

Town of Borden-Carleton

Zoning and Development Bylaw Bylaw 04-15



October 13, 2015

Prepared by:
**Town of Borden-Carleton
Council and
Derek A. French
Professional Services Inc.**

TABLE OF CONTENTS

1. DEFINITIONS AND ZONES	1
1.1 Short Title	
1.2 Definitions	
1.3 Certain Words	17
1.4 Establishment of Zones	
1.5 Definition of Zones	
1.6 Basic Provisions.....	18
1.7 Auxiliary Use, Buildings and Structures	
1.8 Units of Measure	
1.9 Maximum Lot Coverage	
1.10 Mixed Use	
1.11 Other Requirements	
2. GENERAL REGULATIONS.....	19
2.1 Area Defined	
2.2 Scope	
2.3 Authority of Development Officer	
2.4 Development Approval.....	20
2.4.1 Development Permit Required	
2.4.2 No Development Permit Required	
2.5 Development Permit Application	21
2.6 Building Permit	
2.7 Conditions on Permits	
2.8 Development Agreement	
2.9 Site Plan	
2.10 Other Information	22
2.11 Construction Plans	
2.12 Surveys Required	
2.13 Permits Posted.....	23
2.14 Authorization for Inspection	
2.15 Construct in Accordance with Application	
2.16 Certificate of Compliance	
2.17 Development Restrictions	
2.18 Permitted Uses in All Zones	24
2.19 Moving of Buildings	
2.20 Existing Non-Conforming Lots	
2.21 Existing Non-Conforming Buildings	
2.22 Non-Conforming Uses	25
2.23 Entrance Way	
2.24 Accessibility.....	26
2.25 Yards	
2.26 Through Lots	
2.27 Grade of Site	
2.28 Landscaping	27

2.29 Height Regulations	
2.30 Intersection Triangle	
2.31 Watercourses - Separation Distances	
2.32 Yard Requirements Concerning Natural Hazards	
2.33 Main Building	28
2.34 Accessory Structures	
2.35 Accessory Apartments	29
2.36 Fences	
2.37 Recreational Trailer or Vehicle.....	30
2.38 Mobile and Mini Homes	
2.39 Wind Energy Systems	
2.40 Fire Marshall's Approval	
3. SPECIAL DEVELOPMENT CONSIDERATIONS	31
3.1 Petroleum Storage	
3.2 Underground Petroleum Storage Tanks	
3.3 Public and Private Utilities	
3.4 Swimming Pools	
3.5 Special Requirements for Semi-detached, Row or Town Houses	32
3.6 Subdividing of Attached Dwellings	
3.7 Domestic and Household Arts in Residential Zones	33
3.8 Business Uses in Residential Zones	
3.9 Special Permit Uses	
4. PARKING REQUIREMENTS.....	35
4.1 Preamble	
4.2 Parking Requirements	
4.3 Additional Parking Spaces.....	36
4.4 Other Requirements	
4.5 Loading Zones	37
5. SIGNS.....	38
5.1 General	
5.2 Maintenance	
5.3 Limit on Number of Signs	
5.4 Signs Permitted in all Zones	39
5.5 Signs Prohibited in all Zones	40
5.6 Wall Signs	
5.7 Projecting Wall Signs	41
5.8 Ground Signs	
5.9 Mobile Signs	
5.10 Temporary Signs.....	42
5.11 Canopies or Awning	
5.12 Sandwich Signs	
5.13 Signs in a Residential Zone	
5.14 Billboards.....	43

6. AGRICULTURE RESERVE (AR) ZONE.....	44
6.1A Permitted Uses	
6.1B Special Permitted Uses	
6.2 AR Zone Resource Development - General Requirements	
6.3 AR Zone Abutting Zone Requirements	45
6.4 Keeping of Farm Animals	
6.5 Development Agreements	
7A. RESIDENTIAL R1 ZONE	48
7A.1 Residential R1 Zone	
7A.2A Permitted Uses	
7A.2B Special Permitted Uses	
7A.3 Lot Size	
7A.4 Parking	49
7A.5 Boarding Houses/Bed and Breakfast Establishments	
7A.6 Landscaping	50
7A.7 Keeping of Animals	
7A.8 Special Side Yard Requirements for Attached Garage	
7A.9 External Design	
7A.10 Development Agreements.....	51
7A.11 Lot Sizes and Related Dimensions	
7A.12 Abutting a Single Detached Residential Property.....	52
7A.13 Garden Suites	53
7A.14 Mini Home Courts	
7A.15 Parking Requirements	54
7B. SMALL LOT RESIDENTIAL (RS) ZONE	55
7B.1 Small Lot Residential (RS) Zone	
7B.2 Permitted Uses	
7B.3 Lot Size	
7C. RURAL RESIDENTIAL (RR) ZONE.....	57
7C.1 General	
7C.2 Permitted Uses	
7C.3 Summer Cottages	
7C.4 Lot Requirements	58
7C.5 Servicing.....	59
8. COMMERCIAL DEVELOPMENT - GENERAL.....	60
8.1 General Provisions For All Commercial Zones	
8.2 Abutting Zone Requirements	
8.3 Storage and Screening of Refuse Containers	
8.4 Restriction on Commercial Use of Mini Home	
8.5 Transient or Temporary Commercial Permits	
8.6 Dwellings in Commercial Buildings.....	61

9. NEIGHBOURHOOD COMMERCIAL (C1) ZONE	62
9.1 Purpose	
9.2 Permitted Uses	
9.3 Special Permitted Uses	
9.4 Lot Size	63
9.5 Maximum Floor Area Requirement for Commercial Uses	
9.6 Multiple Family Dwellings	
9.7 Parking	64
9.8 Outdoor Storage	
9.9 Litter Containers	
9.10 Walkways	
10. HIGHWAY COMMERCIAL (C2) ZONE	65
10.1 General	
10.2A Permitted Uses	
10.2B Special Permitted Uses	66
10.3 Lot Requirements	
10.4 Development Agreements	
10.5 Litter Containers	67
10.6 Walkways	
10.7 Parking Areas	
10.8 Outdoor Storage	68
10.9 Shopping Centres	
10.10 Special Requirement for Motor Vehicle Service Stations	
11. GENERAL INDUSTRIAL (M) ZONE	70
11.1 Purpose	
11.2 Permitted Uses	
11.3 Special Permitted Uses	
11.4 Lot size	71
11.5 Parking	
11.6 Special Requirements: Industrial Zones Adjacent to Residential Zones	
11.7 Special Requirement: Yard Waiver	72
12. PUBLIC SERVICE AND INSTITUTIONAL (PSI) ZONE	73
12.1 Purpose	
12.2 Permitted Uses	
12.3 Lot size	
12.4 Parking	74
12.5 Public Service and Institutional Zone Special Requirements	
13. COMPREHENSIVE DEVELOPMENT AREA (CDA)	75
13.1 Purpose.	
13.2 Permitted Uses	
13.3 Development Permits	
13.4 Development Concept Plan	

13.5 Approval Process	76
13.6 Council Discretionary Public Consultation	
14. RECREATION AND OPEN SPACE (OS) ZONE	77
14.1 Purpose	
14.2 Permitted Uses	
14.3 Lot size	
14.4 Parking	78
15. ENVIRONMENTAL RESERVE (O2) ZONE	79
15.1 General	
15.2 Permitted Uses	
15.3 Zone Requirements	
16. ADMINISTRATION	80
16.1 Variance	
16.2 Rezoning Procedures	
16.3 Building Permit Fees	81
16.4 Change of Use Permits	
16.5 Subdivision Fees	
16.6 Permits Recognized as Valid	
16.7 Subdivision Approval	
16.8 Conveying Interest in a Lot	
16.9 Permission to Subdivide	82
16.10 Procedure	
16.11 Additional Information	
16.12 Consultation	83
16.13 Park Land Dedication and/or Park Dedication Fee	
16.14 Subdivision Agreement	
16.15 Final Approval	84
16.16 Severances	
16.17 Building Permits	
16.18 Penalties	
16.19 Repeal	
16.20 Effective Date	85
Appendix A - Zoning Map	86
Appendix B - Development Fees	87
Appendix C - Province-Wide Minimum Development Standards Regulations	89

Borden-Carleton Zoning and Development Bylaw Bylaw 04-15

This bylaw is made under the authority of the *Planning Act, R.S.P.E.I. 1988 Cap. 4* and the *Municipalities Act, R.S.P.E.I., 1988, Cap. M-13*.

BE IT ENACTED by the Council for the Town of Borden-Carleton as follows:

1. DEFINITIONS AND ZONES

1.1 Short Title

This bylaw may be cited for all purposes as the Development Bylaw.

1.2 Definitions

For the purposes of this bylaw, all words shall carry their customary meaning except for those defined as follows. In this bylaw:

<i>Access Driveway</i>	means a driveway providing ingress and egress from a parcel of land to a highway;
<i>Accessory Building</i>	means a subordinate building on the same parcel of land as the main building under the same ownership as the main building, the use of which is clearly incidental to that of the main building, and which is compatible in design to the main buildings and surrounding structures;
<i>Accessory Use</i>	means a use subordinate and naturally, customarily and normally incidental to, and exclusively devoted to, a main use of land or a building and located on the same lot;
<i>Act</i>	means the <i>Planning Act R.S.P.E.I. 1988 Cap. P-8</i> ;
<i>Adult Entertainment Parlour</i>	means any premises or part thereof in which is provided the services of which a principal feature or characteristic is the nudity or partial nudity of any person and where the sale of beer wine, or intoxicating liquor for consumption on the premises may or may not be permitted;
<i>Alter</i>	means to make any change in the size, shape or structure, interior or exterior, of a building or any part thereof, and may also refer to a change of use;
<i>Animal Clinic or Hospital</i>	means a facility for the temporary medical treatment of animals or birds for monetary gain;
<i>Animal Kennel</i>	means any part of a Lot, Building Structure or establishment where Domestic Animals excluding Livestock are kept, bred, boarded or trained for profit or gain for the purposes of breeding, boarding, grooming, commercial, or animal welfare purposes;

<i>Animal Kennel Run</i>	means a Fenced area provided for the Use of Domestic Animals housed in a Structure;
<i>Apartment</i>	means one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit;
<i>Attached</i>	means having a common wall and/or common roof line and the building or structure shall be considered common where at least forty (40) percent of the length of the wall or roof line is common with the main building or structure wall or roof;
<i>Authority Having Jurisdiction</i>	Means the Province, Federal Government, Council, The Development Officer or an agent of the Town of Borden-Carleton;
<i>Automobile Service Station or Service Station</i>	means a building or part of a building or a clearly defined space on a lot used for the sale of petroleum whether or not done in conjunction with the sale of automobiles, accessories and the servicing and repairing essential to the actual operation of motor vehicles;
<i>Automobile Washing Establishment</i>	means a building or part thereof used for the operation of automobile washing equipment which is manual, automatic or semi-automatic;
<i>Bed and Breakfast Establishment</i>	means an owner-occupied single detached unit dwelling in which the resident supplies, for compensation up to three (3) rooms available for rent for the temporary accommodation of travellers and may be licensed by the Province;
<i>Billboard Sign</i>	means a large ground Sign or fascia wall Sign which is not related to any business or Use located on the Lot or premises;
<i>Block</i>	means any unit of land consisting of a grouping of lots bounded on all sides by water-courses, streets or large parcel boundaries;
<i>Boarding or Rooming House</i>	means a single unit dwelling in which the resident supplies either a room or room and board up to a maximum of four (4) rooms for compensation on a weekly or monthly basis;
<i>Bona Fide Farmer</i>	for the purpose of this Development Bylaw, has the same meaning as set out in the <i>Lands Protection Act, R.S.P.E.I. 1988, Cap. L-5</i> ;
<i>Buffer</i>	means an area of land maintained in its natural state as a non-developable area;
<i>Building</i>	means any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal, or chattel, and includes a mini home;
<i>Building Height</i>	means the vertical distance measured from the average finished grade to the highest point of the roof surface;
<i>Building Line</i>	means any line regulating the position of a building or structure on a

lot;

- Bulk Storage Facility*** means a lot used for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids (fuel oil), gases, minerals, pipes, gravel, fertilizers and grain, with or without buildings;
- Business or Professional Office*** means premises where services are offered for a fee but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods;
- Cemetery*** means a burial place or ground other than a church yard which may include mausoleum vault for the storage of remains and a chapel for internment services;
- Change of Use*** means, in accordance with the context
- (i) the change of use of a parcel of land from one class of use to another recognizing as standard classes residential, commercial, industrial, agricultural, recreational and institutional uses,
 - (ii) a change in the intensity of the use of a parcel of land or the structures on a parcel of land within a specific class of use as described in clause (i); and
 - (iii) in relation to a highway, has the meaning set out in regulations made under the *Roads Act R.S.P.E.I. 1988, Cap. R-15*;
- Child Care Facility*** means any place where or in which child care is offered at any time to:
- (i) more than six children;
 - (ii) more than five children all of whom are less than six years of age; or
 - (iii) more than three children all of whom are less than two years of age;
- Church*** means a building dedicated to religious worship and includes a church hall, auditorium, Sunday school, parish hall, rectory, manse and Child Care Facility operated by the church;
- Clinic*** means a building used for the medical, dental, surgical, or therapeutic treatment of human patients;
- Commercial*** means any use by which retail or wholesale trade is carried on, and may include other uses involving sale of goods, materials, and services;
- Commercial Motor Vehicle*** means any motor vehicle having permanently attached thereto a truck or delivery body or materials handling equipment and includes taxi, delivery van, ambulance, hearse, motorbus, and highway tractor trailer;

Commercial Uses Utilizing Heavy Equipment and/or Heavy Vehicles means a commercial use, that as part of its function, utilizes heavy equipment and/or vehicles which are stored on the same property such as tractors, excavators, oil delivery trucks, highway tractor trailer trucks, dump trucks, buses and cube vans but shall not include panel vans, ambulances, hearses, or regular pick up trucks;

Commission means the Island Regulatory and Appeals Commission established under Section 2 of the *Island Regulatory and Appeals Commission Act, R.S.P.E.I. 1988, Cap. I-11*;

Community Care Facility means an establishment which provides care services for compensation to five or more residents who are not members of the operator's immediate family but does not include:

1. a group home recognized as such by the Minister
2. a residential school,
3. an establishment providing accommodation,
4. a hospital,
5. a correctional institution,
6. a facility providing treatment services under the *Addiction Services Act*,
7. a nursing home, or
8. a residential institution as defined in Part II of the regulations made under *the Social Assistance Act* which is operated or funded by the Minister;

Community Centre means a building or buildings, or any part of any buildings used for recreational, social, educational and cultural activities, owned and operated by a public non-profit or agency;

Convenience Store means a retail store supplying daily household necessities for the immediate surrounding area in which articles for sale are restricted to a limited range of primary food items such as: milk, bread, soft drinks, ice cream, canned and bottled goods, snacks, candy, and meat, and to compliment such items, other items which may include: the limited sale of newspapers, magazines, books, housewares, toiletries, stationary, non-prescribed medicines and tobacco products;

Council means the Council of the Town of Borden-Carleton;

Councillor means any resident of The Town of Borden-Carleton who has been duly elected and sworn to office in order that such resident may execute those duties as prescribed by law;

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

Demolition means the removal, pulling down or destruction of a structure;

