

COMMUNITY OF SHERBROOKE

Zoning & Subdivision Control (Development) Bylaw

1.0 INTRODUCTION



April, 2015

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Sherbrooke Planning Board
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TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
1.1	Title	
1.2	Authority	
1.3	Planning Area	
1.4	Scope	
1.5	Authority of the Development Officer	2
2.0	DEFINITIONS	3
3.0	ZONES AND ZONING MAP	16
3.1	Zones	
3.2	Interpretation of Zoning Boundaries	
3.3	Zoning Map	17
3.4	Permitted Uses	
3.5	Certain Words	
3.6	Defined Terms	
3.7	Units of Measure	
3.8	Appendices	
4.0	ADMINISTRATION	18
4.1	Development Permit Required	
4.2	No Development Permit Required	
4.3	Moving of Buildings	19
4.4	Permit Applications	
4.5	Payment of Fees	
4.6	Development Permit	
4.7	Site Plan	20
4.8	Conditions on Permits	
4.9	Development Agreement	
4.10	Other Information	21
4.11	Authorization for Inspection	
4.12	Permits Posted	22
4.13	Fire Marshal's Approval	
4.14	Surveys Required	
4.15	Development Restrictions	

4.16	Construct in Accordance with Application	23
4.17	Denying Permits	
4.18	Appeals	40
5.0	GENERAL PROVISIONS FOR ALL ZONES	25
5.1	Accessory Buildings and Structures	
5.2	Building to be Erected on a Lot	26
5.3	Building to be Moved	
5.4	Existing Non-conforming Buildings	
5.5	Existing Non-conforming Lots	
5.6	Non-conforming Uses	27
5.7	Lot Frontage	28
5.8	Mixed Use	
5.9	Public Utilities	
5.10	Petroleum Storage	29
5.11	Entrance Way Permit	
5.12	Temporary Uses, Buildings and Structures	
5.13	Accessibility	30
5.14	Height Regulation Exemptions	43
5.15	Licenses, Permits and Compliance with Other Bylaws	
5.16	Side Yard Waiver	31
5.17	Outdoor Swimming Pools	
5.18	Through Lots	32
5.19	Visibility at Street Intersections	
5.20	Wind Energy System	
5.21	Recreational Trailer or Vehicle	
5.22	Summer Cottages	33
5.23	Mobile and Mini Homes	
5.24	Accessory Apartment	48
5.25	Conformity with Existing Setbacks	34
5.26	Special Requirements for Bed and Breakfast Operations	
5.27	Signs	35
5.28	Summerside Region Special Planning Area Regulations	49
6.0	PARKING REQUIREMENTS	36
6.1	Parking Requirements	50
6.2	Parking Area Standards	
6.3	Loading Space	37
7.0	AGRICULTURAL (A1) ZONE	38
7.1	General	
7.2	Permitted Uses	52
7.3	Special Permitted Uses	

7.4	Lot Requirements	39
7.5	Residential-Commercial Operation	
7.6	Group Homes	40
7.7	Intensive Livestock Operations	56
8.0	GENERAL COMMERCIAL (C1) ZONE	42
8.1	General	
8.2	Permitted Uses	57
8.3	Special Permitted Uses	
8.4	Lot Requirements	43
8.5	Special Requirements General Commercial (C1) Zone	
9.0	PRIMARY RESOURCE COMMERCIAL (C2) ZONE	44
9.1	General	
9.2	Permitted Uses	60
9.3	Special Permitted Uses	
9.4	Lot Requirements	45
9.5	Special Requirements Primary Resource Commercial (C2) Zone	
10.0	ENVIRONMENTAL RESERVE (O2) ZONE	47
10.1	General	62
10.2	Permitted Uses	63
10.3	Zone Requirements	64
11.0	PUBLIC SERVICE and INSTITUTIONAL (PSI) ZONE	48
11.1	General	
11.2	Permitted Uses	
11.3	Special Permitted Uses	
11.4	Lot Requirements	
11.5	Special Requirements Public Service and Institutional (PSI) Zone	49
12.0	VARIANCE	50
13.0	GENERAL PROVISIONS FOR SUBDIVIDING LAND	51
13.1	Subdivision Approval	
13.2	Conveying Interest in a Lot	
13.3	Permission to Subdivide	
13.4	Changes to Existing Lots	52
13.5	Procedure	

