

**TOWN OF**  
**GEORGETOWN**

**ZONING & SUBDIVISION CONTROL  
(DEVELOPMENT) BYLAW  
2018**

Adopted by Town Council on June 18, 2018

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## **TOWN OF GEORGETOWN**

### **ZONING & SUBDIVISION CONTROL (DEVELOPMENT) BYLAW**

This Bylaw is made under the authority of the *Planning Act*,

R.S.P.E.I. 1988, Cap. 4.

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

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## PART 1 DEFINITIONS

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

In this Bylaw:

- 1.1 "Accessory Apartment" – means a secondary dwelling accessory to a single-unit dwelling within the same building but equipped as an independent living facility and accessed by a private entrance from outside of the building or from a common hallway or stairway inside the building.
- 1.2 "Accessory Building" – means a separate subordinate building or structure, not used for human habitation, that is used or intended for the better or more convenient enjoyment of the main building to which it is accessory and located upon the lot upon which such main building is or is intended to be erected.
- 1.3 "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.
- 1.4 "Alter" – means any change in the structural component or physical appearance of a building or any increase in the volume of a building or structure.
- 1.5 "Attached" – means a building or structure that has a common wall and/or common roof line and the building or structure may be considered common as long as a minimum of 20 percent of the length of the wall or roof line is common with the main building or structure wall or roof.
- 1.6 "Automobile Dealership" – means a building or part of a building or a clearly defined space on a lot used for the sale of used or new automobiles.
- 1.7 "Automobile Repair" – means a building or part of a building used for the maintenance and repair of automobiles.
- 1.8 "Automobile Service Station" – means a building or part of a building or a clearly defined space on a lot used for the sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor vehicles.
- 1.9 "Automobile Washing Establishment" – means a building or part thereof used for the operation of automobile washing equipment that is manual, automatic or semi-automatic.
- 1.10 "Bed and Breakfast" – means a single-unit dwelling occupied by the proprietor and used incidentally to provide accommodation and meals to transient travellers and includes a tourist home but does not include a boarding house, rooming house, domiciliary hostel, group home, hotel, motel, restaurant or lounge.
- 1.11 "Block" – means any unit of land consisting of a grouping of lots bounded on all sides by watercourses, streets, right-of-ways, and/or municipal boundaries.
- 1.12 "Building" – means any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel.

- 1.13 "Building Height" – means the vertical distance measured from the averaged finished grade to the highest point of roof surface.
- 1.14 "Building Line" – means any line regulating the position of a building or structure on a lot.
- 1.15 "Business or Professional Office" – means premises where professional services are offered for a fee, but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.
- 1.16 "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.
- 1.17 "Child Care Facility" – means any institution, agency, or place, whether known as a day nursery, nursery school, kindergarten or play school, that receives for temporary care apart from the parents on a daily or hourly basis, with or without stated educational purposes and during part or all of the day, more than three children under seven years of age.
- 1.18 "Club" – means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the club are conducted.
- 1.19 "Community Care Facility" – means an establishment that provides care services for compensation to five or more residents who are not members of the operator's immediate family but does not, unless otherwise ordered by the Lieutenant Governor in Council, include
- (i) a group home recognized as such by the Minister,
  - (ii) a residential school,
  - (iii) an establishment providing accommodation only,
  - (iv) a hospital,
  - (v) a correctional institution,
  - (vi) a facility in which addiction treatment services are provided,
  - (vii) a nursing home, or
  - (viii) a residential or nursing care home that is operated by or on behalf of the PEI Department of Health and Wellness, Health PEI, or successor bodies.
- 1.20 "Convenience Store" – means a retail commercial establishment, not exceeding 140 sq.m. (1,500 sq. ft.) of gross floor area, supplying daily household necessities for the immediate surrounding area in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to compliment such items that may include the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, tobacco products and video sales and rentals.
- 1.21 "Council" – means the Council for the Town of Georgetown.
- 1.22 "Demolition" – means to remove, pull down or destroy a structure.

- 1.23 "Developer" – means a person who, directly or indirectly, is authorized to apply for approval of a development or subdivision or to enter into an agreement regarding a development or subdivision.
- 1.24 "Development" – means:
- (i) site alteration, including but not limited to altering the grade of the land, removing vegetation from the land, excavating the land, depositing or stockpiling soil or other material on the land, and establishing a parking lot;
  - (ii) locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing structures or buildings in, under, on or over the land;
  - (iii) placing temporary or permanent mobile uses or structures in, under, on or over the land; or
  - (iv) changing the use or intensity of use of a parcel of land or the use, intensity of use or size of a structure or building.
- 1.25 "Development Officer" – means the person(s) appointed by Council with the duty of administering the provisions of this Bylaw.
- 1.26 "Development Permit" – means a permit issued for a development pursuant to this Bylaw but does not include a building permit issued under the *Buildings Codes Act*.
- (i) "Special Use Permit" – means a subcategory of development permits where approval can only be granted after the proposal has fulfilled the requirements specific to Special Use Permits as outlined in this Bylaw.
- 1.27 "Display" – includes any item, group of items, sign, or billboard visible to the general public, indicating that items or services are offered for sale or trade, but does not include Premise Signs of 0.26 sq.m (2.8 sq.ft.) or less.
- 1.28 "Dwelling" – means a building or portion thereof designated or used for residential occupancy, but does not include hotels and motels.
- (i) "Dwelling Unit" – means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided.
  - (ii) "Duplex Dwelling" – means a dwelling divided horizontally into two dwelling units, each of which has an independent entrance.
  - (iii) "Grouped Dwellings" – means three or more dwellings of any type, except accessory dwellings, located on a single lot.
  - (iv) "Micro Dwelling" – means a dwelling designed or used for occupancy as one dwelling unit and that has a floor area of 37 sq.m (398 sq.ft.) or less.
  - (v) "Multiple-unit Dwelling" – means a building containing three or more dwelling units.
  - (vi) "Row or Townhouse Dwelling" – means a dwelling that is divided vertically into three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

- (vii) "Semi-detached Dwelling" – means a dwelling that is divided vertically into two separate units, each of which has an independent entrance.
  - (viii) "Single-unit Dwelling" – means a dwelling designed or used for occupancy as one dwelling unit and that has a floor area of more than 37 sq.m (398 sq.ft.).
- 1.29 "Erect" – means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, filling or draining.
- 1.30 "Existing" – means legally existing on the indicated date or, where no date is indicated, legally existing on the effective date of this Bylaw.
- 1.31 "Fence" – means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 1.32 "Fishing Vessel" – means any watercraft engaged on a part-time or full-time basis for use in the commercial fishery.
- 1.33 "Fixed-roof Overnight Accommodation" – means a building, buildings on the same lot, or part thereof used to accommodate the travelling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals, with or without on-site administration, and with or without private cooking facilities, and may include, but is not limited to, hotels, motels, cottage or cabin rentals, and short-term house or apartment rentals.
- 1.34 "Floor Area" – means:
- (i) 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.
  - (ii) With reference to "Commercial Building" – the total usable floor area within a building used for commercial purposes excluding washrooms, utility rooms and common halls between stores.
  - (iii) With reference to "Accessory Building" – the area contained within the outside walls.
- 1.35 "Frontage" – means the straight distance between the points where the side lot lines of a lot intersect the front lot line of that lot. If a lot is located on a cul-de-sac or on the outside curve of a street, frontage shall be measured as the straight distance between the two points on the side lot lines located a distance of 6 m (19.7 ft.) from where the side lot lines intersect the front lot line.
- 1.36 "Grade" – means the lowest point of elevation of the finished surface of the ground, paving or sidewalks within the area between the building and the front lot line or when the front lot line is more than 1.5 m (4.9 ft.) from the building, between the building and a line 1.5 m (4.9 ft.) from the front of the building.
- 1.37 "Group Home" – means a residence for the accommodation of four or more persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. A group home does not include a

- commercial day care centre, or a halfway house or a facility for the temporary use of transient and homeless persons.
- 1.38 "Highway, Road or Street" – means all the area within the boundary lines of every road, street or right-of-way that is vested in the Province of Prince Edward Island or the Town and used or intended for use by the general public for the passage of vehicles and includes any bridge over which any such road, street or right-of way passes.
- 1.39 "Household Item Repair" – means a building or part thereof used for the sale and repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial, manufacturing or motor vehicle body repair shops.
- 1.40 "Industrial Premises" – means premises in or from which goods or materials are manufactured, processed, assembled or extracted or premises from which wholesale trade is carried on including warehousing.
- 1.41 "Institutional Premises" – means premises, other than retail or industrial, used for community services and includes, but is not limited to:
- (i) cemeteries;
  - (ii) churches, places of worship and religious institutions;
  - (iii) colleges, universities and non-commercial schools;
  - (iv) community centres;
  - (v) golf courses;
  - (vi) government offices;
  - (vii) community care facilities and nursing homes;
  - (viii) hospitals;
  - (ix) libraries, museums and art galleries;
  - (x) public and private parks;
  - (xi) public and private recreational centres;
  - (xii) public and private schools;
  - (xiii) experimental farms; and (xiv) child care facilities.
- 1.42 "Landscaping" – means any combination of trees, shrubs, flowers, grass, other horticultural elements, paving, or other architectural elements, all of which are designed to enhance the visual amenity of a property.
- 1.43 "Loading Space" – means an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded, and such parking space shall not be for the purpose of sale or display.
- 1.44 "Lot" – means any discrete portion of land described in a deed or as shown in a registered subdivision plan.

- (i) "Lot Area" – means the total area included within the lot lines.
  - (ii) "Corner Lot" – means a lot situated at an intersection of and abutting on two or more streets.
  - (iii) "Interior Lot" – means a lot other than a corner lot.
  - (iv) "Lot Depth" – means the shortest depth from the front lot line to the rear lot line.
  - (v) "Through Lot" – means a lot bounded on two opposite sides by streets.
- 1.45 "Lot Line" – means any boundary of a lot.
- (i) "Flankage Lot Line" – means the lot line, other than the front lot line, that abuts the street or private right-of-way on a corner lot.
  - (ii) "Front Lot Line" – means the line dividing the lot from the street or private right-of-way. In the case of a corner lot or a lot with more than one line abutting a single street or private right-of-way the shorter boundary line abutting the street private right-of-way shall be deemed the front lot line. In the case of a through lot the longer boundary dividing the lot from the street or private right-of-way shall be deemed to be the front lot line.
  - (i) "Rear Lot Line" – means the lot line further from and opposite to the front lot line.
  - (ii) "Side Lot Line" – means a lot line other than a front, rear or flankage lot line.
- 1.46 "Lounge" – means a commercial facility or structure licensed to sell alcoholic beverages to the public.
- 1.47 "Main Building" – means the building on a lot in which the main use of land is carried out.
- 1.48 "Mobile Home" – means a transportable building certified under the Z240 provisions of the Canadian Standards Association (CSA) and designed for residential occupancy and that is constructed on a longitudinal sub-frame, which ultimately forms a structural part of the foundation and upon which axle assemblies are attached to transport it to the home site.
- 1.49 "Nursing Home" – means a nursing home as defined and licensed under the terms of the *Community Care Facilities and Nursing Homes Act*, or successor legislation.
- 1.50 "Obnoxious Use" – means a use that, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, and any objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
- 1.51 "Open Space" – means that portion of a lot which may be used for landscaping, recreational space or leisure activities normally carried on outdoors; but does not include space used for service drive-ways or off-street parking.
- 1.52 "Parcel" – means a lot or other division of land or property that is recognized as a separate and distinct unit of land for the purposes of this Bylaw.
- 1.53 "Parking Space" – means an area of land that is suitable for the parking of a vehicle and accessible to vehicles without the need to move other vehicles on adjacent areas.
- 1.54 "Personal Service Shop" – means a building or part of a building in which services are provided for the individual and personal needs of persons, and without limiting the

generality of the foregoing, may include such establishments as barber shops, beauty parlors, automatic laundry shops, hairdressing shops, tanning salons, tattoo parlours, shoe repair and shoe shining, tailoring, and dry-cleaning collection depots, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

- 1.55 "Phase" – means, where the context dictates, either the act of developing a parcel of land over time in a series of prescribed stages, or one of such stages.
- 1.56 "Private Garage" – means a building or part thereof that is used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use.
- 1.57 "Public Park or Parkland" – means land owned by the Town or some other level of government used or intended for use by members of the public.
- 1.58 "Restaurant" – means buildings or structures or part thereof where food and drink is prepared and offered for sale to the public.
- 1.59 "Retail Store" – means a building or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.
- 1.60 "Setback" – means the horizontal distance between the specified lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.
- 1.61 "Sewerage System" – means a system of pipes controlled by a utility for the disposal of sewage.
- 1.62 "Sign" – means any structure or device used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or way finding purpose and that is intended to be seen from off the premises or from a parking lot.
- (i) "Premise Sign" – means a sign that directs attention to a business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the lot upon which such sign is located, or to which it is affixed.
  - (ii) "Sandwich Board Sign" – means a sign consisting of two surfaces attached to each other at the top and designed so as to stand temporarily without foundation or other support on a lot or sidewalk without electrical or other service connection.
- 1.63 "Solar Collector System" – means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building integrated photovoltaic materials but does not include windows or greenhouses.
- 1.64 "Storey" – means that portion of a building between any floor and ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 m (approximately 6 feet) above grade and provided also that any portion of a building between any floor and ceiling or roof next above exceeding 4.2 m (approximately 14 feet) in height shall be deemed an additional storey.
- 1.65 "Street or Road" – see "Highway".