<i>Developer</i>	means the owner of lands on which development is proposed, or in the case of a major development as defined herein, the person who applies for a building permit;
<i>Development</i>	means the carrying out of any building, engineering, excavation or other operations in, on, over or under land, or the making of any material change in the use, or the intensity of use of any land, building or premises and includes the placing of structures on, over or under land;
<i>Development Agreement</i>	means an agreement between a developer and Council, respecting the terms and conditions under which a development may be carried out;
<i>Development Bylaw</i>	means this bylaw which is the Zoning and Development Bylaw for Borden-Carleton;
<i>Development Permit</i>	means the formal and written authorization for a person to carry out any development;
<i>Display</i>	includes any item, group of items, sign, or Billboard visible to the general public, indicating that items or services are offered for sale or trade but does not include signs of 400 square inches or less;
<i>Dog House</i>	means any Building or Structure where dogs are kept by residents as pets and not for breeding, boarding, commercial, or animal welfare purposes;
<i>Dog Run</i>	means a Fenced area provided for the Use of dogs which are kept by residents as pets and not for breeding, boarding, commercial or animal welfare purposes;
<i>Domestic and Household Arts</i>	means a vocation that can be carried out in a Dwelling Unit which shall include and be limited to: <ol style="list-style-type: none"> 1. dressmaking and tailoring; 2. pet grooming; 2. hairdressing, barber shop and esthetics; 3. instruction in the arts; and 4. arts and crafts, weaving, painting, sculpture, and repair of garden or household ornaments, personal effects or toys;
<i>Dwelling</i>	means a building or portion thereof designed, intended, or used for residential occupancy, which has frontage on a public street and which is placed on a poured or slab foundation, but does not include hotels and motels, and “Converted Dwelling” - means a building converted to contain a greater number of dwelling units than the building contained prior to conversion; "Duplex Dwelling" - means a building containing two dwelling units each of which has an independent entrance and which are typically

separated by a fire-rated floor assembly;
"Dwelling Unit" - means one or more habitable rooms designed, used or intended for use by one or more individuals as an independent and separate housekeeping establishment with separate kitchen and sewage system facilities;
"Multiple Family Dwelling" - means a building containing three or more dwelling units;
"Semi-detached Dwelling" - means a building divided vertically into two (2) separate units each of which has an independent entrance directly at ground level;
"Single Family Dwelling" - means a building, together with the land upon which it is situated, intended for human habitation comprising not more than one dwelling unit and "single family detached dwelling" has the same meaning;
"Townhouse Dwelling" or "Row House Dwelling" - means a building that is divided vertically into, three or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit;

- Entrance Way*** means an access driveway;
- Entrance Way Permit*** means an entrance way permit issued by the Minister of Transportation and Public Works pursuant to the provisions of the *Roads Act*;
- Erect*** means to construct, reconstruct or alter a building or part thereof or to change the location of an existing building or part thereof and includes any physical operation, such as excavating, filling or draining, preparatory to construction or reconstruction;
- Established Grade*** means when used in reference to a building, the average elevation of all the finished surfaces of the ground adjoining each exterior wall of a building, exclusive of any localized depressions such as vehicle or pedestrian entrances;
- Existing*** means existing on the effective date of this Development Bylaw;
- Existing Parcel of Land*** means any parcel of land or lot created prior to the effective date of this Development Bylaw;
- Family*** means one person or more than one person related by marriage, cohabitation, blood or adoption residing together in one (1) dwelling unit and includes:
1. domestic servants, non-paying guests and foster children; or
 2. not more than two (2) roomers or boarders living in the dwelling unit.
- "immediate family" - includes the following persons:
1. parents of the owner and the owners spouse;

2. the children of the owner and the owners spouse;
3. the grandparents of the owner and the owners spouse;
4. the brothers or sisters of the owner and the owners spouse;
5. the aunts or uncles of the owner and the owners spouse; and
6. legal guardians;

<i>Farm or Farm Property</i>	means land, including any complementary Buildings, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of Livestock or production of raw dairy products, and may comprise a lesser area when operated as a Farm Enterprise by a bona fide farmer as defined in the <i>Real Property Assessment Act</i> , R.S.P.E.I. 1988, Cap. R-4;
<i>Farm Enterprise</i>	for the purpose of this Development Bylaw has the same meaning as set out in the <i>Real Property Assessment Act</i> ;
<i>Farming</i>	means the outdoor cultivation of agricultural products and/or the raising of farm livestock;
<i>Fence</i>	means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, to prevent entrance, to confine, or to mark a boundary;
<i>Fill</i>	means material deposited on a lot to alter the land level of the lot;
<i>Fishery Use</i>	means a use supportive of the fishery, including but not limited to, general storage, docks, boat launches and sales of fish;
<i>Floor Area</i>	means: <ul style="list-style-type: none"> with reference to “dwelling” - the area contained within the outside walls excluding any private garage, porch, verandah, sunroom, greenhouse, unfinished attic, unfinished basement and other rooms not habitable at all seasons of the year; with reference to "commercial building" - the total usable floor area within a building used for commercial purposes excluding washrooms, furnace rooms and common halls between stores; and with reference to an “accessory building” - the area contained within the outside walls;
<i>Forestry Use</i>	means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use that do not require a structure;
<i>Frontage</i>	means the horizontal distance between the side lot lines bordering on a street and according to the direction of the front of the dwelling or structure;
<i>Garden Suite</i>	means a portable, detached housing unit, excluding mini homes, solely intended for temporary occupancy by the parents, grandparents or disabled children of the owners of the principal dwelling located on

	the same property on which the unit is to be placed;
Grade	means the lowest point of elevation of the finished surface of the ground, paving or sidewalks within the area between the building and the property line or when the property line is more than five (5) ft. (1.52 m.) from the building, between the building and line five (5) ft. (1.52 m.) from the building;
Highway, Road or Street	means all the area within the boundary lines of a right-of-way whether vested in the Province of Prince Edward Island or the Town of Borden-Carleton and used or intended for use by the general public for the passage of vehicles and includes bridges over which any such road, street or right-of-way passes “arterial highway” means any highway that has been designated as an arterial highway under the provisions of the <i>Road Act</i> ; “collector highway” means any highway that has been designated as a collector highway under the provisions of the <i>Roads Act</i> ; and “local road or highway” means any paved road other than an arterial or collector highway;
Home Occupation	means any Accessory Use conducted in a portion of a Dwelling unit, or part of an Accessory Building, for pursuits which are compatible with a domestic household, and which are carried on by at least one member of the Family residing in that Dwelling. For the purposes of this By-law, a Home Occupation shall be clearly incidental and secondary to the residential Use of the Dwelling unit;
Hotel	means a building other than a motel occupied or intended to be occupied as the temporary lodging place for any individual, or group of individuals, for a fee;
Industrial	in relation to premises, means premises in or from which goods or materials are manufactured, processed, assembled or extracted; or premises from which wholesale trade is carried on, including warehousing;
Inn	means an establishment used for the accommodation of guests and the preparation and sale of meals for guests and the general public;
Industrial Premises	means premises in or from which goods or materials are manufactured, processed, assembled or extracted or premises from which wholesale trade is carried on including warehousing;
Institutional Premises	means premises, other than commercial or industrial premises, used for community services and includes: <ol style="list-style-type: none"> 1. Cemeteries 2. Churches, places of worship and religious institutions 3. colleges, universities and non-commercial schools 4. Community Centres

5. government offices
6. Senior Citizens Homes, Community Care Facilities and Nursing Homes
7. hospitals
8. libraries, museums and art galleries
9. public parks, public recreational centres;
10. public and private schools; and
11. Child Care Facilities;

Landscaping

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

Licensed Premises

means any Lounge, Pub, micro brewery or distillery as defined in the *Liquor Control Act Regulations R.S.P.E.I. 1988, Cap. L-14* and any subsequent changes to those Regulations;

Loading Space

means an area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area is provided for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded, and such parking space shall not be for the purpose of sale or display;

Lot Consolidation

means the legal incorporation of two or more existing parcels of land to form a single, larger parcel;

Lot Coverage

means the building area measured from the outermost walls of all buildings on a lot, expressed as a percentage of the area of the lot;

Lot or Property

means any parcel of land described in a deed or as shown in a registered subdivision plan, and

"lot area" - means the total area included within the lot lines;

"corner lot" - means a lot situated at an intersection of and abutting on two or, more streets,

"flankage lot line" - means the side lot line which abuts the street on a corner lot,

"front lot line" - means the lot line abutting the street upon which the building or structure erected or to be erected has its principal entrance,

"interior lot" - means a lot other than a corner lot,

"lot depth" - means the depth from the front lot line to the rear lot line,

"lot line" - means any boundary of a lot,

"rear lot line" - means the lot line furthest from and opposite to the front lotline,

"side lot line" - means a lot line other than a front, rear or flankage lot

	line, "through lot" - means a lot bounded on two opposite sides by streets;
<i>Low Density</i>	means a residential development at a maximum of one (1) dwelling unit per acre or equal percent thereof;
<i>Main Building</i>	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 and which is the dominant or most intensive use on the lot;
<i>Main Wall</i>	means an exterior wall of a building and all structural members essential to the support of a fully enclosed or partially enclosed roof;
<i>Mini Home</i>	means a pre-manufactured Dwelling Unit having an average width of less than 20 ft. (6.1 m), not including entries, porches or other appurtenances and certified under the Z240 provisions of the Canadian Standards Association (CSA);
<i>Mini Home Court</i>	means a lot or parcel of land planned and developed for the placement of mini homes;
<i>Mini Home Space or Lot</i>	Means space in a mini home court for the placement of a mini home;
<i>Minister</i>	means the Minister of the department having authority;
<i>Mobile Home</i>	means a transportable Dwelling Unit suitable for long-term occupancy, designed to be transported on its own wheels and chassis, and, when located, fixed on a firmly grounded foundation;
<i>Modular Home</i>	means any Dwelling Unit which is manufactured and sold as such by the housing industry, and composed of components substantially assembled in a manufacturing plant and transported to the Building Lot for final assembly and installation on the Lot. For clarification purposes is not a "Mobile Home" or a "Mini Home" ;
<i>Motel</i>	means a building occupied in whole or in part as a temporary lodging place for individuals and for which there is an exit from any room or suite of rooms directly to the outdoors with access to grade level;
<i>Municipality</i>	has the same meaning as in the <i>Municipalities Act R.S.P.E.I. 1988, Chap. M-13</i> ;
<i>Neighbourhood Commercial Use</i>	means any building or land used for commercial, retail and service purpose which is intended to serve the needs of a residential neighbourhood;

<i>Nursing Home</i>	means a building, part of a building or a group of buildings in which, for a fee, charge or reward, direct or indirect, there are housed patients requiring or receiving active treatment for, or convalescing from, or being rehabilitated after, illness or injury, but does not include a public hospital or a mental hospital;
<i>Obnoxious Use</i>	means a use which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, or any objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material;
<i>Official Plan</i>	means a plan for a municipality adopted under the <i>Planning Act</i> ;
<i>Open Space</i>	means that portion of a lot which may be used for landscaping, recreational space or leisure activities normally carried on outdoors but does not include space used for service driveways or off-street parking;
<i>Outdoor Storage</i>	means the storage of merchandise, goods, inventory materials or equipment, or other items which are not intended for immediate sale, other than within a building;
<i>Parcel</i>	means a lot, block, or other division of land which is recognized by the Minister as a separate unit of land for the purposes of this bylaw;
<i>Park and Recreational Use</i>	means the use of land for parks, playgrounds, open space/recreation, open space conservation, tennis courts, indoor and outdoor skating rinks, athletic fields, golf courses, and similar uses to the foregoing, together with necessary and accessory buildings or structures, excluding a track for the racing of animals, or any form of motorized vehicles;
<i>Parking Lot</i>	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 “public parking lot” means a parking lot used for the temporary parking of vehicles and is available for public use whether free, for compensation or as an accommodation for clients, customers or employees;
<i>Parking Space</i>	means an area of land which is suitable for the parking of a vehicle, not less than ten feet wide and twenty feet long, accessible to vehicles without the need to move other vehicles on adjacent areas;
<i>Personal Service Shop</i>	means a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons. (e.g. barbershop);
<i>Pet Grooming Establishment</i>	means a business associated with the grooming of animals;

<i>Pharmacy</i>	means a retail outlet which dispenses regulated drugs by prescription;
<i>Phase</i>	means to develop a parcel of land over time in a series of prescribed stages;
<i>Place of Recreation</i>	means a motion picture or other theatre, arena, auditorium, public hall, bowling alley, ice or roller skating rink, bingo hall, fitness club, curling club, and all other similar places of recreation, excluding pool or billiard parlours and shooting galleries, but does not include an Adult Entertainment Parlour;
<i>Pool or Billiard Parlour</i>	means a building or part thereof which provides for the game of pool or billiards and where the sale of beer, wine, or intoxicating liquor for consumption on the premises may or may not be permitted, but does not include an Adult Entertainment Parlour;
<i>Private Garage</i>	means a building or part thereof which is used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use;
<i>Public park or Park land</i>	means land owned by the Community_ or some other level of government used or intended for use by members of the public;
<i>Province</i>	means the Province of Prince Edward Island or a department, agency or individual representing the Province of Prince Edward Island;
<i>Recreational Trailer or Vehicle</i>	means a vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes, recreation vehicles or other similar vehicles;
<i>Recycling Depot</i>	means premises on which recoverable materials such as newspaper, glassware, plastics, metal cans are separated prior to shipment but does not include any processing of the material or a salvage yard;
<i>Resident</i>	means a person who has attained the age of eighteen years and is ordinarily resident, per the <i>PEI Elections Act</i> , within the boundaries of the Town of Borden-Carleton;
<i>Restaurant</i>	means a building where food and drink is served to the public primarily for consumption in the building and may include a licensed eating establishment as defined by the PEI Liquor Commission;
<i>Retail Store</i>	means a building or part thereof in which goods, wares, merchandise,

	substances, articles or things are offered or kept for sale directly to the public;
<i>Right-of-Way</i>	means an area of land that is legally described in a registered deed for the provision of private or public access of passage;
<i>Salvage Yard</i>	means a lot or premises for the storage or handling of scrap material, and without limiting the foregoing, shall include wastepaper, rags, bones, bottles, used bicycles, vehicles, tires, metal or other scrap material or salvage;
<i>Senior Citizen</i>	means a person deemed to be eligible for accommodation in a Senior Citizen Home under the terms of the <i>P.E.I. Housing Corporation Act</i> or comparable Provincial statute;
<i>Senior Citizen Home</i>	means any home for Senior Citizens either privately sponsored or administered by any public agency or any service club either of which obtains its financing from federal, provincial or municipal governments or agencies or by public subscription or donations, or by a combination thereof and shall include auxiliary uses such as lounges and recreation facilities usually associated with senior citizens' developments;
<i>Separation Distance</i>	means that portion of a lot which is required to physically separate incompatible land uses. A separation distance is a horizontal distance and may include but is not limited to a required front, side and/or rear yard;
<i>Service Shop</i>	means a building or part thereof used for the sale and repair of household articles and shall include, but not be limited to, radio, television, and appliance repair shops but, shall not include industrial, manufacturing or motor vehicle body repair shops;
<i>Sewage System</i>	means a system of pipes for the disposal of sewage controlled by a public utility as defined in the Water and Sewerage Act, R.S.P.E.I. 1988, Cap. W-2;
<i>Setback</i>	means the distance between the Street Line and the nearest main wall of any Building or Structure except Fences, and extending the full width of the Lot;
<i>Shopping Centre</i>	means a commercial area developed in accordance with a comprehensive scheme containing not less than four separate commercial uses which uses are intended to serve more than one community or trade area with a broad range of retail, cultural and personal services;
<i>Sign</i>	means a sign that directs attention to a business, commodity, service,

