

Clyde River PEI

Draft Development By-law

February 2023

By-law # XXXX

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Appendices

Appendix A: Minimum Lot Area and Lot Width Requirements for Lots on Partial or Private Services

1. Scope

1.1. Title

- 1) This By-law is known as the “Development By-law” of the Rural Municipality of Clyde River.

1.2. Purpose

- 1) The purpose of the Development By-law is to establish:
 - a) Regulations with respect to planning and land use matters affecting the general welfare, health, safety and convenience of persons in the Rural Municipality of Clyde River;
 - b) Regulations with respect to the subdividing or consolidating of land parcels; and
 - c) Regulations and procedures with respect to administration of planning permits, development agreements, public participation, amendments, enforcement and penalties, and related administrative matters.

1.3. Area Defined

- 1) The provisions of this By-law shall apply to all lands within the physical boundaries of the Rural Municipality of Clyde River.

1.4. Authority from the Province of Prince Edward Island

- 1) This Development By-law is enacted under the authority of the Planning Act, R.S.P.E.I. 1988, Cap. P-8, referred to here as the “Planning Act” and the Municipal Government Act, 2016 c.44 R.S.P.E.I. 1988, Cap. M- 12.1.

2. Definitions

In this By-law,

“Accessory” means a use, building or structure customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

“Accessory apartment” means a secondary dwelling accessory to a Single-Unit Dwelling within the same building that is equipped as an independent living facility and accessed by a private entrance from outside of the building or from a common hallway or stairway inside the building.

“Accessory building” means a separate subordinate building, not used for human habitation, that is used or intended for the better or more convenient enjoyment of the main building to which it is accessory and located upon the same lot as the main building.

“Accessory dwelling” means a secondary dwelling on a lot in addition to a primary dwelling and may include an Accessory Apartment or a Secondary Suite.

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

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

“Alter” means

- a) with reference to a building or part thereof, to change any one or more of the external dimensions of the building;
- b) with reference to a lot, to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise, and “altered” and “alteration” shall have corresponding meanings.

“Animal hospital” means a building or part of a building used by a veterinary surgeon where companion domestic animals (household pets) and birds are kept for treatment including surgery, and where veterinary drugs and other related products, including pet food, may be sold.

“Auction establishment” means the offering for sale of new and used goods by means of request or invitation for bids, includes a livestock auction sales barn and vehicle or liquidation auction.

“Automobile body shop” means an establishment where motor vehicle bodies, exteriors or undercarriages are painted or repaired. Accessory uses may include a towing service and

the rental of motor vehicles to customers whose motor vehicles are being repaired. This definition shall not include a salvage yard as defined herein.

“Automobile dealership” means a place where new or used passenger or family vehicles such as cars, vans, motorcycles and trucks, are leased, rented, sold or auctioned at retail. Accessory uses may include enclosed and/or exterior showroom and areas for display; car wash; automobile service; automotive parts sales/distribution; automobile body and structural work and painting; storage and parking areas for vehicles which are for lease, rent, sale or auction and for those being serviced by the dealership; office space; and restricted eating establishment.

“Automobile service station” means a building where gasoline, propane, diesel fuel or oil is kept for sale including alternative sources of fuel or electrical charging stations, where only minor or emergency repairs essential to the actual operation of motor vehicles may also be performed, where grease, anti-freeze, tires, spark plugs and other automobile accessories may be sold incidentally, and where motor vehicles may also be oiled, greased, or washed, but where no other activities of a commercial garage are carried on.

“Automotive store” means an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools. Accessory uses may include service bays for performing maintenance and repair operations on motor vehicles. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

"Bed and breakfast" means a dwelling occupied by the owner and used incidentally to provide accommodation and meals to transient travellers but does not include a boarding house, rooming house, hostel, group home, hotel, motel, restaurant or lounge.

“Boat house” means an accessory building or structure intended for use to house, shelter, or protect a boat or other form of water transportation. When constructed in association with a dwelling, a boat house shall be deemed to be an accessory building.

"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 height” means the vertical distance measured from the averaged finished grade to the highest point of roof surface.

"Business or professional office" means a premises where professional services are offered, but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.

“Campground” means a tract of land, managed as a unit, providing short-term, long-term, and/or seasonal accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers.

“Cemetery” means a property used for interring dead persons, or in which human remains have been buried. A cemetery may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments, but shall not include crematoriums.

“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.

“Commercial use” means the use of a building or lot for the storage, display or sale of goods or services and includes hotels, motels, inns, and rental cottages.

“Community care facility” – see “Residential Care Facility.”

“Community centre” means a multi-purpose facility that offers a variety of programs of a recreational, cultural, day care, social, community service, informational or instructional nature, and may include, as a portion of it, a medical facility.

“Community garden” means a garden, which may be rented by individuals or groups, for the growing of plants, including vegetables, fruits, grains, flowers or herbs, and which is intended to provide communal benefits to the caretakers of the garden.

“Convenience store” means a retail store where a range of day-to-day items such as newspapers, confections, food, and other such household items are sold in small quantities.

“Contractor's shop or yard” means a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working and carpentry, or truck, bulldozer, loader and backhoe operating and such place of business may be used for the storage of equipment, materials and vehicles which are used on construction sites and may include such related uses as office space, or maintenance facilities, and may also include a retail business, sales counter or a wholesale business as an accessory use.

“Council” means the Council for the Rural Municipality of Clyde River.

“Day care facility” means any institution, agency or place that receives individuals, including children, for temporary care, with or without stated educational purposes, for a period not exceeding 24 hours, and includes a day nursery, nursery school, kindergarten, or play school.

“Demolition” means to remove, pull down or destroy a building and/or structure.

“Developer” means a person who, directly or indirectly, is authorized to apply for approval of a development or subdivision or to enter into an agreement regarding a development or subdivision.

“Development” means:

- a) site alteration, including but not limited to altering the grade of the land, removing vegetation from the land, excavating the land, depositing or stockpiling soil or other material on the land, and establishing a parking lot;
- b) locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing structures or buildings in, under, on or over the land;
- c) placing temporary or permanent mobile uses or structures in, under, on or over the land; or

- d) changing the use or intensity of use of a parcel of land or the use, intensity of use or size of a structure or building.

"Development Officer" means the person(s) appointed by Council with the duty of administering the provisions of this By-law.

"Development Agreement" means an agreement between a developer and Council, or between a developer and a Minister of the Government of Prince Edward Island, or a tripartite agreement between a developer, Council and a Minister, respecting the terms and conditions under which a development may be carried out.

"Development Permit" means a permit issued for a development pursuant to this By-law, but does not include a Building Permit issued under the Buildings Codes Act 2017 c.61 R.S.P.E.I. 1988, B-5.1.

"Drive-through facility" means a premises used to provide or dispense products or services through an attendant or a window or an automated machine, to persons remaining in vehicles that are in a designated queuing space, and may be in combination with other land uses.

"Dwelling" means a building or portion thereof designated or used for residential occupancy, but does not include hotels and motels.

- a) **"Dwelling unit"** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided.
- b) **"Apartment dwelling"** means a residential use building that contains four or more dwelling units, other than a row dwelling.
- c) **"(Sea) Container dwelling"** – see "Single-unit dwelling."
- d) **"Duplex dwelling"** means a dwelling divided horizontally into two dwelling units.
- e) **"Grouped dwellings"** means two or more residential use buildings containing dwellings of any type, except accessory dwellings, located on a single lot.
- f) **"Micro dwelling"** means a dwelling designed or used for occupancy as one dwelling unit and that has a floor area of 37 square metres (398 square feet) or less.
- g) **"Mobile home"** means a residence that is designed and manufactured to be transported on its own chassis and is equipped for year-round occupancy.
- h) **"Modular dwelling"** means any dwelling that is designed and built in more than one unit and is designed to be mobile on a temporary basis and constructed or manufactured off-site to provide a permanent residence for one or more persons.
- i) **"Multiple-unit dwelling"** means a building containing three or more dwelling units.
- j) **"Row dwelling"** means a dwelling that is divided vertically into three or more dwelling units.
- k) **"Semi-detached dwelling"** means a dwelling that is divided vertically into two separate units.

- l) **"Single-unit dwelling"** means a dwelling designed or used for occupancy as one dwelling unit and includes a Modular Dwelling.

"Entertainment facility" means a building used for amusement activities for paying customers, including a theatre, cinema, arcade, or bowling alley, but does not include a recreational use.

"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.

"Equestrian establishment" means a commercial establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.

"Excavation pit" means any excavation in the ground opened for the purpose of searching for or removing clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a highway.

"Farm market" means a building in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.

"Farmer's market" means an establishment or premises where the farm products of a local farming community are sold at retail.

"Fishing vessel" means any watercraft engaged on a part-time or full-time basis for use in a commercial fishery.

"Floor area" means:

- a) With reference to a residential building or dwelling, the area contained within the outside walls, excluding any private garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year.
- b) With reference to a commercial building or use, the total usable floor area within a building used for commercial purposes excluding washrooms, utility rooms and common halls between stores.
- c) With reference to an Accessory Building, the area contained within the outside walls.

"Food Truck Park" means more than three mobile food businesses that congregate at an established private property location to offer food or beverages for sale to the public.

"Forestry use" means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, shingle mills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

"Garden centre" means land, building, structure or part thereof or an outdoor area primarily used for the retail sale of gardening equipment, landscaping products and planting materials.

“Grade” means the lowest elevation of the finished surface of the ground, paving or sidewalks between the building and a line 1.5 metres from the building.

“Greenhouse” means a building used primarily to raise and store trees, shrubs, flowers, and other plants for sale or for transplanting.

“Gross floor area” – see “Floor Area.”

“Group home” means a residence for the accommodation of four or more persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. A group home does not include a Day Care Facility, or a halfway house or a facility for the temporary use of transient and homeless persons.

“Heavy industrial use” means a use that involves the processing of raw materials and that, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, and any objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

“Highway” means all the area within the boundary lines of every road, street or right-of-way that is vested in the Province of Prince Edward Island or the Municipality and used or intended for use by the general public for the passage of vehicles and includes any bridge over which any such road, street or right-of way passes.

“Highway, Collector” has the same meaning as “Collector Highways” under the Prince Edward Island Roads Act Highway Access Regulations.

“Home-based business,” means the accessory use of a dwelling unit for gainful employment involving the production, sale, or provision of goods and services.

“Hobby farm” means the keeping, breeding, raising and grazing of livestock, and/or poultry, other than domestic pets, for the personal use of the household operating the hobby farm and excludes an agricultural use as defined herein which is operated for commercial purposes.

“Hostel” – see “Hotel.”

“Hotel” means a building other than a motel occupied or intended to be occupied as the temporary lodging place for any individual for a fee, and includes a hostel.