- 1.66 "Structure" – means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes a building.
- 1.67 "Subdivision" – means:
- (i) the division of a parcel of land to create two or more new parcels of land;
  - (ii) the consolidation of two or more contiguous parcels of land to create a new parcel of land; or
  - (iii) the attachment of a part of a parcel of land to another parcel of land contiguous to that part to create a new parcel of land;
- by means of a plan of subdivision, a plan of survey, an agreement, a deed or any other instrument, including a caveat, that transfers or creates an estate or interest in the new parcels of land created by the division, or in the new parcel of land created by the consolidation or the attachment, as the case may be.
- 1.68 "Survey Plan" – means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island land surveyor.
- 1.69 "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 0.6 m (approximately 24 inches) or more at any point or with a surface area exceeding 10 sq.m (approximately 108 square feet).
- 1.70 "Town or "Municipality" – means, where the context requires, either the area incorporated and known as the Town of Georgetown, or the body corporate representing the Town of Georgetown.
- 1.71 "Travel Trailer" – means a vehicle or structure designed to be used as temporary accommodation for travel, recreation, and vacation purposes and intended to be independent of sewage, water and electrical service.
- 1.72 "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.
- 1.73 "Warehouse" – means a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.
- 1.74 "Watercourse" – shall have the same meaning as defined under *the Environmental Protection Act Watercourse and Wetland Protection Regulations*, or successor legislation, and in the case of any dispute the final determination shall be made by the Provincial Department having authority to enforce these Regulations.
- 1.75 "Wetland" – see "Watercourse".
- 1.76 "Wind Energy Systems" – means a structure that converts the kinetic energy in wind to electrical energy.
- 1.77 "Yard" – means an open, uncovered space on a lot pertinent to a building and unoccupied by buildings or structures except as specifically permitted in this Bylaw, and:



- (i) "Front Yard" – means a yard extending across the width of a lot between the front lot line and nearest wall of any building or structure on the lot.
- (ii) "Rear Yard" – means a yard extending across the width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.
- (iii) "Side Yard" – means a yard extending from the front yard to the rear yard of a lot between a side lot line and nearest wall of any building or structure on the lot.
- (iv) "Flankage Yard" – means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure on the lot.

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

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## **PART 2 SCOPE**

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### **2.1 TITLE**

- 2.1.1 This Bylaw shall be known and may be cited as the "Town of Georgetown Zoning and Subdivision Control Bylaw" or the "Development Bylaw".

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### **2.2 AREA DEFINED**

- 2.2.1 This Bylaw applies to the geographical area within which the Town of Georgetown Council has jurisdiction.

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### **2.3 SCOPE**

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

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## PART 3 DEVELOPMENT ZONES

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### 3.1 DEVELOPMENT ZONES

- 3.1.1 For the purpose of this Bylaw, the Town is divided into the following development zones, the boundaries of which are subject to Section 3.2 and as shown in Appendix A, the Official Zoning Map. Zones may be referred to by the symbols indicated in Table 3.1, below.

**TABLE 3.1 Development Zones**

Zone	Symbol
Single-unit Residential	R1
Multiple-unit Residential	R3
Mixed Use	MU
Institutional	PS1
Industrial	I1
Comprehensive Development Area	CDA
Open Space	OS
Wellfield Protection Area Overlay A	WPA
Wellfield Protection Area Overlay B	WPB
Wellfield Protection Area Overlay C	WPC

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### 3.2 INTERPRETATION OF ZONE BOUNDARIES

- 3.2.1 Boundaries between zones as indicated in Appendix A, the Official Zoning Map, shall be determined as follows:

- (a) Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
- (b) Where a zone boundary is indicated as following lot lines, the boundary shall be such lot lines.
- (c) Where a zone boundary is indicated as following the limits of the Town, the limits shall be the boundary.
- (d) Where a zone boundary is indicated as following a watercourse, the boundary shall be the ordinary high water mark of the watercourse.
- (e) Where none of the above provisions apply, the Development Officer shall scale the zone boundary from the original zoning map lodged with the Town.

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### 3.3 OFFICIAL ZONING MAP

3.3.1 **Appendix A** shall be cited as the "Official Zoning Map" and forms a part of this Bylaw.

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## **PART 4 INTERPRETATION**

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### **4.1 CERTAIN WORDS**

- 4.1.1 In this Bylaw, words used in the present tense include future; words in the singular number include the plural; the word "shall" is mandatory and not permissive; and gendered words shall be interpreted to mean any gender.

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### **4.2 UNITS OF MEASURE**

- 4.2.1 This Bylaw shall use 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.

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### **4.3 CONFLICT**

- 4.3.1 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.
- 4.3.2 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.

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### **4.4 SEVERABILITY**

- 4.4.1 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.

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## **PART 5 ADMINISTRATION**

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### **5.1 DEVELOPMENT APPROVAL**

- 5.1.1 Unless otherwise stated in this Bylaw, no person shall undertake a development within the Town without first obtaining a development permit from the Development Officer.
- 5.1.2 The following developments shall not require a development permit:
- (a) at-grade patios or pedestrian pathways;
  - (b) replacing or repairing a driveway with same or different materials, provided the driveway does not increase in size;
  - (c) fences of less than 1.2 m (4 ft.) in height;
  - (d) clotheslines, poles, and radio or television antennae, except satellite dishes over 1 m (3.3 ft.) in diameter;

- (e) making a garden;
- (f) growing a crop or preparing land for a crop;
- (g) making landscaping improvements;
- (h) public and private utilities located within the street right-of-way;
- (i) ornamental structures totaling less than 6 sq.m (64.5 sq.ft.) in area on a lot;
- (j) the use of a dwelling for a personal office, studio, or for the instruction of one student at a time in compliance with Subsection 6.2.1 or 6.2.2, as applicable;
- (k) internal renovations or alterations to a structure that do not involve a change in use or the creation of additional dwelling units; and
- (l) exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, use, or the architectural design of façades and roofs. For the purpose of this clause, architectural design shall include cladding and roofing materials, door and window sizes and locations, roof lines, façade height and width, dormer sizes and locations, and awnings, but does not include the colour of any materials.

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## 5.2 AUTHORITY OF DEVELOPMENT OFFICER

- 5.2.1 Council may appoint one or more Development Officer(s) for the Town.
- 5.2.2 The Development Officer shall be responsible for the administration of this Bylaw and for issuing development permits.
- 5.2.3 Notwithstanding Subsection 5.2.2, where the Town is without a Development Officer, the Chief Administrative Officer shall fulfill the responsibilities of the Development Officer.
- 5.2.4 Notwithstanding Subsection 5.2.2, Council shall be responsible for reviewing applications for the following developments in conformance with this Bylaw:
  - (a) Final subdivision approval.
  - (b) Developments that involve the construction of a new main building.
  - (c) Special permit uses.
  - (d) Development that fronts on a private right-of-way.
  - (e) Subdivision of land to enable the division of a semi-detached, townhouse or row house dwelling for individual sale of the dwelling units.
  - (f) Variance requests.
  - (g) Development agreements.

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## 5.3 DEVELOPMENT RESTRICTIONS

- 5.3.1 The Development Officer shall not issue a development permit for a development if, in the opinion of the Development Officer:
  - (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 this Bylaw and/or any development agreement applicable to the site;
- (c) the proposed development would contravene any bylaw, law, or federal or provincial legislation in effect in the Town;
- (d) the method of water supply is not appropriate;
- (e) the method of sanitary waste disposal is not appropriate;
- (f) there is not a safe and efficient access to the public highway, street, or road;
- (g) the impact of the proposed development would be detrimental to the environment;
- (h) the proposed development would be detrimental to the groundwater quality, or is in conflict with Part 15 of this Bylaw; or
- (i) the proposed development would create unsafe traffic conditions.

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## 5.4 DEVELOPMENT PERMIT APPLICATION

- 5.4.1 Any person applying for a permit shall do so on a form prescribed and approved by Council and shall submit the application to the Development Officer.
- 5.4.2 Every application form shall be signed by the property owner or the property owner's authorized agent and shall be accompanied by an application fee in accordance with the Fees Bylaw.
- 5.4.3 A development permit shall be valid for a twelve-month period.
- 5.4.4 The Development Officer shall, at the developer's request, renew a development permit for an additional twelve-month period if:
  - (a) the development permit has not been renewed previously; and
  - (b) the Development Officer is satisfied that the development permit is consistent with the current Bylaw and any proposed amendments to the Bylaw that have been given First Reading by Council.
- 5.4.5 The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate, where the development permit was issued in error, or where the development is in breach of the conditions of the development permit.

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## 5.5 PAYMENT OF FEES

- 5.5.1 Notwithstanding any Section of this Bylaw, development permits are not valid and will not be recognized until the application fee and any other required fees are paid in full in accordance with the Town's Fees Bylaw and the said permit is acquired by the developer.

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## 5.6 SPECIAL USE PERMIT

- 5.6.1 The Bylaw provides for Special Use Permit uses.

- 5.6.2 Special Use Permit uses represent exceptions to the "permitted uses" in each zone and shall be subject to the approval of Council.
- 5.6.3 Prior to the issuance of a Special Use Permit, Council shall ensure that:
- (a) the development and the conditions placed upon it are consistent with the criteria for the applicable use as outlined in Part 17;
  - (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 Part 17;
  - (c) in the opinion of Council, the development does not cause any hardship to surrounding property owners due to excessive noise, visual impacts, traffic congestion or any other potential nuisance;
  - (d) property owners within 200 m (656 ft.) 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 Part 17;
  - (e) a public meeting is held to allow the developer to present the development proposal to residents to obtain their input; and
  - (f) the time, date, location, and details of the meeting are advertised to the public not less than seven days in advance of the meeting date.

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## 5.7 DEVELOPMENT AGREEMENTS

- 5.7.1 Certain zones only permit specific uses subject to a development agreement. Council may also require a development agreement for any permitted development to ensure fulfillment of any special conditions attached to the development. Where Council approves a development agreement, the development agreement shall:
- (a) be legally binding on all applicable parties;
  - (b) specify the development, expansion, alteration, or change permitted;
  - (c) specify the conditions under which the development may occur; and
  - (d) set terms by which Council may amend or terminate and discharge the agreement.
- 5.7.2 Council may specify conditions in a development agreement to bring the proposal into alignment with this Bylaw and the Official Plan. Such conditions may include, but are not limited to, controls regarding:
- (a) the emission of noise, odour, light, liquids, gasses, and dust;
  - (b) the type, location, and orientation of structures;
  - (c) the size of lots;
  - (d) the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;
  - (e) the type, size, and location of signage;
  - (f) the location and type of landscaping, including fences and other forms of screening;
  - (g) pedestrian, bicycle, and vehicular circulation;

- (h) connections to existing or planned pedestrian, bicycle, and vehicular networks;
- (i) the location and number of bicycle and vehicular parking and loading spaces;
- (j) the type and orientation of exterior lighting;
- (k) hours of operation;
- (l) management of solid waste, compost, and recycling;
- (m) the type of materials stored and/or sold on site;
- (n) the provision of open space and amenities;
- (o) the phasing of development;
- (p) financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;
- (q) mitigation measures for construction impacts;
- (r) stormwater management;
- (s) servicing; and
- (t) time limits for the initiation and/or completion of development.

5.7.3 A development agreement must be signed by the property owner, and by the Mayor and the Chief Administration Officer for the City, and by an authorized person for any third party. Council may stipulate that the property owner sign a development agreement within a specified period of time.

