

# **Borden-Carleton Zoning and Development Bylaw**

## **TABLE OF CONTENTS**

1. DEFINITIONS AND ZONES.....	6
1.1 Short Title.....	6
1.2 Definitions.....	6
1.3 Certain Words.....	29
1.4 Establishment of Zones.....	29
1.5 Definition of Zones.....	30
1.6 Basic Provisions.....	30
1.7 Auxiliary Use, Buildings and Structures.....	31
1.8 Units of Measure.....	32
1.9 Maximum Lot Coverage.....	32
1.10 Mixed Use.....	32
1.11 Other Requirements.....	32
2. GENERAL REGULATIONS.....	32
2.1 Area Defined.....	32
2.2 Scope.....	32
2.3 Authority of Development Officer.....	32
2.4 Development Approval.....	32
2.5 Permit Application.....	33
2.6 Building Permit.....	33
2.7 Conditions on Permits.....	33
2.8 Development Agreement.....	34
2.9 Site Plan.....	34
2.10 Other Information.....	34
2.11 Construction Plans.....	34
2.12 Surveys Required.....	34
2.13 Permits Posted.....	35
2.14 Authorization for Inspection.....	35
2.15 Construct in Accordance with Application.....	35
2.16 Certificate of Compliance.....	35
2.17 Development Restrictions.....	35
2.18 Permitted Uses in All Zones.....	36
2.19 Moving of Buildings.....	36
2.20 Existing NonConforming Lots.....	36
2.21 Existing NonConforming Buildings.....	36
2.22 NonConforming Uses.....	36
2.23 Access.....	37
2.24 Accessibility.....	38
2.25 Yards.....	38
2.26 Through Lots.....	38
2.27 Grade of Site.....	38
2.28 Landscaping.....	38

2.29 Height Regulations.....	38
2.30 Intersection Triangle.....	39
2.31 Watercourses Separation Distances.....	39
2.32 Yard Requirements Concerning Natural Hazards.....	39
2.33 Main Building.....	39
2.34 Accessory Structures.....	39
2.35 Accessory Apartments.....	40
2.36 Fences.....	40
2.37 Vehicle Bodies, Truck Trailers or Containers .....	41
3. SPECIAL DEVELOPMENT CONSIDERATIONS.....	42
3.1 Petroleum Storage.....	42
3.2 Underground Petroleum Storage Tanks.....	42
3.3 Public and Private Utilities.....	42
3.4 Swimming Pools.....	42
3.5 Special Requirements for Semidetached. ....	42
3.6 Subdividing of Attached Dwellings.....	43
3.7 Domestic and Household Arts in Residential Zones.....	43
3.8 Business Uses in Residential Zones.....	44
3.9 Windmills and Energy Producing Towers .....	44
4. PARKING REQUIREMENTS.....	47
4.1 Preamble.....	47
4.2 Parking Requirements.....	47
4.3 Additional Parking Spaces.....	48
4.4 Other Requirements.....	48
4.5 Loading Zones.....	48
5. SIGNS.....	50
5.1 General.....	50
5.2 Maintenance.....	50
5.3 Limit on Number of Signs.....	50
5.4 Signs Permitted in all Zones.....	51
5.5 Signs Prohibited in all Zones.....	52
5.6 Wall Signs.....	52
5.7 Projecting Wall Signs.....	53
5.8 Ground Signs.....	53
5.9 Mobile Signs.....	53
5.10 Temporary Signs.....	54
5.11 Canopies or Awnings.....	54
5.12 Sandwich Signs.....	54
5.13 Signs in a Residential Zone.....	54
5.14 Billboards.....	54
6. AGRICULTURE RESERVE (AR) ZONE.....	56
6.1 Agricultural Reserve (AR) Zone Permitted Uses.....	56
6.2 AR Zone Resource Development General Requirements.....	56

6.3 AR Zone Abutting Zone Requirements.....	57
6.4 Keeping of Farm Animals.....	57
6.5 Development Agreements.....	57
7A. RESIDENTIAL R - 1 ZONE.....	60
7A.1 Residential R - 1 Zone.....	60
7A.2 R - 1 Zone Permitted Uses.....	60
7A.3 R Zone Lot Size.....	60
7A.4 Parking.....	61
7A.5 Boarding Houses/Bed and Breakfast Establishments.....	61
7A.6 Landscaping.....	61
7A.7 Keeping of Animals/Kennels.....	62
7A.8 Special Side Yard Requirements for Attached Garage.....	62
7A.9 External Design.....	62
7A.10 Development Agreements.....	62
7A.11 Lot sizes and related dimensions.....	63
7A.12 Abutting a Single Detached Residential Property.....	64
7A.13 Garden Suites.....	64
7A.14 Mini Home Parks.....	65
7A.15 Parking Requirements.....	66
7B. SMALL LOT RESIDENTIAL (R-S) ZONE.....	67
7B.1 Small Lot Residential (R-S) Zone.....	67
7B.2 R-S Zone Permitted Uses.....	67
7B.3 R-S Zone Lot Size.....	67
8. COMMERCIAL DEVELOPMENT GENERAL.....	68
8.1 General Provisions For All Commercial Zones.....	68
8.2 Abutting Zone Requirements.....	68
8.3 Storage and Screening of Refuse Containers.....	68
8.4 Restriction on Commercial Use of Mini Home.....	68
8.5 Transient or Temporary Commercial Permits.....	68
8.6 Dwellings in Commercial Buildings.....	69
8.7 Parking in Front of Buildings.....	69
9. NEIGHBOURHOOD COMMERCIAL (C1) ZONE.....	70
9.1 Purpose.....	70
9.2 Zone Permitted Uses.....	70
9.3 Development Agreements.....	71
9.4 C1 Lot Size.....	71
9.5 Maximum Floor Area Requirement for Commercial Uses.....	71
9.6 Multiple Family Dwellings.....	71
9.7 Parking.....	72
9.8 Outdoor Storage.....	72
9.9 Litter Containers.....	72
9.10 Walkways.....	72
9.11 Obnoxious Use.....	72

10. HIGHWAY COMMERCIAL (C2) ZONE.....	73
10.1 GENERAL.....	73
10.2 PERMITTED USES.....	73
10.3 LOT REQUIREMENTS.....	74
10.4 Design.....	75
10.5 Litter Containers.....	75
10.6 Walkways.....	75
10.7 Parking Areas.....	75
10.8 Outdoor Storage.....	75
10.9 Shopping Centres.....	75
10.10 Special Requirement for Motor Vehicle Service Stations.....	76
10.11 Obnoxious Use.....	77
11. GENERAL INDUSTRIAL (M) ZONE.....	78
11.1 Purpose.....	78
11.2 M Zone Permitted Uses.....	78
11.3 Lot size.....	79
11.4 Parking.....	79
11.5 Special Requirements: Industrial Zones Adjacent to Residential Zones.....	79
11.6 Special Requirement: Yard Waiver.....	80
11.7 Obnoxious Use.....	80
12. INSTITUTIONAL (I) ZONE.....	81
12.1 Purpose.....	81
12.2 Institutional (I) Zone Permitted Uses.....	81
12.3 Lot size.....	81
12.4 Parking.....	82
12.5 Institutional Zone Special Requirements.....	82
13. COMPREHENSIVE DEVELOPMENT AREA (CDA).....	83
13.1 Purpose.....	83
13.2 CDA Zone Permitted Uses.....	83
13.3 CDA Zone Development Permits.....	83
13.5 CDA Zone Approval Process.....	83
13.6 CDA Zone Council Discretionary Public Consultation.....	84
14. RECREATION AND OPEN SPACE (OS) ZONE.....	85
14.1 Purpose.....	85
14.2 Recreation & open space (OS) Zone Permitted Uses.....	85
14.3 Lot size.....	85
14.4 Parking.....	86
15. ADMINISTRATION.....	87
15.1 VARIANCES.....	87
15.2 MINOR VARIANCE.....	87
15.3 REZONING PROCEDURES.....	87
15.4 Building Permit Fees.....	88
15.5 CHANGE OF USE PERMITS.....	88