“Kennel” means a building(s) or structure(s) where more than four domestic animals, excluding livestock, are kept, bred or raised for profit or gain.

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

“Light industrial use” means the use of land or buildings for fabrication, manufacturing, assembly, treatment, or warehousing of goods, but does not include industrial processing or other process which may result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluent.

“Livestock” means horses, cattle, sheep, swine, goats, poultry, chinchilla, rabbits or other such animals raised or kept on a farm or ranch.

“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 commercial motor vehicle while merchandise or materials are being loaded or unloaded.

“Lot” means any discrete portion of land described in a deed or as shown in a registered subdivision or survey plan.

- a) **“Corner lot”** means a lot situated at an intersection of and abutting on two or more streets.
- b) **“Interior lot”** means a lot other than a corner lot.
- c) **“Through lot”** means a lot bounded on two opposite sides by streets.

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

“Lot depth” means the shortest depth from the front lot line to the rear lot line.

“Lot line” means any boundary of a lot.

- a) **“Front lot line”** means the line dividing the lot from the street or private right-of-way. In the case of a corner lot or a lot with more than one line abutting a single street or private right-of-way the shorter boundary line abutting the street private right-of-way shall be deemed the front lot line. In the case of a through lot, either lot line may be considered the front lot line.
- b) **“Flankage lot line”** means the lot line, other than the front lot line, that abuts the street or private right-of-way on a corner lot.
- c) **“Rear lot line”** means the lot line furthest from and opposite to the front lot line.
- d) **“Side lot line”** means a lot line other than a front, rear or flankage lot line.
- e) **“Common lot line”** means a lot line over which two attached dwelling units are developed and which coincides with the party wall between two dwelling units.

“Lot coverage” means the percentage of lot area covered by the ground floor area of all buildings located thereon.

“Lot frontage” means the straight distance between the points where the side lot lines of a lot intersect the front lot line of that lot. If the side lot lines are not parallel, Lot Frontage means the straight distance between the two points on the side lot lines located at a distance of 6 metres from where the side lot lines intersect the front lot line. Lot width shall have a corresponding meaning.

“Marina” means a building, structure or place containing docking facilities and located on or abutting a waterbody, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels and lubricants may be provided.

“Marine facility” shall mean a non-commercial accessory building or structure which is used to moor, berth or store a boat. This definition may include a boat launching ramp, boat lift, dock or boat house but does not include any building used for human habitation or any boat service, repair or sales facility.

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

“Municipality” means the Rural Municipality of Clyde River or the Corporation of the Rural Municipality of Clyde River.

“Non-complying” means a lot, building, or structure that does not meet the regulations of the Zone in which it is located as of the date of passage of this By-law.

“Non-conforming” means an existing use or activity on any land, building, or structure that is not a permitted use for the Zone in which it is located as of the date of passage of this By-law.

“Nursing home” – see “Residential care facility.”

“Outdoor storage” means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.

“Outdoor display” means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same lot.

“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 or off-street parking.

“Park” means land owned or leased by the Municipality or some other level of government used or intended for use by members of the public.

“Parking lot” means an area or structure other than a street, used or intended to be used for the temporary storage of motor vehicles and includes drive aisles, driveways, and parking spaces.

“Parking space” means an area of land that is suitable for the parking of a vehicle and accessible to vehicles without the need to move other vehicles on adjacent areas.

“Personal service shop” means a building or part of a building in which services are provided for the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlors, automatic laundry shops, hairdressing shops, tanning salons, tattoo parlours, shoe repair and shoe shining, tailoring, and dry-cleaning collection depots, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

“Planning Board” means a Board appointed by Council, as established in the Planning Act R.S.P.E.I. 1988, P-8, which provides recommendations on matters related to land use planning.

“Plant nursery” means a property or area of land used to grow and propagate plants for gardening or conservation purposes, but shall not include a forestry use.

“Place of worship” means a place or building that is used for the regular assembly of persons for the practice of religious worship, services or rites, which may accommodate the assembly of persons for community events, and may include a cemetery.

“Private road” means a privately-owned right-of-way over private property which affords access to at least two abutting lots.

“Property” – see “Lot.”

“Recreational use” means use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, campgrounds, and recreational vehicle park, but does not include a tract for the racing of animals or any form of motorized vehicles.

“Recycling facility” means a facility or place where recyclable material is: (i) accepted and stored; and (ii) handled, collected, sorted or prepared for transport for the purposes of the use, reuse or incorporation of the material in the manufacture of secondary products.

“Remnant parcel” means, in respect of an existing parcel, the portion of the existing parcel that has not been approved for subdivision into one or more lots.

“Renewable energy generation facility” means a facility for generating electric energy from any renewable energy source, and includes structures, ancillary equipment or other things used for that purpose, and includes a Solar Collector System and a Wind Energy System.

“Residential care facility” means a building or premises licensed by the Province of Prince Edward Island, where accommodation and supervisory and/or personal care is provided or made available for three or more persons.

“Resource use” means the use of land or buildings for the production and harvesting or extraction of any agricultural, forestry, or fisheries product.

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

“Restaurant, Drive-through” – see “Drive-through facility”

“Retail Store” means a building or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.

“Retirement home” means premises where lodging is provided primarily for retired persons and may include common facilities for eating, recreation and other such activities and may also include limited medical care and other services.

“Road” – see “Highway.”

“Salvage yard” means an area of land used for the storage, handling or processing or and sale of scrap material, and without limiting the generality of the foregoing, may include wastepaper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or

salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot.

“Secondary Suite” means a detached dwelling accessory to, and subordinate to, a principal dwelling unit, and may include a micro dwelling.

“Setback” means the horizontal distance between the specified lot line or feature and the nearest main wall of any building or structure.

“Shopping centre” means a group of commercial uses that have been designed and developed as a continuous unit and characterized by shared parking facilities and may or may not have enclosed common walkways.

“Sight triangle” means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

“Sign” means any structure or device used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or wayfinding purpose and that is intended to be seen from off the premises or from a parking lot.

- a) **“Ground sign”** means a sign supported by one or more posts, poles or braces placed in or upon the ground.
- b) **“Mobile sign”** means a sign designed and intended to be moved from one site to another and is not permanently affixed to the ground or a building, but shall not include the side, body, trailer of a commercial motor vehicle.
- c) **“Projecting sign”** means a sign that projects from and is supported by the wall of a building.
- d) **“Sandwich board sign”** means a sign consisting of two surfaces attached to each other at the top and designed so as to stand temporarily without foundation or other support on a lot or sidewalk without electrical or other service connection.
- e) **“Flag sign”** means a sign constructed of fabric, canvas, cloth, or other flexible material that is supported by a post or pillar, or attached to a building, and is intended to advertise a business, but does not include a flag featuring insignia for municipal, provincial, national governments, ethnic or tribal groups, sports team, or other non-business symbol.

“Solar collector system” means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building integrated photovoltaic materials but does not include windows or greenhouses.

“Storey” means that portion of a building between any floor and ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres above grade and provided also that any

portion of a building between any floor and ceiling or roof next above exceeding 4.2 metres in height shall be deemed an additional storey.

"Street" – see "Highway."

"Structure" means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.

"Subdivision" means:

- a) the division of a parcel of land to create two or more new parcels of land;
- b) the consolidation of two or more contiguous parcels of land to create a new parcel of land; or
- c) the attachment of a part of a parcel of land to another parcel of land contiguous to that part to create a new parcel of land; by means of a plan of subdivision, a plan of survey, an agreement, a deed or any other instrument, including a caveat, that transfers or creates an estate or interest in the new parcels of land created by the division, or in the new parcel of land created by the consolidation or the attachment, as the case may be.

"Subdivision agreement" means an agreement between a council and a developer whereby the developer undertakes to provide basic services in order to develop a plan of subdivision.

"Subdivision plan" means an appropriately scaled and detailed drawing of a subdivision, certified by a Prince Edward Island Land Surveyor.

"Survey" means an appropriately scaled drawing of survey details, certified by a Prince Edward Island Land Surveyor.

"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" means any public or private system, works, plant, building, equipment, or services that are provided to or for the use of the general public, including but not limited to telephone, electric power, public water supply or sewage services, and includes a Utility Building.

"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 lot" means land, including land covered by water, which abuts a waterbody on at least one side.

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

“Wetland” means:

- a) 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
- b) 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.

“Wind energy system” means a structure that converts the kinetic energy in wind to electrical energy.

“Yard” means an open, uncovered space on a lot pertinent to a building and unoccupied by buildings or structures except as specifically permitted in this by-law, and:

- a) **"Front yard"** means a yard extending across the width of a lot between the front lot line and nearest wall of any building or structure on the lot.
- b) **"Rear yard"** means a yard extending across the width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
- c) **"Side yard"** means a yard extending from the front yard to the rear yard of a lot between a side lot line and nearest wall of any building or structure on the lot.
- d) **"Flankage yard"** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure on the lot.

“Zone” means a designated area of land shown on the zoning map of the By-law within which land uses are restricted to those specified by this By-law.

3. Administration

3.1. Administration

- 1) The Development Officer shall administer this By-law. The Development Officer shall have authority to approve, deny, or extend expiry dates for Development Permits in accordance with this By-law, except for the following classes of development, which shall be subject to Council approval:
 - a) New buildings or structures for commercial uses with a floor area greater than 139 square metres (1,500 square feet);
 - b) New buildings or structures, or expansions to existing buildings or structures, for industrial uses;
 - c) New residential development containing four or more units;
 - d) New buildings or structures, or expansions to existing buildings or structures, for institutional uses; and
- 2) The authority to approve or deny development permits shall be extended to applications for severance, consolidation and a change of use within an existing building, which may require minor structural alterations, provided that the new use is permitted within this by-law.

3.2. Development Permits

3.2.1. General Requirements

- 1) Unless otherwise stated in this By-law, no person shall undertake development or subdivision of land on a lot within the Rural Municipality of Clyde River without first obtaining a Development Permit from the Development Officer or Council.
- 2) The Development Officer or Council shall only issue a Development Permit for developments in compliance with the provisions of this By-law.
- 3) Development Permit applications proposing development that does not comply with the provisions of this By-law will be refused.
- 4) Notwithstanding provisions (2) and (3) above, a Development Permit may be issued where a variance or rezoning is granted.
- 5) Subject to the provisions of this By-law, a Development Permit may be issued for a non-conforming use or a non-complying building or structure.
- 6) The Development Officer may revoke a Development Permit in cases where information provided on the application is found to be inaccurate.

