

RURAL MUNICIPALITY OF  
**VICTORIA**  
VISION 2036

# Zoning & Subdivision Control Bylaw



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RURAL MUNICIPALITY OF  
**VICTORIA**

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# 1. Preamble + Interpretation

## 1.1. Title

1.1.1. This Bylaw shall be known and may be cited as the Rural Municipality of Victoria Zoning and Subdivision Control Bylaw, or the “Development Bylaw” for short.

## 1.2. Authority

1.2.1. This Bylaw is enacted under the authority of the *Planning Act*, R.S.P.E.I. 1988, c.4, s.16..

## 1.3. Planning Area

1.3.1. This Bylaw applies to the geographical area within which the Rural Municipality of Victoria has jurisdiction.

## 1.4. Scope

1.4.1. No dwelling, business, trade, or industry shall be located, nor shall any *building* or structure be erected, *altered*, used or have its use changed, nor shall any land be developed, subdivided, consolidated, or used in the Municipality, except in conformity with this Bylaw and subject to the provisions contained herein.

## 1.5. Certain Words

1.5.1. In this Bylaw:

- (a) words used in the present tense include future;
- (b) words in the singular number include the plural;
- (c) the word "shall" is mandatory and not permissive; and
- (d) gendered words shall be interpreted to mean any gender.

## **1.6. Conflict**

- 1.6.1. In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall take priority.
- 1.6.2. In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall take priority.

## **1.7. Defined Terms**

- 1.7.1. In this Bylaw, italicized words shall carry the defined meaning set forth in Chapter 13, Definitions. Words that are defined in Chapter 13 but are not italicized when used in the Bylaw carry their ordinary meaning.

## **1.8. Units of Measurement**

- 1.8.1. This Bylaw uses the metric system of measurement. Conversions to imperial measurements are often noted; however, these are for convenience only and measurements in metric shall take precedence.

## **1.9. Severability**

- 1.9.1. If any provision of this Bylaw 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 Bylaw.

## 2. Development Zones

### 2.1. Development Zones

2.1.1. For the purpose of this Bylaw, the Municipality is divided into the following development zones, the boundaries of which are shown in Appendix A, the *Zoning Maps*. Such zones may be referred to by the following symbols.

Zone	Symbol
General Residential	R1
Single-Unit Residential	SR
Commercial	C
Central Core	CC
Light Industrial	M
Agricultural	A
Recreation & Public Open Space	P
Public Service & Institutional	PSI
Special Overlay Zones	
Environmental Reserve	O2
Wellfield Protection	WP

### 2.2. Interpretation of Zone Boundaries

2.2.1. The extent and boundaries of zones are shown in Appendix A, the *Zoning Maps*, of this Bylaw and the appropriate provisions of this Bylaw shall apply to each zone. Boundaries between zones shall be determined as follows:

- (a) where a zone boundary is indicated as following a survey line as recorded at the Registry of Deeds, the boundary shall follow that line;
- (b) where a zone boundary is indicated as following a street, road, highway, or *private right-of-way*, the centreline of the street, road, highway or *private right-of-way* shall be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated as following a utility right-of-way, the centreline of the right-of-way shall be the boundary unless otherwise indicated;
- (d) where the zone boundary is indicated as approximately following lot or property lines, the boundary shall follow the lot or property lines;
- (e) where the zone boundary is indicated as following the shoreline of a river, *watercourse*, lake or salt water body, the mean high-water mark shall be the boundary;
- (f) The Zone boundaries for the Environmental Reserve Overlay Zone shall be the area in or on a *Watercourse* or *Wetland* and the area within 15 m. (49.2 ft.) of a *Wetland* Boundary or a *Watercourse* Boundary, as designated or determined by the Province's department responsible for the Environmental Protection Act.
- (g) where the zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary; and
- (h) where none of the above provisions apply, the *Development Officer* shall scale the

zone boundary from the *zoning map*.

2.2.2. The location of the Environmental Reserve (Overlay) Zone boundary may change over time as the coastline and *Wetland* and *Watercourse* boundaries change due to natural processes including sea level rise and coastal erosion;

### **2.3. Appendices**

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

2.3.2. Appendix A shall be cited as the “Zoning Maps”.

### **2.4. Permitted Uses**

2.4.1. In this Bylaw any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.

# 3. Administration

## 3.1. Development Approval

- 3.1.1. Unless otherwise stated in this Bylaw, no person shall undertake a development within the Municipality without first obtaining a *development permit* from the *Development Officer*.
- 3.1.2. No *building* shall be moved into or within the area covered by this Bylaw without a *development permit* and such other permits as may be required by law.
- 3.1.3. Unless otherwise stated in this Bylaw, no *development permit* shall be required for the following developments:
- (a) Laying paving materials for patios or sidewalks.
  - (b) Constructing *fences* of less than 1.83 metres (6 feet) in height.
  - (c) Installing clothes lines, poles, and radio or television antennae (except ground-based satellite dishes).
  - (d) Making a garden for personal use.
  - (e) Growing a crop or preparing land for a crop.
  - (f) Farm, Fish, and Forest Stalls, subject to the requirements of section 5.4.1
  - (g) Temporary crop and garden structures such as, but not limited to, cloches, cold frames, row hoops, raised garden-bed boxes, and temporary greenhouses.
  - (h) Conducting routine maintenance which has the effect of maintaining or restoring a structure or any of its elements to its original state or condition.
  - (i) Making landscape improvements or constructing ornamental structures or play structures of less than 5.95 square metres (64 square feet).
  - (j) Constructing a *dog house* or *dog run*.
  - (k) A development that involves the interior or exterior *renovation* of a *building* that will not change the shape of the *building* or increase its volume, will not add more *dwelling units*, or will not involve a change in use of the *building*;
  - (l) *Roof-mounted solar arrays* subject to the following:
    - (i) the solar photovoltaic or solar thermal equipment would not protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured perpendicularly from the external surface;
    - (ii) it would not result in the highest part of the solar photovoltaic or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);
    - (iii) the developer takes full responsibility for the roof truss system being able to bear the weight of the solar collector installation; and
    - (iv) Compliance with all other applicable criteria defined in section 5.2;
  - (m) Public utilities located within the street right-of-way.

## 3.2. Compliance with Bylaw

- 3.2.1. All development, including those for which no *development permit* is required, shall comply with the requirements of this Bylaw.

## 3.3. Other Approvals

- 3.3.1. Nothing in this Bylaw exempts any person from the requirement to obtain any permit, license, permission, authority or approval required by any other regulations or laws in force, including approvals required as a precondition to an authorization pursuant to this Bylaw.

### **3.4. Development Officer**

- 3.4.1. *Council* shall appoint a *Development Officer(s)* whose duties shall be as provided in this Bylaw. A *Development Officer* shall have the authority to administer this Bylaw.
- 3.4.2. Notwithstanding the foregoing and except where otherwise specified in this Bylaw, a *Development Officer* shall have the authority to approve or deny severances, lot *consolidations*, and *development permits* in accordance with this Bylaw in all areas except for the following:
- (a) New public utility structures or existing utility structures wishing to expand.
  - (b) Variances of more than five percent (5%).
  - (c) Special Permitted uses.
  - (d) The subdivision of four (4) or more lots from a *parent parcel*.

### **3.5. Denying Permits**

- 3.5.1. No *development permit* shall be issued for a proposed development if, following the submission of all relevant information:
- (a) *council* approval has not been granted for any aspect of the development for which this Bylaw requires *Council* approval;
  - (b) the proposed development does not conform to the provisions of this Bylaw and/or any *development agreement* applicable to this site;
  - (c) the proposed development would contravene any bylaw, law, or federal or provincial legislation in effect in the municipality;
  - (d) the method or quantity of water supply is not appropriate;
  - (e) the method of sanitary waste disposal is not appropriate;
  - (f) there is no safe or efficient access to the street, highway, or road;
  - (g) the proposed development could create a hazard to the general public, including but not be limited to health or fire hazards, or hazards, injuries or damages arising from excessive slope, water drainage run-off, and flooding ;
  - (h) the proposed development would create unsafe traffic conditions; or
  - (i) the proposed development would be *detrimental* to the environment, including by reason of noise, dust, drainage, infilling, or excavation which affects environmentally sensitive or residential areas.

### **3.6. Demolition or Moving Permits**

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

### **3.7. Development Permit Application**

- 3.7.1. Any person applying for a permit shall do so on a form prescribed by *Council*, and shall submit the application and fee to the Municipal Administrative Office. The application will be forwarded to the *Development Officer*.
- 3.7.2. Every application form shall be signed by the property *owner*, or an agent who furnishes proof that they are authorized by the property *owner*, and shall be accompanied by an application fee in accordance with the Appendix of Fees established or altered by *Council* resolution and annexed hereto as Appendix C.
- 3.7.3. The *Authority Having Jurisdiction* shall notify the applicant, in writing, if the application is incomplete or lacking in details, and shall indicate any additional information or documentation required.

### **3.8. Payment of Fees**

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

### **3.9. Development Permit**

- 3.9.1. A *development permit* shall be issued once the *Authority Having Jurisdiction* is satisfied that the proposed development conforms with all relevant provisions of this Bylaw, and any other relevant bylaws.
- 3.9.2. A *development permit* shall only be issued upon receipt of the appropriate fee(s), as established or altered by *Council* resolution and set out in Appendix C.
- 3.9.3. A *development permit* shall be valid for an eighteen-month period.
- 3.9.4. The *Development Officer* may revoke a *development permit* where information provided on the application is found to be inaccurate or where the permit was issued in error.

### **3.10. Conditions on Permits**

- 3.10.1. The *Authority Having Jurisdiction* shall have the authority to impose conditions on a *development permit* subject to such conditions being directly related to or consistent with bylaws of the Municipality and the Official Plan.

### **3.11. Special Permitted Uses**

- 3.11.1. Special permitted uses represent exceptions to the “permitted uses” in each zone and shall be subject to the approval of *Council*.
- 3.11.2. No *development permit* for a Special Permit Use shall be issued by *Council* unless:
  - (a) the development and the conditions placed upon it are consistent with the criteria for the applicable use as outlined in Chapter 8;
  - (b) the development is consistent with all applicable requirements of this Bylaw necessary for the issuance of a *development permit*, except where those requirements are modified by the criteria of Chapter 8; and
  - (c) property *owners* within 30 metres (98.4 feet) of the subject property are notified in writing with the details of the proposed development and asked to provide their comments in relation to the criteria of Chapter 8 within 21 days, following which *Council* will determine whether a public meeting is necessary.
- 3.11.3. A public meeting may be required for any special permitted use as determined by *Council*, and shall be required for the following uses:
  - (a) new commercial development inside or outside the Commercial Zone or the expansion of an existing commercial development inside or outside the Commercial Zone.

- (b) new light industrial development or the expansion of an existing light industrial development.

3.11.4. Where *Council* has determined that a public meeting is necessary, the following provisions shall apply:

- (a) a public meeting shall be held to allow the developer to present the development proposal to residents to obtain their input;
- (b) the time, date, location, and details of the meeting shall be advertised in a local newspaper at least twice, at the cost of the developer, not less than seven clear days in advance of the meeting date;
- (c) *council* shall appoint a Planning Board member to chair the meeting;
- (d) written comments respecting the proposed development may be forwarded to the Chief Administrative Officer, or designate, prior to the meeting for those unable to attend, and a summary of such written comments shall be presented at the public meeting by the chair; and
- (e) the developer or their agent shall attend the meeting in order to present and defend the proposed development.

3.11.5. A written summary of the comments received at or prior to the public meeting shall be prepared by the Chief Administrative Officer, or designate, a copy of which shall be filed in the municipal office and made available to any interested person during the Administration Office's usual hours of operation.

### 3.12. Development Agreements

- 3.12.1. The *Authority Having Jurisdiction* may require any *Owner* of a Property that is the subject of an application for a *Development Permit* to enter into a *Development Agreement*. This Agreement shall be a contract binding on both parties, containing all conditions which were attached to the *Development Permit*, as well as any other matters identified pursuant to subsection (3).
- 3.12.2. Failure to comply with a *development agreement* shall constitute an offence under this Bylaw.
- 3.12.3. A *development agreement* may address but shall not be limited to the following matters:
- (a) *Site plan* design.
  - (b) The design and construction of sidewalks, pathways, trails, and other pedestrian or bicycle circulation facilities.
  - (c) The location and number of bicycle and vehicular parking and loading spaces.
  - (d) Connections to existing or planned pedestrian, bicycle, and vehicular networks.
  - (e) Connections to existing coastal access points.
  - (f) Landscaping and screening.
  - (g) Types of materials stored and/or sold on site.
  - (h) Open space and amenity areas.
  - (i) Vehicular access and exits.
  - (j) Security and safety lighting.
  - (k) Fencing.
  - (l) The emission of noise, odour, light, liquids, gasses, and dust.
  - (m) Stormwater management and drainage.
  - (n) Servicing.
  - (o) Methods and location of waste storage and disposal.
  - (p) Time limits for the initiation and/or completion of the development.
  - (q) Any other matters deemed necessary to ensure compliance with this Development Bylaw.
- 3.12.4. The *Development Agreement* shall be registered in accordance with the Registry Act and all fees associated with the preparation, registration, and enforcement of the *Development Agreement*, including the Municipality's legal fees, shall be paid by the Developer.
- 3.12.5. A *Development Permit* issued subject to a *Development Agreement* shall include a condition that the *Development Agreement* be signed prior to the issuance of the *Development Permit*.

### 3.13. Site Plan

- 3.13.1. The *Development Officer* may require an applicant to submit a *site plan* drawn to a convenient scale certifying the agreement of the applicant to develop the site in accordance with the plan.
- 3.13.2. A *site plan* shall be prepared to a scale showing existing and proposed conditions and may, at the *Development Officer's* request, include:
- (a) the location of all *buildings* and structures on the parcel with respect to the lot boundaries;
  - (b) the location of the septic system or sewer service;
  - (c) the location of the well or water service;
  - (d) the location of the electrical service;
  - (e) the location of the existing or proposed driveway(s);
  - (f) floor plan(s) of the proposed *building* or structure;
  - (g) elevation plan(s) of each exterior wall of the proposed *building* or structure;
  - (h) any other information the *Development Officer* deems necessary to determine whether or not the proposed development conforms to the requirement of this Bylaw.

### 3.14. Drainage Plan

- 3.14.1. The *Development Officer* may require the applicant to submit a drainage plan prepared by a land surveyor, a professional engineer, or a landscape architect licensed to practice in the Province.

3.14.2. The drainage plan shall be signed and sealed by a qualified professional as noted above attesting that the design shall be in accordance with acceptable standards and no water runoff (no additional or changed characteristics) shall be directed onto other lands except where legal permission has been obtained.

3.14.3. The drainage plan shall show such details as the following:

- (a) Certification by the person who has prepared the plan.
- (b) Name of the company that prepared the certificate.
- (c) Property information, dimensions, PID number, civic number, subdivision lot number, date of survey, drawing scale, and north arrow.
- (d) Existing surface conditions, e.g. clay, topsoil, sod or landscaped.
- (e) Existing elevations referenced to the NAD83 Geodetic Reference System showing:
  - i) all improvements on the subject site;
  - ii) spot elevations throughout the site; and
  - iii) any improvements or spot elevations on adjacent properties necessary to show the existing drainage patterns;
- (f) Proposed elevations referenced to NAD83 Geodetic Reference System showing:
  - i) all proposed improvements on the subject site;
  - ii) proposed spot elevations throughout the site;
  - iii) any proposed improvements or spot elevations on adjacent properties necessary to show the proposed drainage patterns;
  - iv) top of existing and proposed foundation elevations; and
  - v) location and elevation of structures on adjoining properties along with any elevations necessary to confirm drainage patterns;
- (g) Location of discharge into stormwater system, ditch, etc.
- (h) Projected stormwater flow rates for new subdivisions shown on a stormwater management plan.
- (i) Detailed surveys for lots adjacent to stormwater management ponds or storage areas including the location and elevations of structures or features with maintenance and overflow areas.
- (j) Any other information the *Development Officer* deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

3.14.4. A drainage plan is not required for the following types of Developments, where the Development does not involve an alteration or change to the existing *Grade* of the land within the minimum *Setbacks* of the Lot:

- (a) a Development that conforms with a preapproved stormwater management plan as prepared for the Subdivision approval of the Lot;
- (b) a Development of a Structure with a footprint less than 65 sq. m. (699.7 sq. ft.) and a proposed *Setback* of more than 15 m. (49.2 ft.) from any *Lot Line* or existing Structure;
- (c) a Development that will result in a total Lot Coverage of less than 10%;
- (d) a Development of a Structure with a footprint less than 20 sq. m. (215.3 sq. ft.);
- (e) a Development of a Structure that will be built on raised sono-tubes, posts or piles and will not affect the natural and existing flow for drainage; or
- (f) a the replacement of a Structure with one of the same size and in the same general location, provided no changes are being made to the *Grade* of the Lot under or around the Structure.

3.14.5. For Properties with, or located adjacent to, a *Watercourse* or *Wetland*, the *Site Plan* or stormwater management plan or both shall also include the location of any *Buffer Zone* as defined in the Watercourse and Wetland Protection Regulations.

### 3.15. Other Information

3.15.1. The *development officer* or *Council* may require an applicant to submit any additional information related to the proposed development which is deemed necessary in order to determine whether or

not the development conforms to the requirements of the Bylaw, Official Plan, and applicable federal and provincial laws, including such things as, but not limited to, the following:

- (a) *Parking lot* layout and internal circulation patterns.
- (b) Location of solid waste containers and description of any screening or fencing.
- (c) Stormwater management plan.
- (d) Traffic study.
- (e) Environmental study.
- (f) Location of open space and amenity areas.
- (g) Landscaping plan.
- (h) *Buffer zones* adjacent to *wetlands* or *watercourses*.
- (i) Plan and description of existing vegetation.
- (j) Existing *heritage registered* or *heritage designated* properties involved in or adjacent to the development.
- (k) Easements.
- (l) Proposed storage areas and description of any screening or fencing.
- (m) Description and location of ventilation systems and other equipment that could create excessive noise and odour.