5.7.4 The property owner must register a signed development agreement against the subject property in the Kings County Registry Office within 15 days of signing.

5.7.5 A development agreement shall only come into effect after:

- (a) signing and registering of the agreement in accordance with Subsections 5.7.3 and 5.7.4 above; and
- (b) lapsing of any operable appeal or review period without commencement of any appeal or review, or abandonment or disposal of any appeal or review which is initiated.

5.7.6 A development agreement shall be legally binding upon all signatory property owners and upon any, and all future owners of the property to which it applies.

5.7.7 Council may discharge all or part of a development agreement when its conditions are fulfilled to Council's satisfaction.

5.7.8 Council may amend a development agreement with concurrence of the applicant.

5.7.9 No development shall occur without a required development agreement being in effect, or except in compliance with any agreement in effect.

## 5.8 SITE PLAN

5.8.1 The Development Officer may require a developer to submit a site plan drawn to a convenient scale certifying the agreement of the developer to develop the site in accordance with the plan.



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## 5.9 SURVEYS REQUIRED

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

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## 5.10 OTHER INFORMATION

- 5.10.1 The Development Officer may require a developer to submit any additional information, prepared by an applicable professional and in accordance with applicable law, that the Development Officer deems relevant in order to determine if the proposed development conforms to the requirements of this Bylaw and other applicable regulations or laws in force. Such additional information might include, but is 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) storm water management plan;
  - (d) erosion and sedimentation control plan;
  - (e) location of open space and amenity areas;
  - (f) landscaping plan;
  - (g) buffer zones adjacent to wetland areas or watercourses;
  - (h) impacts to groundwater quality, specifically within the 250 Day, 25 year, or 50 year Wellfield Protection Areas as delineated in **Appendix A**, the Official Zoning Map.
  - (i) existing vegetation;
  - (j) easements;
  - (k) proposed storage areas and description of any screening or fencing; and (l) traffic impact studies.

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## 5.11 CERTIFICATE OF COMPLIANCE

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

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## 5.12 CONSTRUCT IN ACCORDANCE WITH APPLICATION

- 5.12.1 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.

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## 5.13 AUTHORIZATION FOR INSPECTION

5.13.1 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 Town for the purpose of ensuring compliance with the provisions of this Bylaw.

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## 5.14 PERMITS POSTED

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

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## 5.15 OTHER APPROVALS

5.15.1 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 made pursuant to this Bylaw.

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# PART 6 GENERAL PROVISIONS FOR ALL ZONES

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## 6.1 PERMITTED USES IN ALL ZONES

6.1.1 The following uses are permitted in all zones:

- (a) Temporary construction facilities such as sheds, scaffolds and equipment incidental to building on the premises for so long as work is in progress or for a maximum period of six months, whichever is the shorter period.
  - (b) Public and private utility buildings and structures.
- 

## 6.2 IN-HOME OCCUPATIONS

6.2.1 Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit as 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 and no signage is posted. No development permit is required.

6.2.2 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 one student at a time provided no signage is posted. No development permit is required.

6.2.3 The following uses shall be permitted accessory to a dwelling, subject to the requirements of Subsection 6.2.4:

- (a) Business Office
- (b) Child Care Facility – Not more than 6 children
- (c) Dressmaking and Tailoring

- (d) Household Item Repair
- (e) Instruction in music, dance, arts and crafts, weaving, painting, sculpture, repair of garden or household ornaments, personal effects, or toys
- (f) Personal Service Shop
- (g) Other similar activities as approved by the Development Officer

6.2.4 Accessory uses permitted by Subsection 6.2.3 shall meet the following requirements:

- (a) the dwelling shall be occupied as a residence by the principal operator and the external appearance of the dwelling shall not be changed by the business use;
- (b) there shall be no more than two on-site, non-resident employees at one time;
- (c) not more than 25% of the total floor area of the dwelling shall be occupied by the use;
- (d) adequate off-street parking, in accordance with this Bylaw, separate from that required for the dwelling, shall be provided;
- (e) there shall be no open storage or display area; and
- (f) premise signs shall be restricted to a maximum of 0.26 sq.m (2.8 sq.ft.) in total.

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## 6.3 USES PROHIBITED IN ANY ZONE

6.3.1 The following uses shall be prohibited in all zones:

- (a) Mobile homes.
- (b) Obnoxious uses.
- (c) Open loop geothermal systems.
- (d) Scrap yards.

---

## 6.4 EXISTING LOTS WITHOUT LOT FRONTAGE

6.4.1 Notwithstanding lot frontage requirements, the Development Officer shall issue a development permit on an existing lot with less than the required amount of lot frontage for a use permitted in the zone in which the lot is located and a building may be erected on the lot provided:

- (a) the developer provides proof of legal access from a street to the lot;
- (b) all other requirements of this Bylaw are met; and, (c) no additional dwelling units are created.

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## 6.5 EXISTING UNDERSIZED LOTS

6.5.1 A vacant lot held in separate ownership from adjoining parcels on the effective date of this Bylaw, having less than the area required, may be used for a purpose permitted in the zone in which the lot is located and a structure may be erected on the lot provided that all other applicable provisions in this Bylaw are satisfied.

- 6.5.2 If an existing undersized lot is enlarged but still does not meet the zone requirements for lot area, it shall continue to be considered an existing undersized lot for the purposes of Subsection 6.5.1.

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## 6.6 ACCESS

- 6.6.1 No development permit shall be issued unless the lot intended to be used or upon which the building or structure is to be erected abuts and fronts upon a street.
- 6.6.2 Notwithstanding Subsection 6.6.1, Council may approve a development permit for a residential or commercial structure that fronts on a private right-of-way, provided that the following criteria are met:
- (a) no reasonable provision can be made to provide access to a public street;
  - (b) safe ingress and egress from the lot can be provided; and
  - (c) an agreement is registered in the P.E.I. Registry Office, binding on all land owners abutting or fronting on the private right-of-way providing for the long-term ownership and maintenance of the right-of-way, such agreement shall be binding on all heirs, successors and assigns of the current property owners.
- 6.6.3 Where an entranceway permit is required under the *Roads Act* and Highway Access Regulations, its issuance shall be a precondition of the approval of a subdivision or development permit.

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## 6.7 INTERSECTION TRIANGLE

- 6.7.1 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 m (2 ft.) above grade within the triangular area formed by a line connecting the abutting street boundary lines at a distance of 6 m (20 ft.) from their point of intersection.

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## 6.8 HEIGHT REGULATIONS

- 6.8.1 The height regulations of this Bylaw shall not apply to church spires, water tanks, flag poles, lighting standards, television or radio antennae, ventilators, skylights, chimneys, clock towers, and utility poles.

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## 6.9 WATER COURSE AND WETLAND PROTECTION

- 6.9.1 All development applications shall conform with the Provincial *Watercourse and Wetland Protection Regulations*, issued pursuant to the *Environmental Protection Act*, as amended from time to time.

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## 6.10 LANDSCAPING

- 6.10.1 A landscaped buffer shall be required for a development permit for any non-residential development on a lot in the Mixed Use (MU), Institutional (PS1), Industrial (I1) or

Comprehensive Development Area (CDA) Zone that abuts the side or rear lot line of a lot in the Single-unit Residential (R1) or Multiple-unit Residential (R3) Zone. The landscaped buffer shall consist of a strip of not less than 4.5 m (15 ft.) in width along the said lot line, and shall be landscaped with grasses, trees, shrubs, and/or flowers.

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## 6.11 MOVING OF BUILDINGS

6.11.1 No building shall be moved within or into the area covered by this Bylaw without a development permit and such other permits as may be legally required by the Province.

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## 6.12 MAIN BUILDING

6.12.1 Except in the Single-unit Residential (R1) Zone and Multiple-unit Residential (R3) Zone, more than one main building may be placed on a lot in any zone, provided all other provisions of this Bylaw are met.

6.12.2 Notwithstanding Subsection 6.12.1, above, no more than one single-unit dwelling is permitted on a lot in the Mixed Use (MU) Zone.

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## 6.13 MIXED USE

6.13.1 Where any land or building is used for more than one purpose, all provisions of this Bylaw relating to each use shall be satisfied.

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## 6.14 NON-CONFORMING STRUCTURES

6.14.1 Structures lawfully in existence on the effective date of this Bylaw, but no longer conforming to this Bylaw, may continue to exist as a non-conforming structure. In addition to completed structures, structures shall be considered lawfully in existence if:

- (a) the permit for its construction was in force and effect on the effective date of this Bylaw; and
- (b) construction is commenced within six months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time.

6.14.2 Non-conforming structures may be replaced, reconstructed, enlarged, renovated, and/or repaired, provided:

- (a) any such construction does not further infringe on the Bylaw requirement(s) that created the non-conformity; and
- (b) all other requirements of this Bylaw are met.

6.14.3 If a non-conforming structure is destroyed by a fire or otherwise to an extent of 75% or more of the assessed value of the building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw.

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## 6.15 NON-CONFORMING USES

- 6.15.1 Uses lawfully in existence on the effective date of this Bylaw, but no longer conforming to this Bylaw, may continue to exist as a non-conforming use.
- 6.15.2 Any change of tenants, occupants or owner of any use shall not of itself be deemed to affect the use for the purposes of this Bylaw.
- 6.15.3 A non-conforming use shall not be recommenced if it has been discontinued for a period of twelve months consecutively after the date of the adoption of this Bylaw.
- 6.15.4 A non-conforming use may expand by Special Permit, subject to the requirements of Section 5.6.

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## 6.16 PERMITTED ENCROACHMENTS IN SETBACKS

- 6.16.1 Except for accessory buildings, every part of any yard 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:

**TABLE 6.1 Permitted Encroachments in Yards**

Structure	Setback in Which Projection is Permitted	Maximum Projection from Main Wall Permitted into Setback
Sills, belt, courses, cornices, eaves, gutters, chimneys, pilasters or canopies	any setback	0.6 m (2 ft.)
Window bays up to 3 m (10 ft.) wide	front, rear and flankage setbacks only	0.9 m (3 ft.)
Fire escapes up to 3 m (10 ft.) wide	rear and side setbacks only	1.5 m (5 ft.)
Balconies	front, rear and flankage setbacks only	1.8 m (6 ft.)
Open, roofed porches not exceeding one storey in height; uncovered terraces	front, rear and flankage setbacks only	2.4 m (8 ft.) including eaves and cornices
Barrier-free access ramps	any setback	2.4 m (8 ft.)

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## 6.17 ACCESSORY BUILDINGS AND STRUCTURES

- 6.17.1 Accessory buildings and structures shall be permitted on any lot but shall not:
- be used for human habitation;
  - be located within the front yard or flankage yard of a lot in the Mixed Use (MU) Zone;
  - be built closer than 1.2 m (4 ft.) to any lot line;
  - except in an Industrial (I1) Zone, exceed 4.6 m (15 ft.) in height above grade;
  - except in an Industrial (I1) Zone, exceed a total floor area equal to 10% of the lot area; or

- (f) be considered an accessory building if attached to the main building in any way.

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## 6.18 ACCESSORY USES

6.18.1 Accessory uses shall be permitted in all zones.

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## 6.19 ACCESSORY APARTMENTS

6.19.1 An accessory apartment shall be permitted accessory to a single-unit dwelling subject to the following requirements:

- (a) Accessory apartments must meet the setback requirements for the dwelling type and related zone in which the accessory apartment is housed.
- (b) One additional parking space is required for the accessory apartment.
- (c) The maximum floor area for an accessory apartment shall not exceed 40% of the total floor area of the dwelling.
- (d) The external appearance and character of the building shall to be preserved. Additions shall be architecturally similar to the existing building whenever possible.
- (e) The accessory apartment must be clearly attached to and form part of the main building.
- (f) The accessory apartment must be serviced by the municipal sewer collection and treatment system and municipal water distribution system.
- (g) An accessory apartment shall be self-contained with respect to kitchen, bath, sleeping and general living space.

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## 6.20 PETROLEUM STORAGE

6.20.1 Petroleum storage shall comply with the *Environmental Protection Act* Petroleum Storage Tank Regulations, or successor legislation.

6.20.2 Underground petroleum storage tanks shall not be permitted in any zone except for within an Industrial Zone (I1) or Comprehensive Development Area Zone (CDA) subject to Wellfield Protection Zone provisions.

6.20.3 The installation of any underground storage tanks shall require a development permit before installation may proceed.

6.20.4 The Development Officer shall not issue a permit to the developer until the Development Officer has received written approval from the appropriate authority.

