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TABLE OF CONTENTS

SECTION 1	TITLE	1
SECTION 2	ZONING AND ZONING MAP(S)	1
	ZONES	1
	ZONING MAP	1
	ZONES NOT ON THE MAP	1
SECTION 3	INTERPRETATION	2
	SYMBOLS	2
	INTERPRETATION OF ZONING BOUNDARIES	2
	CERTAIN WORDS	2
	PERMITTED USES	2
	SCHEDULES	2
SECTION 4	GENERAL PROVISIONS FOR ALL ZONES	3
	ACCESSORY BUILDINGS AND STRUCTURES	3
	ACCESSORY USES PERMITTED	3
	BUILDING TO BE ERECTED ON A LOT	3
	BUILDING TO BE MOVED	3
	DRIVEWAY ACCESS PROVISIONS	3
	ENCROACHMENTS	4
	EXISTING BUILDINGS	4
	EXISTING LOTS	4
	FENCING	4
	FRONTAGE ON A STREET	5
	GOVERNMENT USES	5
	HEIGHT REGULATION EXEMPTIONS	5
	ILLUMINATION	6
	LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS	6
	LOADING SPACE	6
	MULTIPLE USES	6
	NON-CONFORMING USES	6
	ONE MAIN BUILDING ON A LOT	7
	PARKING REQUIREMENTS	7
	PARKING AREA STANDARDS	8
	PERMITTED ENCROACHMENTS IN REQUIRED YARDS	9
	PUBLIC AND PRIVATE UTILITIES	9
	REDUCED LOT REQUIREMENTS	9
	RESTORATION TO A SAFE CONDITION	9
	SIDE YARDS - ON CORNER LOTS	10
	SIDE YARD WAIVER	10
	SPECIAL USES PERMITTED	10
	SWIMMING POOLS	10
	TEMPORARY USES PERMITTED	10
	THROUGH LOTS	10
	VISIBILITY AT STREET INTERSECTIONS	11
	WATERCOURSES - SEPARATION DISTANCES	11

YARD REQUIREMENTS CONCERNING NATURAL HAZARDS	12
FOUNDATION REQUIREMENTS	12
 SECTION 5 GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES	 12
HOME BASED BUSINESSES PERMITTED IN ALL RESIDENTIAL ZONES	12
CONFORMITY WITH EXISTING SET BACKS	13
PARKING OF COMMERCIAL MOTOR VEHICLES	14
SATELLITE DISH ANTENNAE	14
SPECIAL REQUIREMENTS FOR BED AND BREAKFAST ESTABLISHMENTS	14
SPECIAL SIDE YARD REQUIREMENTS FOR ATTACHED GARAGES	14
REQUIREMENTS FOR SEPARATE GARAGES	15
 SECTION 6 LOW DENSITY RESIDENTIAL (R-1) ZONE	 15
R-1 ZONE PERMITTED USES	15
R-1 ZONE GENERAL REQUIREMENTS	15
SPECIAL REQUIREMENTS - BOARDING OR ROOMING HOUSES	16
R-1A SINGLE DWELLING ZONE	16
 SECTION 7 RESIDENTIAL MEDIUM DENSITY (R-2) ZONE	 18
R-2 ZONE PERMITTED USES	18
R-2 ZONE GENERAL REQUIREMENTS	18
SPECIAL REQUIREMENT - AMENITY SPACE	18
SPECIAL REQUIREMENT - GROUPED DWELLINGS	19
SPECIAL REQUIREMENT - LANDSCAPING	19
SPECIAL REQUIREMENT - SCREENING OF REFUSE CONTAINERS	19
 SECTION 8 RESIDENTIAL MOBILE HOME PARK (MHP) ZONE	 20
MHP ZONE PERMITTED USES	20
MHP ZONE GENERAL REQUIREMENTS	20
SPECIAL REQUIREMENTS - FENCING AND LANDSCAPING	20
SPECIAL REQUIREMENT - SKIRTING	20
SPECIAL REQUIREMENT - SEPARATION DISTANCES	20
 SECTION 9 GENERAL PROVISIONS FOR COMMERCIAL ZONES	 21
ABUTTING ZONE REQUIREMENTS	21
SPECIAL REQUIREMENTS - AUTOMOBILE SERVICE STATIONS	21
STORAGE AND SCREENING OF REFUSE CONTAINERS	21
 SECTION 10 COMMERCIAL (C-1) ZONE	 21
C-1 ZONE PERMITTED USES	21
C-1 ZONE GENERAL REQUIREMENTS	22
C-1 ZONE ABUTTING ZONE REQUIREMENTS	23
MAXIMUM FLOOR AREA REQUIREMENT FOR COMMERCIAL USES	23
OUTDOOR STORAGE REQUIREMENTS	23
 SECTION 11 FISHING INDUSTRIAL (M-1) ZONE	 23

M-1 ZONE PERMITTED USES	23
M-1 ZONE GENERAL REQUIREMENTS	23
 SECTION 12 LIGHT INDUSTRIAL (M-2) ZONE	 24
M-2 ZONE PERMITTED USES	24
M-2 ZONE GENERAL REQUIREMENTS	24
M-2 ZONE ABUTTING ZONE REQUIREMENTS	24
SPECIAL REQUIREMENT - OUTDOOR STORAGE	24
 SECTION 13 CONSERVATION (C) ZONE	 25
C ZONE PERMITTED USES	25
 SECTION 14 INSTITUTIONAL (I) ZONE	 25
I ZONE PERMITTED USES	25
I ZONE GENERAL REQUIREMENTS	25
I ZONE ABUTTING ZONE REQUIREMENTS	26
 SECTION 15 PUBLIC PARK (P) ZONE	 26
P ZONE PERMITTED USES	26
P ZONE GENERAL REQUIREMENTS	26
 SECTION 16 RURAL RESOURCE (RR) ZONE	 27
RR ZONE PERMITTED USES	27
RR ZONE RESOURCE DEVELOPMENT - GENERAL REQUIREMENTS	27
 SECTION 17 BUILDING AND DEVELOPMENT	 28
ENFORCEMENT	28
DEVELOPMENT PERMIT	28
APPLICATION FORM	28
APPLICATION FOR A DEVELOPMENT PERMIT	28
SIGNATURE OF APPLICANT	29
NOTIFICATION OF APPLICANT	29
ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENT	29
DEVELOPMENT AGREEMENT	29
PERMIT VALIDITY	29
MINOR VARIANCE	30
NOTIFICATION OF OUTCOME	30
DEVELOPMENT PERMIT FEE	30
INSPECTION	30
 SECTION 18 GENERAL PROVISIONS FOR SUBDIVISION	 30
REQUIREMENTS FOR SUBDIVISION	30
MINIMUM STREET STANDARDS	31
CONNECTION TO CENTRAL SEWER AND WATER SYSTEMS	31
TRADITIONAL SHORE ACCESS	31
COUNCIL'S EVALUATION	31
ENVIRONMENT IMPACT ASSESSMENT	31

RECREATION DEDICATION	32
SUBDIVISION AGREEMENT	32
APPLICATION FOR PERMIT	32
SUBDIVISION APPLICATION FEE	33
APPROVAL IN PRINCIPLE	33
FINAL APPROVAL	33
SECTION 19 REZONING/AMENDMENTS	35
APPLICATION FOR AMENDMENT	35
APPLICATION FOR REZONING	35
AMENDMENT FEE	35
NOTICE TO PROPERTY OWNERS	35
COUNCIL'S REVIEW	35
PUBLIC MEETING	36
APPEAL AND ENFORCEMENT	36
LIMITATION PERIOD	36
EFFECTIVE DATE	36
SECTION 20 DEFINITIONS	37
SCHEDULE "A" ZONING MAP	46
APPENDIX "A" - PROVINCIAL PLANNING ACT REGULATIONS	47
APPENDIX "B" - DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS POLICY ON SUBDIVISION	49
APPENDIX "C" - MANURE GUIDELINES	50
APPENDIX "D" - SCHEDULE 11 OF THE INTERIM GUIDELINES FOR ENVIRONMENTAL IMPACT ASSESSMENT	51
APPENDIX "E"	57

Section 1 Title

- 1) This By-Law shall be known as the Zoning and Subdivision By-Law for the Community of North Rustico and shall apply to all lands within the Community of North Rustico.
- 2) Bylaws to regulate and control the subdivision of land and to regulate the location and the use of the land, building and structures, and for this purpose to divide the lands within the Community of North Rustico into zones pursuant to the provisions of the Planning Act, having regard to:
 - a) the promotion of the health, safety, convenience and the welfare of the public;
 - b) the preservation of amenities;
 - c) the value of land and the nature of its present and prospective uses; and
 - d) the promotion of good environmental quality and the implementation of the North Rustico Official Plan.

Section 2 Zones and Zoning Map(s)

Zones

- 1) For the purpose of this Bylaw, the Community of North Rustico is divided into the following zones, the boundaries of which are shown on the attached Schedule "A." Such zones may be referred to by the corresponding symbols shown opposite them.

<u>Zones</u>	<u>SYMBOL</u>
Residential Low Density	R-1
Residential Medium Density	R-2
Residential Mobile Home Park	MHP
Commercial	C-1
Fishing Industrial	M-1
Light Industrial	M-2
Conservation	C
Institutional	I
Public Park	P
Rural Resource	RR

ZONING MAP

- 2) Schedule "A" is the Zoning Map which forms part of this Bylaw.

ZONES NOT ON THE MAP

- 3) The Zoning Map of this Bylaw may be amended, in conformance with the Official Plan, to use any zone in this By-law, regardless of whether or not such zone had previously appeared on any Zoning Map.

Section 3 Interpretation

Symbols

- 1) The symbols used on the Zoning Map refer to the corresponding zones established in this By-law.

Interpretation of Zoning Boundaries

- 2) The extent and boundaries of zones are shown on the Zoning Map and the provisions of this By-law shall apply to all zones.
- 3) Boundaries between zones shall be determined as follows:
 - a) where a zone boundary is indicated as following a street, the boundary shall be the centre line of the street unless otherwise indicated;
 - b) where a zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
 - c) where an electrical transmission line right-of-way or watercourse shown on the Zoning Map serves as a zone boundary, a line midway between the outside limits of the right-of-way or the centre line of the watercourse shall be considered the boundary between the zones unless otherwise indicated;
 - d) where none of the above apply, and where appropriate, the zone boundary shall be scaled from the large scale Zoning Map found in the Community Office.

Certain Words

- 4) In this By-law, words in the present tense include future, words in the singular number include the plural, words in the plural include the singular number, and the word 'used' includes 'arranged to be used', 'designed to be used', or 'intended to be used', and the word 'shall' is mandatory and not permissive.

Permitted Uses

- 5) In the By-law, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.
- 6) Where a permitted use within any zone is defined in Section 20 Definitions, the uses permitted within that zone include any similar uses which satisfy such definition except where a definition specifically excludes any similar uses.