3.15.2. *Council* or the *Development Officer* may consult with the Government of Canada or the Province, or other qualified professionals, in order to determine whether or not the development conforms to the requirements of the Bylaw, Official Plan, and applicable federal and provincial laws.

### **3.16. Develop in Accordance with Application**

3.16.1. Any person who has been granted a *development permit* shall develop in accordance with the information given on the prescribed application form, any supporting documentation and the conditions and requirements of said *development permit* or *development agreement*.

### **3.17. Authorization for Inspection**

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

### **3.18. Permits Posted**

3.18.1. All permits shall be posted by the developer on the subject property and be visible from the street.

3.18.2. The *development officer* shall ensure that all decisions relating to applications are posted in accordance with section 23.1 of the Planning Act, on the Provincial Government planning decisions website and at the Municipal Office, 730 Victoria Rd.

### **3.19. Specialized Fire Services**

3.19.1. Developers shall be required to cover all costs of specialized fire services or facilities, as required, for the following types of development:

- (a) light industrial development;
- (b) new commercial development outside the Commercial Zone; and
- (c) the expansion of commercial development outside the Commercial Zone.

### **3.20. Temporary Uses, Buildings and Structures**

3.20.1. A temporary permit may be issued for the temporary use of land or the temporary use of a *building* or structure incidental to a construction project provided that a *development permit* has been issued for the main construction project, subject to such conditions as the *Authority Having Jurisdiction* may deem appropriate to protect the interests of adjacent property owners or the general public. The permit shall require that the temporary use shall be removed from the site

within 30 days of completion of the main construction project, unless otherwise approved by the *Development Officer*.

- 3.20.2. No permit shall be issued for *mobile trailers* or mobile vending unit for commercial use, except in accordance with section 3.20.3
- 3.20.3. *Council* may grant a permit for the temporary erection of a structure or the temporary use of land in any zone for a period not exceeding 14 days where, in the opinion of *Council*, the temporary use does not represent a conflict or nuisance to property *owners* in the vicinity or the general public. *Council* may attach such conditions it deems appropriate to ensure public safety and to mitigate any negative impacts on surrounding properties, including but not limited to water supply, wastewater disposal, electricity supply, noise and odour, traffic management and emergency management.
- 3.20.4. The hours of the temporary use shall be limited from 8:00 a.m. - 11:00 p.m. daily, unless otherwise authorized by *Council*.
- 3.20.5. No temporary permits shall be granted where in the opinion of *Council*:
- (a) parking facilities are not adequate
  - (b) ingress or egress or both to the site would create excessive congestion or a traffic hazard;
  - (c) washroom facilities are not adequate;
  - (d) garbage collection and storage facilities are not adequate; or
  - (e) the use would create a conflict due to excessive noise, hours or operation, lighting or another nuisance.
- 3.20.6. No temporary use shall be permitted to encroach within the front, rear or side setbacks as required under this Bylaw
- 3.20.7. No permit shall be required for either a structure or temporary *change of use* for a single-day special event, or a special event of fewer than 14 days that does not require any additional temporary services such as, but not limited to, water supply, wastewater disposal, electricity supply, noise and odour, traffic management and emergency management.

### 3.21. Appeals

- 3.21.1. Any appeal of a decision in respect to the administration of this Bylaw shall be undertaken in accordance with the *Planning Act*.

## 4. General Provisions for All Zones

### 4.1. Existing Non-conforming Buildings and Structures

4.1.1. Where a *building* or structure exists on or before the effective date of this Bylaw and does not comply with one or more requirements of this Bylaw the *building* or structure may be enlarged, reconstructed, relocated, repaired or renovated, provided that:

- (a) the enlargement, reconstruction, repair, relocation or *renovation* does not increase the non-conformance(s) with this Bylaw; and
- (b) all other provisions of this Bylaw are satisfied.

4.1.2. A *building* or structure shall be deemed to exist on the effective date of approval of this Bylaw if:

- (a) it has lawfully been constructed; or
- (b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within twelve (12) months after the date of the issue of the permit and is completed in conformity with the *Development Permit* within 24 months of the date that construction commenced.

4.1.3. If a *building* or structure that does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of seventy-five percent (75%) or more of the assessed value of the *building* or structure above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw.

### 4.2. Existing Non-conforming Lots

4.2.1. Notwithstanding any other provisions of this Bylaw:

- (a) a vacant lot shown on a deed as a separate lot from adjoining parcels on the effective date of this Bylaw, having less than the minimum width, depth, or area required, may be used for a purpose permitted in the zone in which the lot is located and a *building* may be erected on the lot provided that all other applicable provisions in this Bylaw are satisfied; and
- (b) a lot containing a structure and shown on a deed as a separate lot from adjoining parcels on the effective date of this Bylaw, having less than the minimum *frontage*, width, depth, or area required by this Bylaw may be used for a purpose permitted in the zone in which the lot is located, and a *development permit* may be issued provided that all other applicable provisions in this Bylaw are satisfied.

### **4.3. Existing Non-conforming Uses**

- 4.3.1. Subject to the provisions of this Bylaw, a use of land, *building*, or structure lawfully in existence on the effective date of approval of this Bylaw may continue to exist.
- 4.3.2. No structural *alterations* that would increase the exterior dimensions, except as required by statute or Bylaw, shall be made to a *building* or structure while a non-conforming use thereof is continued.
- 4.3.3. Any change of tenants or occupants of any premises or *building* shall not of itself be deemed to affect the use of the premises or *building* for the purposes of this Bylaw.
- 4.3.4. A non-conforming use of land, *building*, or structure shall not be permitted to resume if it has been discontinued for a period of twelve (12) consecutive months, and in such event the land, *building*, or structure shall not afterward be used except in conformity with this Bylaw. In the case of seasonal businesses, the use shall be considered discontinued starting on December 31<sup>st</sup> if the business had not operated in that that calendar year.
- 4.3.5. No increase in the area occupied by the non-conforming use shall occur, while a non-conforming use is being continued, to the extent that the increase in area would have the impact of creating a *change of use*.

### **4.4. Accessory Uses and Structures**

- 4.4.1. *Accessory uses* and structures shall be permitted on any lot but shall not:
  - (a) be built closer than 1.2 metres (3.9 feet) to the side or rear property lines;
  - (b) be built within the front yard or flankage yard of a lot;
  - (c) exceed the height of the *main building* or the total *floor area* of the *main building* except in the Agricultural and Light Industrial Zones;
  - (d) exceed 20 square metres (215 square feet) of *floor area* per structure in the Central Core Zone; or
  - (e) exceed 47 square metres (506 square feet) of *floor area* per structure in the Residential or Recreation & Public Open Space Zones; or
  - (f) exceed one *accessory building* per lot, except:
    - i) on a lot greater than 4,046 square metres (1 acre), in which case a maximum of two (2) *accessory buildings* are permitted;
    - ii) lots with a detached *accessory dwelling* may have an additional *accessory building* up to 18.5 square metres (200 square feet); or
    - iii) where the property is zoned Agricultural, Public Service and Institutional, or Light Industrial.

4.4.2. Notwithstanding the above provisions, *Council* may issue a special development permit for an accessory structure located within the front yard or flankage yard of a lot where *Council* is satisfied the structure will be compatible with adjacent structures and no permanent injury would be caused to adjoining properties, in relation to matters such as but not limited to:

- (a) Size of proposed accessory structure;
- (b) requirements for water or sewer servicing; and
- (c) Encroachment into minimum yard *setbacks*

4.4.3. No *accessory building* shall be considered an *accessory building* if it is:

- (a) *attached* to the *main building*; or
- (b) located completely underground.

## 4.5. Mixed Use

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

## 4.6. Lot Frontage

4.6.1. No *development permit* shall be issued unless the lot or parcel of land intended to be used or upon which the *building* or structure is to be erected abuts and fronts upon a *street, road or highway*.

4.6.2. If a parcel of land in any zone is of such configuration that it cannot reasonably be subdivided in such a way as to provide the required minimum lot *frontage* on a street, *Council* may approve a reduced road *frontage*, provided that:

- (a) adequate, safe, and perpetual access to the lot is provided; and
- (b) the lot width at the *building line* measures at least as much as the minimum lot *frontage* requirement.

4.6.3. Notwithstanding subsection 4.6.1 above, the *Council* may approve a *development permit* on an existing *private right-of-way*, provided that the following criteria are met:

- (a) the *parcel* was approved prior to the effective date of this *Bylaw*;
- (b) no acceptable provision can be made to provide access to a *street*;
- (c) safe ingress and egress from the *parcel* can be provided from the *parcel* or *private right-of-way* to a *street*;
- (d) the name of the *private right-of-way* has been approved by the Minister of Justice & Public Safety, in accordance with the *Emergency 911 Act* where the *development* results in three (3) or more civic addressed *dwelling, buildings, or units* sharing the same *private right-of-way* or driveway;
- (e) the *applicant* can establish legal entitlement to use the *private right-of-way* for access to the *parcel* in question and any such legal entitlement that has been established through an agreement with the *owner* of the *private right-of-way* shall be registered in accordance with the provisions of the *Registry Act*;
- (f) the *property owner* shall be required to enter into a *development agreement* with the *Municipality* acknowledging the following:  
“The *private right-of-way* serving PID \_\_\_\_\_ is not owned or maintained by the Rural Municipality of Victoria and therefore the Rural Municipality of Victoria shall have no liability for the *private right-of-way*. Without limiting the generality of the foregoing, the *Rural Municipality* shall not be responsible for providing any services of any nature or kind to the *private right-of-way*. In addition, the *private right-of-way* may not be entitled to receive other public services such as grading, ditching, snowplowing, gravelling, school busing, solid waste collection, or emergency vehicle access.”; and
- (g) the *development agreement* required under the above clause shall be registered in accordance with the *Registry Act* and all fees associated with the preparation,

registration, and enforcement of the *development agreement* shall be paid by the *developer*.

#### **4.7. Access and Entrance ways**

**4.7.1.** No *person* shall construct or use an entrance way except where that entrance way meets the minimum requirements as established under the *Planning Act*, the *Roads Act*, or any successors.

**4.7.2.** Where an entrance way permit or other approval is required under the *Highway Access Regulations*, a *development permit* shall not be granted until that entrance way permit or other approval or permit has been granted.

#### 4.8. Setback Encroachments

- 4.8.1. Except for *accessory buildings*, every part of any setback required by this Bylaw shall be open and unobstructed by any structure from the ground to the sky, provided that those structures listed in the following table shall be permitted to project for the specified distance as follows:

Structure	Setback in Which Projection is Permitted	Maximum Projection from Main Wall Permitted into Setback
Retrofits to existing <i>buildings</i> to increase the amount of exterior insulation.	Any <i>setback</i>	0.3 metres (1 foot)
Sills, belt, courses, cornices, eaves, gutters, chimneys, pilasters or canopies	Any <i>setback</i>	0.6 metres (2 feet)
Window bays up to 3 metres (10 feet) wide	Front, rear, and flankage <i>setbacks</i> only	0.9 metres (3 feet)
Fire escapes up to 3 metres (10 feet) wide	Rear and side <i>setbacks</i> only	1.5 metres (5 feet)
Balconies	Front, rear and flankage <i>setbacks</i> only	1.8 metres (6 feet)
Open, roofed porches or <i>verandahs</i> not exceeding one storey in height; uncovered terraces	Front, rear and flankage <i>setbacks</i> only	2.4 metres (8 feet) including eaves and cornices
<i>Barrier-free</i> access ramps	Any <i>setback</i>	2.4 metres (8 feet)

#### 4.9. Height Exemptions

- 4.9.1. The height regulations of this Bylaw shall not apply to church spires or steeples, mosque minarets, water tanks or reservoirs, elevator enclosures, stairwells, commercial communications towers, television or radio antennae, tree houses, silos, flag poles, ventilators, barns, chimneys, skylights, public art, solar collector systems, bee hives, or clock towers.

#### 4.10. Conformity with Existing Adjacent Setbacks

- 4.10.1. A front *setback* less than the minimum front *setback* required in a zone may be approved, if:
- the proposed *setback* is not less than the smallest front *setback* of any *main building* within 60 metres (197 feet) on the same street and within the same zone as the proposed *building*; and
  - the proposed *setback* is not less than 2 metres.

#### 4.11. Intersection Triangle

- 4.11.1. On a *corner lot*, no *fence*, sign, hedge, shrub, bush or tree or any other structure or vegetation shall be erected or permitted to grow to a height greater than 0.6 metres (2 feet) above *grade* within the triangular area formed by a line connecting the abutting street boundary lines at a distance of 6 metres (20 feet) from their point of intersection.

#### 4.12. Servicing

- 4.12.1. All applicants requesting a *development permit* or subdivision approval shall be subject to the requirements of the Municipality's Servicing Standards Manual

- 4.12.2. Notwithstanding the minimum Lot size standards of this Bylaw, all applications for subdivision approval for a Lot involving an on-site Sewage Disposal System or on-site water supply or both shall meet the requirements of the provincial government's Province-Wide Minimum Development Standards Regulations for on-site servicing based on soil category, the Sewage Disposal Systems Regulations, Water Withdrawal Regulations, and Well Construction Regulations.
- 4.12.3. Every application for a *Development Permit* or *change of use* involving an on-site Sewage Disposal System or on-site water supply, or both, shall include a *Site Plan* showing the location of the on-site Sewage Disposal System and all proposed *Buildings* and Structures, a copy of the Sewage Disposal System Registration Form, and a site assessment for any Lot for which a site assessment pursuant to the Environmental Protection Act has not been conducted within 23 m. (75 ft.) of the Lot since December 31, 2006.
- 4.12.4. Every on-site sewage treatment system with a capacity of more than 1500 gallons shall be designed and certified by a Professional Engineer.
- 4.12.5. Any person wishing to construct, erect, place, make any *alterations* to, or change the use of a structure on any lot within the municipality which will require connection to the Municipality's central *sewer system*, central water system, or both, shall apply for and receive permission for such connection(s) from the *Development Officer* and the Water and Sewer Corporation, and shall provide proof of such permission prior to receiving a *development permit*

#### 4.13. Light Pollution.

- 4.13.1. All exterior light fixtures shall direct light downward and away from any dwelling.

## 4.14. Swimming Pools

4.14.1. Except in the Central Core Zone, the installation of a swimming pool shall be permitted in any zone in accordance with the following provisions:

- (a) the *owner* shall first secure a *development permit* from the *Development Officer*;
- (b) a barrier, being either a *fence* or walls, of a minimum of 1.2 metres (4 feet) in height shall fully enclose the pool in such a manner so as to impede unauthorized persons from entering over or under said barrier;
- (c) any *fence* gate or door providing access to the pool is self-closing and self-latching to prevent unsafe access from outside the enclosed area;
- (d) the water from the pool shall not be disposed of through the Municipality's central *sewer system*; and
- (e) the water from the pool shall be permitted to be disposed of onto the ground, provided:
  - i) the water does not enter a *watercourse*;
  - ii) the water has been de-chlorinated through the use of hydrogen peroxide, or allowed to stand unused for a period of time, until the residual chlorine in the water has been reduced to an acceptable level; and
  - iii) The water shall be discharged such a rate and in such a location that it does not cause erosion or siltation.

## 4.15. Automobile Parking

4.15.1. Off-street parking in conjunction with a residential, *home-based business*, commercial, public service and institutional, industrial or recreational use shall be provided in conformity with the standards set out in Appendix B, Parking Guidelines, of this Bylaw.

4.15.2. A *parking space* shall have a minimum size of 2.4 metres (8 feet) by 5.5 metres (18 feet) exclusive of driveways and aisles, and shall be accessible from a street.

4.15.3. Unless otherwise permitted in this Bylaw, each automobile *parking space* shall be independently accessible and shall have clear access to a maneuvering lane.

4.15.4. Any *parking lot* for four (4) or more automobile *parking spaces* shall meet the following requirements:

- (a) the *parking lot* shall be maintained with a stable surface sufficient to support a vehicle without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as drivable grass or grass grid;
- (b) any lights used for illumination of the parking area shall be designed and installed in a manner that does not project onto adjacent properties;
- (c) a structure, not more than 4.5 metres in height and not more than 5 square metres in area may be erected in the parking area for the use of attendants;
- (d) when the parking area is of a permanent hard surfacing, each *parking space* shall be clearly demarcated and maintained as such;
- (e) gasoline pumps or other service station equipment shall not be located or maintained on the required parking area;
- (f) traffic aisles leading to and within parking areas shall be a minimum width of 3 metres (9 feet 9 inches) for one-way traffic and a minimum width of 6 metres (19 feet 6 inches) for two-way traffic;
- (g) individual *parking spaces* shall be located such that they do not interfere with the functioning of any entrance or exit to a *building* or structure; and
- (h) if the parking area is located adjacent to residential uses, an opaque *fence* with a minimum height of 1.8 metres (6 feet) shall be constructed on the *lot line*.

4.15.5. Where parking area is located between a *main building* and a street, any *parking lot* for four (4) or more automobile *parking spaces* may be encouraged to provide a marked pedestrian pathway

between the street and the main entrance of the *main building*. The pedestrian pathway shall be a minimum 1.5 metres wide and surfaced with asphalt, concrete, or interlocking paving stones.

