Rural Municipality of North Shore Land Use Bylaw (2021)

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In association with SJ Murphy Planning & Consulting

Original date of approval by Minister (effective date)	April 7, 2022

	Description	**BY Amendment Number**	**Council Adoption**	**Effective Date**
1	Rezoning of PID 1082056 from Agriculture to Residential	BY-01-2022	May 20, 2022	May 25, 2022
2	Rezoning of PID 796052 from Agriculture to Residential	BY-02-2022	July 13, 2022	Nov 10, 2022
3	Rezoning of PID 464271 from Agriculture to Residential	BY-03-2022	December 14, 2022	Aug 8, 2023
4	Rezoning of PID 575910 from Agriculture to Residential	BY-04	July 10, 2024	July 30, 2024
5	Rezoning of PID 141382 from Agriculture to Residential	Provincial file # NS2025A	May 21, 2025	April 14, 2026
6	Rezoning of portion of PID 490417 from Agriculture to Residential	Provincial file # NS2025B	May 21, 2025	April 14, 2026
7	Rezoning of PID 135228 from Agriculture to Residential	2021-B	March 25, 2026	April 14, 2026
8	Rezoning of PID 1183227 from Institutional to Commercial	2021-C	March 31, 2026	April 14, 2026
9	Rezoning of PID 135061 and 135046 from Agriculture to Residential	2021-A	March 31, 2026	April 14, 2026
10	Rezoning a portion of PID 544940 from Parks and Recreation to Residential	2021-C	April 27, 2026	May 26, 2026
11	Amended: Subsection 2.1(1), Clause 2.3(2)(a), Clause 2.3(2)(c), Clause 2.3(2)(d), Subsection 3.4(8), Clause 4.1(4)(e), Subsection 4.4(2), Clause 4.9(1)(c), Subsection 4.20(1), Subsection 4.21(2), Subsection 4.25(3), Clause 5.2(1)(j), Clause 12.2(1)(d), Clause 13.2(1)(d), Clause 16.4(1)(c), Clause 16.4(1)(d), Subsection 16.5(1), Subsection 16.5(3), Subclause 16.11(1)(d)(iv), Clause 16.12(1)(a), Clause 16.12(1)(c), Clause 16.13(4)(c) Schedule A: Zoning Map Schedule B Sections 60, 75, 76, and 97	2021-E	June 30, 2026	July 16, 2026

	Added: Clause 2.3(2)(e), Subsection 4.1(5), Subsection 4.17(5), Part 8A, Subsection 16.5(4), Clause 16.11(2)(e), Clause 16.12(1)(c.1) Schedule B Sections 4A, 16A, 20A, 34A, 59A, 60A, 75A, 75B, 75C, 75D, and 80A Deleted: Subsection 16.11(7)			

This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version. While care has been taken to ensure these versions are as accurate as possible, where accuracy is critical, please consult official sources available at the municipal office.

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1. INTRODUCTION

1.1 TITLE

(1) The Bylaw shall be known and cited as the *Rural Municipality of North Shore Land Use Bylaw* (2021), or the Bylaw.

1.2 PURPOSE

(1) The purpose of the Bylaw is to implement the policies of the *Rural Municipality of North Shore Official Plan* (2021), referred to in the Bylaw as the *Official Plan*, and to establish a fair and systematic means of development control for the Municipality.

1.3 AUTHORITY FROM THE PROVINCE OF PRINCE EDWARD ISLAND

(1) The Bylaw is enacted pursuant to the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8, referred to here as the *Planning Act*.

1.4 AREA DEFINED

(1) The Bylaw applies to the geographical area within which the Rural Municipality of North Shore has jurisdiction.

1.5 SCOPE

(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 Municipality, except in conformity with the Bylaw.

1.6 AUTHORITY OF DEVELOPMENT OFFICER

(1) Council shall appoint a Development Officer(s) whose duties shall be as provided in this Bylaw.

(2) The Development Officer shall not be a member of Council.

(3) A Development Officer shall have the authority to administer this Bylaw. Notwithstanding the foregoing, a Development Officer shall have the authority to approve or deny severances, lot consolidations and development permits in accordance with this Bylaw in all areas except for:

a. Commercial developments with a building having an area greater than 600 sq. m. (6,458 sq.ft.);
b. Institutional developments with a building having an area greater than 600 sq. m. (6,458 sq.ft.);
c. Industrial developments with a building having an area greater than 600 sq. m. (6,458 sq.ft.);
d. Multi-unit row dwellings or multi-unit dwellings of greater than 4 units;
e. Subdivisions of more than four lots;
f. Variances of more than ten percent (10%); and

g. Discretionary approvals as identified in this bylaw.

(4) The Development Officer, as authorized by Council may, with prior notice in accordance with section 236 of the *Municipal Government Act*, enter a building or a premise in the performance of duties with respect to the administration and enforcement of the Bylaw.

1.7 INTERPRETATION

(1) In the Bylaw, words used in the present tense include the future tense; words in the singular number include the plural; words in the plural include the singular; the word "used" includes "arranged, designed or intended to be used"; the word “may” is permissive and not mandatory; and the word "shall" is mandatory and not permissive.

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

1.8 PERMITTED USES

(1) In the Bylaw any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.

(2) Where a permitted use within any zone is defined in the Bylaw, the uses permitted in the zone include any similar uses except where a definition specifically excludes any similar use.

1.9 EFFECTIVE DATE

(1) The Bylaw shall come into force on the date of approval by the Minister responsible for administering the *Planning Act*.

1.10 REPEAL

(1) Any prior bylaws covering the lands or structures contained within the current boundaries of the Rural Municipality of North Shore shall be repealed as of the Effective Date per section 1.9 above.

2. ZONES AND THE ZONING MAP

2.1 ZONES

(1) All properties within the Municipality shall be designated with a zone. Each zone may be referred to by the following symbols:

	Zone	Symbol
a.	Agricultural Zone	A
b.	Residential Zone	R
c.	Multi-Unit Residential Zone	R3
d.	Tourism Establishment Zone	TE
d.1	**Resort**	**RES**
e.	Commercial Zone	C
f.	Industrial Zone	I
g.	Public Service and Institutional Zone	PSI
h.	Parks and Recreation Zone	PR
i.	Environmental Conservation Zone	EC
j.	Federal Jurisdiction Zone	FJ
k.	Right of Way Zone	ROW

2.2 ZONING MAP

(1) A visual representation showing the boundaries of each zone, known herein as the Zoning Map, shall be attached hereto as Schedule A and forms part of the Bylaw.

(2) Revisions or amendments to the Zoning Map shall be recorded by the Municipality, and the Zoning Map shall be updated accordingly.

2.3 INTERPRETATION OF ZONE BOUNDARIES

(1) Boundaries between zones shall be determined as follows:

a. Where a zone boundary is indicated as following a street or highway, the boundary shall be the centerline 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 boundary of the Municipality, the limits of the zone shall be the Municipality's boundary; and

d. Where none of the above provisions apply, the zone boundary shall be scaled from the high-resolution version of the Zoning Map lodged with the Municipality.

(2) Where the zone boundary delineates the Environmental Conservation Zone:

a. The Zoning Map reflects the **estimated** location of wetlands, watercourses and the environmental buffer as defined in the Watercourse and Wetland Protection Regulations prescribed under the *Environmental Protection Act*;

b. The Zoning Map has been drawn based on the 2010 provincial delineation of the coastline, wetland and watercourse land use boundaries;

c. The location of the Environmental Conservation Zone boundary may change over time as the coastline, wetland, and watercourse boundaries change due to natural processes, **or as provincial approvals are given to modify any of these sensitive environmental features.**

d. In the event of an application in relation to a lot located within or within 30m (98.43 ft) of the Environmental Conservation Zone, the boundary shall be identified on a plan of survey, **delineated and matching the boundary as determined by the Province through publicly available mapping, or as otherwise identified by the Province.**

e. For greater clarity, the Environmental Conservation Zone boundary is a dynamic boundary, the application of which is dependent on the existence of wetlands, watercourses, and their associated buffer zones, all of which are protected under the *Environmental Protection Act* and *Watercourse and Wetland Protection Regulations*. Where such a protected environmental feature or buffer is not present on a lot or portion thereof, including to the extent that a permit issued by the Minister responsible for the *Environmental Protection Act* authorizes the alteration or removal of the feature or buffer, the Environmental Conservation Zone shall not apply to that lot or portion thereof, to that extent, and the provisions of the immediately adjacent zone on the same property shall be deemed to apply.

3. ADMINISTRATION

3.1 FEES FOR APPLICATIONS

(1) Council shall set fees for applications and related services in a Fee Schedule, which shall be attached hereto as Schedule C and forms part of the Bylaw.

(2) The value of administration and application fees shall be set from time to time by a resolution of Council.

3.2 APPLICATIONS

(1) The following types of applications shall be administered in accordance with the Bylaw:

a. Development Permit;

b. Variance;

c. Bylaw and/or *Official Plan* amendment; and

d. Subdivision.

(2) An application submitted in accordance with the Bylaw shall be:

a. Completed on the applicable form as prescribed by Council;

b. Submitted to the Municipal Office with all additional information required by the Bylaw;

c. Signed and dated by the property owner or the property owner's authorized agent; and

d. Accompanied by an application fee in accordance with the Fee Schedule established by Council.

(3) An application is considered incomplete, and a decision shall not be rendered on such an application, until such time as all required information is submitted, including the:

a. Application form signed and dated by the owner or owner's authorized agent;

b. Non-refundable administrative fee, the application fee and any other required fees;

c. Site plans, drawings and other representations of the proposed development, as required;

d. Approval(s) from other governments and/or agencies, as required; and

e. Additional information, as required by the Development Officer.

(4) An incomplete application shall be considered null and void if the applicant does not submit the required information and does not make payment in full on the application within six (6) months of submitting the initial application form.

(5) An application submitted in accordance with the Bylaw shall constitute authorization for inspection of the structure or land in question, by the Development Officer or an officer or agent of the Municipality, for the purpose of ensuring compliance with the provisions of the Bylaw.

3.3 COMPLIANCE WITH OTHER REGULATIONS

(1) An approval of an application under the Bylaw does not exempt a person from complying with the requirements of any other bylaw of the Municipality or from obtaining any license, permission, permit, authority, or other approval required by any other bylaw of the Municipality or any statute, regulation, or other enactment of the Provincial government or the Government of Canada.

(2) Where the provisions of the Bylaw conflict with those of another bylaw of the Municipality, or with a statute regulation, or other enactment of the Provincial government or the Government of Canada, the highest, strictest, or most stringent provision shall prevail.

3.4 DEVELOPMENT PERMITS

(1) A person is required to obtain a development permit prior to:

a. changing the use of a lot, building or structure;

b. commencing a development;

c. constructing, placing, moving or demolishing a building or structure;

d. making structural alterations to a building;

e. making a connection to a central water supply or sewerage disposal system;

f. installing underground a septic tank, a fuel tank, a foundation wall or the like;

g. creating or constructing an entranceway or driveway, or laying paving material for a driveway or parking lot;

h. starting a home occupation;

i. digging an excavation pit;

j. placing of dump fill or other material over 10 m^3(353.9 ft^3); or

k. installing a ground-mounted solar panel(s) system.

(2) A person is not required to obtain a development permit to:

a. lay paving materials for patios or sidewalks;

b. construct an uncovered deck that is 0.6 m (2.0 ft) or less in height (excluding handrails)

c. construct a fence of 1.2 m (3.9 ft) in height or less;

d. install a clothesline, pole, radio or television antennae;

e. make a garden or prepare land for a crop;

f. make landscaping improvements that do not alter the grade or surface water drainage across the lot;

g. construct or place an ornamental structure or an accessory building of less than 10 m^2 (107.6 ft^2);

h. install roof-mounted solar panels on an existing structure;

i. conduct routine maintenance on a building or structure; or

j. undertake interior renovations that do not result in a change to the exterior of a building, the number of dwelling units within a building, or the use of a building.

(3) When a development does not require a development permit, the requirements of the Bylaw and any other applicable bylaws of the Municipality or any statute, regulation, or other enactment of the Provincial government or the Government of Canada, shall still apply.

(4) A development permit issued under the Bylaw does not substitute or supersede the requirement for a building permit for the construction, demolition, occupancy or use of a building under the *Building Codes Act* and applicable regulations. Furthermore, a Building permit issued under the *Building Codes Act* and applicable regulations, does not substitute or supersede the requirement for a development permit under the Bylaw.

(5) An application for a development permit shall be rejected if:

a. The proposed development does not conform to the Bylaw or other bylaws of the Municipality, applicable enactments of the Provincial government or of the Government of Canada;

b. The method of water supply and/or waste disposal is insufficient for the proposed development and/or use;

c. The proposed access is not permitted by the *Roads Act;*

d. The proposed access requires the use of a private road or access over an adjacent property for which a legal right-of-way has not been properly granted;

e. The impact of the proposed development would be detrimental to the environment by reason of noise, dust, drainage, infilling or excavation which affects environmentally sensitive or residential areas;

f. The proposed development would be detrimental to the convenience, health or safety of the occupants or residents of the development and/or in the vicinity or the general public.

(6) An approved development permit is valid for up to 12 months from the date of approval and if work has not commenced within that period, the development permit shall be considered null and void.

(7) The applicant shall post the approved permit on the lot subject to the development in a manner that is visible to the public.

(8) Council may grant an extension on an approved development permit for up to **twelve (12)** months from the date of expiry, if the applicant requests the extension prior to the date of expiry. After such time, an application for a new development permit must be submitted.

(9) Council may revoke a development permit where information provided for the application is found to be inaccurate.

3.5 INFORMATION REQUIRED FOR A DEVELOPMENT PERMIT

(1) A development permit application shall be accompanied by a site plan, drawn to scale, and showing the following information:

a. The boundaries of the subject lot, including dimensions;

b. All existing highways, rights-of-way and/or easements on and adjacent to the lot;

c. The location of existing and proposed driveways, including the distance from the centre of the driveway to the nearest property boundary;

d. The distance from the proposed building or structure to all property boundaries;

e. The location and exterior dimensions of the proposed building or structure;

f. The location and exterior dimensions of all existing buildings or structures on the lot;

g. The distance from the proposed building or structure to the centre of any highway and/or private roads;

h. The distance from the proposed building or structure to any existing buildings or structures;

i. The distance from the proposed structure to the boundary of any wetland, watercourse, sand dune, or the top of the bank adjacent to a wetland or watercourse and the location of the environmental buffer zone as defined in the Watercourse and Wetland Protection Regulations prescribed under the *Environmental Protection Act*;

j. The distance from the proposed building or structure to any existing or proposed well and sewerage disposal system (including tank and field tile);

k. The distance between any existing or proposed well and sewerage disposal system;

l. The proposed use of the lot and any building or structure;

m. The location of any well, sewerage disposal system, parking spaces and driveways within 30 m (98.4 ft) on adjacent lots;

n. The existing land use adjacent to each lot line and the existing or proposed location, width and type of landscape edge or fence to be maintained, if a landscape edge is required by section 4.10; and

o. Any other information which the Development Officer considers necessary to demonstrate compliance with the requirements of the Bylaw.