Schedules

- 7) All Schedules and Figures attached hereto or included herein form part of this By-law.

Section 4 General Provisions for All Zones

Accessory Buildings and Structures

- 1) An accessory building or structure shall be permitted in any zone, but it shall not:
 - a) be used for human habitation except where a dwelling is permitted accessory use;
 - b) be built closer to a street on which the main building fronts than the main building is to that street;
 - c) be built closer than 3 feet to any lot line except for:
 - i) common garages for semi-detached dwelling units may be centered on the mutual side lot line
 - ii) boat houses and boat docks may be built to the lot line when the lot line corresponds to the water's edge;
 - d) be built within 10 feet of the main building.
- 2) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, and retaining walls shall be exempted from any requirements under clause 1)a) of this part.
- 3) Unless otherwise provided in this Section, no accessory building or structure shall be constructed:
 - a) prior to the time of construction of the main building to which it is an accessory, or
 - b) prior to the establishment of the main use of the land where no main building is required.

Accessory Uses Permitted

- 4) Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose shall include any accessory use.

Building To Be Erected on a Lot

- 5) No building shall be erected or used unless it is erected on a single lot.

Building to be Moved

- 6) No building shall be moved within or into the area covered by this By-law without first obtaining a development permit.

Driveway Access Provisions

- 7) A residential lot shall have one driveway access only.
- 8) A driveway access on to:
 - a) a local street shall be a minimum of 75 feet from a street intersection;
 - b) a collector street shall be a minimum of 100 feet from a street intersection; and,
 - c) an arterial street shall be a minimum of 150 feet from a street intersection.
- 9) A lot on a collector street or arterial street shall be limited to one driveway.
- 10) A driveway access shall be a minimum of 10 feet in width except for driveways for those uses set out in Subsection 11.
- 11) Minimum Driveway Widths

Land Use	One-Lane	Two-Lane
Multiple Unit Dwelling	12 feet	20 feet
Commercial	14 feet	25 feet
Industrial	14 feet	25 feet
Institutional	12 feet	20 feet
Park and Open Space	9 feet	18 feet

Encroachments

- 12) Notwithstanding anything else in this By-law a development permit may be issued for development on an undersized lot created as a result of an encroachment of a development component of a permanent nature such as a structure, driveway, well, or on site sewage disposal system, provided that all other applicable provisions of this By-law are met.

Existing Buildings

- 13) Where a building has been erected on or before the effective date of this By-law on a lot having less than minimum frontage or area, or both required by this By-law, or having less than the minimum front yard or side yard or rear yard or separation distance required by this Bylaw, the building may be enlarged, reconstructed, repaired, or renovated provided that:
- a) the enlargement, reconstruction, repair or renovation does not further reduce the front yard, side yard, rear yard, or separation distance that does not conform to this Bylaw; and
 - b) all other applicable provisions of the Bylaw are satisfied.

Existing Lots

- 14) Notwithstanding anything else in this Bylaw, the use of a building existing on a lot on the effective date of this Bylaw may be changed to a use permitted on the lot where the lot area or frontage or both is less than that required by this Bylaw provided that all other applicable provisions of this Bylaw are satisfied.
- 15) Notwithstanding anything else in this Bylaw, a vacant lot having less than the minimum frontage or area or both required by this Bylaw, 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 provisions in this Bylaw are satisfied.
- 16) An existing undersized lot may be increased in area or frontage, or both, and still remain an existing undersized lot if after the increase the lot still remains undersized.

Fencing

- 17) Unless otherwise provided for in this Bylaw, no fence shall be erected to a height greater than 10 feet and no development permit shall be required for fences less than 6 feet in height.

Frontage on a Street

- 18) No development permit shall be issued unless the lot intended to be used or upon which a building or structure is to be erected, abuts or fronts upon a street.

Government Uses

- 19) A government (federal, provincial, or municipal) owned building, and facility, shall be permitted in any zone provided that such use conforms with the applicable standards of the Institutional (1) Zone and a development permit shall be required for any such use.

Height Regulation Exemptions

- 20) A maximum height requirement set out in this Bylaw shall not apply to a church spire, lightening rod, water tank, monument, elevator enclosure, silo, flagpole, television or radio antenna, telecommunication tower, ventilator, skylight, barns (constructed in Rural Resource Zone), fire tower, drive-in theater screen, chimney, clock tower, solar collector, or a wind power generator.
- 21) The height of a building shall be determined by calculating the vertical distance of a building between the established grade and:
- i) the highest point of the roof or the parapet, whichever is the greater, of a flat roof;
 - ii) the deck line of a mansard roof, or;
 - iii) the main level between eaves and ridges of a gabled, hip, gambrel, or other type of pitched roof. (See Figure 1)

Illumination

- 22) No person shall erect any illuminated sign or illuminate an area outside any building or structure unless the illumination is directed away from adjoining properties and any adjacent streets (and private road or right-of-way if applicable).

Licenses, Permits and Compliance With Other Bylaws

- 23) Nothing in this Bylaw shall exempt any person from complying with the requirements of the Zoning and Subdivision Bylaw or any other by-law in force within the Community of North Rustico or from obtaining any license, permission, permit, authority or approval required by any other By-law of the Community of North Rustico or statute and regulation of the Province of Prince Edward Island.

Loading Space

- 24) In any zone, no person shall erect or use any building or structure for commercial or industrial purposes 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 off-street space for standing, loading or unloading for every 28,000 square feet or fraction thereof of building floor area used for any such purpose to a maximum of 6 loading spaces.
- 25) Each loading space shall be a minimum of 12 feet by 40 feet with a minimum of 14 feet in height clearance.
- 26) A loading space is not required for any building less than 1400 square feet in area.
- 27) No loading space shall be located within any required front yard or be located within any yard which abuts a residential, conservation, institutional, or public park zone.
- 28) A loading space area, including driveways leading to the loading area, shall be constructed with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 29) Ingress and egress, to the required loading space area shall be provided by means of unobstructed driveways of a minimum width of 10 feet for one-way traffic or a minimum width of 20 feet for two-way traffic.

Multiple Uses

- 30) In any zone, where any land or building is used for more than one use, all provisions of the Bylaw relating to each shall be satisfied.
- 31) Where there is conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

Non-Conforming Uses

- 32) Any use of land or a building or structure constructed or where construction has begun on a building or structure or before the effective date of this Bylaw that does not conform to the requirements of this Bylaw shall be permitted to continue or intensify that same use, subject to the provisions of this Bylaw.
- 33) Notwithstanding subsection 32), a non-conforming industrial use shall be permitted to change to a less obnoxious and/or less intensive use in terms of the traffic generated, hours of operation, lot coverage, parking requirements, outdoor storage, noises and fumes.

One Main Building on a Lot

- 34) No person shall erect more than one main building on a lot except:
- in the Fishing Industrial Zone;
 - in the Commercial (C-1) Zone;
 - in the Residential Medium Density (R-2) Zone for Grouped Dwellings
 - in the Residential Mobile Home Park (MHP) Zone; and
 - in the Rural Resource (RR) Zone

Parking Requirements

- 35) For every building or structure to be erected or enlarged off-street parking within the same zone as the use and having unobstructed access to a street shall be provided and maintained in conformity with the following schedule:

<u>Type of Buildings</u>	<u>Parking Spaces Required</u>
dwellings containing less than 3 dwelling units	1 parking space for each dwelling unit
all other dwellings	1.5 parking spaces for each dwelling unit
boarding and rooming houses	1 parking space for the proprietor plus 1 parking space for every 2 rooms available for rent
churches, church halls, auditoria, restaurants, theaters, arena, halls, stadia, private clubs and places of assembly	where there are fixed seats, 1 parking space for every 5 seats, or 15 feet of bench other space. Where there are no fixed seats, 1 parking space each 90 square feet of floor area devoted to public use.
hospitals and nursing homes	1 parking space for each 2 beds or each 370 square feet of floor area, whichever is greater.
senior citizen housing	1.5 parking space for each dwelling unit
hotels, staff house, motels and tourist cabins	1 parking space per suite or rental unit, plus 1 additional parking space for each 45 square feet of floor area devoted to public use (taverns, restaurants, and auditoria) exclusive of lobbies and halls
offices	1 parking space per 280 square feet of (Gross/net) floor area
funeral homes	1 parking space for every 45 square feet of floor area in an assembly room.
bowling alleys and curling rinks	3 parking spaces for each bowling lane and 4 parking spaces for each curling sheet. In other parts of the building additional parking spaces shall be provided in accordance with the requirements set out in this Bylaw for the use to which the other parts of the building may be used.
all other commercial uses	1 parking space for each 280 square feet of floor area

elementary schools	1.5 parking spaces for each teaching classroom
high schools	4 parking spaces for each teaching classroom
industrial uses	1 parking space for each 420 square feet of gross floor area

- 36) A parking space shall not be less than 145 square feet in area measuring 9 feet by 18 feet exclusive of driveways or maneuvering aisles.
- 37) Where the number of parking spaces required are calculated according to a formula in this Bylaw, the results of such calculation shall be rounded up to the next whole number.

Parking Area Standards

- 38) Where a parking lot for more than 4 vehicles is required or permitted:
- a) the parking lot shall be constructed with a stable surface that is treated to prevent the raising of dust or loose particles;
 - b) the light used for illumination of the parking lot shall be so arranged as to divert the light away from streets, adjacent lots, and buildings;
 - c) a structure not more than 15 feet in height and not more than 46 square feet in area may be erected in the parking lot for the use of the attendants;
 - d) a parking lot shall be within 300 feet of the location which it intended to serve, and shall be situated in the same zone;
 - e) when the parking lot is a permanent hard surface, each parking space shall be clearly demarcated and maintained as such;
 - f) approaches or driveways to any parking lot, other than that required for a single or two unit dwelling shall be defined by a curb of concrete or rolled asphalt and the limits of the parking lot shall be defined by a fence, curb or other suitable obstruction designed to provide a neat appearance;
 - g) the location of approaches or driveways shall not be closer than permitted in Subsection 8;
 - h) the width of a driveway leading to a parking lot, or a driveway or aisle in a parking area, shall be consistent with the provisions set out in Subsections 10 and 11;
 - i) parking spaces for small cars may be permitted provided they do not exceed 25% of the total parking spaces provided and such spaces shall be a minimum of 8 feet by 17 feet in dimensions;
 - j) no gasoline pump or other service station equipment shall be located or maintained on the parking lot.

Permitted Encroachments in Required Yards

39) Except for an accessory building, the following structures may project into or be located in a required yard by this bylaw in accordance with the distance specified in the following table.