	industry, or other activity, which is sold, offered, or conducted on the lot upon which the sign is located, or to which it is affixed;
<i>Site Plan</i>	means a plan drawn to a suitable architectural scale showing details of proposed and existing features on a parcel of land which is the subject of an application for development;
<i>Storage Facility</i>	means a building or portion of a building used for the storage of goods, personal belongings or possessions, for monetary gain;
<i>Storey</i>	means that portion of a building between any floor and ceiling or roof next above provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 m (approximately 6 feet) above grade and provided also that any portion of a building between any floor and ceiling or roof next above exceeding 4.2 m (approximately 14 feet) in height shall be deemed an additional storey;
<i>Street or Road</i>	see highway;
<i>Street Line</i>	means the boundary line of a right-of-way of a street;
<i>Structure</i>	means any construction fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and a fence;
<i>Subdivision</i>	means a division, consolidation or other re-configuration of a Lot(s) or parcel(s) for the purpose of Development and/or transfer of ownership;
<i>Subdivision Agreement</i>	means an agreement between Council and a developer whereby the developer undertakes to provide basic services in order to develop a plan of subdivision;
<i>Subdivision Road</i>	means a public road designed to serve lots in a subdivision;
<i>Summer Cottage</i>	means a single unit dwelling that is intended to be occupied primarily during the summer months and located on a Lot serviced by a private road;
<i>Swimming Pool</i>	means any outdoor structure, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 0.91 m. (3 ft.) or more at any point or having a minimum surface area of 15 square metres (161 square feet);
<i>Temporary Building/Structure</i>	means a structure without any foundation or footings and which is removed when the designated time period, activity or use which the temporary building/structure was erected has passed;
<i>Temporary Use</i>	means a use established for a fixed period of time with the intent to

	discontinue such use upon the expiration of the specified time period;
<i>Travel Trailer</i>	means a vehicle designed to be used as temporary accommodation for travel, recreation and vacation purposes and to be independent of sewage, water and electrical services;
<i>Town</i>	means the area incorporated and known as the Town of Borden-Carleton;
<i>Use</i>	means any purpose for which a Building or other Structure or parcel of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, Business or operation carried on, or intended to be carried on, in a Building or Structure or on a parcel;
<i>Utility</i>	means any public or private system, works, plant, equipment or services which furnishes services at approved rates to or for the use of the general public and is not considered obnoxious, as defined by this Development Bylaw;
<i>Variance</i>	means a relaxation of the terms of this Development Bylaw, particularly in reference to yards, where such variance will not be contrary to the public interest and where, owing to conditions of the property and not the result of the applicant, a literal enforcement of the Development Bylaw would result in unnecessary and undue hardship;
<i>Warehouse</i>	means a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard;
<i>Watercourse</i>	shall have the same meaning as defined under the <i>Environmental Protection Act, R.S.P.E.I. 1988, Cap. E-9, Watercourse and Wetland Protection Regulations</i> and in the case of any dispute the final determination shall be made by the Provincial Department having authority to enforce these Regulations. More particularly defined as “an area which has a sediment bed and may or may not contain water, and includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body;”
<i>Wetland</i>	defined above under “Watercourse”;
<i>Wind Mill</i>	means a structure that is erected as either a standalone or as an addition to an existing structure, used for the harnessing of wind for the purpose of energy generation;
<i>Wireless</i>	means a licensed, unstaffed facility, including tower and accessory

**Telecommunication
Tower**

structures, used for the transmission and reception of radio signals as defined by the *Radiocommunications Act R-2; 1989*;

Yard

means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as specifically permitted in this bylaw and

"Front Yard" - means a yard extending across the width of a lot between the front lot line and nearest wall of any building or structure on the lot and "minimum front yard" means the minimum depth of a front yard on a lot between the front lot line and the nearest main wall of any building or structure on the lot as provided for in this Development Bylaw.

"Rear Yard" - means a yard extending across the width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot, "minimum rear yard" means the minimum depth of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot as provided for in this Development Bylaw.

"Side Yard" - means a yard extending from the front yard to the rear yard of a lot between a side lot line and nearest wall of any building or structure on the lot, "minimum side yard" means the minimum width of a such yard on a lot between a side lot line and 1 nearest main wall of any main building or structure on the lot as provided for in this Development Bylaw.

"Flankage Yard" - means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure on the lot;

Zone

means a designated area of land shown on the zoning map of this Development Bylaw within which land Uses are restricted to those specified by this Development Bylaw;

1.3 Certain Words

In this Development Bylaw, words used in the present tense include future; words in the singular number include the plural; the word "shall" is mandatory and not permissive; and the word "he" includes "she".

1.4 Establishment of Zones

For the purpose of this Development Bylaw, the Town is divided into the following zones, the boundaries of which are shown in Schedule "A" on the Official Zoning Map. Such zones may be referred to by the following appropriate symbols.

<u>ZONE</u>	<u>SYMBOL</u>
Agricultural Reserve	AR
Residential	R1
Residential Small Lot	RS
Rural Residential	RR
Neighbourhood Commercial	C1
Highway Commercial	C2
General Industrial	M
Comprehensive Development Area	CDA
Public Service and Institutional	PSI
Recreation and Open Space	OS
<u>SPECIAL OVERLAY ZONE</u>	<u>SYMBOL</u>
Environmental Reserve	O2

1.5 Definition of Zones

Boundaries between zones as indicated in Schedule "A" shall be determined as follows:

1. Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
2. Where a zone boundary is indicated as following lot or property lines, the boundary shall be such lot or property lines.
3. Where a zone boundary is indicated as following the limits of the Town, the limits shall be the boundary.
4. Where none of the above provisions apply, the zone boundary shall be scaled from the original zoning maps filed in the offices of the Town.

1.6 Basic Provisions

1. This bylaw applies to the entire area of the Town except where otherwise specifically stated.
2. Land shall not be used and buildings and structures shall not be constructed, altered, located or used except as specifically permitted by this bylaw.
3. All uses, buildings and structures not specifically permitted are prohibited.
4. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

1.7 Auxiliary Use, Buildings and Structures

1. No auxiliary use or building shall be permitted on any lot unless the principal use or principal building to which it is auxiliary has been established or erected or will simultaneously be established or erected.
2. An accessory building or structure shall not be used as a dwelling unit.

1.8 Units of Measure

Units of measure and conversion shall be in accordance with either Imperial or Metric standards and where equivalents are shown in brackets, the figure shown without brackets shall prevail.

1.9 Maximum Lot Coverage

Maximum lot coverage shall be determined as the percentage of the lot covered by the main building, attached or detached garage and any accessory buildings.

1.10 Mixed Use

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

1.11 Other Requirements

Nothing in this Development Bylaw exempts any person from the requirement to obtain any permit, license, permission, authority or approval required by any other provincial or federal statute or regulation.

2. GENERAL REGULATIONS

2.1 Area Defined

This bylaw applies to the geographical area within which the Borden-Carleton Town Council has jurisdiction and for greater certainty does not include the land in the Provincial Government Control area.

2.2 Scope

No dwelling, business, trade, or industry shall be located, nor shall any building be erected, altered, used or have its use changed, nor shall any land be subdivided, consolidated or used in the Town of Borden-Carleton, except in conformity with this Development Bylaw.

2.3 Authority of Development Officer

1. Council shall appoint a Development Officer(s) whose duties shall be as provided in this Development Bylaw. A Development Officer shall have the authority to administer this Development 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 Development Bylaw in all areas except for:
 - (a) large scale residential Developments of three or more Lots;
 - (b) new commercial operations or existing commercial operations wishing to expand;
 - (c) new public service and institutional operations or existing public service and institutional operations wishing to expand;
 - (d) new recreation and Public Open Space operations or existing recreation and Public Open Space operations wishing to expand;
 - (e) new Utility Structures or existing Utility Structures wishing to expand;
 - (f) Special Permits;
 - (g) Change of Use;
 - (h) Rezoning applications; and
 - (i) variance up to 5%.
2. Where an application is not entirely clear in its intent, or where an application does not appear to conform with the provisions of this Development Bylaw or any other Development Bylaws which may be in force, the Development Officer shall submit the application to Council for its interpretation and instruction.

2.4 Development Approval

No development shall be undertaken within the Town unless a development permit has first been obtained upon application to the Development Officer by the Owner of the property to be developed, or by a person having a documented beneficial interest in the property.

2.4.1 Development Permit Required

No person shall, without first applying for and receiving a permit from the Authority Having Jurisdiction:

- (a) change the use of a parcel of land or a Structure;
- (b) commence any Development;
- (c) construct any Structure on a Property;
- (d) make exterior Structural Alterations to any Structure;
- (e) make any water or sewer connection;
- (f) make any underground installation such as a septic tank, a fuel tank, a foundation wall or the like;
- (g) move or demolish any Structure;
- (h) establish or operate an Excavation Pit;
- (i) construct a driveway;
- (j) place, dump any fill or other material;
- (k) subdivide or consolidate a parcel or parcels of land;
- (l) construct a Fence over 4 ft. /1.22 m or more high;
- (m) establish or place a Swimming Pool;
- (n) construct a Deck.

2.4.2 No Development Permit Required

Unless otherwise specified, no Development Permit shall be required for:

- (a) laying paving materials for patios or sidewalks;
- (b) constructing Fences of less than 6 ft. / 1.83 m in height (subject to 2.36);
- (c) installing clothes lines, poles, and radio or television antennae (except ground based satellite dishes);
- (d) making a garden;
- (e) growing a crop or preparing land for a crop;
- (f) conducting routine maintenance which has the effect of maintaining or restoring a Structure or any of its elements to its original state or condition;
- (g) making landscape improvements, constructing ornamental Structures or play Structures of less than 64 sq. ft. / 5.95 sq. m.;
- (h) constructing a Dog House or Dog Run;
- (i) a Development that involves the interior or exterior Renovation of a Building that will not change the shape of the Building or increase its volume, will not add more Dwelling Units, or will not involve a change in Use of the Building; and

- (j) Public utilities located within the Street right-of-way;
- although the applicable requirements of this Bylaw must still be met.

2.5 Development Permit Application

- (a) A Development Permit shall be issued once:
 - the Authority Having Jurisdiction is satisfied that the proposed Development conforms with all relevant provisions of this Development Bylaw;
 - conforms with any other relevant bylaws;
 - is not considered an Obnoxious Use; and
 - upon receipt of the appropriate fee(s), as set out in Appendix C.
- (b) A development permit application shall be made on an approved form as may be prescribed by Council from time to time.

2.6 Building Permit

A building permit shall be valid for a twelve-month period or such additional time as may be authorized by Council.

2.7 Conditions on Permits

Council or its agent shall have the authority to impose conditions on a permit subject to such conditions being directly related to or consistent with Development Bylaws or the Official Plan of the Town.

2.8 Development Agreement

Council may require any applicant to enter into a Development Agreement. This Agreement shall be a contract binding on both parties, containing all conditions relevant to the development. Failure to comply with a Development Agreement shall constitute an offense under this Development Bylaw.

2.9 Site Plan

1. The Authority Having Jurisdiction may require an applicant to submit a Site Plan drawn to a convenient scale certifying the agreement of the applicant to develop the site in accordance with the plan.
2. A Site Plan shall be prepared to a scale showing existing and proposed conditions and, at the discretion of the Development Officer, may include:
 - (a) location of all Buildings and Structures on the parcel with respect to the Lot boundaries;
 - (b) location of the septic system or sewer service;

- (c) location of the well or water service;
- (d) location of the electrical service;
- (e) location of the existing or proposed driveway(s);
- (f) floor plan(s) of the proposed Building or Structure;
- (g) elevation plan(s) of each exterior wall of the proposed Building or Structure;
- (h) drainage plan of the site, signed and sealed by a land surveyor, a professional engineer, or a landscape architect licensed to practice in the Province; and
- (i) any other information the Authority Having Jurisdiction deems necessary to determine whether or not the proposed Development conforms to the requirement of this Development Bylaw.

2.10 Other Information

The Development Officer may require an applicant for a development permit to submit any additional information related to the development which is deemed pertinent, including but not limited to, the following:

- (a) parking lot layout and internal circulation patterns;
- (b) location of garbage containers and description of any screening or fencing;
- (c) storm water management plan;
- (d) location of open space and amenity areas;
- (e) landscaping plan;
- (f) buffer zones adjacent to wetland areas or watercourses;
- (g) existing vegetation;
- (h) proposed storage areas and description of any screening or fencing;
- (i) easements; and
- (j) traffic impact studies.

2.11 Construction Plans

Council may require the applicant to submit a Construction Plan for the development addressing such details as construction phasing, stockpiling of soil, temporary screening or fencing, erosion or run off control measures, heavy truck access and any other item which could, in the opinion of Council, present a nuisance or hazard during construction.

2.12 Surveys Required

No person shall subdivide one or more Lots or any portion or interest in a Lot and no person shall consolidate two or more parcels of land until the conditions of this Development Bylaw have been complied with and the applicant has submitted six (6) copies of a Survey Plan, prepared by a licensed Prince Edward Island land surveyor.

2.13 Permits Posted

All permits shall be posted by the developer in a location easily visible for viewing.

2.14 Authorization for Inspection

An application for a development permit shall constitute authorization for inspection of the building or land in question by the Authority Having Jurisdiction for the purpose of ensuring compliance with the provisions of this Development Bylaw. The Authority Having Jurisdiction shall not be liable for any damage or loss caused to any property when acting under the authority of this section.

2.15 Construct in Accordance with Application

Any applicant who has been granted a development permit is deemed to have agreed to develop in accordance with the information given on the application.

2.16 Certificate of Compliance

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

2.17 Development Restrictions

The Authority Having Jurisdiction shall not issue a development permit for a development if, in the opinion of the Authority Having Jurisdiction:

1. the proposed development does not conform to this Development Bylaw;
2. the proposed development could create a hazard to the general public or could injure or damage neighbouring property or other property in the Town, such injury or damage to include but not be limited to water, drainage or other water run-off damage;
3. the proposed development could create a health, fire or accident hazard or increase the likelihood of the existence of rodents and/or vermin;
4. the method of water supply is not appropriate;
5. the method of waste disposal is not appropriate;
6. there is not a safe and efficient access to a public highway, street, or road;
7. the impact of the proposed development would be detrimental to the environment;

8. the proposed development would create unsafe traffic conditions;
9. the proposed development would significantly or permanently injure neighbouring properties by reason of use or architectural disharmony; or,
10. the proposed development would be detrimental to the convenience, health or safety of residents in the vicinity or the general public.

2.18 Permitted Uses in All Zones

The following uses are permitted in all zones:

1. temporary construction facilities such as sheds, scaffolds and equipment incidental to building on the premises for so long as work is in progress to a maximum of 12 months; and
2. public and private utility buildings and structures which are considered by the Authority Having Jurisdiction to be necessary and appropriate to the Town.

2.19 Moving of Buildings

No building shall be moved out of, into or within the area covered by this Development Bylaw without a development permit and such other permits as may be required by law, including a moving permit.

2.20 Existing Non-Conforming Lots

Notwithstanding any other provisions of this Development Bylaw:

1. a vacant Lot held in separate ownership from adjoining parcels on the effective date of this Development Bylaw, having less than the minimum width, depth or area required, may be used for a purpose permitted in the Zone in which the Lot is located and a Building may be Erected on the Lot provided that all other applicable provisions in this Development Bylaw are satisfied;
2. a Lot containing a Structure and held in separate ownership from adjoining parcels on the effective date of this Development Bylaw, having less than the minimum Frontage, depth or area required by this Development Bylaw, may be used for a purpose permitted in the Zone in which the Lot is located, and a Development Permit may be issued provided that all other applicable provisions in this Development Bylaw are satisfied.

2.21 Existing Non-Conforming Buildings

Where a building has been erected on or before the effective date of this Development Bylaw on a lot having less than the minimum frontage or area, or both, required by this Development Bylaw, or having less than the minimum front yard or side yard or rear yard, or separation distance, required by this Development Bylaw, the building may be enlarged, reconstructed,

repaired or renovated provided that:

1. the enlargement, reconstruction, repair or renovation does not further reduce the front yard, side yard, rear yard, or separation distance that does not conform to this Development Bylaw; and,
2. all other applicable provisions of this Development Bylaw are satisfied.

2.22 Non-Conforming Uses

1. Subject to the provisions of this Development Bylaw, a building or structure, or use of land, buildings or structures lawfully in existence on the effective date of approval of this Development Bylaw may continue to exist.
2. No structural alterations that would increase the exterior dimensions, except as required by statute or Development Bylaw, shall be made in a building or structure while a non-conforming use thereof is continued.
3. If a building which does not conform to provisions of this Development Bylaw 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 this Development Bylaw, except if the building or repair work would not be detrimental, in the opinion of the Authority Having Jurisdiction, to the convenience, health or safety of residents in the vicinity or the general public.
4. 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 purpose of this Development Bylaw.
5. A non-conforming 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 this Development Bylaw.
6. A building or structure shall be deemed to exist on the effective date of approval of this Development Bylaw if:
 - (i) it was lawfully under construction, or
 - (ii) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within six (6) months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time.