6.20.5 The above ground storage of gasoline on a lot in the Single-unit Residential (R1) Zone or Multiple-unit Residential (R3) Zone shall be limited to 50 litres (13 US gallons).

## 6.21 OUTDOOR SWIMMING POOLS

6.21.1 The installation of an outdoor swimming pool shall be permitted in any zone except the Industrial (I1) Zone, in accordance with the following provisions, and shall require a development permit:

- (a) a 1.8 m (6 ft.) fence shall be constructed in such a manner so as to impede unauthorized persons from entering over or under said fence. Such fence shall be aesthetically presentable and preference will be given to wood type fence;
- (b) any gate on such fence shall be capable of being locked;
- (c) outdoor swimming pools shall not be installed in any front or flankage yard; and
- (d) water shall not be disposed of through the sanitary sewer system unless it is first dechlorinated.

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## 6.22 SUBDIVIDING OF ATTACHED DWELLINGS

6.22.1 Semi-detached, row or town house dwellings shall be erected in a manner that will permit subdivision into individual units pursuant to the requirements in Subsection 6.22.2, below.

6.22.2 Semi-detached and town house or row house dwellings may be divided independently for individual sale and ownership provided that:

- (a) appropriate easements or common area are provided to allow entry by an owner of any portion of the building to his/her back yard area;
- (b) the units must be separated from the basement floor to the underside of the roof by a vertical fire wall;
- (c) a separate water and sewer service is provided for each unit in accordance with policies governing water supply and sewerage services for the Town;
- (d) a separate electrical service is provided for each unit;
- (e) a separate heating control is provided for each unit;
- (f) a copy of the agreement made between the owners covering the following terms is approved by Council and registered on the title of each unit at the developer's or property owner's cost:
  - (i) common walls;
  - (ii) maintenance;
  - (iii) fire insurance;
  - (iv) easements;
  - (v) parking;
  - (vi) snow removal; and
  - (vii) any other items jointly owned or used.

---

## 6.23 BED AND BREAKFAST

6.23.1 Bed and breakfast establishments, where permitted, shall be subject to the following requirements:



- (a) the external appearance of the dwelling shall not be changed by the bed and breakfast operation;
- (b) not more than six rooms shall be offered for overnight stays;
- (c) adequate off-street parking, in accordance with this Bylaw, separate from that required for the dwelling, shall be provided;
- (d) premise signs shall be restricted to a maximum of 0.26 sq.m (2.8 sq.ft.); and (e) there shall be no other signage, open storage or visible display area.

---

## 6.24 TRAVEL TRAILERS

6.24.1 No Person shall occupy a travel trailer or vehicle on a temporary or permanent basis other than in a Campground licensed by the Province.

6.24.2 Notwithstanding Subsection 6.24.1, above, the temporary occupation of a travel trailer shall be permitted for a period not exceeding 14 days on a lot and no development permit shall be required.

---

## 6.25 GROUP HOMES

6.25.1 Group homes shall be subject to the following requirements:

- (a) The maximum number of beds shall be based on the maximum size of a dwelling permitted in the zone, calculated using the following equivalencies:
  - (i) A group home with fewer than five beds shall be the equivalent of a singleunit dwelling.
  - (ii) A group home with five to eight beds shall be the equivalent of a duplex dwelling.
  - (iii) A group home with more than eight beds shall be the equivalent of a multiunit dwelling with each four beds or portion thereof equivalent to one dwelling unit.
- (b) The group home shall be subject to the lot size requirements and approval process of an equivalent dwelling in that zone, as calculated in Clause (a).
- (c) Not more than two parking spaces shall be located in the front yard.
- (d) The external appearance of the group home shall be similar to an equivalent dwelling.

---

## 6.26 STORAGE OF FISHING VESSELS AND RELATED FISHING GEAR

6.26.1 Fishing vessels shall not be stored in the front yard.

6.26.2 Related fishing gear shall be stored in an accessory building or, where stored outside, subject to the following requirements:

- (a) Related fishing gear shall not be stored in the minimum front setback.
- (b) Related fishing gear shall be stored in an organized manner including, but not limited to, the orderly stacking of traps.

---

## 6.27 ARCHITECTURAL DESIGN

6.27.1 Development shall be consistent with the architectural guidelines, outlined in **Appendix C**.

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## 6.28 ELECTRIC VEHICLE CHARGING

6.28.1 Nothing in this Bylaw shall prevent the installation of an electric vehicle charging station where the station is for the exclusive domestic use of a dwelling unit.

6.28.2 Charging stations for electric vehicles that are not for the exclusive use of a dwelling unit are permitted as an accessory use in all zones except the Single-unit Residential (R1) Zone and the Multiple-unit Residential (R3) Zone.

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## 6.29 SOLAR COLLECTORS

6.29.1 Solar collector systems shall be permitted as an accessory use in all zones.

6.29.2 Solar collector systems shall not be permitted as a main use.

6.29.3 Solar collector systems may be mounted as free-standing structures or on buildings.

6.29.4 Solar collector systems mounted on buildings may exceed the maximum building height in the zone by up to 2 m (6.6 ft.).

## PART 7 PARKING AND SIGNAGE REQUIREMENTS

### 7.1 PARKING REQUIREMENTS

- 7.1.1 For every building to be erected, placed, used or enlarged, there shall be provided and maintained off street parking on the same lot to the extent, at least, prescribed in Table 7.1.

**TABLE 7.1 Automobile Parking Requirements**

Use	Minimum Parking Space Requirement
(a) Dwellings	1 parking space per dwelling unit
(b) Fixed-roof Overnight Accommodations	1 parking space per guest/room or rental unit and 1 parking space for each 23 sq.m (250 sq.ft.) of floor area devoted for public use (e.g. banquet rooms, lounge)
(c) Auditoriums, churches, halls, libraries, museums, theatres, arenas, private clubs, and other places of assembly or recreation	Where there are fixed seats, 1 parking space for every 4 seats; where there are no fixed seats, the seat count will be based on the Fire Marshall's seating capacity rating
(d) Nursing Homes	0.75 parking spaces per bed
(e) Elementary School	1.5 parking spaces per teaching classroom and 1 parking space for each 6 seats of seating capacity in the auditorium
(f) Funeral Home	1 parking space per 4 seats of seating capacity
(g) Business and Professional Offices, Service and Personal Service Shops	1 parking space per 28.0 sq.m (300 sq.ft) of floor area
(h) Automobile Dealership	1 parking space per 4.65 sq.m (50 sq.ft.) of floor area
(i) Restaurant or Lounge	1 parking space per four seats of seating capacity.
(j) Other Commercial/Retail Stores	1 parking space per 14 sq.m (150 sq.ft.) of floor area

---

## 7.2 OTHER REQUIREMENTS

- 7.2.1 Where parking facilities are required or permitted the following requirements shall be met:
- (a) The parking area shall be maintained with a stable surface;
  - (b) The lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from the streets, adjacent lots and buildings;
  - (c) The parking area shall be within 100 m (330 ft.) of the location it is intended to serve and shall be situated in the same zone;
  - (d) When the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated with painted lines and maintained on the parking lot;
  - (e) A parking space shall measure not less than 2.75 m (9 ft.) by 5.5 m (18 ft.), exclusive of driveways and aisles;
  - (f) Entrances and exits to parking areas shall not exceed a width of 9 m (30 ft.) at the street line and edge of pavement;
  - (g) The width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of 3 m (10 ft.) for one-way traffic, and a minimum width of 6 m (20 ft.) for two-way traffic; and
  - (h) Where parking is located in the front yard in a Mixed Use (MU) zone, Industrial (I1) zone, or Institutional (PS1) zone, a 1.5 m (5 ft.) landscaped buffer shall be provided between the parking area and the street boundary.

---

## 7.3 LOADING ZONES

- 7.3.1 In any Mixed Use (MU), Industrial (I1), Institutional (PS1), or Comprehensive Development Area (CDA) Zone, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight or passenger terminal, fixed-roof overnight accommodation, hospital, mortuary or other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, unless the following requirements are met:
- (a) A minimum of 1 off-street space is provided for standing, loading and unloading for every 2,750 sq.m (29,600 sq.ft.) or fraction thereof of building floor area used for any such purpose.
  - (b) Each loading space shall be at least 3.6 m (12 ft.) wide with a minimum of 4.25 m (14 ft.) height clearance.
  - (c) The provision of a loading space for any building with less than 140 sq.m (1,500 sq.ft.) of floor area shall be optional.
  - (d) No such loading spaces shall be located within any required front setback or in any required side or rear setback abutting a Single-unit Residential (R1) Zone, Multipleunit Residential (R3) Zone, or Open Space (OS) Zone.

---

## 7.4 SIGNAGE

- 7.4.1 The following signs are permitted in all zones and no development permit is required for their erection:

- (a) Signs showing the civic number of a building provided such signs do not exceed 0.26 sq.m (2.8 sq.ft.) in sign area.
- (b) Signs showing the name of a resident or a residential occupier provided such signs do not exceed 0.26 sq.m (2.8 sq.ft.) in sign area.
- (c) "No Trespassing" signs or other signs regulating the use of a lot provided such signs do not exceed 0.26 sq.m (2.8 sq.ft.) in sign area, unless otherwise directed by a public authority.
- (d) Real estate signs that advertise the sale, rental or lease of the premises.
- (e) Signs regulating or denoting on-premises traffic or parking, or other signs denoting the direction or function of various parts of a building or premises.
- (f) Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public institutions, directional signs, or public election lists or other public notices.
- (g) Memorial signs or tablets denoting the history of a site or structure.
- (h) The flag, pennant, or insignia of any nation, province, or state or of any religious, charitable, or fraternal organization.
- (i) Signs mounted on the interior surface of sporting facilities such as, but not limited to, signs mounted on baseball diamond fences, provided the faces of such signs are not visible from adjacent streets.
- (j) Signs incidental to construction and within the area of such construction and erected only during the period of construction.
- (k) Election signs.
- (l) Signs located such that they are not visible from off the premises or from a parking lot.

7.4.2 The following signs are prohibited in all zones:

- (a) Signs or sign structures that, in the opinion of the Development Officer, constitute a hazard to public safety or health.
- (b) Signs that by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets or roads.
- (c) Signs that obstruct free ingress to or egress from a fire escape door, window, or other required exit way.
- (d) Signs not erected by a public authority that make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such manner as to interfere with, mislead, or confuse traffic along a public road.
- (e) Signs on utility poles.
- (f) Signs on public property or in the public right of way unless erected by a governmental body, or unless required to be so located by order of a government body, or unless permitted by this Bylaw, or unless specifically permitted by policy or resolution of Council.
- (g) Signs painted on, attached to, or supported by a tree, stone, cliff, or other natural object.

- (h) Searchlights, flares, open flames, spinners, and streamers, except for occasions such as grand openings or other festive occasions.
- (i) Signs that are mounted on a building and that project above the elevation of the highest point of the building roof at that part of the building.
- (j) Signs with lights resembling those usually associated with danger or those used by police, fire, ambulance, or other emergency vehicles.
- (k) Mobile signs.
- (l) Flashing or animated signs.

7.4.3 Any non-mobile sign, billboard, or poster temporarily or permanently erected in the Mixed Use (MU), Industrial (I1), Comprehensive Development Area (CDA), or Institutional (PS1) zones shall conform to the following provisions:

- (a) Other than directional signs containing no promotional content, only one freestanding sign shall be erected on a lot; except where the lot is bordered by more than one street in which case one free-standing sign may be permitted along each street line.
- (b) The area of a free-standing sign shall be no greater than 4.7 sq.m (50 sq.ft.). Freestanding signs shall be set back at least 2.6 m (8.5 ft.) from lot lines.
- (c) Fascia signs shall be permitted on the building and shall project no more than 0.5 m (1.6 ft.) from the wall of the building and shall be no higher than the roof line of the building or part of the building. The area of fascia signs shall not exceed ten percent (10%) of the area of the wall on which the sign is to be located, or 9.3 sq.m (100 sq.ft.), whichever is less.
- (d) No sign other than a traffic directional sign erected by a public authority shall be on the side or rear of a building, or within a side, flankage or rear yard when such side, flankage or rear yard abuts a Single-unit Residential (R1) or Multiple-unit Residential (R3) Zone.
- (e) No signs painted on sloping roofs shall be permitted.
- (f) Internally lit signs shall be permitted and shall have the light source concealed by a diffusive material.
- (g) Signs lit by floodlighting shall have the floodlighting directed at the sign and no floodlighting shall be aimed at the road. No stray illumination from floodlighting shall shine on residential properties or land.