Structure	Yard in Which Projection <u>Permitted</u>	Max. Projection from <u>Main Wall Permitted</u>
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or canopies	Any required yard	1.5 feet
Window bays	Required front, rear and flankage yards only.	3 feet and a maximum width of 10 feet.
Fire escapes and exterior staircases	Required rear and side yards only.	5 feet and a height of 10 feet.
Balconies	Required front, rear and flankage yards only for single two and three unit dwellings and any yard for other residential uses.	6 feet
Open, roofed porches not exceeding one storey in height only.	Required front, rear and flankage yards and cornices	12 feet eaves

Public and Private Utilities

40) 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.

Reduced Lot Requirements

41) Notwithstanding anything else in this Bylaw, an approved lot having less than the minimum lot area or lot frontage required by this Bylaw may be used for any purpose permitted in the zone in which the lot is located provided that all other applicable provisions in the Bylaw are satisfied.

Restoration to a Safe Condition

42) Nothing in this Bylaw shall prevent strengthening or restoring to a safe condition of any building or structure.

Side Yards - On Corner Lots

- 43) Notwithstanding anything else in this Bylaw, on a corner lot in any zone, no part of any building or accessory building shall be erected closer to the lot line of the flanking street than 15 feet.

Side Yard Waiver

- 44) Notwithstanding anything else in this Bylaw, where buildings on adjacent lots share a common wall, the applicable side yard requirements shall be zero.

Special Uses Permitted

- 45) Nothing in this Bylaw shall prohibit a use or structure erected for a special occasion or holiday provided that no such use or structure shall remain in place for more than 14 consecutive days and such use shall be required to obtain a development permit.

Swimming Pools

- 46) Where a swimming pool is an accessory use in a residential or commercial zone it shall:
- a) be enclosed by a fence having a minimum height of 6 feet from the established grade and located a minimum of 6 feet from the water surface perimeter;
 - b) be located in the back yard of the property.

Temporary Uses Permitted

- 47) Nothing in this Bylaw shall prevent the temporary use of a building or structure incidental to a construction project that a development permit has been issued for the main construction project and the temporary use is discontinued and removed within 30 days following completion of the main construction project.

Through Lots

- 48) 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.

Visibility at Street Intersections

- 49) On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 3 feet above the grade of the abutting streets within the sight triangular area unless the structure or vegetation is of such construction that it will permit ready vision across the sight triangular area.
- a) For the purpose of this Subsection, the sight triangle shall be the triangular area formed on a corner lot by the 2 lot lines that abut a street and a straight line which intersects them at a distance of 20 feet from the corner where the 2 lot lines meet (see Figure 2)

Figure 2. Visibility at Street Intersection

Watercourses - Separation Distances

- 50) No structure shall be located within 50 feet of any watercourse except for structures related to water treatment and distribution uses, fishery related uses, and boat building (including the repair and storage of boats).

Yard Requirements Concerning Natural Hazards

- 51) Where a front, side or rear yard is required by this Bylaw and part of the area of the lot:
- a) is usually covered by water or marsh;
 - b) is beyond the rim of river bank or watercourse; or
 - c) 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 covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of cliff if such 'edge' is closer than the lot line (See Figure 3)

Figure 3 Yard Requirements Concerning Natural Hazards

Foundation Requirements

- 52) Notwithstanding any other provision of this bylaw, no person shall construct a building which is intended for human habitation on piers, posts or other such base.

Section 5 General Provisions For All Residential Zones

Home Based Businesses Permitted in All Residential Zones

- 1) Nothing in this Bylaw shall prevent the use of a dwelling in any residential zone for a home based business provided that:
- a) the dwelling is occupied as a residence by the operator of the home based business and the external appearance of the dwelling is not changed by the home based business;
 - b) there is not more than 1 assistant employee employed in the home based businesses;
 - c) not more than 25 per cent of the total floor area of the dwelling to a maximum of 375 square feet is devoted to the home based business;

- d) one off-street parking space, other than that required for the dwelling, is provided for every 185 square feet of floor space occupied by the home based business;
 - e) there is not more than one non-illuminous business identification sign advertising the business attached to the building and not more than 3 square feet in area;
 - f) no mechanical equipment is used except that reasonably consistent with the use of the dwelling; and
 - g) there is no outside storage or display.
- 2) For the purpose of clause 1, a home based business includes the following type of uses:
- i) a business office
 - ii) a domestic and household art workshop
 - iii) a catering establishment
 - iv) a beauty salon or barbershop
 - v) a photographic studio

Conformity with Existing Setbacks

- 3) Notwithstanding anything else in this Bylaw, in any residential zone, a structure built between existing buildings within 200 feet on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 10 feet from the front lot line and need be no greater than the setback set out in the zone in which it is situated (see Figure 4)

Figure 4. Conformity with Existing Setbacks
(Average of Existing)

Parking of Commercial Motor Vehicles

- 4) For the purposes of this Section of this Bylaw, a 'Commercial Motor Vehicle' shall mean any motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse and motor bus.
- 5) No commercial motor vehicle shall be kept in any residential zone except for one commercial vehicle not exceeding 1500 pounds capacity and used by the owner or occupant of the lot.
- 6) Notwithstanding Subsection 1, no commercial motor vehicle shall be kept or parked on any vacant lot in any residential zone.

Satellite Dish Antennae

- 7) For the purposes of this Bylaw a satellite dish antenna shall be considered to be a structure even if it is mounted upon a trailer or other movable platform and no person shall erect in any residential zone a satellite dish antenna unless it conforms to the following provisions:
 - a) no portion of the satellite dish antenna is located in the required front yard unless it can be demonstrated that the satellite dish antenna will not perform its required function from elsewhere on the lot;
 - b) no portion of the satellite dish antenna is located closer to the side lot line than:
 - v) 3 feet in the case of an interior side yard; and
 - ii 15 feet in the case of the street side of a corner lot;
 - c) no portion of the satellite dish antenna is located within 5 feet of the rear lot line; and,
 - d) where a satellite dish antenna is structurally attached to a mast, truss, or other similar freestanding structure, the clearance between grade and the bottom extremity of the dish is not greater than the height of the main building.

Special Requirements for Bed and Breakfast Establishments

- 8) A bed and breakfast establishment shall be permitted within any residential zone provided that:
 - a) the single unit dwelling is occupied as a residence by the operator of the business;
 - b) parking is provided at the side and/or rear of the lot, but not within the required yard setbacks;
 - c) no alterations are made to the dwelling which change the roof line or increase the height of the dwelling except for the addition of dormers;
 - d) no additions are made which extend into the front or side yard of the lot;
 - e) no alterations are made to increase the number of entrances in the front or sides of the dwelling; and,
 - f) there is only one sign not greater than 3 square feet in area and that is attached to the main building and is constructed of wood.

Special Side Yard Requirements for Attached Garages

- 9) In any residential zone where a dwelling unit includes an attached garage or a garage is incorporated into the unit, the larger minimum side yard shall be waived and the required side yard shall be 3 feet for a one story building and an additional 1.5 feet for every additional story.

Requirements for Separate Garages

- 10) Garages are permitted in any residential zone. The minimum side yard shall be 3 feet. The maximum height for garages shall be 15 feet. The maximum floor space shall be 480 square feet. Separate garages shall be permitted in front or rear yards depending on driveway accessibility.

Section 6 Low Density Residential (R-1) Zone

R-1 Zone Permitted Uses

- 1) The following uses shall be permitted in a Low Density Residential (R-1) Zone:
- S bed and breakfast establishments
 - S boarding and rooming houses
 - S day nurseries
 - S duplexes
 - S parks and playgrounds (Subject to the Public Park (P) Zone requirements)
 - S schools and churches (Subject to the Institutional (1) Zone requirements)
 - S semi-detached dwellings
 - S detached dwellings
 - S modular mini homes

R-1 Zone General Requirements

- 2) The following requirements shall apply to all uses permitted in a Low Density Residential (r-1) Zone where centralized sewer and water systems are available:

	Detached Dwellings; <u>Other R-1 Dwellings</u>	Semi-detached Dwellings; <u>Duplex Dwellings;</u>
minimum lot area	6500 square feet	8000 square feet
minimum lot frontage	65 feet	75 feet
minimum front yard	10 feet	10 feet
minimum rear yard	15 feet	15 feet
minimum side yard	7.5 feet	7.5 feet
maximum height of main building	25 feet	25 feet
Parking requirements	As specified in Section 4 (35) of this Bylaw	

Accessory buildings:

maximum height	15 feet
maximum floor space	300 sq. ft.

Garages

maximum height	15 feet
maximum floor space	480 sq. ft.

- 3) All new lots which will not be serviced with central sewer and water will be required to meet or exceed the standards set out in the Planning Act Regulations for lot sizes. (See Appendix 'A').
 - a) In the event that an amendment to the Planning Act Regulation causes lot sizes to change; Appendix 'A' shall change to reflect said amendment.
 - b) Notwithstanding Sections 16-19 of the Planning Act, changes made to Appendix 'A' as a result of an amendment to the Planning Act Regulations shall not be considered an amendment to this Bylaw.

Special Requirements - Boarding or Rooming Houses

- 4) In addition to all other requirements of this zone, the following special provision shall apply to a boarding or rooming house in a Low Density Residential (R-1) Zone:
 - a) 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);
 - b) parking areas shall be provided in the side or rear yard of the lot but not in the required minimum side or rear yard (See also Section 4 (35) Parking Requirements of this Bylaw for parking space requirements); and
 - c) no development permit shall be issued unless the lot is located on a street that is served by a centralized sewer system.

Section 7 Residential Medium Density (R-2) Zone

R-2 Zone Permitted Uses

- 1) The following uses shall be permitted in the Residential Medium Density (R-2) Zone:
 - S boarding and rooming houses (Subject to the Low Density Residential (R-1) Zone requirements for boarding or rooming houses)
 - S grouped dwellings
 - S multiple unit dwellings
 - S nursing homes and senior citizen housing
 - S residential care facilities
 - S townhouse dwelling units
 - S detached dwellings
 - S semi-detached dwellings
 - S duplex dwellings
 - S all other uses permitted in the Residential Low Density (R-1) Zone

R-2 Zone General Requirements

11) The following requirements shall apply to all uses permitted in the Residential Medium Density (R-2) Zone:

	Multiple Unit Dwellings	Townhouse Dwelling Unit	Nursing Homes & Senior Citizen Apartments	Residential Care Facilities
min. lot area	15000 sq.ft.	8000 sq. ft.	15000 sq. ft.	15000 sq. ft.
Min. lot frontage	100 ft.	40 ft./d.u.	100 ft.	100 ft.
Min. front yard	15 ft.	15 ft.	15 ft.	15 ft.
Min. rear yard	20 ft.	20 ft.	20 ft.	20ft.
Min. side yard	10 ft.	10 ft.	10 ft.	10 ft.
Max .height of main Building	35 ft.	25 ft.	25 ft.	25 ft.
Building density	16 d.u./acre	16 d.u./acre	16 d.u./acre	16 d.u./acre
Parking requirements	As specified in Section 4 (35) of this Bylaw.			