- 4.15.6. Where parking is provided in front of any *building* in a non-residential zone, a 1.5 m. (4.9 ft.) landscaped buffer shall be provided between the *parking lot* and the street boundary.
- 4.15.7. The automobile *parking space* requirement may be waived in whole or in part where, due to high lot coverage and/or the lack of front and side *yards*, it is impossible to site an automobile *parking space* without the removal of existing *buildings*
- 4.15.8. In addition to the parking guidelines found in Appendix B, wherever off-street parking is to be provided on the same lot as the *building*, accessible *parking spaces* shall be provided in accordance with the National Standard of Canada, CSA B651-18 Accessible design for the built environment.

## **4.16. Bicycle Parking**

4.16.1. The following commercial and institutional uses shall provide bicycle parking spaces:

- (a) Academic schools.
- (b) *Business or professional offices*.
- (c) *Restaurants*.
- (d) *Retail stores* (excluding *home-based businesses*).

4.16.2. Where bicycle parking spaces are provided, they shall comply with the following:

- (a) Where practical and possible, be located in the front, flankage, or side *yard*;
- (b) be visible from the street;
- (c) have minimum dimensions of 0.6 metres by 2 metres (2 feet by 6.6 feet);
- (d) Be maintained with a stable surface; and
- (e) include a metal bicycle rack.

# 5. Use Specific Regulations

## 5.1. Wind Turbines

5.1.1. Wind turbines of any size shall not be permitted within the Municipality.

## 5.2. Solar Collectors

5.2.1. Solar collector systems shall be permitted as an *accessory use* in all zones, and by special permit, as a *main use* in agricultural zones in accordance with subsection 6.6.3.

5.2.2. *Roof-mounted solar arrays* shall be permitted in all zones, subject to the following:

- (a) Where a proposed *roof-mounted solar array* would not meet the criteria defined in clause 3.1.3(l), the applicant shall submit an application for a *development permit*, together with a report by a professional engineer certifying that the roof is able to bear the additional load of the solar array.
- (b) *Roof-mounted solar arrays* shall be installed in conformity with Chapter 11 of the National Fire Prevention Association (NFPA) 1 Fire Code

5.2.3. *Ground-mounted solar arrays* shall be permitted as an *accessory use* in all zones, subject to the following:

- (a) In a residential zone, *ground-mounted solar arrays* may only be placed in the rear or side yard;
- (b) The minimum *setback* to adjacent rear or side *lot lines* for *ground-mounted solar arrays* shall equal the *setback* for accessory structures in the relevant zone, or the height of the ground-mounted solar array as measured from *grade* to the highest point of the solar array, whichever is greater;
- (c) the maximum height of a *ground-mounted solar array*, as measured from *grade* to the highest point of the solar array, shall be 4.3 m. (14 ft.), and
- (d) the *owner* of the *ground-mounted solar array* shall remove the *ground-mounted solar array* and associated equipment sufficient to return the land to its previous use within two (2) years of the date the *ground-mounted solar array* ceases to generate electricity.

5.2.4. The application for a *development permit* for a *ground-mounted solar array* must include, in addition to the requirements of sections 3.7 and 3.8, the design of the solar collectors including racking and footings.

## 5.3. Electric Vehicle Charging

5.3.1. Electric vehicle charging stations shall be permitted as an *accessory use* in all zones.

## 5.4. Farm, Fish, and Forest Stalls

5.4.1. Nothing in this Bylaw shall prevent the direct sale of fish or other seafood; farm products such as but not limited to, flowers, fruit, and vegetables; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products by individuals or companies engaged in the harvesting of such, subject to the following provisions:

- (a) any associated structures shall be limited to a maximum total footprint of 10 square metres (107.6 square feet) on a lot;
- (b) associated structures shall meet zone requirements for side and rear *setbacks*, but shall not be required to meet minimum front *setbacks*;
- (c) the individual or company engaged in the harvesting owns the property where the stall is operating, or resides on said property and has permission of the *owner*; and
- (d) no *development permit* shall be required.

## 5.5. Fowl and Rabbits

- 5.5.1. The keeping of fowl and rabbits shall be permitted as an *accessory use* in all zones except the Central Core Zone, subject to the requirements of this Section.
- 5.5.2. For the purpose of this Section, any combination of up to three fowl and rabbits shall be considered one animal unit.
- 5.5.3. The following restrictions shall regulate minimum lot size requirements for the keeping of fowl and rabbits as an *accessory use*:
- (a) On lots less than 500 square metres (5,380 square feet) in area, a maximum of 1 animal unit shall be permitted.
  - (b) On lots 500 square metres (5,380 square feet) or more in area and less than 2,500 square metres (26,910 square feet) in area, five (5) small animal units shall be permitted;
  - (c) On lots 2,500 square metres (26,910 square feet) or more in area and less than 10,000 square metres (1.48 acres) in area, 25 small animal units shall be permitted; and
  - (d) On lots 10,000 square metres (2.47 acres) or more in area, 50 small animal units shall be permitted for each 10,000 square metres (2.47 acres) of *lot area*.
- 5.5.4. No roosters shall be permitted on lots under 6,000 square metres (1.48 acres) in area.
- 5.5.5. Fowl and Rabbits shall be confined to roaming within an effective enclosure on the *owner's* property.
- 5.5.6. Structures housing or enclosing more than 4 small animal units and fewer than 25 small animal units shall have a minimum *setback* of 15 metres (49 feet) from any *lot line* or *watercourse*.
- 5.5.7. Structures housing or enclosing 25 or more small animal units shall have a minimum *setback* of 30 metres (98 feet) from any *lot line* or *watercourse*.
- 5.5.8. Retail sale of fowl and rabbit products is permitted in accordance with Section 5.4.

## 5.6. Beekeeping

- 5.6.1. The keeping of bees shall be permitted as an *accessory use* in all zones, subject to the following requirements:
- (a) Hives shall be set back 1.8 metres (6 feet) from any property lines unless:
    - i) the property line is fenced with a solid, opaque *fence* a minimum of 1.8 metres (6 feet) in height;
    - ii) the property line includes a hedge or other vegetative obstruction at least 1.8 metres (6 feet) in height that covers the entire length of the property line; or
    - iii) the hive is located on a structure at least 1.8 metres (6 feet) in height.
  - (b) A constant source of water shall be provided on-site.

## 5.7. Livestock

- 5.7.1. The keeping of *livestock* shall be prohibited except on a *farm property* in the agricultural zone, or in accordance with Section 5.5, Fowl and Rabbits.

## 5.8. Community Gardens

- 5.8.1. A *community garden* may be permitted as a *main use* on a lot in any zone provided it:
- (a) conforms with the applicable zone requirements for accessory structures or greenhouses;
  - (b) has an accessible constant on-site water source, such as piped water or a refillable cistern; and
  - (c) provides an on-site location for odour-free organic waste disposal or transport organic waste to a suitable disposable facility.

## **5.9. Vending**

5.9.1. No person shall park, place or permit to be parked or placed on any street, park or public place within the municipality, any *mobile vending unit* except where a permit for a Temporary Use has been issued pursuant to Section 3.20.

## **5.10. Petroleum Storage**

5.10.1. Underground storage tanks for petroleum products, including propane, shall require a permit from the Province before installation may proceed. In processing such application, the Municipality shall refer the application initially to the Province's department having jurisdiction for these facilities whereupon such application will be processed in accordance with applicable regulations. The Municipality shall not issue a permit to the Developer until it has received written approval from the Province.

5.10.2. Notwithstanding subsection 5.10.1, underground storage tanks for petroleum products shall not be permitted in any R1, SR, CC, P, or O2 Zone, and must comply with the wellfield protection plan.

## **5.11. Vehicle Bodies**

5.11.1. Trucks, buses, boats, automobiles, street car bodies, and structures of any kind other than a *mobile home* or *dwelling unit* erected and used in accordance with this By-law shall not be used for human habitation whether or not the same is mounted on wheels.

5.11.2. Notwithstanding subsection 5.11.1, *Recreational trailers or vehicles* shall not be permitted to be used as a dwelling in any zone unless the *Development Officer* has issued a temporary permit for such use.

## **5.12. Utilities and Public Uses**

5.12.1. Notwithstanding anything else in this Bylaw, public *utility buildings* and structures and service facilities provided by the Municipality, including, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, fire halls, public parks and playgrounds, public washrooms, utility services, water storage reservoirs, and stormwater management facilities may be located in any zone and no *development permit* shall be required and no zone standards shall apply.

5.12.2. Accessory structures for parks and open space uses shall have a maximum height of 6 metres (19.7 feet) and shall have a minimum *setback* of 3 metres (9.8 feet) from all *lot lines*. Where a parks and open space use spans multiple lots, no *setback* shall be required from the *lot lines* internal to the use.

5.12.3. Notwithstanding anything else in this Bylaw, public utilities located within the street right-of-way or underground may be placed in any zone, and no *development permit* shall be required and no zone standards shall apply.

5.12.4. Private *utility buildings* and structures shall be permitted in all zones as a special permitted use.

## **5.13. Cemeteries**

5.13.1. Cemeteries shall not be permitted in any zone.

## **5.14. Accessory Dwellings**

5.14.1. *Accessory dwelling units* shall be permitted within the General Residential, Central Core, Commercial and Agricultural Zones within a single-detached dwelling, *duplex dwelling*, or *semi-detached dwelling*, or as all or part of an *accessory building*.

5.14.2. *Accessory dwellings* forming all or part of an *accessory building* shall meet the following requirements:

- (a) only one *accessory dwelling* shall be permitted on a lot;
- (b) the *accessory dwelling* shall be subject to zone requirements for *main buildings*;

- (c) lot coverage shall not exceed 35 percent; and
  - (d) the gross *floor area* of the *accessory dwelling* shall not exceed 100 square metres.
- 5.14.3. An *accessory dwelling* shall not be independently connected to water or sewer servicing, but rather shall be connected via the servicing of the *main building* to which it is subordinate. To ensure that the *accessory dwelling* can be accommodated by existing services:
- (a) *Accessory dwellings* within centrally serviced areas shall be subject to review by the Victoria Water and Sewer Corporation and shall be in compliance with the Municipal Servicing Standards.
  - (b) The *owner* of *accessory dwellings* within unserviced areas shall be required to provide confirmation from the relevant provincial government department that the additional unit can be accommodated by on-site water and septic services.

## 5.15. Residential Facilities

- 5.15.1. Residential facilities shall be permitted as dwellings wherever the associated dwelling types below are permitted and shall be subject to the applicable zone requirements for dwellings based on the following equivalencies:
- (a) A *residential facility* with fewer than five beds shall be treated as a single-unit dwelling.
  - (b) A *residential facility* with five to eight beds shall be treated as a *duplex dwelling*.
  - (c) A *residential facility* with more than eight beds shall be treated as a *multiple attached dwellings*.
- 5.15.2. A single bedroom for a staff member shall be permitted without being counted for the purposes of the equivalencies in Subsection 5.15.1. All other staff bedrooms shall be counted for the purpose of equivalencies in Subsection 5.15.1.

## 5.16. Personal Office or Studio

- 5.16.1. Nothing in this Bylaw shall prevent the use of a portion of any *dwelling unit* or *building* accessory to a *dwelling unit* as a personal office or studio for residents of the *dwelling unit*, provided the personal office or studio is not intended to be visited by members of the public.
- 5.16.2. No *development permit* is required for a personal office or studio.

## 5.17. Instruction of Two Students at a Time

- 5.17.1. Nothing in this Bylaw shall prevent the use of a portion of any *dwelling unit* or *building* accessory to a *dwelling unit* for the instruction of up to two students at a time.
- 5.17.2. No *development permit* is required for the instruction of up to two students at a time.

## 5.18. Home-based businesses

- 5.18.1. A *home-based business* may be located in a dwelling or an *accessory building* in Zones where such businesses are permitted provided that:
- (a) the *home-based business* is not located in an *accessory building* that also contains an *accessory dwelling*;
  - (b) Business uses shall not exceed fifty (50) percent of the total *floor area* of the *principal residence*, or one-hundred (100) percent of the total *floor area* of an *accessory building*;
  - (c) *Home-based businesses* shall not have *outdoor storage* or *outdoor display*; and
  - (d) the external appearance of the dwelling or *accessory building* is not altered.

## 5.19. Short-term Rentals

- 5.19.1. *Short-Term Rentals* shall only be permitted as an *accessory use* subject to the following:
- (a) The *Short-Term Rental* may be permitted in any type of dwelling except an *apartment dwelling*;
  - (b) The dwelling shall be the *Principal Residence* of the operator/host;

- (c) A maximum of four (4) bedrooms in the *Dwelling Unit* may be dedicated to the operation;
- (d) No kitchen and/or cooking appliances shall be permitted in a guest room;
- (e) No more than one (1) booking may be permitted for *short-term rental* lodging in each *Dwelling Unit* at one time;
- (f) The operator/host does not have to be present at the time of stay if the entire *dwelling unit* is rented;
- (g) A *short-term rental* may be permitted in an accessory dwelling where the operator/host is present in the *Principal Residence* at the time of stay; and
- (h) Adequate off-street *parking spaces* shall be provided in accordance with the parking guidelines listed in Appendix B of this Bylaw and such parking shall be in addition to the *parking spaces* required for the dwelling;
- (i) The *short-term rental* shall be licensed under the Tourism Industry Act, and shall meet the code requirements for fire safety that are administered by the office of the provincial Fire Marshall;

## **5.20. Outdoor Storage and Display**

5.20.1. *Outdoor storage* shall not be located in any required side or rear *setback* or between a *main building* and a front *lot line*.

5.20.2. *Outdoor display* shall not be located within 3 metres of the front *lot line*.

## **5.21. Drive-throughs**

5.21.1. *Drive-throughs* shall not be permitted in the Municipality.

# 6. Land Use Zones

## 6.1. General Residential Zone (R1)

### General

6.1.1. Except as provided in this Bylaw, all *buildings* and parts thereof erected, placed or *altered* or any land used in the General Residential Zone shall conform with the provisions of this section.

### Permitted Uses

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

- (a) *Duplex dwellings* and *semi-detached dwellings*
- (b) *Multiple attached dwellings*
- (c) Public utilities
- (d) Recreation and *public open space* facilities
- (e) Single-unit dwellings
- (f) Accessory dwellings
- (g) *Grouped dwellings*

### Special Permitted Uses

6.1.3. Notwithstanding Subsection 6.1.2 above, *Council* may issue a special *development permit* for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as *Council* may impose:

- (a) *Major residential developments*
- (b) Private utilities
- (c) *Home-based businesses*

6.1.4. Chapter 8 of this Bylaw shall guide *Council's* considerations when issuing special *development permits*.

### Servicing

6.1.5. Plumbed new developments in the General Residential Zone shall be serviced by the municipal central water supply, and such a connection will be made at the developer's expense.

6.1.6. Plumbed new developments in the General Residential Zone shall be serviced by the municipal central *sewer system*, where available, and such a connection will be made at the developer's expense.

6.1.7. Notwithstanding the preceding subsection, *Council* may approve a development in the General Residential Zone serviced by an on-site well and/or sewage treatment system where the municipal sewer service is not available and extending the services would be prohibitive or premature.

6.1.8. All developments in the General Residential Zone must secure the appropriate municipal sewer easement in favour of the Water and Sewer Corporation, when necessary according to the utility's Servicing Standards manual.

## Lot Requirements

- 6.1.9. The following requirements shall apply to all development in a General Residential Zone, noting that the clauses of this subsection define higher minimum standards for some specific dwelling types:

Requirement	
Minimum <i>lot area</i>	743.2 square metres (8,000 square feet)
Minimum <i>frontage</i>	15 metres (49.2 feet)
Minimum front <i>setback</i>	6 metres (19.7 feet)
Minimum flankage <i>setback</i>	6 metres (19.7 feet)
Minimum rear <i>setback</i>	4.5 metres (14.8 feet)
Minimum side <i>setback</i>	2.29 metres (7.5 feet)
Maximum of any <i>building</i>	10.7 metres (35.1 feet)

- (a) For *Duplex dwellings* and *semi-detached dwellings* the following additional Lot requirements shall apply:

Requirement	
Minimum <i>lot area</i>	743.2 square metres (8,000 square feet) or 371.6 square metres (4,000 square feet) for each unit
Minimum <i>frontage</i>	24.38 metres (80 feet) or 12.19 m. (40 feet) for each unit

- (b) For *Multiple attached dwellings* that are *townhouse dwellings* or *stacked townhouse dwellings*, the following additional Lot requirements shall apply:

Requirement	
Minimum <i>lot area</i>	1,114.8 square metres (12,000 square feet) for the 1st 3 units plus 278.7 sq.m. (3,000 square feet) for each additional unit
Minimum <i>frontage</i>	24.38 metres (80 feet) for the 1st 3 units plus 6.1 metres (20 feet) for each additional unit

- (c) For *Multiple attached dwellings* that are *apartment dwellings*, the following additional Lot requirements shall apply:

Requirement	
Minimum <i>lot area</i>	836.1 square metres (9,000 square feet) plus 139.7 square metres (1,500 square feet) for each <i>dwelling unit</i>
Minimum <i>frontage</i>	30.48 metres (100 feet)
Minimum front <i>setback</i>	7.62 metres (25 feet)

- 6.1.10. In addition to the above requirements, all lots not serviced by both central sewer and water shall conform to the provincial government's Province-wide Minimum Development Standards Regulations.
- 6.1.11. Notwithstanding the above requirements, within existing approved residential subdivision developments, the *Development Officer* may require new development to conform with the development standards which have been established, even if these standards exceed the minimum standards stated above.
- 6.1.12. On any lot featuring *multiple attached dwellings*, 10% of the total land shall be designated for use as recreational open space accessible to residents and their guests.

#### **New Residential Developments**

- 6.1.13. All new residential developments shall, wherever practical, be integrated, at no cost to the Municipality, into the Municipality's existing or planned pedestrian accesses, parking, coastal access points, and recreation and *public open space* network.