13.6	Parkland Dedication and/or Park Dedication Fee	54
13.7	Subdivision Agreement	
13.8	Final Approval	55
13.9	Severances / Consolidation	56
13.10	Development Permits	
13.11	Rescinding or Altering Approval	
14.0	ZONING and OFFICIAL PLAN AMENDMENTS	57
14.1	Amendment Applications	
14.2	Amendment Procedures	
15.0	PENALTIES	60
16.0	REPEAL	60
16.1	Effective Date	
16.2	Repeal	
	Appendices	61
A -	Zoning Map	62
B -	Fee Schedule	63
C -	Province-Wide Minimum Development Standards Regulations	64
D -	Public Meeting	69
E -	Summerside Region Special Planning Area Regulations	71

1.3 Planning Area

This Bylaw shall apply to the geographical area within which the Community of Sherbrooke Council has jurisdiction.

1.4 Scope

No Dwelling, Business, trade, or industry shall be located, nor shall any Building or Structure be Erected, Altered, Used or have its Use changed, nor shall any land be developed, Subdivided, consolidated or Used in the Community of Sherbrooke, except in conformity with this Bylaw and subject to the provisions contained herein.

COMMUNITY OF SHERBROOKE

Zoning & Subdivision Control (Development) Bylaw

1.0 INTRODUCTION

1.1 Title

- 1) This Bylaw shall be known and may be cited as the Community of Sherbrooke Zoning & Subdivision Control (Development) Bylaw or the Development Bylaw.
- 2) The following Bylaw shall regulate and control the Subdivision of land and shall regulate the location and the use of land, Building and Structures, and for the purpose to divide the lands within the Community of Sherbrooke into Zones pursuant to the provisions of the Planning Act, having due regard to:
 - a. the promotion of the health, safety, convenience and welfare of the public;
 - b. the preservation of the natural environment;
 - c. the nature of its present and prospective land uses;
 - d. the promotion of sound environmental and agricultural practices; and
 - e. the implementation of the Sherbrooke Official Plan.

1.2 Authority

This Bylaw is enacted under the authority of the *Planning Act, R.S.P.E.I. 1988, Cap. P-8*, referred to here as the "*Planning Act*".

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1.5 Authority of the Development Officer

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

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 - (d) new public service and institutional operations or existing public service and institutional operations wishing to expand;
 - (e) new recreation and Public Open Space operations or existing recreation and Public Open Space operations wishing to expand;
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2.0 DEFINITIONS

- (1) For the purpose of this Bylaw, all words shall carry their customary meaning except for those defined hereafter.

In this Bylaw:

"Accessory Building" means a separate subordinate Building, not Used for human habitation which is Used or intended for the better or more convenient enjoyment of the Main Building to which it is accessory, and located upon the parcel of land upon which such Building is to be Erected.

"Accessory Apartment" means a self-contained Dwelling Unit constructed in an owner-occupied Single Family Dwelling, reviewed and approved by the Fire Marshall's Office. There shall be no more than one (1) Accessory Apartment permitted per Single Family Dwelling.

"Accessory Use" means a Use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main Use of land or Building and located on the same Lot.

"Administrator" means the Administrator of the Community of Sherbrooke.

"Agricultural Use" means a Use of land and Buildings for Farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry.

"Alter" means to make a change in the site, shape, bulk or Structure, whether interior or exterior, of a Building or any part thereof, but does not include repairs carried out for the purposes of maintenance or non-structural Renovation or improvement.

"Amenity Areas" means on the site outdoor space designed for active or passive Recreational Uses.

"Animal Kennel" any part of a Lot, Building Structure or establishment where Domestic Animals excluding Livestock are kept, bred, boarded or trained for profit or gain for the purposes of breeding, boarding, grooming, commercial, or animal welfare purposes.

"Animal Kennel Run" shall mean a Fenced area provided for the Use of Domestic Animals housed in a Structure.

"Applicant" means any Person responsible for completing an application for a Subdivision, Development Permit or zoning or Official Plan amendment and for fulfilling any required preconditions or conditions of permit approval under this Bylaw.