(2) All new commercial, public service and institutional, resource-based industrial, and recreation and public open space developments will attach, to the development permit application, a copy of a parking plan indicating the provision of adequate off-street parking for employees, visitors and other traffic.

(3) The site plan shall be based on a survey plan prepared by a licensed surveyor when:

a. The lot subject to a development does not meet the minimum lot area and/or lot frontage requirements of the Bylaw; and/or

b. The location of an existing building or structure on the subject property, with respect to the lot boundary or with respect to the proposed building or structure, is necessary to determine the compliance of the application.

(4) Except for the reasons provided by subsection 3.5 (5) below, a development permit application shall be accompanied by a stormwater management plan, prepared by a licensed engineer or qualified landscape architect, drawn to scale and showing the following information:

a. Existing and proposed grade elevations relative to the adjoining lot(s) and the public right of way;

b. Stormwater management design features (i.e., swale, berm etc.) and the proposed direction of flow for the surface water runoff, which shall not result in direct water runoff onto adjacent lots, including existing private roads and rights-of-way.

c. The finished floor or foundation elevation of existing buildings or structures on the lot and of existing buildings or structures on adjacent lots located within 15 m (49.2 ft) of the adjoining lot line; and

d. The proposed surface, finished floor or foundation elevation of the proposed building or structure.

(5) A stormwater management plan is not required for the following types of developments, where the development does not involve an alteration or change to the existing grade of the land within the minimum side or rear yard setbacks of the lot:

a. A development that conforms with a preapproved stormwater management plan as prepared for the subdivision approval of the lot;

b. A development of a structure with a footprint less than 65 m^2 (699.7 ft^2) and a proposed setback of more than 15 m (49.2 ft) from any lot line or existing building or structure;

c. A development that will result in a total lot coverage of less than 10%;

d. A development of a building or structure with a footprint less than 20 m^2(215.3 ft^2);

e. A development of a building or structure that will be built on raised sono-tubes, posts or piles and will not affect the natural and existing flow for drainage;

f. The replacement of a building structure with one of the same size and in the same general location, provided no changes are being made to the grade of the lot under or around the building or structure.

(6) The information submitted on the required site plan and stormwater management plan may be submitted on a single combined plan if all necessary information can be presented on a single plan and the plan has been prepared by the appropriate licensed/qualified professional(s).

(7) For a development application on a lot adjacent to or near a watercourse or wetland, the following additional information is required:

a. A Coastal Erosion and Flood Risk Assessment; and

b. Verification of an approved Watercourse, Wetland and Buffer Zone Activity Permit if the development proposed involves any alteration or development within the Environmental Buffer.

(8) The Development Officer may require an applicant to submit additional information where the Development Officer considers the information necessary to determine if the proposed development complies with the Bylaw.

(9) Following the approval of a development permit, should there be a change in any of the information submitted for the permit approval, the applicant shall submit the proposed changes by way of written description or revised drawings and representations for review

by the Development Officer, and the Development Officer shall determine if the proposed changes warrant a new development permit application.

(10) The Development Officer shall post all decisions relating to applications in accordance with Section 23.1 of the *Planning Act.*

3.6 FOOTING CERTIFICATION

(1) When the location of a proposed building or structure is 0.3 m (1 ft) or less from that of the minimum setback permitted in the zone, or when a variance has been approved for a reduced minimum setback, the development permit shall be approved in two phases.

(2) The first phase of the development permit will allow only for site work and the construction of the building's footing.

(3) When a phased development permit has been issued, a footing certificate or survey plan shall be submitted to confirm the location of the building's footing prior to the second phase development permit being approved and construction commencing beyond the footing stage.

3.7 APPLICATION REQUIREMENTS FOR ON-SITE SERVICES

(1) Notwithstanding the minimum lot size standards of this Bylaw, all applications involving an on-site sewerage disposal system or on-site water supply must meet the requirements of the *Planning Act* Province-Wide Minimum Development Standards Regulations for on-site servicing based on soil category, as included in Schedule D of the Bylaw and the *Environmental Protection Act* Sewage Disposal Systems Regulations and Water Well Regulations.

(2) Where Council has approved a variance to the minimum lot frontage, lot area and/or circle diameter requirements of the *Province-Wide Minimum Development Standards Regulations* in accordance with sections 4, 5, or 9 of those Regulations, or where the minimum lot size standards do not apply pursuant to section 8 of those Regulations, an application for a development permit shall also include the following:

a. An on-site sewerage disposal system proposal appropriate for the soil type, lot size and proximity to adjacent lots, designed and certified by a licensed professional engineer; and

b. Confirmation from a licensed well driller that the proposed well location meets all applicable requirements for separation distance from adjacent existing wells and/or sewerage disposal systems within the lot, or to wells or sewerage disposal systems on adjacent lots.

(3) An application for a development located within the West Covehead water well restricted area shall also include a copy of the well permit as required under the *Environmental Protection Act* Water Well Regulations.

3.8 VARIANCES

(1) When a development permit application cannot be approved because the proposed development does not meet the minimum requirements of the Bylaw, the applicant may

apply to the Development Officer for a variance to reduce the minimum setback requirement(s) for a front, rear, side and/or flankage yard; and/or to reduce the minimum regulation pertaining to lot area, lot coverage, lot frontage and/or building height.

(2) A review of a variance application shall not commence until all required information has been submitted, including the signed variance application form; applicable fee(s); and any additional information as required to consider the requested variance.

(3) Variance applications not exceeding 10% from the provisions of the Bylaw may be approved by the Development Officer if, in the opinion of the Development Officer, the variance is consistent with the policies and objectives of the *Official Plan*, the general intent and purpose of the Bylaw, and provided that:

a. The lot in question has peculiar physical conditions, including but not limited to a small lot size, irregular lot shape, or exceptional topographical conditions, which make it impractical to develop in strict compliance with Bylaw standards;

b. Strict application of all Bylaw standards would impose undue hardship on the applicant by excluding them from the same rights and privileges for reasonable use of their lot as enjoyed by other persons in the same zone;

c. The variance is of the least magnitude required to enable reasonable use of the lot; or

d. The proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.

(4) Notwithstanding any other provisions of this bylaw and upon receiving a recommendation from Planning Board, Council may grant a variance for a development application in excess of 10% but not exceeding 20% of the minimum setback, lot area, frontage, lot coverage, and/or building height as required in the zone.

(5) Before Council considers a variance in excess of 10%, the Development Officer shall:

a. Receive from the owner sufficient funds to cover the costs associated with a mail-out and the application fee;

b. Provide written notice by ordinary mail or hand delivery, explaining the details of the proposed application, to all owners within 150 m (492.1 ft.) of the boundaries of the subject lot;

c. Ensure that the notice identifies the subject lot and describes the application and the date by which written comments must be received; and

d. Accept all comments submitted within fourteen (14) calendar days from the date of the notice.

(6) The applicant or their authorized agent shall be provided an opportunity to present their proposal for a variance to the Planning Board and to answer any questions that may arise.

(7) Planning Board shall consider applications for a variance and shall make a recommendation on the application to Council, having considered: the criteria set out in subsection (3); the input received from the public in writing or as presented during the public meeting of Planning Board; and the policies and objectives of the *Official Plan.*

(8) A variance shall be rejected where the difficulty experienced is the result of intentional or negligent conduct of the applicant or the owner, or where the difficulty can be remedied reasonably in some other manner.

(9) Council may approve, reject or approve with conditions a variance application, including approval of a variance which is less than requested, by way of resolution, and authorization for a variance shall be documented and recorded in writing.

(10) If a variance is approved or approved with conditions, the variance approval shall be noted on the applicable development permit and any conditions of the approval shall also be stated on the development permit or within a development agreement.

3.9 CONDITIONAL APPROVALS AND DEVELOPMENT AGREEMENTS

(1) A development permit application may be approved subject to conditions, and such conditions shall be directly related to the regulations in the Bylaw and shall be consistent with the policies of the *Official Plan* and/or other bylaws of the Municipality, and shall be described on the development permit.

(2) When a development permit has been approved subject to a variance approval, the applicant may be required to enter into a development agreement with the Municipality, and the development agreement may describe additional conditions negotiated as a condition of the variance, and the development agreement shall be a contract binding on both parties.

(3) A development permit issued subject to a development agreement shall reference the signed agreement as a condition of the permit.

(4) A development agreement shall be registered in accordance with the *Registry Act*.

(5) Fees associated with the preparation, registration and enforcement of the development agreement shall be paid by the owner.

(6) Failure to comply with a development agreement shall constitute an offence.

3.10 BYLAW AND *OFFICIAL PLAN* AMENDMENTS

(1) An application to change the text of the Bylaw or the Zoning Map shall be considered a Bylaw amendment.

(2) Applications to amend the Bylaw must demonstrate that they are consistent with the policies and objectives of the *Official Plan* and the Future Land Use Map.

(3) The *Official Plan* and/or Future Land Use Map may be amended to enable a Bylaw amendment, and such Bylaw and *Official Plan* amendments may be heard concurrently, provided that:

a. Applications for both amendments are posted on the same public and written notices; and

b. The *Official Plan* amendment precedes the Bylaw amendment.

(4) The review of a Bylaw and/or *Official Plan* amendment application shall not commence until all required information has been submitted, including the signed application, applicable fee(s), and any additional information as requested by the Development Officer or Council to consider the proposed amendment.

(5) A Bylaw and/or *Official Plan* amendment application shall include information as may be required for the purpose of adequately assessing the proposal, which may include but is not limited to:

a. A written description of the proposed amendment(s), and the applicable *Official Plan* policies and objectives that support the amendment(s), or a description of the section(s) of the *Official Plan* to be amended to enable the Bylaw amendment(s).

b. A general development concept plan showing details such as proposed land uses, subdivisions, building locations, means of servicing, access and parking;

c. A development concept plan showing details such as site development details, proposed building elevation drawings, landscape and stormwater management plan details, access and parking;

d. A written description of the potential development impacts on existing infrastructure and/or the environment; or

e. For text amendments, a written description of the implications of the proposed change and a map identifying all properties impacted by the proposed change, if applicable.

(6) The Municipality may initiate a Bylaw and/or *Official Plan* amendment by preparing a report and all other necessary information, consistent with that of an external application.

(7) Council and the Planning Board shall consider the following general criteria when reviewing applications for Bylaw and/or *Official Plan* amendments, as applicable:

a. Conformity with requirements and intent of the Bylaw;

b. Conformity with the policies and objectives of the *Official Plan*;

c. Suitability of the site for the proposed development;

d. Compatibility of the proposed development with surrounding land uses, including both existing and projected uses;

e. Adequacy of existing or proposed water, sewer, highway or private road, storm water and electrical services, and parks for accommodating the development, and any projected infrastructure requirements;

f. Impacts from the development on pedestrian/vehicular access and safety, and on public safety generally;

g. Compatibility of the development with agricultural, environmental, scenic and heritage resources;

h. Impact on municipal finances and budgets;

i. Commentary received from the public;

j. Other matters as specified in the Bylaw; and

k. Other matters as considered relevant.

(8) Planning Board shall review a Bylaw and/or *Official Plan* amendment request and provide a recommendation to Council to: proceed to a public meeting to consider the application further; reject the application; or, to request additional information on the application.

(9) Council shall consider Planning Board's recommendation and shall make a decision on whether the application is consistent with the *Official Plan,* and shall decide: if the application may proceed to a public meeting; to reject the application; or to request additional information on the application.

(10) Council has the right to reject an amendment request without holding a public meeting, if such request is deemed to be inconsistent with appropriate land use planning standards or the *Official Plan*. Should Council not proceed with a public meeting, the application fee shall be returned to the applicant, not including the non-refundable administration fee.

(11) Council may agree to proceed to a public meeting subject to conditions, modifications or additional information, and may request that the application be reviewed by Planning Board again once the changes or additional information have been submitted, and prior to proceeding to the public meeting.

(12) If Council has agreed to consider the Bylaw and/or *Official Plan* amendment subject to conditions, modifications or additional information that may be required, no public meeting will be scheduled until such conditions have been met or the additional information has been submitted.

(13) Prior to holding a public meeting to solicit input from the public on the proposed application:

a. Written notice of the application shall be delivered, by ordinary mail or hand delivery, explaining in general terms, the nature of the application, to all owners within 150 m (492.1 ft) of the boundaries of the subject lot, if applicable (map amendments);

b. The date, time and place of the public meeting, together with the general terms of the application shall be posted at least seven (7) clear days prior to the public meeting:

i) in a newspaper circulating in the area; and

ii) by placing a sign on the land subject to the rezoning (if applicable).

c. The Municipality will accept written comments on the application for fourteen (14) calendar days from either the date of the written notice or the first date of meeting advertisement, whichever is later.

(14) A public meeting for a Bylaw and/or *Official Plan* amendment application shall be held in accordance with the requirements of the *Planning Act*, and:

a. Council shall preside at the meeting;

b. The applicant or their authorized agent shall be provided an opportunity to present the proposed amendment and shall answer any questions presented to them; and

c. Council shall hear the comments and opinions of any other person who wishes to be heard.

(15) Following the public meeting, Planning Board shall consider the feedback received from the public by way of written responses and comments made at the public meeting. The applicant

may be provided another opportunity to present to Planning Board to answer any further questions that may have arisen at or following the public meeting. Planning Board shall make a recommendation to Council on the application.

(16) Council shall consider the recommendation of Planning Board and shall determine if the proposed Bylaw and/or *Official Plan* amendment application is approved or rejected. The decision shall be made in accordance with sections 14 and 19 of the *Planning Act* and the applicant shall be notified in writing of the decision.

