notwithstanding section 10.2 above, *Council* may issue a *development permit* for the following *special permit uses*, subject to the requirements of sections 3.10 and 4.18 and such conditions as *Council* deems necessary:
 - a) *temporary commercial uses*; and
 - b) *service stations* and other activities associated with the *automobile* trade, except for a *scrap yard* or *auto body shop*.

10.4 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply to any *development* in a C1 Zone:
 - a) for *apartment dwellings*, the *lot* requirements of subsection 8.5(1)c) shall apply; and
 - b) for all other *uses*, the *lot* requirements shall be as follows:

Requirements

| | |
|-----------------------------------|---|
| Minimum lot area (fully serviced) | 604 sq. m. (6,500 sq. ft.) |
| Minimum frontage | 19.8 m. (65 ft.) |
| Minimum front yard | 4.6 m. (15 ft.) (if no parking in front of <i>building</i>) or, on Main Street, the average of the <i>front yard setbacks</i> of adjacent <i>buildings</i> with a <i>front yard setback</i> of less than 4.6 m. (15 ft.), where applicable |
| Minimum flankage yard | 4.6 m. (15 ft.) (if no parking in front of building) or, on Main Street, the average of the <i>front yard setbacks</i> of adjacent <i>buildings</i> with a <i>front yard setback</i> of less than 4.6 m. (15 ft.), where applicable |
| Minimum rear yard | 4.6 m. (15 ft.) |
| Minimum side yard | 3 m. (9.8 ft.) or the established <i>side yard setback</i> in the immediate area. |
| Maximum building height | 11 m. (36.1 ft.) |

- 2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations*, as amended from time to time, and where there is a conflict, the more stringent shall apply (see Schedule B).

10.5 SETBACKS FOR FIRE-RATED BUILDINGS

- 1) *Structures* may be permitted to be located on the *side lot line* or *rear lot line* where the *structure* is approved by the *Province's* Fire Marshall or certified by a qualified professional as having an appropriate fire-rated barrier under the National Building Code.

10.6 COMMERCIAL ZONES ADJACENT TO RESIDENTIAL ZONES

- 1) Notwithstanding any other provision of this *Bylaw*, where a *commercial development* located on lands zoned General Commercial (C1) directly abuts on any residential *zone*, the following conditions shall be met:
 - a) the *development* shall comply with the landscaping requirements of section 4.13;
 - b) any exterior lighting or illuminated *sign* shall be so arranged as to deflect light away from the adjacent residential *zone*; and
 - c) outdoor storage shall be prohibited adjacent to a residential *zone* unless it is hidden from view by means of a landscaped buffer hedge or adequate size or architectural screening such as a wall, *fence* or other appropriate *structure*.

10.7 DWELLINGS IN COMMERCIAL BUILDINGS

- 1) Where *dwelling units* are provided in connection with a *commercial use*, the following minimum standards shall apply:
 - a) a separate entrance shall serve the *dwelling units*;
 - b) for each *dwelling unit*, 37 sq. m. (398 sq. ft.) of landscaped open area and, notwithstanding the

- requirements of Part 6, one (1) *parking space* shall be provided; and
- c) each *dwelling unit* shall meet the requirements of the Provincial Fire Marshall.

10.8 TEMPORARY COMMERCIAL PERMITS

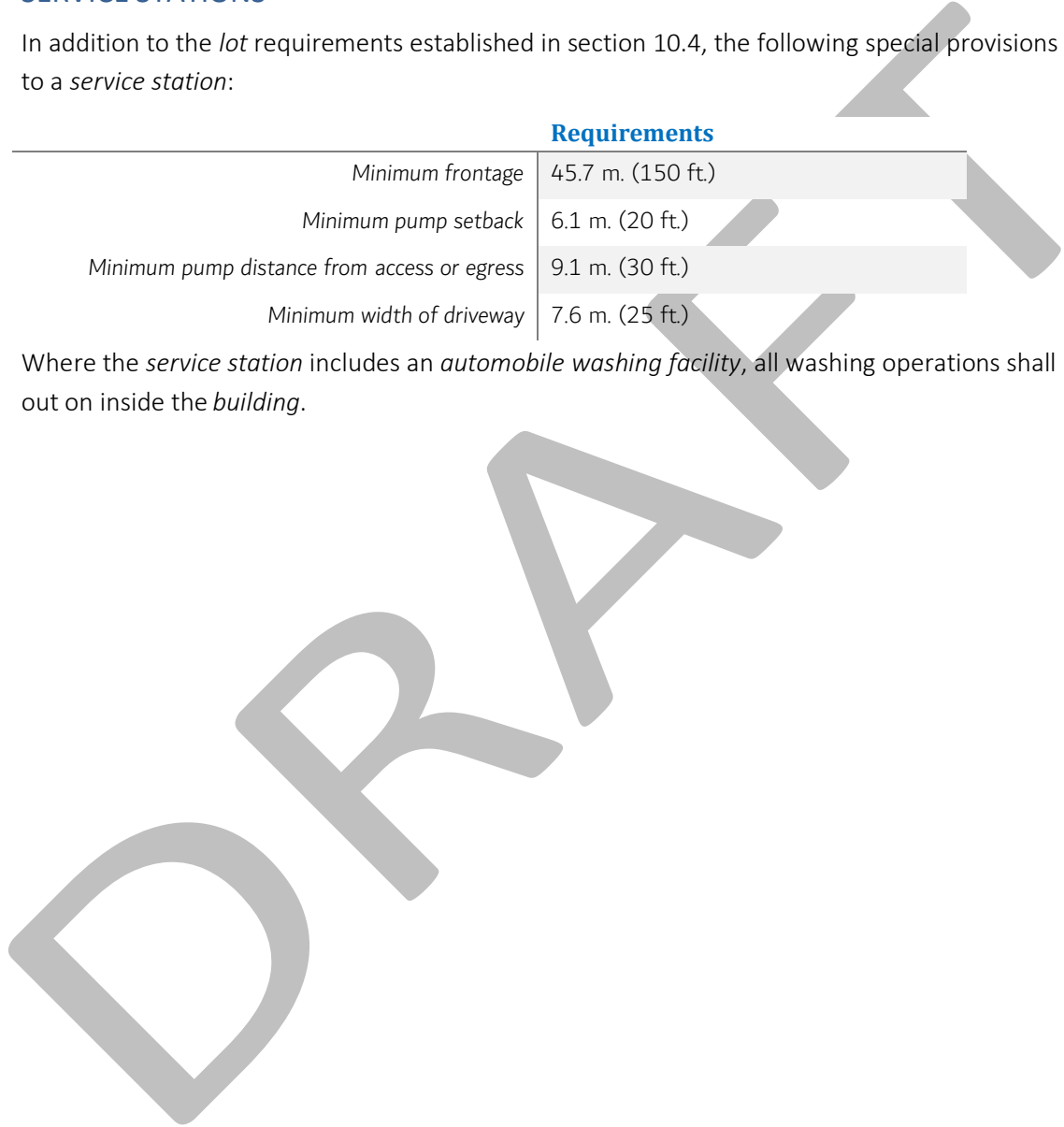
- 1) Notwithstanding any other provisions of this *Bylaw*, *temporary permits* may be issued for a transient-type *commercial* operation subject to compliance with section 4.27.

10.9 SERVICE STATIONS

- 1) In addition to the *lot* requirements established in section 10.4, the following special provisions shall apply to a *service station*:

| | Requirements |
|--|---------------------|
| <i>Minimum frontage</i> | 45.7 m. (150 ft.) |
| <i>Minimum pump setback</i> | 6.1 m. (20 ft.) |
| <i>Minimum pump distance from access or egress</i> | 9.1 m. (30 ft.) |
| <i>Minimum width of driveway</i> | 7.6 m. (25 ft.) |

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



11. INDUSTRIAL ZONE (M1)

11.1 GENERAL

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

11.2 PERMITTED USES

- 1) The following are *permitted uses* in the M1 Zone:
 - a) *commercial uses*;
 - b) *manufacturing and assembly*;
 - c) *warehousing*;
 - d) *transport operations*;
 - e) activities connected with the automobile trade other than a *scrap yard*;
 - f) *wholesale operations*;
 - g) farm machinery and heavy equipment dealerships and repair shops;
 - h) food processing, including *cannabis operations*;
 - i) *wind energy systems*, up to 100 KW;
 - j) marine or shipping related activities; and
 - k) activities related to the fishery.
- 2) The following are permitted as *accessory uses* in the M1 Zone:
 - a) *accessory structures* in accordance with the requirements of section 4.2.

11.3 SPECIAL PERMIT USES

- 1) Notwithstanding section 11.2 above, *Council* may issue a *development permit* for the following *special permit uses*, subject to the requirements of sections 3.10 and 4.18 and such conditions as *Council* deems necessary:
 - a) storage of sand and aggregate;
 - b) excavation pits; and
 - c) asphalt plants and concrete plants.

11.4 SITE-SPECIFIC AMENDMENT USES

- 1) Notwithstanding sections 11.2 and 11.3 above, the following may be permitted through the site-specific amendment process, subject to such conditions as *Council* deems necessary:
 - a) *wind energy systems* equal to or greater than 100 kilowatt (kW) but less than 1 megawatt (MW), subject to sections 4.23.

11.5 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply to any *development* in an M1 Zone:

| Requirements | |
|--------------------------------|-------------------------------|
| Minimum <i>lot area</i> | 1,394 sq. m. (15,005 sq. ft.) |
| Minimum <i>frontage</i> | 30.5 m. (100 ft.) |
| Minimum <i>front yard</i> | 7.5 m. (25 ft.) |
| Minimum <i>rear yard</i> | 7.5 m. (25 ft.) |
| Minimum <i>side yard</i> | 4.6 m. (15 ft.) |
| Minimum <i>flankage yard</i> | 7.5 m. (25 ft.) |
| Maximum <i>building height</i> | 11 m. (36.1 ft.) |

- 2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as amended from time to time, and where there is a conflict, the more stringent shall apply (see Schedule B).

11.6 INDUSTRIAL ZONE ADJACENT TO RESIDENTIAL ZONES

- 1) Notwithstanding any other provision of this *Bylaw*, where a *development* located on lands zoned Industrial (M1) directly abuts on any residential *zone*, the following conditions shall be met:
- a) the *development* shall comply the landscaping requirements of section 4.13;
 - b) any exterior lighting or illuminated *sign* shall be so arranged as to deflect light away from the adjacent residential *zone*; and
 - c) outdoor storage shall be prohibited adjacent to a residential *zone* unless it is hidden from view by means of a landscaped buffer hedge or adequate size or architectural screening such as a wall, *fence* or other appropriate *structure*.

11.7 SERVICING

- 1) All *developments* in a M1 Zone shall be serviced by municipal sewer services and municipal water supply.

12. AGRICULTURAL ZONE (A1)

12.1 GENERAL

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

12.2 PERMITTED USES

- 1) The following are *permitted uses* in the A1 Zone:
 - a) *agricultural uses*;
 - b) *single-detached dwellings*; and
 - c) *forestry uses*.
- 2) The following are permitted as *accessory uses* in the A1 Zone:
 - a) *accessory structures* in accordance with the requirements of section 4.2;
 - b) *agriculture-related uses*; and
 - c) *wind turbines*, up to 100 kw.

12.3 SPECIAL PERMIT USES

- 1) Notwithstanding Section 12.2 above, *Council* may issue a *development permit* for the following *special permit uses*, subject to the requirements of sections 3.10 and 4.18 and such conditions as *Council* deems necessary:
 - a) *intensive livestock operations*;
 - b) *shared housing, mini-homes, or tiny homes*, for the purpose of accommodating farm labourers; and
 - c) *event venues*, accessory to an *agricultural use*.