## 6.2. Single-Unit Residential Zone (SR)

### General

- 6.2.1. Except as provided in this Bylaw, all *buildings* and parts thereof erected, placed or *altered* or any land used in the Single-Unit Residential Zone shall conform with the provisions of this section.

### Permitted Uses

- 6.2.2. No *building* or part thereof and no land shall be used for purposes other than:
- (a) Public utilities
  - (b) Recreation and *public open space* facilities
  - (c) Single-unit dwellings

### Special Permitted Uses

- 6.2.3. Notwithstanding Subsection 6.2.2 above, *Council* may issue a special *development permit* for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as *Council* may impose:
- (a) Private utilities
  - (b) *Home-based businesses*
- 6.2.4. Chapter 8 of this Bylaw shall guide *Council's* considerations when issuing special *development permits*.

### Servicing

- 6.2.5. Plumbed new developments in the Single-Unit Residential Zone shall be serviced by the municipal central water supply, and such a connection will be made at the developer's expense.
- 6.2.6. Plumbed new developments in the Single-Unit Residential Zone shall be serviced by the municipal central *sewer system*, where available, and such a connection will be made at the developer's expense.
- 6.2.7. Notwithstanding the preceding subsection, *Council* may approve a development in the Single-Unit Residential Zone serviced by an on-site sewage treatment system where the municipal sewer service is not available and extending the service would be prohibitive or premature.
- 6.2.8. All developments in the Single-Unit Residential Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewer Corporation, according to the utility's Servicing Standards manual.

### Lot Requirements

6.2.9. The following requirements shall apply to all development in a Single-Unit Residential Zone:

Requirement	
Minimum <i>lot area</i>	750 square metres (8073 square feet)
Minimum <i>frontage</i>	15 metres (49.2 feet)
Minimum front <i>setback</i>	6 metres (19.7 feet)
Minimum flankage <i>setback</i>	6 metres (19.7 feet)
Minimum rear <i>setback</i>	4.5 metres (14.8 feet)
Minimum side <i>setback</i>	3 metres (9.8 feet)
Minimum <i>Main building height</i>	1.5 storeys or 6.5 metres (21 feet), whichever is less
Maximum <i>building height</i>	2.5 storeys or 10.7 metres (35 feet), whichever is less

6.2.10. In addition to the above requirements, all lots not serviced by both central sewer and water shall conform to the provincial government's Province-wide minimum development standards regulations.

6.2.11. Notwithstanding the above requirements, within existing approved residential subdivision developments, the *Development Officer* may require new development to conform with the development standards which have been established, even if these standards exceed the minimum standards stated above.

### New Residential Developments

6.2.12. All new residential developments shall, wherever practical, be integrated, at no cost to the Municipality, into the Municipality's existing or planned pedestrian accesses, parking, coastal access points, and recreation and *public open space* network.

## 6.3. Commercial Zone (C)

### General

- 6.3.1. Except as provided in this Bylaw, all *buildings* and parts thereof erected, placed or *altered* or any land used in a Commercial Zone shall conform with the provisions of this section.

### Permitted Uses

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

- (a) *Duplex dwellings and semi-detached dwellings*
- (b) *Multiple attached dwellings*
- (c) Public utilities
- (d) Recreation and *public open space* facilities
- (e) Single-unit dwellings
- (f) *Grouped dwellings*
- (g) Accessory Dwellings
- (h) *Bed and breakfast operations*
- (i) *Accommodations*
- (j) Tourist Cottages

### Special Permitted Uses

- 6.3.3. Notwithstanding Subsection 6.3.2 above, *Council* may issue a special *development permit* for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as *Council* may impose:

- (a) Banking and financial institutions
- (b) *Business or professional office*
- (c) Convenience stores (to a max. of 185 square metres (2,000 square feet) in total *floor area*)
- (d) Delicatessens, *restaurants*, and takeout establishments
- (e) *Entertainment establishments*
- (f) Galleries, libraries, museums and theatres
- (g) *Licensed premises*
- (h) *Major residential developments*
- (i) *Parking lots*
- (j) *Personal service shops*
- (k) *Places of worship*
- (l) Private utilities
- (m) *Retail stores* (to a max. of 185 square metres (2,000 square feet) in total *floor area*)
- (n) *Home-based businesses*

- 6.3.4. Chapter 8 of this Bylaw shall guide *Council's* considerations when issuing special *development permits*.

### Servicing

- 6.3.5. Plumbed new developments in a Commercial Zone shall be serviced by the central water system, and such a connection will be made at the developer's expense.
- 6.3.6. Plumbed new developments in a Commercial Zone shall be serviced by the central sewer system, and such a connection will be made at the developer's expense.
- 6.3.7. Plumbed new developments in a Commercial Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewer Corporation, according to the utility's Servicing Standards manual.

### Lot Requirements

- 6.3.8. The following requirements shall apply to all development in a Commercial Zone:

- (a) For non-residential uses (that is, developments that are not dwellings), the following Lot requirements shall apply:

Requirement	
Minimum <i>lot area</i>	1,850 square metres (19,913 square feet)
Minimum <i>frontage</i>	45 metres (147.6 feet)
Minimum front <i>setback</i>	9 metres (29.5 feet)
Minimum flankage <i>setback</i>	9 metres (29.5 feet)
Minimum rear <i>setback</i>	9 metres (29.5 feet)
Minimum side <i>setback</i>	4.5 metres (14.8 feet)
Minimum <i>main building height</i>	6.5 metres (21 feet), whichever is less
Maximum <i>building height</i>	10.7 metres (35.1 feet), whichever is less

- (b) For residential uses (dwellings), the same requirements shall apply as for the Central Core Zone (Section 6.4.8)

- 6.3.9. On any lot featuring *multiple attached dwellings*, 10% of the total land shall be designated as recreational open space accessible to residents and their guests.

### Special Requirements

- 6.3.10. Where a lot zoned as Commercial is developed which directly abuts a lot or parcel of land not zoned as Commercial:
- (a) a strip of land not less than 9 metres (29.5 feet) in width along the *lot line* within the Commercial Zone and adjacent to any other zone shall be maintained clear of any driveway, or parking area, and shall be adequately landscaped to provide a visual buffer;
  - (b) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residence to eliminate *light pollution*; and
  - (c) *outdoor storage* or *outdoor display* shall be prohibited adjacent to a residence, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural screening, such as a wall, visibility restrictive *fence* or other appropriate structure.

### Design Guidelines

- 6.3.11. All residential or commercial developments within the Commercial Zone are encouraged to voluntarily conform with the Design Guidelines outlined in Appendix D.

## 6.4. Central Core Zone (CC)

### General

- 6.4.1. Except as provided in this Bylaw, all *buildings* and parts thereof erected, placed or *altered* or any land used in the Central Core Zone shall conform with the provisions of this section.

### Permitted Uses

- 6.4.2. No *building* or part thereof and no land shall be used for purposes other than:
- (a) Public utilities
  - (b) Recreation and *public open space* facilities
  - (c) Single-unit dwellings
  - (d) Accessory dwellings
  - (e) *Bed and breakfast operations*
  - (f) *Accommodations*

### Special Permitted Uses

- 6.4.3. Notwithstanding Subsection 6.4.2 above, *Council* may issue a *special development permit* for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as *Council* may impose:
- (a) Antique shops
  - (b) Artist and handicraft studios
  - (c) Bait sheds and assorted fisheries storage facilities
  - (d) Bookstores
  - (e) Convenience stores (to a max. of 93 square metres (1,000 square feet) in total *floor area*)
  - (f) Farmer's markets
  - (g) Florist shops
  - (h) Galleries, libraries, museums and theatres
  - (i) *Licensed premises*
  - (j) *Major residential developments*
  - (k) *Personal service shops*
  - (l) Post offices
  - (m) Private utilities
  - (n) Real estate offices
  - (o) *Home-based businesses*
  - (p) *Restaurants* and cafes
  - (q) Specialty food stores
  - (r) Takeout establishments (to a max. of 18.5 square metres (200 square feet) in total area)
- 6.4.4. Chapter 8 of this Bylaw shall guide *Council's* considerations when issuing *special development permits*.

### Servicing

- 6.4.5. Plumbed new developments in a Central Core Zone shall be serviced by the central water system, and such a connection will be made at the developer's expense.
- 6.4.6. Plumbed new developments in a Central Core Zone shall be serviced by the central *sewer system*, and such a connection will be made at the developer's expense.
- 6.4.7. Plumbed new developments in a Central Core Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewer Corporation, according to the utility's Servicing Standards manual.

### Lot Requirements

- 6.4.8. The following requirements shall apply to all development in a Central Core Zone:

Requirement	
Minimum <i>lot area</i>	464.5 square metres / 5,000 square feet
Minimum <i>frontage</i>	15 metres (49.2 feet)
Minimum front <i>setback</i>	6 metres (19.7 feet)
Minimum flankage <i>setback</i>	6 metres (19.7 feet)
Minimum rear <i>setback</i>	4.5 metres (14.8 feet)
Minimum side <i>setback</i>	1.5 metres (4.9 feet)
Minimum <i>Main building height</i>	1.5 storeys or 6.5 metres (21 feet), whichever is less
Maximum <i>building height</i>	2.5 storeys or 10.7 metres (35.1 feet), whichever is less

### Design Requirements

- 6.4.9. All residential or commercial developments within the Central Core Zone shall conform with the Design Guidelines outlined in Appendix D.

## 6.5. Light Industrial Zone (M)

### General

- 6.5.1. Except as provided in this Bylaw, all *buildings* and parts thereof erected, placed or *altered* or any land used in a Light Industrial Zone shall conform with the provisions of this section.

### Permitted Uses

- 6.5.2. No *building* or part thereof and no land shall be used for purposes other than:
- (a) *Business or professional offices*
  - (b) Public utilities
  - (c) Scientific research facilities

### Special Permitted Uses

- 6.5.3. Notwithstanding Subsection 6.5.2 above, *Council* may issue a special *development permit* for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as *Council* may impose:
- (a) *Animal processing*
  - (b) Boat building operations
  - (c) Aquaculture farming recirculating system (excluding *processing*)
  - (d) Greenhouse and garden centres
  - (e) Light manufacturing
  - (f) Private utilities
- 6.5.4. Chapter 8 of this Bylaw shall guide *Council's* considerations when issuing special *development permits*.

### Servicing

- 6.5.5. All developments in a Light Industrial Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewer Corporation, when necessary according to the utility's Servicing Standards manual.

### Lot Requirements

- 6.5.6. The following requirements shall apply to all development in a Light Industrial Zone:

Requirement	
Minimum <i>lot area</i>	As per the provincial government's Province-wide Minimum Development Standards Regulations.
Minimum <i>frontage</i>	As per the provincial government's Province-wide Minimum Development Standards Regulations.
Minimum front <i>setback</i>	6 metres (19.7 feet)
Minimum flankage <i>setback</i>	6 metres (19.7 feet)
Minimum rear <i>setback</i>	4.5 metres (14.8 feet)
Minimum side <i>setback</i>	3 metres (9.8 feet)
Maximum <i>building height</i>	10.7 metres (35.1 feet)

### Special Requirements

6.5.8. Where a lot or parcel of land zoned as Light Industrial is developed which directly abuts a lot or parcel of land not zoned as Light Industrial:

- (a) a strip of land not less than 9 metres (29.5 feet) in width along the *lot line* within the Light Industrial Zone and adjacent to another zone shall be maintained clear of any *building*, driveway or parking area, and shall be adequately landscaped to provide a visual buffer;
- (a) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent residence to eliminate *light pollution*; and
- (b) *outdoor storage* or *outdoor display* shall be prohibited adjacent to a residence, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural screening, such as a wall, *fence* or other appropriate structure.

## 6.6. Agricultural Zone (A)

### General

- 6.6.1. Except as provided in this Bylaw, all *buildings* and parts thereof erected, placed or *altered* or any land used in an Agricultural Zone shall conform with the provisions of this section.

### Permitted Uses

- 6.6.2. No *building* or part thereof and no land shall be used for purposes other than:
- (a) *Accessory dwellings*
  - (b) *Agricultural Uses* as a main use, that are not *Intensive Livestock Operations*
  - (c) *Duplex dwellings* and *semi-detached dwellings* that are accessory uses to an agricultural use
  - (d) *Multiple attached dwellings*, up to a maximum of four (4) dwelling units, that are accessory uses to an agricultural use
  - (e) *Mobile homes* that are accessory uses to an agricultural use
  - (f) Public utilities
  - (g) Recreation and *public open space* facilities
  - (h) Single-unit dwellings that are accessory uses to an agricultural use

### Special Permitted Uses

- 6.6.3. Notwithstanding Subsection 6.6.2 above, *Council* may issue a special *development permit* for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as *Council* may impose:
- (a) *Animal kennels & animal kennel runs*
  - (b) *Major residential developments*
  - (c) *On-site animal processing*
  - (d) *Parking lots*
  - (e) *Places of worship*
  - (f) Private utilities
  - (g) *Resource uses*
  - (h) Solar collectors as a *main use*
  - (i) *Home-based businesses*

- 6.6.4. Chapter 8 of this Bylaw shall guide *Council's* considerations when issuing special *development permits*.

### Servicing

- 6.6.5. Plumbed new developments in an Agricultural Zone shall be serviced by the central water system, and such a connection will be made at the developer's expense.
- 6.6.6. Plumbed new developments in an Agricultural Zone shall be serviced by the central *sewer system*, where available, and such a connection will be made at the developer's expense.
- 6.6.7. Notwithstanding the preceding subsection, *Council* may approve a development in the Agricultural Zone serviced by an on-site sewage treatment system where the municipal sewer service is not available and extending the services would be prohibitive or premature.
- 6.6.8. All developments in an Agricultural Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewer Corporation, when necessary according to the utility's Servicing Standards manual.

### Lot Requirements

6.6.9. The following requirements shall apply to all development in an Agricultural Zone:

Requirement	
Minimum <i>lot area</i>	2 acres
Minimum <i>frontage</i>	As per the provincial government's Province-wide Minimum Development Standards Regulations
Minimum front <i>setback</i>	15 metres (49.2 feet)
Minimum flankage <i>setback</i>	15 metres (49.2 feet)
Minimum rear <i>setback</i>	7.5 metres (24.6 feet)
Minimum side <i>setback</i>	4.5 metres (14.8 feet)
Maximum <i>building height</i>	2.5 storeys or 10.7 metres (35.1 feet), whichever is less

6.6.10. In addition to the above requirements, all lots not serviced by both central water and sewer shall conform to the provincial government's Province-wide Minimum Development Standards Regulations.

6.6.11. On any lot featuring *multiple attached dwellings*, 10% of the total land shall be designated as recreational open space accessible to residents and their guests.

### Forestry Use

6.6.12. In the Agricultural Zone, land which is no longer used for agricultural purposes may be converted to forestry uses provided the conversion is undertaken through an established Forestry Management Program approved by the Prince Edward Island Department of Agriculture and Forestry or its successor.

## 6.7. Recreation & Public Open Space Zone (P)

### General

- 6.7.1. Except as provided in this Bylaw, all *buildings* and parts thereof erected, placed or *altered* or any land used in a Recreation & Public Open Space Zone shall conform with the provisions of this section.

### Permitted Uses

- 6.7.2. No *building* or part thereof and no land shall be used for purposes other than:
- (a) Nature, pedestrian and bicycle trails
  - (b) Open space and conservation activities
  - (c) Playgrounds and sports fields
  - (d) Public and private parks
  - (e) Public utilities
  - (f) Interpretive centres

### Special Permitted Uses

- 6.7.3. Notwithstanding Subsection 6.7.2 above, *Council* may issue a special *development permit* for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as *Council* may impose:
- (a) Pavilions and bandshells
  - (b) Private utilities
  - (c) Recreation administrative offices
  - (d) Recreational uses and directly related commercial services
- 6.7.4. Chapter 8 of this Bylaw shall guide *Council's* considerations when issuing special *development permits*.

### Servicing

- 6.7.5. Plumbed new developments in a Recreation & Public Open Space Zone shall be serviced by the central water system, and such a connection will be made at the developer's expense.
- 6.7.6. Plumbed new developments in a Recreation & Public Open Space Zone shall be serviced by the central *sewer system*, where available, and such a connection will be made at the developer's expense.
- 6.7.7. Notwithstanding the preceding subsection, *Council* may approve a development in the Recreation & Public Open Space Zone serviced by an on-site sewage treatment system where the municipal sewer service is not available and extending the services would be prohibitive or premature.
- 6.7.8. All developments in a Recreation & Public Open Space Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewer Corporation, as needed according to the utility's Servicing Standards manual.

### Lot Requirements

6.7.9. The following requirements shall apply to all development in a Recreation & Public Open Space Zone:

Requirement	
Minimum <i>lot area</i>	As per the provincial government's Province-wide Minimum Development Standards Regulations
Minimum <i>frontage</i>	6 metres (19.7 feet)
Minimum front <i>setback</i>	6 metres (19.7 feet)
Minimum flankage <i>setback</i>	6 metres (19.7 feet)
Minimum rear <i>setback</i>	4.5 metres (14.8 feet)
Minimum side <i>setback</i>	3 metres (9.8 feet)
Maximum <i>building height</i>	2.5 storeys or 10.7 metres (35.1 feet), whichever is less

### Special Requirements

6.7.10. Where a lot or parcel of land zoned as Recreation and Public Open Space is developed which directly abuts a lot or parcel of land zoned as General Residential or Central Core:

- (a) a strip of land not less than 4.5 metres (14.8 feet) in width along the *lot line* within the Recreation and Public Open Space Zone and adjacent to another zone shall be maintained clear of any driveway or parking area, and shall be adequately landscaped to provide a visual buffer;
- (a) any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent zone to eliminate *light pollution*; and
- (b) *outdoor storage* or *outdoor display* shall be prohibited adjacent to another zone, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural screening, such as a wall, *fence* or other appropriate structure.