(17) Bylaw and *Official Plan* amendments approved by Council also require approval by the Minister responsible for administering the *Planning Act* or any successor enactment. No development permits or subdivision applications related to the amendment(s) shall be approved by the Municipality, until the approval from the Minister has been granted for the necessary amendments.

3.11 APPEALS

(1) Any person who is dissatisfied with a decision of the Development Officer or Council in respect of an application made pursuant to this bylaw may appeal the decisions to the Island Regulatory and Appeals Commission in accordance with section 28 of the *Planning Act*.

3.12 VIOLATIONS AND PENALTIES

(1) A person who violates a provision of the Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in the *Planning Act*.

(2) The Municipality is entitled to enforce the Bylaw and restrain any breach of the Bylaw in accordance with the *Planning Act* and the *Municipal Government Act.*

4. GENERAL PROVISIONS FOR DEVELOPMENT

4.1 ACCESS AND LOT FRONTAGE

(1) No development permit shall be issued unless the lot in question has lot frontage on a highway, or has legal access to a private road.

(2) No person shall construct or use an entranceway except where that entranceway meets the minimum sight distance standards as established under the *Planning Act*, the *Roads Act*, or any successor enactment.

(3) Where an entranceway permit is required for a new access or for the intensification of an existing access under the provincial Highway Access Regulations prescribed under the *Roads Act*, its issuance shall be a precondition of the approval of the development permit.

(4) A Development Permit for a structure that fronts on a private road may be approved, provided that the following criteria are met:

a. Subject to subsection 16.5(2), the parcel was approved prior to the effective date of this bylaw;

b. No reasonable provision can be made to provide direct access to a highway;

c. There is a safe ingress and egress from the lot or private road to a highway;

d. The applicant can establish legal entitlement to use the private road for access to the property in question and any such legal entitlement established through an agreement with the owner of the private road shall be registered in accordance with the provisions of the *Registry Act*; and

e. The applicant shall be required to enter into a development agreement with the municipality, registered in accordance with the provisions of the *Registry Act* at the applicant's expense, acknowledging the following: "The private right-of-way serving PID _____ is not owned or maintained by **the Rural Municipality of North Shore and therefore properties located on this private road may not be entitled to any services such as** grading, ditching, snowplowing, gravelling, school busing, or solid waste collection."

(5) **Notwithstanding subsection 4.1(4), a development permit may be issued for a lot in the Resort (RES) Zone that has legal access to a private road, provided that:**

a. The private road has legal access to a highway;

b. Safe ingress and egress is provided from the lot to the private road and from the private road to a highway;

c. The applicant establishes legal entitlement to use the private road for access to the lot;

d. Any legal entitlement established through an agreement with the owner of the private road is registered in accordance with the Registry Act; and

e. The owner enters into any agreement required by the Municipality respecting ownership, maintenance, repair, snow clearing, drainage, emergency access, civic addressing, solid waste collection, and municipal non-assumption.

4.2 ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES

(1) No accessory building or accessory structure shall be constructed prior to the time of construction of the main building to which it is accessory.

(2) Accessory buildings and accessory structures shall not be used for human habitation except where a secondary dwelling is a permitted accessory use.

(3) Accessory buildings and accessory structures shall have a minimum setback of 1.5 m (4.9 ft) to any lot line.

(4) Accessory buildings and accessory structures shall have a maximum height of 7.62 m (25 ft).

(5) Accessory buildings and accessory structures shall have a maximum combined floor area of 140 m^2 (1500 ft^2), and the combined footprint of the main dwelling and that of the accessory buildings and structures shall not exceed the maximum lot coverage permitted in the zone.

(6) An accessory building or accessory structure that exceeds 600 m^2 (6,458 ft^2) in a zone permitted to have more than one main building on a lot shall be treated as a second main building on the lot and shall meet the development requirements for a main building in the zone.

(7) A staircase, ramp, deck, balcony, or other projection from a building shall be subject to the same building setback requirements as the main building within the zone, and the structure may be permitted to project into the minimum side or rear yards by 1 m (3.3 ft) where the height of the projection is less than 0.6 m (2 ft) above grade.

(8) A fence may be erected or placed on a lot subject to the following regulations:

a. The maximum height for a fence in any zone is 2.5 m (8.2 ft); and

b. Where a fence is to be placed on a lot line, the owner is responsible for having the property surveyed by a licensed surveyor in accordance with the *Land Surveyors Act,* to ensure the fence line does not encroach on an adjacent lot.

4.3 BUILDING SEPARATION DISTANCES

(1) Where more than one main building is permitted on a lot, the minimum separation distance between buildings shall be 6.0m (19.7 ft) unless the subject buildings have been designed and certified by a licensed architect and/or engineer to confirm that the proposed separation distance satisfy the National Building Code requirements for the proposed building types and uses.

(2) The minimum separation distance between a main building and an accessory building or structure, or a temporary building shall be 1.2 m (3.9 ft).

4.4 BUILDING SETBACKS FROM HIGHWAYS AND PRIVATE ROADS

(1) Notwithstanding the minimum front yard requirements of the zone, the minimum building setback from a highway shall be:

a. 15 m (49.2 ft) from an arterial, collector and local highway; and

b. 5 m (16.4 ft) from an interior subdivision or seasonal highway.

(2) Notwithstanding the minimum front yard requirements, the minimum building setback from a private road shall be 15 m (49.2 ft) from the centre line of the private road**, except in the Resort (RES) zone, where the minimum front yard requirements will apply**.

(3) When a building is erected between two existing buildings on adjacent lots that are each located within 15 m (49.2 ft) of the proposed building, the minimum front yard setback shall be no less than that of the adjacent building which is closer to the highway.

4.5 EXCAVATION PITS

(1) A development permit is required for the operation of an excavation pit and the permit must be renewed annually.

(2) Excavation pits shall comply with all applicable provincial statutes, regulations and other enactments and confirmation that the proposed development complies with such enactments shall be submitted with the development permit application annually.

(3) The following minimum separation distances shall apply to new excavation pits:

a.	Minimum setback from any lot line	8 m (26.2 ft)
b.	Minimum separation distance from a highway	60 m (197 ft)
c.	Minimum separation distance from a residential zone, excluding a property owned and occupied by the owner of the excavation pit.	300 m (984.3 ft)
d.	Minimum separation distance from an institutional, parks and recreation or environmental conservation zone.	500 m (1640.4 ft)
e.	Minimum separation distance from a watercourse or wetland	50 m (164.0 ft)

(4) Excavation pits shall be screened from view from any adjacent highway either by a growth of trees of sufficient density or by the creation of an earthen berm.

4.6 EXEMPTIONS: HEIGHT

(1) The maximum height requirement set out in the Bylaw shall not apply to spires, lightning rods, water tanks, monuments, elevator enclosures, silos, flag poles, lighting standards, television or radio antennae, telecommunications towers, ventilators, skylights, barns, fire towers, drive-in theatre screens, chimneys, clock towers, solar panels (when mounted on a building), power transmission towers, roof top cupola, wind power generators, or utility poles.

4.7 EXEMPTIONS: SIDE YARD SETBACK

(1) Notwithstanding the side yard setback requirements in the Bylaw, where buildings on adjacent lots share a common wall, the applicable side yard requirement will be zero along the common lot line.

4.8 HOME OCCUPATION

(1) Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit as a personal office for residents of the dwelling unit provided the personal office is not intended to be visited by members of the public and no signage is posted. No development permit is required.

(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 up to two students at a time provided no signage is posted. No development permit is required.

(3) Subject to subsections (4), (5), and (6), the following commercial and institutional uses are permitted as home occupations in a single detached dwelling on a Residential Lot:

a. Commercial child care facility, subject to provincial regulations;

b. Tourism establishment, subject to the tourism establishment requirements in the Bylaw;

c. Personal Services;

d. Business or professional office, providing clerical, computer and/or telephone based services;

e. Multi-level marketing retail sales;

f. Catering, for off-premise delivery only;

g. Private lessons, tutoring or training sessions;

h. Health and wellness services; or

i. Craft studio or other seasonally operated specialty shop.

(4) Where the proposed home occupation is likely to intensify the existing on-site water and wastewater services, the Development Officer may request confirmation that the existing systems are capable of supporting the proposed use, and such confirmation shall be submitted by a licensed septic contractor who carries a minimum of two (2) million dollars in professional liability and errors and omissions insurance or, in the case of a lot that does not meet the standards of the *Planning Act* Province-Wide Minimum Development Standards Regulations, from a licensed professional engineer.

(5) Council may approve an alternative commercial use as a home occupation by resolution after receiving a recommendation from the Planning Board, provided that the commercial use is found to be compatible with adjacent land uses, and that no permanent injury or nuisance will be caused to the existing or permitted use of the adjoining properties.

(6) Home occupations shall comply with the follow requirements:

a. The owner of the business shall live in the dwelling;

b. No more than two (2) employees may live outside the dwelling;

c. No more than twenty five percent (25%) of the total floor area of the dwelling is used for the business;

d. Parking spaces are provided on the lot for both the dwelling and the commercial use in accordance with the parking requirements for both uses;

e. No outdoor storage of materials or outdoor display of products is used in conjunction with the business;

f. The external appearance of the dwelling is not altered; and

g. The requirements of section 3.7 regarding water and sewerage disposal systems are satisfied.

4.9 LAND USES PERMITTED IN ALL ZONES

(1) The following uses are permitted in all zones:

a. Conservation areas and natural areas

b. Trails and pathways

c. Marine access**, excluding marine access structures**

d. Public and private utilities and utility-related buildings or structures

(2) Temporary buildings or structures incidental to construction with a valid development permit, including but not limited to an accessory building, storage container, scaffolds and equipment, are permitted on a lot as long as construction is in progress, and for a maximum of thirty (30) days after the completion of the development.

4.10 LANDSCAPE EDGES AND LANDSCAPING

(1) The provision and maintenance of a landscape edge of not less than 4.5 m (14.8 ft) in width and of a height that forms a visual barrier, or in the absence of an existing landscape edge, a fence that forms a visual barrier, shall be required between adjacent land uses on the rear and side lot lines, where a resource or non-resource commercial or industrial land use abuts any of the following:

a. a residential use or zone;

b. a tourism establishment use or zone;

c. a public service and institutional use or zone; or

d. a parks and recreation land use or zone.

(2) The provision and maintenance of a landscape edge of not less than 4.5 m (14.8 ft) in width and of a height that forms a visual barrier, or in the absence of an existing landscape edge a fence that forms a visual barrier, shall be required between residential uses or zones and agricultural uses, where buildings and/or structures used for agricultural uses have a setback of less than 22.8 m (75 ft) from the side or rear lot lines.

(3) The site plan for a development shall identify the land uses adjacent to each lot line and the existing or proposed location, width and type of landscape edge or fence to be maintained.

4.11 LIVESTOCK OPERATIONS

(1) Livestock operations shall comply with all applicable provincial statutes, regulations and other enactments, and confirmation that the proposed development complies with such enactments shall be submitted with a development application.

(2) The following separation distances shall apply to all new intensive livestock operations or extensions. The following separation distances shall also apply to a new residential development in the vicinity of an intensive livestock operation:

		Requirement
a.	Distance from any existing dwelling on an adjacent property	152.4 m (500 ft)
b.	Distance from a public road	45.72 m (150 ft)
c.	Distance from any domestic well	152.4 m (500 ft)
d.	Distance from any lot line	45.72 m (150 ft)
e.	Distance from any watercourse or wetland boundary	90.0 m (295.28 ft)

(3) Where a new intensive livestock operation is proposed within 300 m. (984.2 ft.) of an existing residential subdivision, the Development Officer shall notify the property owners within 300 m. (984.2 ft.) of the proposed operation and invite their comments.

(4) All intensive livestock buildings shall have a manure storage facility with a capacity for retention of manure for a period of time for which conditions do not permit spreading.

(5) The Development Officer may consult the Department of Agriculture for manure storage capacities and design standards and shall require the livestock operator to follow these capacity and design requirements.

4.12 MULTIPLE LAND USES ON A LOT

(1) In any zone, where the land or building is used for more than one purpose, all provisions of the Bylaw relating to each use shall be satisfied. Where there is a conflict, the stricter of the regulations shall apply. Regulations pertaining to parking requirements shall be cumulative for each use.

4.13 MULTIPLE BUILDINGS ON A LOT

(1) No person shall erect more than one main building on a lot in the Residential Zone.

(2) In the Agricultural Zone, no more than one single detached dwelling may be permitted on a lot and any other main buildings on the lot shall be related to the agricultural use.

4.14 NONCONFORMING BUILDINGS

(1) A building or structure lawfully in existence on the effective date of approval of the Bylaw may continue to exist.

(2) A building shall be deemed to exist on the effective date of approval of the Bylaw if the building was lawfully constructed or is under construction having received an approved development permit issued by the Municipality or the Provincial authority, as the case may be.

(3) A nonconforming building that exists on or before the effective date of the Bylaw and which has less than the minimum setbacks required by the Bylaw or which exceeds the maximum height permitted by this Bylaw, may be enlarged, reconstructed, renovated or repaired provided the development does not further reduce the setbacks or increase the height that does not conform to the Bylaw and all other applicable provisions of the Bylaw are satisfied.

(4) If a nonconforming building is destroyed by a fire or otherwise to an extent of fifty percent (50%) or more of the assessed value of the building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of the Bylaw, unless otherwise approved through a variance application.

4.15 NONCONFORMING LOTS

(1) No person who owns a lot held in separate ownership from adjoining parcels on the effective date of the Bylaw, having less than the minimum lot frontage or lot area required by the Bylaw, shall be deprived of the ability to make reasonable use of the lot in accordance with the zone in which it is located.

(2) Notwithstanding any other requirements of the Bylaw, a nonconforming lot held in separate ownership from adjoining parcels on the effective date of this Bylaw, may be used for any purpose permitted in the zone in which the lot is located provided that all other applicable provisions in this Bylaw are satisfied.

(3) Any main building erected on a nonconforming lot shall have a maximum height of 8 m (26.2 ft) for structures with a flat or shed-roof design. Structures with a traditional gable style roof shall be permitted a maximum of 2-storeys and must satisfy the maximum height permitted in the zone.

(4) A nonconforming lot which is increased in area or lot frontage or both, but remains undersized, is still considered an existing nonconforming lot.