"Council" means the Community Council of the Community of Sherbrooke.
Community of Sherbrooke Zoning & Subdivision Control (Development) Bylaw

“Authority Having Jurisdiction” means Province, Council, the Development Officer or an agent of the Community of Sherbrooke.

“Bed and Breakfast Operation” means a Dwelling occupied by a Family and used incidentally to provide accommodation of up to three (3) separate rooms and meals to transient travellers, and shall include Tourist Homes, but shall exclude Boarding Houses, Rooming Houses, domiciliary hostels, Group Homes, Hotels, Motels, Restaurants and Lounges.

“Block” means the smallest unit of land that is bounded on all sides by Watercourses, Streets, Zone boundaries, large tracks of land, or any combination thereof as determined by the Authority Having Jurisdiction.

“Boarding or Rooming House” means a Single Family Dwelling in which the owner supplies either room or room and board for compensation for more than 2 but not more than 4 bedrooms exclusive of the owner and which is not open to the general public;

“Buffer Zone” means the fifteen 15 metre wide area adjacent to all Watercourses and Wetlands as per PEI Department of Environment, Labour and Justice, *Environmental Protection Act, R.S.P.E.I. 1988, Cap. E-9 and Watercourse and Wetland Protection Regulations*.

“Building” includes any Structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any Person, animal or chattel, and includes a Mini Home or existing Mobile Home.

“Building Height” means the vertical distance measured from the averaged finished Grade to the highest point of roof surface.

“Building Line” means any line regulating the position of a Building or Structure on a Lot.

“Business” means Premises where goods and/or services are offered, including but not limited to Premises used for the retail, wholesaling, manufacture or conversion of goods.

“Change of Use” means the Change of Use of a Parcel of land or a Building from one class of Use to another or an increase in the intensity of Use, including an increase in the number of Dwelling Units.

“Child Care Facility” means any place where or in which child care is offered at any time to:

- (i) more than six children;
- (ii) more than five children all of whom are less than six years of age; or
- (iii) more than three children all of whom are less than two years of age.

“Church/Religious/Multi-cultural Building” means any Structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any Person(s) attending meetings of certain rituals, religious doctrines and/or practices.

“Clinic” means a Building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a Professional Office of a doctor located in his or her residence;

“Commercial Activities” means the use of land, Building or Structure for the purpose of buying and selling commodities and supplying of services, excluding manufacturing, warehousing and other similar uses.

“Community / Municipality” means the Community of Sherbrooke.

“Community Care Facility” means an establishment that provides care services for compensation to five or more residents who are not members of the operator's Immediate Family but does not, unless otherwise ordered by the Lieutenant Governor in Council, include:

- i) a Group Home recognized as such by the Minister;
- ii) a residential school;
- iii) an establishment providing accommodation only;
- iv) a Hospital;
- v) a correctional institution;
- vi) a facility in which addiction treatment services are provided;
- vii) a Nursing Home; or
- viii) a residential or nursing care home which is operated by or on behalf of the Province.

“Community Centre” means any Building or part thereof used for community activities whether used for commercial purposes or not the control of which is vested in the Municipality, a local board or agent thereof; or a non-profit organization;

“Consolidation” means the legal incorporation of two or more existing Parcels of land to form a single, larger Parcel.

“Convenience Store” means a retail commercial establishment supplying daily household necessities for an area in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to compliment such items which may include the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, tobacco products and video tape sales and rentals.

“Council” means the Community Council of the Community of Sherbrooke.

Community of Sherbrooke Zoning & Subdivision Control (Development) Bylaw

“Deck” means a Structure intended as outdoor living space, either attached or adjacent to a Building.

“Demolition” means the removal, pulling down or destruction of a Structure.

“Development” means the carrying out of any construction operation, including excavation, in preparation for Building, on, over or under land, or the making of any material change in the Use, or the intensity of Use of any land, Buildings, or Premises and includes the placing of Structures on, over or under land.

“Development Agreement” means a legally binding written agreement between Council and a developer, covering such matters deemed by Council to be pertinent and necessary to the final approval of any Development or Subdivision of Property within the Community.

“Development Officer” means any Person authorized by Council to act on its behalf with respect to the implementation of the Community’s Official Plan and Zoning and Subdivision Control Bylaw.

