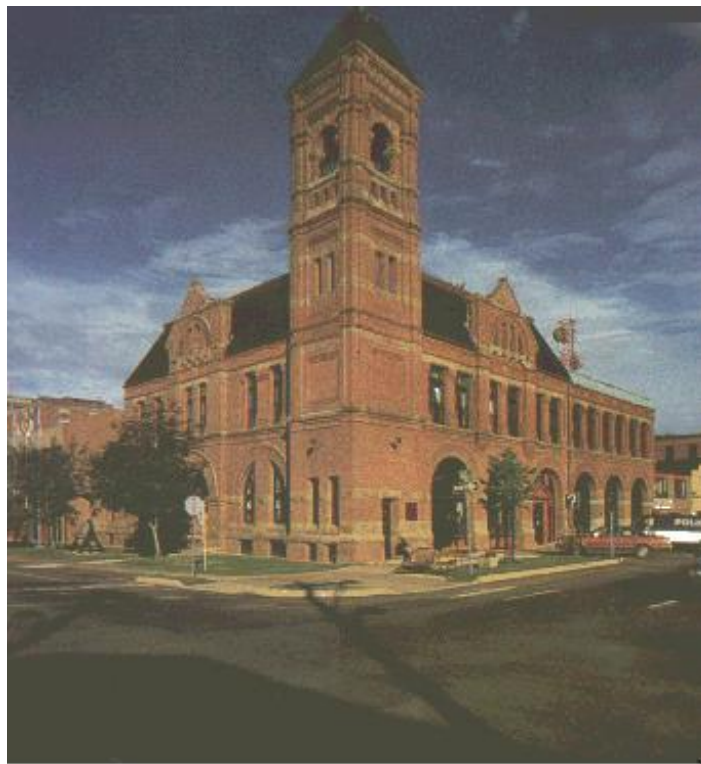


CITY OF CHARLOTTETOWN ZONING AND DEVELOPMENT BY-LAW



**October 17, 2006
(Amended August 01, 2018)**

**CITY OF CHARLOTTETOWN
ZONING AND DEVELOPMENT BY-LAW**

October 17, 2006

Amended December 15, 2017

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BY-LAW NO. ____

A By-law to regulate the Use of land and the Erection of, Use, Height, character, spacing of, and other matters relating to Structures; and to prohibit certain Uses of land and the Erection and Use of certain Buildings and Structures in various areas of the City.

SECTION 1 - TITLE AND SCOPE

1.1 TITLE AND SCOPE

- .1 This By-law May be cited as the “City of Charlottetown Zoning and Development By-law”.
- .2 This By-law:
 - a. divides the City into zones; and
 - b. prescribes
 - i. the purposes for which land, Buildings, and Structures in any zone May be Used;
 - ii. Standards to which land Use and the placement, Erection, Alteration, and Use of Buildings and Structures must conform;
 - iii. the Use of a permit system that entails application for a Building permit, a Sign permit, a footing permit, a demolition permit, or a preliminary or final Subdivision approval;
 - iv. a process and Standards for Subdivision approval and Development;
 - v. requirements for the Design and placement of Signs; and
 - vi. provisions for the designation of Heritage Resources and for heritage preservation measures.

1.2 REPEAL OF EXISTING BY-LAWS

The provisions of the Charlottetown Zoning and Development By-law as well as the Zoning By-laws and amendments thereto for the former municipalities of Sherwood, Parkdale, East Royalty, West Royalty, Hillsborough Park, and Winsloe are hereby repealed.

1.3 TRANSITIONAL PROVISIONS

- .1 Any application for a Building permit, a Sign permit, a footing permit, a demolition permit, or a preliminary or final Subdivision approval that has been made to the Development Officer and is in progress as of the effective date of this By-law

Shall be processed to completion by the Development Officer in accordance with the provisions of this By-law.

- .2 Any permit that has been issued and any preliminary or final Subdivision approval that has been given by the Development Officer prior to the effective date of this By-law Shall stand as issued or approved until its original expiry date, and any work thereunder May continue uninterrupted.

SECTION 2 - OPERATION AND INTERPRETATION

2.1 ADMINISTRATION

The Council Shall appoint a Development Officer who Shall administer this By-law pursuant to Section 20 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, and the Council May, from time to time, name a designate or designates.

2.2 PLANNING BOARD

- .1 There is hereby established a single board for the City to be called the Planning Board pursuant to Section 9 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 with the powers and duties set out in subsection 9(3) of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, namely:
 - a. to investigate and survey the physical, social and economic conditions in relation to the Development of the municipality;
 - b. to recommend to Council for its adoption planning policies;
 - c. to prepare and recommend to Council for its adoption an Official Plan;
 - d. to prepare and recommend to Council proposed Alterations and additions to the Official Plan;
 - e. to recommend to Council by-laws in respect of the Official Plan;
 - f. to hold public meetings;
 - g. when requested by Council, prepare estimates of the cost of any public work, improvement or other project; and
 - h. to perform such other duties of a planning nature as May be requested by Council.

2.3 COMPOSITION OF PLANNING BOARD

- .1 The Planning Board Shall comprise up to fourteen (14) members appointed as follows:
 - a. The Planning Committee selected by the Mayor from time to time for such term of Office as the Mayor May determine. One member of the Planning Committee, selected by the Mayor, Shall serve as Chair of both the Planning, Heritage & Economic Development Committee and the Planning Board.
 - b. at least four (4) resident members appointed by Council on the recommendation of the Mayor for such term of Office as is determined by Council, but not to exceed the term of the Council at the time of the appointment; and
 - c. such other ex officio resource people from the City or other government departments who are requested by the Chair or a Development Officer from time to time. Ex-officio resource persons shall not have a vote.

- .2 The quorum at any meeting shall be one-half of the Board plus one member, including at least two members who shall be Councillors.
- .3 In the event that conflicts of interest should reduce the number of members of the Board below a quorum, the Mayor May appoint additional member(s) pro tem in order to satisfy the quorum requirements.
- .4 If any member resigns or dies, the Mayor May appoint a new member for the remainder of the former member's term.
- .5 All members Shall be eligible for reappointment by the Council.
- .6 The Development Officer May request that Planning Board conduct the final vote from Board Members via telephone or email, in circumstances where the Board has already been briefed on the matter, and there is no new information to be presented to the Board, and where due to conflicts between the regular scheduled Board meetings and the date by which written responses from Affected Property Owners must be received, a final decision cannot be made at the regular scheduled Board meeting.

2.4 CONFLICT OF INTEREST

No member of the Planning Board Shall derive any profit or financial advantage from his or her position as a member of the Planning Board and where a member of the Planning Board has any pecuniary interest in or is affected by any matter before the Planning Board, he or she Shall declare the interest therein, abstain from the voting and discussion thereon, and physically remove himself or herself from the meeting venue at that time.

2.5 OTHER BY-LAWS, PERMITS, AND LICENSES

Nothing in this By-law Shall relieve any Person from the obligation to comply with the requirements of the Building and Fire Prevention By-laws or any other By-law of the City in force from time to time, or the obligation to obtain any license, permit, authority, or approval required under any By-law of the City, and in the event of a conflict between this By-law and any other By-law, the most restrictive By-law Shall prevail.

2.6 ZONING MAP

The Zoning Map, Appendix "H", is an integral part of this By-law and Shall divide the City into zones, for which the regulatory provisions of this By-law apply.

2.7 BOUNDARY OF ZONES

Where the boundary of any zone is uncertain:

- .1 The boundary, as shown on the Zoning Map, substantially follows a Street, lane, or railway right-of-way, the centre line of such feature is the boundary;

- .2 The boundary, as shown on the Zoning Map, substantially follows Lot Lines shown on the City's property map, such lines are the boundaries;
- .3 The boundary, as shown on the Zoning Map, runs substantially parallel to a Street Line and the difference from the Street Line is not indicated, the boundary Shall be deemed to be parallel to such Street Line and the distance from the Street Line Shall be determined according to the scale shown on the Zoning Map;
- .4 The boundary, as shown on the Zoning Map, follows the shore line of a Watercourse, the mean high water mark is the boundary unless the municipal boundary is different in which case the boundary shall be the extremity of the municipal boundary or where there is a water lot, in which case the extremity of the water lot shall be the zoning boundary.

2.8 PERMITTED USES AND REQUIREMENTS

- .1 The Permitted Uses, the minimum sizes and dimensions of Lots, the minimum Setback distances, the Maximum Lot Coverage, the minimum Landscaped Open Space, the maximum Height of Buildings, and all other zone requirements are set out herein for the respective zones in which they Shall apply.
- .2 Matters set out in the General Provisions of Section 4, pertain to requirements which apply in all zones or in specified groups of zones.
- .3 With the exception of the matters set out in the General Provisions, all land Shall be Used and all Buildings or Structures or parts thereof, Shall be placed, Erected, Altered, or Used only in conformity with the provisions of the zone in which the said land, Buildings or Structures are situated.
- .4 The requirements pertaining to the Subdivision of land, the placement of Signs and the protection of Heritage Resources Shall apply in all zones.

2.9 POSTING OF BUILDING PERMITS

The City Shall post Building and Development Permits, subdivision/consolidation, and demolition permits that have been issued by the City on their webpage and this Shall be deemed to be notification under the Bylaw of a permit being issued. The website posting shall:

- .1 be updated at least every second week;
- .2 state the parcel number, property address and type of work approved.

At least once every six (6) months the City will place an advertisement in the local newspaper indicating that the permits and approvals are posted on the City website.

SECTION 3 - DEFINITIONS

In this By-law, in accordance with the *Interpretation Act*, the word “Shall” is to be construed as imperative; “May” is to be construed as permissive and empowering. Words used in the present tense Shall include the future. Words used in the singular Shall include the plural, and words used in the plural Shall include the singular. The word “Used” Shall include “intended to be Used”, “arranged”, and “designed”. All other words Shall carry their customary meaning except for those defined hereinafter.

- 3.1** **500 Lot Area** means the area within the City of Charlottetown that is generally located south of Euston St, and is more specifically illustrated in Appendix “J”.
- 3.2** **Abattoir and Meat Processing Establishment** means an Establishment or part thereof in which animals are slaughtered and May include the packing, treating, storing, and sale of the product on the premises.
- 3.3** **Accessory** means naturally and normally incidental, subordinate, and exclusively devoted to.
- 3.4** **Accessory Building** means a subordinate Building or Structure located on the same Lot as the Main Building, and the Use of which is incidental to the Main Building. For the purposes of this By-law, where a home is situated on a Lot or a parcel of land it Shall be considered the Main Building and all other associated Buildings Shall be considered Accessory Buildings. A private Garage, a tool shed, a Greenhouse, a storage Building, a Farm Structure, above or below ground storage tanks with a capacity less than 2,000 litres (439.9 gallons), or a combination of these Uses Shall be considered Accessory Buildings.
- 3.5** **Accessory Surface Parking Lot** means on-site, surface parking provided in support of the main use of the land.
- 3.6** **Accessory Use** means a Use or Structure on the same Lot with, and of a nature customarily incidental and subordinate to, the Principal Use or Structure.
- 3.7** **Addition** means an Alteration or Renovation resulting in an increase in the gross floor area of a Building.
- 3.8** **Adult Entertainment Use** means a massage parlour, sex-aid shop, an Adult Bookstore, or an Adult Cabaret.
- 3.9** **Adult Cabaret** means any premises or part thereof, whether public, semi-public, or private, wherein is provided the opportunity to feel, handle, touch, paint, be in the presence of, or be entertained by the nude body of another person, or to observe, view or photograph any such activity.

- 3.10 *Adult Bookstore*** includes any establishment or place for the purpose of retail trade where 20% or more of the value of the total stock in trade or 20% or more of the area used for display of materials in any such establishment or place is comprised of books, magazines, or other periodicals relating to, or portrayed as relating to, sexual activities.
- 3.11 *Affected Property Owner*** means a property listed in the Assessment Roll compiled by the Provincial Department of Finance under the *Real Property Assessment Act*, Cap. R-4, R.S.P.E.I. 1988, and as provided to the City at the beginning of each year (with printed and/or electronic updates throughout the year). The City is responsible for only those names on the latest electronic files for the Assessment Roll to the City when sending Notices for variances.
- 3.12 *After School Program*** is any organized program that youth can participate in outside of the traditional **school** day. Some programs are run by a primary or secondary **school**, while others are run by externally funded non-profit or commercial organizations.
- 3.13 *Agricultural Use*** means the Use of land and Buildings for the production of food, fibre, or flora, sod Farming, or the breeding and handling of animals, and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals but for the purposes of this By-law Agricultural Use does not include intensive fowl, livestock, Kennel, or fox Farm operations.
- 3.14 *Airport Zoning Regulations*** means the Regulations Respecting Zoning at Charlottetown Airport as passed pursuant to Section 5.4 of the *Aeronautics Act* and all amendments thereto.
- 3.15 *Alter*** means to change in any manner, structurally or otherwise, in whole or in part, the exterior or interior of a Building or Structure, and includes to Restore, renovate, repair, or change in any manner the design of such Building or Structure.
- 3.16 *Alteration*** means any change in a structural component, or any increase or decrease in the volume of a Building or Structure. This Shall also cover windows, doors and/or Structure thereto in Heritage Resources.
- 3.17 *Amenity Area*** means an area of land set aside for the purposes of visual improvement or relaxation except where an Amenity Area is required for any multiple Unit Dwelling, in which case the area May also include that portion of the Building which is devoted to relaxation such as games rooms and balconies.
- 3.18 *Animal Shelter*** means an Establishment Used for the care of lost, abandoned, or neglected animals and operated by a public or semi-public authority, or by a non-profit private organization.
- 3.19 *Animation*** means the movement, or the impression of movement, of one or more parts of a Sign, including videos, colour changes, flashing lights and illumination which

exhibits noticeable changes in light intensity, or similar electronically generated or kinetic effects. Animation excludes wind activated devices, banners, posters, clocks, date and/or temperature information, and static messages on Electronic Signs.

- 3.20** *Appurtenances* means, but is not limited to, walls, fences, light fixtures and Standards, Signage, steps, and Street and sidewalk paving.
- 3.21** *Architectural Details* means, but is not limited to, any original or period decorative work which includes large boards, brackets, chimneys, columns, cornices, door handles, friezes, etc.
- 3.22** *Assessed Property* means the Assessed Property listed in the Assessment Roll compiled by the Provincial Treasurer under the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4 and amendments thereto, which printed Assessment Roll is issued to the City at the beginning of each year (with printed updates throughout the year). The City is responsible for only those names on the latest printed Assessment Roll issued to the City when sending Notices under this By-law.
- 3.23** *Auction Establishment* means an Establishment for the auctioning and related temporary storage of goods and equipment, except livestock and motor vehicles.
- 3.24** *Automobile Sales and Services* means an Establishment for the sale and/or rental of passenger vehicles, trucks, vans, motorcycles, snowmobiles, tent and holiday trailers, boats or other recreational vehicles or craft, and includes supplementary vehicle Maintenance, sale of vehicle parts and accessories, and dispensing of motor fuel to vehicles owned or rented by the vehicle sales and rental service. Has the same meaning as “Vehicle Sales or Rentals” but “Equipment Sales, Rental Service” is a separate Use.
- 3.25** *Automobile Body Shop* means a Building or a clearly defined space on a Lot Used for the storage, repair, and servicing of motor vehicles including body repair, painting, and engine rebuilding, but does not include an Automobile Service Station or an automobile sales Establishment; this definition includes compound lots for automobile towing establishments.
- 3.26** *Automobile Sales and Services* has the same meaning as “Vehicle Sales or Rentals”.
- 3.27** *Automobile Service Station* means an Establishment where gasoline, oil, grease, anti-freeze, tires, and accessories for motor vehicles are stored and kept for sale, and where repairs to motor vehicles are performed. This definition May include washing Establishments and a Convenience Store. “Automobile Body Shop” and “Automobile Shop” are separate Uses.
- 3.28** *Automobile Shop* means an Establishment for the repair of automobiles, trucks not exceeding one and one-half ton capacity, motorcycles, snowmobiles, and other vehicles; the retail sale, installation, servicing, or machining of automotive parts and accessories; and drive-thru vehicle repair, servicing, and cleaning facilities. This term refers to Uses

such as alignment, muffler, automotive glass, transmission repair, vehicle upholstery shops, tire stores, and Car Washes. “Automobile Body Shop” and “Automobile Service Station” are separate Uses.

- 3.29 **Automotive Drive-in Business** means an Establishment providing rapid cleaning, lubrication, Maintenance or repair services to motor vehicles where the customer typically remains within his vehicle or waits on the premises. Typical Uses include automatic or coin operated Car Washes, rapid lubrication shops, appraisal, or specialty repair Establishments.
- 3.30 **Average Grade** means the average finished elevation around the perimeter of the lot.
- 3.31 **Awning** means a fixed or retractable hood or roof-like shelter that extends from an exterior building wall, and consists of fabric, canvas, plastic, or similar material that is supported by a frame.
- 3.32 **Balcony** means a railed elevated platform projecting from the wall of a building, and which is not connected to the ground by a staircase and does not include Patio/Decks which are above grade.
- 3.33 **Bank or Financial Institution** means an institution where money is deposited, kept, lent, or exchanged.
- 3.34 **Basement** means a Storey or stories of a Building or Structure located below the First Storey.
- 3.31 **Bed & Breakfast or Tourist Home** means a *dwelling occupied* by the *owner* of the *dwelling used* incidentally to provide visitor accommodation and breakfast to transient travelers for remuneration, but *boarding or rooming house, group home, hostel, hotel* or *motel*, and *inn* are separate *uses* and are separately defined.
- 3.35 **Bicycle Parking, Class A** means a facility which secures the entire bicycle and protects it from inclement weather, and includes any key secured areas such as lockers, bicycle rooms, and bicycle cages.
- 3.36 **Bicycle Parking, Class B** means bicycle racks, including wall mounted varieties, which permit the locking of a bicycle by the frame and the front wheel and support the bicycle in a stable position with two points of contact.
- 3.37 **Bicycle Parking, Enhanced** means any of the following: bicycle parking in excess of the required minimums in terms of quantity or class; the provision of sheltered bicycle parking; the provision of showers, at the rate of one for every six bicycle spaces, and clothes lockers, at the rate of one for every bicycle space.
- 3.38 **Block** means the smaller unit of land and boundaries of which consist entirely of public Streets, rivers, railroads, Public Parks, zone boundary, or any combination thereof, or as

May be defined by a zone boundary which May exist in the by-law or as May be set by by-law.

- 3.39 *Boarding or Rooming House*** means a Dwelling in which the proprietor supplies, for monetary gain, a room or room and board to more than three but not more than six Persons, exclusive of the Owner of the Building or members of his Family, and which Building is not open to the general public but does not include an Emergency/Transition Facility.
- 3.40 *Buffer*** means a portion of any Lot or parcel of land that is set aside to serve as a visual and spatial separation between the land Use or activity that is carried out on the Lot and the land Use or activity that is carried out on the Lot adjacent to the Buffer.
- 3.41 *Building*** includes any structure placed on, over, or under the land and every part of the same and any external chimney, staircase, porch, or other structure used in connection with such buildings.
- 3.42 *Building, Attached*** means a Building or Accessory Building attached to the Main Building by means of a common wall, which depends for structural support or complete enclosure upon this division wall or walls shared in common with, or roof and enclosed walkway to allow access without a Person going outside.
- 3.43 *Building Line*** means any line defining the position of a Building or Structure on a Lot.
- 3.44 *Bulk Fuel Station*** means an Establishment for the storage and distribution of petroleum products in bulk quantities, and may include retail sales or processing. Accessory Uses May include tanker vehicle storage and key-lock pumps. Storage tanks under 4000 USWG fall under the installation regulations of the Province (and CSA Standards B-149.2) and over that size tank used for storage, the City of Charlottetown under the Fire Prevention Bylaw which adopts NFPA 1 and thereby, NFPA 58 may be applied for new or expansion of Bulk Fuel Stations and distribution sites in the City.
- 3.45 *Business Premise*** means a location, building, or establishment where a business, commercial or industrial activity is undertaken, or where professional, personal or other services are provided to the public, typically for monetary gain.
- 3.46 *Campground*** means a facility intended for seasonal occupancy by holiday trailers, recreation vehicles, tents, and similar equipment and includes a Recreational Vehicle (RV) Park, and May include supplementary bathroom, laundry, recreation, and convenience retail facilities.
- 3.47 *Canopy*** means a rigid, permanent hood or roof-like shelter, other than a projecting roof, that extends from an exterior building wall, typically over a doorway, windows, or seating area.
- 3.48 *Cannabis*** means cannabis as defined in the *Cannabis Act (Canada)*.

- 3.49 Cannabis Distributer** means a person who holds a cannabis distributor license/or authorized vendor provided by the Province of Prince Edward Island.
- 3.50 Cannabis Retail Store** means the premises specified in a retail cannabis license where the retail sale of cannabis is authorized.
- 3.51 Carport** means a Building or Structure which is not wholly enclosed and is Used for the Parking or storage of private passenger vehicles.
- 3.52 Car Wash** means a Building or Structure containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed. The Car Wash May operate on its own or in conjunction with an Automobile Service Station or an Automobile Shop.
- 3.53 Cash-in-lieu of Parking Spaces** means an arrangement whereby an Owner, Developer or Subdivider, as the case may be, pays money to the City in substitution of the provision of Parking Spaces required under this Bylaw, as a condition of approval of an application made under this Bylaw.
- 3.54 Cemetery** means the Use of land primarily as Landscaped Open Space in the placement of grave sites.
- 3.55 Central Sewage System** means a municipal or private waste treatment system installed and approved according to municipal Standards and meeting the requirements of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and amendments thereto.
- 3.56 Channel Letters** means a type of Sign where a series of single solid structures - each resembling a letter, number, logo, or other symbol - are affixed parallel to a wall or Sign board in order to display a message. Channel letters may be lit by an internal or external light source, or by halo lighting.
- 3.57 Character Defining Elements** means the architectural details, materials, forms, locations, spatial configurations, uses, and cultural associations or meanings that contribute to the heritage value of a property, and that must be sustained in order to preserve heritage value.
- 3.58 Child/Licensed Day Care** means the provision of care, support and attention to the needs of a child in the absence of the child's parent or guardian.
- 3.59 City** means the City of Charlottetown established pursuant to the *Charlottetown Area Municipalities Act*, R.S.P.E.I. 1988, Cap. C-4.1.
- 3.60 Clearance** means the vertical distance from Grade to the underside of the Sign or its supporting structure, whichever is less.
- 3.61 Club** means the premises of a social Club where there May or May not be alcoholic beverages served.

- 3.62 Commercial Parking Garage** means a building whose primary use is the provision of parking to the general public for a fee.
- 3.63 Commercial Recreation Establishment** means a building or part of a building in which a recreational activity is performed and for which a membership or instruction fee is charged, and without limiting the generality of the foregoing and includes weight-lifting or fitness centres, boxing or racquet sport clubs, martial arts schools and dance studios.
- 3.64 Commercial Surface Parking Lot** means an area of land used for the provision of parking to the general public for a fee.
- 3.65 Commercial Use** means the use of a building for the purpose of buying and selling goods and supplying services.
- 3.66 Commercial Vehicle** means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles.
- 3.67 Community Activity** means a public event that is organized or sponsored by a recognized nonprofit organization, Fraternal Organization, religious organization, or Government Body, for the purpose of raising awareness on an important issue or initiative, celebrating a civic holiday or historical event, or providing entertainment to the community. A Community Activity shall not include tourism related events or fundraisers.
- 3.68 Community Building** means a building or site owned by a government agency or non-profit organization or religious institution or philanthropic institution and used as a meeting place for entertainment or education or social activities by the general public on a regular or occasional basis and includes a church hall or a public hall.
- 3.69 Community Care Facility** means a facility licensed as such pursuant to the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13 and amendments thereto.
- 3.70 Community Institutional** means a charitable or non-profit organization or government service which provides a neighbourhood or community service in a residential area, and which occupies no more than 50 percent of the Building in a residential zone
- 3.71 Compatible development** means new or proposed *development* that may not necessarily be the same or similar to the existing development in the vicinity, but nonetheless enhances an established community and coexists with existing development without causing any undue adverse impact on adjacent properties or on the streetscape.
- 3.72 Contemporary Materials** means, but is not limited to, angelstone, aluminum, asbestos siding, vinyl siding, pre-cast concrete, mirrored or tinted glass, and any other materials not available for Buildings constructed prior to 1900.

- 3.73 Convenience Store** means a small Retail Store, located in a convenient site in a neighbourhood, that serves the daily or occasional needs of residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, delicatessen products, sundries, tobacco, incidental hardware, newspapers, magazines, and videos.
- 3.74 Council** means the Mayor and Councillors of the City.
- 3.75 Cultural Establishment** means an Establishment Used for display, storage, restoration, or events related to art, literature, music, history, or science. This term refers to Uses such as art galleries, Theatres, libraries, auditoria, archives, interpretive centres, and museums.
- 3.76 Cultural Use** means the presentation of art, artistic performances, musical performances, lectures, or other exhibits.
- 3.77 Curb Cut** means the cutting or lowering of a curb, sidewalk, or boulevard to provide for vehicular and pedestrian access to a site
- 3.78 Day Care Centre**
- .1 **Commercial Daycare Centre** means an Establishment for the provision of care and supervision of children, as regulated in the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5 and amendments thereto.
 - .2 **Neighbourhood Daycare Centre** means an Establishment for the provision of care and supervision of up to seven (7) children operating in a residential area in a home or Dwelling Unit, and the proprietor(s) of which resides in that dwelling.
- 3.79 Deck** means an open, unroofed porch or platform extending from a building, and serving as an outdoor living area. “At Grade” for a deck is 0.3m (1.0 ft) or less above grade. This definition includes patios.
- 3.80 Defacto Building Line** means where there are Buildings on adjoining Lots and a Streetscape has been established, the average Front Yard Setback of the adjoining Buildings on the same side of the Block Shall be Used when establishing the location of a new or moved Building.
- 3.81 Depth** means a specified distance along a horizontal plane towards the interior of a building or a lot from a streetline or lot line.
- 3.82 Design** means the general appearance of the exterior of a Building or Structure including size, shape, proportion and size of door and window openings, type and quality of exterior materials, decorative features, colours, relationship of Building or Structure to its site, Landscaping, and other matters relating to the nature of the exterior appearance.

- 3.83** *Designation* means a record of *heritage resources* recognized for their heritage value in which the criteria have been applied and evaluated, researched, and validated pursuant to this by-law and includes resources that are already designated and described in Appendix “A” of this by-law.
- 3.84** *Developer* means a Person who applies to the City for approval of a Development, and May include the Owner of the land for which Development approval is sought, or an agent representing the said Owner, or a Subdivider.
- 3.85** *Development* means a change in the Use of land, Building, Sign or Structure for any purpose, and Shall include the carrying out of any Building, engineering, construction, or other operation in, on, over, or under land or water; or the construction, addition, Erection or Alteration of any Building, Sign or Structure.
- 3.86** *Development Concept Plan* means a detailed plan showing the location, land Use and form of all Development of any land in a defined area.
- 3.87** *Development Officer* means the Development Officer, or such other designate as May from time to time be appointed by the Council charged by the City with the duty of administering the provisions of this and other planning-related By-laws.
- 3.88** *Discretionary Use* means those Uses of land, Buildings, and Structures which May only be permitted subject to Planning Board approval, and upon such terms and conditions as May be determined by the Planning Board.
- 3.89** *Domestic Animals* includes dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs, and fish.
- 3.90** *Dormitory* means a residence for students of a university or college or school.
- 3.91** *Drive-thru Business* means an Establishment which is Designed to provide either wholly or in part, service to customers while in their motor vehicles. “Automotive Drive-in Business”, “Automobile Service Station”, and “Gas Bar” are separate Uses.
- 3.92** *Dwelling* means a Building or portion thereof Used for residential occupancy, including one unit, two-unit, and multi-unit Buildings, but Shall not include hotels, Motels, or Hostels.
- .1 *Dwelling Unit* means a room or suite of two or more rooms for Use, or intended for Use, by one or more individuals in which culinary and bath and/or shower conveniences are provided for the exclusive Use of such individual(s), and with a private entrance from outside the Building or from a common hallway or stairway inside, but does not include hotel, Motel, boarding and/or rooming house, recreational vehicle, or Modular Home.

- .2 **Apartment Dwelling** means a Building comprising three or more Dwelling units which generally has a shared outside access; or Dwellings attached to a Building which is principally commercial. An “Apartment Dwelling” does not include a “townhouse Dwelling”.
- .3 **Artist Live-Work Dwelling** means a suite consisting of a combined living area containing no more than one habitable room and a studio area Used for the production of art.
- .4 **Bachelor Dwelling** means a Dwelling in which the sleeping and living areas are combined into one habitable room with kitchen and sanitary facilities.
- .5 **Block Townhouse Dwelling** means a townhouse Dwelling that is part of a condominium co-operative or rental project with a private internal traffic circulation system or direct access from a public Street.
- .6 **Converted Dwelling** means an Existing Building originally constructed as a detached Dwelling unit, which is Used for more than one Dwelling unit.
- .7 **Duplex Dwelling** means a separate Building divided horizontally into an upper and lower separate Dwelling unit each of which has an independent entrance, either directly or through a common vestibule.
- .8 **Mini-Home Dwelling** means a Dwelling having a maximum width of 5 m (16.4 ft.) that is substantially assembled in a manufactured plant, and Designed to be transported (either on its own chassis or on a truck or trailer) as one integral unit and placed on a Lot for year round living.
- .9 **Modular Dwelling or Modular Home** means a Dwelling unit of at least 7.0 m (23.0 ft.) in width constructed in accordance with the Standards set forth in the Charlottetown Building Code By-law and composed of components substantially assembled in a manufacturing plant and transported to the Building Lot for final assembly and installation on the Lot. A Modular Home May also consist of two sections transported to the site in a manner similar to a mini-home home or a series of panels or room sections transported on a truck and Erected or joined together on a Lot.
- .10 **Multiple Unit Dwelling** means a building containing three or more dwelling units.
- .11 **Townhouse Dwelling** means a Building that is divided vertically into three or more Dwelling units, each of which has independent entrances.
- .12 **Semi-Detached Dwelling** means a Building divided vertically into two side-by-side separate Dwelling units each of which has independent entrances and independent Parking facilities.

- .13 **Single-Detached Dwelling** means a Building or portion thereof, which is a completely detached Dwelling unit, and whose Main Walls have a Minimum Width of not less than 5.5 m (18 ft.).
- .14 **Stacked Townhouse Dwelling** means a Building consisting of row housing, except that Dwellings May be arranged two deep, either vertically so that Dwellings May be over others, or horizontally so that Dwellings May be attached at the rear as well as at the side. Each Dwelling Shall have separate and individual access, not necessarily directly at Grade.
- 3.93 *Early Childhood Centre*** means a licensed centre where the operator is authorized to provide services to infants, preschool children and school-age children;
- 3.94 *Early Learning*** means the provision of developmentally- appropriate curriculum or programs to infants and preschool children.
- 3.95 *Easement*** means a right to Use land, most commonly for access to other property or as a right-of-way for a Utility Service.
- 3.96 *Eating and Drinking Establishment*** means an Establishment where food is prepared and served, and includes alcoholic and non-alcoholic beverage service. “Drive-thru Business” and “Entertainment Establishment” are separate Uses.
- 3.97 *Educational Institution*** means an Establishment providing academic and/or technical instruction, and May include supplementary school cafeterias, book stores, amusement activities, recreation facilities, instruction function, and community assembly Use. This term refers to Uses such as public and private schools, colleges, and universities.
- 3.98 *Emergency/Transition Facility*** means a facility for the temporary placement of people until they can be placed in a more permanent residence and/or the temporary placement of people to be re-established into society after receiving supervised care/rehabilitation at a previous facility, and this does not include a Group Home, Nursing Home, Community Care Facility, jail, reformatory, Hotel, Motel or a Hostel.
- 3.99 *Entertainment Establishment*** means an Establishment providing musical, dramatic, dancing, or cabaret entertainment and/or facilities for alcoholic beverage consumption and includes supplementary food service. This term refers to Uses such as Theatres, cinemas, auditoria, beverage rooms, cocktail lounges, cabarets, nightclubs, and Theatre restaurants. “Eating and Drinking Establishment” is a separate Use.
- 3.100 *Equipment Sales, Rental Service*** means an Establishment for the retail sale, wholesale distribution, rental and/or service of equipment. This term excludes “Automobile Shop”, “Heavy Equipment Repair”, and “Automobile Sales and Services”.

- 3.101 Erect** means to build, construct, re-construct, Alter, or re-locate, and without limiting the generality of the foregoing, Shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally Altering any Existing Building or Structure by an addition, deletion, enlargement, or extension and placing, painting or installing a Sign(s).
- 3.102 Establishment** means a Building, Structure, Lot, or part of any of the foregoing where an activity or Use is occurring for a business or other Use.
- 3.103 Excessive Traffic** means exceeding the normal levels of vehicular and/or pedestrian traffic experienced in a low density residential area or neighborhood to a degree which materially detracts from the normal residential Use and character of the area or neighborhood. The Institute of Transportation Engineers Trip Generation Manual Shall be used as the guideline in making this determination.
- 3.104 Existing** means legally in existence on the effective date of this By-law.
- 3.105 Extractive Facilities** means all Buildings, aggregate plants material storage areas, and weigh scales associated with extractive Uses, but does not include Structures or storage areas which are fundamental to the activities of mining.
- 3.106 Façade** means the front or principal side of a Building, but also includes those sides of the Building which face a public Street.
- 3.107 Family** means:
- .1 One or two Persons occupying a Dwelling unit who are living together with offspring or Persons who are otherwise related by marriage, consanguinity or adoption.
 - .2 A group of not more than four unrelated Persons occupying a Dwelling Unit.
 - .3 For the purposes of this By-law “Family” May include: one or more full-time domestic servants; not more than four foster children; not more than three related or unrelated Persons whose status is not that of paying boarders. A “Family” does not include a group of children or adults living together under the direct supervision of a government or private agency. Such a group Shall be classified as living in a “Group Home” or “Boarding or Rooming House”.
- 3.108 Farm** means a Lot, Buildings, and Structures where the primary Use is for raising dairy herds or livestock, producing field or forestry crops, or undeveloped land. As Accessory Uses, a Farm May incorporate one single-detached or a mini-home or mobile-home Dwelling, and Structures such as a barn or silo.
- 3.109 Farmer or Bona Fide Farmer** means a bona fide Farmer as defined by the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5.

- 3.110 Feedmill** means a mill for the processing, blending, grinding, and mixing of grains, seeds, and concentrates.
- 3.111 First Storey** means the uppermost Storey having its floor level not more than 2 m (6.6 ft.) above Grade.
- 3.112 Fitness Centre** means an indoor facility which includes Uses such as game courts, exercise equipment, locker rooms, aerobics studios, hot tubs and/or sauna, and pro shop.
- 3.113 Flag Lot** is the result of subdivision where the flag (developable portion of the lot) is behind another lot and connected by the pole (a narrow strip of land that does not meet the required street frontage defined by the zone).
- 3.114 Flange** means the projecting collar or outermost edge of an awning, canopy, or architectural feature.
- 3.115 Flat Roof** means a roof that is sloping no greater than 1:12.
- 3.116 Floor Area** means the aggregate of the horizontal areas of each floor in a Building or Structure measured from the exterior of outside walls or outside finished partitions. For Parking calculations, the inside measurements May be Used but excluding, in the case of a Dwelling, any unfinished areas, and, in the cases of all other Buildings, furnaces, mechanical rooms, washrooms and ancillary facilities, common corridors and exits.
- 3.117 Floor Area Ratio** means the gross area of all floors in a building, measured from the outside of external walls, divided by the area of a lot.
- 3.118 Foot Candles** means a unit of illumination equal to that given by a source of one candela at a distance of one foot (equivalent to one lumen per square foot or 10.764 lux).
- 3.119 Forestry Use** means commercial silviculture and the production of timber or pulp and any Uses associated with a Forestry Use including sawmills, related vehicle and equipment storage, Maintenance Buildings and Yards, as well as retail and wholesale outlets for wood and wood products.
- 3.120 Fraternal Organization** means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.
- 3.121 Frontage** means the length of the property line of a parcel of land that abuts a public street, excluding a lane.
- 3.122 Funeral Establishment** means an Establishment for the preparation of the deceased for burial and for holding funeral services.

- 3.123 Future Street** means a parcel of land, delineated on a subdivision plan as a “Future Street” which is to be used as a street at some point in the future. The title to the land vests in the municipality upon the filing of the subdivision plan. The location of future streets are typically determined by Council through a secondary plan or master planning exercise to open up large tracts of land for development. Although the right of way for a future streets is owned by the municipality, responsibility for installing required municipal services to develop lots off of such a street is borne entirely the developer.
- 3.124 Garage** means an Accessory Building or part of a principal Building Designed and intended to be Used for the storage of motor vehicles.
- 3.125 Garden Centre** means an Establishment for the growing, storage, and/or sale of garden, household, and ornamental plants and trees, and includes supplementary retail sale of fertilizers, garden chemicals, garden implements, and associated products.
- 3.126 Garden Suite** means a temporary, self-contained dwelling unit that is installed in the rear yard of a single-detached dwelling. Garden Suites contain no basement and are occupied by an immediate family member.
- 3.127 Gasoline Bar** means an Establishment where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the general public, and May include the sale of items that are typical to a neighbourhood convenience, and Gas Bar Shall have a corresponding meaning. “Automobile Service Station” and “Drive-thru Business” are separate Uses.
- 3.128 Golf Course** means a public or private area operated for the purpose of playing golf and related activities including a Club house and administration Buildings. The foregoing is specifically limited by excluding permanent residential accommodation of any type except a Dwelling unit or Dwelling units provided for Maintenance or security Personnel.
- 3.129 Government Body** means a municipal, provincial, or federal government agency.
- 3.130 Grade** means the average levels of finished ground adjoining the exterior walls of the Building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.
- .1 Established Grade means the elevation, as fixed by the municipality, of the centre line of the Street at the mid-point of the Front Lot Line.
- 3.131 Green Roof** means an extension of an above grade roof, built on top of a human-made structure, that allows vegetation to grow in a growing medium and which is designed, constructed and maintained by the property owner.
- 3.132 Greenhouse** means a permanent or temporary Structure Used for the growing, storage and sale, or any one of the foregoing, of trees as well as garden, household, and ornamental plants.

- 3.133 *Grocery Store*** means a retail Establishment which primarily sells food as well as other convenience and household goods.
- 3.134 *Gross Floor Area*** means the aggregate of the Floor Areas of a Building above and below Grade, measured between the exterior faces of the exterior walls of the Building as each floor level but excluding car Parking areas, electrical and mechanical rooms, storage racking areas, washrooms, and common corridors within the Building. For the purpose of this definition, the walls of an Inner court Shall be deemed to be exterior walls.
- 3.135 *Gross Leasable Area*** means the total Gross Floor Area in a commercial zone Designed for tenant occupancy and exclusive Use, measured from the centre lines of joint partitions.
- 3.136 *Group Home*** means an Establishment or part thereof of a Building where accommodations are provided and supervisory and/or personal care is provided or is made available for more than three (3) persons to a maximum of six (6) persons with social health, legal, emotional, mental or physical challenged individuals/disabilities, Family care and/or rehabilitation, or individuals who for various reasons cannot reside in their own homes or on their own, and includes an appropriately supervised Establishment sponsored or under the auspices of a government agency or charitable organization registered under the *Federal Income Tax Act*, and an Establishment licensed or approved by an appropriate government agency, but does not include a correctional centre, a Hospital, Community Care Facility or Nursing Home, jail, reformatory, Hotel or Motel or a Hostel, or an Emergency/Transition Facility.
- 3.137 *Habitable Space*** means the space within a Dwelling unit in which living functions are normally carried on, and includes living rooms, dining rooms, kitchens, bathrooms, dens and recreation rooms, storage rooms, as well as workshops and recreation rooms located in a Basement.
- 3.138 *Halo Lighting*** means a type of lighting that is used to illuminate Signs. Halo Lighting occurs when individually mounted opaque raised letters or symbols incorporate a back-lit, recessed light source behind mounted elements so that light source is not directly visible. The placement of halo lighting creates a “halo” or reflective rim effect around the mounted element so that it is visible in the evening or low light conditions.
- 3.139 *Heavy Equipment Repair*** means an Establishment for the repair of vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.
- 3.140 *Height*** means the vertical distance measured from average finished Grade to the highest point of the roof surface in the case of flat roofs, or the ridge of a gable, hip, or gambrel roof, and excluding such Structures as antennas, municipal water storage

tanks, skylights, cupolas, elevator penthouses, mechanical penthouses, solar panels, chimneys, silos, smoke stacks, steeples and spires.

- 3.141 *Heritage Board*** means the Heritage Board of the City.
- 3.142 *Heritage Officer*** means the *Development Officer* and/or other designate as may from time to time be charged by the City with the duty of administering the Heritage Section of this by-law.
- 3.143 *Heritage Resource*** means any building, special historic place, site, or streetscape that is designated under the provisions of this Bylaw (See Appendix A), and any building, structure, or special historic place, and site that is located in the 500 Lot Area.
- 3.144 *Heritage inn*** means an Owner occupied *establishment* on a *designated heritage resource* providing services similar to a *bed and breakfast, tourist home* or *inn*, but with special provision for requisite parking, employment of outside assistance, and other pertinent matters.
- 3.145 *High-Rise Building*** means a building or that portion of a building that is greater than 33.5 metres (109.9 ft) in height.
- 3.146 *Home Occupation*** means an Accessory Use conducted in a portion of a Dwelling unit, or part of an Accessory Building, for pursuits which are compatible with a domestic household, and which are carried on by at least one member of the Family residing in that Dwelling. For the purposes of this By-law, a “Home Occupation” Shall be clearly incidental and secondary to the residential Use of the Dwelling unit.
- 3.147 *Hospital*** means any institution, Building, or other premises or place established for the Maintenance, observation, medical and dental care and supervision, and skilled nursing care of Persons afflicted with or suffering from sickness, disease, injury, or for convalescing or chronically ill Persons. “Medical and Health Office” are separate Uses.
- 3.148 *Hostel*** means a supervised lodging Establishment for travelers.
- 3.149 *Hotel or Motel*** means a commercial Building in a commercial zone providing temporary accommodations for travelers or transients on a year-round basis, and May have one or more public dining rooms and convention meeting rooms.
- 3.150 *Housing Affordability*** means all types of housing whereby the provincial government provides some form of subsidy or rent assistance, including public, non-profit and co-operative housing, as well as rent supplements for people living in private market housing.
- 3.151 *Industrial Premises*** means premises in or from which goods or materials are manufactured, processed, assembled or extracted or premises from which wholesale trade is carried on including warehousing.

3.152 *In-law Suite* means a subordinate Dwelling unit containing no more than two bedrooms located in a main Dwelling, capable of being occupied by no more than two Persons who are members of the immediate Family of the Owner of the main Dwelling. Immediate Family members include:

- .1 Parents of the Owner and their spouse.
- .2 Sons and/or daughters of the Owner and their spouse.
- .3 Grandparents of the Owner and their spouse.
- .4 Brothers and/or sisters of the Owner and their spouse.
- .5 Aunts and/or uncles of the Owner and their spouse.

3.153 *Inn* means a Building occupied by the Owner which is Used to provide overnight accommodations for the traveling public or transients and which is Used by the traveling public or transients for remuneration, and May only include the serving of breakfast meals *Insignia* means a symbol or distinguishing mark of rank, authority, office, or membership of a group; typically a military or government organization.

3.154 *Institutional Use* means any educational or religious use, museum, public library, fire or police station, public works, hospital, nursing home, community building, recreational, cultural or open space use.

3.155 *Intersection* is the area embraced within the prolongation of the lateral curb lines; or, if none, then a) the lateral boundary lines of the roadways of two roadways which join one another at approximately right angles, or b) the area within which vehicles, traveling upon different roadways joining at any other angle, may come in conflict.

3.156 *Junk Yard* means land, Buildings, or Structures where Used metal, rags, paper, or other material are kept, sorted, purchased, or sold, but not a place where Used materials are re-cycled or re-processed into other products or prepared for Use as other products.

3.157 *Kennel* means a Building or Structure where more than two Domestic Animals are kept for commercial breeding or showing, or for commercial boarding with or without veterinary care.

3.158 *Landing* means a platform between flights of stairs or the platform at the head of a flight of stairs.

3.159 *Landscaped Area* means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, pavers, screening or other landscape architectural elements, all of which are designed to enhance the visual amenity of a property or to provide an amenity for common use by the occupants of a Building.

3.160 *Landscaped Open Space* means a portion of a Lot Area which is not Used for Buildings or Structures, Parking Spaces and driveways, and which consists of grass, flower beds,

shrubbery, other forms of natural Landscaping, or a combination thereof, and “Open Space” is a separate definition.

- 3.161 *Landscaping*** means all the elements of a Lot or site Development other than the Building or Buildings, and May include vehicle and pedestrian facilities, grass and other ground cover, flower beds, shrubbery, trees, hedges, berms, fences and retaining Structures, off-Street lighting devices, forms of natural Landscaping, and various combinations thereof.
- 3.162 *Laundromat*** means an Establishment where individual automatic washing machines and clothes dryers are operated by the customer or by an attendant, but does not include a pressure steam boiler, flat work ironing equipment, garment pressing, or shirt finishing equipment.
- 3.163 *Less Intensive*** means a Use of land or a Building that generates less traffic (vehicular and/or pedestrian) to a Lot and/or reduced hours of operation and/or falls in the classification of a lesser zone than the previous Use would have been allowed.
- 3.164 *Level of Service*** of a street is a measure of its vehicular capacity. Six levels of service (A to F) are identified in the Transportation Association of Canada manual. Level of Service "A" is identified as "free" vehicular flow with few conflicts or interruptions. Level of Service "F" is identified as highly congested stop-and-go with many vehicular conflicts and interruptions. The level of service for a particular street is a measure of speed and travel time, traffic interruptions or restrictions, freedom to maneuver, safety, driver comfort and convenience, and economy
- 3.165 *Licensed Premises*** means a permanent use (not subject to a temporary permit) that is licensed to serve alcohol without a meal, and includes any lounge, club, military canteen, micro-brewery, distillery as defined in the Liquor Control Act Regulations R.S.P.E.I. 1988, Cap.L-14 and any subsequent changes to those Regulations.
- 3.166 *Limited Car Rental Services*** means a use that permits a maximum of 10 passenger motor vehicles (including trucks, SUV's, and minivans) not exceeding 1 ton capacity that are rented to the public and may include the cleaning of such vehicles.
- 3.167 *Loading Space*** means an area of land provided and maintained upon the same Lot or Lots upon which the main Use is located and which has adequate access to permit access and egress by means of driveways, aisles, or maneuvering areas, and which is Used for the temporary Parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.
- 3.168 *Logo*** means a symbolic representation not including words, names or numbers unless part of a registered trademark, which is used exclusively to simplify the advertising of a product, business, service or activity and which contains no additional identification, information or message.

3.169 Lot means a parcel of land, whether or not it is shown as a Lot on a filed Plan of Subdivision, which is occupied or to be occupied by one or more Main Buildings, Structures, or Uses, and including all Yards and Landscaped Open Spaces required by this By-law, and is registered in the Prince Edward Island Registry of Deeds for Queens County.

- .1 **Lot Area** means the total area within the Lot Lines of a Lot, excluding the horizontal area of such Lot usually covered by water or marsh, or beyond the rim of a river bank or Watercourse, or between the top and toe of the cliffs or embankment having a slope of thirty degrees or more from the horizontal.
- .2 **Lot Coverage** means the percentage of Lot Area covered by Buildings and Structures above established Grade, but does not include uncovered Swimming Pools, unenclosed Porches, patios, Sundecks, and above-ground pool decks.
- .3 **Lot Depth** means the horizontal distance between the front and Rear Lot Lines.
- .4 **Lot Frontage** means the horizontal distance between the Side Lot Lines measured at the minimum Front Yard Setback for the zone as measured parallel to the Street,
 - a) in the case of a lot with frontage on a curved Street boundary or a cul-de-sac, the Lot Frontage means a line measured along the arc of the curve of the Street for the Lot and established by the minimum Front Yard Setback required for the zone in which said Lot is located,
 - b) the minimum actual frontage of a Lot as measured at the Street shall not be less than 7.5 m (25 ft.), and
 - c) where a lot abuts two streets, frontage means the lesser distance of the two frontages.
- .5 **Lot Line** means any boundary of a Lot or the vertical projection thereof.
- .6 **Corner Lot** means a Lot situated at the corner or intersection of two Streets, of which two adjacent sides abut the intersecting Streets, and contain an angle of not more than one hundred and thirty-five (135) degrees.
- .7 **Flanking Lot** means a lot situated at the intersection of three or more streets.
- .8 **Interior Lot** means a lot abutting only one street.
- .9 **Interior Lot Line** means any lot line that is not coincident with a streetline.
- .10 **Through Lot** means a Lot bounded on two opposite sides by Streets.
- .11 **Front Lot Line** means the lot line abutting a street.

- .12 **Rear Lot Line** means the Lot Line farthest from, or opposite to, the Front Lot Line.
- .13 **Side Lot Line** means a Lot Line other than a front or Rear Lot Line.
- 3.170 Low-rise Building** means a building or that portion of a building that is less than 18.5 metres (60.7 ft) in height.
- 3.171 Lux** means the metric unit for illuminance. One lux equals 0.093 foot candles
- 3.172 Main Building** means the Building in which is carried on the principal purpose or purposes for which the Building Lot is Used, and in the case of Farm Buildings, the Dwelling Shall be the Main Building.
- 3.173 Main Wall** means the exterior front, side, or rear wall of a Building and includes the exterior cladding on the Building, and all structural members essential to the support of a fully or partially enclosed space or roof.
- 3.174 Maintenance** means those actions undertaken to prevent the deterioration of a Building or Structure, but does not include any Alteration, Design change, and/or replacement where such replacement involves a change in Design.
- 3.175 Manufacturing, Heavy** means the production, compounding, processing, crating, bottling, packing, or assembly of raw or pre-processed materials including refining, smelting, forging, stamping, blanking, punch-pressing, or the manufacturing of chemical products.
- 3.176 Manufacturing, Light** means the production, compounding, processing, packaging, crating, bottling, packing, or assembly of raw or pre-processed materials, but excluding refining, smelting, forging, stamping, blanking, punch-pressing, or the manufacturing of chemical products.
- 3.177 Marina** means a public, private, or commercial dockage which provides repair facilities, boating supplies, and provisions for small pleasure craft.
- 3.178 Marine Related Use** means a use that is dependent upon access to the Harbour and includes, without restricting the generality of the foregoing, marinas, tugboat facilities, and boat building and repair facilities.
- 3.179 Massage Parlour** includes any premises or part thereof, by whatever name designated, where a massage, body rub, alcohol rub, bath or similar activity is performed, offered, advertised or solicited by persons in pursuance of a trade, calling, business, or occupation or which is equipped or arranged so as to provide such activity, but does not include any premises or part thereof where treatment is routinely offered or performed for the purpose of medical or therapeutic treatment and is performed or offered by or under the supervision or direction of a physician, licensed naturopath, chiropractor,

osteopath, massage therapist, physiotherapist, or nurse licensed or registered under the laws of the Province of Prince Edward Island.

- 3.180 *Maximum Lot Coverage*** means that percentage of the Lot Area covered by all Buildings above ground level, and Shall not include that portion of such Lot Area which is occupied by a Building or portion thereof which is completely below ground level. For the purpose of this definition, the Maximum Lot Coverage in each zone Shall be deemed to apply only to that portion of such Lot which is located within said zone.
- 3.181 *Medical and Health Office*** means an Establishment Used by qualified medical practitioners and staff for the provision of medical and health care on an outpatient basis. This term refers to such Uses as medical and dental Offices, physiotherapy services, chiropractic services, counseling services, and ancillary Clinic counseling services, but does not include Veterinary Services. Medical and Health Office “Hospital” are separate Uses.
- 3.182 *Menu Box*** means a display box containing the menu or special promotions of a restaurant.
- 3.183 *Message Duration*** means the length of time that a static message is shown on an Electronic Sign.
- 3.184 *Mid-rise Building*** means a building or that portion of a building that is no less than 18.5 (60.7 ft) metres in height and no more than 33.5 metres (109.9 ft) in height.
- 3.185 *Minimum Width*** means the Minimum Width or length required by this By-law of any Main Wall
- 3.186 *Mobile Canteen*** means any trailer or motorized vehicle used for the display, storage, or sale of food and/or non-alcoholic on a temporary basis.
- 3.187 *Municipal Services*** means piped water supply and sewerage services provided by the municipality and May include piped storm drainage.
- 3.188 *Mural*** means a painting or graphic representation that is placed / painted on the face of a building. Murals may be decorative, or serve identification, advertising, or information purposes.
- 3.189 *Neighbourhood character streetscape*** means an existing *streetscape* within one of the 500 Lot Area neighbourhoods that has a quality that is attributed to or defined by one or a combination of the following elements: the height, massing and general size of the existing built forms; the existing front and side-yard building setbacks; the existing pattern, rhythm and size of the lot fabric adjacent to the public highway, street or road; or, the location and extent of landscaped open space on the lots. ***Neighbouring***

buildings or structures means the existing *buildings* or *structures* fronting upon the same side of the street or streets and adjacent or most proximate to a proposed *development* .

3.190 Neighbourhood Convenience Store means a small Retail Store located in a convenient site in a neighbourhood, that May contain a residential suite, and that serves the daily or occasional needs of residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, delicatessen products, sundries, tobacco, incidental hardware, newspapers, magazines, and videos.

3.191 Notice means the procedures under the “Minor Variance” section of this By-law unless otherwise stated in this By-law.

3.192 Number of Vehicle trips per day means the number of one way trips per day anticipated on a street.

3.193 Nursing Home means a facility licensed as such pursuant to the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13 and amendments thereto for four (4) or more Persons who are:

- .1 not related by blood or marriage to the operator of the home; and
- .2 who by reason of age, infirmity, physical or mental disability, are not fully able to care for themselves. “Hospital” is a separate Use.

3.194 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 the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other materials.

3.195 Office means an Establishment to accommodate professional, managerial, clerical services, consulting services, the administrative needs of business, government, and other organizations, or the sale of services such as travel agents and insurance brokers.

- .1 **Government Office** means a parcel of land or a Building or a portion thereof Used by the public (federal, Provincial or municipal) sector government(s) including crown corporations and government agencies to conduct public administration or a Person funded by a government to conduct programs or projects on behalf of the government(s).

3.196 Open Space means land which is inappropriate for Development by reason of distinctive natural or anthropological characteristics, or because of inherent or natural hazards such as susceptibility to flood or erosion which, if developed, May cause property damage or loss of life, and “Landscaped Open Space” is a separate definition.

- 3.197 *Outdoor Display Court*** means an area of land where goods are displayed which are, or which are similar to, other goods which are available for sale to the general public from a retail outlet located on the same Lot or on another Lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, Swimming Pools, decorative fountains, as well as prefabricated mini or Modular Homes and cottages.
- 3.198 *Outdoor Storage*** means the storage of merchandise, goods, inventory, materials, equipment, or other items by locating them on a Lot exterior to a Building.
- 3.199 *Owner*** means:
- .1 a Person who legally owns a Lot and is a registered land Owner;
 - .2 a tenant, lessee, or other Person in possession or occupancy of the subject Lot or Building; or
 - .3 an executor, administrator, trustee, agent, or other Person managing the subject Lot or Building for the registered land Owner.
- 3.200 *Parapet*** means a low protective wall or architectural feature along the edge of a roof or balcony that extends above the actual height of said roof or balcony.
- 3.201 *Park*** means an area of land set aside for public recreational purposes and May include playgrounds, walkways, tennis courts, lawn bowling areas, athletic fields, Swimming Pools, areas Designed for passive enjoyment and similar Uses, and includes the Buildings and Structures in connection therewith.
- 3.202 *Parking Garage*** means a covered or enclosed Establishment containing communal Parking Spaces Used for the Parking of vehicles.
- 3.203 *Parking Lot*** means an open area, other than a Street, containing Parking Spaces for two or more motor vehicles which is available for public Use or as an accommodation for clients, customers, or residents, and which has adjacent access to permit access or egress of motor vehicles to a Street or highway by means of driveways, aisles, or maneuvering areas where no Parking or storage of motor vehicles is permitted.
- 3.204 *Parking Space*** means a space Designed for the temporary Parking or storage of an automobile, and which has adequate space to permit access and egress to and from a Street or highway by means of a driveway, aisle, or maneuvering area, and a Parking Space Designed for the Parking of a trailer truck, bus, motor home or other large vehicle Shall, except for its necessary larger dimension, have a corresponding meaning.
- 3.205 *Party Wall*** means a wall Erected at or upon a line separating two units, each of which is, or is capable of being, held in separate legal Ownership.

- 3.206 *Pedway*** means an elevated, enclosed pedestrian walkway between Buildings, and a Pedway May, in some instances, cross a public Street or right-of-way.
- 3.207 *Permitted Use*** means those Uses of land, Building, and Structures which are permitted as a matter or right subject only to the requirements of this and other City By-laws.
- 3.208 *Person*** means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee, or agent, as well as the heirs, executors, or other legal representatives of a Person to whom the context can apply according to law.
- 3.209 *Personal Service Shop*** means a Building or part of a Building in which Persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of individuals. Without limiting the generality of the foregoing, this definition May include such Establishments as barber shops, hairdressing shops, beauty parlours, shoe repair and shoe shining, Laundromats, as well as tailoring, laundry, and dry cleaning depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.
- 3.210 *Phase*** means one of two or more components of a Development project that represents work undertaken or proposed to be undertaken in a specified period of time.
- 3.211 *Place of Amusement*** means a Building, room, or area which offers facilities for playing any game of chance or any game of mixed chance and skill for the amusement of the public.
- 3.212 *Place of Worship*** means lands or Buildings Used for worship by an association of Persons and May include such Accessory Uses as an assembly hall, a residence for the head of congregation and/or caretaker, a nursery school, and a school or religious education.
- 3.213 *Plan of Subdivision*** means a plan or survey prepared by a registered land surveyor licensed to practice on PEI for the purpose of effecting the Subdivision of a parcel or parcels of land.
- 3.214 *Planning Act*** means the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 of the Province of Prince Edward Island.
- 3.215 *Planning Board*** means the standing committee of Councillors and lay people as created in Section 2 of this By-law and appointed by the Mayor and Council pursuant to the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 and the *Charlottetown Area Municipalities Act* 1994, Cap. C-4.1.
- 3.216 *Playground*** means an area of outdoor landscaped open space equipped with play equipment such as slides, swings or climbing structures or other recreational equipment.

- 3.217 *Porch*** means a roofed open Structure attached to the exterior of a Building with walls that are open and unenclosed to the extent of at least 50 percent, except by insect Screening between floor and ceiling. This definition includes verandahs.
- 3.218 *Portable Garage*** means a collapsible Structure covered with plastic or fabric, Used for the purpose of temporarily storing vehicles and/or covering of driveways.
- 3.219 *Principal Use*** means the primary purpose for which a Lot, Building, Structure, or Dwelling Unit is Used.
- 3.220 *Printing Establishment*** means an Establishment Used for blueprinting, engraving, stereotyping, electro-typing, printing, or typesetting, and May include a duplicating shop or letter shop.
- 3.221 *Private Lane*** means a right-of-way which has not been dedicated to the City, and which provides access to and from a Lot and/or Parking or Loading Space to and from a public Street.
- 3.222 *Professional Architect*** means a member of the Association of Professional Architects of Prince Edward Island and/or licensed to practice in that Association.
- 3.223 *Professional Engineer*** means a member of the Association of Professional Engineers of Prince Edward Island and/or licensed to practice in that Association.
- 3.224 *Professional Planner*** means a Person eligible for full member or a provisional member of the Canadian Institute of Planners.
- 3.225 *Public/Institutional Building*** means any building in which small to medium scale community, institutional, educational or government uses or activities are contained or take place that serve the neighbourhood or community.
- 3.226 *Private Street (Shared Driveway)*** means a roadway within private property that is privately owned, maintained and used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons. Their main function is to provide access to the private land. Private roads are not designed to the same standards as public streets. Municipal services may be provided (when development approval is sought) if they satisfy all servicing standards as prescribed by the municipality.
- 3.227 *Proprietor*** means the individual or individuals who own and are carrying on the business being operated as a “Home Occupation.”
- 3.228 *Public Park*** means a Park owned or controlled by the City, or a public authority, board, or commission established under any By-law of the City or statute of the Province of Prince Edward Island.

- 3.229 Public Highway, Street, or Road** means the whole and entire right-of-way of every highway, Street, or Road allowance vested in the Government of Canada, Province of Prince Edward Island, or the City.
- 3.230 Public Street** means a main road which is owned and maintained by the Municipal or provincial government and used as a highway, arterial, collector or local street in accordance with servicing standards prescribed by the municipality, and available to the public for pedestrian use or vehicular transportation.
- 3.231 Recycling Depot** means a Building, Structure, or land which is Used for the deposit, collection, and handling of waste paper, rags, tires, bottles, or other materials which are to be delivered wholesale to other operations for reclamation, processing, or salvage, but Shall not include any such salvage or processing on the same Lot or within any Building Used as a Recycling Depot. “Salvage or Waste Disposal Facility” is a separate Use.
- 3.232 Recreation Use** means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses.
- 3.233 Redevelopment** means the removal of buildings or structures from land and/or the construction or erection of other buildings or Structures thereon.
- 3.234 Renovation** means any change in a non-structural component of a Building or Structure and does not include an Alteration.
- 3.235 Research and Advanced Technology Facility** means a use where the scientific research, investigation, testing or experimentation takes place within buildings for the development of advanced information technology, prototypes, or manufacturing of advanced technology products and includes a wide variety of secondary uses relating to the operation, including technical consulting, professional and legal services, laboratory, health and wellness, food services, printing services, meeting, conference, training, boardrooms and other similar facilities.
- 3.236 Restore** means any actions undertaken which return a Building or Structure to its condition and appearance at a specific period of time
- 3.237 Retail Store** means an Establishment for the retail sale or rental of merchandise, including hardware, from within an enclosed Building. This definition May include supplementary postal services, film processing, repair or merchandise sold or rented by the store, and food consumption areas not exceeding 20 percent of the gross leaseable area.

- 3.238 Retail Warehouse** means a Building or Structure, or part thereof, where specific commodities are stored and sold. This definition includes home furnishings and products such as furniture and garden furniture, appliances, electrical fixtures, carpets, floor coverings, Building supplies, plumbing supplies, decorating supplies, catalogue sales, and sporting goods.
- 3.239 Right of way** means the entire area measured between opposite sidelines of a right of way designated for highway street or road use. It represents the area enclosed with an easement or a fee acquisition, designated for road use which is available for road improvements such as curbs and gutters, sidewalk, roadbed pavement, bike facilities, pathways, grading, drainage facilities, utilities and other underground and overhead improvements.
- 3.240 Right-of-way Easement** means an Easement for right-of-way and access, extending to and having access to a public Street or highway, and where not totally located within the area of land proposed to be subdivided, the Right-of-way Easement Shall be clearly granted by deed registered in the Registry of Deeds of the Province of Prince Edward Island.
- 3.241 Salvage or Waste Disposal Facility** means an Establishment for purchasing, receiving, re-sale, or transporting of spent materials or substances which May generate a detrimental impact or nuisance. This definition refers to Uses such as salvage and scrap Yards, garbage container services, and effluent tanker services. “Recycling Depot” is a separate Use.
- 3.242 Satellite Dish Antenna** means an antenna and attendant processing equipment for the reception of electronic Signals from satellites.
- 3.243 School Premises** means a building or property under the management or operation of an education authority that is used in whole or in part for the instruction of students;
- 3.244 Screening** means the Use of Landscaping, fences, or berms to visually and/or audibly separate areas or Uses.
- 3.245 Secondary Plan** means a plan prepared in detail taking into consideration the physical, social and economic benefits of development for an area and outlining a development plan to achieve the long-term objectives and policies of the City for this area. This plan should guide all future types of development and outline any anticipated expenditures of the City of Charlottetown for this area.
- 3.246 Service Repair Establishment** means a Building, or part thereof, for the servicing or repairing of articles, goods, or materials, but Shall not include manufacturing or motor vehicle repair.

3.247 Servicing standards are stipulated in this Bylaw to provide for the regulation of right of way improvements to be dedicated to the public and accepted by the municipality as a result of the land development process. The Standards are intended to keep the operating cost of maintaining public facilities at a reasonable level and at the same time provide for the service and protection of the public.

3.248 Setback means the minimum average horizontal distance between the Lot boundary and the nearest point of the exterior wall of the Building or a Structure, whichever is the lesser, or another part of the Building or Structure if specified elsewhere in this By-law. At no time Shall a measurement of less than 1 m (3.3 ft.) be used to calculate the average.

3.249 Shopping Centre means:

- .1 A commercial Development containing three (3) or more retail business Establishments conceived and Designed as a single Structure;
- .2 A comprehensively planned commercial Development project of two or more Structures and multiple retail businesses with appropriate relationships between the Buildings, activities, Open Spaces, Parking areas, loading areas, driveways, other shared facilities, public areas, and adjoining Streets, and held in single or multiple Ownership; or
- .3 A retail site that features the physical linking together of adjoining commercial parcels or Structures by suitable agreements, site amenities and the like.

3.250 Shoreline means, for the purposes of this By-law, the line that describes the ordinary high water mark of any coastline, shore, Watercourse or wetland area.

3.251 Sign means any Structure, device, light, painting, or other representation or natural object which is Used to identify, advertise, or attract attention to any object, place, activity, Person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business; or which displays or includes any letter, work, model, Banner, flag, pennant, Insignia, device, or representation Used as an announcement, direction, or advertisement, and which is intended to be seen from on or off the premises or from a Parking Lot, excepting any Signs which are affixed to the inside of a window or glass door.

- .1 **Abandoned Sign** means a Sign or Signs Structure which has no advertisement and/or name or has missing parts or advertises a product or service which Use is no longer associated with the Lot or Building for a period of 90 days.
- .2 **Animated Sign** means any Sign that incorporates Animation or video, or contains a Sign Face that moves in whole or in part. Animated Signs do not include clocks, date or temperature displays, or Electronic Signs that display changing static messages.

- .3 **Awning / Canopy Sign** means a Sign that is painted or affixed flat to the surface of an Awning / Canopy, and does not extend beyond the limits of said Awning / Canopy.
- .4 **Banner** means a temporary Sign that is composed of lightweight, non-rigid material such as cloth, canvas, nylon, or similar fabric, either enclosed or not enclosed by a rigid frame. Banners shall not include Theatre Show Posters.
- .5 **Billboard Sign** means a large ground Sign or fascia wall Sign which is not related to any business or Use located on the Lot or premises.
- .6 **Building Identification Sign** a Sign that identifies the name of the building and/or year that it was constructed. This type of Sign typically includes text carved into stone at the top of the building, or incorporating text into the building's construction materials at the time the building was originally constructed.
- .7 **Construction Sign** means a Sign indicating that a building project (on the same lot) is about to be undertaken, or is currently in progress and may display the name and contact information of the project, owner, contractor, consultant, and/or architect affiliated with the construction.
- .8 **Directional Sign** means a type of Free Standing Sign that directs people or traffic, or indicates the direction or route from the Sign to a Business Premise(s), entryway, place, or event upon which the Sign is erected. Directional Signs shall not contain advertising aside from one corporate logo.
- .9 **Election Sign** means a Sign erected to support the election of a particular candidate or the support for a particular cause at a municipal, provincial or federal election.
- .10 **Electronic Sign** means an electronic Sign that automatically displays information / messages to the public by way of a pre-arranged sequence(s) of letters, numbers, words, or images that are generated by the illumination of tubes, bulbs, LEDs, or similar electronically controlled technology. Each individual message and/or image displayed on an Electronic Sign shall be static in nature, and shall not incorporate animation, videos, moving effects, or changes in intensity of illumination.
- .11 **Fascia Sign** means a Sign attached, painted on, applied to or Erected horizontally parallel against the face of a Building for the purpose of identification of a business or occupancy.
- .12 **Feather Banner** means a temporary lightweight Sign that is comprised of a partial metal or plastic frame, pole, or bottom, which is attached to the ground, and upon which a cloth, canvass, nylon, or similar fabric Sign Face is attached. Feather

Banners may also be referred to as a “flutter”, “teardrop”, “flying”, “wing” or “blade” Banners.

- .13 **Flashing Sign** means a Sign which includes or reflects an intermittent, flashing or oscillating light source or which includes the illusion of intermittent, flashing, or oscillation light by means of animation, externally mounted light sources, moving lights, beacons, etc.
- .14 **Free Standing Sign** means a Sign supported independently of a building which is permanent affixed to the ground. A Free Standing Sign may advertise all Business Premises that are located on the subject property at the discretion of the property owner.
- .15 **Illuminated Sign** means a Sign which 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.
- .16 **Inflatable Sign** means a Sign or advertising device designed to be airborne and tethered to the ground or any other structure and shall include balloons and any other inflatable advertising device.
- .17 **Menu Sign** means a Sign erected as part of a drive-through facility, and is used to display and order products and services available at that location.
- .18 **Mobile Sign** means an outdoor advertising Structure placed for the purpose of promotion of a business or product and which May be fixed to wheeled Structure and Designed to be moveable either by towing or easily loaded to a vehicle for transport.
- .19 **Non-conforming Sign** means a Sign that is lawfully in existence at the effective date of this Bylaw, but does not comply with the provisions hereto.
- .20 **Off-premise Sign** means a Sign which advertises or identifies a business, person, service, or product that is not available at the property upon which the Sign is located. Off-premise Signs do not include approved Sandwich Board Signs or Temporary Signs for Special Events.
- .21 **Projecting Sign** means a Sign which projects from and extends beyond a wall and is usually hung at right angles to the face of a Building for the purpose of promotion of a business or product.
- .22 **Reader Board** means a Sign on which the message can be changed manually through the use of attachable letters, numbers, and pictorial panels.
- .23 **Real Estate Sign** means a Sign for the purpose of advertising the sale, rental, or leasing of a Building or Lot.