12.4 LOT REQUIREMENTS

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

Requirements

| | |
|-------------------------|-------------------|
| Minimum lot area | 0.4 ha (1 acre) |
| Minimum frontage | 45.5 m. (150 ft.) |
| Minimum front yard | 15 m. (49.2 ft.) |
| Minimum rear yard | 7.5 m. (25 ft.) |
| Minimum side yard | 4.6 m. (15 ft.) |
| Minimum flankage yard | 15 m. (49.2 ft.) |
| Maximum building height | 11 m. (36.1 ft.) |

- 2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as amended from time to time, and where there is a conflict, the more stringent shall apply (see Schedule B).

12.5 LIVESTOCK OPERATIONS

- 1) The following separation distances shall apply to all new livestock operations or extensions to existing livestock operations and to new *residential development developments* in the vicinity of a livestock operation:

| | Requirements |
|--|---------------------|
| distance from any dwelling on an adjacent property | 152.4 m. (500 ft.) |
| distance from street | 45.5 m. (150 ft.) |
| distance from any domestic well | 152.4 m. (500 ft.) |
| distance from any lot line | 15 m. (49.2 ft.) |

- 2) All *livestock buildings* shall have a manure storage facility with a capacity for retention of manure.
- 3) The *development officer* may consult the *Province's* Department of Agriculture or its successor for manure storage capabilities and design standards, and the livestock operator shall be required to follow those capacity and design requirements.
- 4) A *residential subdivision development* shall not be permitted within 152.4 m. (500 ft.) of an existing intensive livestock operation.

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13. OPEN SPACE ZONE (OS)

13.1 GENERAL

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

13.2 PERMITTED USES

- 1) The following are *permitted uses* in the OS Zone:
 - a) *public* and *private parks*;
 - b) *open space* and conservation activities;
 - c) *golf courses*;
 - d) *recreational uses* and recreational facilities;
 - e) *pavilions* and *band shells*; and
 - f) recreation administrative offices.
- 2) The following are permitted as *accessory uses* in the OS Zone:
 - a) *parking lots* related to the above;
 - b) *commercial uses* accessory to the *institutional* or *recreational use*; and
 - c) *accessory structures* in accordance with the requirements of section 4.2.

13.3 LOT REQUIREMENTS

- 1) Subject to subsection 2), the *setback* and *height* requirements of section 12.4(1) shall apply to *buildings* in the OS Zone.
- 2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as amended from time to time, and where there is a conflict, the more stringent shall apply (see Schedule B).

14. PUBLIC SERVICE & INSTITUTIONAL ZONE (PSI)

14.1 GENERAL

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

14.2 PERMITTED USES

- 1) The following are *permitted uses* in the PSI Zone:
 - a) *institutional buildings* and *uses*;
 - b) *public parks* and *private parks*;
 - c) *recreational uses*; and
 - d) *clubs*.
- 2) The following are permitted as *accessory uses* in the PSI Zone:
 - a) *accessory structures* in accordance with the requirements of section 4.2; and
 - b) *commercial uses ancillary* to the *institutional* or *recreational use*.

14.3 LOT REQUIREMENTS

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

| | Requirements |
|-------------------------|----------------------------|
| Minimum <i>lot</i> area | 697 sq. m. (7,500 sq. ft.) |
| Minimum frontage | 22.8 m. (75 ft.) |
| Minimum front yard | 4.6 m. (15 ft.) |
| Minimum rear yard | 4.6 m. (15 ft.) |
| Minimum side yard | 3 m. (9.8 ft.) |
| Minimum flankage yard | 4.6 m. (15 ft.) |
| Maximum building height | 11 m. (36.1 ft.) |
| Maximum lot coverage | 75% |

- 2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as amended from time to time, and where there is a conflict, the more stringent shall apply (see Schedule B).

15. ENVIRONMENTAL RESERVE (OVERLAY) ZONE (ER)

15.1 GENERAL

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

15.2 PURPOSE

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

15.3 PERMITTED USES

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

15.4 ZONE BOUNDARIES AND REQUIREMENTS

- 1) The *Zoning Map* shall indicate the approximate boundaries of the ER Zone; however, the exact boundaries of the ER Zone shall be the boundaries of all *wetlands*, *watercourses*, and *buffer zones* as determined by the *Province's* department responsible for the *Watercourse and Wetland Protection Regulations*.
- 2) The boundary of any *wetland*, *watercourse*, and *buffer zone* shall be shown on any site plan submitted to the *development officer* as part of a *development permit* application.
- 3) In the ER Zone, no *development* shall occur and no disturbance to the ground, soil or vegetation shall occur except in conformance with the *Watercourse and Wetland Protection Regulations* made pursuant to the *Environmental Protection Act*.

15.5 SETBACKS FROM WATERCOURSES, EMBANKMENTS AND WETLANDS

- 1) Notwithstanding anything contained in this *Bylaw*, the minimum horizontal setbacks for *watercourse* and *wetland buffer zones* shall be determined as follows:
 - a) *coastal area*: the greater of, measured from the top of the bank to the nearest exterior part of the proposed *structure*:
 - i. 15 m. (49.2 ft.) plus the minimum setbacks for the proposed *structure* for the underlying *zone*; or
 - ii. 60 times the annual rate of erosion, where applicable, as determined by the *Province's* department responsible for such calculations; or
 - b) *non-coastal area*:
 - i. 15 m. (49.2 ft.) of the any river, stream or *watercourse* located within or bordering on the legal boundaries of the *Town* plus the minimum setbacks for the proposed *structure* for the underlying *zone*; or
 - ii. on any *property* owned by the *Town*, within 60 m. (197 ft.) of the any river, stream or *watercourse* plus the minimum setbacks for the proposed *structure* for the underlying *zone*.
- 2) On a *lot* located within or adjacent to a *coastal floodplain*, no *structure* shall be *erected* or placed where the elevation of the *grade* of the *lot* is 3.05 m. (10.01 ft.) CGVD2013 (3.41 m. (11.19 ft.) CGVD28) or less to avoid potential coastal flood risk, except where the *structure* will be *used* for fishing or bait sheds, aquaculture operations, boat launches, wharfs, or *structures* on a *property* in which a wharf is located.
- 3) Notwithstanding subsection (2), where a *property* that is the subject of an application for a *subdivision* approval or *development permit* has been identified as having a risk of coastal flooding through a *coastal hazard assessment* and the finished *grade* of the *lot* can be raised to accommodate the projected risk, the proposed *subdivision* or *development* may be *permitted*, subject to the following:
 - a) the submission of a grading plan, designed and stamped by a *professional engineer*,
 - b) any alteration to the *grade* does not encroach into the *buffer zone*, as defined in the *Environmental Protection Act* and the *Watercourse and Wetland Protection Regulations*, except where a *watercourse*, *wetland* and *buffer zone* activity permit has been issued by the *Province*; and
 - c) compliance with all other applicable requirements of this *Bylaw*.
- 4) Where a *property* is at risk of coastal flooding or erosion, the *development officer* or *Council*, as appropriate, may require *property owners* to engage a *professional engineer*, *professional architect* or *landscape architect* regarding the design of any coastal *development* to ensure that the projected lifespan of the *development*, value of a *structure*, and individual risk tolerances are considered when making decisions about the *development* of a coastal *property*.

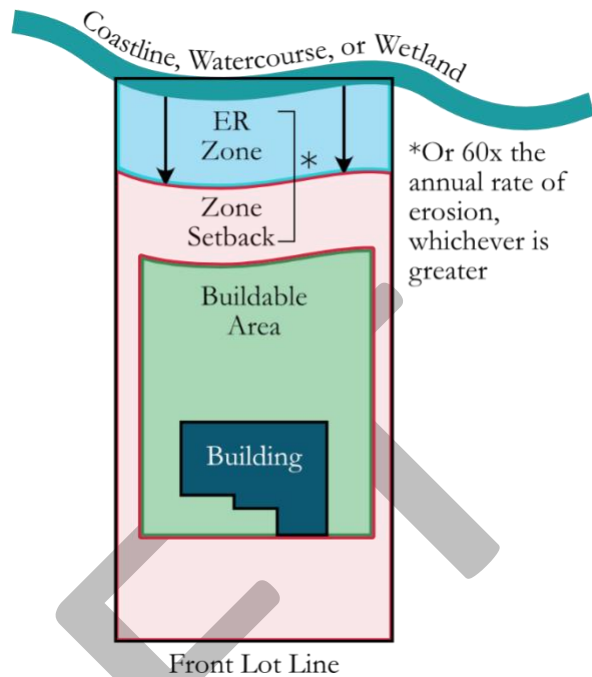


Figure 4 – horizontal setback – coastal areas, watercourses or wetlands

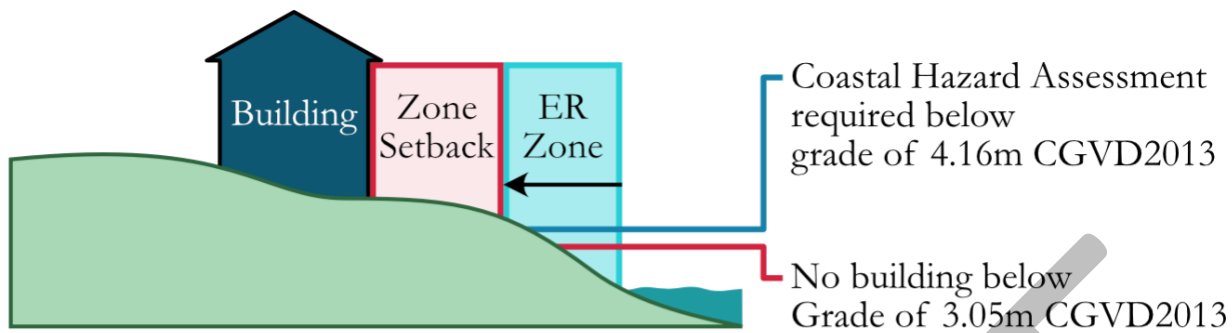


Figure 5 – Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, Example A

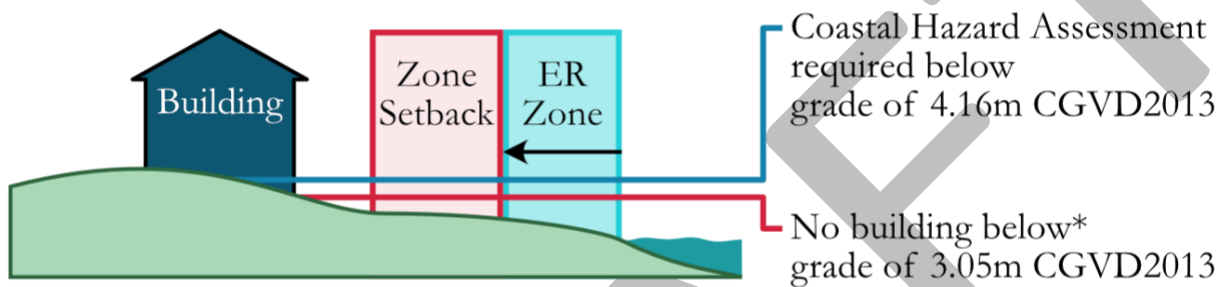


Figure 6 - Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, Example B

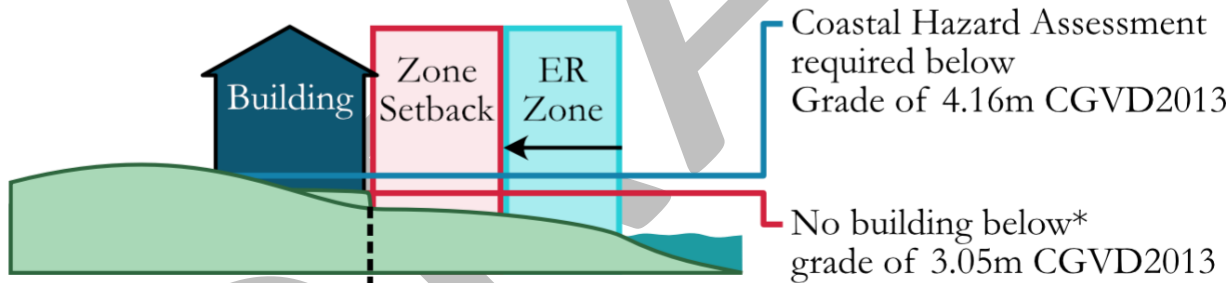


Figure 7 - Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, with raised grade

* Except where grade can be raised in area outside of the wetland and watercourse buffer

- 5) The *development officer* or *Council*, as appropriate, may require the *applicant* to provide an erosion management plan to address siltation and overland erosion during construction that may impact an adjacent *wetland* or *watercourse*.
- 6) *Development* will be in accordance with the *Province's* policies and regulations to address coastal flood risk, erosion, and environmentally sensitive areas.
- 7) *Council* may allow a *variance* to the provisions of this section in the case of a *development permit* application for an *accessory structure* if:
 - a) the *accessory structure* is not used for human habitation;

- b) the existing *parcel* of land has insufficient area to provide the setbacks described in subsection (1);
- c) the *owner* provides a signed waiver, in the form prescribed by *Council*, waiving all claims against the *Town*, its *Council* members, employees, agents, successors and assigns; and
- d) the *owner* enters into a *development agreement* with the *Town* which includes the obligation for the *owner* to obtain a written assignment of the waiver referenced in (c) from subsequent *owner(s)* before the *parcel*, or any part thereof, is conveyed.