7.4.4 Where there are more than one commercial uses on one lot, all uses on the same lot shall share one free-standing sign. The total size of any shared sign shall be no larger than 4.7 sq.m (50 sq.ft.) unless a larger size is authorized by Council.

7.4.5 Sandwich board signs shall not be located in the street right-of-way or on public land except in conformance with a policy of Council governing such.

7.4.6 Signs advertising a business premise not located on the lot shall not be permitted except in conformance with a policy of Council governing such.

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## **PART 8 SINGLE-UNIT RESIDENTIAL ZONE (R1)**

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### **8.1 GENERAL**

- 8.1.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a Single-unit Residential (R1) zone shall conform to the provisions of this Part.

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### **8.2 PERMITTED USES**

- 8.2.1 No building or part thereof and no land shall be used for purposes other than:
- (a) Duplex Dwelling
  - (b) Playground
  - (c) Single-unit Dwelling

---

### **8.3 USES SUBJECT TO ADDITIONAL REQUIREMENTS**

- 8.3.1 Notwithstanding Section 8.2, above, the following uses shall be permitted within the Single-unit Residential (R1) Zone subject to the requirements of the noted Section in addition to all other applicable requirements of this Bylaw:
- (a) Bed and Breakfast – Section 6.23
  - (b) Group Home – Section 6.25
  - (c) Semi-detached Dwelling – Section 6.22
  - (d) Storage of fishing vessels and related fishing gear – Section 6.26

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### **8.4 SPECIAL USE PERMIT USES**

- 8.4.1 Notwithstanding Section 8.2, above, the following uses shall be permitted in the Single-unit Residential (R1) Zone only by Special Use Permit and subject to Section 5.6:
- (a) Child Care Facility
  - (b) Development on lands located in any of the Wellfield Protection Overlays
  - (c) Wind Energy System

---

### **8.5 SERVICING**

- 8.5.1 All new developments in Single-unit Residential (R1) Zone shall be serviced by municipal sewer services and central water supply.

## 8.6 LOT REQUIREMENTS

8.6.1 Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Single-unit Residential (R1) Zone unless the following requirements are met:

Requirement	Duplex Dwelling, Semi-Detached Dwelling	All Other Permitted Uses
<b>Minimum Lot Area</b>	550 sq.m (5,920 sq.ft.) or 275 sq.m (2,960 sq.ft.) for each unit	370 sq.m (3,980 sq.ft.)
<b>Minimum Frontage</b>	18 m (60 ft.) or 9 m (30 ft.) for each unit	12 m (40 ft.)
<b>Minimum Front Setback</b>	1.2 m (4 ft.)	1.2 m (4 ft.)
<b>Minimum Rear Setback</b>	7.6 m (25 ft.)	7.6 m (25 ft.)
<b>Minimum Side Setback</b>	1.2 m (4 ft.)	1.2 m (4 ft.)
<b>Minimum Flankage Setback</b>	1.2 m (4 ft.)	1.2 m (4 ft.)
<b>Maximum Building Height</b>	Greater of 2.5 stories or 11 m (36 ft.)	Greater of 2.5 stories or 11 m (36 ft.)

All lots shall also conform to the Minimum Lot Standards in the Province-wide Minimum Development Standards Regulations as noted in Appendix “B”.



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## **PART 9 MULTIPLE-UNIT RESIDENTIAL ZONE (R3)**

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### **9.1 GENERAL**

- 9.1.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered on any land used in a Multiple-unit Residential (R3) zone shall conform to the provisions of this Part.

---

### **9.2 PERMITTED USES**

- 9.2.1 No building or part thereof and no land shall be used for purposes other than:
- (a) Duplex Dwelling
  - (b) Multiple-unit Dwelling – Not more than 12 dwelling units
  - (c) Playground
  - (d) Single-unit Dwelling

---

### **9.3 USES SUBJECT TO ADDITIONAL REQUIREMENTS**

- 9.3.1 Notwithstanding Section 9.2, above, the following uses shall be permitted within the Multiple-unit Residential (R3) Zone subject to the requirements of the noted Section in addition to all other applicable requirements of this Bylaw:
- (a) Bed & Breakfast – Section 6.23
  - (b) Group Home – Section 6.25
  - (c) Row or Town House Dwelling – Not more than 5 dwelling units – Section 6.22
  - (d) Semi-detached Dwelling – Section 6.22
  - (e) Storage of fishing vessels and related fishing gear – Section 6.26

---

### **9.4 SPECIAL USE PERMIT USES**

- 9.4.1 Notwithstanding Section 9.2, above, the following uses shall be permitted in the Multiple-unit Residential (R3) Zone only by Special Use Permit and subject to Section 5.6:
- (a) Child Care Facility
  - (b) Multiple-unit Dwelling – More than 12 dwelling units
  - (c) Development on lands located in any of the Wellfield Protection Overlays
  - (d) Wind Energy System

---

### **9.5 USES PERMITTED BY DEVELOPMENT AGREEMENT**

9.5.1 Notwithstanding Section 9.2, above, the following uses shall be permitted in the Multiple-unit Residential (R3) Zone only by development agreement, subject to the Section 5.7 and the criteria of Part 18:

- (a) Grouped Dwellings

## 9.6 SERVICING

9.6.1 All developments in Multiple-unit Residential (R3) zone shall be serviced by municipal sewer services and central water supply.

## 9.7 LOT REQUIREMENTS

9.7.1 Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Multiple-unit Residential (R3) Zone unless the following requirements are met:

Requirement	Multiple-unit Dwelling, Row or Town House Dwelling	Duplex Dwelling, Semi-Detached Dwelling	All Other Permitted Uses
<b>Minimum Lot Area</b>	275 sq.m (2,960 sq.ft.) per unit	550 sq.m (5,920 sq.ft.) or 275 sq.m (2,960 sq.ft.) for each unit	370 sq.m (3,980 sq.ft.)
<b>Minimum Frontage</b>	30 m (98.4 ft.) for the first 3 units plus 7.6 m (25 ft.) for each additional unit	18 m (60 ft.) or 9 m (30 ft.) for each unit	12 m (40 ft.)
<b>Minimum Front Setback</b>	1.2 m (4 ft.)	1.2 m (4 ft.)	1.2 m (4 ft.)
<b>Minimum Rear Setback</b>	4.5 m (14.8 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)
<b>Minimum Side Setback</b>	3 m (9.8 ft.)	1.2 m (4 ft.)	1.2 m (4 ft.)
<b>Minimum Flankage Setback</b>	1.2 m (4 ft.)	1.2 m (4 ft.)	1.2 m (4 ft.)
<b>Maximum Building Height</b>	Greater of 2.5 stories or 11 m (36 ft.)	Greater of 2.5 stories or 11 m (36 ft.)	Greater of 2.5 stories or 11 m (36 ft.)

All lots shall also conform to the Minimum Lot Standards in the Province-wide Minimum Development Standards Regulations as noted in Appendix "B".

## PART 10 MIXED USE ZONE (MU)

### 10.1 GENERAL

10.1.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a Mixed Use (MU) zone shall conform to the provisions of this Part.

### 10.2 PERMITTED USES

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

- (a) Banking and Financial Institutions

- 
- (b) Business and Professional Offices
  - (c) Child Care Facility
  - (d) Duplex Dwelling
  - (e) Electric Vehicle Charging Station
  - (f) Entertainment Facilities
  - (g) Fixed-roof Overnight Accommodations
  - (h) Lounge
  - (i) Multiple-unit Dwelling – No more than 12 dwelling units, not in a commercial building
  - (j) Restaurant
  - (k) Retail Store
  - (l) Service and Personal Service Shops

---

### 10.3 USES SUBJECT TO ADDITIONAL REQUIREMENTS

10.3.1 Notwithstanding Section 10.2, above, the following uses shall be permitted within the Mixed Use (MU) Zone subject to the requirements of the noted Section in addition to all other applicable requirements of this Bylaw:

- (a) Automobile Service Station – Section 10.8
- (b) Group Home – Section 6.25
- (c) Multiple-unit Dwelling – No more than 12 dwelling units, in a commercial building – Section 10.9
- (d) Row or Town House Dwelling – No more than 5 dwelling units – Section 6.22
- (e) Semi-detached Dwelling – Section 6.22
- (f) Single-unit Dwelling – Section 10.10
- (g) Storage of Fishing Vessels and Related Fishing Gear – Section 6.26
- (h) Transient or Temporary Commercial – Section 10.11

### 10.4 SPECIAL USE PERMIT USES

10.4.1 Notwithstanding Section 10.2, above, the following uses shall be permitted in the Mixed Use (MU) Zone only by Special Use Permit and subject to Section 5.6:

- (a) Development on lands located in any of the Wellfield Protection Overlays
- (b) Multiple-unit Dwelling – More than 12 dwelling units
- (c) Wind Energy System

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## 10.5 USES PERMITTED BY DEVELOPMENT AGREEMENT

10.5.1 Notwithstanding Section 10.2, above, the following uses shall be permitted in the Mixed Use (MU) Zone only by development agreement, subject to the Section 5.7 and the criteria of Part 18:

- (a) Grouped Dwellings

---

## 10.6 SERVICING

10.6.1 All developments in a Mixed Use (MU) zone shall be serviced by municipal sewer services and central water.

---

## 10.7 LOT REQUIREMENTS

10.7.1 Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Mixed Use (MU) Zone unless the following requirements are met:

Requirement	Multiple-unit Dwelling, Row or Town House Dwelling	Duplex Dwelling, Semi-Detached Dwelling	Single-unit Dwelling	All Other Permitted Uses
<b>Minimum Lot Area</b>	275 sq.m (2,960 sq.ft.) per unit	550 sq.m (5,920 sq.ft.) or 275 sq.m (2,960 sq.ft.) for each unit	370 sq.m (3,980 sq.ft.)	450 sq.m (4,844 sq.ft.)
<b>Minimum Frontage</b>	30 m (98.4 ft.) for the first 3 units plus 7.6 m (25 ft.) for each additional unit	18 m (60 ft.) or 9 m (30 ft.) for each unit	12 m (40 ft.)	15 m (49 ft.)
<b>Minimum Front Setback</b>	1.2 m (4 ft.)	1.2 m (4 ft.)	1.2 m (4 ft.)	1.2 m (4 ft.)
<b>Minimum Rear Setback</b>	4.5 m (14.8 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)	7.6 m (25 ft.)
<b>Minimum Side Setback</b>	3 m (9.8 ft.)	1.2 m (4 ft.)	1.2 m (4 ft.)	2.5 m (8.2 ft.)
<b>Minimum Flankage Setback</b>	1.2 m (4 ft.)	1.2 m (4 ft.)	1.2 m (4 ft.)	1.2 m (4 ft.)
<b>Maximum Building Height</b>	Greater of 2.5 stories or 11 m (36 ft.)	Greater of 2.5 stories or 11 m (36 ft.)	Greater of 2.5 stories or 11 m (36 ft.)	Greater of 2.5 stories or 11 m (36 ft.)

All lots shall also conform to the Minimum Lot Standards in the Province-wide Minimum Development Standards Regulations as noted in Appendix "B".

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## 10.8 AUTOMOBILE SERVICE STATION

10.8.1 In addition to any other provisions of this Bylaw, the following special provisions shall apply to an automobile service station in the Mixed Use (MU) Zone:

- (a) Minimum lot frontage: 30 m (98.4 ft.)
- (b) Minimum setback between pumps and all lot lines: 6 m (19.7 ft.)
- (c) Minimum pump distance from access or egress: 9 m (29.5 ft.)
- (d) Where the service station includes an automobile washing establishment, all washing operations shall be carried on inside the building.

---

## 10.9 DWELLINGS IN COMMERCIAL BUILDINGS

10.9.1 In addition to any other provisions of this Bylaw, where a dwelling unit is provided in connection with a commercial use in the Mixed Use (MU) Zone the following minimum standards shall apply:

- (a) Dwelling units shall not be located above a restaurant, lounge, automobile service station, dry cleaning establishment, or repair shop storing explosive materials.
- (b) The dwelling and the commercial use(s) shall be served by separate entrances.
- (c) The dwelling units shall be located behind and/or—when not prohibited by Clause (a)—above the commercial use.