15.6 SUBDIVISION FEES.....	88
15.7 PERMITS RECOGNIZED AS VALID.....	88
15.8 SUBDIVISION APPROVAL.....	88
15.9 CONVEYING INTEREST IN A LOT.....	89
15.10 PERMISSION TO SUBDIVIDE.....	89
15.11 PROCEDURE.....	89
15.12 Additional Information.....	90
15.13 Consultation.....	90
15.14 PARK LAND DEDICATION and/or PARK DEDICATION FEE.....	90
15.15 SUBDIVISION AGREEMENT.....	90
15.16 FINAL APPROVAL.....	91
15.17 SEVERANCES.....	91
15.18 BUILDING PERMITS.....	91
15.19 PENALTIES.....	91
15.20 REPEAL.....	92
15.21 EFFECTIVE DATE.....	92
Schedule A - Official Zoning Map.....	93
Schedule B - Highway Commercial Design Guidelines.....	94
Schedule C - Building Permit Fees.....	95
Schedule D - Definition Illustrations.....	96

**Borden-Carleton Zoning and Development Bylaw**  
**Bylaw \_\_ - 06**

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 Community 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:

***access driveway*** means a driveway providing ingress and egress from a parcel of land to a highway;

***accessory building*** 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 and includes a mini home when the mini home is used in conjunction with a farming operation;

***accessory use*** 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;

***Act*** means the Planning Act R.S.P.E.I. 1988 Cap. P-8;

***adult entertainment parlour*** 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;

***agricultural animal*** means an animals kept for purposes of breeding, milking, egg or meat production, assistance in performing farm chores or recreation and shall include horses, cattle, swine, poultry, sheep, goats, mink, foxes, chinchillas, but shall not include cats, dogs, parakeets, canaries, hamsters, tropical fish and similar household pets. A rabbit is an agricultural animal if located on a lot on which in excess of ten rabbits are kept; if ten or fewer are involved, the rabbits shall be deemed to be household pets.

***all age teen club*** means a commercial establishment targeted towards teens but includes all ages and is primarily a dance or social club, licensed and regulated by the Province of PEI, and does not include the licensed sale of alcoholic beverages;

***alter*** 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;

***amusement arcade*** means any commercial facility which contains more than three amusement machines and without limiting the generality of the foregoing, includes pin ball machines and electronic and/or mechanical game machines operated by depositing coins or tokens, but does not include, in whole or in part, an Adult Entertainment Parlour or an Exotic Cabaret;

***animal clinic or hospital*** means a facility for the temporary medical treatment of animals or birds for monetary gain;

***apartment*** means one or more rooms with private bath and kitchen facilities comprising an independent self contained dwelling unit;

***appropriate authority*** means the Minister or Council as the case may be;

- attached*** 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;
- automobile sales and service establishment*** means a building or part of a building or a clearly defined space on a lot used for the retail sale and maintenance of used or new automobiles including trucks;
- automobile service station or service station*** means a building or part of a building or a clearly defined space on a lot used for the sale of lubricating oils or gasoline whether or not done in conjunction with the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor vehicles;
- automobile washing establishment*** means a building or part thereof used for the operation of automobile washing equipment which is manual, automatic or semi-automatic;
- bed and breakfast establishment*** means an owner-occupied single detached unit dwelling in which the resident supplies, for compensation up to four (4) rooms available for rent for the temporary accommodation of travellers and may be licensed by the Province of PEI and and regulations made thereto;
- block*** means any unit of land consisting of a grouping of lots bounded on all sides by water-courses, streets or large parcel boundaries
- boarding or rooming house*** 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;

## COMMUNITY OF BORDEN - CARLETON ZONING AND DEVELOPMENT BYLAW

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- bona fide farmer*** for the purpose of this Bylaw, has the same meaning as set out in the Lands Protection Act, R.S.P.E.I. 1988, Cap. L-5;
- buffer*** means an area of land maintained in its natural state as a non-developable area
- building*** means any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal, or chattel, and includes a mini home;
- building height*** means the vertical distance measured from the average finished grade to the highest point of the roof surface;
- building line*** means any line regulating the position of a building or structure on a lot;
- building setback*** means the distance between street line and the nearest point on a main wall of any building or structure, except fences
- 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;
- bylaw*** means this bylaw which is the Zoning and Development Bylaw for Borden-Carleton;

***carport*** means a building or structure which is not wholly enclosed and is used for the parking or storage of private passenger vehicles;

***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, 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 institution, age or place, whether known as a >day nursery=, >nursery school=, >kindergarten= or >play school=, which receive for temporary care apart from the parents on a daily or hourly basis, with or without stated educational purposes and during part or all of the day, more than three children under seven years of age;

***church*** means a building dedicated to religious worship and includes a church hall, auditorium, Sunday school, parish hall, rectory, manse and daycare operated by the church;

***clinic*** means a building used for the medical, dental, surgical, or therapeutic treatment of human patients;

***cluster subdivision*** means a grouping of lots, frequently of different shapes and sizes, surrounded by open space areas, and road systems and utilities systems

**COMMUNITY OF BORDEN - CARLETON ZONING AND DEVELOPMENT BYLAW**

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custom-designed to needs of individual cluster of lots;

***coastal area*** means all lands, including surface water bodies, streams and rivers lying within 500 meters inland of the mean high-water mark of all coastal waters and tidal water;

***coastline*** means that area where the land mass borders directly on waters of the Northumberland Strait

***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 club*** means a club operated for gain other than a community centre;

***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 or non-profit or agency;

***Community or Municipality*** means the area incorporated and known as the Community of Borden-Carleton;

***condominium*** means a building in which each individual unit is held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of the appropriate statute;

***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 primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy and meat, and to compliment such items which may include the limited sale of newspapers, magazines, books, housewares, toiletries, stationary, patent medicines and tobacco products;

***Council*** means the Council of the Community of Borden-Carleton;

**COMMUNITY OF BORDEN - CARLETON ZONING AND DEVELOPMENT BYLAW**

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- Councillor*** means any resident 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;
- developer*** 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;
- development*** 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;
- development agreement*** means an agreement between a developer and Council, respecting the terms and conditions under which a development may be carried out;
- Development Officer*** means the person charged by the Community with the duty of administering the provisions of this bylaw;
- development permit*** means the formal and written authorization for a person to carry out any development;
- development scheme*** means a detailed plan and other schematics or written description showing the location, land use and form of all development in a defined area;

***display***

includes any item, group of items, sign, or billboard visible to the general public, indicating that items or services are offered for sale or trade but does not include signs of 400 square inches or less;

***dwelling***

means a building or portion thereof designed, intended or used for residential occupancy, but does not include hotels and motels, and

A 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 sanitary facilities;

"multiple family dwelling" - means a building containing three or more dwelling units;

A 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 a corresponding meaning;

"single family unit" includes a mini home and a single family dwelling; and

"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;

***established building line*** means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon at the effective date of this Bylaw;

***existing*** means existing on the effective date of this Bylaw;

***existing parcel of land*** means any parcel of land or lot created prior to the effective date of this Bylaw;

***exotic cabaret*** means an establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers and where the sale of beer, wine or intoxicating liquor for consumption on the premises may or may not be permitted;

***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; and
- .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

***farm*** means any parcel of land which is greater than ten acres in size including arable land and complementary buildings, operated as a farm enterprise by a bona fide farmer and includes land leased from the Crown and operated as part of a farm enterprise, but excludes land leased or rented from owners who are not bona fide farmers;

***farm enterprise*** for the purpose of this Bylaw has the same meaning as set out in the Real Property Assessment Act;

***farm home*** means any dwelling on a farm;

***farm property*** means arable land, dwelling and complementary operated as a farm enterprise and includes land leased from the Crown, but does not include land leased or rented from owners who are not bona fide farmers;

***farming*** means the outdoor cultivation of agricultural products and/or the raising of farm livestock;

***fence*** 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;

***fill*** means material deposited on a lot to alter the land level of the lot;

***fishery use*** means a use supportive of the fishery, including but not limited to, general storage, docks, boat launches and sales of fish;

***floor area***

means:

with reference to Adwelling@ - 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; and

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;

***forestry use***

means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use that does not require a structure;

***frontage***

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;

***garden suite***

means a portable, detached housing unit 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. (1.5 m) from the building, between the building and line five (5) ft. (1.5 m) from the building

***habitable building***

means any building that can be occupied by people but excludes such buildings as automatic telephone exchanges, pumphouses and substations

***homeowners association*** means a company incorporated pursuant to part II of the Companies Act. R.S.P.E.I. 1988 Cap. C-14, with membership consisting of all lot owners in a sub-division, and constituted pursuant to a memorandum of association and bylaws approved by the Minister;