“Development Permit” means the formal and written authorization for a Person to carry out any Development including Alterations or Erections of a Building or Structure, except where such Alterations or Erections are in conformance with this Development Bylaw and subject to the provisions contained herein.

“Dog House” shall mean any Building or Structure where dogs are kept by residents as pets and not for breeding, boarding, commercial, or animal welfare purposes.

“Dog Run” means a Fenced area provided for the Use of dogs which are kept by residents as pets and not for breeding, boarding, commercial or animal welfare purposes.

“Domestic Animals” means animals such as and including dogs, cats, budgies, parrots, parakeets, hamsters, gerbils and guinea pigs.

“Domestic Arts” means a vocation that can be carried out in a Dwelling Unit which shall include and be limited to:

- (a) dressmaking and tailoring;
- (b) hairdressing, barber shop and esthetics;
- (c) instruction in the arts; and
- (d) arts and crafts, weaving, painting, sculpture, and repair of Garden or household ornaments, Personal effects or toys.

“Dwelling” means a Building or portion thereof designed, arranged or intended for residential occupancy, and

- (i) **"Accessory Single Family Dwelling"** means a separate subordinate Building designed or Used for occupancy as one Dwelling Unit for the sole purpose of accommodating a Person and their Family employed by the Owner(s) of the Farm Property Main Building Single Family Dwelling.
- (ii) **"Dwelling Unit"** means one or more habitable rooms designed or intended for Use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided.
- (iii) **"Semi-detached Dwelling"** - means a Building divided vertically into two (2) separate units, each with their own Street Frontage and outdoor entrance.
- (iv) **"Single Family Dwelling"** means a Building containing one Dwelling Unit and includes Modular Homes but does not include Mobile Homes or Mini Homes.

"Entrance Way Permit" means a permit for a legal access to a Street in accordance with *Roads Act* Highway Access Regulations as administered by the Province of Prince Edward Island Department of Transportation and Infrastructure Renewal or its successor.

"Erect" means to build, construct, reconstruct, Alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, filling or draining.

"Family" means or may encompass individuals residing in one (1) Dwelling Unit, or group of individuals related by marriage, cohabitation, blood or adoption residing together in one (1) Dwelling Unit and includes domestic servants, non-paying guests and foster children, and not more than two (2) roomers or boarders living in the Dwelling Unit.

"Farm or Farm Property" means land, including any complementary Buildings, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of Livestock or production of raw dairy products, and may comprise a lesser area when operated as a Farm Enterprise by a bona fide farmer as defined in the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4.

"Farm Enterprise" for the purposes of these regulations has the same meaning as set out in the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-5.

"Farm Gate Outlet" means an Accessory Use located on a Farm for sale only of its own agricultural products and excluding sale of Farm products not grown on the Premises or any non-Farm products, and excluding a Plant Nursery.

"Farm Market" means a Building in which Farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.

"Fence" means an artificially constructed barrier of any material or combination of materials Erected to enclose or screen areas of land.

"Floor Area" means:

(i) With reference to "Dwelling" the area contained within the outside walls excluding any Private Garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year.

(ii) With reference to "Commercial Building" the total usable Floor Area within a Building used for commercial purposes excluding washrooms, furnace rooms and common halls between stores.

(iii) With reference to "Accessory Building" the area contained within the outside walls.

"Frontage" means all land abutting on one side of a Street or Road measured along the Street or Road line.

"Grade" (as it applied to the determination of Building Height) means the lowest of the average levels of finished ground adjoining each exterior wall of a Building, except that localized depressions such as for Vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

"Group Home" means a Building recognized as such by the Minister of Health and Wellness or its successor for accommodating individuals.

"Institutional Buildings" means Premises, other than retail or industrial, used for Community services and includes but is not limited to:

- (a) Community Centres;
- (b) government offices;
- (c) Clinics and hospitals;
- (d) libraries, museums, theatres and art galleries;
- (e) public and private recreational centres;
- (f) public and private Utility Buildings;
- (g) child care facilities;
- (h) fire halls;
- (i) visitor information Building;
- (j) Churches, places of worship and Religious institutions;
- (k) schools;
- (l) Nursing Homes; and
- (m) Senior Citizen Housing.