- .24 **Roof Sign** means any Sign Erected or painted upon, against, or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.
- .25 **Rotating Sign** means any Sign or portion of a Sign which moves in a revolving or turning manner.
- .26 **Sandwich Board Sign** means an “A” shaped Sign which is constructed of two panels that are connected at one end, placed on the ground, and capable of being readily taken on and off of a site.
- .27 **Sequential Sign** means two or more Signs used in series to convey a cohesive message related to the subject matter, each Sign message being dependent upon the other.
- .28 **Special Event Sign** means a sign not exceeding 32 square feet and erected for a period not to exceed 21 days and is placed for the purpose of promoting Special Events and Festivals within the City of Charlottetown.
- .29 **Vehicle Sign** means a Sign attached to, painted on or mounted on a parked vehicle or trailer not normally used in the daily activity of the business, with the Sign visible from a public location so as to act as a Sign for the advertisement of products or to direct people to a business or activity.
- .30 **Window Sign** means painted, gold leaf, or otherwise affixed Signage on display windows or door windows for the purpose of identifying a business name or proprietor’s name.
- 3.252 Sign Area** means the total area within the outermost frame or edge of a Sign. Where a Sign is not bounded by a frame or edge, or the Sign is composed of individual letters, numbers, or symbols, Sign Area means the area contained within the smallest square or rectangle that encloses the grouping of letters, numbers, or symbols that conveys a message.
- 3.253 Sign Band** means the flat, horizontal area that is integrated into the architectural detailing of a façade, usually immediately above the storefront but below the second story windows, where fascia Signs are historically erected.
- 3.254 Sign Face** means a side of a Sign where an advertisement, message, or graphics may be placed.
- 3.255 Site Triangle Area** means the triangular shaped area which is that part of and within a corner lot measured from the intersection of the projected curb line of two intersecting streets 6m (19.7ft) along each curb line and within a straight line joining the two points within which visibility from any street or driveway shall be unobstructed above a height of 1 metre (3.3ft).
- 3.256 Special Event** means an event such as a festival or large sporting event which is organized to promote tourism within the City of Charlottetown and does not include such events as sport tournaments, charitable functions, rallies, promotional advertising for private functions or lotteries.

- 3.257 Square Block** means the geographic land mass contained by the street configuration which comprises an entire City block. Typically, a Square Block would be encompassed by four (4) City streets and contain a number of separate properties. In some instances, the Square Block may be elongated or distorted due to the particular City street configurations. This definition is distinct from the definition of “Block”.
- 3.258 Standards** means the Standards of Development defined in this By-law.
- 3.259 Stepback** means a specified horizontal recess from the top of a streetwall, which shall be unobstructed from the streetwall to the sky except as otherwise specified.
- 3.260 Storey** means that portion of a Building which is situated between the top of any floor and the top of the next above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it provided that any portion of a Building partly below Grade level Shall not be deemed a Storey unless its ceiling is at least six feet above Grade and provided that any portion of a Storey exceeding fourteen feet in Height Shall be deemed an additional Storey for each fourteen feet or fraction thereof.
- 3.261 Street** includes roads and highways. The terms street, road, and highway are used interchangeably and refer to the rights-of-way used for vehicular traffic.
- 3.262 Street Line** means the division line between a Street, Road, highway, avenue, lane or court providing the primary access to any Lot and abutting along its length the required Lot Frontage.
- 3.263 Streetline grade** means the elevation of a Streetline at a point that is perpendicular to the horizontal midpoint of the Streetwall. Separate Streetline grades shall be determined for each Streetwall segment that is greater than 38 metres (124.7 ft) in width or part thereof.
- 3.264 Street-Oriented Commercial Buildings or Storefront Units** means individual buildings or multiple store-front units within buildings which are located close to the street-edge or sidewalk and that contain commercial uses at grade with direct access from the street or sidewalk. The buildings generally form a fairly continuous street-wall, broken by streets and spaces between buildings, but do not generally provide for off-street parking between the front wall of the buildings and the street.
- 3.265 Streetscape** means the Buildings, Street furniture, Open Space, Parks, Street surface, Signs, trees, water bodies or streams, and other features that add to or make up the physical features of a City Street Block or portion thereof, and Streetscape also means, when applied to an individual property, the overall visual appearance of that individual property from the Street.
- 3.266 Streetwall** means the wall of a Building or portion of a wall facing a Streetline that is below the height of a specified Stepback or angular plane, which does not include minor recesses for elements such as doorways or intrusions such as bay windows.

- 3.267 *Streetwall Height*** means the vertical distance between the top of the Streetwall and the Streetline grade, extending across the width of the Streetwall.
- 3.268 *Streetwall Setback*** means the distance between the Streetwall and the Streetline.
- 3.269 *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. This term includes fences exceeding 1.8 m (5.9 ft.) in Height and wall Signs.
- 3.270 *Subdivider*** means the Owner or an agent of the Owner of a parcel of land who makes application to the City for approval to subdivide the parcel of land.
- 3.271 *Subdivision*** means the division of a parcel of land into two or more Lots or parcels for the purpose of Building Development or transfer of Ownership or, if a new Street is involved, any division of a parcel of land provided that the division of land or a boundary line agreement which May be ordered or approved by a court, or effected by testamentary or intestate provisions, Shall not be deemed a Subdivision. This term includes re-Subdivision and, when appropriate to the context, Shall relate to the process of subdividing or to the land which is subdivided.
- 3.272 *Sundeck*** means a roofless, unenclosed Structure which May or May not have fencing or handrails.
- 3.273 *Supermarket*** means a store in which various kinds of foodstuffs are offered or kept for retail sale including fresh, frozen, prepared, and preserved groceries, meats, poultry, seafood, fruit, beverages, garden produce, dairy produce, and bakery products; and as an Accessory Use, goods or merchandise May be kept for retail sale including hardware, patent medicines, toilet preparations, Personal hygiene products, household supplies, and magazines.
- 3.274 *Swimming Pool*** means an artificial body of water intended to be a permanent Structure or is surrounded by a permanent structure or deck/patio, which is Used for swimming or wading purposes and which has a possible water depth greater than 0.6 m.
- 3.275 *Taxi Stand*** means a Building, Structure, or land which is Used for dispatching taxis and/or loading and unloading passengers and freight on and off of taxis.
- 3.276 *Temporary Posters*** means a temporary lightweight poster, which is erected on the building wall of specified properties. Temporary Posters fall into one of two categories:
- .1 ***Theatre Show Posters*** means a poster that is erected on a Theatre in the 500 Lot Area and advertises a live theatrical performance, event, or series of events that are being held at said Theatre.
 - .2 ***Sporting Event Posters***: means a poster that is erected on the Civic Centre & Trade Centre (PID 365809 & 765743) which advertises sport team(s) that play at, or live sporting events, games, or tournaments that are held at said properties.

- 3.277 Temporary Use** means a Use and/or Structure permitted to exist for a limited amount of time in accordance with the provisions of this By-law.
- 3.278 Theatre** means a Building, or part of a Building, devoted to showing motion pictures, or for dramatic, musical, or live performances.
- 3.279 Traditional Materials** means, but is not limited to, brick, slate, stone, wood, but excludes those materials not commonly Used prior to 1900.
- 3.280 Traffic impact studies** may be required to assess the potential traffic impacts of a land development project. Official Plan and Zoning and Development policies for the preparation of traffic impact studies establish thresholds for when a traffic study is needed and when a traffic impact occurs. In addition to the criteria established within these policies, a focused traffic impact study may be required to address local and/or residential street issues.
- 3.281 Transition Period** means the interval between successive static messages on an Electronic Sign.
- 3.282 Transport Terminal** means the Use of land, Buildings, or Structures for the purpose of storing, servicing, repairing, or loading of aircraft, trucks, transport trailers and/or buses.
- 3.283 Transportation Service** means an Establishment for aircraft and/or vehicles to transport people, documents, and packages. This term refers to Uses such as aircraft carriers, bus lines, transit services, taxicab, limousine services, and courier services. “Retail Warehouse”, “Warehouse and Distribution Centre” and “Wholesale Establishment” are separate Uses.
- 3.284 Triplex Dwelling** means a separate building divided horizontally into lower, middle or upper separate dwelling units each of which has an independent entrance, either directly or through a common vestibule.
- 3.285 Underground Parking** means on-site parking contained within or under the footprint of a main Building or Structure on a Lot.
- 3.286 Undeveloped Street** means a right of way that is either owned by the municipality or privately owned and has either historically existed for a long period of time (over 20 years) providing some level of public access or was delineated on a subdivision plan in the past but was never serviced to city standards.
- 3.287 Use** means the purpose for which land, Buildings, or Structures, or any combination thereof, is Designed, arranged, Erected, occupied, or maintained.
- 3.288 Utility Service** means the component of a water, sewage, storm water or solid waste disposal, cable television, electrical power, or telecommunication system.

- 3.289 *Veterinary Services*** means the provision of services by veterinarians for the purposes of consultation, diagnosis, and treatment of animals and the necessary boarding thereof, and May also include the retailing of pet supplies.
- 3.290 *Video Store*** means a business for the rental or sale of video programs and video cassette or disc players as well as related accessories.
- 3.291 *View Plane*** means the line of sight from one or more vantage points that will permit a viewer to obtain a reasonably unobstructed view of a specific scene or location.
- 3.292 *Warehouse and/or Distribution Centre*** means an Establishment Used primarily for the storage, wholesaling, and distribution of goods and materials. This definition also includes self-storage units.
- 3.293 *Watercourse*** means any lake, river, stream, ocean, or other body of natural water.
- 3.294 *Wholesale Establishment*** means a Building in which commodities in quantity are offered for sale chiefly to industrial, institutional, and commercial Users or to retailers or other merchants mainly for re-sale or business Use.
- 3.295 *Windmill*** means a device which converts energy to mechanical or electrical energy.
- 3.296 *Windmill Height*** means the height of a windmill which Shall be measured from the base of the tower to the top of the rotor blade when it is positioned vertically.
- 3.297 *Windmill Rotor*** means that portion of a windmill, i.e. blades, associated hub and shaft, intended to be moved or activated by the wind.
- 3.298 *Windmill Tower*** means the supporting structure on which the rotor and accessory equipment are mounted.
- 3.299 *Yard*** means an open, uncovered space on a Lot appurtenant to a Building, except a court bounded on two or more sides by Buildings. If the Lots are irregular shape or the Building is irregular, the average distance May be used.
- .1 ***Flankage Yard*** means the Side Yard of a Corner Lot, which Side Yard abuts a Street or proposed Street shown on an approved survey plan. Required Flankage Yard or minimum Flankage Yard means the minimum Side Yard required by this By-law where such Yard abuts a Street.
- .2 ***Front Yard*** means a Yard extending across the full width of a Lot and between the Front Lot Line and the Main Wall of any Main Building or Structure on the Lot. Required Front Yard or minimum Front Yard means the minimum depth required by this By-law of a Front Yard extending across the full width of a Lot and between the Front Lot Line and the Main Wall of any Building or Structure on the Lot.

- .3 **Rear Yard** means a Yard extending across the full width of a Lot and between the Rear Lot Line and Main Wall of any Main Building or Structure on the Lot. Required Rear Yard or minimum Rear Yard means the minimum depth required by this By-law of a Rear Yard on a Lot between a Rear Lot Line and the Main Wall of any Building or Structure on the Lot.

- .4 **Side Yard** means a Yard extending between the Front Yard and the Rear Yard and between a Side Lot Line and the Main Wall of any Building on the Lot. Required Side Yard or minimum Side Yard means the minimum breadth required by this By-law of a Side Yard on a Lot between a Side Yard line and the Main Wall of any Building or Structure on the Lot.

SECTION 4 - GENERAL PROVISIONS

GENERAL PROVISIONS FOR BUILDINGS AND STRUCTURES

4.1 ACCESSORY BUILDINGS

- .1 No accessory building or structure shall be used for human habitation except as otherwise permitted in this By-law;
- .2 The following accessory buildings are permitted in a residential zone or on a residential lot:

Lot Area	Max # of Buildings	Max Gross Floor Area	Max Height
0 to 0.249 Acres (0 to 10,889sq.ft)	Two	10% of the lot area, up to a maximum of 60.39sq.m (650sq.ft)	4.6m (15.1ft)
0.25 to 0.499 Acres (10,890sq.ft to 21,779sq.ft)	Two	69.68sq.m (750sq.ft)	5.33m (17.5ft)
0.5 to 0.99 Acres (21,780sq.ft to 43,559sq.ft)	Two	78.97sq.m (850sq.ft)	6.1m (20ft)
1 Acre and Above (43,560sq.ft and Above)	Three	111.48sq.m (1,200sq.ft); however, no one building shall exceed 78.97sq.m (850sq.ft)	6.1m (20ft)

- .3 Properties with a minimum lot area of 1 Acre (43,560sq.ft) may contain one Garden Suite, in accordance with Section 4.15, and one accessory building provided that the accessory building does not exceed 78.97sq.m (850sq.ft) in area and 6.1m (20ft) in height;
- .4 *Accessory buildings and structures* may be erected in any zone but the following requirements shall apply in all zones:
 - a. maximum *building* size: 10% of *lot area* or no larger than the main *building* whichever is smaller in all zones, except residential zones where the subsection 2 applies for size;
 - b. minimum distance to the *side lot line*: 0.76 m (2.5 ft.), or that required by this by-law for a *corner lot*;

- c. minimum distance to the *rear lot line*: 0.76 m (2.5 ft.);
 - d. maximum *building height*: 4.6 m (15.1 ft.)
 - e. location: *rear or side yard*, provided that an *accessory building* is located no closer to the *front lot line* than the principal *building* or the *side yard*, or on a *corner lot* no closer than the *front yard setback* requirements and no closer than the main *building* on an adjoining lot;
 - f. minimum distance to a main *building*: 1.22 m (4 ft.) to any projections, eaves, decks, etc.
- .2 Additional requirements for Garages, Carports, toll booths and security gates Shall be as follows:
- a. unless otherwise specified in this By-law, Garages or Carports May be centred on the mutual Lot Line if constructed as one Building;
 - b. boat houses and boat docks May be built to the Shoreline;
 - c. toll booths May be Erected for a Parking Lot at the entrance to the Lot; and
 - d. security booths May be Erected at the entrance to a service Lot.
 - e. plastic garages and/or structures Shall be prohibited in all zones for use as storage and for vehicles.

4.2 BUILDING HEIGHT

1. Subject to the specific provisions of the zones set out in this by-law, the maximum *building height* in the City shall be 12 m (39.4 ft.), and any proposal for *development* beyond this threshold shall be subject to the recommendation of the Planning Board, and upon such terms and conditions as may be determined by the Council after considering building material, the architectural harmony of the *building* with its surroundings, *streetscape*, bulk and scale of the *building* in the neighbourhood, and parking.
2. If the proposal for *development* is beyond the said height threshold, Council may set out terms of reference for and require the *developer* to present an impact statement pertaining to the proposed *height* of the *building* in order to make its determination.
3. Height is the vertical distance measured from average finished *grade* to the highest point of the roof surface in the case of flat roofs, or the ridge of a gable, hip, or gambrel roof, and excluding such *structures* as antennas, municipal water storage tanks, skylights, cupolas, elevator penthouses, mechanical penthouses, solar panels, chimneys, silos, smoke stacks, steeples and spires.

4. The maximum *height* of a *structure* housing mechanical equipment on a roof in industrial, commercial and institutional zones may be increased by the *Development Officer* provided:
 - a. the height of the *structure* does not exceed 3 meters in *height* above the *height* permitted in the applicable zone and the *structure* stepped back from the edge of the roof by 3 meters as determined by a projections-upwards of the walls; and
 - b. the *Development Officer* determines the additional *height* will not be out of character to the adjoining *buildings* or the *streetscape*;
 - c. If the *Development Officer* is uncertain whether or not the additional *height* will be out of character to the adjoining *buildings* or the *streetscape* and a variance will be required as per Section 4.30 or 4.31.

4.3 DECKS, AND OTHER PROJECTIONS INTO YARDS

Except for Accessory Buildings, every part of any Required Yard as defined in this By-law Shall be open and unobstructed by any Structure from the ground to the sky with the exception of Structures listed in the following Table which Shall be permitted to project into the Required Yards for the specified distances indicated:

STRUCTURE	REQUIRED YARD IN WHICH PROJECTION IS PERMITTED	MAXIMUM PROJECTION INTO REQUIRED YARD	MINIMUM DISTANCE FROM LOT LINE
Canopies, awnings	Any Yard except Side Yard	1.0 m (3.3 ft.)	0.3 m (1.0 ft.)
Cornices, eaves, gutters, chimneys, pilasters, and footings	Any Yard	0.6 m (2.0 ft.)	0.3 m (1.0 ft.)
Balconies	Side and Rear Yard	1.2 m (3.9 ft.)	1.0 m (3.3 ft.)
Bay windows	Any Yard	0.6 m (2.0 ft.)	1.0 m (3.3 ft.)
Disabled ramps	Any Yard	1.5 m (4.9 ft.)	1.0 m (3.3 ft.)
Exterior staircase (landing and stairs connecting to the First Storey)	Any Yard	1.83m (6 ft)	6.0 m (19.7 ft) from the Front Lot Line and 1.2 m (3.9 ft.) from any other Lot Line
Exterior staircase (fire	Any Yard except	1.2 m (3.9 ft.)	1.2 m (3.9 ft.) from any

escapes and any stairs extending beyond the First Storey)	Front Yard		Lot Line
Patio/Decks above grade	Rear and Side Yard		Same as minimum Side Yard for Main Building, except in R1L, R1S, R2 and R2S where the Setback is 4.6 m (15.1 ft.) from the Rear Lot Line
Patio/Decks at grade	Rear and Side Yard		1.0 m (3.3 ft.) from the Rear or Side Lot Line
Patio/Decks at grade or less than 1.0 m (3.3 ft) high	Front Yard	1.83m (6 ft)	2.0 m (6.6 ft) from the Front Lot Line
Porch/Verandahs	Front or Rear Yard	1.5 m (4.9 ft.)	1.0 m (3.3 ft.)

** "At Grade" for a deck is 0.3 m (1.0 ft.) or less above grade

4.4 EXISTING BUILDINGS OR STRUCTURES

Where a Building or Structure has been Erected on or before the effective date of this By-law, on a Lot having less than the minimum frontage area or depth, or having less than the minimum Setback or Side Yard or Rear Yard required by this By-law, the Building or Structure May be enlarged, reconstructed, repaired, renovated, or demolished provided that:

- .1 The enlargement, reconstruction, repair, renovation, or new Building does not further reduce the existing yard setbacks that does not conform to this By-law, and in the case of a demolition, a new Building is constructed within two (2) years; and
- .2 All other applicable provisions of this By-law are satisfied.

4.5 FENCES

1. Notwithstanding any other provision of this by-law, subject to this section, a fence may be placed or located in a *yard*.
2. Except for a security fence of chain link construction in a commercial, industrial, or institutional zone, no fence located in the *front or flankage yard setback* area may exceed in *height*.

- a) 1.83 m (6.0 ft.) in a residential zone;
- b) 1.20 m (3.9 ft) in the 500 Lot Area (excluding the Port Zone); or
- c) 2.50 m (8.2 ft.) in any other zone;

and in any sight triangle area of a *corner lot*, fence *height* and construction materials shall be subject to approval by the City.

- 3. Except for an active *farm*, no fence in a residential zone may be electrified or incorporate barbed wire or other dangerous material in its construction.

4.6 GROUPED DWELLINGS

- .1 The Development Officer May issue a permit for grouped Dwellings on a single Lot in all zones where residential development is permitted except for R-1L, R-1N and R-1S and R-2S Zones if the Buildings and Lot are held in common Ownership but such a grouping Shall not include Single-Detached Dwellings with one dwelling unit. The City May require a Development agreement between the Owner and the City which Shall be registered on title.
- .2 The minimum distance between Buildings on any Lot containing grouped Dwellings Shall be 6.0 m (19.7 ft.).
- .3 All grouped Dwellings and the Lot on which they are situated Shall be under single Ownership.
- .4 The minimum Lot Area on which grouped Dwellings May be located Shall be 0.4 hectare (1.0 acre).
- .5 The minimum Standards of a zone Shall apply to any Lot on which grouped Dwellings are located, but the minimum Lot Frontage requirement Shall only apply as if one Building is being located on the Lot.
- .6 Where a lot consolidation is required for grouped dwellings to meet or exceed Clause 4 above in this section (*Lot Area 0.4 hectares (1.0 acres)*), Council may after giving particular consideration to the criteria as contained in subsection 4.61, and after following the procedures in Section 4.28 as if this were a rezoning, approved or reject the lot consolidation and Grouped Dwellings application.

4.7 ONE MAIN BUILDING ON A LOT

- .1 No Person Shall Erect more than one (1) Main Building on a Lot within any zone except in Commercial, Industrial, Institutional, Manufactured Housing, Airport Zone and Comprehensive Development Area zones, or where specifically provided for in this By-law.

- .2 No Person Shall construct a Building over any Lot boundary regardless of whether the Lots are owned by the same Owner except as otherwise permitted in this By-law.

4.8 RESTORATION TO A SAFE CONDITION

The Development Officer May waive any provision of the By-law in order to enable the strengthening or restoring to a safe condition of any Building or Structure.

4.9 SATELLITE DISHES

- .1 Satellite dishes larger than 61 cm (24 in.) in diameter shall not be permitted on a street-facing portion of a building or structure in any residential zone and no more than one (1) dish of any size may be placed on the building facing a street on a designated heritage resource.

4.10 WINDMILL TOWERS

- .1 Windmills Shall be permitted within the City of Charlottetown but not without first obtaining a building permit from the City's Planning Department. The application Shall be accompanied by the following:
 - a. a site plan accurately drawn to scale and certified by a surveyor that shows:
 - b. the location of the Windmill Tower on the site and its' proximity to other Structures or Buildings on the Site;
 - c. the location and proximity of all Structures, Buildings occupied by people, power lines or other utility lines on site and on adjoining properties within a radius equal to three (3) times the proposed Windmill Tower height;
 - d. certification by a registered professional engineer or the manufacturer's certification along with drawings and specifications verifying the dimensions and sizes of the various structural components of the tower's construction and design data which indicates the basis of design; and,
 - e. certified sound level values for the proposed wind turbine.
- .2 Windmills may only be permitted in the C-2, C-3, M-1, M-2, M-3 zones and Institutional Zones and the following additional requirements shall apply:
 - a. Windmills Shall only be permitted on Lots having a minimum width and length three (3) times the height of the Windmill;
 - b. Windmill height Shall not exceed a total height of 75 feet in any zone;

- c. No Windmill Shall be constructed in any front or side yard area. All other setback requirements Shall be measured from property lines to the center of the base of the Windmill Tower and from Buildings occupied by people to the center base of the Windmill Tower;
 - d. the setback for Windmills Shall be 1.2 times the height of the Windmill from any property boundary or Building occupied by people on the subject lot and 2 times the height of the Windmill from any Building occupied by people on an adjoining Lot;
 - e. guy wires and anchors for towers Shall not be located closer than one-quarter (1/4) of the height of the Windmill Tower to any property boundary.
 - f. landscaping or appropriate screening may be required at the Development Officer's discretion;
 - g. there shall be a limit of one (1) Windmill per Lot.
 - h. roof-mounted Windmills Shall not be permitted.
- .3 Windmills may only be considered in a residential zone if one Windmill is proposed as a sustainable development initiative aimed to power a single subdivision and minimally the requirements of Section 4.10 are met. Such an application Shall also first require that the procedures for notification and approval as set out in Section 4.30 (Minor Variances) of this By-law be followed and the developer Shall be required to enter into a Development Agreement upon terms and conditions acceptable to the City.
- .4 Prior to receiving a permit to erect any Windmill Tower the developer Shall receive approval from Transport Canada and comply with any Federal or Provincial Regulations pursuant to the *Aeronautics Act* and the Charlottetown Airport Zoning Regulations. If it is deemed by Transport Canada that the proposed Windmill Tower presents a navigational hazard, then such a determination shall be grounds for permit rejection.
- .5 A Windmill will be considered abandoned if not operated for a period of two (2) years or if it is deemed a safety hazard. Once a Windmill is deemed abandoned or a safety hazard, it Shall be considered an offence and subject to penalties under Section 4.32 of the Zoning and Development By-law.
- .6 Climbing access to the Windmill Tower Shall be limited either by:
- a. The installation of a fence of not less than 1.8 m (5.9 ft) in height with a locked gate around the Windmill Tower base; or

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

4.11 SUBDIVIDING OF ATTACHED DWELLINGS

Semi-detached and Townhouse Dwellings May be divided independently for individual sale and Ownership provided that:

- .1 A Subdivision of the parcel of land has been approved by the City, and the approved Subdivision Shall provide for appropriate Easements or common area to allow entry by an Owner of any portion of the Building to his back Yard area.
- .2 The Dwelling Units Shall be separated from the Basement floor to the underside of the roof by a vertical fire wall built in accordance with the Building and Fire Code regulations which have been adopted by the City.
- .3 A separate water and sewer service Shall be provided for each unit in accordance with Section 4.2 of the P.E.I. Municipal Water and Sewerage Utility Rules and Regulations.
- .4 Each unit Shall have a separate electrical service, except where sustainable development initiatives are being utilized such as the use of a shared Windmill, Ground Source Heat Exchange System, and/or other alternative renewable energy resource.
- .5 Each unit Shall have a separate heating device, except where sustainable development initiatives are being utilized such as the use of a shared Windmill, Ground Source Heat Exchange System, and/or other alternative renewable energy resource.
- .6 Each unit Shall have separate Parking or access to a common Parking area that has been approved by the Development Officer.
- .7 An agreement, approved by the City, Shall be made between the Owners in a form that conforms to the provisions of the *Registry Act* R.S.P.E.I. 1988, Cap. R-10 and amendments thereto covering the following terms:
 - a. Party Walls;
 - b. Maintenance;
 - c. fire insurance;
 - d. Easements;
 - e. Parking;

- f. snow removal; and
 - g. joint Ownership of any other pertinent items
- .8 Any other terms and conditions that May be required by the City Shall be met.

4.12 SWIMMING POOLS

- .1 A Swimming Pool May be Erected or placed in a side or Rear Yard provided that the pool is not less than 1.8 m (5.9 ft.) from the nearest Lot Line.
- .2 A Swimming Pool Shall be completely surrounded with a fence or Structure of not less than 1.8 m (5.9 ft.) in Height.
- .3 The fence Used to surround a Swimming Pool Shall be of a type that would impede unauthorized passage either through, under, or over the fence to the pool area.
- .4 Water and sewer services Shall be in accordance with the PEI Municipal Water and Sewerage Utility General Rules and Regulations.
- .5 Temporary inflatable swimming pools are exempt from the requirements of Section 4.12.

4.13 VEHICLE BODIES

No truck, bus, coach, recreational vehicle or trailer or Streetcar body, nor a Structure of any kind other than a Dwelling Unit Erected and Used in accordance with this and all other municipal By-laws Shall be Used for human habitation and no vehicle body, truck trailer, or container Shall be Used as a commercial or Accessory Building except as specifically permitted by other legislation.

GENERAL PROVISIONS FOR LAND USE

4.14 IN-LAW SUITE

- .1 One (1) In-law Suite May be permitted in a single or two-unit Dwelling for the specific Use of an immediate Family member if:
 - a. the In-law Suite is clearly subordinate in the Main Building;
 - b. one (1) of the two (2) units is occupied by the Owner of the Dwelling;
 - c. the In-law Suite is limited to two (2) bedrooms;
 - d. an approved agreement is signed by Council and the Owner of the Dwelling requiring the subordinate unit to cease to exist as an In-law

Suite if the immediate Family member ceases to live in the subordinate unit or the Main Building. The agreement Shall be registered with the deed to the property in accordance with the provisions of the *Registry Act*, R.S.P.E.I. 1974, Cap. R-11;

- e. one (1) additional Parking Space is provided.
- .2 An In-law Suite shall not be permitted in any R-1N Zone.

4.15 GARDEN SUITES

1. One Garden Suite shall be permitted on a property within the R-1L, R-2, and R-2S Zones through a Development Agreement, provided that:
 - a. The subject property has a minimum area of 0.4 hectares (1 acre);
 - b. The subject property contains a Single-Detached Dwelling and a maximum of one Accessory Structure, in accordance with Section 4.1;
 - c. The subject property does not contain an In-Law Suite;
 - d. The Garden Suite is a maximum of 70 sq. m (753.2 sq. ft.) in gross floor area;
 - e. The Garden Suite is located in the rear yard of a Single Detached Dwelling;
 - f. The Garden Suite is oriented towards the street or the interior of the subject property;
 - g. The Garden Suite has a minimum side yard setback of 1.8 m (6 ft) and a minimum rear yard setback of 3 m (9.8 ft);
 - h. The Garden Suite is located a minimum of 1.22 m (4 ft) from the main dwelling and an accessory structure, including any projections, eaves, decks, etc.
 - i. The Garden Suite has a maximum height of 4.6 m (15.1 ft);
 - j. The Garden Suite is constructed and erected so it is easily removable;
 - k. The Garden Suite is not in the form of a Modular Dwelling;
 - l. The Garden Suite utilizes the existing driveway;
 - m. The Garden Suite is connected to full municipal services via the main dwelling;

- n. The Garden Suite is provided through a government sponsored program;
 - o. The property owner resides in either the main dwelling or the Garden Suite, and the other dwelling unit is occupied by an immediate family member; and
 - p. The Garden Suite is unoccupied until a development agreement and an occupancy permit have been issued by the City of Charlottetown;
2. Opportunities to provide screening from abutting properties via fencing and landscaping will be reviewed by a Development Officer during the application process; and
 3. When an immediate family member no longer resides in an approved Garden Suite it shall be removed from the property immediately.

4.16 BED & BREAKFAST, TOURIST HOME, INN AND HERITAGE INN

1. A *bed & breakfast*, *tourist home*, or *inn establishment* may be permitted in residential zones, and a *heritage inn* may be permitted on a *designated heritage resource* property, provided that:
 - a. the *owner* of the *establishment* lives in the *dwelling*;
 - b. cooking equipment such as a refrigerator, a stove, an oven, or a hot plate shall not be permitted in a room that is used for sleeping accommodation;
 - c. not less than one (1) readily accessible bathroom facility containing a toilet, wash basin, and bath tub or shower is provided for every three (3) bedrooms;
 - d. no meals other than breakfast are provided to guests of the *establishment*;
 - e. signage shall be subject to the signage regulations of this by-law; there is no other secondary or accessory use of the property;
 - f. parking shall be subject to the parking regulations of this by-law;
2. The maximum number of rooms permitted in a *bed & breakfast*, *tourist home*, *inn* or *heritage inn* shall be determined by the following:

Zone Designation	# of Bedrooms Permitted
a. R1L, R1S, R2, and R2S Zones	Up to three (3) bedrooms

b.	R3, R4, and the 500 Lot Area Zones	Three (3) bedrooms are permitted for the first 370 sq m (3,982.8sq ft) of <i>lot area</i> , and for every additional bedroom over three (3) the <i>lot</i> must be increased by 100 sq m (1076.4 sq ft), up to a maximum of 7 bedrooms.
c.	Heritage inn in the R1L, R1S, R2, and R2S Zones	Three (3) bedrooms are permitted for the first 370 sq m (3,982.8sq ft) of <i>lot area</i> , and for every additional bedroom over three (3) the <i>lot</i> must be increased by 100 sq m (1076.4 sq ft), up to a maximum of 7 bedrooms.
d.	Heritage inn in the R3, R4 and the 500 Lot Area Zones	Up to seven (7) bedrooms

4.17 DEVELOPMENT WITHIN THE 30 NEF NOISE CONTOUR LINE OF THE AIRPORT

Residential Development within or above the 30 NEF contour line, as defined in the “Charlottetown Airport Land Use Plan” dated November 1992 and also shown on the City of Charlottetown Zoning Map, Shall only be permitted after consultation with the Airport Authority and implementation of appropriate noise reduction measures with appropriate acoustic features considered in the design for the development. The City May require a noise impact assessment to be carried out before permits are issued for any development between the 30 and 35 NEF contour lines. No Development Shall occur above the 35 NEF contour line unless Airport related.

4.18 EXISTING DUPLEX AND SEMI-DETACHED DWELLINGS IN RESIDENTIAL ZONES

- .1 An Existing Converted Dwelling or an Existing Semi-Detached Dwelling that is lawfully in existence at the effective date of this By-law in any location within an R-1L or R-1S Residential Zone Shall be a Permitted Use and Shall be deemed to be a conforming Use in the R-1L or the R-1S Zone within which it is located at that date.
- .2 Any Person who, subsequent to the effective date of this By-law, makes a proposal for such an Existing Converted Dwelling or Semi-Detached Dwelling that entails Building, construction, or other site Development that would require a permit under this By-law Shall make an application to the City for a Building permit to carry out the work.
- .3 Where the Building, construction or other site Development meets the minimum requirements of this By-law, the Development Officer May issue a Building permit.

- .4 Where the application does not conform to the minimum requirements of the zone in respect to Lot size, dimensions or Setbacks, or any other requirement of this By-law, the Development Officer Shall give consideration to the application having regard to:
- a. the compatibility of the proposed changes with the surrounding neighbourhood;
 - b. the convenience, adequacy and safety of Street and pedestrian connections;
 - c. the suitability of water and sewer services and connections; and if the Development Officer is satisfied that the proposed Development is feasible and represents a reasonable improvement to the property in question and the immediate neighbourhood, he May issue a Building permit.
- .5 Where the Development Officer has specific concerns about the application, he May, at his discretion, refer the application to the Planning Board who Shall make a recommendation to the Council on the disposition of the application.

4.19 EMERGENCY/TRANSITIONAL FACILITIES & GROUP HOMES

- .1 Before issuing a Building/Occupancy permit for an Emergency/Transition Facility, the Development Officer Shall send a letter to PEI Department of Health asking for comments on the proposed Emergency/Transition Facilities under the *Public Health Act* of PEI and any other provincial regulations for the particular type of Emergency/Transition Facilities.
- .2 The Development Officer May issue a Building permit for an Emergency/Transition Facility in all zones except in the R-1L, R-1S, R-2, R-2S and MH Zones provided the establishment of an Emergency/Transition Facility meets the following requirements and the individual stays in the facility are for no longer than six (6) months:
- a. Regulations for Emergency/Transitional Facilities:

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	370 sq. m (3,982.8sq. ft)	395 sq. m (4,251.9sq. ft)
2	Lot Frontage (Minimum)	12.0 m (39.4 ft)	15.0 m (49.2 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)

4	Rear Yard (Minimum)	1.83 m (6.0 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	11.0 m (36.1 ft)	11.0 m (36.1 ft)

- b. The number of rooms is determined by the following:
- i. three (3) beds for the first 370 sq. m (3,982.8 sq. ft.) of Lot Area or 395 sq. m (4,251.9 sq. ft.) for a corner lot;
 - ii. for every additional bed over three (3) beds, the Lot Shall be increased by 73 sq. m (786 sq. ft.) up to a maximum of eight (8) beds.
- c. There Shall be an Amenity Area for an Emergency/Transition Facility which Shall be 7.5 sq. m (70 sq. ft.) per two (2) beds of which 2.1 sq. m (23 sq. ft.) Shall be Landscaped Open Space. This Amenity Area May be interior space (i.e. workshop room, games room) and/or exterior such as green space in a Yard, exclusive of a Front or Flanking Yard. The Development Officer May require the exterior Amenity Area to have a wooden opaque fence and/or Landscaped with appropriate material. A living room or kitchen Shall not be considered to be part of the required Amenity Area.
- d. Qualified supervisory staff (experience in supervising the type of tenants expected to occupy the facility) necessary in relation to the nature of the Emergency/Transition Facility Shall be provided on a 24-hour basis for the Emergency/Transition Facility.
- e. Before issuing a Building/Occupancy permit for an Emergency/Transition Facility, the Development Officer Shall send a letter to Community Hygiene (PEI Department of Health and Social Services) asking for comments on the proposed Emergency/Transition Facilities under the *Public Health Act* of PEI and any other provincial regulations for the particular type of Emergency/Transition Facilities.
- f. Before sending a Notice or issuing a Building/Occupancy permit for an Emergency/Transition Facility, the Development Officer Shall receive from the applicant a business/operating plan which outlines but is not limited to the following: hours of operation; number and qualifications of staff or operators; number and type of residents; screening process for

accepting residents; operating policy on when and how people are admitted to the facility; traffic and parking expected; liability insurance coverage; and non-profit or not for profit status.

- g. Lot Owners Shall be given Notice of intended Use with the business/operating plan, and the process for Other Variances (Sec 4.31) Shall be followed with Planning Board making a recommendation to Council, and Council Shall also consider the business plan and the recommendation of Chief of Police in making its determination. The City Shall include a notice with the mail-out requesting landlords to inform the tenants.
- h. Before issuing a Building/Occupancy permit for an Emergency/Transition Facility, the Development Officer Shall obtain input from the Chief of Police on the business plan and the location of the Emergency/Transition Facility in a neighbourhood as it relates to relevant matters including, but not limited to, neighbourhood peace or safety concerns, other conflicting land Uses in the neighbourhood, location of schools and Day Cares, and pedestrian and traffic movements.
- i. Emergency/Transition Facilities Shall provide Parking as per Section 4.
- j. Issuance of a Building permit for an Emergency/Transition Facility May be made subject to such terms and conditions as Council, on the recommendation of the Development Officer and/or Planning Board, May prescribe including a requirement to enter into a Development agreement prescribing such terms and conditions as Council Shall deem necessary or advisable.
- k. An Emergency/Transition Facility Shall not be located within 100 metres of any Elementary School (primary grades for school children).
- l. An Emergency/Transition Facility Shall not be located within 200 metres of an existing Emergency/Transition Facility.
- m. An Emergency/Transition Facility Shall not be located on the same Square Block as an existing Emergency/Transitional Facility.
- n. The maximum size Sign permitted for an Emergency/Transition Facility Shall be 0.186 sq. m (2 sq. ft.) in area.
- o. Any aggrieved Person May lodge a complaint or complaints regarding an Emergency/Transition Facility within the City. After due investigation by City staff, and after consultation with Planning Board, a recommendation Shall be brought to the attention of Council, and Council Shall determine

the disposition of the complaint or complaints, and Council May suspend or cancel a permit for the Emergency/Transition Facility or place future restrictions on the Emergency/Transition Facility by Development agreement or otherwise.

.3 **GROUP HOMES**

The Development Officer May issue a Building permit for a Group Home provided that the Establishment of the Group Home is not in an R-1, R-1S and MH Zones and meets the following requirements:

- a. It Shall be limited to a Dwelling Unit unless, after receiving a recommendation from Planning Board, Council permits a Group Home in another building;
- b. Before issuing a Building/Occupancy permit for a Group Home, the Development Officer Shall receive from the applicant a business/operating plan which outlines but is not limited to the following: hours of operation; number and qualifications of staff or operators; number and type of residents; screening process for accepting residents; operating policy on when and how people are admitted to the facility; traffic and parking expected; liability insurance coverage; and non-profit or not for profit status.
- c. Before issuing a Building/Occupancy permit for a Group Home, the Development Officer Shall obtain input from Chief of Police on the business plan and the location of the Group Home in a neighbourhood as it relates to relevant matters including, but not limited to, neighbourhood peace or safety concerns, other conflicting land Uses in the neighbourhood, location of schools and Day Cares, pedestrian and traffic movements.
- d. There Shall be an Amenity Area for a Group Home which Shall be 6.5 sq. m (70 sq. ft.) per two (2) beds of which 2.1 sq. m (23 sq. ft.) Shall be Landscaped Open Space in an R-3 or R-4 Zone. This Amenity Area May be interior space (i.e. workshop room, games room) and/or exterior such as green space in a Yard, exclusive of a Front or Flanking Yard. The Development Officer May require the exterior Amenity Area to have a wooden opaque fence and/or Landscaped with appropriate material. A living room or kitchen Shall not be considered to be part of the required Amenity Area. Council May waive the Amenity Area for a Group Home after receiving a recommendation from Planning Board.
- e. Issuance of a Building permit for a Group Home May be made subject to such terms and conditions as Council, on the recommendation of the

Development Officer and/or Planning Board, May prescribe including a requirement to enter into a Development agreement prescribing such terms and conditions as Council Shall deem necessary or advisable.

- f. The property Shall be inspected and an Occupancy permit Shall be issued prior to Occupancy.

4.20 HOME OCCUPATIONS

A *home occupation* shall be a conditional permitted use in the residential zones-and in residential properties in the 500 Lot Area, and every *home occupation* shall in all respects be subject to the following requirements:

- .1 A permit for a Home Occupation May be granted by the Development Officer in a Single-Detached Dwelling; a Mini-Home Dwelling; a Modular Dwelling or Modular Home; or, in one (1) unit only of a Semi-Detached Dwelling, a Duplex Dwelling, a Converted Dwelling comprising no more than two (2) Dwelling Units; or, in an Accessory Building on the same Lot; for a period of one (1) year. The permit May, upon application and payment of any prescribed fee, be automatically renewed for subsequent years, unless the permit is not renewed due to legitimate complaints under subsection 15.
- .2 The Proprietor(s) of the Home Occupation Shall be the Owner or lessor of the Dwelling in which the Home Occupation is located and Shall live in the Dwelling. There Shall be a maximum of one (1) full-time employee or two (2) part-time employees, other than the Proprietor, working inside or outside of the Dwelling in which the Home Occupation is located. There shall be a maximum of two (2) (ie. full-time equivalent) individuals working inside or outside of the Dwelling in which the Home Occupation is located, including the Proprietor(s). The Proprietor(s) Shall not exceed the requirements above by contracting work out to other persons (employees) not located in the Dwelling.
- .3 The Proprietor(s) of a Home Occupation Shall be required to obtain a Building permit, and the Proprietor(s) of the Home Occupation Shall, if the Building permit is issued, and after completion of any alterations or renovations required for the Home Occupation, be required to obtain an Occupancy Permit before commencing operation of the Home Occupation. The Home Occupation Shall be registered in a Registry of Home Occupations to be maintained by the City.
- .4 The total Floor Area of a Home Occupation Shall not exceed 25% of the Gross Floor Area of the Dwelling or Dwelling Unit in which the Home Occupation is located; or, 46.5 sq. m (500 sq. ft.) of the Dwelling and/or

Accessory Building in which the Home Occupation is located, whichever is the lesser.

- .5 There Shall be no change in the Dwelling or Lot which would indicate that a Home Occupation is being conducted therein, except for one (1) non-illuminated Fascia Sign that adheres to Section 5.8.3 of this Bylaw.
- .6 There Shall be no external storage of materials or containers which would indicate that any part of the Dwelling or Lot is being Used for any purpose other than a residential Use.
- .7 There Shall be no outdoor animal enclosures.
- .8 No more than one (1) Commercial Vehicle that is part of the Home Occupation Shall be Parked or stored on the Lot, but notwithstanding the foregoing, other vehicles May be Parked or stored on the Lot in a wholly enclosed Building.
- .9 The Home Occupation Shall not interfere with the natural enjoyment of adjoining residential properties by reason of generating on or off-site electrical interference, dust, noise, smoke, fire or safety hazard, Excessive numbers of vehicles or customer, client, patient or supplier visits, or any nuisances not normally associated with a residential Dwelling.
- .10 No Home Occupation Shall be permitted unless one (1) additional off-Street Parking Space is provided in addition to that required by the applicable residential zone; or, one (1) additional off-Street Parking Space is provided for each employee, including Family member(s) employed, whichever is the greater number.
- .11 No Home Occupation Shall be permitted where any Building or the Lot is already being used in whole or in part for any other secondary or accessory purpose or for any other non-residential Use.
- .12 Before the Development Officer May grant a permit for a Home Occupation, the Development Officer shall first give Notice as per Section 4.31.2 In addition, the Development Officer Shall also insert in a newspaper circulating in the City at least two (2) advertisements serving public notice as to receipt of the Home Occupation application. Where objections are received, Council, after a recommendation from the Planning Board, May direct the Development Officer to issue or not issue the Home Occupation permit. If deemed necessary or advisable, Planning Board May recommend and/or Council May conduct a public meeting before determining whether or not to grant or refuse the permit.

- .13 A Home Occupation permit Shall not be issued for a Dwelling to be converted to a single family, Single-Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling or Converted Dwelling, as the case may be, until all of the provisions of this Bylaw to convert to a single family, a Single-Detached, a Semi-Detached Dwelling, Duplex Dwelling or Converted Dwelling, as the case may be, are first complied with.
- .14 The following uses are not permitted as a Home Occupation:
- a. an Automobile Shop,
 - b. an Automobile Body Shop,
 - c. an Automobile Service Station or repair shop,
 - d. adult entertainment,
 - e. a welding shop,
 - f. an amusement arcade,
 - g. a restaurant,
 - h. a Taxi Stand,
 - i. a Neighbourhood Convenience Store,
 - j. a Kennel service,
 - k. a Retail Store,
 - l. a retail sales Office,
 - m. a gun shop sales and service, or,
 - n. an Office, but only if the Office would entail Excessive daily customer, client, supplier or patient visits,
 - o. a Community Building in an R-1L, R-1S, R-2 or R-2S Zone, or
 - p. any other Use that is of a potentially disruptive nature or May cause a nuisance to the residential neighbourhood as determined by the Development Officer.
- .15 Any aggrieved Person May lodge a complaint or complaints regarding a Home Occupation within the City. After investigation by City Staff, and after review by the Planning Board, a report and recommendation from Planning

Board Shall be brought to the attention of Council. Council Shall determine the disposition of the complaint or complaints, and Council May, with or without holding a public meeting, suspend or cancel a permit for the Home Occupation or place future restrictions on the Home Occupation by Development Agreement or otherwise.

4.21 MIXED USES

Where two (2) or more Permitted Uses are located, or are to be located, in one (1) Building or on one (1) Lot, and when the regulations applicable to these Uses are different, the most restrictive regulations Shall be deemed to be in force for that Lot or Building, unless otherwise specified.

4.22 NEIGHBOURHOOD DAYCARE CENTRE

Where a Neighbourhood Daycare Centre is permitted under this By-law, it Shall be subject to the following requirements:

- .1 It Shall be restricted to a maximum of seven (7) children.
- .2 The proprietor(s) of the Neighbourhood Daycare Centre shall reside in the subject dwelling or dwelling unit;
- .3 It Shall not be located on any Corner Lot, or on a collector or arterial Street.
- .4 It Shall be located on a local Street where on-Street Parking is permitted.
- .5 Signage for the Neighbourhood Daycare Centre Shall comply with Section 5.8.3 of this Bylaw.
- .6 It Shall comply with all provincial requirements of the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5 and amendments thereto.
- .7 No Neighbourhood Daycare Centre Shall be permitted where the Building or Lot is Used for a Home Occupation or where there is another secondary or Accessory Use of the property.
- .8 It Shall comply with the City's Building Code and Fire Prevention By-laws.
- .9 No Neighbourhood Daycare Centre Shall be permitted unless one (1) additional off-Street Parking Space is provided in addition to that required by the residential zone, or one (1) additional off-Street Parking Space is provided for each employee, including Family members employed, whichever is the greater number.
- .10 Any aggrieved Person May lodge a complaint or complaints regarding a Neighbourhood Daycare Centre within the City. After due investigation by City Staff, and after consultation with Planning Board, a recommendation

Shall be brought to the attention of Council, and Council Shall determine the disposition of the complaint or complaints, and Council May suspend or cancel a permit for the Neighbourhood Daycare Centre or place future restrictions on the Neighbourhood Daycare Centre by Development agreement or otherwise.

4.23 NON-CONFORMING USES

- .1 Subject to the provisions of this By-law, a Building or Structure, or a specific Use of land or a Building, which is lawfully in existence on the effective date of this By-law, and which does not conform to the permissible Use of the zone where it is located, May continue to exist.
- .2 A Building or Structure Shall be deemed to be Existing on the effective date of this By-law if:
 - a. it was lawfully constructed or under construction on that date; or
 - b. the permit for its construction was in force and effect on that date,but this clause Shall not apply unless the construction commenced within twelve (12) months after the date of issue of the permit and is completed in accordance with the permit in a reasonable time.
- .3 A non-conforming Building or Structure May be Altered or repaired provided that such Alteration or repair does not increase the Height, size, or volume of the Building or Structure, or change its Use. Rebuilding a non-conforming Building or Structure to the same size or smaller Shall be permitted provided the original parking spaces are maintained. A non-conforming use Shall also be permitted to convert to a residential use provided parking is provided.
- .4 If a Building that is non-conforming under the provisions of this By-law is destroyed by a fire, or is otherwise damaged by fire to an extent of 75% or more of the assessed value of the property, it Shall not be rebuilt or repaired unless:
 - a. it is rebuilt or repaired in conformity with the permitted land Uses of this By-law;
 - b. such rebuilding, enlargement, reconstruction, repair, renovation, or new Building does not further reduce a Front Yard or Side Yard that does not conform to this By-law;
 - c. the rebuilding or repair is in conformity with other requirements of this By-law insofar as is reasonable and feasible; and

- d. the rebuilding or repair commences within six (6) months of the date of the said destruction or damage.
- .5 Any change of occupants or tenants of any premises or Building Shall not of itself be deemed to affect the Use of the premises or Building for the purposes of this By-law.
- .6 A non-conforming Use of land or Building Shall not be permitted to resume if it has been discontinued for a period of six (6) consecutive months, and in such event the land or Building Shall not thereafter be Used except in conformity with this By-law.
- .7 Where a nonconforming commercial use is occupying a building and the owner is requesting to convert the building or part thereof to residential use, and it is determined the number of units and use will not adversely affect the neighbourhood by way of traffic to the site, the Development Officer may after receiving the plans allow the building to be used for residential purposes or may refer the matter for a variance.

4.24 UTILITIES AND INFRASTRUCTURE

- .1 Nothing in this By-law Shall prevent the Use of land in all zones for public Utility Services, Structures and Appurtenances (related to City of Charlottetown, Electric service and Telephone service), but any such Structures Shall be Designed, constructed and landscaped so as not to detract from the Streetscape.
- .2 No Building May be Erected unless arrangements have been made for the supply of electric power, water, sewage, Streets, or other services which are satisfactory to the Development Officer or the Director of Public Services.
- .3 Notwithstanding any other provision of this By-law, no electric meters or other connections Shall, where a practical Alternative exists, be placed on the exterior front of a Building or Structure.
- .4 Where an underground power supply currently exists in the public right-of-way or an easement (public or private) or buried underground on private property, when the property owner applies to connect the power supply to an existing or proposed building or upgrade an existing power supply, the property owner shall also be required to bury the electrical supply from the building (existing or proposed) to the adjacent right-of-way or easement (public or private) or existing buried service to the property.

4.25 NEIGHBOURHOOD CONVENIENCE STORES - EXISTING

- .1 An Existing Neighbourhood Convenience Store Shall be a Permitted Use in all residential zones

- .2 Each Neighbourhood Convenience Store that is lawfully in existence at the effective date of this By-law Shall be deemed to be a conforming Use at that date, within the zone in which it is situated.
- .3 Any Person who makes a proposal for an Existing Neighbourhood Convenience Store that involves Building, construction, site Development, or changes in the Use of the land and would require a permit under this By-law Shall present an application to the Development Officer together with scaled drawings showing the Building in plan and elevation as well as details of the site Development, and the proposal Shall be examined by the applicant and the Development Officer to determine whether the proposed Development will comply with this By-law and with the zone in which it is situated.
- .4 If the Development Officer is satisfied that that the proposed Development is feasible and represents a reasonable improvement to the property in question and the immediate neighbourhood, he May issue a Building permit.
- .5 Where the proposed Development or redevelopment is intended to convert the Use of the Existing Neighbourhood Convenience Store to a residential Use of three (3) units or less, and the Development Officer is satisfied that the proposed Development is feasible and represents a reasonable improvement to the property in question and the immediate neighbourhood, he May issue a Building permit.
- .6 Where the proposed Development or redevelopment does not conform to the minimum Lot size, width, or Setback requirements of the zone in which it is situated or any other requirement of this By-law, the Development Officer Shall give consideration to the application having regard to the following:
 - a. compatibility of the proposed changes with the surrounding neighbourhood;
 - b. the convenience, adequacy and safety of Street and pedestrian connections;
 - c. the adequacy of urban beautification features such as Landscaping and attendant Structures;
 - d. the suitability of water and sewer services and connections;
 - e. the adequacy of stormwater drainage systems, both surface and underground;
 - f. the adequacy of fire protection access; and

- g. the Design compatibility of the proposed Building or Buildings with Significant adjacent heritage Structures or sites, if any;

and if the Development Officer is satisfied that the proposed Development is feasible and represents a reasonable improvement to the property in question and the immediate neighbourhood, he May issue a Building permit.

- .7 Where a proposed Development or redevelopment or change of Use from a Convenience Store to a Less Intensive commercial Use is proposed, the Planning Board Shall make a recommendation to Council.
- .8 Where the Development Officer or Planning Board have specific concerns about a proposed Development, a satisfactory agreement with the applicant to address those concerns May be negotiated.
- .9 Where a satisfactory agreement with the applicant is unable to be reached, the Planning Board Shall consider the application in its entirety and any recommendations which the Development Officer has made and Shall make a recommendation to Council on the disposition of the application.
- .10 The Council May send Notices to adjoining properties within 100 m (328.1 ft.) or they May advertise and call an open meeting where the applicant Shall attend to present and defend his or her application, and the public Shall be given an opportunity to make comment, and after consideration of the input received and the recommendation of the Planning Board, the Council Shall make a disposition of the application.
- .11 Where a Building permit is issued for an Existing Neighbourhood Convenience Store, the permit Shall serve as a Development agreement between the two parties that the Development will be carried out in accordance with the drawings and other documents produced in respect of the permit application and agreed upon between both parties, and Shall bear the Signatures of the Owner and the City.
- .12 Where an applicant refuses to enter into an agreement as provided for in this section, the application Shall be denied.

4.26 MOBILE CANTEENS

- .1 Mobile Canteens shall be permitted within the City of Charlottetown but not without first obtaining a building permit from the City's Planning & Heritage Department. The application Shall be accompanied by the following:
 - a. A site plan accurately drawn to scale that shows;
 - i. the location of the Mobile Canteen on the site and its proximity to other Structures or Buildings on the site;

- ii. the location of existing and proposed parking spaces;
 - iii. the location of garbage receptacles.
 - b. A photo of the Mobile Canteen from which merchandise will be sold;
 - c. Confirmation of compliance from the Charlottetown Fire Department where the Mobile Canteen is equipped with a cooking and/or heating apparatus;
 - d. Confirmation of compliance that the Mobile Canteen meets all Provincial Health regulations and inspections;
 - e. Written authorization from the property owner granting permission to use the property for the purpose applied for and for time frame requested;
- .2 Mobile Canteens must be located on a property for which Eating and Drinking Establishments are permitted.
- .3 Mobile Canteens in the 500 Lot Area shall be permitted to operate between May 1st and October 31st, at which time the Mobile Canteen must be removed from the property.
- .4 Mobile Canteens outside of the 500 Lot Area shall be permitted to operate for a twelve (12) month period, at which time the Mobile Canteen must be removed
- .5 Sales from Mobile Canteens shall be permitted between 10:00 a.m. and 12:00 a.m.
- .6 A Mobile Canteen shall not exceed 20 sq metres (215.3 sq ft).
- .7 The permit as granted and issued may not be transferred, assigned, conveyed or sold to another applicant or person.
- .8 Nothing in this Bylaw shall prevent a licensee from holding more than one license issued pursuant to this Bylaw; however, only one (1) Mobile Canteen shall be permitted per property.
- .9 The minimum Landscaped Open Space requirement shall not be diminished for the property in which the Mobile Canteen is located as set out in Section 4.69.
- .10 The Mobile Canteen shall not be required to provide additional parking spaces on the property; however, the minimum parking space standards shall not be diminished for the property in which the Mobile Canteen is located as set out in Section 4.43.
- .11 A Mobile Canteen shall comply with the setback requirements of the zone they are located within.

- .12 The permit holder shall keep the vehicle and equipment in compliance with the regulations of the Department of Health and regulations made thereunder respecting Eating and Drinking Establishments.
- .13 The permit holder shall insure no structural modifications are made to the Mobile Canteen or equipment placed herein without prior approval of the Planning & Development Officer and/or Fire Inspector.
- .14 Mobile Canteens may be permitted on the street right-of-way subject to the Street Vending Bylaw.
- .15 Mobile Canteens may be permitted in City owned public Open Space subject to the approval of the Manager of Parks & Recreation, in consultation with the Parks, Recreation & Leisure Activities Committee.
- .16 Any aggrieved Person May lodge a complaint or complaints regarding a Mobile Canteen within the City. After investigation by City Staff if the complaint is deemed valid, a report and recommendation from Planning Board Shall be brought to the attention of Council. Council Shall determine the disposition of the complaint or complaints, and Council May cancel a permit for the Mobile Canteen or place future restrictions on the Mobile Canteen by Development Agreement or otherwise.

4.27 USES PERMITTED IN ALL ZONES

Nothing in this By-law Shall prevent the Use of land for:

- .1 Public Streets;
- .2 Public Parks and playgrounds; and
- .3 Utility Services.

4.28 USES PROHIBITED IN ALL ZONES

Notwithstanding any other provision of this By-law, the Use of a vehicle or recreational vehicle as a permanent place of residence Shall not be permitted within any zone in the City.

GENERAL PROVISIONS FOR LEGAL PROCEDURES

4.29 AMENDMENTS TO THE ZONING AND DEVELOPMENT BY-LAW

- .1 A Person who seeks to rezone a parcel of land, or to otherwise have this By-law amended, Shall address a written and Signed application to the Council.
- .2 An application under this section Shall include such information as May be required by the Development Officer for the purpose of adequately assessing

the desirability of the proposal, and if the application is for a rezoning Shall include:

- a. either a legal description and a plot plan or a survey plan accurately showing the location of the property or properties to be re-zoned;
 - b. the names and addresses of the Owners of the properties and, if the applicant is not the Owner, a statement as to the applicant's interest in the property; and
 - c. a drawing that shows any proposed Building for the Lot in a detailed concept plan with a floor plan and elevations for the Building and a detailed site plan showing the location of the Building on the Lot and the required Parking and Landscaping.
- .3 The applicant Shall, when submitting the application, deposit with the City an amount estimated to be sufficient to pay a fee for any required advertising and mail-outs in accordance with a fee schedule to be set from time-to-time by resolution of Council.
- .4 Before amending any regulations or rezoning any parcel of land, Council Shall conduct a public meeting to receive the views and opinions of the public and the applicant, and Notice of the hearing and its purpose Shall be given by publishing a Notice in not less than two issues of a newspaper circulating in the City with the first Notice at least seven (7) calendar days prior to the public hearing date.
- .5 Before amending the text of this By-law or rezoning any parcel of land, Council Shall request and consider the recommendations of the Planning Board and the Development Officer and before the Planning Board considers an application, all information outlined in subsections 1 through 3 Shall be complete.
- .6 In considering a rezoning application, the Development Officer or Planning Board May require the applicant to provide such other information as it deems necessary in addition to that required by this By-law.
- .7 On the recommendation of the Planning Board, Council May, for reasons that are in the best interests of the City, reject a proposed amendment to this By-law without public Notice and without referral to a public meeting, but if an application goes to a public meeting, then Council Shall determine the disposition of the application and the applicant May not be allowed to withdraw the application after the public meeting.
- .8 Before rezoning any parcel of land, the Development Officer Shall advise all Affected Property Owners within 100 m (328.1 ft.) of the boundaries of the

subject property, through notification in writing at least one (1) week prior to the public meeting, of the date of the public meeting.

- .9 A copy of the purpose of the rezoning application Shall be posted in at least one (1) conspicuous place on the subject Lot at least seven (7) calendar days prior to the date fixed for the public meeting.
- .10 When an application for a rezoning, or an amendment to this By-law has been lawfully determined, the same or a similar rezoning or amendment application Shall not be heard by Council within one (1) year of its rendering a decision unless Council is of the opinion that there is valid new information or a substantial change in the application.
- .11 A Notice in writing Shall be sent to the applicant within seven (7) calendar days of the Council decision stating if the application is successful, and if not successful, stating the appeal process available to the applicant.
- .12 The Council May itself initiate a Zoning and Development By-law amendment for a change in zoning or for other changes to the text of this By-law without the Signatures of the Owner or Owners of the lands involved in the rezoning, provided that the proposed amendment obtains the support of a majority of the whole Council.
- .13 Where there is an amendment to the text of this By-law that does not entail a change in zoning, all procedures in this subsection Shall be followed except that the procedure for notification of all Assessed Property Owners Shall not apply.

4.30 RECONSIDERATION

- .1 If a permit or approval under this By-law is granted, not granted, or granted subject to conditions the applicant or an aggrieved Person feels are unjustified or unwarranted under this By-law, the applicant or an aggrieved Person May seek a reconsideration before Council.
- .2 An aggrieved Person or an applicant wishing to launch a reconsideration Shall make known their intention to do so and the grounds or reasons as per subsection 3 below by written letter delivered to the Development Officer within twenty-one (21) calendar days of the initial decision.
- .3 Council May review, rescind, change, Alter or vary any order or decision made by the Development Officer or Council, and Council May reconsider any application under this section provided that:
 - a. new material facts or evidence not available at the time of the initial order or decision have come to light;

- b. a material change of circumstances has occurred since the initial order or decision; or,
 - c. there is a clear doubt as to the correctness of the order or decision in the first instance.
- .4 A letter Shall be sent by ordinary mail explaining the valid reconsideration request to all Affected Property Owners within 100 m (328.1 ft.) of the boundaries of the subject Lot identifying the subject Lot.
 - .5 Council Shall hear any proper request for reconsideration of a decision under this section. Council Shall give all interested Persons a full opportunity to be heard and make a determination on a request for reconsideration.
 - .6 The City is not liable for any construction commenced prior to the lapse of the twenty-one (21) calendar day appeal period.
 - .7 The City Shall not consider an application for reconsideration if, at the same time, there is an appeal filed with the Island Regulatory and Appeals Commission; but the City May proceed with reconsideration if the applicant has instructed the Island Regulatory and Appeals Commission in writing to hold this appeal in abeyance, and the Commission has agreed in writing to hold their appeal until the appellant has exhausted the recourse of reconsideration with the City.

4.31 MINOR VARIANCES

- .1 Where the *Development Officer* is not able to issue a *building or development* permit because the proposed *building or development* does not meet the minimum standards of this by-law, the *Development Officer* shall be empowered to grant a variance of up to 15% of the minimum *setback* requirements for a *front, rear, side or flankage yard* and 10% of other minimum standards pertaining to a *lot area, a lot frontage or a building height*, provided that:
 - a. a current plot plan or survey plan is provided showing the *existing* and any proposed *alterations* to a *building*;
 - b. the need for consideration of a variance is owing to conditions peculiar to the property or unique to the area and not the result of actions by the owner, and a literal enforcement of this by-law would result in unnecessary and undue hardship;
 - c. the proposed *building or development* complies with the general intent and purpose of the Official Plan and this by-law;

- d. where the proposed variance is for a *designated heritage property*, the variance has received support from the *Heritage Officer and/or Heritage Board*, as per the Heritage provisions;
 - e. the proposal is desirable and represents an appropriate *Development* or use of the site;
 - f. no previous variance has been granted for the *lot* or property;
 - g. the proposed variance from the requirements of this by-law is minor in nature;
 - h. the lot is held in separate ownership from adjoining properties on the effective date of this by-law;
 - i. issuance of a permit would not compromise the health, safety, convenience or general well-being of any person or group of persons or the liability of the City;
 - j. the variance request does not entail a rezoning application.
- .2 Before granting any variance under this section, the Development Officer Shall:
- a. receive from the applicant sufficient funds to cover the costs associated with the mail-outs and processing of this application;
 - b. provide written Notice by ordinary mail explaining the purpose of the variance to all Affected Property Owners within 100 m (328.1 ft.) of the boundaries of the subject Lot; and
 - c. ensure that the Notice identifies the subject Lot and describes the variance application and the date by which written objections must be received;
- .3 If any objections are received within fourteen (14) calendar days from the date of the Notice, the requested variance will be automatically referred to the Planning Board which Shall consider the request having regard for the foregoing criteria and recommend to the Development Officer to approve or reject the application. If no objections are received within that time, the variance May be granted by the Development Officer.
- .4 When an application for a variance has been lawfully determined, the same or a similar variance application Shall not be heard by Council within one (1) year of its rendering a decision unless Council is of the opinion that there is valid new information or a substantial change in the application.

- .5 If, after one (1) year of a variance approval by the Development Officer, no Building permit is issued or the Building permit is not acted upon (construction has not commenced), the variance and any permits Shall automatically be deemed null and void.

4.32 OTHER VARIANCES

- .1 Where the Development Officer cannot issue a Building or Development Permit because a variance being sought is not a minor variance as specified in this By-law, the Council May, under special circumstances and on recommendation from the Planning Board, provided the requirements of subsection 4.31.1 are met, approve the variance in the following circumstances:
- a. The Building Height regulations in the zones in this By-law as listed in Section 8 May be varied by Council by more than the percentage-allowed in the Minor Variances section above;
 - b. The need for consideration of a variance is owing to conditions peculiar to the property or unique to the area and not the result of actions by the Owner, and a literal enforcement of this Bylaw would result in unnecessary and undue hardship;
 - c. the extension of a specific non-conforming Use upon a site occupied by such Use or Building on the effective date of this By-law;
 - d. a Temporary Use of land in a manner otherwise prohibited by this By-law for a period not exceeding four (4) months in any year, and Council may permit temporary Structures for a period of up to one (1) year) which may be renewed for one (1) year;
 - e. a non-conforming Use of a Building site or a Structure which has been discontinued for a period of six (6) months or more to be returned to a non-conforming Use provided it has not been discontinued for more than two (2) years;
 - f. a Less Intensive Use of the Building or site other than the previous non-conforming Use, provided that the Building or Structure had not at any time in the interim become a conforming Use;
 - g. an Existing commercial Building to be expanded to one (1) Side Lot Line with zero Setback;
 - h. an *accessory building* to be located on a *lot* closer to the *street* than the Main Building on the Lot;

- i. a request for additional bedrooms than what is otherwise permitted in a Heritage Inn, or Bed & Breakfast and Tourist Home within the 500 Lot Area.
 - j. the variance request is not substantial and does not entail a rezoning application. If there is any doubt, then a rezoning application must be sought by the applicant.
- .2 If, after giving particular consideration to the criteria as contained in subsection 1, and after following the procedures in Section 4.31.2 and allowing for 14 calendar days before receiving a recommendation of the Planning Board, Council May, without prejudice, approve or reject the variance.
 - .3 When an application for a variance has been lawfully determined, the same or a similar variance application Shall not be heard by Council within one (1) year of its rendering a decision unless Council is of the opinion that there is valid new information or a substantial change in the application.
 - .4 If, after one (1) year of a variance approval by Council, no Building permit is issued or the Building permit is not acted upon (construction has not commenced), the variance and any permits Shall automatically be deemed null and void.

OFFENCES

4.33 BY-LAW ENFORCEMENT

- .1 The Development Officer or Designate is authorized, with cause, to enter any land, Building, or Structure in the City, provided such entry is not excessive or by force, is at a reasonable time, and is for the purpose of making an inspection or examination relating to this By-law.
- .2 By-law enforcement May be undertaken by the City in accordance with the procedures established in PART IV of the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8.
- .3 The Development Officer May apply to a Justice of the Peace or Provincial Court Judge for an order authorizing entry onto the property in question in the event that any Person refuses or does not permit an inspection to be carried out pursuant to this By-law.
- .4 The Provincial Court Judge or Justice of the Peace May at any time issue a warrant in the prescribed form authorizing a Person named in the warrant to enter and search a Building, receptacle or place if the Provincial Court Judge or Justice of the Peace is satisfied by information on oath that there are

reasonable grounds to believe that an offence is being committed and the entry will afford evidence relevant to an offence, and such a search warrant Shall name the date upon which it expires which Shall be not later than fifteen (15) days after the warrant is issued.

- .5 In addition to any fine or penalty imposed, the Provincial Court of Prince Edward Island May order the Person convicted to restore the premises or land on which the offence has occurred to its original condition or to the satisfaction of the authority having jurisdiction, unless such restoration will constitute a safety or health hazard.
- .6 In addition to, or instead of, the penalties referred to in the “Violations” section, the Supreme Court of Prince Edward Island May, upon application by the City, cease or prohibit by injunction any Development which does not comply with the provisions of this By-law.
- .7 The City, its Officers and employees Shall not be liable for any damage caused to any property when acting under the authority of this section.

4.34 BY-LAW OFFENCES

- .1 Any Person who, being the Owner or occupant of any land, Building, or Structure to which this By-law applies, fails to:
 - a. remove any Sign;
 - b. comply with the provisions;
 - c. obtain a permit;
 - d. cease work on, and Restore to its original condition, any property on which a Development has been undertaken; or
 - e. obtain a proper Subdivision approval;

In contravention of this By-law is guilty of an offence and liable under conviction to a fine and, in default of payment, to a term of imprisonment

- .2 Any Person who impedes, attempts to impede, refuses or does not permit inspection of a property pursuant to this By-law Shall be guilty of an offence.
- .3 Where a Person convicted under this section fails to commence the restoration ordered within sixty (60) days after the order has been made, the City May take such steps as it deems necessary to Restore or remove the subject matter of the offence at the expense of the Owner or occupier.

- .4 When an offence under this By-law is committed or continued for more than one (1) day, the Person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

4.35 PENALTIES

- .1 A Person, contractor or Owner who violates this By-law is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars (\$5,000) in each case together with the cost of prosecution, and, in default of payment of the fine and costs, to imprisonment for a term not exceeding three (3) months unless the fine and costs together with the costs of enforcing the same are sooner paid.
- .2 Where the offence is a continuing offence in addition to the penalties provided in this section, such Person Shall be liable for all costs in immediate removal of such an offence, and the Provincial Judge May impose a penalty not exceeding five thousand dollars (\$5,000) for every day the said offence continues and in default of payment thereof to imprisonment not exceeding thirty (30) days.
- .3 Where there is default of payment, any Person or corporate Officer is liable to be imprisoned in accordance with Section 31(3) of the *Summary Convictions Act*.

GENERAL PROVISIONS FOR CITY LOTS

4.36 FLANKAGE YARD SETBACKS

- .1 All Flankage Yard requirements Shall meet the same Setback requirement as that required for the minimum Front Yard Setback in the applicable zone. And where a Corner Lot is located adjacent to Existing Buildings on the same Block and side of the Street the Setback from the Front Lot Line and Flankage Yard Lot Line Shall be the average distance that the front walls of the Existing Buildings, other than Accessory Buildings or Structures, are set back from their Front Lot Lines; or
- .2 Where the proposed development meets the required setbacks on both the Front Yard and Flankage Yard, then the Rear Yard and Side Yard setbacks may be interchanged at the discretion of the Development Officer, when the principle entrance of the proposed development is to be oriented towards the Flankage Yard.