3.2.2. Development Permit Not Required

- 1) Unless otherwise specified, no Development Permit is required for:

- a) A fence or wall that does not exceed:
 - i. 2.4 metres (8 feet) in height where the fence or wall delineates a boundary adjacent to a commercial use; or
 - ii. 1.8 metres (6 feet) in height for all other cases.
- b) A sign less than 0.4 square metres (4.3 square feet) in area;
- c) A temporary use subject to Section 5.20;
- d) Public and private utilities located within a street right-of-way;
- e) Repair or replacement of roofing;
- f) Repair or replacement of siding;
- g) Repainting;
- h) Chimney maintenance or rebuilding;
- i) Replacement of windows and doors;
- j) Other routine maintenance that has the effect of maintaining or restoring a structure or any of its elements to its original state or condition;
- k) Installing clotheslines, poles and radio and television antennae or satellite dishes less than 0.61 metres (2 feet) in diameter;
- l) Making a garden;
- m) Making landscaping improvements or constructing ornamental structures less than 20 square metres (215.3 square feet) or 3 metres (11.15 feet) in height;
- n) Laying paving material for patios, sidewalks and driveways;
- o) Accessory buildings up to 20 square metres (215.3 square feet) in floor area, where the eaves height of the building is less than 3.0 metres (11.15 feet);
- p) Roof-mounted solar arrays, provided:
 - i. The solar PV or solar thermal equipment does not protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured perpendicular from the external surface of the wall or roof slope; and
 - ii. The installation of the solar array would not result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof, excluding any chimney or other roof accessory.
- q) A deck with an area of less than 37.16 square metres (400 square feet) and a height of 0.6 metres (2 feet) or less, provided:
 - i. The deck is located in a side or rear yard; and
 - ii. The deck is set back a minimum of 1.2 metres (4 feet) to any side or rear lot line.

- 2) All classes of development listed in provision (1) above must comply with the applicable provisions of this By-law.

3.2.3. Applications for Development Permit

- 1) All applications for a Development Permit must include a completed Development Permit Form in Appendix C signed by the registered owner of the lot or by the owner's agent, duly authorized in writing to act for the owner.
- 2) Every application for a Development Permit shall be accompanied by a plan, drawn to an appropriate scale and showing:
 - a) The shape and dimension of the lot to be used;
 - b) The distance from the lot boundaries, dimension and height of the building or structure proposed to be erected;
 - c) The distance from the lot boundaries and size of every building or structure already erected on the lot and the general location of the buildings on abutting lots;
 - d) The proposed location and dimension of any parking space, loading space, driveway, drive aisles and landscaped area;
 - e) The stormwater drainage pattern;
 - f) Areas identified for snow storage;
 - g) The proposed use of the lot and any building or structure; and
 - h) Any other information the Development Officer deems necessary to determine whether or not the proposed development complies with the requirements of this By-law.
- 3) Where a Development Permit application is submitted for a building or structure, the application must be accompanied by a floor plan of the proposed building and exterior elevation drawings of all four sides.
- 4) Provision (3) applies to applications for new construction and to applications for additions exceeding 30 percent of the floor area of the existing building.
- 5) A Survey certified and stamped by a Prince Edward Island Land Surveyor shall be required where:
 - a) The area of the lot to be developed is less than 4 hectares; or
 - b) In the opinion of the Development Officer, a Survey Plan is required to evaluate the development proposal to ensure compliance with the provisions of this By-law.
- 6) An application for Development Permit shall remain active for 24 months from the date of successful payment of the application fee.

3.2.4. Timelines for Development Permit Applications

- 1) Where all required submission materials and required payment has been received, the Development Officer shall provide a Notice of Application Deemed Complete within seven business days of receipt of the materials by the Municipality.
- 2) Where the Development Officer has the authority to issue a Development Permit, the Development Officer shall, within 20 business days of issuing the Notice of Application Deemed Complete, inform the applicant:
 - a) If the Development Permit is approved;
 - b) If the Development Permit is refused; or
 - c) If additional information is required from the applicant.
- 3) Where additional information is required from the applicant under provision (2)(c), the Development Officer shall, within 20 business days of receiving the requested information, inform the applicant:
 - a) If the Development Permit is approved;
 - b) If the Development Permit is refused; or
 - c) If additional information is required from the applicant.
- 4) Where authority to approve a Development Permit is vested in Council, the Development Officer shall, within 20 business days of issuing the Notice of Application Deemed Complete, inform the applicant:
 - a) If the Development Permit is proceeding to a meeting of the Planning Board for consideration; or
 - b) If additional information is required from the applicant.
- 5) Where additional information is required from the applicant under provision (4)(b), the Development Officer shall, within 20 business days of receiving the requested information, inform the applicant:
 - a) If the Development Permit is proceeding to a meeting of the Planning Board for consideration; or
 - b) If additional information is required from the applicant.

3.2.5. Criteria for Evaluation

- 1) In evaluating an application for a Development Permit, the Development Officer or Council will consider:
 - a) Whether the Development Permit application meets the policies of the Official Plan;
 - b) Whether the Development Permit application meets the provisions of this by-law; and
 - c) Whether the Development Permit application is appropriate for the development of the lands within the Municipality.

3.2.6. Conditions

- 1) Approved Development Permits may be issued subject to conditions.
- 2) Receipt by the developer of permits issued under applicable legislation by the Province of Prince Edward Island may be required as conditions of approval.

3.2.7. Timelines for Approved Development Permits

- 1) A Development Permit shall expire within 24 months from the date issued.
- 2) If the development has not commenced, a permit extension may be granted for an additional 12 months, subject to receipt by the municipality of a written request from the developer.
- 3) For the purpose of provision (2), the following activities shall be deemed to represent commencement of development:
 - a) Excavation of the entire proposed foundation area; or
 - b) Installation of water or sanitary servicing infrastructure; or
 - c) Installation of utility infrastructure; or
 - d) Application of surfacing materials for the purpose of a driveway or parking lot; or
 - e) Erection of a building or structure.
- 4) Where a Development Permit has expired, a developer may submit a written request to the Municipality to reinstate the original approval within 12 months of the expiration of the Development Permit.

3.3. Development Agreement

- 1) As a condition of granting a Development Permit, the Development Officer or Council may require a developer to enter into a Development Agreement with the Municipality.
- 2) The following classes of development may require a Development Agreement as a condition of Development Permit:
 - a) Residential developments containing seven or more dwelling units;
 - b) Residential developments on properties that do not have frontage on a public road;
 - c) Commercial uses;
 - d) Institutional uses; and
 - e) Industrial uses.
- 3) Development Agreements may govern matters including, but not limited to:
 - a) Streets or roads;
 - b) Communal or private water or sanitary services;

- c) Open space and/or recreational areas;
 - d) Refuse collection and refuse storage facilities;
 - e) Sidewalks;
 - f) Storm sewers;
 - g) Curbs and gutters;
 - h) Phasing of the development; and
 - i) Any other services that Council deems appropriate and required.
- 4) Development Agreements may contain conditions or schedules requiring a developer to post a performance bond, cash bond, or other financial guarantee satisfactory to the Municipality to ensure the development proceeds in accordance with the conditions established in the Development Agreement.
 - 5) All Development Agreements shall be registered in the office of the Registrar of Deeds.
 - 6) A developer may submit an application to the Municipality to amend a registered Development Agreement.

3.4. Demolition Permits

- 1) A Demolition Permit may be issued by the Development Officer for a building or structure or parts thereof.
- 2) A Demolition Permit shall be valid for 60 days.

3.5. Zoning Amendments

- 1) A developer or owner seeking to rezone a parcel of land or to request site-specific amendments to provisions of this By-law shall complete and submit a completed Zoning Amendment Form in Appendix C, authorized by the Development Officer.
- 2) All applications for a Zoning Amendment or By-law Amendment shall be submitted to the Planning Board for review and recommendation to Council.
- 3) An application for a Zoning Amendment or By-law Amendment shall include such information as may be required by the Development Officer and Planning Board for the purpose of evaluating the application, including:
 - a) The names and addresses of the owner(s) of the property and, if the applicant is not the owner, a statement as to the applicant's interest in the property.
 - b) One of the following:
 - i. A plot plan showing the location of the property to be rezoned, accompanied by a legal description of the property; or
 - ii. A Survey Plan prepared by a Prince Edward Island Land Surveyor.

- c) A written Planning Justification demonstrating compliance with policies and zoning provisions.

3.6. Variances

- 1) Where a development proposal detailed in a Development Permit application does not meet the minimum standards of this By-law, the Development Officer may approve a zoning variance, provided:
 - a) The degree of variance is within 10 percent of the zoning requirement;
 - b) The need for the variance is due to particular site conditions or unique attributes of the property or development that generate undue hardship in meeting the zoning requirement;
 - c) The proposed variance is consistent with the intent of the Official Plan;
 - d) The proposed variance is consistent with the intent of this By-law; and
 - e) The proposed variance will result in a desirable condition.
- 2) Where an objection to a zoning variance is received as a result of the public notification requirements of this By-law, the Development Officer shall refer the request for variance to the Planning Board to make a recommendation to Council.
- 3) Notwithstanding any other section of this By-law, Council in its discretion may authorize variances in excess of 10 percent from the provisions of this By-law.
- 4) A proposal for a variance in excess of 10 percent from the provisions of this By-law will be considered against the criteria in 3.6(1)(b)(c)(d) and (e).

3.7. Application Fee & Payment

- 1) Every application for a Development Permit, Demolition Permit, Zoning Amendment, Variance, or Amendment to Development Agreement shall be accompanied by payment for the required fee in accordance with the Municipality's Fee By-law Schedule.

3.8. Public Notification

- 1) In accordance with the Planning Act R.S.P.E.I. 1988, P-8, where a Zoning Amendment application is received, the Municipality shall:
 - a) Give an opportunity to residents and other interested persons to make representations; and
 - b) At least seven clear days prior to the meeting, publish a notice in a newspaper circulating in the area.
- 2) In addition to the notification requirements in provision (1), the Municipality will provide notice of development applications as follows:
 - a) Where an application for a Zoning Amendment is received, the Municipality shall provide notice of the application to property owners within 150 metres of the property subject to the application.

- b) Where an application for Variance is received, the Municipality shall provide notice of the application to property owners within 100 metres of the property subject to the application.
 - c) Where an application to amend a Development Agreement is received, the municipality shall provide notice of the application to property owners within 100 metres of the property subject to the application.
- 3) The notices described in provisions (1) and (2) shall contain:
- a) A description of the property, including address and location;
 - b) Details of the proposed development, variance or amendment;
 - c) The date, time and place of the meeting at which the application will be considered;
 - d) Details of where more information can be obtained during normal business hours; and
 - e) Details on how the Municipality will receive public comments.
- 4) A general “Public Notice” of all decisions respecting all applications received under the requirements of this By-law shall be given within seven days by posting the decisions:
- a. On an Internet website accessible to the public; and
 - b. At a location in the Municipality accessible to the public during business hours.
- 5) Where a Public Notice is posted under provision (4), the date of posting shall be displayed along with a statement advising the public of its right to appeal the decision, in accordance with the Planning Act, within 21 days from the date of posting.