2.23 Entrance Way

1. No person shall construct or Use any access driveway prior to obtaining an Entrance Way Permit from the Authority Having Jurisdiction.
2. No person shall change the Use of any access driveway to a more intensive Use without

the evaluation and approval of the Authority Having Jurisdiction.

3. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street or existing private right-of-way.
4. Notwithstanding subsection 1, the Authority Having Jurisdiction may approve a development permit for a residential or commercial structure which fronts on a private right-of-way, provided that the following criteria are met, as per Provincial guidelines:
 - (i) no reasonable provision can be made to provide direct access to a public street,
 - (ii) safe ingress and egress from the lot can be provided,
 - (iii) an agreement is registered in the P.E.I. Registry Office, binding on all land owners abutting or fronting on the private right-of-way providing for the long term ownership and maintenance of the right-of-way, and such agreement shall be binding on all heirs, successors and assigns of the current property owners.

2.24 Accessibility

1. The Authority Having Jurisdiction may, as a condition of granting a Development Permit, require the applicant to design and develop a Structure or provide such facilities as necessary to permit access to the Building or Structure by physically challenged persons.
2. No Development Permit shall be issued for a Building or Structure which provides access to the general public until the Authority Having Jurisdiction receives a “Confirmation of Receipt of a Quality Control Plan” from the Provincial Government, pursuant to the Barrier- Free Design Regulations or subsequent regulations proclaimed for the same purpose.

2.25 Yards

Except for accessory buildings, every part of any yard shall be open and unobstructed by any structure from ground to the sky.

2.26 Through Lots

Where a lot which is not a corner lot has frontage on more than one street, the front yard requirements contained in this Development Bylaw shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

2.27 Grade of Site

No building shall be erected or placed except in conformance with the approved finished grade for its site or the road after its construction.

2.28 Landscaping

1. The provision and maintenance of adequate-landscape buffering and/or appropriate fencing between residential zones and new commercial, industrial or other land uses characterized by significant traffic generation, the heavy use of trucks, noise congregations of people or other factors that may adversely affect adjacent residents, amenity, shall require the satisfaction of the Authority Having Jurisdiction;
2. The provision and maintenance of adequate landscaping shall be required for new development to the satisfaction of the Authority Having Jurisdiction;
3. Where a C2 Zone or a M Zone abuts a Residential Zone along a side and/or rear lot line, a strip of land of not less than fifteen (15) ft. (4.57 m.) in width along the said side and/or rear lot shall be landscaped to the satisfaction of the Authority Having Jurisdiction as part of the development for which a building permit has been granted.

2.29 Height Regulations

The height regulations of this Development Bylaw shall not apply to church spires, water tanks, flag poles, lighting standards, television or radio antennae (up to 9.14m. (30 ft.)), ventilators, skylights, chimneys, clock towers, utility poles or silos.

2.30 Intersection Triangle

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

2.31 Watercourses - Separation Distances

To protect wetland and shore land areas, the setback distances shall be determined by the Authority Having Jurisdiction.

2.32 Yard Requirements Concerning Natural Hazards

Where a front, side or rear yard is required by this Development Bylaw and part of the area of the lot:

1. is usually covered by water or marsh,
2. is beyond the rim of a river bank or watercourse, or
3. is between the top and toe of a cliff or embankment;

the required yard shall be determined by the Authority Having Jurisdiction.

2.33 Main Building

Except in a Residential zone, more than one (1) main building may be placed on a lot in any zone, provided all other provisions of this Development Bylaw are met.

2.34 Accessory Structures

1. An Accessory Building or Structure shall be permitted in any Zone, but it shall not:
 - (a) be used for human habitation except where a Dwelling is a specifically permitted Accessory Use;
 - (b) be built closer to a Street on which the Main Building fronts than the Main Building is to that Street;
 - (c) be built within the Front Yard or Flankage Yard of a Lot;
 - (d) be built closer than 2.29 m. (7.5 ft.) to any Lot line except for:
 - (i) common garages for semi-detached Dwelling units may be centred on the mutual side Lot line;
 - (ii) boat houses and boat docks may be built to the Lot Line when the Lot Line corresponds to the water's edge;
 - (e) be built within 3.05 m. (10 ft.) of the Main Building;
 - (f) exceed 4.57 m. (15 ft.) in height, excluding where it is an Accessory Use in the Agricultural Reserve, Commercial or Industrial Zones;
 - (g) be permitted if two Accessory Buildings already exist, except where it is an Accessory Use on a Farm Property, in which case, there is no limit;
 - (h) be constructed larger than the sizes outlined in the following table:

Lot Size	Accessory Building Max. Size
Up to 1 acre	1,000 sq. ft. (total of both Buildings)
1 acre to 2 acres	1,200 sq. ft. (total of both Buildings)
3+ to 5 acres	1,500 sq. ft. (total of both Buildings)

- (i) notwithstanding the above provisions, Council may issue a special Development Permit for an Accessory Structure located within the Front Yard or Flankage Yard of a Lot where Council is satisfied the Structure will be compatible with adjacent Structures and no permanent injury would be caused to adjoining properties, and subject to such conditions as Council may impose.

2.35 Accessory Apartments

1. One (1) Accessory Apartment unit may be constructed within or as an addition to an existing Single Family Dwelling in the Agricultural Reserve (AR) Zone, upon written application to the Authority Having Jurisdiction, and if the Owner and the Authority Having Jurisdiction have first entered into a written Development Agreement pursuant to which the owner has agreed with the Authority Having Jurisdiction as follows:
 - (a) the Accessory Apartment area does not exceed 92.9 sq.m. (1,000 sq.ft.) in floor area;
 - (b) the exterior of the residence shall retain a Single Family Dwelling appearance;
 - (c) the Owner shall submit a Site Plan indicating the proposed location of at least one (1) additional parking space in accordance with this Development Bylaw, and that is separate from the required parking space(s) for the Dwelling, shall be provided.
 - (d) the Accessory Apartment shall be reviewed and approved by the Fire Marshal's Office;
 - (e) the existing or new septic system is to be reviewed and approved by a professional engineer or a sewage disposal contractor licensed to practice in the Province certifying that the design of the sewer system shall meet all applicable provincial and federal regulations. Including, but not limited to, the *Occupational Health & Safety Act* for the Province of Prince Edward Island and shall conform to good engineering practice using the following guidelines:
 - (i) "Atlantic Canada Wastewater Guidelines Manual for Collection, Treatment and Disposal of Sanitary Sewage" prepared by Atlantic Environment Departments;
 - (ii) *Environmental Protection Act*; &
 - (iii) Sewage Disposal Systems Regulations.
 - (f) all other provisions of this Development Bylaw remain applicable to the Dwelling.

2.36 Fences

No fence shall exceed 1.22 m (4 ft.) in height where it is to be located in the front yard or flankage yard of a lot in a residential zone.

1. Where a fence is to be located in the front yard or flankage yard of a lot in a residential zone and will exceed 1.22 m (4 ft.) in height, a development permit shall be required.
2. Where a fence is to be located on a corner lot in a residential zone at any height, Council shall require a development permit which may be reviewed by police services to ensure sufficient sight distance and safety for the general public.
3. Fences are to be constructed with a durable material and maintained as required to ensure the structure is both of sound construction and appearance. In the event that Council determines the fence to be of inferior construction quality or the appearance has deteriorated sufficiently, Council may require the necessary improvements.

2.37 Recreational Trailer or Vehicle

No person shall sleep or reside in a Recreational Trailer or Vehicle, unless the Authority Having Jurisdiction has issued a Temporary Permit for such Use, excluding designated campgrounds.

2.38 Mobile and Mini Homes

Mobile Homes shall not be permitted within the Town. Mini Homes shall only be permitted in the Residential (R1) Zone in a designated Mini Home Court.

2.39 Wind Energy System

Wind Energy Systems, “Wind Mills”, of any size are not permitted within the Town.

2.40 Fire Marshal’s Approval

Applications, excluding decks and fences, must be approved by the provincial fire marshal’s office prior to the Development Permit being issued for the following types of Developments:

- (a) Multi-unit Residential;
- (b) Commercial;
- (c) Public Service and Institutional Buildings;
- (d) Industrial; and
- (e) Recreational buildings.

3. SPECIAL DEVELOPMENT CONSIDERATIONS

3.1 Petroleum Storage

Underground petroleum storage facilities shall not be permitted in any zone; and the storage of petroleum on a residential lot shall be limited to 50 litres (11 imperial gallons), except for a farm property.

3.2 Underground Petroleum Storage Tanks

Underground Petroleum Storage Tanks shall require a development permit from the Authority Having Jurisdiction before installation may proceed. In processing such application, the Authority Having Jurisdiction shall refer the application initially to the government authority having jurisdiction for these facilities whereupon such application will be processed in accordance with applicable regulations. The Authority Having Jurisdiction shall not issue a permit to the Developer until it has received written approval from The Authority Having Jurisdiction. However, the written approval of the latter shall alone be conclusive of the right to have a permit issued.

3.3 Public and Private Utilities

Unless otherwise stated, a utility that is essential for the actual provision of a service, including but not limited to a sewer collection and treatment facility, a water supply and distribution facility, a transportation facility, an electrical power, telephone, cable television and natural gas transmission and distribution facility, shall be permitted in any zone; all provisions of this bylaw must be satisfied by the public or private utility prior to Council's approval.

3.4 Swimming Pools

The installation of a swimming pool shall be in accordance with the following provisions:

1. swimming pools shall require a development permit;
2. all swimming pool installations shall be in accordance with the pool manufacturers specifications;
3. all swimming pool installations shall be in accordance with the property owner's policy of property insurance;
4. for all swimming pool installations a minimum 1.22 m (4 ft.) high fence or pool structure shall be in place to impede unauthorized persons from entering over or under said fence or structure, and shall be aesthetically presentable. Access to the pool shall be gated or removed to prevent entry;
5. any gate in such fence shall be capable of being locked;
6. for all swimming pool installations, not enclosed by a fence, a manufacturer's approved

safety cover is mandatory;

7. the Developer shall agree that other initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the Developer or the Council;
8. the Town of Borden-Carleton reserves the right to notify any property owner's insurance provider where a pool installation is not in compliance with the provisions of this section and the property owner has refused to bring the installation into compliance with this section; and
9. the water from the pool shall be permitted to be disposed of onto the ground, provided:
 - (a) the water does not enter a Watercourse;
 - (b) the water has been de-chlorinated through the Use of hydrogen peroxide, or allowed to stand unused for a period of time, until the residual chlorine in the water has been reduced to a maximum 0 mg / ppm; and
 - (c) the Owner shall agree that other initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the Owner or at Council's request.

3.5 Special Requirements for Semi-detached, Row or Town Houses

No semi-detached, row or town house dwelling shall be erected in a manner which will not permit subdivision into individual units pursuant to Section 3.6.

3.6 Subdividing of Attached Dwellings

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

1. a subdivision of the parcel of land has been approved by Council (such sub-division to provide for appropriate easements or common area to allow entry by an owner of any portion of the building to their back yard area);
2. each unit is separated from the basement floor to the underside of the roof by a vertical fire wall built in accordance with applicable National Building and Fire Code regulations;
3. a separate water and sewer service is provided for each unit in accordance with regulations governing water supply and sewerage services for the Town;
4. a separate electrical service is provided each unit;
5. a separate heating device is provided for each unit;
6. separate parking is provided unless Council waives same;
7. an agreement made between or among the owners covering the following terms is approved by Council and registered on the title of each unit:
 - (a) common walls,

- (b) maintenance,
- (c) fire insurance,
- (d) easements,
- (e) parking,
- (f) snow removal
- (g) any other items jointly owned or used, and
- (h) any other terms and conditions as may be imposed by Council.

3.7 Domestic and Household Arts in Residential Zones

1. Nothing in this Development Bylaw shall prevent the carrying on in a residential zone of domestic and household arts provided that all conditions as specified in Section 3.8 are complied with.
2. Domestic and household arts include:
 - (a) dressmaking and tailoring;
 - (b) pet grooming;
 - (c) hairdressing, barber shop and esthetics;
 - (d) instruction in the arts; and
 - (e) arts and crafts, weaving, painting, sculpture, and repair of garden or household ornaments, personal effects or toys.

3.8 Business Uses in Residential Zones

Where property is used for domestic and household arts, or business or professional purposes in a residential zone (home occupation), the following shall apply:

1. the dwelling shall be occupied as a residence by the principal operator of the home occupation;
2. the external appearance of the dwelling shall not be changed by the business use;
3. there shall be no more than two (2) non-resident assistant employees employed in the business or profession or the domestic and household arts carried on;
4. not more than twenty-five (25) per cent of the total floor area of the dwelling is devoted to the home occupation and in no case shall it exceed 74.3 sq. m. (800 sq.ft.) of total floor area, including the area required for storage and business;
5. one off-street parking space, other than those required for the dwelling, is provided for every 28 sq. m. (300 sq.ft.) of floor area, or portion thereof, occupied by the home occupation and the space(s) shall be located in the side or rear of the lot, but not within the required yards and separate from that required for the dwelling;
6. no mechanical equipment is used except that reasonably consistent with the use of a dwelling;
7. there shall be no open storage or display area;
8. there is no advertising other than one unlighted business identification sign a maximum of

- 0.5 sq. m. (5 sq.ft.) in area and attached to the main building; and
9. home occupations are not auto repair shops, welding shops, or anything that could be considered to be obnoxious.

3.9 Special Permit Uses

Subject to these Regulations, the uses that fall within the Special Permit may be permitted in that Zone if Council is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Official Plan, and to the public interest, and if Council has given notice of the application in accordance with the procedures established in this Bylaw, under section 16.2 and has considered any objections or representations which may have been received on the matter. Council will consider the suitability of the site for the proposed development, the potential for conflicting land uses, the impact on neighbouring properties and any potential impact on municipal finances, municipal liability or municipal responsibility.

4. PARKING REQUIREMENTS

4.1 Preamble

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

4.2 Parking Requirements

Use	Number of Spaces Required (Minimum)
Residential	
single family dwelling	1 parking space
two unit dwelling	2 parking spaces
multiple family dwelling	1 parking space per dwelling unit
Commercial	
Hotel, Motel or other Tourist Establishment	1 parking space per guest/room rental unit and 1 parking space for each 23 sq. m. (250 sq. ft.) of floor area devoted to public use (e.g. banquet rooms, lounge)
auditoriums, churches, halls, libraries, museums, theatres, arenas, private clubs, and other places of assembly or recreation	Where there are fixed seats, 1 parking space for every four (4) seats; where there & no fixed seats, the seat count will be based on the Fire Marshall's seating capacity rating
Hospitals and Nursing Homes and Community Care Facilities	.75 parking spaces per bed
Senior Citizens Apartments	1.25 spaces per dwelling unit
Elementary School	1.5 parking spaces per teaching classroom and 1 parking space for each six seats seating capacity in the auditorium.
Funeral Home	15 parking spaces plus 1 parking space per five seats of seating capacity.
Business and Professional Offices, Service and Personal Service Shops	1 parking space per 18.6 sq. m (200 sq. ft.) of floor area.

Use	Number of Spaces Required (Minimum)
Automobile Dealership	1 parking space per 4.65 sq. metres (50 sq. ft.) of floor area
Shopping Centre	1 parking space per 18.6 sq. metres (200 sq. ft.) of floor area.
Restaurant or Lounge	1 parking space per four seats of seating capacity.
Other Commercial	1 parking space per 14 sq. metres (150 sq. ft.) of floor area.
Industrial	1 parking space per 28 sq. metres (300 sq. ft.) of floor area or 1 parking space per employee, which ever is greater.
Other	As determined by Council

4.3 Additional Parking Spaces

Additional parking spaces may be required, if in the opinion of Council the spaces required under Section 2.5.2 will not meet anticipated parking requirements.