(5) Secondary suites shall only be permitted in a single detached dwelling on a nonconforming lot if the on-site sewerage disposal system is certified by a licensed septic contractor who carries a minimum of two (2) million dollars in professional liability and errors and omissions insurance or, in the case of a lot that does not meet the standards of the *Planning Act* Province-Wide Minimum Development Standards Regulations, from a licensed professional engineer, and is confirmed to be suitable for the soil type, lot size and proximity to adjacent lots.

(6) Council may approve the rezoning of a nonconforming lot after receiving a recommendation from Planning Board, through the bylaw amendment application process set out in this Bylaw, provided that:

a. the use is found to be compatible with adjacent land uses, and that no permanent injury or nuisance will be caused to the existing or permitted use of the adjoining properties; and

b. the lot frontage and/or lot area requirements of the existing zone are the same as the lot frontage and/or lot area requirements of the proposed zone.

4.16 NONCONFORMING USES

(1) The use of a lot, building or structure lawfully in existence on the effective date of approval of the Bylaw may continue to be used.

(2) No intensification of use shall be made while a nonconforming use of land, buildings or structures is being continued.

(3) No increase in the area occupied by the non-conforming use shall occur while a nonconforming use is being continued.

(4) No structural alterations that would increase the exterior dimensions, except as required by statute or Bylaw, shall be made to a building or structure while a nonconforming use is being continued.

(5) Any change of tenants or occupants of any premises or building shall not of itself be deemed to affect the use of the premises or building for the purposes of the Bylaw.

(6) A nonconforming use of land, buildings or structures shall not be permitted if it has been discontinued for a period of twelve (12) months consecutively, and in such event, the land, building or structure shall not thereafter be used except in conformity with the Bylaw.

4.17 PARKING

(1) Parking requirements for all new development shall be as follows:

a.	Residential uses	2 spaces/dwelling unit
b.	Tourism establishment	1 space/bedroom or guest unit, as applicable
c.	Commercial uses	1 space/ 27.9m^2 (300 ft^2) of floor area
d.	Industrial uses	1 space/ 37.2m^2 (400 ft^2) of floor area
e.	Public Service or Institutional uses	1 space/ 37.2m^2 (400 ft^2) of floor area, or 1 space for every 5 seats

(2) Additional on-site parking shall be required to be provided and maintained to accommodate a land use where the minimum parking requirements result in overflow parking into the public right-of-way.

(3) Every parking space shall have minimum dimensions of 2.7 m (9 ft) by 5.5 m (18 ft) and shall have access to a clear maneuvering lane.

(4) A maximum of 40% of the lot frontage, front yard or flankage yard on a lot may be used for the access, driveway, or parking areas on a residential or tourism establishment property.

(5) **If there is more than one use requiring parking, as listed in Subsection 4.17(1), then the amount of parking required on-site shall be the cumulative total of what is required for each use.**

4.18 PROHIBITED USES

(1) Land uses that are not specified as permitted uses in the zone shall not be permitted in the zone.

(2) No person shall use or occupy a recreational trailer or vehicle as a dwelling unit or as the main building on a lot.

(3) Land uses which pose a serious contamination risk to groundwater, such as chemical plants or storage depots for hazardous materials, are prohibited.

4.19 RENEWABLE ENERGY PRODUCTION - WIND TURBINES AND SOLAR PANELS

(1) An application for a wind turbine or solar panel(s) shall comply with all applicable provincial statutes, regulations and other enactments as required and confirmation that the proposed development complies with such enactments shall be submitted with the development permit application, including a permit from the minister responsible for the *Renewable Energy Act* Development Permit Regulations where appropriate.

(2) No permit holder shall locate a wind turbine tower with a name plate capacity of 100 kilowatts or less within the distance equal to three times the total height of the wind turbine tower from any residential property, except a residential property owned and occupied by the owner of the wind turbine.

(3) No wind turbine with a name plate capacity in excess of 100 kilowatts shall be permitted.

(4) The installation of a solar panel(s) shall meet the standard requirements for development on a lot in that zone, including setbacks and lot coverage for a main building, when a solar array is the primary use of a lot, or for an accessory building when the solar panel(s) is accessory to the main use, as the case may be.

(5) Solar panel(s) installation shall require a development permit unless the solar panels will be installed on the roof of an existing structure.

4.20 SECONDARY SUITES AND GARDEN SUITES

(1) **One (1) secondary suite may be constructed on a lot containing a single detached dwelling, where a single detached dwelling is a permitted use in the applicable zone.**

(2) A secondary suite within a single detached dwelling shall be subject to the following conditions:

a. The secondary suite shall be less than 80% of the gross floor area of the main dwelling, excluding the garage; and less than 80 m^2 (861 ft^2) in floor area;

b. The secondary suite shall not contain more than 2 bedrooms;

c. At least one on-site parking space shall be provided, in addition to the parking requirements for the main dwelling;

d. The design of the secondary suite shall comply with any requirements of the provincial Fire Marshall's Office and applicable National Building Code standards;

e. The secondary suite shall share the water and sewerage disposal system of the main dwelling and the intensification of use of the systems shall comply with the requirements of section 3.7 of this Bylaw regarding water and sewerage disposal systems; and

f. No other secondary uses are present on the lot.

(3) A secondary suite in an accessory building to a single detached dwelling, otherwise known as a garden suite, shall be subject to the following conditions:

a. The accessory building in which the secondary suite is located shall be located in the rear yard of the single detached dwelling;

b. The accessory building in which the secondary suite is located shall have a minimum setback of 4.6 m (15 ft) to any lot line;

c. The accessory building in which the secondary suite is located shall be less than 80% of the gross floor area of the main dwelling, excluding an attached garage; and less than 80 m^2 (861 ft^2) in floor area;

d. The secondary suite shall not contain more than 2 bedrooms;

e. At least one on-site parking space shall be provided, in addition to the parking requirements for the main dwelling;

f. The design of the secondary suite shall comply with any requirements of the provincial Fire Marshall's Office and applicable National Building Code standards;

g. The secondary suite shall share the water and sewerage disposal system of the main dwelling and the intensification of use of the systems shall comply with the requirements of section 3.7 of this bylaw regarding water and sewerage disposal systems; and

h. No other secondary uses are present on the property.

(4) No variances shall be approved to increase the size of a secondary suite and where an application is received for a larger secondary suite, it shall be treated as an application for a second dwelling unit.

4.21 UTILITY SERVICES

(1) Development permits may be withheld until such a time as any utility servicing requirements for a lot can be provided.

(2) Shared or common services may be approved between **two or more** lots if the proposed system complies with section 3.7 of this bylaw; all costs associated with the design and approval of a shared or common system shall be borne by the owner(s); and legal agreements are registered across all applicable properties with regards to ownership, maintenance and access.

4.22 SWIMMING POOLS

(1) The installation of a swimming pool shall be permitted in any zone in accordance with the following provisions:

a. A fence or gated enclosure at least 1.8 m (5.9 ft) tall shall be constructed in such a manner as to impede unauthorized persons from entering the swimming pool area;

b. The use of a private water service to fill a swimming pool shall be subject to any applicable provincial regulations.

c. The disposal of the water from a swimming pool shall be subject to any applicable provincial regulations and shall not result in direct drainage on to an adjacent lot.

4.23 TEMPORARY BUILDINGS AND TEMPORARY STRUCTURES

(1) Temporary structures directly pertinent to an approved construction project shall be permitted during construction, erection, placement or alteration of a building or structure, and up to a maximum of thirty (30) days after the completion of the building or structure.

(2) The placement of a temporary structure shall not involve the alteration to the existing grade of the lot and shall not result in an alteration to the natural surface drainage pattern on the lot.

(3) A temporary seasonal structure may be permitted for commercial use, on a property that permits such a use, and the temporary seasonal structure shall be subject to the same development standards as a permanent structure.

4.24 TOURISM ESTABLISHMENTS AND SHORT TERM RENTALS

(1) Tourism establishments and short term rentals shall be licensed in accordance with the *Tourism Industry Act* and upon receiving approval of the license from the province:

a. the license number shall be included in all public and online advertisements of the tourism establishment or short term rental; and

b. a copy of the license shall be provided to the Municipality for inclusion in a registry of provincially-licensed tourism establishments upon receipt or renewal as required by the province.

(2) Tourism establishments operating within the Tourism Establishment Zone or Commercial Zone shall be considered commercial tourism establishments and will be subject to the development regulations of a commercial use, unless otherwise specified.

4.25 WETLANDS AND WATERCOURSES, DEVELOPMENT ADJACENT TO

(1) No person shall, without a license or a Buffer Zone Activity Permit issued by the Province, alter or disturb the ground or soil within the buffer zone as defined in the *Environmental Protection Act*, Watercourse and Wetland Protection Regulations.

(2) The minimum setback of any building or structure from a coastal area, wetland, watercourse or shoreline shall be the greater of 23 m (75.5 ft) or 60 times the historical erosion rate as determined by the provincial department responsible for such calculations.

(3) **Provided that all applicable municipal, provincial, and federal approvals have been obtained, no building or structure on a lot near a coastal area, wetland, watercourse or shoreline shall be erected or placed where the elevation of the grade of the lot is**

3.0 m CGVD 2013 (3.846 chart datum) or less, to avoid potential coastal flood risk, except where the structure is:

a. used for fisheries, bait storage, or aquaculture operations;

b. a marine access structure permitted in the applicable zone; or

c. a non-habitable building or structure directly necessary for a permitted water-dependent use.

(4) Where a property is at risk of coastal flooding and the finished grade of the lot can be raised to accommodate the projected risk, the grading plan shall be designed and stamped by a qualified engineer and any alteration to the grade shall not encroach within the buffer zone, as defined in the *Environmental Protection Act*, Watercourse and Wetland Protection Regulations.

(5) An erosion management plan may be required to address siltation and overland erosion during construction that may impact an adjacent wetland or watercourse.

(6) Development will be in accordance with provincial policies and regulations to address coastal flood risk, erosion, and environmentally sensitive areas.

5. AGRICULTURAL ZONE (A)

5.1 GENERAL REQUIREMENTS

(1) All buildings and parts thereof erected, placed or altered or any land used in the Agricultural (A) Zone shall conform to the provisions of this Part.

5.2 PERMITTED USES

(1) A building or a lot in the Agricultural Zone shall be used for no other purpose than:

a.	Single detached dwelling
b.	Duplex dwelling
c.	Home occupation
d.	Accessory building
e.	Parks
f.	Active recreational uses
g.	Secondary suite
h.	Semi-detached dwelling
i.	Agricultural use including barns, stables, greenhouses and other buildings related to the agricultural or resource land use.
j.	**Marine access and marine access structures related to fisheries, including wharfs and fisheries-related buildings and structures.**
k.	Forestry land use
l.	Resource commercial use
m.	Resource industrial use
n.	Excavation pit

5.3 LOT SIZE AND DEVELOPMENT STANDARDS

(1) All development shall conform to the following lot size and development standards:

		Single detached dwelling, Duplex dwellings and the permitted accessory uses	All other uses
a.	Lot area (minimum)	0.4 ha (1 acre)	0.8 ha (2 acres)
b.	Lot frontage (minimum)	45.7 m (150 ft)	45.7 m (150 ft)
c	Lot coverage (maximum)	25%	25%
d.	Front yard setback (minimum)	15.2 m (50 ft)	15.2 m (50 ft)
e.	Side yard setback (minimum)	4.6 m (15 ft)	7.6 m (25 ft)
f.	Rear yard setback (minimum)	7.6 m (25 ft)	7.6 m (25 ft)

g.	Flankage yard setback (minimum)	15.2 m (50 ft)	15.2 m (50 ft)
h.	Height (maximum)	10.6 m (35 ft)	10.6 m (35 ft)

(2) All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).

6. RESIDENTIAL ZONE (R)

6.1 GENERAL REQUIREMENTS

(1) All buildings and parts thereof erected, placed or altered or any land used in the Residential (R) Zone shall conform to the provisions of this Part.

6.2 PERMITTED USES

(1) A building or lot in the Residential Zone shall be used for no other purpose than:

a.	Single detached dwelling
b.	Home occupation
c.	Secondary suite
d.	Accessory building
e.	Parks

(2) Small scale agricultural uses, including hobby farms and greenhouses that exceed the maximum size for accessory structures, may be permitted on properties in the Residential Zone, where the Lot Area is larger than 1.01 ha (2.5 acres).

6.3 LOT SIZE AND DEVELOPMENT STANDARDS

(1) All development shall conform to the following lot size and development standards:

a.	Lot area (minimum)	0.4 ha (1 acres)
b.	Lot frontage (minimum)	45.7 m (150 ft)
c	Lot coverage (maximum)	25%
d.	Front yard setback (minimum)	15.2 m (50 ft)
e.	Side yard setback (minimum)	4.6 m (15 ft)
f.	Rear yard setback (minimum)	7.6 m (25 ft)
g.	Flankage yard setback (minimum)	15.2 m (50 ft)
h.	Height (maximum)	10.6 m (35 ft)

(2) All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).

(3) Where a development is to be serviced by a central water supply and central sewerage disposal system, the following reduced lot size standards may be permitted:

a.	Lot area (minimum)	0.2 ha (0.5 acres)
b.	Lot frontage (minimum)	22.9 m (75 ft)
c.	Front yard setback (minimum)	7.6 m (25 ft)
d.	Flankage yard setback (minimum)	7.6 m (25 ft)

Note: The lot coverage, side yard setback, rear yard setback, and height (maximum) regulations are not changed from those stated in Subsection 6.3(1).

(4) Where a development is to be serviced by either a central water supply system or a central waste treatment system but not both, Council may authorize a reduced lot area and/or frontage for a subdivision consistent with subsection (3) above, where all other requirements of the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* can be satisfied.

7. MULTI-UNIT RESIDENTIAL ZONE (R3)

7.1 GENERAL REQUIREMENTS

(1) All buildings and parts thereof erected, placed or altered or any land used in the Multi-Unit Residential (R3) Zone shall conform to the provisions of this Part.