Accessory building(s):

maximum height	15 ft.	15 ft.	15 ft.	15 ft.
maximum floor space	500 sq. ft.	500 sq. ft.	500 sq. ft.	500 sq. ft.

Special Requirement - Amenity Space

12) Notwithstanding anything else in this Bylaw, in the Residential Medium Density (R-) Zone, no development permit shall be issued for a multiple dwelling building unless amenity space is provided on the same lot for each dwelling unit at the rate of 100 square foot for each unit.

Special Requirements - Grouped Dwellings

- 13) Notwithstanding anything else in the Bylaw in the Residential Medium Density (R-2) Zone, the following requirements shall apply to grouped dwellings
- a) the minimum lot area shall be 30000 square feet;
 - b) the minimum density between grouped dwellings shall be 20 feet or ½ of the height of the highest building, whichever is greater;
 - c) the minimum set back from any street line shall be 15 feet for any main building;
 - d) amenity space for any grouped dwelling shall be provided on the same lot at the standard of 100 square feet for each dwelling unit; and
 - e) the maximum lot coverage shall be 35%.

Special Requirements - Landscaping

- 14) In the Residential Medium Density (R-2) Zone a 6 foot landscaped strip that abuts a lot line and runs the full length of a lot line excluding driveway accesses shall be provided:
 - a) along any lot line that abuts a street; and
 - b) along any side or rear lot line.

- 6) In the Residential Medium Density (R-2) Zone a parking area may be located within a required yard setback when abutting a lower density residential zone, if a landscaped strip a minimum of 20 feet wide consisting of existing trees or shrubs or newly planted trees which are a minimum of 5 feet in height with a maximum spacing not to exceed 6 feet is provided. This landscaped strip may be reduced to 15 feet:
 - a) where a 6 foot high opaque wooden fence and trees are a minimum of 8 feet in height with an average maximum spacing not to exceed 20 feet are provided; or
 - b) where an earth berm a minimum of 6 feet above grade at its crest and trees a minimum of 5 feet in height with an average maximum spacing not to exceed 20 feet are provided.

Special Requirement - Screening of Refuse Containers

- 7) In the Residential Medium Density (R-2) Zone outdoor garbage bins shall be screened by a 6 foot high opaque fence or otherwise be enclosed by a structure so as not to be visible from any street or adjacent residential property.

Section 8 Residential Mobile Home Park (MHP) Zone

MHP Zone Permitted Uses

- 1) The following uses shall be permitted in the Residential Mobile Home Park (MHP) Zone:
 - S mobile home dwellings units
 - S mobile home parks
 - S mobile home park offices, maintenance equipment storage and incidental to the operation of the park
 - S recreational uses, parks and playgrounds (Subject to the Public Park (P) Zone requirements)

MHP Zone General Requirements

- 2) The following requirements shall apply to all uses permitted in the Residential Mobile Home Park (MHP) Zone:

minimum lot area	3000 sq. Ft.
minimum lot frontage	35 ft.
minimum distance of a mobile home dwelling from an external lot line or street	25 ft.

Parking requirements As specified in Section 4 (35) of this Bylaw

accessory building(s):

maximum height	15 ft.
maximum floor area	150 sq. Ft.

Special Requirements - Fencing and Landscaping

- 3) When the Residential Mobile Home Park (MHP) Zone abuts another residential zone or an institutional Zone opaque fencing shall be provided along the side and rear lot lines (excluding access driveways) and all required yards shall be landscaped.

Special Requirement - Skirting

- 4) In the Residential Mobile Home Park (MHP) Zone the entire undercarriage of a mobile home shall be skirted with opaque material.

Special Requirement - Separation Distances

- 5) In the Residential Mobile Home (MHP) Zone, individual mobile home dwelling units shall be separated from each other by a minimum of 20 feet.

Section 9 General Provisions For Commercial Zones

Abutting Zone Requirements

- 1) Where a lot located within a commercial zone abuts a lot in a residential, conservation, public park or an institutional zone the following standards shall apply:
- a) the minimum set back of the commercial use from the abutting lot line shall be 20 feet;
 - b) no open storage or outdoor display shall be permitted in an abutting yard in the commercial zone;
 - c) no portion of any parking space within a commercial zone shall be permitted in any abutting yard except where a 6 foot high opaque fence is provided in which case there shall be no parking within 10 feet of the side or rear lot line in the commercial zone.
- 2) In addition to the provisions of the Sign Bylaw, a sign located in an abutting yard shall be subject to the following requirements:

- a) it shall be a non-illuminated sign;
- b) it shall only be a directional or business identification sign;
- c) the maximum sign area shall be 6 square feet in area;
- d) the maximum height of a ground sign from the established grade to the highest part of the sign (including the sign structure) shall be 8 feet; and
- e) it shall be set back at least 10 feet from the abutting property line.

Special Requirements - Automobile Service Stations

- 3) Notwithstanding anything else in this Bylaw, in a commercial zone where a proposed development is for an automobile service station, the following special provisions shall apply:
 - a) minimum lot frontage shall be 100 feet;
 - b) no portion of any pump island shall be located closer than 30 feet from any street line;
 - c) minimum distance between an entrance and exit driveway shall not be less than 60 feet;
 - d) minimum distance from an entrance or exit driveway and a street intersection shall be 150 feet; and
 - e) minimum width of an entrance or exit driveway shall be 12 feet.

Storage and Screening of Refuse Containers

- 4) 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 similar structure.

Section 10 Commercial (C-1) Zone

C-1 Zone Permitted Uses

- 1) The following uses shall be permitted in the Local Commercial (C-1) Zone:
 - i) residential uses:
 - S dwelling units within a building devoted to commercial use
 - ii) commercial uses:
 - S automobile service stations
 - S bakery shops
 - S banks and financial institutions
 - S building supply stores
 - S business and professional offices
 - S clinics
 - S commercial schools
 - S convenience stores
 - S drug stores
 - S farm market
 - S food and grocery stores
 - S funeral homes
 - S hotels and motels
 - S licensed liquor establishments
 - S parking lots and parking structures
 - S places of entertainment, recreation and assembly wholly enclosed within a building
 - S private clubs
 - S printing establishments

- S restaurants (all types)
- S retail stores
- S service and personal service shops
- S taxi and bus stations
- S video rental shops

- iii) institutional uses:
 - S all institutional uses (Subject to the Institutional (1) Zone standards)
 - S parks and community centers (Subject to the Public Park (P) Zone standards).

C-1 Zone General Requirements

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

minimum lot area	4000 sq. ft.
minimum lot frontage	50 feet
minimum front yard	10 feet
minimum rear yard	10 feet
minimum side yard	10 feet
maximum height of main building	35 feet
Parking requirements	As specified in Section 4 (35) of this Bylaw

accessory building(s):

maximum height	15 feet
maximum floor area	300 sq. ft.

C-1 Zone Abutting Zone Requirements

3) Where a yard in the Commercial (C-1) Zone abuts any residential zone an opaque fence of a minimum of 6 feet in height shall be erected along the abutting yard as a condition of the development permit.

Maximum Floor Area Requirement for Commercial Uses

4) The net commercial floor space for a building in the Commercial (C-1) Zone shall not exceed 15,000 square feet.

Outdoor Storage Requirements

5) No outdoor storage shall be permitted in the Commercial (C-1) Zone except in conformance with Section 9 4).

Section 11 Fishing Industrial (M-1) Zone

M-1 Zone Permitted Uses

- 1) The following uses shall be permitted in the Fishing Industrial (M-1) Zone:
 - a) manufacturing, assembling and processing related to the Fishery
 - b) aquaculture
 - c) lobster and shellfish pounds
 - d) fish mongering
 - e) boat building
 - f) deep sea fishing operations
 - g) marine electronics stores and other commercial use accessory to the main use
 - h) utilities
 - i) marine related industries
 - j) uses accessory to the main use

M-1 Zone General Requirements

- 2) The following requirements shall apply to all uses permitted in the Fishing Industrial (M-1) Zone:

a) minimum lot area	500 sq. ft.
b) minimum lot frontage	15 feet
c) minimum front yard	0
d) minimum rear yard	0
e) minimum side yard	0
- 3) No person shall undertake a development in the Fishing Industrial (M-1) Zone without first entering into a development agreement with Council.

Section 12 Light Industrial (M-2) Zone

M-2 Zone Permitted Uses

- 1) The following uses shall be permitted in the Light Industrial (M-2) Zone:

S	manufacturing, assembling and processing plants except those listed in Appendix 'E' of this Bylaw
S	recycling depots
S	trucking and depots
S	wholesale and warehouse establishments
S	utilities
S	commercial uses accessory to the main use

M-2 Zone General Requirements

- 2) The following requirements shall apply to all uses permitted in the Light Industrial (M-2) Zone:

minimum lot area	2500 sq. Feet
minimum lot frontage	75 feet
minimum front yard	10 feet
minimum rear yard	30 feet
minimum side yard	10 feet
maximum height of main building	35 feet
parking requirements	As specified in Section 4 (35) of this Bylaw.

Accessory building(s):

maximum height	15 feet
maximum floor area	300 sq. ft.

M-2 Zone Abutting Zone Requirements

- 3) Where a lot located within the Light Industrial (M-2) Zone abuts a non-industrial zone the following standards shall apply:
- i) The industrial use shall be setback from the abutting lot line a minimum of 25 feet; and
 - ii) no parking or loading space shall be located within 15 feet of the abutting lot line.
- 4) Notwithstanding Subsection 3 where a lot within the Light Industrial (M-2) Zone abuts a wharf no setback requirements shall be required from that abutting lot line.

Special Requirement - Outdoor Storage

- 5) Outdoor storage shall be permitted in the Light Industrial (M-2) Zone provided landscaping is undertaken to screen.

Section 13 Conservation (C) Zone

C Zone Permitted Uses

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

S	agricultural uses that do not include structures
S	open space
S	public works associated with environmental protection
S	special recreational projects approved by Council

- 2) Within a C Zone no person shall cut down any trees or disturb the natural ground cover without first submitting a landscape plan to Council documenting all proposed changes to the topography and vegetation and measures to control erosion and siltation.

- 3) Notwithstanding Subsection (2) within a C Zone no person shall disturb the ground cover within 75 feet of a watercourse or wetland.

Section 14 Industrial (I) Zone

I Zone Permitted Uses

- 1) The following uses shall be permitted in the Institutional (I) Zone:
- S auditoriums
 - S churches and other religious institutions including cemeteries and crematories
 - S community centers
 - S government buildings and uses (federal, provincial, and municipal)
 - S hospitals
 - S institutional uses
 - S libraries and museums
 - S nursing homes
 - S schools
 - S senior citizens housing
 - S sports arenas, complexes, stadiums and grandstands
 - S community colleges and associated buildings and facilities including fraternities, dormitories and residences necessary for the operation of, and designed primarily for the use of the students and staff.