"Intensive Livestock Operation" means the rearing of Livestock or poultry which may be confined in Buildings, open sheds, Yards, paddocks or by field grazing, the numbers of which, type of management system, minimum separation distance, etc., as recommended by the P.E.I. Department of Agriculture and Forestry's "Guidelines for Manure Management and Separation

Distances" shall define intensive Use for the purpose of evaluating the environmental impact of such an operation on the surrounding area.

"Landscaping" means any combination of shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, Screening or other architectural elements, all of which is designed to enhance the visual amenity of a Property or to provide a screen between properties in order to mitigate objectionable features between them.

"Light Pollution" means any adverse or intrusive effect of artificial light sources including sky glow (illumination of the night sky), glare, light trespass (unwanted light entering one's Property), light clutter (excessive grouping of lights), decreased visibility at night, and energy waste. Also means any annoying light that intrudes on otherwise natural or low light setting.

"Livestock" means animals such as and including: horses, cattle, buffalos, sheep, swine, goats, poultry, fox, mink, chinchilla, rabbits, camelids, llamas, alpacas, donkeys, emus and ostrich.

"Loading Space" means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.

"Lot or Property" means any Parcel of land which is held in separate Ownership from the adjoining land and

- (i) "Lot Area" means the total area included within the Lot Lines.
- (ii) "Corner Lot" means a Lot situated at an intersection of and abutting on two or more Streets.
- (iii) "Flankage Lot Line" means the Side Lot Line which abuts the Street on a Corner Lot.
- (iv) "Front Lot Line" means the Lot Line abutting the Street upon which the Building or Structure Erected or to be Erected has its principal entrance.
- (v) "Interior Lot" means a Lot other than a Corner Lot.
- (vi) "Lot Depth" means the depth from the Front Lot Line to the Rear Lot Line.
- (vii) "Lot Line" means any boundary of a Lot.
- (viii) "Rear Lot Line" means the Lot Line further from and opposite to the Front Lot Line.

(ix) "Side Lot Line" means a Lot Line other than a front, rear or Flankage Lot Line.

(x) "Through Lot" means a Lot bounded on two opposite sides by Streets.

"Lounge" means a liquor establishment licensed by the Prince Edward Island Liquor Control Commission but it does not include an establishment licensed as an eating establishment.

"Main Building" means any Building in which is carried on the principal purpose for which the Lot is used.

"Main Wall" means the exterior front, side or rear wall of a Building and all structural members essential to the support of a full or partially enclosed space or roof.

"Mini Home" means a pre-manufactured Dwelling Unit having an average width of less than 20 ft. (6.1 m), not including entries, porches or other appurtenances and certified under the Z240 provisions of the Canadian Standards Association (CSA).

"Mini Home Park" means a parcel of land on which a number of Mini Home sites are provided, and which may include other directly related Uses.

"Modular Home" means any Dwelling Unit which is manufactured and sold as such by the housing industry; and which, though transported to a Building site, is then placed on a poured or slab foundation, and which, for clarification purposes is not a "Mobile Home".

"Mobile Home" means a transportable Dwelling Unit suitable for long-term occupancy, designed to be transported on its own wheels and chassis, and, when located, fixed on a firmly grounded foundation.

"Motel / Hotel" means a Building or Buildings used to accommodate the traveling public for compensation, by supplying them with sleeping accommodation and accessory services such as Restaurants, cooking facilities and licensed liquor establishments.

"Nursing Home" means an establishment that, for compensation, provides continual residential accommodation with meals and housekeeping and nursing services, as required, to any five or more residents but does not, unless otherwise ordered by the Lieutenant Governor in Council, include:

- (i) a Group Home recognized as such by the Minister,
- (ii) a residential school,
- (iii) an establishment providing accommodation only,
- (iv) a hospital,
- (v) a correctional institution,

- (vi) a facility in which addiction treatment services are provided,
- (vii) a Community Care Facility, or
- (viii) a residential or nursing care home which is operated by or on behalf of the Province.

“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 electronic interference or by reason of the emission of gases, fumes, dust, and any objectionable odor, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

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

“Owner” means a Person who legally owns a Lot and is a registered land Owner; and may include or encompass, a tenant, lessee, or other Person in possession or occupancy of the subject Lot or Building; or an executor, Administrator, trustee, agent, or other Person managing the subject Lot or Building for the registered Owner.