4.4 Other Requirements

Where parking facilities are required or permitted:

1. the parking area shall be maintained with a stable surface;
2. the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from the streets, adjacent lots and buildings;
3. a structure not more than ten (10) ft (3.05 m) in height and not more than fifty (50) sq. ft. (4.65 sq. m.) in area may be erected in the parking lot for the use of attendants;
4. the parking area shall be within three hundred (300) ft. (91.4 m) of the location which it is intended to serve and shall be situated in the same zone;
5. when the parking area is of a permanent hard surface, each parking space shall be clearly demarcated with lines painted and maintained on the parking surface;
6. a parking space shall consist of an area of not less than two hundred (200) sq. ft. (18.6 sq. m) measuring ten (10) ft. (3.05 m) by twenty (20) ft. (6.1 m), exclusive of driveways and aisles, unless otherwise authorized by Council;
7. entrances and exits to parking areas shall not exceed a width of thirty (30) ft.(9.1 m) at the street line and edge of pavement; and
8. the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a

parking area, shall be a minimum width of 3.05m (10') for one-way traffic, and a minimum width of 6.1 m, (20') for two-way traffic.

4.5 Loading Zones

1. In any commercial or industrial zone, no person shall erect or use any building or structure for manufacturing, storage, warehouse, department store, retail store, wholesale store, market, freight passenger terminal, hotel, hospital, mortuary other uses involving the frequent shipping, loading or unloading of persons, animals, or goods, unless there is maintained on the same premises with every such building, structure or use one (1) off-street space for standing, loading and unloading for every thirty thousand (30,000) sq. ft. (2,790 sq.m.) or fraction thereof of building floor area used for any such purpose.
2. Each loading space shall be at least twelve (12) ft. (3.66 m) wide with a minimum of fourteen (14) ft. (4.27 m) height clearance.
3. The provision of a loading space for any building with less than fifteen hundred (1500) sq. ft. (139.4 sq. m.) shall be optional.
4. No such loading spaces shall be located within any required front yard or within any yard which abuts a residential or Recreation and Open Space Zone.

5. SIGNS

5.1 General

1. Safety and maintenance, where provisions in this Development Bylaw are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province, the more restrictive regulations shall apply.
2. Notwithstanding anything else in this Development Bylaw no person shall erect a sign without first obtaining a development permit from the development officer and no development permit to erect a sign shall be issued unless all the sign provisions of this Development Bylaw are satisfied.
3. An indoor sign shall not be considered a sign for the purpose of this Development Bylaw.

5.2 Maintenance

1. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the National Building Code.
2. If a sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 30 days after abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over the sign.
3. If the message portion of a sign is removed, leaving only the supporting structure of a sign or the supporting braces, anchors, or similar components, the sign owner, owner of the property where the sign is located or other party having control over the sign shall, within 30 days of the removal of the message portion of the sign, remove the remaining components of the sign. This subsection, shall not be construed to prevent the changing of the message of the sign or the repainting or repairing of the sign erected for seasonal use where such sign is removed for a specific period of time during non-seasonal periods.

5.3 Limit on Number of Signs

For the purpose of this Section, where a building is occupied by more than one business, each such business shall be considered a separate business.

1. Notwithstanding anything else in this Development Bylaw and with the exception of clause (iii), not more than 2 signs may be erected on the exterior of any premises at any one time and in determining the number of signs the following shall apply:
 - (i) a double-faced, triple-faced, or a quadruple-faced sign shall count as a single sign;
 - (ii) signs enumerated in Section 5.4, subsections 1. to 12. inclusive shall not be counted

- in calculating the total;
- (iii) not more than one ground sign for any one business shall be permitted on any one lot except in the case of a service station located on a corner lot where a maximum of 2 ground signs and one other type of sign shall be permitted to a maximum of 3 signs in total on the corner lot;
- (iv) not more than one (1) wall sign shall be permitted for each business; and
- (v) not more than one (1) projecting wall sign shall be permitted for each business.

5.4 Signs Permitted in all Zones

The following Signs shall be permitted in all Zones and no Development Permit is required, but are subject to all other requirements of this Bylaw:

1. signs identifying the name and address of a resident and of not more than .5 sq. m. (5 sq. ft.) in sign area;
2. 'No Trespassing' signs or other such signs regulating the use of a property, and of not more than 1 square metre (10 sq. ft.) in sign area;
3. real estate signs not exceeding .5 sq. m. in sign area in a residential zone and 1 square metre in other zones, which advertise the sale, rental, or lease of the premises;
4. signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premise provided that such signs are less than .5 sq. m. in area;
5. signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists, election signs, signs giving legal notices, public identification and informational signs;
6. memorial signs or tablets and signs denoting the date of erection of a structure;
7. the flag, pennant, or insignia of any government or of any religious, charitable, or fraternal organization;
8. signs on mail boxes or newspaper tubes;
9. a temporary sign having an area of not more than 1 square metre incidental to construction and within the area designated for such purposes;
10. church bulletin boards, church identification signs and church directional signs that do not exceed one per abutting street and 1 square metre in area and that are not internally illuminated;
11. signs that constitute an integral part of a vending machine, telephone booth, a device that indicates the time, date, or weather conditions, or similar device whose principal function is not to convey an advertising message; and,
12. signs that do not exceed .5 sq. m. in area and that convey the message that a business

enterprise is open or closed or that a place of lodging has or does not have a vacancy.

5.5 Signs Prohibited in all Zones

The following signs shall not be permitted in any zone:

1. signs not erected by the Town or the Province which incorporate any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving part, visible revolving parts or visible mechanical movement of any description;
2. roof signs, including those painted on the roof;
3. any sign or sign structure which constitutes a hazard to public safety or health;
4. signs which by reason of size, location, content, colouring or manner of illumination obstruct the vision of drivers, either when leaving a roadway or driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;
5. any sign which obstructs free ingress to or egress from a fire escape door, window, or other required exit way;
6. signs not erected by a public authority which make use of words such as 'STOP', 'LOOK', 'ONE WAY', 'DANGER', 'YIELD', or any similar words, phrases, symbols, lights, or character in such manner as to interfere with, mislead, or confuse traffic along a street;
7. signs on public property or public rights-of-way unless erected by the Town or the Province, or required to be so located by order of the Province, but no sign located on public property or a public right-of-way shall bear any commercial advertisement without approval of the Authority Having Jurisdiction;
8. signs not erected by a government body which are located at or near sharp road curves or below the crest of a steep road grade;
9. signs painted on, attached to, or supported by a tree, stone, cliff or other natural object; and
10. signs not related to any business or use located on the lot or premises.

5.6 Wall Signs

Notwithstanding Section 5.14 of this Development Bylaw, no wall sign shall:

1. cover more than .5 sq. m. per lineal metre of the wall on which the sign is affixed with proportional allocation for each business in case of multiple occupancy buildings. In no case, however, shall the total area of the wall sign for all businesses exceed ten (10) sq. m.;
2. extend above the top of the wall upon which it is placed; or

3. extend beyond the extremities of the wall to which it is attached.

5.7 Projecting Wall Signs

No projecting wall sign shall:

1. have a sign face dimension which exceeds 2 metres;
2. project more than 2 metres from the wall upon which it is attached;
3. project over a public right-of-way, or intersection triangle (as set out in Section 2.30 of this Development Bylaw);
4. project above the eaves, parapet or roof line of a building;
5. be permitted to swing freely on its support; or
6. be erected below a height of 3 metres or above a height of 6 metres above grade.

5.8 Ground Signs

No ground sign shall:

1. be located in a Neighbourhood Commercial (C1) zone;
2. exceed five (5) sq. m. (53.8 sq.ft.) in sign area on a single face sign or ten (10) sq. m. of sign area for a double faced sign or twelve (12) sq. m. of sign area for a triple or quadruple faced sign;
3. exceed 5 metres for any sign face dimension;
4. exceed a height of six (6) metres (20 ft.) from the established grade to the highest part of the sign;
5. extend beyond a property line or project over a public right-of-way, other adjoining lands, intersection triangles (as set out in Section 2.30 of this Development Bylaw), or any driveway or parking space;
6. be set back less than 3 metres from any street line, common lot boundary, driveway, aisle or parking area; or
7. have more than 3 signs on the supporting structure but the total area of the signs shall not exceed the maximum provided for in subsection 1.

5.9 Mobile Signs

A mobile sign shall only be permitted in a commercial or industrial zone for business openings or for special promotions provided that:

1. it is the only mobile sign on the lot;
2. it has no moving parts, nor includes any flashing or unshielded lights;
3. it does not exceed 4 sq. m. in sign area;

4. it will only be located on the lot for a maximum period of 14 consecutive days; and,
5. a maximum of two 14 day periods in any calendar year.

5.10 Temporary Signs

Unless otherwise indicated in this Development Bylaw, a temporary sign for a temporary use under Section 8.5 of this Development Bylaw may be allowed in any zone provided it does not exceed 2 sq. m. in sign area.

5.11 Canopies or Awnings

A canopy or awning which is attached to the building shall be permitted in the C1 or C2 zones, provided:

1. the length of the canopy or awning does not extend beyond the length of the building's face;
2. the canopy or awning does not project more than 2 metres out over an existing public sidewalk; and,
3. the canopy or awning is placed on the building a minimum height of 2.5 metres above the sidewalk or established grade.

A sign illustrated on a canopy or awning shall be considered an integral part of the canopy or awning.

5.12 Sandwich Signs

A sandwich sign shall only be permitted in the commercial zone(s) (C1 and C2) provided that:

1. it does not exceed a single-faced area of 1 square metre;
2. it is the only sandwich sign on the lot; and,
3. it does not obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

5.13 Signs in a Residential Zone

1. Unless otherwise indicated in this Development Bylaw, no sign in any residential zone shall exceed .5 sq. m. in sign area;
2. A neighbourhood or subdivision identification sign consisting of a sign, masonry wall, landscaping or other similar features shall be permitted in any residential zone, provided the legend of such sign or display consists only of the neighbourhood or subdivision name.

5.14 Billboards

Notwithstanding the provisions in Sections 5.3 and 5.4 of this Development Bylaw, no Billboard sign shall be erected anywhere within the Town.

6. AGRICULTURE RESERVE (AR) ZONE

The purpose of the Agriculture Reserve (AR) Zone is to reserve an area where resource activities can be carried out relatively free of other land use competition.

6.1A Permitted Uses

The following uses shall be permitted in the Agriculture Reserve (AR) Zone:

- agricultural, including barns and stables and accessory commercial uses;
- Forestry Uses;
- Fishery Uses and accessory Commercial Uses;
- Single Family Dwellings;
- Parks and Recreational Uses;
- Accessory Buildings;
- Dog Houses; and
- Dog Runs.

6.1B Special Permit Uses

Notwithstanding section 6.1A above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Development Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:

- Animal Kennels;
- Animal Kennel Runs;
- Child Care Facilities;
- Bed and Breakfast Establishments with not more than three rooms to let; and
- golf and golf related activities.

6.2 AR Zone Resource Development - General Requirements

The following requirements shall apply to all permitted uses in the Agriculture Reserve (AR) Zone:

	Resource Uses & Buildings	Residential	Accessory Buildings
minimum lot area	12,140 sq.m. (3 acres)	4,047 sq.m. (1 acres)	
maximum lot coverage			
minimum frontage	60.96 m. (200 ft.)	40.25 m.(150 ft.)	
minimum front yard ¹	15.24 m. (50 ft.)	15.24 m. (50 ft.)	may not be located in the front yard
minimum rear yard	15.24 m. (50 ft.)	7.62 m. (25 ft.)	7.62 m. (25 ft.)
minimum side yard	7.5 m. (25 ft.)	7.62 m. (25 ft.)	6.10 m. (20 ft.)
maximum building height	15.24 m. (50 ft.)	10.5 m. (35 ft.)	10.5 m. (35 ft.)

In addition to the above requirements, all Lots shall conform to the provincial minimum Lot standards as noted in Appendix C.

6.3 AR Zone Abutting Zone Requirements

Where a lot located within the Agriculture Reserve (AR) Zone abuts a non-Agriculture Reserve zone, the following standards shall apply:

1. the minimum Setback for any building or structure related to a resource use from the abutting lot line shall be 15.24 metres (50 ft.); and
2. the abutting yard required in subsection 1. shall be either left in natural tree cover, replanted with trees and shrubs, fenced, or a combination of these such that any building or structure related to the resource use is visually screened from the abutting property.

6.4 Keeping of Farm Animals

The use of land or structures for the grazing or keeping of farm animals shall be set back a minimum of 150 ft. from land uses designated in the Official Plan for residential, commercial or institutional purposes.

6.5 Development Agreements

This Development Bylaw provides for several uses which are not permitted by right in the Agricultural Reserve Zone to be approved when Council agrees that exceptional circumstances apply.

The following guidelines will be used when assessing proposed development agreements:

1. An intensive livestock operation shall be considered to be an operation consisting of one or more types of livestock in which animals are confined to feedlots or poultry facilities for feeding, breeding, milking or holding for eventual sale of egg production. When considering applications for the development of intensive agricultural uses, Council shall have regard to the following:
 - (a) adequate separation distances from residential development and land zoned for residential, institutional or commercial purposes as determined by the application of the Provincial Guidelines for Manure Management and Separation Distances;
 - (b) compatibility of future land uses in the Official Plan;
 - (c) proximity to sensitive environmental features;
 - (d) adequacy of water supply and wastewater disposal; and
 - (e) visibility of operations from highways.
2. The development of forest processing operations will generally be directed to locate in areas zoned for industrial purposes. However where effective management and development of the resource requires the location of sawmills and similar facilities at the source, these uses may be permitted by development agreement. When considering the development of intensive agricultural uses, Council shall have regard to the following:
 - (a) adequate separation distances from residential development and land zoned for residential, institutional or commercial use;
 - (b) compatibility of future land uses in the Official Plan;
 - (c) proximity to sensitive environmental features;
 - (d) hours of operation;
 - (e) proximity to watercourses and runoff and silt containment;
 - (f) visibility of operations from highways; and
 - (g) prevailing winds and generation of dust and dirt.
3. Operations involving removal of topsoil or sand or clay will generally not be permitted unless extraordinary circumstances suggest that a highly unusual geological resource is present. Where such can be proven, Council may approve its development by development agreement and in cooperation with Provincial Departments having related mandates. When considering the development of extraction uses, Council shall have regard to the following:
 - (a) adequate separation distances from residential development and land zoned for residential, institutional or commercial purposes;
 - (b) future land uses designations for incompatible uses in the Official Plan;
 - (c) proximity to sensitive environmental features;
 - (d) potential groundwater contamination;
 - (e) seasons and hours of operation;
 - (f) proximity to watercourses and runoff and silt containment;
 - (g) visibility of operations from highways; and

(h) prevailing winds and generation of dust and dirt.

7A. RESIDENTIAL R1 ZONE

7A.1 Residential R1 Zone

Except as provided in this Development Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land used in a R1 Zone shall conform with the provisions of this section.

7A.2A Permitted Uses

The following uses shall be permitted in a Residential R1 Zone:

- Single Family Dwellings; and
- Park and Recreational Uses.

7A.2B Special Permit Uses

Notwithstanding section 7A.2A above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Development Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:

- Multiple Family Dwellings;
- Garden Suites;
- Mini Home Courts;
- Bed and Breakfast Establishments (of greater than three (3) rented rooms may be approved by Council through a Development Agreement);
- Boarding or Rooming Houses;
- Converted Dwellings (to a maximum of 2 units);
- Semi-detached Dwellings;
- Townhouse or Row House Dwellings;
- Apartment Buildings; and
- business uses (subject to Section 3.8).