***hotel*** means a building other than a motel occupied or intended to be occupied as the temporary lodging place for any individual for a fee;

***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 al or industrial premises, used for community services and including:

- .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; and

.10. public and private schools and child care facilities;

***kennel***

means an establishment used for the boarding and/or breeding of domestic animals in excess of four (4);

***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 liquor establishment***

means a liquor establishment licensed by the PEI Liquor Commission. Such establishments shall include those licensed as a club, beverage room, lounge, tavern, or cabaret;

***loading space***

means an area at 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,

**COMMUNITY OF BORDEN - CARLETON ZONING AND DEVELOPMENT BYLAW**

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"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,

Athrough lot@ - means a lot bounded on two opposite sides by streets;

***main building***

means that building, the nature of the use of which determines the status of the lot upon which it is authorized to be constructed or upon which it is constructed and which is the dominant or most intensive use on the lot;

***main wall***

means the exterior front, side or rear wall of a building and all structural members essential to the support of a fully enclosed or partially enclosed roof;

***mini home***

means a premanufactured home transported as a single unit and containing CAN/CSA - A277-90 (or later) or CSA Z240 MH series 92 (or later) Stamps, and has a length to width ratio of 3:1 or greater;

***mini home court***

means a lot or parcel of land planned and developed for the placement of mini homes;

***mini home space or lot***

means a space in a mini home court for the placement of a mini home;

***Minister***

means the Minister of Community and Cultural Affairs;

***motel***

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

***municipality***

has the same meaning as in the Municipalities Act R.S.P.E.I. 1988, Chap. M-13;

***neighbourhood commercial use***

means any building or land used for commercial, retail and service purpose which is intended to serve the needs of a residential neighbourhood;

- nursing home*** means a building, part of building or 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, mental hospital, tuberculosis hospital or sanitarium;
- obnoxious use*** 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;
- official plan*** means a plan for a municipality adopted under Part of the Planning Act;
- open space*** means that portion of a lot which may be used for landscaping, recreational space or leisure activities normally carried on outdoors but does not include space used for service driveways or off-street parking;
- outdoor storage*** 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;
- parcel*** 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;
- park and recreational use*** 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;

- parking lot*** means an open area of land other than a street or access driveway, or an area within a structure used for the parking of vehicles  
A 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;
- parking space*** means an area of land which is suitable for the parking of a vehicle, not less than nine feet wide and eighteen feet long, accessible to vehicles without the need to move other vehicles on adjacent areas;
- personal service shop*** 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);
- pet grooming establishment*** means a business which is associated with the grooming of animals;
- phase*** means to develop a parcel of land over time in a series of prescribed stages;
- planning board*** means a planning board or joint planning board appointed under Part III;
- place of recreation*** 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, shooting galleries and amusement arcades, but does not include, in whole or in part, an Adult Entertainment Parlour or an Exotic Cabaret;
- pool or billiard parlour*** 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 in whole or in part, an Adult Entertainment Parlour or an Exotic Cabaret.

***private garage*** 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;

***public park or park land*** means land owned by the Community or some other level of government used or intended for use by members of the public;

***race track*** means a track for the racing of animals, or any form of motorized vehicles;

***recycling depot*** 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;

***resident*** means a person who has attained the age of eighteen years and is ordinarily resident within the boundaries of the municipality;

***restaurant*** 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;

***retail store*** 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;

***right-of-way*** means an area of land that is legally described in a registered deed for the provision of private or public access of passage;

***scrap yard or salvage yard*** 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;

***senior citizen***

means a person deemed to be eligible for accommodation in a Senior Citizen Home under the terms of the P.E.I. Housing Corporation Act or comparable Provincial statute;

***senior citizen home***

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 an combination thereof and shall include auxiliary uses such as lounges and recreation facilities usually associated with senior citizens' developments, and solely for the use of its residents;

***separation distance***

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;

***service shop***

means a building or part thereof used for the sale and repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial, manufacturing or motor vehicle body repair shops;

***sewage system***

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;

***shopping centre***

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;

**COMMUNITY OF BORDEN - CARLETON ZONING AND DEVELOPMENT BYLAW**

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- sign*** means a sign that directs attention to a business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the lot upon which such sign is located, or to which it is affixed;
- site plan*** 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;
- storage facility*** means a building or portion of a building used for the storage of goods or personal belongings and/pr possessions for monetary gain;
- storey*** means that portion of a building between any floor and ceiling or roof next above provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 m (approximately 6 feet) above grade and provided also that any portion of a building between any floor and ceiling or roof next above exceeding 4.2 m (approximately 14 feet) in height shall be deemed an additional storey;
- street or road*** see highway;
- street line*** means the boundary line of a right-of-way of a street;
- structure*** 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;
- subdivision*** means a division of a parcel of land by means of a plan of subdivision, plan or survey, agreement, deed or any instrument, including a caveat transferring or creating an estate or interest in part of the parcel;
- subdivision agreement*** means an agreement between Council and a developer whereby the

developer undertakes to provide basic services in order to develop a plan of subdivision;

***subdivision road***

means a public road designed to serve lots in a subdivision;

***swimming pool***

means any outdoor structure, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 60 cm (approximately 24 inches) or more at any point or with a surface area exceeding 15 square metres (161 square feet);

***tavern or licensed lounge***

means a building or part thereof where, in consideration of payment therefor, liquor, beer, or wine or any combination thereof are served for consumption on the premises, and established under the Prince Edward Island Liquor Commission under the Liquor Control Act but does not include, in whole or in part, an Adult Entertainment Parlour or an Exotic Cabaret;

***temporary building/structure***

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;

***temporary use***

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;

***tourist home***

means a dwelling in which overnight accommodation is provided or offered for transient guests for compensation;

***travel trailer***

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;

***use***

means any purpose for which a building or other structure or parcel of

land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel;

***utility*** means any public or private system, works, plant, 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 Bylaw;

***variance*** means a relaxation of the terms of the 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 Bylaw would result in unnecessary and undue hardship;

***warehouse*** means a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard;

***watercourse*** means the full width and length including the bed, shore, and bank of a fresh water body situated below the high water mark of every stream, river, lake, pond, creek, ravine, and gulch or any part thereof;

***wetland*** means all freshwater and tidal areas that are or may be submerged or periodically submerged under freshwater or saltwater, including all bodies of water or areas commonly referred to as marshes, salt marshes, swamps, sloughs and flats;

***windmill*** means a structure that is erected as either a stand alone or as an addition to an existing structure, used for the harnessing of wind for the purposes of energy generation;

***windmill height*** *the supporting structure on which the rotor and accessory equipment are*

***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 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 Bylaw.

"side yard" - means a yard extending from I 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 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.

***youth centre***

means a building or part of a building, which provides youth orientated activities, owned and/or operated by a community non-profit organization or as a private business in association with a community centre;

***zone***

means a designated area of land shown on the Official Zoning Map of the Bylaw.

**1.3 Certain Words**

In this Bylaw, words used in the present tense include future; words in the singular number include the plural; the work "shall" is mandatory and not permissive; and the word "he" includes "she"; also, sections that are referenced by "c.f." shall mean that the stated section applies to the item being referenced.

**1.4 Establishment of Zones**

For the purpose of this Bylaw, the Community 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.

**COMMUNITY OF BORDEN - CARLETON ZONING AND DEVELOPMENT BYLAW**

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<b><u>ZONE</u></b>	<b><u>SYMBOL</u></b>
Agricultural Reserve	AR
Residential	R
Residential - Small Lot	R-S
Neighbourhood Commercial	C1
Highway Commercial	C2
Industrial	M
Comprehensive Development Area	CDA
Public Service and Institutional	I
Recreation and Open Space	OS

**1.5 Definition of Zones**

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

- a. Where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway.
- b. Where a zone boundary is indicated as following lot or property lines, the boundary shall be such lot or property lines.
- c. Where a zone boundary is indicated as following the limits of the Community, the limits shall be the boundary.
- d. Where none of the above provisions apply, the zone boundary shall be scaled from the original zoning maps filed in the offices of the Community.

**1.6 Basic Provisions**

- .1 This bylaw applies to the entire area of the Community 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 Bylaw relating to each use shall be satisfied.