15.6 CONSTRUCTION ON SAND DUNES

- 1) No *structure* shall be constructed, *erected* or placed:
 - a) on any primary or secondary sand dune, or a baymouth barrier sand dune; or
 - b) within 30.5 m. (100 ft.) of a primary or secondary sand dune.
- 2) *Structures* may be constructed, *erected*, or located on sand dunes other than primary or secondary sand dunes, or baymouth sand dunes, if:
 - a) the construction is unlikely to disturb more than 10 percent (10%) of the sand dune located on the *parcel*;
 - b) no part of the exterior of any proposed *structure* is located less than 30.5 m. (100 ft.) from the nearest *property boundary*; and
 - c) *Council* shall require the *developer* to apply to the *Province's* Department of the Environment for written approval under section 9 of the *Environmental Protection Act*, prior to consideration of a *development permit* application by *Council*.

16. WELLFIELD PROTECTION AREAS

16.1 GENERAL

- 1) Where a *lot* or a portion of a *lot* falls within the boundaries of a Wellfield Protection Area identified on Schedule D (Wellfield Protection and Environmental Reserve Overlays), the special provisions as outlined in Schedule E shall apply in addition to the standards and restrictions which apply to the underlying zone.

16.2 DEVELOPMENT

- 1) Where a *lot* or a portion of a *lot* falls within the boundaries of a Wellfield Protection Area, *Council* may determine the conditions to be attached to any *development permit* and shall give consideration to the requirements of Schedule E (Wellfield Protection Standards) and any other matters which in the opinion of *Council* could present a risk to the *Town's* groundwater resources.
- 2) Within the boundaries of any Wellfield Protection Area, *Council* may require any *owner* of a *property* that is the subject of an application for a *development permit* to enter into a *development agreement* in accordance with section 3.12.

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17. VARIANCES

17.1 VARIANCE APPLICATIONS

- 1) When a *development permit* application cannot be approved because the proposed *development* does not meet the minimum requirements of the *Bylaw*, the *applicant* may apply in writing for a *variance* on the form prescribed by *Council*.
- 2) Subject to the *Province-wide Minimum Development Standards Regulations*, a *variance* from the minimum requirements of this *Bylaw* may be granted for any of the following requirements provided they meet the intent of the *Official Plan*:
 - a) *lot area* or dimensions or both;
 - b) *setbacks*; or
 - c) the area or size of a *structure*, or
 - d) the *height* of a *structure*.
- 3) *Variance* applications shall be considered against the following tests for justifying a *variance*:
 - a) that the *lot* in question has peculiar physical conditions, including small *lot* size, irregular *lot* shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with *Bylaw* standards;
 - b) that strict application of all *Bylaw* standards would impose undue hardship on the *applicant* by excluding them from the same rights and privileges for reasonable *use* of their *lot* as enjoyed by other *persons* in the same *zone*;
 - c) that the *variance* is of the least magnitude required to enable reasonable *use* of the *lot*; and
 - d) that the proposed *variance* would not impact unduly on the enjoyment of adjacent *properties*, or on the essential character of the surrounding neighbourhood.
- 4) Authorization for a *variance* shall be documented and recorded in writing.
- 5) No *variance* shall be granted where the matter is the result of intentional or negligent conduct of the *owner*, including ignorance on the part of the *owner*, or where the difficulty can be remedied in some other reasonable manner.
- 6) When an application for a *variance* has been decided, *Council* may refuse to hear an application for the same or a similar *variance* for the *lot* for one (1) year after its rendering a decision unless *Council* is of the opinion that there is new information.

17.2 VARIANCES OF UP TO 5%

- 1) The *development officer* may authorize a *variance* not exceeding 5% from the provisions of this *Bylaw* if, in the opinion of the *development officer*, the *variance* is appropriate and justified pursuant to subsection 17.1(3) and if the general intent and purpose of this *Bylaw* is maintained.

17.3 VARIANCES OF UP TO 10%

- 1) *Planning Board* shall review each application for a *variance* in excess of 5% and provide a recommendation to *Council*.

- 2) Council may authorize a *variance* not exceeding 10% from the provisions of this *Bylaw* if, in the opinion of Council, the *variance* is appropriate and justified pursuant to subsection 17.1(3) and if the general intent and purpose of this *Bylaw* is maintained.

17.4 VARIANCES IN EXCESS OF 10%

- 1) Notwithstanding any other section of this *Bylaw*, Council, in its discretion, may authorize a *variance* in excess of 10% but no greater than 50% from the provisions of this *Bylaw*, where warranted, if Council deems such a *variance* appropriate and if such *variance* meets the criteria of subsection 17.1(3) and is in keeping with the general intent and purpose of this *Bylaw* and the *Official Plan* for the for the Town.
- 2) Before Council considers a *variance* in excess of 10%,
 - a) the *development officer* shall:
 - i. receive from the *owner* sufficient funds to cover the costs of the application fee, and the advertising and mailing of written notices required for a public meeting under section 18.4; and
 - ii. provide notice in accordance with the requirements of subsection 18.4(1), and
 - b) *Council* shall hold a public meeting to receive comments on the proposed *variance*.
- 3) *Council* shall consider the application having regard for the criteria in subsection 17.1(3), the input received from the public, the policies and objectives of the *Official Plan* and the recommendation from the *Planning Board*.

18. OFFICIAL PLAN AND BYLAW AMENDMENTS

18.1 AMENDMENT APPLICATIONS

- 1) A *person* making application for an amendment to the provisions of this *Bylaw* shall do so on a form prescribed by *Council* and shall submit the application to the *development officer*. The *applicant* shall describe in detail the reasons for the desired amendment and request that *Council* consider the proposed amendment. Any request for an amendment shall be signed by the *person* seeking the amendment or the *person's* authorized agent.
- 2) A change to either the text of this *Bylaw* or the *Zoning Map* is an amendment and any amendment shall be consistent with the policies of the *Official Plan*.
- 3) An application for an amendment shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal or other potential *permitted uses*, including but not limited to:
 - a) A general *development* concept 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 the *Town's* infrastructure and the natural environment.
- 4) The *applicant* shall, at the time of submitting the application for an amendment, deposit with the *Town* the application fee and any other required fees in accordance with the schedule of fees established by *Council* and annexed hereto as Schedule C.
- 5) *Council* shall determine whether or not to consider an amendment and before making a decision shall consider whether:
 - a) the proposed amendment is in conformity with the *Official Plan*; or
 - b) to amend the *Official Plan* in accordance with the provisions of the *Planning Act*.
- 6) Related *Official Plan* and *bylaw* amendments may be considered concurrently, provided that the public and written notices required under section 18.4 indicate in general terms the nature of both the proposed *Official Plan* amendment and proposed *bylaw* amendment, and consideration and a decision regarding the *Official Plan* amendment precedes the *bylaw* amendment.

18.2 SITE-SPECIFIC AMENDMENTS

- 1) *Council* may approve a site-specific amendment to the *permitted uses* and standards in any *zone* through a *bylaw* amendment process, where the following criteria are satisfied:
 - a) the proposed site-specific amendment is not contrary to the *Official Plan*. If an application is contrary to the policies in the *Official Plan*, an application to amend the *Official Plan* must be filed in conjunction with the application to amend the *Bylaw*;
 - b) the proposed use of land or a *building* that is otherwise not permitted in a *zone* is sufficiently similar to or compatible with the *permitted uses* in that *zone*; and
 - c) the proposed *use* does not undermine the overall integrity of the *zone*, is in the public interest, and is consistent overall with sound planning principles.
- 2) Prior to making a decision with regards to an application for a site-specific amendment, the *Town* shall

ensure that:

- a) written notice to adjacent *property owners* is provided in accordance with section 18.4, including details of the proposed *development* and inviting written comments;
 - b) a public meeting is held, where required for the proposed site-specific amendment, to receive comments on the proposed *use* in accordance with the requirements of section 18.4; and
 - c) all other relevant provisions of this *Bylaw* can be met.
- 3) Notwithstanding any other provision of this *Bylaw*, *Council* may approve a site-specific amendment to the *permitted uses* or regulations within any *zone*, after:
- a) receiving a recommendation from the *Planning Board*; and
 - b) following the process as prescribed for an amendment to this *Bylaw*.

18.3 AMENDMENT PROCEDURES

- 1) *Planning Board* shall review each amendment request and provide a recommendation to *Council*.
- 2) Prior to making a final recommendation with regards to a proposed amendment to the *Official Plan* or this *Bylaw*, *Planning Board* shall provide public notice and hold a public meeting in accordance with the provisions of section 18.4 in this *Bylaw* and the requirements of the *Planning Act*.
- 3) Following the public meeting, *Planning Board* shall consider the feedback received from the public by way of written responses and comments made at the public meeting. The *applicant* may be provided another opportunity to present to *Planning Board* to answer any further questions that may have arisen at or following the public meeting. *Planning Board* shall make a recommendation to *Council* on the application.
- 4) *Planning Board* and *Council* shall consider the following general criteria when reviewing applications for amendments to this *Bylaw*, as applicable:
 - a) conformity with the *Official Plan*;
 - b) conformity with all requirements of this *Bylaw*;
 - c) suitability of the site for the proposed *development*;
 - d) compatibility of the proposed *development* with surrounding land *uses*, including both existing and future *uses* as per the *Zoning Map*;
 - e) any comments from residents or other interested *persons*;
 - f) adequacy of existing water supply, wastewater treatment and disposal systems, *streets*, stormwater management, and *parks* and *parkland* for accommodating the *development*, and any projected infrastructure requirements;
 - g) impacts from the *development* on pedestrian and *vehicular* access and safety, and on public safety generally;
 - h) compatibility of the *development* with environmental systems;
 - i) impact on the *Town's* finances and budgets; and
 - j) other matters as considered relevant by the *Planning Board* or *Council*.
- 5) Following the public meeting and after having considered the recommendation from the *Planning Board*, *Council* shall formulate a decision on the proposed amendment. *Council* shall have the authority to

determine whether an amendment request is approved, modified, or denied in accordance with the procedures established under the *Planning Act*.