3.9. By-law Appeal

- 1) Any person who is dissatisfied by a decision of the Municipality in respect of the following may appeal the decision to the Island Regulatory and Appeals Commission:
- a) An application by the person, or any other person, under this By-law for:
 - i. A Development Permit;
 - ii. A preliminary approval of a subdivision;
 - iii. A final approval of a subdivision; or
 - b) The adoption of an amendment to this By-law, including:
 - i. An amendment to a Zoning map established in this By-law; or
 - ii. An amendment to the text of this By-law.
- 2) The appellant shall file a Notice of Appeal with the Commission within 21 days after the date of the decision being appealed.

- 3) For the purposes of provision (2), where an appeal is filed in respect of an amendment to this By-law, the 21-day period for filing a notice of appeal commences on the date that the Council gave final reading to the amendment to the By-law.
- 4) The Notice of Appeal under provision (2) shall be made in writing and shall state the grounds for the appeal and the relief sought.
- 5) A person filing an appeal under provision (2) shall, within seven days of filing an appeal with the Commission, serve a copy of the Notice of Appeal to the Council of the Municipality.
- 6) Despite the provisions of this section, no appeal may be filed respecting a decision of Council respecting:
 - a) 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; or
 - b) The final approval of a subdivision or Development Permit within a resort development, where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of that subdivision or development.

3.10. Licenses, Permits and Compliance with Other By-laws

- 1) Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Municipality, or from obtaining any license, permission, permit, authority, or approval required by any other By-law of the Municipality, or statute or regulation of the Province of Prince Edward Island or the Government of Canada.
- 2) Where the provisions of this By-law conflict with those of any other municipal By-law or any regulations or codes of the Province of Prince Edward Island, the higher or more stringent requirement shall prevail.

3.11. Enforcement

- 1) The Development Officer, or Designate, is authorized, with cause, to enter any land, building, or structure in the Municipality, provided that:
 - a) Such entry is not excessive or by force;
 - b) The entry occurs at a reasonable time; and
 - c) The entry is for the purpose of making an inspection or examination relating to this By-law.
- 2) The Development Officer may issue a Stop Work Order to a developer or contractor in instances where a development has commenced without a valid Development Permit.
- 3) The Municipality may enforce the provisions of this By-law in accordance with the procedures established in Part IV of the Planning Act, R.S.P.E.I. 1988.

- 4) In addition to, or instead of, the penalties referred to in this By-law, the Supreme Court of Prince Edward Island may, upon application by the Municipality, cease or prohibit by injunction any development which does not comply with the provisions of this By-law.
- 5) The Municipality, its Officers or employees shall not be liable for any damage caused to any property when acting under the authority of this section.

3.12. Offences

- 1) Any person who, being the owner or occupant of any land, building, or structure to which this By-law applies, fails to perform any of the following actions in contravention of this By-law is guilty of an offence and liable under conviction to a fine and, in default of payment, to a term of imprisonment:
 - a) Remove any sign;
 - b) Comply with provisions;
 - c) Obtain a permit; or
 - d) Cease work on, and restore to its original condition, any property on which a development has been undertaken.
- 2) Any person who impedes, attempts to impede, refuses or does not permit inspection of a property pursuant to this By-law shall be guilty of an offence.
- 3) Where a person convicted under this section fails to commence the restoration ordered within 60 days after the order has been made, the Municipality may take such steps as it deems necessary to restore or remove the subject matter of the offence at the expense of the owner or occupier.
- 4) When an offence under this By-law is committed or continued for more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

3.13. Penalties

- 1) A person, contractor or owner who violates this By-law is guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00) in each case, together with the cost of prosecution.
- 2) Where the offence is a continuing offence in addition to the penalties provided in this section, such person shall be liable for all costs in immediate removal of such an offence, and the Provincial Judge may impose a penalty not exceeding four hundred dollars (\$400.00) for every day the said offence continues.
- 3) Where there is default of payment, any person or corporate officer is liable to be imprisoned in accordance with the Summary Convictions Act.

3.14. Effective Date

- 1) This By-law shall take effect upon the date of approval by the Minister.

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4. Interpretation

4.1. Symbols

- 1) The symbols used on the Zoning Map refer to the corresponding zones established in the By-law.

4.2. Units of Measure

- 1) This By-law generally uses metric units of measurement, unless otherwise specified. Imperial measurements may be derived by applying the following formulae:
 - a) To derive measurements in feet from metres, multiply the amount by 3.28.
 - b) To derive measurements in square feet from square metres, multiply the amount by 10.76.
- 2) In the event of a conflict between figures using different units of measurements, the metric figure shall prevail.

4.3. Interpretation of Zone Boundaries

- 1) The extent and boundaries of zones are shown on the Zoning Map and the applicable provisions of this By-law shall apply to all zones.
- 2) Boundaries between zones shall be determined as follows:
 - a) Where a zone boundary is indicated as following a street, the boundary shall be the centre line of the street, unless otherwise indicated;
 - b) Where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
 - c) Where a right-of-way or a watercourse shown on a Zoning Map serves as a zone boundary, the centre line of the right-of-way or watercourse shall be considered the boundary between the zones, unless otherwise indicated;
 - d) Where a zone boundary is indicated as following the edge of a watercourse, the zone shall follow any change in the boundary of that watercourse;
 - e) Where none of the above applies, the zone boundary shall be scaled from the Zoning Map.
- 3) If there is disagreement regarding a boundary on a zoning map, the decision shall rest with the Municipality.

4.4. Interpretation of Certain Words

- 1) In this By-law,
 - a) Words used in the present tense include future;
 - b) Words in the singular number include the plural;

- c) Words in the plural include the singular;
- d) The word “used” includes “arranged to be used,” “designed to be used,” or “intended to be used”;
- e) The word “shall” indicates a compulsory requirement; and
- f) The word “may” indicates a discretionary requirement.

4.5. Special Exceptions

- 1) Special Exceptions are created by adding a number to the zone code on the zoning maps.
- 2) Special Exceptions have the effect of:
 - a) Allowing a use that would not be permitted otherwise;
 - b) Prohibiting a use that would be permitted otherwise; and/or
 - c) Incorporating other modifications to the zoning provisions.
- 3) Where a Special Exception applies, all zoning provisions not explicitly modified by the provisions of the Special Exception shall remain applicable and unmodified.

4.6. All Land to be Zoned

- 4) All lands within the Municipality shall be zoned.

4.7. Permitted Uses

- 1) In this By-law, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.
- 2) Where a permitted use within any zone is defined in this By-law, the uses permitted in the zone include any similar uses that satisfy such definition, except where a definition specifically excludes any similar use.

4.8. Conflict

- 1) In the case of any conflict between the text of this By-law and any maps or drawings used to illustrate any aspect of this By-law, the text shall prevail.
- 2) In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall prevail.

4.9. Severability

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

4.10. Schedules

- 1) All schedules, figures and appendices attached to this By-law are deemed to form part of this By-law.

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5. General Provisions for All Zones

5.1. 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 building on the premises for so long as work is in progress or for a maximum period of six months, whichever is the shorter period.
 - b) Buildings and structures intended for public uses and owned by the Municipality, the Province of Prince Edward Island, the Government of Canada, public utilities, public agencies, public boards, or any other public body.

5.2. Accessory Buildings and Structures

- 1) An accessory building(s) or structure is permitted in any zone.
- 2) For greater certainty, an electric vehicle charging station is permitted in any zone.
- 3) An accessory building or structure may be used only as accessory to the main building or use.
- 4) An accessory building or structure shall not:
 - a) Be used for human habitation, except where an accessory dwelling unit is permitted;
 - b) Be located in the front yard or flanking side yard of any lot;
 - c) Notwithstanding (b), an accessory building or structure may be located in a front yard if:
 - i. the lot is a water lot; and
 - ii. the front of the principal building on that lot is oriented to the adjacent waterbody.
 - d) Be located closer than 1.2 metres to an interior side or rear lot line, except:
 - i. Common garages for semi-detached dwellings may be centred on a mutual side lot line; and
 - ii. Boat houses and docks may be located on a lot line, where the lot line corresponds with the water's edge; and
 - e) Be located within 1.8 metres of a principal building.
- 5) The following elements shall be exempt from the provisions of this section:
 - a) Awnings;
 - b) Clothesline poles;
 - c) Flag poles;

- d) Garden trellises;
 - e) Retaining walls
 - f) Signs;
 - g) Mailboxes, community library boxes, lawn ornaments, and similar features; and
 - h) Fences.
- 6) Accessory Buildings and Structures shall comply with the following performance standards:

Performance Standard	Requirement
Maximum Floor Area	In the RR, RU and RM zones: Aggregate total of up to 80 square metres or 50 percent of the total floor area of the dwelling, whichever is the greater
	All other zones: No maximum
Maximum Building Height	6.7 metres (22 ft.)
Maximum Number of Accessory Buildings	In the RR and RU zones: 2
	All other zones: No maximum

- 7) No accessory building or structure shall be constructed:
- a) Prior to the time of construction of the principal building to which it is accessory; or
 - b) Prior to the establishment of the main use of the land, where no principal building is proposed in the development.

5.3. Accessory Dwelling Units

5.3.1. General

- 1) An accessory dwelling unit may be provided on a lot that contains one or more accessory buildings used for other permitted purposes and shall not be subject to any provision of this by-law that limits the number of accessory buildings permitted on a lot.
- 2) One (1) dwelling unit is permitted as an accessory to the following non-residential uses: school, museum and place of worship.

5.3.2. Accessory Apartments

- 1) An accessory apartment shall be permitted attached to a single-unit dwelling or a semi-detached dwelling.
- 2) Accessory apartments shall not exceed:

- a. 40 percent of the floor area of the principal dwelling unit; or
 - b. In the case of an accessory apartment that is located entirely within a basement, 50 percent of the floor area of the principal dwelling unit, including the basement.
- 3) An accessory apartment shall share the same water and sanitary services as the principal dwelling.

5.3.3. Secondary Suites

- 1) One secondary suite shall be permitted on a lot accommodating a single-unit dwelling.
- 2) Ingress and egress to the secondary suite shall be provided by the driveway serving the principal dwelling unit.
- 3) The secondary suite shall share the same water and sanitary services as the principal dwelling unit.
- 4) The secondary suite shall not be greater than 60 square metres in floor area.

5.4. Buildings to be Erected on a Lot

- 1) No building shall be erected or used unless it is erected upon a single lot of record.

5.5. Buildings to be Moved

- 1) No building shall be moved to a lot within the Municipality without the owner first obtaining a Development Permit to relocate the building.