7A.3 Lot Size

1. The following requirements shall apply to all uses permitted in the Residential Zone:

	Serviced	Partially Serviced or Unserviced
	Single Detached/ Converted/	Single Detached
minimum lot area	697 sq.m. (7500 sq.ft.)	3,252 sq.m. (35,000 sq.ft.)
minimum frontage	22.86 m. (75 ft.)	45.72 m. (150 ft.)
minimum front yard*	7.62 m. (25 ft.)	7.62 m. (25 ft.)
minimum rear yard	6.10 m. (20 ft.)	6.10 m. (20 ft.)
minimum side yard		
a. one side	3.05 m. (10 ft.)	1.83 m. (6 ft.)
b. other side	3.05 m. (10 ft.) + 0.61 m. (2 ft.) for every storey over one	1.83 m. (6 ft.) + 0.61 m. (2 ft.) for every storey over one
maximum height	10.67 m. (35 ft.)	10.67 m (35 ft.)

*2. Where a Lot is located between existing Buildings on the same Block and side of the Street:

- a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing Buildings, other than Accessory Buildings or Structures, are set back from their Front Lot Line; or
 - b. where a Building can meet the minimum Front Yard Setback and will not be located closer to the Street than the Buildings on the adjoining Lots, it may be permitted.
3. In addition to the above requirements, all Lots shall also conform to the Provincial Minimum Lot Standard as noted in Appendix C.

7A.4 Parking

Refer to the general provision for parking requirements in Section 4 of this Development Bylaw.

7A.5 Boarding Houses/Bed and Breakfast Establishments

The following provisions shall apply to Boarding or Rooming Houses and Bed and Breakfast Establishments in the Residential Zone:

1. the use is restricted to a single detached dwelling;
2. no addition or alteration shall be undertaken which changes the roof line or increases the

height (except for the addition of dormers), or extends into the front or side yard of the lot (except for structures necessary for public safety purposes such as fire escapes);

3. advertising signs shall be limited to one per dwelling and shall not exceed 0.5 sq. m. (5.38 sq.ft.) in area; and
4. additional off-street parking shall be provided at a rate of one space for each sleeping room and shall be located in the side or rear of the lot, but not within the required yard.

7A.6 Landscaping

The following requirements shall apply to permitted uses in the Residential Zone:

1. All areas within the required front, side, rear and flanking yards, excluding parking areas, shall be landscaped with grass, or other vegetative cover in combination with wood, decorative concrete, stone, brick or other common landscaping material; and
2. Excluding parking areas in Mini Home Courts, areas for parking, vehicular access and manoeuvring within required front and flankage yards shall not exceed 33 % of the yard area with a maximum width of 6.1 metres (20 ft.).

7A.7 Keeping of Animals

The following uses involving the keeping of animals shall not be permitted within any residential zone:

1. the keeping of livestock (as defined in Section 6.4 of this Development Bylaw);
2. businesses concerned with the breeding and/or boarding of house pets, animal kennels; and
3. Animal Kennel Runs.

7A.8 Special Side Yard Requirements for Attached Garage

In any Residential zone where a dwelling unit includes an attached garage or a garage is incorporated into the unit, the required minimum side yard shall be one metre (3.3 ft.) for a one storey building and an additional 0.61 metres (2 ft.) for an additional storey.

7A.9 External Design

In the Residential Zone, to maintain a traditional appearance of dwellings, no dwelling shall be permitted which is similar in external appearance to a Mini Home and where the average length of which is less than 3 times greater than the average width with no main wall less than 20 ft. in length, excluding designated Mini Home Courts.

7A.10 Development Agreements

Council may consider uses which are not permitted by right in the Residential Zone to be approved through development agreements when Council agrees that exceptional circumstances apply. Notice shall be given to residents as per Section 16.3.9 of this Development Bylaw for mid to high (3 or more units) density development proposals.

1. In areas where services are available, the following multiple unit dwelling types may be approved through a development agreement:
 - (a) Duplex Dwellings, Semi-detached Dwellings;
 - (b) triplex dwellings;
 - (c) Townhouse Dwellings or Row House Dwellings;
 - (d) Garden Suites;
 - (e) Apartment Buildings;
 - (f) Converted Dwellings or expansions to existing converted dwellings of more than two (2) units;
 - (g) Boarding or Rooming Houses of greater than three (3) units; and
 - (h) Bed and Breakfast Establishments with more than three (3) rooms to rent.
2. In areas that are unserviced, the Province Wide Minimum Development Regulations will apply.

7A.11 Lot Sizes and Related Dimensions

1. The following lot sizes and related dimensions will apply in the uses outlined in 7A.10.1:

	Triplex	Townhouse/ Rowhouse	Multiple Unit
minimum lot area	557.4 sq. m. (6000 sq. ft.)	185.8 sq. m. (2000 sq. ft.) / unit	743.2 sq. m. (8000 sq. ft.) for first 4 units + 92.9 sq. m. (1000 sq. ft.) for each unit
minimum frontage	18.3 m. (60 ft.)	7.62 m. (25 ft.) /unit	24.38 m. (80 ft.)
minimum front yard	7.62 m. (25 ft.)	7.62 m. (25 ft.)	7.62 m. (25 ft.)
minimum rear yard	6.10 m. (20 ft.)	6.10 m. (20 ft.)	6.10 m. (20 ft.)
minimum side yard	3.05 m. (10 ft.)	3.05 m. (10 ft.)	3.05 m. (10 ft.)
maximum height	10.67 m. (35 ft.)	10.67 m. (35 ft.)	10.67 m. (35 ft.)

	Converted	Semi-detached
minimum lot area	185.8 sq. m. (2000 sq. ft.) / unit	278.7 sq. m. (3000 sq. ft.) / unit
minimum frontage	6.10 m. (20 ft.) /unit	12.19 m. (40 ft.) / unit
minimum front yard*	7.62 m. (25 ft.)	7.62 m. (25 ft.)
minimum rear yard	6.10 m. (20 ft.)	6.10 m. (20 ft.)
minimum side yard	1.83 m. (6 ft.) + 0.6 m. (2 ft.) for every storey over one	
a. one side		3.05 m. (10 ft.)
b. other side		0
maximum height	10.67 m. (35 ft.)	10.67 m. (35 ft.)

*2. Where a Lot is located between existing Buildings on the same Block and side of the Street:

- a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing Buildings, other than Accessory Buildings or Structures, are set back from their Front Lot Line; or
- b. where a Building can meet the minimum Front Yard Setback and will not be located closer to the Street than the Buildings on the adjoining Lots, it may be permitted.

3. In addition to the above requirements, all Lots shall also conform to the Provincial Minimum Lot Standard as noted in Appendix C.

7A.12 Abutting a Single Detached Residential Property

When a use listed in Section 7A.10.1 abuts a single detached residential property, the following requirements apply:

1. the minimum side and rear requirement for the abutting yard shall be 6.1 metres (20 ft);
2. no parking space shall be permitted within a required yard, except where an opaque fence or landscaped buffer strip of a minimum height of 2 metres (6.6 ft.) is provided (refer to fencing requirements in Section 2.28 of this Development Bylaw).

7A.13 Garden Suites

Garden suites may be approved in the Residential Zone provided that Council enters a development agreement with the owner providing for the following:

1. the garden suite is proposed in conjunction with a single family dwelling on the same lot;
2. the total coverage of the lot by the principal dwelling and the garden suite does not exceed thirty-five (35%) percent;
3. the garden suite utilizes the existing access to the lot where possible;
4. one (1) parking space for the garden suite is provided in addition to the parking required for the principal dwelling;
5. the garden suite is not located in the front yard or flanking yard;
6. the garden suite meets the requirement of the Provincial Fire Marshall;
7. the garden suite does not exceed sixty 65.0 sq. m., (700 sq. ft.) in floor area, maximum one storey;
8. in the case of connection to a septic tank system, the capacity of the tank is adequate to accommodate both the principal dwelling and the garden suite;
9. an accessory apartment does not exist in the principal dwelling; and
10. the garden suite is removed if home ownership changes or the immediate family member(s) ceases to live in the unit. Any stakes or foundation must be removed when the Garden Suite is removed.

7A.14 Mini Home Courts

1. In areas where services are available, Mini Home Court may be permitted by a Development Agreement to include the following uses:

- (a) Mini Home Courts;
- (b) Mini Home Court offices and maintenance equipment storage incidental to the operation of the court;
- (c) neighbourhood convenience store, laundromat (subject to the Neighbourhood Commercial Zone requirements);
- (d) home occupations (subject to Section 3.8); and
- (e) Park and Recreational Uses.

2. Lot sizes and related dimensions for Mini Home Courts are as follows:

Mini Home Courts	Requirements
minimum court area	4046.8 sq. m. (1 acre)
minimum court frontage	30.48 m. (100 ft.)
minimum area of common amenity space per mini home	23.2 sq. m. (250 sq. ft.)
minimum distance of a mini home dwelling from an external property line or street	6.10 m. (20 ft.)
minimum distance between mini homes	9.14 m. (30 ft.)

3. When the Mini Home Court abuts another residential or institutional zone, opaque fencing and/or a landscaped buffer strip a minimum of 2 metres (6.6 ft) in height shall be provided along the side and rear lot lines (excluding access driveways) and all required yards shall be landscaped, with grass or other vegetative cover in combination with wood, decorative concrete, stone, brick or other common landscaping material.

7A.15 Parking Requirements

Refer to the general provisions for parking requirements, Section 4 of this Development Bylaw.

7B. SMALL LOT RESIDENTIAL (RS) ZONE

7B.1 Small Lot Residential (RS) Zone

Except as provided in this Development Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in a R1 Zone shall conform with the provisions of this section. The purpose of this Zone is to provide for Single Family Dwelling residential development on fully serviced lots.

7B.2 Permitted Uses

The following uses shall be permitted in a Small Lot Residential (RS) Zone:

- Single Family Dwellings;
- Home Occupations; and
- Park and Recreational Uses.

7B.3 Lot Size

1. The following requirements shall apply to all uses permitted in the Small Lot Residential (RS) Zone:

	Serviced
	Single Detached Dwelling - RS Zone
minimum lot area	465 sq. m (5005 sq. ft.)
minimum frontage	15.2 m (50 ft.)
minimum front yard*	6.1 m (20 ft.) ¹
minimum rear yard	6.1 m (20 ft.)
minimum side yard	
a. one side	1.83 m (6 ft)
b. other side	1.83 m (6 ft.)
maximum height	10.7 m (35 ft.)

- *2. Where a Lot is located between existing Buildings on the same Block and side of the Street:
- (a) the Setback from the Front Lot Line shall be the average distance that the front walls of the existing Buildings, other than Accessory Buildings or Structures, are set back from their Front Lot Line; or
 - (b) where a Building can meet the minimum Front Yard Setback and will not be located closer to the Street than the Buildings on the adjoining Lots, it may be permitted.
3. In addition to the above requirements, all Lots shall also conform to the Provincial Minimum Lot Standard as noted in Appendix C.

7C. RURAL RESIDENTIAL (RR) ZONE

7C.1 General

Except as provided in this Development Bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered or any land Used in a RR Zone shall conform with the provisions of this section. The purpose of this Zone is to provide for Low Density Single Family Dwelling residential development.

7C.2 Permitted Uses

No Building or Structure or part thereof and no land shall be Used for purposes other than:

- Single Family Dwellings;
- Summer Cottages;
- Park and Recreational Use; and
- Accessory Buildings.

7C.3 Summer Cottages

1. Existing approved Summer Cottage Lots may be Used for the purpose of developing a Seasonal Residence or Summer Cottage, subject to the following:

- (a) the Lot is serviced by a municipal sewer system, or on-site sewage system designed and certified by a professional engineer or a sewer system approved by the Province.
- (b) the Lot has Frontage on either a Public right-of-way or a private right-of-way, provided that Frontage on a private right-of-way meets the requirements set forth in subsection 2.23.
- (c) the owner of the Property shall agree to enter into a Development Agreement with the Town stipulating that:
 - (i) the owner shall be responsible for the provision of sewer services and water supply;
 - (ii) the owner shall agree to pay all future costs related to the extension of the services noted in section 7C.3.1.c.i.;
 - (iii) the maximum Lot Coverage shall not be greater than twenty-five percent (25%) of the Lot for a single Storey cottage or twenty percent (20%) for a cottage of more than one Storey; and
 - (iv) in cases where the Lot is accessed by a private right-of-way, the owner shall acknowledge and agree that neither the Town nor the Province maintains the private right-of-way, that neither the Town nor the Province shall have any liability for that private right-of-way and, without limiting the generality of the

foregoing, that neither the Town nor the Province is responsible for providing snow removal, solid waste service, bus service or emergency Vehicle access to the private right-of-way.

- (d) the owner shall be responsible for all costs of preparing and registering the above noted Development Agreement in the P.E.I. Registry Office.

7C.4 Lot Requirements

1. The following regulations shall apply to Development in a RR Zone:

Minimum Lot Area	4,046.8 sq. m. (43,560 sq. ft., 1 acre)
Minimum Lot Area if Central Water System Supplied	see Appendix C Minimum Lot Size Standards
Minimum Frontage	45.72 m. (150 ft.)
Minimum Front Yard*	5.18 m. (17 ft.)
Minimum Rear Yard	7.62 m. (25 ft.)
Minimum Side Yard	1.83 m. (6 ft.)
Minimum Flanking Yard	6.10 m. (20 ft.)
Maximum Height of any Building	10.67 m. (35 ft.)

- *2. Where a Lot is located between existing Buildings on the same Block and side of the Street:

- (a) the Setback from the Front Lot Line shall be the average distance that the front walls of the existing Buildings, other than Accessory Buildings or Structures, are set back from their Front Lot Line; or
- (b) where a Building can meet the minimum Front Yard Setback and will not be located closer to the Street than the Buildings on the adjoining Lots, it may be permitted.

3. In addition to the above requirements, all Lots shall also conform to the Provincial Minimum Lot Standard as noted in Appendix C.

7C.5 Servicing

1. Notwithstanding any other provisions of this Development Bylaw, the RR Zone is established principally to retain Low Density Uses of land where no central municipal water or sewer service will be provided in the foreseeable future.
2. All Subdivisions whether developed as one application or in Phases, shall be serviced as per Provincial guidelines. All related costs shall be borne by the Developer.
3. On-site sewage treatment systems in an RR Zone shall be designed and certified by a professional engineer or a licensed sewage disposal contractor. Central sewage systems may be considered based on the recommendations of the Province and subject to the approval of the Town. All costs related to the design and approval of a shared or central sewage system shall be borne by the Developer(s).

8. COMMERCIAL DEVELOPMENT – GENERAL

8.1 General Provisions For All Commercial Zones

Two commercial zones are set out in this Development Bylaw: the Neighbourhood Commercial (C1) Zone and the Highway Commercial (C2) Zone.

8.2 Abutting Zone Requirements

Where a Commercial Zone abuts a Residential, Recreation and Open Space, or Public Service and Institutional Zone the following standards shall apply to an abutting yard within the Commercial Zone:

1. the minimum side and rear yard requirement for the abutting yard shall be 6.10 m. (20 ft.) and all areas within the abutting yards, excluding areas for parking, shall be landscaped, with grass or other vegetative cover in combination with wood, decorative concrete, stone, brick or other common landscaping material;
2. no open storage or outdoor display shall be permitted in an abutting yard in any Commercial (C1 or C2) Zone;
3. any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent zone;
4. no parking space shall be permitted in an abutting yard, except where an opaque fence or landscaped buffer strip of a minimum height of 2 m (6.6 ft) is provided (refer to fencing requirements in Section 2.28 of this Development Bylaw).

8.3 Storage and Screening of Refuse Containers

No portion of any lot in a commercial zone shall be used for the collection or storage of refuse unless the refuse container is screened by an opaque fence or landscaped buffer strip with a minimum height of 2 metres (6.6 ft.).

8.4 Restriction on Commercial Use of Mini Home

No development permit shall be granted in a Commercial (C1 or C2) Zone to permit the permanent commercial use of a mini home.