4.37 BUILDING SETBACK EXEMPTION

No Person Shall Erect or Use a Building or Structure on a Lot and have any part of the Building or Structure closer to the Front Lot Line than the Front Yard Setbacks

which are established for the zone in which it is located, with the following exceptions:

- .1 A Building or Structure that was lawfully Erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located May have additions to such Building or Structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between Existing Buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line Shall be the average distance that the front walls of the Existing Buildings, other than Accessory Buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a Building can meet the minimum Front Yard Setback and will not be located closer to the Street than the Buildings on the adjoining Lots, it may be permitted.

4.38 ACCESS TO A PUBLIC STREET

- .1 Except in the R-1 and R-2 Zones, Council may, after receiving a recommendation from the Planning Board, approve the consolidation or subdivision of a Lot(s) which has a suitable private Street access for pedestrian and vehicular traffic, where in Council's opinion, due regard has generally been given to the requirements of subsection 4.61; and more specifically,
 - a. the purpose and intent of the Lot consolidation or subdivision sought is consistent with the goals and objectives of the City's Official Plan and this Bylaw,
 - b. the proposed private access to the proposed Development is suitable and safe for emergency vehicles such as police, fire and ambulance services for such a Development,
 - c. Utility and Municipal Services including water, sanitary sewer, storm sewer, electricity, telecommunications are adequately provided and accommodated,
 - d. safe and convenient public and private pedestrian and vehicular access is adequately provided for,
 - e. the minimum lot size is 0.75 hectares (1.84 acres),
 - f. the Lot is required to have minimum street frontage of 25 feet; and

- g. such other criteria as Council may deem relevant in a particular situation have been satisfied.
- .2 No Person Shall Erect or Use a Building or Structure, or Use any Lot of land regulated by this By-law, unless the Lot of land to be Used, or the Lot of land upon which the Building or Structure is situated or to be situated, abuts or fronts on a public Street.
 - .3 All access to a Lot, both vehicular and pedestrian, Shall be safe and where there is concern, the City May require an independent assessment by a qualified traffic consultant at the Owner's expense.
 - .4 Any future subdivisions of the Lot as subdivided Shall not be permitted unless the new Lot(s) has frontage on a Street as required by the zone in which it falls.
 - .5 The City Shall review a proposal for Subdivision or Development with regard to the access for vehicular and pedestrian traffic having consideration for the following:
 - a. The required sight distance Standards where a vehicle operator approaching an access driveway with an eye level of 1.1 m (3.6 ft.) above Grade Shall be able to see any object larger than 0.4 m (1.3 ft.) in Height at an access to a Lot for a minimum distance of:

Designation	Minimum Stopping Sight Distance
Arterial Street	170.0 m (557.7 ft)
Collector Street	85.0 m (278.9 ft)
Local Street	45.0 m (147.6 ft)

- b. If an access to a Lot crosses a sidewalk or curb, or requires the removal of a utility pole or fire hydrant, the City Shall be notified and May require modifications to be at the Owners expense.
- c. No driveway Shall be located on utility department services to a Building or other services such as water turn-off valves.
- d. An access to a Corner Lot May be reviewed by the Police and Public Works officials of the City, and the City Shall require that the access be placed no closer than 15.24 m (50 ft.) to the right-of-way of the

intersection or they May permit the access on the Lot at the furthest possible distance from the Street intersection.

- .6 The City May restrict a Lot from having more than one (1) access point to a Street.
- .7 The City May, where there is an intensity in the Use of a Lot, require the closing of one (1) or more access points to enhance the safety of the Street access to that Lot. All access locations and curb crossings Shall require the approval of the City Public Works Department or the Department of Transportation and Public Works where such Streets or highways are under its jurisdiction. The City of Charlottetown and/or the Province may restrict or eliminate existing access to a lot if there are street improvements necessary or for public safety due to the activities on the lot i.e. Drive-thru Business.
- .8 The Development Officer May require a traffic study for any Development or proposed Subdivision in the City, and after receiving concurrence of both Public Works and Police Departments, May approve the Development or Subdivision.
- .9 Where a Development proposal has the potential to generate substantial increased traffic flow, the Development Officer May consult with the Planning Board, and the Council, on recommendation from the Planning Board, May require the Developer to obtain an independent traffic analysis and May negotiate an agreement with the Developer for an equitable cost sharing of necessary Road improvements arising from the analysis.
- .10 No Building permit Shall be issued where the proposed Building or Structure, or its Alteration, repair, location or Use would be detrimental to the convenience, health or safety of occupants or residents in the vicinity or the general public.

4.39 UNDERSIZED LOTS

- .1 Notwithstanding any other requirements of this By-law:
 - a. a vacant Lot shown on a deed as separate Lot(s) from adjoining parcels on the effective date of this By-law, having less than the minimum frontage, depth or area required by this By-law, May be Used for any purpose permitted in the zone in which the Lot is located and the Development Officer May issue a Development Permit provided that all other applicable provisions in this By-law are satisfied;
 - b. a Lot containing a structure, and held in separate Ownership from adjoining parcels on the effective date of this By-law, May be Used for any purpose permitted in the zone in which the Lot is located, and the

Development Officer May issue a Development Permit provided that all other applicable provisions in this By-law are satisfied; and

- c. no Person who owns a Lot held in separate Ownership from adjoining parcels on the effective date of this By-law, having less than the minimum frontage, depth or area required by this By-law, Shall be deprived of the ability to make reasonable Use of the Lot in accordance with the zone in which it is located, and where such a Person makes application for a Development Permit the Development Officer May:
 - i. waive Rear Yard, Front Yard or Side Yard Setback requirements to an extent that is reasonable and feasible and does not compromise safety, convenience or the esthetic character of the neighbourhood and May issue a permit;
 - ii. apply procedures set out in this By-law for the handling of variances if the variance from the required Rear Yard, Front Yard or Side Yard Setback is substantial; or
 - iii. before issuing the said permit, consult with the Planning Board who Shall recommend to Council on waiving of the said Setbacks and a reasonable and feasible disposition of the application.
- .2 Consideration will be given to permitting a flag lot through a frontage variance application in those circumstances where an existing lot was created without at least 25 feet of frontage or in circumstances where a parcel is landlocked and there will never be the ability for the extension of a future street road network to provide the required street frontage from the rear of the property. In the case of a landlocked parcel, Council may approve, by recommendation of the Planning Board a flag lot provided:
 - a) The flag lot has 25 feet of frontage on a public street.
 - b) The main body of the lot (flag portion) meets the lot area and frontage requirements of the zone.
 - c) Only one flag lot will be permitted per parent parcel.
 - d) No portion of the access strip (pole) portion of the lot shall be included in computing the required lot area for the flag portion.

4.40 LOT SIZE

- .1 No Lot Shall be reduced in area, either by conveyance or alienation of any portion thereof, or otherwise, so that any Building or Structure on such Lot Shall have a Lot Coverage that exceeds, or a Front Yard, Rear Yard, Side Yard, Lot Frontage, or Lot Area that is less than that required by this By-law for the zone in which such Lot is located.
- .2 Council may approve, by recommendation of Planning Board, the Subdivision of a single infill lot that is undersized in Lot Area and/or Lot Frontage, and that

meets the average lot size of the existing developed lots on the street within the same zone. Such infill lots are to be used for single family dwellings only, or for 2-unit dwellings where permitted in the zone and where the lot has the minimum requirement for Lot Area for that use.

4.41 YARDS BORDERING ON WATER

Where, in this By-law, a front, side or Rear Yard is required, and part of the area of the Lot is wetland or is beyond the rim of a river bank or Watercourse or between the top or toe of a cliff or embankment having a slope of fifteen percent (15%) or more from the horizontal, then the required Yard Shall be measured from the nearest Main Wall of the Main Building or Structure on the Lot to the edge of the wetland or the top of the said cliff or embankment if such area is closer than the Lot Lines. Where a Building or Structure can be built over the water and has all required approval from Federal and Provincial Governments, the area of the water lot shall only be counted for the area encompassed by the foot print of the Building or Structure under the provisions of this bylaw for Lot area and all other provisions for the zone in which the property is located shall be followed.

4.42 SIGHT TRIANGLE ON CORNER LOTS

- .1 Notwithstanding any other provisions of this By-law, no Building or Structure Shall be Erected on a Corner Lot within 6 m (19.7 ft.) of the triangular space included between Street Lot Lines.
- .2 No shrubs or foliage Shall be planted or maintained on a Corner Lot which would obstruct the view of a vehicle driver approaching the intersection within 6 m (19.7 ft.) of the point of intersection of the Street Lot Lines.

4.43 ESTABLISHMENT OF BUILDING LINE

- .1 In the event that the said Building Line encroaches on a public right-of-way, the encroachment permitted Shall be no greater than that which previously existed on the site or than the Defacto Building Line for the Street or Block.

GENERAL PROVISIONS FOR PARKING

4.44 PARKING SPACE STANDARDS

- .1 A Parking Space Shall have dimensions of not less than 2.6 m (8.5 ft.) by 5.5 m (18.0 ft.) and Shall have adequate space to permit access and egress of a motor vehicle to and from a Street or highway by means of a driveway, aisle, or a maneuvering area, and Parking Spaces for trailer trucks, buses, motor homes or other large vehicles which Shall be Designed with dimensions of

- 3.7 m (12.1 ft.) by 18.3 m (60 ft.) or larger, if necessary to accommodate longer vehicles.
- .2 For every Building to be Erected, placed or Used, or changed in Use for any of the purposes listed in the following table, there Shall be provided and maintained off-Street Parking on the same Lot to the minimum extent prescribed by the table.
 - .3 A Parking requirement calculation that is derived from the table and that specifies at least 0.5 of a space but less than 1.0 Shall be deemed to be a requirement for one (1) additional space.
 - .4 Off-Lot Parking Shall be allowed as-of-right on an adjoining Lot of the same zone or a Parking zone provided that Lot is owned by the same Person and Notice is provided to subsequent Owners that this Lot is required for Parking.
 - .5 Renovations and Alterations, which do not result in an increase in the gross floor area of a Building, Shall not require any additional parking, but the number of spaces which existed prior to the Renovations, Alterations, Shall not be diminished. New additions require parking but only the new area use requires additional parking, but the number of spaces which existed prior to the addition shall not be diminished that is required for the uses in the building.
 - .6 The Development Officer may, with the approval of the Council, approve off-Lot Parking:
 - a. for developments located in the 500 Lot Area provided that the *lot* or *building* containing the required parking is within 240 m (787.4 feet) of the subject lot and the *developer* has filed with the City a lease providing the parking for a period of not less than 10 years;
 - b. for development located within the DMU Zone where the existing parking is located on an *existing lot* or within 280 m (918.6 feet) of the subject lot and the *developer* has filed with the City a lease providing the required parking for a period of not less than 10 years;
 - c. for developments located within the M-1, M-2 and M-3 zones provided the *developer* has filed with the City a lease providing the required parking for a period of not less than 10 years.
 - .7 Where a lease required under subsection 4.44.6 expires or is cancelled the owner of the property for which the lease was required shall forthwith notify the City of the expiration or cancellation of the lease and:

- a. provide the City with a copy of a lease which replaces the lease which has expired or has been cancelled and meets the requirements of the Bylaw with respect to parking; or
 - b. cease occupation or use of that portion of the subject lot which relates to the lease until the required parking is provided; or
 - c. pay to the City the amount of money required for the current cash-in-lieu or parking spaces under subsection 4.49, subject to meeting the requirements of subsection 4.49.
- .8 The Parking requirements Shall not apply where a Building is repaired after a fire or other catastrophe provided that the original number of spaces is available after reconstruction.
- .9 Where a Building or Lot Use is used for more than one use or is not listed, the Development Officer May apply the closest Parking requirement deemed to fit the proposed Use(s) for the purposes of determining the Parking requirements.
- .10 Except for a Shopping Centre and any property whose parking requirements are established by subsection 4.44, where there is multiple Use of a site, the Parking requirements for the site Shall be the sum of the parking required for each Use.
- .11 Subsections 4.31 and 4.32, “Minor Variances” and “Other Variances”, Shall not apply to the Parking provisions required in the following table for Minimum Required Parking Spaces.

Use	Minimum Required Parking Spaces
Animal hospital or shelter	1 space for every 28 sq m (301.4 sq ft) of floor space.
Auditorium, arena, hall, stadium, other indoor recreation facility and other places of public assembly	Where there are fixed seats, 1 space for every 5 seats or 3 m (9.8 ft.) of bench space; where there are no fixed seats, 1 space for every 19 sq. m (204.5 ft.)
Bed & breakfast, tourist home, inn or heritage inn, boarding, or rooming home	1 space per 3 bedrooms or guest rooms
Bowling alley and curling rink	Bowling alley - 2 spaces for each lane Curling rink - 4 spaces per curling sheet

	in addition to the requirement for the rest of the <i>building</i>
Business office, retail store, retail service shop	2 spaces for the first 23.2 sq. m (250 sq. ft.) of <i>floor area</i> plus 1 additional space for each additional 25 sq. m (269.1 sq. ft.) of <i>floor area</i> .
Business office, retail store, retail service shop (in the 500 Lot Area)	2 spaces for the first 42 sq. m (450 sq. ft.) of <i>floor area</i> plus 1 additional space for each additional 97 sq. m (1,045 sq. ft.) of <i>floor area</i> .
Car Wash	5 spaces continuous in-line for the first bay and 3 space for each additional bay
Church, community building or place of amusement	1 space per 5 seats or 3 m (9.8 ft.) of bench space
Cocktail lounge, tavern or club	1 space per 3 sq. m (32.3 sq. ft.) of restaurant dining area and one space per 21 sq. m (226.0 sq. ft.) of <i>floor area</i> other than dining area
Cocktail lounge, tavern or club in the 500 Lot Area	1 space per 4.5 sq. m (48.4 sq. ft.) of restaurant dining area and one space per 42 sq. m (452.1 sq. ft.) of floor area other than dining area
Community care facility	1 space per 3 bedrooms
Community care facility in the 500 Lot Area	1 space per 4 bedrooms
Day care facility	1 space for each employee plus a drop-off area for the children
Drive-in establishment	A minimum of 25 spaces plus 1 space for every 8.6 sq. m (92.6 sq. ft.) of dining area
Drive-thru or fast-food establishment	1 space for every 4 sq. m (43.1 sq. ft.) of dining area plus queuing space as required by this by-law
Dwelling unit	1 space per <i>dwelling unit</i> for a one-

	bedroom or <i>bachelor unit</i> and 1.25 spaces for a two-bedroom unit or over by this by-law
Dwelling unit in the 500 Lot Area	1 space per <i>dwelling unit</i> in a <i>building</i> with three or few <i>dwelling units</i> ; and in a building with more than three <i>dwelling units</i> the parking shall be 1 space for every two <i>dwelling units</i> with no parking lot to have less than three parking spaces.
Dwelling unit, mini-home or modular home	1 space
Dormitory	1 space for every 3 beds or 1 space per unit
Funeral home	A minimum of 15 spaces plus 1 space for each 5 seats
Heritage inn	1 space per guest room and 2 spaces for the <i>owner</i> or proprietor
Hospital	1.25 spaces per bed
Hotel or motel	1 space per guest room or suite; 1 space for every 21 sq. m (226.0 sq. ft.) of commercial, <i>office</i> space or public use access; 1 tour bus space may be substituted for vehicle parking for every 18 rooms or suites up to a maximum of 36 rooms or suites.
Industrial or warehousing Establishment manufacturing	1 space for each 23 sq. m (247.6 sq. ft.) of <i>office</i> space plus 1 space for each additional 25 sq. m (269.1 sq. ft.) of <i>floor area</i> . of manufacturing area plus 1 space for each 93 sq. m (1,000 sq. ft.) of warehousing area (exclusive of loading, truck parking, and <i>landscaping</i> areas) or 1 space for each employee, whichever is greater

Inn	1 space per guest room and 2 spaces for the <i>owner</i> or proprietor
Laundromat	1 space per every 2 machines
Library	Minimum of 10 <i>parking spaces</i> or 1 space per 93 sq. m (1,000 sq. ft.) of <i>floor area</i> , whichever is greater
Marina or yacht club	1 space per every 3 boat berths and mooring areas
Medical/dental clinic and/or offices	6 spaces per practitioner
Museum and art gallery	1 space per 46 sq. m (495.2 sq. ft.) of Floor Area plus 1 space per employee
Neighbourhood convenience store	2 spaces for the first 20 sq. m (215 sq. ft.) of <i>floor area</i> plus 1 additional space for each additional 20 sq. m of <i>floor area</i> .
Nursing home, group home and emergency/transition facilities	1 space per 4 beds, plus 1 space per 2 employees, plus 1 space per staff and/or visiting doctor based upon maximum employment shift
Parks with active recreation facilities e.g. ball, soccer, track, tennis	Where there are fixed bleachers, 1 space per 6 seats or 1 space per 1000 sq. ft. of play area.
Restaurant	1 space per 4.5 sq. m (48 sq. ft.) of area allowed for dining (seating and aisles) and one space per 42 sq. m (452.1 sq. ft.) of <i>floor area</i> other than dining area
Shopping centre and retail store (stand-alone) on the same lot	4.5 spaces per 93 sq. m (1000 sq. ft) floor area
School, elementary	1 space for each staff <i>person</i> plus 1 space for every 8 teaching classrooms
School, junior high	1 space for each staff <i>person</i> plus 1 space for every 4 teaching classrooms
School, senior high	1 space for each staff <i>person</i> plus 2

	spaces per teaching classroom
Senior citizen home	1 space per 3 <i>dwelling units</i>
Senior citizen home in the 500 Lot Area	1 space per 4 <i>dwelling units</i>
Theatre in the 500 Lot Area	1 space per 10 seats
Theatre	1 space per 5 seats
University or college	1 space for each staff <i>person</i> plus 6 spaces per teaching classroom
All other uses not listed	1 space per 20 sq. m. (215 sq. ft.) of <i>floor area</i> or 1 space per 10 seats

.12 Shared parking:

a. General

Shared parking is encouraged as a means of conserving scarce land resources, reducing storm water runoff, reducing the heat island effect caused by large paved areas and improving community appearance. The Development Officer is authorized to approve Shared parking facilities, subject to the following standards;

- i. Shared parking is allowed among different categories of uses or among uses with different hours of operation, but not both.
- ii. Accessible parking spaces (for persons with disabilities) may not be shared and must be located on-site.
- iii. Up to 10% of required parking spaces for any use may be used jointly by a temporary commercial use.
- iv. Applicants must provide a shared parking agreement executed by the parties establishing the shared parking spaces. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking must be provided as otherwise required by this Bylaw.
- v. Shared parking may be located off-site, subject to the regulations of this subsection (4.44.4 and .6).

b. Shared Parking for Different Categories of Uses

A use may share parking with a different category of use according to only one of the following:

- i. If an office use and a retail sales-related use share parking, the parking requirement for the retail sales-related use may be reduced by up to 20%, provided that the reduction does not exceed the minimum parking requirements for the office use.
- ii. If a residential use shares parking with a retail sales-related use (expressly excluding lodging uses, eating and drinking establishments and entertainment-related uses) the parking requirement for the residential use may be reduced by up to 30%, provided that the reduction does not exceed the minimum parking requirement for the retail sales-related use.
- iii. If an office and a residential use share off-street parking, the parking requirement for the residential use may be reduced by up to 50%, provided that the reduction does not exceed the minimum parking requirement for the office use.

c. Shared Parking for Uses with Different Hours of Operation

- i. For the purposes of this section, the following uses are considered daytime uses:
 - (a) customer service and administrative offices;
 - (b) retail sales uses, except eating and drinking establishments, lodging uses, and entertainment-related uses;
 - (c) Educational Institution with 90% of courses or activities offered during the normal business hours;
 - (d) warehousing, wholesaling, and freight movement uses;
 - (e) manufacturing, production and industrial service uses; and
 - (f) Other similar primarily daytime uses, as determined by the Development Officer.
- ii. For the purposes of this section, the following uses are considered nighttime or Sunday uses:

- (a) auditoriums necessary to public or private schools;
 - (b) religious assembly uses;
 - (c) entertainment-related uses, such as theatres, bowling alleys, and dance halls; and,
 - (d) other similar primarily nighttime or Sunday uses, as determined by the Development Officer.
- iii. Up to 90% of the parking required by this Bylaw for a daytime use may be supplied by the off-street parking provided for a nighttime or Sunday use and vice-versa, when authorized by the Development Officer.
 - iv. The applicant must show that there is no substantial conflict in the principal operating hours of the uses for which shared parking is proposed.
 - v. The Development Agreement between parties shall include such items as the following;
 - (a) each parking space shall be useable by all parkers i.e. no restrictions and shall be marked as parking for the uses as per their agreement.
 - (b) strategy included to guide parkers to all spaces and separation of parkers who compete for the spaces on the lot or in the facility when it is not their turn or time.
 - vi. Council may approve other uses or times provided the City of Charlottetown Parking Committee make a recommendation on alternate shared parking to what is prescribed hereunder;

d. Temporary Shared Parking

Council may upon a recommendation of Planning Board with input by the traffic authority and/or public works of the City of Charlottetown, permit by resolution, temporary use of land for shared parking provided;

- i. The temporary use of land in any zone for shared parking shall only be for a period of up to one year (but which may be extended once for an additional 6 months).
- ii. There is a viable plan for permanent parking or permanent shared parking developed by the applicant

iii. The applicant must enter into an agreement with the City of Charlottetown that parking will be provided as per the Zoning and Development Bylaw for permanent parking within a specified time frame but in no case more than eighteen months from the date of the agreement.

iv. The temporary parking is designed to meet the requirements of the Zoning and Development Bylaw for design of a parking lot (subsection 4.47) and is stamped and signed by a qualified engineer for drainage and design.

4.44A PARKING STANDARDS AND REQUIREMENTS – PROPERTIES LOCATED IN THE 500 LOT AREA AND IN THE DMU ZONE

- .1 In addition to clauses 1, 3, 4, 5, 6, 8, 9, 11 and 12 of subsection 4.44, the parking requirements for properties located in the 500 Lot Area and in the DMU zone shall be as follows:
- a. new *buildings* shall require parking in accordance with the table in subsection 4.44;
 - b. Renovations, *alterations*, changes in *use* or intensification of *use*, which do not result in an increase in the gross *floor area* of more than 390.2 sq m (4,200 sq ft) of a building, shall not require any additional parking, but the number of spaces which existed prior to the renovations, *alterations*, changes in use or intensification of *use* shall not be diminished;
 - c. Additions to a *building* which are greater than 390.2 sq m (4,200 sq. ft.) in gross *floor area* shall require additional parking spaces for that portion of the gross *floor area* which is new and in excess of the first 390.2 sq m (4,200 sq.ft.), in accordance with the table in subsection 4.44.

4.45 STANDARDS FOR MOBILITY DISABLED PARKING SPACES

- .1 Each reserved Parking Space Shall contain an area of not less than 21.96 sq. m (236.4 sq. ft.) measuring at least 3.6 m (12 ft.) by 6.1 m (20.0 ft.).
- .2 Where the limits of the Parking Lot are defined by a curb, the Parking Lot Shall be provided with a ramped curb as close as possible to the location to an accessible entrance or elevators and in no case, Shall it be further than 50 m (164.0 ft.) from the location which it is intended to serve, with the exception of a University or College which has a central campus and perimeter parking already established.
- .3 Where there is no defined curb each reserved Parking Space Shall be situated as close as possible to the location it is intended to serve.

- .4 Each reserved Parking Space Shall be clearly identified by a ground Sign.
- .5 Reserved Parking Spaces for those who are mobility disabled Shall be provided as an addition to the required spaces in conformity with the following schedule:

Use	Minimum required spaces:
Medical clinics and offices of any health practitioner	1 reserved parking space for the mobility disabled per 5-15 parking spaces required with 1 additional space for each 15 required spaces or part thereof.
Senior citizen homes/Nursing Home	1 reserved parking space per 20 beds
Multiple Dwellings	1 reserved parking space per 5 to 30 units
Restaurants and Theatres	1 reserved parking space per 30 to 50 seats.
All other uses	3 reserved parking spaces for the mobility of the disabled per 26-100 parking spaces required; and, Over 100 parking spaces required on a site, 2% of all parking shall be for the disabled.

4.46 UNDERGROUND PARKING

Where there is *underground parking* located within or under the main footprint of a *building*, the density of units on a lot may be increased by 20% of the requirements set out for the zone (# of units x 20% = increase); parking is required for the increased density. A minimum of 75% of parking required for a *development* must be *underground parking* in order to receive the 20% density bonus.

4.47 PARKING LOTS

- .1 Each Parking Space Shall be made accessible for access and egress by means of a stable surfaced lane, right-of-way, or Street at least 3.0 m (9.8 ft.) in width and where there are more than six (6) vehicles in a parking area or required under this By-law, the access to the parking shall be at least 6 m (19.7 ft.).

- .2 Parking Spaces for apartments Shall be exclusive of the Front Yard of an apartment Building, and such Parking Spaces Shall not be situated within 1.5 m (4.9 ft.) of any door or window serving as a bedroom.
- .3 Within this By-law, where Parking facilities for six (6) or more vehicles are required or permitted:
- a. the Parking area Shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles and prevent the drainage of storm or surface water runoff on to adjacent Lots;
 - b. any lights Used for illumination of the Parking Lot or Parking station Shall be so arranged as to divert the light away from adjacent Lots, yet provide lighting to the parking areas and for pedestrians. All pedestrian access to the building from the parking lot shall be designed with pedestrian travel routes that minimize hazards and inconvenience to pedestrians in parking areas in getting to the building, and shall be well marked and maintained;
 - c. a Structure which is not more than 4 m (13.1 ft.) in Height and 5 m (16.4 ft.) in area May be Erected in the Parking area for the Use of Lot attendants;
 - d. no Signs Shall be Erected on any Parking Lot other than directional Signs, authorized Parking Signs and the name of the Owner, and these Signs Shall not exceed 2 sq. m (21.5 sq. ft.) in total area;
 - e. scale drawings drawn to Parking Design Standards and certified (stamped) by a qualified engineer, architect, or public land surveyor Shall be submitted where there are ten (10) or more Parking Spaces or for less than ten (10) spaces as required by the Development Officer with the application for the Building permit showing entrances and exits to such Parking facilities, all proposed and Existing Parking Spaces, aisles, lighting, and drainage of the Lot;
 - f. where a Parking Lot is in or abuts a residential property or residential zone, and the Lot contains more than four (4) Parking Spaces, a landscaped Buffer of at least 1.0 m (3.3 ft.) in Height Shall be planted at least 1.0 m (3.3 ft.) wide in from the Lot Line on the property for which application is made and Shall be maintained in a healthy growing condition by the Owner. In addition to or instead of the Landscaping, the Development Officer May require an opaque-type fence;
 - g. the access to a Parking Lot or loading area Shall be a Minimum Width of 3.1 m (10.2 ft.) for one-way traffic, a Minimum Width of 6.2 m (20.3 ft.) for two-way traffic, and the maximum width of the driveway or access to a Lot Shall be 8 m (26.2 ft.) unless otherwise required due to particularly high

traffic levels, where the Development Officer may approve such an increase upon review by the Police and Public Works Departments, to accommodate a central turning lane that has been designed and certified by a qualified engineer; and

- h. the City May, where for safety reasons due to traffic volumes and the number of Existing access points to an arterial or collector Street, require adjoining property Owners to share the access to their Lots and Parking, or the City May refuse a new access to a Lot.

4.48 LOCATION OF PARKING FACILITIES

- .1 No Parking Spaces Shall be located within the required Front Yard Setback in a residential Building containing more than three (3) units, and no driveway area Shall occupy more than 40% of the required Front Yard.
- .2 Council May permit parking in the required Front Yard Setback of a Townhouse Dwelling, a Block Townhouse Dwelling or a Stacked Townhouse Dwelling provided such Front Yard does not front on a collector or arterial Street.

4.49 CASH-IN-LIEU OF PARKING SPACES

- .1 Council may require or accept *cash-in-lieu of parking spaces* in any situation where a development permit has been applied for and adequate or required off-street parking cannot be provided or, in the opinion of Council, having considered a recommendation from the Planning Board, is unfeasible.
- .2 Clause 1 applies to any property within the 500 Lot Area or within the DMU zone.
- .3 Cash-in-lieu of *parking spaces* shall not be applied to cases of a change in use, *alterations*, repairs or renovations in an existing zone
- .4 All funds obtained through the cash-in-lieu provisions shall be used exclusively for the provision of additional parking spaces or facilities in the downtown area.
- .5 Council shall, by resolution from time to time, set the fee for *cash-in-lieu of parking spaces*.

4.50 LOCATION OF PARKING STRUCTURES

- .1 A Parking Structure May be located in any Commercial, Industrial or Institutional Zone upon approval of Council after consideration of the following:
 - a. traffic and access to the site;
 - b. drainage and services available in the area;
 - c. architectural compatibility of the Parking Structure to the neighbourhood; and
 - d. impact of a Parking Structure on adjoining residential areas.
- .2 Council May call a public meeting to consider input from the public on any proposed Parking Structure.

4.51 QUEUING SPACE

Queuing spaces Shall be provided where an Automobile Service Station, a Car Wash, a Automotive Drive-in Business a Drive-thru Business, or a Gasoline Bar is constructed in accordance with the following requirements:

- .1 Car Wash and Drive-thru Business:
 - a. five (5) in-bound queuing spaces Shall be provided for vehicles approaching the drive-up service window; and
 - b. out-bound queuing space Shall be provided on the exit side of each service position and this space Shall be located so as not to interfere with service to the next vehicle.
- .2 Coffee Shops:
 - a. Council Shall determine stacking requirements for coffee shops after receiving input from the Police and Public Works Departments and/or from a traffic consultant.
- .3 Automobile Service Station, Automotive Drive-in Business and Gasoline Bar:
 - a. four (4) in-bound spaces Shall be provided; and
 - b. three (3) out-bound spaces Shall be provided.
- .4 All queuing spaces Shall be a minimum of 6.5 m (21.3 ft.) long and 3.0 m (9.8 ft.) wide, and queuing lanes Shall provide sufficient space for turning and maneuvering and Shall not occupy any portion of a Designated fire lane.
- .5 Automobile *drive-thru businesses* are not permitted in the 500 Lot Area.

4.52 LOADING AND UNLOADING FACILITIES

- .1 One (1) off-Street Loading Space Shall be provided for every 1,858 sq. m (20,000 sq. ft.), or fraction thereof, of Building Floor Area whenever a Building is Erected, placed, or converted for manufacturing, storage, Warehouse, retail, or any purpose involving the Use of vehicles for the receipt or distribution of materials or merchandise.
- .2 Council May, after receiving a recommendation from the Planning Board, waive the Loading Space requirement.
- .3 Each Loading Space Shall be at least 3.0 m (9.8 ft.) by 9.0 m (29.5 ft.).
- .4 Loading Space areas, including driveways leading thereto, Shall be constructed of and maintained with a suitable surface which is treated so as to prevent the raising of dust or loose particles.

GENERAL PROVISIONS FOR PERMITS AND APPROVALS

4.53 FEES FOR PERMITS AND RELATED SERVICES

Application or processing fees for Building permits, Sign permits, footing permits, demolition permits, preliminary or final Subdivision approvals, variance requests, rezoning requests, and zoning enquiries and the appropriate cash-in-lieu fee for a Parking Space Shall be set from time to time by a resolution of City Council.

4.54 BUILDING PERMITS

- .1 No Development or demolition Shall be undertaken unless a completed application on the form prescribed from time-to-time by the Development Officer has first been made to the Development Officer and a permit has been issued.
- .2 Every Person proposing to Erect a Building or undertake a Development Shall, when applying for a Building permit, file with the Development Officer:
 - a. construction plans and site plans in accordance with the applicable provisions of this By-law; see Appendix "E", Minimum Requirements;
 - b. a grading plan showing Existing and proposed elevations and drainage patterns, and at no time Shall the plan show surface water runoff onto or over adjoining Lots, unless there exists an established natural area where the water flows to a stream or along adjoining properties to a Street or catchment basin; and
 - c. such other information as the Development Officer May require or which May be necessary to ensure compliance with the provisions of the Building Code By-law. The Development Officer may require a Development to provide information to conform with subsection 4.62.

- .3 If an application for a permit is incomplete, the Development Officer Shall notify the applicant in writing within seven (7) calendar days of the submission.
4. Where the Development Officer determines that an application:
- a. is required by this By-law to be reviewed by Council;
 - b. is not entirely clear as to whether it meets the requirements of this By-law, or other By-laws or statutes which May be in force; or
 - c. is in respect of a Building that May be inferior architecturally, in quality, or May not appear to be in harmony with the surrounding Streetscape;
- the Development Officer Shall refer the application to the Planning Board, and the Council Shall, with a recommendation from the Planning Board, give direction on the disposition of the application.
- .5 The Development Officer May issue a Building Permit without referral if the proposed Development meets the requirements of this By-law.
- .6 An application for a Building Permit May be refused by the Development Officer if:
- a. the proposed Development does not conform to this By-law;
 - b. the method of water supply is not appropriate;
 - c. the method of waste disposal is not appropriate;
 - d. there is not a safe and efficient access to the Public Highway, Street or Road;
 - e. the impact of the proposed Development would be detrimental to the environment by reason of noise, dust, drainage, infilling or excavation which affects environmentally sensitive or residential areas;
 - f. the proposed Development would Significantly detract from one (1) or more properties in the vicinity by reason of architectural disharmony; or
 - g. the proposed Development would be detrimental to the convenience, health or safety of the occupants or residents in the vicinity or the general public.
- .7 When an application for a Building Permit is refused, the Development Officer Shall notify the applicant in writing of the decision and the reason for the refusal within seven (7) calendar days of the decision.

- .8 Construction undertaken pursuant to a Building Permit Shall be commenced within a twelve (12) month period from the date of issuance, and Shall be completed within the time specified on the Building Permit.
- .9 A Building Permit May be renewed for one (1) period upon application to the Development Officer and Shall be valid only for the time period specified at the time of renewal.

4.55 PERMIT EXEMPTIONS

A permit Shall not be required for normal Maintenance, i.e. shingling, siding, roofing, repainting, Maintenance or rebuilding of a chimney, a fence under 1.8 m (6 ft.) and the replacement of windows and doors.

4.56 OCCUPANCY PERMITS

- .1 No Person Shall Use or occupy, or permit to be Used or occupied any Building or Structure which has been constructed or Altered in accordance with the City of Charlottetown Building Code By-law, with the exception of:
 - a. additions to Existing Buildings or Structures where no change of occupancy has occurred provided the Building is not increased in size by more than 50% of the existing floor area; or
 - b. an Accessory Building or Structure not intended for public access; or
 - c. any new Single-Detached Dwelling, or for any alteration to a Single-Detached Dwelling, Semi-Detached Dwelling or converted Dwelling provided that the use of the Dwelling is not for an In-Law Suite, Bed & Breakfast, Tourist Home, Heritage Inn, Home Occupation, Group Home or a Neighbourhood Daycare Centre.
- .2 An occupancy permit Shall not be issued until:
 - a. the Owner has satisfied the City that the work carried out conforms to all zoning requirements and any plans or other information that was submitted in applying for the Building permit; or
 - b. the City is satisfied that the work has progressed to a stage where occupancy of the Building or Structure does not endanger the health or safety of the occupants or any other Person entering therein.
- .3 The Development Officer May require proof of other conditions, if any, that are relevant to the occupancy of the Building or Structure. The Development Officer May issue an Occupancy Permit after:
 - a. receiving satisfactory reports from the Building Inspector and /or the Fire Inspector;

- b. being satisfied that all the requirements for a permit including the site plan have been met; and
 - c. being satisfied that the Building, structure or Development complies with all applicable City by-laws.
- .4 The Development Officer May post or cause to be posted one (1) or more notices on any part of a Building or Structure, or an addition or part thereof, that is being occupied in contravention of this By-law.

4.57 DEMOLITION PERMITS

1. A demolition permit may be issued for a *building* or *structure*, or a part thereof.
2. Notwithstanding Section 1, where an application for the demolition of a *building* or *structure* containing more than 20 sq m (215. 3 sq ft) is:
 - a. located on a *designated heritage resource* identified in Appendix “A”, the following process shall apply:
 - i. the demolition of such buildings or structures shall be prohibited;
 - ii. applicant must first make application to revoke the designation status from the property and amend Appendix “A” of this by-law.
 - b. located in the 500 Lot Area but is not a *designated heritage resource*, the following process shall apply:
 - i. the demolition of such *buildings* or *structures* shall be discouraged;
 - ii. the application for demolition shall be referred to the Heritage Board;
 - iii. the Heritage Officer shall carry out an inspection and prepare a heritage assessment memo/report regarding the heritage value of a property;
 - iv. the Heritage Office in consultation with the Heritage Board shall:
 1. determine the disposition of the application or,
 2. where the application does not clearly satisfy the factors to be considered prior to approval of a demolition, then may refer the application for demolition to Council to determine the disposition of the application.

- c. for all other properties the following process shall apply:
 - i. the demolition of *buildings* or *structures* considered with any heritage qualities, attributes or value shall be discouraged;
 - ii. the Development Officer or the Heritage Officer may elect to inspect the property; and may require the applicant to undertake, at their own cost, a heritage assessment memo/report regarding the heritage value of a property prepared by a qualified architect, heritage consultant or similarly qualified professional;
 - iii. the Development Officer and/or Heritage Officer shall make the decision on the application, based upon its own merits.
3. A decision to approve or deny an application for demolition of a *Building* or *Structure* shall be based on the following factors:
- a. the condition of the subject *Building* or *Structure*;
 - b. the importance of the subject *Building* or *Structure* to meeting heritage objectives and any previous or current heritage assessments for the subject property or adjacent properties;
 - c. the impact of demolition of the subject *Building* or *Structure* on maintenance of the streetscape of the area in which the subject *Building* or *Structure* is located, including the impact upon *Neighbourhood Character Streetscapes* in the 500 Lot Area;
 - d. The compatibility of the existing use and the future land use on the lot;
 - e. where the compatibility of the proposed replacement *Building* or *Structure* is more suitable than the existing *Structure* in relation to the existing mass and scale of development in the surrounding area
 - f. the Development and Design Standards provisions of this by-law
 - g. any other factors deemed to be relevant or important by the Development Officer, the Heritage Officer, the Planning Board, the Heritage Board or Council.
4. It shall be a condition of any demolition permit issued by the City for any heritage resource-that prior to demolition occurring, the owner of the property provide the City or their or designate with reasonable access to the property to provide them with a reasonable opportunity to properly inventory, catalogue and photograph the land and/or buildings in order to establish an accurate historical record of the property. The owner shall also provide the City or their designate

with reasonable opportunity to salvage and re-use any building materials, features or remnants that form part of the property and these shall become the property of the City, the Heritage Board or their designate. Following demolition and development, such information or materials or remnants of the property may be used by the City or their designate without limitation to pay tribute or to commemorate the former use, occupants or residents of the property or any other significance associated with the property.

5. A demolition permit shall be valid for sixty (60) calendar days but the *Development Officer* may prescribe a lesser time period or a greater time period, not to exceed ninety (90) calendar days.

4.58 FUEL-BURNING BUILDINGS

- .1 The Use of fuel burning equipment in the City Shall be regulated by the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Air Quality Regulations (No. EC377/92).
- .2 Any Person proposing to install or construct an incinerator, wood or wood chip boiler, or fuel burning equipment of 1mw or greater in net capacity Shall be required to:
 - a. make an application under Schedule “B” of the Air Quality Regulations and carry out an Environmental Impact Assessment;
 - b. obtain approval from the Provincial Environment Department; and
 - c. forward such approval to the Development Officer,before the City considers issuance of a Building permit.
- .3 Council, after receiving a recommendation from Planning Board, may approve stand-alone biomass heating plants that are less than 1 mv (megawatt) in net capacity for Commercial, Industrial and Institutional Buildings on properties with a minimum Lot Area of 1.5 acres.

4.59 LICENSES, PERMITS, AND COMPLIANCE WITH OTHER BY-LAWS

- .1 Nothing in this By-law Shall exempt any Person from complying with the requirements of the Building By-law or any other By-law in force within the City; or from obtaining any license, permission, permit, authority, or approval required by any other By-law of the City, or statute or regulation of the Province of Prince Edward Island or the Government of Canada.

- .2 Where the provisions of this By-law conflict with those of any other City By-law or any regulations or codes of the Province of Prince Edward Island, the higher or more stringent requirement Shall prevail.

4.60 MUNICIPAL SERVICES

- .1 Where Municipal Services are available in the opinion of the Director of Public Services, no Subdivision approval Shall be issued except where the Subdivision is provided with such services.
- .2 Municipal Services Shall be required for any new Subdivision containing more than one (1) Lot with the following exceptions:
 - a. In an area where there are no Municipal Services, one (1) Lot from an original parcel Existing on the effective date of this By-law, May be subdivided for Development with on-site services that meet Standards set out by the Province;
 - b. Any Subdivider proposing to create more than one (1) Lot where no Municipal Services are available in an area, May receive Subdivision approval from the City subject to the installation of a private sewer and water system:
 - c. The Subdivider Shall install the said private sewer and water system to City Standards in such a manner that allows the City, at such time as it makes Municipal Services available to the area, to provide a connection to the system; and
 - d. The Subdivider Shall install the said private sewer and water system to services all Lots in the Subdivision and to meet such Standards as are required by Section 13 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9.
 - e. Any Subdivider who receives approval from the City to install a private sewer and water system Shall enter into a Subdivision agreement with the City and Shall provide security for the rehabilitation of a sewage treatment facility, well or any other appurtenance that May become surplus at such time that the system is connected to the Municipal Services.
- .3 A private sewer and water system Shall be turned over to the City after a one-year Maintenance by the Subdivider, and provided it meets the standard specified by the City, the City Shall accept this system and operate it;

- .4 At such time as the City provides Municipal Services to the Subdivision, a private sewer and water system Shall be connected to the Municipal Services.

4.61 BUILDING TO BE MOVED

No Building, accessory, residential or otherwise Shall be moved within, into, or out of the area covered by this By-law without obtaining a Building Permit from the Development Officer.

GENERAL PROVISIONS FOR SITE DEVELOPMENT

4.62 SITE DEVELOPMENT PRINCIPLES

- .1 The site *development* principles set out herein shall be given consideration for all non-residential and *multi-unit* residential development, except for a residential property containing four (4) units or less, by any *person* applying for a development shall clearly demonstrate to the City that the *development* proposal upon which the application is based has been prepared to reflect these principles and to enhance the urban environment in which the *development* is to be situated.
- .2 For all non-residential and multi-unit residential development, except for a residential property containing four (4) units or less, any *person* who proposes to construct a new *building* or renovate an *existing building*, or consolidate or subdivide lands for the purpose of constructing a new *building* or renovating an *existing building* shall consider a *development* proposal containing the following:
 - a. a site plan, accurately drawn to scale, that shows:
 - i. the precise size and location of the Building or Buildings, both Existing and proposed;
 - ii. details of driveway size and location, on-site paved Parking Spaces and vehicle circulation lanes, loading zones, and fire safety access lanes;
 - iii. details of surface water drainage including covered storm drain systems if applicable;
 - iv. design of urban beautification features such as green space, curbing, trees and shrubs, other formal Landscaping features and hard-surfaced walkways, with special attention to Streetscape;
 - v. details of utility connections to the Building and the location of sewer and water lines;
 - vi. Design of screened trash storage and handling areas; and

- vii. Design of appropriate landscape Buffers to maintain the integrity of any adjacent residential or institutional Uses;
 - viii. any Existing public View Planes in relation to public Use of Streets or Parks as defined in Section 4.75.5.
- b. Building floor plans and elevations, accurately drawn to scale; and
 - c. a written statement with accompanying graphic descriptions that address the compatibility and integration of the proposed Development with Existing adjacent land Uses;
- .3 The Development Officer Shall give consideration to the disposition of an application made in accordance with this section provided the procedures as outlined in the zones are followed and having regard to the following:
- a. compatibility and interrelationship of the proposed Uses of the Building or Buildings;
 - b. the *design* compatibility of the proposed *building or buildings* with adjacent heritage resources, if any;
 - c. the convenience, adequacy and safety of Street and pedestrian connections;
 - d. the adequacy and esthetic Usefulness of urban beautification features;
 - e. the suitability of water and sewer services and connections;
 - f. the adequacy of stormwater drainage systems, both surface and underground;
 - g. the adequacy of fire protection access;
 - h. the *design* compatibility of the proposed *building or buildings* with adjacent heritage resources, if any;
 - i. the vehicular and pedestrian conflict persists in its configuration of Parking areas and driveways or access points;
 - j. the Existing View Planes of the Charlottetown Harbour (Hillsborough and York Rivers) from a public Street (projection of their right-of-way to the water) or Park.
- .4 Where the Development Officer experiences difficulty in evaluating the Development proposal or in reaching a satisfactory agreement with the applicant, he May, at his discretion, determine to consult with the Planning Board, who Shall consider the application and such recommendations as the Development

Officer May make, and make a recommendation to Council on the disposition of the application.

- .5 Upon receiving the recommendation of the Planning Board, Council May, at its discretion, call a public meeting to give an opportunity for public input on the proposed Development and, after consideration of the input received, Shall make a disposition of the application.
- .6 Where Council convenes a public meeting, the applicant Shall attend to present and defend his application.
- .7 Council May require that a Development agreement be Signed between the two parties indicating that the Development will be carried out in accordance with the drawings and other documents produced in respect of the proposed Development and agreed upon between both parties, and Shall bear the Signatures of the applicant and the City.
- .8 In addition to the foregoing requirements, any *person* who proposes to build a new major retail facility shall, in the preparation and presentation of plans and other documentation to the Council, have regard for the following factors:
 - a. compliance with applicable provincial and municipal regulations and by-laws;
 - b. provision for safe vehicular and pedestrian movement;
 - c. Parking that is Designed for convenience, safety, and esthetic excellence, and providing for appropriate snow removal and surface water drainage;
 - d. permanent green spaces for urban planting and Maintenance of mature trees, shrubs and other suitable vegetation;
 - e. the impact of the major retail facility on the City Street system and traffic flow;
 - f. safe and convenient access to and egress from the site to or from Existing Streets and highways;
 - g. harmonious Building form compatible with surrounding or adjacent Buildings and in scale with the natural or built elevations of the site;
 - h. sympathetic overall Design compatible with any adjacent urban or natural landscape, natural environment, Building forms and architectural features;
 - i. appropriate infrastructure and servicing, including water, sanitary and storm sewers, traffic and traffic controls, transportation modes and connections; and

- j. provision for an equitable, proportionate contribution by the applicant to any incremental public improvements that May be necessitated by the proposed Development.
 - k. Council may require that a development agreement be signed between the two parties indicating that the *development* will be carried out in accordance with the drawings and other documents produced in respect of the proposed *development* and agreed upon between both parties and shall bear the signatures of the applicant and the City.
- .9 Where an applicant refuses to enter into an agreement when required by the City, the application Shall be denied.

4.63 TEMPORARY CONSTRUCTION USES PERMITTED

- .1 The Development Officer May issue a Development Permit for the Erection of a temporary Building or Structure which is accessory to construction in progress, such as a work or construction camp, Modular Home, sales or rental Office, tool or Maintenance shed and scaffold.
- .2 The Development Officer May issue a temporary permit for up to six (6) months for a Greenhouse or other Structure or Building in any zone where it would not be permitted by this By-law and for up to one (1) year for community gardens, and this permit May be renewed for community gardens and accessory buildings.
- .3 The Development Officer Shall have the power to order that any boat, motor home or piece of heavy equipment such as construction equipment or a commercial truck not be stored outside in any residential zone or to regulate the manner of storage thereof.
- 4. Temporary plastic garages be prohibited in all zones.
- 5. Failure to comply with any order or direction of the Development Officer Shall constitute an offence under this By-law.
- 6. Council May permit a temporary Structure for up to one (1) year after receiving a recommendation from Planning Board.

4.64 ILLUMINATION

- .1 No Person Shall Erect any Illuminated Sign or illuminate an area outside any Building unless such illumination is directed away from adjoining residential units and any adjacent Streets where the light May affect safety for vehicle or pedestrian traffic.

- .2 If lighting adversely affects adjoining properties, the Owner May be required to take measures such as providing Landscaped Open Space and/or shades to correct the problem and/or a timer to shut off the lighting.
- .3 Where Yard lights are provided in connection with a commercial Use, all such lighting Shall be directed inwardly toward the subject Lot.

4.65 GRADE OF SITE

No permanent Building Shall be Erected or placed without first providing Existing and proposed Grade elevations relative to the adjoining property, as well as showing the pattern and allowing for surface water runoff on the Lot so as not to cause damage or water runoff onto adjoining Lots.

4.65A SURFACE DRAINAGE

- .1 In this section:
 - a. "Development" in this section of the By-law means any change in use or elevation of land, any new Building or Structure, any addition to an existing Building or Structure, any replacement Building or Structure, and any Parking Lot, Outdoor Display Court or Outdoor Storage Area(s). Any building less than 20 sq metres is exempt from this definition;
 - b. "Final Grading" means surface elevations and surface grades of a Lot, as established preparatory to or including the finished landscaping or surfacing;
 - c. "Lot Grading Certificate" means the Rough Grading and the Final Lot Grading certificates prescribed in Appendix "E" of this Bylaw;
 - d. "Lot Grading Guidelines" means the lot grading guidelines for residential properties and for commercial and multi-family properties established from time to time by the City pursuant to this section;
 - e. "Rough Grading" means surface elevations and surface Grades of a Lot established in accordance with the Lot Grading Guidelines preceding the establishment of final grading;
 - f. "Surface Drainage Plan" means a surface drainage plan that complies with the minimum requirements set out in the Lot Grading Guidelines and is duly sealed and signed by a qualified landscape architect or a qualified engineer on the prescribed Lot Grading Certificate.
- .2 Prior to any construction and before any Development, Structure or Building occurs on a Lot in the City, the Owner shall first submit to the City for approval:

- a. A Surface Drainage Plan prepared by a qualified landscape architect, a qualified surveyor, or a qualified engineer for that Lot for approval by the Development Officer; and,
 - b. The qualified landscape architect or qualified engineer must seal and sign a Lot Grading Certificate in the form prescribed in Appendix “E” to this Bylaw on the Surface Drainage Plan certifying that the proposed Development complies with the applicable Lot Grading Guidelines.
- .3 If an Owner applies for approval for a new Surface Drainage Plan pursuant to this section for a Lot where an approved Surface Drainage Plan already exists, the new Surface Drainage Plan, once it has been approved and signed by the Development Officer, shall supersede the previously approved Surface Drainage Plan.
- .4 For any Development, the Development may approve surface elevations and surface Grades of a Lot in two stages:
 - a. Approval of Rough Grading; and
 - b. Approval of Final Grading
- .5 At the time of applying for initial approval of a Development and /or on the Building permit application, the Owner Shall apply to the City for approval of the Rough Grading in accordance with an approved Surface Drainage Plan. An Owner must provide to the City a Lot Grading Certificate, duly sealed and signed by a qualified landscape architect or qualified engineer, required for approval of the Rough Grading as provided in Appendix “E” of this Bylaw.
- .6 The City of Charlottetown may require a deposit from the Developer to insure the Final Grading Plan is completed on time and returned to the City of Charlottetown, or The Development Officer may require a copy of the agreement between the Developer and the qualified professional that the service was contracted for both the Rough Grading Plan and for the Final Grading Plan Certificate.
- .7 Within three (3) months of issuance of an approval of Rough Grading for a Lot, the Owner, and Shall apply to the City for approval of Final Grading in accordance with the approved Surface Drainage Plan and Shall complete the Final Grading of that Lot. An Owner must provide to the City the Lot Grading Certificate, duly sealed and signed by a qualified landscape architect or qualified engineer, required for approval of the Final Grading as provided in Appendix “E” of this Bylaw.
- .8 The Development Officer may waive the three (3) month requirement for the Final Grading of a Lot from November to April provided the Owner has rough

graded the Lot and provided appropriate siltation / mulching measures are in place to avoid / mitigate excess surface water run off or erosion during this time period.

- .9 The City Shall establish minimum standards for regulating surface drainage regarding Development in the City through Lot Grading Guidelines for residential properties and for commercial and multi-family properties aimed at preventing damage due to surface water run-off from a Lot onto adjoining Lots or public streets or rights of way.
- .10 The Development Officer may wave the requirements for a Drainage Plan under this section where the following conditions exist;

Accessory Buildings

- a. Accessory Buildings under 20 sq. m
- b. Accessory buildings replacement in the same general area on the lot as a previous accessory building and the lot drainage direction and any existing conditions on the lot are not changed due to the new accessory building location or size.
- c. An accessory building on a lot that are setback at least 4m from a lot line and are of a size that should not affect existing drainage in the area.
- d. Accessory buildings where the lot naturally slopes to a Watercourse or an existing natural drainage area.

Buildings

- a. Alterations or additions to existing buildings that are of a size (< 20 sq. m) that should not affect any existing natural drainage for the lot or area (i.e. drainage swales, natural areas, watercourses, general area has always sloped and drained in one direction).
- b. Additions or new buildings where the lot naturally slopes to a watercourse or existing natural drainage area provided a new building requiring a parking lot (Commercial, Institutional etc.) had an engineer or architect approve the site plan for drainage (direction of drainage. Catch basins, rip-rap etc.).
- c. The building or addition to a building will not affect the natural or existing flow for drainage on the site and it is built on sauna tubes or piles. Any new hard surfaces associated with the building (i.e. roof, parking) continues to flow to the drainage area that as existing before the building or to a natural area or watercourse.

4.66 ALTERATION OF LAND ELEVATIONS OR GRADES

Subject to the following, no Person May strip, excavate, or otherwise remove top soil for sale or Use from a Lot or other parcel of land or operate an excavation pit as defined in

the Excavation Pit Regulations of the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9:

- .1 Where a Building Permit has been issued in connection with the construction of a Building or Structure or where a Subdivision plan is approved, and where there is an excess of soil material other than that required for grading and Landscaping on the Lot, such excess May be removed for Use or sale.
- .2 The Farming of sod in areas other than an agriculture zone May be carried on where the Owner of the land has entered into an agreement with the Council for the satisfactory rehabilitation of the land provided it is done in accordance with the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9, and its regulations, as amended from time to time.
- .3 The City May enter into an agreement for the removal of excess soil material or the infill of a Lot or the dumping of material and place any requirements it deems necessary to protect adjacent land or the environment provided the work is done in accordance with the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9, and its regulations, as amended from time to time.
- .4 The City May require provision of a Buffer as part of any Development agreement or approval of a Subdivision.
- .5 Any change to existing Landscaping elevations that will impact the existing surface water drainage patterns onto adjoining Lots or public Streets or rights of way Shall require a Development Permit be first obtained in accordance with subsection 4.64A.

4.67 MULTIPLE USES

Except as otherwise provided for in this By-law, in any zone where any land, Building, or Structure is Used for more than one Use, all provisions of this By-law relating to the more restrictive Use Shall be satisfied.

4.68 RESIDENTIAL DEVELOPMENT NEAR A SEWAGE LAGOON OR TREATMENT PLANT

Notwithstanding any other provision of this By-law, no residential Dwelling Shall be located within 45 m (147.6 ft.) of a sewage lagoon or treatment plant.

4.69 MINIMUM AMENITY AREA

- .1 For *dwelling units* in *apartment buildings* and mixed commercial-residential *buildings*, in addition to the *front yard* requirements, a common *amenity area* shall be provided in accordance with the following provisions in all zones except in the 500 Lot Area:

	Unit Type	Minimum Amenity Area
a.	Bachelor	1.4 sq. m (15 sq. ft.)
b.	One-bedroom	1.9 sq. m (20 sq. ft.)
c.	Two-bedroom	5.1 sq. m (55 sq. ft.)
d.	Three-bedroom	8.4 sq. m (90 sq. ft.)
e.	Four-bedroom	10.2 sq. m (110 sq. ft.)

- .2 The minimum *amenity area* may include patios, landscaped areas on the site, balconies, roof terraces, *swimming pools*, communal lounges, and other areas suitable for recreational purposes.
- .3 If a Building contains more than one (1) unit, the minimum Amenity Area Shall be the total of the areas required per unit in subsection 1 above.
- .4 Unless otherwise provided for in this By-law, a minimum of ten percent (10%) of the area of every Lot on which a Building or Structure is Erected Shall be Used for no other purpose than Landscaped Open Space.

4.70 LANDSCAPED OPEN SPACE

- .1 Unless otherwise provided for in this By-law, a minimum of ten percent (10%) of the area of every Lot on which a Building or Structure is Erected Shall be Used for no other purpose than Landscaped Open Space. This provision may not apply to redevelopment projects of similar use.
- .2 The provision and Maintenance of adequate Buffers such as Landscaped Open Space or appropriate fencing between commercial or industrial enterprises and adjoining residential lands Shall be required for all new Development, and such Buffers Shall include one (1) or more features such as berms, natural areas containing Watercourses or trees, man-made features such as walls, walkways, and the like.
- .3 The Development Officer May require that a Development agreement be executed, and this May include a performance bond, to secure the following:
 - a. unless otherwise provided for in this By-law, a 4.0 m (13 ft.) Buffer Shall be shown on the site plan and constructed along any Lot Line of a commercial, apartment Structure, or institutional Building where the said Lot Line abuts a R1S, R1L, R2S or R2 zoned Lot;

- b. unless otherwise provided for in this By-law, where any industrial Development abuts a residential zone along a side or Rear Lot Line, a Buffer of not less than 8.0 m (26.2 ft.) in width with a berm not less than 1.5 m (5 ft.) in Height Shall be shown on the site plan and constructed along the said side or Rear Lot Line of the industrial Development; and
- c. where a new residential Subdivision abuts any C-3, C-4, C-5, M-1, M-2, M-3, I or CDA Zone, the Subdivision Shall be Designed to include a 4 m (13 ft.) Open Space Buffer along the adjoining boundary.

4.71 COMMERCIAL & INDUSTRIAL ZONE ABUTTING RAILS-TO-TRAILS RIGHT-OF-WAY

- .1 Where any new Building or Structure is constructed on land that abuts the Rails-to-Trails right-of-way, the Setback distance for the Building or Structure Shall be 8.0 m (26 ft.) from the property line along that portion of such Lot Line abutting the right-of-way except as outlined in subsection 4.36.
- .2 Any Existing Building or Structure that was lawfully in existence at the effective date of this By-law and does not meet the Setback requirement of this subsection Shall be deemed to be a conforming Use with respect to its Setback from the Rails-to-Trails right-of-way.
- .3 Where Outdoor Storage is maintained on land that abuts the Rails-to-Trails right-of-way such storage Shall not be located nearer than 8.0 m (26 ft.) to the Rails-to-Trails right-of-way unless it is suitably screened by Landscaping or an opaque fence.

4.72 SALVAGE OR WASTE DISPOSAL FACILITY, RECYCLING DEPOT OR JUNK YARD

Where land is Used for the storage of scrap, recycling, or automotive materials, the following conditions Shall apply:

- .1 The whole of the operation Shall be surrounded by a solid fence not less than 2.5 m (8.0 ft.) and not greater than 3.7 m (12.0 ft.) in Height, and which is continuous except for gates necessary for access to the operation.
- .2 The fence Shall be located at least 6.0 m (19.7 ft.) from the Front Lot Line and 1.5 m (5 ft.) from the side and Rear Lot Lines.
- .3 Any land not required for entrance and exit driveways and which is located between the fence and any Lot Line Shall only be Used for Landscaped Open Space.
- .4 No materials Shall be piled higher than the Height of the surrounding fence.

4.73 OUTDOOR COMMERCIAL OR INDUSTRIAL OPERATIONS AND FACILITIES

- .1 Where any outdoor site in any zone, where permitted in the zone, is Used for an outdoor salvage, waste disposal, auto-wrecking, recycling or scrap Yard facility; or an outdoor facility for assembly, production, storage, repair or distribution of goods or products, the following conditions Shall apply:
 - a. the operation on the site Shall be separated from any abutting public right-of-way by a fence or other Structure Designed to provide reasonable visual Screening for the type of operation, and which Shall be located no nearer the Front Lot Line than the Setback required for Buildings in that zone;
 - b. land that is located between such fence or other Structure and any Lot Line May be Used for suitably landscaped driveways, Parking and Open Space; and
 - c. outside storage or stockpiling of goods Shall not cause a nuisance to adjoining properties by way of dust or be stockpiled higher than the Main Building or where the Lot has no Building, no higher than 6.1 m (20 ft.).
- .2 Where any site in the Light Industrial Zone or the Heavy Industrial Zone is Used for an outdoor industrial operation, including storage or display, such an operation Shall be established behind the line describing the Setback for Buildings in that zone, and land that is located between such Setback line and any Lot Line May be Used for suitably landscaped driveways, Parking and Open Space.

4.74 AUTOMOBILE SERVICE STATIONS AND GASOLINE BARS

Where a Lot is Used for an Automobile Service Station or Gasoline Bar, the following additional requirements Shall apply:

- .1 The minimum Lot Frontage Shall be not less than 38 m (124.7 ft.).
- .2 The minimum Lot Depth Shall be not less than 30 m (98.4 ft.).
- .3 Any pump island Shall be located not less than 10 m (35 ft.) from the Street Line.
- .4 Any canopy over a pump island Shall meet the minimum Setback required for the Main Building or 5 m (17 ft.) from the Street, whichever is less.

GENERAL PROVISIONS FOR SPECIAL DEVELOPMENT SITUATIONS

4.75 VIEW PLANES AND DEVELOPMENT ALONG SHORELINES, WATERCOURSES AND WETLANDS

- .1 Any Person who subdivides land May be required to dedicate such portions of the Buffer for Open Space as May be determined by the City through the Subdivision approval process.

- .2 No permit Shall be issued in any zone to any Person for the construction of a Building or Structure closer than 23 m (75 ft.) to a wetland, or watercourse as defined by *Provincial Environment Protection Act* and /or regulations as established from time to time.
- .3 In accordance with the Buffer policy of the Province of Prince Edward Island, notwithstanding the foregoing required minimum Building Setback, the Development Officer May approve a lesser Setback to 15.0m or that which is the current minimum required by the Province of Prince Edward Island, if:
- a. the Existing Lot or parcel has insufficient area or width to reasonably provide the required Setback from the a wetland, open water or watercourse and;
 - b. there will be no immediate danger to inhabitants of the proposed Building or Structure and;
 - c. construction can be undertaken without undue erosion or surface runoff to the wetland, or watercourse;
 - d. the applicant files Building and site plans satisfactory to the City and agrees to adhere to such plans;
 - e. the City May ask for a watershed management plan for the lot or area;
 - f. the City may consult with local watershed groups for input on a project.
- .4 The Development Officer Shall evaluate any Subdivision proposal that is near a wetland, or watercourse with respect to its impact on the wetland, or watercourse environment, and May consult with the Planning Board, watershed groups, and Shall consult with Provincial Department of Environment, and May ask for a watershed management plan for the lot or area on the imposition of protective measures and any requirement of land dedication of land to the City, and Shall impose such terms and conditions as the Province or Council May direct.
- .5 Any Person who creates a site plan or Subdivision plan (or requests a rezoning) at the foot of any Street which terminates at or near the Hillsborough River or the York River Shall have regard for:
- a. Section 3.5.3 of the Official Plan
 - b. Schedule "B3" Civic Elements plan for the 500 Lot Area of the Official Plan for any property located within the 500 Lot Area;
 - c. In the case of a rezoning application the Height and massing of any Buildings or Structures so that they do not adversely affect View Planes characteristics of the waterfront.

- .6 The Charlottetown Waterfront from the Queen Charlotte Armouries to the Hillsborough Bridge Shall be exempt from the minimum Setback requirements of this subsection.
- .7 The City May, where it is the Owner of the A wetland, open water or watercourse, carry out environmentally sensitive work to develop facilities for:
 - a. active and passive recreation;
 - b. Community Building;
 - c. Open Space;
 - d. Park;
 - e. pavilion;
 - f. Public Park;
 - g. public recreation centre;
 - h. Trails; and
 - i. Parking Lot.
- .8 The following Uses May be permitted on a wetland, or watercourse where they are a Permitted Use in the zone where the Lot is located, and receive approval from the Provincial Department of Environment subject to approval by Council, on the recommendation of Planning Board, and upon such terms and conditions as May be determined by Council:
 - a. a public boat ramp or launch facility;
 - b. a Commercial Recreation Establishment;
 - c. Marina.

4.76 USE OF UNDEVELOPED LANDS IN ALL ZONES

- .1 For the purposes of this By-law, “undeveloped land” means land that has not yet been subdivided into Building Lots and has not been provided with central sewer or water services.
- .2 An undeveloped Existing parcel of land in any residential zone that is not less than 100 m (325 ft.) in width and 1 hectare (2.45 acres) in size May, prior to its

Subdivision, servicing or Development, be Used for any of the following purposes:

- a. single detached Dwelling and Accessory Building;
- b. Farmstead;
- c. Farm Buildings and Farm Accessory Buildings, but not including Buildings for intensive livestock Use or production;
- d. agricultural field crop;
- e. hay and pasture land;
- f. market garden;
- g. Garden Centre;
- h. Greenhouse;
- i. forestry and silviculture;
- j. Open Space;
- k. passive recreation;
- l. natural area for wildlife conservation and observation;
- m. nature and recreational trails.

.3 The following additional Uses Shall be subject to approval by Council, on recommendation of the Planning Board, and upon such terms and conditions as May be imposed at the discretion of Council:

- a. Animal Shelter;
- b. fire station;
- c. Kennel;
- d. Neighbourhood Daycare Centre;
- e. Place of Amusement;
- f. police station;
- g. public recreation centre;

- h. Community Building;

4.77 UNDERGROUND WALKWAYS AND OVERHEAD PEDWAYS

- .1 Council May approve a Development Permit for the Development of underground walkways which require an encroachment on a public right-of-way provided that:
 - a. an encroachment agreement Shall be Signed between the registered Owner of the property and the City.
 - b. a public meeting to hear the opinions of the public concerning the proposed Development Shall be held, and Notice of the public meeting and its purpose Shall be given by publishing an advertisement in not less than two (2) issues, at least one (1) week apart, of a newspaper circulating in the City;
 - c. a Notice in writing Shall be sent to all Affected Property Owners on both sides of the Street of the City Block in which the subject property is situated, and such Notice Shall identify the subject property, summarize the purpose of the project, give the date of the public meeting, and invite interested Persons to attend and be heard;
 - d. suitable provisions Shall be made for the inspection of the proposed Development during normal working hours by any interested Person, prior to the public meeting;
 - e. the Planning Board and, if required, Heritage Board Shall make recommendations to Council on the proposed Development prior to the Signing of any encroachment agreement;
 - f. a copy of the agreement Shall be filed by the City in the Office of the Registrar of Deeds for the County of Queens in accordance with the provisions of the *Registry Act* R.S.P.E.I. 1988, Cap. R-10, and any amendments thereto, and thereupon these obligations Shall be binding upon the Owner and any subsequent Owners until discharged by the agreement itself, or by the City;
 - g. all costs related to advertising the public meeting, mailings, and the presentation and registration of the encroachment agreement Shall be borne by the applicant;
 - h. the City Shall reserve the right to charge an annual fee on encroachment of walkways over or under its Streets.
- .2 Council May approve a Development Permit for the Development of overhead Pedways which require an encroachment on a public right-of-way provided that the same procedure for approval and Development is Used as for an underground walkway described in the foregoing sub-section.

- .3 Pedestrian pedway or tunnels that pass over or under streets are prohibited in the 500 Lot Area

4.78 CONVERTING OF MULTIPLE DWELLINGS TO SINGLE FAMILY DWELLINGS

- .1 A Semi-Detached, Duplex Dwelling, or Converted Dwelling May be converted to a Single-Detached Dwelling provided that:
 - a. a consolidation, if required, of the parcel of land has been approved by the City;
 - b. the Dwelling Units Shall be combined into one (1) unit with clear access and use of the Building by one (1) Family;
 - c. only one (1) kitchen is to remain to serve the Single-Detached Dwelling and all other kitchen(s) are to be removed;
 - d. if there were two (2) main entrance doors facing the street on the Semi-Detached Dwelling, Converted Dwelling or Duplex Dwelling, only one (1) main door to the Dwelling is to remain with all other doors to be removed;
 - e. if there were two (2) driveways, one (1) driveway May be required to be removed if it is in the front yard area and is not necessary for parking to meet the parking requirements of this By-law; and,
 - f. only one (1) electrical service to the Building is to be activated.
- .2 A Development Agreement May be entered into between the Owner(s) and the City to satisfy the foregoing requirements in a manner satisfactory to the Development Officer:
 - a. removal or alteration of any kitchen, door/entrance, and water meter;
 - b. removal or alteration of a driveway if required;
 - c. removal or alteration of dual services of water, sewer, and electrical, if required;
 - d. Lot consolidation, if required, so that the property is one (1) Lot;
 - e. if the property is located in an R1-S or R1-L Zone, then the Owner Shall agree that the Building can not be converted back to a two-unit Duplex Dwelling, Semi-Detached Dwelling, Converted Dwelling; and,
 - f. any other terms and conditions that May reasonably be required by the Development Officer Shall also be met.

4.79 SITE SPECIFIC OR AREA SPECIFIC EXCEPTIONS TO THE PERMITTED USES AND REGULATIONS IN ANY ZONE

- .1 Notwithstanding any other provision of this Bylaw to the contrary, Council may, after:
 - .a receiving a recommendation from Planning Staff and Planning Board; and,
 - .b following the process as prescribed by section 4.29 hereof for a rezoning make an amendment or amendments to the Zoning and Development By-law pursuant to Section 1.5 (3) of the Official Plan.
- .2 Specifically, Council may make site specific or area specific amendments to the Zoning and Development By-law including changing the permitted uses and regulations within any zone.
- .3 Site or area specific amendments to the permitted uses or regulations within any zone may only be allowed where the following criteria are satisfied:
 - a. The proposed zoning amendment is not contrary to the Official Plan. If a zone amendment is contrary to the policies in the Official Plan, an application to amend the Official Plan must be filed in-conjunction with the zoning amendment application.
 - b. If a proposed use of land or a building that is otherwise not permitted in an existing zone is sufficiently similar to or compatible with the permitted uses in the subject zone, Council may consider permitting such use through the amendment process.
 - c. Council may consider rezoning a property to an existing zone within the By-law and restricting some or all of the permitted uses within the zone with the exception of the proposed use under consideration.
 - d. Consideration shall be given to the site development principles prescribed by Section 4.62 as a part of the evaluation of any proposed site or area specific amendments to the permitted uses or regulations within any zone.
 - e. In situations where an application to amend a specific zone or area is contemplated, consideration will be given to permit developments consisting of combinations of uses of land, buildings and structures if such combinations of uses are contained in a specific proposal described in a resolution or Development Agreement to be contemporaneously entered into by Council.