7.2 PERMITTED USES

(1) A building or lot in the Multi-Unit Residential Zone shall be used for no other purpose than:

a.	Single detached dwelling
b.	Semi-detached dwelling
c.	Duplex dwelling
d.	Multi-unit row dwellings (maximum 8 units per building)
e.	Multi-unit dwellings (maximum 8 units per building)
f.	Group home
g.	Nursing home or community care facility
h.	Home occupation
i.	Secondary suite
j.	Accessory building
k.	Parks

7.3 LOT SIZE AND DEVELOPMENT STANDARDS

(1) All development shall conform to the following lot size and development standards:

		Single detached dwelling, Duplex dwellings and the permitted accessory uses	All other uses
a.	Lot area (minimum)	0.4 ha (1 acres)	0.8 ha (2 acres)
b.	Lot frontage (minimum)	45.7 m (150 ft)	45.7 m (150 ft)
c	Lot coverage (maximum)	25%	25%
d.	Front yard setback (minimum)	15.2 m (50 ft)	15.2 m (50 ft)
e.	Side yard setback (minimum)	7.6 m (25 ft)	7.6 m (25 ft)
f.	Rear yard setback (minimum)	7.6 m (25 ft)	7.6 m (25 ft)
g.	Flankage yard setback (minimum)	15.2 m (50 ft)	15.2 m (50 ft)
h.	Height (maximum)	10.6 m (35 ft)	10.6 m (35 ft)

(1) All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).

8. TOURISM ESTABLISHMENT ZONE (TE)

8.1 GENERAL REQUIREMENTS

(1) All buildings and parts thereof erected, placed or altered or any land used in the Tourism Establishment (TE) Zone shall conform to the provisions of this Part.

8.2 PERMITTED USES

(1) A building or lot in the Tourism Establishment Zone shall be used for no other purpose than:

a.	Single detached dwelling
b.	Semi-detached dwelling
c.	Duplex dwelling
d.	Home occupation
e.	Tourism establishment
f.	Restaurant, accessory to a tourism establishment
g.	Retail store, accessory to a tourism establishment
h.	Business or professional office, accessory to a tourism establishment
i.	Personal services, accessory to the tourism establishment
j.	Active recreational uses, accessory to the tourism establishment
k.	Secondary suite
l.	Accessory building
m.	Dwelling above a commercial use that is accessory to a tourism establishment
n.	Parks

8.3 LOT SIZE AND DEVELOPMENT STANDARDS

(1) All development shall conform to the following lot size and development standards:

		Single detached dwelling, Duplex dwellings and the permitted accessory uses	All other uses
a.	Lot area (minimum)	0.4 ha (1 acres)	0.8 ha (2 acres)
b.	Lot frontage (minimum)	45.7 m (150 ft)	45.7 m (150 ft)
c	Lot coverage (maximum)	25%	25%
d.	Front yard setback (minimum)	15.2 m (50 ft)	15.2 m (50 ft)
e.	Side yard setback (minimum)	7.6 m (25 ft)	7.6 m (25 ft)
f.	Rear yard setback (minimum)	7.6 m (25 ft)	7.6 m (25 ft)
g.	Flankage yard setback (minimum)	15.2 m (50 ft)	15.2 m (50 ft)
h.	Height (maximum)	10.6 m (35 ft)	10.6 m (35 ft)

All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).

8A. RESORT ZONE (RES)

8A.1 GENERAL REQUIREMENTS

(1) **The purpose of the Resort (RES) Zone is to accommodate a range of compatible resort, visitor-serving, and community-serving uses in locations designated for resort use in the Official Plan, provided that applicable servicing, access, environmental, and development standards are satisfied.**

(2) **All buildings and parts thereof erected, placed or altered or any land used in the Resort (RES) Zone shall conform to the provisions of this Part.**

(3) **Lots in the Resort (RES) Zone may have frontage on a highway or legal access to a private road where permitted by Section 4.1 and Section 16.5 of this Bylaw.**

8A.2 PERMITTED USES

(1) **A building or lot in the Resort Zone shall be used for no other purpose than:**

a.	**Tourism Establishment**
b.	**Single detached dwelling, as a part of a resort development**
c.	**Secondary suite, as a part of a resort development**
d.	**Home occupation, as a part of a resort development**
e.	**Accessory building**
f.	**Dwelling above a commercial use, as a part of a resort development**
g.	**Restaurant, as a part of a resort development**
h.	**Retail store, as a part of a resort development**
i.	**Health and wellness services, as a part of a resort development**
j.	**Event venue, as a part of a resort development**
k.	**Craft brewery or distillery, as a part of a resort development**
l.	**Active recreation uses**
m.	**Commercial recreation use, as a part of a resort development**
n.	**Parks**
o.	**Trails and pathways**
p.	**Marina, as a part of a resort development**
q.	**Marine access structure, as a part of a resort development**
r.	**Marine access**
s.	**Business or professional office, as a part of a resort development**
t.	**Personal services, as a part of a resort development**
u.	**Commercial childcare facility, as a part of a resort development**
v.	**Art gallery, as a part of a resort development**

w.	**Solar panel/solar array, as a part of a resort development**
x.	**Excavation pit, for on-site private use only.**

8A.3 LOT SIZE AND DEVELOPMENT STANDARDS

(1) **All development shall conform to the following lot size and development standards:**

a.	**Lot area (minimum)**	**0.4 ha (1 acre)**
b.	**Lot frontage (minimum)**	**45.7 m (150 ft)**
c	**Lot coverage (maximum)**	**25%**
d.	**Front yard setback (minimum)**	**6 m (19.6 ft)**
e.	**Side yard setback (minimum)**	**3 m (9.8 ft)**
f.	**Rear yard setback (minimum)**	**6 m (19.6 ft)**
g.	**Flankage yard setback (minimum)**	**6 m (19.6 ft)**
h.	**Height (maximum)**	**14.63 m (48 ft)**

(2) **All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).**

(3) **Where a development is to be serviced by a central water supply and central sewerage disposal system, the following reduced lot size standards may be permitted:**

a.	**Lot area (minimum)**	**0.121 ha (0.30 acres)**
b.	**Lot frontage (minimum)**	**15 m (49.2 ft)**
c	**Lot coverage (maximum)**	**45%**

Note: The front yard setback, side yard setback, rear yard setback, flankage yard setback, and height (maximum) regulations are not changed from those stated in Subsection 8A.3(1).

(4) **Where a development is to be serviced by either a central water supply system or a central waste treatment system but not both, Council may authorize a reduced lot area and/or frontage for a subdivision consistent with subsection (3) above, where all other requirements of the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* can be satisfied.**

(5) **Notwithstanding Clause 8A.3(1)(h), a Tourism Establishment on PID 1148253 shall not exceed a maximum height of 18 m (52.4 ft), provided it is located on a property serviced by a central water supply and central sewerage disposal system and meets all other applicable provisions of this Bylaw.**

9. COMMERCIAL ZONE (C)

9.1 GENERAL REQUIREMENTS

(1) All buildings and parts thereof erected, placed or altered or any land used in the Commercial (C) Zone shall conform to the provisions of this Part.

9.2 PERMITTED USES

(1) A building or lot in the Commercial Zone shall be used for no other purpose than:

a.	Agricultural uses
b.	Tourism establishment
c.	Restaurant
d.	Retail store
e.	Business or professional office
f.	Personal services
g.	Resource commercial uses
h.	Automotive sales
i.	Dwelling above a commercial use
j.	Temporary or seasonal commercial uses
k.	Accessory building

(2) Uses permitted in the PSI Zone, excluding a group home and nursing home, are also permitted in the Commercial Zone.

9.3 LOT SIZE AND DEVELOPMENT STANDARDS

(1) All development shall conform to the following lot size and development standards:

a.	Lot area (minimum)	0.4 ha (1 acres)
b.	Lot frontage (minimum)	45.7 m (150 ft)
c	Lot coverage (maximum)	25%
d.	Front yard setback (minimum)	15.2 m (50 ft)
e.	Side yard setback (minimum)	7.6 m (25 ft)
f.	Rear yard setback (minimum)	7.6 m (25 ft)
g.	Flankage yard setback (minimum)	15.2 m (50 ft)
h.	Height (maximum)	10.6 m (35 ft)

(2) All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).

10. INDUSTRIAL ZONE (I)

10.1 GENERAL REQUIREMENTS

(1) All buildings and parts thereof erected, placed or altered or any land used in the Industrial (I) Zone shall conform to the provisions of this Part.

10.2 PERMITTED USES

(1) A building or lot in the Industrial Zone shall be used for no other purpose than:

a.	Restaurant
b.	Retail store
c.	Business and professional offices
e.	Emergency service facilities
f.	Resource industrial uses
g.	Manufacturing, assembly, and processing plant
h.	Research facilities
i.	Transport operations
j.	Warehouse and storage facilities
k.	Automotive sales and automotive repair services
l.	Heavy equipment repair services
m.	Excavation pit
n.	Accessory building

10.3 LOT SIZE AND DEVELOPMENT STANDARDS

(1) All development shall conform to the following lot size and development standards:

a.	Lot area (minimum)	0.4 ha (1 acres)
b.	Lot frontage (minimum)	45.7 m (150 ft)
c	Lot coverage (maximum)	25%
d.	Front yard setback (minimum)	15.2 m (50 ft)
e.	Side yard setback (minimum)	7.6 m (25 ft)
f.	Rear yard setback (minimum)	7.6 m (25 ft)
g.	Flankage yard setback (minimum)	15.2 m (50 ft)
h.	Height (maximum)	10.6 m (35 ft)

(2) All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).

11. PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI)

11.1 GENERAL REQUIREMENTS

(1) All buildings and parts thereof erected, placed or altered or any land used in the Public Service and Institutional (PSI) Zone shall conform to the provisions of this Part.

11.2 PERMITTED USES

(1) A building or lot in the Public Service and Institutional Zone shall be used for no other purpose than:

a.	Group home
b.	Nursing home or community care facility
c.	Institutional uses
d.	Emergency service facilities
e.	Health and wellness services
f.	Commercial child care facility
g.	Active recreational uses (indoor or outdoor)
h.	Parks
i.	Active recreational uses (outdoor)
j.	Accessory building

11.3 LOT SIZE AND DEVELOPMENT STANDARDS

(1) All development shall conform to the following lot size and development standards:

a.	Lot area (minimum)	0.4 ha (1 acres)
b.	Lot frontage (minimum)	45.7 m (150 ft)
c	Lot coverage (maximum)	25%
d.	Front yard setback (minimum)	15.2 m (50 ft)
e.	Side yard setback (minimum)	7.6 m (25 ft)
f.	Rear yard setback (minimum)	7.6 m (25 ft)
g.	Flankage yard setback (minimum)	15.2 m (50 ft)
h.	Height (maximum)	10.6 m (35 ft)

(2) All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).

12. PARKS AND RECREATION ZONE (PR)

12.1 GENERAL REQUIREMENTS

(1) All buildings and parts thereof erected, placed or altered or any land used in the Parks and Recreation Zone (PR) Zone shall conform to the provisions of this Part.

12.2 PERMITTED USES

(1) A building or lot in the Parks and Recreation Zone shall be used for no other purpose than:

a.	Parks
b.	Active recreational uses (outdoor)
c.	Accessory uses to active recreation uses including but not limited to a concession stand, food/beverage service, and supporting retail.
d.	Marine access **and marine access structures, including wharfs not exceeding 3.7 m in width.**
e.	Accessory building

12.3 LOT SIZE AND DEVELOPMENT STANDARDS

(1) Any building or structure erected in the PR Zone shall be deemed to be an accessory building and notwithstanding any other section of the Bylaw, accessory buildings in this zone may be permitted in the front yard.

(2) All development shall conform to the following lot size and development standards:

a.	Lot coverage (maximum)	10%
b.	Front yard setback (minimum)	7.6 m (25 ft)
c.	Height (maximum)	7.6 m (25 ft)

(3) All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).

13. ENVIRONMENTAL CONSERVATION ZONE (EC)

13.1 GENERAL REQUIREMENTS

(1) All buildings and parts thereof erected, placed or altered or any land used in the Environmental and Conservation Zone (EC) Zone shall conform to the provisions of this Part.

13.2 PERMITTED USES

(1) A building or lot in the Environmental Conservation Zone shall be used for no other purpose than:

a.	Trails and pathways
b.	Natural area
c.	Conservation area
d.	Marine access**, excluding marine access structures.**
e.	Accessory Building

13.3 LOT SIZE AND DEVELOPMENT STANDARDS

(1) Where only a portion of a property is within the EC Zone, no building or structures, or grade alterations shall be permitted on that portion of the property that falls within the EC Zone unless the structure is designed to have the least impact necessary to provide safe egress/ingress across that portion of the property, and applicable permits have been issued by the provincial government department responsible for *Environmental Protection Act.*

(2) Where an entire property is located with the EC Zone, the only building or structure that may be erected on the property is an accessory building and the accessory building shall have no other use than to provide shelter or storage as necessary to support the maintenance of the property.

(3) Notwithstanding any other section of the Bylaw, accessory buildings in this zone may be permitted in the front yard.

(4) All development shall conform to the following development standards:

a.	Lot coverage (maximum)	10%
b.	Front yard setback (minimum)	7.6 m (25 ft)
c.	Height (maximum)	7.6 m (25 ft)

(5) All lots shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Schedule D).

14. FEDERAL JURISDICTION ZONE (FJ)

14.1 GENERAL REQUIREMENTS

(1) The Federal Jurisdiction Zone shall only apply to lots owned by the Federal Government of Canada.

(2) If a lot in the Federal Jurisdiction Zone changes ownership, the lot shall be subject to a rezoning application prior to any development permits being issued.

(3) All development, buildings and parts thereof erected, placed or altered or any land used within the Federal Jurisdiction Zone (FJ) shall be developed and used under the authority of the Federal Government's policies and regulations.

(4) Municipal development permits are not required in the Federal Jurisdiction Zone.

15. RIGHT OF WAY ZONE (ROW)

15.1 GENERAL REQUIREMENTS

(1) All buildings and parts thereof erected, placed or altered or any land used in the Right of Way (ROW) Zone shall conform to the provisions of this Part.

(2) Where only a portion of a property is within the ROW Zone, only that portion of the property is subject to the provisions of this Part.

15.2 PERMITTED USES

(1) No building or structures shall be permitted in the ROW Zone unless the structure is necessary to provide safe egress/ingress across that portion of the property.

(2) A building or lot in the ROW Zone shall be used for no other purpose than the following uses:

a.	Highways and private road
b.	Public or private pathway and trail

(3) No development, including maintenance and repairs, or alteration to the grade of a property shall take place within the ROW Zone prior to the applicant providing written notice to any property owners who may be temporarily or permanently impacted by the development because they normally depend upon free and unobstructed passage over the subject property to access their own property.

(4) Notwithstanding (3) above, the requirement to provide written notice shall not apply to the Province except where required under the *Roads Act.*

16. GENERAL PROVISIONS FOR SUBDIVISIONS

16.1 SUBDIVISION APPROVAL

(1) No person shall subdivide one or more lots or any portion of a lot, until the conditions of the Bylaw have been complied with and the application for subdivision has received final approval.