**1.11 Other Requirements**

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

**2. GENERAL REGULATIONS**

**2.1 Area Defined**

This bylaw applies to the geographical area within which the Borden-Carleton Community 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 Community of Borden-Carleton, except in conformity with this Bylaw and subject to the provisions contained herein.

**2.3 Authority of Development Officer**

Council may appoint a Development Officer whose duties shall be as provided in this bylaw. The Development Officer shall be the Administrator unless some other person has been appointed hereunder. The Development Officer shall have the authority to administer this Bylaw.

Notwithstanding the foregoing, the Development Officer shall have the authority to approve or deny building permits in accordance with this bylaw in all areas except for developments requiring development agreements

**2.4 Development Approval**

## **COMMUNITY OF BORDEN - CARLETON ZONING AND DEVELOPMENT BYLAW**

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No development shall be undertaken within the Community 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.

### **2.5 Permit Application**

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 Bylaws or the Official Plan of the Community.

**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 Bylaw.

**2.9 Site Plan**

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

**2.10 Other Information**

The Development Officer may require an applicant for a development permit to submit any additional information related to development which it deems pertinent, including but 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
- h. 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**

Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw and other Bylaws and regulations in force which affect the proposed development, Council

may require that the plans submitted under this Part be based upon an actual survey 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 an officer or agent of the Community for the purpose of ensuring compliance with the provisions of this Bylaw.

**2.15 Construct in Accordance with Application**

Any person who has been granted a development permit shall be 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 Council 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 Bylaw and to any conditions noted on the development permit or the development agreement.

**2.17 Development Restrictions**

Council shall not issue a development permit for a development if, in the opinion of Council:

- .1 the proposed development does not conform to this Bylaw;
- .2 the proposed development could create a hazard to the general public or any resident of the Community or could injure or damage neighbouring property or other property in the Community, 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 the 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; and
- .2 public and private utility buildings and structures which are considered by Council to be necessary and appropriate to the Community.

**2.19 Moving of Buildings**

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

**2.20 Existing Non-Conforming Lots**

Notwithstanding any other provisions of this Bylaw, any parcel of land held in separate ownership from adjoining parcels on the effective date of this Bylaw, having less than the minimum width or area required, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected on the lot provided that all other applicable provisions in this Bylaw are satisfied.

**2.21 Existing Non-Conforming Buildings**

Where a building has been erected on or before the effective date of this Bylaw on a lot having less the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this 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 or side yard or rear yard which does not conform to this Bylaw; and,
- .2 all other applicable provisions of this Bylaw are satisfied.

**2.22 Non-Conforming Uses**

## **COMMUNITY OF BORDEN - CARLETON ZONING AND DEVELOPMENT BYLAW**

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- .1 Subject to the provisions of this Bylaw, a building or structure, or use of land, buildings or structures lawfully in existence on the effective date of approval of this Bylaw may continue to exist.
- .2 No structural alterations that would increase the exterior dimensions, except as required by statute or 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 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 Bylaw, except if the building or repair work would not be detrimental, in the opinion of Council, 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 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 Bylaw.
- .6 A building or structure shall be deemed to exist on the effective date of approval of this 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 Access**

- .1 No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts and fronts upon a highway or road.
- .2 Notwithstanding subsection .1, the Development Officer 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:
  - (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**

As a condition for the granting of a development permit, an applicant may be required to design and develop or provide such facilities as necessary to permit access to the building or structure by physically challenged persons.

**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 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 be required to the satisfaction of Council;
- .2 The provision and maintenance of adequate landscaping shall be required for new development to the satisfaction of the Development Officer;
- .3 Where a C2 Zone or an M Zone abuts a Residential Zone along a side and/or rear lot line, a strip land of not less than fifteen (15') ft. (4.5 m) in width along the said side and/or rear lot shall be landscaped to the satisfaction of the Development Officer as part of the development for which a building permit has been granted.

**2.29 Height Regulations**

The height regulations of this Bylaw shall not apply to church spires, water tanks, flag poles, lighting

standards, television or radio antennae, ventilators, skylights, chimneys, clock towers, utility poles or windmills.

### **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:

- .1 no development shall take place within 20 metres (65 ft.) and no structure shall be located within 30 metres (100 ft.) of any watercourse including the Northumberland Strait, except for structures related to water treatment and distribution uses, fishery related uses and boat building (including the repair and storage of boats);
- .2 vegetation within 10 metres (30 ft.) of a wetland should generally be left undisturbed; and
- .3 applications for permits in any zone shall include a description of measures to be taken to avoid runoff of soil into watercourses.

### **2.32 Yard Requirements Concerning Natural Hazards**

Where a front, side or rear yard is required by this 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 having a slope of 15 percent or more from the horizontal;

the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the area covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of the cliff if such >edge= is closer than the lot line.

### **2.33 Main Building**

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

### **2.34 Accessory Structures**

## **COMMUNITY OF BORDEN - CARLETON ZONING AND DEVELOPMENT BYLAW**

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Accessory uses, buildings and structures shall be permitted on any lot but shall not:

- .1 be used for human habitation except where a dwelling is a permitted accessory use;
- .2 be located within the front yard or flanking side yard of a lot;
- .3 be built closer than 7.5 feet (2.3 m) to any lot line;
- .4 except in an industrial zone, commercial zone or on a farm property exceed 14 feet. (4.2 m) in height above grade;
- .5 except in an industrial zone, commercial zone or on a farm property, exceed 725 sq. ft. in total floor area or 7.5 percent of the lot area, whichever is lesser, and aggregate square footage shall not exceed 725 sq. ft except in industrial, commercial, agricultural zone;
- .6 be considered an accessory building if attached to the main building in any way;
- .7 be considered an accessory building if located completely underground; or
- .8 exceed 2 buildings per lot with the exception of farm properties or properties of greater than one (1) or more acres.

### **2.35 Accessory Apartments**

One accessory apartment may be permitted in a single family or two family dwelling for the specific use of an immediate family member if:

- .1 the accessory apartment is clearly subordinate to the main building;
- .2 one of the two units is occupied by the owner of the dwelling;
- .3 the accessory apartment is limited to one bedroom;
- .4 an approved agreement is signed by Council and the owner of the dwelling requiring use of the subordinate unit as an accessory apartment to be discontinued if home ownership changes or the immediate family member ceases to live in the subordinate unit or the main building and such agreement shall be registered in accordance with the provisions of the Registry Act.; and;
- .5 the exterior appearance of the building is not altered.

### **2.36 Fences**

No fence, unless otherwise specified in this Bylaw (i.e., swimming pool fence, industrial storage fencing, etc.), shall exceed 5 feet in height where it is to be located in the front yard or flankage yard of a lot in a residential zone.

## **COMMUNITY OF BORDEN - CARLETON ZONING AND DEVELOPMENT BYLAW**

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.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 5 feet in height, a development permit shall be required.

.2 Where a fence is to be located on a corner lot in a residential 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 to have the fence construction and appearance meet the Community=s standards.

### **2.37 Vehicle Bodies, Truck Trailers or Containers**

No vehicle body, truck trailer, or container shall be used as a commercial or accessory building except as specifically permitted by other legislation.

### **3. SPECIAL DEVELOPMENT CONSIDERATIONS**

#### **3.1 Petroleum Storage**

Underground gasoline storage facilities shall not be permitted in any residential zone; and the storage of gasoline on a residential lot shall be limited to 225 litres (45 gallons).

#### **3.2 Underground Petroleum Storage Tanks**

Underground Petroleum Storage Tanks shall require a development permit from Council before installation may proceed. In processing such application, Council 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. Council shall not issue a permit to the Developer until it received written approval from the appropriate authority. 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, with the exception of a CDA zone, where 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 a 2 metre (6 ft. ) high fence shall be constructed in such a manner so as to impede unauthorized persons from entering over or under said fence and such fence shall be aesthetically presentable with preference being given to fences constructed of wood;
- .3 any gate in such fence shall be capable of being locked;
- .4 disposal of water shall be either through the sanitary sewer system or carried off by truck;
- .5 a safety cover for the pool area is mandatory; and
- .6 the Developer shall agree that other reasonable initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the Developer or the Council.

#### **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 his 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 Community;

.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:

(i) common walls,

(ii) maintenance,

(iii) fire insurance,

(iv) easements,

(v) parking,

(vi) snow removal and

(vii) any other items jointly owned or used and

(viii) any other terms and conditions as may be imposed by Council.