- 6) All amendments to the *Official Plan* or this *Bylaw* shall be made in accordance with the procedures set out in the *Planning Act*.
- 7) The *development officer* shall notify the *applicant* in writing of the decision and the decision shall be posted on the *Town's* or other website in accordance with section 23.1 of the *Planning Act*. Where a proposed amendment has been denied by *Council*, the reasons for the denial shall be stated in writing to the *applicant*.
- 8) No *development permits* or *subdivisions* related to a proposed amendment shall be approved until the approval from the Minister responsible for administering the *Planning Act* or any successor legislation has been granted for the necessary amendments.
- 9) When an application for an amendment has been decided, *Council* may refuse to hear the same or a similar application for one (1) year after rendering a decision unless *Council* is of the opinion that there is new information.
- 10) The *Council* retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land use planning standards or the *Official Plan*. Should the *Council* not proceed with a public meeting, the application fee as per subsection 18.1(4) shall be returned to the *applicant*.
- 11) When an application for an amendment to the *Official Plan* or this *Bylaw* has been decided, *Council* may refuse to hear an application for the same or a similar amendment for the *lot* for one (1) year after its rendering a decision unless *Council* is of the opinion that there is new information.
- 12) Nothing in this *Bylaw* restricts the right of *Planning Board* or *Council* to initiate its own amendment to the *Official Plan* or this *Bylaw*.

18.4 PUBLIC MEETING REQUIREMENTS

- 1) Where a public meeting is required under this *Bylaw*, the *development officer* shall, at least seven (7) *clear days* prior to the public meeting;
 - a) ensure that a notice is placed in a newspaper circulation in the area and on the *Town's* website;
 - b) ensure that written notice is provided to all *property owners* wholly or partially within 152.4 m. (500 ft.) of all boundaries of the subject *property*, where the subject of the meeting is an application for a *variance* pursuant to subsection 17.4(2) or where the *property* is the subject of the meeting for an amendment to the *Official Plan* or this *Bylaw*, including a change in zoning or a site-specific amendment; and
 - c) in the case of an application for a change in zoning or a site-specific amendment, ensure a sign a minimum of 1.2 m. by 1.2 m. (4 ft. by 4 ft.) is placed on the land being proposed for a rezoning or site-specific amendment indicating that an application has been received and directing people to contact the *Town* to get the specific details.

18.5 ZONING AND GENERAL LAND USE MAP REVISIONS

- 1) The *development officer* may make technical revisions to the *Zoning Map* and the Future Land Use Map in the *Official Plan* for purposes of

- a) better reflecting detailed or changing topographical or legal conditions such as new *streets* or approved *lots*; or
- b) ensuring that the *Zoning Map* and the Future Land Use Map in the *Official Plan* reflect approved amendments to the *Official Plan* and *Bylaw*.

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19. GENERAL PROVISIONS FOR SUBDIVIDING LAND

19.1 SUBDIVISION APPROVAL

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

19.2 CONVEYING INTEREST IN A LOT

- 1) No *person* shall sell or convey any interest in a *lot* before the *Council* has issued a stamp of approval for the *lot* or the *subdivision* in which the *lot* is situated.

19.3 PERMISSION TO SUBDIVIDE

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

19.4 REDUCED LOT FRONTAGE OR AREA

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

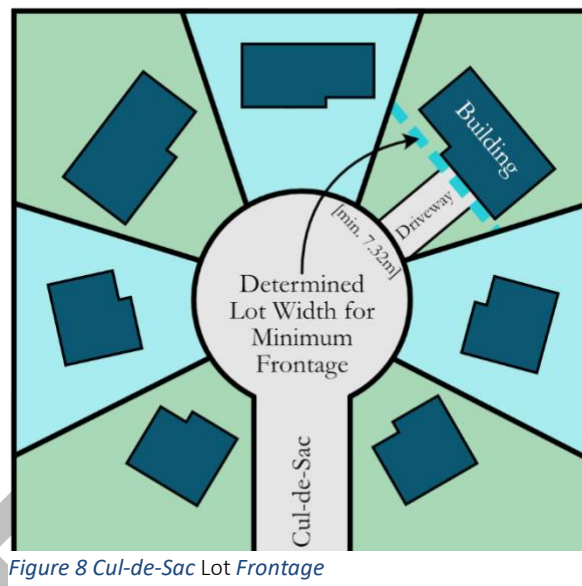


Figure 8 Cul-de-Sac Lot Frontage

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

19.5 ROAD STANDARDS

- 1) All new streets or extensions to existing streets shall be *streets* and no *subdivision* shall be permitted of a *lot* served by a *private road*.
- 2) All new *streets* shall be developed to the *Province's* public road standards.
- 3) All applications for *subdivisions* along or accessing provincially-owned *streets* shall be reviewed by the *Province's* department responsible for the *Roads Act*, and where an entrance way permit or other approval or permit is required pursuant to the *Roads Act*, a final approval of *subdivision* shall not be granted until that entrance way permit or other approval or permit has been granted.
- 4) Subject to section 19.4 and subsection (1) above, and all other requirements of this *Bylaw*, the *subdivision* of *lots* that abut, and require access to, a *collector highway* that has not been designated as infill under the *Roads Act* shall be subject to the following standards:

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

- 5) Subject to section 19.6 and subsection (1) above, and all other requirements of this *Bylaw*, one *lot*, in addition to those permitted in clauses 19.5(4)(a) or (b), may be approved provided that:
 - a) the proposed *lot* contains an existing *farm dwelling* served by an existing *highway* access;
 - b) the *dwelling* on the *lot* shall be served by the existing *dwelling* access; and
 - c) no *development permit* shall be issued for a *dwelling* on the remainder of the parent *parcel*.
- 6) Subsection (4) does not apply to a *parcel* of land along a portion of a *collector highway* that is designated for infilling under the regulations made under the *Roads Act*.
- 7) Notwithstanding the restrictions on *subdivisions* specified in subsection (4), and subject to section 19.6 and subsection (1), a *person* may subdivide *lots* from a *parcel* of land that abuts, and requires access to, a *collector highway*, provided:
 - a) the *person* has applied for and obtained approval of a plan of *subdivision* that includes approval for a *street* connecting to and within the *subdivision* to serve the *lots*; and
 - b) all other requirements of this *Bylaw* can be met.

19.6 SUBDIVISIONS IN AGRICULTURAL (A1) ZONE

- 1) Within an Agricultural (A1) *Zone*, *subdivisions* shall be restricted to existing *parcels* only and no *person* shall be permitted to *subdivide* more than two (2) *lots*.
- 2) For the purposes of this section “existing parcel” shall mean a parcel of *land* which was held in separate ownership as of January 1, 1980.
- 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*.

19.7 SUBDIVISIONS IN COASTAL, WATERFRONT, AND WETLAND AREAS

- 1) Where a *subdivision* is located adjacent to a *coastal area*, *watercourse*, or *wetland*, the *subdivision* shall be subject to the following:
 - a) *public* access to the beach shall be provided if the *property* being subdivided includes *shore frontage* on a beach, with at least one access measuring at least 6.1 m. (20 ft.) to be located approximately every 200 m. (656.2 ft.) of *shore frontage*;

- b) the area to be set aside as *parkland* dedication may include land located along the *watercourse*; and
 - c) compliance with the requirements of subsection 4.4.
- 2) The area of a *lot* that is subject to the Environmental Reserve (Overlay) *Zone* may be included as part of the *lot* in a *subdivision* where the *lot* has sufficient area exclusive of the Environmental Reserve *Zone* area to permit the required *setbacks*, on-site services and the minimum circle diameter requirements under the *Province-wide Minimum Development Standards Regulations*.
- 3) Where a *lot* or a portion of a *lot* contains a *wetland* or *watercourse*, the boundary of which is defined by the *Watercourse and Wetland Protection Regulations*, the *lot(s)* shall meet the minimum *lot area* for the *zone* exclusive of the area of the *wetland* or *watercourse*.

19.8 SUBDIVIDING OF ATTACHED DWELLINGS

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

19.9 PARKLAND DEDICATION AND/OR PARK DEDICATION FEE

- 1) A *person* seeking to subdivide 3 or more *lots*, exclusive of the parent *parcel*, shall be required to dedicate and convey to the *Town* 10% of the lands being *subdivided* from the parent *parcel* for recreation and *public open space* purposes, subject to the following:
- a) the location of the *parkland* to be conveyed shall be at the discretion of, and shall be subject to approval by *Council*;

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

19.10 APPLICATION AND PRELIMINARY APPROVAL PROCESS

- 1) Any *person* seeking *Council's* approval of a *subdivision* shall first make application for preliminary approval, and shall be required to submit to the *Town* the following:
 - a) an application in the form prescribed by the *Council*;
 - b) the application fee as set forth in Schedule C;
 - c) four (4) copies of a preliminary subdivision plan drawn to scale showing:
 - i. the true shape and dimensions of every *lot*;
 - ii. the location of every existing *structure* on the *parcel*;
 - iii. existing and proposed services and utilities;
 - iv. proposed widths and locations of all *streets*;
 - v. location of land proposed for the parkland dedication, if applicable;
 - vi. proposed surface water drainage patterns and designed drainage features, when applicable; and
 - vii. other existing features, including *buildings*, *watercourses*, *wetlands*, *buffer zones*, wooded areas, and areas subject to current or projected future flooding or erosion.
- 2) *Council* may also require the *applicant* to provide additional information required to assist it in evaluating a proposed *subdivision*, including, but not limited to:
 - a) a soil test conducted in a manner acceptable to *Council*;
 - b) contours and spot elevations;
 - c) a water test;
 - d) an assessment on any potential environmental impacts, including any requirements imposed by the

Province's statutes or regulations or other enactments;

- e) a stormwater management plan in accordance with section 3.8;
 - f) a traffic survey or a traffic study; and
 - g) any other studies or documentation required in order to adequately determine whether the requirements of this *Bylaw* are met.
- 3) *Council* shall evaluate any proposed *subdivision* to determine whether:
- a) the proposed *subdivision* meets the intent of the *Official Plan* and the requirements of Part 19 of this *Bylaw*;
 - b) appropriate *street* design standards and *lot* configurations have been used to promote the *development* of safe, convenient, and pleasant neighbourhoods; and
 - c) a *subdivision* agreement shall be required in accordance with section 19.11.
- 4) *Council* may refuse to approve a *subdivision* which is unsuitable under the provisions of this *Bylaw*.
- 5) Where a *subdivision* application is submitted concurrently with a rezoning application, the preliminary *subdivision* approval shall not be granted until the rezoning application has been processed and has received approval.
- 6) *Street* design drawings and a stormwater management plan prepared by a *professional engineer* shall be submitted with an application for preliminary approval for any *subdivision* involving the construction of a new *street*.
- 7) Where *Council* generally accepts the details of a *subdivision* application, they may issue a preliminary approval, which shall include all conditions to be satisfied for the *subdivision* to proceed to final approval.
- 8) Preliminary approval for any proposed *subdivision* shall not be construed as final approval of such *subdivision* for legal conveyance or for land registration purposes.

19.11 SUBDIVISION AGREEMENT

- 1) *Council* may require an *applicant* to enter into a *subdivision agreement* prior to issuing preliminary approval. The *subdivision agreement* may cover such matters required in order to ensure compliance with this *Bylaw* and may include, but not be limited to the following:
- a) the design and construction costs of sidewalks, water supply, wastewater treatment and disposal, *streets*, and street lighting;
 - b) the dedication of *parkland*, or payment of a fee in lieu of *parkland*;
 - c) the building of *streets* to provincial standards and deeding of *streets* to the *Province's* Department of Transportation and Infrastructure or its successor or to the *Town*, as the case may be;
 - d) the posting of a financial guarantee, performance bond, or other security satisfactory to *Council*;
 - e) the provision of a controlled landscape plan and stormwater management plan to facilitate the drainage of water and to guard against flooding of *lots* within the *subdivision* and adjacent *properties*;
 - f) the provision of such services, facilities or actions as are necessary to ensure the satisfactory *development* of the *parcel*;

- g) the provision for the *phasing* of the *subdivision*; and
 - h) the preservation and enhancement of surface water drainage systems.
- 2) The *subdivision agreement* shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *subdivision agreement* shall be paid by the *developer*.