16.2 CONVEYING INTEREST IN A LOT

(1) No person shall sell or convey any interest in a lot in a subdivision before final approval of the subdivision in which the lot is situated has been granted.

16.3 DEVELOPMENT PERMITS

(1) A development permit shall not be issued for a lot until all of the requirements of the subdivision approval for the lot have been fulfilled.

16.4 PERMISSION TO SUBDIVIDE

(1) No land shall be subdivided unless the subdivision:

a. can be subdivided according to the provisions of the Bylaw and any applicable provincial statute, regulation or other enactment;

b. is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;

c. is designed so that all lots will have lot frontage on a highway**, or, in the Resort (RES) Zone, will have lot frontage on or legal access to a private road where permitted by this Bylaw**;

d. has safe and convenient highway access **or private road access, as applicable,** and will provide for safe and convenient traffic flow as determined and approved by **the Municipality and, where required,** the government department responsible for the administration of the *Roads Act;*

e. has utilities and services available, or can be provided with utilities and services;

f. is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;

g. is suitable to the use for which it is intended;

h. will not cause undue flooding or erosion; and

i. will not result in damage to the natural environment, including any wetland or watercourse.

16.5 ROAD STANDARDS:

(1) **Except as provided in this Section,** no subdivision shall be permitted on a lot served by a private road.

(2) Notwithstanding subsection (1) and until December 31, 2025, no more than three (3) lots may be subdivided from a lot served by an existing private road.

(3) **Except where private roads are permitted in the Resort (RES) Zone,** all new roads shall be highways.

(4) **Notwithstanding Subsection 16.5(1), a subdivision in the Resort (RES) Zone may be served by one or more private roads where:**

- **a. The private road is part of a resort development;**
- **b. The private road has legal access to a highway;**
- **c. The private road is designed by, constructed under the supervision of, and certified by a professional engineer, at the applicant's expense, to the satisfaction of the Municipality;**
- **d. Safe access is provided for emergency vehicles, service vehicles, and users of the subdivision;**
- **e. Legal access to the private road is granted to all lots intended to be served by the private road; and**
- **f. Agreements or other instruments required by the Municipality are registered to address ownership, maintenance, repair, snow clearing, drainage, emergency access, civic addressing, solid waste collection, and municipal non-assumption.**

16.6 EXEMPTION: REDUCED LOT FRONTAGE OR SIZE

(1) If a lot is of such a configuration, or is located along a bend in a street or facing a cul-de-sac, in such a manner that it cannot reasonably be subdivided to provide the required minimum lot frontage on a highway, a reduced lot frontage may be approved provided that:

- a. The lot frontage and entranceway has a minimum width of 7.3 m (24 ft);
- b. The lot width at the front building line measures at least as much as the minimum lot frontage for the zone;
- c. The lot size in all other respects meets the requirements of the Bylaw; and
- d. No more than one lot with a reduced lot frontage shall be subdivided from an existing lot.

(2) A subdivision of an existing nonconforming lot may be permitted if the subdivision results in an increase to the lot area or lot frontage or both, even if the Lot will remain undersized following the subdivision.

16.7 PARKLAND DEDICATION

(1) A person seeking subdivision of a lot into five (5) or more new lots, exclusive of the parent parcel as it existed on the effective date of this bylaw, shall be required to dedicate and convey to the Municipality seven point five percent (7.5%) of the total lot area of all newly created lots for recreation and public open space purposes.

(2) The subdivision of the five (5) lots do not need to be approved as part of one subdivision application; rather once four (4) lots have been subdivided from the parent parcel, seven point five percent (7.5%) of the area of the five (5) lots must be dedicated or conveyed to the Municipality prior to the approval of any lots in excess of the first four (4) lots, notwithstanding that the ownership of the parent parcel may have changed.

(3) The lands dedicated and conveyed to the Municipality in accordance with subsection 16.7(1) above shall be subject to the following conditions:

a. The location of the land to be conveyed shall be in the discretion of and shall be subject of the approval of Council;

b. The land shall be free of all encumbrances.

c. Council may apply the dedication and conveyance of seven point five percent (7.5%) of the lot area to active transportation routes and/or trail systems within or between subdivisions, or where valued natural assets such as forest cover can be protected.

(4) In lieu of land conveyance, where land is not deemed to be appropriate by Council, Council shall require a payment of seven point five percent (7.5%) of the assessed market value of all newly created lots. The value shall be calculated on the appraised value of the subdivided land and shall not take into account the value of structures on such lands. Council retains the right to use the services of qualified property appraiser(s) to determine the appraised value of land.

(5) The parkland dedication may be in the form of land, cash, or a combination of land and cash of an equivalent value.

16.8 SPECIAL REQUIREMENTS: AGRICULTURAL ZONE:

(1) Within the Agricultural (A) Zone, no person shall be permitted to subdivide from an existing lot more than four (4) lots.

16.9 SPECIAL REQUIREMENTS: WATERCOURSES AND WETLANDS

(1) The boundary of any watercourse and/or wetland, and the adjacent environmental buffer zone, as required by the *Environmental Protection Act*, Watercourse and Wetland Protection Regulations shall be identified on site by a qualified professional and included on the plan of subdivision.

(2) Where a lot or a portion of a lot contains a wetland or watercourse, the boundary of which is defined by the Watercourse and Wetland Protection Regulations prescribed under the *Environmental Protection Act*, the lot(s) shall meet the minimum lot area for the zone exclusive of the area of the wetland or watercourse.

(3) The area of a lot that is located within the Environmental Buffer as required by the *Environmental Protection Act*, Watercourse and Wetland Protection Regulations, may be included as part of one or more lots in a subdivision of a lot adjacent to a wetland or watercourse, where the lot has sufficient area exclusive of the area within the buffer to permit the building structure with minimum setbacks, and on site services including the minimum circle diameter for the services, as required by the Bylaw.

16.10 SPECIAL REQUIREMENTS: SUBDIVISION OF ATTACHED DWELLINGS

(1) Semi-detached dwellings may be subdivided provided that:

a. A subdivision of the lot of land has been approved and each lot meets the requirements of the Bylaw;

b. The units must be separated from the basement floor to the underside of the roof by a vertical wall built in accordance with applicable National Building Code and/or Fire Code regulations, and certified by a qualified architect and/or engineer;

c. A separate water and sewer service is provided for each unit~~;~~

d. A separate electrical service is provided for each unit;

e. A separate heating device is provided for each unit;

f. Separate parking is to be provided for each unit; and

g. A copy of the agreement made between the owners covering the following terms is registered at the land registry on the title of each unit:

i) common walls;

ii) maintenance;

iii) fire insurance;

iv) easements;

v) parking;

vi) snow removal; and

vii) any other items jointly owned or used.

16.11 PRELIMINARY REVIEW PROCEDURE

(1) Any person seeking approval of a subdivision shall first make application for preliminary approval, and shall be required to submit the following information:

a. A completed preliminary subdivision application form;

b. An orthophoto showing the location of the parcel and all adjoining properties;

c. A description of the use or proposed use of the land and of the surrounding properties;

d. A preliminary subdivision plan, drawn to scale showing:

i) the true shape and dimensions of the proposed lot(s);

ii) the location of existing buildings or structures on the lot(s) and adjacent lots;

iii) existing and proposed services and utilities;

iv) proposed widths and locations of all streets, **private roads, rights-of-way, and legal access connections, where applicable**;

v) location of land proposed for open space and parks use;

vi) proposed surface water drainage patterns and designed drainage features, when applicable; and

vii) Any other application existing or proposed features, including buildings, watercourses, wetlands, buffer zone, wooded areas, and areas subject to current or future projected flooding and erosion.

(2) The applicant may also be required to provide additional information required to assist in evaluating a proposed subdivision, including, but not limited to:

a. Results of a soil test and/or water test;

b. Stormwater management plan;

c. An assessment of potential environmental impacts, including any requirements imposed by provincial statutes, regulations, or other enactments; and/or

d. A written assessment by the provincial government on access, transportation or pedestrian issues related to the design; a traffic survey or a traffic study.

e. For a subdivision in the Resort (RES) Zone proposed to be served by a private road, information respecting the proposed private road layout, right-of-way width, legal access, connection to a highway, emergency access, civic addressing, drainage, utility corridors, and the lots to be served by the private road.

(3) In formulating a decision or in developing a recommendation for Council, the Development Officer may consult with provincial government officials and/or private consultants.

(4) In the review of the proposed water supply and sewerage disposal needs, a subdivision approval may be withheld until such time as adequate servicing has been designed for the subdivision.

(5) A subdivision application that includes lots intended to accommodate septic sewage disposal systems shall not be granted preliminary or final approval until the lots have been categorized in accordance with the *Planning Act* Province-Wide Minimum Development Standards and the *Environmental Protection Act* Sewage Disposal Systems Regulations.

(6) The installation of a private central sewerage disposal system may be required as a condition of a subdivision approval or may be permitted as part of a subdivision application provided that the proposed system is designed by, and construction is supervised and certified by a licensed professional engineer.

(7) **Repealed**

(8) A subdivision application which does not meet the requirements of the Bylaw shall be rejected.

(9) Preliminary approval of a subdivision shall not be construed as final approval of such subdivision for legal conveyance or for land registration purposes, and preliminary approval shall be effective for a period of twelve (12) months, or such additional time as may be authorized by Council.

(10) If preliminary subdivision approval has been granted, a subdivision agreement may be executed outlining the conditions to be satisfied for the subdivision to proceed to final approval.

(11) Where a subdivision application is submitted concurrently with a rezoning application, the preliminary subdivision approval shall not be granted until the rezoning application has been processed and has received approval.

16.12 SUBDIVISION AGREEMENT

(1) An applicant may be required to enter into a subdivision agreement as a condition of subdivision approval. The subdivision agreement may cover, but not be limited to, the following matters:

a. Design and construction costs of highways, **private roads where permitted by this Bylaw,** sidewalks, street lighting, water services, sewerage disposal system and storm drainage;

b. Dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;

c. Building of highways to provincial standards and deeding of highways to the provincial government, **except where private roads are permitted in the Resort (RES) Zone**;

c.1 Design by a professional engineer, construction under the supervision of a professional engineer, as-built drawings where required by the Municipality, ownership, maintenance, repair, grading, gravelling, ditching, drainage, snow clearing, emergency access, civic addressing, solid waste collection arrangements, and municipal non-assumption of private roads permitted in the Resort (RES) Zone;

d. Posting of a financial guarantee;

e. The provision of a stormwater management plan to guard against flooding of lots within the subdivision and adjacent properties;

f. Phasing of the subdivision;

g. Preservation and enhancement of surface water drainage systems and other environmental features within or adjacent to the subdivision;

h. Assignment of costs associated with the drafting, signing and enforcing of the agreement; and

i. Any other matters that are deemed necessary to conform to the Bylaw or to ensure the health, safety and convenience of the public.

(2) All subdivision agreements shall be registered in accordance with the provisions of the *Registry Act*.

16.13 FINAL APPROVAL

(1) Any person seeking final subdivision approval shall be required to submit to the Development Officer a completed final subdivision application form with seven (7) copies of a final survey plan showing all lots pinned and certified by a licensed surveyor.

(2) Where a parent parcel of a subdivision exceeds 4 ha (10 acres) in lot area, Council may waive the pinned survey plan requirement for the parent parcel of the subdivision.

(3) A storm water management plan prepared by a licensed engineer shall be submitted with an application for final approval for any subdivision of a lot into two (2) or more new lots. The storm water management plan shall include an overall surface water management strategy for the proposed subdivision, and shall include the proposed general location and top of foundation elevation for the main buildings to be erected on each lot.

(4) Final subdivision approval shall be granted by the Development Officer or Council, as the case may be, only after the applicant has:

a. complied fully with all applicable requirements of this Section and the conditions of the subdivision agreement;

b. all transactions involving the transfer of land, money or security in conjunction with the subdivision have been concluded to the satisfaction of the Development Officer; and

c. the applicant has completed any necessary conditions of agreements with the provincial department responsible for transportation respecting highway construction and the highway has been accepted as public**, except where the subdivision is served by a private road permitted in the Resort (RES) Zone, in which case the applicant shall have completed any required private road construction, professional engineer certification, as-built drawings, registration, security, agreement, easement, or other condition to the satisfaction of the Municipality.**

(5) Final approval may be granted to part of a subdivision which is proposed to be developed in phases;

(6) Final approval of a subdivision shall be provided in writing, and the Development Officer shall place the Municipality's seal on the seven (7) copies of the survey plan and shall return one (1) copy to the applicant;

(7) The Development Officer shall file copies of the final survey plan with the:

a. Registrar of Deeds;

b. provincial department responsible for Transportation;