I Zone General Requirements

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

minimum lot area	15000 sq.ft.
minimum lot frontage	100 feet
minimum front yard	10 feet
minimum side yard	10 feet
minimum rear yard	30 feet
minimum lot coverage	35 percent
maximum height of main building	35 feet
Parking requirements	As specified in Section 4 (35) of this Bylaw

accessory building(s):

maximum height	15 feet
maximum floor space	500 sq. feet

I Zone Abutting Zone Requirements

- 3) Where a lot located within the Institutional (I) Zone abuts a residential zone the following standards shall apply:
- a) a 15 foot landscaped buffer shall be provided along the abutting lot line and it shall include one 5 foot high evergreen tree for every 10 feet of lot line; or

- b) a 10 foot landscaped buffer shall be provided along the abutting lot line in combination with a 6 foot high fence, wall or hedge, and 3 foot high evergreens provided at a rate of one for every 10 feet of lot line.

Section 15 Public Park (P) Zone

P Zone Permitted Uses

- 1) The following uses shall be permitted in the Public Park (P) Zone:
 - S community centers
 - S public golf courses
 - S public parks, public playgrounds, and public recreational uses and facilities

P Zone General Requirements

- 2) The following requirements shall apply to all uses permitted in the Public Park (P) Zone:

minimum lot area	15000 sq.ft.
minimum lot frontage	100 feet
minimum side yard	10 feet
minimum rear yard	30 feet
maximum height of building	35 feet
 accessory building(s):	
maximum height	15 feet
maximum floor area	300 feet

Section 16 Rural Resource (RR) Zone

RR Zone Permitted Uses

- 1) The following uses shall be permitted in the Rural Resource (RR) Zone:
 - i) Resource Uses:
 - S agricultural uses including barns and stables and accessory commercial uses
 - S forestry uses
 - S fishery uses and accessory commercial uses
 - ii) Residential Uses:
 - S single unit dwellings

RR Zone Resource Development - General Requirements

2) The following requirements shall apply to all resource uses permitted in the Rural resource (RR) Zone:

minimum lot area	35000 sq. feet
minimum lot frontage	100 feet
minimum front yard	50 feet
minimum rear yard	30 feet
minimum side yard	15 feet
maximum height of building	35 feet
Parking requirements	As specified in Section 4 (35) of this Bylaw

accessory building(s)

maximum height	25 feet
maximum floor area	300 feet

- 3) Notwithstanding, the standards set out in Subsection (2) for accessory buildings do not apply to agricultural uses.
- 4) All new livestock operations or expansions to existing livestock shall comply with recommendations set out in Guidelines for manure management and Separation Distances in Prince Edward Island found in Appendix 'C'.

Section 17 Building and Development

Enforcement

- 1) This Bylaw shall be administered by the development officer.

Development Permit

- 2) Unless otherwise stated in this Bylaw, no person shall undertake a development on a lot within the Community of North Rustico without first obtaining a development permit from the development officer.
- 3) The development officer shall only issue development permits in conformance with this Bylaw except in the case of non-conforming uses and structures and minor variances.
- 4) The construction, location or alteration of any building or structure in the Community shall meet all the requirements of these Bylaws and other applicable bylaws of the Community, and shall not:
- be detrimental to the convenience, health and safety of occupants, nearby residents, or general public;
 - result in damage to the natural environment;
 - have a detrimental impact on surrounding land uses;
 - result in a fire hazard to occupants, neighboring residents, or neighboring structures;
 - provide unsafe and inconvenient vehicular access to a public highway, street or road; or
 - significantly or permanently injure neighboring properties by reason of architectural disharmony.

Application Form

- 5) Any person applying for a development permit shall do so on a form prescribed by Council, and shall submit the application to the Development Officer.

Application for a Development Permit

- 6) Every application for a development permit shall be accompanied by a sketch or plan(s), in duplicate, drawn to an appropriate scale and showing:
 - a) the true shape and dimensions of the lot to be used, and upon which it is proposed to erect any building or structure;
 - b) the location, height and dimensions of the building, structure, or work proposed to be erected;
 - c) the location of every building or structure already erected on the lot and the general location of buildings on abutting lots;
 - d) the proposed location and dimensions of any parking spaces, loading spaces, driveways and landscaped areas;
 - e) the proposed use of the lot and each building or structure to be developed; and
 - f) any other information which the development officer deems necessary to determine whether or not the proposed development conforms with the requirements of this Bylaw.
 - g) Where the Development Officer is unable to determine whether the proposed development conforms with this Bylaw, the Development Officer shall forward the application to Council for a decision.

Signature of Applicant

- 7) The application for a development permit shall be signed by the registered owner of the lot or by the owner's agent, duly authorized in writing to act for the owner.

Notification of Applicant

- 8) Upon receipt of the application, the Development Officer shall determine whether the application is complete with all pertinent documentation, signatures and fees, and shall, within five (5) working days, notify the applicant, in writing, if the application is incomplete.

Environmental Impact Assessment Requirement

- 9) Where it is determined that a proposed development is or may be an 'undertaking' as defined in Schedule II of the Interim Guideline for Environment Impact Assessment, Council shall refer the application to the Department of the Environment Resources for screening and a Full Environmental Impact Assessment (see Appendix 'D').

Development Agreement

- 10) Notwithstanding any other provisions of these Bylaws, Council may prepare terms of reference for and require an applicant for a development permit to enter into a development agreement with Council respecting the development.
- 11) A development agreement may address but shall not be limited to the following matters:
 - a) site design;
 - b) the design and construction cost of sidewalks, pathways and other pedestrian access matters;
 - c) landscaping and screening;
 - d) vehicular ingress and egress;
 - e) signage;
 - f) security and safety lighting;
 - g) architectural harmony;
 - h) methods of waste disposal;
 - i) fencing; and
 - j) any other matters that Council deems necessary to ensure the health, safety and convenience of Community residents and the traveling public.

Permit Validity

- 12) A permit shall be valid for twelve (12) months from the date of issue, after which time, if work on the proposed building or structure is not complete, the permit holder shall apply for and receive, at no additional cost, a renewal permit before work is continued.

Minor Variance

- 13) Where a development permit application is presented which proposes a minor variance from the standards set out in these Bylaws, Council shall determine whether to grant the minor variance from the requirements of these Bylaws. Minor variances shall refer to quantitative aspects of the bylaws only.
- 14) Council shall grant a minor variance [to a maximum of ten percent (10%) of the applicable Bylaw provisions], only if the general intent of the Bylaws will be upheld and there are compelling reasons why the requirements of the Bylaws cannot be precisely met.(Quantitative measurements)

Notification of Outcome

- 15) Upon being satisfied that an application does not conform with the Bylaws of the Community or any other laws in force in the Community, and that a minor variance cannot be granted, Council shall instruct the Development Officer to notify the applicant, in writing, that the development permit has been denied, stating the reason(s) for the denial.

- 16) Upon instruction from Council, the Development Officer shall notify the applicant that a development permit application has been approved, approved with conditions, or has been denied. Where a development permit application has been approved or approved with conditions by Council, the Development officer shall notify the applicant the approved development permit may be had upon payment of the appropriate development permit fee.

Development Permit Fee

- 17) The Development Permit Fee must be paid before an application will be processed. A schedule of fees will be established by resolution of Council and may from time to time be amended to reflect costs related to processing applications.

Inspection

- 18) Prior to issuance of any development permit, as well as during the construction process, Council may require the Development Officer to inspect the building site or the building or structure to which the development permit application applies.

Section 18 General Provisions for Subdivision

Requirements for Subdivision

- 1) No person shall subdivide land within the boundaries of the Community of North Rustico unless the subdivision:
 - a) has final approval from Council;
 - b) conforms with the requirements of any Bylaw in the Community and any other laws which may be in force;
 - c) is suitable to the topography, physical conditions, soil characteristics, and natural drainage patterns of the land being subdivided;
 - d) will not cause undue flooding or erosion;
 - e) has convenient safe street access;
 - f) has adequate utilities and services available, or can be conveniently provided with such utilities and services;
 - g) will reasonably conform with existing land use in the immediate vicinity;
 - h) will provide for convenient traffic flow;
 - i) is designed so that lots will have suitable dimensions, shapes, orientation, and accessibility;
 - j) is suitable to the use for which it is intended, and it does not make impractical the future subdivision of the land within the proposed subdivision or of any adjacent lands;
 - k) the parcel of land in respect of which the permit is issued has frontage on a public street or road;
 - l) would not be detrimental to the convenience, health or safety of residents in the vicinity or the general public;
 - m) would not precipitate premature development, necessitate unnecessary public expenditure, or would place undue pressures on the Community or Province to provide services; or
 - n) would not result in undue damage to the natural environment.

Minimum Street Standards

- 2) The minimum street standards for design and construction shall be established by the Department of Transportation and Public Works. (See Appendix 'B')

Connection to Central Sewer and Water Systems

- 3) Where connection to the Community's central sewer system or central water system is required to serve a proposed subdivision or new building or structure, the connection system shall be installed by the developer to standards set out by the Department of the Environment as a condition of final approval of the subdivision.

Traditional Shore Access

- 4) Where a traditional public shore access is located on a parcel of land being subdivided, the developer shall designate the access for public use, and design the subdivision accordingly and provide a minimum buffer of fifteen (15) feet between the boundary of any adjacent subdivision lot and the designated traditional public shore access.

Council's Evaluation

- 5) Council shall evaluate each subdivision to determine whether appropriate street design standards and lot configurations have been used to promote the development of safe, convenient, and pleasant neighborhoods.
 - 1) In formulating its decision, Council may consult with Provincial Government officials and private consultants, and may conduct a public hearing to hear public opinions.

Environment Impact Assessment

- 6) Council shall submit any application for a residential subdivision of two (2) or more lots to the Department of the Environment to be screened for an Environmental Impact Assessment. Council shall then consider any resulting comments from the Department of the Environment when making its decision.

Recreation Dedication

- 7) Except for the severing of a single lot for residential purposes, any person who severs two (2) or more lots within the Community shall, at the time of subdivision, dedicate and deed to the Community, free of all encumbrances, 10 percent of the land included in the subdivision to the Community for recreation and public open space purposes.
 - 1) Council shall have the power to choose what land within the subdivision shall be deeded.
 - 2) In the case of a single lot subdivision for residential purposes, Council shall require a cash payment of One Hundred Dollars (\$100). Where no dedication of land is deemed appropriate with respect to the severing of two (2) or more lots, Council shall require a cash payment equivalent to Ten (10) percent of the value of the unsubdivided land. Any moneys so collected shall be designated for the purchase or maintenance of recreational and public open space lands within the Community.