5.6. Calculation of Lot Frontage

- 1) Lot frontage for a lot with a regular shape shall be measured as a distance between the side lot lines where they meet the front lot line.
- 2) Lot frontage for a lot with an irregular shape shall be measured as the straight distance between the two points on the side lot lines located a distance of 6 metres from where the side lot lines intersect the front lot line.

5.7. Conforming with Existing Front Yards

- 1) Notwithstanding the minimum front yard requirements established in this By-law, in any zone where a building is erected between two existing buildings within 60 metres of the proposed building, the minimum front yard requirement shall be no less than that of the adjacent building that is closest to the street, but in no case shall the front yard requirement be less than 3 metres and need be no greater than the front yard requirement prescribed for that zone.

5.8. Driveway Access

- 1) Where an Entranceway Permit is required under the Regulations of the Roads Act R.S.P.E.I. 1988, R-15, its issuance shall be a precondition of the approval of a Subdivision or Development Permit.

5.9. Drive-Through Facilities

- 1) Where a drive-through is a permitted use, and is provided on a lot, off-street motor vehicle queuing space must be provided for that drive-through leading both to and from each service bay, window, kiosk or booth.
- 2) All queuing spaces shall be a minimum 3 metres (9.8 feet) in width and 5.7 metres (18.7 feet) in length.
- 3) No queuing line, drive-through window or order board may be located within 5 metres (16.4 feet) from a residential or mixed-use building and may require screening from view from that use by an opaque screen with a minimum height of 1.5 metres.

5.10. Frontage on a Street

- 1) All development must be located on a lot that abuts a public Highway or Street.
- 2) Notwithstanding provision (1), a lot that fronts onto a private road shall be deemed to have frontage on a street, provided the private road is legally established.

5.11. Existing Undersized Lots

- 1) A lot held in separate ownership from adjoining parcels on the effective date of this By-law that has less than the area or frontage 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, subject to issuance of a Building Permit by the Province of Prince Edward Island.
- 2) Notwithstanding provision (1), an existing lot that has less than the area or frontage required shall continue to be classified as an existing undersized lot for the purpose of this section if, after enlargement, it remains undersized.
- 3) In addition to other provisions of the zone applicable to an existing undersized lot, a maximum permitted lot coverage of 30 percent shall apply to development.

5.12. Illumination

- 1) No person shall erect any illuminated sign or illuminate any area outside any building which impacts upon adjoining properties or streets.

5.13. Multiple Uses

- 1) In any zone, where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is a conflict, the more restrictive zoning provisions shall apply.

5.14. Municipal Government Service Facilities

- 1) Notwithstanding the provisions of this By-law, services, facilities and related infrastructure provided by the Municipality and those temporary buildings and/or temporary structures associated with social, recreational and cultural events may be located in any zone and no Development Permit shall be required and no zone provisions shall apply.

5.15. Non-Conforming Structure or Use

- 1) Where a building or structure has been erected prior to adoption of this By-law 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 By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:
 - a) the enlargement, reconstruction, repair or renovation does not further reduce the non-complying yard(s); and
 - b) all other applicable provisions of this Bylaw are satisfied.
- 2) Subject to the provisions of this By-law, a building or structure, or use of land, lawfully in existence prior to adoption of this By-law may continue to exist.
- 3) A Building or Structure shall be deemed to exist on the effective date of approval of this By-law if:
 - a) it was lawfully under construction, or
 - b) the permit for its construction was valid, subject to the provisions of this By-law.
- 4) No structural alterations that would increase the exterior dimensions, except as required by statute or by-law, shall be made to a building or structure while a non-conforming use thereof is continued.
- 5) If a building that does not conform to provisions of this By-law is destroyed by a fire, natural weather event, flood, or similar event, it shall only be rebuilt or repaired in a manner that does not exceed the original non-conforming character of the building in question.
- 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 By-law.

5.16. One Main Building on a Lot

- 1) No person shall erect more than one main building on any lot except:
 - a) Within the Light Industrial (LI) Zone;
 - b) Within the Heavy Industrial (HI) Zone;
 - c) Within the Resource Extraction (RE) Zone;
 - d) Within the Community (C) Zone;
 - e) To permit a grouped dwelling within a Rural Residential zone;
 - f) Within the Rural (RU) Zone for uses other than residential uses;
 - g) Within an Environmental Protection (EP) Zone;
 - h) Within the Mixed Use (MU) Zone; or
 - i) Where a recreational use related to tourism is located in the Rural Residential (RR) or Rural (RU) Zones.

5.17. Public and Private Utilities

- 1) Notwithstanding the provisions of this By-law, public and private utilities located within the street right-of-way or underground may be placed in any zone, and no Development Permit shall be required and no zone provisions shall apply.

5.18. Solar Arrays

- 1) Ground-Mounted Solar Arrays shall be permitted in all zones.
- 2) The minimum setback to adjacent lot lines for Ground-Mounted Solar Arrays shall be 4.57 metres (15 feet) or the height of the Ground-Mounted Solar Array, measured from grade, whichever is greater.
- 3) For the purposes of provision (2), the setback shall be measured across grade from the highest point of the Solar Array to the nearest lot lines.
- 4) Ground-Mounted Solar Arrays may be placed in front, rear or side yards.
- 5) If the Ground-Mounted Solar Array is inactive for two years, the array and associated equipment shall be removed and the land shall be returned to its previous use.

5.19. Swimming Pools

- 1) The installation of a swimming pool of permanent construction shall be permitted in any zone.
- 2) A swimming pool shall be subject to the setbacks requirements for accessory buildings and structures in this By-law.
- 3) Where a swimming pool is installed, a fence 1.8-metres in height shall be constructed in such a manner as to impede unauthorized persons from entering over or under the fence.
- 4) A fence installed in accordance with provision (3) above shall include a self-closing and self-latching gate.

5.20. Temporary Uses, Buildings and Structures

- 1) Nothing in this By-law shall prevent the temporary use of land or the temporary use of a building or structure incidental to a construction project provided that a Development Permit has been issued for the main construction project and the temporary use is discontinued and removed within 30 days following completion of the main construction project.
- 2) A building or structure may be erected, or an area of land used for a special occasion or holiday, provided that no such building or structure shall remain in place for more than 20 consecutive days.
- 3) Notwithstanding the provisions of this subsection, the Municipality may use land or erect structures for a period not exceeding 90 days.

5.21. Through Lots

- 1) Notwithstanding the provisions of this By-law, a building on a through lot may be erected facing either abutting street. For the purposes of determining yard setbacks, the front yard setback provision shall apply to both streets.

5.22. Watercourse Separation Distance

- 1) Where a development is proposed adjacent to a waterbody, watercourse, or wetland, the development shall obtain all necessary permits under the Environmental Protection Act as a precondition of approval.

5.23. Water and Sewage Systems

- 1) No land shall be used or the intensity of any use of land expanded or any building placed, erected, altered, enlarged, or used within the Municipality unless the development can be adequately serviced by communal or private water and sanitary services; or
- 2) Despite (1), where special circumstances are demonstrated that the above provision is not required to service a development due to the unique nature of that proposal, or alternative means of provision have been demonstrated to the satisfaction of Council, a Development Permit may be granted, subject to conditions Council may impose.

5.24. Permitted Encroachments in Yards

- 1) The following structures may project into required yard setbacks in accordance with the table below:

Structure	Permitted Yard	Maximum Projection from Main Wall
Sills, belt courses, cornices, eaves, gutters or chimneys	Any yard	0.6 m
Bay windows	Any yard	1.0 m
Fire escape and exterior staircase	Rear and side yards only	1.22 m
Balconies	Any yard for all residential of mixed-use buildings	1.22 m
Open, roofed porches not exceeding one storey in height, uncovered terraces	Any yard	1.22 m; including eaves

5.25. Exemptions from Height Limits

- 1) Any maximum height restriction established in this By-law shall not apply to:
 - a. Steeples;
 - b. Spires;
 - c. Lightning rods;
 - d. Water tanks;
 - e. Monuments;
 - f. Elevator enclosures;
 - g. Mechanical enclosures;
 - h. Silos;
 - i. Barns;
 - j. Grain elevators;
 - k. Flag poles;
 - l. Lighting standards;
 - m. Television or radio antennae;
 - n. Telecommunications towers;
 - o. Ventilators;
 - p. Skylights;
 - q. Chimneys;
 - r. Clock towers;
 - s. Power transmission towers;
 - t. Cupolas;
 - u. Wind turbines; or
 - v. Utility poles.

5.26. Corner Sight Triangle

- 1) On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 0.6 metres above the grade of the streets which abut the lot within the triangular area indicated by the street boundary lines for a distance of 6 metres from their point of intersection.

5.27. Bed and Breakfast

- 1) Bed and breakfast establishments shall be permitted to operate in any Single-Unit Dwelling, in any Rural, Rural Residential, or Mixed-Use Zone subject to the following:
 - a) the dwelling shall be occupied as a residence by the principal operator;
 - b) not more than three (3) rooms shall be offered for overnight accommodation;
 - c) adequate off-street parking, in accordance with this By-law, separate from that required for the dwelling, shall be provided; and
 - d) there shall be no other signage, open storage or visible display area, other than that which is placed in accordance with these Regulations.

5.28. Day Care Facilities

- 1) A Day Care Facility may be established as a Home-Based Business, subject to the provisions of this By-law.
- 2) Where a Day Care Facility is established as a Home-Based Business, the capacity shall be limited to seven individuals under care.

5.29. Kennels

- 1) Notwithstanding the provisions of this By-law, no kennel shall be erected or established, after the day of the passing of this By-law, within 300 metres of a dwelling located on another lot.
- 2) Notwithstanding provision (1), a dwelling may be constructed within 300 metres of an existing kennel if the dwelling complies with all other provisions of this By-law.

5.30. Petroleum Storage

- 1) Petroleum storage shall comply with the Petroleum Storage Tank Regulations under the Environmental Protection Act R.S.P.E.I. 1988, E-9, or successor legislation.
- 2) Underground storage tanks may be permitted in any zone regulations.
- 3) The installation of any underground storage tanks shall require a Development Permit.

5.31. Storage of Fishing Vessel and Related Equipment

- 1) The storage of fishing vessels and related equipment shall be permitted in any Rural (RU), Industrial (LI, HI), or Rural Residential Zone (RR), subject to the following:
 - a) Any fishing vessel or related equipment must be located in compliance with the required setback provisions for the zone.