19.12 FINAL APPROVAL

- 1) Except where otherwise provided for in this *Bylaw*, a stormwater management plan prepared by a *professional engineer* shall be submitted with an application for final approval for any *subdivision* of a *lot* into three (3) or more *lots*. The stormwater management plan shall include an overall surface water management strategy for the proposed *subdivision*, and shall include the proposed general location and top of the foundation elevation for the *main buildings* to be *erected* on each *lot*.
- 2) Final *subdivision* approval shall be granted by the *Town* only after the *applicant* has:
- a) complied fully with all applicable requirements of this part, any *subdivision agreement* between the *applicant* and the *Town*, and any other conditions of preliminary approval;
 - b) submitted at least seven (7) copies of a final *survey plan* showing all *lots* pinned and certified by a *professional land surveyor*; and
 - c) all agreements and other documents required under this *Bylaw* have been prepared and concluded to the satisfaction of the *development officer*;
 - d) all transactions involving the transfer of land, money or security in conjunction with the *subdivision* have been concluded to the satisfaction of the *development officer*; and
 - e) the *applicant* has completed any necessary conditions of agreements with the *authority having jurisdiction* respecting *street* construction and the *street* has been accepted as public.
- 3) The *development officer* may require the *applicant* to provide a digital file containing the (real earth) geographic co-ordinates of the plan of *subdivision*.
- 4) The *development officer* shall give notice of final approval of a *subdivision* in writing and shall place the *Town's* approval stamp on the seven copies of the *survey plan* and shall return one copy to the *applicant*.
- 5) The *Town* shall file a copy of the final *survey plan* with:
- a) the *Province's* Registrar of Deeds (2 copies);
 - b) the *authority having jurisdiction* for the *streets*, as required;
 - c) the local utilities, as required; and
 - d) the *Town's* files.
- 6) The *Town* may grant final approval to part of a *subdivision* which is proposed to be developed in *phases*.

19.13 CONSOLIDATIONS

- 1) Any approval for a *lot consolidation* shall be conditional on the *applicant* combining the *lots* by deed expressing the perimeter boundary of the new parcel. The deed shall be registered in accordance with the *Registry Act* and all fees associated with the preparation and registration of the deed shall be paid by the *developer*.

- 2) Notwithstanding subsection 19.10, applications for final approval for *lot consolidations* or boundary line adjustments may be submitted without the preliminary approval stage of the application process, having regard to the provisions in the *Bylaw* for the approval of *subdivisions*, as may be applicable, and provided the application otherwise conforms to the *Bylaw*.

19.14 DEVELOPMENT PERMITS

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

19.15 RESCINDING OR ALTERING APPROVAL

- 1) An existing approved *subdivision* or portion thereof may be rescinded or altered by the *Council* if:
 - a) the *subdivision* has been carried out contrary to the application, the conditions of approval, or the requirements of this *Bylaw*; or
 - b) the *owner* has confirmed in writing that the sale of *lots* is no longer intended and has requested that approval be rescinded.

DRAFT

20. PENALTIES

20.1 FINES

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

21. NOTICE OF DECISIONS

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

22. APPEALS

- 1) Any *person* who is dissatisfied by a decision enumerated in section 28 of the *Planning Act* in respect to the administration of this *Bylaw* may, within twenty-one (21) days of the decision, appeal to the Island Regulatory and Appeals Commission in accordance with the *Planning Act*.
- 2) Notwithstanding subsection (1) above, no appeals may be filed regarding a decision of the *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*.

23. REPEAL

23.1 EFFECTIVE DATE

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

23.2 REPEAL

- 1) The *Town* of Souris Zoning and Subdivision Control (Development) Bylaw, **Bylaw # (enacted DATE, last amendment DATE)** is hereby repealed.

24. DEFINITIONS

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

In this *Bylaw*:

A

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

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

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

AGRICULTURE-RELATED USE means any uses of a parcel or building for the storage, display or sale of goods directly and primarily related to resource uses, including but not limited to:

- i) veterinary clinics;
- ii) production and sale of beverages or food derived from products from the agricultural operation;
- iii) farm markets;
- iv) farm machinery sales and service; and
- v) farm-based tourism

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

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

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

ARCHITECTS ACT means the *Architects Act*, R.S.P.E.I. 1988 Cap. A-18.1, as amended from time to time.

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 percent (20%) of the length of the wall or roof line is common with the *main building* or *structure* wall or roof.

AUTHORITY HAVING JURISDICTION means the *Council* or the *Province*.

AUTO BODY SHOP means a *building used* for the storage, repair, and servicing of motor *vehicles* including body repair, detailing, painting and engine *rebuilding*.

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

AWNING means a roof-like shelter of canvas or other material extending over a doorway, from the top of a window, over a *deck*, etc., in order to provide protection, as from the sun.

B

BARRIER FREE ACCESS UNIT means a unit designed for those with physical or other disabilities, involving the provision of alternative means of access to steps (e.g., ramps and lifts (elevators) for those with mobility problems), also known as *universal* or *barrier-free unit*.

BASEMENT means a *storey* or *storeys* of a *building* located below the *ground floor*.

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

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

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

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

BUILDING CODES ACT means the *Building Codes Act*, R.S.P.E.I 1988, Cap. B-5.1, as amended from time to time.

BUILDING LINE means any line defining the position of a *structures* on a *lot*.

BUSINESS means a premise where goods and/or services are offered, including but not limited to premises *used* for the retail, wholesaling, manufacture or conversion of goods.

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

BYLAW means the Town of Souris Land Use Bylaw.

C

CAMPGROUND means an area of land, managed as a unit, providing short term accommodation for tents, tent trailers, *recreational vehicles* and campers, featuring more than 3 *campground sites* or *RV sites* or both.

CAMPGROUND SITE or RV SITE means an individual outdoor space, within a *campground* or *RV park* or the premises of a *tourism establishment*, providing short term accommodation for tents, tent trailers, *recreational vehicles* and campers and allocated to one *person* or group.

CANNABIS means cannabis as defined by the Government of Canada, pursuant to the *Cannabis Act*

CANNABIS OPERATION means a facility or premises authorized by a license issued by the Government of Canada, pursuant to the *Cannabis Act* for growing, producing, processing, testing, storing, or distribution of *cannabis* but does not include the retail sale of *cannabis*-related products.

CAR WASH means a *building* or part thereof *used* for the operation of manual, automatic or semi- automatic automobile washing equipment.

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

CHANGE OF USE means the change of purpose for which land, *buildings*, or *structures*, or any combination thereof, is designed, arranged, *erected*, occupied, or maintained.

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

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

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

COASTAL AREA means all the lands, including surface water bodies, streams, rivers, and off-shore islands in the *Town*, lying within 500 m. (1640.42 ft.) inland and seaward of the mean high-water mark of all coastal and tidal waters.

COASTAL FLOODPLAIN means the area of land adjacent to the shoreline that will be affected by a coastal flooding event (i.e., storm surge) with a 1% chance of happening annually, often referred to as the 1-in-100 year flood level.

COASTAL HAZARD ASSESSMENT means a summary report issued by the *Province* describing the potential erosion and flood hazards associated with a coastal *property*.

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

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

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

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

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

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

CONSOLIDATE – see LOT CONSOLIDATION

COUNCIL means the *Council* for the Town of Souris.

D

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

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

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

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

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

DEVELOPMENT means the carrying out of any *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, *structure*, *buildings*, or premises.

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

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

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

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

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

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

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

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

MULTIPLE ATTACHED DWELLING means a *building* containing three or more *dwelling units* and includes

apartment dwellings, townhouse dwellings, and stacked townhouse dwellings.

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

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

STACKED TOWNHOUSE DWELLING means a *building*, other than a *townhouse* or *apartment building*, containing 3 or more *dwelling units* attached side by side, two units high, where each *dwelling unit* has an independent outdoor entrance at grade.

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

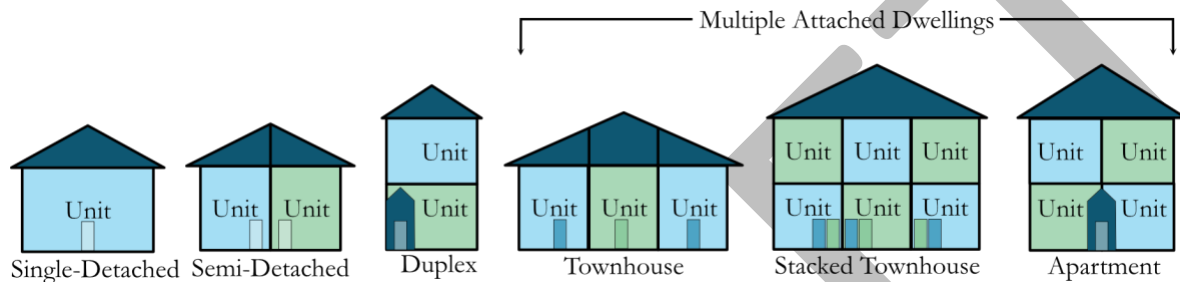


Figure 9 – Examples of dwelling types

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

E

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

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

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

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

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

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

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

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

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

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

F

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

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

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

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

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

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

FISHERY USE means a use of land, wharves and *buildings* for uses specific to the fishery including industrial fish plants, vessel construction and major repair, and storage of materials (boats, traps, nets and equipment) in the off-season.

FLOOR AREA means:

with reference to a *dwelling* - the area contained within the outside walls including any *attached garage*, *porch*, *veranda*, *sunroom*, *greenhouse*, *basement*, but excluding any unfinished attic;

with reference to a commercial *building* - the total usable *floor area* within a *building used* for commercial purposes excluding washrooms, furnace rooms and common halls between stores; and

with reference to an *accessory structure* - the area contained within the outside walls.

FORESTRY USE means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the growing and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products. Forestry use includes a sawmill and woodworking shop.

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

G

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

- i) accessory to the main *dwelling*;
- ii) located within an *accessory structure*;
- iii) located on its own footing or foundation; and
- iv) not attached to the *main building*.

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

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

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

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

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

H

HEIGHT means the vertical distance measured from the average finished *grade* to the highest point of a *structure*.

HIGHWAY – see STREET

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

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

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

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

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

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

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

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

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

I

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

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

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

INTENSIVE LIVESTOCK OPERATION means a place where livestock are found in a density greater than seven animal units per acre in confined area to which the livestock have access, with the calculation of animal units to be determined by the *Province*.