Subdivision Agreement

- 8) Council shall require the developer to enter into a subdivision agreement with respect to any residential subdivision of two (2) or more lots as a condition of final approval of a subdivision. Any subdivision agreement negotiated may cover any matters relating to:
 - 1) the design and construction costs of sidewalks, water supply, sewerage, and street lighting;
 - 2) the dedication of land for public recreational purposes, or payment of a fee in lieu of land;
 - 3) the dedication and deeding of land within the subdivision to the Community for recreation and public open space use, or the payment of cash in lieu of such a dedication;
 - 4) the deeding of roads to the Community;
 - 5) the posting of a financial guarantee satisfactory to the Council; and
 - 6) any other matter(s) that Council deems necessary to ensure the health, safety and convenience of Community residents and the traveling public.

Application for Permit

- 9) All subdivision of land within the Community, whether two (2) lots or more shall require a subdivision permit signed by the Development Officer, as authorized by Council.
- 10) Any person applying for a subdivision permit shall do so on a form prescribed by Planning Board, and shall submit the application to the Development Officer. The application form shall be signed by the applicant or by the applicant's authorized agent.
- 11) Upon receipt of the application, the Development Officer shall determine whether the application is complete with all pertinent documentation, signatures and fees, and shall, within five (5) working days of receipt of the application, notify the applicant, in writing, if the application is incomplete or lacking in plan attachments.
- 12) The Development Officer shall submit all subdivision permit applications to Council for interpretation and instruction.
- 13) Council, before dealing with an application for a subdivision permit made by a person other than the owner, may require that such other person produce satisfactory evidence that they are duly authorized by the owner to make such an application.
- 14) The subdivision permit application shall be accompanied by four (4) copies of a properly scaled drawing (1" = 100') showing the proposed subdivision with estimated dimensions of lots, location of structures and any significant natural or man-made features, and all streets and service, both existing and proposed. As well, Council may require the person tendering a subdivision plan for approval in principle to provide any or all of the following:
 - 1) a topographic survey;
 - 2) a professional engineer's report on the effect of water run-off patterns and conditions for as much of the year as is considered necessary; and
 - 3) a sketch showing that the parcels into which the land is subdivided by the plan can conveniently be further subdivided, but this shall only be demanded if the situation of the land is such that there is a reason to anticipate its further subdivision.

Subdivision Application Fee

- 15) A schedule of fees will be established by resolution of Council and may from time to time be amended to reflect costs related to processing applications.

Approval in Principle

- 16) Council shall consult with appropriate Provincial Government officials regarding any Provincial requirements for development of the proposed subdivision.
- 17) Council shall, within thirty (30) days, advise the subdivider in writing that the subdivision can be approved in principle, approved in principle with certain specific conditions, or that the subdivision permit application has been denied. In the case of a subdivision permit denial, the reason(s) for the denial shall be stated.
- 18) Any approval in principle which is given by Council shall be effective for a period not exceeding six (6) months from the date on which the notice of approval in principle is given, in writing, by Planning Board. The applicant may make application, in writing, to Council requesting an extension to the six (6) month period. Any new application for approval in principle will be assessed by Council under the Community's Zoning and Subdivision Control Bylaws existing at the time of the new application.

Final Approval

- 19) An application for final approval must be made to Council within the six (6) month (or extended) period; if not, the approval in principle shall be considered null and void, and a new application for approval in principle made before consideration of any final approval application by Council.
- 20) Any subdivider seeking Council's final approval of a subdivision plan shall submit to Council twelve (12) copies of a survey plan, certified by a Prince Edward Island land surveyor and tendered 'For Final Approval'.
- 21) The survey plan being submitted for final approval shall conform substantially to the plan which was approved in principle, but the application for final approval need not be for the whole identical to the proposal described in the application for approval in principle. However, application for final approval of the remainder or any part of the remainder of the proposed subdivision must be made and granted prior to the development of the remaining property within the subdivision.
- 22) Final approval of a subdivision plan shall not be given by Council until:
 - 1) the survey plan has been submitted for recommendations to any appropriate provincial government departments;
 - 2) all agreements and other pertinent documents have been prepared and concluded to the satisfaction of Council;
 - 3) all transactions involving the transfer of money or land in conjunction with the subdivision have been secured to the satisfaction of Council;

- 4) the subdivision has been surveyed and the survey plan has been certified by a Prince Edward Island land surveyor; and
 - 5) a digital file containing the geographical coordinates of said plan of subdivision is supplied.
- 23) The Development Officer, on behalf of Council, shall give notice, in writing, of final approval of a subdivision to the applicant, and that a subdivision permit may be had from the Community's Administrative Office upon payment of a subdivision fee, which will be set by resolution of Council.
- 24) The Development officer shall place the Community's seal on all twelve (12) copies of the approved survey plan, retain one (1) copy for the Community's files, return one (1) copy to the applicant, and file the remaining copies with:
- 1) Registrar of Deeds;
 - 2) Building and Development Services;
 - 3) Highways Division, Department of Transportation & Public Works (4 copies are required if a new road is constructed or an existing road altered);
 - 4) Land Valuation and Assessment Division, Department of Finance; and
 - 5) in the case of a multiple lot subdivision, additional copies to Maritime Electric and Island Telephone.
- 25) No person shall sell, convey interest in, or transfer title of any lot within the Community before Council has granted final approval for the subdivision in which the lot is situated.

Section 19 Rezoning / Amendments

Application for Amendment

- 1) Any person desiring an amendment(s) to the provisions of these Bylaws shall apply to Council, in writing, describing in detail the reasons for the desired amendment(s) and requesting Council to consider the proposed amendment(s).

Application for Rezoning

- 2) Any application for rezoning shall be deemed to be an application to amend these Bylaws.
- 3) Any application to rezone shall include a legal description of and the location of the property(ies) to be rezoned, the name and address of the owners of the property(ies) and, if the applicant is not the owner, a statement as to the applicant's interest in the property.

Amendment Fee

- 4) Any application for amendment shall be made, in writing, along with a non-refundable application fee of three hundred (300) dollars, to the Development Officer.

- 5) If the amount paid by the applicant as set out in Section 40 is not sufficient to cover the costs of notifying affected property owners and other related expenses, the applicant shall pay to the Development Officer the additional amount required, before Council gives final approval to the amendment; or if the amount paid is more than sufficient, the Development Officer shall refund the excess amount.

Notice to Property Owners

- 6) When an application has been received for a rezoning, all affected property owners within a five hundred (500) foot radius of the subject property and all residents on the affected streets shall be notified of the application by the Administrator.
- 7) This notification of affected property owners set out in clause (a) shall be in addition to the advertisements for the public hearing, and shall be delivered to all affected property owners by mail prior to the public hearing.

Council's Review

- 8) Council shall determine whether or not to pursue such an amendment, and before making any decision shall examine the Official Plan to ensure that the proposed amendment will not be contrary to any policy within the Official Plan.
- 9) No amendment shall be made in these Bylaws which would be contrary to any policy of the Official Plan without a review and amendment of the Official Plan in accordance with the requirements of Section 18 (2) of the Planning Act (1988).

Public Meeting

- 10) No amendment shall be made to the provisions of these Bylaws unless Council provides for adequate public notice and a public meeting pursuant to the provisions of the Planning Act.
- 11) At any public meeting called in respect of a proposed amendment(s) to these Bylaws, Council shall preside, the person proposing the amendment or their designate shall describe and defend the proposed amendment, and the opinions of any person shall be heard for consideration by Council.
- 12) Council shall, within seven (7) working days of the notification of the Minister's approval (or disapproval) of the amendments (s) to these Bylaws, instruct the Development Officer to notify the applicant that the proposed amendment to these Bylaws has been approved or denied. Where a proposed amendment to these Bylaws has been denied by Council, the reasons for the denial shall be stated, in writing, to the applicant.
- 13) Council shall not entertain any new application for the same proposed amendment(s) to these Bylaws for a period of one (1) year from the date of previous application of proposed amendment to these Bylaws.

Appeal and Enforcement

- 14) Any person who is dissatisfied with a decision of Council in the administration of the Official Plan or the Zoning and Subdivision Bylaws may appeal Council's decision to the Island Regulatory & Appeals Commission.

- 15) That person will in writing, register an appeal within the time prescribed by the Planning Act.
- 16) It shall be unlawful for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended or used, or land to be occupied or used, in contravention of these Bylaws or otherwise to contravene or fail to comply with these Bylaws.
- 17) Pursuant to Part IV of the Planning Act any person who violates any provision of the Zoning and Subdivision Bylaws is guilty of an offense and liable on summary conviction.
- 18) Persons found guilty of a violation are subject to penalty as stated under Part IV of the Planning Act (1988).

Limitation Period

- 19) Any prosecution of an offense under Section 18 (10) may be instituted within one (1) year after the time the contravention occurred.

Effective Date

- 20) This Bylaw shall take effect when approved by the Minister of Community Services and Attorney General.

Section 20 Definitions

In this By-law words carry their customary meaning except for the words defined in this Section:

- 1) **ACCESSORY BUILDING** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use;
- 2) **ACCESSORY USE** means a use subordinate and incidental to and exclusively devoted to a main use of land or building, and located on the same lot;
- 3) **ACT** means the Planning Act, R.S.P.E.I. 1988, Cap P-8 and amendments thereto;
- 4) **AGRICULTURAL USE** means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce;
- 5) **ALTER** means any change in a structural component of a building, or any increase in the volume of a building or structure;
- 6) **AMENITY SPACE** means on the site outdoor space designed for active or passive recreational use;
- 7) **APARTMENT BUILDING** means a building containing three or more dwellings units which have a common entrance from the street level;
- 8) **AQUACULTURE** means land devoted to the hatching, raising and breeding of fish for sale;
- 9) **AUTOMOBILE SERVICE STATION** means a building or a clearly defined space on a lot used for the sale of lubricating oils and gasoline and may include the sale of automobile accessories and the servicing and minor repairing of motor vehicles and may include an automobile car wash or convenience store, or both, but does not include an automobile body shop.
- 10) **BED & BREAKFAST** means a single detached dwelling in which there is a resident owner or resident manger who provides overnight accommodations and meals (usually breakfast, but occasionally other meals as well) for the traveling public, notably tourists.
- 11) **BOARDING OR ROOMING HOUSE** means a single unit dwelling in which the resident supplies either room or room and board for compensation for more than 2 but not more than 4 bedrooms exclusive of the resident and family and which is not open to the general public;
- 12) **BUILDING** means any structure whether temporary or permanent, used or built for shelter, accommodation or enclosure of persons, animals, material or equipment;
- 13) **BUILDING LINE** means any line regulating the position of a building or structure on a lot;
- 14) **BUSINESS OFFICE** means a room where a business may be transacted, a service performed or consultation given but does not include the manufacturing of any product or the on-site retailing or selling of goods.
- 15) **BY-LAW** means this By-law which is the Zoning and Subdivision By-Law for the Community of North Rustico;