## 6.8. Public Service & Institutional Zone (PSI)

### General

- 6.8.1. Except as provided in this Bylaw, all *buildings* and parts thereof erected, placed or *altered* or any land used in a Public Service & Institutional Zone shall conform with the provisions of this section.

### Permitted Uses

- 6.8.2. No *building* or part thereof and no land shall be used for purposes other than:
- (a) Institutional uses and *Institutional Buildings*;
  - (b) Public utilities

### Special Permitted Uses

- 6.8.3. Notwithstanding Subsection 6.8.2 above, *Council* may issue a special *development permit* for the following uses where it deems the development is appropriate, all other relevant provisions of this Bylaw are met, and subject to such conditions as *Council* may impose:
- (a) *Parking lots*
  - (b) Private utilities

- 6.8.4. Chapter 8 of this Bylaw shall guide *Council's* considerations when issuing special *development permits*.

### Servicing

- 6.8.5. Plumbed new developments in a Public Service & Institutional Zone shall be serviced by the central water system, and such a connection will be made at the developer's expense.
- 6.8.6. Plumbed new developments in a Public Service & Institutional Zone shall be serviced by the central *sewer system*, where available, and such a connection will be made at the developer's expense.
- 6.8.7. Notwithstanding the preceding subsection, *Council* may approve a development in the Public Service & Institutional Zone serviced by an on-site sewage treatment system where the municipal sewer service is not available and extending the services would be prohibitive or premature.
- 6.8.8. All developments in a Public Service & Institutional Zone shall have the appropriate municipal sewer easement in favour of the Water and Sewer Corporation, when necessary according to the utility's Servicing Standards Manual.

### Lot Requirements

- 6.8.9. The following requirements shall apply to all development in a Public Service & Institutional Zone:

Requirement	
Minimum <i>lot area</i>	1,850 square metres (19,913 square feet)
Minimum <i>frontage</i>	6 metres (19.7 feet)
Minimum front <i>setback</i>	6 metres (19.7 feet)
Minimum flankage <i>setback</i>	6 metres (19.7 feet)
Minimum rear <i>setback</i>	4.5 metres (14.8 feet)
Minimum side <i>setback</i>	3 metres (9.8 feet)
Maximum <i>building height</i>	2.5 storeys or 10.7 metres (35.1 feet), whichever is less

- 6.8.10. In addition to the above requirements, all lots not serviced by both central water and sewer shall conform to the provincial government's Province-wide Minimum Development Standards Regulations.

## 6.9. Environmental Reserve Overlay Zone

### General

- 6.9.1. In accordance with the Province's *Environmental Protection Act*, no structures or parts thereof shall be permitted in the Environmental Reserve Overlay Zone.

### Permitted Uses

- 6.9.2. Within any *wetland* boundary or *watercourse* boundary and any area within 15 metres (49.2 feet) of a *wetland* or *watercourse*, no structure or parts thereof shall be used for purposes other than:
- (a) Conservation-related activities
  - (b) Passive recreational uses, such as skiing or hiking

### Special Requirements

- 6.9.3. In a *buffer zone*, no *development* shall occur and no disturbance to the ground, soil or vegetation shall occur except in conformance with the *Watercourse and Wetland Protection Regulations*
- 6.9.4. No *person* shall, without a license or a provincial *watercourse*, *wetland* and *buffer zone* activity permit, alter or disturb the ground or soil within the *buffer zone* as defined in the *Environmental Protection Act* and the *Watercourse and Wetland Protection Regulations*.
- 6.9.5. Applications for *subdivision* and *development permits* on any property having a *wetland*, *watercourse*, or *buffer zone*, or any combination thereof, will be referred to the Province's department responsible for the *Environmental Protection Act*.
- 6.9.6. For the avoidance of doubt, the requirements in this *Bylaw* for the Environmental Reserve Overlay Zone are in addition to all requirements in the *Watercourse and Wetland Protection Regulations* and any other federal or provincial statute, regulation, or other enactment
- 6.9.7. Within the Environmental Reserve Overlay Zone, no person shall cut down any trees or disturb the natural ground cover without first submitting all proposed changes to the topography and vegetation and measures to control erosion and siltation
- 6.9.8. All Development adjacent to *Wetlands*, *Watercourses* and *Buffer Zones* shall adhere to the *setbacks* prescribed in this *Bylaw* in addition to the *setbacks* required by the Province under the *Environmental Protection Act* and its *Watercourse and Wetland Protection Regulations*.
- (a) The minimum *Setback* of any Structure from a Coastal Area, *Wetland*, *Watercourse* or shoreline shall be the greater of 15 m. (49.21 ft.) plus the minimum *Setbacks* for the proposed Structure for the Zone or 60 times the annual rate of erosion, where applicable, as determined by the Province's department responsible for such calculations.
  - (b) A *Coastal Hazard Assessment* shall be included with a Development or Subdivision application for a Lot that is:
    - (i) 3.71 m. (12.17 ft.) CGVD2013 or less in elevation; or
    - (ii) located within 22.9 m. (75 ft.) of a Coastal Area, *Watercourse*, *Wetland*, or shoreline.
  - (c) On a Lot located within or adjacent to a *Coastal Floodplain*, no Structure shall be Erected or placed where the elevation of the *Grade* of the Lot is below the *Coastal Floodplain* to avoid potential coastal flood risk, except where the Structure will be used for fishing or bait sheds, aqua-culture operations, boat launches, wharfs, or Structures or *Buildings* on a Property used in connection with a wharf.
  - (d) Notwithstanding clause (c), where a Property that is the subject of an application for a Subdivision approval or *Development Permit* has been identified as having a risk of coastal flooding through a *Coastal Hazard Assessment* and the finished *Grade* of the Lot can be raised to accommodate the projected risk, the proposed Subdivision or Development may be permitted, subject to the following
    - (i) the submission of a grading plan, designed and stamped by a Professional Engineer,

- (ii) any alteration to the *Grade* does not encroach into the *Buffer Zone*, as defined in the Environmental Protection Act and the *Watercourse* and *Wetland* Protection Regulations, except where a *watercourse*, *wetland* and *buffer zone* activity permit has been issued by the Province; and
  - (iii) compliance with all other applicable requirements of this Bylaw.
- (e) The *Authority Having Jurisdiction* may require the Applicant to provide an erosion management plan to address siltation and overland erosion during construction that may impact an adjacent *Wetland* or *Watercourse*
  - (f) Development will be in accordance with provincial policies and regulations to address coastal flood risk, erosion, and environmentally sensitive areas.

## **6.10. Wellfield Protection Overlay Zone**

### **General**

- 6.10.1. In accordance with the Wellfield Protection Plan, except as provided in this Bylaw, all *buildings* and parts thereof erected, placed or altered or any land used in a Wellfield Protection Overlay Zone shall conform with the provisions of this section.

### **Servicing**

- 6.10.2. Plumbed new developments in a Wellfield Protection Overlay Zone shall be serviced by the central water system, and such a connection will be made at the developer's expense.
- 6.10.3. Plumbed new developments in a Wellfield Protection Overlay Zone shall be serviced by the central *sewer system*, and such a connection will be made at the developer's expense.

### **Special Requirements**

- 6.10.4. All development in a Wellfield Protection Overlay Zone shall comply with the policies stated within the Wellfield Protection Plan.

# 7. Variances

## 7.1. Variances

- 7.1.1. When a *development permit* application cannot be approved because the proposed *development* does not meet the minimum requirements of the *Bylaw*, the *applicant* may apply in writing for a *variance* on the form prescribed by *Council*.
- 7.1.2. Variance requests not exceeding 5% of the provisions of this Bylaw shall be considered minor and may be evaluated by the *Development Officer*.
- 7.1.3. Variances greater than 5% but not exceeding 10% of the provisions of this Bylaw shall be considered major and shall be evaluated by *Council*.
- 7.1.4. Variances greater than 10% of the provisions of this Bylaw shall not be considered.
- 7.1.5. All major variance applications shall require *Council* to give written notification to all property owners within 30 metres (98.4 feet) of the subject property.
- 7.1.6. Variance applications shall be considered against the following criteria for justifying a variance:
  - (a) that the general intent and purpose of the Bylaw is maintained;
  - (b) that the lot in question has peculiar physical conditions, including small lot size, irregular lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;
  - (c) that strict application of all Bylaw standards would impose undue hardship on the applicant by excluding them from the same rights and privileges for reasonable use of their lot as enjoyed by other persons in the same zone;
  - (d) that the variance is of the least magnitude required to enable reasonable use of the lot; and
  - (e) that the proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.
- 7.1.7. Authorization for a variance shall be documented and recorded in writing.
- 7.1.8. All variance applications are subject to applicable fees as established or altered by *Council* resolution and outlined in Appendix C.

# 8. Special Permitted Uses

## 8.1. Major Residential Development

8.1.1. In considering a *major residential development* as a special permitted use, *Council* shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) infrastructure including sidewalks, water supply, sanitary and storm sewers, roads, and street lighting shall meet the appropriate design standards;
- (b) the development shall preserve natural areas where possible; and
- (c) pedestrian and vehicle connectivity shall be established or maintained through the street layout.

## 8.2. Changes to Subdivision Agreements

8.2.1. In considering any changes to an existing subdivision agreement as a special permitted use, *Council* shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) infrastructure including sidewalks, water supply, sanitary and storm sewers, roads, and street lighting shall meet the appropriate design standards;
- (b) the development shall preserve natural areas where possible;
- (c) pedestrian and vehicle connectivity shall be established or maintained through the street layout; and
- (d) all parkland to be transferred is appropriate in physical condition and location.

## 8.3. Commercial Development

8.3.1. In considering a new commercial development inside or outside the Commercial Zone or the expansion of an existing commercial development inside or outside the Commercial Zone as a special permitted use, *Council* shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) proposed operations shall not create significant impacts on the noise, and traffic of the surrounding area;
- (b) the proposed use shall not present significant environmental concerns on the contamination of water, soil and air;
- (c) ventilation and outdoor lighting shall not be directed towards abutting residential uses;
- (d) outdoor components of the commercial use—such as, but not limited to, customer seating—located in a *yard* abutting a residential use shall be screened from view of the abutting residential use by means of a *fence* or suitable vegetation;
- (e) all businesses shall be responsible for establishing structures which conceal waste disposal bins; and
- (f) the architectural design of the *building* shall be consistent with neighbouring *buildings*.

## **8.4. Home-based businesses**

8.4.1. In considering a new *home-based business* or the expansion of an existing *home-based business* as a special permitted use, *Council* shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) proposed operations shall not create significant impacts on the noise, and traffic of the surrounding area; and
- (b) any changes to the *public façade(s)* shall be reasonably consistent with neighbouring *buildings*.

## **8.5. Light Industrial Development**

8.5.1. In considering a new light industrial development or the expansion of an existing light industrial development as a special permitted use, *Council* shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed use shall not create significant impacts on the odour or noise of the surrounding area; and
- (b) the proposed use shall not present significant environmental concerns on the contamination of water, soil and air.

8.5.2. In consideration of an application pursuant to 8.5.1, *Council* may consult with the Government of Canada or the Province or other qualified professionals.

## **8.6. Intensive Livestock Operations**

- (a) *Intensive Livestock Operations* shall not be permitted in the Municipality.

## **8.7. On-site Animal Processing**

8.7.1. In considering on-site animal *processing* of meat or fish products as a special permitted use, *Council* shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed use shall not create significant impacts on the odour or noise of the surrounding area;
- (b) the proposed use shall not create significant environmental concerns on the contamination of water, soil and air; and
- (c) the proposed operations shall, as applicable:
  - i) Meet standards set by the Slaughter House Regulations set out by the *Public Health Act*; or
  - ii) Meet standards set out by the *Fisheries Act*.

## **8.8. Places of Worship**

8.8.1. In considering *places of worship* as a special permitted use, *Council* shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) proposed operations shall not create significant impacts on the noise, and traffic of the surrounding area.

## **8.9. Grouped Dwellings**

8.9.1. In considering *grouped dwellings* as a special permitted use, *Council* shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the density of the development shall not exceed one *dwelling unit* per 750 square metres of *lot area*;
- (b) all utility equipment shall be enclosed within a *building* or screened from the street. Utility equipment includes, but is not limited to, utility boxes, meters, and air compressors;
- (c) enclosed facilities for solid waste shall be provided for the use of residents. These facilities shall accommodate the number of waste stream collections (e.g. garbage, compost, recycling) provided in the municipality at the time of permitting. These may be provided as a central collection point or, where appropriate, individual facilities for each *dwelling unit*. Adequate access shall be provided to the solid waste collection facilities;
- (d) areas not used for structures, solid waste handling, automobile parking and circulation, or pedestrian walkways shall be landscaped. Such landscaping shall consist, at a minimum, of sod but may also include decorative grasses, trees, shrubs, flowers, mulch, fountains, ponds, and/or decorative pavers; and
- (e) the primary entrance(s) of all *dwelling units* shall be connected to the nearest street right-of-way and to any adjacent active transportation route identified in a municipal active transportation plan by means of a *barrier-free* (accessible) pedestrian walkway at least 1.5 metres in width and paved with asphalt, concrete, bricks, or interlocking pavers.

# 9. General Provisions for Subdividing Land

## 9.1. Subdivision Approval

9.1.1. No person shall subdivide one or more lots or any portion or interest in a lot and no person shall consolidate two or more parcels of land until the conditions of this Bylaw have been met and the applicant has received final approval from the *Development Officer*, as applicable.

## 9.2. Conveying Interest in a Lot

9.2.1. No Person shall sell or convey any interest in a lot in a subdivision before the *Development Officer* has issued a stamp of final approval for the subdivision in which the lot is situated.

## 9.3. Permission to Subdivide

9.3.1. No land shall be subdivided within the Municipality unless the subdivision:

- (a) conforms with the requirements of this Bylaw;
- (b) is suitable to the topography, physical conditions, soil characteristics, and the natural surface drainage of the land;
- (c) will not cause or contribute to undue flooding or erosion or other undue damage to the natural environment;
- (d) consists of lots meeting the minimum required *frontage* onto a street under the provisions of the relevant zone, unless *Council* varies those requirements under the provisions of subsection 4.6.2;
- (e) has adequate utilities and services available or can be conveniently provided with such utilities and services;
- (f) will reasonably conform to or is compatible with existing land use in the immediate vicinity;
- (g) will provide for safe traffic flow;
- (h) is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
- (i) is suitable to the use for which it is intended, and the future use of adjacent lands; and
- (j) would not precipitate premature development, cause unnecessary public expenditure, or place undue pressures on the Municipality to provide services.

## 9.4. Procedure

9.4.1. Any person seeking approval of a Subdivision shall first make application for preliminary approval, and shall be required to submit to the *Development Officer*, along with the application in the form approved by *Council*, the application fee which has been established or altered by *Council* and which is set forth in Appendix C, and four (4) copies of a preliminary subdivision plan drawn to scale showing:

- (a) the true shape and dimensions of every lot;
- (b) the location of every existing *building* or structure on the parcel;
- (c) existing and proposed services and utilities;
- (d) proposed widths and locations of all streets;

- (e) location of land proposed for recreation and *public open space* use;
- (f) existing and proposed public shoreline access; and
- (g) 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.

9.4.2. The *Development Officer* may also require the applicant to provide additional information, prepared by the appropriate professional, required to assist in evaluating a proposed subdivision, including, but not limited to:

- (a) soil testing;
- (b) contours and spot elevations;
- (c) traffic surveys; and
- (d) a stormwater management plan.

9.4.3. The *Development Officer* shall notify the applicant, in writing, if the application is incomplete or lacking in plan details, and shall indicate any additional information or documentation required.

9.4.4. The *Development Officer* may refuse to approve a subdivision which is unsuitable under the provisions of this Bylaw.

9.4.5. The *Development Officer* shall evaluate any proposed subdivision to determine whether appropriate street design standards and lot configurations have been used to promote the development of safe, convenient and pleasant neighbourhoods.

9.4.6. The *Development Officer* shall within twenty (20) working days of the date of receiving the application and appropriate fees, advise the applicant in writing that the subdivision has obtained preliminary approval with certain specific conditions, or that the subdivision cannot be given preliminary approval, and shall state the reasons for the decision.

9.4.7. Preliminary approval for any proposed subdivision shall not be construed as final approval of such subdivision for legal conveyance or for land registration purposes.

9.4.8. Preliminary approval shall be effective for a period of 12 months.

## **9.5. Parkland Dedication and / or Fee**

- 9.5.1. A person seeking to subdivide four (4) or more lots, simultaneously or sequentially, exclusive of the *parent parcel*, shall be required to dedicate and convey to the Municipality 10% of the lands being subdivided from the *parent parcel* for recreation and *public open space* purposes, subject to the following:
- (a) the location and physical condition of the *parkland* to be conveyed shall be at the discretion of, and shall be subject to approval by *Council*;
  - (b) The parkland shall front onto a street or a trail accessible to the public;
  - (c) the parkland shall be free of all encumbrances; and
  - (d) *Council* may apply some or all of the dedication and conveyance of the *lot area* to active transportation routes or trail systems or both where such can be provided within or between *subdivisions*, or to ensure that valued natural assets such as forest cover can be protected
  - (e) The subdivision of the four (4) lots do not need to be approved as part of one subdivision application; rather, after three (3) lots have been subdivided from any *parent parcel*, then prior to the approval of any further lot subdivisions from the same *parent parcel*, 10% of the area of all subdivided lots (including the first three) must be dedicated or conveyed to the Municipality, notwithstanding that the ownership of the *parent parcel* may have changed.
- 9.5.2. Where a subdivision is proposed within a coastal area, the *Council* shall require that conveyed parkland maintains a minimum of one (1) access to the shoreline, where feasible and appropriate.
- 9.5.3. The *Council* may, at their discretion, accept a park dedication fee in lieu of land and equal to ten percent (10%) of the land assessment of the subdivided lands, which sum shall be specifically designated for the purchase, development, or maintenance of public parklands in the Municipality
- 9.5.4. *Council* may, where *Council* determines that a combination of *parkland* and cash-in-lieu payments is in the best interests of the *Municipality*, require that the parkland dedication be in the form of a combination of land and cash of an equivalent value. The park dedication fee shall be calculated on the projected value of the lands being developed including all infrastructure costs upon final approval of the development and shall not take into account value of structures on such lands. The *Council* retains the right to use the Province's Land Valuation and Assessment Division in determining the assessed value of the land.