- f. the proposed amendment does not undermine the overall integrity of any given zone, is in the public interest and is consistent overall with good planning principles.

4.80 A cannabis retail store cannot locate within 300 metres of a school or after school program, playgrounds (play equipment intended for children to play) and 300 metres from a Child/Licensed Daycare Centre, Early Childhood Centre, and/or Early Learning Facility. In the event that more cannabis stores are permitted in the future, no cannabis retailing store shall to be located within 1,000 metres of each other. This provision is only to be applied at the time a new cannabis retail store is established and not intended to restrict any of the protected uses noted above from locating within the established buffer zone in the future.

SECTION 5 - SIGN REGULATIONS

5.1 GENERAL

- .1 Signs, and parts thereof, shall not be erected, placed, displayed, altered, or relocated on private or public property within the City of Charlottetown unless a Sign permit has been issued or the Sign in question is listed in Section 5.2;
- .2 A Sign permit shall not be issued for a Sign unless:
 - a. The Sign adheres to the provisions of this Bylaw; and
 - b. A building permit has previously been issued for the construction of the building in which the subject Business Premise is located;
- .3 Signs, and parts thereof, shall be maintained in a good state of repair so that they do not pose a hazard to public health or safety, or become unsightly;
- .4 Normal Sign maintenance, including the refurbishment of existing Signs, replacement of Sign elements with identical features, and repair of structural members or lighting shall not require a Sign permit, however, such work shall be carried out in accordance with the provisions of this Bylaw;
- .5 Signs that are not specifically addressed in this Bylaw shall be prohibited; and
- .6 The Sign owner and property owner shall be liable for all Signs and parts thereof. The City of Charlottetown is indemnified from all claims for damages, injury, loss, or expense arising from the approval, erection, maintenance, removal or falling of a Sign, and parts thereof, on private property.

5.2 SIGNS PERMITTED WITHOUT A SIGN PERMIT

The following Signs are permitted in the City of Charlottetown without the issuance of a Sign permit:

- .1 Signs identifying the name and/or address of a resident, up to a maximum Sign Area of 0.2sq.m (2.2sq.ft);
- .2 Signs regulating the use of a property, such as no trespassing, for rent, or warning Signs, up to a maximum Sign Area of 0.2sq.m (2.2sq.ft);
- .3 Non-illuminated Real Estate Signs, up to a maximum Sign Area of:
 - a. 0.6sq.m (6.5sq.ft) in a residential zone or the Downtown Neighbourhood (DN) Zone;

- b. 3sq.m (32.3sq.ft) in a residential zone when the Sign advertises five or more lots in the same subdivision; and
 - c. 1.4sq.m (15.1sq.ft) in all other zones;
- .4 Signs associated with a municipal, provincial, or federal election, up to a maximum Sign Area of 3sq.m (32.3sq.ft). Such Signs may be erected 30 days prior to the election and shall be removed within 7 days following the election;
 - .6 Signs identifying hazardous or dangerous areas, or the storage of potentially hazardous materials, up to a maximum Sign Area of 0.6sq.m (6.5sq.ft);
 - .7 One Building Identification Sign denoting the name and/or erection date of a building, which has been incorporated into the building's original construction materials;
 - .8 Signs painted on a Mobile Canteen;
 - .9 Any flag, insignia, or bulletin board erected on-site by a Government Body, charitable organization, religious organization, or a Fraternal Organization, up to a maximum Sign Area of 1.7sq.m (18.3sq.ft);
 - .10 Memorial Signs or historical plaques denoting the heritage Significance of a building, structure, or place that are issued by a Government Body;
 - .11 Signs erected or authorized by a Government Body for the purpose of maintaining public safety and welfare, or is pursuant to any government function, law, bylaw, or other regulation;
 - .12 Signs erected or authorized by the City of Charlottetown in connection with public conveniences, including but not limited to Signs on buses, bus stop shelters, or similar structures;
 - .13 Signs erected or authorized by the City of Charlottetown for pedestrian or vehicular safety, including but not limited to parking areas, street names, way finding, trails, or active transportation corridors;
 - .14 Entrance identification Signs placed over, adjacent to, or on a building entrance, including but not limited to a service entrance, sales entrance, or loading dock;
 - .15 Signs placed at the head of a driveway to identify points of access / egress, up to a maximum Sign Area of 0.5sq.m (5.4sq.ft) and a maximum height of 1.22m (4ft). Signs shall not include any advertising aside from a corporate logo;

- .16 Signs facilitating the movement of pedestrians or vehicles on-site, or denoting the location or function of a building, parking area, or traffic lane, up to a maximum Sign Area of 0.37sq.m (4sq.ft) and a maximum height or 1.22m (4ft);
- .17 Non-illuminated Window Signs provided that the Sign covers a maximum of 30% of the window upon which it is attached;
- .18 One Menu Box, up to a maximum Sign Area of 0.37sq.m (4sq.ft), may be mounted to the façade of an eating and drinking establishment;
- .19 Menu Signs associated with Drive-through Businesses;
- .20 Two Construction Signs, up to a maximum Sign Area of 3sq.m (32.3sq.ft) and a maximum height of 2m (6.6ft);
- .21 Banners advertising a Community Activity and grand opening for a Business Premise outside of residential zones and the Downtown Neighbourhood (DN) Zone, provided that:
 - a. There are a maximum of two Banners per property;
 - b. Banners are a maximum of 2sq.m (21.5sq.ft) in area per face;
 - c. Banners are securely attached parallel to a building wall, or to a supporting structure(s);
 - d. Banners do not extend over a property line, traffic lane, parking space, or an area used for vehicular and pedestrian accessibility; and
 - e. Banners are not erected for more than 7 consecutive days. Banners exceeding this timeframe shall be subject to Section 5.16; and
- .22 Feather Banners outside of the 500 Lot Area and residential zones, provided that:
 - a. There are a maximum of four Feather Banners per lot Frontage;
 - b. All Feather Banners shall be placed a minimum of 1.83m (6ft) apart from each other along the lot's Frontage;
 - c. Feather Banners have a maximum width of 0.76m (2.5ft) and a maximum height of 3.7m (12.1ft) in height;
 - d. Feather Banners are securely attached to the ground or a solid base;
 - e. Feather Banners do not extend over a property line, traffic lane, parking space, or an area used for vehicular and pedestrian accessibility; and

- f. Feather Banners are not erected for more than 30 consecutive days and 60 days within a calendar year.

5.3 PROHIBITED SIGNS

The following Signs are strictly prohibited in the City of Charlottetown:

- .1 Signs posing a hazard to public safety or health, including Signs that were previously approved by a Development Officer, but have become hazardous due to inadequate maintenance;
- .2 Signs painted on or attached to a fence, utility pole, bench, tree, rock, or any other natural object.
- .3 Signs painted on or attached to a parked vehicle or trailer not normally used in the day-to-day activity of a Business Premise that is visible from a road;
- .4 Signs obstructing a window, fire escape, required exit, doorway, or any other building opening intended as a means of ingress or egress;
- .5 Signs obstructing the Sight Triangle area;
- .6 Signs, which by reason of location, design, content, colouring, or manner of illumination:
 - a. Create a hazard to the safe and efficient movement of vehicular or pedestrian traffic; or
 - b. May be confused with, or obstruct the effectiveness of official traffic Signs, Signals, or devices.
- .7 Signs located on a public right-of-way, unless it is erected by a Government Body or it has been approved by a Development Officer in accordance with this Bylaw;
- .8 Signs emitting sounds (unless associated with a Drive-through Business), odors, gases, or liquids;
- .9 Signs that project a business name, image, or advertisement onto a building or any other surface from a source external to the Sign;
- .10 Signs displaying obscene content;
- .11 Abandoned Signs;
- .12 Animated Signs and Video Signs;
- .13 Billboard Signs and Off-premise Signs, excluding Off-premise Signs for Special Events, in accordance with Section 5.19;

- .14 Flashing Signs, or any Sign that incorporates kinetic or pulsating illumination;
- .15 Mobile Signs;
- .16 Murals or any Sign painted upon a building or structure in the 500 Lot Area, unless it has been reviewed by the Arts Advisory Board and approved by Council;
- .17 Roof Signs, or any Sign that is mounted on, or extends above the eaves or Parapet of a building;
- .18 Rotating Signs; and
- .19 Sequential Signs.

5.4 NON-CONFORMING SIGNS

- .1 A Sign that is lawfully in existence at the effective date of this Bylaw, although the Sign does not conform to the provisions of this Bylaw, may continue to be used as a Non-conforming Sign;
- .2 Non-conforming Signs may be replaced by an identical Sign. A component of a Non-conforming Sign may also be replaced with an identical component;
- .3 Notwithstanding Section 5.4.2, the Reader Board component of a Non-conforming Sign may be replaced with an Electronic Sign if it adheres to Section 5.14; and
- .4 Non-conforming Signs shall not be altered, redesigned, or relocated unless:
 - a. Alterations comply with Sections 5.7 through 5.15 of this Bylaw; or
 - b. The total Sign Area is reduced by a minimum of 25%.

5.5 SIGN PERMIT APPLICATION

- .1 A Sign permit application shall contain the following information before a Sign permit may be issued:
 - a. A completed Sign permit application and a paid application fee, in accordance with Council's approved schedule of fees;
 - b. Written authorization from, and the contact information of the property owner;
 - c. Scaled drawings illustrating the type, dimensions, Sign Area, colour, finishing material, and supporting structures of all proposed Signs and/or Sign modifications that are prepared by a qualified professional;

- d. Applications for Signs and/or Banners that are attached to a wall, shall include elevation drawings of the building wall illustrating the height and length of the wall, placement of windows, location of the proposed Sign, and the Clearance distance from the ground;
 - e. Applications for Free Standing Signs shall include elevation drawings illustrating the Sign's design and the Clearance between the ground and the Sign;
 - f. Applications for Free Standing Signs, Sandwich Board Signs, and Banners attached to the ground shall include a site plan of the subject property, illustrating the location of existing buildings and structures, property lines, Signs, driveways, parking areas, and other site characteristics in relation to property lines. Accurate measurements shall also be provided;
 - g. Applications for temporary Signs shall include the dates during which the Sign will be erected;
 - h. Applications for Electronic Signs shall include a Signed letter from the Sign manufacturer stating that the Sign is equipped to comply with the general provisions listed in Section 5.14.4;
 - i. Any additional information that a Development Officer or Heritage Officer deems relevant to the issuance of a Sign permit for a Sign;
- .2 A Sign permit application shall not be approved when:
- a. The proposed Sign does not adhere to the provisions of this Bylaw; and
 - b. The proposed Sign is to be erected on a property containing an existing Sign that does not comply with this Bylaw;
- .3 An issued Sign permit shall be valid for one year. If the approved Sign is not erected within one year, the permit shall become null and void; and
- .4 A non-complete application will be held for a 3 month period, at which point the application shall become null and void.

5.6 SIGN ENFORCEMENT

- .1 A Development Officer may enter any parcel of land during the City of Charlottetown's office hours in order to inspect a Sign to determine its compliance with this Bylaw;
- .2 Where a Development Officer is aware that a Sign has been erected prior to the issuance of a Sign permit, he/she will provide notice to the owner, instructing them to submit a completed building permit application immediately;

- .3 A Development Officer shall provide notice to the owner of a Sign and/or property upon which a Sign is placed, instructing them to remove said Sign when:
 - a. A Sign is not permitted, in accordance with the provisions of this Bylaw;
 - b. A Sign and/or property owner has received notice, in accordance with Section 5.6.2, and failed to submit a Sign permit application for an illegally erected Sign in a reasonable period of time;
 - c. A Sign, for which a Sign permit was previously issued, now violates the conditions of the issued Sign permit;
 - d. A temporary Sign has exceeded the maximum duration specified by this Bylaw, the conditions of a Sign permit, and/or resolution of Council; and
 - e. A Sign poses a hazard to public health and safety, has fallen into disrepair, or has become unsightly, as determined by a Development Officer or Bylaw Enforcement Officer; and
- .4 Should an owner fail to comply with a Development Officer's written notice, as outlined in Section 5.6.3, the City of Charlottetown may pursue recourse in accordance with Section 4.35 of this Bylaw.

5.7 RESIDENTIAL & INDUSTRIAL IDENTIFICATION SIGNS

- .1 A residential neighbourhood, multi-unit residential dwelling exceeding five units, or farm may have one Free Standing Sign that identifies the entrance and/or name of the development, up to a maximum Sign Area of 2.5sq.m (26.9sq.ft) and a maximum height of 2m (6.6ft), in accordance with the general provisions listed in Section 5.13.3; and
- .2 An industrial park may have one Free Standing Sign that identifies the entrance and/or name of the development, up to a maximum Sign Area of 3.9sq.m (42sq.ft) and a maximum height of 3.7m (12.1ft), in accordance with the general provisions listed in Section 5.13.3.

5.8 NUMBER OF PERMITTED COMMERCIAL SIGNS

- .1 Outside of residential zones and the Downtown Neighbourhood (DN) Zone, the following commercial Signs are permitted per Business Premise, in accordance with the Sign dimensions and general provisions outlined in Sections 5.10 through 5.15:
 - a. Fascia Signs up to a maximum Sign Area identified using Section 5.12.4;
 - b. A maximum of two additional Signs comprised of the following options:

- i. Awning / Canopy Signs;
 - ii. Projecting Wall Sign;
 - iii. One Free Standing Sign; or
 - iv. One Sandwich Board Sign;
- .2 The number of Temporary Banners, Feather Banners, Temporary Miscellaneous Signs, Temporary Posters, and Off-premise Signs for Special Events shall be regulated independently of Section 5.8.1;
- .3 In a residential zone, a Home Occupation, Neighbourhood Daycare Centre, Bed & Breakfast, Inn, Heritage Inn, or Heritage Home may erect one non-illuminated Fascia Sign, up to a maximum Sign Area of 0.45sq.m (4.8sq.ft), in accordance with the general provisions listed in Section 5.12.4; and
- .4 A permitted Business Premise (i.e., Nursing Home, Community Institutional, or a Community Care Facility) in the R-3 or R-4 Zones, or a legal non-conforming use in a residential zone or the Downtown Neighbourhood (DN) Zone may erect one of the following non-illuminated Signs:
- a. A Fascia Sign, up to a maximum Sign Area of 1sq.m (10.8sq.ft), in accordance with the general provisions listed in Section 5.12.4; or
 - b. A Free Standing Sign, up to a maximum Sign Area of 1sq.m (10.8sq.ft) per Sign Face and a maximum height of 1.5m (5ft), in accordance with the general provisions listed in Section 5.13.3;

5.9 SIGN PROVISIONS FOR PROPERTIES IN THE COMPREHENSIVE DEVELOPMENT AREA (CDA) ZONE

When a Business Premise is located in the Comprehensive Development Area (CDA) Zone, the permitted Sign Area shall be determined during the Development Agreement process and specified in said Development Agreement.

5.10 AWNING / CANOPY SIGNS

Awning / Canopy Signs shall adhere to the following provisions:

Zone	Dimensions	General Provisions
DC Zone DMS Zone DMUN Zone PC Zone PZ Zone WF Zone	Sign Area shall not exceed 40% of the Awning / Canopy upon which it is attached.	a. Signs shall be affixed to, or painted on an Awning / Canopy that is securely attached to a building wall that abuts a street; b. Signs shall be attached to an Awning / Canopy that extends a maximum of 1m (3.3ft) over a sidewalk or public right-of-

<p>A Zone C-1 Zone C-2 Zone C-3 Zone DMU Zone I Zone M1 Zone M2 Zone M3 Zone MUC Zone OS Zone P Zone</p>	<p>Sign Area shall not exceed 60% of the Awning / Canopy upon which it is attached.</p>	<p>way;</p> <p>c. Signs shall be attached to an Awning / Canopy that is located below the bottom of the second storey windows;</p> <p>d. Signs shall be centred on the front Flange of the Awning / Canopy;</p> <p>e. Signs shall be attached to an Awning / Canopy that provides a minimum Clearance of 2.2m (7.2ft) over a sidewalk and 3m (9.8ft) over a parking area or traffic lane;</p> <p>f. The owner of a Sign that extends over a public right-of-way shall:</p> <p>i. Carry liability insurance that names the City of Charlottetown as a third party and provides a minimum coverage of \$1,000,000; and</p> <p>ii. Enter into an encroachment agreement with the City of Charlottetown to permit said Sign; and</p> <p>g. Signs erected in the 500 Lot Area or on a Heritage Resource shall adhere to the Sign design criteria listed in Section 5.20.</p>
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5.11 PROJECTING SIGNS

Projecting Signs shall adhere to the following provisions:

Zone	Dimensions	General Provisions
<p>DC Zone DMS Zone DMUN Zone PC Zone PZ Zone WF Zone</p>	<p>Sign Area shall not exceed 1sq.m (10.8sq.ft) per Sign Face.</p>	<p>a. Signs shall have a maximum of two parallel Sign Faces;</p> <p>b. Signs shall be erected on a building wall that abuts a street or the Business Premise's interior parking lot;</p> <p>c. Signs shall have a minimum Clearance of 2.2m (7.2ft) from the ground;</p>
<p>A Zone DMU Zone C-1 Zone C-2 Zone C-3 Zone I Zone M1 Zone M2 Zone M3 Zone MUC Zone OS Zone</p>	<p>Sign Area shall not exceed 2sq.m (21.5sq.ft) per Sign Face.</p> <p>When erected on a designated heritage resource, Sign Area shall not exceed 1sq.m (10.8sq.ft) per Sign Face.</p>	<p>d. Signs and their supporting structures shall extend a maximum of 1.1m (3.6ft) from the building wall. No Sign shall extend over a side property line or the roof of a building;</p> <p>e. Supporting structures shall be designed in proportion to the size of the Sign;</p> <p>f. The owner of a Sign that extends over a public right-of-way shall:</p> <p>i. Carry liability insurance that names the City of Charlottetown as a third party and provides a minimum</p>

P Zone		<p>coverage of \$1,000,000; and</p> <p>ii. Enter into an encroachment agreement with the City of Charlottetown; and</p> <p>g. Signs erected in the 500 Lot Area or on a Heritage Resource shall adhere to the Sign design criteria listed in Section 5.20.</p>
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5.12 FASCIA SIGNS

- .1 In a multi-tenant building where Business Premises are clearly divided and have a usable ground-floor storefront, Sign Area shall be calculated using the length of the building wall occupied by the subject Business Premise, in accordance with Section 5.12.4;
- .2 In a multi-tenant building where Business Premises are not clearly divided and lack a usable ground-floor storefront, Sign Area shall be calculated for the entire building. In these instances, the property owner shall determine which usable Sign Area is allocated to each Business Premise, in accordance with Section 5.12.4;
- .3 Illuminated Window Signs and non-illuminated Window Signs covering more than 30% of the window upon which they are attached shall be regulated as Fascia Signs and occupy part of the permitted Sign Area, in accordance with Section 5.12.4; and
- .4 Fascia Signs shall adhere to the following provisions:

Zone	Dimensions	General Provisions
DMUN Zone	Sign Area shall not exceed 0.30sq.m per linear meter (1.0sq.ft per linear foot) of the building wall upon which the Sign is erected.	a. Signs shall be erected on a building wall that abuts a public street. If a Business Premise is located on a corner lot or in a Shopping Centre, Signs may also be erected on one wall that abuts an interior parking lot;
DC Zone DMS Zone PC Zone WF Zone	Sign Area shall not exceed 0.38sq.m per linear meter (1.25sq.ft per linear foot) of the building wall upon which the Sign is erected.	b. Signs shall be erected on a maximum of three building walls, in accordance with Section 5.12.4.a; c. Signs shall be erected parallel to a wall;
C-1 Zone DMU Zone I Zone MUC Zone OS Zone	Sign Area shall not exceed 0.46sq.m per linear meter (1.5sq.ft per linear foot) of the building wall upon which the Sign is erected.	d. Signs shall not project more than 0.31m (1ft) from the wall upon which it is erected; e. Signs shall not extend beyond the extremities of the wall upon which it is erected; f. Signs shall be erected below the bottom

P Zone PZ Zone		of the second storey windows; g. One Sign per building wall may be erected above the bottom of the second storey windows if:
C-2 Zone C-3 Zone	Sign Area shall not exceed 0.53sq.m per linear meter (1.75sq.ft per linear foot) of the building wall upon which the Sign is erected.	i. The building is four or more stories in height; ii. The Business Premise is in a multi-tenant building and lacks a usable ground floor storefront; or
A Zone M1 Zone M2 Zone M3 Zone	Sign Area shall not exceed 0.61sq.m per linear meter (2sq.ft per linear foot) of the building wall upon which the Sign is erected.	iii. The Business Premise is located in the A, DMU, C-3, M1, M2, or M3 Zones; and h. Signs erected in the 500 Lot Area or on a Heritage Resource shall: i. Not exceed 1.21m (4ft) in the vertical dimension; and ii. Adhere to the Sign design criteria listed in Section 5.20.

5.13 FREE STANDING SIGNS

- .1 A property owner may erect a Free Standing Sign that contains advertising for a Business Premise(s) that is located on the subject property. A Free Standing Sign that contains advertising for multiple tenants shall contribute to the total number of permitted Signs for each Business Premise listed on said Sign;
- .2 When a Free Standing Sign shall be used to advertise multiple Business Premises a Development Officer shall calculate the permitted Sign Area for the entire property, and the property owner(s) shall determine which usable Sign Area is allocated to each Business Premise, in accordance with Section 5.13.3; and
- .3 Free Standing Signs shall be adhere to the following provisions:

Zone	Dimensions	General Provisions
DMS Zone DMUN Zone DC Zone PC Zone WF Zone	Sign Area shall not exceed 2.32sq.m (25sq.ft) per Sign Face. Signs shall not exceed 2.5m (8.2ft) in height.	a. Signs shall have a maximum of two parallel Sign Faces; b. Signs shall not impede pedestrian or vehicular visibility when accessing a lot; c. Signs shall be setback a minimum of 1m (3.3ft) from the property line or a building;
C-1 Zone DMU Zone P Zone PZ Zone	Sign Area shall not exceed 3.72sq.m (40sq.ft) per Sign Face. Signs shall not exceed 3.7m (12.1ft) in height.	d. Signs erected on a corner lot shall be prohibited within the Sight Triangle Area; e. Signs shall have a minimum Clearance

I Zone OS Zone	Sign Area shall not exceed 4.65sq.m (50sq.ft) per Sign Face. Signs shall not exceed 3.7m (12.1ft) in height.	of 2.2m (7.2ft) above open areas and 4m (13ft) above a driveway or vehicular traffic area;
C-2 Zone MUC Zone	Sign Area shall not exceed 9.29sq.m (100sq.ft) per Sign Face. Signs shall not exceed 6m (19.7ft) in height.	f. When a Business Premise(s) is located on a corner lot or through lot, one Sign is permitted on two Frontages, provided that the second Sign is 50% of the total Sign Area identified in this table, and there is a minimum distance of 30.1m (99ft) between the Signs; and
C-3 Zone	Shopping Centres: Sign Area shall not exceed 30sq.m (323sq.ft) per Sign Face. Signs shall not exceed 9.75m (32.0ft) in height. Non-Shopping Centres: Sign Area shall not exceed 12.0sq.m (130sq.ft) per Sign Face. Signs shall not exceed 8m (26.2ft) in height.	g. Signs erected in the 500 Lot Area or on a Heritage Resource shall adhere to the Sign design criteria listed in Section 5.20.
A Zone M1 Zone M2 Zone M3 Zone	Sign Area shall not exceed 13.9sq.m (150sq.ft) per Sign Face. Signs shall not exceed 8m (26.2ft) in height.	

5.14 ELECTRONIC SIGNS

- .1 Electronic Signs shall be incorporated into a Free Standing Sign or be erected on a building wall.
- .2 Electronic Signs shall occupy a portion of the permitted Sign Area for Fascia Signs (Section 5.12.4) or Free Standing Signs (Section 5.13.3), as determined by its classification;
- .3 Electronic Signs shall not be permitted:
 - a. In the 500 Lot Area;
 - b. On a Heritage Resource; or
 - c. In a residential zone; and
- .4 Electronic Signs shall adhere to the following provisions, in addition to the provisions for Fascia Signs or Free Standing Signs, as determined by its classification:

Zone	Dimensions	General Provisions
C-1 Zone C-2 Zone DMU Zone I Zone MUC Zone OS Zone P Zone	Electronic Signs may occupy a maximum of 2.23sq.m (24sq.ft) of the permitted Sign Area for Fascia Signs or Free Standing Signs.	a. One Electronic Sign shall be permitted per property. When the subject property is a corner lot or through lot, one Electronic Sign shall be permitted on two Frontages; b. Electronic Signs may have two parallel Sign Faces; c. Electronic Signs shall not be erected within 30.5m (100ft) of a residential zone or the Downtown Neighbourhood (DN) Zone;
A Zone C-3 Zone M1 Zone M2 Zone M3 Zone	Electronic Signs may occupy a maximum of 2.79sq.m (30sq.ft) of the permitted Sign Area for Fascia Signs or Free Standing Signs.	d. If installed on a Free Standing Sign, an Electronic Sign shall not be located within 9.14m (30ft) of the outermost portion of an intersection roundabout, or interchange. On undersized lots where this figure cannot be satisfied, Signs shall instead be erected at the midpoint of the property's Frontage; e. If installed on a legal non-conforming Free Standing Sign, Section 5.14.4.d shall not apply; f. Signs shall be equipped with automatic dimming technology to automatically adjust Sign brightness in correlation with ambient light conditions. Sign brightness shall not be brighter than 0.3 Foot Candles above ambient light conditions; g. Messages shall have a minimum duration of 10 seconds, and shall not include off-premise advertising; h. The intensity of illumination of a message shall be maintained at a constant level throughout the duration of the message; i. The Transition Period between messages shall be a maximum of 0.25 seconds. The message transition shall not incorporate blinking, flashing, scrolling, bouncing, or other moving effects; and j. Electronic Signs may include static images, however, Animation, video, or moving images shall be prohibited.

5.15 SANDWICH BOARD SIGNS

Sandwich Board Signs shall be adhere to the following provisions:

Zone	Dimensions	General Provisions
DC Zone DMS Zone DMUN Zone OS Zone PC Zone PZ Zone WF Zone	Sign Area shall not exceed 0.6sq.m (6.5sq.ft) per Sign Face. Signs shall not exceed 1m (3.3ft) in height.	a. Signs shall only be displayed when the advertised Business Premise is open; b. Signs shall not interfere with pedestrian or vehicular circulation, or impede pedestrian or vehicular visibility when accessing the lot; c. Signs shall be placed on private property or on the public right-of-way abutting the subject building, excluding the sidewalk, where possible;
A Zone C-1 Zone C-2 Zone C-3 Zone DMU Zone I Zone M1 Zone M2 Zone M3 Zone MUC Zone P Zone	Placed On Public Right-of-way: Sign Area shall not exceed 0.6sq.m (6.5sq.ft) per Sign Face. Signs shall not exceed 1m (3.3ft) in height. Placed On Private Property: Sign Area shall not exceed 1.2sq.m (13sq.ft) per Sign Face. Signs shall not exceed 1.21m (4ft) in height.	d. Where there is insufficient space to satisfy c., the Sign may be placed on the sidewalk abutting the subject building or the outermost edge of the sidewalk, as long as a minimum pathway of 1.5m (5ft) exists on the sidewalk; e. Signs shall display the City of Charlottetown's approval sticker indicating that said Sign has been approved in accordance with Section 5 of this Bylaw; f. When placed on a public right-of-way, the owner of a Sign shall carry liability insurance that names the City of Charlottetown as a third party and provides a minimum coverage of \$1,000,000; and g. Proof of liability insurance shall be provided on an annual basis.

5.16 TEMPORARY BANNERS

Banners may be permitted on a temporary basis if they adhere to the following provisions:

Zone	Dimensions	General Provisions
A Zone DC Zone DMS Zone DMU Zone DMUN Zone C-1 Zone C-2 Zone C-3 Zone I Zone M1 Zone	Sign Area shall not exceed 1.95sq.m (21sq.ft) per Banner face.	a. In the 500 Lot Area, two Banners are permitted per property. In all other areas a maximum of four Banners are permitted per property; b. Banners shall be securely attached parallel to a building wall, or to a supporting structure(s); c. Banners shall not extend over a property line, traffic lane, parking space, or an area used for vehicular and pedestrian accessibility; and

M2 Zone M3 Zone MUC Zone OS Zone P Zone PC Zone WF Zone		d. Banners shall not be erected for more than 30 consecutive days and 60 days within a calendar year.
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5.17 TEMPORARY MISCELLANEOUS SIGNS

Miscellaneous Signs, including ribbons, Inflatable Signs, balloons, activated devices, may be permitted on a temporary basis if they adhere to the following provisions:

- .1 Signs shall be prohibited in the 500 Lot Area, unless associated with a Special Event, Community Activity, or festival;
- .2 A maximum of two Signs are permitted per property;
- .3 Signs shall not extend over a property line, traffic lane, parking space, or other area used for vehicular and pedestrian accessibility; and
- .4 Signs shall be erected for a maximum of 14 consecutive days and 30 days within a calendar year.

5.18 TEMPORARY POSTERS

- .1 Two types of Temporary Posters shall be permitted in the City of Charlottetown:
 - a. **Theatre Show Posters** shall be permitted in the 500 Lot Area on the building wall of a Theatre; and
 - b. **Sporting Event Posters** shall be permitted on the building wall of the Civic Centre & Trade Centre (PID 365809 & 765743);
- .2 Temporary Posters shall adhere to the following provisions:
 - a. Temporary Posters shall be securely erected on a building wall that abuts a public street;
 - b. Temporary Posters shall be erected throughout the duration of the advertised performance / sporting event and one month prior to its start date, up to a maximum length of five months;
 - c. Temporary Posters shall occupy a maximum of 20% of the building wall upon which they are erected;

- d. Temporary Posters that display repetitive information on the same building wall shall be prohibited; and
- e. Any lighting associated with Theatre Show Posters shall adhere to the requirements listed in Section 5.20.5.

5.19 OFF-PREMISE SIGNS FOR SPECIAL EVENTS

The City of Charlottetown has designated locations where Off-premise Signs for Special Events may be permitted on a temporary basis. Temporary, Off-premise Signs for Special Events shall adhere to the following provisions:

- .1 A maximum of six Signs shall be erected per Special Event. The maximum Sign Area shall not exceed 3sq.m (32sq.ft) per Sign Face;
- .2 Signs shall not be illuminated;
- .3 Signs shall only be erected at a location designated by the City of Charlottetown;
- .4 Signs shall be erected for a maximum period of 21 consecutive days and be removed within two days following the events' conclusion. Signs exceeding this maximum duration may be permitted pending Council's approval;
- .5 A Special Event requiring Signage on an annual basis may seek Council's permission to erect Signs annually, provided that a Sign permit application is submitted each year.

5.20 SIGN DESIGN REQUIREMENTS FOR HERITAGE RESOURCES & THE 500 LOT AREA

Excluding Sandwich Board Signs and temporary Signs, all Signs that require a Sign permit shall adhere to the following design criteria if erected in the 500 Lot Area or on a Heritage Resource:

- .1 **Content:**
 - a. Sign content shall be limited to the name, logo(s), or slogan of a Business Premise, the name of practitioners of said Business Premise, the name of the building, or the civic address;
 - b. Signs shall utilize a maximum of two fonts;
 - c. Signs shall be limited to a maximum of three colours, unless incorporated into a corporate logo, with sufficient contrast so that the Sign is clearly legible;
 - d. Sign board and background colours shall be dark with a light contrast colour for letter detailing; and

- e. Signs shall not have a reflective or neon / fluorescent background.

.2 Materials & Design:

- a. Signs and Channel Letters shall be designed in a manner that is consistent with the architectural style and original façade materials of the building upon which they are erected;
- b. Signs and Channel Letters shall be constructed of natural materials, such as wood, metal, glass, or fabric, or a high quality composite material that appears to be a natural material;
- c. Corrugated plastic are not permitted. Vinyl Signs shall only be permitted if they are premium cast vinyl or direct print Signs;
- d. Signs shall only be permitted on an Awning / Canopy that is made of a cotton canvas or a material that is similar in appearance and texture. The Awning / Canopy material shall also have a plain or stripped pattern; and
- e. Crafted Signs with three-dimensional features and decorative detailing are encouraged.

.3 Compatibility & Placement:

- a. Signs shall not obstruct any prominent architectural feature or Character Defining Elements of a building, including but not limited to windows, sills, entrances, door frames, arches, columns, cornices, and molding;
- b. Where multiple Signs exist for a single Business Premise, all Signs shall incorporate unifying styles, materials, fonts, colours, and/or typologies;
- c. Repetitious Sign information on the same building wall shall be prohibited;
- d. Where a Sign Band exists on a façade, Fascia Signs shall be centred in the Sign band. Where no Sign Band exists, the Fascia Sign shall be centred over the doorway or display windows;
- e. Fascia Signs that run the full width of the building wall are preferred;
- f. Signs shall only be located on an Awnings / Canopy that extends the full width of the Business Premise.

.4 Method of Attachment:

- a. Signs shall be securely mounted onto a structure in a manner that does not have an adverse impact on the building's structural integrity, or compromise its heritage value or Character Defining Elements; and

- b. All fastening hardware and brackets shall blend into, and be compatible with the Sign's materials and colours.

.5 Lighting:

- a. Back-lit Sign boxes shall not be permitted. Back-lit Signs that illuminate only text and logo(s), and have an opaque background, shall be permitted;
- b. Signs that incorporate halo lighting or a LED back-lighting that illuminates individual letters shall be permitted;
- c. Light sources or fixtures shall be compatible with the character of the building upon which they're attached;
- d. Light sources or fixtures shall be positioned directly above, below, or to the side of the Sign that it illuminates. Lighting shall be shield or directed onto the Sign so that it does not shine onto the street or adjacent properties;
- e. Lighting may instead be provided from a light source / fixture that illuminates the Sign Face(s);
- f. Light sources shall not extend more than 0.6m (2ft) from the building wall upon which they are attached; and

5.21 SIGNS & ADVISORY BOARDS

There are instances when a Sign permit application, which cannot be approved by a Development Officer or Heritage Officer, shall be referred to either the Planning Board or Heritage Board rather than being denied outright.

.1 Heritage Board shall review the following applications:

- a. Applications for Signs that do not adhere to the Sign Design Criteria listed in Section 5.20, but adhere to all other requirements of Section 5. This process is outlined in Section 9.6.

.2 Planning Board shall review the following applications and make a formal recommendation to Council who will approve or deny the request:

- a. Applications for Off-premise Signs for Special Events where there is a request to erect Signs that exceed the maximum duration listed in Section 5.19.4;
- b. Applications for Off-premise Signs for Special Events where there is a request erect Signs on an annual basis, in accordance with Section 5.19.5; and

- c. Applications where a variance is being sought due to conditions peculiar to the property or unique to the area, in accordance with Section 4.32 of this Bylaw. This request shall only pertain to the placement and design of Signs, not an increase to the permitted Sign Area.

SECTION 6 - HERITAGE PROVISIONS

6.1 COMPOSITION OF THE HERITAGE BOARD

- .1 There is hereby established a committee of at least six (6) members to be appointed by Council on the nomination of the Mayor, and the committee Shall be known as the Heritage Board.
- .2 At least two (2) members of the Heritage Board Shall be City Councillors, and every Heritage Board member Shall be a resident of the City.
- .3 In order to provide consistency in the Heritage Board's recommendations, Council at its discretion may replace no more than two resident members of the Heritage Board during a term of Council and the appointment Shall be for their term on the Board. Council members of the Heritage Board are appointed at the discretion of the Mayor.
- .4 Any member of the Heritage Board Shall be eligible for reappointment for no more than two (2) consecutive terms.
- .5 Should a vacancy occur on the Heritage Board for any reason other than the expiry of the term of a member, the Council May, within sixty (60) days of notification, thereof appoint a Person to fill the vacancy and the Person so appointed May hold Office for the remainder of the term of the member whose place he or she was appointed to fill.
- .6 A member who is absent from three (3) consecutive meetings of the Heritage Board without cause Shall be deemed to have resigned.
- .7 The Heritage Board Shall meet at least once a month unless there is no business to be addressed, and Shall also meet at the call of the Chair or at the request of one-third of its members.
- .8 A quorum for meetings of the Heritage Board Shall be one-half of the members plus one, with at least one (1) Councillor and one (1) resident member as part of the quorum.
- .9 In the event that conflicts of interest should reduce the number of members of the Board below a quorum, the Mayor May appoint additional member(s) pro ten in order to satisfy the quorum requirements.

6.2 ROLE OF THE HERITAGE BOARD

- .1 The Heritage Board Shall be responsible for developing an inventory of Buildings, sites, Streetscapes and Signs in the City which are considered to be of historical and/or architectural importance.

- .2 The Heritage Board Shall be responsible for developing criteria for the Designation of heritage Buildings, sites and Streetscapes and Shall review and update criteria as required.
- .3 As a means of providing guidance to the public on Standards of Design for the Development of Heritage Resources, the City Shall establish and maintain a library of resource materials which will assist the Heritage Board, the Heritage Advisor and the public in identifying and preserving architectural styles and the original appearance of heritage Buildings and sites, appropriate Building materials, restoration and rehabilitation techniques and examples of adaptive re-Use.
- .4 The Heritage Board Shall be responsible for making decisions through collaboration with the Heritage Officer as per the provisions of this Bylaw, and for making recommendations to Council on matters concerning Heritage in the City of Charlottetown.

6.3 APPLICATION OF THIS SECTION

- .1 This section Shall apply to:
 - a. individual properties as listed in Appendix “A” as Designated Heritage Resource;
 - b. all properties located in the 500 Lot Area, as shown in Appendix “J”

6.4 DESIGNATION OF A HERITAGE RESOURCE

- .1 Appendix “C” (Criteria for Evaluation) defines the criteria for evaluation which Shall be Used in considering the Designation of a Heritage Resource under the terms of this By-Law.
- .2 Property owners shall be encouraged to apply for heritage designation, or the City may initiate an application where it is in the public interest to seek designation of a heritage property, or when a site which has characteristics that meet some of the criteria for a Heritage Resource is at risk of imminent irreparable or costly damage to the site’s heritage nature.
- .3 The notice of Designation Shall be served in writing to the Owner and Shall contain:
 - a. a description of the site, survey plan or plot plan and the municipal address;
 - b. a summary of the consequences of Designation;
 - c. a date and time by which the Owner May comment on or object to the proposed Designation; and,

- d. such other particulars as Council deems necessary or relevant.
- .4 Applications for heritage property designation shall be submitted to the Heritage Officer and shall be processed following the same procedures set out for “Amendments to the Zoning and Development By-law” under Section 4, and whereas recommendations to Council on the application will be made jointly by the Heritage Board and Planning Board.
- .5 Where Council determines the disposition of the application, written notice Shall be issued to the Property Owner.
- .6 Council May revoke a Designation of a Heritage Resource damaged by an act of God or for any other reason as determined necessary on the recommendation of the Heritage Board, and in so doing, Council Shall:
 - a. serve the notice on the Owner; and
 - b. amend this By-law by amending the list of designated Heritage Resources.
- .7 A Heritage Resource May again be considered for Designation in accordance with the procedure set out in this By-law after a one (1) year lapse has occurred since the last application.

6.5 APPROVAL OF PERMIT

- .1 For the purposes of this By-law, Maintenance of the exterior of a Building or Structure is permitted, and a permit is not required to undertake such Maintenance provided that:
 - a. Any replacement of materials Shall match what exists on the Heritage Resource.
 - b. If any replacing or patching of material is required, the new material Shall be compatible with the Existing material in colour and composition.
- .2 No Person Shall carry out or cause to be carried out any Development of a Heritage Resource with the exception of ordinary maintenance as described above, without a permit from the Heritage Officer
- .3 All development applications for Heritage Resources are subject to the process and regulations of the Design Review Section of this Bylaw.
- .4 Any Person proposing construction of a new Building or Structure, or relocation of an Existing Building or Structure Shall have regard for the Development Standards, and Council, the Heritage Board or the Heritage Officer May refuse to issue a permit where a Heritage Resource is altered, removed, partially removed or demolished without first receiving a permit.

6.6 DEVELOPMENT STANDARDS FOR SITES, BUILDINGS AND STRUCTURES

.1 In evaluating any Development, other than demolition, of any Existing Heritage Resource Building or Structure, the Heritage Board Shall consider:

- (a) the original character of a Building or Structure, the construction and original
Architectural
Details;
- (b) Use of the same Traditional Materials already Used on the Building of this era for Alterations to the Existing Building and for new additions to the Building;
- (c) the scale of any Alterations or additions to a Building in relation the scale of the original or the Existing Building or Structure;
- (d) Existing doors and windows, and these Existing openings in relation and proportion to others in the Building;
- (e) original door and window casements, sashes, mullions, or muntins, and glazing in doors and windows;
- (f) Alterations or additions to the pitch, direction and arrangement of the roof and whether these are in keeping with the original or Existing Design of the Building or Structure;
- (g) Architectural Details which do not need to be changed, removed or replaced; and
- (h) the location of any attached or protruding mechanical or utility Appurtenances.

.2 In evaluating any proposed Development of an Existing Heritage Resource site or one located in the Heritage Preservation Area or in the 500 Lot Area that does not involve an Existing Building or Structure, Council or the Heritage Board or the Heritage Officer Shall consider:

- (a) the original or historical Significance of the site or the Heritage Resource;
- (b) the environmental and archeological impact of the proposed Development;
- (c) the application of an appropriate environmental protection plan;
- (d) the land elevations and the appropriateness of the Landscaping plan; and;
- (e) the restoration of Buildings, Structures or Landscaping features, if any;
- (f) the compatibility of the proposed development with existing development in the vicinity; and
- (g) the impact of development on maintenance of the streetscape in the area, including the impact upon Neighbourhood Character

Streetscapes in the 500 Lot Area.

6.7 DEVELOPMENT STANDARDS FOR NEW DEVELOPMENT IN A HERITAGE PRESERVATION AREA

- .1 Any Person proposing a Development, other than demolition in the 500 Lot Area, Shall have consideration for the Heritage Resource(s) in the immediate area, and in particular the following:
 - (a) the prevalent architectural styles of Buildings located within the area, the streetscape, including Neighbourhood Character Streetscapes, original or historical significance of the site or the Heritage Resource;
 - (b) the compatibility of the proposed development with existing development in the vicinity; and,
 - (c) the prevalent Height to Width ratios of the style and proportions of windows in Existing Buildings;
 - (d) the pitch, direction and arrangement of roofs on Existing Buildings;
 - (e) the size, shape and prominence of entrances and Porches on Existing Buildings;and
 - (f) the location of any attached or protruding mechanical or utility Appurtenances and right-of-ways or easements associated with the property.
- .2 The Heritage Board May recommend the Use of Contemporary Materials where their appearance is compatible and if Traditional Materials and workmanship are not available.
- .3 Where the Setbacks of Neighbouring Buildings or Structures are uniform, the Setback for new construction should be the same unless otherwise approved by Council on the recommendation of the Heritage Board.
- .4 Where the Setbacks of Neighbouring Buildings or Structures are not uniform, the Setback for new construction Shall reflect the average Setbacks within the same Block on the same side of the Street.
- .5 The Side Yard ratio on each side of a Development Shall conform to the relative Side Yard ratios of either of the adjacent Buildings or Structures so as to maintain the pattern of open and occupied spaces.
- .6 The Height of a Development Shall not vary by more than twenty percent

(20%) from the average Height of the Existing Buildings constructed prior to 1900 and not subsequently Altered on the same side of the Street and Block, and the Height of an Accessory Building May be varied with the approval of Council, on the recommendation of the Heritage Board, where an Accessory Building Height and roof pitch closely match the Main Building.

- .7 These Development Standards Shall apply to the unaltered state and appearance of Existing Buildings and Structures as determined from the records of the Heritage Board or original photographs, plans, specifications or evidence produced from other sources, and where such information is not available, the Standards Shall relate to the same type and style of Buildings in the 500 Lot Area constructed prior to 1900 and not subsequently Altered.

6.8 ACCESSORY BUILDINGS AND HERITAGE RESOURCES

- .1 Council, on the recommendation of the Heritage Board, May:
 - a. allow an Accessory Building to be removed or demolished without an amendment to this By-law;
 - b. allow an Accessory Building to be taller than the maximum height as permitted for Accessory Buildings in the General Provisions of this Bylaw, to a maximum height as the principle building on the property.
 - c. allow, after following the procedures for a minor variance, an Accessory Building as part of a Designated Heritage Resource to be occupied as a Dwelling or a Heritage Inn.

6.9 MASONRY MAINTENANCE

- .1 For the purposes of this by-law, the cleaning of a building or structure which is of masonry construction shall be deemed to be an alteration to the exterior surface texture and shall not be considered ordinary maintenance.
- .2 The cleaning of any designated heritage resource which is of masonry construction shall employ a technique which does not damage the facade.
- .3 Any person who proposes to clean, or have cleaned, any designated heritage resource which is of masonry construction, shall obtain from the heritage advisor a permit before work begins, but no permit shall be required for the cleaning of a foundation.
- .4 Any person who proposes to repoint masonry on a designated heritage resource shall obtain from the heritage advisor a permit before work begins, and any such

repointing shall consider the colour, composition, joint thickness and profile of the existing or original mortar.

SECTION 7 - DEVELOPMENT AND DESIGN STANDARDS

7.1 WHERE THESE REGULATIONS APPLY

The following regulations shall apply to:

- .1 Downtown Neighbourhood Zone
- .2 Downtown Mixed-use Neighbourhood Zone
- .3 Downtown Main Street Zone
- .4 Downtown Core Zone
- .5 Park/Cultural Zone
- .6 Waterfront Zone
- .7 Port Zone
- .8 Designated Heritage Resources (Appendix "A")

7.2 DEVELOPMENT STANDARDS FOR NEW DEVELOPMENT IN THE 500 LOT AREA

- .1 Any Person proposing a Development, other than demolition, shall have consideration for the designated heritage resource(s) in the immediate area, and in particular the following:
 - a. the prevalent architectural styles of *buildings* located within the area, the streetscape, including *neighbourhood character streetscapes*, original or historical significance of the site or the heritage resource;
 - b. the compatibility of the proposed development with existing development in the vicinity; and,
 - c. the prevalent height to width ratios of the style and proportions of windows in *existing buildings*;
 - d. the pitch, direction and arrangement of roofs on *existing buildings*;
 - e. the size, shape and prominence of entrances and porches on *existing buildings*; and
 - f. the location of any attached or protruding mechanical or utility appurtenances and right-of-ways or easements associated with the property.

7.3 DESIGN STANDARDS FOR RESIDENTIAL DEVELOPMENT

.1 Development applications in the DN and DMUN zones, and for designated heritage properties in other residential zones, shall be subject to the following design standards:

a. Siting and Orientation

- i. All structures should have one primary entry that faces the street. Additional entrances may be located to the side or rear.

b. Small-Format Convenience Retail

- i. Storefronts should generally have a lot frontage and façade width similar in scale to surrounding residential properties.

c. Roofs

- i. Mechanical penthouses should be integrated with the architectural treatment of roofs and/or screened from view.
- ii. Roofs on any infill buildings in the neighbourhoods should reflect that of adjacent or nearby structures.
- iii. While flat roofs are acceptable, non-contextual roof forms that would detract from the visual continuity of the streetscape are discouraged.
- iv. Front facing roofs should include accent gables, dormers, and a variation of rooflines to lend variation.
- v. The soffit should have a consistent overhang typical of the streetscape.
- vi. All stacks, gas flues, and roof vents should not be visible from the front or from side elevations in the case of corner lots.
- vii. Gas flues should be located near the roof ridge to reduce their height.
- viii. All metal chimneys should be boxed-in and finished with cladding.
- ix. Skylights should be located on roofs not visible from the street and should have a flat profile.

d. Landscaping & Parking

- i. Surface parking is not permitted in the front yard setback.

- ii. Attached and detached garages are permitted in the rear yard
- iii. Attached and detached garages are not permitted to sit proud of the main building.
- iv. Attached and detached garages are permitted in the side yard where the width of the garage frontage is no greater than 50% of the width of the principle building's frontage.
- v. Shared driveways and curb cuts are encouraged, both with adjacent properties and for multi-unit housing.
- vi. For row houses and multi-unit structures, parking in an interior courtyard with a single access point is preferred to multiple driveways.
- vii. Curb cuts should accommodate single-car access and single-car widths should be maintained until the driveway extends beyond the rear of the primary structure.
- viii. A landscaped transition should be provided between the sidewalk and the face of the building.

e. Mass & Scale

- i. New structures should not overwhelm existing structures.
- ii. The primary plane of the front should not appear taller than those of traditional buildings in the area, however the back side of a building may be taller and still appear in scale if appropriately designed and compatible with the primary structure.
- iii. A single wall plane should not exceed the maximum façade width of a typical structure. If a building is wider overall than those seen typically, divide the large façade into subordinate wall planes that have dimensions similar to those of traditional buildings on the block.
- iv. Building forms should be consistent with traditional forms, typically simple rectangular forms.

f. Porches & Entries

- i. Porches should be deep enough to allow a seating area of a minimum depth of 1.5m.
- ii. The height of the porch roof should match that of porches on other nearby structures, and shall be constructed of materials used elsewhere on the home.

g. Materials & Finishes

- i. Building materials recommended for new construction include brick, stone, wood and glass.
- ii. New developments should seek to use materials as is reflected in existing buildings but contribute to the mix and variety of their use.
- iii. The appearance of building materials should be true to their nature and should not mimic other materials.
- iv. Cement clap-board may be permitted on the side or rear of the building.
- v. For new developments, vinyl siding is discouraged where directly fronting and visible to a public street or open space. Where vinyl siding currently exists it may be maintained and replaced as necessary.
- vi. Materials such as plastic, plywood, concrete block, darkly tinted and mirrored glass and metal siding utilizing exposed fasteners should be strongly discouraged.
- vii. The front and flankage elevations should carry a consistent type and quality of materials and window treatments. Where an interior side yard setback is greater than 3 m (9.8 ft), the side elevation(s) should also carry a consistent material and window treatment.

h. Windows

Placement

- i. The placement and coordination of windows and doors should create a balanced facade.
- ii. Windows on all facades should vertically and horizontally align with each other and other features of the structure.

Style

- i. Windows should reflect the appropriate or the original design of the building.
- ii. In Charlottetown the typical type of window is single or double hung. This type of window should be used when architecturally appropriate to do so.
- iii. A window, sidelights, or transom should accompany the front door where historically appropriate for the design of the building.

- iv. Architectural details should be implemented to emphasize doors and windows when historically appropriate.
- v. Sliding (patio-style) doors or picture windows should not be permitted on the front or flankage side of the building.

Material

- i. For new construction or the replacement of the original windows in an existing structure, the windows should be wooden. Where non-wooden windows exist they may be replaced with similar non-wooden windows, unless the property is a Designated Heritage Resource.
- ii. Windows should have simulated divided lights (sdl) with a spacer bar.

i. Corner Sites

- i. The front, flankage, and rear elevations of corner lots should carry a consistent type and quality of materials and window treatments.
- ii. Architectural features such as a porch, turret, or bay window should wrap the corner of the building and address the corner condition.

7.4 DESIGN STANDARDS FOR NON-RESIDENTIAL DEVELOPMENT

.1 Development Applications in the DC, DMS, PC, WF, and P Zones, and for Designated Heritage Properties in all other non-residential Zones, shall be subject to the following Design Standards:

a. Siting and Orientation

- i. All structures should orient to and address the street with a clearly defined entry point with direct access to the sidewalk. Additional entrances may be located to the side or rear.

b. Grade Level Storefronts

- i. Storefronts should generally have a frontage in the range of 7.5 m (25ft) or less, but not greater than 15 m (49ft). Where frontages are greater than 15 m (49ft), the appearance of narrow storefronts should be articulated in the design of the facade.
- ii. Storefronts and other ground floor uses should have a high-level of transparency, within a range of 75% glazing to maximize display areas, as well as visual interest and animation.

- iii. Clear glass should be used for wall openings (e.g., windows and doors) along the street-level façade. Dark tinted, reflective or opaque glazing is discouraged for storefronts.
- iv. An identifiable break or gap should be provided between the street-level uses and the upper floors of a building. This break or gap may consist of a change in material, change in fenestration, or similar means. The identifiable gap or break can emphasize the storefront while adding visual interest and variety to the streetscape.
- v. Storefront entrances should be highly visible and clearly articulated. Entrances should be located at or near grade. Split level, raised or sunken entrances are strongly discouraged.
- vi. Weather protection for pedestrians is encouraged through the use of awnings and canopies.

c. Street Access Residential

Where residential uses are permitted at-grade, the following design standards apply:

- i. Residential uses at-grade should include individual units accessed from the street.
- ii. Appropriate front yard privacy measures should be considered such as setbacks, landscaping, and porches.
- iii. Access to the individual units should be clearly visible, and the scale, rhythm and articulation of the street wall should be consistent with the residential character of adjacent neighbourhoods.

d. Roof Treatment

- i. The expression of the building top and roof should be clearly distinguished from the rest of the building through treatments such as stepbacks, change in materials, cornices lines, and overhangs where appropriate to the design style of the building.
- ii. Mechanical penthouses should be integrated with the architectural treatment of roofs and/or screened from view.
- iii. Green roofs are encouraged to provide for aesthetic as well as functional and sustainable considerations.

- iv. Non-contextual roof forms that would detract from the visual continuity of the streetscape are discouraged.

e. Parking and Parking Structures

- i. Surface parking is not permitted in the front yard setback.
- ii. Shared driveways and curb cuts are encouraged with adjacent properties.
- iii. For residential structures, parking in an interior courtyard with a single access point is preferred to multiple driveways.
- iv. Curb cuts should accommodate single-car access and single-car widths should be maintained until the driveway extends beyond the rear of the primary structure.
- v. Where appropriate for a continuous streetscape, a landscaped transition should be provided between the sidewalk and the face of the building.
- vi. Where possible, parking lots should be located behind buildings and screened from the street.
- vii. Where parking lots with more than 6 spaces are visible, a coordinated landscape/fence edge should be created between the sidewalk and the parking lot.
- viii. Where an above-grade parking facility fronts on a street, the ground-level frontage should incorporate retail, public or other active uses, as well as provide pedestrian amenities such as awnings, canopies, and sheltered entries.
- ix. Above-grade parking structures should be designed to reinforce the local built character and blend into the streetscape through facade treatments that conceals the parking levels, utilizes high quality materials, and gives the visual appearance of a multi-storey building articulated with bays and 'window' openings.

f. Mass and Scale

- i. New structures should not overwhelm existing structures.
- ii. The primary plane of the front should not appear taller than those of traditional buildings in the area, however the back side of a building may be taller and still appear in scale if appropriately designed and compatible with the primary structure.

- iii. A single wall plane should not exceed the maximum façade width of a typical structure. If a building is wider overall than those seen typically, divide the large façade into subordinate wall planes that have dimensions similar to those of traditional buildings on the block.
- iv. Building forms should be consistent with traditional forms, typically simple rectangular forms.

g. Materials and Architectural Quality

- i. Building materials recommended for new construction include brick, stone, wood, glass, in-situ concrete and pre-cast concrete.
- ii. New developments should seek to use materials as is reflected in existing buildings but contribute to the mix and variety of their use.
- iii. The appearance of building materials should be true to their nature and should not mimic other materials.
- iv. Mirrored glass and metal siding utilizing exposed fasteners is discouraged.
- v. The front and flankage elevations should carry a consistent type and quality of materials and window treatments. Where an interior side yard setback is greater than 3 m (9.8 ft), the side elevation(s) should also carry a consistent material and window treatment.
- vi. For new construction or the replacement of the original windows in an existing structure, the windows should be wooden. Where non-wooden windows exist they may be replaced with similar non-wooden windows, unless the property is a Designated Heritage Resource.

h. Corner Sites

- i. New developments on corner sites (at the intersection of Broad Streets and/or Typical Streets) should orient to both street frontages, and two entrances may be appropriate.
- ii. The front, flankage, and rear elevations of corner lots should carry a consistent type and quality of materials and window treatments.
- iii. Architectural features should wrap the corner of the building and address the corner condition.

7.5 DEVELOPMENT STANDARDS FOR SITES, BUILDINGS AND STRUCTURES

- .1 Any person proposing a *development*, other than demolition, for an existing *building* or *structure*, shall consider:
 - a. The original character of a *building* or *structure*, the construction and original *architectural details*;
 - b. Use of the same traditional materials already used on the *building* of this era for *alterations* to the *existing building* and for new additions to the *building*;
 - c. The scale of any alterations or additions to a *building* in relation the scale of the original or the *existing building* or *structure*;
 - d. *Existing* doors and windows, and these *existing* openings in relation and proportion to others in the *building*;
 - e. Original door and window casements, sashes, mullions, or muntins, and glazing in doors and windows;
 - f. Alterations or additions to the pitch, direction and arrangement of the roof and whether these are in keeping with the original or *existing* design of the *building* or *structure*;
 - g. Architectural details which do not need to be changed, removed or replaced; and
 - h. The location of any attached or protruding mechanical or utility Appurtenances.
- .2 Any person proposing a *development* of an existing heritage resource site that does not involve an *existing building* or structure shall consider:
 - a. the original or historical significance of the site or the heritage resource;
 - b. the environmental and archeological impact of the proposed development;
 - c. the application of an appropriate environmental protection plan;
 - d. the land elevations and the appropriateness of the landscaping plan; and
 - e. the restoration of *buildings*, structures or landscaping features, if any;
 - f. the compatibility of the proposed development with existing development in the vicinity; and
 - g. the impact of development on maintenance of the streetscape in the area, including the impact upon neighbourhood character streetscapes in the 500 Lot Area.

- .3 These development standards shall apply to the unaltered state and appearance of *existing buildings* and structures as determined from the records of the Heritage Board or original photographs, plans, specifications or evidence produced from other sources, and where such information is not available, the standards shall relate to the same type and style of *buildings* in the heritage preservation area, constructed prior to 1900 and not subsequently altered.

7.6 DESIGN STANDARDS FOR DESIGNATED HERITAGE RESOURCES

- .1 In addition to the foregoing, development applications involving a designated heritage property, shall be subject to the following design standards:

a. Building Setbacks

- i. A modest setback may be provided along the street frontage of an addition or integrated development, as a means of distinguishing or strengthening the prominence of the existing designated heritage building.

b. Grade Level Height and Articulation

- i. Provide a first storey height for new structures that is consistent with the heritage building(s).
- ii. Where infilling between heritage two or more heritage buildings of varying grade-level heights, the taller height will set the datum for the new building.
- iii. Maintain other heights and proportions in the first storey such as:
 1. Sign band height and size
 2. Window height, size and proportion, including transoms
 3. Door height, position, and setback
- iv. Maintain the prevailing at-grade use (i.e. retail or residential) but considering the intended use and role of the street.

c. Cornice Line and Upper Level Step-backs

- i. Maintain the same or similar cornice height for the base of the new building to create a consistent and complementary street wall height.
- ii. Where infilling between heritage buildings of varying cornice heights, select the height of one to be consistent with. Where the infill site has

sufficient frontage to articulate two or more bays of comparable width to the heritage buildings, the new cornice may vary its height to reference both heritage facades.

- iii. Step-back building elements that are taller than the street wall height of the heritage buildings a minimum of 3.0m (10ft) if only one storey, otherwise 6.0m (20ft) for two or more storeys. Where the heritage building has distinctive architectural features on its roof, step-backs of no less than 6.0m (20ft) should be provided around those features.
- iv. Greater contrast in the articulation and material quality of upper levels is encouraged.
- v. For additions that are taller than the heritage building, they should visibly step down to a height consistent with the heritage building.

d. Proportion and Rhythm

- i. Reinforce the prevailing rhythm of the heritage buildings, generally of a narrow vertical proportion
- ii. For larger or longer buildings, clearly articulate vertical divisions or bays in the façade at a rhythm consistent with the heritage building(s).
- iii. For grade-level commercial uses, the retail bays or shop fronts should be expressed in a similar scale and rhythm to the heritage building(s).

e. Façade Retention and Integration

- i. Where only a heritage façade is retained, the façade should not visually appear to be tacked on to a new building; rather, it should be design integrated with the new construction in such a manner that the former building in its entirety visually appears to have been retained.
- ii. To do so, the following design standards apply to retained and integrated facades:
 - 1. New exterior facades should define the height and alignment of the former building and should complement the retained façade in construction, design and materials
 - 2. New exterior facades beyond the former building should be clearly distinguished through setbacks, design or materiality

3. New construction above the retained façade should be designed and stepback according to the standards for cornice line & upper level stepbacks.

f. Façade Articulation and Materiality

There are two alternative approaches to façade articulation:

i. Similarity:

1. Maintain the same architectural order and rhythm of the windows, and horizontal and vertical divisions of the heritage façade.
2. Provide similar materials to existing heritage buildings, generally stone, brick and wood.
3. Where materials differ, such as concrete, provide similar articulation on the surface through score lines or the alignment of seams of modular units.
4. Provide similar colour palettes, typically neutrals and earth tones.

ii. Complementing Contrast:

1. Provide a different but proportional interpretation of the existing architectural order and rhythm of both horizontal and vertical divisions of the heritage façade in the articulation of the new building.
2. Provide contrasting materials and surface treatments that complement the heritage building by serving as a muted visual 'backdrop'. For example the extensive use of glass in a clean-lined modern manner can be effective for minimal visual distraction and for its transparency.
3. Ensure materials and detailing is of the highest quality.

SECTION 8 - BONUS HEIGHT

8.1 LAND USE DESIGNATION ZONES

Notwithstanding the provisions of the previous sections of this by-law, the height bonus regulations shall apply within the following zones:

- .1 Downtown Mixed Use Neighbourhood Zone;
- .2 Downtown Main Street Zone;
- .3 Downtown Core Zone;
- .4 Waterfront Zone; and
- .5 Port Zone

8.2 HEIGHT BONUS PROVISIONS

- .1 A bonus height may be permitted in exchange for securing specific public benefits.
- .2 The value of the public benefit shall be a rate set from time to time by a resolution of Council based upon the gross floor area for all or part of any storey above the pre-bonus height.
- .3 When and where it is not feasible to provide the public benefit on the Lot in question, the developer may provide the benefit offsite, as agreed to by the City and the developer.
- .4 The developer shall submit cost estimates in a format acceptable to the Development Officer to quantify the detailed costs of this public benefit. The cost estimate may be subject to verification by a third party estimator at the expense of the developer.
- .5 The specified rate set by a resolution of Council shall be adjusted at most every two years, in accordance with the Consumer Price Index.
- .6 The public benefit shall be completed at the time of the issuance of an occupancy permit, or at such other time as mutually agreed upon by the City and the developer.
- .7 The height bonus provisions do not apply to additional height that provides for unoccupied architectural details or permitted height encroachments.
- .8 Developments that propose a demolition of a designated heritage resource will not be eligible for bonus height and cannot exceed the specified maximum pre-bonus height.

- .9 The Development Officer or design reviewer may determine that additional studies and analysis may be required to ensure that the additional height and/or its massing are meeting the desired performance standards with respect to mitigating visual, shadow, wind, traffic and heritage impacts.
- .10 Developments considered for a height bonus shall demonstrate, to the satisfaction of the City, the highest possible standards in architectural, landscaping and material quality that is consistent with all applicable design guidelines in the Development and Design Standards.

8.3 PUBLIC BENEFIT CATEGORIES

Applications for height/density bonus shall be permitted as long as the developer provides one or more of the following public benefits:

- .1 Adaptive reuse, maintenance, preservation, or enhancement of a designated heritage resource property.
- .2 The provision of 5% affordable housing, at a rate of 60% of the area median income for rental units, or 100% of the area median income for condominium units.
- .3 The provision of three or four bedroom units with dedicated outdoor amenity space.
- .4 The provision of public open space, such as urban park, plaza, boardwalk or other facility where a deficiency exists or as indicated by the City.
- .5 The provision of public art.
- .6 Investment in active transportation or public transit.
- .7 The mitigation of sea level rise through proactive design practices.
- .8 The provision of a LEED-gold standard certified building, at a minimum; or other equivalent qualification.
- .9 The provision of subsidized commercial space for arts or other cultural uses.
- .10 The provision of 20% of dwelling units that incorporate universal design requirements in accordance with ICC/ANSI A117.1 Type C, VISIBLE Unit.

8.4 PUBLIC BENEFIT AGREEMENT

Prior to the issuance of a development permit, the developer shall enter into an agreement with the City that shall:

- .1 Identify the parcel of land to be developed as well as specifying the location of the proposed public benefit either on site or off site.
- .2 Include design drawings provided by the developer detailing the proposed public benefit. If necessary, construction drawings or architectural renderings, cost estimates, specifications or schematics may be required to communicate the necessary information.
- .3 Identify the required process and conditions for supervision and acceptance of the proposed public benefit before the work is accepted by the City.

SECTION 9 - DESIGN REVIEW

9.1 WHERE THESE REGULATIONS APPLY

- .1 The following regulations shall apply to:
 - a. Downtown Neighbourhood Zone
 - b. Downtown Mixed-Use Zone
 - c. Downtown Main Street Zone
 - d. Downtown Core Zone
 - e. Park/Cultural Zone
 - f. Waterfront Zone
 - g. Port Zone
 - h. Designated Heritage Properties

9.2 APPLICATION REQUIREMENTS

- .1 All applications subject to design review shall be accompanied by drawings to an appropriate scale depicting the following:
 - a. Architectural plans indicating compliance with this by-law.
 - b. The dimensions of the site and location of all proposed and existing buildings.
 - c. Identification, location, and gradients of all parking areas including the location and width of driveways, entrances and exits to parking areas, maneuvering areas for vehicles, service areas, visitor parking and loading areas.
 - d. The location and details of proposed open space.
 - e. Where the application for development entails any site alterations, lot elevation or landscaping changes, a detailed landscape and grading plan shall also be submitted.
 - f. Any additional information related to the site, buildings, or adjacent properties as may be required by the Development Officer and/or Heritage Officer to determine if the proposal conforms to the provisions of this by-law.

- .2 Where the proposed development requires a relaxation of the requirements of this by-law, the applicant shall provide a written proposal explaining the rationale for the request. Approval of such relaxation is to be determined at the discretion of the development Officer, and the application may be treated as an application for a Variance.

9.3 DESIGN REVIEW PROCESSES

The following table identifies which of the four (4) design review processes is applicable to different application types.

		Exemptions	Minor Applications	Non-Substantive Applications	Substantive Applications
.1	Interior renovations and/or Changes of use that do not result in changes to the exterior of the building for:				
	... all applicable applications.	X			
.2	Minor building repairs and maintenance, including siding and roofing with:				
	... no change in material and/or style.	X			
	... for 500 Lot Area properties with a proposed change to material and/or style.		X		
	... for Designated Properties with a proposed change to material and/or style.			X	
.3	Masonry Work:				
	... for 500 Lot Area properties	X			
	... for Designated Properties		X		

.4	Landscape work (including but not limited to alterations to significant vegetation, or changes to driveway access and parking):				
	... for 500 Lot Area properties	X			
	... for Designated Properties		X		
.5	Fences:				
	... under 1.8m (6 ft) for 500 Lot Area properties	X			
	... over 1.8 ft (6 ft) for 500 Lot Area properties and any size for Designated Heritage Resources		X		
.6	Accessory Buildings:				
	... for 500 Lot Area properties		X		
	... for Designated Properties			X	
.7	Signage:				
	... satisfies the Sign Design Requirements in Section 5.20		X		
	... proposed signage varies from the Sign Design Requirements in Section 5.20			X	
.8	Window and door replacements in existing openings with:				
	... no change in material and/or style.	X			
	... for 500 Lot Area properties with a proposed change in material and/or style.		X		
	... for Designated Properties with a proposed change			X	

	to material and/or style.				
.9	New window/door openings, alterations to existing window/door openings, decks and other projections (As per Section 4.3):				
	... for 500 Lot Area properties		X		
	... for Designated Properties			X	
.10	Alterations and Minor Additions (under 20 m²):				
	... for 500 Lot Area properties		X		
	... for Designated Properties			X	
.11	Significant alterations and additions (over 20 m²)				
	... for 500 Lot Area properties, with residential land uses with less than four (4) units			X	
	... for 500 Lot Area properties with multi-unit residential (four or more units) and all non-residential uses; and, for Designated Properties				X
.12	New Construction				
	... for residential development with less than four (4) units in the DN and DMUN Zones			X	
	... for all non-residential and multi-unit residential (four or more units) in the DN and DMUN Zones				X
	DMS, DC, PC, WF and Port Zones				X
.13	All Non-Substantive Applications that involve a Lot Consolidation, Subdivision and/or Variance				

	... all applicable applications				X
.14	New Construction involving a Height Bonus				
	... all applicable applications				X

9.4 EXEMPTIONS

- .1 Design review exemptions are applications which may or may not require a building permit application under other provisions of this by-law, however as they do not result in substantial changes to the exterior of existing buildings they are exempt from design review processes.

9.5 MINOR APPLICATIONS

- .1 Minor applications are subject to all applicable provisions of this by-law, including the development and design standards.
 - a. Minor Applications are subject to an internal review by the Development Officer and/or Heritage Officer to confirm compliance of the proposed development with the development and design standards.
 - b. Notwithstanding any other sections of this by-law, minor applications may be approved by the Development Officer. If the development Officer, experiences difficulty in evaluating the development proposal in accordance with the development and design standards he may at his discretion refer the application to the Heritage Officer.

9.6 NON-SUBSTANTIVE APPLICATIONS

- .1 Non-substantive applications are subject to all applicable provisions of this by-law, including the development and design standards.
- .2 Non-substantive applications shall first be reviewed by the development officer to confirm compliance with all other applicable provisions of this by-law. Where a lot consolidation, subdivision, and/or variance are required, the application shall be treated as a substantive application.
- .3 Non-substantive applications shall be reviewed by the Heritage Officer for compliance with the development and design standards.
- .4 The Heritage Officer shall prepare an administrative report and shall make a recommendation to the Heritage Board on the disposition of the application.

- .5 The Heritage Board shall review the administrative report and vote on the disposition of the application, and;
 - a. Where the application is jointly supported or rejected by the Heritage Officer and Heritage Board, the disposition of the application shall be determined;
 - b. Where the Heritage Officer or the Heritage Board experience difficulty in evaluating the development proposal than the Heritage Board shall make a recommendation to Council, and Council will determine the disposition of the application.