### **3.7 Domestic and Household Arts in Residential Zones**

.1 Nothing in this 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:

(i) dressmaking and tailoring

(ii) hairdressing

(iii) instruction in music, dance, arts and crafts, weaving, painting, sculpture, 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. metres (800 square feet) 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 square metres (300 square feet) 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; and
- .8 there is no advertising other than one unlighted business identification sign a maximum of 0.5 square metres (5 square feet) in area and attached to the main building.
- .9 home occupations shall not be considered to be auto repair shops, welding shops, or anything that could be considered to be obnoxious.

### **3.9 Windmills and Energy Producing Towers**

1. Windmills shall not be permitted within the Community of Borden-Carleton without first obtaining a building permit. A site plan shall accompany the application form and shall contain the following:

a) A site plan accurately drawn to scale that shows:

i) the location of the tower on site.

ii) the location of all structures, habitable buildings, power lines or other utility lines on site and on adjoining properties within a radius equal to three (3) times the proposed tower height.

2. Certification by a registered professional engineer licensed to practice in Prince Edward Island or the manufacture's certification along with drawings and specifications verifying the dimensions and sizes of the various structural components of the Tower's construction and design data which indicates the basis of design shall accompany the application.
3. Before approving a permit for a windmill Council shall follow the same process as outlined in Section 15.3.
4. Notwithstanding Section 15.3 windmills shall be permitted in any zone but the following requirements shall apply:
  - a) Windmills shall only be permitted on lots 1.5 acres or greater.
  - b) Windmill height shall not exceed a total height of 50 feet in a residential zone and 75 feet in any other zone.
  - c) No windmill shall be in any front or side yard. All other setback requirements shall be measured from property lines to the center base of the windmill tower.
  - d) The setback for windmills shall be 1.5 times the height of the windmill from any property boundary or habitable building contained within the subject lot and 3 times the height of the windmill from any habitable building on an adjoining lot. A special permit may be sought for a windmill which is jointly owned by abutting land owners. Required setbacks may be measured from the farthest property lines of such abutting properties. Such a proposal shall require an agreement registered on title covering such items as maintenance, easements and joint ownership.
  - e) Guy wires and anchors for towers shall not be located closer than one quarter (1/4) of the height of the tower to any property boundary.
  - f) Landscaping or appropriate screening may be required at Council's discretion.
  - g) There shall be a limit of one windmill per lot.
5. Prior to receiving a permit to erect any windmill tower the developer shall receive approval from Transport Canada and comply to any Federal or Provincial regulations pursuant to the "Aeronautics Act". If it is deemed by Transport Canada that the proposed windmill tower presents a navigational hazard than such a determination shall be grounds for permit rejection.
6. Roof mounted windmills shall not be permitted.
7. A windmill will be considered abandoned if not operated for a period of two (2) years or if it is deemed a safety hazard. Once a windmill is deemed abandoned or a safety hazard, it shall be considered an offence and subject to penalties under Section 15.19.

8. Climbing access to the windmill tower shall be limited either by:

a) The installation of a fence of not less than 1.8m (6ft) in height with a locked gate around the tower base; or

b) By limiting tower climbing apparatus to no lower than 3m (10ft) from the ground.

## 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)
<b>Residential</b>	
single family dwelling	1 parking spaces
two unit dwelling	2 parking spaces
multiple family dwelling	1 parking spaces per dwelling unit
<b>Commercial</b>	
Hotel, Motel or other Tourist Establishment	1 parking space per quest/room rental unit and
auditoriums, churches, halls, libraries, museums,	Where there are fixed seats, 1 parking space for
Hospitals and Nursing Homes and Community Care	.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
Business and Professional Offices, Service and	1 parking space per 18.6 sq. metres (200 sq.
Automobile Dealership	1 parking space per 4.65 sq. metres (50 sq. ft)
Shopping Centre	1 parking space per 18.6 sq. metres (200 sq. ft.)
Restaurant or Lounge	1 parking space per
Other Commercial	1 parking space per 14 sq. metres (150 sq. ft.)
Industrial	1 parking space per 28 sq. metres (300 sq. ft.)
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 m) in height and not more than fifty (50) sq. ft. (5 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 ft.(300') ( 91 m) of the location which it 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 sq. m) measuring ten (10) ft. ( 3 m) by twenty (20) ft. (6 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 ft.(30') (9 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 ten ft. (10') (3 m) for one-way traffic, and a minimum width of six metres (6 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) feet ( 3.6 m) wide with a minimum of fourteen

(14) feet (4.25 m) height clearance.

.3 The provision of a loading space for any building with less than fifteen hundred (1500) sq. ft. (140 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 Bylaw are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Prince Edward Island Department of Transportation and Public Works, the more restrictive regulations shall apply.

.2 Notwithstanding anything else in the 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 Bylaw are satisfied.

.3 An indoor sign shall not be considered a sign for the purpose of this 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 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) 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;

(iii) not more than one (1) wall sign shall be permitted for each business; and

(iv) not more than one (1) projecting wall sign shall be permitted for each business.

#### **5.4 Signs Permitted in all Zones**

Notwithstanding anything else in Part of this Bylaw, the following additional signs are permitted in all zones and no development permit shall be required for their erection:

.1 signs identifying the name and address of a resident and of not more than .5 square metres (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 square metres 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 square metres 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 square metres 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 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 a governmental body, or required to be so located by order of a governmental body, but no sign located on public property or a public right-of-way shall bear any commercial advertisement;

.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 Bylaw, no wall sign shall:

.1 cover more than .5 square metres 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) square metres;

- .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<< Table of Contents will generate here >> (as set out in Section 2.30 of this 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) square metres (500 ft<sup>2</sup>) in sign area on a single face sign or ten (10) square metres of sign area for a double faced sign or twelve (12) square metres of sign area for a quadruple or triple 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 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 square metres 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 Bylaw, a temporary sign for a temporary use under Section 8.5 of this Bylaw may be allowed in any zone provided it does not exceed 2 square metres 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 the 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 metres;
- .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 Bylaw, no sign in any residential zone shall exceed .5 square metres 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 Bylaw, no billboard sign shall be erected anywhere within the Community.

**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.

**6.1 Agricultural Reserve (AR) Zone 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 unit dwellings including mini homes
- \$ Parks and playgrounds
- \$ Public service and institutional buildings which are compatible in appearance with nearby buildings
- \$ Day care facilities
- \$ Accessory buildings including farm homes
- \$ Golf and golf related activities
- \$ Kennel operations

**6.2 AR Zone Resource Development - General Requirements**

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

	<b>Resource Uses &amp; Buildings</b>	<b>Residential</b>	<b>Accessory Buildings</b>
minimum lot area	19,600 m <sup>2</sup> (5 acres)	12,000 m <sup>2</sup> (3 acres)	
maximum lot area		19,600 m <sup>2</sup> (5 acres)	
maximum lot coverage			
minimum frontage	100 m (333 ft)	150 m (500 ft)	
minimum front yard <sup>1</sup>	15 m (50 ft)	15 m (50 ft)	may not be located in the front yard

	<b>Resource Uses &amp; Buildings</b>	<b>Residential</b>	<b>Accessory Buildings</b>
minimum rear yard	15 m (50 ft)	7.5 m (25 ft)	7.5 m (25 ft)
minimum side yard	7.5 m (25 ft)	7.5 m (25 ft)	6 m (20 ft)
maximum floor area			50% of main building(s)
maximum building height	15 m (50 ft)	10.5 m (35 ft)	10.5 m (35 ft)

### **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 metres (50 ft); and
- .2 the abutting yard required in clause .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 feet from land uses or zoned or designated in the Official Plan for residential, commercial or institutional purposes.

### **6.5 Development Agreements**

This 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 animal 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. areas designated future land uses for incompatible 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. future land uses designations for incompatible 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 R - 1 ZONE

### 7A.1 Residential R - 1 Zone

The purpose of this Zone is to provide for low density residential development.

### 7A.2 R - 1 Zone Permitted Uses

The following uses shall be permitted in a Residential R - 1 Zone:

- \$ single detached dwellings
- \$ converted dwellings to a maximum of 2 units
- \$ bed and breakfasts with not more than three rooms to let
- \$ home occupations
- \$ neighbourhood parks
- \$ multi-unit dwellings, garden suites, mini home courts and bed and breakfast operations of greater than three (3) rented rooms may be approved by Council through a Development Agreement.