## **9.6. Servicing**

- 9.6.1. The *Council* may require that new subdivisions be connected to the central water and sewer systems at the developer's expense as a condition of subdivision approval. Developers may also be required to contribute to the capital costs for improvements to the central services necessary to accommodate the proposed development where a capital contributions policy has been adopted by *Council*.
- 9.6.2. Subdivisions in Central Core, Commercial, Single-Unit Residential and General Residential Zones shall be required to connect to the central water system and, if feasible, the central sewer system, at the developer's expense.

## **9.7. Public Accesses**

- 9.7.1. All new non-residential developments shall, wherever practical, be integrated, at no cost to the Municipality, into the Municipality's existing or planned pedestrian and active transportation accesses, parking, and recreation and *public open space* network.

## **9.8. Subdivision Agreement**

- 9.8.1. An applicant shall be required to enter into a subdivision agreement as a condition of subdivision approval when applying to subdivide four (4) or more lots, cumulatively, from the same *parent parcel*. The subdivision agreement shall cover any matters as required by the *Authority Having Jurisdiction* and may include, but not be limited to the following:

- (a) the design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
  - (b) the dedication of land for recreation and *public open space* purposes, or payment of a fee in lieu of land;
  - (c) the building of roads to provincial standards and deeding of roads to the Department of Transportation and Infrastructure Renewal or its successor;
  - (d) the posting of a financial guarantee satisfactory to the *Authority Having Jurisdiction*;
  - (e) the provision of a controlled landscape plan and stormwater management plan to facilitate the drainage of water and to guard against flooding of lots within the subdivision and adjacent properties;
  - (f) the provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision;
  - (g) the provision for the phasing of the subdivision; and
  - (h) the preservation and enhancement of surface water drainage systems.
- 9.8.2. Any changes to an existing subdivision agreement shall be considered either a special permitted use or a *change of use*, whichever is applicable, and shall abide by the relevant process.

## 9.9. Final Approval

- 9.9.1. Final Subdivision approval shall be granted only after the applicant has:
- (a) complied fully with all applicable requirements of this section and any subdivision agreement between the applicant and the Municipality;
  - (b) submitted six (6) copies and one (1) digital copy of a final survey plan showing all lots pinned and certified by a surveyor registered to practice in the Province; and
  - (c) completed an agreement with the provincial Department of Transportation and Infrastructure Renewal or successor respecting road construction and the roads have been accepted as public.
- 9.9.2. Final approval may be granted to part of a subdivision which is proposed to be developed in *phases*.
- 9.9.3. The *Development Officer* shall give notice of final approval of a subdivision in writing, and shall place the Municipality's seal and stamp of final approval on the six copies of the survey plan, and shall return one copy to the subdivider.
- 9.9.4. The *Development Officer* shall file copies of the final survey plan with:
- (a) the Registrar of Deeds;
  - (b) the Department of Transportation and Infrastructure Renewal or its successor;
  - (c) the *Development Officer*; and
  - (d) the local utilities, as required.

## 9.10. Severances / Consolidation

- 9.10.1. Notwithstanding the above provisions, applications for final approval may be submitted, without the preliminary approval stage of the application process, for single lot subdivisions, boundary line adjustments, partial lots or easements and lot *consolidations* or subdivisions which do not require the extension of municipal services or public roads, having regard for those provisions of this Bylaw for the approval of Subdivisions as may be applicable, and provided the application otherwise conforms to the Bylaw.

## 9.11. Development Permits

- 9.11.1. *Development permits* shall not be issued for any lot in a proposed subdivision until all the requirements of the subdivision agreement and of this Bylaw have been fulfilled and final subdivision approval has been granted.

## **9.12. Rescinding or Altering Approval**

**9.12.1.** An existing approved subdivision or portion thereof may be rescinded or altered by the *Development Officer* if:

- (a) the subdivision has been carried out contrary to the application, the conditions of approval, or these regulations; or
- (b) the subdivision *owner* has confirmed in writing that the sale of lots is no longer intended, and has requested that approval be rescinded.

# 10. Penalties

## 10.1. Penalties

- 10.1.1. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction. Enforcement and the collection of fees shall be in accordance with Part 9 of the *Municipal Government Act*.
- 10.1.2. Any prosecution for an offence under Subsection 10.1.1 above may be initiated within six (6) months after the time when the contravention occurred.

# 11. Repeal

## 11.1. Effective Date

11.1.1. This Bylaw shall come into force effective on the date it is signed by the Minister responsible for the *Planning Act*.

## 11.2. Repeal

11.2.1. The Community of Victoria Zoning & Subdivision Control (Development) Bylaw #414 (enacted October, 2014), all previous versions, and all amendments thereto are hereby repealed.

# 12. Official Plan and Bylaw

## Amendments

### 12.1. Amendment Applications

- 12.1.1. A person making application for an amendment to the provisions of this Bylaw shall do so on a form prescribed by *Council* and shall submit the application to the *Development Officer*. The Applicant shall describe in detail the reasons for the desired amendment and request that *Council* consider the proposed amendment. Any request for an amendment shall be signed by the Person seeking the amendment or the Person's authorized agent.
- 12.1.2. A change to either the text or the *Zoning Map* of this Bylaw is an amendment and any amendment shall be consistent with the policies of the Official Plan.
- 12.1.3. An application under this section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to
- (a) general Development concept showing proposed land Uses, any Subdivisions, *Buildings*, means of servicing, traffic access and parking; and
  - (b) assessment of any potentially significant Development impacts on the Municipality's infrastructure and the natural environment
- 12.1.4. The Applicant shall, at the time of submitting the application, deposit with the Municipality the application fee and any other required fees in accordance with the schedule of fees established by *Council* and annexed hereto as Schedule C.
- 12.1.5. *Council* shall determine whether or not to consider a Development Bylaw amendment and before making a decision shall consider whether:
- (a) The proposed amendment is in conformity with the Official Plan; or
  - (b) The proposed amendment would require also amending the Official Plan in accordance with the provisions of the Planning Act.
- 12.1.6. Related Official Plan and Bylaw amendments may be considered concurrently, provided that the public and written notices required under section 12.3 indicate in general terms the nature of both the proposed Official Plan amendment and proposed Bylaw amendment, and consideration and a decision regarding the Official Plan amendment precedes the Bylaw amendment.

### 12.2. Amendment Procedures

- 12.2.1. Planning Board shall review each amendment request and provide recommendations to *Council*
- 12.2.2. Prior to making a final recommendation with regards to a proposed amendment to the Official Plan or this Bylaw, Planning Board shall provide public notice and hold a public meeting in accordance with the provisions of section 12.3 in this Bylaw and the requirements of the Planning Act
- 12.2.3. Following the public meeting, Planning Board shall consider the feedback received from the public by way of written responses and comments made at the public meeting. The Applicant may be provided another opportunity to present to Planning Board to answer any further questions that may have arisen at or following the public meeting. Planning Board shall make a recommendation to *Council* on the application.
- 12.2.4. Planning Board and *Council* shall consider the following general criteria when reviewing applications for amendments to the Bylaw, as applicable:
- (a) conformity with the Official Plan;
  - (b) conformity with all requirements of this Bylaw;
  - (c) suitability of the site for the proposed Development;
  - (d) compatibility of the proposed Development with surrounding land Uses, including

both existing and future Uses as per the *Zoning Map*; the impact of transitioning rural lands to more intensive Development Use on existing Farm and resource operations, where applicable;

- (e) any comments from residents or other interested Persons;
- (f) adequacy of existing water, sewer, Street, stormwater, and parklands for accommodating the Development, and any projected infrastructure requirements;
- (g) impacts from the Development on pedestrian and vehicular access and safety, and on public safety generally;
- (h) compatibility of the Development with environmental, scenic and Historic Resources;
- (i) impact on the Municipality's finances and budgets; and
- (j) other matters as considered relevant by the Planning Board or *Council*.

12.2.5. Following the public meeting and after having considered the recommendation of Planning Board, *Council* shall formulate a decision on the proposed amendment. *Council* shall have the authority to determine whether an amendment request is approved, modified, or denied in accordance with the procedures established under the Planning Act.

12.2.6. All amendments to the Official Plan or this Bylaw shall be made in accordance with the procedures set out in the Planning Act.

12.2.7. The *Development Officer* shall notify the Applicant in writing of the decision and the decision shall be posted on the Municipality's website in accordance with section 23.1 of the Planning Act. Where a proposed amendment has been denied by *Council*, the reasons for the denial shall be stated in writing to the Applicant.

12.2.8. No *Development Permits* or Subdivisions related to a proposed amendment shall be approved until the approval from the Minister responsible for administering the Planning Act or any successor legislation has been granted for the necessary amendments where so required.

12.2.9. When an application for an amendment has been decided, *Council* may refuse to hear the same or a similar application for one (1) year after rendering a decision unless *Council* is of the opinion that there is new information.

12.2.10. The *Council* retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land use planning standards or the Official Plan. Should the Council not proceed with a public meeting, the application fee as per subsection 12.1.4 shall be returned to the Applicant.

12.2.11. Nothing in this Bylaw restricts the right of Planning Board or *Council* to initiate its own amendment to the Official Plan or this Bylaw.

### 12.3. Public Meeting Requirements

12.3.1. Where a public meeting is required under this Bylaw the *Development Officer* and Chief Administrative Officer shall, at least seven (7) Clear Days prior to the public meeting:

- (a) Ensure that a notice is placed in a newspaper circulation in the area and on the Municipality's website; and
- (b) Ensure that the following written notice is provided:
  - i) where the subject of the meeting is an application for a Variance pursuant to subsection 7.1.3, to all Property Owners wholly or partially within 122 m. (400 ft.) of all boundaries of the subject Property;
  - ii) where the subject of the meeting is an amendment to the Official Plan or this Bylaw in relation to the subject Property, to all Property Owners wholly or partially within 60 m. (196.9 ft.) of all boundaries of the subject Property;
  - iii) where the subject of the meeting is an application for a Special Event, to all Property Owners whose Properties are adjacent to the subject Property.

## 12.4. Zoning and Future Land Use Map Revisions

12.4.1. The *Development Officer* may make technical revisions to the *Zoning Map* and the general Future Land Use Map in the Official Plan for purposes of:

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

# 13. Definitions

In this Development Bylaw, italicized words carry the defined meaning set forth in this section. Words that are defined in this section but are not italicized when used in the Development Bylaw carry their ordinary meaning.

In this Bylaw:

**Accessory Building** means a separate subordinate *building* which is used or intended for the better or more convenient enjoyment of the *main building* to which it is accessory, and located upon the parcel of land upon which such *building* is to be erected. An *Accessory Building* may include an *Accessory Dwelling*, but otherwise is not used for human habitation.

**Accessory Dwelling** (See *Dwelling, Accessory*)

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

**Accommodation** means a *building* or group of *buildings* not intended for residential use where sleeping facilities are provided for persons and which may also contain recreational facilities, commercial use and additional facilities including but not limited to eating establishments, drinking establishments, room service, meeting rooms, public convention rooms, and laundry service, but does not include *short-term rentals*, or *bed and breakfast operations*, or tourist cottages.

**Aquaculture** means the use of water, land and *buildings* for the farming of aquatic organisms such as fish, crustaceans, molluscs and aquatic plants.

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

**Alter or Alteration** means to make a change in the site, shape, bulk or structure, whether interior or exterior, of a *building* or any part thereof, but does not include repairs carried out for the purposes of maintenance or non-structural *renovation* or improvement.

**Animal Kennel** any part of a lot, *building* structure or establishment where *domestic animals* excluding *livestock* are kept, bred, boarded or trained for profit or gain for the purposes of breeding, boarding, grooming, commercial, or animal welfare purposes.

**Animal Kennel Run** shall mean a fenced area provided for the use of *domestic animals* housed in a structure.

**Apartment Dwelling** (See *Dwelling, Apartment*)

**Attached** means a *building* or *structure* which has a common wall and/or common

roof line and the *building* or *structure* may be considered common as long as a minimum of twenty percent (20%) of the length of the wall or roof line is common with the *main building* or *structure* wall or roof.

**Authority Having Jurisdiction** means Province, *Council*, the *Development Officer* or an agent of the Rural Municipality of Victoria, as applicable to the context.

**Barrier-free** means the design of buildings, structures, products or the environment which make them accessible to all users, regardless of age, ability, or other factors.

**Bed and Breakfast Operation** means a single-detached dwelling where the proprietor lives on-site and where up to four (4) rooms are rented or hired out to provide overnight accommodation with breakfast or meals to the travelling public for monetary gain and does not include facilities open to the general public such as meeting rooms, *restaurants* or entertainment facilities. This definition shall exclude *accommodations* and *short-term rentals*.

**Buffer Zone** means the fifteen 15 metre wide area adjacent to all *Watercourses* and Wetlands as per PEI Department of Environment, Labour and Justice, *Environmental Protection Act, R.S.P.E.I. 1988, Cap. E-9 and Watercourse and Wetland Protection Regulations*.

**Building** includes any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel, and includes an existing *mobile home*.

**Building Height** means the vertical distance measured from the averaged finished *grade* to the highest point of roof surface.

**Building Line** means any line regulating the position of a *building* or structure on a lot.

**Business or Professional Office** means premises where services are offered for a fee but do not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.

**Change of Use** means the change of use of a parcel of land or a *building* from one class of use to another or an increase in the intensity of use, including an increase in the number of *dwelling units*.

**Chemical Plants** means a *building* or structure used for the manufacturing, storage or distribution of hazardous materials and controlled products according to the *Federal Hazardous Products Act*.

**Cladding** means a covering or coating on a *building* structure.

**Coastal Hazard Assessment** means a summary report issued by the Province describing the potential erosion and flood hazards associated with a coastal Property.

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

**Commercial Activities** means the use of land, *buildings* or structures for the purpose of buying and selling commodities and supplying of services, excluding manufacturing, warehousing and other similar uses.

**Community Garden** means a piece of land gardened or cultivated by a group of people individually or collectively, and coordinated by a dedicated non-profit community group, whether formally incorporated or an informal voluntary association. Each *community garden* is unique with different numbers of garden plots, costs for plots and availability.

**Consolidation** means the legal incorporation of two or more existing Parcels of land to form a single, larger Parcel.

**Council** means the representative Council of the Rural Municipality of Victoria, in accordance with the Municipal Government Act.

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

**Deck** means a structure intended as outdoor living space, either *attached* or adjacent to a *building*.

**Demolition or Demolish** means the removal, pulling down or destruction of a structure.

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

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

**Development** means the carrying out of any construction operation, including excavation, in preparation for building, on, over or under land, or the making of any material change in the use, or the intensity of use of any land, *buildings*, or premises and includes the placing of structures on, over or under land.

**Development Agreement** means a legally binding written agreement between Council and a developer, covering such matters deemed by council to be pertinent and necessary to the final approval of any development or subdivision of property within the Municipality.

**Development Officer** means any person authorized by Council to act on its behalf with respect to the implementation of the Municipality's Official Plan and Zoning and Subdivision Control Bylaw.

**Development Permit** means the formal and written authorization for a person to carry out any development including alterations or erections of a *building* or structure, except where such alterations or erections are in conformance with this Bylaw and subject to the provisions contained herein.

**Dog House** shall mean any *building* or structure where dogs are kept by residents as pets and not for breeding, boarding, commercial, or animal welfare purposes.

**Dog Run** means a fenced area provided for the use of dogs which are kept by residents as pets and not for breeding, boarding, commercial or animal welfare purposes.

**Domestic Animals** means animals such as and including dogs, cats, budgies, parrots, parakeets, hamsters, gerbils and guinea pigs.

**Domestic Arts** means a vocation that can be carried out in a *dwelling unit* which shall include and be limited to:

- (a) dressmaking and tailoring;
- (b) hairdressing, barber shop and esthetics;
- (c) instruction in the arts; and
- (d) arts and crafts, weaving, painting, sculpture, and repair of garden or household ornaments, personal effects or toys.

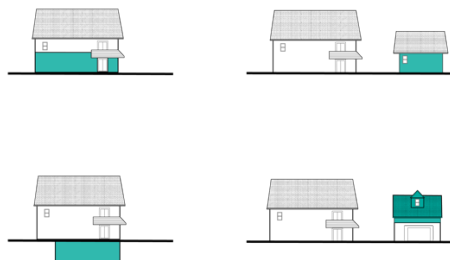
**Dormer** with reference to a roof, means a window that projects vertically from a sloping roof.

**Drive-through** means a place or facility where one can be served without leaving one's car.

**Duplex Dwelling** (See *Dwelling, Duplex*)

**Dwelling** means a *building* or portion thereof containing one or more *Dwelling Units*, and which is designed, arranged, designated or used for residential occupancy, but does not include hotels and motels.

**Accessory Dwelling** means a dwelling that contains one *dwelling unit* and is located on a lot with, and as a subordinate dwelling to, a single-unit dwelling, duplex, or semi-detached dwelling.