“Parking Lot” means an open area of land other than a Street or access driveway, or an area within a Structure used for the parking of Vehicles.

“Parking Space” means a space on a Parking Lot for the temporary parking or storage of a Vehicle.

“Person” includes an individual, association, firm, partnership, corporation, incorporated company, organization, trustee, or agent, and the heirs, executors, or other legal representatives of a Person to whom the context can apply according to law.

“Personal Service Shop” means a Building in which Persons are employed in furnishing services and otherwise administering to the individual and Person needs of Persons (including but not limited to: barbershop, hairdressing shops, beauty parlours, shoe repair, Laundromats, tailoring, dry-cleaning, etc.).

“Pharmacy” means a premise which includes the traditional roles such as compounding and dispensing medications, and it also includes more modern services related to health care, including Clinical services, reviewing medications for safety and efficacy, and providing drug information besides retailing other miscellaneous items such as confectionary, cosmetics, office supplies, and magazines.

“Plant Nursery” means a Building or land used for the growing of young trees and/or other plants which may be retailed at the same location and may also include retailing of Gardening tools and other related supplies, but does not include a Farm Gate Outlet.

“Premises” means an area of land with or without Buildings or Structures.

“Private Garage” means an enclosed or partially enclosed Structure for the storage of one or more vehicles, in which no Business, occupation, or service is conducted for profit.

“Processing” means the transformation of raw ingredients into food, or of food into other forms. Involves taking clean, harvested crops or butchered animal, fish or other aquatic products and using these to produce attractive, marketable and often long shelf-life food products.

“Professional Office” means Premises where goods and/or services are offered, but does not include Premises used for the retailing, wholesaling, manufacturing or conversion of goods.

“Public Open Space” means land which may be used for recreational or other outdoor leisure activities by the general public.

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

“Recreational Use” means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, Swimming Pools, day camps, and similar uses but does not include a track for the racing of animals or any form of motorized vehicles.

“Renovation” means any change in a non-structural component of a Building or Structure and does not include a change in a structural component, or any increase or decrease in the volume of a Building or Structure.

“Residential-Commercial Operation” means an Owner-occupied Dwelling Unit, a portion of which is used by the owner for Commercial Activities, including Domestic Arts. The Commercial Activities and the Domestic Arts shall be clearly incidental and secondary to the residential use of the Dwelling Unit.

“Restaurant” means a Building where food and drink is served to the public primarily for consumption within the Building;

“Resource Uses” means any Uses involving the Processing or storing of natural resource materials including but not limited to agricultural, forestry, fishing and mining resources and shall include the production of agricultural products and the keeping of Farm animals, but shall not include related industrial Uses such as Processing plants.

“Rezoning” means the changing of one land Zone classification to another.

“Screening” means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden;

“Senior Citizen Housing” means any home for Senior Citizens either privately sponsored or administered by any Public agency or any service Club either of which obtains its financing from federal, provincial or municipal governments or agencies or by Public subscription or donations, or by an combination thereof, and shall include auxiliary uses such as Lounges and recreation facilities usually associated with Senior Citizens' Developments, and solely for the use of its residents.

“Setback” means the distance between the Street line and the nearest Main Wall of any Building or Structure, except Fences, and extending the full width of the Lot.

“Sign” means a Structure, device, light or natural object including the ground itself, or any part, or any device attached, or painted or represented on which shall be used to advertise, or attract attention to any object, product, place, activity, Person, institution, organization, firm, group, commodity, profession, enterprise, industry or Business, or which display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the Premises or from a Parking Lot.

“Sign, Illuminated” means a Sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such Sign, or a Sign illuminated by a light focused, upon or chiefly directly at the surface of the Sign;

“Site Plan” means a plan drawn to a suitable architectural scale showing details of existing and proposed features on a parcel of land which is the subject of an application for Development.

“Stable Surface” means a surfacing that meets Provincial Department of Transportation and Infrastructure Renewal standards and may include 15 cm of Class A or B imported aggregate, recycled asphalt paving (RAP), chip seal, concrete, roller compacted concrete, asphalt or other materials acceptable to the Authority Having Jurisdiction.