9.7 SUBSTANTIVE APPLICATIONS – DESIGN REVIEW ROSTER

There is hereby created a design review roster

- .1 The roster shall consist of no more than five members who shall be appointed by Charlottetown City Council in accordance with the following:
- .2 Resident of one of the four Atlantic Provinces (Prince Edward Island, Nova Scotia, New Brunswick, or Newfoundland & Labrador).
- .3 At least one member of the roster shall be a locally (PEI) based design professional.
- .4 Only those applicants with professional expertise in the fields of architecture, landscape architecture, urban design, city planning, structural engineering, or a similar profession shall be eligible to apply to the roster.
- .5 All professionals on the roster must hold an accredited professional degree for their respective field and have a current membership in their respective professional association(s).
- .6 Rostered design reviewers shall be appointed by Council for a period of two years. At the end of the roster period, a new call for members shall be issued.
- .7 A rostered design reviewer is eligible for reappointment.
- .8 A rostered design reviewer who declines three consecutive reviews without cause shall be deemed to have resigned.
- .9 Should a vacancy on the roster occur for any reason other than the completion of the term of a member, Council shall, within 30 days of the notification of vacancy, appoint a person to fill the vacancy and the person so appointed shall hold office for the remainder of the term of the member in whose place he or she was appointed.

9.8 SUBSTANTIVE APPLICATIONS

- .1 Substantive applications are subject to all applicable provisions of this by-law, including the development and design standards.
- .2 Substantive Applications shall first be reviewed by the Development Officer to confirm compliance with all other applicable provisions of this by-law and to confirm if a public consultation or notification process is required.
- .3 The Heritage Officer will review all applications relating to designated heritage properties and will prepare an administrative report on the historical significance of the property for the external design reviewer.
- .4 Upon receipt of the completed application and related application fee for substantial applications as set from time to time by a resolution of Council, the application shall be forwarded to an external design reviewer, and the design reviewer shall do the following:
 - a. Conduct a review of the proposed plan for conformance with the intent of this by-law, the development and design standards and the administrative report supplied by the Heritage Officer (when applicable).
 - b. Submit written comments on various aspects of the submission. Written comments may be supported by redline 'markups' of the submission.
 - c. The design reviewer may seek and consider the advice of the Heritage Board on applications for designated heritage resources or properties abutting designated heritage resources-
 - d. Advise the Development Officer on matters pertaining to height/density bonuses.
 - e. Provide written feedback, comments, and a final recommendation within a specified 10 business day review period.
- .5 Upon receipt by the City of Charlottetown of the design review recommendation, comments and mark-ups, the selected design reviewer is paid an honorarium by the City, the amount of which will be set from time to time by a resolution of Council.

9.9 SUBSTANTIVE APPLICATIONS: CONDITIONAL APPROVAL

- .1 Comments/markups from the design reviewer are forwarded back to the applicant, if necessary.

- .2 The applicant will revise their submission accordingly. Revised plans are resubmitted to the City, along with a compliance (secondary) review fee, the amount of which will be set from time to time by a resolution of Council.
- .3 The revised plans are forwarded to the design reviewer for the compliance review.
- .4 If the review is satisfactory, the plans are granted conditional approval.
- .5 Notwithstanding any other sections of this by-law, upon conditional approval by the design reviewer, substantive applications shall be referred to the Heritage Board.
- .6 The Heritage Board shall review the written feedback, comments, and recommendation by the design reviewer and shall vote on the disposition of the application.
 - a. Where the application is jointly supported or rejected by the design reviewer and Heritage Board, the disposition of the application shall be determined;
 - b. Where the Heritage Board does not support the recommendation of the design reviewer than the Heritage Board shall make a recommendation to Council, and Council will determine the disposition of the application.

9.10 DESIGN REVIEW: PUBLIC CONSULTATION & NOTIFICATIONS

- .1 Where an application requires a public notification as per any other applicable provision of this by-law:
 - a. Minor and non-substantive applications shall be reviewed to confirm compliance of the proposed development with the development and design standards and the applicant shall be advised of the disposition of the application with regards to the design review, prior to public notification being sent on any other matters.
 - b. Substantive applications must first receive conditional approval from the external design reviewer prior to public notification being sent on any other matters.
- .2 The following substantive applications shall require a public consultation phase:
 - a. Significant alterations and additions to designated heritage resources.
 - b. Council may seek public consultation for applications where a bonus height has been permitted as per the zone regulations, for the purpose of discussing how the public benefit funds are to be used when the benefit is to be provided offsite.

- .3 If the project is deemed necessary to undertake public consultation, the developer is responsible to engage the public prior to commencing the design review process, and in a format acceptable to the Development Officer using a combination of the following methods:
 - a. Open House
 - b. Public Kiosk
 - c. Website or Online Forum
- .4 Following conditional approval of the design reviewer, the application will be presented at a public meeting of Council. Notice for this meeting shall be as per subsection 4.29 of this by-law.
- .5 Only those substantive applications which require a public meeting of Council shall require Council's approval.

9.11 DEGREE OF ALTERATIONS PERMITTED TO EXISTING PROPERTIES WITHIN THE 500 LOT AREA

1. The degree of alterations that should be allowed to properties within the 500 Lot Area should reflect their heritage value or heritage significance. The only official distinction that has been made to date is between designated and non-designated properties. The following descriptions shall be used as general guidelines respecting the degree of alterations that should be permitted to existing properties within the 500 Lot Area based upon their relative heritage value or significance.

a. Designated Properties have the highest heritage value - designated properties exhibit the highest heritage value and interest of all properties within the 500 Lot Area and their historical value is based upon combination of their age and the architectural and historical interest. The protection of these significant and identifiable properties is absolutely essential to preserving and maintaining the history and character of the 500 Lot Area and the City of Charlottetown. These properties should be afforded the highest degree of protection and the greatest level of focus for preservation measures. These properties, including all buildings and structures, as well as the setting and streetscape, would be recommended for retention, preservation, maintenance and restoration in their entirety in order to protect these significant heritage resources.

b. Properties that are not designated but have moderate heritage value and interest—there are properties that are not designated but that present moderate heritage value based upon a combination of their age and the architectural and historical interest of the property. These properties are still important to preserving and maintaining the history and character of the 500 Lot Area. However, there is a need for some flexibility incorporated into the approach towards these properties to provide for some degree of reasonable modifications or improvements. All buildings and structures shall be maintained in their original form to the

greatest degree possible, except that buildings and structures shall be permitted to have sensitive modifications made to the exteriors. New additions or other changes to the exterior of the building or structure shall be consistent with character of the existing building, its setting and streetscape and must be subordinate to the predominant or defining heritage element or elements. Demolition or substantive alteration to the exterior of these properties shall be discouraged and in no case shall not be permitted to be undertaken prior to preparation of a comprehensive historical and structural assessment of the property in order to inform any application and determine if greater protection of the property is warranted.

c. Properties that are not designated but have minor heritage value and interest – there are properties that are not designated but that have minor heritage value. Such uses or elements thereof may still be important to preserving and maintaining the history and character of the 500 Lot Area. Retention of these structures still encouraged, but new additions or modifications to the exterior of the building or structure are permitted and shall still be consistent with character of the existing building, its setting and streetscape and must be subordinate to the predominant or defining heritage element or elements. Modifications to the property, provided the predominant or defining aspect or aspects are retained, maintained or integrated into new development, shall be acceptable. Demolition or substantive alteration to the exterior of these properties shall be discouraged and shall not be permitted to be undertaken before a 60 day waiting period and preparation of a heritage assessment of the property to determine if greater protection of the property is warranted.

SECTION 10 - GENERAL PROVISIONS FOR SUBDIVIDING LAND

10.1 SCOPE

- .1 These provisions for subdividing land Shall be the minimum requirement for the protection of public health, safety, and welfare, and are intended to protect the public and provide a wholesome community environment, adequate Municipal Services and safe Streets.
- .2 This section Shall not apply to any Lot or Lots forming part of a Subdivision created and recorded prior to the effective date of this By-law, nor is it intended to repeal, abrogate, annul or in any way impair or interfere with Existing provisions of other by-laws or regulations, except those specifically repealed by this By-law; or with private restrictions placed upon property by deed, covenant, or other private agreement; or with restrictive covenants running with the land to which the City is a party.
- .3 Where this By-law imposes a greater restriction upon land than is imposed or required by earlier Existing provisions of law, regulation, contract or deed, the provisions of this By-law Shall supersede those imposed by other legislation or agreement.

10.2 SERVICING

Where Municipal Services are available in the opinion of the Manager of Public Works, no Subdivision approval Shall be issued except where the Subdivision is provided with such services.

The Development Officer shall not approve a proposed subdivision until the applicant constructs all municipal services required for any public or private street(s), shown on a subdivision plan, that provide(s) access to the proposed development. The developer has the option of constructing the future street(s) or posting a bond guaranteeing its/their construction.

All future and undeveloped streets must be serviced in a manner whereby they can be either developed to a standard whereby they can be accepted by the municipality as a public or private street prior to any subdivision approval.

10.3 SUBDIVISION AND CONSOLIDATION OF LOTS

- .1 No Person Shall subdivide a Lot, tract, or parcel of land or consolidate two (2) or more Lots, tracts or parcels of land except as provided herein and in conformity with this By-law and any Provincial Minimum Lot Size Standards as interpreted by the Development Officer.

- .2 Preliminary Subdivision or Lot consolidation approval Shall be required before an application for final approval and:
- a. the Development Officer May waive the requirement for preliminary subdivision or Lot consolidation approval for subdivisions of four (4) lots and under;
 - b. every Person proposing to subdivide or consolidate land Shall first apply to the Development Officer for preliminary approval prior to a land surveyor planning the Subdivision or consolidation on the ground. The proponent Shall submit four (4) copies of the preliminary plan of the proposed Subdivision which Shall meet the requirements set out in subsection 10.3.3;
 - c. such application Shall meet the requirements as stated in this subsection as well as the Provincial Minimum Lot Size Standards;
 - d. when the Development Officer is satisfied that an application and preliminary Plan of Subdivision or Lot consolidation are complete, and when the Development Officer deems it appropriate, the applicant Shall forward a copy of the preliminary plan to any other department or agency of the Province or City or to the Planning Board which the Development Officer deems necessary;
 - e. unless the preliminary Plan of Subdivision or Lot consolidation is clearly contrary to laws, by-laws, or regulations of the Province or City, approval May not be refused or withheld as a result of the assessment or recommendations made by departments or agencies to which it is circulated;
 - f. the Development Officer Shall review such application and Shall advise the applicant in writing within fourteen (14) calendar days from the receipt of such application that the Subdivision or consolidation proposal has received preliminary approval or that it cannot be approved under the provisions of this By-law and/or the Provincial Minimum Lot Size Standards;
 - g. the Development Officer May, where a Lot or Lots are subdivided from a parent parcel, waive the requirement for a survey of any remnant parcel which is greater than 0.6 hectares (1.5 acres);
 - h. preliminary approval of any proposed Subdivision or consolidation Shall not be construed as final approval of such Subdivision or consolidation for land registration purposes or for legal conveyance; and
 - i. preliminary approval Shall be effective for a period of twelve (12) months unless, upon application, an extension is granted. If an application for final approval is not tendered to the Development Officer within this period of time, an application for preliminary approval Shall be resubmitted.

- .3 Preliminary plans of Subdivision or Lot consolidation submitted to the Development Officer Shall:
- a. be drawn to a minimum scale or scales sufficient for clarity of all particulars on the preliminary Plan of Subdivision;
 - b. be based on a boundary survey of the property to be subdivided;
 - c. be folded to approximately 20 cm (7.9 in.) by 30 cm (11.8 in.) with the face of the folded print being the title Block which is located in the lower right hand corner of the preliminary Plan of Subdivision;
 - d. include a digital copy of the survey plan, DXF file format in ATS77 P.E.I. Stereographic Projection; and
 - e. show the following:
 - i. name of Subdivision, if any, and the name of the Owner of the area of land;
 - ii. names of all Owners or the Lot identifiers of all properties abutting the area of land proposed to be subdivided;
 - iii. a location map, drawn to scale no smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;
 - iv. the words "Preliminary Plan" located above the title Block;
 - v. a clear space for stamping by the City which measures at least 10 cm (3.9 in.) by 10 cm (3.9 in.);
 - vi. the dimensions of the area of land to be subdivided;
 - vii. the proposed dimensions and shape of Lots and Blocks;
 - viii. the area of each Lot including the approximate area of the remainder Lot, if any, and the Provincial Property Identification Number (PID #) of the parent Lot;
 - ix. the purpose for which the land is to be Used and its conformity to this By-law;
 - x. each proposed Lot individually identified without duplication of Lot identifiers, and where a parcel is being added to or subtracted from an Existing Lot, or where a Lot shown on a Plan of Subdivision is being

divided, the proposed Lot or Lots Shall be identified by the Existing Lot identifier and a letter;

- xi. approximate locations of all Existing Main Buildings on the area of land proposed to be subdivided with the graphic location for all Buildings within 10.0 m (32.8 ft.) of either side of the boundaries of the proposed Lot;
- xii. the boundary lines of proposed Lots shown by solid lines, and the vanishing boundaries of Existing Lots being re-subdivided, consolidated, or both, shown as broken lines;
- xiii. the scale to which the preliminary Plan of Subdivision is drawn;
- xiv. the width and location of all right-of-ways and Existing and proposed public Streets, including pedestrian walkways, intersections and turning circles;
- xv. the names of Existing and proposed public Streets;
- xvi. a plan showing the centre line profiles of the proposed public Streets;
- xvii. Existing contours at 2.0 m (6.6 ft.) intervals, proposed spot elevations, and drainage patterns;
- xviii. a site drainage plan prepared by a qualified Professional Engineer which must meet the provisions of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and any regulations or amendments thereto, showing the erosion control measures on lands that drain directly into streams, rivers, harbours, or any Existing Watercourses;
- xix. the location of Existing and proposed public sanitary and storm sewers, and public water systems, and the proposed connections thereto;
- xx. the identification, location, dimensions, and area of land proposed to be reserved for Park, playground, and similar public purposes;
- xxi. the width, location, and nature of any Easements or rights-of-way affecting the area of land proposed to be subdivided;
- xxii. the north arrow or point;
- xxiii. the date on which the preliminary Plan of Subdivision was drawn, and the date of any revisions;
- xxiv. the location of any Watercourse, prominent rock formation, slope which is greater than eight (8) degrees, area subject to flooding, and any other

prominent natural or environmentally sensitive features which might affect the orientation of Buildings or the layout or provision of public Streets and public sanitary and storm sewers and public water systems to the area where the Subdivision is to be located;

xxv. a boundary survey of the area of land proposed to be subdivided, with the remainder Lot shown on the plan with dimensions, certified and stamped by a P.E.I. land surveyor in the manner required by the *P.E.I. Land Surveyors Act* and any regulations or amendments thereto; and

xxvi. any other information which the Development Officer deems necessary to determine whether a preliminary Plan of Subdivision conforms to this By-law.

- .4 Final approval of a Subdivision or Lot consolidation Shall be subject to the following requirements:
- a. The Development Officer May grant final approval to Subdivisions which comply with this By-law and the Provincial Minimum Lot Size Standards, and give approval for Lot consolidations where a Dwelling May be constructed in a R-1 or R-2 Zone;
 - b. An application for final Subdivision approval or a consolidation of two (2) Existing Lots into one (1) large Lot May be submitted to the Planning Board by the Development Officer for review;
 - c. Eight (8) copies of the final plan of the proposed Subdivision which meets the requirements of subsection 10.3.7 below Shall be submitted;
 - d. When the Development Officer or Planning Board is satisfied that an application and final Plan of Subdivision are complete, a copy of the application and final Plan of Subdivision May be circulated to any department or agency of the Province or the City as is deemed necessary;
 - e. Unless the final Plan of Subdivision or Lot consolidation is clearly contrary to laws, by-laws, or regulations of the Province or the City, approval May not be refused or withheld as a result of the assessment or recommendations made by departments or agencies to which it is circulated;
- .5 Notice to property owners within 100 meters of the subject property is required to consolidate properties in the R-3 and R-4 zones.
- .6 The Council Shall make the final decision on the application and if the application for a consolidation is refused, the Development Officer Shall notify the applicant in writing of the decision and the reason for refusal within fourteen (14) calendar days.

- .7 Final plans of Subdivision Shall:
- a. be drawn to a minimum scale or scales sufficient for clarity of all particulars on the final Plan of Subdivision;
 - b. be stamped by a P.E.I. land surveyor who Shall certify that the Lots for which approval is requested have been surveyed in the manner required by the *P.E.I. Land Surveyors Act* and any regulations and amendments thereto;
 - c. be folded to approximately 20 cm (7.9 in.) by 30 cm (11.8 in.) with the face of the folded print being the title Block which is located in the lower right hand corner of the Plan of Subdivision;
 - d. show the following information:
 - i. name of the Subdivision, if any, and the name of the Owner of the area of land;
 - ii. names of all Owners or the Lot identifiers of all properties abutting the area of land proposed to be subdivided;
 - iii. a location map, drawn to a scale no smaller than 1:50,000 with such scale to be shown on the map, preferably with the same orientation as the area of land;
 - iv. identify the type of street (public, private, future or undeveloped) including the length of the boundaries of all Existing and proposed Lots, Streets, right-of-ways and Easements including the length or arc, points or curvature and radius in the case of curved lines;
 - v. a clear space for stamping by the City measuring at least 10 cm (3.9 in.) by 10 cm (3.9 in.);
 - vi. the dimensions of the area of land to be subdivided;
 - vii. the shape, dimensions, and area of Lots, Blocks, and the remainder Lot, if any, and the Provincial Property Identification Number (PID #) of the parent Lot;
 - viii. each proposed Lot individually identified without duplication of Lot identifiers, and where a parcel is being added to or subtracted from an Existing Lot or where a Lot shown on a Plan of Subdivision is being divided, the proposed Lot or Lots Shall be identified by the Existing Lot identifier and a letter;
 - ix. locations of all Existing Main Buildings on the area of land proposed to

be subdivided with the graphic location for all Buildings within 10.0 m (32.8 ft.) of either side of the boundaries of the proposed Lot;

- x. the bearings of the boundaries of the Lots;
- xi. the boundary lines of proposed Lots shown by solid lines, and the vanishing boundaries of Existing Lots being re-subdivided, consolidated, or both, shown as broken lines;
- xii. the scale to which the final Plan of Subdivision is drawn;
- xiii. the names of Existing and proposed public Streets, recognizing that the City has the final approval of all Street names;
- xiv. the width and location of all rights-of-way and Existing and proposed public Streets including intersections and turning circles, and these Shall meet the City requirements for snow removal and fire protection services;
- xv. the identification, location, dimensions, and area of land proposed to be reserved for Park, playground, and similar public purposes;
- xvi. the width, location and nature of any Easements or rights-of-way affecting the area of land proposed to be subdivided;
- xvii. north arrow or degree;
- xviii. the location of any Watercourse, prominent rock formation, slope which is greater than eight (8) degrees, area subject to flooding, and any other prominent natural or environmentally sensitive features which might affect the orientation of Buildings or the layout or provision of public Streets, public sanitary and storm sewers, and public water systems to the area where the Subdivision is to be located;
- xix. the date on which the final Plan of Subdivision was certified, with all revisions to be identified, dated, and initialled;
- xx. where the Subdivision was Designed by an individual or firm other than the professional land surveyor who has certified the final Plan of Subdivision, the name of such individual or firm and the nature of the work performed Shall be shown in the title Block of the final Plan of Subdivision; and
- xxi. any other information which the Development Officer deems necessary to determine whether a final Plan of Subdivision conforms to this By-law.

- e. The Owner or Developer Shall show in the case of a subdivision of more than four (4) Lots and where new Streets are to be constructed, an overall surface water plan. This plan or a new plan Shall show for each Lot, proposed top of foundation elevations for all new main Buildings to be Erected on a Lot.
- .8 In addition to the requirements set out in this subsection, the drawings Shall show the location and dimensions of Existing public water, sanitary, and storm sewer systems to which the proposed underground systems for the Subdivision will connect.
- .9 A Subdivider who proposes to lay out and construct Streets or install public services on lands that drain directly into lakes, streams, rivers, or any Existing Watercourses Shall submit a drainage plan and an erosion control plan that complies with the City's specifications and meets the requirements of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, and any regulations or amendments thereto.
- .10 A Subdivider shall be required:
 - a. to pay the cost of preparing a traffic study, where required, in accordance with terms of reference and standards established by the Development Officer from time to time;
 - b. to pay all or any part of the cost of:
 - i. upgrading any existing Street (public, private, future, undeveloped) which does not meet City service standards and forms part of the proposed Subdivision or which provides Street access and egress to the Subdivision;
 - ii. constructing any new Streets within the proposed Subdivision;
 - iii. constructing a new Street which meets City standards or upgrading an existing Street to City standards in order to connect the proposed Subdivision to an existing Street in the vicinity of the proposed Subdivision which meets City standards;
 - iv. access points or upgrading the existing Street network in the vicinity of the proposed Subdivision including, but not limited to, traffic signals, widening of intersections and access turning lanes.
- .11 Final approval of Subdivision shall not commit the City to extending or connecting Municipal Services to that Subdivision.
- .12 Where an existing Street does not meet City standards, or Municipal Services are not installed to serve an existing Street, the Council Shall require the

Subdivider, Developer or Owner, as the case may be, to enter into a Subdivision Roads and Services Agreement which provides that the Subdivider, Developer or Owner, as the case may be, shall, where required, pay the cost of a traffic study, upgrading of Streets to City standards and the installation of Municipal Services including the acquisition of any land, easement or right-of-way required for Street or Municipal Services purposes.

- .13 The City Shall not be committed to extend or connect Municipal Services until the Subdivider enters into a “Subdivision Roads and Services Agreement” which outlines the terms for the installation of public services and construction of public Streets and the extension or connection of Municipal Services as follows:
- a. The Subdivision Roads and Services Agreement Shall be accompanied by detailed engineering Design drawings for the construction of public Streets, which are prepared in accordance with the City’s specifications and Signed and stamped by a qualified Professional Engineer licensed to practice on P.E.I.;
 - b. The Subdivision Roads and Services Agreement Shall be accompanied by detailed engineering Design drawings for the public water, sanitary, and storm sewer systems to be installed, which are prepared in accordance with the City’s specifications and stamped by a qualified Professional Engineer licensed to practice on P.E.I.; and
 - c. The Subdivision Roads and Services Agreement, where there are sidewalks, pedestrian walkways, right-of-ways, Street lighting, curbs, traffic Signals or other Municipal Services in the area Shall include this as part of the detailed engineering Design in accordance with any City specification and the drawing Shall be stamped by a qualified Professional Engineer licensed to practice on P.E.I.

10.4 APPROVAL NOTIFICATION

- .1 The Development Officer Shall approve a Plan of Subdivision or consolidation where it meets the requirements of this section.
- .2 When a Plan of Subdivision has been approved, the Development Officer (or Designate) Shall affix a stamp with the City of Charlottetown crest and his or her Signature and date approved to the plan and the following statements May form part of the stamp. As well, the Development Officer May attach other written notices or conditions to the approval (eg. Lot must be consolidated with adjoining Lot, previous Plans were registered, Municipal Services are not available, deeds must reflect this Plan, no building on this Lot).

“This final Plan of Subdivision is approved for Lot(s) _____ and has been approved on _____ and forwarded to be registered in the Queens County Registry Office.”

or

“This preliminary Plan of Subdivision is approved for Lot(s) _____ on _____, and no sale of Lots May occur until a final Plan of Subdivision is approved and a ‘Subdivision Roads and Services Agreement’ is Signed.”

10.5 ENFORCEMENT

- .1 Recording of Plan: no Plan of Subdivision Shall be entitled to be recorded in the City of Charlottetown or Queens County Registry Office, or have any validity, until it has been approved in the manner prescribed herein. In the event an unapproved plan is recorded, it Shall be considered invalid and the City Shall institute proceedings to have the plan stricken from its records.
- .2 Sale of Land in Subdivision: no Owner, or agent of the Owner, of any land located within a Subdivision Shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the Use of a Plan of Subdivision before such plan has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this subsection of the By-law is, at the City’s option, voidable and Shall allow the City to apply to a court of competent jurisdiction for equitable relief. The description of such Lot or parcel by metes and bounds in the instrument of transfer, or other documents Used in the process of selling or transferring, Shall not exempt the transaction from the provisions of this By-law.
- .3 Public Improvements: the City and the authority approving sewer and water supply hereby state that all public improvements will be withheld, including the Maintenance of Streets and supplying water and wastewater service, from all Subdivisions which have not been approved and from all areas dedicated to the public which have not been accepted by the Council in the manner prescribed herein.
- .4 Revision to Plan after Approval: no changes, erasures, modifications, or revisions, Shall be made in any plan or a Subdivision after approval has been given (approval stamp and Signed) by the City unless said plan is first re-submitted to the City for approval.

10.6 GENERAL PROVISIONS FOR SUBDIVISION

Requirements for a Plan of Subdivision Shall include:

.1 Streets: there are four types of streets that exist within the City of Charlottetown as defined in definition section (public, private, future, and undeveloped).

.2 All subdivision proposals or requests to build on property must provide frontage on a public, private, future, or undeveloped street that meets all servicing standards as prescribed by the municipality which includes, roads, highway or other street designations designed for the passage of vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles.

- a. a Subdivider who proposes to subdivide an area of land Shall lay out and construct all proposed public Streets (Public and private) as shown on the Street plan; All future and undeveloped streets must be serviced in a manner whereby they can be either developed to a standard whereby they can be accepted by the municipality as a public or private street
- b. Streets Shall not run perpendicular to slope gradients where steep Grades May result. The Grade of a proposed public Street Shall be a maximum of 8.0 degrees with 4.0 degrees being the maximum for 30 m (98.4 ft.) from the intersection of two (2) centre lines. The minimum Grade of any Street Shall be 0.5 degrees. All proposed public Streets Shall have a 2.0 degree crown along the centre line;
- c. all Streets Shall be Designed specifying adequate water drainage. Work Shall be certified by a Professional Engineer qualified to practice in the Province of Prince Edward Island;
- d. turning circles of at least 20.75 m radius(42.5 m diameter) for streets with piped storm Shall be provided on all cul-de-sacs. Temporary turning circles of the same radius as indicated above Shall be provided on any dead-end Street intended for extension at a future date, or the Manager of Public Works may approve a T-type or branch type turnaround. No turning circle Shall terminate at an adjacent Road;
- e. cul-de-sacs May be Used to develop odd-shaped parcels and Shall be properly oriented to facilitate drainage. The Use of cul-de-sacs, however, Shall be discouraged where Street Maintenance or provision of services becomes hampered;
- f. the maximum length of a cul-de-sac Shall be that which the Public Works and Fire Department of the City approve;
- g. all pedestrian walkways Shall have a width of at least 1.5 m (4.9 ft.) which Shall be composed of a dust-free surface which is either gravel, concrete or paved materials, and this Shall be 1 m (3.3 ft.) from the travelled portion of a Street;

- h. all Lots on a final Plan of Subdivision Shall abut a public Street;
- i. a proposed public Street shown on a final Plan of Subdivision Shall have a minimum right-of-way of 18.3 m (60.0 ft.) unless otherwise approved for infill residential subdivision upon the review of the City's Public Works, Fire and Utility Departments;
- j. a public Street, unbroken by an intersection, Shall not exceed 365 m (1,197.5 ft.) in length unless it would prejudice the proper Subdivision of land or adjoining land;
- k. there Shall be no more than four (4) public Street approaches in an intersection;
- l. all intersecting Streets must intersect at an angle of 70 to 90 degrees for a minimum distance of 30 m (98.4 ft.) from the intersection measured from the respective centre lines;
- m. where a public Street in an adjoining Subdivision abuts the boundaries of a Plan of Subdivision submitted for approval, the public Street in the latter Shall, if reasonably feasible, be laid out in prolongation of such public Streets unless it would be in violation of the By-law;
- n. all Public Streets Shall be deeded to the City after before commencement of sewer all required servicing work is complete or the necessary security is provided in a subdivision agreement;
 - 1. all Future streets will be deeded to the City as required by master plans (at the time of subdivision approval for the subject area) with the understanding that no subdivision or development will be permitted on such street until the street is fully serviced to all required City standards by the applicant at the time of development.
 - 2. Rights of way that are deeded to the City or existing undeveloped streets shall not be permitted for subdivision or development until the street is fully serviced by the applicant to all required City standards prescribed by By-law at the time development is proposed.
- o. the cost of paving, engineering, and construction of all street types Shall be paid in full by the Subdivider;
- p. the Council reserves the right to name Public Streets within the City; and
- q. the cost of all Street lighting Shall be borne by Developer or Owner of the Subdivision.

- r. The Public Works Department of the City of Charlottetown may update their right-of-way requirements from time to time and these newer standards shall be in effect as of the date the Public Works Committee approve them.

.2 Lot Configuration:

- a. wherever possible, Side Lot Lines Shall be substantially at right angles to a public Street or radial to a curved public Street; and
- b. wherever possible, the Rear Lot Lines of a series of adjoining Lots Shall be continuous and not stepped or jogged.

.3 Water, Sewer, and Other Services:

- a. water and sewer plans Shall be submitted to the City for approval of the Utilities Department;
- b. the cost of water and sewer installation Shall be required to be borne by the Person subdividing or developing land;
- c. a Person who proposes to subdivide an area of land in the City Shall install a public water system for the area of land proposed to be subdivided;
- d. the public water system Shall include mains and laterals to the boundaries of the proposed Lots, and the system Shall be Designed by a Professional Engineer and comply with the City's specifications;
- e. a Person who proposes to subdivide an area of land in the City Shall install a public sanitary sewer system for the area of land proposed to be subdivided;
- f. the public sanitary sewer system Shall include collectors and any laterals to the boundaries of the proposed Lots, and the system Shall be Designed by a Professional Engineer and comply with the City's specifications;
- g. a Person who proposes to subdivide an area of land in the City Shall install a public storm sewer system for the area of land proposed to be subdivided unless waived by the City where there is no connection to an available piped storm system, or where surface drainage such as ditches, swales, holding ponds, silt traps, and the like of the Subdivision does not present undue stress on the environment;
- h. the public piped storm sewer system Shall include collectors and laterals to the boundaries of the proposed Lots, and the system Shall be Designed by a Professional Engineer and comply with the City's specifications. Where possible, the Subdivider of the Subdivision Shall be encouraged to incorporate swales in the Design of the public storm sewer system;

- i. the public storm sewer system Shall be Designed to discharge into Existing streams and brooks utilizing natural run-off channels. Connections May only be made to Existing storm sewers with prior approval from the City, and approval Shall only be refused if the Existing storm sewer is inadequate; and
- j. Approved Public Streets and Private Streets Shall include all Roadway culverts and drainage ditches, Easements, pedestrian walkways and Shall be Designed by a Professional Engineer and comply with the City's specifications.

.4 Land for Public Purposes:

The City, at its discretion, Shall accept one of the following or a combination of the following:

- a. any Person who subdivides more than one (1) Lot from the parent parcel as of the date of this By-law in the City Shall set aside and convey to the City an amount of land which is acceptable to the City, equal to ten percent (10%) of the land to be subdivided for public purposes; or
- b. in lieu of setting aside land for public purposes, the Council May accept payment to the City of money equal to ten percent (10%) of the fair market value of the Lots severed for Subdivision.

10.7 PERFORMANCE GUARANTEES AND CONVEYANCE OF PUBLIC SERVICES

.1 The Subdivider Shall satisfy the requirements of Subdivision approval by entering into a Subdivision agreement as follows:

- a. the Subdivider Shall agree by Subdivision agreement to install the required systems as stipulated by the City, which May include: Streets, sidewalks, water supply, sewage collection, fire hydrants, storm drainage, Street lighting, curbing, Landscaping and traffic control systems, and the Developer or Owner Shall deposit with the Chief Administrative Officer cash, a certified cheque, indemnity, or other security acceptable to the Chief Administrative Officer which Shall be sufficient to cover 25% of the estimated installation costs of the required systems, and such estimates Shall be subject to the approval of the Director of Public Services;
- b. an agreement entered into between the City and the Developer or Owner Shall be executed in triplicate, Signed by the Mayor and Chief Administrative Officer on behalf of the City and by the Developer or Owner;
- c. the agreement Shall contain terms with respect to:
 - i. commencement and completion dates for construction of public

- Streets and installation of public water, sanitary and storm sewer systems or other systems;
 - ii. provision of general automobile liability insurance;
 - iii. description of the work to be carried out within the Subdivision;
 - iv. furnishing of security to the City as faithful performance Maintenance of the proposed work;
 - v. such phasing as May be agreed upon by the Developer or Owner and the City;
 - vi. the provision and acceptance of Easements and rights-of-way associated with the public Streets and underground systems; and
 - vii. any other matter required by the provisions of this By-law.
- d. the Developer or Owner who is responsible for the construction of public Streets and the installation of public water, sanitary and storm sewer systems Shall:
- i. arrange and pay for engineering Design specifications for the public Streets, public water, sanitary and storm sewer specifications of the City;
 - ii. arrange for complete testing of the systems and Shall advise the City of proposed test dates, sites, and times;
 - iii. arrange for service installation inspection required in subsection 10.7.1 (e) below; and
 - iv. allow the City to inspect the construction and installation at any stage.
- e. following construction and installation of the required services, and before acceptance by the City of the public Streets, water, sanitary and storm sewer systems, the Developer or Owner Shall:
- i. provide “as built” reproducible engineering drawings for all public systems which Shall be stamped and Signed by a Professional Engineer. Included with the “as built” plans Shall be a digital plan copy, DXF format in ATS77 PEI Stereographic Projection;
 - ii. provide all operating and procedural manuals for each public water or sanitary or storm sewer system;

- iii. provide the results of all required test reports of the public systems demonstrating that they have been constructed and are operating according to the Standards of the agreement and this By-law;
- iv. provide all Easements and rights-of-way associated with the public Streets and underground systems; and
- v. post a Maintenance bond or other security acceptable to the Chief Administrative Officer made in favour of the City in an amount equal to 12.5% of the actual costs of constructing the public Streets and installing the public water, and sanitary and storm sewer systems. This bond is to be posted for up to one (1) year from the date of a "Certificate of Provisional Acceptance" and then a further bond of 6.25% of the actual cost of construction Shall be posted for an additional year after "Final Acceptance" to allow for two (2) years of Maintenance bonds.
- f. the Developer or Owner Shall convey to, and at no cost to, the City the public Streets, any Easements, water, sanitary and storm sewer systems, and Parkland which Shall be free of encumbrances or cash-in-lieu of said Parkland;
- g. following completion of the public Streets, water, sanitary and storm sewer systems and any other requirements in the Subdivision agreement, a "Certificate of Provisional Acceptance" Shall be issued to the Developer or Owner by the City's Director of Public Services or the Development Officer; and
- h. following acceptance of the public Streets and all associated work, including final asphalt coat (C mix), water, sanitary and storm sewer systems, the City Shall provide a "Certificate of Final Acceptance" to the Owner. The Maintenance bond Shall remain in place for a period of up to two (2) years regardless if a "Certificate of Final Acceptance" is issued by the City.

10.8 EXEMPTIONS TO SUBDIVISION REQUIREMENTS

- .1 The Development Officer May approve an undersized Lot if an Existing undersized Lot is consolidated with another parcel in order to bring the new consolidated Lot closer to the minimum requirements of this By-law, provided that the remaining parcel or parcels meet the Lot requirements of this By-law or were lawfully Existing at the effective date of this By-law.
- .2 Where a Lot or parcel of land contains more than one Main Building lawfully Existing at the effective date of this By-law the Development Officer May approve a Plan of Subdivision for the Lot or parcel of land showing a Lot Designed for

each of the Main Buildings provided that each Lot has a frontage of not less than 6 m and is served by Municipal Services.

- .3 Notwithstanding the Lot Area and frontage requirements of this By-law, where a Development component of a permanent nature such as a Structure, well, or septic tank is encroaching in or upon an immediately adjacent area of land, the Development Officer May approve a Plan of Subdivision to the extent necessary and practical to remove the encroachment.

SECTION 11 - ZONES

For the purpose of this By-law, the City is divided into classes of land-use activity zones, the boundaries of which are depicted on the Zoning and Development By-law Map. Such zones may be referred to by the appropriate symbols. The following classes of land-use activity zones are hereby established:

Land use Zone	Symbol
Single-Detached Residential	R-1L
Single-Detached Residential	R-1S
Narrow Single-Detached Residential	R-1N
Low Density Residential	R-2
Low Density Residential Single	R-2S
Medium Density Residential	R-3
Medium Density Residential Town House	R-3T
Apartment Residential	R-4
Apartment Residential Zone	R-4A
Apartment Residential Zone	R-4B
Medium Density Mixed Use Residential	MUR
Manufactured Housing Residential	MH
East Royalty Mixed Use Village Centre	ER-MUVC
Business Office Commercial	C-1
Highway Commercial	C-2
Shopping Centre Commercial	C-3
Downtown Mixed-use Commercial	DMU
Mixed-use Corridor Commercial	MUC

Light Industrial	M-1
Heavy Industrial	M-2
Business Park Industrial	M-3
Institutional	I
Open Space	OS
Airport	A
Comprehensive Development Area	CDA
Future Development	FD
Parking	P
Downtown Neighbourhood	DN
Downtown Mixed-use Neighbourhood	DMUN
Downtown Main Street	DMS
Downtown Core	DC
Park/Cultural	PC
Waterfront	WF
Port Zone	PZ

SECTION 12 - SINGLE-DETACHED RESIDENTIAL ZONE (R-1L)

12.1 PERMITTED USES

- .1 Single-Detached Dwelling;
- .2 In-law Suite;
- .3 Modular Dwelling;
- .4 Open Space;
- .5 Park; and
- .6 Public Park.

12.2 REGULATIONS FOR SINGLE-DETACHED DWELLINGS (R-1L)

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	696 sq. m (7,492 sq. ft)	696 sq. m (7,492 sq. ft)
2 Lot Frontage (Minimum)	22 m (72.17 ft)	22 m (72.17 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5 Side Yard (Minimum)	1.83 m (6 ft)	1.83 m (6 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)

12.3 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:

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

12.4 OTHER PERMITTED USES

Notwithstanding the requirements of this zone, where Accessory buildings; Home Occupations; Bed and Breakfast or Tourist Homes; Neighbourhood Daycare Centres; and In-law Suites are located, they shall be subject, in addition, to the requirements set out for such uses in Section 4 of this By-law.

SECTION 13 - SINGLE-DETACHED RESIDENTIAL ZONE (R-1S)

13.1 PERMITTED USES

- .1 Single-Detached Dwelling;
- .2 In-law Suite;
- .3 Modular Dwelling;
- .4 Open Space;
- .5 Park; and
- .6 Public Park.

13.2 REGULATIONS FOR SINGLE-DETACHED DWELLINGS (R-1S)

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	540 sq. m (5,812.7 sq. ft)	686 sq. m (7,384.3 sq. ft)
2 Lot Frontage (Minimum)	18 m (59.0 ft)	22.5 m (73.8 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5 Side Yard (Minimum)	1.83 m (6 ft)	1.83 m (6 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)

13.3 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:

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

13.4 OTHER PERMITTED USES

Notwithstanding the requirements of this zone, where Accessory buildings; Home Occupations; Bed and Breakfast or Tourist Homes; Neighbourhood Daycare Centres; and In-law Suites are located, they shall be subject, in addition, to the requirements set out for such uses in Section 4 of this By-law.

SECTION 14 - NARROW SINGLE-DETACHED RESIDENTIAL ZONE (R-1N)

14.1 PERMITTED USES

- .1 Single-Detached Dwelling;
- .2 Modular Dwelling;
- .3 Open Space;
- .4 Park; and
- .5 Public Park.

14.2 REGULATIONS FOR SINGLE-DETACHED DWELLINGS (R-1N)

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	372 sq. m (4,004.2 sq. ft)	480 sq. m (5,252.8 sq. ft)
2 Lot Frontage (Minimum)	12.2 m (40.0 ft)	16.0 m (52.5 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5 Side Yard (Minimum)	1.83 m (6 ft)	1.83 m (6 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)

14.3 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:

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

14.4 OTHER PERMITTED USES

Notwithstanding the requirements of this zone, where Accessory buildings; Home Occupations; Bed and Breakfast or Tourist Homes; and Neighbourhood Daycare Centres; are located, they shall be subject, in addition, to the requirements set out for such uses in Section 4 of this By-law.

14.5 UNDERGROUND UTILITIES

In addition to the General Provisions for Subdividing Land found in Section 10 of this Bylaw, any property zoned R-1N shall be required to install underground Utility Services.

SECTION 15 - LOW DENSITY RESIDENTIAL ZONE (R-2)

15.1 PERMITTED USES

- .1 uses permitted in the R-1S Zone, subject to the R-1S Zone regulations;
- .2 Semi-Detached Dwelling;
- .3 Duplex Dwelling
- .4 Group Homes.
- .5 Neighbourhood Daycare (subject to Section 4.22)

15.2 REGULATIONS FOR SEMI-DETACHED DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	696 sq. m (7,492.0 sq. ft)	790 sq. m (8,503.8 sq. ft)
2 Lot Frontage (Minimum) Front access and rear access lanes.	11.0 m per unit (36.1 ft per unit)	12.2 m per end unit (40 ft per end unit)
3 Front Yard (Minimum) Rear Lane Access	6.0 m (19.7 ft) 4.2m (14ft.)	6.0 m (19.7 ft) 4.2m (14ft.)
4 Rear Yard (Minimum) Rear Lane Access (Minimum)	7.5 m (24.6 ft) 10.5 m. (34.6 ft.)	7.5 m (24.6 ft) 10.5 m. (34.6 ft.)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	10.0 m (32.8ft)	10.0 m (32.8ft)

- .8 Where a Garage is incorporated in the Main building, the minimum Side Yard Setback shall be 1.83 m (6 ft.).

15.3 REGULATIONS FOR DUPLEX DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	650 sq. m (6,996.8 sq. ft)	740 sq. m (7,965.6 sq. ft)
2	Lot Frontage (Minimum) Front Access and Rear Lane Access	22.0 m (72.2 ft)	23.2 m (76.1 ft)
3	Front Yard Front Access (Minimum) Rear Lane Access (Minimum)	6.0 m (19.7 ft) 4.2 m. (14 ft.)	6.0 m (19.7 ft) 4.2 m. (14 ft.)
4	Rear Yard (Minimum) Rear Lane Access (Minimum)	6.0 m (19.7 ft) 9.1m (30 ft.)	6.0 m (19.7 ft) 9.1m (30 ft.)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)

- .8 Where a Garage is incorporated in the Main building, the minimum Side Yard Setback shall be 1.83 m (6 ft.).
- .9 Semi-detached and Duplex dwellings Shall be oriented toward the street with front doors and windows facing the street.
- .10 On streets where multiple accesses are not deemed appropriate in the interest of safety semi-detached and duplex dwellings shall have rear lane accesses.
- .11 Garages located in the front yard or front of a building shall be set behind or flush with the main building face and the garage door shall not protrude beyond the main face of the building.
- .12 In the case of buildings with a double car garage and double wide driveway, the garage doors facing a public road, Shall be set back a minimum of 7.5 meters (24.6 ft.) from the road right-of-way. This does not apply to laneways.
- .13 Buildings will be generally aligned with a public road.

15.4 REGULATIONS FOR GROUP HOMES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	650 sq. m (6,996.8 sq. ft)	740 sq. m (7,965.6 sq. ft)
2 Lot Frontage (Minimum)	22.0 m (72.2 ft)	23.2 m (76.1 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)

- .8 Where a Garage is incorporated in the Main building, the minimum Side Yard Setback shall be 1.83 m (6 ft.).
- .9 The maximum number of rooms is determined by the following:
 - a. for the first 370 sq. m (3,982.8 sq. ft.) of Lot Area three (3) bedrooms are permitted;
 - b. for every additional bedroom the Lot must be increased by 100 sq. m (1076.4 sq. ft.).

15.5 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:

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

SECTION 16 - LOW DENSITY RESIDENTIAL SINGLE ZONE (R-2S)

16.1 PERMITTED USES

- .1 uses permitted in the R-1L Zone subject to the R-1L Zone regulations;
- .2 Semi-Detached Dwelling;
- .3 Duplex Dwelling;
- .4 Group Homes.
- .5 Neighbourhood daycares (subject to Section 4.22)

16.2 REGULATIONS FOR SEMI-DETACHED AND DUPLEX DWELLINGS

- .1 Semi-detached and Duplex Dwellings shall be permitted on 25% of the Lots in any City Block;
- .2 At no time shall more than two (2) semi-detached and/or Duplex Dwellings be located on adjoining Lots on the same side of the Street in any City Block.

16.3 REGULATIONS FOR SEMI-DETACHED DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	696 sq. m (7,492.0 sq. ft)	790 sq. m (8,503.8 sq. ft)
2 Lot Frontage (Minimum) Front Access and Rear Lane Access	11.0 m per unit (36.1 ft per unit)	12.2 m per end unit (40 ft per end unit)
3 Front Yard Front Access (Minimum) Rear Access Lane (Minimum)	6.0 m (19.7 ft) 4.2 m (14 ft.)	6.0 m (19.7 ft) 4.2 m (14 ft.)
4 Rear Yard (Minimum) Front Access (Minimum) Rear Access Lane (Minimum)	7.5 m (24.6 ft) 10.5 m (34.6 ft.)	7.5 m (24.6 ft) 10.5 m (34.6 ft.)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)

6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)

- .8 Where a Garage is incorporated in the Main building, the minimum Side Yard Setback shall be 1.83 m (6 ft.).

16.4 REGULATIONS FOR DUPLEX DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	650 sq. m (6,996.8 sq. ft)	740 sq. m (7,965.6 sq. ft)
2	Lot Frontage (Minimum) Front Access and Rear Access Lanes	22.0 m (72.2 ft)	23.2 m (76.1 ft)
3	Front Yard		
	Front Access (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear Lane Access (Minimum)	4.2 m (14 ft.)	4.2 m (14 ft.)
4	Rear Yard		
	Front Access (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
	Rear Access Lane (Minimum)	9.1 m (30 ft.)	9.1 m (30 ft.)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)

- .8 Where a Garage is incorporated in the Main building, the minimum Side Yard Setback shall be 1.83 m (6 ft.).

- .9 Semi-detached and Duplex dwellings Shall be oriented toward the street with front doors and windows facing the street.
- .10 On streets where multiple accesses are not deemed appropriate in the interest of safety semi-detached and duplex dwellings shall have rear lane accesses.
- .11 Garages located in the front yard or front of a building shall be set behind or flush with the main building face and the garage door shall not protrude beyond the main face of the building.
- .12 In the case of buildings with a double car garage and double wide driveway, the garage doors facing a public road, Shall be set back a minimum of 7.5 meters (24.6 ft.) from the road right-of-way. This does not apply to laneways.
- .13 Buildings will be generally aligned with a public road.

16.5 REGULATIONS FOR GROUP HOMES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	650 sq. m (6,996.8 sq. ft)	740 sq. m (7,965.6 sq. ft)
2 Lot Frontage (Minimum)	22.0 m (72.2 ft)	23.2 m (76.1 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)

- .8 Where a Garage is incorporated in the Main building, the minimum Side Yard Setback shall be 1.83 m (6 ft.).
- .9 The maximum number of rooms is determined by the following:
 - a. for the first 370 sq. m (3,982.8 sq. ft.) of Lot Area three (3) bedrooms are permitted;

- b. for every additional bedroom the Lot must be increased by 100 sq. m (1076.4 sq. ft.).

16.6 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

SECTION 17 - MEDIUM DENSITY RESIDENTIAL ZONE (R-3)

17.1 PERMITTED USES

- .1 Uses permitted in the R-2 Zone, subject to the R-2 Zone regulations;
- .2 Townhouse Dwelling;
- .3 Stacked Townhouse Dwelling;
- .4 Block Townhouse Dwelling;
- .5 Apartment Dwelling;
- .6 Boarding or Rooming House;
- .7 Nursing Home;
- .8 Converted Dwelling;
- .9 Community Institutional;
- .10 Community Care Facility;
- .11 Bed and Breakfast or Tourist Home; and
- .12 Inn or Heritage Inn.

17.2 SINGLE DETACHED DWELLING

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	325 sq. m (3,500 sq. ft)	418 sq. m (4,500 sq. ft)
2 Lot Frontage (Minimum)	10.6 m (35 ft)	12.2 m (40 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	1.83 m (6.0 ft)	1.83 m (6.0 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)

7	Height (Maximum)	10.0 m (32.8 ft)	10.0 m (32.8 ft)
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17.3 REGULATIONS FOR TOWNHOUSE DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	195 sq. m per unit (2,099.0 sq. ft) per unit	220 sq. m (2,368.1 sq. ft) per end unit
2	Lot Frontage (Minimum)	6.1 m (20.0 ft) per unit, OR 25.0 m (82 ft) whichever is less	9.0 m (29.5 ft) per end unit, OR 30.0 m (98.4 ft) whichever is less
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft) for end units	3.0 m (9.8 ft) for end units
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

17.4 REGULATIONS FOR STACKED TOWNHOUSE DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	140 sq. m (1,507.0 sq. ft) per unit	165 sq. m (1,776.1 sq. ft) per end unit
2	Lot Frontage (Minimum)	6.1 m (20.0 ft) per stacked units	8.0 m (26.2 ft) per stacked end unit
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.1 m (20.0 ft)	6.1 m (20.0 ft)

5	Side Yard (Minimum)	3.0 m (9.8 ft) for end units	3.0 m (9.8 ft) for end units
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

.8 For every Apartment Dwelling and Stacked townhouse Dwelling over eight (8) units, the Side Yard Setback shall be 4.5 m (14.8 ft.) and 6.0 m (19.7 ft.) on a Corner Lot.

.9 Where townhouse Dwelling parcels are to be subdivided, the Subdivider shall provide an Easement to the central units for access to the rear Yards from the Street.

17.5 REGULATIONS FOR BLOCK TOWNHOUSE DWELLINGS

	Interior Lot	Corner Lot	
1	Lot Area (Minimum)	186 sq. m (2,002.0 sq. ft) per unit	210 sq. m (2,260.5 sq. ft) per end unit
2	Lot Frontage (Minimum)	6.1 m (20.0 ft) per block units, OR 25 m (82 ft) whichever is less	8.0 m (26.2 ft) per block end units, OR 30 m (98.4 ft) whichever is less
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft) for end units	3.0 m (9.8 ft) for end units
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

.8 Where townhouse Dwelling parcels are to be subdivided, the Subdivider shall provide an Easement to the central units for access to the rear Yards from the Street.

17.6 REGULATIONS FOR APARTMENT DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	135 sq. m (1,453.2 sq. ft) per unit	160 sq. m (1,722.3 sq. ft) per unit
2 Lot Frontage (Minimum)	25 m (82 ft)	30 m (98.4 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 For every Apartment Dwelling and Stacked townhouse Dwelling over eight (8) units, the Side Yard Setback shall be 4.5 m (14.8 ft.) and 6.0 m (19.7 ft.) on a Corner Lot.

17.7 REGULATIONS FOR BOARDING OR ROOMING HOUSES, GROUP HOMES AND COMMUNITY CARE FACILITIES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	370 sq. m (3,982.8 sq. ft)	395 sq. m (4,251.9 sq. ft)
2 Lot Frontage (Minimum)	15 m (49.2 ft)	15 m (49.2 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	1.4 m (4.9 ft)	3.0 m (9.8 ft)

6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 The number of rooms is determined by the following:
- a. for the first 370 sq. m (3,982.8 sq. ft.) of Lot Area, three (3) bedrooms are permitted
 - b. for every additional bedroom over three (3) bedrooms, the Lot must be increased by 100 sq. m (1076.4 sq. ft.).

17.8 REGULATIONS FOR NURSING HOMES AND RESIDENTIAL CARE FACILITIES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	930 sq. m (10,010.8 sq. ft)	955 sq. m (10,279.9 sq. ft)
2 Lot Frontage (Minimum)	24.0 m (78.7 ft)	24.0 m (78.7 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

17.9 REGULATIONS FOR A CONVERTED DWELLING

A Dwelling may be Altered and used as a duplex or semi-detached or an apartment building proved that:

- .1 The building is structurally sound;
- .2 The conversion can be undertaken without extreme Alterations or additions excepting the construction or addition of new windows, fire escapes and outside stairways;

- .3 In the case of Converted Dwellings, the Lot Area shall be at least 370 sq. m (3,982.8 sq. ft.) for conversion to two (2) Dwelling units and 116 sq. m (1,248.7 sq. ft.) for conversion of each additional Dwelling unit.;

17.10 REGULATIONS FOR BED & BREAKFASTS, TOURIST HOMES, INN AND HERITAGE INN

1. Refer to Section 4.15 of this Bylaw

17.11 DWELLING SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines, in comparison to the closest adjoining building(s), and if on a corner lot the one adjoining building on each street or;
 - b. where a building cannot meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted

SECTION 18 - MEDIUM DENSITY RESIDENTIAL TOWN HOUSE ZONE (R-3T)

18.1 PERMITTED USES

- .1 Uses permitted in the R-1S, R-1N and R-2 Zones subject to the R-1S, R-1N and R-2 Zone Regulations;
- .2 Semi-detached;
- .3 Duplex;
- .4 Townhouse Dwelling;
- .5 Block Townhouse Dwelling;
- .6 Apartment Dwelling;
- .7 Boarding or Rooming House;
- .8 Nursing Home;
- .9 Converted Dwelling;
- .10 Community Institutional;
- .11 Community Care Facility;
- .12 Bed and Breakfast or Tourist Home; and
- .13 Inn or Heritage Inn.
- .14 Law Office (only as it pertains to 151-153 Euston Street (PID #358812))

18.2 REGULATIONS FOR SEMI-DETACHED DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	696 sq. m (7,492.0 sq. ft.)	790 sq. m (8,503.8 sq. ft.)

2	Lot Frontage (Minimum) Front Access and Rear Access Lanes	11.0 m per unit (36.1 ft. per unit)	12.2 m per end unit (40 ft. per end unit)
3	Front Yard Front Access (Minimum) Rear Lane Access (Minimum)	6.0 m (19.7 ft.) 4.2 m (14 ft.)	6.0 m (19.7 ft.) 4.2 m (14 ft.)
4	Rear Yard Front Access (Minimum) Rear Lane Access (Minimum)	7.5 m (24.6 ft.) 10.5 m (34.6 ft.)	7.5 m (24.6 ft.) 10.5 m (34.6 ft.)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	10.0 m (32.8ft)	10.0 m (32.8ft)

18.3 REGULATIONS FOR DUPLEX DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	650 sq. m (6,996.8 sq. ft.)	740 sq. m (7,965.6 sq. ft.)
2	Lot Frontage (Minimum) Front Access and Rear Access Lanes	22.0 m (72.2 ft.)	23.2 m (76.1 ft.)
3	Front Yard Front Access (Minimum) Rear Access Lane	6.0 m (19.7 ft.) 4.2 m (14 ft.)	6.0 m (19.7 ft.) 4.2 m (14 ft.)
4	Rear Yard Front Access (Minimum) Rear Lane Access (minimum)	6.0 m (19.7 ft.) 9.1 m (30 ft.)	6.0 m (19.7 ft.) 9.1 m (30 ft.)

5	Side Yard (Minimum)	3.0 m (9.8 ft.)	3.0 m (9.8 ft.)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft.)
7	Height (Maximum)	10.0 m (32.8 ft.)	10.0 m (32.8 ft.)

.8 Where a Garage is incorporated in the Main building, the minimum Side Yard Setback shall be 1.83 m (6 ft.).

.9 Semi-detached and Duplex dwellings Shall be oriented toward the street with front doors and windows facing the street.

.10 On streets (collector or arterial) where multiple accesses are not deemed appropriate in the interest of safety semi-detached and duplex dwellings shall have rear lane accesses.

.11 Garages located in the front yard or front of a building shall be set behind or flush with the main building face and the garage door shall not protrude beyond the main face of the building.

.12 In the case of buildings with a double car garage and double wide driveway, the garage doors facing a public road, Shall be set back a minimum of 7.5 meters (24.6 ft.) from the road right-of-way. This does not apply to laneways.

18.4 REGULATIONS FOR TOWNHOUSE DWELLINGS

		<i>Interior Lot</i>	<i>Corner Lot</i>
1	Lot Area (Minimum) Rear Lane (Minimum)	195 sq. m per unit (2,099.0 sq. ft.) per unit	220 sq. m (2,368.1 sq. ft.) per end unit
2	Lot Frontage (Minimum) Rear Lane Access (Minimum)	6.1 m (20.0 ft.) per unit, OR 25.0 m (82 ft.) whichever is less 6.1 m (20.0 ft.) per unit, OR 25.0 m (82 ft.) whichever is less	9.0 m (29.5 ft.) per end unit, OR 30.0 m (98.4 ft.) whichever is less 9.0 m (29.5 ft.) per end unit, OR 30.0 m (98.4 ft.) whichever is less

3	Front Yard		
	Front Access (Minimum)	6.0 m (19.7 ft.)	6.0 m (19.7 ft.)
	Rear Lane Access (Minimum)	4.3 m (14 ft.)	4.3 m (14 ft.)
4	Rear Yard		
	Front Access (Minimum)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)
	Rear Lane Access (Minimum)	10.5 m (34.5 ft.)	10.5 m (34.5 ft.)
5	Side Yard (Minimum)	3.0 m (9.8 ft.) for end units	3.0 m (9.8 ft.) for end units
6	Flankage Yard (Minimum)		6.0 m (19.7 ft.)
7	Height (Maximum)	12.0 m (39.4 ft.)	12.0 m (39.4 ft.)

18.5 REGULATIONS FOR BLOCK TOWNHOUSE DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	186 sq. m (2,002.0 sq. ft.) per unit	210 sq. m (2,260.5 sq. ft.) per end unit
2	Lot Frontage (Minimum)	6.1 m (20.0 ft.) per block units, OR 25 m (82 ft.) whichever is less	8.0 m (26.2 ft.) per block end units, OR 30 m (98.4 ft.) whichever is less
	Rear Lane Access (Minimum)	6.1 m (20.0 ft.) per block units, OR 25 m (82 ft.) whichever is less	8.0 m (26.2 ft.) per block end units, OR 30 m (98.4 ft.) whichever is less
3	Front Yard		
	Front Access (Minimum)	6.0 m (19.7 ft.)	6.0 m (19.7 ft.)
	Rear Lane Access (Minimum)	4.3 m (14 ft.)	4.3 m (14 ft.)
4	Rear Yard		

	Front Access (Minimum)	6.1 m (20 ft.)	6.1 m (20 ft.)
	Rear Lane Access (Minimum)	9.1 m (30 ft.)	9.1 m (30 ft.)
5	Side Yard (Minimum)	3.0 m (9.8 ft.) for end units	3.0 m (9.8 ft.) for end units
6	Flankage Yard (Minimum)		6.0 m (19.7 ft.)
7	Height (Maximum)	12.0 m (39.4 ft.)	12.0 m (39.4 ft.)

.8 For every Stacked townhouse Dwelling over eight (8) units, the Side Yard Setback shall be 4.5 m (14.8 ft.) and 6.0 m (19.7 ft.) on a Corner Lot.

.9 Where townhouse Dwelling parcels are to be subdivided, the Subdivider shall provide an Easement to the central units for access to the rear Yards from the Street.

.10 Townhouses Shall be oriented toward the street with front doors and windows facing the street.

.11 On streets where multiple accesses are not deemed appropriate in the interest of safety townhouses shall have rear lane accesses.

.12 Townhouse built form will be limited to a maximum of 8 consecutive units, with 6 units preferred. Where 8 units are proposed, individual unit widths shall not exceed 6.5 meters.

18.6 REGULATIONS FOR BOARDING OR ROOMING HOUSES, GROUP HOMES AND COMMUNITY CARE FACILITIES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	370 sq. m (3,982.8 sq. ft)	395 sq. m (4,251.9 sq. ft)
2	Lot Frontage (Minimum)	15 m (49.2 ft)	15 m (49.2 ft)
3	Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	1.5 m (4.9 ft)	3.0 m (9.8 ft)

6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- 8 The number of rooms is determined by the following:
- a. for the first 370 sq. m (3,982.8 sq. ft.) of Lot Area, three (3) bedrooms are permitted
 - b. for every additional bedroom over three (3) bedrooms, the Lot must be increased by 100 sq. m (1076.4 sq. ft.).

18.7 REGULATIONS FOR NURSING HOMES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	930 sq. m (10,010.8 sq. ft)	955 sq. m (10,279.9 sq. ft)
2 Lot Frontage (Minimum)	24.0 m (78.7 ft)	24.0 m (78.7 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

18.8 REGULATIONS FOR A CONVERTED DWELLING

A Dwelling may be Altered and used as a duplex or semi-detached or an apartment building proved that:

- .1 The building is structurally sound;
- .2 The conversion can be undertaken without extreme Alterations or additions excepting the construction or addition of new windows, fire escapes and outside stairways;
- .3 In the case of Converted Dwellings, the Lot Area shall be at least 370 sq. m (3,982.8 sq. ft.) for conversion to two (2) Dwelling units and 116 sq. m (1,248.7 sq. ft.) for conversion of each additional Dwelling unit.;

18.9 REGULATIONS FOR BED & BREAKFASTS, TOURIST HOMES AND INNS

1. Refer to Section 4.15 of this Bylaw

18.10 OTHER PERMITTED USES

Notwithstanding the requirements of this zone, where Accessory buildings; Home Occupations; and Neighbourhood Daycare Centres; are located, they shall be subject, in addition, to the requirements set out for such uses in Section 4 of this By-law.

SECTION 19 - APARTMENT RESIDENTIAL ZONE (R-4)

19.1 PERMITTED USES

Subject to the Standards set out in this subsection, uses permitted in the R-3 Zone subject to the R-3 Zone regulations.

19.2 REGULATIONS FOR APARTMENT DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	115 sq. m (1,237.9 sq. ft) per unit	140 sq. m (1,507.0 sq. ft) per unit
2 Lot Frontage (Minimum)	25 m (82 ft)	30 m (98.4 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	8.0 m (26.2 ft)	8.0 m (26.2 ft)
5 Side Yard (Minimum)	3.5 m (11.5 ft)	3.5 m (11.5 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 For every Apartment Dwelling and Stacked townhouse Dwelling over eight (8) units, the Side Yard Setback shall be 4.5 m (14.8 ft.) and 6 m (19.7 ft.) on a Corner Lot.

19.3 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
- the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or

- b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

SECTION 20 - APARTMENT RESIDENTIAL ZONE (R- 4A)

20.1 PERMITTED USES

- .1 Uses permitted in the R-3T Zone subject to the R-3T Zone Regulations with exception to single detached dwellings;
- .2 Town Houses;
- .3 Blocked Town Houses
- .4 Stacked Town houses
- .5 Apartment Dwellings

20.1 REGULATIONS FOR TOWNHOUSE DWELLINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum) Rear Lane (Minimum)	195 sq. m per unit (2,099.0 sq. ft.) per unit	220 sq. m (2,368.1 sq. ft.) per end unit
2	Lot Frontage (Minimum) Rear Lane Access (Minimum)	6.1 m (20.0 ft.) per unit, OR 25.0 m (82 ft.) whichever is less 6.1 m (20.0 ft.) per unit, OR 25.0 m (82 ft.) whichever is less	9.0 m (29.5 ft.) per end unit, OR 30.0 m (98.4 ft.) whichever is less 9.0 m (29.5 ft.) per end unit, OR 30.0 m (98.4 ft.) whichever is less
3	Front Yard Front Access (Minimum) Rear Lane Access (Minimum)	6.0 m (19.7 ft.) 4.3 m (14 ft.)	6.0 m (19.7 ft.) 4.3 m (14 ft.)
4	Rear Yard Front Access (Minimum) Rear Lane Access (Minimum)	7.5 m (24.6 ft.) 10.5 m (34.5 ft.)	7.5 m (24.6 ft.) 10.5 m (34.5 ft.)

5	Side Yard (Minimum)	3.0 m (9.8 ft.) for end units	3.0 m (9.8 ft.) for end units
6	Flankage Yard (Minimum)		6.0 m (19.7 ft.)
7	Height (Maximum)	12.0 m (39.4 ft.)	12.0 m (39.4 ft.)

20.2 REGULATIONS FOR STACKED TOWNHOUSE DWELLINGS

	Interior Lot	Corner Lot	
1	Lot Area (Minimum)	140 sq. m (1,507.0 sq. ft.) per unit	165 sq. m (1,776.1 sq. ft.) per end unit
2	Lot Frontage (Minimum)	6.1 m (20.0 ft.) per stacked units 25.0 m (82 ft.) whichever is less	8.0 m (26.2 ft.) per stacked end unit 30.0 m (95.1 ft.) whichever is less
	Rear Lane Access (Minimum)	6.1 m (20.0 ft.) per unit, OR 25.0 m (82 ft.) whichever is less	8.0 m (26.2 ft.) per end unit, OR 30.0 m (95.1 ft.) whichever is less
3	Front Yard		
	Front Access (Minimum)	6.0 m (19.7 ft.)	6.0 m (19.7 ft.)
	Rear Lane Access (Minimum)	4.3 m (14 ft.)	4.3 m (14 ft.)
4	Rear Yard		
	Front Access (Minimum)	6.1 m (20.0 ft.)	6.1 m (20.0 ft.)
	Rear Lane Access (Minimum)	9.1 m (30 ft.)	9.1 m (30 ft.)
5	Side Yard (Minimum)	3.0 m (9.8 ft.)	3.0 m (9.8 ft.)

	for end units	for end units
6 Flankage Yard (Minimum)		6.0 m (19.7 ft.)
7 Height (Maximum)	12.0 m (39.4 ft.)	12.0 m (39.4 ft.)

20.3 REGULATIONS FOR BLOCK TOWNHOUSE DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	186 sq. m (2,002.0 sq. ft.) per unit	210 sq. m (2,260.5 sq. ft.) per end unit
2 Lot Frontage (Minimum)	6.1 m (20.0 ft.) per block units, OR 25 m (82 ft.) whichever is less	8.0 m (26.2 ft.) per block end units, OR 30 m (98.4 ft.) whichever is less
Rear Lane Access (Minimum)	6.1 m (20.0 ft.) per block units, OR 25 m (82 ft.) whichever is less	8.0 m (26.2 ft.) per block end units, OR 30 m (98.4 ft.) whichever is less
3 Front Yard		
Front Access (Minimum)	6.0 m (19.7 ft.)	6.0 m (19.7 ft.)
Rear Lane Access (Minimum)	4.3 m (14 ft.)	4.3 m (14 ft.)
4 Rear Yard		
Front Access (Minimum)	6.1 m (20 ft.)	6.1 m (20 ft.)
Rear Lane Access (Minimum)	9.1 m (30 ft.)	9.1 m (30 ft.)
5 Side Yard (Minimum)	3.0 m (9.8 ft.) for end units	3.0 m (9.8 ft.) for end units
6 Flankage Yard (Minimum)		6.0 m (19.7 ft.)
7 Height (Maximum)	12.0 m (39.4 ft.)	12.0 m (39.4 ft.)

20.4 REGULATIONS FOR APARTMENT DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	135 sq. m (1,453.2 sq. ft) per unit	160 sq. m (1,722.3 sq. ft) per unit
2 Lot Frontage (Minimum)	25 m (82 ft)	30 m (98.4 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

.8 For every Stacked townhouse Dwelling or Apartment Dwelling over eight (8) units, the Side Yard Setback shall be 4.5 m (14.8 ft.) and 6.0 m (19.7 ft.) on a Corner Lot.

.9 Where Townhouse Dwelling parcels are to be subdivided, the Subdivider shall provide an Easement to the central units for access to the rear Yards from the Street.

.10 Townhouses Shall be oriented toward the street with front doors and windows facing the street.

.11 On streets (collector or arterial) where multiple accesses are not deemed appropriate in the interest of safety townhouses shall have rear lane accesses.

.12 Townhouse built form will be limited to a maximum of 8 consecutive units, with 6 units preferred. Where 8 units are proposed, individual unit widths shall not exceed 6.5 meters.

SECTION 21 - APARTMENT RESIDENTIAL ZONE (R- 4B)

21.1 PERMITTED USES

- .1 Subject to the Standards set out in this subsection, uses permitted in the R-4A Zone subject to the R-4A Zone Regulations.

21.2 REGULATIONS FOR APARTMENT DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	115 sq. m (1,237.9 sq. ft) per unit	140 sq. m (1,507.0 sq. ft) per unit
2 Lot Frontage (Minimum)	25 m (82 ft)	30 m (98.4 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	8.0 m (26.2 ft)	8.0 m (26.2 ft)
5 Side Yard (Minimum)	3.5 m (11.5 ft)	3.5 m (11.5 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 For every Apartment Dwelling and Stacked townhouse Dwelling over eight (8) units, the Side Yard Setback shall be 4.5 m (14.8 ft.) and 6 m (19.7 ft.) on a Corner Lot.
- .9 Where Townhouse Dwelling parcels are to be subdivided, the Subdivider shall provide an Easement to the central units for access to the rear Yards from the Street.
- .10 Townhouses Shall be oriented toward the street with front doors and windows facing the street.
- .11 On streets (collector or arterial) where multiple accesses are not deemed appropriate in the interest of safety townhouses shall have rear lane accesses.
- .12 Townhouse built form will be limited to a maximum of 8 consecutive units, with 6 units preferred. Where 8 units are proposed, individual unit widths shall not exceed 6.5 meters.

21.3 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

SECTION 22 – MEDIUM DENSITY MIXED USE RESIDENTIAL ZONE (MUR)

22.1 PERMITTED USES

- .1 Uses permitted in the R-1S Zone subject to the R-1S Zone Regulations;
- .2 Semi-detached Dwellings
- .3 Duplex Dwellings
- .4 Town Houses;
- .5 Blocked Town Houses
- .6 Bed and Breakfast or Tourist Home
- .7 Inn
- .8 Nursing Home
- .9 Community Care Facility
- .10 Group Homes
- .11 Boarding and Rooming Houses

22.2 REGULATIONS FOR THE MIXED USE RESIDENTIAL (MUR) ZONE

- .1 Development within the MUR Zone is meant to be varied. Building forms within this zone shall consist of a combination of townhouse dwellings, semi-detached or duplex dwellings, single detached dwellings, nursing homes and community care facilities.
- .2 Within the MUR Zone the following building forms shall be permitted on any City Block in the percentages indicated. Semi-detached and duplex dwellings Shall be permitted on up to 25% of the lots, townhouses shall be permitted on up to 25% of the lots, single detached dwellings shall be permitted on up to 35% of the lots and nursing homes, community care facilities shall be permitted on up to 15% of the lots. If the percentage for nursing homes or community care facilities is not used than the percentage allocated to this use can be allocated in 1/3 increments for the remaining uses as stipulated in this section or the remaining portion can be allocated in whole to single detached dwellings.