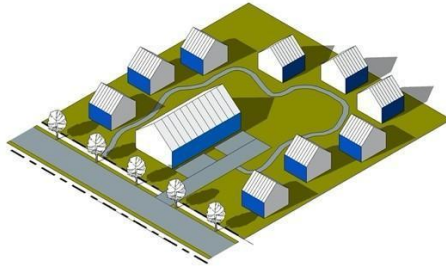


**Apartment Dwelling** means a dwelling in a *building* containing three or more such *dwelling units* that share common hallways and a common outdoor entrance, dwellings *attached* to a *building* which is principally commercial, or a

dwelling in a *building* that is divided vertically into three or more *attached dwelling units* that do not each have their own street *frontage*. An *apartment dwelling* does not include a *townhouse dwelling* or *stacked townhouse dwelling*.

**Duplex Dwelling or Duplex** means a *building* containing two *dwelling units*, arranged with one unit being wholly or partially above the other, each of which has an independent entrance either directly from outside or through a common vestibule.

**Grouped Dwelling** means more than one residential *building* except accessory dwellings, located on a lot.



**Multiple Attached Dwelling** means a *building* containing three or more *dwelling units* and includes *apartment dwellings*, *townhouse dwellings*, and *stacked townhouse dwellings*.

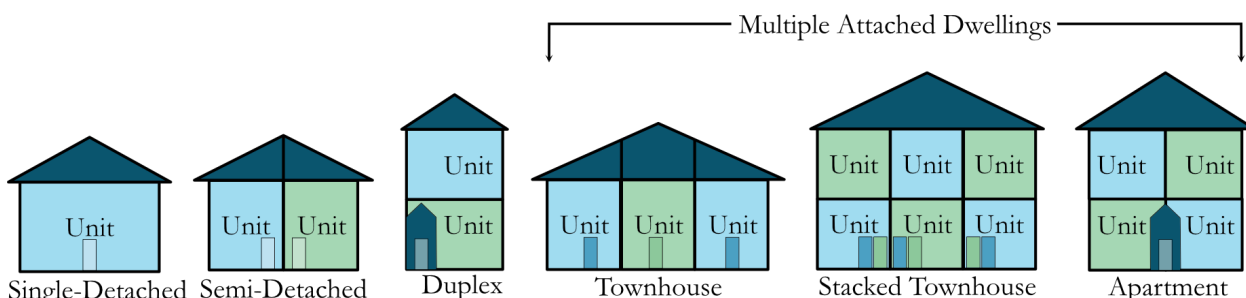
**Semi-Detached Dwelling** means a *building* divided into two separate *dwelling units*, side-by-side, each with its own street *frontage* and outdoor entrance.

**Single-Unit or Single-Detached Dwelling** means a *building* designed or used for occupancy as one *dwelling unit* and includes a modular home but does not include a *mobile home*.

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

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

**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 for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.



**Entertainment Establishment** means an establishment providing musical, dramatic, dancing or cabaret entertainment and/or facilities where alcoholic beverages may be served and includes supplementary food service. This term refers to uses such as theatres, cinemas, auditoria, and theatre *restaurants*.

**Farm or Farm Property** means land, including any complementary *buildings*, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of *livestock* or production of raw dairy products, and may comprise a lesser area when operated as a *farm enterprise* by a bona fide farmer as defined in the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4.

**Farm Enterprise** for the purposes of these regulations has the same meaning as set out in the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-5.

**Farm Gate Outlet** means an *accessory use* located on a property for sale only of its own agricultural or garden products and excluding sale of products not grown on the premises, or any non-farm or garden products, and excluding a plant nursery.

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

**Fish Truck** means a mobile unit or vehicle used by core fishers to sell freshly caught fish and seafood directly to consumers under a fish peddler's license.

**Flankage** see **Yard** and **Lot Line**

**Floor Area** means:

- (a) with reference to "dwelling" the area contained within the outside walls excluding any private garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year;
- (b) with reference to "commercial *building*" the total usable floor area within a *building* used for commercial purposes excluding washrooms, furnace rooms and common halls between stores; or
- (c) with reference to *accessory building* the area contained within the outside walls.

**Frontage** means all land abutting on one side of a street or road measured along the street or road line. For lots located on the outside curve of a road or on a cul-de-sac, *frontage* shall be measured at a distance 6 metres (20 feet) from the front *lot line* along the side *lot lines*.

**Glazed** means a *building*, structure or architectural feature fitted with panes of glass.

**Grade** (as it applied to the determination of *building height*) means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except

that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

**Group Home** means a *building* recognized as such by the Minister of Health and Wellness or its successor, for accommodating individuals.

**Grouped Dwelling** (See *Dwelling, Grouped*)

**Heritage designated** means a property designated as a heritage property under the Provincial Heritage Places Protection Act, which may not have exterior alterations done, or be *demolished*, without approval from the relevant Minister.

**Heritage registered** means a property of heritage value recognized under the Provincial Heritage Places Protection Act, which has no restrictions to prevent exterior alteration or *demolition* arising imposed on it by the Act.

**Home-based Business** means the *accessory use* of a primary dwelling, or of a *building* accessory to a primary dwelling, for an occupation or a business conducted for profit, involving the production, sale or provision of goods and services.

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

- (a) Child care facilities;
- (b) Community centres
- (c) Fire halls
- (d) Government offices
- (e) Libraries, museums, theatres and art galleries
- (f) Lighthouses
- (g) Medical clinic and hospitals for the treatment of physical and mental health
- (h) *Places of worship* and religious institutions
- (i) Public and private recreational centres
- (j) Residential facilities
- (k) Schools
- (l) Visitor information *building*

**Intensive Livestock Operations** means places where *livestock* are found in a density greater than seven animal units per acre in a confined area to which the *livestock* have access, with the calculation of animal units as defined by the Province.

**Licensed Premises** means any lounge, brew-pub, micro-brewery, winery, or distillery as defined in the *Liquor Control Act* Regulations R.S.P.E.I. 1988, Cap. L-14 and any subsequent changes to those regulations.

**Light Pollution** means any adverse or intrusive effect of artificial light sources including sky glow (illumination of the night sky), glare, light trespass (unwanted light entering one's property), light clutter (excessive grouping of lights), decreased visibility at night, and energy waste. Also means any annoying light that intrudes on otherwise natural or low light setting.

**Livestock** means animals such as and including: horses, cattle, buffalos, sheep, swine, goats, poultry, fox, mink, chinchilla, rabbits, camelids, llamas, alpacas, donkeys, emus and ostrich.

**Lot (or Property)** means any parcel of land described in a deed or as shown in a registered plan of subdivision, and

- (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) *Lot Depth* means the depth from the Front Lot Line to the Rear Lot Line.
- (d) *Through Lot* means a lot bounded on two opposite sides by streets.

**Lot Area** means the total area included within the *lot lines*.

**Lot Line** means any boundary of a lot, and

- (a) *Flankage Lot Line* means the side lot line which abuts the street on a corner lot.
- (b) *Front Lot Line* means the lot line abutting the street upon which the *building* or structure erected or to be erected has its principal entrance.
- (c) *Rear Lot Line* means the lot line further 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.

**Main Building** means that *Building* in which is carried on the principal purpose or purposes for which the Lot is Used.

**Main Use** means the principal purpose or purposes for which the Lot is Used, the nature of the Use of which determines the status of the Lot upon which it is authorized to be constructed or upon which it is constructed.

**Major Residential Development** means any residential subdivision featuring more than four lots, cumulatively, on a *parent parcel* of land, or a residential development on a single lot featuring more than 10 *dwelling units*.

**Mobile Home** means a transportable *dwelling unit* suitable for long-term occupancy, designed to be transported on its own wheels and chassis, and, when located, fixed on a firmly grounded foundation;

**Mobile trailer** means a trailer that is hooked to the back of a motorized vehicle and has no self-contained motor.

**Mobile Vending Unit** means a transportable vehicle, trailer, push cart, or stand designed for the purpose of selling goods of any description or providing any type of entertainment, including a mobile canteen or food truck, but does not include a *fish truck*.

**Moulding** means a defining, transitional, or terminal element that contours or outlines the edges and surfaces on a projection or cavity, and shall include a cornice, architrave, capital, arch, base or jamb.

**Multiple Attached Dwelling** (See *Dwelling, Multiple Attached*)

**Municipality** means the Rural Municipality of Victoria.

**Outdoor Display** means the use of land to show, exhibit or make visible products, goods or equipment for the purpose of sale or promotion.

**Outdoor Storage** means the storage of goods, equipment or materials outside of a *building* for any purpose other than outside display.

**Owner** means a person who legally owns a lot and is a registered land owner; and may include or encompass, a tenant, lessee, or other person in possession or occupancy of the subject lot or *building*; or an executor, administrator, trustee, agent, or other person managing the subject lot or *building* for the registered owner.

**Parent Parcel** means an approved parcel of land legally existing on the effective date of this Bylaw.

**Parking Lot** means an open area of land other than a street or access driveway, or an area within a structure used for the parking of vehicles.

**Parking Space** means a space on a parking lot for the temporary parking or storage of a vehicle.

**Personal Service Shop** means a *building* in which persons are employed in furnishing services and otherwise administering to the individual and person needs of persons (including but not limited to: barbershop, hairdressing shops, beauty parlours, shoe repair, laundromats, tailoring, dry-cleaning, etc.).

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

**Place of Worship** means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

**Principal Residence** means a residential unit owned or rented by a natural person, alone or with others, where the natural person is ordinarily resident and makes their home and conducts daily affairs, including but not limited to paying bills and receiving documentation related to identification, taxation, insurance, driver's licenses, income tax returns, medical plans, vehicle and voter registration, or similar information; and the natural person has no other property designated as such within the Municipality or any other jurisdiction

**Private right-of-way** means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

**Processing** means the transformation of raw ingredients into food, or of food into other forms. Involves taking clean, harvested crops or butchered animal, fish or other aquatic products and using these to produce attractive, marketable and often long shelf-life food products.

**Public Façade** means any side of a *building* facing the street, including front and flankage *yards*.

**Public Open Space** means land which may be used for recreational or other outdoor leisure activities by the general public.

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

**Renovation** means any change in a non-structural component of a *building* or structure and does not include a change in a structural component, or any increase or decrease in the volume of a *building* or structure.

**Residential Facility** means a *building* or part of a *building* operated as one integrated facility in which accommodation is provided to individuals and that includes additional care and services for residents, such as, but not limited to, medical care, supervisory or personal care, and counselling. This includes supportive housing, transitional housing, nursing homes, long-term care facilities, rooming homes, emergency shelters, and similar uses, but shall not include a facility that is licensed by or under contract to Corrections Canada or Prince Edward Island Correctional Services, or successor bodies.

**Resource Uses** means any uses involving the processing or storing of natural resource materials including but not limited to agricultural, forestry, fishing and mining resources and shall include the production of agricultural products and the keeping of farm animals, but shall not include related industrial uses such as processing plants.

**Restaurant** means *buildings* or structures or part thereof where food and drink is prepared and offered for sale to the public.

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

**Rezoning** means the changing of one land zone classification to another.

**Roof** means the structure forming the upper covering of a *building* or structure, and

- (a) "**Gable Roof**" means a roof where two sections slope in opposite directions, such that the highest, horizontal edges meet to form the roof ridge.
- (b) "**Cross Gable Roof**" means a roof where two or more gable rooflines intersect at an angle, most often with two ridges placed perpendicular to one another.

- (c) “*Gambrel Roof*” means a roof consisting of two symmetrical sections with two slopes on each side, such that the highest edges meet to form the roof ridge. The upper slope is positioned at a shallow angle, while the lower slope is steep.
- (d) “*Hip Roof*” means a roof where four sections slope downwards to the walls.

***Semi-Detached Dwelling*** (See *Dwelling, Semi-Detached*)

***Setback*** means the horizontal distance between the specified *lot line* and the nearest main wall of any *building* or structure, except *fences*, and extending the full width or length of the lot.

***Sewer System*** means any system or part thereof for disposing of sewage or waste by means of one or more settling or septic tanks and one or more disposal fields, and any other system or part thereof for sewage or waste disposal directly connected or not to the Municipality’s central waste treatment system.

***Short-term Rental*** means the rental for a period of less than 28 consecutive days of an entire *Dwelling Unit* or a portion of a *Dwelling Unit* that either serves as the operator/host’s *principal residence*, or that is accessory to the operator/host’s *principal residence*.

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

***Single-Unit or Single-Detached Dwelling*** (See *Dwelling, Single-Unit or Single-Detached*)

***Site Plan*** means a plan drawn to a suitable architectural scale showing details of existing and proposed features on a parcel of land which is the subject of an application for development.

***Solar Array*** means a system of any number of solar collectors (either photovoltaic or solar thermal) and associated mounting and electrical equipment. The capacity of a photovoltaic solar array is considered to be the aggregate nameplate capacity of all associated photovoltaic collectors.

***Solar Array, Ground-Mounted*** means a solar array of any size that is structurally supported by the ground, rather than by a *building*.

***Solar Array, Roof-Mounted*** means a solar array of any size that is structurally supported by a *building*, rather than by the ground.

***Stacked Townhouse Dwelling*** (See *Dwelling, Stacked Townhouse*)

**Storage Depot** means a storage facility, warehouse and/or outdoor area used for storage of goods.

**Street, Road or Highway** means all the area within the boundary lines of every road, street or right-of-way which is vested in the Province of Prince Edward Island and used or intended for use by the general public for the passage of vehicles and includes any bridge over which any such road, street or right-of-way passes. (Distinct from *Private right-of-way*)

**Streetscape** means the *buildings*, street furniture, open space, parks, street surface, trees, water bodies or streams, and other features that add to or make up the physical features of a Municipal street block or portion thereof, and streetscape also means, when applied to an individual property, the overall visual appearance of that individual property from the street.

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

**Subdivider** means the *owner* of a parcel of land which is being subdivided, or their authorized agent. "Subdivide" shall have a corresponding meaning.

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

**Subdivision Agreement** means a legal document describing a two-party agreement between a subdivider and the *Authority Having Jurisdiction*, the subject of which pertains to actions to be taken in the subdividing of a Parcel of land.

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

**Swimming Pool** means any outdoor structure, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 0.91 metres (3 feet) or more at any point and having a minimum surface area of 10 square metres (108 square feet).

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

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

**Tourist Cottage** means a group of two or more *buildings* not intended for residential use where sleeping facilities are provided for persons and which may also contain additional facilities including but not limited to recreational offerings, laundry service,

and commercial uses, but does not include accommodations, *bed and breakfast operations*, or *short-term rentals*.

**Townhouse Dwelling** (See *Dwelling, Townhouse*)

**Use** means any purpose for which a *building* or other structure or parcel of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel.

**Utility Building** means a *building* that houses stationary equipment for telephone, electric power, public water supply, or sewage services.

**Verandah** means a roofed platform projected along the outside of a *building*, level with the ground floor, and shall include a porch.

**Watercourse** shall have the same meaning as defined under the *Environmental Protection Act, R.S.P.E.I. 1988, Cap. E-9, Watercourse and Wetland Protection Regulations* and in the case of any dispute the final determination shall be made by the Provincial Department having authority to enforce these regulations. More particularly defined as “an area which has a sediment bed and may or may not contain water, and includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body.”

**Wetland** shall be defined as noted above under “*watercourse*”.

**Wind Energy System** a wind energy conversion system consisting of a wind turbine including the rotor and associated control or conversion electronics to convert wind mechanical energy to electricity.

**Yard** means an open, uncovered, unoccupied space appurtenant to a *Building*, and

- (a) *Flankage Yard* means a yard extending the depth between the front yard and rear yard and between the flankage lot line and the main walls of the *main building* facing the flankage lot line.
- (b) *Front Yard* means a yard extending across the full width of the lot between the front lot line and main walls of the *main building* facing the front lot line
- (c) *Rear Yard* means a yard extending across the full width of the lot between the rear lot line and the main walls of the *main building* facing the rear lot line.
- (d) *Side Yard* means a yard extending the depth between the front yard and rear yard and between the side lot line(s) and the main walls of the *main building* facing the side lot line(s), exclusive of any chimney breast.

**Zone** means an area of land designated under this Bylaw within which specific land uses are permitted and others restricted or prohibited.

**Zoning Map(s)** means the map(s) included within Appendix A to this Bylaw or as amended from time to time, depicting the boundaries of all land use zones.









# 14. Appendices

## 14.1. Appendix A: Zoning Maps

The *Zoning Map* shows the boundaries of all zones currently within the Municipality, corresponding with the regulations included in this Development Bylaw. Also included is a map which indicates overlay zones, where land is subject to the requirements of multiple zones. The *Zoning Map* must conform to the Future Land Use Map contained within the Municipality's Official Plan, and properties within the Community shall only be rezoned in accordance with the land use identified on the Future Land Use Map.