---

## 10.10 SINGLE-UNIT DWELLINGS

10.10.1 Single-unit dwellings in the Mixed Use (MU) Zone shall not have a width or depth of less than 6.1 m (20 ft.).

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## 10.11 TRANSIENT OR TEMPORARY COMMERCIAL PERMITS

10.11.1 In addition to any other provision of this Bylaw, temporary permits may be issued for a transient-type commercial operation in the Mixed Use (MU) Zone subject to compliance with the following requirements:

- (a) The development shall not result in any traffic hazard.
- (b) The development shall not interfere with the parking requirements of permanent users of the lot in which the development will be located.
- (c) The development shall not create a public nuisance.
- (d) The temporary permit shall not exceed a 20-week period.
- (e) The developer shall provide a letter of approval from the owner of the lot on which the temporary development will be situated.
- (f) Where required, the developer shall satisfy the Development Officer that such development complies with all health regulations.

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## GENERAL

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### **PART 11 INDUSTRIAL ZONE (I1)**

#### 11.1

11.1.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an Industrial (I1) Zone shall conform to the provisions of this Part.

---

#### 11.2 PERMITTED USES

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

- (a) Activities connected with the automobile trade other than a scrap yard
  - (b) Bait sheds and other structures related to the fishing industry
  - (c) Building Supply Dealers
  - (d) Business and Professional Offices
  - (e) Electric Vehicle Charging Station
  - (f) Farm Machinery and Heavy Equipment Dealerships and Repair Shops
  - (g) Manufacturing and Assembly
  - (h) Restaurants and Cafeterias
  - (i) Service Shops
  - (j) Transport Operations
  - (k) Warehousing
  - (l) Wholesale Operations
- 

#### 11.3 SPECIAL USE PERMIT USES

11.3.1 Notwithstanding Section 11.2, above, the following uses shall be permitted in the Industrial (I1) Zone only by Special Use Permit and subject to Section 5.6:

- (a) Development on lands located in any of the Wellfield Protection Overlays (b) Wind Energy System
- 

#### 11.4 SERVICING

11.4.1 All developments in an Industrial (I1) Zone shall be serviced by municipal sewer services and municipal water supply.

---

## 11.5 LOT REQUIREMENTS

11.5.1 Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Industrial (I1) Zone unless the following requirements are met:

Requirement	All Permitted Uses
<b>Minimum Lot Area</b>	1,350 sq.m (14,530 sq.ft.)
<b>Minimum Frontage</b>	30 m (98.4 ft.)
<b>Minimum Front Setback</b>	7.6 m (25 ft.)
<b>Minimum Rear Setback</b>	4.5 m (14.8 ft.)
<b>Minimum Side Setback</b>	7.6 m (25 ft.)
<b>Minimum Flankage Setback</b>	7.6 m (25 ft.)
<b>Maximum Building Height</b>	Greater of 4 stories or 17 m (55.8 ft.)

All lots shall also conform to the Minimum Lot Standards in the Province-wide Minimum Development Standards Regulations as noted in Appendix “B”.

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## GENERAL

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### PART 12 INSTITUTIONAL ZONE (PS1)

#### 12.1

12.1.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an Institutional (PS1) zone shall conform to the provisions of this Part.

---

#### 12.2 PERMITTED USES

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

- (a) Civic Centres
- (b) Group Homes
- (c) Institutional Premises
- (d) Public and Private Parks
- (e) Recreational Uses

---

#### 12.3 SPECIAL USE PERMIT USES

12.3.1 Notwithstanding Section 12.2, above, the following uses shall be permitted in the Institutional (PS1) Zone only by Special Use Permit and subject to Section 5.6:

- (a) Development on lands located in any of the Wellfield Protection Overlays
- (b) Wind Energy System

---

#### 12.4 SERVICING

12.4.1 All developments in an Institutional (PS1) zone shall be serviced by municipal sewer services and municipal water supply.

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#### 12.5 LOT REQUIREMENTS

12.5.1 Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Institutional (PS1) Zone unless the following requirements are met:

Requirement	All Permitted Uses
Minimum Lot Area	370 sq.m (3,980 sq.ft.)
Minimum Frontage	22.5 m (73.8 ft.)
Minimum Front Setback	3 m (9.8 ft.)
Minimum Rear Setback	7.6 m (25 ft.)
Minimum Side Setback	2.4 m (7.9 ft.)
Minimum Flankage Setback	3 m (9.8 ft.)



<b>Maximum Building Height</b>	Greater of 2.5 stories or 11 m (36 ft.)
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All lots shall also conform to the Minimum Lot Standards in the Province-wide Minimum Development Standards Regulations as noted in Appendix "B".

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## GENERAL

### **PART 13**      **COMPREHENSIVE DEVELOPMENT AREA ZONE (CDA)**

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#### 13.1    GENERAL

13.1.1 Except as otherwise provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in a Comprehensive Development Area (CDA) Zone shall conform with the provisions of this Part.

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#### 13.2    PERMITTED USES

13.2.1 No building or part thereof and no land shall be used for purposes other than: (a)  
Public or Private Parks

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#### 13.3    USES PERMITTED BY DEVELOPMENT AGREEMENT

13.3.1 Notwithstanding Section 13.2, above, the following uses shall be permitted in the Comprehensive Development Area (CDA) Zone only by development agreement, subject to the Section 5.7 and the criteria of Part 18:

(a) Comprehensive Development

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#### 13.4    SERVICING

13.4.1 All Developments in a Comprehensive Development Area (CDA) zone shall be serviced by central water services and central sewage collection and treatment.

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#### 13.5    LOT REQUIREMENTS

13.5.1 The Development Officer shall not issue a development permit for a comprehensive development use on a lot in the Comprehensive Development Area (CDA) Zone unless the lot complies with the requirements of the applicable development agreement. All lots shall also conform to the Minimum Lot Standards in the Province-wide Minimum Development Standards Regulations as noted in Appendix "B".

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### **PART 14**      **OPEN SPACE ZONE (OS)**

#### 14.1

14.1.1 Except as provided in this Bylaw, all buildings and parts thereof erected, placed or altered or any land used in an Open Space (OS) Zone shall conform to the provisions of this Part.

---

## 14.2 PERMITTED USES

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

- (a) Open Space and Conservation Activities
- (b) Pavilions and Band Shells
- (c) Public and Private Parks
- (d) Recreation Administrative Offices
- (e) Recreational Uses

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## 14.3 SPECIAL USE PERMIT USES

14.3.1 Notwithstanding Section 14.2, above, the following uses shall be permitted in the Open Space (OS) Zone only by Special Use Permit and subject to Section 5.6:

- (a) Development on lands located in any of the Wellfield Protection Overlays (b) Wind Energy System

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## 14.4 SERVICING

14.4.1 Buildings and structures in the Open Space (OS) zone that will require the use or provision of water shall be connected to the central water supply system. Buildings and structures in the Open Space (OS) zone that will provide flushing toilets shall be connected to the central sewage collection and treatment system.

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## 14.5 LOT REQUIREMENTS

14.5.1 Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Open Space (OS) Zone unless the following requirements are met:

Requirement	All Permitted Uses
<b>Minimum Lot Area</b>	370 sq.m (3,980 sq.ft.)
<b>Minimum Frontage</b>	22.5 m (73.8 ft.)
<b>Minimum Front Setback</b>	3 m (9.8 ft.)
<b>Minimum Rear Setback</b>	7.6 m (25 ft.)
<b>Minimum Side Setback</b>	2.4 m (7.9 ft.)
<b>Minimum Flankage Setback</b>	3 m (9.8 ft.)
<b>Maximum Building Height</b>	Greater of 2.5 stories or 11 m (36 ft.)

All lots shall also conform to the Minimum Lot Standards in the Province-wide Minimum Development Standards Regulations as noted in Appendix “B”.

## GENERAL

### PART 15 WELLFIELD PROTECTION OVERLAYS

15.1.1 Where wellfield protection designation exists as an overlay zone to an existing zone, special restrictions as outlined in this section are in addition to all uses and requirements of the underlying zone.

#### 15.2 DEVELOPMENT IN WELLFIELD PROTECTION OVERLAYS

15.2.1 Within the boundaries of any Wellfield Protection Overlay, development shall proceed only by Special Use Permit, subject to the requirements of Section 5.6.

15.2.2 Development in any Wellfield Protection Overlay shall only be permitted if it conforms (either by the inherent nature of the use, or by the conditions placed upon the use by the Special Use Permit) with the underlying zone, and with the restrictions of Table 15.1, Wellfield Protection Zone - Land Use Activities Management.

**TABLE 15.1 Wellfield Protection Zone - Land Use Activities Management**

Land Use Activity	Wellfield Protection Zone A (WPA)	Wellfield Protection Zone B (WPB)	Wellfield Protection Zone C (WPC)
<b>Agricultural Uses</b>			
(a) Livestock operation	Pasturing of animals at existing operations permitted with controls on animal densities.	Pasturing of animals at existing operations permitted with controls on animal densities.	Pasturing of animals at existing operations permitted with controls on animal densities.
(b) Fertilizer (including manure application)	Not permitted	Application allowed according to an approved nutrient management plan.	Application allowed according to an approved nutrient management plan.
(c) Manure storage	No new storage permitted. Existing storage operations not to increase in volume and to be upgraded to current standards.	Storage permitted if it is stored in a clay-lined pit, a steel or concrete structure, or some other government approved containment system.	Storage permitted if it is stored in a clay-lined pit, a steel or concrete structure, or some other government approved containment system.
(d) Manure disposal	Not permitted	Not permitted	Not permitted
(e) Pesticide storage	Not permitted	Storage allowed in a contained area of up to 15kg or a total volume of 15L, whichever is less.	Storage allowed in a contained area up to 50kg or a total volume of 50L, whichever is less.
(f) Pesticide application	Not permitted	Application allowed as part of an IPM approach. Restrictions on use of some products. Permits may be required.	Application allowed as part of an IPM approach. Restrictions on use of some products. Permits may be required.
<b>Non-Agricultural Land Uses</b>			

<p>(g) New residential development</p>	<p>Single-unit dwellings permitted subject to the following requirements:</p> <ul style="list-style-type: none"> <li>• must be fully serviced for water and wastewater; and</li> <li>• must not use oil heat.</li> </ul> <p>No multiple-unit dwellings permitted.</p>	<p>Single-unit unit and multipleunit dwellings permitted subject to the following requirements:</p> <ul style="list-style-type: none"> <li>• must be fully serviced for water and wastewater; and</li> <li>• must not use oil heat.</li> </ul>	<p>Permitted.</p>
<p>(h) New commercial development</p>	<p>No new development</p>	<p>Service stations not permitted.</p> <p>All other commercial development permitted subject to the following</p>	<p>Service stations not permitted.</p> <p>All other commercial development permitted subject to the following</p>

		<p>requirements:</p> <ul style="list-style-type: none"> <li>• must be fully serviced for water and wastewater;</li> <li>• must include a storm water management plan;</li> <li>• all wastes must be disposed of outside of the wellfield protection zones; and</li> <li>• must not involve an activity that requires the use of Dense, Nonaqueous Phase Liquids (DNAPLs)*.</li> </ul>	<p>requirements:</p> <ul style="list-style-type: none"> <li>• must include a storm water management plan;</li> <li>• all wastes must be disposed of outside of the wellfield protection zones; and</li> <li>• must not involve an activity that requires the use of Dense, Nonaqueous Phase Liquids (DNAPLs)*.</li> </ul>
(i) New industrial development	No new development	<p>Development permitted subject to the following requirements:</p> <ul style="list-style-type: none"> <li>• must be fully serviced for water and wastewater;</li> <li>• must include a storm water management plan;</li> <li>• all wastes must be disposed of outside of the wellfield protection zones; and</li> <li>• must not involve an activity that requires the use of Dense, Nonaqueous Phase Liquids (DNAPLs)*.</li> </ul>	<p>Development permitted subject to the following requirements:</p> <ul style="list-style-type: none"> <li>• must include a storm water management plan;</li> <li>• all wastes must be disposed of outside of the wellfield protection zones; and</li> <li>• must not involve an activity that requires the use of Dense, Nonaqueous Phase Liquids (DNAPLs)*.</li> </ul>
(j) Pesticide storage and application	Not permitted	<p>Storage allowed in a contained area up to a total weight of 10kg or a total volume of 10L, whichever is less.</p> <p>Can apply pesticides using manufacturer recommended amounts and concentrations provided that pesticide containers are disposed of outside of the wellfield protection zones.</p>	<p>Storage allowed in a contained area up to a total weight of 15kg or a total volume of 15L, whichever is less.</p> <p>Can apply pesticides using manufacturer recommended amounts and concentrations provided that pesticide containers are disposed of outside of the wellfield protection zones.</p>