8.5 Transient or Temporary Commercial Permits

Notwithstanding any other provision of this Development Bylaw, temporary permits may be issued for a transient-type commercial operation subject to compliance with the following:

1. the development shall not result in any traffic hazard;
2. the development shall not interfere with the parking requirements of permanent users of

- the lot on which the development will be located;
3. the development shall not be an Obnoxious Use;
 4. the temporary permit shall not exceed a twenty (20) week period;
 5. a second temporary permit shall not be issued for development on the same property within twelve months after the expiration of a permit for a temporary use; and
 6. where required, the applicant shall satisfy Council that such development complies with all health regulations.

8.6 Dwellings in Commercial Buildings

Notwithstanding any other provision of this Development Bylaw, a dwelling unit may be provided in connection with a commercial use if:

1. each dwelling unit meets the requirement of the Provincial Fire Marshall;
2. a separate entrance serves the dwelling unit;
3. for each dwelling unit, 400 sq. ft. (37.2 sq. m.) of landscaped open area is provided; and
4. the floor area in residential use does not exceed the commercial floor area.

9. NEIGHBOURHOOD COMMERCIAL (C1) ZONE

9.1 Purpose

The purpose of this Zone is to provide for the development of commercial uses primarily serving the immediate residential neighbourhood and limited residential uses in association with these commercial uses.

9.2 Permitted Uses

The following uses shall be permitted in the Neighbourhood Commercial (C1) Zone:

- bakery shops;
- Business or Professional Offices;
- banking and financial establishments;
- Convenience Stores;
- craft shops;
- Pharmacies;
- food stores;
- Service Shops;
- Personal Service Shops;
- farmer and craft markets;
- Inns;
- Park and Recreational Uses (subject to the OS Zone requirements);
- Accessory Uses and Structures;
- Residential Uses (subject to the Residential Zone requirements); and
- maximum of two residential Dwelling Units within a building devoted to Commercial Use.

9.3 Special Permitted Uses

Notwithstanding section 9.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Development Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:

- private clubs (non-licenced);
- taxi stands;

- Licensed Premises;
- Clinics;
- Pool or Billiard Parlours;
- custom workshops; and
- Restaurants.

9.4 Lot Size

The following requirements shall apply to all uses permitted in the Neighbourhood Commercial (C1) Zone:

Criteria	Metric	approx. Imperial Equivalent	Conditions
Minimum Lot Area	511.0 sq. m.	5,500 sq.ft.	
Minimum Frontage	15.24 m.	50 ft.	
Minimum Front Yard	7.62 m.	25 ft.	
Minimum Side Yard	3.05 m.	10 ft.	plus .6 m (2 ft.)for each storey over 1
Minimum Rear Yard	3.05 m.	10 ft.	
Maximum Height	10.67 m.	35 ft.	

In addition to the above requirements, all Lots shall conform to the provincial minimum Lot standards as noted in Appendix C.

9.5 Maximum Floor Area Requirement for Commercial Uses

Due to the neighbourhood nature of C1 commercial uses, the gross leasable floor area for a building in the Neighbourhood Commercial Zone shall not exceed 185.8 sq. m. (2000 sq. ft.).

9.6 Multiple Family Dwellings

The number of dwelling units in a multiple family dwelling in a commercial zone shall not exceed twenty-four (24) units.

9.7 Parking

Refer to Section 4, general provisions for parking, and the abutting zone requirements, Section 7A.12 of this Development Bylaw.

9.8 Outdoor Storage

No outdoor storage shall be permitted in the Neighbourhood Commercial (C1) Zone except for the collection and storage of refuse, fuel storage tanks and other similar objects. Such objects shall be visually screened and not permitted in the front or flanking yard.

9.9 Litter Containers

Operators of commercial establishments dispensing food, mail or other material shall provide litter containers near the entrances to buildings and near outdoor seating areas.

9.10 Walkways

Commercial businesses shall be designed with walkways connecting to the sidewalk and trail networks where these abut the commercial property.

10. HIGHWAY COMMERCIAL (C2) ZONE

10.1 General

Except as provided in this Development Bylaw, all buildings and parts thereof erected, placed or altered or any land used in the C2 Zone shall conform with the provisions of this Section.

10.2A Permitted Uses

No building or part thereof and no land shall be used for any purpose other than the following conditional uses subject to such terms and conditions as shall be imposed by Council:

- Animal Hospitals and veterinary establishments;
- appliance sales and service establishments;
- banking and financial service shops;
- Business or Professional Offices;
- commercial recreation uses wholly enclosed within a building;
- commercial schools;
- farm markets;
- food and grocery stores;
- funeral homes;
- home furnishing stores;
- hardware stores;
- Hotel, Motel, Bed and Breakfast Establishments;
- garden nursery establishments;
- gift shops;
- printing establishments;
- Restaurants;
- Shopping Centres;
- Automobile Service Stations;
- Service Shops;
- Personal Service Shops;
- Accessory Buildings;
- Park and Recreational Uses (subject to the Recreation Open Space (OS) Zone standards);
- maximum of two residential Dwelling Units within a building devoted to Commercial Use; and

- transient or temporary Commercial Uses, (see section 8.5).

10.2B Special Permitted Uses

Notwithstanding section 9.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Development Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:

- Licensed Premises; and
- Animal Kennels.

10.3 Lot Requirements

The following requirements shall apply to all uses permitted in the Highway Commercial (C2) Zone:

Criteria	Metric	Approx. Imperial Equivalent	Conditions
Minimum Lot Area	1,000 sq.m.	10,764 sq.ft.	Central water & sewer available
Minimum Frontage	30.48 m.	100 ft.	
Minimum Front Yard	7.62 m.	25 ft.	
Minimum Side Yard	6.10 m.	20 ft.	
Minimum Rear Yard	6.10 m.	20 ft.	
Maximum Height	10.67 m.	35 ft.	

*Shopping Centres shall have a minimum lot size of ten (10) acres. (40,468 sq.m.).

In addition to the above requirements, all Lots shall conform to the provincial minimum Lot standards as noted in Appendix C.

10.4 Development Agreements

The Authority Having Jurisdiction may require any applicant to enter into a Development Agreement. This Agreement shall be a contract binding on both parties, containing all conditions which were attached to the Development Permit. Failure to comply with a Development Agreement shall constitute an offense under this Bylaw.

A Development Agreement may address but shall not be limited to the following matters:

1. site plan design;
2. the design and construction of sidewalks, pathways, trails and other pedestrian circulation facilities;
3. Landscaping and screening;
4. vehicular access and exits;
5. Signage;
6. security and safety lighting;
7. methods of waste storage and disposal;
8. fencing;
9. parking lot layout and internal circulation patterns;
10. location of garbage containers and description of any screening or fencing;
11. storm water management plan or a drainage plan;
12. location of Open Space and amenity areas;
13. Landscaping plan;
14. Buffer Zones adjacent to Wetland areas or Watercourses;
15. existing vegetation;
16. easements;
17. proposed storage areas and description of any screening or fencing; and
18. traffic impact studies;
19. adequate separation distances from residential and institutional developments;
20. hours of operation;
21. visibility of operations from highways;
22. prevailing winds and generation of dust and dirt; and
23. any other matters that the Authority Having Jurisdiction deems necessary to ensure the health, safety and convenience of Town residents and the travelling Public.

10.5 Litter Containers

Operators of commercial establishments dispensing food, mail or other material shall provide litter containers near the entrances to buildings and near outdoor seating areas.

10.6 Walkways

Commercial businesses shall be designed with walkways connecting to the sidewalk and trail networks where these abut the commercial property.

10.7 Parking Areas

Parking areas shall be paved and spaces clearly marked and directional signage provided. Retail and tourism related development shall provide off-street parking for buses, travel trailers and recreation vehicles. Parking areas shall be equipped with lighting designed to avoid directing glare into neighbouring properties.

10.8 Outdoor Storage

1. Outdoor display of merchandise shall be limited to goods available for sale at an establishment on the lot and shall not exceed 50% of the area of the front yard.
2. Where there is more than one main building on a lot, outdoor display areas associated with an individual business may not exceed a percentage of the front yard area equal to the ratio of the leasable floor space dedicated to that use.

10.9 Shopping Centres

No development of a Shopping Centre shall take place unless a special development permit has been issued by The Authority Having Jurisdiction. This permit shall take the form of a development agreement addressing all aspects of the Shopping Centre and any related development including, but not limited to the following:

1. parking;
2. loading zones;
3. internal circulation;
4. ingress and egress;
5. any improvements deemed to be required to public streets adjacent to the Shopping Centre and arrangements for cost sharing of such improvements;
6. public and private utilities;
7. storm water drainage and runoff;
8. buffer zones adjacent to neighbouring properties;
9. signage;
10. sidewalks; and
11. any other matter deemed by The Authority Having Jurisdiction to affect the health, well-being, safety or convenience of the public or to impose a detriment or financial burden on the Town or any other person.

10.10 Special Requirement for Motor Vehicle Service Stations

Where motor vehicle service stations are permitted in a Commercial Zone, the following special requirements shall apply:

1. the lot frontage shall be a minimum of 45.72 m. (150 ft.), or in the case of a corner lot both the front and the flanking lines shall be a minimum of 30.48 m. (100 ft.);
2. no portion of any pump island shall be located closer than 6.10 m. (20 ft.) to any street line;
3. a service station canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3.05 m. (10 ft.) of any street line;
4. the minimum distance from an entrance or exit driveway to a street intersection shall be 15.24 m. (50 ft.);

5. the minimum angle of intersection of an entrance or exit driveway to a street line shall be 45 degrees and the maximum angle of intersection shall be ninety degrees;
6. the minimum width of a driveway shall be 7.62 m. (25 ft.);
7. the minimum distance between an entrance and exit driveway shall be not less than 9.14 m. (30 ft.); and
8. where the business operation includes an automobile washing establishment, separate driveways shall be provided for the washing establishment.

11. GENERAL INDUSTRIAL (M) ZONE

11.1 Purpose

The purpose of this zone is to provide for a range of industrial uses including heavy and obnoxious industries. This Zone is intended to be complimentary to the activities permitted by the Province in the part of the Town under Provincial jurisdiction.

11.2 Permitted Uses

The following uses shall be permitted in the General Industrial (M) Zone subject to a development agreement:

- Animal Hospitals and Animal Kennels;
- auto trade industries, including Automobile Service Stations;
- building supply dealers;
- Business or Professional Offices;
- Commercial Uses accessory to the main use;
- communication industries;
- construction industries;
- farm equipment dealerships and repair shops;
- heavy equipment dealerships and repair shops;
- Industrial Premises Uses;
- research establishments;
- utilities;
- wholesale trade and warehouse establishments;
- electricity production industries;
- marine related industries; and
- Automobile Service Stations.

11.3 Special Permitted Uses

Notwithstanding section 11.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following uses where it deems the Development is appropriate, all other relevant provisions of this Development Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:

- manufacturing, assembling and processing plants;
- recycling depots;

- sand and gravel storage; and
- trucking depots.

11.4 Lot size

The following requirements shall apply to all uses permitted in the General Industrial (M) Zone:

Criteria	Metric	Approx. Imperial Equivalent
Lot Area	4,047 sq.m.	(43,560 sq.ft.) 1 acre
Lot Frontage	45.72 m.	150 ft.
Front Yard	6.10 m.	20 ft.
Rear Yard	6.10 m.	20 ft.
Side Yard	3.05 m.	10 ft.
Maximum Height	15.24 m.	50 ft.

In addition to the above requirements, all Lots shall conform to the provincial minimum Lot standards as noted in Appendix C.

11.5 Parking

As specified in the general provisions for parking and special requirements, Section 4 of this Development Bylaw.

11.6 Special Requirements: Industrial Zones Adjacent to Residential Zones

Notwithstanding any other provision of this Development Bylaw, where an industrial development located on lands zoned Industrial directly abuts on any Residential zone, the following conditions shall be met:

1. a strip of land not less than 15.24 m. (50 ft.) in width along the lot line within the Industrial (M) Zone and adjacent to the Residential (R1) Zone shall be maintained clear of any structure, driveway or parking area and shall be adequately landscaped to provide a visual buffer by means of an opaque fence, an earthen berm, coniferous vegetation or a combination thereof at a minimum of 6.10 metres (20 ft.) in height;
2. outdoor storage or outdoor display shall not be permitted in the required abutting yard;
3. any exterior lighting or illuminated sign shall be so arranged as to deflect light away from the adjacent Residential Zone;
4. outdoor storage shall be prohibited adjacent to a Residential Zone unless it is hidden from view by means of a landscaped buffer, hedge of adequate size or architectural screening

- such as a wall, fence or other appropriate structure; and
5. service stations shall conform to the special requirements set out in Section 10.10 of this Development Bylaw.

11.7 Special Requirement: Yard Waiver

Where a use permitted in the Industrial Zone abuts a wharf or another industrial use, no set back requirement shall be required from the abutting lot line.

12. PUBLIC SERVICE AND INSTITUTIONAL (PSI) ZONE

12.1 Purpose

The purpose of the Public Service and Institutional Zone is to accommodate community uses and provide less stringent development standards for these uses.

12.2 Permitted Uses

The following uses shall be permitted in the Public Service and Institutional (PSI) Zone:

- Institutional Premises;
- private clubs;
- Community Centres;
- government offices;
- Clinics and hospitals;
- libraries, museums, theatres and art galleries;
- public and private recreational centres;
- public and private Utility Buildings;
- Child Care Facilities;
- fire halls;
- visitor information Building;
- Churches, places of worship and Religious institutions;
- schools;
- Nursing Homes;
- Senior Citizen Housing; and
- Accessory Buildings and Uses.

12.3 Lot size

The following requirements shall apply to all uses permitted in the Institutional (I) Zone:

Criteria	Metric	Approx. Imperial Equivalent	Conditions
minimum lot area	650.3 sq.m.	7,000 sq.ft.	central water and sewer
minimum lot frontage	22.86 m.	75 ft.	available

Criteria	Metric	Approx. Imperial Equivalent	Conditions
minimum front yard	6.10 m.	20 ft.	
minimum side yard	3.05 m.	10 ft.	
minimum rear yard	6.10 m.	20 ft.	
maximum lot coverage	50 %		
maximum height	10.67 m.	35 ft.	

In addition to the above requirements, all Lots shall conform to the provincial minimum Lot standards as noted in Appendix C.

12.4 Parking

Refer to the general provisions for parking requirements in Section 4 of this Development Bylaw.

12.5 Public Service and Institutional Zone Special Requirements

Notwithstanding anything else in this section, where a lot located within the Public Service and Institutional (PSI) Zone abuts a Residential Zone the following standards shall apply:

1. the minimum side and rear requirement for the abutting yard shall be 6.10 metres (20 ft.) and all areas within the abutting yards shall be landscaped with grass, other vegetative cover in combination with wood, decorative concrete, stone, brick or other common landscaping material; and
2. no parking space shall be permitted in an abutting yard, except where an opaque fence and/or landscaped buffer strip of a minimum height of 2 metres (6.6 ft) is provided (refer to fencing requirements in Section 2.28 of this Development Bylaw).

13. COMPREHENSIVE DEVELOPMENT AREA (CDA)

13.1 Purpose

The purpose of the CDA Zone is to establish where (on the Zoning Map) the CDA development concept is to be applied and what land uses may be developed. All aspects of the development are handled through a development agreement in conjunction with a CDA development concept plan.

13.2 Permitted Uses

Uses permitted in a CDA Zone shall be those approved by the Authority Having Jurisdiction and may include all those Uses allowed in either the C1 Zone, C2 Zone, M Zone, PSI Zone or OS Zone, and may also include innovative mixed-Use Developments, subject to such conditions as may be stipulated by the Authority Having Jurisdiction.

13.3 Development Permits

Notwithstanding any other provision in this Development Bylaw, no development permit shall be issued in the CDA Zone except in conformity with a development agreement entered into by the Town of Borden-Carleton.