- .3 Single detached, semi-detached and duplex dwellings shall be permitted on adjoining lots on the same side of the street adjacent to townhouse dwellings. At least one side of a run of semi-detached or duplex dwellings must be flanked by a single detached dwelling.
- .4 At no time shall more than one (1) townhouse consisting of 5- 8 units be permitted to be constructed on adjoining lots or shall more than two (2) townhouses consisting of 3-4 units be permitted to be constructed on adjoining lots on the same side of the street.
- .5 Subdivision of land within the Mixed Use Residential Zone (MUR) shall be undertaken in phases. Prior to approval of a subdivision within the MUR Zone a concept plan shall be submitted for the overall parcel. The concept plan shall indicate the phases of development and shall ensure the appropriate mixing formula has been satisfied for the overall parcel of land. Any changes to the concept plan in subsequent phases of the development shall require approval by the Development Officer.

22.3 REGULATIONS FOR SEMI-DETACHED DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	696 sq. m (7,492.0 sq. ft.)	790 sq. m (8,503.8 sq. ft.)
2 Lot Frontage (Minimum) Front Access and Rear Access Lanes	11.0 m per unit (36.1 ft. per unit)	12.2 m per end unit (40 ft. per end unit)
3 Front Yard Front Access (Minimum) Rear Lane Access (Minimum)	6.0 m (19.7 ft.) 4.2 m (14 ft.)	6.0 m (19.7 ft.) 4.2 m (14 ft.)
4 Rear Yard Front Access (Minimum) Rear Lane Access (Minimum)	7.5 m (24.6 ft.) 10.5 m (34.6 ft.)	7.5 m (24.6 ft.) 10.5 m (34.6 ft.)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	10.0 m (32.8ft)	10.0 m (32.8ft)

22.4 REGULATIONS FOR DUPLEX DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	650 sq. m (6,996.8 sq. ft.)	740 sq. m (7,965.6 sq. ft.)
2 Lot Frontage (Minimum) Front Access and Rear Access Lanes	22.0 m (72.2 ft.)	23.2 m (76.1 ft.)
3 Front Yard Front Access (Minimum) Rear Access Lane	6.0 m (19.7 ft.) 4.2 m (14 ft.)	6.0 m (19.7 ft.) 4.2 m (14 ft.)
4 Rear Yard Front Access (Minimum) Rear Lane Access (minimum)	6.0 m (19.7 ft.) 9.1 m (30 ft.)	6.0 m (19.7 ft.) 9.1 m (30 ft.)
5 Side Yard (Minimum)	3.0 m (9.8 ft.)	3.0 m (9.8 ft.)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft.)
7 Height (Maximum)	10.0 m (32.8 ft.)	10.0 m (32.8 ft.)

.8 Where a Garage is incorporated in the Main building, the minimum Side Yard Setback shall be 1.83 m (6 ft.).

.9 Semi-detached and Duplex dwellings Shall be oriented toward the street with front doors and windows facing the street.

.10 On streets (collector or arterial) where multiple accesses are not deemed appropriate in the interest of safety semi-detached and duplex dwellings shall have rear lane accesses.

.11 Garages located in the front yard or front of a building shall be set behind or flush with the main building face and the garage door shall not protrude beyond the main face of the building.

.12 In the case of buildings with a double car garage and double wide driveway, the garage doors facing a public road, Shall be set back a minimum of 7.5 meters (24.6 ft.) from the road right-of-way. This does not apply to laneways.

.13 Buildings will be generally aligned with a public road.

22.5 REGULATIONS FOR TOWNHOUSE DWELLINGS

	Interior Lot	Corner Lot
1 Lot Area (Minimum) Rear Lane (Minimum)	195 sq. m per unit (2,099.0 sq. ft.) per unit	220 sq. m (2,368.1 sq. ft.) per end unit
2 Lot Frontage (Minimum) Rear Lane Access (Minimum)	6.1 m (20.0 ft.) per unit, OR 25.0 m (82 ft.) whichever is less 6.1 m (20.0 ft.) per unit, OR 25.0 m (82 ft.) whichever is less	9.0 m (29.5 ft.) per end unit, OR 30.0 m (98.4 ft.) whichever is less 9.0 m (29.5 ft.) per end unit, OR 30.0 m (98.4 ft.) whichever is less
3 Front Yard Front Access (Minimum) Rear Lane Access (Minimum)	6.0 m (19.7 ft.) 4.3 m (14 ft.)	6.0 m (19.7 ft.) 4.3 m (14 ft.)
4 Rear Yard Front Access (Minimum) Rear Lane Access (Minimum)	7.5 m (24.6 ft.) 10.5 m (34.5 ft.)	7.5 m (24.6 ft.) 10.5 m (34.5 ft.)
5 Side Yard (Minimum)	3.0 m (9.8 ft.) for end units	3.0 m (9.8 ft.) for end units
6 Flankage Yard (Minimum)		6.0 m (19.7 ft.)
7 Height (Maximum)	12.0 m (39.4 ft.)	12.0 m (39.4 ft.)

22.6 REGULATIONS FOR BLOCK TOWNHOUSE DWELLINGS

	Interior Lot	Corner Lot
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1	Lot Area (Minimum)	186 sq. m (2,002.0 sq. ft.) per unit	210 sq. m (2,260.5 sq. ft.) per end unit
2	Lot Frontage (Minimum)	6.1 m (20.0 ft.) per block units, OR 25 m (82 ft.) whichever is less	8.0 m (26.2 ft.) per block end units, OR 30 m (98.4 ft.) whichever is less
	Rear Lane Access (Minimum)	6.1 m (20.0 ft.) per block units, OR 25 m (82 ft.) whichever is less	8.0 m (26.2 ft.) per block end units, OR 30 m (98.4 ft.) whichever is less
3	Front Yard		
	Front Access (Minimum)	6.0 m (19.7 ft.)	6.0 m (19.7 ft.)
	Rear Lane Access (Minimum)	4.3 m (14 ft.)	4.3 m (14 ft.)
4	Rear Yard		
	Front Access (Minimum)	6.1 m (20 ft.)	6.1 m (20 ft.)
	Rear Lane Access (Minimum)	9.1 m (30 ft.)	9.1 m (30 ft.)
5	Side Yard (Minimum)	3.0 m (9.8 ft.) for end units	3.0 m (9.8 ft.) for end units
6	Flankage Yard (Minimum)		6.0 m (19.7 ft.)
7	Height (Maximum)	12.0 m (39.4 ft.)	12.0 m (39.4 ft.)

- .8 Where Townhouse Dwelling parcels are to be subdivided, the Subdivider shall provide an Easement to the central units for access to the rear Yards from the Street.
- .9 Townhouses Shall be oriented toward the street with front doors and windows facing the street.
- .10 On streets (collector or arterial) where multiple accesses are not deemed appropriate in the interest of safety townhouses shall have rear lane accesses.
- .11 Townhouse built form will be limited to a maximum of 8 consecutive units, with 6 units preferred. Where 8 units are proposed, individual unit widths shall not exceed 6.5 meters.

22.7 REGULATIONS FOR BOARDING OR ROOMING HOUSES, GROUP HOMES AND COMMUNITY CARE FACILITIES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	370 sq. m (3,982.8 sq. ft)	395 sq. m (4,251.9 sq. ft)
2 Lot Frontage (Minimum)	15 m (49.2 ft)	15 m (49.2 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	1.6 m (4.9 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 The number of rooms is determined by the following:
- a. for the first 370 sq. m (3,982.8 sq. ft.) of Lot Area, three (3) bedrooms are permitted
 - b. for every additional bedroom over three (3) bedrooms, the Lot must be increased by 100 sq. m (1076.4 sq. ft.).

22.8 REGULATIONS FOR NURSING HOMES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	930 sq. m (10,010.8 sq. ft)	955 sq. m (10,279.9 sq. ft)
2 Lot Frontage (Minimum)	24.0 m (78.7 ft)	24.0 m (78.7 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)

5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

22.9 REGULATIONS FOR A CONVERTED DWELLING

A Dwelling may be Altered and used as a duplex or semi-detached or an apartment building proved that:

- .1 The building is structurally sound;
- .2 The conversion can be undertaken without extreme Alterations or additions excepting the construction or addition of new windows, fire escapes and outside stairways;
- .3 In the case of Converted Dwellings, the Lot Area shall be at least 370 sq. m (3,982.8 sq. ft.) for conversion to two (2) Dwelling units and 116 sq. m (1,248.7 sq. ft.) for conversion of each additional Dwelling unit.;

22.10 REGULATIONS FOR BED & BREAKFASTS, TOURIST HOMES AND INNS

- .1 Refer to Section 4.15 of this Bylaw

22.11 OTHER PERMITTED USES

Notwithstanding the requirements of this zone, where Accessory buildings; Home Occupations; and Neighbourhood Daycare Centres; are located, they shall be subject, in addition, to the requirements set out for such uses in Section 4 of this By-law.

22.12 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.

- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
- a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

SECTION 23 - MANUFACTURED HOUSING ZONE (MH)

23.1 PERMITTED USES

- .1 Modular Homes;
- .2 Mini-homes;
- .3 Community building as per provisions of Institutional (I) Zone;
- .4 Open Space;
- .5 Park; and
- .6 Public Park.

23.2 REGULATIONS FOR MODULAR HOMES AND MINI-HOMES

	Interior Lot	Corner Lot
1 Site Area (Minimum)	465 sq. m (5,005.4 sq. ft)	540 sq. m (5,812.7 sq. ft)
2 Site Frontage (Minimum)		
End-on Sites (Minimum)	15 m (49.2 ft)	18 m (59.1 ft)
Front on Sites (Minimum)	29.1m (89 ft.)	29.1m (89 ft.)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	4.5 m (14.8 ft)	4.5 m (14.8 ft)
5 Side Yard (Minimum)	1.83 m (6 ft)	1.83m (6 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)

.7 A mini-home/modular home park development or mini-home/modular home subdivision shall be located on a designated site that is not less than 3.0 hectares in area.

.8 Mini-home or modular home park developments shall not have a density greater than 20 units per hectare.

.9 Private streets within a mini-home or modular home park development shall have a minimum paved surface width of 7.3 meters and have an overall right-of-way width of 10.7 meters.

.10 All sites shall be connected to municipal water and sewer services.

.11 The entire undercarriage of a mini-home shall be skirted with an opaque material.

.12 A storm water management plan shall be required for a mini-home or modular home park development. Storm water shall be managed through the use of a storm sewer system.

23.3 LANDSCAPED OPEN SPACE

.1 A minimum of 10% of the gross land area of a mini-home or modular home park development or expansion shall be provided as parks, playgrounds or landscaped open space.

.2 Where a public land dedication is required pursuant to Section 10 General Provisions for Subdividing Land 10% of the gross area of the subdivision shall be conveyed to the City as public open space or cash-in-lieu.

.3 In addition to the above landscaped open space requirements a minimum 6 meter wide landscaped strip shall be maintained along all property lines. The buffer shall be planted with deciduous and conifer trees and shrubs. Such vegetation shall be a minimum of 1.5 meters in height at the time of planting and shall be spaced no greater than 5 meters apart, to the satisfaction of the Development Officer.

.4 A Landscaped Open Space plan for a Mini-home or Modular Home Park Subdivision shall be submitted to the City having consideration for the following:

- a. trees and other vegetation;
- b. natural areas;
- c. elevations of the land;
- d. buffer areas along the perimeter of the Mini-home, Modular Home Park or Subdivision; and
- e. walkways or Open Space areas for general use of residents.

SECTION 24 – East Royalty-MIXED USE VILLAGE CENTRE ZONE (ER-MUVC)

24.1 PERMITTED USES

- .1 uses permitted in the R-4 B Zone subject to the R-4 B Zone regulations;
- .2 Bank or Financial Institution;
- .3 beer, wine, or liquor store;
- .4 brew-pub;
- .5 Club;
- .6 Commercial Daycare Centre;
- .7 Commercial Recreation Establishment;
- .8 Community building;
- .9 Convenience Store;
- .10 Drive-thru Business;
- .11 Eating and Drinking Establishment;
- .12 Educational Institution;
- .13 Entertainment Establishment; (See Licensed Premises below)
- .14 Fitness Centre;
- .15 Gasoline Bar;
- .16 Grocery Store;
- .17 Hotel or Motel;
- .18 Laundromat;
- .19 Medical and Health Office;
- .20 Office;
- .21 Parking Lot;
- .22 Personal Service Shop;
- .23 Place of Worship;
- .24 Retail Store;
- .25 Shopping Centre;

- .26 Supermarket;
- .27 Taxi Stand;
- .28 Theatre;
- .29 Veterinary Services;
- .30 Video Store;

24.2 REGULATIONS FOR ALL COMMERCIAL USES IN THE ER-MUVC ZONE

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	600 sq. m (6,458.4 sq ft)	700 sq. m (7,535 sq ft)
2 Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
3 Front Yard (Minimum)	8 m (26.2 ft)	8 m (26.2 ft)
4 Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 Where a Parking area is provided in front of any building, a 3.7 m (12 ft.) landscaped strip shall be provided between the Parking area and the Front Lot Line. This landscaped strip shall be planted with a combination of salt tolerant shrubs, coniferous or deciduous trees of approximately five to six feet (5-6 ft.) in height with a caliper of at least 45 mm, grasses and/or landscaped planting beds.
- .9 A strip of land not less than 3.7 m (12 ft.) in width shall be provided along a Lot Line which abuts a Street Line and shall be used for no other purpose than Landscaping. This landscaped strip shall be planted with a combination of salt tolerant shrubs, coniferous or deciduous trees of approximately five to six feet (5-6 ft.) in height with a caliper of at least 45 mm, grasses and/or landscaped planting beds. This shall not prevent the provision of access driveways across this strip.

- .10 Where a large parcel of land or a Lot consolidation is proposed for the purpose of constructing any commercial building in excess of 1,500 square metres (16,000 sq. ft.), the Development Officer may submit the proposal to Planning Board for a review of the site plan and the Design of the project to determine to its satisfaction that the bulk and mass of the said commercial building will be compatible with the general scale and character of the ER Mixed Use Village Centre Zone, and that the site Development principles, as set out in Section 4 of this By-law, are satisfactorily applied.
- .11 Where the Council, on recommendation of the Planning Board, determines that a proposed commercial building would not be reasonably in keeping with the general scale and character of the ER Mixed Use Village Centre Zone,
 - a. Council may deny approval for the Lot consolidation; or
 - b. Council may authorize a negotiation between the City and the Developer to affect reasonable improvements in the Design compatibility of the proposed commercial building.
- .12 The frontage requirements of this subsection may be reduced by 15% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots and provided the Owner enter into a Development agreement and there is one less access to a street(s) than existed previously.
- .13 Buildings will be generally aligned with a public road and front facades oriented to face a public street.

24.3 SETBACKS

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

24.4 REGULATIONS FOR DWELLING UNITS IN COMMERCIAL BUILDINGS

- .1 No Dwelling unit, or any part thereof, shall be located on the ground floor or at Street level below a commercial use unless permitted by Council.
- .2 On floors other than the ground floor or at Street level, Dwelling units may be permitted on the same floor as commercial uses provided that they are completely segregated from the commercial uses and have a separate entrance which serves the Dwelling units.
- .3 Minimum Amenity Area, as defined in Section 4 of this By-law, shall be provided.

24.5 REGULATIONS FOR INSTITUTIONAL USES

The regulations for institutional uses shall be the same as those regulations applicable in the Institutional (I) Zone.

24.6 REGULATIONS FOR RESIDENTIAL USES

The regulations for residential uses shall be the same as those regulations applicable in the Apartment Residential (R-4 B) Zone.

24.7 REGULATIONS FOR ENTERTAINMENT ESTABLISHMENTS WHICH ARE A LICENSED PREMISES

- .1 An Entertainment Establishment which is a Licensed Premises shall not be located within 100 meters of any Educational Institution, Day Care, Group Home, Emergency Transition Facility or of an existing residentially zoned property.

SECTION 25 - BUSINESS OFFICE COMMERCIAL ZONE (C-1)

25.1 PERMITTED USES

- .1 uses permitted in the R-3 Zone subject to the R-3 Zone regulations;
- .2 Community Institutional;
- .3 Educational Institution;
- .4 Medical and Health Office;
- .5 Office;
- .6 Parking Lot

25.2 DISCRETIONARY USES

The following uses may be permitted subject to approval by Council, on the recommendation of Planning Board, and upon such terms and conditions as may be determined by Council.

- .1 bakery shop;
- .2 book and stationary store;
- .3 Commercial Daycare Centre;
- .4 Convenience Store;
- .5 florist or gift shop;
- .6 fraternal organization;
- .7 Laundromat;
- .8 Personal Service Shop;
- .9 photography studio;
- .10 Funeral Establishment.

25.3 REGULATIONS FOR DISCRETIONARY USES

- .1 Before issuing a permit for a Discretionary use, the Development Officer shall:
 - a. receive from the applicant sufficient funds to cover the costs associated with the mail-outs and processing of this application;

- b. give Notice by ordinary mail explaining the purpose of the Discretionary use;
 - c. Subject to such terms and conditions as may prescribe including entering into a Development Agreement.
- .2 If any objections are received within fourteen (14) calendar days from the date of the Notice, the application shall be automatically referred to the Planning Board which shall consider the application having regard for the compatibility of the proposed Development and shall make a recommendation to the Council on the disposition of the application but if no objections are received within that time the permit may be issued by the Development Officer.

25.4 REGULATIONS FOR COMMERCIAL USES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	600 sq. m (6,458.6 sq. ft)	700 sq. m (7,535.0 sq. ft)
2 Lot Frontage (Minimum)	18 m (59.1 ft)	18 m (59.1 ft)
3 Front Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
4 Rear Yard (Minimum)	6 m (19.7 ft)	6 m (19.7 ft)
5 Side Yard (Minimum)	1.83 m (6 ft)	1.83m (6 ft)
6 Flankage Yard (Minimum)		6.0 m (19.7 ft)
7 Floor Area (Maximum)	310 sq m (3,336.9 sq ft)	310 sq m (3,336.9 sq ft)
8 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .9 Where a Parking area is located in front of any building, a 2.0 m (6.6 ft.) landscaped strip shall be provided between the Parking area and the Front Lot Line
- .10 The frontage requirements of this subsection may be reduced by 10% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots.

25.5 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

SECTION 26 - HIGHWAY COMMERCIAL ZONE (C-2)

26.1 PERMITTED USES

- .1 uses permitted in the R-4 Zone subject to the R-4 Zone regulations;
- .2 Automobile Sales and Services;
- .3 Automobile Shop;
- .4 Automobile Service Station;
- .5 Bank or Financial Institution;
- .6 beer, wine, or liquor store;
- .7 Cannabis Retail Store (see limiting distance requirement in Section 4.80)
- .8 Commercial Recreation Establishment;
- .9 Convenience Store;
- .10 Custom workshop;
- .11 Automotive Drive-in Business;
- .12 Drive-thru Business;
- .13 Dwelling units above commercial units;
- .14 Educational Institution;
- .15 Entertainment Establishment;
- .16 Equipment Sales, Rental Service;
- .17 Eating and Drinking Establishment;
- .18 fire hall;
- .19 Funeral Establishment;
- .20 Garden Centre;
- .21 Gasoline Bar;
- .22 Grocery Store;
- .23 Fitness Centre;
- .24 Hotel or Motel;
- .25 Laundromat;

- .26 Medical and Health Office;
- .27 Office;
- .28 Outdoor Display Court;
- .29 Parking Lot;
- .30 Personal Service Shop;
- .31 Place of Worship;
- .32 police station;
- .33 Printing Establishment;
- .34 Retail Store with connected storage, light manufacturing or assembly facility;
- .35 Retail Store;
- .36 Retail Warehouse;
- .37 Service Repair Establishment;
- .38 Supermarket;
- .39 Theatre;
- .40 Transport Terminal;
- .41 Transportation Service;
- .42 Veterinary Services;
- .43 Video Store;
- .44 Warehouse and/or Distribution Centre; and
- .45 Wholesale Establishment.

26.2 DISCRETIONARY USES

The following uses may be permitted subject to approval by Council, on the recommendation of Planning Board, and subject to such terms and conditions as Council may prescribe including entering into a Development agreement:

- .1 Commercial Daycare Centre;
- .2 Kennel;
- .3 Shopping Centre; and

.4 Nursing Home.

26.3 REGULATIONS FOR DISCRETIONARY USES

- .1 Before issuing a permit for a Discretionary use, the Development Officer shall:
 - a. receive from the applicant sufficient funds to cover the costs associated with the mail-outs and processing of this application;
 - b. give Notice by ordinary mail explaining the purpose of the Discretionary use;
 - c. Subject to such terms and conditions as may prescribe including entering into a Development Agreement.
- .2 If any objections are received within fourteen (14) calendar days from the date of the Notice, the application shall be automatically referred to the Planning Board which shall consider the application having regard for the compatibility of the proposed Development and shall make a recommendation to the Council on the disposition of the application but if no objections are received within that time the permit may be issued by the Development Officer.

26.4 Regulations for Entertainment Establishments which are a licensed premises

- .1 An Entertainment Establishment which is a Licensed Premises shall not be located within 100 meters of any Educational Institution, Day Care, Group Home, Emergency Transition Facility or of an existing residentially zoned property

26.5 REGULATIONS FOR COMMERCIAL AND INSTITUTIONAL USES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	550 sq. m (5,920.3 sq. ft)	650 sq. m (6,996.8 sq. ft)
2 Lot Frontage (Minimum)	15 m (49.2 ft)	15 m (49.2 ft)
3 Front Yard (Minimum)	8.0 m (26.2 ft)	8.0 m (26.2 ft)
4 Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		8.0 m (26.2 ft)

7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)
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- .8 Where a Parking area is located in front of any building, a 4.5 m (14.8 ft) landscape strip shall be provided between the Parking area and the Front Lot Line. This landscaped strip shall be planted with a combination of salt tolerant shrubs, coniferous or deciduous trees of approximately five to six feet (5-6 ft.) in height with a caliper of at least 45 mm, grasses and/or landscaped planting beds. This Shall not prevent the provision of access driveways across this strip.
- .9 A strip of land not less than 4.5 m (14.8 ft) in width shall be provided along a Lot Line which abuts a Street Line and shall be used for no other purpose than Landscaping. This landscaped strip shall be planted with a combination of salt tolerant shrubs, coniferous or deciduous trees of approximately five to six feet (5-6 ft.) in height with a caliper of at least 45 mm, grasses and or landscaped plantingbeds. This shall not prevent the provision of access driveways across this strip.
- .10 The frontage requirements of this subsection may be reduced by 10% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots.

26.6 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

26.7 REGULATIONS FOR DWELLING UNITS IN COMMERCIAL BUILDINGS

- .1 No Dwelling unit, or any part thereof, shall be located on the ground floor or at Street level below a commercial use unless permitted by Council.
- .2 On floors other than the ground floor or at Street level, Dwelling units may be permitted on the same floor as commercial uses provided that they are completely segregated from the commercial uses and have a separate entrance which serves the Dwelling units.
- .3 Minimum Amenity Area, as defined in Section 4 of this By-law, shall be provided.

SECTION 27 - SHOPPING CENTRE COMMERCIAL ZONE (C-3)

27.1 PERMITTED USES

- .1 Uses permitted in the R-3 and R-4 Zones subject to the R-4 Zone regulations but the uses in R-1S, R-1L and R-2 Zones shall not be permitted;
- .2 Auction Establishment;
- .3 Automobile Sales and Services;
- .4 Automotive Drive-in Business;
- .5 Bank or Financial Institution;
- .6 beer, wine or liquor store;
- .7 Cannabis Retail Store (see limiting distance requirements in Section 4.80)
- .8 Commercial Recreation Establishment;
- .9 Commercial Daycare Centre;
- .10 Convenience Store;
- .11 Cultural Establishment;
- .12 Drive-thru Business;
- .13 Eating and Drinking Establishment;
- .14 Entertainment Establishment;
- .15 Fitness Centre;
- .16 Garden Centre;
- .17 Gasoline Bar;
- .18 Greenhouse;
- .19 Hotel or Motel;
- .20 Laundromat;
- .21 Medical and Health Office;

- .22 Office;
- .23 Outdoor Display Court;
- .24 Parking Garage;
- .25 Parking Lot;
- .26 Personal Service Shop;
- .27 Place of Amusement;
- .28 Retail Store;
- .29 Retail Store with connected storage, light manufacturing or assembly facility;
- .30 Retail Warehouse;
- .31 Service Repair Establishment;
- .32 Shopping Centre;
- .33 Supermarket;
- .34 Theatre;
- .35 Video Store;
- .36 Warehouse and/or Distribution Centre; and
- .37 Wholesale Establishment.

27.2 REGULATIONS FOR PERMITTED USES

In addition to the following regulations, Development Standards may be established through negotiation of a Development agreement with the City.

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	1,400 sq. m (15,070 sq. ft)	1,400 sq. m (15,070 sq. ft)
2 Lot Frontage (Minimum)	45 m (147.6 ft)	45 m (147.6 ft)
3 Front Yard (Minimum)	12 m (39.4 ft)	12 m (39.4 ft)

4	Rear Yard (Minimum)	7.6 m (25 ft) unless abutting a residential zone, then 12 m (39.4 ft)	7.6 m (25 ft) unless abutting a residential zone, then 12 m (39.4 ft)
5	Side Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7ft)
6	Flankage Yard (Minimum)		6.0 m (19.7ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)
8	Setback from a residential zone (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)

- .9 Where a Parking area is provided in front of any building, a 4.5 m (14.8 ft.) landscaped strip shall be provided between the Parking area and the Front Lot Line. Redevelopment projects are exempt.
- .10 A strip of land not less than 4.5 m (14.8 ft.) in width shall be provided along a Lot Line which abuts a Street Line and shall be used for no other purpose than Landscaping. This shall not prevent the provision of access driveways across this strip. Redevelopment projects may be exempt from this requirement.
- .11 The frontage requirements of this subsection may be reduced by 10% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots.

27.3 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or

- b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

27.4 REGULATIONS FOR DWELLING UNITS IN COMMERCIAL BUILDINGS

- .1 No Dwelling unit, or any part thereof, shall be located on the ground floor or at Street level below a commercial use unless permitted by Council.
- .2 On floors other than the ground floor or at Street level, Dwelling units may be permitted on the same floor as commercial uses provided that they are completely segregated from the commercial uses and have a separate entrance which serves the Dwelling units.
- .3 Minimum Amenity Area, as defined in the Section 4 of this By-law, shall be provided.

27.5 DISCRETIONARY USES

The following uses may be permitted subject to approval by Council, on the recommendation of Planning Board, and subject to such terms and conditions as Council may prescribe including entering into a Development agreement:

- .1 Licensed Premises

27.6 REGULATIONS FOR DISCRETIONARY USES

- .1 Before issuing a permit for a Discretionary use, the Development Officer shall:
 - a. receive from the applicant sufficient funds to cover the costs associated with the mail-outs and processing of this application;
 - b. give Notice by ordinary mail explaining the purpose of the Discretionary use;
 - c. Subject to such terms and conditions as may prescribe including entering into a Development Agreement.
- .2 If any objections are received within fourteen (14) calendar days from the date of the Notice, the application shall be automatically referred to the Planning Board which shall consider the application having regard for the compatibility of the proposed Development and shall make a recommendation to the Council on the disposition of the application but if no objections are received within that time the permit may be issued by the Development Officer.

27.7 REGULATIONS FOR ENTERTAINMENT ESTABLISHMENTS WHICH ARE A LICENSED PREMISES

- .1 An Entertainment Establishment which is a Licensed Premises shall not be located within 100 meters of any Educational Institution, Day Care, Group Home, Emergency Transition Facility or of an existing residentially zoned property.

SECTION 28 - DOWNTOWN MIXED-USE ZONE (DMU)

28.1 PERMITTED USES

- .1 uses permitted in the R-4 Zone subject to the R-4 Zone regulations;
- .2 Bank or Financial Institution;
- .3 Beer, wine, or liquor store;
- .4 brew-pub;
- .5 Club;
- .6 Commercial Daycare Centre;
- .7 Commercial Recreation Establishment;
- .8 Community building;
- .9 Convenience Store;
- .10 Cultural Establishment;
- .11 Custom workshop;
- .12 Eating and Drinking Establishment;
- .13 Educational Institution;
- .14 Entertainment Establishment;
- .15 fire hall;
- .16 Fitness Centre;
- .17 Funeral Establishment;
- .18 Grocery Store;
- .19 Hostel;
- .20 Hotel or Motel;
- .21 Laundromat;
- .22 Marina;
- .23 Medical and Health Office;
- .24 Office;
- .25 Parking Garage;

- .26 Parking Lot;
- .27 Personal Service Shop;
- .28 Place of Worship;
- .29 Police station;
- .30 Printing Establishment;
- .31 Retail Store;
- .32 Service Repair Establishment;
- .33 Shopping Centre;
- .34 Supermarket;
- .35 Taxi Stand;
- .36 Theatre;
- .37 Transportation Service;
- .38 Veterinary Services; and
- .39 Video Store.

28.2 DISCRETIONARY USES

Subject to the approval of the Council, on recommendation from the Planning Board, the following uses may be permitted:

- .1 Automobile Service Station;
- .2 Gasoline Bar.
- .3 Subject to such terms and conditions as Council may prescribe including entering into a Development agreement.

28.3 REGULATIONS FOR DISCRETIONARY USES

- .1 Before issuing a permit for a Discretionary use, the Development Officer shall:
 - a. receive from the applicant sufficient funds to cover the costs associated with the mail-outs and processing of this application;
 - b. give Notice by ordinary mail explaining the purpose of the Discretionary use;
 - c. Subject to such terms and conditions as may prescribe including entering into a Development Agreement.

- .2 If any objections are received within fourteen (14) calendar days from the date of the Notice, the application shall be automatically referred to the Planning Board which shall consider the application having regard for the compatibility of the proposed Development and shall make a recommendation to the Council on the disposition of the application but if no objections are received within that time the permit may be issued by the Development Officer.

28.4 REGULATIONS FOR PERMITTED USES

- 1. Height (Maximum) 12.0 m (39.4 ft.)
- 2. Dwelling Units and Artist Live-Work Dwellings in Commercial buildings
 - a. Dwelling units and Artist Live-Work Dwellings may be permitted in commercial buildings provided that:
 - i. no Dwelling unit or Artist Live-Work Dwelling, or any part thereof, shall be located on the ground floor or at Street level;
 - ii. on floors other than the ground floor or at Street level, Dwelling units or Artist Live-Work Dwellings may be permitted on the same floor as commercial uses provided that they are completely segregated from the commercial uses and have a separate entrance which serves these Dwelling units; and
 - iii. notwithstanding the provisions of Minimum Amenity Area under Section 4 of this By-law, Amenity Areas shall not be required for Dwelling units and Artist Live-Work Dwellings which are located in buildings prior to the effective date of this By-law.

3. Loading Requirements:

New commercial, institutional and residential uses in buildings erected prior to the adoption of this by-law.	No additional loading facilities required.
New commercial, institutional, and residential uses in designated heritage buildings.	No additional loading facilities required.

28.5 PROVISION FOR CONSTRUCTION OVER A PROPERTY LINE

- .1 A building in the DMU Zone may be built over a property line provided it meets the building Code Bylaw and/or the Fire Prevention Bylaw of the City of Charlottetown.

28.6 SETBACK

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

SECTION 29 - MIXED-USE CORRIDOR ZONE (MUC)

29.1 PERMITTED USES

- .1 uses permitted in the R-4 Zone subject to the R-4 Zone regulations;
- .2 Automobile Service Station;
- .3 Automobile Shop;
- .4 Automobile Sales and Services;
- .5 automotive drive-in business;
- .6 Bank or Financial Institution;
- .7 beer, wine, or liquor store;
- .8 brew-pub;
- .9 building supply store and warehouse;
- .10 Cannabis Retail Store (see limiting distance requirement in Section 4.80)
- .11 Car Wash;
- .12 Club;
- .13 Commercial Daycare Centre;
- .14 Commercial Recreation Establishment;
- .15 Community building;
- .16 Convenience Store;
- .17 Drive-thru Business;
- .18 Eating and Drinking Establishment;
- .19 Educational Institution;
- .20 Entertainment Establishment; *(See Licensed Premises below)*
- .21 Equipment Sales, Rental Service;
- .22 Fire hall;
- .23 Fitness Centre;
- .24 Funeral Establishment;
- .25 Garden Centre;

- .26 Gasoline Bar;
- .27 Greenhouse;
- .28 Grocery Store;
- .29 Hostel;
- .30 Hotel or Motel;
- .31 Laundromat;
- .32 lumber yard;
- .33 Medical and Health Office;
- .34 Office;
- .35 Outdoor Display Court;
- .36 Parking Lot;
- .37 Personal Service Shop;
- .38 Place of Worship;
- .39 Police station;
- .40 Printing Establishment;
- .41 Retail Store;
- .42 Retail Warehouse and storage building;
- .43 Shopping Centre;
- .44 Supermarket;
- .45 Taxi Stand;
- .46 Theatre;
- .47 Transport Terminal;
- .48 Transportation Service;
- .49 Veterinary Services;
- .50 Video Store;
- .51 Warehouse and/or Distribution Centre; and
- .52 Wholesale Establishment.

29.2 DISCRETIONARY USES

Subject to the approval of the Council, on recommendation from the Planning Board, the following uses may be permitted:

- .1 Automobile Body Shop;
- .2 custom workshop;
- .3 Retail Store with connected storage, light manufacturing or assembly facility;
- .4 Service Repair Establishment.
- .5 Subject to such terms and conditions as Council may prescribe including entering into a Development agreement.

29.3 REGULATIONS FOR DISCRETIONARY USES

- .1 Before issuing a permit for a Discretionary use, the Development Officer shall:
 - a. receive from the applicant sufficient funds to cover the costs associated with the mail-outs and processing of this application;
 - b. give Notice by ordinary mail explaining the purpose of the Discretionary;
 - c. Subject to such terms and conditions as may prescribe including entering into a Development Agreement.
- .2 If any objections are received within fourteen (14) calendar days from the date of the Notice, the application shall be automatically referred to the Planning Board which shall consider the application having regard for the compatibility of the proposed Development and shall make a recommendation to the Council on the disposition of the application but if no objections are received within that time the permit may be issued by the Development Officer.

29.4 REGULATIONS FOR ALL COMMERCIAL USES IN THE MUC ZONE

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	600 sq. m (6,458.4 sq ft)	700 sq. m (7,535 sq ft)
2 Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)

3	Front Yard (Minimum)	8 m (26.2 ft)	8 m (26.2 ft)
4	Rear Yard (Minimum)	6.0 m (19.7 ft)	6.0 m (19.7 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		6.0 m (19.7 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 Where a Parking area is provided in front of any building, a 3.0 m (9.8 ft.) landscaped strip shall be provided between the Parking area and the Front Lot Line. This landscaped strip shall be planted with a combination of salt tolerant shrubs, coniferous or deciduous trees of approximately five to six feet (5-6 ft.) in height with a caliper of at least 45 mm, grasses and/or landscaped planting beds. This shall not prevent the provision of access driveways across the strip.
- .9 A strip of land not less than 3.0 m (9.8 ft.) in width shall be provided along a Lot Line which abuts a Street Line and shall be used for no other purpose than Landscaping. This landscaped strip shall be planted with a combination of salt tolerant shrubs, coniferous or deciduous trees of approximately five to six feet (5-6 ft.) in height with a caliper of at least 45 mm, grasses and or/landscaped planting beds. This shall not prevent the provision of access driveways across this strip.
- .10 Where a large parcel of land or a Lot consolidation is proposed for the purpose of constructing any commercial building in excess of 1,500 square metres (16,000 sq. ft.), the Development Officer may submit the proposal to Planning Board for a review of the site plan and the Design of the project to determine to its satisfaction that the bulk and mass of the said commercial building will be compatible with the general scale and character of the mixed use corridor zone, and that the site Development principles, as set out in Section 4 of this By-law, are satisfactorily applied.
- .11 Where the Council, on recommendation of the Planning Board, determines that a proposed commercial building would not be reasonably in keeping with the general scale and character of the mixed use corridor,
- c. Council may deny approval for the Lot consolidation; or

- d. Council may authorize a negotiation between the City and the Developer to affect reasonable improvements in the Design compatibility of the proposed commercial building.
- .12 The frontage requirements of this subsection may be reduced by 15% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots and provided the Owner enter into a Development agreement and there is one less access to a street(s) than existed previously.
- .13 Buildings will be generally aligned with a public road with front facades oriented toward the public street.

29.5 SETBACKS

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

29.6 REGULATIONS FOR DWELLING UNITS IN COMMERCIAL BUILDINGS

- .1 No Dwelling unit, or any part thereof, shall be located on the ground floor or at Street level below a commercial use unless permitted by Council.
- .2 On floors other than the ground floor or at Street level, Dwelling units may be permitted on the same floor as commercial uses provided that they are completely segregated from the commercial uses and have a separate entrance which serves the Dwelling units.
- .3 Minimum Amenity Area, as defined in Section 4 of this By-law, shall be provided.

29.7 REGULATIONS FOR INSTITUTIONAL USES

The regulations for institutional uses shall be the same as those regulations applicable in the Institutional (I) Zone.

29.8 REGULATIONS FOR RESIDENTIAL USES

The regulations for residential uses shall be the same as those regulations applicable in the Apartment Residential (R-4) Zone.

29.9 Regulations for Entertainment Establishments which are a licensed premises

- .1 An Entertainment Establishment which is a Licensed Premises shall not be located within 100 meters of any Educational Institution, Day Care, Group Home, Emergency Transition Facility or of an existing residentially zoned property.

SECTION 30 - LIGHT INDUSTRIAL ZONE (M-1)

30.1 PERMITTED USES

- .1 Uses permitted in the MUC Zone, except the residential uses permitted in the MUC Zone;
- .2 Animal Shelter;
- .3 Automobile Body Shop;
- .4 Central Sewage System;
- .5 Feedmill;
- .6 Fitness Centre;
- .7 Forestry use;
- .8 Heavy Equipment Repair;
- .9 Junk Yard;
- .10 Kennel;
- .11 Manufacturing, Light;
- .12 Outdoor Storage;
- .13 Recycling Depot; and
- .14 Salvage or Waste Disposal Facility.

30.2 REGULATIONS FOR INDUSTRIAL AND COMMERCIAL USES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	800 sq. m (8,611.4 sq ft)	900 sq. m (9,687.8 sq ft)
2 Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
3 Front Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
4 Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)

6	Flankage Yard (Minimum)		7.5 m (24.6 ft)
7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 Landscaped Open Space requirements are as set out in Section 4 of this By-law.
- .9 The Gross Floor Area of any retail and Office that is accessory to an industrial activity shall not exceed 49% of the entire use, and this area shall be separated from the industrial activity by a solid partition.
- .10 Outdoor Storage of goods or materials shall be permitted only in accordance with the provisions for outdoor commercial or industrial operations as set out in Section 4 of this By-law.
- .11 Any requirements as set out in the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Air Quality Regulations (No. EC377/92).
- .12 The frontage requirements of this subsection may be reduced by 10% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots.

30.3 SETBACKS

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

SECTION 31 - HEAVY INDUSTRIAL ZONE (M-2)

31.1 PERMITTED USES

- .1 Abattoir and meat processing establishment;
- .2 Automobile Sales & Services;
- .3 Automobile Body Shop;
- .4 Automobile Service Station;
- .5 Bulk Fuel Station;
- .6 Equipment Sales, Rental Service;
- .7 Extractive Facilities;
- .8 Forestry use;
- .9 Heavy Equipment Repair;
- .10 Manufacturing, Heavy;
- .11 Manufacturing, Light;
- .12 Kennel and related uses;
- .13 Office;
- .14 Outdoor Storage;
- .15 Printing Establishment;
- .16 Recycling Depot;
- .17 Retail Store with or without connected storage, manufacturing or assembly facility;
- .18 Retail Warehouse;
- .19 Salvage or Waste Disposal Facility;
- .20 Service Repair Establishment;
- .21 Transport Terminal;
- .22 Warehouse and Distribution Centre; and
- .23 Wholesale Establishment.

31.2 REGULATIONS FOR INDUSTRIAL AND COMMERCIAL USES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	800 sq. m (8,611.4 sq ft)	900 sq. m (9,687.8 sq ft)
2 Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
3 Front Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
4 Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		7.5 m (24.6 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 Landscaped Open Space requirements are as set out in Section 4 of this By-law.
- .9 The Gross Floor Area of any retail and Office that is accessory to an industrial activity shall not exceed 49% of the entire use, and this area shall be separated from the industrial activity by a solid partition.
- .10 Outdoor Storage of goods or materials shall be permitted only in accordance with the provisions for outdoor commercial or industrial operations as set out in Section 4 of this By-law.
- .11 Any requirements as set out in the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Air Quality Regulations (No. EC377/92).
- .12 The frontage requirements of this subsection may be reduced by 10% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots.

31.3 SETBACKS

1. A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
2. Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

31.4 DISCRETIONARY USES

The following use may be permitted subject to approval by Council, on the recommendation of Planning Board, and upon such terms and conditions as may be determined by Council.

- .1 Salvage or Waste Facility

31.5 REGULATIONS FOR DISCRETIONARY USES

- .1 Before issuing a permit for a Discretionary use, the Development Officer shall:
 - a. receive from the applicant sufficient funds to cover the costs associated with the mail-outs and processing of this application;
 - b. give Notice by ordinary mail explaining the purpose of the Discretionary use;
 - c. Subject to such terms and conditions as may prescribe including entering into a Development Agreement.
- .2 If any objections are received within fourteen (14) calendar days from the date of the Notice, the application shall be automatically referred to the Planning Board which shall consider the application having regard for the compatibility of the proposed Development and shall make a recommendation to the Council on the disposition of the application but if no objections are received within that time the permit may be issued by the Development Officer.

SECTION 32 - BUSINESS PARK INDUSTRIAL ZONE (M-3)

32.1 PERMITTED USES

- .1 Auction Establishment;
- .2 Automobile Sales and Services;
- .3 Automobile Service Station;
- .4 Automobile Shop;
- .5 Bank or Financial Institution;
- .6 Club;
- .7 Commercial Daycare Centre;
- .8 communication uses, general;
- .9 Convenience Store;
- .10 Eating and Drinking Establishment;
- .11 Equipment Sales, Rental Service;
- .12 Gasoline Bar;
- .13 Fitness Centre;
- .14 Hotel or Motel;
- .15 Commercial Recreational Establishment (indoor)
- .16 Manufacturing, Light;
- .17 Medical and Health Office;
- .18 Office;
- .19 Open Space;
- .20 Outdoor Storage - see subsection 27.4(10);
- .21 Park;
- .22 Parking Garage;
- .23 Parking Lot;
- .24 Personal Service Shop;
- .25 Printing Establishment;

- .26 Public Park;
- .27 Research and Advanced Technology Facility;
- .28 Retail Store with or without connected storage, light manufacturing or assembly facility;
- .29 Retail Warehouse;
- .30 Service Repair Establishment;
- .31 Taxi Stand;
- .32 Transport Terminal;
- .33 Veterinary Services;
- .34 Warehouse and Distribution Centre;
- .35 Wholesale Establishment; and
- .36 Kennel.

32.2 DISCRETIONARY USES

- .1 The following uses may be permitted subject to approval by Council, on the recommendation of Planning Board, and upon such terms and conditions as may be determined by Council.
 - a. uses permitted in the R-4 Zone subject to the R-4 Zone regulations;
 - b. Cultural Establishment;
 - c. Educational Institution;
 - d. Fire station;
 - e. Indoor Recycling Depot;
 - f. Place of Amusement; and
 - g. Police station.
- .2 Subject to such terms and conditions as Council may prescribe including entering into a Development agreement.

32.3 REGULATIONS FOR DISCRETIONARY USES

- .1 Before issuing a permit for a Discretionary use the Development Officer shall:

- a. receive from the applicant sufficient funds to cover the costs associated with the mail-outs and processing of this application;
 - b. provide written Notice by ordinary mail explaining the purpose of the Discretionary use to all Assessed Property Owners within 100 m (328.1 ft.) of the boundaries of the subject Lot; and
 - c. ensure that the Notice identifies the subject Lot and describes the Discretionary use application and the date of the Planning Board meeting by which written objections must be received.
- .2 If any objections are received within fourteen (14) calendar days from the date of the Notice, the application shall be automatically referred to the Planning Board which shall consider the application having regard for the compatibility of the proposed Development and shall make a recommendation to the Council on the disposition of the application but if no objections are received within that time the permit may be issued by the Development Officer.

32.4 REGULATIONS FOR INDUSTRIAL AND COMMERCIAL USES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	600 sq. m (6,458.6 sq. ft)	700 sq. m (7,535.0 sq. ft)
2 Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
3 Front Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
4 Rear Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		7.5 m (24.6 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 Landscaped Open Space requirements are as set out in Section 4 of this By-law.
- .9 The Gross Floor Area of any retail and Office that is accessory to an industrial activity shall not exceed 49% of the entire use, and this area shall be separated from the industrial activity by a solid partition.

- .10 Outdoor Storage of goods or materials shall be permitted only in accordance with the provisions for outdoor commercial or industrial operations as set out in Section 4 of this By-law.
- .11 Any requirements as set out in the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Air Quality Regulations (No. EC377/92).
- .12 The frontage requirements of this subsection may be reduced by 10% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots.

32.5 SETBACKS

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

32.6 REGULATIONS FOR DISCRETIONARY USES

- .1 Before issuing a permit for a Discretionary use, the Development Officer shall:
 - a. receive from the applicant sufficient funds to cover the costs associated with the mail-outs and processing of this application;
 - b. give Notice by ordinary mail explaining the purpose of the Discretionary use;
- .2 Subject to such terms and conditions as may prescribe including entering into a Development Agreement.
- .3 If any objections are received within fourteen (14) calendar days from the date of the Notice, the application shall be automatically referred to the Planning Board which shall consider the application having regard for the compatibility of the

proposed Development and shall make a recommendation to the Council on the disposition of the application but if no objections are received within that time the permit may be issued by the Development Officer.

SECTION 33 - INSTITUTIONAL ZONE (I)

33.1 PERMITTED USES

- .1 Cemetery;
- .2 Community building;
- .3 Community Care Facility;
- .4 Community Institutional;
- .5 Cultural Establishment;
- .6 Commercial Daycare Centre;
- .7 Dormitory;
- .8 Educational Institution;
- .9 Fire Hall;
- .10 Government office;
- .11 Group Home;
- .12 Fitness Centre;
- .13 Hospital;
- .14 Library;
- .15 Marina or yacht Club;
- .16 Medical and Health Office;
- .17 Nursing Home;
- .18 Place of Worship;
- .19 Police station;
- .20 Public recreation centre; and
- .21 Treatment plant – publicly operated.

33.2 REGULATIONS FOR PERMITTED USES

	Interior Lot	Corner Lot
1 Lot Area (Minimum)	930 sq. m (10,010.8 sq. ft)	1,000 sq. m (10,764.3 sq. ft)
2 Lot Frontage (Minimum)	24 m (78.7 ft)	24 m (78.7 ft)
3 Front Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
4 Rear Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6 Flankage Yard (Minimum)		7.6 m (24.9 ft)
7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 The frontage requirements of this subsection may be reduced by 10% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots.

33.3 SETBACKS

1. A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
2. Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.
 - c.

33.4 REGULATIONS FOR LANDSCAPED OPEN SPACE

Landscaped Open Space shall be provided in accordance with the requirements set out in Section 4 of this By-law.

SECTION 34 - OPEN SPACE ZONE (OS)

34.1 PERMITTED USES

- .1 active and passive recreation;
- .2 band shell;
- .3 Campground;
- .4 curling Club;
- .5 Golf Course and driving range;
- .6 Officers Club;
- .7 Open Space;
- .8 Park;
- .9 pavilion;
- .10 Public Park;
- .11 public recreation centre; and
- .12 trails and fields.

34.2 REGULATIONS FOR PERMITTED USES

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	790 sq. m (8,503.8 sq. ft)	790 sq. m (8,503.8 sq. ft)
2	Lot Frontage (Minimum)	24 m (78.7 ft)	24 m (78.7 ft)
3	Front Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
4	Rear Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
5	Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
6	Flankage Yard (Minimum)		7.6 m (24.9 ft)

7	Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)
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- .8 The frontage requirements of this subsection may be reduced by 10% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots. A minimum of 25 ft. frontage on a street is required for public parks and walkways.

SECTION 35 - AIRPORT ZONE (A)

35.1 PERMITTED USES

- .1 Agricultural use;
- .2 air transport uses;
- .3 aircraft sales and services;
- .4 Auction Establishment;
- .5 Automobile Sales and Services;
- .6 Automobile Service Station;
- .7 Automobile Shop;
- .8 Bank or Financial Institution;
- .9 communication facilities including avionics;
- .10 Commercial Day Care Centre;
- .11 Convenience Store;
- .12 Eating and Drinking Establishment;
- .13 Equipment Sales, Rental Service;
- .14 Fire hall;
- .15 Forestry use;
- .16 Golf Course, driving range;
- .17 Government Office;
- .18 Fitness Centre;
- .19 Heavy Equipment Repair;
- .20 Hotel or Motel;
- .21 Commercial Recreational Establishment (Indoor);
- .22 Manufacturing, Light;
- .23 Office;
- .24 Outdoor Storage;
- .25 Parking Lot;

- .26 Personal Service Shop;
- .27 Place of Amusement;
- .28 Printing Establishment;
- .29 research and Development facilities;
- .30 Retail Store with connected storage, light manufacturing or assembly facility;
- .31 Retail Store;
- .32 Retail Warehouse;
- .33 Service Repair Establishment;
- .34 Taxi Stand;
- .35 Transport Terminal;
- .36 Transportation Service;
- .37 Veterinary Services;
- .38 Warehouse and Distribution Centre; and
- .39 Wholesale Establishment.

35.2 DISCRETIONARY USES

The following uses may be permitted subject to approval by Council, on the recommendation of Planning Board, and upon such terms and conditions as may be determined by Council.

- .1 asphalt plant;
- .2 Bulk Fuel Station;
- .3 Manufacturing, Heavy.
- .4 other types of institutional uses as permitted in the Institutional Zone except for commercial Day Care Centre, fire station, fitness centre and Government Office which are Permitted uses as listed above; and
- .5 Residential uses as permitted in the Apartment Residential (R4) Zone.

35.3 REGULATIONS FOR DISCRETIONARY USES

- .1 Before issuing a permit for a Discretionary use, the Development Officer shall:
 - a. receive from the applicant sufficient funds to cover the costs associated with the mail-outs and processing of this application;

- b. give Notice by ordinary mail explaining the purpose of the Discretionary use;
 - c. Subject to such terms and conditions as may prescribe including entering into a Development agreement.
- .2 If any objections are received within fourteen (14) calendar days from the date of the Notice, the application shall be automatically referred to the Planning Board which shall consider the application having regard for the compatibility of the proposed Development and shall make a recommendation to the Council on the disposition of the application but if no objections are received within that time the permit may be issued by the Development Officer.

35.4 REGULATIONS FOR PERMITTED USES

	Interior Lot	Corner Lot
.1 Lot Area (Minimum)	600 sq. m (6,458.6 sq. ft)	700 sq. m (7,535.0 sq. ft)
.2 Lot Frontage (Minimum)	20 m (65.6 ft)	20 m (65.6 ft)
.3 Front Yard (Minimum)	7.5 m (24.6 ft)	7.5 m (24.6 ft)
.4 Rear Yard (Minimum)	10 m (32.8 ft)	10 m (32.8 ft)
.5 Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)
.6 Flankage Yard (Minimum)		7.5 m (24.6 ft)
.7 Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 Landscaped Open Space requirements are as set out in Section 4 of this By-law.
- .9 The Gross Floor Area of any retail and Office that is accessory to an industrial activity shall not exceed 49% of the entire use, and this area shall be separated from the industrial activity by a solid partition.
- .10 Outdoor Storage of goods or materials shall be permitted only in accordance with the provisions for outdoor commercial or industrial operations as set out in Section 4 of this By-law.

- .11 Any requirements as set out in the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 Air Quality Regulations (No. EC377/92).
- .12 The frontage requirements of this subsection may be reduced by 10% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots.
- .13 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .14 Where a Lot is located between existing buildings on the same Block and side of the Street:
 - a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

SECTION 36 - COMPREHENSIVE DEVELOPMENT AREA (CDA)

36.1 PERMITTED USES

- .1 Uses permitted in a CDA Zone shall be those approved by Council and may include any uses or Mix of uses allowing in any zone of this Bylaw and Innovative mixed-use Developments and Council Shall give due consideration to other sections of this bylaw, but Council may approve any use or Development in a CDA Zone which it deems to be in the public interest notwithstanding all other sections of this bylaw but only after following the procedures of this Section 31.

36.2 DEVELOPMENT CONCEPT PLAN

- .1 Development within a Comprehensive Development Area shall be subject to the approval by Council of a Development Concept Plan and any attached schedule and the applicable Development Agreement entered into pursuant to subsection 31.6.2. Appendix "G" comprises a list of approved properties in the Comprehensive Development Area zone and their permitted uses.

36.3 DEVELOPMENT APPLICATIONS IN THE CDA ZONE

- .1 No Development consisting of new buildings or the demolition or relocation of buildings shall take place in a Comprehensive Development Area until a Development Concept Plan has been proposed and adopted by Council.
- .2 The Council, before approving a Development Concept Plan, shall consider the following:
 - a. the Maintenance of Design Standards of the proposed buildings and their acceptability with respect to land uses and the character and scale of existing and proposed Development in the vicinity;
 - b. the preservation of existing site features of unique quality and the preservation of the natural beauty of the area;
 - c. the type of Ownership;
 - d. the proposed population density of the area, the floor space ratio, the adequacy of Open Space areas, building form, Parking, pedestrian walkways, Streets, water supply, sanitary and storm sewers; and
 - e. any other factors recommended by Planning Board.
 - f. Applicants for Development approval in the CDA Zone may put forward Development Concept Plans, and such Development Concept Plans, if approved by Council, shall serve as the elements of a Development Concept Plan for the portion of the zone in which they are situated.

- g. Development Concept Plans for sites in the CDA Zone shall be prepared having regard to the site Development principles as set out in Section 4 of this By-law.

36.4 REQUIREMENTS

- .1 A comprehensive Development Concept Plan shall comprise no less than 1.2 hectares (3 acres) in one (1) contiguous area unless it constitutes an expansion of an existing Development Concept Plan. A Lot that is less than 1.2 hectares and existed prior to the effective date of this By-law may submit a Development Concept Plan.

36.5 APPROVAL PROCEDURE

- .1 In considering a Development Concept Plan put forward by an applicant, Council shall deliberate the quality of architectural Design of all proposed buildings, their compatibility with the architectural character of adjacent Development, and the extent to which the Development Concept Plan reflects the site Development principles as set out in Section 4 of this By-law.
- .2 Subsequent to approval of the Development Concept Plan, the working site plan and buildings shall be approved on the recommendation of Planning Board for each Phase within the Comprehensive Development Area provided it is, in the opinion of Council, consistent with the overall Development Concept Plan and any schedule attached thereto.
- .3 Before Council approves or amends a Development Concept Plan in a Comprehensive Development Area, a public hearing shall be called in the same manner, *mutatis mutandis*, as if an amendment to this By-law were being considered.
- .4 Changes to a Development Concept Plan that do not change the approved intent of the use or Lot such as minor additions to a building, Lot Subdivision or consolidation will not be considered an amendment to the Development Concept Plan and may be approved by the Development Officer.

36.6 AGREEMENTS

- .1 Upon approval of the Development Concept Plan by Council, the Development Concept Plan may be accepted by Council resolution as all or part of a Secondary Plan.
- .2 The Council shall require the applicant to enter into a Development agreement incorporating the terms of the Development Concept Plan setting out the responsibilities on the part of the applicant and Council, and Council may require such security as may be acceptable to Council for items as shown on the site, building or landscape plan(s).

SECTION 37 – FUTURE DEVELOPMENT ZONE (FD)

37.1 PERMITTED USES

- .1 Agriculture and farming;
- .2 Forestry;
- .3 Kennel;
- .4 One single family dwelling per lot with serviced frontage;

37.2 REGULATIONS FOR THE FUTURE DEVELOPMENT (FD) ZONE

- .1 The Future Development Zone FD Zone is meant to preserve land for future urban development that is not already serviced. A limited number of uses are permitted within the zone until servicing becomes available and Council deems it appropriate for development.
- .2 A land owner may submit a proposal for subdivision within the Future Development Zone. Such a proposal shall be presented in the form of a Development Concept Plan. Upon receiving a Development Concept Plan in the Future Development Zone Council shall first review it and make a determination on if it is appropriate to release the land for development. Such a determination shall be based on factors such as: location of servicing in proximity to the parcel of land; availability of land currently serviced and ready for development; existing and future road networks and any other factors Council deems appropriate and necessary in making a determination on whether to release the land for development.
3. Applications for subdivision and development (uses that are not listed in Permitted Uses of this section) within the Future Development Zone shall follow the same process for approval as Section 4.27 Amendments To The Zoning and Development Bylaw and Section 31 Comprehensive Development Area.
4. Council shall require the applicant/landowner to enter into a Development Agreement upon approval of a Development Concept Plan within the Future Development Zone.

37.3 REGULATIONS FOR SINGLE DETACHED DWELLINGS

Interior Lot

Corner Lot

1	Lot Area (Minimum)	1.6 hectares (4 acres)	1.6 hectares (4 acres)
2	Lot Frontage	46 m (150.9 ft.)	46 m (150.9 ft.)
3	Front Yard (Minimum)	15 m (49.2 ft.)	15 m (49.2 ft.)
4	Rear Yard (Minimum)	15 m (49.2 ft.)	15 m (49.2 ft.)
5	Side Yard (Minimum)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)
6	Flankage Yard (Minimum)		15 m (49.2 ft.)
7	Height (Minimum)	10.0 m (32.8 ft.)	10.0 m (32.8 ft.)

37.4 REGULATIONS FOR AGRICULTURAL BUILDINGS

		Interior Lot	Corner Lot
1	Lot Area (Minimum)	1.6 hectares (4 acres)	1.6 hectares (4 acres)
2	Lot Frontage	46 m (150.9 ft.)	46 m (150.9 ft.)
3	Front Yard (Minimum)	15 m (49.2 ft.)	15 m (49.2 ft.)
4	Rear Yard (Minimum)	15 m (49.2 ft.)	15 m (49.2 ft.)
5	Side Yard (Minimum)	7.5 m (24.6 ft.)	7.5 m (24.6 ft.)
6	Flankage Yard (Minimum)		15 m (49.2 ft.)
7	Height (Minimum)	20.0 m (65.6 ft.)	20.0 m (65.6 ft.)

SECTION 38 - PARKING ZONE (P)

38.1 PERMITTED USES

- .1 Parking Lot; and
- .2 Parking structure.

38.2 REGULATIONS

- .1 Council may approve a new Parking structure Designed predominantly for Parking of motor vehicles to a maximum Height of 12 m (39.4 ft.);
- .2 Where four (4) or more vehicles are required for the land use on a Lot, the following minimum requirements shall apply:
 - a. the Parking Spaces shall be on a stable surface having a minimum size of 2.75 m (9.0 ft.) wide by 6.1 m (20.0 ft.) in length, with an aisle width of 6.7 m (22.0 ft.) for right angle Parking, 5.49 m (18.0 ft.) for 60° Parking, 3.35 m (11.0 ft.) for 45° or less;
 - b. the Parking area shall be on a stable surface (pavement, gravel) to prevent the raising of dust and to prevent tracking materials on to a Street;
 - c. the Parking Lot shall allow for surface water drainage to a central storm system or Street drainage, Designed so that at no time shall water drain onto adjoining Lots, and the City may require an engineering assessment of the elevations and drainage to be provided.
 - d. any light used for illumination of the Parking Lot or Parking station shall be arranged so as to direct light away from adjacent Lots;
 - e. a Buffer, satisfactory to the Development Officer, consisting of a fence or mature trees, or both, shall be provided where a Parking Lot abuts a residential zone or a building occupied for residential use in a commercial zone;
 - f. the access to the Parking Lot or structure shall be 3 m (9.8 ft.) for one-way traffic and 6.1 m (20.0 ft.) for two-way traffic with a maximum width of access to a public Street to be 7.6 m (24.9 ft.), and individual Parking Spaces shall not have direct access to the Street but shall be Designed for access by way of the common access to the Parking Lot;
 - g. a structure of not more than 3.66 m (12.0 ft.) in Height and 4.65 sq. m (50.1 sq. ft.) in area may be erected on a Parking Lot for the use of attendants, and it shall be painted and maintained in good condition;

- h. no Signs shall be permitted other than directional Signs for traffic and a Sign showing the name of the Owner or the Parking Lot which shall not exceed 1.1 sq. m (11.8 sq. ft.) in area;
 - i. a scaled drawing shall be submitted showing the Parking Spaces, aisles, Easements, access to the Lot, drainage, buildings, lighting, Signs and other pertinent information that may be required by the Development Officer;
 - j. any Parking Space requirement which is calculated to a fraction of one-half or more shall require the provision of an additional Parking Space;
 - k. a Parking structure may be located in this Zone upon approval of Council after consideration of the following:
 - i. traffic and access to the site;
 - ii. drainage and services available in the area;
 - iii. architectural compatibility of the Parking structure to the neighbourhood;
 - iv. impact of a Parking structure on the adjoining residential areas
- .3 Council may, at its discretion, call a public meeting to consider input from the public on any proposed Parking structure.

SECTION 39 - DOWNTOWN NEIGHBOURHOOD (DN)

39.1 PERMITTED USES

- .1 Open Space;
- .2 Park;
- .3 Public Park.
- .4 Single-Detached Dwelling;
- .5 In-law Suite;
- .6 Modular Dwelling;
- .7 Semi-Detached Dwelling;
- .8 Duplex Dwelling;
- .9 Townhouse Dwelling;
- .10 Stacked Townhouse Dwelling;
- .11 Block Townhouse Dwelling;
- .12 Apartment Dwelling;
- .13 Boarding or Rooming House;
- .14 Nursing Home;
- .15 Converted Dwelling (up to 4 units within an existing dwelling);
- .16 Community Institutional;
- .17 Community Care Facility;
- .18 Bed and Breakfast or Tourist Home; and
- .19 Inn or Heritage Inn
- .20 Uses permitted in the Park/Cultural Zone
- .21 Neighbourhood Convenience Store

39.2 REGULATIONS FOR PERMITTED USES

1.	Building Type	Lot Frontage (Minimum)
i.	Single Detached	10.6 m (35 ft)
ii.	Semi Detached	7.6 m (25 ft) per unit
iii.	Duplex/Triplex	10.6 m (35 ft)
iv.	Townhouses	6.0 m (19.7) per unit(s) fronting the street, or 25.0 m (82 ft) whichever is less
v.	Apartment	25.0 m (82 ft)
vi.	Institutional	25.0 m (82 ft)
vii.	Commercial	25.0 m (82 ft)

2.	Building Placement & Massing	
i.	Front & Flankage Yard Setbacks	Minimum 2.4 m (8ft) and maximum 4.9m (16 ft); or, Any distance between the minimum and maximum front yard setbacks of the existing buildings on the block that share the same street frontage.
ii.	Front Yard Projections	Minimum 1.2 m (4ft) from street line, and Maximum 2.4m (8ft) projection; or, Should be consistent with the prevailing pattern of the existing buildings on the block that share the same street frontage.
iii.	Rear Yard Setback	Minimum 6.0 m (19.7 ft); or, The average distance that existing buildings on the block are setback from the rear lot line, whichever is greater.
iv.	Side Yard Setback	Minimum 1.83 m (6.0 ft); or,

	Equal to the side yard setback of the existing building on the abutting property, whichever is less.
v. building Height	Minimum 2-storeys or 7.5 m (24.6ft) Maximum 3-storeys or 12.2 m (40 ft) to peak of roof.
vi. Grade Level Height	Minimum 4.0 m (13 ft) grade to top of second floor height for residential uses; or Minimum 4.5 m (14.8 ft) floor to floor grade level height for non-residential uses.

3. Surface Parking	
i. Front & Flankage Yard Setback	Not permitted in the front yard setback.
ii. Side Yard Setback	Minimum 0.6 m (2 ft)
iii. Rear Yard Setback	Minimum 0.6 m (2 ft)

39.3 DESIGN STANDARDS

All applications for development are subject to the Development and Design Standards Section of this Bylaw.

SECTION 40 - DOWNTOWN MIXED USE NEIGHBOURHOOD (DMUN)

40.1 PERMITTED USES

- 1 Uses permitted in the Downtown Neighbourhood Zone
- .2 Uses permitted in the Park/Cultural Zone
- .3 Bakery
- .4 Commercial Daycare Centre;
- .5 Eating and Drinking Establishment (small format)
- .6 Funeral Establishment
- .7 Inn or Heritage Inn
- .8 Laundromat
- .9 Medical and Health Office
- .10 Neighbourhood Convenience Store
- .11 Office
- .12 Parking Garage
- .13 Personal Service Shop
- .14 Retail Store (small format)
- .15 Fitness Centre (only as it pertains to 99 Pownal Street (PID# 339994)).

40.2 REGULATIONS FOR PERMITTED USES

1.	Building Type	Lot Frontage (Minimum)
i.	Single Detached	10.6 m (35 ft)
ii.	Semi Detached	7.6 m (25 ft) per unit
iii.	Duplex/Triplex	10.6 m (35 ft)
iv.	Townhouses	6.1 m (19.7) per unit(s) fronting the street, or

		25.0 m (82 ft) whichever is less
v.	Apartment	25.0 m (82 ft)
vi.	Institutional	25.0 m (82 ft)
vii.	Commercial	25.0 m (82 ft)
viii.	Parking Garage	25.0 m (82 ft)

2. Building Placement & Massing		
i.	Front & Flankage Yard Setbacks	Minimum 2.4 m (8ft) and maximum 4.9m (16 ft); or, Any distance between the minimum and maximum front yard setbacks of the existing buildings on the block that share the same street frontage.
ii.	Front Yard Projections	Minimum 1.2 m (4ft) from street line, and Maximum 2.4m (8ft) projection; or, Should be consistent with the prevailing pattern of the existing buildings on the block that share the same street frontage.
iii.	Rear Yard Setback	Minimum 6.0 m (19.7 ft); or, The average distance that existing buildings on the block are setback from the rear lot line, whichever is greater.
iv.	Side Yard Setback	Minimum 1.83 m (6.0 ft); or, Equal to the side yard setback of the existing building on the abutting property, whichever is less.
v.	building Height	Minimum 2-storeys or 7.5 m (24.6ft) Maximum 3-storeys or 12.2 m (40 ft) to peak of roof.
vi.	Grade Level Height	Minimum 4.0 m (13 ft) grade to top of second floor height for residential uses; or Minimum 4.5 m (14.8 ft) floor to floor grade level height for non-residential uses.

3. Surface Parking		
i.	Front & Flankage Yard Setback	Not permitted in the front yard setback.
ii.	Side Yard Setback	Minimum 0.6 m (2 ft)
iii.	Rear Yard Setback	Minimum 0.6 m (2 ft)

40.3 DESIGN STANDARDS

All applications for development are subject to the Development and Design Standards Section of this Bylaw.

40.4 BONUS HEIGHT DEVELOPMENT STANDARDS:

- .1 **Principle Street Frontage:** Only properties abutting either a public street right-of-way or open space of 18.3 m (60ft) or greater are eligible for a height bonus.
- .2 **Lot Dimensions:** Minimum frontage of 30.0m (98.4ft) for interior lots and 25.0m (82ft) for corner lots. Minimum depth of 30.m (98.4ft).
- .3 **Bonus Height:** A bonus of up to 2-storeys may be considered for a maximum building height of 5-storeys or 18.5m (60.7ft).
- .4 **Massing:** The components above the base building that are a bonus in height shall be subject to:
 - a. A minimum 3.0m (9.8ft) step-back from the building's 2 or 3- storey street wall.
 - b. Sites identified as Key Corner Sites (OP Schedule B3) are not required to provide the step-back at the corner of the building for a length of 6.0m (19.7ft) along either street frontage for a maximum height of 4-storeys or 16.5m (54.1ft).
 - c. For a bonus height greater than one storey, a minimum 6.0m (19.7ft) step-back is required from any retained and integrated heritage structures on the property, in addition to being consistent with all other applicable heritage related policies and design standards.
 - d. A minimum 5.5m (18ft) side yard setback or step-back to ensure adequate separation distances of the upper levels from adjacent properties that may also be eligible for a height bonus.

- e. 45-degree angular planes originating from the top of the flank or rear façade of the base building that face abutting properties that are low-rise residential homes or within a Downtown Neighbourhood area. This is to ensure a visible and adequate stepping down of height to adjacent low-rise residential properties.

.5 **Bonus Height Provisions:** All applications for bonus height are subject to the regulations in the Bonus Height Section of this Bylaw.

SECTION 41 - DOWNTOWN MAIN STREET (DMS)

41.1 PERMITTED USES

- .1 Open Space;
- .2 Park;
- .3 Public Park;
- .4 Mixed use buildings (above grade residential)
- .5 Bank or Financial Institution;
- .6 Beer, wine, or liquor store;
- .7 brew-pub;
- .8 Club;
- .9 Commercial Daycare Centre;
- .10 Commercial Recreation Establishment;
- .11 Convenience Store;
- .12 Eating and Drinking Establishment;
- .13 Entertainment Establishment;
- .14 fire hall;
- .15 Fitness Centre;
- .16 Funeral Establishment;
- .17 Grocery Store;
- .18 Hostel;
- .19 Hotel or Motel;
- .20 Laundromat;
- .21 Medical and Health Office;

- .22 Office;
- .23 Parking Garage;
- .24 Personal Service Shop;
- .25 Police station;
- .26 Printing Establishment;
- .27 Retail Store;
- .28 Service Repair Establishment;
- .29 Shopping Centre;
- .30 Supermarket;
- .31 Theatre;
- .32 Veterinary Services; and
- .33 Video Store
- .34 Open Space;
- .35 Park;
- .36 Public Park,
- .37 Cemetery;
- .38 Community Daycare Centre;
- .39 Community building;
- .40 Community Institutional;
- .41 Cultural Establishment;
- .42 Dormitory;
- .43 Educational Institution;
- .44 Government office;
- .45 Library;

.46 Place of Worship; and,

.47 Public recreation centre

41.2 REGULATIONS FOR PERMITTED USES

1.	Building Type	Lot Frontage (Minimum)
i.	Street Oriented Commercial	6.1 m (20 ft)
ii.	Parking Garage	25.0 m (82 ft)
iii.	All other forms	25.0 m (82 ft)

2.	Building Placement & Massing	
i.	Front Yard Setbacks	Minimum 0 m (0ft) and maximum 1.0 (3.3 ft); or, Any distance between the minimum and maximum front yard setbacks of the existing buildings on the block that share the same street frontage.
ii.	Corner Lots, or Full Block Developments	Minimum 0m (0ft) and maximum 2.0 m (6.6ft);
iii.	Front Yard Projections	Maximum 1.5m (4.9ft) projection; or, Should be consistent with the prevailing pattern of the existing buildings on the block that share the same street frontage.
iv.	Rear Yard Setback	Minimum 6.0 m (19.7 ft) where abutting a residential, DN or DMUN property; or, When flanking a residential, DN or DMUN property, a distance equal to the side yard setback of the existing building on the abutting property; Otherwise a rear yard setback is not required.
v.	Side Yard Setback	Prohibited unless associated with a publically accessible public space or pedestrian passage.

v.	building Height	Minimum 2-storeys or 7.5 m (24.6ft) Maximum 3-storeys or 12.5 m (41 ft).
vi.	Grade Level Height	Minimum 4.5 m (14.8 ft) floor to floor grade level height
vii.	Building Height on a Corner	The corner of a building for a length of up to 6.0m (19.7ft) along either street frontage may exceed the height limit by 1-storey or 4.0m (13.1ft) to a maximum height of 16.5m (54.1ft).