(k) Fertilizer storage and application	Can do routine gardening and lawn maintenance, including composting for residential purposes.	Storage of up to 75kg in total weight or 75L in total volume, whichever is less, allowed in a contained area.  Can apply lawn fertilizer (other than animal manure) between April 1 and October 31, at a rate not exceeding 75kg in total weight or 75L in total volume, whichever is less, per hectare per year.  Can store fertilizers (other than animal manure) up to 75kg in total weight or 75L in total volume, whichever is less.  Can apply packaged, manufactured, or processed compost products that do not contain pathogens.	Storage of up to 75kg in total weight or 75L in total volume, whichever is less, allowed in a contained area.  Can apply lawn fertilizer (other than animal manure) between April 1 and October 31, at a rate not exceeding 75kg in total weight or 75L in total volume, whichever is less, per hectare per year.  Can store fertilizers (other than animal manure) up to 75kg in total weight or 75L in total volume, whichever is less.  Can apply packaged, manufactured, or processed compost products that do not contain pathogens.
			contain pathogens.
(l) Recreational activities	Permitted with provisions as determined by Council.	Permitted	Permitted
(m) Bulk salt storage	Not permitted	Not permitted	Not permitted
(n) Bulk storage of petroleum	No new underground tanks permitted.  Existing tanks must be inside and/or provide secondary containment.	No new underground tanks permitted.  Existing tanks must be inside and/or provide secondary containment.	No new underground tanks permitted.  Existing must be inside and/or provide secondary containment.
(o) Road salt application	Not permitted	Not permitted	Not permitted
(p) Cemetery	No new cemeteries permitted.	No new cemeteries permitted.	No new cemeteries permitted.
(q) Excavation pits	Not permitted	Not permitted	Not permitted
* Dense, Non-aqueous Phase Liquids (DNAPLs) are chemicals that are denser than water and cannot mix with water, hence they can sink to the bottom of an aquifer where they may be extremely difficult or even impossible to remove.			

All lots shall conform to the Minimum Lot Standards in the Province-wide Minimum Development Standards Regulations as noted in Appendix “B”.

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## **PART 16      VARIANCES**

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### **16.1      VARIANCES**

16.1.1 Notwithstanding anything in this Bylaw, Council may grant a variance of up to 10 percent of a specified value in this Bylaw. Specifically, Council may vary:

- (a) the percentage of land that may be built upon;
- (b) the size or other requirements relating to setbacks;
- (c) lot frontage;
- (d) lot area;
- (e) ground area of a structure; and/or (f) height of a structure.

16.1.2 Council shall only grant a variance where:

- (a) the difficulty leading to the need for a variance is not the result of intentional or negligent disregard of this Bylaw; and
- (b) the variance is in keeping with the intent of this Bylaw.

16.1.3 Within seven days after granting a variance, the Development Officer shall give notice in writing of the variance granted to every assessed owner whose property is within 30 m (98 ft.) of the subject property.

16.1.4 The notice shall:

- (a) describe the variance granted and the rationale for granting the variance;
- (b) identify the lot(s) where the variance is granted; and (c) set out the right to appeal the decision of Council.

16.1.5 Where a variance is granted, a property owner served a notice may appeal the decision to Council within fourteen days after receiving the notice by giving written notice to the Chief Administrative Officer, who shall notify the Development Officer.

16.1.6 Where a variance is refused, the developer may appeal the refusal to Council within seven days after receiving notice of the refusal by giving written notice to the Chief Administrative Officer, who shall notify the Development Officer.

16.1.7 Where a developer appeals the refusal to grant a variance, the Development Officer shall give seven days written notice of the hearing to every assessed owner whose property is within 30 m (98 ft.) of the subject property.

16.1.8 The notice shall:

- (a) describe the variance applied for and the reasons for its refusal;
- (b) identify the lot(s) for where the variance is applied; and
- (c) state the date, time and place when Council will hear the appeal.



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## PART 17

## SPECIAL USE PERMIT USES

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### 17.1 CHILD CARE FACILITY

17.1.1 In considering a child care facility by Special Use Permit, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) Outdoor activity areas shall be enclosed with a fence.
- (b) Outdoor activity areas in side or rear yard adjacent to a dwelling shall be visually and acoustically screened from the adjacent dwelling by means such as, but not limited to, vegetative planting or an appropriately-designed fence.
- (c) The architectural design of the building shall be consistent with neighbouring dwellings.
- (d) Adequate space for vehicular pick-up and drop-off of children is available on adjacent streets or, where safe on-street space is not available, located on-site in a manner that does not create a traffic hazard.

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### 17.2 MULTIPLE-UNIT DWELLING – MORE THAN 12 DWELLING UNITS

17.2.1 In considering a multiple-unit dwelling by Special Use Permit, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) Blank walls shall not be permitted at grade along any street frontage.
  - (b) Except for those located at ground-level, decks shall not be permitted within 10 m (32.8 ft.) of any lot line adjacent to a single-unit dwelling, duplex, or semi-detached dwelling existing at the time of site plan approval application.
  - (c) 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.
  - (d) Enclosed facilities for solid waste shall be provided for the use of residents. These facilities shall accommodate the number of waste stream collection (e.g. garbage, compost, recycling) provided in the Town 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.
  - (e) 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.
  - (f) The primary entrance(s) of all dwelling units shall be connected to the nearest street right-of-way by means of a pedestrian walkway at least 1.5 m (4.9 ft.) in width and paved with asphalt, concrete, bricks, or interlocking pavers.
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## 17.3 NON-CONFORMING USES

17.3.1 In considering the expansion of non-conforming uses by Special Use Permit, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) If the use is listed in the zone as a use permitted as-of-right, but is otherwise nonconforming for reasons such as, but not limited to, setbacks or other zone requirements, the conditions that prevents the proposal from being permitted as-of-right in the zone shall be addressed by the Special Use Permit. Measures to address these conditions may include, but are not limited to, enhanced buffering and the positioning and design of buildings and structures.
- (b) If the use is not listed in the zone as a use permitted as-of-right, the Special Use Permit shall control the expansion in a manner that is compatible with the purpose and permitted uses in the zone. Controls may include, but are not limited to, enhanced buffering and screening; the positioning, bulk, and design of buildings and structures; mitigation measures for noise, dust, and other emissions; the location and design of parking areas; landscaping; lighting design; and controls on outdoor storage and display.

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## 17.4 WELLFIELD PROTECTION OVERLAYS

17.4.1 In considering development in any Wellfield Protection Overlay by Special Use Permit, Council shall ensure the development and the conditions placed upon it are consistent with the criteria of Part 15.

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## 17.5 WIND ENERGY SYSTEMS

17.5.1 In considering the development of wind energy systems by Special Use Permit, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) The wind energy system shall be set back from lot lines a distance of at least 1.1 times the height of the wind energy system, except this requirement may be waived where a lot line separates property under the same ownership as the lot on which the facility is located.
- (b) The height of the wind energy system shall not exceed 30 m (98.4 ft.).
- (c) There shall be no signs, advertisements, or objects attached to or added to the wind energy system.
- (d) Wind energy systems 6 m (19.7 ft.) or greater in height shall not be mounted on or attached to any other structure.
- (e) All supporting structures, such as guy wires or similar support apparatus, shall be located a minimum of 3 m (9.8 ft.) from the lot line.
- (f) All supporting structures, including guy wires or similar support apparatus, shall be clearly visible to a height of 2 m (6.6 ft.) above grade.
- (g) All climbing apparatuses shall be secured against unauthorized access to a height of at least 3 m (9.8 ft.) above grade.

## PART 18 DEVELOPMENT AGREEMENT CRITERIA

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### 18.1 Grouped Dwellings

18.1.1 Council shall not approve a development agreement for grouped dwellings without considering the following matters:

- (a) the means proposed for the maintenance of design standards of the proposed building(s) and their appropriateness with respect to land uses and the character and scale of existing and proposed development in the vicinity;
- (b) the preservation of existing site features of unique quality and the preservation of the natural beauty of the area;
- (c) the proposed character of the site including, but not limited to: population density of the area, the floor space ratio, percentage of open space to be maintained, building form and design, parking, pedestrian walkways, layouts of driveways and connections with streets, proposed servicing concepts, on-site storm water management and landscaping, integration of renewable energy technologies; and
- (d) the architectural quality and compatibility with adjacent structures.

---

### 18.2 Comprehensive Development

18.2.1 Uses permitted as part of a comprehensive development shall be as approved by Council and may include all those uses permitted in either a Mixed Use (MU) or Industrial (I1) Zone, and may also include innovative developments, subject to requirements to bring the impact of such innovative development in line with the impact of uses permitted in the Mixed Use (MU) and Industrial (I1) Zones.

18.2.2 Council shall not approve a development agreement for a comprehensive development without considering the following matters:

- (a) the means proposed for the maintenance of design standards of the proposed building(s) and their appropriateness with respect to land uses and the character and scale of existing and proposed development in the vicinity;
- (b) the preservation of existing site features of unique quality and the preservation of the natural beauty of the area;
- (c) the proposed character of the site including, but not limited to: population density of the area, the floor space ratio, percentage of open space to be maintained, building form and design, parking, pedestrian walkways, layouts of roads and connections with streets, proposed servicing concepts, on-site storm water management and landscaping, integration of renewable energy technologies;
- (d) the architectural quality and compatibility with adjacent structures;
- (e) if the proposal does not include all lands within a contiguous Comprehensive Development Area, the impact of the proposal on the potential efficient development of the remaining lands in the contiguous Comprehensive Development Area, and pedestrian and road connections to those remaining lands;
- (f) the innovative nature and appropriateness of the use of the land and/or activities to be conducted there.

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## **PART 19**

## **GENERAL PROVISIONS FOR SUBDIVIDING LAND**

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### **19.1 SUBDIVISION APPROVAL**

19.1.1 No person shall engage in the subdivision of land until the conditions of this Bylaw have been complied with and the developer has received final approval from the Development Officer.

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### **19.2 CONVEYING INTEREST IN A LOT**

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

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### **19.3 PERMISSION TO SUBDIVIDE**

19.3.1 No person shall subdivide land within the Town unless the subdivision:

- (a) conforms with the requirements of this Bylaw;
  - (b) is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
  - (c) will not cause undue flooding or erosion;
  - (d) has convenient street access;
  - (e) has adequate utilities and services available or can be conveniently provided with such utilities and services;
  - (f) will provide for safe and convenient traffic flow;
  - (g) is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
  - (h) is suitable to the use for which it is intended, and the future use of adjacent lands; and
  - (i) the parcel of land in respect of which the permit is requested has frontage on a public road.
- 

### **19.4 SUBDIVISION PROCEDURE**

19.4.1 Any person seeking approval of a subdivision shall first make application for preliminary approval to the Development Officer, and shall be required to submit, along with the application, four 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; and

- (f) the existing use of the land and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.

19.4.2 The Development Officer may also require the developer to provide additional information required to assist in evaluating a proposed subdivision, including, but not limited to:

- (a) a soil test
- (b) contours and spot elevations
- (c) traffic surveys

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## 19.5 PARKLAND DEDICATION and/or PARK DEDICATION FEE

19.5.1 For subdivisions creating three or more lots, or two lots and a remainder, 10% of the lands being subdivided shall be conveyed to the Town for the purposes of parkland. The physical condition and location of the land shall, in the opinion of Council, be suitable for use as parkland and shall include at least 1.8 m (6 ft.) of frontage on a public street.

19.5.2 Where Council deems a dedication of land is not appropriate or the exercising of the full 10% conveyance is not appropriate, Council may impose a park dedication fee up to a maximum of 10% of the value of the lands being subdivided. The sum shall be specifically designated for the purchase, development or maintenance of public parklands in the Town. The park dedication fee shall be calculated on the then current assessed value of lands being subdivided and shall not take into account the value of structures on such lands. Council retains the right to use the Land Valuation and Assessment Division in determining the assessed value of land when such lands are not specifically valued in the Town's assessment roll.

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## 19.6 SUBDIVISION AGREEMENT

19.6.1 Council may require a developer to enter into a subdivision agreement as a condition of subdivision approval. The subdivision agreement may cover any matters as required by Council and may include, but not be limited to the following:

- (a) design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
- (b) dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
- (c) deeding of roads to the Department of Transportation and Public Works;
- (d) posting of a financial guarantee satisfactory to Council;
- (e) provision of a controlled landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of lots within the subdivision and adjacent properties;
- (f) provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision;
- (g) provision for the phasing of the subdivision; and;
- (h) preservation and enhancement of surface water drainage systems.