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

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

K

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

L

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

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

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

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

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

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

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

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

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

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

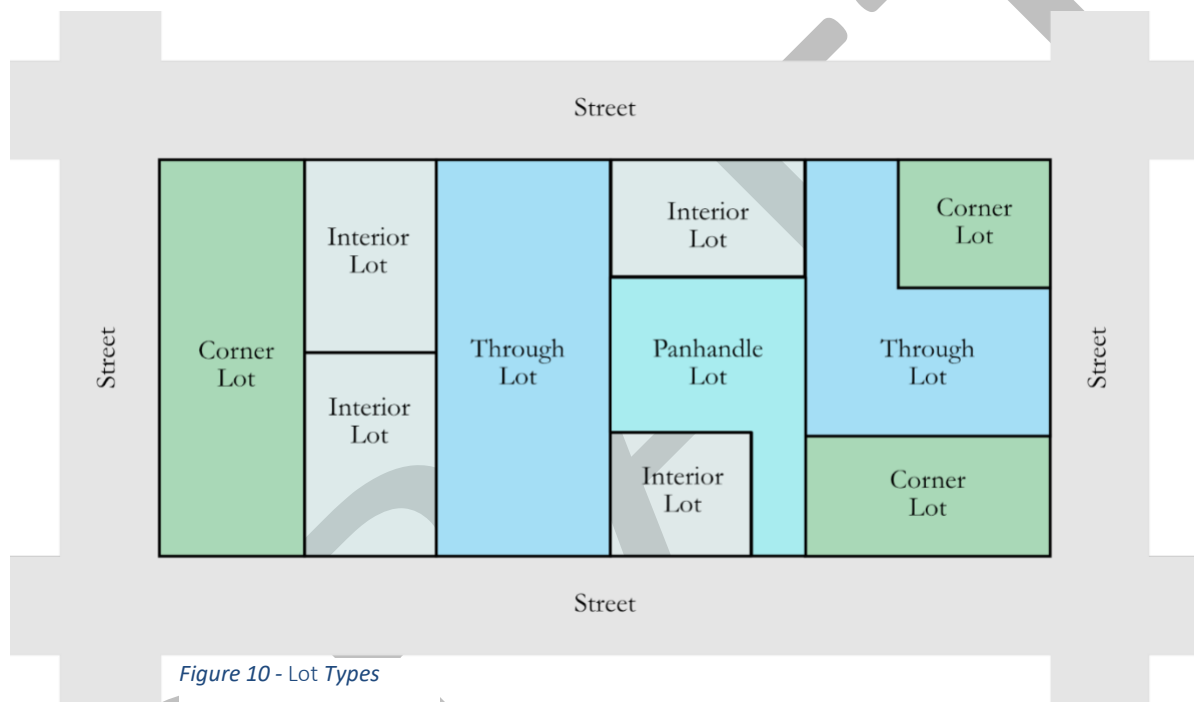


Figure 10 - Lot Types

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

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

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

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

LOT LINE means any boundary of a *lot*.

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

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

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

SIDE LOT LINE means a *lot line* other than a front, rear or *flankage lot line*.

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

M

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

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

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

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

MINI-HOME COURT means a parcel of land on which a number of *mini-home* sites are provided, and which may include other directly related *uses* such as *mobile homes*.

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

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

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

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

N

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

O

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

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

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

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

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

OUTDOOR WOOD FURNACE means an outdoor wood-burning appliance, or a solid fuel burning appliance, used for the space heating of buildings, *structures*, water or other similar purposes and is located outside of that *structure*.

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

P

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROVINCE means the Province of Prince Edward Island.

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

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

PUBLIC means for the *use* of the general population.

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

R

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

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

RECREATIONAL VEHICLE means a *vehicle* 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*. *Recreational vehicles* may often be referred to as RVs.

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

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

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

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

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

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

ROAD – see STREET

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

S

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

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

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

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

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

SENIOR CITIZEN means a person deemed to be eligible for accommodation in a Senior Citizen Home under the terms of the PEI Housing Corporation Act or comparable Provincial statute.

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

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

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

SEVERANCE - see SUBDIVISION.

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

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

SHARED HOUSING USE means a *use* that contains 4 or more *bedrooms*, that meet one or more of the following.

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

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

multi-unit dwelling use.

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

SHORE FRONTAGE means, with respect to a *parcel* of land, the side or sides of the *parcel* of land that abut the waters of the Gulf of St. Lawrence, or any body of water that is connected to tidal waters and has a tidal flow.

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

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

BILLBOARD SIGN means a free-standing *sign* larger than 4.6 sq. m. (50 sq. ft.) in gross area, or a wall *sign* covering more than ten percent (10%) of the wall area to which it is affixed.

FASCIA SIGN means a *sign* mounted on the exterior wall surface of a *building*.

FREE-STANDING SIGN means a self-supporting *sign* not attached to any building, wall or *fence*, but in a fixed location. This does not include portable or trailer type *sign*.

OFF-PREMISES SIGN means a *sign* that identifies or directs attention to a *business*, profession, commodity, service, event or other activity not being conducted, sold or offered on the *property* on which the *sign* is located.

POLITICAL SIGN means a *sign* promoting a candidate or political party in support of an election.

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

PROJECTING SIGN means a *sign* that projects from and is supported by the wall of a *building*.

ROOF SIGN means a *sign* which is located above, or projects above, the lowest point of the eaves of the top of the parapet wall of any *building*, or which is painted on or fastened to a roof.

SANDWICH SIGN means a self-supporting, two-sided, A-frame style *sign* that is not affixed to the ground.

TEMPORARY SIGN means a *sign* intended to be used for a period of no more than 30 days.

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

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

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

associated *solar collectors*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

T

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

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

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

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

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

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

TOWN means the area incorporated and known as the Town of Souris.

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*.

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

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

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

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

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

managing or controlling any plant or equipment either directly or indirectly, to or for the public,

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

V

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

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

W

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

WATER WELL REGULATIONS means the Water Well Regulations made under the *Environmental Protection Act*, as amended from time to time.

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

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

WATERCOURSE BOUNDARY means:

in a non-tidal *watercourse*, the edge of the sediment bed; and

in a tidal *watercourse*, the top of the bank of the *watercourse* and where there is no discernable bank, means the mean highwater mark of the *watercourse*.

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

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

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

Y

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

FRONT YARD means a *yard* extending fully across a *lot* between the *front lot line* and the nearest point of the

main wall of any *main building* on the *lot*. The ‘*minimum front yard*’ is measured at the *minimum yard depth* as required under this *Bylaw*.

REAR YARD means a *yard* extending fully across a *lot* between the *rear lot line* and the nearest point of the *main wall* of any *main building* on the *lot*. The ‘*minimum rear yard*’ is measured at the *minimum yard depth* as required under this *Bylaw*.

SIDE YARD means a *yard* extending between the front and *rear yards* and the nearest point of the *main wall* of any *main building* on the *lot*. The ‘*minimum side yard*’ is measured at the *minimum yard depth* as required under this *Bylaw*.

FLANKAGE YARD means the *side yard* of a *corner lot* extending from the *front yard* to the *rear yard* and between the *flankage lot line* and the nearest point on the *main wall* of any *main building* on the *lot*. The ‘*minimum flankage yard*’ is measured at the *minimum yard depth* as required under this *Bylaw*. Where a *minimum flankage yard* is not separately specified, the ‘*minimum side yard*’ shall also apply to a *flankage yard*.

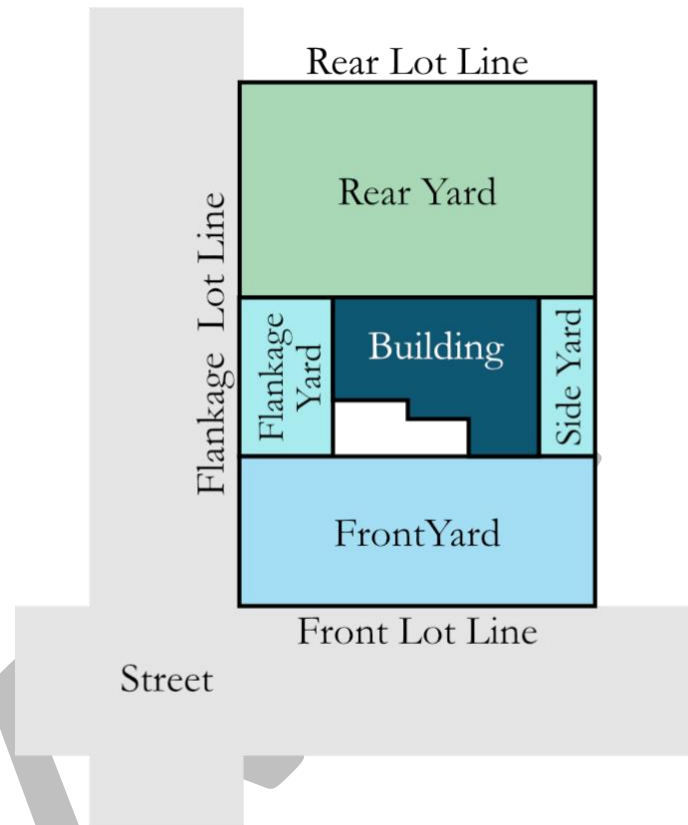


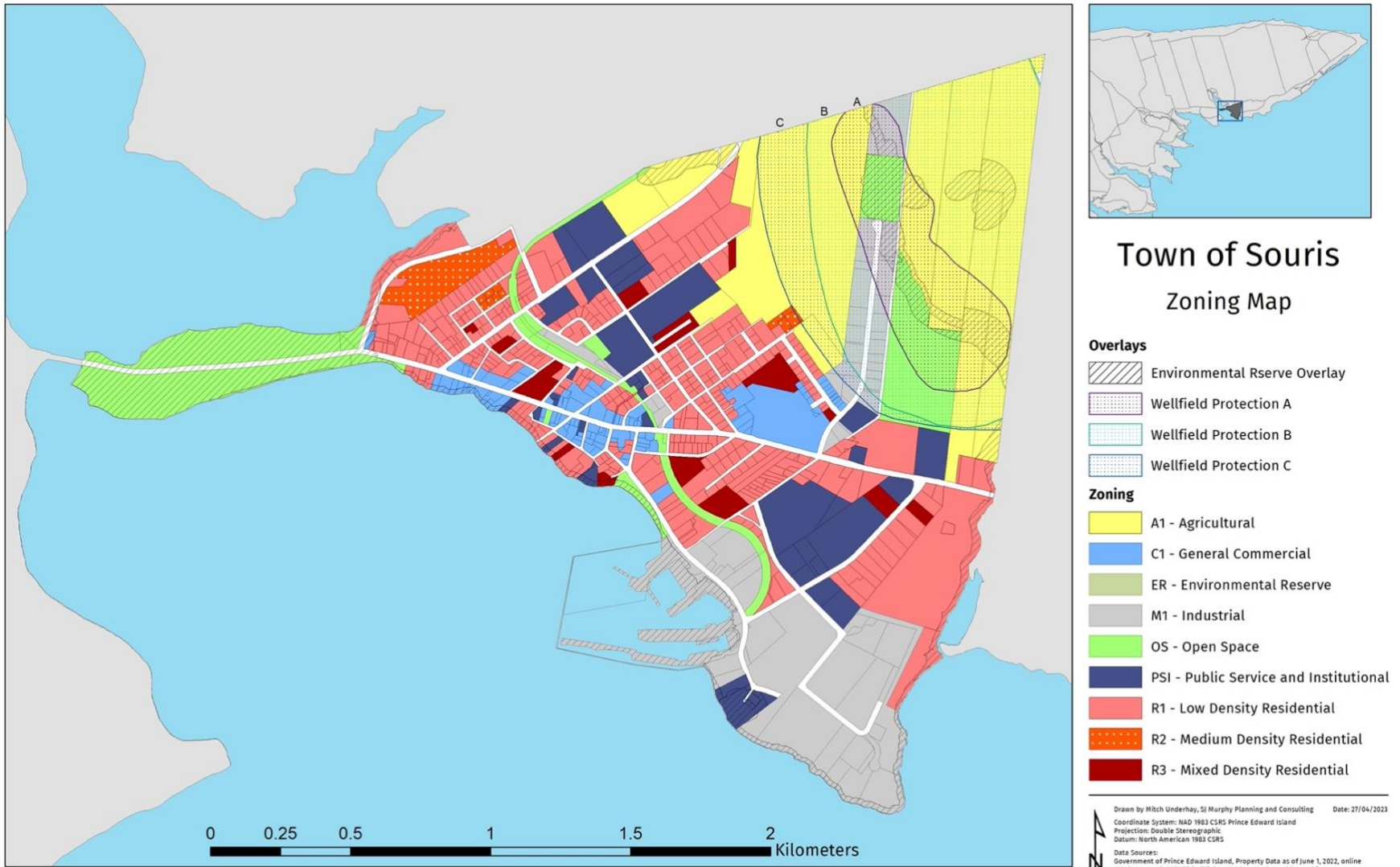
Figure 11 - Yard Types

YURT means a *structure used* for *temporary human habitation*, consisting of a frame covered by natural or synthetic materials, and approved pursuant to the *Tourism Industry Act* and Regulations, or any successor legislation.