5.32. Home-Based Businesses

- 1) A home-based business shall be permitted accessory to any permitted residential use in accordance with the following provisions:

- a) The business use of the dwelling unit or an accessory structure to the dwelling unit is secondary to the residential occupancy use of the dwelling unit;
- b) At least one full-time resident of the dwelling unit where the home-based business will be located operates or will operate the business;
- c) No more than two persons, other than members of the household residing on the premises, shall be engaged in the business.
- d) The home-based business, if within a dwelling unit, uses less than 50 percent of the total floor area of the dwelling unit;
- e) The home-based business, if located in an accessory structure, has a total floor area of less than 100 square metres;
- f) The only retail sales permitted shall be for those products substantially made on site or which are accessory and essential to the business.
- g) Where instruction is carried on, no more than five pupils are in attendance at one time.
- h) The home-based business shall not create or become a nuisance, in regard to noise, odour, vibration, traffic or parking.
- i) No mechanical or electrical equipment shall be used except that reasonably consistent with the use of a dwelling.
- j) One parking space per 20 square metres of floor area used for the Home-Based Business and one parking space for an employee shall be provided in addition to the required parking for the residential use.
- k) An accessory structure not more than 20 square metres in floor area may be used as storage.

6. Zoning Provisions

The Rural Municipality of Clyde River Development By-law includes the following Zones:

Rural (RU)

Rural Residential (RR)

Rural Mobile Home Zone (RM)

Mixed Use Zone (MU)

Community Zone (C)

Light Industrial Zone (LI)

Heavy Industrial Zone (HI)

Resource Extraction Zone (RE)

Parks and Open Space and Recreation Zone (OS)

Environmental Protection Zone (EP)

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6.1. Rural Zone (RU)

6.1.1. General

- 1) Except as provided in this By-law, all development and land used in the Rural (RU) Zone shall comply with the provisions of this section.
- 1) The Rural (RU) Zone is intended to:
 - a) Recognize and permit agricultural uses and agriculture-related uses in the Rural Official Plan designation;
 - a) Recognize and permit a range of land uses appropriate for a rural context; and
 - b) Regulate uses in a manner that respects the rural character of the area and minimizes land use conflicts.

6.1.2. Permitted Uses

- 1) Accessory apartment;
- 1) Agricultural use;
- 2) Animal hospital;
- 3) Auction establishment;
- 4) Boat house;
- 5) Bed and breakfast;
- 6) Cemetery;
- 7) Day care facility, as a home-based business;
- 8) Duplex dwelling;
- 9) Equestrian establishment;
- 10) Farm market;
- 11) Farmer's market;
- 12) Forestry use;
- 13) Greenhouse;
- 14) Group Home;
- 15) Home-based business;
- 16) Hobby farm;
- 17) Kennel;
- 18) Park;

- 19) Plant nursery;
- 20) Resource use;
- 21) Recreational use;
- 22) Row dwelling;
- 23) Secondary suite;
- 24) Semi-detached dwelling;
- 25) Single-unit dwelling;
- 26) Solar collection system;
- 27) Triplex dwelling; and
- 28) Wind energy system.

6.1.3. Provisions

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	
Maximum Building Height	11 metres
Minimum Front Yard Setback	Livestock building: 45 metres All other buildings: 15 metres
Minimum Flankage Yard Setback	Livestock building: 45 metres All other buildings: 4.5 metres
Minimum Interior Side Yard Setback	Livestock building: 15 metres All other buildings: 4.5 metres
Minimum Rear Yard Setback	Livestock building: 15 metres All other buildings: 7.5 metres

6.1.4. Special Exceptions

- 1) Reserved for future use.

6.2. Rural Residential Zone (RR)

6.2.1. General

- 1) Except as provided in this By-law, all development and land used in the Rural Residential (RR) Zone shall comply with the provisions of this section.
- 2) The Rural Residential (RR) Zone is intended to:
 - a) Recognize and permit residential development in the Rural Official Plan designation; and
 - b) Regulate uses in a manner that respects the rural character of the area and minimizes land use conflicts.

6.2.2. Permitted Uses

- 1) Accessory apartment;
- 2) Bed and breakfast;
- 3) Boat house;
- 4) Day care facility, as home-based business;
- 5) Duplex dwelling;
- 6) Group home;
- 7) Home-based business;
- 8) Park;
- 9) Secondary suite;
- 10) Semi-detached dwelling;
- 11) Single-unit dwelling; and
- 12) Solar collection system.

6.2.3. Provisions

Performance Standard	Requirement
Minimum Lot Width	As per Appendix A
Minimum Lot Area	
Maximum Building Height	11 metres
Minimum Front Yard Setback	15 metres
Minimum Flankage Yard Setback	4.5 metres
Minimum Interior Side Yard Setback	4.5 metres
Minimum Rear Yard Setback	7.5 metres

6.2.4. Special Exceptions

- 1) Reserved for future use.

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6.3. Residential Mobile Home Zone (RM)

6.3.1. General

- 1) Except as provided in this By-law, all development and land use in the Residential Mobile Home (RM) Zone shall comply with the provisions of this section.
- 1) The Residential Mobile Home (RM) Zone is intended to:
 - a) Limit permitted land uses to mobile homes; and
 - a) Regulate development in a manner that ensures the orderly placement of mobile homes and service buildings within the mobile home park.

6.3.2. Permitted Uses

- 1) Mobile home park;
- 2) Mobile home park offices, maintenance equipment storage and accessory structures;
- 3) Neighbourhood parks and playgrounds;
- 4) Micro dwellings.

6.3.3. Provisions

- 1) When a mobile home park abuts an MU or C Zone, opaque fencing or a landscaped buffer strip a minimum of 1.8 metres in height shall be provided along the side and rear lot lines, excluding access driveways.
- 2) All required yards shall be landscaped with soft landscaping, such as lawn, shrubs and trees.
- 3) All mobile home dwellings shall be fully skirted with a durable, opaque material.
- 4) All mobile home dwellings shall be permanently connected to electric, sewer and water facilities.

Performance Standard	Requirement
Minimum Lot Area (Mobile Home Space)	464.5 square metres
Minimum Frontage (Mobile Home Space)	7.6 metres
Minimum Distance Between Mobile Home Units	9.1 metres
Minimum Setback Between Mobile Home Unit and Mobile Home Park Boundary Line	4.5 metres
Open Space & Recreation Area Requirement	46.4 square metres per mobile home space
Minimum Number of Open Space & Recreation Areas	Fewer than 50 units: 1
	Greater than 50 units: 2

6.3.4. Special Exceptions

- 1) Reserved for future use.

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6.4. Mixed Use Zone (MU)

6.4.1. General

- 1) Except as provided in this By-law, all development and land use in the Mixed Use (MU) Zone shall comply with the provisions of this section.
- 2) The Mixed-Use (MU) Zone is intended to:
 - a) Permit a range of residential, commercial and institutional uses suitable for the Rural Hub designations in the Official Plan; and
 - b) Regulate development in a manner that is compatible with surrounding land uses.

6.4.2. Permitted Uses

- 1) Animal hospital;
- 2) Apartment dwelling;
- 3) Auction establishment;
- 4) Business or professional office;
- 5) Club;
- 6) Community care facility;
- 7) Community centre;
- 8) Convenience store;
- 9) Day care facility;
- 10) Duplex dwelling;
- 11) Entertainment facility;
- 12) Farmer's Market;
- 13) Group home;
- 14) Home-based business;
- 15) Hotel;
- 16) Marina;
- 17) Medical clinic;
- 18) Motel;
- 19) Multiple-unit dwelling;
- 20) Personal service shop;
- 21) Place of worship;

- 22) Park;
- 23) Recreational use;
- 24) Residential care facility;
- 25) Restaurant;
- 26) Retail store;
- 27) Retirement home;
- 28) School; and
- 29) Semi-detached dwelling.

6.4.3. Provisions

- 1) For all development in the MU Zone, the following provisions shall apply:

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	
Maximum Building Height	11 metres
Minimum Front Yard Setback	7.5 metres
Minimum Flankage Yard Setback	7.5 metres
Minimum Interior Side Yard Setback	4.5 metres
Minimum Rear Yard Setback	7.5 metres

6.4.4. Special Exceptions

- 1) Reserved for future use.

6.5. Community Zone (C)

6.5.1. General

- 1) Except as provided in this By-law, all development and land use in the Community (C) Zone shall comply with the provisions of this section.
- 2) The Community (C) Zone is intended to:
 - a) Permit a range of community uses to create and support complete communities; and
 - b) Regulate development in a manner that is compatible with surrounding land uses.

6.5.2. Permitted Uses

- 1) Business or professional office;
- 2) Club;
- 3) Community centre;
- 4) Community garden;
- 5) Day care facility;
- 6) Farmer's market;
- 7) Hospital;
- 8) Library;
- 9) Museum;
- 10) Park;
- 11) Personal service shop;
- 12) Place of worship;
- 13) Post office;
- 14) Recreational use;
- 15) Restaurant; and
- 16) Retail store.

6.5.3. Provisions

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	
Maximum Building Height	11 metres
Minimum Front Yard Setback	7.5 metres
Minimum Flankage Yard Setback	7.5 metres
Minimum Interior Side Yard Setback	3 metres
Minimum Rear Yard Setback	7.5 metres

6.5.4. Special Exceptions

- 1) Reserved for future use.

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6.6. Light Industrial Zone (LI)

6.6.1. General

- 1) Except as provided in this By-law, all development and land use in the Light Industrial (LI) Zone shall comply with the provisions of this section.
- 2) The Light Institutional Zone is intended to:
 - a) Permit light industrial uses to support economic activities in the Municipality; and
 - b) Regulate development in a manner that is compatible with surrounding land uses.

6.6.2. Permitted Uses

- 1) Auction establishment;
- 2) Automobile body shop;
- 3) Contractor's shop or yard;
- 4) Kennel;
- 5) Recycling facility; and
- 6) Warehouse.

6.6.3. Provisions

- 1) Where an Industrial Zone abuts a non-Industrial Zone, one of the following shall be provided along the abutting property line:
 - a) A landscaped buffer strip with a minimum width of 3 metres (9.84 feet).
- 2) Where outdoor display, outdoor storage, or garbage collection bins are permitted on a lot:
 - a) The outdoor display, outdoor storage, or garbage collection bins shall not be permitted within a required front yard of a lot;
 - b) The area devoted to outdoor display, outdoor storage, or garbage collection bins shall not exceed 50 percent of the lot area; and
 - c) All garbage collection bins associated with the industrial use shall be screened by an opaque fence with a minimum height of 1.8 metres.

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	
Maximum Building Height	11 metres
Minimum Front Yard Setback	7.5 metres
Minimum Flankage Yard Setback	7.5 metres
Minimum Interior Side Yard Setback	4.5 metres
Minimum Rear Yard Setback	7.5 metres

6.6.4. Special Exceptions

- 1) Reserved for future use.