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## 19.7 FINAL APPROVAL

- 19.7.1 Final subdivision approval shall be granted by Council only after the developer has complied fully with all applicable requirements of this Part and has submitted five copies of a final subdivision plan showing all lots pinned and certified by a surveyor registered to practice in Prince Edward Island.
- 19.7.2 Council may grant final approval to part of a subdivision that is proposed to be developed in phases.
- 19.7.3 The Development Officer shall give notice of final approval of a subdivision in writing, and shall place the Town's seal on the five copies of the survey plan and shall return one copy to the subdivider.
- 19.7.4 The Development Officer shall file a copy of the final survey plan with:
- (a) the Registrar of Deeds;
  - (b) the Department of Transportation and Public Works; and (c) Council files

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## 19.8 SEVERANCES/CONSOLIDATION

- 19.8.1 Notwithstanding the provisions of this Part, Council may approve applications for single lot subdivisions, partial lots, or easements and lot consolidations at its discretion, having regard for only those provisions which it deems applicable to each individual application, provided the application conforms with all other Parts of this Bylaw.

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## PART 20 PENALTIES

- 20.1.1 A person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to the extent established in the *Planning Act*, as amended from time to time.

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## **PART 21      REPEAL**

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### **21.1    EFFECTIVE DATE**

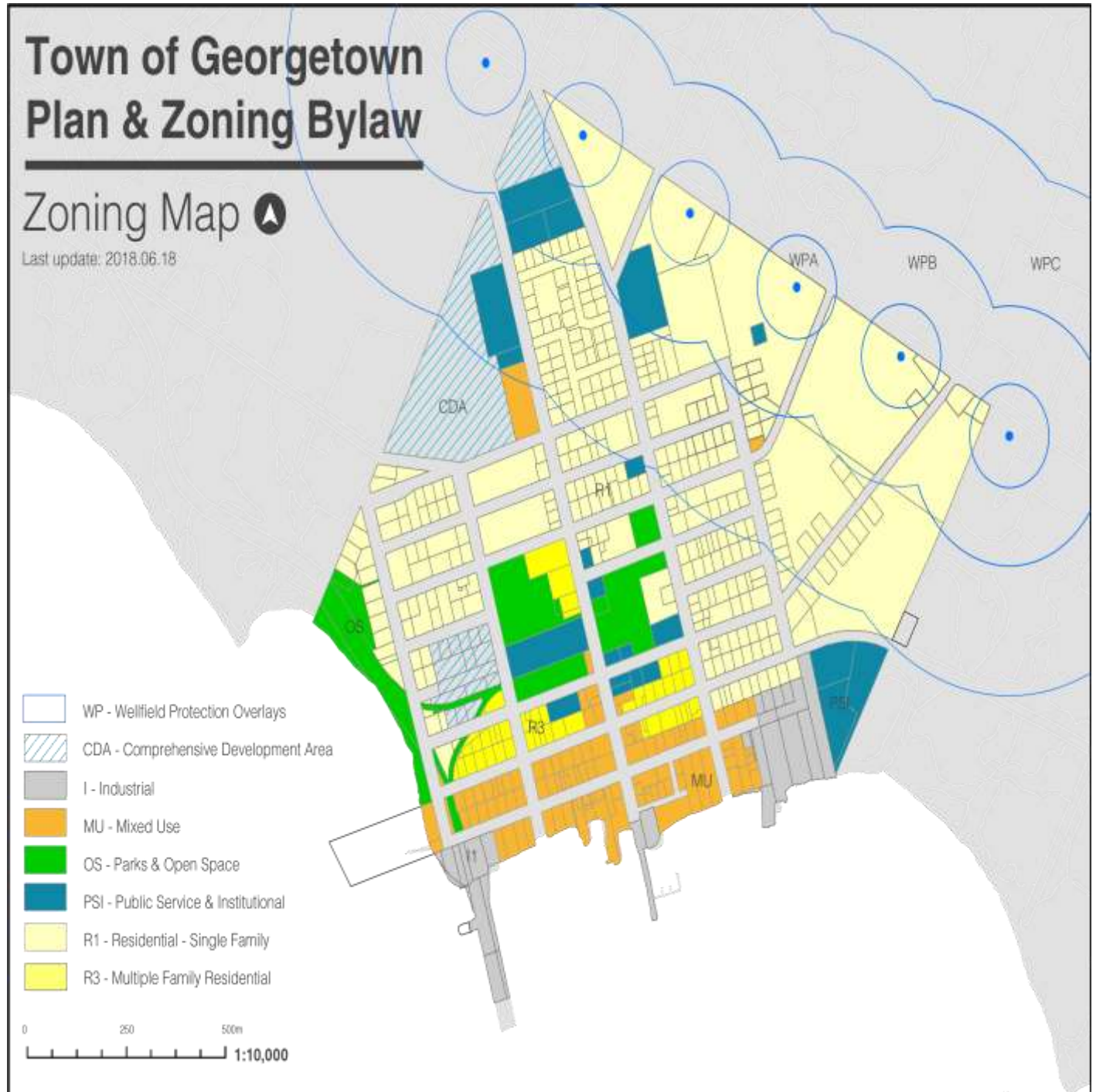
21.1.1 This Bylaw shall come into force effective June 18, 2018.

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### **21.2    REPEAL**

21.2.1 The Town of Georgetown Development Bylaw, 2009, all previous versions, and all amendments thereto are hereby repealed.

# APPENDIX "A" - ZONING MAP





## APPENDIX “B” – MINIMUM LOT SIZE STANDARDS in the PROVICEWIDE MINIMUM DEVELOPMENT STANDARD REGULATIONS

- (i) Notwithstanding any other provisions of this Bylaw, no person shall subdivide a lot intended to be serviced by an on-site sewerage system except in conformance with the minimum lot size standards noted in Table 1 and Table 2 below.

**TABLE 1  
MINIMUM LOT SIZE STANDARDS  
RESIDENTIAL DEVELOPMENTS**

on-site water and on-site sewerage system	II	1	35,000 sq. ft. / 3,251.5 sq. m 40,000 sq. ft. / 3,717 sq. m	175 ft. / 53.3 m 200 ft. / 61 m
		2		
		3	45,000 sq. ft. / 4,180.5 sq. m	225 ft. / 68.6 m
		4	50,000 sq. ft. / 4,645 sq. m	250 ft. / 76.2 m
		more than 4	50,000 sq. ft. / 4,645 sq. m plus 1,500 sq. ft. / 457 sq. m for each additional unit	250 ft. / 76.2 m
central water supply and on-site sewerage system	I	1	20,000 sq. ft. / 1,858 sq. m	125 ft. / 38.1 m
		2		
		3	25,000 sq. ft. / 2,322.5 sq. m	150 ft. / 45.7 m
		4	30,000 sq. ft. / 2,787 sq. m	160 ft. / 48.8 m
		more than 4	30,000 sq. ft. / 2,787 sq. m  35,000 sq. ft. / 3,251.5 sq. m 35,000 sq. ft. / 3,251 sq. m plus 1,500 sq. ft. / 457 sq. m for each additional unit	175 ft. / 53.3 m  175 ft. / 53.3 m
central water supply and on-site sewerage system	II	1	25,000 sq. ft. / 2,322.5 sq. m 30,000 sq. ft. / 2,787 sq. m	150 ft. / 45.7 m 160 ft. / 48.8 m
		2	35,000 sq. ft. / 3,251.5 sq. m	160 ft. / 48.8 m
		3	40,000 sq. ft. / 3,717 sq. m	175 ft. / 53.3 m 200 ft. / 61 m
		4		200 ft. / 61 m
		more than 4	40,000 sq. ft. / 3,717 sq. m plus 1,500 sq. ft. / 457 sq. m for each additional unit	200 ft. / 61 m
on-site water supply and central sewerage system	I, II or III	1	15,000 sq. ft. / 1,391.5 sq. m	100 ft. / 30.5 m
		2	20,000 sq. ft. / 1,858 sq. m	125 ft. / 38.1 m
		3	25,000 sq. ft. / 2,322.5 sq. m	150 ft. / 45.7 m
		4	30,000 sq. ft. / 2,787 sq. m	160 ft. / 48.8 m
		more than 4	30,000 sq. ft. / 2,878 sq. m plus 1,500 sq. ft. / 457 sq. m for each additional unit	160 ft. / 48.8 m
central water supply and sewerage systems	I, II or III	any number	as determined by the authority having jurisdiction	as determined by the authority having jurisdiction

**TABLE 2  
MINIMUM LOT SIZE STANDARDS  
NON-RESIDENTIAL DEVELOPMENTS**

a) servicing	b) lot category	c) minimum lot area	d) minimum circle diameter to be contained within the boundaries of the lot
on-site water and on-site sewerage system	I	25,000 sq.ft. / 2,322.5 sq.m	150 ft. / 45.7 m
on-site water and on-site sewerage system	II	35,000 sq.ft. / 3,251.5 sq.m	175 ft. / 53.3 m
central water supply and on-site sewerage system	I	20,000 sq.ft. / 1,858 sq.m	125 ft. / 38.1 m
central water supply and on-site sewerage system	II	25,000 sq.ft. / 2,322.5 sq.m	150 ft. / 45.7 m
on-site water supply and central sewerage system	I, II, or III	15,000 sq.ft. / 1,393.5 sq.m	100 ft. / 30.5 m
central water supply and sewerage systems	I, II, or III	as determined by the authority having jurisdiction	as determined by the authority having jurisdiction

- (ii) With respect to the minimum circle diameter requirement set out in column (e) of Table 1 and column (d) of Table 2, where applicable, the space encompassed by the circle shall be in a location on the lot which will accommodate an on-site sewerage system.
- (iii) Lots shall be categorized according to the following:
- (a) Category I, where the lot has a depth or permeable natural soil of 2 ft. / 0.61 m or more, and where the depth of bedrock and the depth of the maximum water table elevation is greater than 4 ft. / 1.22 m;
  - (b) Category II, where the lot has a depth of permeable natural soil of 1 ft. / 0.3m or more, but less than 2 ft. / 0.61 m and where the depth to bedrock and the depth to the maximum water table elevation is 4 ft. / 1.22 m or greater;
  - (c) Category III, where the lot has a depth of permeable natural soil of less than 1 ft. / 0.3 m and where the depth to bedrock and the depth to the maximum water table elevation is less than 4 ft. / 1.22 m.
- (iv) Except where such a lot is serviced by a central sewerage system, development of a Category III lot shall not be permitted unless it is upgraded, to the satisfaction of the Minister of Environmental Resources, to conform with Category II as described in clause 3(b).

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## APPENDIX “C” – ARCHITECTURAL GUIDELINES

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### CONTEXT

1. Developments should consider the character of buildings in the immediate area, the architectural history, the unique small-town character of the Town of Georgetown, and in particular the following:
  - (a) the prevalent architectural styles of buildings on the same block;
  - (b) the height-to-width ratios of windows in existing buildings on the same block;
  - (c) the pitch, direction, and arrangement of roofs on existing buildings on the same block; and
  - (d) the size, shape and prominence of entrances and porches on existing buildings on the same block.

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## GENERAL BUILDING DESIGN

2. All structures should have one primary entry that faces the street. Additional entrances may be located to the side or rear.
3. Flat roofs or other non-contextual roof forms that would detract from the visual continuity of the streetscape are discouraged.
4. Front facing roofs should include accent gables, dormers, and a variation of rooflines to lend variation.
5. A single wall plane should not exceed the maximum façade width of a typical structure on the same block. If a building is wider overall than those seen typically, divide the large façade into subordinate wall planes that have dimensions similar to those of traditional buildings on the block.
6. All stacks, gas flues, and roof vents should not be visible from the front, or from flankage elevations in the case of corner lots.
7. All metal chimneys should be boxed-in and finished with cladding.
8. Emergency stairs should not be located on façades facing public streets.
9. Attached and detached garages should not dominate the street-facing building façade or be located in any portion of the front yard.

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## EXTERIOR MATERIALS

10. New developments should seek to use materials as is reflected in existing buildings but contribute to the mix and variety of their use.
11. The appearance of building materials should be true to their nature and should not mimic other materials.
12. For new developments, vinyl siding is discouraged where directly fronting and visible to a public street.
13. The following materials are prohibited for use as the outer layer of cladding on exterior walls of any structure:
  - (a) Asphalt shingles
  - (b) Black kite
  - (c) Tar paper
14. The front and flankage elevations should carry a consistent type and quality of materials and window treatments.