“Street, Road or Highway” means all the area within the boundary lines of every Road, Street or right-of-way which is vested in the Province of Prince Edward Island and used or intended for use by the general public for the passage of Vehicles and includes any bridge over which any such Road, Street or right-of-way passes.

“Structure” means any construction including a Building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a Swimming Pool.

"Subdivider" means the Owner of a Parcel of land which is being subdivided, or his authorized agent. "Subdivide" shall have a corresponding meaning.

"Subdivision" means a division, Consolidation, or other re-configuration of a Lot(s) or parcel(s) for the purpose of Development and/or transfer of ownership or interests.

"Subdivision Agreement" means a legal document describing a two-party agreement between a Subdivider and the Authority Having Jurisdiction, the subject of which pertains to actions to be taken in the subdividing of a Parcel of land.

"Summer Cottage" means a single unit Dwelling that is occupied primarily during the summer months, and located on a Lot or Parcel of land serviced by a private Road.

"Survey Plan" means an appropriately scaled drawing of survey details certified by a Prince Edward Island Land Surveyor.

"Swimming Pool" means any outdoor Structure, basin, chamber, or tank Used or which may be Used for swimming, diving, or recreational bathing and having a depth of 0.91 m. (3 ft.) or more at any point or having a minimum surface area of 16.25 sq. m. (175 sq. ft.).

"Temporary Permit" means a permit for a fixed period of time with the intent to discontinue such Use upon the expiration of the time period.

"Use" means any purpose for which a Building or other Structure or Parcel of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, Business or operation carried on, or intended to be carried on, in a Building or other Structure or on a Parcel.

"Utility" means any public or private system, works, plant, equipment or services which furnishes services at approved rates to or for the Use of the general public.

"Utility Building" means a Building that houses stationary equipment for communication lines, telephone lines, electric power lines, public water supply, or sewage services.

"Veterinary Clinic" means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures.

"Warehouse" means a Building Used primarily for the storage of goods and materials.

"Watercourse" shall have the same meaning as defined under the *Environmental Protection Act, R.S.P.E.I. 1988, Cap. E-9, Watercourse and Wetland Protection Regulations* and in the case of any dispute the final determination shall be made by the Provincial Department having

authority to enforce these Regulations. More particularly defined as "an area which has a sediment bed and may or may not contain water, and includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body."

"Wetland" shall be defined as noted above under "Watercourse".

"Wind Energy System" a wind energy conversion system consisting of a wind turbine including the rotor and associated control or conversion electronics to convert wind mechanical energy to electricity.

"Yard" means an open, uncovered, unoccupied space appurtenant to a Building;

(a) **"Flankage Yard"** means, on a Corner Lot, that Yard extending across the full width of the Lot and fronting on a Roadway which is not the Roadway along which the Front Yard extends;

(b) **"Front Yard"** means a Yard extending across the full width of the Lot between the Front Lot Line and the nearest Main Wall of the Main Building on the Lot;

(c) **"Rear Yard"** means a Yard extending across the full width of the Lot between the Rear Lot Line and the nearest Main Wall of the Main Building on the Lot; and

(d) **"Side Yard"** means a Yard extending across the full width of the Lot between a Side Lot Line and the nearest Main Wall of the Main Building on the Lot, exclusive of any chimney breast.

"Zone" means an area of land designated under this Development Bylaw within which specific land Uses are permitted and others restricted or prohibited.

"Zoning Map" means the map included as Appendix A to this Development Bylaw or as amended from time to time, depicting the boundaries of all land Use Zones.

3.0 ZONES AND ZONING MAP

3.1 Zones

- 1) For the Purposes of the Bylaw, the Community of Sherbrooke is divided into the following Zones, the boundaries of which are shown on the attached Appendix A. Such Zones may be referred to by the corresponding symbols shown opposite them.