### 7A.3 R Zone Lot Size

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

	Serviced	Partially Serviced or Unserviced
	Single Detached/ Converted/Duplex	Single Detached
minimum lot area	700 m <sup>2</sup> (7500 ft <sup>2</sup> )	3,200 m <sup>2</sup> (35,000 ft <sup>2</sup> )
minimum frontage	23 m (75 ft)	53 m (175 ft.)
minimum front yard <sup>1</sup>	7.6 m (25 ft) <sup>1</sup>	7.6 m (25 ft)
minimum rear yard	6.1 m (20 ft)	6.1 m (20 ft)
minimum side yard		
□ a. one side	3.0 m (10 ft)	1.8 m (6 ft)
□ b. other side	3.0 m (10 ft) + 0.6 m (2 ft) for every storey over one	1.8 m (6 ft) + 0.6 m (2 ft) for every

	<b>Serviced</b>	<b>Partially Serviced or Unserviced</b>
	<b>Single Detached/ Converted/Duplex</b>	<b>Single Detached</b>
maximum height	10.7 m (35 ft)	storey over one 10.7 m (35 ft)

<sup>1</sup> Where more than 60% of the buildings on the block are closer than the permitted minimum, the front yard set back may be reduced to the average front yard depth of the abutting properties

#### **7A.4 Parking**

Refer to the general provision for parking requirements in Section 4 of this 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 square metres (5 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 parks, 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/Kennels**

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 Bylaw); and
- .2 businesses concerned with the breeding and/or boarding of house pets.

#### **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 0.6 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 feet in length.

#### **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 15.3.9 of this Bylaw for mid to high 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
  - b. triplex dwellings
  - c. townhouse/rowhouse dwellings
  - d. garden suites
  - e. apartment buildings
  - f. converted dwellings or expansions to existing converted dwellings of more than two (2) units
  - g. boarding houses of greater than three (3) units; and
  - h. bed and breakfasts with more than three (3) rooms to rent.

.2 In areas that are unserviced, where at the sole discretion of Council it is deemed appropriate development, the use of on-site servicing for the uses outlined in 7A.10.1 of this Bylaw, the Planning Act Province Wide Minimum Development Regulations will apply regarding on-site service requirements.

**7A.11 Lot sizes and related dimensions**

The following lot sizes and related dimensions will apply in the uses outlined in 7.10.1:

	<b>Triplex</b>	<b>Townhouse/ Rowhouse</b>	<b>Multiple Unit</b>
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)	7.6 m (25 ft) /unit	24.4 m (80 ft)
minimum front yard	7.6 m (25 ft)	7.6 m (25 ft)	7.6 m (25 ft)
minimum rear yard	6.1 m (20 ft)	6.1 m (20 ft)	6.1 m (20 ft)
minimum side yard	3.0 m (10 ft)	3.0 m (10 ft)	3.0 m (10 ft)
maximum height	10.7 m (35 ft)	10.7 m (35 ft)	10.7 m (35 ft)

	<b>Converted</b>	<b>Semi-detached</b>
minimum lot area	185.8 sq. m (2000 sq. ft) / unit	280 sq. m (3000 sq. ft) / unit
minimum frontage	6.1 m (20 ft) /unit	12 m (40 ft) / unit
minimum front yard	7.6 m (25 ft)	7.6 m (25 ft)
minimum rear yard	6.1 m (20 ft)	6.1 m (20 ft)
minimum side yard	1.8 m (6 ft) + 0.6 m (2 ft) for	

	every storey over one	
a. one side		3.0 m (10 ft)
b. other side		0
maximum height	10.7 m (35 ft)	10.7 m (35 ft)

### **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 feet) is provided. (refer to fencing requirements in Section 2.28 of this Bylaw)
- .3 Outdoor garbage bins shall be screened by a 2 metre (6.6 feet) high opaque fence or landscaped buffer strip and shall not be located within the front yard.

### **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 is constructed and maintained in an attractive and unobtrusive manner;
- .7 the garden suite does not exceed sixty (65) square metres, (700 sq. ft.) in floor area;
- .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.

#### **7A.14 Mini Home Parks**

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

a. mini home parks

b. mini home park offices and maintenance equipment storage related and incidental to the operation of the park

c. neighbourhood convenience store, laundromat (subject to the Neighbourhood Commercial Zone requirements)

d. home occupations (subject to Section 3.8)

e. neighbourhood parks

.2 Lot sizes and related dimensions for mini home parks are as follows:

<b>Mini Home Parks</b>	<b>Requirements</b>
minimum park area	4046.7 sq. m (1 acre)
minimum park frontage	30.5 m (100 ft)
minimum area of common amenity space per mini home	23 sq. m (250 sq. ft.)
minimum distance of a mini home dwelling from an external property line or street	6.1 m (20 ft)
minimum distance between mini homes	9.1 m (30 ft)

.3 When the Residential Mini Home Park 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.

#### **7A.15 Parking Requirements**

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

## 7B. SMALL LOT RESIDENTIAL (R-S) ZONE

### 7B.1 Small Lot Residential (R-S) Zone

The purpose of this Zone is to provide for moderate density single detached dwelling residential development on fully serviced lots.

### 7B.2 R-S Zone Permitted Uses

The following uses shall be permitted in a Small Lot Residential (R-S) Zone:

\$ single detached dwellings

\$ home occupations

\$ neighbourhood parks

### 7B.3 R-S Zone Lot Size

The following requirements shall apply to all uses permitted in the Small Lot Residential (R-S) Zone:

	<b>Serviced</b>
	<b>Single Detached Dwelling - R-S Zone</b>
minimum lot area	465 sq. m (5005 sq. ft)
minimum frontage	15.2 m (50 ft)
minimum front yard <sup>1</sup>	6.1 m (20 ft) <sup>1</sup>
minimum rear yard	6.1 m (20 ft)
minimum side yard	
□ a. one side	2.5 m (8 ft)
□ b. other side	2.5 m (8 ft)
maximum height	10.7 m (35 ft)

<sup>1</sup> Where more than 60% of the buildings on the block are closer than the permitted minimum, the front yard set back may be reduced to the average front yard depth of the abutting properties

## **8. COMMERCIAL DEVELOPMENT - GENERAL**

### **8.1 General Provisions For All Commercial Zones**

Two commercial zones are set out in this Bylaw: the Neighbourhood Commercial (C-1) Zone and the Highway Commercial (C-2) Zone.

### **8.2 Abutting Zone Requirements**

Where a Commercial Zone abuts a Residential, Open Space or 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 6.1 m (20 ft) and all areas within the abutting yards, excluding areas for parking, shall be landscaped, with grass or other vegetative cover;
- .2 no open storage or outdoor display shall be permitted in an abutting yard in any Commercial (C-1 or C-2) 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 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 feet).

### **8.4 Restriction on Commercial Use of Mini Home**

No development permit shall be granted in a Commercial (C-1 or C-2) Zone to permit the permanent commercial use of a mini home.

### **8.5 Transient or Temporary Commercial Permits**

Notwithstanding any other provision of this 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 create a public nuisance;
- .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 Bylaw, a dwelling unit may be provided in connection with a commercial use if:

- .1 the dwelling unit is not above a restaurant, lounge, automobile service station, dry-cleaning establishment or repair shop storing explosive materials;
- .2 a separate entrance serves the dwelling unit;
- .3 for each dwelling unit, 400 sq. ft. (47 sq. m) of landscaped open area is provided;
- .4 each dwelling unit meets the requirement of the Provincial Fire Marshall; and
- .5 the floor area in residential use does not exceed the commercial floor area.

### **8.7 Parking in Front of Buildings**

Where parking is provided in front of any building in a Commercial Zone a ten foot (10= or 3 m) landscaped buffer shall be provided between the parking area and the street.

### **8.8 Obnoxious Use**

Notwithstanding the foregoing, any use which is deemed by Council to be obnoxious by reason of sound, odor, dust, fumes, smoke shall be denied approval.