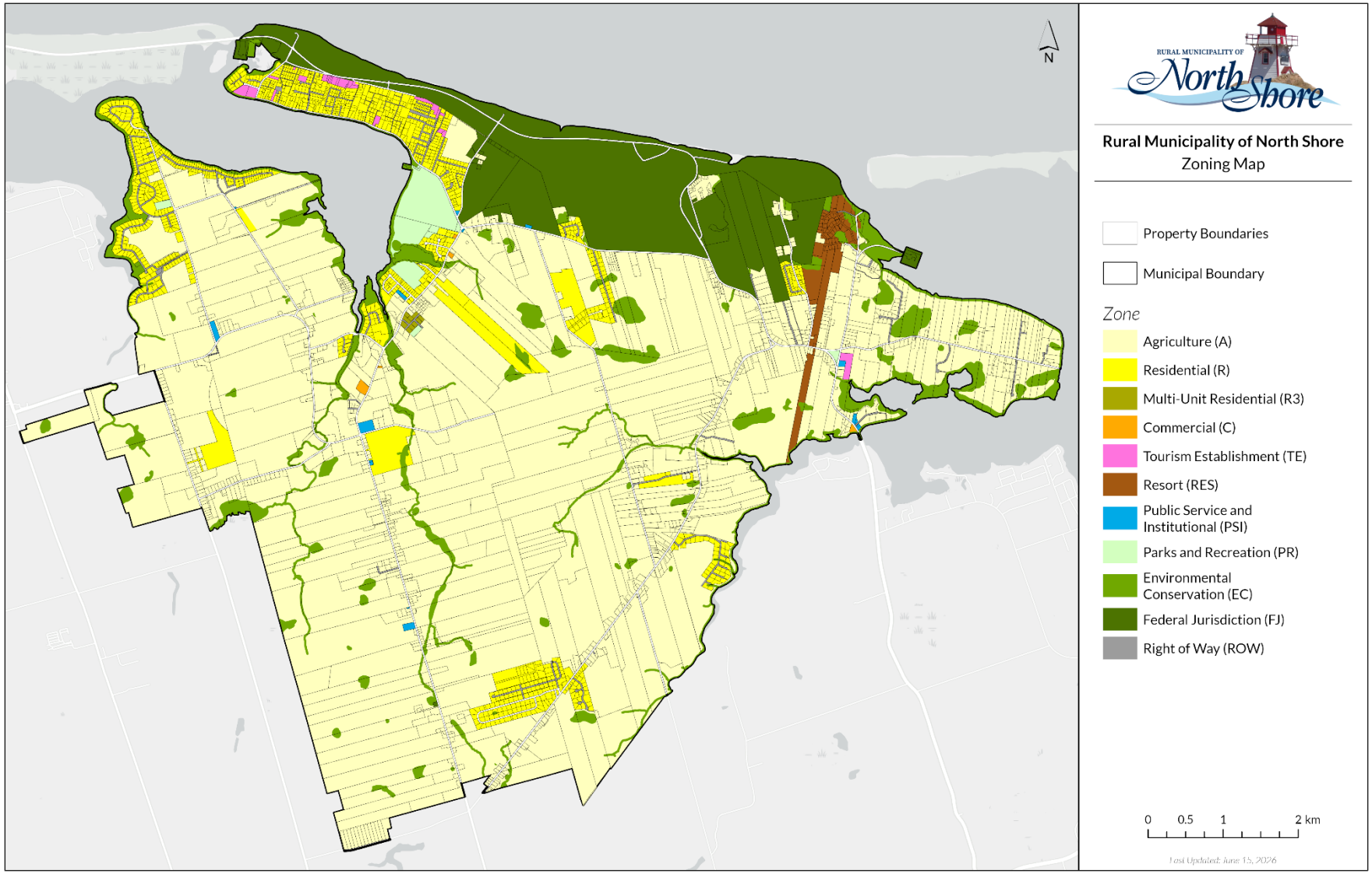
c. Municipality's records; and

d. local utilities, as required.

16.14 CONSOLIDATIONS AND BOUNDARY LINE ADJUSTMENTS

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

SCHEDULE A. ZONING MAP



SCHEDULE B. DEFINITIONS

For the purpose of the Bylaw:

(1) Accessory building or accessory structure means a building or structure on the same lot of land as a main building, the use of which is clearly incidental and subordinate to that of the main approved use of the lot on which the building or structure is located.

(2) Active recreational uses means activities such as organized sports that require specific development, facilities and equipment, and for which a site is purposefully maintained to support such an activity. Active recreational uses include but are not limited to baseball, softball, soccer, volleyball, and golf.

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

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

(4A) Art gallery means a building or portion of a building used for the exhibition, display, interpretation, production, or sale of works of art, craft, design, or cultural material, and may include accessory retail sales, workshops, events, or educational programming.

(5) Automotive sales means an building or lot used for the sale and/or rental of passenger vehicles, trucks, vans, motorcycles, snowmobiles, tent and holiday trailers, boats or other recreational vehicles.

(6) Automotive repair services means an establishment where gasoline, oil, grease, anti-freeze, tires, and accessories for motor vehicles are stored and kept for sale, and where repairs of automobiles and trucks including alignment, muffler, automotive glass, transmission repair, vehicle upholstery shops, tire stores, and car washes.

(7) Buffer zone means the land within 15 m (49.2 ft) of a watercourse boundary or a wetland boundary as defined in the Watercourse and Wetland Protection Regulations, of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9.

(8) 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.

(9) *Building Codes Act* means the *Building Codes Act* R.S.P.E.I. *1988, c B-5.1* of the Province of Prince Edward Island.

(10) Building line means any line regulating the position of a building or structure on a lot.

(11) Building setback means the distance between the street line and the nearest main wall of a building or structure and extending the full width of the lot.

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

(13) Campground means a parcel used or permitted to be used by the travelling public that provides sites for tents, trailers, or motor homes and may also be called a RV park but shall not include industrial, work or construction camps or permanent manufactured housing parks.

(14) Change of use means the change of use of a parcel or a building from one type of permitted use to another type of permitted use or an increase in the intensification of use, including an increase in the number of dwelling units.

(15) Child care facility means any institution, agency, or place, whether known as a day nursery, nursery school, kindergarten or play school, which receives children for temporary care apart from the parents on a daily or hourly basis, with or without stated educational purposes, as regulated in the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5.

(16) Commercial use means the use of a building or parcel for the purpose of buying and selling goods and supplying services.

(16A) Commercial recreation use means the use of land, buildings, or structures for recreational, leisure, fitness, adventure, cultural, or entertainment activities operated as a business, and may include indoor or outdoor recreation, guided activities, instructional programming, equipment rental, and accessory retail sales.

(17) Common wall means a vertical wall separating two dwelling units between the top of the footings to the underside of the roof deck, and shall be mutually common to both dwelling units.

(18) Community Care Facility means a facility licensed pursuant to the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13.

(19) Conservation means an activity in which people make efforts to protect, preserve or restore the environment and its biological diversity.

(20) Council means the elected Council of the Rural Municipality of North Shore.

(20A) Craft brewery or distillery means a small-scale facility used for the production, bottling, tasting, and sale of beer, cider, spirits, or similar beverages, and may include an accessory restaurant, retail store, tasting room, event space, or outdoor patio.

(21) Craft studio means a space occupied by a craftsperson and used solely for the production and sale of craft items such as pottery, weaving, sewing, jewelry, painting and print making, sculpture and fine woodworking, and such other similar handcrafted items.

(22) Deck means an open unroofed structure or platform extending from a building intended as outdoor living space.

(23) Demolition means to demolish, remove, pull down or destroy a building or structure.

(24) Development means site alteration, including but not limited to:

a. Altering the grade of the land;

b. removing vegetation from the land;

c. excavating the land;

d. depositing or stockpiling soil or other material on the land, and

e. establishing a parking lot,

f. Locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing structure or buildings in, under, on or over the land;

g. Placing temporary or permanent mobile use or structures in, under, on or over the land; or

h. Changing the use or intensity of use of a lot or the use, intensity of use or size of a structure or building.

(25) Development agreement means a binding contract between an owner and the Community to ensure a development is carried out in a particular manner.

(26) Development Officer means an individual appointed by the Council to administer, on its behalf, the Rural Municipality of North Shore Land Use Bylaw

(27) Development permit means the formal and written authorization for a person to carry out any development.

(28) Dwelling or 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;

Dwellings can be arranged in different building types including:

a. Duplex means a building that is split into two dwelling units, each with an independent entrance, either directly or through a common vestibule. The dwelling units share essential services and as such cannot be subdivided.

b. Multi-unit dwelling means a building containing three or more dwelling units.

c. Multi-unit row dwelling means a building that is divided into three or more dwelling units each with a shared vertical wall separating the unit from the adjacent unit, and each of which has independent entrances

d. Secondary Suite means a self-contained Dwelling unit with a prescribed Floor area located in an accessory Building or in a portion of a Building of only residential occupancy that contains only one other Dwelling unit and common spaces, and where both Dwelling units constitute a single real estate entity.

e. Semi-detached dwelling means a building divided into two (2) separate units, with a shared vertical wall separating the units from each other, and each of which has independent entrances and independent water and sewerage disposal services.

f. Single detached Dwelling means a building containing one dwelling unit and, includes structures commonly referred to as mini-homes and modular homes, as well as dwellings built in place.

(29) Edge means the boundary between different zones, or the boundary between different uses within the same zone.

(30) Egress/ingress means the right to enter and leave a property.

(31) Emergency service facilities means private or publicly owned and operated facilities for the provisions for emergency services including fire protection, policing and health services.

(32) Entranceway means a driveway providing access to and from a lot to a highway.

(33) *Environmental Protection Act* means the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9. of the province of Prince Edward Island.

(34) 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.

(34A) Event venue means a building, structure, or outdoor area used for conferences, weddings, meetings, retreats, banquets, public assembly, cultural events, or similar gatherings, and may include accessory food and beverage service.

(35) Excavation pit means any excavation in the ground for the purpose of searching for or removing clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a highway, or a snow-trap constructed to protect a roadway from snow accumulation;

(36) Existing lot means a lot of land held under a separate deed, and having a provincial property identification number (PID) as of the effective date of the Bylaw, and for the purposes of subdivision an existing lot is one which has been described by deed and which has had a PID since January 25, 1989.

(37) Farm means arable land greater than ten (10) acres in size and complementary buildings, operated as a farm enterprise by a bona fide farmer and includes land leased from the Crown and operated as part of a farm enterprise, but excludes land leased or rented from owners who are not bona fide farmers.

(38) Fence means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

(39) Floor area means:

a. With reference to a dwelling, the area contained within the outside walls excluding any private garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year;

b. With reference to a non-residential building, the total usable floor area within a building.

c. With reference to an accessory building, the area contained within the outside walls.

(40) Footprint means the outline of the total area of a lot or site that is surrounded by the exterior walls of a building or portion of a building, exclusive of courtyards.

(41) Forestry Land Use means a commercial silviculture or the production of timber or pulp and any other uses associated with forestry including sawmills, related vehicle and equipment storage, accessory buildings and yards, as well as retail and wholesale outlets for wood and wood products.

(42) Grade means:

a. *as it applies to the determination of building height*, the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized

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

b. *as it applies to ground level*, the average of the mean elevations of all the natural levels or finished ground adjoining existing walls of buildings, and the degree of rise or descent of the sloping surface.

(43) Group home means a facility licensed or funded by the Province of Prince Edward Island that provides accommodation, supervisory and/or personal care to residents with social, physical, or mental issues with at least one (1) staff person.

(44) Health and wellness services means an establishment used by qualified medical practitioners and staff for the provision of medical, health and dental care on an outpatient basis. This term refers to such uses as medical and dental offices, physiotherapy services, chiropractic services, counseling services, and ancillary clinic counseling services.

(45) Heavy Equipment Repair means an establishment for the repair of vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.

(46) Height means the vertical distance measured from the averaged finished grade to the highest point of roof surface for a building, or the highest part of a structure.

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

(48) Home occupation means an accessory use conducted in a portion of a dwelling, or within an accessory building, for pursuits which are compatible with a domestic household. A home occupation shall be clearly incidental and secondary to the residential use of the dwelling.

(49) Industrial use means use of a parcel or buildings in or from which goods or materials are manufactured, processed, assembled or extracted, or premises from which wholesale trade is carried on, including warehousing.

(50) Institutional use means the use of a parcel or buildings for non-profit or public purposes including but not limited to, hospitals, government buildings, places of worship, cemeteries, public schools, colleges, cultural centres, libraries and public recreational and park buildings.

(51) Intensification means the development of a parcel at a higher density than previously existed and includes redevelopment or development within existing communities, infill development, or development on vacant lots or underdeveloped lots within a built-up area, conversion or the change of use of an existing structure or use, and the creation of additional dwelling units or other accommodation in dwellings.

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

(53) Landscape edge means a visual barrier formed by a row of shrubs or trees that is maintained between one lot or land use and another.

(54) Livestock operation means the rearing of livestock or poultry which may be confined in buildings, open sheds, yards, paddocks or by field grazing, the numbers of which, type of management system, minimum separation distance, etc., as recommended by the provincial government department responsible for Agriculture "Guidelines for Manure Management and Separation Distances" shall define intensive use for the purpose of evaluating the environmental impact of such an operation on the surrounding area.

a. Intensive Livestock Operation means a place where livestock are found in a density greater than seven animal units per acre in confined area to which the livestock have access, with the calculation of animal units as established in the *Environmental Protection Act* Watercourse and Wetland Protection Regulations;

(55) Lot or parcel means any division of land or property which is recognized as a separate unit of land for the purposes of this bylaw. Features of a lot include:

a. Lot area means the total area included within the lot lines of a parcel;

b. Lot coverage means the percentage of the lot that is covered by buildings, also known as the building footprint; Maximum lot coverage means the largest allowable area that can be covered by any building or buildings on a lot.

c. Lot frontage means the distance between the side lot lines where they meet the front lot line.

d. Lot line means any boundary of a lot.

e. Interior lot line means any lot line that is not coincident with a highway.

f. Front lot line means the lot line abutting a highway.

g. Rear lot line means the lot line farthest from, or opposite to the front lot line.

h. Side lot line means a lot line other than a front or rear lot line.

Types of lots include:

a. Corner lot means a lot situated at an intersection of and abutting on two or more streets;

b. Interior lot means a lot other than a corner lot.

c. Panhandle or flag lot means a lot that does not have the minimum lot frontage on a road required by these regulations, but has an entranceway providing access to a highway. The developable portion of the lot is behind another lot and connected by a narrow strip of land that does not meet the required lot frontage defined by the zone.

d. Residential lot means a lot where the primary use is residential.

(56) Lot consolidation means the legal incorporation of two or more existing parcels to form a single, larger parcel.

(57) Main building means that building, the nature of the use of which determines the status of the lot upon which it is authorized to be constructed or upon which it is constructed.

(58) Maintenance means those actions undertaken to prevent the deterioration of a building or structure, but does not include any alteration, design change, and/or replacement where such replacement involves a change in design.

(59) Manufacturing means the production, compounding, processing, crating, bottling, packing, or assembly of raw or pre-processed materials including refining, smelting, forging,

stamping, blanking, punch-pressing; and excludes heavy industrial activities that may pose a serious contamination risk to groundwater, such as the manufacturing of chemical products.

(59A) Marina means a facility located on or adjacent to a coastal area, watercourse, or waterbody that provides docking, mooring, launching, or storage for multiple boats as a principal use, and may include accessory boat rental, marine equipment rental, parking, minor boat servicing, accessory retail, and accessory food or beverage service. A marina shall be subject to all applicable municipal, provincial, and federal approvals.