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

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

SCHEDULE A | ZONING MAP (draft)



SCHEDULE B | PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS

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

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

PLEASE NOTE

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

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

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

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

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PLANNING ACT
Chapter P-8

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS
REGULATIONS

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

1. **“authority having jurisdiction”, defined**

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

Idem, existing definitions

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

2. **Application**

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

3. **Lot size**

Revoked by EC41/96.

4. **Residential**

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

Location

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

Reduced size

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

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

Reduced circle requirement

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

5. Non-residential

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

Exception

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

6. Categories of lots

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

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

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

7. Upgrade

Revoked by (*EC694/00*).

8. Application

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

9. Minor variance

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

Variance, public utility use

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

MINIMUM HIGHWAY ACCESS

10. Minimum highway access standards

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

Entrance way permit

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

TABLE 1
MINIMUM LOT SIZE STANDARDS:
RESIDENTIAL LOTS

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

TABLE 1

| (a) Servicing | (b) Lot Category | (c) Minimum Lot Frontage | (d) Number of Dwelling Units | (e) Minimum Lot Area sq. ft. / sq. m. | (f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres |
|---|------------------|--------------------------|---------------------------------|---|---|
| central water supply and on-site sewage disposal system | I | 50 feet / 15.25 metres | 1 2 3 4 more than 4 | 20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit | 125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m. |
| central water supply and on-site sewage disposal system | II | 50 feet / 15.25 metres | 1 2 3 4 more than 4 | 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit | 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m. |
| central water supply and on-site sewage disposal system | III | 50 feet / 15.25 metres | 1 2 3 4 more than 4 | 40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 55,000 sq. ft. / 5,110 sq. m. 55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit | 200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 275 ft. / 83.8 m. |
| central water supply and on-site sewage disposal system | IV | 50 feet / 15.25 metres | 1 2 3 4 more than 4 | 60,000 sq. ft. / 5,580 sq. m. 65,000 sq. ft. / 6,450.5 sq. m. 70,000 sq. ft. / 6,510 sq. m. 75,000 sq. ft. / 6,975 sq. m. 75,000 sq. ft. / 6,975 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit | 275 ft. / 83.8 m. |
| central water supply and on-site sewage disposal system | V | N/A | N/A | not developable | N/A |
| on-site water supply and central waste treatment system | I or II | 50 feet / 15.25 metres | 1 2 3 4 more than 4 | 15,000 sq. ft. / 1,393.5 sq. m. 20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit | 100 ft. / 30.5 m. 125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 160 ft. / 48.8 m. |
| on-site water supply and central waste treatment system | III | 50 feet / 15.25 metres | 1 2 3 4 more than 4 | 20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit | 125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m. |

| (a) Servicing | (b) Lot Category | (c) Minimum Lot Frontage | (d) Number of Dwelling Units | (e) Minimum Lot Area sq. ft. / sq. m. | (f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres |
|---|---------------------------------|---|---|--|---|
| central water supply and waste treatment systems | I, II, or III | n/a | any number | as determined by the Minister | as determined by the Minister |

TABLE 2

TABLE 2
MINIMUM LOT SIZE STANDARDS:
NON-RESIDENTIAL LOTS

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

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

SCHEDULE C | SCHEDULE OF FEES

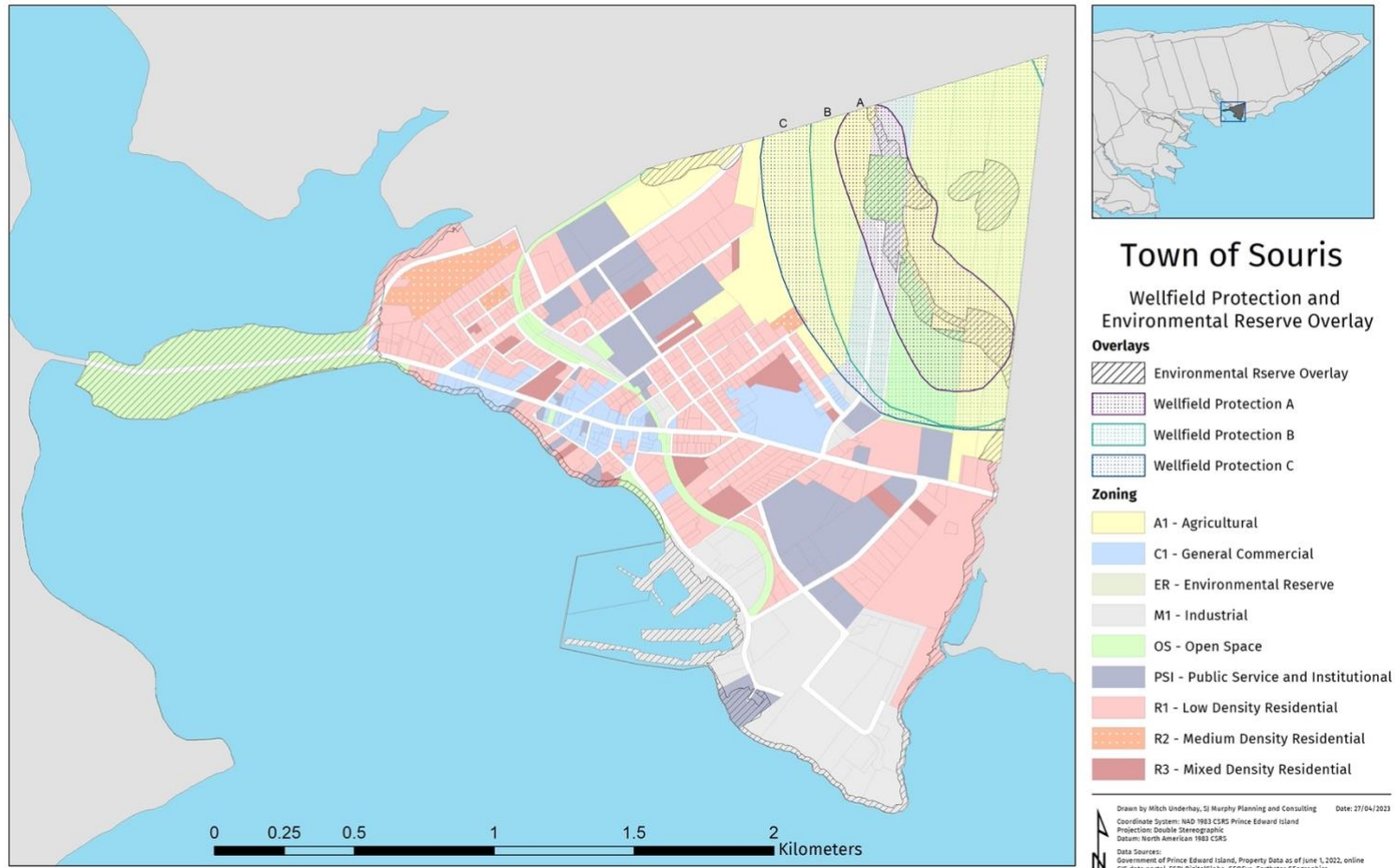
Last revised: [Date of second reading and adoption of Bylaw]

| Application Type | Fee |
|--|--|
| Residential: New building, addition, or renovation | \$200 per unit |
| Accessory Structures: Up to 20.4 sq. m. (220 sq. ft.) (including but not limited to small storage sheds, decks, and pools) Over 20.4 sq. m. (220 sq ft) | \$50 \$100 |
| Commercial, Industrial, and Institutional New building Addition or renovation | \$500 \$250 |
| General Fees Change of Use Demolition Permits obtained after work has started Zoning Inquiry Variance | \$50 \$50 \$200 or double the permit fee, whichever is greater \$50 \$100 + public meeting costs where applicable* |
| Subdivision Up to 5 lots Over 5 lots | \$250 \$250 for first five lots + \$25 per additional lot |
| Official Plan and Bylaw amendments, including rezoning | \$250 + public meeting costs* |

* Associated costs shall be actual, quantifiable costs incurred by the Town in order to process the application or amendment, including professional and legal fees, notification fees for newspaper ads, hall rental, rental of public address system, and advertisement costs, postage, signage and any other the cost associated with the public meeting. A \$2,000.00 deposit must be paid by the applicant prior to the holding of any public meetings required under the Bylaw or by Council. Any monies paid in excess of the applicable fees and associated costs shall be refunded to the applicant.

Refunds: all fees are non-refundable.

SCHEDULE D | WELLFIELD PROTECTION AND ENVIRONMENTAL RESERVE OVERLAYS



NOTE: In the event of a conflict between the underlying zones on this map and those of the Zoning Map in Schedule A, those of Schedule shall prevail.

SCHEDULE E | WELLFIELD PROTECTION STANDARDS

| LAND USE ACTIVITY | WELLFIELD PROTECTION ZONE A (WPA) (250 DAY) | WELLFIELD PROTECTION ZONE B (WPB) (5 YEAR) | WELLFIELD PROTECTION ZONE C (WPC) (25 YEARS) |
|---|--|---|--|
| LIVESTOCK OPERATION | Pasturing of animals at existing operations Permitted with controls on animal densities. | Pasturing of animals at existing operations permitted with controls on animal densities. | Pasturing of animals at existing operations permitted with controls on animal densities. |
| FERTILIZER (INCLUDING MANURE APPLICATION) | Not permitted. | Application allowed according to an approved nutrient management plan. | Application allowed according to an approved nutrient management plan. |
| MANURE STORAGE | No new storage permitted. Existing storage operations not to increase in volume and to be upgraded to current standards. | Storage permitted if it is stored in a clay-lined pit, a steel or concrete structure, or some other government approved containment system. | Storage permitted if it is stored in a clay-lined pit a steel or concrete structure, or some other government approved containment system. |
| MANURE DISPOSAL | Not permitted. | Not permitted. | Not permitted. |
| PESTICIDE STORAGE | Not permitted. | Storage allowed in a contained area of up to 15 kg or a total volume of 15L. whichever is less. | Storage allowed in a contained area up to 50 kg or a total volume of 50L. Whichever is less. |
| PESTICIDE APPLICATION | Not permitted. | Application allowed as part of an IPM approach. Restrictions on use of some products. Permits may be required. | Application allowed as part of an ipm approach. Restrictions on use of some products. Permits may be required. |
| NON-AGRICULTURAL LAND USES | | | |
| NEW RESIDENTIAL DEVELOPMENT | Single family unit development allowed with provisions including but not limited to: must be fully serviced for water and wastewater, must not use oil heat, and must meet all municipal development criteria. | Single-detached unit and multiple unit dwellings allowed with provisions, including but not limited to: must be fully serviced for water and wastewater, and must meet all municipal development standards. | Single-detached unit and multiple unit dwellings allowed with provisions including but not limited to: must meet all municipal development criteria. |

| LAND USE ACTIVITY | WELLFIELD PROTECTION ZONE A (WPA) (250 DAY) | WELLFIELD PROTECTION ZONE B (WPB) (5 YEAR) | WELLFIELD PROTECTION ZONE C (WPC) (25 YEARS) |
|----------------------------|---|--|--|
| NEW COMMERCIAL DEVELOPMENT | <p>No multiple dwelling units allowed.</p> <p>No new development.</p> | <p>Development allowed at the discretion of Council with provisions including but not limited to: must be fully serviced for water and wastewater, must include a stormwater management plan, all wastes must be disposed of outside of the wellfield protection zones, and must meet all municipal development criteria.</p> <p>Development not permitted:</p> <ul style="list-style-type: none"> Any development or activity that requires the use of Dense, Non-aqueous Phase Liquids (DNALPLs)* | <p>Development allowed at the discretion of council with provisions including but not limited to: must include a stormwater management plan, all wastes must be disposed of outside of the wellfield protection zones, and must meet all municipal development criteria.</p> <p>Development not permitted:</p> <ul style="list-style-type: none"> any development or activity that requires the use of dense, non-aqueous phase liquids (DNAPLS)* |
| NEW INDUSTRIAL DEVELOPMENT | <p>No new development.</p> | <p>Development allowed at the discretion of Council with provisions including but not limited to: must be fully serviced for water and wastewater, must include a stormwater management plan, and must meet all municipal development criteria.</p> <p>Development not permitted:</p> <ul style="list-style-type: none"> Any development or activity that requires the use of Dense, Non-aqueous Phase Liquids (DNAPLS)*. | <p>Development allowed at the discretion of council with provisions including but not limited to: must be fully serviced for water and wastewater and include a stormwater management plan, and must meet all municipal development criteria.</p> <p>Development not permitted:</p> <ul style="list-style-type: none"> Any development or activity that requires the use of dense, non-aqueous phase liquids (DNAPLS)* |