## **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 Zone Permitted Uses**

The following uses shall be permitted in the Neighbourhood Commercial (C-1) Zone:

- \$ Commercial
  - \$ bakery shops
  - \$ business and professional offices
  - \$ banking and financial establishments
  - \$ neighbourhood convenience stores
  - \$ craft shops
  - \$ clinics
  - \$ custom workshops
  - \$ drug stores
  - \$ food stores
  - \$ private clubs
  - \$ taxi stands
  - \$ video outlet/rental shops
  - \$ service and personal service shops
  - \$ farmer and craft markets
  - \$ Keeping of animals/kennel operations
  - \$ Inns
- \$ Recreation and Open Space uses (subject to the OS Zone requirements)
- \$ Accessory uses and structures
- \$ Residential uses (subject to the Residential Zone requirements)
- \$ Maximum two residential dwelling units within a building devoted to commercial use

### 9.3 Development Agreements

Council may consider uses which are not permitted by right in the Neighbourhood Commercial Zone to be approved through development agreements when Council agrees that exceptional circumstances apply. Notice shall be given to residents as per Section 15.3.9 of this Bylaw for development proposals.

.1 restaurants

### 9.4 C1 Lot Size

The following requirements shall apply to all uses permitted in the Neighbourhood Commercial (C-1) Zone:

<b>Criteria</b>	<b>Metric</b>	<b>approx. Imperial Equivalent</b>	<b>Conditions</b>
Minimum Lot Area	500 m <sup>2</sup>	5,500 ft <sup>2</sup>	
Minimum Frontage	15 m	50 ft.	
Minimum Front Yard	7.5 m	25 ft.	no parking in front of building
Minimum Side Yard	3 m	10 ft.	plus .6 m (2 ft.)for each storey over 1
Minimum Rear Yard	3 m	10 ft.	
Maximum Height	10.5 m	35 ft.	

### 9.5 Maximum Floor Area Requirement for Commercial Uses

Due to the neighbourhood nature of C-1 commercial uses, the gross leasable floor area for a building in the Neighbourhood Commercial Zone shall not exceed 180 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 5.2 of this Bylaw.

### **9.8 Outdoor Storage**

No outdoor storage shall be permitted in the Neighbourhood Commercial (C-1) 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.

### **9.11 Obnoxious Use**

Notwithstanding the foregoing, any use which is deemed by Council to be obnoxious by reason of sound, odor, dust, fumes, smoke shall be denied approval.

## **10. HIGHWAY COMMERCIAL (C2) ZONE**

### **10.1 GENERAL**

Except as provided in this 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.

### **10.2 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:

#### **\$ Commercial Uses**

- \$ animal hospitals and veterinary establishments
- \$ appliance sales and service establishments
- \$ banking and financial service shops
- \$ business and 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
- \$ licensed lounges
- \$ printing establishments
- \$ restaurants
- \$ shopping centres
- \$ service and personal service shops
- \$ activities connected with the automobile trade except for sales display areas, scrap yards or auto body shops

- \$ video rental and sales outlets
- \$ keeping of animals/kennels
- \$ all teen clubs
- \$ convenience stores
- \$ Inns
- \$ place of recreation
- \$ pool and billards
- \$ retail stores
- \$ tavern or licensed lounges
- \$ storage facilities
- \$ Accessory buildings
- \$ Institutional uses (subject to the requirements of the C-2 Zone)
- \$ Recreation and open space uses (subject to the Recreation Open Space (OS) Zone standards)
- \$ Shopping Centre
- \$ Residential uses in association with commercial uses
- \$ Transient or Temporary Commercial uses

### 10.3 LOT REQUIREMENTS

The following requirements shall apply to all uses permitted in the Highway Commercial (C-2) Zone:

<b>Criteria</b>	<b>Metric</b>	<b>Approx. Imperial Equivalent</b>	<b>Conditions</b>
Minimum Lot Area	1,000 m <sup>2</sup>	11,100 ft <sup>2</sup>	
Minimum Frontage	30 m	100 ft.	Central water & sewer available
Minimum Front Yard	7.5 m	25 ft.	no parking in front of building
Minimum Side Yard	6.0 m	20 ft.	
Minimum Rear Yard	6.0 m	20 ft.	

<b>Criteria</b>	<b>Metric</b>	<b>Approx. Imperial Equivalent</b>	<b>Conditions</b>
Maximum Height	10.5 m	35 ft.	

\*Shopping Centres shall have a minimum lot size of ten (10) acres. (4 hectares).

#### **10.4 Design**

The design of development in the Highway Commercial Zone should incorporate the guidelines set out in Schedule B.

#### **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 leaseable 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 Council. 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:

- a. parking

- b. loading zones
- c. internal circulation
- d. ingress and egress
- e. any improvements deemed to be required to public streets adjacent to the Shopping Centre and arrangements for cost sharing of such improvements
- f. public and private utilities
- g. storm water drainage and runoff
- h. buffer zones adjacent to neighbouring properties
- i. signage
- j. sidewalks, and
- k. any other matter deemed by Council to affect the health, well-being, safety or convenience of the public or to impose a detriment or financial burden on the Community 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 46 m (150 ft), or in the case of a corner lot both the front and the flanking lines shall be a minimum of 30 m (100 ft);
- .2 no portion of any pump island shall be located closer than 6 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 m (10 ft) of any street line;
- .4 the minimum distance from an entrance or exit driveway to a street intersection shall be 15 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 8 m (25 ft);
- .7 the minimum distance between an entrance and exit driveway shall be not less than 9 m (30 ft);  
and
- .8 where the business operation includes an automobile washing establishment, separate driveways shall be provided for the washing establishment and no cleaning operations of any kind shall be carried on outside the building.

#### **10.11 Obnoxious Use**

Notwithstanding the foregoing, any use which is deemed by Council to be obnoxious by reason of sound, odor, dust, fumes, smoke shall be denied approval.

## **11. GENERAL INDUSTRIAL (M) ZONE**

### **11.1 Purpose**

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

### **11.2 M Zone Permitted Uses**

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

- \$ animal hospitals and kennels
- \$ auto trade industries, including automobile service stations, body shops and salvage yards.
- \$ building supply dealers
- \$ business and 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 service uses
- \$ manufacturing, assembling and processing plants
- \$ recycling depots
- \$ research establishments
- \$ trucking depots
- \$ utilities
- \$ wholesale trade and warehouse establishments
- \$ sand and gravel storage
- \$ electricity production industries
- \$ marine related industries
- \$ keeping of animals/kennels
- \$ storage facilities

\$ outdoor storage

### 11.3 Lot size

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

<b>Criteria</b>	<b>Metric</b>	<b>Approx. Imperial Equivalent</b>
Lot Area	4000 m	1 acre
Lot Frontage	45 m	150 ft
Front Yard	6 m	20 ft
Rear Yard	6 m	20 ft
Side Yard	3 m	10 ft
Maximum Height	15 m	50 ft

### 11.4 Parking

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

### 11.5 Special Requirements: Industrial Zones Adjacent to Residential Zones

Notwithstanding any other provision of this 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 m (50 ft. ) in width along the lot line within the Industrial (M) Zone and adjacent to the Residential (R) 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 a combination of an opaque fence, an earthen berm and coniferous vegetation a minimum of 6 metres (20 feet) 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 Bylaw.

#### **11.6 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.

#### **11.7 Obnoxious Use**

Notwithstanding the foregoing, any use which is deemed by Council to be obnoxious by reason of sound, odor, dust, fumes, smoke shall be denied approval.

## 12. INSTITUTIONAL (I) ZONE

### 12.1 Purpose

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

### 12.2 Institutional (I) Zone Permitted Uses

The following uses shall be permitted in the Institutional (I) Zone:

- \$ cultural uses
- \$ religious uses
- \$ governmental uses
- \$ educational uses
- \$ health care uses
- \$ emergency service uses
- \$ special care facilities
- \$ day cares
- \$ private recreational facilities and clubs
- \$ public recreation uses, subject to the P-2 Zone requirements
- \$ community centres
- \$ all age teen clubs
- \$ any other institutional use
- \$ uses accessory to the above listed uses

### 12.3 Lot size

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

<b>Criteria</b>	<b>Metric</b>	<b>Approx. Imperial Equivalent</b>	<b>Conditions</b>
minimum lot area	625 m <sup>2</sup>	7,000 ft <sup>2</sup>	central water and sewer
minimum lot frontage	22.5 m	75 ft	available

<b>Criteria</b>	<b>Metric</b>	<b>Approx. Imperial Equivalent</b>	<b>Conditions</b>
minimum front yard	6 m	20 ft	
minimum side yard	3.0 m	10 ft	
minimum rear yard	6 m	20 ft	
maximum lot coverage		50 %	
maximum height	10.5 m	35 ft	

#### **12.4 Parking**

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

#### **12.5 Institutional Zone Special Requirements**

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

- .1 the minimum side and rear requirement for the abutting yard shall be 6 metres (20 ft) and all areas within the abutting yards shall be landscaped with grass or appropriate vegetative cover;
- .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 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 CDA Zone Permitted Uses**

Uses permitted in the CDA Zone are subject to entering into a development agreement with Council.