3. Surface Parking		
i.	Front & Flankage Yard Setback	Not permitted in the Front or Flankage yard setbacks.
ii.	Side Yard Setback	Minimum 0.8 m (2.5 ft) when abutting a residential, DN or DMUN property; otherwise not required.
iii.	Rear Yard Setback	Minimum 0.8 m (2.5 ft) when abutting a residential, DN or DMUN property; otherwise not required.
iv.	Front Driveway Access	Only permitted for properties with frontages of 25m (82 ft) or greater. Only one front access per block. Corner Lots permitted to provide a rear driveway accessed from the side street.

41.3 DESIGN STANDARDS

All applications for development are subject to the Development and Design Standards Section of this Bylaw.

41.4 BONUS HEIGHT DEVELOPMENT STANDARDS

- .1 **Principle Street Frontage:** Only properties with a principle frontage on either a street right-of-way or open space of 80ft or greater are eligible for a height bonus.
- .2 **Lot Dimensions:** Minimum frontage of 30.0m (98.4ft) for interior lots and 25.0m (82ft) for corner lots. Minimum depth of 30.m (98.4ft).

- .3 **Bonus Height:** A bonus of up to 3-storeys may be considered for a maximum building height of 6-storeys or 24.5m (80.4ft).
- .4 **Massing:** The components above the base building that are a bonus in height shall be subject to:
- a. A minimum 3.0m (9.8ft) step-back from the building's 2 or 3- storey street wall.
 - b. sites identified as Key Corner Sites (OP Schedule B3) are not required to provide the step-back at the corner of the building for a length of 6.0m (19.7ft) along either street frontage for a maximum height of 4-storeys or 16.5m (54.1ft).
 - c. A minimum 1.0m (3.3ft) step-back for the top storey to enhance building expression.
 - d. For a bonus height greater than one storey, a minimum 6.0m (19.7ft) step-back is required from any retained and integrated heritage structures on the property, in addition to being consistent with all other applicable heritage related policies and design standards.
 - e. A minimum 5.5m (18ft) rear yard setback and 5.5m (18ft) side yard step-back where the building frontage exceeds 50.0m (164ft) so as to provide a visual break and to enable glazing on rear and sidewalls with adequate separation distances.
 - f. 45-degree angular planes originating from the top of the flank or rear façade of the base building that face abutting properties that are low-rise residential homes or within a Downtown Neighbourhood area. This is to ensure a visible and adequate stepping down of height to adjacent low-rise residential properties. Architectural features associated with civic landmarks and Key Corner Sites are not subject to the angular plane.
- .5 **Bonus Height Provisions:** All applications for bonus height are subject to the regulations in the Bonus Height Section of this Bylaw.

SECTION 42 - DOWNTOWN CORE (DC)

42.1 PERMITTED USES

- .1 Open Space;
- .2 Park;
- .3 Public Park;
- .4 Mixed use buildings (above grade residential)
- .5 Bank or Financial Institution;
- .6 Beer, wine, or liquor store;
- .7 brew-pub;
- .8 Club;
- .9 Commercial Daycare Centre;
- .10 Commercial Recreation Establishment;
- .11 Convenience Store;
- .12 Eating and Drinking Establishment;
- .13 Entertainment Establishment;
- .14 fire hall;
- .15 Fitness Centre;
- .16 Funeral Establishment;
- .17 Grocery Store;
- .18 Hostel;
- .19 Hotel or Motel;
- .20 Laundromat;
- .21 Medical and Health Office;

- .22 Office;
- .23 Parking Garage;
- .24 Personal Service Shop;
- .25 Police station;
- .26 Printing Establishment;
- .27 Retail Store;
- .28 Service Repair Establishment;
- .29 Shopping Centre;
- .30 Supermarket;
- .31 Theatre;
- .32 Veterinary Services; and
- .33 Video Store
- .34 Open Space;
- .35 Park;
- .36 Public Park,
- .37 Cemetery;
- .38 Community Daycare Centre;
- .39 Community building;
- .40 Community Institutional;
- .41 Cultural Establishment;
- .42 Dormitory;
- .43 Educational Institution;
- .44 Government office;
- .45 Library;

.46 Place of Worship; and,

.47 Public recreation centre.

42.2 REGULATIONS FOR PERMITTED USES

1	Building Type	Lot Frontage (Minimum)
i.	Street Oriented Commercial	6.1 m (20 ft)
ii.	Parking Garage	25.0 m (82 ft)
iii.	All other forms	25.0 m (82 ft)

2	Building Placement	
i.	Front Yard Setbacks	Minimum 0 m (0ft) and maximum 1.0 (3.3 ft); or, Any distance between the minimum and maximum front yard setbacks of the existing buildings on the block that share the same street frontage.
ii.	Corner Lots, or Full Block Developments	Minimum 0m (0ft) and maximum 2.0 m (6.6ft);
iii.	Front Yard Projections	Maximum 1.5m (4.9ft) projection; or, Should be consistent with the prevailing pattern of the existing buildings on the block that share the same street frontage.
iv.	Rear Yard Setback	Minimum 6.0 m (19.7 ft) where abutting a residential, DN or DMUN property; or, When flanking a residential, DN or DMUN property, a distance equal to the side yard setback of the existing building on the abutting property; Otherwise a rear yard setback is not required.
v.	Side Yard Setback	Prohibited unless associated with a publically

		accessible public space or pedestrian passage.
v.	Building Height	Minimum 2-storeys or 7.5 m (24.6ft) Maximum 3-storeys or 12.5 m (41 ft).
vi.	Grade Level Height	Minimum 4.5 m (14.8 ft) floor to floor grade level height
vii.	building Height on a Corner	The corner of a building for a length of up to 6.0m (19.7ft) along either street frontage may exceed the height limit by 1-storey or 4.0m (13.1ft) to a maximum height of 16.5m (54.1ft).

3. Surface Parking		
i.	Front & Flankage Yard Setback	Not permitted in the Front or Flankage yard setbacks.
ii.	Side Yard Setback	Not required.
iii.	Rear Yard Setback	Not required.
iv.	Front Driveway Access	Only permitted for properties with frontages of 25m (82 ft) or greater. Only one front access per block. Corner Lots permitted to provide a rear driveway accessed from the side street.

42.3 DESIGN STANDARDS

All applications for development are subject to the Development and Design Standards Section of this Bylaw.

42.4 BONUS HEIGHT DEVELOPMENT STANDARDS

- .1 **Principle Street Frontage:** Only properties with a principle frontage on either a street right-of-way or open space of 80ft or greater are eligible for a height bonus.
- .2 **Lot Dimensions:** Minimum frontage of 30.0m (98.4ft) for interior lots and 25.0m (82ft) for corner lots for building up to 6-storeys. Minimum frontage of 45.0m (148ft) for interior lots and 41.0m (135ft) for corner lots for buildings taller than 6-

storeys. Minimum lot depths of 30m (98.4ft) for building up to 6-storeys and 36m (118ft) for taller buildings.

- .3 **Bonus Height:** A bonus of up to 7-storeys may be considered to a maximum building height of 32.5m (106.6ft), equivalent to an 8- storey office building or 10-storey residential building.
- .4 **Massing for buildings up to 6-storeys:** The components above the base building that are a bonus in height shall be subject to:
 - a. A minimum 3.0m (9.8ft) step-back from the building's 2 or 3- storey street wall.
 - b. sites identified as Key Corner Sites are not required to provide a step-back at the corner of the building for a length of 6.0m (19.7ft) along either street frontage for a maximum height of 4- storeys or 16.5m (54.1ft).
 - c. A minimum 1.0m (3.3ft) step-back for the top storey to enhance building expression.
 - d. For a bonus height greater than one storey, a minimum 6.0m (19.7ft) step-back is required from any retained and integrated heritage structures on the property, in addition to being consistent with all other applicable heritage related policies and design standards.
 - e. A minimum 5.5m (18ft) rear yard setback and 5.5m (18ft) side yard step-back where the building frontage exceeds 50.0m (164ft) so as to provide a visual break and to enable glazing on rear and sidewalls with adequate separation distances.
- .5 **Massing for buildings greater than 6-storeys:** The components above the base building that are a bonus in height shall be subject to:
 - a. A minimum 6.0m (19.7ft) front yard step-back above a minimum 3-storey podium or base building.
 - b. Sites identified as Key Corner Sites are not required to provide a step-back at the corner of the building for a length of 6.0m (19.7ft) along either street frontage for a maximum height of 4- storeys or 16.5m (54.1ft).
 - c. A minimum 1.0m (3.3ft) step-back for the top storey to enhance building expression.

- d. A minimum 6.0m (19.7ft) step-back from any retained and integrated heritage structures on the property, in addition to being consistent with all other applicable heritage related policies and design standards.
 - e. The massing above the podium or base building shall be in of a slender point-tower form. The tower component shall have a maximum gross floor plate size of 750sm (8,000sf), minimum 10m (33ft) interior yard setbacks, and a maximum 25.0m (82ft) tower width addressing the principle street frontage.
- .6 **Landmark View Plane:** where bonus heights are considered on properties subject to the Landmark View Plane, the additional heights shall not be visible over Province House from the vantage of a pedestrian (1.7m or 5.8ft) facing north on Great George Street at any point between Richmond Street and Dorchester Street.
- .7 **Bonus Height Provisions:** All applications for bonus height are subject to the regulations in the Bonus Height Section of this Bylaw.

SECTION 43 – PARK / CULTURAL ZONE (PC)

43.1 PERMITTED USES

- .1 Open Space;
- .2 Park;
- .3 Public Park,
- .4 Community Building;
- .5 Community Institutional;
- .6 Cultural Establishment;
- .7 Government Office;
- .8 Library;
- .9 Place of Worship; and,
- .10 Public Recreation Centre.

43.2 REGULATIONS FOR PERMITTED USES

	Interior Lot	Corner Lot
1. Lot Area (Minimum)	930 sq. m (10,010.8 sq. ft)	1000 sq. m (10,764.3 sq. ft)
2. Lot Frontage (Minimum)	24 m (78.7 ft)	24 m (78.7 ft)
3. Front Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
4. Rear Yard (Minimum)	7.6 m (24.9 ft)	7.6 m (24.9 ft)
5. Side Yard (Minimum)	3.0 m (9.8 ft)	3.0 m (9.8 ft)

6. Flankage Yard (Minimum)		7.6 m (24.9 ft)
7. Height (Maximum)	12.0 m (39.4 ft)	12.0 m (39.4 ft)

- .8 The frontage requirements of this subsection may be reduced by 10% if the access to the Lot and Parking is shared with an adjoining Lot to provide common access to both Lots.

43.3 SETBACKS

- .1 A building or structure that was lawfully erected on or before the effective date of this By-law with a Setback from the Front Lot Line which is less than that permitted in the zone in which it is located may have additions to such building or structure with a minimum Setback from the Front Lot Line that is equal to or greater than its Setback before the adoption of this By-law.
- .2 Where a Lot is located between existing buildings on the same Block and side of the Street:
- a. the Setback from the Front Lot Line shall be the average distance that the front walls of the existing buildings, other than Accessory buildings or Structures, are set back from their Front Lot Lines; or
 - b. where a building can meet the minimum Front Yard Setback and will not be located closer to the Street than the buildings on the adjoining Lots, it may be permitted.

43.4 DESIGN STANDARDS

All applications for development are subject to the Development and Design Standards Section of this Bylaw.

SECTION 44 - WATERFRONT ZONE (WF)

44.1 PERMITTED USES:

- .1 Open Space;
- .2 Park;
- .3 Public Park;
- .4 Mixed use buildings (above grade residential)
- .5 Beer, wine, or liquor store;
- .6 Brew-pub;
- .7 Club;
- .8 Commercial Recreation Establishment;
- .9 Community Daycare Centre;
- .10 Community building;
- .11 Community Institutional;
- .12 Cultural Establishment;
- .13 Dormitory
- .14 Eating and Drinking Establishment;
- .15 Educational Institution;
- .16 Entertainment Establishment;
- .17 Financial Institutions
- .18 Fitness Centre;
- .19 Government office;
- .20 Hotel or Motel;
- .21 Library;
- .22 Limited Car Rental Services;
- .23 Marina;

- .24 Medical Health Office
- .25 Office;
- .26 . Parking Garage;
- .27 Personal Service Shop;
- .28 Place of Worship; and,
- .29 Public Recreation Centre
- .30 Retail Store.
- .31 Theatre
- .32 Uses accessory to the forgoing

44.2 REGULATIONS FOR PERMITTED USES

1. Building Placement & Massing		
i.	Lot Frontage	Minimum 7.62 m (25 ft)
ii.	Building Height (See Map D)	Minimum 10 m (32.3 ft), or three (3) storeys, whichever is greater. Maximum: 4 Storeys, and up to 16.5 m (54.1 ft) on properties fronting on Water St. 6 Storeys, and up to 24.5 (80.4 ft) for all other properties.
iii.	Waterfront View Setbacks	Minimum of 10 m (32.3 ft) from the mean centre line of Great George Street, Queen Street, Prince Street and Hillsborough Street. Minimum of 7 m (23.0 ft) from the mean centre line of Water Street and Sydney Street.
iv.	Streetwall Setbacks (See Map F)	Permitted 0 - 1.5 m on Water and Haviland Street. Permitted 0 - 4 m on Water St West of Haviland, Pownal, Queen, Great George, Prince & Hillsborough Streets.
v.	Grade Level Height	Minimum 4.0 m (13.1 ft) floor to floor

vi.	Streetwall Height (See Map G)	<p>Minimum 8 m (26.3 ft), or the height of the building.</p> <p>Maximum:</p> <p>15.5 m on Water St and Haviland Street.</p> <p>18.5 m on Water St West of Haviland, Pownal, Queen, Great George, Prince & Hillsborough Streets.</p>
vii.	Projections	<p>Maximum projection of 1.0m (3.3 ft) for eaves, gutters, downspouts, cornices, and other similar Architectural Details.</p> <p>Maximum of 2.5m (8.2 ft) for balconies above or on the second storey of a building, The aggregate length of such balconies must not exceed 60% of the horizontal width of the building face.</p> <p>The mid-rise portion of a building shall not project beyond the vertical plane of the exterior walls of the low rise portion.</p>
viii.	Side & Rear Yard Setbacks	<p>All buildings shall be set back a minimum of 8 m (26.2 ft) from the ordinary high water mark.</p> <p>Low Rise (less than 4 storeys) no setback is required; a setback may be permitted but not to exceed 20% of the width/depth of the lot.</p>
ix.	Building Stepback	<p>The streetwall Stepback for any Height above the permitted Streetwall height shall be a minimum of 3m (9.8 ft).</p> <p>Above a Height of 13 m (42.6 ft) or the Height of the Streetwall, a building shall be Setback from Interior Lot Lines no less than 10% of the Lot width, or 5.5m (18 ft); whichever is less. Where a Lot has more than one Streetline, the greater Lot width shall be applied.</p> <p>The low rise portion of the building may meet the mid rise Stepback for no more than 20% of the lot width or 6m (19.7ft), whichever is greater.</p>
x.	Ground Floor Finished Floor	<p>Minimum 3.76 m CGVD28 (Canadian Geodetic Vertical Datum 1928)</p>

Elevation (FFE)

44.3 WALKABLE STREETS AND LAND USES AT GRADE

- .1 Only those uses listed below shall be permitted on the ground floor of a building in the WF zone immediately abutting a designated Walkable Street (Map C), and for buildings abutting the public waterfront boardwalk.
 - a. Eating and Drinking Establishments;
 - b. Tourism related services including but not limited to, information services, touring services, personal equipment rentals, and accommodations.
 - c. Retail Store;
 - d. Cultural Establishment;
 - e. Bank or financial institution;
 - f. uses accessory to the foregoing
- .2 On all designated Walkable Streets (Map C), at grade commercial & retail spaces fronting onto the Streetline or public open space shall have non-reflective and non-tinted glass along at least 60% of their facades between 1.0 m (3.3 ft) and 2.5 m (8.2 m) above grade.
- .3 Seasonal patios permitted on designated Walkable Streets (Map C) must be constructed on the outside of the existing sidewalk or boardwalk. Continuous pedestrian right of way must be maintained at all times.

44.4 RESIDENTIAL USES

- .1 Multiple Unit Dwellings shall be required to provide a mixture of unit types and bedroom configurations.
- .2 Residential uses shall have direct access to the exterior ground level separate from any non-residential use.

44.5 STORM SURGE PROTECTION

- .1 The minimum FFE shall not apply to parking garages, accessory structures, or any water related structures
- .2 Any existing residential use presently below the required elevation may expand, provided the expansion area satisfies the minimum finished floor elevation (FFE) requirements.

- .3 Every application for a substantive development shall submit relevant scaled plans with sufficient information (i.e. contours, elevations, lot grading) to demonstrate that the required elevation has been met.
- .4 The minimum FFE requirement shall be reviewed at a minimum every 10 years or when substantially new information is available.

44.6 BUILDING HEIGHT

- .1 The following structures or appurtenances shall be exempt from the height requirements in the WF zone, and do not count towards the minimum height requirements:
 - a. Church Spire
 - b. Lightning Rod
 - c. Elevator enclosure
 - d. Flag Pole
 - e. Antenna
 - f. Heating, Ventilation, or Air Conditioning Equipment or the associated enclosure
 - g. Skylight
 - h. Chimney
 - i. Rooftop Vegetation
 - j. Clock Tower
 - k. Solar Collector
 - l. Architectural Details including but not limited to roof top cupola, parapets, cornices, eaves, penthouses; provided that the total area of such features does not occupy more than 30% of the total roof area.

44.7 GREEN ROOFS

- .1 Any main building designed with a flat roof shall provide a minimum of 25% of the total roof area as either a fully landscaped area or green roof unless the required green roof area or landscaping can be provided somewhere else on the property. In situations where this requirement is reviewed in the context of subsection 4.69 of the Zoning Bylaw (Landscaped Open Space) which requires a minimum of

10% of the area of every lot to be set aside as landscaped open space, the greater landscaping requirement shall apply.

- .2 Green roof space would count towards a measurable public benefit, provided that it is fully accessible to building occupants.

44.8 LAND USES AT GRADE

- .1 The ground floor of any building fronting on a street or open space shall have a minimum floor to floor height of 4.0 m (13.1 ft).
- .2 On all designated walkable streets (Map C), at grade commercial & retail spaces fronting onto the Streetline or public open space shall have non-reflective and non-tinted glass along at least 60% of their facades between 1.0 m (3.3 ft) and 2.5 m (8.2 m) above grade.
- .3 Seasonal patios permitted on designated walkable streets (Map C) must be constructed on the outside of the existing sidewalk or boardwalk. Continuous pedestrian right of way must be maintained at all times.

44.9 PROHIBITED EXTERNAL CLADDING MATERIALS

- .1 The following external cladding materials are not permitted within the Waterfront Zone:
 - a. Vinyl
 - b. Plastic
 - c. Plywood
 - d. Concrete bloc
 - e. Stucco
 - f. Metal siding with exposed fasteners
 - g. Darkly tinted or mirrored glass
 - h. Stone tile

44.10 WATERFRONT ZONE PARKING - ACCESSORY SURFACE LOTS

- .1 In addition to the requirements of this Bylaw, parking lots and parking spaces shall be subject to the General Provisions for Parking of this Bylaw.
- .2 Accessory Surface Parking Lots shall be located in the Rear or Side Yard.

- .3 Surface parking lots shall be hard surface with asphalt, concrete, or pavers, and delineated by concrete curbing. All parking stalls and drive aisles shall be delineated by painted lines or pavers.
- .4 Any parking lot visible from a street shall have a landscaped buffer zone of no less than 2.0 metres width between the street and the parking lot, exclusive of driveway access. A minimum landscape buffer of 1.5m shall be provided along all other lot lines.
- .5 Accepted landscaping includes grassed areas with shrubs and trees, or planters. Shrubs should obtain a minimum of 1.0m (3.3 ft) in height, to reduce glare from headlights, and shall be provided at a frequency of 1 shrub for every 2 m (6.6 ft) of rear and side yard lot length. Trees shall be a minimum of 50mm caliper in size, and shall be provided at a frequency of one tree for every 4.5m (14.8 ft) of length abutting a street.
- .6 Parking spaces shall not be immediately adjacent to doors or passages from buildings
- .7 Parking between the street and building is prohibited.

44.11 LOCATION FOR PARKING STRUCTURES

- .1 Commercial Parking Garages are permitted in the Waterfront (WF) Zone.
- .2 The following requirements shall apply to commercial parking garages:
 - a. Individual parking stalls shall be no less than 2.6 m by 5.5 m (8.5 ft by 18.0 ft)
 - b. Parking stalls shall not be adjacent to doors or passageways from buildings.
 - c. Commercial Parking Garages shall provide a Streetwall as specified on the Streetwall Height Map (Map G), and in no case shall the Streetwall height be less than 8m (26.2 ft).
 - d. Rooftop parking and mechanical equipment shall be visually obscured from the street through the use of Architectural Detailing.
 - e. At grade uses abutting a street shall be limited to uses outlined in subsection 38.3 Walkable Streets, for all street or boardwalk related facades.
 - f. For any appurtenances on top of the building, the provisions under building Height shall apply.

44.12 BICYCLE PARKING

The minimum and maximum number of required bicycle parking spaces shall be as follows:

Use	Bicycle Parking Requirement	
Multiple Unit Dwelling (4 or more units)	0.5 spaces per unit	80% class A, 20% class B
Hotels or Inns	1 space/ 30 rooms	80% class A, 20% class B
Commercial/Office	1 space/ 500 sq m GFA	80% class A, 20% class B
Entertainment	1 space/ 25 seats	20% class A, 80% class B
Institutional uses	1 space/ 250 sq m GFA	20% class A, 80% class B
Parking Garage	1 space/ 20 parking stalls	Maximum of 50 spaces
Any other uses	1 space/ 500 sq m GFA	50% class A, 50% class B

.1 Class A Bicycle Parking means:

- a. Covered parking spaces protected from precipitation within 50 m (164 ft) of the building's primary entrance.
- b. Parking spaces shall be highly visible, at ground level or monitored by constant security cameras. Bicycle parking areas to be well lit.
- c. Directional Signage shall be provided.
- d. Parking spaces shall have a minimum overhead clearance of 2 m (6.6 ft).
- e. Parking stalls shall be no less than 0.6 m (2 ft) long and 1.2 m (3.9 ft) high, and have an associated aisle of 1.5m in width. Door openings shall have an opening of 0.6 m (2 ft).

.2 Class B Bicycle Parking means:

- a. Parking is located within 200m (656 ft) of the building's primary entrance.

- b. Parking spaces shall be no less than 0.6 m (2 ft) long and 1.2 m (3.9 ft) high, and have an associated aisle of 1.5m in width.
- c. Bicycles should be supported at all times by a minimum of two attachment points.

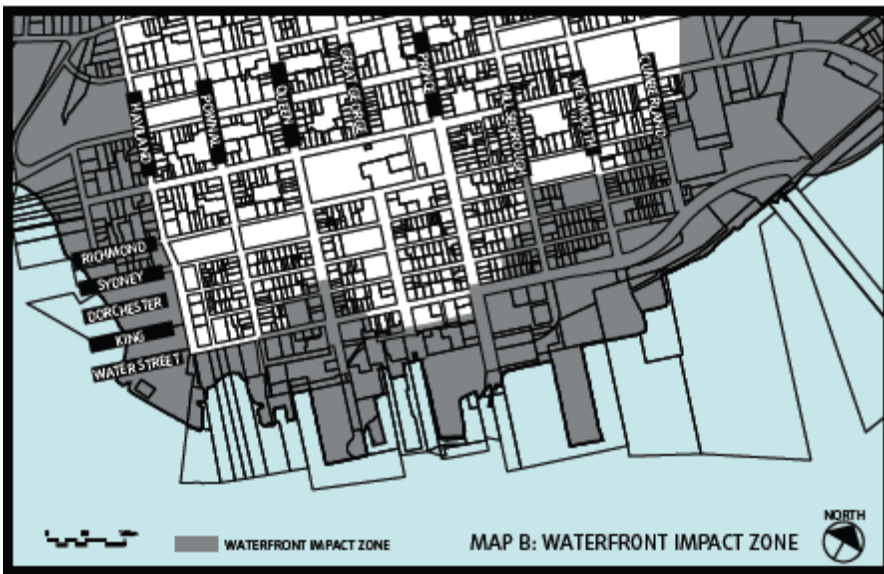
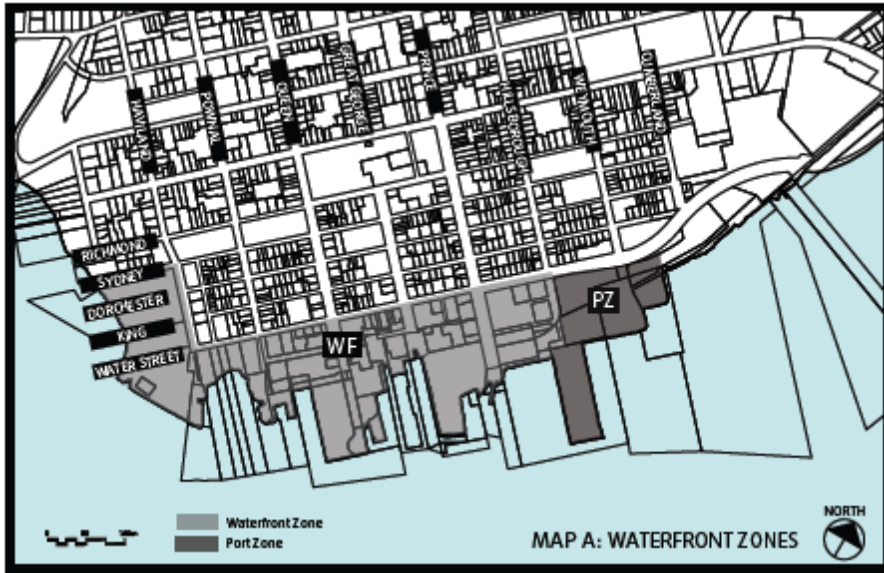
44.13 NON-CONFORMING BUILDINGS AND USES

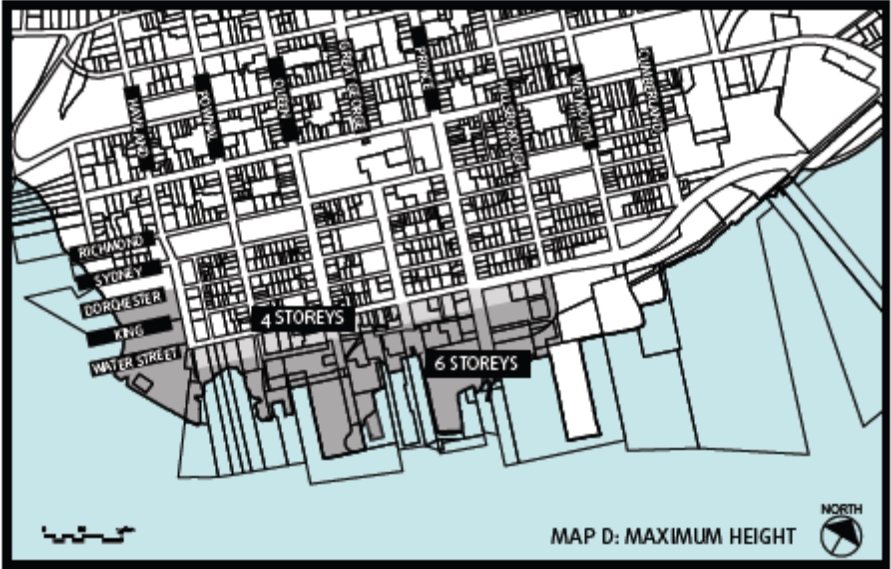
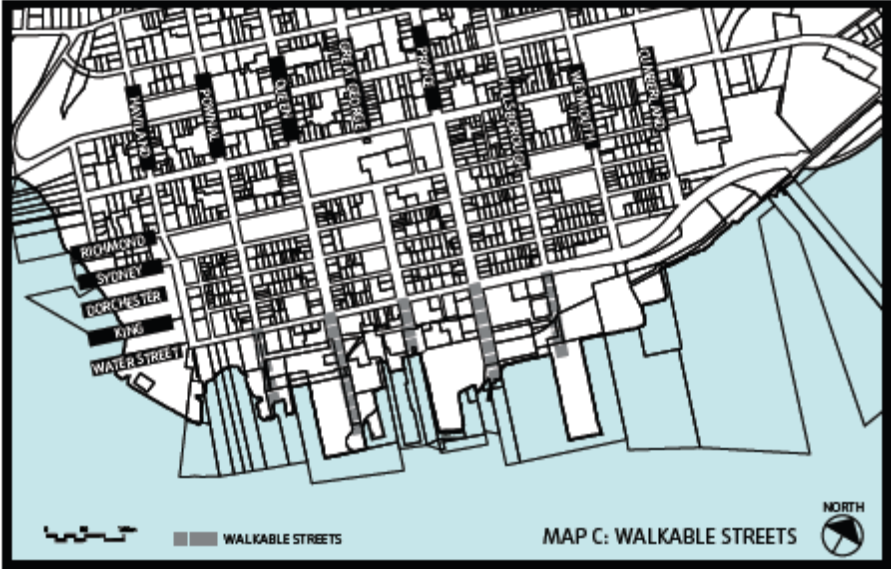
- .1 A building or structure, or a specific use of land or a building, which is lawfully in existence on the effective date of this By-law, and which does not conform to the regulations of the Waterfront Zone where it is located, may continue to exist.

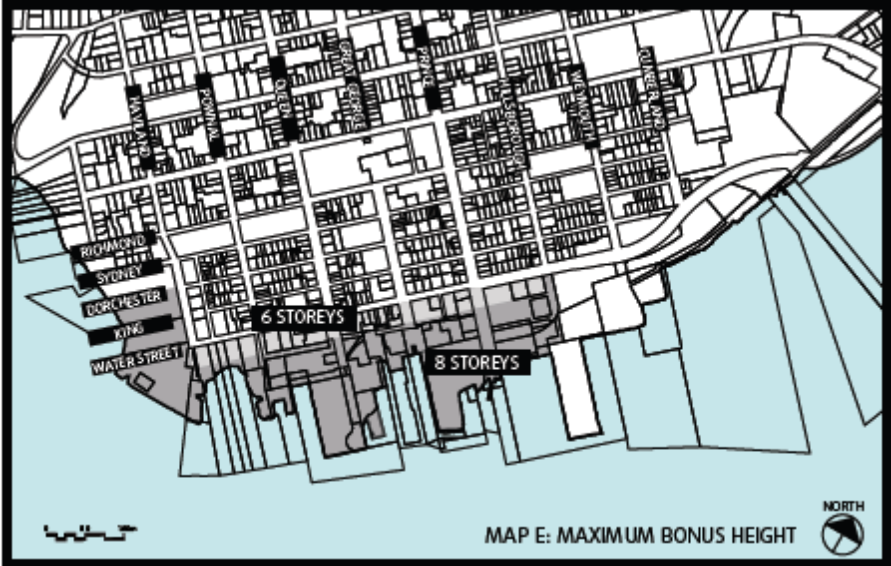
44.14 BONUS HEIGHT DEVELOPMENT STANDARDS

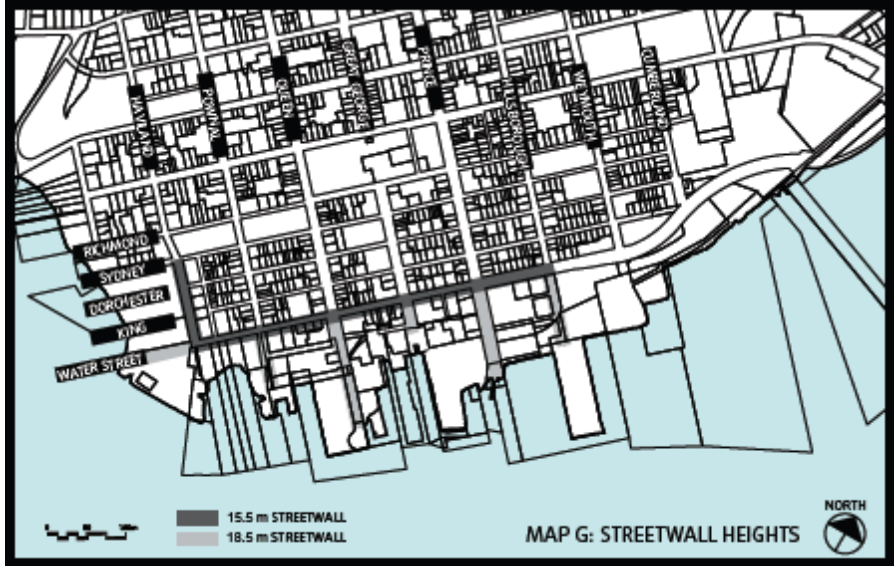
- .1 The maximum height as specified on Map D may be exceeded to the maximum bonus height as specified on Map E.
 - a. For properties fronting on Water St the bonus height shall be to a maximum building height of 6-storeys and up to 24.5m (80.4ft).
 - b. For all other properties within the Waterfront Zone the bonus height shall be to a maximum building height of 8-storeys and up to 32.5m (106.6ft).
- .2 All applications for bonus height are subject to Section 8 Bonus Height Regulations.

44.15 WATERFRONT MAPS









SECTION 45 - PORT ZONE (PZ)

45.1 PERMITTED USES

- .1 Port uses
- .2 Marine uses
- .3 Outdoor Storage
- .4 Retail
- .5 Offices

45.2 BUFFER ZONE REQUIREMENTS

- .1 A continuous linear boardwalk connection shall be provided along the waterfront, excluding wharfs and piers.
- .2 The Port Zone shall be buffered from adjacent buildings by an open space corridor of no less than 5m (16.4 ft) in width.
- .3 Acceptable uses for the open space buffer include boardwalk, linear trail, greenway, or landscaped area.
- .4 The open space buffer shall be planted with street trees and shrubs. Trees shall be a minimum of 50mm caliper in size, and shall be provided at a frequency of one tree for every 8m (26.2 ft) of length along the boundary line.
- .5 All residential units within 100m (328.1 ft) of the Port Zone (PZ) are required to have windows with a Sound Transmission Class (STC) rating of 45, and walls with an STC rating of 60.

45.3 NEW BUILDINGS

- .1 Any new building constructed in the Port Zone (PZ) is subject to the building requirements and procedures of the Waterfront Zone.

45.4 PARKING

- .1 For any new buildings, parking is not permitted between the Streetline and the building.

45.5 NON-CONFORMING BUILDINGS AND USES

A building or structure, or a specific use of land or a building, which is lawfully in existence on the effective date of this By-law, and which does not conform to the regulations of the Port Zone where it is located, may continue to exist.

SECTION 46- EXCEPTIONS

Those properties that:

Have been subject to a site or area specific amendment or amendments to the permitted uses or regulations by way of an amendment to a zone for a particular property or properties:

Zone	PID	Civic Address	Use	Regulation	By-law
Downtown Mixed Used Neighbourhood (DMUN)	339994	99 Pownal Street	Fitness Centre		
Medium Density (R3)	357756,361519,361527, 584755,361535,361683, 361675,361667,361659	49 Chestnut Street, 51 Chestnut Street, 57 Chestnut Street, 59 Chestnut Street, 61 Chestnut Street, 18 Passmore Street, 26-30 Passmore Street, 32 Passmore Street and 24 Passmore Street	Four storey building with 48 dwelling units, 10 home occupation, and 4,766 sq ft of commercial space		
Downtown Neighbourhood (DN)	344861, 344887, 344895, 344903, 344911	275 Kent Street , 281 Kent Street 285 Kent Street, 291 Kent Street and 295-297 Kent Street	Educational Instituion		
Business Office Commercial (C-1)	669796. 751701	184 Belvedere Avenue	Commercial (Dental Clinic)	To increase the maximum floor area permitted for a commercial use from 310 sq m (3,336.9 sq ft) to 953.2 sq m (10,260 sq ft) to permit the construction of an addition with a building footprint of 92 sq m (990 sq ft).	
Waterfront (WF)Zone	841528	8 Stan MacPherson Way	Mixed use (office space, retail, community centre)	To amend the Waterfront (WF) Zone as it pertains to 8 Stan MacPherson Way (portion of PID #841528) in order to permit Automobile Sales and Services (car rental only) as a permitted use for a maximum of 15 rental vehicles.	
Business Office Commercial (C-1)	600411	33-35 Longworth Avenue	Crematorium for existing funeral establishment	To amend the Business Office Commercial (C-1) Zone as it pertains to 33-35 Longworth Avenue (PID# 600411) in order to permit a crematorium in the existing funeral establishment.	
Highway Commercial Zone (C-2)	386557	300 Capital Drive	Hotel	To amendt the Highway Commercial Zone (C-2) Zone as it pertains to 300 Capital Drive (PID #386557)	

				in order to permit a six storey (73ft in height) hotel.	
Medium Density Residential (R-3)	356485	355 Queen Street	Take-out restaurant in existing convenience store	A site specific amendment to the Medium Density Residential (R-3) Zone as it pertains to 355 Queen Street (PID #356485) in order to permit a take-out restaurant (maximum of 75 sq. ft in area) to operate within the existing convenience store	
Downtown Neighbourhood Zone (DN)	338608	246 Sydney Street	Inn	A site specific amendment to the Downtown Neighbourhood Zone (DN) as it applies to 246 Sydney Street (PID# 338608) in order to permit three fascia signs and to permit short and long term rental of 22 apartment units.	
Institutional (I) Zone	1068584	141 Mount Edward Road	Community care facility	A site specific amendment to the Institutional (I) Zone of the Zoning & Development Bylaw as it pertains to 141 Mount Edward Road (PID #1068584) to permit an addition which includes 18 residential apartment units.	
Medium Density Residential (R-3) Zone	357756, 361519, 361527, 584755, 361535	49 Chestnut Street ,51 Chestnut Street ,57 Chestnut Street 59 Chestnut Street and 61 Chestnut Street	27 unit apartment building	A site specific amendment to the Medium Density Residential (R-3) Zone (which includes five variances) as it pertains to 49 Chestnut Street (PID# 357756), 51 Chestnut Street (PID# 361519), 57 Chestnut Street (PID# 361527), 59 Chestnut Street (PID# 584755) and 61 Chestnut Street (PID# 361535), in order to permit a 27 unit apartment building.	
Medium Density Residential (R-3) Zone	361683,361675, 361667, 361659	18 Passmore Street , 26-30 Passmore Street , 32 Passmore Street and 34 Passmore Street	16 unit apartment building	A site specific amendment to the Medium Density Residential (R-3) Zone (which includes one variance) as it pertains to 18 Passmore Street (PID# 361683), 26-30 Passmore Street (PID# 361675), 32 Passmore Street (PID# 361667) and 34 Passmore Street (PID# 361659), in order to permit a 16 unit apartment building.	
Downtown Neighbourhood (DN)	339911, 339929	55-59 Richmond Street	23 unit apartment building	A site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the	

				consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).	
Medium Density Residential (R-3)	358812	151-153 Euston Street	Law Office	A site specific amendment to the Medium Density Residential (R-3) Zone of the Zoning & Development Bylaw as it pertains to 151-153 Euston Street (PID #358812) in order to locate a law office within the existing building	

APPENDIX A - RESOURCES DESIGNATED UNDER HERITAGE PROVISIONS

PROPERTY ADDRESS	ASSESSMENT NO.	DESCRIPTION
7 All Souls Lane (All Souls Chapel)	343517	St. Peters Chapel, which is a gem both inside and out, is certainly a heritage building.
20 All Souls Lane	343921	Rochford Square
4 Ambrose Street	352062	
34 Ambrose St.	353318	Chappell House c. 1930.
Brackley Pt. Rd./ Arterial Hwy NW cnr		An exceptional collection of beech trees which formed part of the grove leading up to the farm of Colonel Dogherty
5 Brighton Road	365957	Originally part of the Lieutenant Governor's Farm set aside in 1789. The designation refers to the site only.
12 Brighton Rd.	351841	Designed by Architect W.C. Harris c 1905. As Harris was one of our prominent Architects it is fitting that as many of his buildings as possible be saved so that a progression in his style can be seen.
20 Brighton Rd.	351817	Good example of 1880 Mansard roofed brick residence. In history it commemorates the Tannery that for many years occupied the space between what is now Ambrose and Spring Streets as it was the owner's home.
22 Brighton Rd.	351916	Designed by W.C. Harris.
24 Brighton Rd. 26 Brighton Road 28-30 Brighton Rd.	351767 351759 351742	Formerly two halves of Revere House, foot of Great George Street. Important because of the history connected with them as well as being good residential housing.
36 Brighton Rd.	351726	Harris designed cottage, 1903.
90 Brighton Rd. 94 Brighton Rd.	347807 347799	At a period when cement and stucco houses were being built in great numbers throughout Canada, these were two of a minimal number (under 5) being built in Charlottetown (1915).
102 Brighton Rd.	347757	Important both for historical and architectural reasons. The house is an excellent example of Gothic revival cottage c. 1858.
112 Brighton Rd., Magazine (Dept. of Defence)	347740	Commemorates early military history of Province.
Brighton Shore	347609	Range light; only traditional lighthouse design within the City limits.
73 Chestnut St.	361568	Relocated from 95 Fitzroy Street and designated in 2001. Very good example of gable roofed house built in earlier Georgian style - good doorway with transom & side lights; example of 9 over 6 window sashes.
1 Churchill Ave.	352948	Harris designed.

11 Churchill Ave.	352997	Tidmarsh House; designed by Chappell and Phillips Architects in 1915.
20-22 Dorchester St. 26-28 Dorchester St.	336636 336628	Typical middle class tenement housing post 1866, the type of houses that give charm to Dorchester Street.
55 Dorchester St.	337949	Very few houses with drive-throughs for carriages are left. This is one of the better examples.
75-77 Dorchester St.	337980	Important because it was home to Owen Connolly, one of our most influential citizens. Also good example of combined home and business building.
123 Dorchester St.	338178	c 1840 house. Shallow gable style plentiful elsewhere but less often found here.
162 Dorchester St.	337311	1872. Judge Alley's House. A well constructed Second Empire style building with good porch treatment that has maintained most of its original detailing.
171 Dorchester St. 179 Dorchester St. 181 Dorchester St.	338418 338426 338434	These buildings provide good residential housing; however their main significance is as a streetscape and as protection for the most important house at 187 Dorchester Street.
187 Dorchester St.	338442	Designated for both historical and architectural reasons. Good example of 1830 building type. Judge Barrow's house.
208 Dorchester St.	337501	Handsome detailing on verandah and good example of c 1900 building.
8 Euston St.	345587	Date 1905. Good period house; main importance at beginning of block and opposite a significant house.
20 Euston St. 26 Euston St.	345728 345710	Attractive early 20th century housing; important for streetscape and because they protect 140 Rochford St. which is a significant house.
23 Euston St.	352088	Very few examples of this early cottage style left. Very good scale.
55-57 Euston St.	355883	Welsh House; built in the mid 1800s; originally fronted on Spring Park Road. In spite of poor renovation, this is still an important building. At one time, it had excellent details and a few remain.
76-76½ Euston St.	345884	Lord House; a rare stucco house in the City built from a Blanchard design dated 1921.
80 Euston St.	345868	Date 1892. Architect C.B. Chappell's own house.
85 Euston St.	355925	Irving Station; reflective in design of early Island gas stations.
149 Euston Street	358804	
155 Euston St.	358820	Excellent Second Empire house, relatively unspoiled. Although our wooden houses are most important, we need the scattered brick and stone ones for visual change and interest.
177 Euston St.	360115	Built before 1860. Example of one storey cottage-style with centre doorway – good brackets.

185 Euston St.	360123	Built 1865. Ship merchant's home.
201-203 Euston St.	360545 360552	Built before 1860 - interesting history.
202-204 Euston St.	346403 346395	Fine example of 1888 building.
271 Euston St.*	363952	Relatively unchanged well-kept mansard.
278 Euston St.* 283 Euston St.*	346759 363978	Both early 1½ storey cottage types.
290 Euston St.* (214 Cumberland St.)	347062	House builder Fennel's home (front on Cumberland St.) c. 1873.
289-291 Euston St.*	364059	Good example of c 1869 house.
299 Euston St.*	364067	Once a handsome house, its details have been lost.
305 Euston St.*	364083	Good detailing under soffit; handsome brackets & window trim.
306 Euston St.*	347005	One storey mansard with side door; basic shape unchanged.
* Lower Euston Street is made up of very good 19th century residential housing. The buildings designated are significant in that they represent the total area.		
348 Euston St.	347435	This house was moved from the corner of Weymouth & Kent Sts. One of the most interesting samples of early 1800 saltbox type left.
Experimental Farm	279224	Building known as Ravenwood c. 1830, was once the residence of Hon. J.C. Pope.
13 Fitzroy St. 15 Fitzroy St.	345520 345538	Good examples of 1915 gable-end houses.
25 Fitzroy St.	345611	Well preserved c 1905 house, is important for the streetscape.
29 Fitzroy St.	345629	Much history is connected with this house - a land agent and ship builder's home.
45 Fitzroy St.	345751	Date 1872. Excellent gentleman's house of period, great details.
49-51 Fitzroy St.*	345769	1860s cottage-type good example.
53 Fitzroy St.*	345777	Centre door mansard - strong details.
55 Fitzroy St.*	345785	Significant for streetscape.
* This whole block is significant to protect the important building at 45 Fitzroy St.		
84 Fitzroy St. 86 Fitzroy St.	344127 344119	84 is a beautiful example of a 1900 front gable building with decorative bargeboards & peak decoration. 86, a plainer style, serves as a comparison.
123 Fitzroy St.*	346189	Date c 1857. Built by Wm. Brown; significant mercantile family's home.
127 Fitzroy St.*	346197	Streetscape significance c. 1901.
133 Fitzroy St.*	346205	Impressive 1880 house.

* These buildings are also important to protect significant homes on Prince St., Nos. 230, 237, 241.		
181 Fitzroy St.	346361	Beautiful example of C.B. Chappell, Architect, work. Date 1897.
204 Fitzroy St.	344770	Fine cottage-type-housed workers for Pethick's Brewery. Log House.
234-236 Fitzroy St.	345017	Unspoiled gable-roofed house c 1860-70.
253-255 Fitzroy St.	346841	Large Second Empire House – important position for rest of the block.
286-288 Fitzroy St.	345272	Early building - good scale & interesting construction.
290 Fitzroy St.	345256	One storey mansard. Excellent details remaining such as brackets, dentils and hoods over windows and door; dormers with high gable roofs.
304 Fitzroy St.	352591	An early plank house - many details have been lost through poor renovation but shape remains intact.
306 Fitzroy St.	352583	Good example of 1900 architecture.
312 Fitzroy St.	352559	Good example of gable-roofed flat faced house; attractive transom light.
1 Government Dr. (Government House)	365965	One fact of interest is that serious suggestions were made in Parliament in the late 1800's that this house be demolished.
1 Grafton St.	341560	W.C. Harris house. Although many details that give this house character have been lost, the house is still worthy of care and preservation.
5 Grafton St.	341586	Second Empire house designed by W.C. Harris, built in 1877. Its history is particularly important because it was the dormitory for St. Peters School for Boys.
15 Grafton St.	341628	Another Harris designed home showing his later period.
35 Grafton St.	341792	1880 house with bay windows and prominent brackets; contributes to streetscape.
70 Grafton St.	340273	One of the better examples of warehouse housing in the City.
119-121 Grafton St.	342303	One of the last house-business buildings remaining from the 19th century in uptown Charlottetown.
135 Grafton St. 137 Grafton St.	342329 342337	Two 1896-7 brick commercial buildings designed by C.B. Chappell, Architect.
272 Grafton St. 286 Grafton St. 288 Grafton St. 290 Grafton St. 292 Grafton St.	341321 341289 341271 341263 341255	These houses built in the 1850-60 period are significant historically as homes of a chair maker (Green), house builders (Seller Bros.) and Shipwrights (White). More importantly, they contribute to an interesting block of street and protect 296 Grafton St.
296 Grafton St.	341248	Finest house on the block. Connected with the Coles (Father of Confederation) family. Excellent scale, beautiful fan light, house relatively unspoiled.
40 Great George St.	337188	Built 1868 as Bank of Prince Edward Island; D. Stirling, Architect.

45 Great George St.	336933	Stately stone building erected in 1875 as Bishop's residence.
65 Great George St. (Basilica)	338129	Magnificent stone Roman Catholic Church. Dedicated 1919.
48 Great George St.	337170	A sumptuous terrace building when erected in 1891, it has suffered degrading renovation. Phillips & Chappell, Architects.
58 Great George St.	338376	Historical significance - early London house, and later Pavilion Hotel where some delegates to 1864 Confederation Conference stayed.
62 Great George St.	338376	Date 1843. Part of an important block.
64 Great George St. 66 Great George St.	338350 338343	Examples of town houses of the 1850 period.
68 Great George St.	338335	c 1815. One of our earliest and most historical buildings; formerly Wellington Hotel.
76-88 Great George St.	339325	Good example of 19th century brick row housing.
94 Great George St.	339317	Built as Union Bank, 1872.
2 Haviland St.	335513	Important both for historical and architectural reasons. Date 1869. At one time American Consulate - David Stirling Architect.
10 Haviland St.	335497	Formerly Cooper's Factory. History adds color to town.
18 Haviland St.	335489	First public general hospital in Charlottetown.
300 Hartz Rd.	192880	Binstead; c. 1850, has retained much of its character and associated legends.
1 Hensley St. (227 Richmond St.)	340497	Built c 1846. Good, unchanged cottage – interesting association with Davy (Smithwright family) and Davy's Lane.
33 Hensley St.	340554	Representatives of an early subdivision, 1846.
15 Hillsborough St.	336206	Built prior to 1850 and moved from corner of street; likely log construction.
25 Hillsborough St. 31 Hillsborough St.	337261 337279	These belong to a good streetscape, c. 1900 buildings.
42 Hillsborough St.	338665	This house was built before 1833, therefore one of our earlier houses. Good saltbox shape.
67 Hillsborough St. 75 Hillsborough St. 79 Hillsborough St.	339416 339424 339432	The importance of these houses is providing a good streetscape. No. 75 was designed by C.B. Chappell.
89 Hillsborough St. 97 Hillsborough St. 105 Hillsborough St.	340752 340778 340786	Hillsborough St. is made up of very good streetscape. This is another block which would be hurt by poor renovation.
92-94 Hillsborough St.	341123	Poorly renovated but of log construction – belonged to Isaac Smith family.
202 Hillsborough St.	346650	A splendid house whose lines have been unspoiled. c 1865

238 Hillsborough St. 240 Hillsborough St.	346593 346585	Well constructed and attractive house, home of Lowe Bros. prolific builders in the community.
58 Hunt Ave.	373464	Huntington c. 1880, home of Hon. James Warburton.
46 Kensington Rd. (Judges Stand at Exhibition Grounds)	278739	The Judges Stand c. 1888 is a monument to the significance of the horse racing industry in the community.
15 Kensington Rd.	364836	Some details of former grandeur still visible.
37 Kensington Rd.	365221	This building was constructed in 1898 as the Prince Edward Island Hospital.
2 Kent St.	365908	1877 Ship Merchant's home - excellent detail – Headquarters of the Heritage Foundation.
34 Kent St.	341941	Built before 1833. In spite of dormer addition, the lines of the original house are still visible. Good scale, well-maintained, early house.
60 Kent St.	341875	Relatively unspoiled c 1860 exterior.
92 Kent St.	342196	Although bottom floor has received much renovation, the top floor and Scottish dormer are worthwhile.
137-139 Kent St.	343723	Date 1886. W.C. Harris, Architect. Also a builder's home. M.P. Hogan.
181 Kent St.	344242	c 1900. Good shingle work and detailing. Metal applied decoration to arch on third floor an unusual feature.
185-187 Kent St.	344390	Before 1833 with later renovations. House built by Martin Dogherty, an early cabinet maker. Long history as drug store.
205 Kent St.	344432	Good example of c 1900 period.
215 Kent St.	344440	Splendid building designed by W.C. Harris.
218 Kent St.	342949	Main house good example of 1870 Second Empire building; late Victorian tower is a significant addition.
223 Kent St.	344465	Mercantile building with interesting history plus well-built exterior. Mark Wright & Co. furniture factory originally.
271 Kent St.	344853	Delightful cottage c 1859 - fine transom light & doorway.
275 Kent St.	344861	c 1846. Some details of original handsome house left.
281 Kent St.	344887	Fine 1869 brick house - history as well as architecture.
57 King St. 61-63 King St.	336727 336735	Owen Connolly built these houses as low rental housing; examples of this income range should be kept as well as more gracious living.
100 King St.	335836	Built directly after 1866 fire; substantial brick house.
129 King St.	337022	Built before 1863. One and one half storey house with gable end towards the street. Good scale, well maintained.

139 King St.	337048	Built by Henry Cundall in 1868 using Island made bricks. Many excellent details such as recessed facade, parapeted chimneys, and arches over round-headed, grouped windows.
143 King St.	337055	A splendid 1840 house of good scale and fenestration. An addition on the east side has been done sympathetically. Home of Cundall family, prominent members of the community.
147 King St.	337063	This building both by appearance and history (livery stable) adds color and variety to the town.
163 King St.	337196	Oldest building in vicinity, built before 1833. Basic house is a good 3 bay early style.
172 King Street	336289	The house is believed to date between 1853 and 1863 and was built by William Paul, shipbuilder. This house is significant to the streetscape and is similar in design to 176 King Street.
171 King St. 175 King St. 176 King St.	337212 337220 336271	Representative examples of c 1855 one storey gable roofed cottages on a visually interesting street.
185 King St.	337246	Although already unsympathetically renovated, this house because of its age and history is important. Built in 1833 by the prominent Brecken family.
190-192 King St.	336248 336230	Attractive tenement housing, date 1873.
45 Lewis Point Rd.	800631	Tweedy house, c. 1850; one of the very early farms in the Royalty.
77 Lewis Point Rd.	596726	George Lewis farm; dates to pre 1880s and retains some of the mature trees.
24 Longworth Ave.	364000	First Prince Edward Hospital
35 Longworth Ave.	600411	Important both for historic and architectural reasons. Built by L.C. Owen, prominent ship merchant in 1876. A truly splendid building, it has many notable details including ironwork around the crest.
63 Longworth Ave.	363366	Roman Catholic Cemetery; Edward Whelen buried.
Lower Malpeque Rd.	388355	Pumping station; built in 1903.
110 Lower Malpeque Rd.	388165	Architecturally strong mansard-roof style house which served as a typical miller's residence, c. 1870.
21-23 MacKay Dr.	588772	Mount Edward; Judge Jarvis House 1836.
55 Malpeque Rd.	388157	The first water works in PEI; dates to 1898.
36 Maxfield Ave.	396010	Glynwood; Georgian design c.1850 representing the lifestyle of the Royalties in the 19 th century.
46-48 McGill Ave.	351213	This house fronts on Sidmount Ave. Built c 1845, the architecture of this house is unique in Charlottetown, very early carpenter Gothic style.
34 Mount Edward Rd.	274480	Known as the Dennis House, it was designed in the Sears Robuck style by C.B. Chappell, Architect.

38 Mount Edward Road	274498	A Colonial Revival dating to 1930 and located on a traditional route through the Royalty. The designation includes both the building and the property.
180 Mount Edward Rd.	390328	Woodridge Quarry; active during the mid 1800s from which stone was used for a number of important buildings built in the City.
115 Murchison Lane (Hillsborough Hospital)	425892	Falconwood site. Magnificent trees remain reflective of this site's association with historic highlights.
136 Nassau St.	370809	Eckstadt house; 1½ storey – 1857.
51-53 Newland Cres.	371419	Dawson house; c 1850s.
99 North River Rd.	349159	Duff House, built in 1916; was residence of the Lieutenant Governor for a short term after WW I.
112 North River Rd	353763	Early Queen Anne style house excellently maintained.
121 North River Rd.	349829	Large 1889 Victorian house built by Premier Arthur Peters, W. C. Harris, Architect.
122 North River Rd.	354464	Original house built in c 1858; rebuilt after fire in 1891. Impressive & historical.
303-305 North River Rd.	367441	Warblington, originally built near the North River in the 1840s by Hon. George Goodman.
1 Oaktree Cres.	192260	Belmont, built by George Wright, Surveyor-General, c. 1810; one of the few houses remaining of such fine quality from the pre 1835 period.
20 Ole King Sq.	344598	King's Square
19 Ole King Sq. 21 Ole King Sq.	344671 344689	Two companion cottages; one nicely renovated, the other well maintained - very good examples of mid-19th century housing, also important facing the square.
27 Ole King Sq.	344705	Impressive Second Empire house; built by Longworth family; also facing square.
8-10-12 Orlebar St.	362657	Orlebar House; built by Captain Orlebar; c 1840.
2 Palmers Lane	275073	Ardgowan; W.H. Pope House c.1850.
45 Park Roadway (Victoria Park Magazine)	365973	Although the date of the Prince Edward magazine is not known, it may date from the dismantling of George's Battery. Important history.
50 Park Roadway (Victoria Park property)	365973	Originally part of Lieutenant Governor's Farm set aside in 1789. Contains the survey stones set in place in 1820 to establish a meridional line to regulate surveyors as well as the 1805 Prince Edward Battery.
15 Pownal St.	335562	Formerly a coach house for 11 Pownal St. Adds color to town.
17 Pownal St.	335570	House c 1829 with window trim of later period. Interesting history including association with Capt. Dodd. One of our better homes.
28-30 Pownal St.	336883	Built 1872; designed by John Corbett. History of hotel keeping.
32 Pownal St.	336875	Beautiful brick symmetrical house built by Lockett, the barber,

		immediately after 1866 fire.
44 Pownal St.	336867	Another house built just after 1866 fire. Some details have been lost through renovation. Interesting history. Good streetscape.
49 Pownal St.	337808	Excellent warehouse cum office space. Owen Connolly, importer - exporter, bldg. One of the most successful conversions in Charlottetown.
60 Pownal St.	338103	Shipbuilder John Douse built this large building in 1866. Most details have been lost through incorrect renovating, but with care the building might be returned to its proper significance on the street.
93 Pownal St.	339986	Built c 1855, one of our earlier brick residences with many good details.
111-113 Pownal St.	340000	Built before 1833. An important building in scale and construction.
127 Pownal St.	341834	Many details have been lost but those remaining, i.e. dormers and facia, reflect the former glory.
140 Pownal St.	342246	Houses of this angular style were common in the United States in 1890 but we have few here. This is one of the better examples.
222 Pownal St.	345926	Built by Archdeacon Read in 1872. Good house well kept up.
238 Pownal St.	345900	Important both historically and architecturally. Built before 1825 - it is an excellent example of Regency cottage.
241 Pownal St.	345678	Built 1872. This is a well maintained house in a commanding position, with symmetrical window treatment.
15 Prince St.	335992	Symmetrical, well kept front gable.
21 Prince St.	336008	Reputed to be part of 1st Wesleyan Chapel.
26 Prince St.	336297	M.P. Hogan House
46-48 Prince St.	337345	Messrs. Pentz & Hawkins, cabinet makers, built this house in 1880. The brackets and other decoration show their skill.
47 Prince St.	337105	Delightful early cottage ornamented with later Victorian details.
51 Prince St.	337113	One of the earliest buildings (1872) where brick is used as a casing only.
62 Prince St.	338582	Thomas Alley's own home. Mr. Alley was Architect of several Charlottetown buildings including the court house.
78 Prince St. (Trinity United Church)	339499	The oldest church in town, built in 1864. Architect Thomas Alley.
96 Prince St.	340695	Brick house designed by W.C. Harris for Railway Superintendent.
100 Prince St.*	340687	Oldest house on block. Henry Smith (contractor for Gov't House) house.
101 Prince St.	340463	Island stone church designed by W.C. Harris in 1897.

(St. Paul's Church)		
101 Prince St. (St. Paul's Church Hall)	340463	Part of the Island stone complex (hall, church & manse) Architect Chappell.
112-114 Prince St.*	340646	Built before 1862; renovated 1875. Round headed windows set in squares, unusual feature.
120 Prince St.* 124 Prince St.*	340620 340612	Good representative brick building of 1870 period. John Corbett, Architect. Quirk's bakery, owner.
*This is a block of excellent buildings. They need to be preserved both for themselves and the good of the street and the important church opposite.		
186 Prince St.	344580	House built 1894 for Dr. Richard Johnson. Good details of period.
213 Prince St.	344317	Older home giving protection to its own block, and to important building opposite at 230 Prince St.
230 Prince St.	346320	Date 1838. Sumptuous brick house commemorating Haviland family. Important both historically and architecturally.
235-237 Prince St.	346221	One of the best detailed houses in Charlottetown; architecture very important.
241 Prince St.	346239	Excellent brick and stone house. The chimneys themselves are distinctive. Incorporates all the best design features of the 1887 period.
247 Prince St.	346247	Fine double tenement in a row of splendid houses. Very important streetscape.
23-25 Queen St.	335091	Well-restored mercantile building erected by James Peake, shipbuilder in 1857.
39-43 Queen St. 40 Queen St.	335646 335877	Representative buildings that, with infill, would give good scale and character to our main business street.
45-49 Queen St.	335653	This building erected in 1872 for Messrs. Owen & Welsh (ship owners & merchants), and rebuilt after a fire in 1902 to plans of C.B. Chappell is one of the largest and most impressive on the main street. The grouping of windows (divided into groups of three by vertical piers), the brick detailing at the crest, the wooden columns on the first floor are all part of the design.
52-54 Queen St.	337014	Built 1866 - interesting, relatively unchanged corner grocery.
57 Queen St.	336776	Fine brick building designed by Architect David Stirling in 1867.
71-73 Queen St.	337998	Formerly called Phoenix building, first erected in 1848, rebuilt after 1866 fire.
72-74 Queen St.	338160	Mercantile house of the Duncan shipbuilding family; erected 1855. Fine building.
75 Queen St.	338004	Great stone and brick building; the bust of Owen Connolly adds color to the street.
86 Queen St.	338145	Built 1862. A beautifully scaled, early type brick building.
92 Queen St.	339200	Originally built in 1843 by Daniel Brenan – one of the first brick

		mercantile buildings - rebuilt after fire in 1892 by Norton's, whose name is at top of building. A lot of history connected with building.
96 Queen St. 100 Queen St. 110 Queen St. (126 Richmond St.)	339192 339184 339176	All fine, strong brick buildings. Important in themselves but especially significant when taken together.
137-139 Queen St.	340257	Built in 1867, this is a good example of a strong, early style building; a landmark.
150 Queen St.	342261	A monument to the skill of Architect W.C. Harris.
156 Queen St.	342550	A small wooden building that with good renovation has added to the street.
199 Queen St. (93 Kent St, City Hall)	343566	Phillips & Chappell, Architects – 1888, Romanesque revival style.
247-249-251 Queen St.	345827	Home of master mason Charles Hartz c 1870.
269 Queen St.	345850	Important both historically and architecturally. Built before 1839 it housed the Countess of Westmoreland that winter and Admiral Bayfield for many later years. A house of National significance.
476 Queen St.	371302	The Newlands; c 1850s.
5 Queen Elizabeth Dr. (126 Brighton Rd.)	347567	One of Harris's earliest buildings, 1877.
11 Richmond Street	339713	Residence of Thomas Campbell, original contractor of the PEI railway; built in 1892
15 Richmond St.	339721	Said to have housed officers attached to Fort George - important because of early Military history.
60 Richmond St.	339044	Connaught Square
126-128 Richmond St.*	339168	Western part of Brown Block; built 1884-5; Phillips & Chappell, Architects.
132 Richmond St.*	339150	Middle part of Brown Block; see above.
134 Richmond St.*	339143	Eastern part of Brown Block; see above.
138 Richmond St.* 144 Richmond St.*	339135 339127	The Cameron Block; erected 1884; Architect W.C. Harris
154 Richmond St.*	339119	Morris block erected in 1890; Phillips & Chappell, Architects.
160 Richmond St.*	339101	Newson Block erected 1885; W.C. Harris.
*Combined buildings form Victoria Row. One of the better business block facades in town.		
165 Richmond St. (Province House)	340430	A national shrine.
175 Richmond St. (Old Court House)	340448	Thomas Alley designed this building in 1875. Although badly burned in 1976, it still has merit.
197 Richmond St.	340455	The Rectory - third part of the St. Paul's island stone complex; W.C. Harris, Architect.

215 Richmond St.	340471	The early Mission house of the Methodist Church moved from across the street; also classic design and scale of house.
220 Richmond St.	339481	Trinity Church Manse.
227 Richmond St. (1 Hensley St.)	340497	Built c 1846. Good, unchanged cottage – interesting association with Davy (Smithwright family) and Davy's Lane.
243 Richmond St.	340737	Good symmetrical, mid-19th century house undamaged by renovation; important position at corner of Square.
257 Richmond St.*	340893	Built 1870, Lemuel J. Phillips, Architect.
260 Richmond St.	339507	Hillsborough Square
263 Richmond St.*	340901	Built by Henry Smith before 1858.
265 Richmond St.*	340919	c 1900. Typical example of colonial revival style; shallow hipped roof.
267 Richmond St.*	340927	1894. Architect W.C. Harris
277 Richmond St.* 279 Richmond St.*	340943 340950	Second Empire style house built in 1870.
*Superior block of residential buildings facing on one of our main Squares.		
289 Richmond St. 293 Richmond St.	341156 341164	Two c 1900 houses contributing to a very pleasant streetscape.
294 Richmond St.	339655	This house faces on Weymouth St. next to Hillsborough Square. An 1869 house with important history - home of Master of the Rolls E.J. Hodgson.
295 Richmond St.	341172	Our only example of early (1915) decorated cement block housing; slate roof.
61 Rochford St.	341636	Designated in 2001. Second Empire style house built in 1879 – 80 by William H. Fraser, carpenter.
126 Rochford St.	345744	An excellent example of c 1910 architecture; important as protection for 140 Rochford St.
137 Rochford St.	345561	Built 1906; contributes to streetscape.
140 Rochford St.	345736	Important for historical and architectural reasons; built in 1842 by a doctor at Fort George, piece added c 1890; early plank siding such as was on Government House.
209 Spring Park Road	626218	Good architectural details (such as early verandah) remaining on c 1865 house.
37 - 39 St. Peters Rd.	274191	The Love House, built by the Love's c. 1888, after they sold their tannery to the town for construction of the new City Hall.
123 St. Peters Rd.	275503	St. Peter's Cemetery, dates to 1810s and is the resting place of two Fathers of Confederation, Coles and Haviland.
St. Peters Rd./Arterial Hwy SE cnr.	641027	Royalty Oaks wood lot; forms a small area of mature woodland within the City boundaries.

311 St. Peters Rd.	520874	Norwood; dates to late 1700s. Retains many fine details.
Off St. Peters Rd. (3 Oakland Dr.)	192245	Wright's mill site; settled in late 1700s, it is one of the most historically significant industrial areas in the province.
400 St. Peters Rd.	192336	Heartz Hall; Heartz gift 1927.
59 Summer St.	369504	Opulent house built by merchant and ship owner, William Heard.
6-8 Sunset Dr.	366831	c 1880 Queen Anne style house with corner tower and surface planes; the town has grown up around it.
9-11 Sydney St.	338988	Possible the oldest house in town; renovated at various times; log construction; commemorates shipbuilding Douse family.
15 Sydney St.	338996	A house with elegant details that was brought across the ice from Prim Point around 1860.
48 Sydney St. 52 Sydney St.	337881 337873	Interesting history to these two houses. They were each built by lessees, one in 1839 and one in 1843 - one was a tavern; plank construction was found on renovation.
58 Sydney St.	337865	Built before 1839. Early construction and scale.
70 Sydney St.	337832	Home of R. Hutchinson, Charlottetown's first Mayor and place where the first meeting of City Council took place. Details of building lost through renovation but basic shape can be seen.
90 Sydney St.	338053	Built c 1848 - a building whose fine qualities come clear on examination; splendid classic lines, great end boards.
125 Sydney St.	339069	1871 warehouse renovated sympathetically.
126 Sydney St.	338137	c 1880 Second Empire house built by John Gahan, merchant. Later home of Sisters of the Precious Blood.
167 Sydney St.	339218	House built in 1868 for Rev. A. Falconer. Renovated in 1979 by Heritage Canada.
170 Sydney St. 172 Sydney St.	338293 338285	Companion houses built c 1880. With the return of some lost details, they could contribute to the street.
174 Sydney St. 176 Sydney St. 178 Sydney St. 180 Sydney St.	338277 338269 338251 338244	A row of buildings, two brick faced and two wooden that add interest to the street; one of our few examples of row housing.
206 Sydney Street	338525	A well-proportioned building in the Georgian tradition, believed to date to circa 1860 and is a significant building on the streetscape. The designation includes both the building and property.
222 Sydney St.	338475	One of the earliest (before 1833) and architecturally best buildings. Note its window facings, end boards, salt-box shape, etc.
234 Sydney St. 236 Sydney St.	338632 338624	Built 1848. Built c 1860. Two fairly early houses that add interest to Hillsborough Square.
246 Sydney St.	338608	Notre Dame convent, built in 1869 (main part); impressive brick structure.