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6.7. Heavy Industrial Zone (HI)

6.7.1. General

- 1) Except as provided in this By-law, all development and land use in the Heavy Industrial (HI) Zone shall comply with the provisions of this section.
- 2) The Heavy Industrial (HI) Zone is intended to:
 - a) Permit heavy industrial uses to support economic activities in the Municipality;
 - b) Restrict heavy industrial uses to the HI zone to protect public health and safety; and
 - c) Regulate development in a manner that is compatible with surrounding land uses.

6.7.2. Permitted Uses

- 1) Auction establishment;
- 2) Automobile body shop;
- 3) Contractor's shop or yard;
- 4) Heavy industrial use;
- 5) Kennel;
- 6) Recycling facility; and
- 7) Warehouse.

6.7.3. Provisions

- 1) Where a Heavy Industrial (HI) Zone abuts a non-Industrial Zone, one of the following shall be provided along the abutting property line:
 - a. An opaque fence with a minimum height of 1.8 metres; or
 - b. A landscaped buffer strip with a minimum height of 1.8 metres and a minimum width of 3 metres.
- 2) Where outdoor display, outdoor storage, or garbage collection bins are permitted on a lot:
 - a. The outdoor display, outdoor storage, or garbage collection bins shall not be permitted within a required front yard of a lot;
 - b. The area devoted to outdoor display, outdoor storage, or garbage collection bins shall not exceed 50 percent of the lot area; and
 - c. The area devoted to garbage collection bins associated with the industrial use shall be screened by an opaque fence with a minimum height of 1.8 metres.
- 3) Parking spaces shall not be permitted within 6 metres of a side or rear lot line that abuts a non-Industrial zone.

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	
Maximum Building Height	11 metres
Minimum Front Yard Setback	7.5 metres
Minimum Flankage Yard Setback	7.5 metres
Minimum Interior Side Yard Setback	4.5 metres
Minimum Rear Yard Setback	7.5 metres

6.7.4. Special Exceptions

- 1) Reserved for future use.

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6.8. Resource Extraction Zone (RE)

6.8.1. General

- 1) Except as provided in this By-law, all development and land use in the Resource Extraction (RE) Zone shall comply with the provisions of this section.
- 2) The Resource Extraction (RE) Zone is intended to:
 - a) Permit resource extraction uses to support economic activities in the Municipality;
 - b) Restrict resource extraction uses to the RE zone to protect public health and safety;
and
 - c) Regulate development in a manner that is compatible with surrounding land uses.

6.8.2. Permitted Uses

- 1) Excavation pit.

6.8.3. Provisions

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	
Maximum Building Height	11 metres
Minimum Front Yard Setback	7.5 metres
Minimum Flankage Yard Setback	7.5 metres
Minimum Interior Side Yard Setback	7.5 metres
Minimum Rear Yard Setback	7.5 metres
Minimum Landscape Buffer	Minimum width: 3 metres Minimum height: 1.8 metres

6.8.4. Special Exceptions

- 1) Reserved for future use.

6.9. Parks and Open Space and Recreation Zone (OS)

6.9.1. General

- 1) Except as provided in this By-law, all development and land use in the Parks and Open Space and Recreation (OS) Zone shall comply with the provisions of this section.
- 2) The OS Zone is intended to:
 - a) Reserve land in the Municipality for recreation and amenity purposes;
 - b) Identify lands for marinas and wharfs associated water-based recreation and economic activities;
 - c) Regulate development in a manner that is compatible with surrounding land uses.

6.9.2. Permitted Uses

- 1) Campground
- 2) Community garden;
- 3) Farmer's market;
- 4) Marina;
- 5) Marine facility;
- 6) Open space;
- 7) Park
- 8) Temporary festivals or events, including vendors; and
- 9) Recreational use.

6.9.3. Provisions

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	
Maximum Building Height	11 metres
Minimum Front Yard Setback	7.5 metres
Minimum Flankage Yard Setback	7.5 metres
Minimum Interior Side Yard Setback	7.5 metres
Minimum Rear Yard Setback	7.5 metres

6.9.4. Special Exceptions

- 1) Reserved for future use.

6.10. Environmental Protection Zone (EP)

6.10.1. General

- 1) Except as provided in this By-law, all development and land use in the EP Zone shall comply with the provisions of this section.
- 2) The Environmental Protection Zone is intended to:
 - a) Reserve land in the Municipality for the protection of sensitive environmental features;
 - b) Preserve visual amenity in the Municipality.

6.10.2. Permitted Uses

- 1) Conservation-related uses; and
- 2) Passive recreational uses.

6.10.3. Provisions

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	

6.10.4. Special Exceptions

- 1) Reserved for future use.

7. General Provisions for Subdividing Land

7.1. Subdivision Approval

- 1) No person shall engage in the subdivision of land unless the proposed development is compliant with the provisions of this By-law.

7.2. Conveying Interest in a Lot

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

7.3. Permission to Subdivide

- 1) No person shall subdivide land unless the subdivision:
 - a) Complies with the requirements of this By-law;
 - b) Is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
 - c) Will not cause undue flooding or erosion;
 - d) Has convenient access to a public road, including by means of a private road;
 - e) Has adequate utilities and services available or can be conveniently provided with such utilities and services;
 - f) Is designed so that lots will have suitable dimensions, shapes, orientation and accessibility; and
 - g) Is suitable to the use for which it is intended, and for the future use of adjacent lands.

7.4. Limitations

- 1) A parcel of land in existence on July 9, 1994 may be subdivided to create one additional lot for one of the following purposes:
 - a) Recreational use;
 - b) Resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;
 - c) Institutional use, where the lot has an area no greater than 1.2 hectares;
 - d) Use as a cemetery;
 - e) Rural tourism use, where the area of the lot does not exceed 1.2 hectares; or
 - f) Public utility use.
- 2) A parcel of land in existence on July 9, 1994 may be subdivided to create five additional lots for the purpose of residential development, which may include:
 - a) Single-unit dwelling;

- b) Semi-detached dwelling; or
 - c) Duplex dwelling.
- 3) A parcel of land shall not be subdivided for the purposes of a use listed under Provision (1) and a use listed under Provision (2).
- 4) A parcel of land may be subdivided for a non-resource-related commercial or industrial use where:
- a) The subdivided land is to encompass or contain an existing commercial use, or be appended to or consolidated with land that was approved for a non-resource-related commercial or industrial use by the Province of Prince Edward Island prior to October 12, 2019; and
 - b) In the opinion of Council, that use has not been discontinued or abandoned.
- 5) A remnant parcel may be subdivided in accordance with Provisions (1) to (4), as if the remnant parcel were a parcel existing on July 9, 1994, provided no previous approval to subdivide has been granted in respect of the existing parcel.
- 6) Notwithstanding Provisions (1) to (4), a parcel containing a golf course development, or land adjacent to a golf course under the same ownership, or both, may be subdivided, provided:
- a) The golf course was in existence on July 9, 1994;
 - b) The number of lots created from the original lot in existence on July 9, 1994 does not exceed five additional lots;
 - c) The parcels are developed exclusively with single-unit dwellings; and
 - d) Details of the subdivision are presented at a public meeting under the Planning Act.

7.5. Subdivision Procedure

- 1) Any person seeking approval of a subdivision shall first make application for preliminary approval to the Development Officer and shall be required to submit, along with the application, one copy of a preliminary subdivision plan, drawn to scale, showing:
- a) The true shape and dimensions of every lot;
 - b) The location of every existing building or structure on the parcel;
 - c) Existing and proposed services and utilities;
 - d) Proposed widths and locations of all streets;
 - e) Location of land proposed for recreation and public open space use; and
 - f) The existing use of the land and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.

- 2) Applicants of approved subdivisions shall be required to register perimeter deeds with the Provincial Registrar of Deeds.

7.6. Servicing

- 1) All proposed lots to be subdivided shall have the capacity to be serviced by communal or private water and sanitary services.
- 2) Notwithstanding provision (1), where a subdivision creates a lot on which development is prohibited, including but not limited to environmental preservation areas, setback buffers, and open spaces, the lot need not have the capacity to be serviced by communal or private water and sanitary services.

7.7. Highways and Roads

7.7.1. General

- 1) All lots created through a subdivision shall have frontage on a public road.
- 2) Notwithstanding provision (1), a lot that fronts onto a private road shall be deemed to have frontage on a street, provided the private road was legally established.
- 3) New private roads shall be permitted where all lots serviced by the private road accommodate one of the following uses:
 - a) Commercial rental cottages;
 - b) Farm buildings;
 - c) Seasonal commercial uses related to tourism;
 - d) Seasonal resort developments or portions of a resort development not intended for year-round use;
 - e) Single-unit dwellings; and
 - f) Wind energy conversion system development.
- 4) Where a private road is proposed through a subdivision, the private road shall be designed to provincial standards, with the exception of finished pavement.
- 5) All development shall comply with the requirements of the Roads Act, including setback Entrance Permit requirements, as applicable.

7.7.2. Subdivisions Along Collector Highways

- 1) Where an existing lot which abuts, and requires access to, a collector highway classified under the Roads Act R.S.P.E.I. 1988, R-15 is proposed to be subdivided:
 - a) A lot with less than 402.3 metres of frontage on the collector highway may only be subdivided to create one new lot in addition to the retained lot;

- b) A lot with more than 402.3 metres of frontage on the collector highway may be subdivided to create a maximum of one new lot for every 201 metres of frontage along the collector highway.
- 2) Notwithstanding provision (1), where the proposed lot contains an existing farm dwelling served by an existing highway access, one additional lot may be created in addition to the allowances in provision (1).
- 3) Where an additional lot is created under provision (2), no dwelling unit may be developed on the remainder of the subdivided parcel.

7.8. Subdivisions Along Shorelines

- 1) Where a subdivision is proposed along a shoreline, the subdivision may include a right-of-way easement to provide public pedestrian access to the shoreline.

7.9. Subdivision Agreement

- 1) The Municipality may require applicants of a subdivision to enter into a Subdivision Agreement as a condition of subdivision approval. The Subdivision Agreement may cover any matters as required by the Development Officer and/or Council and may include, but not be limited to the following:
 - a) Design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
 - b) Dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
 - c) Deeding of roads to the Department of Transportation and Public Works;
 - d) Posting of a financial guarantee satisfactory to Council;
 - e) 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) Provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision;
 - g) Provision for the phasing of the subdivision; and
 - h) Preservation and enhancement of surface water drainage systems.

7.10. Final Approval

- 1) Final subdivision approval shall be granted by the Development Officer only where the developer has complied with all applicable requirements of this By-law and has submitted five copies of a final subdivision plan showing all lots pinned and certified by a surveyor registered to practice in Prince Edward Island.
- 2) The Development Officer may grant final approval to part of a subdivision that is proposed to be developed in phases.