Zoning

General Residential	R1	
Single-Unit Residential	SR	
Commercial	C	
Central Core	CC	
Agriculture	A	
Light Industrial	M	
Recreation and Public Open Space	P	
Public Services and Institutional	PSI	



**Zoning**

Forest

Environmental



Wellfield Protection



General Residential R1

Single-Unit Residential SR

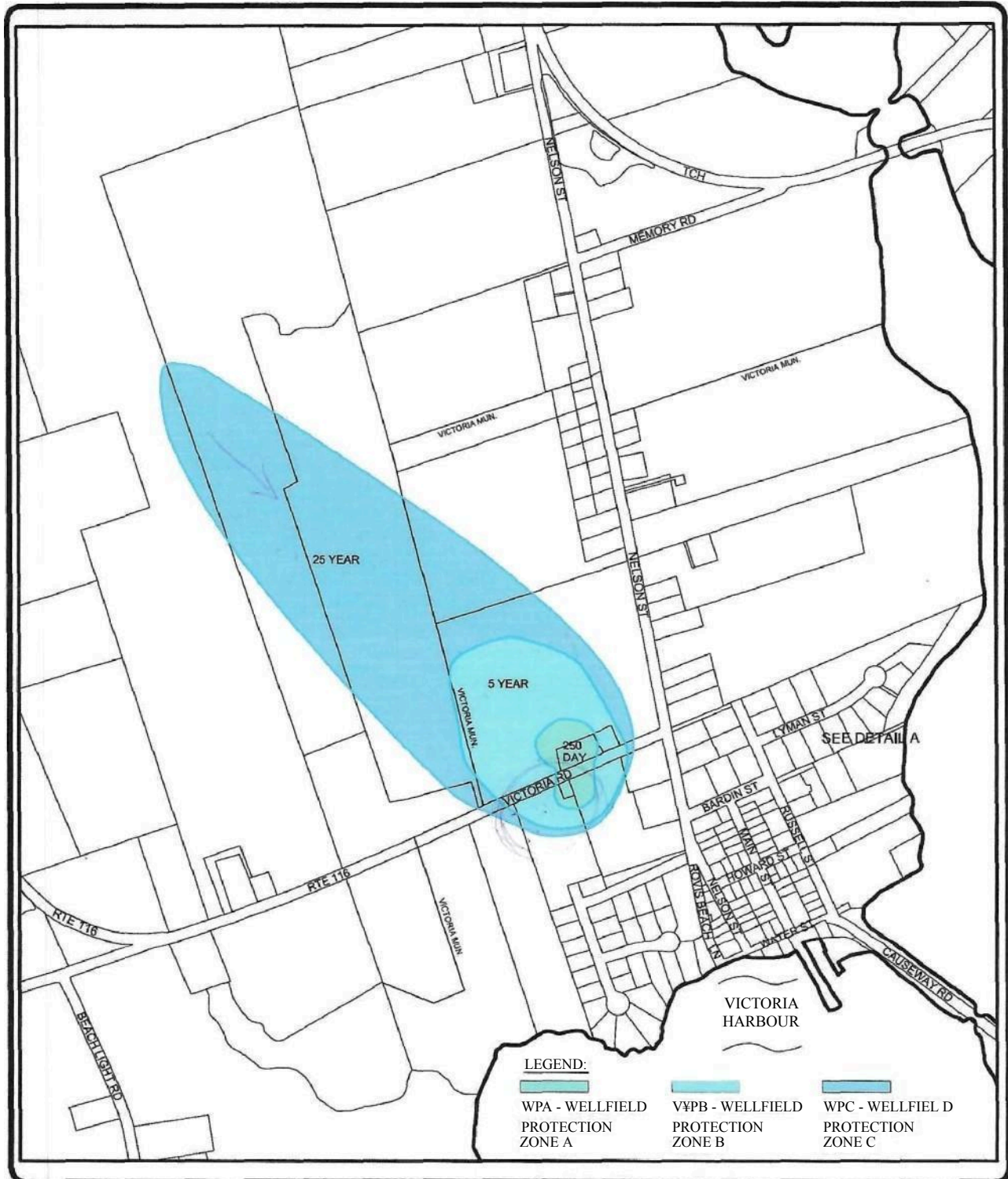
Commercial C

Central Core CC

Light Industrial M Recreation

and Public Open Space

P Public Services and Institutional PSI



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Project Title

Title

Date Printed:

Drawn by:

Job No. 11-02

Plan No.

Scale:

## 14.2. Appendix B: Parking Guidelines

Type of Use	Number of <i>Parking Spaces</i> Required	Loading Area Required
Dwellings	1 per <i>dwelling unit</i>	n/a
Accommodations	1 per guest room	n/a
<i>Short-Term Rentals</i>	1 per <i>dwelling unit</i> (in addition to the 1 <i>parking space</i> required for the <i>principal residence</i> )	n/a
Tourist Cottages	1 per guest room	n/a
<i>Restaurants</i> (including take-out operations)	1 per 4.6 square metres (50 square feet)	n/a
<i>Business or professional office</i>	1 per 27.9 square metres (300 square feet)	n/a
Warehouse and storage facilities and other industrial uses	1 per employee	1 per loading bay
Other commercial uses	1 per 27.9 square metres (300 square feet) of <i>floor area</i>	1 per loading bay
Other institutional uses	1 per 37.2 square metres (400 square feet) of <i>floor area</i>	n/a

### 14.3 Appendix C: Fee Schedule

As per Section 135 of the Municipal Government Act, *Council* may establish or alter this Schedule of Fees by resolution.

**Notes:**

1. All fees are subject to HST.
2. All fees shall be paid upon submission of the application.
3. All fees are non-refundable.
4. All fees are doubled for an application after the fact.
5. Section 3.1.3 of the Zoning Bylaw indicates the list of developments that require no permit.

Permit Type	Fee (subject to notes above)
<b>Development permits</b>	
Dwellings, including new home based businesses, additions, expansions and accessory dwellings (excluding other accessory buildings)	\$420.00
Accessory building	\$180.00
Short - term rental	\$180.00
Demolition / moving / change of use	\$300.00 + all applicable fees relative to neighbors consultation, public meeting, a development agreement if applicable
Decks / pools / fences	\$120.00
Special permitted use	\$300.00 + all fees relative to neighbors consultation, public meeting and development agreement if applicable
Special permitted use for major residential, light industrial and commercial developments, including expansions for all categories.	\$1,200.00 + all fees relative to neighbors consultation, public meeting and development agreement if applicable
Permit extension	No charge when received prior to expiration One extension allowed only
Roof-mounted solar collectors that do not meet criteria of art 3.1.3 of Zoning bylaw	\$150.00
Ground-mounted solar collectors	\$150.00
On site animal processing	\$1,200.00 + all fees relative to neighbors consultation, public meeting and development agreement if applicable

<b>Subdivision permits</b>	
Lot subdivision application	\$300.00/subdivided lot + all fees relative to neighbors consultation, public meeting and subdivision agreement if applicable
Lot consolidation	\$300.00/consolidated lot + all fees relative to neighbors consultation, public meeting and consolidation agreement if applicable
Lot revision	\$300.00/ revised lot
<b>Other permits</b>	
Official Plan / Bylaw amendments or rezoning	\$900.00 + all fees relative to public meetings, legal fees and development agreement if applicable
Small Variances 0-5%	\$60.00
Major Variances 5-10%	\$120.00 + all fees relative to neighbors consultation, public meeting and development agreement if applicable
Outdoor vending fees / Temporary Use of a structure or land	\$30.00 (per request)

## 14.5. Appendix D: Design Guidelines

### Purpose

These design guidelines are required for the Central Core zone, and are voluntary and encouraged for the Commercial zone. They are intended to communicate the Municipality's heritage values and provide a clear and concise set of guidelines for property *owners*. The community has a strong set of cultural and heritage values, and these guidelines are part of the effort to respect and protect the historic character of the Central Core.

The Central Core and Commercial areas are the social, cultural, and commercial heart of the Municipality and their character influences the quality of life for all residents. The following design guidelines support the economic activity within these areas and foster an attractive and comfortable pedestrian environment which reflects the unique character of Victoria.

### Local Context

This region has a long history of settlement dating back to Mi'kmaq presence at least 10,000 years ago, but the built structure of what is now known as Victoria represents mainly a Victorian era of European settlers' construction efforts. The existing street grid of the central core was laid out in the 1860s, and three wharves were soon built along the waterfront.

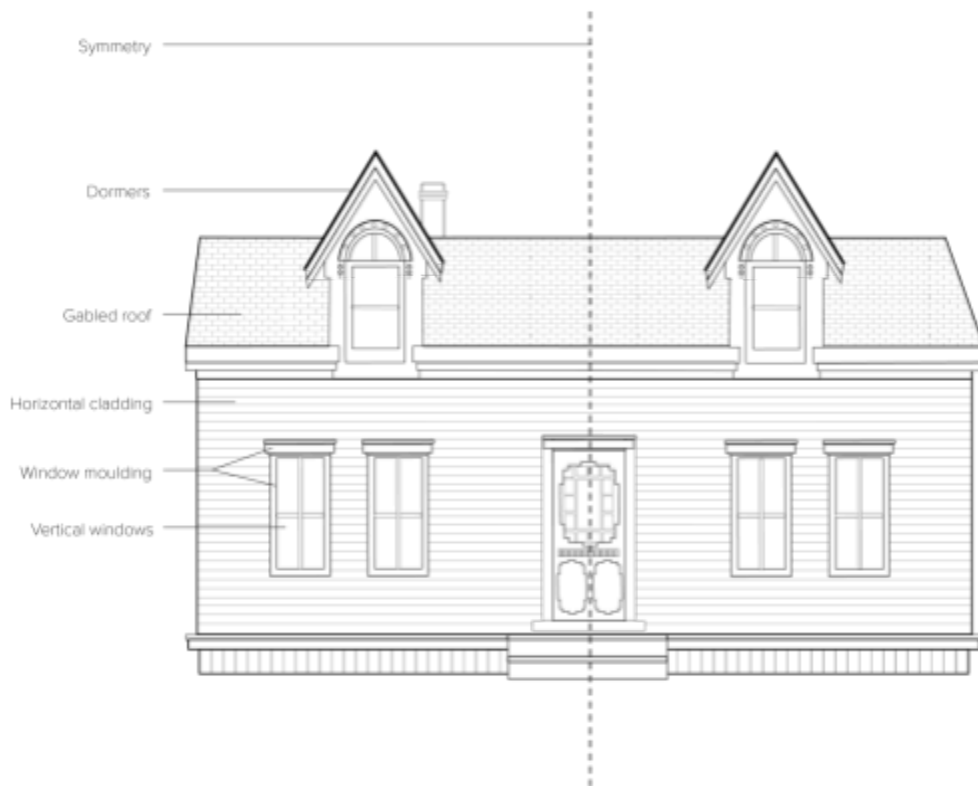
Today many of the community's homes date back to the 19<sup>th</sup> century, with a mix of Late Victorian Plain, Gothic Revival, and other Victorian home styles. Mixed uses are traditional to the area, and the central core reflects this today. At the present, 28 properties in the municipality are registered heritage properties, while four are designated heritage properties, protected under Provincial legislation.

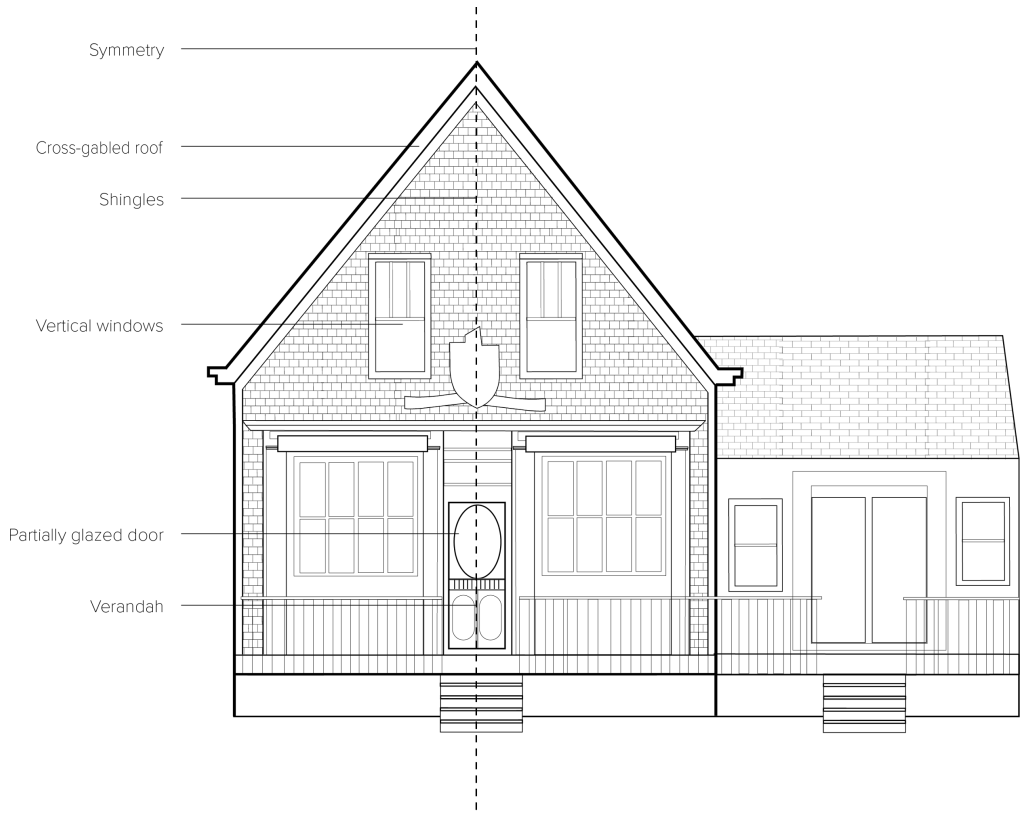
### Principles and Features

These selected principles and features are intended to encourage all future development to respect the area's character, while preserving the authenticity of heritage properties. The associated architectural guidelines are intended as guidance for a cohesive and enjoyable built environment and streetscape.

Relevant principles and features include:

- a) roof styles;
- b) window and door styles;
- c) *cladding*;
- d) the placement of porches and *verandahs*;
- e) symmetry; and
- f) *barrier-free* entrances and exits.

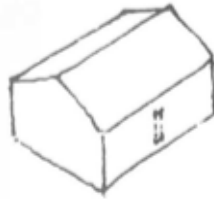




## Architectural Guidelines

14.5.1. Developments within the Central Core Zone are required, and developments within the Commercial Zone are encouraged, to incorporate one of the following roof styles:

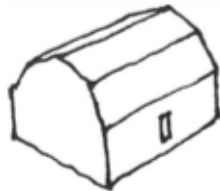
a) gable roof;



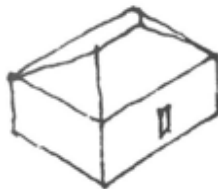
b) cross gable;



c) gambrel roof; or



d) hip roof.



Illustrations c/o *Houses of Nova Scotia* (1989), Allen Penney

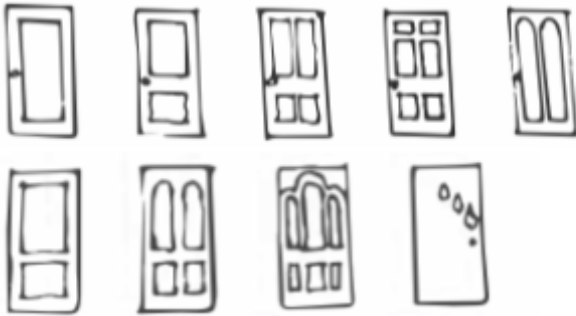
14.5.2. Developments within the Central Core Zone are required, and developments within the Commercial Zone are encouraged, to incorporate *dormers* into roof design.

14.5.3. Developments within the Central Core Zone are required, and developments within the Commercial Zone are encouraged, to incorporate vertically oriented windows on all *public façades*.

14.5.4. Developments within the Central Core Zone are required, and developments within the Commercial Zone are encouraged, to incorporate window *moulding* on all *public façades*.

14.5.5. Doors on the *public façade(s)* of commercial uses within the Central Core Zone are required, and Doors on the *public façade(s)* of commercial uses within the Commercial Zone are encouraged, to be fully or partially *glazed*.

14.5.6. Doors on the *public façade(s)* of residential uses within the Central Core Zone are required, and doors on the *public façade(s) of residential uses* within the Commercial Zone are encouraged, to be panelled or partially *glazed*; slab doors are discouraged.



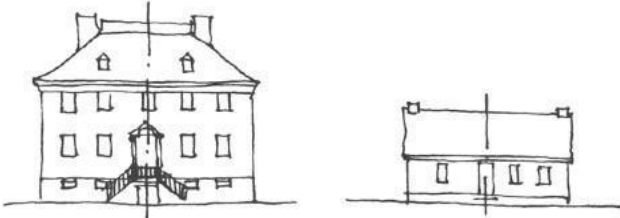
Illustrations c/o *Houses of Nova Scotia* (1989), Allen Penney

14.5.7. Developments within Central Core Zone are required, and developments within the Commercial Zone are encouraged, to incorporate shingles or horizontal *cladding* on all *public façades*.

14.5.8. *Cladding* within the Central Core Zone is required, and *cladding* within the Commercial Zone is encouraged, to turn corners and extend beyond *public façade(s)* for a minimum of 2 metres (6.5 feet), preferably around the entire *building*.

14.5.9. Developments within the Central Core Zone are required, and developments within the Commercial Zone are encouraged, to incorporate a porch or *verandah* at ground level on the *public façade*, with a height not exceeding one storey.

14.5.10. Developments within the Central Core Zone are required, and developments within the Commercial Zone are encouraged, to incorporate complete or partial symmetry in design, through the placement of features like windows and columns.



Illustrations c/o *Houses of Nova Scotia* (1989), Allen Penney

14.5.11. Building mechanicals (including but not limited to air conditioning units and heat pumps) are not permitted on the *public façade(s)* of *buildings* in the Central Core Zone, and are discouraged on the *public façade(s)* of *buildings in the Commercial Zone*.

## Checklist

Guidelines required for Central Core Zone and encouraged for Commercial Zone	
Gable, cross-gable, gambrel or hip roof	
Vertical windows on <i>public façades</i>	
<i>Moulding</i> around all windows on <i>public façades</i>	
Doors on the <i>public façades</i> of commercial <i>buildings</i> fully or partially <i>glazed</i>	
Doors on the <i>public façades</i> of residential <i>buildings</i> paneled or partially <i>glazed</i>	
Shingles or horizontal <i>cladding</i> on <i>public façades</i>	
<i>Cladding</i> extends beyond <i>public façades</i> for a minimum of 2 metres	