| LAND USE ACTIVITY | WELLFIELD PROTECTION ZONE A (WPA) (250 DAY) | WELLFIELD PROTECTION ZONE B (WPB) (5 YEAR) | WELLFIELD PROTECTION ZONE C (WPC) (25 YEARS) |
|------------------------------------|---|---|--|
| PESTICIDE STORAGE AND APPLICATION | Not permitted. | <p>Storage allowed in a contained area up to a total weight of 10kg or a total volume of 10L, whichever is less.</p> <p>Can apply pesticides using manufacturer recommended amounts and concentrations provided that pesticide containers are disposed of outside of the wellfield protection zones.</p> | <p>Storage allowed in a contained area up to a total weight of 15kg or a total volume of 15l, whichever is less.</p> <p>Can apply pesticides using manufacturer recommended amounts and concentrations provided that pesticide containers are disposed of outside of the wellfield protection zones.</p> |
| FERTILIZER STORAGE AND APPLICATION | Can do routine gardening and lawn maintenance, including composting for residential purposes. | <p>Storage of up to 75kg in total weight or 75L in total volume, whichever is less, allowed in a contained area.</p> <p>Can apply lawn fertilizer (other than animal manure) between April 1 and October 31, at a rate not exceeding 75 kg in total weight or 75L in total volume, whichever is less, per hectare per year.</p> <p>Can store fertilizers (other than animal manure) up to 75kg in total weight or 75L in total volume, whichever is less.</p> <p>Can apply packaged, manufactured, or processed compost products that do not contain pathogens.</p> | <p>Storage of up to 75kg in total weight or 75l in total volume, whichever is less, allowed in a contained area.</p> <p>Can apply lawn fertilizer (other than animal manure) between April 1 and October 31, at a rate not exceeding 75kg in total weight or 75l in total volume, whichever is less, per hectare per year.</p> <p>Can store fertilizers (other than animal manure) up to 75kg in total weight or 75l in total volume, whichever is less.</p> <p>Can apply packaged, manufactured, or processed compost products that do not contain pathogens.</p> |

| LAND USE ACTIVITY | WELLFIELD PROTECTION ZONE A (WPA) (250 DAY) | WELLFIELD PROTECTION ZONE B (WPB) (5 YEAR) | WELLFIELD PROTECTION ZONE C (WPC) (25 YEARS) |
|---------------------------|---|---|--|
| RECREATIONAL ACTIVITIES | Allowed with provisions as determined by Council. | Allowed | Allowed |
| BULK SALT STORAGE | Not permitted | Not permitted | Not permitted |
| BULK STORAGE OF PETROLEUM | No new underground tanks permitted. Existing tanks must be inside and/or provide secondary containment. | No new underground tanks permitted. Existing tanks must be inside and/or provide secondary containment. | Bulk fuel storage and/or new underground tanks not permitted. Existing tanks allowed, but must be inside and/or provide secondary containment. |
| ROAD SALT APPLICATION | Not permitted | Not permitted | Not permitted |
| CEMETERY | No new cemeteries permitted. | No new cemeteries permitted. | No new cemeteries permitted. |
| EXCAVATION PITS | Not permitted. | Not permitted. | Not permitted. |

* Dense, Non-aqueous Phase Liquids (DNAPLs) are chemicals that are denser than water and cannot mix with water, hence they can sink to the bottom of an aquifer where they may be extremely difficult or even impossible to remove.

SCHEDULE F | WIND ENERGY SYSTEMS STANDARDS

For the purpose of this schedule, the following definitions shall apply:

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

OFF-GRID means a stand-alone generating system not connected to or in any way dependent on the utility grid.

ON-SITE WIND ENERGY SYSTEM (OWES) means a system consisting of a wind turbine, a tower, and associated control or conversion electronics, which is intended to provide electrical power for on-site use only and is not intended or used to produce power for resale or distribution.

SMALL OWES means a wind energy system, which has a rated name plate capacity of up to 100 KW.

LARGE OWES means a wind energy system which has a rated name plate capacity 100 KW or more but less than 1 MW.

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

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

WIND ENERGY SYSTEM (WES) means a system consisting of a wind turbine, a tower, guy wires and associated control or conversion electronics to convert wind mechanical energy to electricity.

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

DEVELOPMENT PERMITS AND AGREEMENTS

- 1) Any *development permit* issued for the establishment of an *OWES* shall be subject to a *development agreement* in accordance with the requirements of section 3.13 of this *Bylaw*. This *agreement* shall be a contract binding on both parties, containing all conditions which were attached to the *development permit*, as well as any other matters identified pursuant to subsection (2).
- 2) Prior to the issuance of a *development permit* for a small *OWES* (up to 100 KW in capacity), *Council* shall ensure that:
 - a) the *development* does not cause any hardship to surrounding *property owners* due to excessive noise, safety issues, traffic congestion or any other potential disturbance;
 - b) the *development* is deemed appropriate and complements the scale of any existing *development*;
 - c) ensure that written notice is provided to all *property owners* wholly or partially within 200 m. (600 ft.) of the subject *OWES* providing details of the proposed *development* and inviting them to provide their comments; and
 - d) all other relevant provisions of this *Bylaw* and applicable provincial or national regulations shall be met.

SHARED WIND ENERGY SYSTEMS

- 3) A *large OWES* shared by multiple landowners in an industrial *zone* may be permitted subject to meeting the requirements of subsection (2) above.

SETBACKS

- 4) The *turbine* base shall be no closer to the *property line or street* than three times the height of the wind turbine.
- 5) Any *OWES* shall be located at a distance of at least 3 times the total system *height* from any habitable *buildings*.
- 6) Any *large OWES* shall be located a distance of at least 1 km from any residential use.
- 7) *Council* may waive *setback* requirements from adjacent *properties* if they are party to a shared *OWES* on an industrial parcel.
- 8) In addition to satisfying the minimum *setback* requirement noted above, the minimum distance of a freestanding *wind turbine* from a *dwelling* shall meet the *setback* requirements for the noise generated (see subsection (15) below).

NOISE

- 9) The mean value of the sound pressure level from any wind energy systems shall not exceed more than 5 decibels (dBA) above background sound, as measured at the exterior of the closest existing or potential neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 10 m/s and except during short term events such as utility outages and/or severe wind storms.
- 10) Notwithstanding the above noise regulation, the maximum allowed noise level generated by a wind energy system in residential areas shall be 45 dBA for wind speed 10m/s, as measured at the exterior of the existing (or future) closest neighbouring inhabited dwelling.

NUMBER OF TURBINES

- 11) A maximum of one *OWES* per property is permitted.

COMPLIANCE WITH NATIONAL STANDARD

- 12) Permit applications for *small wind energy systems* (*OWES*) shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, anchoring method and drawn to scale. An engineering analysis of the wind turbine tower showing compliance with the National Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted.
- 13) Where it is required, small wind energy systems must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient. Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process. Small wind turbine towers shall not be artificially lighted except as required by Navigation Canada.
- 14) *Development permit applications* for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to existing electrical codes, if applicable.

UTILITY NOTIFICATION

- 15) No grid-interconnected wind energy system shall be installed until evidence has been provided that the

utility company has been informed of the customer's intent to install an interconnected customer-owned generator. A copy of a letter to the applicant's utility is sufficient. No response or evidence of approval from the utility is required.

- 16) Off-grid systems and grid-tied systems that are capable of feeding onto the grid with advanced control grid fault protection and disconnect switches covered under the electrical code shall be exempt from this requirement.

ABANDONMENT OR DECOMMISSIONING

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

APPLICATION REQUIREMENTS

- 18) Applications shall contain the following information:
 - a) the *applicant's* and *property owner's* name, address and phone number;
 - b) a site plan to scale showing property lines, easements, setback lines and layout of all structures on the lot as certified by a *professional land surveyor*;
 - c) the location of all structures, habitable buildings, power lines or other utility lines on site and on adjoining *properties* within a radius equal to three (3) times the proposed *tower height* as certified by a *professional land surveyor*;
 - d) standard drawings, to scale, of the structural components of the OWES, including structures, pole or tower, base, footings, guy lines where required, and guy line anchor bases;
 - e) the drawing shall include the distance of these components from all property as certified by a *professional land surveyor*;
 - f) the *height* and location of any *structure* over 10.7 m. (35 ft.) within a 153 m. (500 ft.) radius on-site or off-site of the proposed WES as certified by *professional land surveyor*;
 - g) certification from a *professional engineer* that the rotor and overspeed control has been designed for the proposed use on the proposed site;
 - h) a copy of letters notifying in writing all *property owners* within 200 m. (600 ft.) of the proposed OWES; and
 - i) a decommissioning plan.

HEIGHT

- 19) The minimum *height* of the lowest position of the WES blade shall be at least 7.62 m. (25 ft.) for WES above the ground.

APPEARANCE

- 20) Lighting of the facility shall be prohibited, unless required by Transport Canada;

- 21) No signs shall be displayed on any part of the *WES*. Manufacturer's logos may be displayed only on the nacelle and shall be no larger than 0.02 sq. m. (0.25 sq. ft.);
- 22) The *WES* shall be designed and placed in such a manner to consider all adverse visual impacts on neighbouring areas. The colours and surface treatment of the *WES* and supporting structures shall be non-reflective and unobtrusive.

CERTIFICATION AND DESIGN

- 23) The *WES* shall be designed and installed in accordance with CSA standards;
- 24) The safety of the design and installation of all *WES* towers shall be certified by a *professional engineer*;
- 25) All *WES* shall be equipped with manual and automatic overspeed controls to limit rotation of blades to speeds below the designed limits of the conversion system. The *professional engineer* shall certify that the rotor and overspeed control design and fabrication conform to proper engineering practices;
- 26) The *WES* shall be designed and installed to withstand natural lightning strikes as certified by a *professional engineer*.

APPROVALS

- 27) Preliminary approval of the *WES* shall only be granted after successful completion of the application in conformance with this *Bylaw* and subject to the provisions contained herein. Only then shall the applicant proceed to construct the *WES*.
- 28) Final approval of the *WES* shall only be granted after successful inspection by a *professional engineer*. Only then shall the applicant proceed to operate the *WES*.

SEVERABILITY

- 29) If any provision of this Part is held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable.

SCHEDULE G | SITE-SPECIFIC AMENDMENTS

The following *properties* have been subject to a *site-specific amendment* to the *permitted uses* or standards by way of an amendment to a *zone* for a particular *property* or *properties*, including *properties* with identified *uses* permitted by *site-specific amendment* during the *development* of this *Bylaw*. The expansion or intensification of the below-noted *uses* or standards shall not be permitted except through a further *site-specific amendment* or where permitted through a *development agreement*.

| Zone | PID | Civic Address | Use | Regulation | Effective Date |
|-----------------|---------|----------------|------------------------------------|------------|------------------------------|
| M1 – Industrial | 1032432 | 24 Hope Street | 65m high <i>wind energy system</i> | 11.4(1)(a) | Effective Date of this Bylaw |

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