18 Trafalgar St.	369868	c 1875, oldest house in vicinity; exterior relatively unspoiled.
41-43 University Ave.	342360	Building dates c 1850; new front built c 1900.
260 University Ave.	359877	Old Protestant burial ground; in use 1789 – 1873; provides much historical information.
322-328 University Ave.	359695	This is a well-designed 4 tenement building with gable roof unspoiled that could be an asset to the street.
550 University Ave.	373126	UPEI - Main Building and Dalton Hall; mark the early academic life of the University and the City.
40 Upper Prince St.	360495	Alma Cottage c. 1840; home of Hon. Heath Haviland, Lieutenant Governor and one of the early mayors of the City.
55 Upper Prince St.	359497	The Ritz; was once the Methodist Church c 1870, and later converted to prestigious apartment building.
63 Upper Prince St.	359505	Served as the Rectory of the Wesleyan Church next door; Phillips and Chappell design, pre 1888.
69 Upper Prince St.	359513	The Full house, 1875; built on land purchased from Hon. Heath Haviland.
101 Upper Prince St.	359620	MacNeill house, dates to the 1920s and is an example of Sears Roebuck style.
113 Upper Prince St.	359638	Delightful house with wide centre peak and graceful verandah.
114 Upper Prince St.	360362	Handsome house with dentil trim; excellent eaves returns; even a hex mark!
58 Victoria Street	353433	Good example of pre-1850 Georgian type buildings. Scale and regularity of design their main characteristics.
2-4-6 Water St.	335034	A magnificently detailed 1897 house, designed by W.C. Harris; very well kept by owner; very necessary to the street.
8-10 Water St.	335042	Childhood home of Sir L.H. Davies, Chief Justice of Canada. Built c 1850.
17 Water St.	335521	A much admired 1863 house whose details such as the verge loops have been retained in a knowledgeable renovation.
22 Water St.	335067	Built approximately 1870. A house very well preserved that contributes very substantially to the beauty of the street.
24 Water St.	335075	Built as a warehouse or ship chandlery in 1880; it was made into an apartment building around 1929 with added details.
27 Water St.	335554	Built before 1824. Its history (such as being Queen's Head Hotel, a tourist headquarters in 1829!) adds immeasurably to the interest of the street.
50 Water St.	681007	James Peake, shipbuilder and banker's brick home built in 1836. Renovated by CADC.
49-57 Water St.	335620	Dignified mercantile brick buildings, partly built in 1861.
90 Water St.	335174	Beautifully renovated 1858 wooden house.

91 Water St.	335760	Built 1860 but in an earlier style, a most important building both architecturally and because of a colorful history (bonded warehouse).
94 Water St.	335182	Built as a Merchant's bank in 1871; good brick building, pleasantly renovated by CADC.
100 Water St.	335190	Shipbuilder Longworth family home. Charming fan light; good scale, well renovated.
100½ Water St. 102 Water St.	335208 335216	The oldest known brick house in town - 1832-33. Colorful history as well as structural importance.
104 - 108 Water St.	335224	As well as being a fine part of the row housing listed above, this building has considerable history as the offices for the Examiner newspaper.
124 Water St.	335323	An excellent example of Edwardian type brick building; visually important to street.
131 Water St.	335968	A large brick building built c 1869 by John Morris, the man who built the first brick building in Charlottetown. Interesting history - good visual presence.
140 Water St.	335349	Under the modern siding is an 1840 house, part of our shipbuilding era history.
Water St. (Wharf buildings)	335307 872028	Shipping/transportation/industry; Marine/Wharf building dated 1871 to 1900, restored in 1980s.
178 Water St. (CNR brass house)	840199	This Island stone building has great detailing.
209 Water Street	336354	One and a half storey structure exhibiting many early construction methods. May have been moved to the site.
5 West St.	365858	Home of Sir Louis Davies, only Islander to be appointed Chief Justice of Canada.
12 West St.	339846	Sumptuous house built 1897 incorporating most of the details of a Queen Anne style house; Architect C.B. Chappell.
17 West St.	365890	Built 1877. Architect W.C. Harris. A stylist house on a good residential street.
18 West St.	341735	West End House built c 1839; important for historical and architectural reasons. Poor renovation has been done on the front which should be reversed but original plank siding is still in place.
22 West St.	341727	A W.C. Harris designed stone building. Excellent part of the street.
14 Weymouth St.	725804	Such an important part of our history, former CNR station.
58 Weymouth St.	338871	Very early constructed house. Has vertical log walls. Structurally very important.
93 Weymouth St. 101 Weymouth St.	340984 340992	These companion houses were erected in 1878 by builder James Butcher. They are important visual presences in a street that has lost much of its character.

157 Weymouth	343236	A near original example of a 1915 house built for Mr. R.E. Spillett. The building boasts strong eave brackets and is a convincing contributor to the streetscape.
166 Weymouth St.	345116	A representative house of a block that fronts one of our squares.
44 York Lane	348722	The only example of mud house (adobe) construction known on the Island.

APPENDIX C - CRITERIA FOR EVALUATION

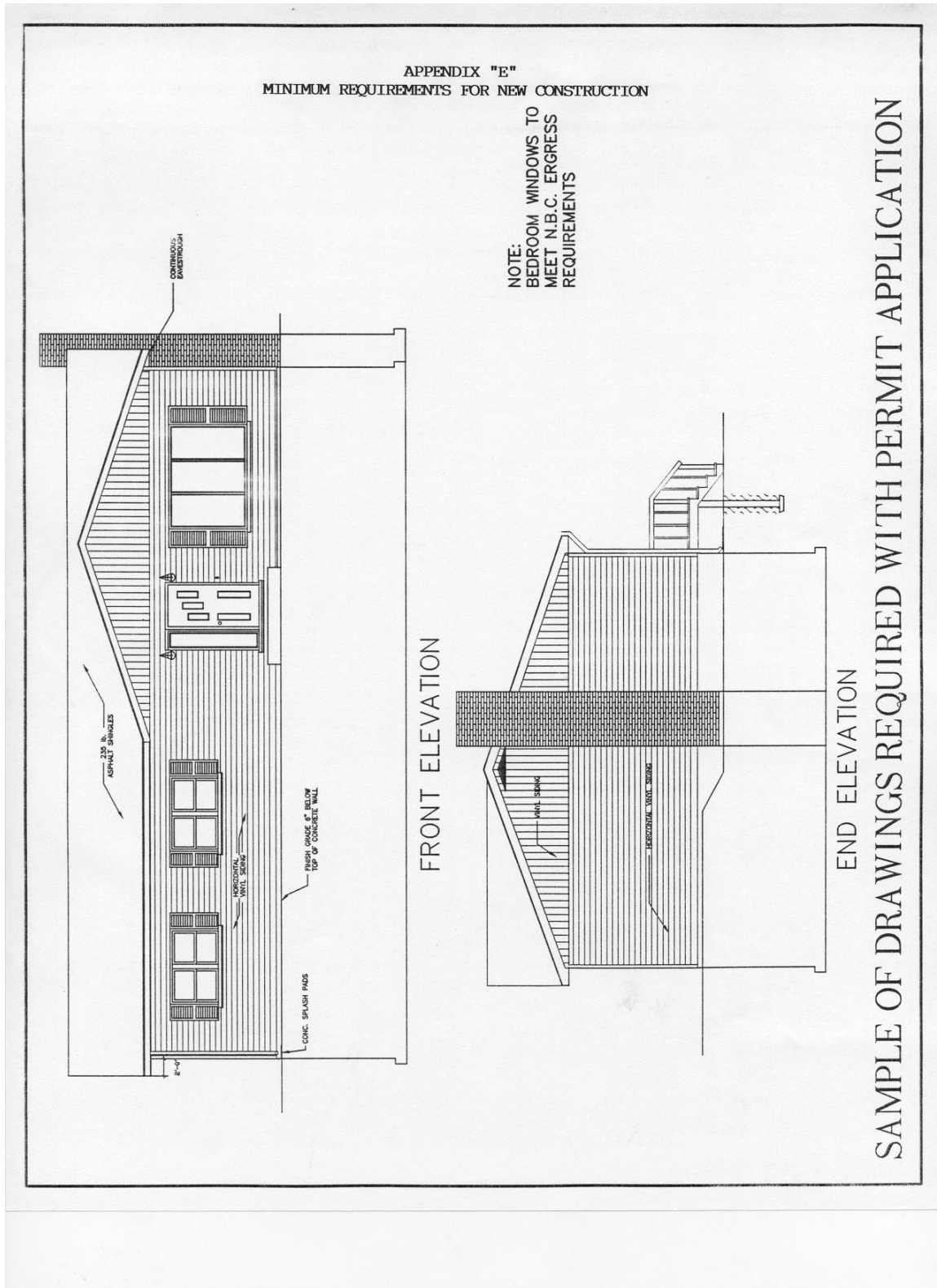
1. The Heritage Board may recommend to Council to consider the designation of any individual heritage building, heritage preservation area or special historic place or site under terms of the Heritage Section of the By-law. The Board may initiate this process itself, or it may be requested by a building or property owner or an interested third party.
2. In identifying the value of a certain building, area or site (eg waterfront, groves of trees or graveyards) as a potential designated property, the Board shall carry out research and conduct an evaluation which takes into consideration the following:
 - (a) the age of the building or structure, area or site;
 - (b) the architectural/archeological/aesthetic value of the building or structure which shall be comprised of the following elements:
 - (i) style/tradition;
 - (ii) design/craftsmanship;
 - (iii) setting/streetscape;
 - (iv) integrity;
 - (v) construction methods and materials;
 - (vi) exterior or outward appearance/condition; and
 - (vii) landmark status;
 - (c) the historic value of the structure, area or site which shall be comprised of the following elements:
 - (i) architect/builder;
 - (ii) political/economic influence;
 - (iii) social/cultural influence;
 - (iv) historical context; and
 - (v) association with event/person/activity.
3. Specific details of these criteria shall be established by the Heritage Board and provided as a separate document to any interested parties or members of the public.

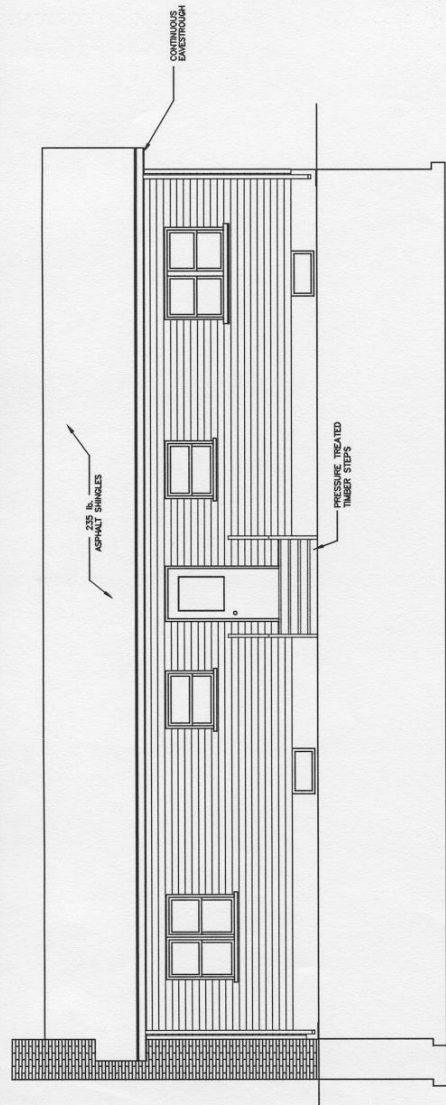
APPENDIX D - STREET CLASSIFICATIONS

ARTERIALS		COLLECTORS	
Major Arterials	Minor Arterials	Industrial/Commercial Collectors	Residential Collectors
<p>Route 1 which includes:</p> <ul style="list-style-type: none"> - Trans Canada Highway - Malpeque Road between the Trans Canada Highway and University Avenue - University Avenue - Grafton Street between University Avenue and Riverside Drive Riverside Drive Perimeter Highway Malpeque Road between the Perimeter Highway and the Trans Canada Highway Water Street Parkway St. Peters Road between City boundary and Brackley Point Road intersection Upton Road from Intersection from the Perimeter Highway to the Trans Canada Highway 	<p>Route 2 which includes:</p> <ul style="list-style-type: none"> - Euston Street between Weymouth Street and University Avenue - Longworth Avenue Route 15 or the Brackley Point Road Lower Malpeque Road North River Road Mount Edward Road Sherwood Road Belvedere Avenue Euston Street between North River Road and Longworth Avenue St. Peters Road between Brackley Point Road and Mount Edward Road 	<ul style="list-style-type: none"> Pownal Street Queen Street Prince Street Weymouth Street Kensington Road between Walker Drive and Belmont Street MacAleer Drive Garfield Street Allen Street Exhibition Drive Water Street Strawberry Lane 	<ul style="list-style-type: none"> Upton Road north of Perimeter Highway intersection Maypoint Road Esher Street Queen Elizabeth Drive Goodwill Avenue Edinburgh Drive Rochford Street Haviland Street Spring Park Road Upper Queen Street Maple Avenue between Oak Drive and Belvedere Avenue Pine Drive between Mount Edward Road and Brackley Point Road Kensington Road between Walker Drive and Perimeter Highway Norwood Road Oak Drive Northridge Parkway Fitzroy Street between Rochford Street and Kensington Road Kent Street between Rochford Street and Weymouth Street Grafton Street between Haviland Street and University Avenue Royalty Road Beach Grove Road

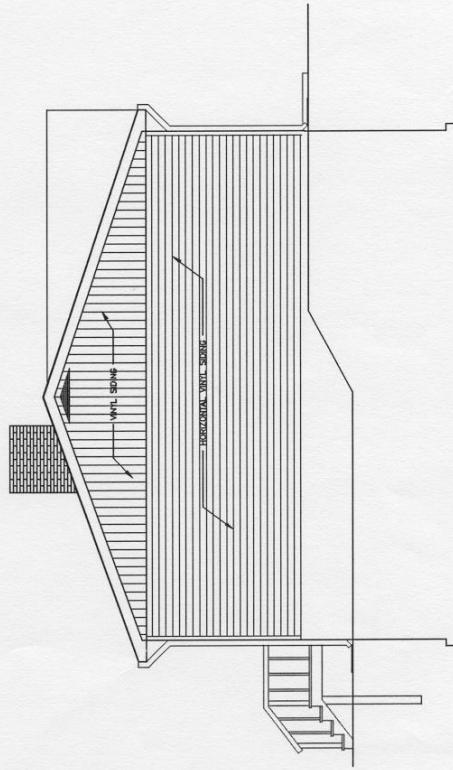
			Nassau Street Kirkwood Drive Beasley Avenue Belmont Street Park Street Charlotte Drive Brighton Road MacRae Drive
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APPENDIX E - MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION





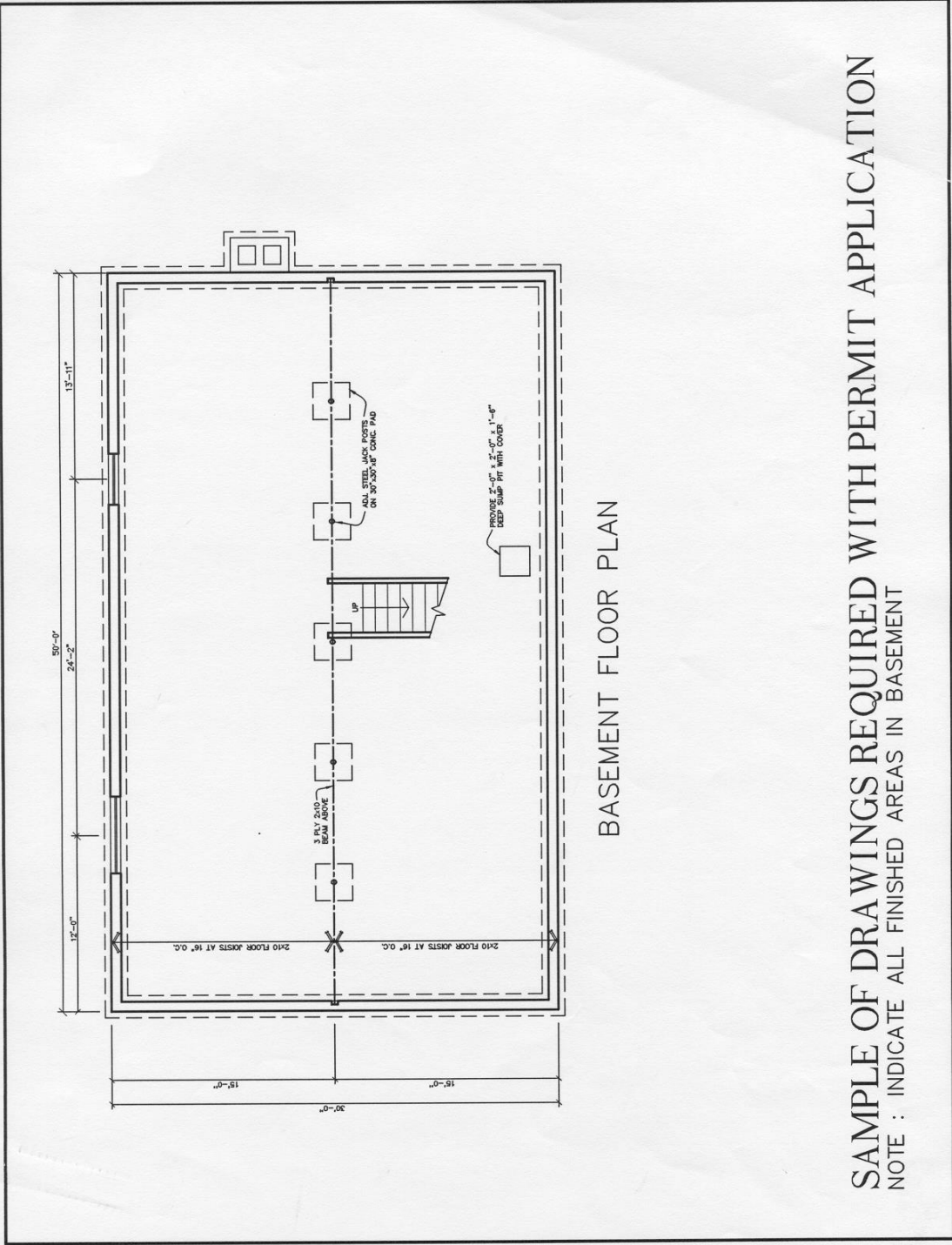
BACK ELEVATION

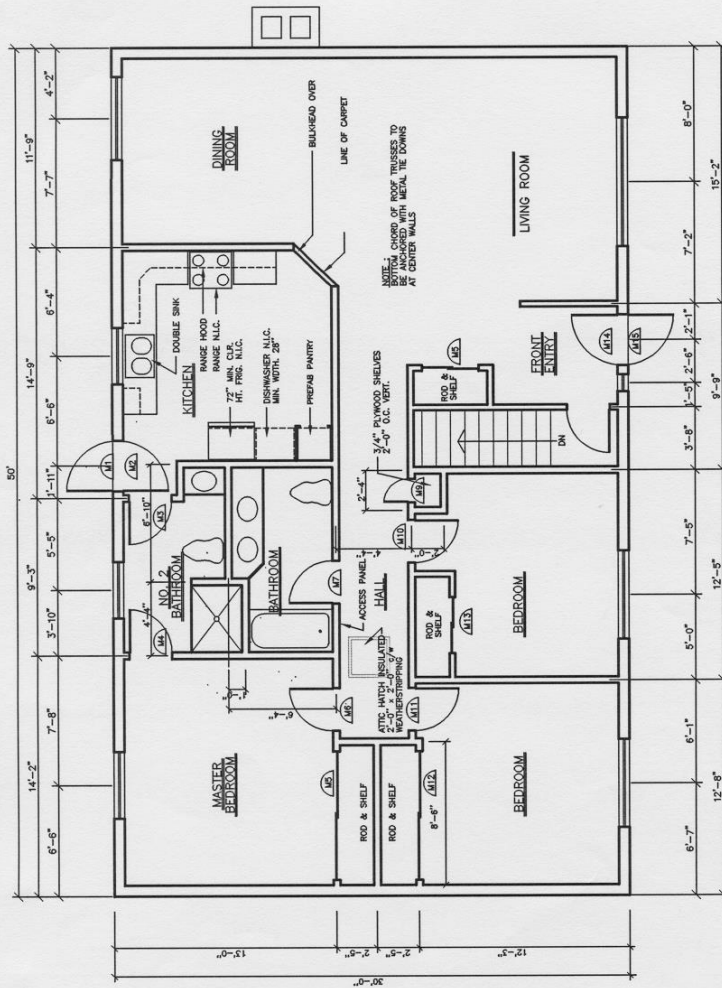


END ELEVATION

NOTE:
BEDROOM WINDOWS TO
MEET N.B.C. EGRESS
REQUIREMENTS

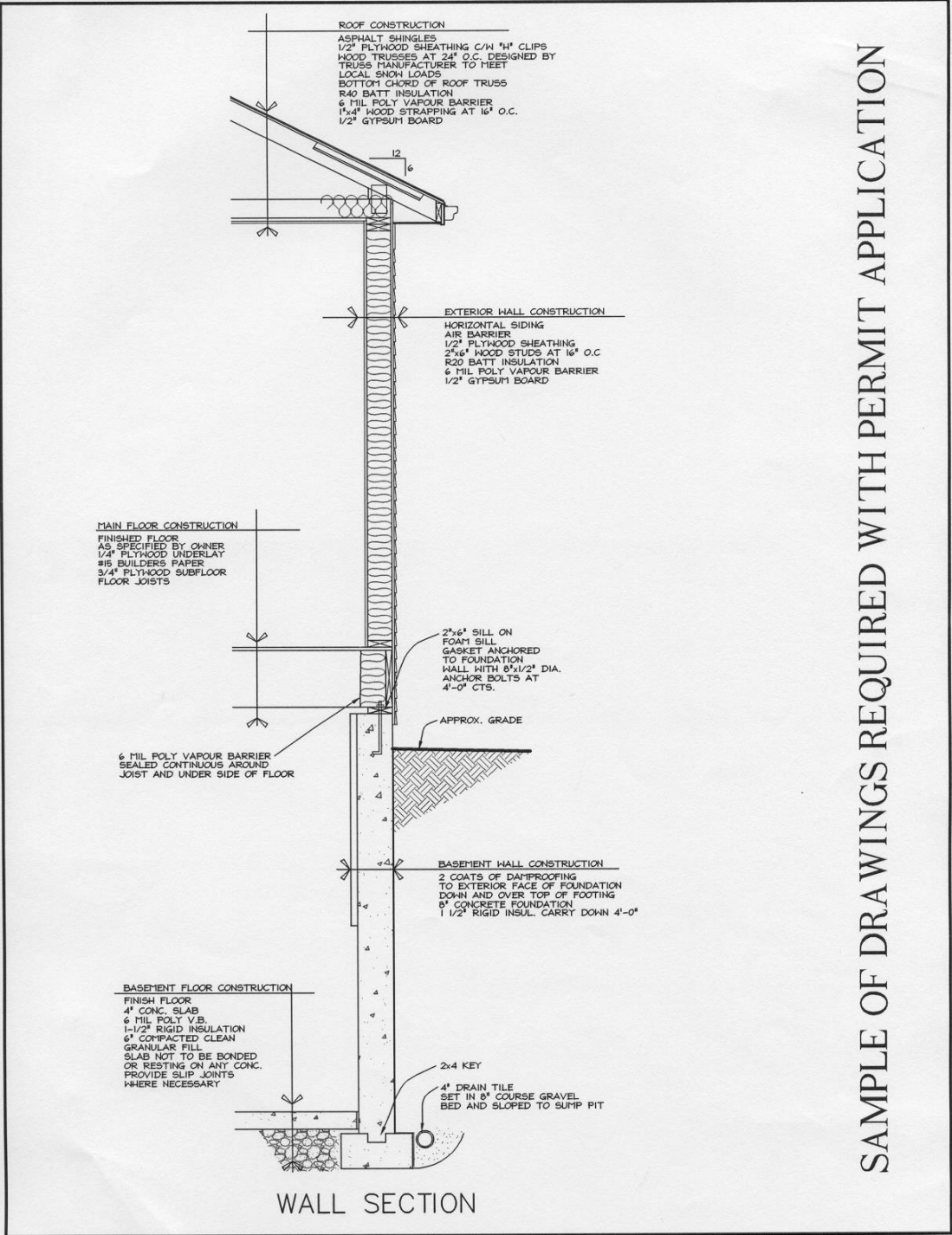
SAMPLE OF DRAWINGS REQUIRED WITH PERMIT APPLICATION



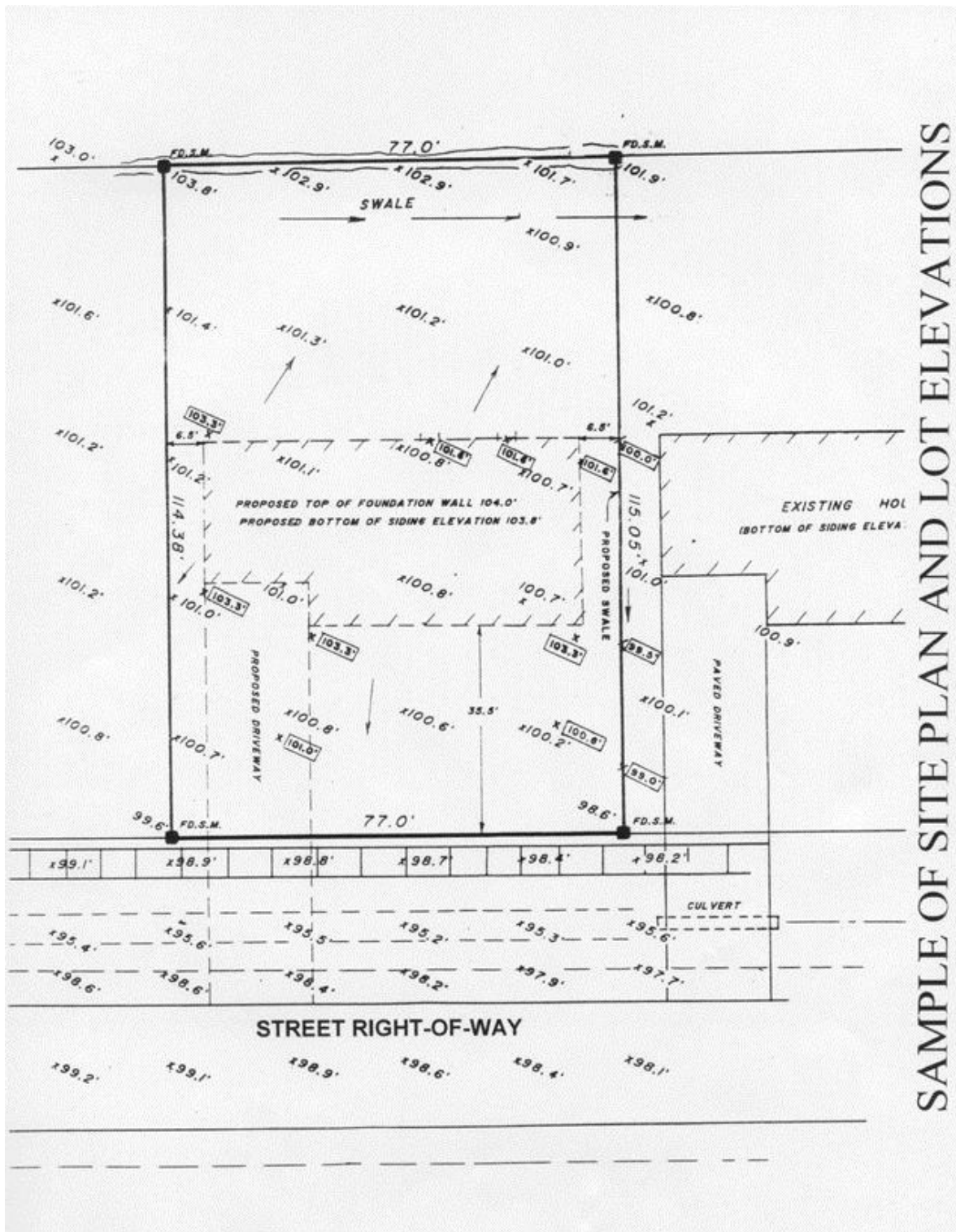


MAIN FLOOR PLAN

SAMPLE OF DRAWINGS REQUIRED WITH PERMIT APPLICATION



SAMPLE OF DRAWINGS REQUIRED WITH PERMIT APPLICATION



SAMPLE OF SITE PLAN AND LOT ELEVATIONS



Planning & Heritage Department
 19 Queen Street
 PO Box 98
 Charlottetown, PE C1A 7K2
 Phone: (902) 629-4158
 Fax: (902) 629-4156

ROUGH GRADING CERTIFICATE

Subdivision / PID Number / Address: _____

Developer: _____

Contractor: _____

Date of Application: _____

**PURSUANT TO THE CITY OF CHARLOTTETOWN ZONING & DEVELOPMENT BYLAW, SECTION 4.63 (A) I,
 OF THE FIRM _____
 HEREBY CERTIFY THAT THE ROUGH GRADING WORK NOTED HEREIN MEETS ALL THE REQUIREMENTS
 OF THE CITY'S LOT GRADING GUIDELINES.**

 Qualified Landscape Architect, Engineer or Surveyor Date: _____

 Planning & Development Date: _____

**PROFESSIONAL
 SEAL**

Approved on _____ 20 _____

 Civic Department Engineer

Rejected on _____ 20 _____

 Civic Department Engineer

Cause (s) for Rejection: (See attached report) _____

I hereby certify that the items listed as reasons for rejection have been corrected.

**PROFESSIONAL
 SEAL**

 Qualified Landscape Architect or Surveyor Date: _____

 Planning & Development Date: _____

Date Maintenance Period to Start: _____ Date Maintenance Period to End: _____



Planning & Heritage Department
 19 Queen Street
 PO Box 98
 Charlottetown, PE C1A 7K2
 Phone: (902) 629-4158
 Fax: (902) 629-4156

FINAL GRADING CERTIFICATE

Subdivision / PID Number / Address: _____

Developer: _____

Contractor: _____

Date of Application: _____

**PURSUANT TO THE CITY OF CHARLOTTETOWN ZONING & DEVELOPMENT BYLAW, SECTION 4.63 (A) I,
 _____ OF THE FIRM _____
 HEREBY CERTIFY THAT THE FINAL GRADING WORK NOTED HEREIN MEETS ALL THE REQUIREMENTS
 OF THE CITY'S LOT GRADING GUIDELINES.**

 Qualified Landscape Architect, Engineer or Surveyor Date: _____

 Planning & Development Date: _____

**PROFESSIONAL
 SEAL**

Approved on _____ 20 _____

 Civic Department Engineer

Rejected on _____ 20 _____

 Civic Department Engineer

Cause (s) for Rejection: (see attached report) _____

I hereby certify that the items listed as reasons for rejection have been corrected.

**PROFESSIONAL
 SEAL**

 Qualified Landscape Architect or Surveyor Date: _____

 Planning & Development Date: _____

Date Maintenance Period to End: _____

APPENDIX G – COMPREHENSIVE DEVELOPMENT AREA LANDS AND USES

LIST OF PROPERTIES IN THE COMPREHENSIVE DEVELOPMENT AREA ZONE AND THEIR PERMITTED USES

STREET	PID NUMBER	EXISTING OWNER	EXISTING USE	LOT AREA
Malpeque Road - East Side				
	Portion of PID#14596 1	Irving Frizzell	Agricultural	19.00
	Portion of PID#14596 1	Irving Frizzell	Equipment Sales	5.00
	901025	Hewquip Inc.	Heavy machinery sales and service	
	739433	Maypoint Holdings Ltd.	Agricultural	19.64
	388298	Moore Well Drilling Inc.	Office, well drilling equipment and storage	7.84
	388272	Roma Vautour	Home	1.00
	388264	David L. & Margaret Curley	Vacant	0.28
	388256	Nelson J. & Dorothy Blanchard	Home	0.275
	502476	Lori Anne & Roy Hood	Home	0.55
	388249	Pius George Curley	Home	19.00
	388231	Government of PEI	Vacant	0.282
	388223	Government of PEI	Vacant	1.00
	889428	100209 PEI Inc.	Vacant	26.18
Malpeque Road - West Side				

	145177	Alexander R. Rhynes Jr.	Vacant	48.00
	388314	Maritime Electric Co. Ltd.	Vacant	5.00
	577593	Heather Beaton & Donna Gallant	Vacant	1.20
	577585	Shirley Horne	Home	1.20
	388306	Diane Caroline & Randolph H. Dietrich	Home	0.74
	469841	Coles Associates Ltd.	Offices	3.00
	388280	John M. & Frances Williams	Home and farm	29.30
	568774	Richard & Susan Young	Home	0.52
	462739	J. J. MacEachern	Home	0.73
	462721	Stoyan Radanovich	Home and greenhouse	0.45
	469718	Government of PEI	Vacant	1.03
	388207	Pan American Trust Company	Vacant	7.00
Malpeque Road - East Side South of Bypass				
	388215 (Remnant)	Saint Dunstons University	Vacant	26.33
	Portion of 388215	Plaza Retail REIT.	Retail Store	3.7
Malpeque Road - West Side South of Bypass				
	387621	Alexander R. Rhynes Jr.	Home and farm	18.00
Mount Edward Road - West Side South of Bypass				
(Unless otherwise noted, the following lots have or are allowed a residential building on the street with the back portion vacant and under the CDA Zone)				

	390740	Saint Dunstans University		27.73
	390757	Graham MacPhail		2.222
	390690	Wendell G. Barbour Ltd.		3.60
	390682	Michael Edward Dooley		1.00
	390674	Albert Thomas		4.00
	390641	Joseph Elmer Martin		0.57
	390633	David and Dianne Gorveatt		4.30
	390625	David/Roy Gorveatt & Donna Jean Gallant		3.661
	390583	Amal and Linda Hashem		0.69
	390575	Amal and Linda Hashem		0.50
	390559	G. Stewart MacKay Real Estate Limited		11.00
	390534	G. Stewart MacKay Real Estate Limited		3.60
	390468	101428 PEI Inc.	Two 32-unit apartment buildings; One 60-unit apartment building; One Community Care building with maximum 90 rooms and 8,000 square feet of commercial space; One 48-unit apartment building; One 24-unit apartment building; Thirty-seven (37) townhouse units; and Fourteen (14) semi-detached units	14.90
	390443	George and Velma F. Wright		2.70
	390393	Saint Dunstans University		2.00

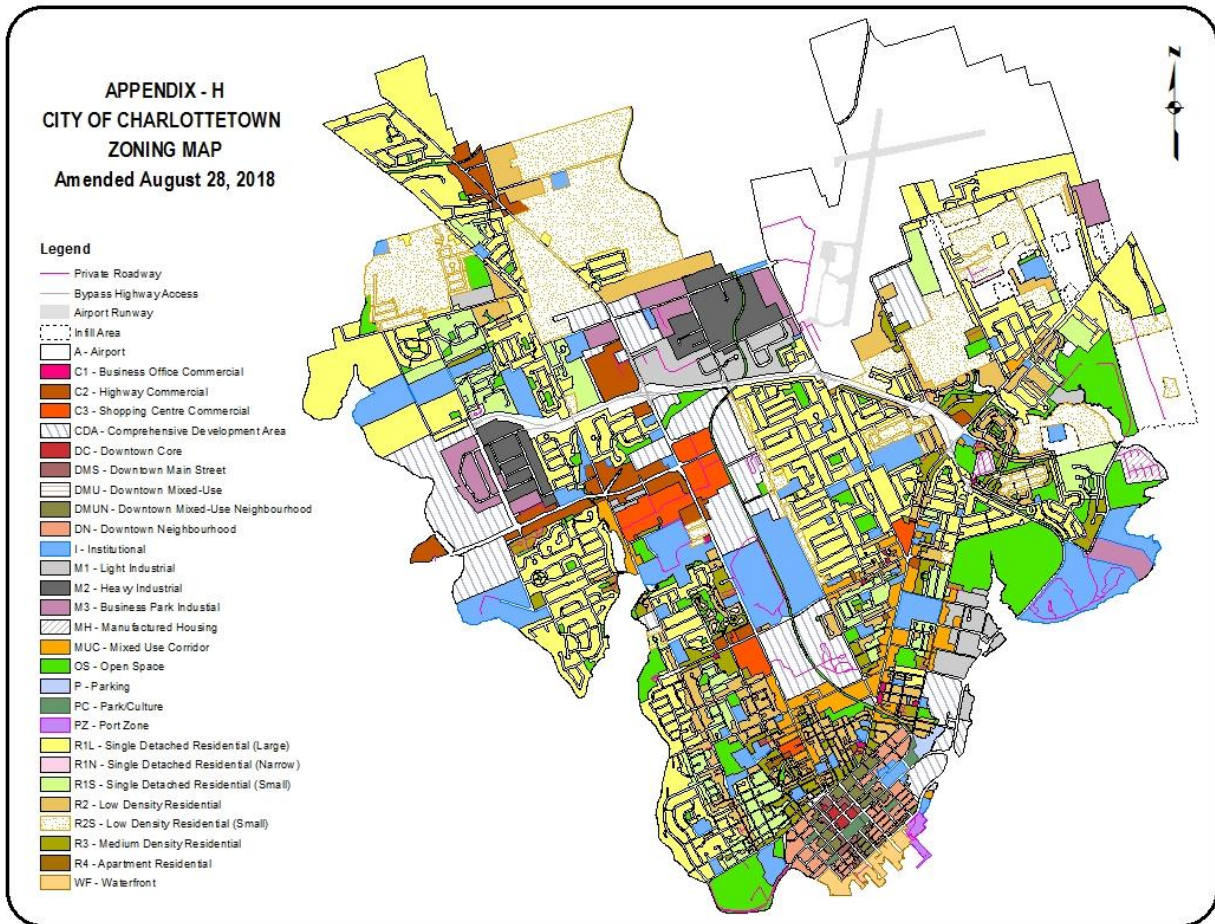
	390385	Saint Dunstons University		9.60
	390336	K-Right Communication Ltd.	Cable station, antennae, tower	6.70
	390302	Irene Pamela Stevenson		1.999
	390294	Charles & Adele Elizabeth Young		2.00
	390278	Vernon Morrison		0.50
	390260	Ronald McInnis		1.28
	684472	David S. MacDonald		0.68
	390237	Christopher Linzel / Aike Wilting / Gerard Visser		1.144
Experimental Farm				
	279224	Government of Canada	Agricultural, Ravenwood, offices, agricultural research bldgs	68.60
	372896	Government of Canada	Research Station, Farm Centre, Farmer's Market and land	58.50
	421669	Canadian Broadcasting Corporation	Office and radio/television station for CBC	2.69
	372904	Government of Canada	RCMP Detachment	2.066
University Avenue				
	387902	University of Prince Edward Island	Vacant	18.00
	373126	University of Prince Edward Island	Canada Games Facility and Open Space (Phase I of Master Plan for UPEI Campus)	36.00

Riverside Drive and North of Grafton Street				
	278739	Charlottetown Driving Park	Harness racing and associated uses	22.34
	365684	Charlottetown Driving Park	Harness racing and associated uses	4.52
	278853	Cavendish Agri Services Limited	Industrial - fertilizer warehouse and offices, some vacant land	6.91
	365916	EMCO Limited (Sumner Plumbing)	Plumbing, office and warehouse	1.07
	365593	Government of PEI	Warehouse, storage, office, sign storage, parking for Dept T&PW	6.30
	471821	Government of PEI	Outdoor storage of sand for Dept of Transportation & Public Wks	7.96
	365668	Imperial Oil Limited	Fuel storage tanks, service station/convenience store	3.70
	365924	Maritime Electric Co. Ltd.	Electric utility power grid	0.64
	365619	D.P. Murphy Inc.	Bakery	0.34
	365601	D.P. Murphy Inc.	Offices	0.23
	365643	D.P. Murphy Inc.	Restaurants (Wendy's, Tim Hortons)	1.71
	408062	Parkdale Dental Holdings	Dental Office	0.34
	825927	Charlottetown Waterfront Development Corp	Parking and open space	4.86
	776658	Irving Oil Company Limited	Fuel storage tanks, service station	10.85
South of Grafton Street				
	336545	City of Charlottetown	Pumping station	0.138

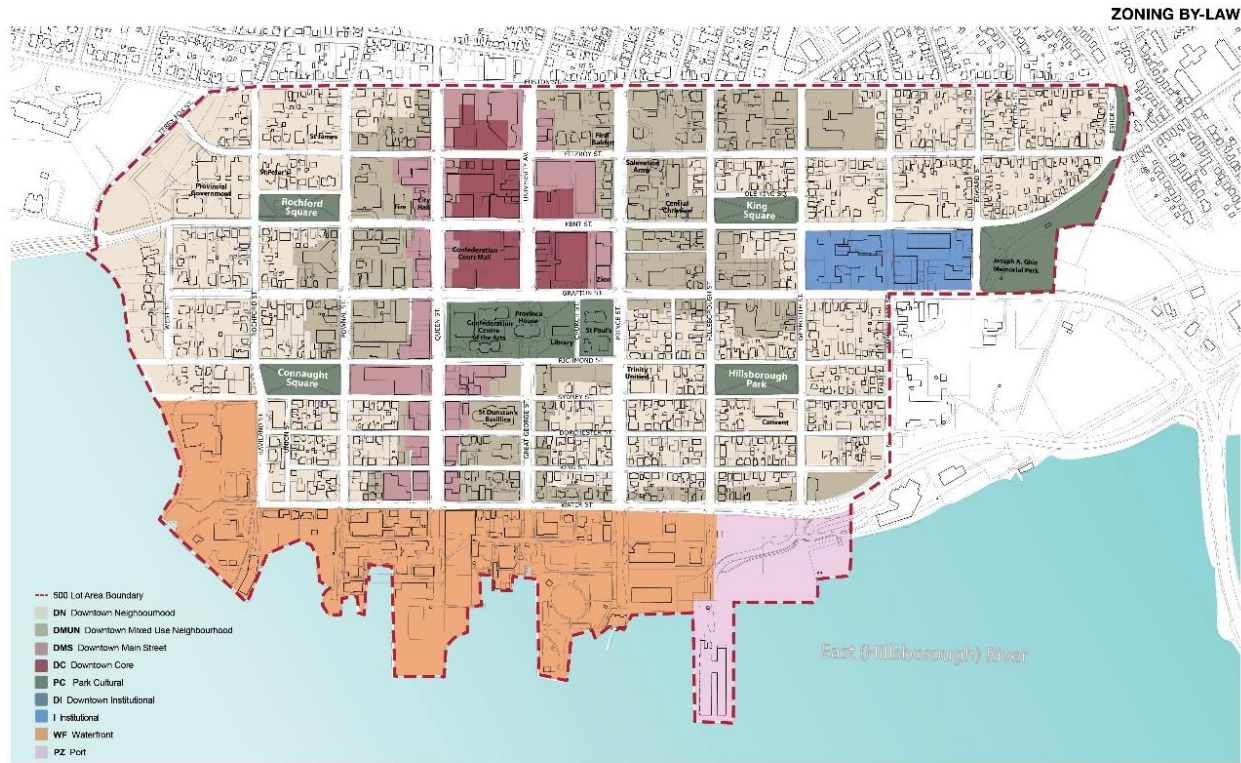
	338921 (portion)	CADC	Entertainment/Concert Venue/Parking /Digital Signage	10.75
	341396	Maritime Electric Co. Ltd.	Warehouse for utility power plant	0.30
	679381	Maritime Electric Co. Ltd.	Parking Lot (Holland College)	2.41
	338921	Maritime Electric Co. Ltd.	Utility power plant and grid, vacant land	10.75
	341537	McLaine Motors Ltd.	Auto sales, car wash	0.62
	341545	Kevin Gerald Power	Repair shop, automotive parts, tin shop	0.23
	342162	Irving Oil Company Limited	Vacant land, power grid	0.368
	341552	Irving Oil Company Limited	Service station	0.50
	825943	CADC	Entertainment/Concert Venue/Parking	6.98
Charlottetown Airport - East Royalty Road				
	134114	Government of Canada	Agricultural	126.00
	192476	Douglas Graydon Jardine	Agricultural	7.00
	192492	Wally & Madeline Walsh	Residential (single family & semi-detached dwellings)	6.81
	192500	Ella Chappell	Agricultural	15.71
Upton Farm				
	768473	Government of PEI	Green space with trails	11.01
	386532	Government of PEI	Nursing Care Facility (approx. 15 acres), remaining green space with trails	60.07
Acadian Drive				

	425892	Government of PEI	T & PW storage building, office (mini-home), sand/salt and aggregate storage	32.56
Upton Road and Charlottetown Perimeter Highway				
	Portion of PID# 773051	New Homes Plus Inc.	Residential	3.34

APPENDIX H - ZONING MAP



APPENDIX J - ZONING MAP FOR THE 500 LOT AREA



Appendix "J" Zoning Map for the 500 Lot Area

**APPENDIX K - DESIGN REVIEW: LISTING OF PROPERTIES
REQUIRING A SUBDIVISION, LOT CONSOLIDATION OR VARIANCE
TRIGGERING A DESIGN REVIEW**

Those properties that:

1) Require a subdivision, lot consolidation or variance that trigger the design review process are listed in Appendix “B” to this Bylaw. Properties noted in Appendix “B” cannot be granted a Building permit until the design review process has been initiated and the overall design of the building approved.

Zone	PID	Civic	Address	Design Review	Requirement	Date

ZONING & DEVELOPMENT BYLAW AMENDMENTS SINCE NOVEMBER 2014

SUBJECT	ZONING & DEVELOPMENT BYLAW AMENDMENT	FIRST READING	SECOND READING	THIRD READING	DATE OF MINISTERIAL APPROVAL
7 Trafalgar Street (PID# 369637)	Amendment to Appendix "H" to rezone from Institutional (I) to Single Detached Residential (R-1S).	20-February-2015	20-February-2015	9-March-2015	24-April-2015
410 Mount Edward Road (PID# 441147)	Amendment to Appendix "H" to rezone from Heavy Industrial (M-2) to Light Industrial (M-1).	20-February-2015	20-February-2015	9-March-2015	24-April-2015
Lot# 2014-3 on Salisbury Avenue	Amendment to Appendix "H" to rezone from Single-Detached Residential (R-1L) to Single-Detached Residential (R-1S)	20-February-2015	20-February-2015	9-March-2015	24-April-2015
4 Cohen Court (Lot# 2014-2)	Amendment to Appendix "H" to rezone from Single-Detached Residential (R-1L) to Single-Detached Residential (R-1S).	20-February-2015	20-February-2015	9-March-2015	24-April-2015
Mobile Canteens	Amendments to Sections 3 and 4 to include new regulations for Mobile Canteens on private property.	13-April-2015	13-April-2015	11-May-2015	27-May-2015
Saint Dunstan Street (PID# 388215)	Appendix "G" (Comprehensive Development Area Lands and Uses) to add Retail Store as a permitted use for a portion (corner of Saint Dunstan Street and Malpeque Road) of the property identified as PID# 388215 .	15-June-15	29-June-15	29-June-15	2-Jul-2015
99 Pownal Street (PID# 339994)	Amendment to Section 34-Downtown Mixed Use Neighbourhood Zone (DMUN) to add "Fitness Centre (only as it pertains to 99 Pownal Street (PID# 339994))" as a permitted use.	14-Sept-15	14-Sept-15	22-Sept-15	28-Sept-15
Garden Suites	Amendments in order to allow Garden Suites in the Single Detached Residential (R-1L), Low Density Residential (R-2) and Low Density Residential Single (R-2S) Zones.	13-Oct-15	13-Oct-15	9-Nov-15	26-Nov-15
Sherwood Road and Malpeque Road (PID# 145961)	Amendments to Appendix G to add Equipment Sales as a permitted use.	9-Nov-15	9-Nov-15	14-Dec-15	7-Jan-16
Accessory Structures	Amendment to Section 4.1 to permit larger accessory structures and to increase the number of permitted structures from 2 to 3 on lots over 1 acre	14-Dec-15	14-Dec-15	11-Jan-16	10-Feb-16

Telecommunication Towers	Amendment to remove Section 4.9.2 as it relates to telecommunications towers.	14-Dec-15	14-Dec-15	11-Jan-16	10-Feb-16
21 Royalty Road	Appendix "H" – Zoning Map of the City of Charlottetown's Zoning & Development Bylaw to rezone 21 Royalty Road (PID# 388579) from Low Density Residential Single Zone (R-2S) to Low Density Residential Zone (R-2).	14-Dec-15	14-Dec-15	11-Jan-16	10-Feb-16
Corner of Upton Road and Charlottetown Perimeter Highway	Appendix "H" – Zoning Map of the City of Charlottetown's Zoning & Development Bylaw to rezone a portion of the property (PID # 773051) located at the intersection of the Charlottetown Perimeter Highway and Upton Road from Single Detached Residential (R-1S) to Comprehensive Development Area (CDA), and to amend Appendix "G" – Comprehensive Development Area Zoned Lands and Uses to add this property to the list.	14-Dec-15	14-Dec-15	11-Jan-16	10-Feb-16
Section 4.22.2 (Neighbourhood Daycares)	To amend Section 4.22.2 of the Zoning & Development Bylaw, as it pertains to who can operate a daycare in a dwelling unit.	8-Feb-16	8-Feb-16	14-March-16	6-April-16
1 Greensview Drive (PID# 279091)	To amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw from Open Space (OS) Zone to Medium Density Residential (R-3) Zone in order to rezone a portion of the property at 1 Greensview Drive (PID# 279091).	8-Feb-16	8-Feb-16	14-March-16	8-April-16
51 Emerald Drive (PID 372250)	To amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property located at 51 Emerald Drive (PID# 372250) from Low Density Residential (R-2) Zone to Medium Density Residential (R-3) Zone.	14-March-16	14-March-16	11-Apr-16	27-April-16
Signage	That the sign regulations in the Zoning & Development Bylaw be amended as follows: Amend Section 3: Definitions to remove, add, or revise sign-related definitions; Amend Section 4.20.5 (Home Occupations) and Section 4.22.5 (Neighbourhood Daycare Centres) to comply with new sign regulations; Repeal Section 5: Sign Regulations in its entirety and replace with new sign regulations; and Amend Section 9.3.7 (Design Review Process) to comply with new sign regulations for Heritage Resources.	14-March-16	11-Apr-16	11-Apr-16	27-Apr-16
8,10,12, 14 and 16 Harley Street	To amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the properties at 8 Harley Street (PID# 274340), 10 Harley Street (PID# 274357), 12 Harley Street (PID#274365), 14 Harley Street (PID#274373) and 16 Harley Street (PID# 274381) from Low Density Residential (R-2) Zone to Medium Density	14-March-16	14-March-16	11-Apr-16	27-Apr-16

	Residential (R-3) Zone.				
Emmery Estates (extension of Hanmac Drive)	To amend Appendix "A" Future Land Use Map of the City of Charlottetown Official Plan from Low Density Residential to Medium Density Residential and to amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone a portion of Phase II (future extension of Hanmac Drive and abutting future streets) of Emmery Estates Subdivision (PID# 1057306) from Single-detached Residential (R-1S) Zone to Narrow Single-detached Residential (R-1N) Zone, Low Density Residential (R-2) Zone and Medium Density Residential (R-3) .	11-Apr-16	11-Apr-16	9-May-16	24-May-16
49 Chestnut Street (PID# 357756), 51 Chestnut Street (PID# 361519), 57 Chestnut Street (PID# 361527), 59 Chestnut Street (PID# 584755), 61 Chestnut Street (PID# 361535), 18 Passmore Street (PID# 361683), 26-30 Passmore Street (PID# 361675), 32 Passmore Street (PID# 361667) and 34 Passmore Street (PID# 361659	To amend the Medium Density Residential (R3) Zone as it applies to 49 Chestnut Street (PID# 357756), 51 Chestnut Street (PID# 361519), 57 Chestnut Street (PID# 361527), 59 Chestnut Street (PID# 584755), 61 Chestnut Street (PID# 361535), 18 Passmore Street (PID# 361683), 26-30 Passmore Street (PID# 361675), 32 Passmore Street (PID# 361667) and 34 Passmore Street (PID# 361659 to permit a four storey mixed use building with 48 dwelling units, 10 home occupations, and 4,766 sq ft of commercial space;	11-Apr-16	11-Apr-16	9-May-16	26-May-16
185-187 Belvedere Avenue	To amend Appendix "A" – Future Land Use Map of the City of Charlottetown Official Plan from Low Density Residential to Commercial and to amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the properties located at 185 Belvedere Avenue (PID# 394973) and 187 Belvedere Avenue (PID# 508192) from Low Density Residential (R-2) Zone to Mixed-Use Corridor Commercial (MUC) Zone.	11-Apr-16	11-Apr-16	9-May-16	25-May-16
Site Specific Amendments	Addition of a new Section 4.79 Site Specific or Area Specific Exceptions to the Permitted Uses and Regulations in any Zone – to outline the amendment process; Addition of a new Section 40 Site Specific or Area Specific Exceptions; and Addition of a new Appendix "B" Design Review – listing of properties requiring the Design Review process prior to approval.	11-Apr-16	11-Apr-16	9-May-16	24-May-16

View Planes	To amend Section 3.5.3 and to replace all text references of the term “viewscape” to “View Plane” within the City of Charlottetown Official Plan; and, amendments to Sections 3.244, Section 4.62, and Section 4.75 and to replace all text references of the term “viewscape” to “View Plane” within the Zoning & Development Bylaw.	9-May-16	9-May-16	13-June-16	13-Jul-16
275 Kent Street (PID #344861), 281 Kent Street (PID #344887), 285 Kent Street (PID #344895), and 295-297 Kent Street (PID #344911)	To amend the Downtown Neighbourhood (DN) Zone of the Zoning & Development Bylaw as it pertains to 275 Kent Street (PID #344861), 281 Kent Street (PID #344887), 285 Kent Street (PID #344895), and 295-297 Kent Street (PID #344911) in order to permit an Educational Institution use as a permitted use.	11-Jul-16	11-Jul-16	8-Aug-16	22-Aug-16
305 Kent Street (PID# 345140)	To amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property located at 305 Kent Street (PID# 345140) from the Downtown Neighbourhood (DN) Zone to the Institutional (I) Zone.	11-Jul-16	11-Jul-16	8-Aug-16	22-Aug-16
184 Belvedere Avenue (PID# 669796 and PID# 751701)	To amend the Business Office Commercial (C-1) Zone as it pertains to 184 Belvedere Avenue (PID# 669796 and PID# 751701) in order to increase the maximum floor area permitted for a commercial use from 310 sq m (3,336.9 sq ft) to 953.2 sq m (10,260 sq ft) to permit the construction of an addition with a building footprint of 92 sq m (990 sq ft).	12-Sept-16	12-Sept-16	11-Oct-16	22-Nov-16
4 Linden Avenue (PID# 277202)	To amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw in order to rezone the two properties at 4 Linden Avenue (PID# 277202) from the Single Detached Residential (R-1L) Zone to the Low Density Residential (R-2) Zone.	12-Dec-16	12-Dec-16	9-Jan-17	24-Jan-17
8 Stan MacPherson Way (portion of PID #841528)	To amend Appendix “A” – Future Land Use Map of the Official Plan from Port Area to Waterfront Area; to amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the property located at 8 Stan MacPherson Way (portion of PID #841528) from the Port (PZ) Zone to the Waterfront (WF) Zone and to amend the Waterfront (WF) Zone as it pertains to 8 Stan MacPherson Way (portion of PID #841528) in order to permit Automobile Sales and Services (car rental only) as a permitted use for a maximum of 15 rental vehicles.	14-Nov-16	14-Nov-16	12-Dec-16	18-Jan-17
Horseshoe Hills	To amend Appendix “H” – Zoning Map of the City of Charlottetown Zoning and Development Bylaw in order to rezone Phase II to Phase IV of Horseshoe Hills Estates Subdivision (PID #746164) from R-2S (Low Density Residential Single Zone) to R-1S (Single Detached Residential	14-Nov-16	14-Nov-16	12-Dec-16	18-Jan-17

	Zone).				
Mobile Canteens	To amend Section 4.26 of the Zoning & Development Bylaw in order to extend the operational period for mobile canteens outside of the 500 Lot Area from six months to twelve months.	14-Nov-16	14-Nov-16	12-Dec-16	18-Jan-17
33-35 Longworth Avenue	To amend to the Business Office Commercial (C-1) Zone as it pertains to 33-35 Longworth Avenue (PID# 600411) in order to permit a crematorium in the existing funeral establishment.	14-Feb-17	14-Feb-17	13-Mar-17	30-Mar-17
Funeral establishments	To amend the definition of funeral establishments, as outlined in Section 3.114 of the Zoning & Development Bylaw, to include crematoriums as a permitted use of funeral establishments.	14-Feb-17	14-Feb-17	13-Mar-17	30-Mar-17
300 Capital Drive (PID #386557)	A site specific amendment to the Highway Commercial Zone (C-2) Zone as it pertains to 300 Capital Drive (PID #386557) in order to permit a six storey (73ft in height) hotel	13-Mar-17	13-Mar-17	10-Apr-17	11-May-17
Upton Road (PID #388629)	To amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Medium Density Residential; to amend Appendix "H" City of Charlottetown Zoning Map from the Single-Detached Residential (R-1S) Zone to the Medium Density Residential (R-3) Zone in order to rezone the properties located on Upton Road (PID #388629)	13-Mar-17	13-Mar-17	10-Apr-17	11-May-17
15 Hillsborough Street (PID# 336198).	To amend Appendix "A" – Future Land Use Map of the Official Plan from Downtown Neighbourhood to Downtown Mixed Use Neighbourhood and Appendix "H" – Zoning Map of the Zoning and Development Bylaw from the Downtown Neighbourhood (DN) Zone to Downtown Mixed Use Neighbourhood (DMUN) Zone in order to rezone the property at 15 Hillsborough Street (PID# 336198).	13-Mar-17	13-Mar-17	10-Apr-17	11-May-17
49 Kensington Road PID#(276964)	To amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Commercial and Appendix "H" – Zoning Map of the Zoning and Development Bylaw from Low Density Residential (R-2) Zone to Business Office Commercial (C-1) Zone	13-Mar-17	13-Mar-17	10-Apr-17	11-May-17
East Royalty Master Plan	An amendment to the Zoning and Development Bylaw and to amend Appendix "H" City of Charlottetown Zoning Map for the neighbourhood of East Royalty and to amend various sections of the East Royalty Master Plan and "Schedule 2" East Royalty Land Use Map	12-Dec-16	12-Dec-16	9-Jan-17	2-Jun-17

302-304 Grafton Street / 92 Cumberland Street (PID# 341453), 306 Grafton Street (PID# 341446), 310 Grafton Street (PID# 341420), 90 Cumberland Street (PID# 341461), 84-86 Cumberland Street (PID# 341479), 78-82 Cumberland Street (PID# 341487), and 74 Cumberland Street (PID# 341495).	To Amend Appendix "A" City of Charlottetown Future Land Use Map from Commercial and Medium Density Residential to Institutional and Appendix "H" City of Charlottetown Zoning Map from the Mixed Use Corridor (MUC) Zone and Medium Density Residential (R-3) Zone to the Institutional (I) Zone to rezone 302-304 Grafton Street / 92 Cumberland Street (PID# 341453), 306 Grafton Street (PID# 341446), 310 Grafton Street (PID# 341420), 90 Cumberland Street (PID# 341461), 84-86 Cumberland Street (PID# 341479), 78-82 Cumberland Street (PID# 341487), and 74 Cumberland Street (PID# 341495).	10-Apr-17	10-Apr-17	21-Apr-17	6-Jun-17
355 Queen Street (PID #356485)	A site specific amendment to the Medium Density Residential (R-3) Zone as it pertains to 355 Queen Street (PID #356485) in order to permit a take-out restaurant (maximum of 75 sq. ft in area) to operate within the existing convenience store	10-Apr-17	10-Apr-17	8-May-17	19-Jun-17
246 Sydney Street (PID# 338608)	A site specific amendment to the Downtown Neighbourhood Zone (DN) as it applies to 246 Sydney Street (PID# 338608) in order to permit three fascia signs and to permit short and long term rental of 22 apartment units.	10-Apr-17	10-Apr-17	8-May-17	19-June-17
94, 96 & 98 King St. (PID #335851 and 335844)	To the Downtown Mixed Use Neighbourhood Zone (DMUN) Zone in order to permit an eleven (11) unit four (4) storey apartment building at 94, 96 & 98 King St. (PID #335851 and 335844).	12-Jun-17	12-Jun-17	10-Jul-17	30-Aug-17
Lot 101 Oak Drive (PID #392936)	An amendment to Appendix "H" City of Charlottetown Zoning Map by rezoning Lot 101 Oak Drive (PID #392936) and the adjacent lot to the east (PID #392936) from the Low Density Residential Single (R-2S) Zone to the Low Density Residential (R-2) Zone in order to permit a semi-detached dwelling or duplex.	12-Jun-17	12-Jun-17	10-Jul-17	30-Aug-17
Lot 2014-6 (PID # 1076728) on Towers Road	An amendment to Appendix "G" of the Zoning and Development Bylaw for the property located at Lot 2014-6 (PID # 1076728) on Towers Road to permit one 64 unit apartment building with underground parking and a maximum height of 50 ft. and one 24 unit apartment building with a maximum height of 39.4 ft.	12-Jun-17	12-Jun-17	10-Jul-17	30-Aug-17
Lot 2014-5 (PID # 1076702) Towers Road	An amendment to Appendix "G" "(Comprehensive Development Area Zone Lands and Uses) of the Zoning & Development Bylaw and the Development Agreement for the property at Lot 2014-5 (PID # 1076702) Towers Road in order to increase the permitted height for a 60 unit apartment building from 39.4ft to approximately 54.3 ft.	14-Aug-17	14-Aug-17	11-Sept-17	10-Oct-17

141 Mount Edward Road (PID #1068584)	A site specific amendment to the Institutional (I) Zone of the Zoning & Development Bylaw as it pertains to 141 Mount Edward Road (PID #1068584) to permit an addition which includes 18 residential apartment units.	14-Aug-17	14-Aug-17	11-Sept-17	10-Oct-17
3 Walker Drive (PID #524017)	An amendment to Appendix "A" – Future Land Use Map of the Official Plan from Industrial to Commercial and to amend Appendix "H" – Zoning Map of the Zoning & Development Bylaw from the Light Industrial (M-1) Zone to the Mixed-Use Corridor Commercial (MUC) Zone	14-Aug-17	14-Aug-17	11-Sept-17	10-Oct-17
4 Valdane Avenue (PID# 397240)	An amendment to Appendix "A" City of Charlottetown Future Land Use Map from Low Density Residential to Medium Density Residential, and Appendix "H" City of Charlottetown Zoning Map from the Single Detached Residential (R-1L) Zone to the Medium Density Residential (R-3) Zone to rezone the property at 4 Valdane Avenue (PID# 397240)	11-Sept-17	11-Sept-17	25-Sept-17	10-Oct-17
Subdivision bylaw (Section 10.6 and Section 3 Definitions)	Amendment to Sections 3 and 10 of the Zoning and Development Bylaw to clarify the obligations of property owners who wish to subdivide property with frontage on the various types of streets that exist within the City.	10-Jul-17	10-Jul-17	11-Sept-17	25-Oct-17
45 Dowling Lane	To amend Appendix "H" – Zoning Map of the Zoning & Development Bylaw from the Open Space (OS) Zone to the Light Industrial (M-1) Zone in order to rezone a portion of the property located at 45 Dowling Lane (PID #279091).	10-Oct-17	10-Oct-17	14-Nov-17	12-Dec-17
49 Chestnut Street (PID# 357756), 51 Chestnut Street (PID# 361519), 57 Chestnut Street (PID# 361527), 59 Chestnut Street (PID# 584755) and 61 Chestnut Street (PID# 361535)	A site specific amendment to the Medium Density Residential (R-3) Zone (which includes five variances) as it pertains to 49 Chestnut Street (PID# 357756), 51 Chestnut Street (PID# 361519), 57 Chestnut Street (PID# 361527), 59 Chestnut Street (PID# 584755) and 61 Chestnut Street (PID# 361535), in order to permit a 27 unit apartment building.	10-Oct-17	10-Oct-17	14-Nov-17	12-Dec-17
18 Passmore Street (PID# 361683), 26-30 Passmore Street (PID# 361675), 32 Passmore Street (PID# 361667) and 34 Passmore Street (PID# 361659)	A site specific amendment to the Medium Density Residential (R-3) Zone (which includes one variance) as it pertains to 18 Passmore Street (PID# 361683), 26-30 Passmore Street (PID# 361675), 32 Passmore Street (PID# 361667) and 34 Passmore Street (PID# 361659), in order to permit a 16 unit apartment building.	10-Oct-17	10-Oct-17	14-Nov-17	12-Dec-17
271 Kent Street (PID #344853), 275 Kent Street (PID #344861), 277 Kent Street (PID #344879), 281 Kent Street (PID #344887), 285 Kent Street (PID #344895), and 295 Kent Street (PID #344911).	To amend Appendix "A" – Future Land Use Map of the Official Plan from Downtown Neighbourhood to Institutional and Appendix "H" – Zoning Map of the Zoning & Development Bylaw from the Downtown Neighbourhood (DN) Zone to the Institutional (I) Zone in order to rezone the properties at 271 Kent Street (PID #344853), 275 Kent Street (PID #344861), 277 Kent Street (PID #344879), 281 Kent Street (PID #344887), 285 Kent Street (PID #344895), and 295 Kent Street (PID	10-Oct-17	10-Oct-17	14-Nov-17	12-Dec-17

	#344911).				
55-59 Richmond Street	A site specific bylaw amendment to the Downtown Neighbourhood (DN) Zone (including a minor variance to reduce the minimum frontage from 82 feet to 74.5 feet, a major variance to reduce the minimum grade level height from 13 feet to 9.5 feet) to permit a four storey, 23-unit apartment dwelling on the consolidated property at 55 Richmond Street (PID# 339911) and 59 Richmond Street (PID# 339929).	14-Nov-17	14-Nov-17	27-Nov-17	15-Dec-17
Bylaw Amendment #2018-03-04 Retail Sales of Cannabis	Amend Section 3 by adding new definitions and to add Retail Sales of Cannabis as a permitted use in the Highway Commercial (C-1) Zone, Shopping Centre Commercial (C-3) Zone, Mixed Use Corridor (MUC) Zone; and to add new Section 4.80 Limiting Distance Requirements.	12-Mar-18	9-Apr-18	No longer do 3 rd Readings as of March 2018 Council Meeting	17-May-18
Bylaw Amendment #2018-03-05 Underground Wiring	Add New Section 4.24.4 "Where an underground power supply currently exists in the public right-of-way or an easement (public or private) or buried underground on private property, when the property owner applies to connect the power supply to an existing or proposed building or upgrade an existing power supply, the property owner shall also be required to bury the electrical supply from the building (existing or proposed) to the adjacent right-of-way or easement (public or private) or existing buried service to the property."	12-Mar-18	9-Apr-18	No longer do 3 rd Readings as of March 2018 Council Meeting	17-May-18
Bylaw Amendment #2018-03-03 Flag Lots	Add new definition to Section 3 for Flag Lots; remove existing Section 4.39.2	12-Mar-18	9-Apr-18	No longer do 3 rd Readings as of March 2018 Council Meeting	17-May-18
Bylaw Amendment #2018-03-06 Limited Car Rental Services	Add new definition to Section 3 for Limited Car Rental Services; add Limited Car Rental Services as a permitted use to Section 44 Waterfront (WF) Zone.	12-Mar-18	9-Apr-19	No longer do 3 rd Readings as of March 2018 Council Meeting	9-May-18

<p>Bylaw Amendment #2018-03-01</p> <p>Brackley Point Road (PID #659086)</p>	<p>Amend Appendix "H" – Zoning Map of the from Single-detached Residential (R-1L) Zone to Low Density Residential (R-2) Zone in order to rezone this property to permit the construction of a semi-detached dwelling.</p>	<p>12-Mar-18</p>	<p>9-Apr-18</p>	<p>No longer do 3rd Readings as of March 2018 Council Meeting</p>	<p>19-Apr-18</p>
<p>Bylaw Amendment #2018-03-01</p> <p>PEI BioCommons Park</p>	<p><i>Amend Appendix "H" – Zoning Map of the City of Charlottetown Zoning and Development Bylaw to rezone the properties in the PEI BioCommons Park (PID #'s 386524, 1048990, 1046275, 1046283, 1074905, 1087212, 1051655 and 1047885) from Comprehensive Development Area (CDA) Zone to Business Park Industrial (M-3) Zone;</i></p> <p><i>Add to Section 3 – "Definitions" of the Charlottetown Zoning and Development Bylaw to include a definition for Research and Advanced Technology Facility as follows:</i></p> <p><i>"Research and Advanced Technology Facility" means a use where the scientific research, investigation, testing or experimentation takes place within buildings for the development of advanced information technology, prototypes, or manufacturing of advanced technology products and includes a wide variety of secondary uses relating to the operation, including technical consulting, professional and legal services, laboratory, health and wellness, food services, printing services, meeting, conference, training, boardrooms and other similar facilities;</i></p> <p><i>Amend Section 32.1 - Permitted Uses in the Business Park Industrial Zone to include a "Research and Advanced Technology Facility";</i></p> <p><i>Amend Appendix "G" – Comprehensive Development Area Lands and Uses of the Zoning and Development to remove this portion of the BioCommons Park from the appendix.</i></p>	<p>12-Mar-18</p>	<p>9-Apr-18</p>	<p>No longer do 3rd Readings as of March 2018 Council Meeting</p>	<p>27-Apr-18</p>
<p>Site Specific Amendment #2018-05-01</p> <p>151-153 Eusont Street (PID #358812)</p>	<p>Amend the Medium Density Residential Land Use designation of the Official Plan and to amend the Medium Density Residential (R-3) Zone of the Zoning & Development Bylaw as it pertains to 151-153 Euston Street (PID #358812) in order to locate a law office within the existing building, be approved, subject to the signing of a Development Agreement.</p> <p>Amend Section 17 – Medium Density Residential Zone (R-3) to include a law office as a permitted use.</p>	<p>14-May-18</p>	<p>11-Jun-2018</p>	<p>No longer do 3rd Readings as of March 2018 Council Meeting</p>	<p>10-Jul-2018</p>

<p>Bylaw Amendment</p> <p>#2018-07-03</p> <p>MacWilliams Road (PID #192161)</p>	<p>Amend Appendix "A" – Future Land Use Map of the Official Plan from Low Density Residential to Community Institutional for a portion of the property located on MacWilliams Road (PID #192161);</p> <p>Amend Appendix "H" – Zoning Map of the Zoning & Development By-law from the Low Density Residential (R-2) Zone to the Institutional (I) Zone for a portion of the property located on MacWilliams Road (PID #192161);</p>	<p>09-Jul-18</p>	<p>13-Aug-18</p>	<p>No longer do 3rd Readings as of March 2018 Council Meeting</p>	<p>28-Aug-2018</p>
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