- 16) CAMPGROUND means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park;
- 17) CHURCH means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, rectory, manse and day nursery operated by the church;
- 18) COMMUNITY means the Community of North Rustico;
- 19) CLINIC means a building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.
- 20) COMMERCIAL SCHOOL means a school conducted for compensation and includes a secretarial school, language school, and driving school but does not include a day nursery or university;
- 21) COMMUNITY CENTRE means any building or part thereof used for Community activities whether used for commercial purposes or not the control of which is vested in the municipality, a local board or agent thereof, or a non-profit organization;
- 22) CONSTRUCTION INDUSTRY means a use primarily engaged in the construction, development, redevelopment, or rehabilitation of residential, commercial, institutional (non-residential) and industrial buildings and real estate and including road building and such uses are often characterized by the outdoor storage of equipment, machinery, vehicles and building supplies;
- 23) CONVENIENCE STORE means a building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary items, grocery items, and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building;
- 24) CRAFT SHOP means a building which is used for the retailing or wholesaling of arts and handicrafts;
- 25) DAY NURSERY means a place where 7 or more children are cared for on a temporary daily basis for compensation without overnight accommodation but does not include a school;
- 26) DEVELOPMENT includes any erection, construction, alteration, replacement or relocation of an addition to any structure and any change or alteration in the use made of land or structures;
- 27) DEVELOPMENT OFFICER means the development officer appointed by the Community of North Rustico in accordance with the Act and charged with the duty of administering the provisions of this By-law;
- 28) DOMESTIC AND HOUSEHOLD ARTS includes dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, molding, or otherwise making or repairing garden or household ornaments, articles of clothing, personal effects or toys;
- 29) DWELLING means a building, occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, and shall not include a hotel, a motel, apartment hotel or a travel trailer;
- 30) DWELLING, DETACHED means a building containing one single dwelling unit;
- 31) DWELLING, DUPLEX means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly from outside or through a common vestibule;

- 32) DWELLING, GROUPED means two or more dwelling units which are contained within two or more buildings located on a lot;
- 33) DWELLING, MOBILE HOME means a dwelling unit designed for transportation after fabrication, whether on its own wheel or on a flatbed or other trailer, and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), and having a width of 16 feet or less and located on the site on wheels, jacks, or similar supports, or on a permanent foundation. For the purpose of this By-law, the removal of wheels or the permanent or semi-permanent attachment of a foundation to a mobile home shall not change the classification;
- 34) DWELLING, MULTIPLE UNIT means a building which contains three or more dwelling units which have a common entrance from the street level;
- 35) DWELLING, SEMI-DETACHED means a building which is divided vertically into two dwelling units each of which has an independent entrance;
- 36) DWELLING, TOWN HOUSE means three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls;
- 37) DWELLING UNIT means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building;
- 38) ERECT means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filing or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension;
- 39) ESTABLISHED GRADE means
- 40) when used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building exclusive of any artificial embankment or entrenchment, or
- 41) when used in reference to a structure which is not a building, the average elevation of the finished grade of the ground immediately surrounding such structures exclusive of any artificial embankment or entrenchment;
- 42) EXISTING means legally existing as of the effective date of this By-law;
- 43) FARM MARKET means a building in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value;
- 44) FILL means material deposited on a lot to alter the land level of the lot;
- 45) FISHERY USE means a use supportive of the fishery, including general storage, docks, boat launches and repair facilities;
- 46) FLOOR AREA, DWELLING means the total floor area contained within the outside walls of a building excluding any private garage, porch, verandah, sunroom, unfinished attic, or basement and cellar or other

- room which is not habitable during all the season of the year;
- 47) FLOOR AREA, NET COMMERCIAL means the total floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common walls between stores;
 - 48) FOOD STORE means a building used principally for the retail sale of food, including baked goods, meat, produce and non-perishables;
 - 49) FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, shingle mills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products;
 - 50) GAS BAR means a facility offering service to automobiles' principally limited to the sale of gasoline, diesel fuel and lubricating oil;
 - 51) HEIGHT means, when used with reference to a building, the vertical distance between the established grade and the highest point of the building proper, exclusive of any accessory roof construction such as chimney, steeply or antenna (See also Figure 2);
 - 52) HOME OCCUPATION means an accessory use of a dwelling for gainful employment involving the provision or sale of goods and/or services and includes a business office, a domestic and household art, a catering establishment, a beauty salon, or barbershop, and a photographic studio;
 - 53) KENNEL means a building or premise where domestic household animals and birds are boarded for breeding or otherwise;
 - 54) LAUNDRY(SELF SERVICE) means a business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises;
 - 55) LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening, or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them;
 - 56) LICENSED LIQUOR ESTABLISHMENT means an establishment licensed by the Prince Edward Island Liquor Control Commission;
 - 57) LOADING SPACE means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles;
 - 58) LOT means a parcel of land described in a deed or as shown on a registered plan subdivision;
 - 59) LOT AREA means the total horizontal area within the lot lines of the lot;
 - 60) LOT, CORNER means a lot situated at the intersection of and abutting on two or more streets;
 - 61) LOT COVERAGE means the percentage of the lot that is covered by buildings excluding projecting eaves, balconies and similar features;
 - 62) LOT FRONTAGE means the length of a line joining the side lot lines and parallel to the front lot line;
 - 63) LOT LINE means a boundary line of a lot;

- 64) LOT LINE, FLANKING means a side lot line which abuts the street on a corner lot;
- 65) LOT LINE, FRONT means
- 66) the lot line dividing the lot from the street;
- 67) in the case of a corner lot the shorter lot line abutting the street; or
- 68) in the case of a through lot, the lot line abutting the street providing the primary access;
- 69) LOT LINE, REAR means the lot line furthest from or opposite to the front lot line;
- 70) LOT LINE, SIDE means a lot line other than a front or rear lot line;
- 71) LOT, THROUGH means a lot, which is not a corner lot, with frontage on more than one street;
- 72) LOUNGE means a liquor establishment licensed by the Prince Edward Island Liquor Control Commission but it does not include an establishment licensed as an eating establishment;
- 73) MAIN BUILDING means any building in which is carried on the principal purpose for which the lot is used;
- 74) MAIN WALL means the exterior front, side or rear wall of a building and all structural members essential to the support of a full or partially enclosed space or roof;
- 75) MARINA means a public or a private facility operated as a commercial recreational use, used for the docking, mooring and storage of boats, ships and any other marine craft and their accessory equipment;
- 76) MOBILE HOME PARK means a lot on which spaces are provided for more than one mobile home dwelling unit but does not include a campground;
- 77) MODULAR MINI HOME means a mini home on a foundation and is NOT considered a mobile home.
- 78) MOTEL/HOTEL means a building or buildings used to accommodate the traveling public for compensation, by supplying them with sleeping accommodation and accessory services such as restaurants, cooking facilities and licensed liquor establishments;
- 79) MUNICIPALITY means the Community of North Rustico;
- 80) NURSING HOME means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and is duly licensed by the Province of Prince Edward Island;
- 81) 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 gas, fumes, dust, oil, or objectionable odour, or by reason of unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other materials;
- 82) OPEN SPACE means an area of land used for parks, playgrounds, ball fields, outdoor skating rinks, tennis courts, athletic fields, picnic area and similar uses but excluding enclosed structures;

- 83) **OUTDOOR DISPLAY** means an area of land where goods are displayed and which are, available for sale to the general public from a retail outlet located on the same lot;
- 84) **OUTDOOR STORAGE** means the storage of merchandise goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside;
- 85) **PARKING LOT** means an open area of land other than a street on an area within a structure for the parking of vehicles;
- 86) **PARKING SPACE** means an area of land for the temporary parking or storage of motor vehicles;
- 87) **PERSON** includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee, or agent, and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;
- 88) **PERSONAL SERVICE SHOP** means a building in which persons are employed in furnishing services and otherwise administering to an individual and personal needs of persons, and includes barber shops, automatic laundry shops, hairdressing shops, shoe repair shops, depots for collecting dry cleaning and laundry and similar uses, but excludes the manufacturing or fabrication of goods for sale;
- 89) **PLANT NURSERY (and GREENHOUSE)** means a premise or any land used primarily to raise and store trees, shrubs, flowers, and other plants for sale or for transplanting;
- 90) **PREMISES** means an area of land with or without buildings or structures;
- 91) **PRIVATE CLUB** mean a building used as a meeting place for members of an organization and may include a fraternity, a labor union hall, a lodge, a service club and a sorority house;
- 92) **PRIVATE GARAGE** means an enclosed or partially enclosed structure for the storage of one or more vehicles, in which no business, occupation, or service is conducted for profit;
- 93) **PRIVATE ROAD** means any street which is not public shown on a plan of subdivision approved on or after the first day of August, 1987;
- 94) **PRIVATE STORAGE BUILDING** means an enclosed or partially enclosed structure for the storage of material goods in which no business, occupation or service is conducted for profit;
- 95) **PUBLIC GARAGE** means a building or place other than a private garage where motor vehicles are kept or stored for enumeration or repair, or a building or place used as a motor vehicle repair shop which does not include an automatic car washing establishment, a motor vehicle sales establishment or an automobile service station;
- 96) **RECREATIONAL USE** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, and similar uses but does not include a track for the racing of animals or any form of motorized vehicles;
- 97) **RECYCLING DEPOT** means premises on which recoverable materials such as newspaper, glassware, and metal cans are separated prior to shipment but does not include any processing of the material or a salvage yard;
- 98) **RECYCLING PLANT** means a building in which recoverable resources, such as newspapers, magazines, books and other paper products, glass, metal cans, and other products are recycled, reprocessed, and treated

- to return such products to a condition in which they may again be used for production but it does not include a salvage yard;
- 99) RESIDENTIAL CARE FACILITY means a building or premises licensed by the Province of Prince Edward Island, where accommodation and supervisory and/or personal care is provided or made available for more than three persons and includes a group home;
- 100) RESTAURANT means a building where food and drink is served to the public primarily for consumption within the building;
- 101) RETAIL STORE means a building in which goods and merchandise, substances, articles of things are offered for sale to the ultimate consumer for personal or household consumption;
- 102) SALVAGE YARD means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot;
- 103) SCREENING means the method by which a view of one site from another adjacent site is shielded, concealed or hidden;
- 104) SENIOR CITIZEN HOUSING means multiple unit housing designed for occupation by senior citizens, and constructed and maintained by a public housing authority, non-profit organization, or private developer;
- 105) SERVICE SHOP means a building used for the sale or repair of household articles and may include radio, television and appliance repairs shops but does not include industrial, manufacturing or motor vehicle repair shops;
- 106) SERVICE STATION CANOPY means a permanent roofed structure open on all sides, except where attached to the service station building, and used to provide shelter for service station fuel pumps;
- 107) SIGN means structure, device, light or natural object including the ground itself, or any part, or any device attached, or painted, or represented on which shall be used to advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot;
- 108) SIGN, AREA means the area of the smallest triangle, rectangle, or circle or semi-circle which can wholly enclose the surface area of the sign; and all visible faces of a multi-faced sign are counted separately and then totaled in calculating sign area and three dimensional signs are treated as dual-faced signs, such that the total area is twice the area of the smallest triangle, rectangle or circle or semi-circle which can totally circumscribe the sign in the plane of its largest dimension;
- 109) SIGN, BILLBOARD means a large ground sign or facial wall sign which is not related to any business or use located on the lot or premises;
- 110) SIGN, FACIAL WALL means a sign which is attached to and supported by a wall of a building;
- 111) SIGN, GROUND means a sign supported by one or more uprights, poles or braces placed in or upon the ground;