#### **13.3 CDA Zone Development Permits**

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

#### **13.4 CDA Development Concept Plan**

A CDA development concept plan (refer to Schedule D) may include, but is not limited to, the following components:

- a. site servicing;
- b. site access;
- c. site design including all setbacks;
- d. building use(s) and styles including materials to be used;
- e. parking location and number of parking spaces;
- f. landscaping including specific species and size of trees to be planted;
- g. storm water management plan;
- h. linkage opportunities with adjacent properties ie servicing, land use, and access;
- i. natural features such as topography, existing tree cover, watercourses and shoreline; or
- j. other information as required by Council

#### **13.5 CDA Zone Approval Process**

Approval of any CDA development concept constitutes a Bylaw amendment, and therefore must adhere to the requirements set out in Section 15.3 (Rezoning Applications) of this 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 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 Bylaw, Council shall require the commencement of a new application process.

### **13.6 CDA Zone 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 15.3 of this 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 Recreation & open space (OS) Zone Permitted Uses**

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

- \$ active and passive recreation areas and facilities including but not limited to:
  - \$ athletic fields
  - \$ tennis courts
  - \$ bowling greens
  - \$ picnic grounds
  - \$ play grounds
- \$ conservation related and open space uses
- \$ community gardens
- \$ historic sites and monuments
- \$ cultural uses
- \$ uses accessory to the foregoing 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	Serviced		Unserviced or partially serviced	
	metric	approx. imperial equivalent	metric	approx. imperial equivalent
Minimum lot area	540 m <sup>2</sup>	6 000 ft <sup>2</sup>	3200 m <sup>2</sup>	35,000 ft <sup>2</sup>
Minimum frontage	18.3 metres	60 ft	53 m	175 ft
Minimum front yard	6 metres	20 ft	6 metres	20 ft

<b>Criteria</b>	<b>Serviced</b>		<b>Unserviced or partially serviced</b>	
	<b>metric</b>	<b>approx. imperial equivalent</b>	<b>metric</b>	<b>approx. imperial equivalent</b>
Minimum rear yard	6 metres	20 ft	6 metres	20 ft
Minimum side yard	3 metres	10 ft	3 metres	0 ft

#### **14.4 Parking**

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

## **15. ADMINISTRATION**

### **15.1 VARIANCES**

Where the seventy-five foot (75=) (23 m) setback would in the opinion of Council unduly restrict development on a parcel of land in existence prior to approval of this Bylaw, Council may grant a development permit within thirty-five feet (35=) (11 m) of a Awetland@ or Awatercourse provided that:

- .1 the existing parcel of land has insufficient area to provide a 75= (23 m) setback;
- .2 there would be no direct impact on the Awetland@ or Awatercourse@;
- .3 a construction plan is submitted outlining appropriate measures to prevent erosion, or siltation during construction.

### **15.2 MINOR VARIANCE**

Council may approve a minor variance not exceeding 10% variance from the provisions of this Bylaw if desirable and appropriate, and if the general intent and purpose of this Bylaw is maintained.

- .1 Authorization for a minor 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 Bylaw, Council may, in the case of a major development, authorize variances in excess of ten percent (10%) variance from the provisions of this Bylaw if Council deems such a variance desirable and appropriate and if such variance is in keeping with the general intent and purpose of this Bylaw.
  - a. Notification shall be provided to surrounding property owners as set out in Section 15.3.9 of this Bylaw prior to a decision of Council.
  - 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.

### **15.3 REZONING PROCEDURES**

- .1 A person who seeks the rezoning of a lot or to have this 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 his application, deposit with the Administrator money necessary to cover all costs, direct and indirect pertaining to the processing of his application. This shall apply to costs associated with advertising and costs associated with preparing and mailing notifications

pursuant to clauses .8 & .9 of this Section.

.4 Funds deposited with the Administrator shall not be less than \$300.00.

.5 Planning Board shall review each rezoning request and advise Council accordingly.

.6 Council retains the right to deny a rezoning request without holding a public meeting if such request is deemed by Council to be inconsistent with the Official Plan and appropriate land use planning. Should Council not proceed with a public meeting, a portion of the deposit as per clause .4 shall be returned to the applicant.

.7 Council shall hold a public meeting to solicit input from residents on the proposed rezoning request.

.8 Council shall give seven (7) days clear notice of the public meeting. This notice shall be advertised in a newspaper in circulation in Borden-Carleton.

.9 Council shall also forward a notification letter to property owners who own a parcel of land located, in whole or in part, within one hundred feet (100) feet (30 m) from lot line of the parcel being proposed for rezoning.

.10 Following the public meeting Council shall formulate a decision on the zoning proposal. Council shall have the authority to determine whether a zoning proposal is approved, modified, or denied.

.11 Nothing in this Bylaw restricts the right of the Planning Board or Council to initiate its own rezoning requests.

#### **15.4 Building Permit Fees**

Building permit fees shall be levied in accordance with a Schedule of fees as adopted by Council resolution appended to this Bylaw as Schedule C.

#### **15.5 CHANGE OF USE PERMITS**

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

#### **15.6 SUBDIVISION FEES**

Subdivision fees shall be levied in accordance with a Schedule of fees as adopted by Council resolution appended to this Bylaw as Schedule C.

#### **15.7 PERMITS RECOGNIZED AS VALID**

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

#### **15.8 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 Bylaw have been complied with and the applicant has received final approval from the Council.

#### **15.9 CONVEYING INTEREST IN A LOT**

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

#### **15.10 PERMISSION TO SUBDIVIDE**

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

- .1 conforms with the requirements of this 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 can be conveniently provided at the developer=s cost with such utilities and services in accordance with this Bylaw and the Official Plan and with Sections 36 and 37 of 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 Bylaw.

#### **15.11 PROCEDURE**

Any person seeking Council=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 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, swamp wooded areas and areas subject to flooding or erosion.

#### **15.12 Additional Information**

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

#### **15.13 Consultation**

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

#### **15.14 PARK LAND DEDICATION and/or PARK DEDICATION FEE**

.1 Council shall require, for the purpose of developing park land, that 10% of the lands being subdivided to be conveyed to the Community.

.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. Council 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 Community. 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. Council 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 Community's assessment roll.

#### **15.15 SUBDIVISION AGREEMENT**

Council 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 Council and may include, but not be limited to the following:

- a. design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
- b. dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;

- c. deeding of roads to the Department of Transportation and Public Works or the Community 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.

#### **15.16 FINAL APPROVAL**

Final subdivision approval shall be granted by Council only after the applicant has complied fully with all applicable requirements of this Section and has submitted eight (8) 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.

#### **15.17 SEVERANCES**

Notwithstanding the above provisions, Council 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 Bylaw.

#### **15.18 BUILDING PERMITS**

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

#### **15.19 PENALTIES**

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

.1 In the case of a first or subsequent offense, to a fine not exceeding one thousand (\$1,000.00) dollars in each case, together with the cost of prosecution, and in default of payment of the fine or costs, to imprisonment for a term not exceeding three (3) months unless the fine and costs of prosecution are paid within the time provided by the court.

.2 Where the offense is a continuing offense, to a fine not exceeding two hundred (\$200.00) dollars for every day the said offense continues, together with the cost of prosecution, and in default of payment of the fine or costs, to imprisonment not exceeding three (3) months, unless the fine and

costs of prosecution are paid within the time provided by the court.

.3 The Judge presiding on any prosecution under this Bylaw may fix the costs of prosecution to be paid by the person found guilty hereunder.

**15.20 REPEAL**

The Borden-Carleton Zoning and Subdivision Control Bylaw dated 1997 and all amendments made thereto are hereby repealed.

**15.21 EFFECTIVE DATE**

This Bylaw becomes effective with its approval by the Minister of Community and Cultural Affairs.

**Schedule A - Official Zoning Map**

**Schedule B - Highway Commercial Design Guidelines**

**Schedule C - Building Permit Fees**

**Schedule D - Definition Illustrations**