13.4 Development Concept Plan

1. The Authority Having Jurisdiction may require an applicant to submit a Site Plan drawn to a convenient scale certifying the agreement of the applicant to develop the site in accordance with the plan.
2. A Site Plan shall be prepared to a scale showing existing and proposed conditions and, at the discretion of the Development Officer, may include:
 - (i) location of all Buildings and Structures on the parcel with respect to the Lot boundaries;
 - (ii) location of the septic system or sewer service;
 - (iii) location of the well or water service;
 - (iv) location of the electrical service;
 - (v) location of the existing or proposed driveway(s);
 - (vi) floor plan(s) of the proposed Building or Structure;
 - (vii) elevation plan(s) of each exterior wall of the proposed Building or Structure;
 - (viii) drainage plan of the site, signed and sealed by a land surveyor, a professional engineer, or a landscape architect licensed to practice in the Province; and
 - (ix) any other information the Authority Having Jurisdiction deems necessary to determine whether or not the proposed Development conforms to the requirement of this Development Bylaw.

13.5 Approval Process

Approval of any CDA development concept constitutes a Development Bylaw amendment, and therefore must adhere to the requirements set out in Section 16.3 (Rezoning Applications) of this Development Bylaw.

1. Council may review proposed amendments to a previously approved CDA development concept plan and CDA development agreement. In order for Council to approve an amendment to the CDA development concept plan and CDA development agreement, Council shall determine as to whether the proposed amendments are in keeping with the original approval and are not contrary to the Official Plan and any provision of this Development Bylaw.
2. If Council determines a proposed amendment to a previously approved CDA development concept plan and CDA development agreement is contrary to the original approval or the Official Plan or any provision of this Development Bylaw, Council shall require the commencement of a new application process.

13.6 Council Discretionary Public Consultation

Council, at its discretion, may choose to solicit additional public opinion for a CDA development concept, through a variety of means in excess of the requirements set out in Section 16.3 of this Development Bylaw.

14. RECREATION AND OPEN SPACE (OS) ZONE

14.1 Purpose

The purpose of this zone is to provide for active and passive recreation areas and facilities and conservation related uses for lands under public ownership.

14.2 Permitted Uses

The following active and passive recreation areas and facilities shall be permitted on publicly owned land in the Recreation and Open Space (OS) Zone:

- athletic fields;
- tennis courts;
- bowling greens;
- picnic grounds;
- play grounds;
- conservation related and open space uses;
- community gardens;
- historic sites and monuments;
- cultural uses; and
- Accessory Buildings and Uses.

14.3 Lot size

In any Recreation and Open Space (OS) Zone, no development permit shall be issued except in conformity with the following requirements:

Criteria	Served		Unserved or partially served	
	metric	approx. imperial equivalent	metric	approx. imperial equivalent
Minimum lot area	557.4 sq.m.	6,000 sq.ft.	3251.6 sq.m.	35,000 sq.ft.
Minimum frontage	18.29 m.	60 ft.	53.34 m	175 ft.
Minimum front yard	6.10 m.	20 ft.	6.10 m.	20 ft.
Minimum rear yard	6.10 m.	20 ft.	6.10 m.	20 ft.

Criteria	Serviced		Unserviced or partially serviced	
	metric	approx. imperial equivalent	metric	approx. imperial equivalent
Minimum side yard	3.05 m.	10 ft.	3.05 m.	10 ft.

In addition to the above requirements, all Lots shall conform to the provincial minimum Lot standards as noted in Appendix C.

14.4 Parking

Refer to Section 4 of this Development Bylaw, general provisions for parking.

15. ENVIRONMENTAL RESERVE (O2) ZONE

15.1 General

No Structures or parts thereof shall be permitted in an Environmental Reserve (O2) Zone.

15.2 Permitted Uses

Within any Wetland Boundary or Watercourse Boundary and any area within 15 m. (49.2 ft.) of a Wetland or Watercourse, no Structures or part thereof and no land shall be Used for purposes other than:

- Passive Recreational Uses, such as skiing or hiking; and
- Conservation related activities.

15.3 Zone Requirements

Within an O2 Zone, no person shall cut down any trees or disturb the natural ground cover without first submitting a landscape plan to the Authority Having Jurisdiction documenting all proposed changes to the topography and vegetation and measures to control erosion and siltation.

16. ADMINISTRATION

16.1 Variance

The Authority Having Jurisdiction may approve a variance not exceeding 10% variance from the provisions of this Development Bylaw if desirable and appropriate, and if the general intent and purpose of this Development Bylaw is maintained.

1. Authorization for a variance shall be documented and recorded in writing.
2. No variance shall be granted where the difficulty experienced is the result of intentional or negligent conduct of the applicant in relation to the property.
3. Notwithstanding any other section of this Development Bylaw, Council may, in the case of a major development, authorize variances in excess of ten percent (10%) variance from the provisions of this Development Bylaw if the Authority Having Jurisdiction deems such a variance desirable and appropriate and if such variance is in keeping with the general intent and purpose of this Development Bylaw.
 - (a) Notification shall be provided to surrounding property owners as set out in Section 16.2.8 of this Development Bylaw prior to a decision of the Authority Having Jurisdiction.
 - (b) Aggrieved property owners will be required to provide written reasons outlining objections to the proposed variance within fourteen (14) days of receipt of notice.

16.2 Rezoning Procedures

1. A person who seeks the rezoning of a lot or to have this Development Bylaw otherwise amended shall address a written and signed application to Council.
2. An application under this Section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal.
3. The applicant shall at the time of submitting their application, deposit with the Administrator money necessary to cover all costs, direct and indirect pertaining to the processing of their application. This shall apply to costs associated with advertising and costs associated with preparing and mailing notifications pursuant to subsections 7. & 8. of this Section.
4. Funds deposited with the Administrator shall not be less than \$300.00.
5. The Authority Having Jurisdiction retains the right to deny a rezoning request without holding a public meeting if such request is deemed by the Authority Having Jurisdiction to be inconsistent with the Official Plan and appropriate land use planning. Should the Authority Having Jurisdiction not proceed with a public meeting, a portion of the deposit as per subsection 4. shall be returned to the applicant.
6. Subject to 5. above, the Authority Having Jurisdiction shall hold a public meeting to solicit input from residents on the proposed rezoning request.
7. The Authority Having Jurisdiction shall give seven (7) clear days notice of the public

meeting, as per *the Interpretation Act*. This notice shall be advertised in a newspaper in circulation in Borden-Carleton.

8. The Authority Having Jurisdiction shall forward a notification letter to property owners who own a parcel of land located, in whole or in part, within one hundred ft. (100) (30.48 m.) from a lot line of the parcel being proposed for rezoning.
9. Following the public meeting the Authority Having Jurisdiction shall formulate a decision on the zoning proposal. The Authority Having Jurisdiction shall have the authority to determine whether a zoning proposal is approved, modified, or denied.
10. Nothing in this Development Bylaw restricts the right of the Authority Having Jurisdiction to initiate its own rezoning requests.

16.3 Building Permit Fees

Building permit fees shall be levied in accordance with a Schedule of fees as adopted by the Authority Having Jurisdiction's resolution appended to this Development Bylaw as Schedule B.

16.4 Change of Use Permits

The fee for a change of use building permit shall be set in accordance with the new use as prescribed in Schedule B.

16.5 Subdivision Fees

A one hundred dollar (\$100.00) fee shall be applied for each new lot created.

16.6 Permits Recognized as Valid

Notwithstanding any Section of this Development Bylaw, building permits are not valid and will not be recognized until the respective fee is paid in full and such permit is acquired.

16.7 Subdivision Approval

No person shall subdivide one or more lots or any portion of a lot and no person shall consolidate two or more parcels of land until the conditions of this Development Bylaw have been complied with and the applicant has received final approval from the Authority Having Jurisdiction.

16.8 Conveying Interest in a Lot

No person shall sell or convey interest in a lot in a subdivision before the Authority Having Jurisdiction has issued a stamp of approval for the subdivision in which the lot is situated.

16.9 Permission to Subdivide

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

1. conforms with the requirements of this Development Bylaw;
2. is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
3. will not cause undue flooding or erosion;
4. has adequate utilities and services available or the same can be conveniently provided at the developer's cost with such utilities and services in accordance with this Development Bylaw, the Official Plan, and the *Planning Act* Regulations;
5. will reasonably conform with existing land use in the immediate vicinity;
6. will provide for safe and convenient traffic flow;
7. is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
8. is suitable to the use for which it is intended, and the future use of adjacent lands; and
9. the parcel of land in respect of which the subdivision is proposed has frontage on a public or a private right-of-way established pursuant to Section 2.23 of this Development Bylaw.

16.10 Procedure

Any person seeking the Authority Having Jurisdiction's approval of a subdivision shall first make application for preliminary approval and shall be required to submit along with the application, four (4) copies of a preliminary subdivision plan drawn to scale showing:

1. the true shape and dimensions of every lot;
2. the location of every existing building or structure on the parcel;
3. existing and proposed services and utilities;
4. proposed widths and locations of all streets;
5. the location of land proposed for recreation;
6. public open space use; and
7. the existing use of the land on the property and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.

16.11 Additional Information

The Authority Having Jurisdiction may also require the applicant to provide additional information required to assist with evaluating a proposed subdivision, including, but not limited to:

- (a) a soil test conducted in a manner acceptable to the Authority Having Jurisdiction;

- (b) contours and spot elevations;
- (c) traffic surveys; and
- (d) a surface water drainage plan.

16.12 Consultation

The Authority Having Jurisdiction may refuse to approve a subdivision which is not suitable under the provisions of this Development Bylaw. In formulating its decision, the Authority Having Jurisdiction may consult with Government officials and private consultants and may conduct a public hearing to consider public opinion.

16.13 Park Land Dedication and/or Park Dedication Fee

1. The Authority Having Jurisdiction shall require, for the purpose of developing park land, that 10% of the lands being subdivided be conveyed to the Town.
2. When a dedication of land is not deemed to be appropriate or the exercising of the full ten percent (10%) conveyance is not appropriate. The Authority Having Jurisdiction may impose a park dedication fee of 10% of the value of the lands being subdivided, which sum shall be specifically designated for the purchase, development or maintenance of public park lands in the Town. It is understood that the park dedication fee shall be calculated on the current assessed value of lands being subdivided and shall not take into account the value of structures on such lands. The Authority Having Jurisdiction retains the right to use the services of the Land Valuation and Assessment Division or an accredited appraiser in determining the assessed value of land when such lands are not specifically valued in the Town's assessment roll.

16.14 Subdivision Agreement

The Authority Having Jurisdiction may require an applicant to enter into a subdivision agreement as a condition of subdivision approval. The subdivision agreement may cover any matters as required by the Authority Having Jurisdiction and may include, but not be limited to the following:

- (a) design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
- (b) dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
- (c) deeding of roads to the Department of Transportation and Public Works or the Town as applicable;
- (d) posting of a financial guarantee satisfactory to Council for purposes relating to the satisfactory installation of infrastructure;
- (e) provision of a landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of lots within the subdivision and adjacent

- properties;
- (f) provision of such services, facilities and actions as are necessary to ensure satisfactory development of the subdivision; and
 - (g) provision of the phasing of the subdivision.

16.15 Final Approval

Final subdivision approval shall be granted by the Authority Having Jurisdiction only after the applicant has complied fully with all applicable requirements of this Section and has submitted six (6) copies of a final subdivision plan showing lots pinned and certified by a surveyor registered to practice in the province. Council may grant final approval to part of a subdivision which is proposed to be developed in phases.

16.16 Severances

Notwithstanding the above provisions, the Authority Having Jurisdiction may approve applications for single lot subdivisions, partial lots, easements and lot consolidations at its discretion (having regard to only those provisions which it deems applicable to each individual application), provided the application conforms with all other Sections of this Development Bylaw.

16.17 Building Permits

A building permit shall not be issued in a subdivision until all the requirements of the subdivision have been fulfilled.

16.18 Penalties

A person who violates any provision of this Development Bylaw is guilty of an offense and liable on summary conviction:

1. In the case of a first or subsequent offense, to a fine not exceeding two thousand (\$2,000.00) dollars in each case, together with the cost of prosecution, and in default of payment of the fine or costs.
2. Where the offense is a continuing offense, to a fine not exceeding four hundred (\$400.00) dollars for every day the offense continues, together with the cost of prosecution, and in default of payment of the fine or costs.
3. The Judge presiding on any prosecution under this Development Bylaw may fix the costs of prosecution to be paid by the person found guilty hereunder.

16.19 Repeal

The Borden-Carleton Zoning and Development Bylaw dated 2006 and all amendments made thereto are hereby repealed.

16.20 Effective Date

This Bylaw becomes effective upon approval by the Authority Having Jurisdiction.

Appendix A - Zoning Map

Appendix B - Development Fees

Development fees for late filing of an application or starting construction without a permit will result in the doubling of fees charged.

Building

Dwellings or other Structures (excluding Accessory Buildings)	\$150.00
Additions to a Dwelling or Structure	\$40.00
Accessory Buildings	\$40.00
Demolition	\$40.00
Moving / Change of Use	\$40.00
Decks, pools & fences	\$40.00
Special Permit Use	\$200.00

Subdivision

Lot Subdivision	\$100.00/Lot
Lot Consolidation	\$100.00/Lot
Change of Use	\$100.00/Lot
Subdivision Agreement	\$200.00 plus applicable Provincial Registry Fees
Development Agreement	\$200.00 plus applicable Provincial Registry Fees

Official Plan and/or Zoning Bylaw

Official Plan/Zoning Amendment	\$200.00 plus cost
By-law Amendment	\$200.00 plus cost
Variance (with public meeting Process)	\$200.00 plus cost
Comprehensive Development Plan	\$200.00 plus cost

General

Change of use	Cost of permit for new use
Temporary- Buildings, structures and signage	\$100.00
Seasonal Permit	\$100.00
Signage	\$100.00
Any other types not specified	\$100.00

*Notes:

1. All fees are subject to HST.
2. All fees are subject to associated costs which may include public meeting costs such as all advertising, printing and consulting/legal fees. Council shall have the final decision in determining the total fee for the applicable costs.
3. The Authority Having Jurisdiction may issue an approved Development Permit upon receipt of the appropriate fee(s).
4. All fees are non-refundable.
5. All fees are doubled for an application after the fact.
6. All fees are subject to associated costs to repair any damage to streets, sidewalks, signs, infrastructure, etc.

Appendix C - Province-Wide Minimum Development Standards Regulations

Cap. P-9

Planning Act

Updated 2011

Province-Wide Minimum Development Standards Regulations

**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	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			2	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			3	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			4	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			more than 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m.
on-site water supply and 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	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			2	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			3	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			4	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			more than 4	50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	250 ft. / 76.2 m.
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	51,000 sq. ft. / 4,738 sq. m.	225 ft. / 68.6 m.
			2	56,000 sq. ft. / 5,202 sq. m.	250 ft. / 76.2 m.
			3	61,000 sq. ft. / 5,667 sq. m.	275 ft. / 83.8 m.
			4	66,000 sq. ft. / 6,131 sq. m.	300 ft. / 91.4 m.
			more than 4	66,000 sq. ft. / 6,131 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 disposal 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	75,000 sq. ft. / 6,975 sq. m.	300 ft. / 91.4 m.
			2	80,000 sq. ft. / 7,440 sq. m.	
			3	85,000 sq. ft. / 7,905 sq. m.	
			4	90,000 sq. ft. / 8,370 sq. m.	
			more than 4	90,000 sq. ft. / 8,370 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	
on-site water supply and on-site sewage disposal system	V	N/A	N/A	not developable	N/A

Province-Wide Minimum Development Standards Regulations

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.

Province-Wide Minimum Development Standards Regulations

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.
central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister

TABLE 2**TABLE 2 - MINIMUM LOT SIZE STANDARDS:
NON-RESIDENTIAL LOTS**

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

on-site water supply and central waste treatment system	I, II or III	50 feet / 15.25 metres	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and waste treatment systems	I, II or III	n/a	as determined by the Minister	as determined by the Minister

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