- 112) SIGN, ILLUMINATED means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused upon, or chiefly directed at the surface of the sign;
- 113) SIGN, MOBILE means any sign affixed to a wheel structure and designed to be movable;
- 114) SIGN, NUMBER OF means a single display surface or display containing elements organized, related and composed to form a unit; and when matter is displayed in a random manner without organized relationship or elements, or when there is reasonable doubt about the relationship of elements, then each element is considered to be a single sign;
- 115) SIGN, PROJECTING WALL means a sign which projects from and is supported by a wall of a building;
- 116) SIGN, ROOF means any sign erected upon, against, or directly above a roof, or on top of, or above the parapet of a building;
- 117) SIGN, SANDWICH means a two-sided A-frame style self-supporting sign which is not permanently affixed to the ground and designed to be movable;
- 118) STREET means any road or highway owned and maintained, or maintained by the Province of Prince Edward Island or the Community of North Rustico;
- 119) STREET LINE means the boundary line of a street;
- 120) STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure;
- 121) 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;
- 122) VETERINARY CLINIC means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pet runs and enclosures;
- 123) WAREHOUSE means a building used primarily for the storage of goods and materials;
- 124) WAREHOUSING AND DISTRIBUTION CENTRE means a building used for the storage, wholesaling and distribution of goods and materials;
- 125) WATERCOURSE means any lake, river, stream, ocean or other body of water;
- 126) WATER TREATMENT AND DISTRIBUTION USES means a building, structure, or facility necessary for providing municipal water services;
- 127) YARD means an open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by building or structures except as specifically permitted elsewhere in the By-law;
- 128) YARD, FLANKAGE 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 main building or structure;
- 129) YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; and a 'minimum' front yard means the minimum depth

allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot;

- 130) YARD, REAR means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and a 'minimum' rear yard means the minimum depth allowed by this By-law 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;
- 131) YARD, SIDE means a yard extending from the front to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and a 'minimum' side yards means the minimum width allowed by this By-law as a side yard on a lot between a side lot and the nearest main wall of any main building or structure on the lot;
- 132) ZONE means a designated area of land shown on Schedule 'A', Zoning Map.

For definitions not defined in this Zoning and Subdivision Bylaw, Provincial definitions will apply.

Appendix “A” Provincial Planning Act Regulations

Minimum Lot Sizes in Prince Edward Island

New regulations for minimum lot sizes were introduced in the Legislature Assembly on June 10, 1993. Adequately sized lots are a prerequisite if on-site services (water and sewer) are to work properly for a long period of time. Lot sizes are mainly dependent on soil conditions, and these new regulations show the sizes required under varying soil conditions and servicing options.

Attention to these regulations will help to ensure that lots are properly sized and serviced for the long term protection of our health and our environment.

36. For the purposes of these regulations
- (a) “Category I Lot” means a lot that has a depth of permeable natural soil of more than 2 feet, and in which the depth to bedrock and the depth to the maximum water table elevation is greater than 4 feet;
 - (b) “Category II Lot” means a lot that has a depth of permeable natural oil greater than 1 foot and less than 2 feet, and in which the depth to bedrock and the depth to the maximum water table elevation is 4 feet or greater;
 - (c) “Category III Lot” means a lot that has a depth of permeable natural soil less than 1 foot and in which the total depth to bedrock or the depth to the maximum water table elevation is less than 4 feet.
37. (1) No person shall create any lot that does not meet the minimum requirements set out in Tables 1, 2 and 3.

TABLE 1

Minimum lot sizes for lots served by on-site water supplies and sewage disposal systems

Category I lot	25,000 sq. ft.	150 ft. wide
Category II lot	35,000 sq. ft.	200 ft. wide

A Category III lot shall not be permitted unless it is upgraded to a Category II lot satisfactory to the Minister.

Table 2

Minimum lot sizes for lots served by central water supplies and on-site sewage disposal systems

Category I Lot	20,000 sq. ft.	125 ft. wide
Category II Lot	25,000 sq. ft.	150 ft. wide

A Category III lot shall not be permitted unless it is upgraded to a Category II lot satisfactory to the Minister.

Table 3

Minimum lot sizes for lots served by on-site water supplies and central sewage disposal systems

Category I Lot	15,000 sq. ft.	100 ft. wide
Category II Lot	15,000 sq. ft.	100 ft. wide
Category III Lot	15, 000 sq. ft.	100 ft. wide

(2) In addition to the requirements of subsection (1), any lot size shall also conform with the minimum requirements of Sewage Disposal Regulations.

(3) No person shall create any lot having a frontage of less than 100 feet on a public street or road or a summer cottage subdivision road, or 100 feet on each street or road of a corner lot unless such a lot is served by a central water supply and a central sewage disposal system.

(4) No person shall create any lot having a width of less than 100 feet and an area of less than 15,000 square feet unless the lot is served by a central water supply and a central sewage disposal system.

(5) This section shall not apply to approved subdivisions or to subdivision applications under consideration prior to the date on which these regulations came into force. (June 12, 1993)

Appendix “B”

Department of Transportation and Public Works policy on subdivision

Available at Community Office upon request

Appendix “C”

Manure Guidelines

Available at Community Office upon request

Appendix “D” Schedule II of the Interim Guidelines For Environmental Impact Assessment

LIST OF UNDERTAKING

The following list will be of assistance in determining whether a proposed development is considered to be an undertaking and requires a written proposal and written approval before the proposed undertaking can proceed.

The list of undertakings is organized in accordance with the list of industries found in the Industry Definitions and Classified Index section of the 1980 Standard Industrial Classification Manual published by the Standards Division of Statistics Canada.

With respect to each numbered group of undertakings included in the list:

- a) where there are undertakings listed beneath the group name, only those undertakings are included within the group.
- b) where no undertakings are listed beneath the name of the group, the corresponding group of industries appearing in the Industry Definitions and Classified Index section of the Classification Manual shall be used. These groups are preceded by an asterisk (*).

Although an attempt was made to develop as complete a list as possible, the Minister may consider as undertakings other developments and expansions to developments that are not included on this list.

Agricultural and Related Service

Agriculture

011 Livestock Farms

S intensive livestock farms

022 Services Incidental to Agriculture

S drainage of land areas where the total area of land to be drained is greater than 50 hectares.

Fishing and Trapping

031 Fishing

S finfish or shellfish farming in salt or fresh water (except oysters)

032 Services Incidental to Fishing

S finfish or shellfish and propagating services, or finfish or shellfish hatchery services

Logging and Forestry

041 Logging

S main and secondary logging roads

S long-term forest management plans

S large scale forest clearing plans (ie. More than X hectares)

Mining (including Milling) Quarrying and Oil Wells

Mining

062 Mining non-metal mines (except coal)

Wood

251* Sawmill, Planing Mill and Shingle Mill Products

252* Veneers and Plywoods

259 Other Wood Products

S wood preservative facilities which use creosote, pentachlorophenol or similar chemical process

S particle board or wafer board production

Primary Metals

292* Steel Pipes and Tubes (if located outside industrial parks)

294* Iron Foundries (if located outside industrial parks)

296* Aluminum Rolling, Casting and Extruding (if located outside industrial parks)

Fabricated Metal Products (except machinery and Transportation Equipment)

304 Stamped, pressed and coated metal products

S custom coating of metals

Non-metallic Mineral Products

352* Hydraulic Cements

354* Concrete Products

355* Ready-Mix Concrete

Chemicals and Chemical Products

371* Industrial Chemicals

372* Agricultural Chemicals

373* Plastic and Synthetic Resin

374* Pharmaceutical and Medicine

375* Paint & Varnish

376* Soap and Cleaning Components

379* Other Chemical Products

Manufacturing

Food

101* Meat and Poultry Products

102* Fish Products

103* Fruit and Vegetables

104* Dairy Products

Beverages

111* Soft Drinks

112* Distilling Products

113* Brewery Products

114* Wines

Rubber Products

151* Tires & Tubes

152* Rubber Hoses & Beltings

159* Other Rubber Products

Plastic Products

161* Foamed and Expanded Plastic Products

162* Plastic Pipe and Pipe Fittings

163* Plastic Film and Sheeting

169* Other Plastic Products

Leather and Allied Products

171 Leather and Allied Products

S Processing leather involving tanning of leather.
Construction

Building, Developing and General Construction

401 Residential Building and Development

S subdivision over 5 lots referred by Community and Cultural Affairs.

402 Non-Residential Building and Development

S Industrial Parks

Industrial and Heavy (Engineering) Construction

411 Industrial Construction (Other than Buildings)

S electrical power generating facilities with a production rating of 1 megawatt or more.

412 Highway and Heavy Construction

S major highway projects involving either a significant length of new highway or a major upgrading or widening of an existing highway resulting in a change in its intended use or classification.

S causeways and bridges

S airports

S electric power transmission lines exceeding sixty-nine thousand volts or where a power transmission line of sixty-nine thousand volts or greater is located on land other than an existing public right-of-way.

S transformer or switching stations exceeding sixty-nine thousand volts.

S micro wave and communication towers

Communication and Other Utilities

Other Utility Industries

499 Other Utilities

- S establishment of garbage disposal sights.
- S establishment of facilities for the collection, storage, treatment or disposal of hazardous materials including waste.
- S use of existing industrial equipment to destroy hazardous wastes.

Wholesale Trade

Petroleum Products, Wholesale

511 Petroleum Products, Wholesale

- S establishment of petroleum storage facilities having a total capacity greater than x litres.

Other Services

Amusement and Recreation Services

964 Commercial Spectator Sports

- S establishment of racetrack operations for motorized vehicles.

Appendix “E”

Manufacturing, Assembling and Processing Uses

Not Permitted in the Light Industrial (M-1) Zone

- S all facilities for the manufacture, processing or reprocessing of radioactive materials or other dangerous goods
- S pulp and paper mill
- S cement plant
- S dismembering-rendering plant
- S bulk storage facilities with a total capacity of over 5,000 cubic meters intended to hold liquid or gaseous substances such as hydrocarbons or chemicals.
- S facilities for the chemical treatment of timber resources
- S facilities engaged in the production of fish meal