- 3) The Development Officer shall give notice of final approval of a subdivision in writing and shall place the Municipality's seal on the five copies of the subdivision plan and shall return one copy to the applicant.
- 4) The Development Officer shall file a copy of the final subdivision plan with:
 - a) The Registrar of Deeds;
 - b) The Department of Transportation and Public Works; and
 - c) Council files.

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8. Parking Requirements

8.1. Parking Requirements

- 1) For every building or structure to be erected or enlarged, off-street parking having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

Type of Use	Number of Parking Spaces	Loading Area
Residential	1.5 per dwelling unit (Minimum of 2)	n/a
Auditorium, theatre, place of worship or hall	1 per 4 seats	n/a
Hotel, motel or tourist home	1 per guest room	n/a
Restaurant (including take-out restaurant)	1 per 9.3 square metres (Minimum of 10 spaces)	n/a
Business or professional office	1 per 27.9 square metres of floor area	n/a
Warehouse and storage facilities	1 per employee	1 per loading bay
Other commercial uses	1 per 27.9 square metres of floor area	1 per loading bay
Other institutional or recreation uses	1 per 37.2 square metres of floor area	n/a
Golf course	1 per 37.2 square metres of floor area, plus 4 spaces per hole	n/a
Other industrial uses	1 per employee	1 per loading bay

- 2) Unless otherwise permitted by this by-law, all required parking spaces shall be located on the same property as the use for which they are provided.
- 3) Calculations of the minimum required number of parking spaces shall be pro-rated and rounded to the nearest whole number.
- 4) Parking spaces shall be reserved for and used exclusively for the purposes of parking vehicles.
- 5) Parking spaces shall remain unobstructed by barriers, posts, beams, signs, vegetation, or any material that hinders the ability of a vehicle to access the parking space.

8.2. Parking Spaces

- 1) A required or provided parking space shall measure a minimum of 3 metres in width by 6 metres in length.
- 2) A required or provided accessible parking space shall measure a minimum of 3.6 metres in width by 6 metres in length.

8.3. Loading Zones

- 1) One loading space shall be provided for every 929 square metres of floor space for a non-residential use.
- 2) A loading space may be required for any building less than 185.8 square metres square feet) in floor area.
- 3) A loading space may be located wholly or partly within a building or structure.
- 4) A loading space shall be:
 - a) A minimum of 3.6 metres by 9.2 metres, with a vertical clearance of 4.6 metres.
 - b) Constructed with a stable surface that is treated to prevent the raising of dust or loose particles; and
 - c) Have access to a street by means of a driveway with a minimum width of 3.6 metres for one-way traffic and 7.2 metres for two-way traffic.

8.4. Parking Lot and Driveway Standards

- 1) Where a parking lot for more than four spaces is to be constructed:
 - a) the parking lot shall be constructed with a stable surface that is treated to prevent the raising of dust or loose particles;
 - b) any lighting used to illuminate the parking lot shall be diverted away from streets, adjoining lots and buildings;
 - c) a building not more than 4.6 metres in height and not larger than 4.6 square metres in area may be erected for use of permanent attendants;
 - d) where a permanent hard surface is used, each parking space shall be marked;
 - e) the number of driveways accessing a parking lot shall not exceed two from any one street;
 - f) a driveway accessing a parking lot shall have a minimum width of 7.6 metres; and
 - g) parking lots which abut residential uses shall be screened by landscape buffers, fences or a combination thereof.
- 2) In addition to the parking requirements in this By-law, where off-street parking is provided on the same lot as the associated building, accessible parking shall be provided at a rate of one accessible space per 100 parking spaces, or part thereof.
- 3) Where an accessible parking space is provided, the space shall be 3.6 metres wide and shall be located a maximum distance of 45 metres from the accessible building entrance.

9. Signage

9.1. General

- 1) Except where otherwise exempted in this By-law, no person shall erect a sign without first obtaining a Development Permit from the Development Officer.
- 2) No Development Permit to erect a sign shall be issued unless all sign provisions of this By-law are satisfied.
- 3) An indoor sign shall not be considered a sign for the purpose of this By-law unless it is intended to be viewed from outside the building.

9.2. Maintenance

- 1) Every sign shall be kept clean, in good repair and working order.
- 2) If the business, service or other enterprise for which a sign is erected is no longer in operation, the sign shall be removed by the owner within 60 days of the date the operations cease. Removal of a sign includes the support structure or apparatus to which it is attached.
- 3) Provision (2) shall not apply to a seasonal enterprise that normally closes during part of the year.

9.3. Number of Signs

- 1) A sign with two or more faces, including a projecting sign or a ground sign, shall be classified as one sign.
- 2) No more than three signs, other than wall signs, may be erected on a lot, unless otherwise directed by the Development Officer.
- 3) Where there are more than two businesses on a lot, there shall be one directory sign per lot and independent signs shall be permitted for each business.
- 4) The maximum size of a directory sign shall not exceed 19 square metres.

9.4. Signs Permitted in All Zones

- 1) The following signs shall be permitted in all zones and no Development Permit shall be required:
 - a) Signs identifying the name and address of a resident, provided the sign does not exceed 0.4 square metres in area;
 - b) Signs for regulating the use of a property, including “No Trespassing” signs, provided that the sign does not exceed 0.4 square metres in area;
 - c) Real estate signs that advertise the sale, rental or lease of the premises for the duration of the marketing period;

- d) On-premises directional or traffic control signs, provided that the sign does not exceed 0.4 square metres in area;
- e) Signs erected by a government body or under the direction of a government body;
- f) Memorial signs or tablets;
- g) Community identification signs;
- h) The flag, pennant or insignia of any government, religious, charitable or fraternal organization;
- i) Temporary election signs;
- j) Temporary signs advertising a construction firm on the lot where the construction is occurring, provided the sign does not exceed 3 square metres in a residential zone or 6 square metres in all other zones.
- k) Identification signs for a place of worship;
- l) Temporary signs that comprise part of a seasonal or holiday decorative display, provided the sign is not displayed for a period exceeding 60 days;
- m) Pesticide and insecticide spraying warning signage; and
- n) A sign erected on a vehicle or trailer, parked on public or private property so as to be visible from the street, for the sole purpose of advertising products or directing people to a business or activity located on the same or nearby property.

9.5. Signs Prohibited in All Zones

- 1) The following signs are not permitted in any zone:
 - a) Signs that incorporate flashing illumination or moving parts;
 - b) Roof signs;
 - c) Any sign or sign structure that is or could be a safety hazard;
 - d) Any sign that obstructs or detracts from the visibility or effectiveness of any traffic sign or control device;
 - e) Any sign that obstructs the free egress from any fire exit door, window, or other required exit way;
 - f) Any sign not erected by a public authority that makes use of words such as "Stop," "Look," "One Way," "Danger," "Yield," or any similar word, phrase, symbol, light or character in such manner as to mislead or confuse the traffic along a street;
 - g) Any sign erected upon a public property or a public right-of-way, unless erected by a public authority or authorized by a public authority;
 - h) Signs painted on, attached to, or supported by a tree, stone cliff, or other natural object, with the exception of civic address;
 - i) Balloon or gas-filled figure or signs;

- j) Signs not related to any business or use located on the lot or premises, unless otherwise approved by the Development Officer; or
- k) Signs displaying obscene content.

9.6. Wall Signs

- 1) No wall signs shall extend above the top or beyond the sides of the wall to which it is affixed.

9.7. Projecting Signs

- 1) Projecting signs shall:
 - a) Not have a sign face larger than 1 square metre.
 - b) Not project further than 1 metre from the wall to which it is affixed;
 - c) Not project above the wall to which it is affixed;
 - d) Not extend beyond the property line of the property on which it is erected;
 - e) Not swing freely on its support; and
 - f) Be erected not lower than 2 metres and not higher than 5 metres above the ground.

9.8. Ground Signs

- 1) Ground signs shall:
 - a) Not exceed 12 metres in height;
 - b) Not have a sign face larger than 5 square metres; and
 - c) Not extend beyond the property line of the property on which it is erected.

9.9. Mobile Signs

- 1) Mobile signs shall be permitted subject to the following:
 - a) No more than one mobile sign is permitted on a lot;
 - b) The mobile sign shall be removed after 30 consecutive days, unless otherwise permitted by the Development Officer;
 - c) The mobile sign has no moving parts or flashing or unshielded lights; and
 - d) The sign does not exceed 6 square metres in size.

9.10. Canopies or Awnings

- 1) Signs incorporated in a canopy or awning shall be permitted.

9.11. Menu Signs

- 1) For commercial operations that operate a drive-through facility, menu boards shall be permitted in addition to all other signage, provided:

- a) The menu board does not exceed 2 square metres in area;
- b) The menu board is positioned so that lighting does not project on neighbouring properties or street rights-of-way; and
- c) The menu board complies with setback requirements in the applicable zone.

9.12. Signs in Sports Fields and Outdoor Arenas

- 1) Notwithstanding the provisions of this section, any number of sponsorship signs may be erected in a sports field or outdoor arena, provided the signs are intended for view from within the sports field or outdoor arena.

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Zoning Schedules

Schedule A – Zoning Map

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Appendix A: Minimum Lot Area and Lot Width Requirements for Lots on Partial or Private Services

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 4ft. (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).

Table A1 – 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 Lots – feet / metres
On-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 More than 4	25,000 sq.ft. / 2,322.5 sq.m. 30,000 sq.ft. / 2,787 sq.m. 35,000 sq.ft. / 3,251.5 sq.m. 40,000 sq.ft. / 3,717 sq.m. 40,000 sq.ft. / 3,717 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	150 ft. / 45.7 m 160 ft. / 48.8 m 175 ft. / 53.3 m 200 ft. / 61 m 200 ft. / 61 m
On-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 More than 4	35,000 sq.ft. / 3,251.5 sq.m. 40,000 sq.ft. / 3,717 sq.m. 45,000 sq.ft. / 4,180.5 sq.m. 50,000 sq.ft. / 4,645 sq.m. 50,000 sq.ft. / 4,645 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	175 ft. / 53.3 m. 200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 250 ft. / 76.2 m.

(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 Lots – feet / metres
On-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 More than 4	51,000 sq. ft. / 4,738 sq. m. 56,000 sq. ft. / 5,202 sq. m. 61,000 sq. ft. / 5,667 sq. m. 66,000 sq. ft. / 6,131 sq. m. 66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 300 ft. / 91.4 m. 300 ft. / 91.4 m.
On-site water supply and on-site sewage system	IV	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 More than 4	75,000 sq.ft. / 6,975 sq.m. 80,000 sq.ft. / 7,440 sq.m. 85,000 sq.ft. / 7,905 sq.m. 90,000 sq.ft. / 8,370 sq.m. 90,000 sq.ft. / 8,370 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	300 ft. / 91.4 m.
On-site water supply and on-site sewage system	V	N/A	N/A	Not developable	N/A

Table A2 – 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.