(60) Marine access means a designated location**, route, or area used to provide pedestrian, vehicular, or recreational access to a coastal area, shoreline, beach, wetland, watercourse, or waterbody, but does not include a marine access structure, wharf, dock, marina, boat launch, building, or commercial marine facility unless otherwise permitted in the applicable zone.**

(60A) Marine access structure means a structure designed to provide pedestrian, accessibility, recreational, or marine-related access to or along a shoreline, beach, coastal area, or watercourse, and may include a boardwalk, ramp, stairway, accessibility structure, viewing platform, boat launch, dock, floating dock, wharf, or similar structure, but does not include a building used for accommodation, commercial sales or service, storage, boat repair, boat storage, or a marina unless otherwise permitted in the applicable zone. A marine access structure shall be subject to all applicable municipal, provincial, and federal approvals.

(61) Multi-level marketing retail sales means a commercial operation that involves the sale of products and/or services through person-to-person sales through in-home visits or online, and does not include a retail store outlet location.

(62) Municipality means the Rural Municipality of North Shore.

(63) Nursing home means a facility licensed pursuant to the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13.

(64) 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.

(65) Ornamental structure means a structure of less than 20 m^2 (215.8 ft^2), erected with no foundation or footings and no connection to utility services, and which serves no purpose other than for the aesthetic value and/or delight of its user, such as a sculpture or play structure. This definition excludes any structures used for storage.

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

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

(68) Owner means a part owner, a joint owner, tenant in common or joint tenant of the whole or any part of a parcel or building and includes a trustee, and executor, and executrix, a

guardian, and agent, or mortgagee in possession or other person having the care or control of any parcel or building in the event of the absence or disability of the person having the title thereof.

(69) Park means an area consisting largely of open space, which may include active recreational uses, playground equipment and other similar uses but shall not include a mobile home park, a campground or trailer park.

(70) Parking lot means an open area of land other than a street or access driveway, or an area within a structure used for the parking of vehicles.

(71) Parking space means a space on a parking lot for the temporary parking or storage of a vehicle.

(72) Personal services means a commercial operation in which personal services such as hair styling, tutoring, tailoring, shoe repairs, and small appliance repairs are performed.

(73) *Planning Act* means the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 of the Province of Prince Edward Island.

(74) Planning Board means the Planning Board of the Municipality appointed by Council pursuant to the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

(75) Private road means a road, street or right-of-way which is not a highway**, and that provides vehicular access to one or more lots, but which is not owned, maintained, or assumed by the Province or the Municipality.**

(75A) Professional Architect means an architect licensed to practice in the Province.

(75B) Professional Engineer means an engineer licensed to practice in the Province.

(75C) Professional Landscape Architect means a landscape architect licensed to practice in the Province.

(75D) Professional Land Surveyor means a land surveyor licensed to practice in the Province.

(76) **Province means the Province of Prince Edward Island and Provincial government means the Government of Prince Edward Island.**

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

(78) *Registry Act* means the Registry Act R.S.P.E.I. 1988, c. R-10 of the Province of Prince Edward Island.

(79) Research Facilities means a building or place used primarily for the operation of scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

(80) Residential use means the use of a parcel, building or structure or parts thereof as a dwelling.

(80A) Resort development means a resort-oriented mixed-use development located on lands designated for resort use in the Official Plan and zoned Resort (RES) in this Bylaw, which is intended to function as an integrated area for tourism, recreation, accommodation, resort residential, commercial, open space, servicing, and related uses. Where a use is permitted only "as a part of a resort development," the use shall be located within, support, or be functionally related to the resort-oriented mixed-use area.

(81) Resource commercial use means the use of a parcel or building for the storage, display or sale of goods directly and primarily related to resource uses.

(82) Resource industrial use means the use of a parcel or building for any industrial use directly associated with agriculture, fisheries or forestry industries.

(83) Restaurant means an establishment where food is prepared and served, and may include alcoholic and non-alcoholic beverage service.

(84) 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.

(85) *Roads Act* means the *Roads Act,* R.S.P.E.I. 1988, Cap. R-15 of the Province of Prince Edward Island.

(86) Setback means the horizontal distance measured between the lot line and the nearest part of any building or structure, or the minimum distance required for the placement of a building or structure on the lot. For more certainly the front yard setback, rear yard setback, side yard setback or flankage yard setback, is that distance measured to the front, rear, side or flankage lot line, respectively.

(87) Sewerage disposal system means the infrastructure that collects, conveys, treats and/or disposes of sewage, encompassing but not limited to drains, sewers, manholes, pumping stations and sewage treatment.

(88) Short Term Rental is a dwelling unit that is rented in its entirety to a single occupant or group for a period of less than one month, and for the purposes of this bylaw shall be treated the same as a dwelling unit, unless otherwise specified.

(89) Site plan means a plan drawn to a suitable engineering scale showing details of existing and proposed features on a lot of land which is the subject of an application for development.

(90) Solar panel means a panel which consists of solar cells which produce electricity from solar energy. A solar array is a configuration of more than one solar panel in an installation.

(91) Street line means the boundary of a highway or private road.

(92) Structure means any construction fixed to, supported by or sunk in to land or water, and includes sewerage lagoons, manure pits, underground storage tanks, and fences, but excludes concrete or asphalt paving or similar surfacing, clothesline poles, flagpoles and utility poles.

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

(94) Surface drainage plan means a plan that complies with the surface drainage requirements set out in this bylaw and is duly sealed and signed by a qualified landscape architect or a licensed engineer.

(95) Survey plan means an appropriately scaled drawing of survey details prepared by a licensed surveyor in accordance with the *Land Surveyors Act,* R.S.P.E.I. 1988, c. L.-3.1.

(96) Swimming pool means any structure used for bathing or swimming purposes which is sunk into the ground, or is erected above the ground and which has a possible maximum depth of greater than 0.6m, but shall not include inflatable pools or pools erected on a seasonal basis.

(97) Tourism Establishment shall have the same meaning as defined in the *Tourism Industry Act* as may be amended, and, in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations. **For the purposes of this Bylaw, a Tourism Establishment may include a hotel, inn, lodge, cabin, bunkie, tiny home, guest suite, fractional accommodation unit, multi-unit seasonal accommodation, or similar building, dwelling unit, or group of buildings or units used for temporary, seasonal, fractional, or visitor accommodation.** This definition shall exclude a short term rental, as is otherwise defined.

(98) *Tourism Industry Act* means the Tourism Industry Act R.S.P.E.I. 1988, Cap. T-3.3 of the province of Prince Edward Island.

(99) Transport operations means the use of land, buildings, or structures for the purpose of storing, servicing, repairing, or loading of aircraft, trucks, transport trailers and/or buses.

(100) Use means any purpose for which a building or other structure or parcel 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.

(101) Utility building or structure means a building or structure which houses stationary equipment for telephone, electric power, cable, internet, water supply, storm water, or sewerage disposal services.

(102) Variance means an authorized relaxation from the standards imposed by regulations made under this by-law within the limits specified with respect to lot size or dimensions, setbacks, area or the height or size of a structure.

(103) Warehouse means an establishment used primarily for the storage, wholesaling, and distribution of goods and materials. This definition also includes self-storage units.

(104) Watercourse shall have the same meaning as defined in the Watercourse and Wetland Protection Regulations prescribed under the *Environmental Protection Act*, as may be

amended, and, in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

(105) Wetland shall have the same meaning as defined in the Watercourse and Wetland Protection Regulations prescribed under the Environmental Protection Act, as may be amended, and, in the case of any dispute, the final determination shall be made by the provincial government department having responsibility for enforcement of such regulations.

(106) Wharf means a structure built on the shore of or projecting into a watercourse so that vessels may be moored alongside to load or unload or to lie at rest.

(107) Wind turbine means a wind energy generating system (turbine and accessory facilities) intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) and not used to produce power for resale.

(108) Yard means an open, uncovered, unoccupied space appurtenant to a building. A yard may be further defined as a:

a. Flankage yard means, on a corner lot, that yard extending across the full width of the lot and fronting on a roadway which is not the roadway along which the front yard extends;

b. Front yard means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building on the lot;

c. Rear yard means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on the lot; and

d. Side yard means a yard extending across the full width of the lot between a side lot line and the nearest main wall of the main building on the lot, exclusive of any chimney breast.

(109) Zone means an area of land designated under these Bylaw within which specific land uses are permitted and others restricted or prohibited.

SCHEDULE C. SCHEDULE OF FEES

Updated as of May 2024

Development Permit Fees	FEE per square foot	Minimum	Maximum
Residential - New Construction	$0.20	$350	$1,500
Residential - Renovations/additions	$0.25	$200	$1,500
Commercial/Industrial- New Construction	$0.40	$500	$3,000
Commercial/Industrial - Renovations/additions	$0.40	$400	$2,000
Agricultural/Forestry	$0.15	$200	$1,500
Institutional	$0.40	$500	$3,000
Accessory building	$0.20	$75	$1,500
Any Other Structure or addition	$0.15		

Development Permit Fees (continued)	Flat fee
Residential - Multiple Units in the same Building	$1,000
Deck, pool, fence	$60
Change of use	$50
Demolition	$75
Temporary Permits	$75
Other - Special Permit Use	$75
Excavation Pit - New	$1,400
Excavation Pit - Renewal	$500

Development Permit Fees (continued)	Fee	Plus Costs*
Wind Turbine	$200	Yes
Solar array, ground-mounted	$100	yes

Subdivision Application Fees	Initial Fee	Each additional lot
Subdivision – up to 4 lots per subdivision	$300	$150
Subdivision – 5 or more lots per subdivision	$900	$125
Lot consolidation	$300	$50

Variance, Amendment, Rezoning	Fee	Plus Costs*	Deposit
Variance - no public meeting required	$200	yes	n/a
Variance - public meeting required	$300	yes	n/a
Official Plan Amendment	$400	yes	$4,000
Bylaw Amendment/Rezoning	$400	yes	$4,000
Concurrent Official Plan and Bylaw Amendment (including concurrent amendments to Future Land Use Map and Zoning Map)	$500	Yes	$4,000

Agreement Fees	Fee	Plus Costs*
Development Agreement	$200	yes
Subdivision Agreement	$400	yes
Other Agreements	$100	yes

General Fees	
Permit Extension (prior to expiration of permit)	$100
Permit Renewal (after expiration of permit)	Full Fees after 12 months
Permits obtained after work has started	$500 or double the Permit fee, whichever is greater
Black and white copy of Official Plan and Land Use Bylaw	$25

* Associated costs shall be actual, quantifiable costs incurred by the Municipality in order to process the application or amendment, including professional and legal fees, notification fees for newspaper ads, hall rental, rental of public address system, and advertisement costs, postage, signage and any other the cost associated with the public meeting. A $4,000.00 deposit must be paid by the applicant prior to the holding of any public meetings required under the Bylaw or by Council. Any monies paid in excess of the applicable fees and associated costs shall be refunded to the applicant.

Policy for Refunds for Applications

All fees are non-refundable.

SCHEDULE D. PROVINCE-WIDE MINIMUM SUBDIVISION AND DEVELOPMENTSTANDARDS REGULATIONS, *PLANNING ACT*

Notwithstanding any provisions of the Bylaw, the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act* as may be amended, apply in the Rural Municipality of North Shore. The *Province-Wide Minimum Development Standards Regulations* are included here in the appendix of the Bylaw for information and reference purposes only. Note that this Appendix is not the official version of these regulations and these regulations may be amended after the enactment of the Bylaw.

PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

PLANNING ACT PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

PLEASE NOTE

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

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

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

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

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca

PLANNING ACT
Chapter P-8

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

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

1. "authority having jurisdiction", defined

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

***Idem*, existing definitions**

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

2. Application

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

3. Lot size

Revoked by EC41/96.

4. Residential

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

Location

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

Reduced size

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

(a) it is serviced by an on-site water supply system and a central sewerage system; and

(b) only one additional lot from the existing parcel is created by any proposed subdivision.

Reduced circle requirement

(4) Notwithstanding the minimum circle diameter requirements set out in column (f) of Table 1 and column (e) of Table 2, a lot that does not meet those requirements may be subdivided from a lot or parcel that existed prior to June 12, 1993 where

(a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewerage disposal systems;

(b) the lot meets Category I standards in accordance with clause 5(a) and the minimum lot area requirements set out in column (e) of Table 1 and column (d) of Table 2 respectively;

(c) a circle with a minimum diameter of 125 ft./38.1 m. will fit within the boundaries of the lot; and

(d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement. *(EC703/95; 41/96; 694/00; 552/11)*

5. Non-residential

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

Exception

(2) Notwithstanding subsection (1),

(a) where a lot is intended for any non-residential use where water and sewage services are not required for the proposed development, the Minister may approve an exemption from the requirement of subsection (1);

(b) where an approval or permit has been granted by an authority having jurisdiction pursuant to subsection (1), a subsequent approval or permit requiring or proposing a sewerage system shall only be granted in accordance with the standards set out in Table 2. *(EC703/95; 41/96; 552/11)*

6. Categories of lots

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

(a) Category I, where

(i) the depth of permeable natural soil is 2 ft. (0.61 m.) or greater,

(ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and

(iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;

(b) Category II, where

(i) the depth of permeable natural soil is greater than 1 ft. (0.3 m.), but less than 2 ft. (0.61 m.),

(ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and

(iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;

(c) Category III, where

(i) the depth of permeable natural soil is 1 ft. (0.3 m.) or greater,

(ii) the depth to bedrock is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.), or

(iii) the depth to the maximum groundwater elevation is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.);

(d) Category IV, where

(i) the lot has a depth of permeable natural soil of less than 1 ft. (0.3 m.),

(ii) the depth to bedrock is greater than 1 ft. (0.3 m.), and

(iii) the depth of the maximum groundwater elevation is greater than 2 ft. (0.61 m.);

(e) Category V, where

(i) the depth to bedrock is less than 1 ft. (0.3 m.), and

(ii) the depth to the maximum ground water elevation is greater than 2 ft. (0.61 m.). *(EC703/95; 694/00; 552/11)*

7. Upgrade

Revoked by *(EC694/00)*.

8. Application

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

9. Minor variance

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

Variance, public utility use

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

MINIMUM HIGHWAY ACCESS

10. Minimum highway access standards

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

Entrance way permit

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

TABLE 1

MINIMUM LOT SIZE STANDARDS:

RESIDENTIAL LOTS

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

TABLE 1

Planning Act Province-Wide Minimum Development Standards Regulations

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

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

TABLE 2

MINIMUM LOT SIZE STANDARDS:

NON-RESIDENTIAL LOTS

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

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

TABLE 2

MINIMUM LOT SIZE STANDARDS:

NON-RESIDENTIAL LOTS

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

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