Zones	Symbol
Agricultural	A1
General Commercial	C1
Primary Resource Commercial	C2
Public Service and Institutional	PSI

Special Overlay Zone	Symbol
Environmental Reserve	O2

3.2 Interpretation of Zoning Boundaries

- 1) Boundaries Zones as shown in Appendix A, Zoning Map, shall be determined as follows:
- Where a Zone boundary is indicated as following a Street or Highway, the boundary shall be the centre line of such Street or Highway, unless otherwise indicated;
 - Where a Zone boundary is indicated as approximately following Lot or Property lines, the boundary shall be such Lot or Property lines.
 - Where a railway right-of-way, electrical transmission line right-of-way or Watercourse shown on the Zoning Map serves as a Zone boundary, a line midway between the outside limits of the right-of-way or the centre line of the Watercourse shall be considered the boundary between the Zones unless otherwise indicated.
 - Where a Zone boundary is indicated as the following the limits of the Municipality, the limits shall be the boundary.
 - Where none of the above provisions apply, and where appropriate, the Zone boundary shall be scaled from the large scale Zoning Map found in the Community office.
- 2) The Zone boundaries for the Environmental Reserve Zone shall be the area in or on a Watercourse or Wetland and the area within fifteen 15.0 m. (49.2 ft.) of a Wetland

Boundary or a Watercourse Boundary.

3.3 Zoning Map

Appendix A shall be cited as the Zoning Map and forms a part of this Development Bylaw.

3.4 Permitted Uses

In the Development Bylaw any Use not listed as a Permitted Use in a Zone is prohibited in that Zone unless otherwise indicated.

3.5 Certain Words

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

3.6 Defined Terms

In this Development Bylaw, words beginning with uppercase letters carry the defined meaning set forth in section 2. Words that are defined in section 2 but do not begin with an uppercase letter when Used in the Development Bylaw carry their ordinary meaning.

3.7 Units of Measure

All official measurements are in metric. Where imperial measurements are provided they are for information purposes only.

3.8 Appendices

All appendices attached to this Development Bylaw form part of this Development Bylaw.

4.0 ADMINISTRATION

4.1 Development Permit Required

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

- (a) change the Use of a parcel of land or a Structure;
- (b) commence any Development;
- (c) construct any Structure on a Property;
- (d) make exterior Structural Alterations to any Structure;
- (e) make any water or sewer connection;
- (f) make any underground installation such as a septic tank, a fuel tank, a foundation wall or the like;
- (g) move or demolish any Structure;
- (h) establish or operate an Excavation Pit;
- (i) construct a driveway;
- (j) place, dump any fill or other material;
- (k) subdivide or consolidate a parcel or parcels of land;
- (l) construct a Fence over 1.83 m. (6 ft.) to a maximum of 3.05 m. (10 ft.) high;
- (m) or place an outdoor Swimming Pool; and
- (n) construct a Deck.

4.2 No Development Permit Required

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

- (a) laying paving materials for patios or sidewalks;
- (b) constructing Fence or retaining wall of less than 1.83 m. (6 ft.) in height;
- (c) installing clothes lines poles, flag poles and radio or television antennae (to a maximum of 9.14 m. (30 ft.) height) except satellite dishes (that are less than 0.61 m. (2 ft.) diameter);
- (d) making a garden or garden trellises;
- (e) growing a crop or preparing land for a crop;
- (f) conducting routine maintenance which has the effect of maintaining or restoring a Structure or any of its elements to its original state or condition;
- (g) making landscape improvements, constructing ornamental Structures or play Structures of less than 9.29 sq. m. (100 sq. ft.);
- (h) constructing a Dog House or Dog Run;
- (i) a Development that involves the interior or exterior Renovation of a Building that will not change the shape of the Building or increase its volume, will not add more Dwelling Units, or will not involve a change in Use of the Building; and
- (j) Public utilities located within the Street right-of-way;

although the applicable requirements of this Development Bylaw must still be met.

Community of Sherbrooke Zoning & Subdivision Control (Development) Bylaw

4.3 Moving of Buildings

No Building shall be moved out of or within the area covered by this Development Bylaw without a Development Permit and such other permits as may be required by law.

4.4 Permit Applications

(a) Any Person applying for a permit shall do so on a form prescribed by Authority Having Jurisdiction, and shall submit the application to the Authority Having Jurisdiction.

(b) In addition to the above permit application, section 4.4 (a), the Applicant may be required to submit a drainage plan (signed and sealed by a land surveyor, a professional engineer, or a landscape architect licensed to practice in the Province) prior to construction where the Authority Having Jurisdiction deems it necessary to determine how the storm water drainage will be managed.

(c) Every application form shall be signed by the Property Owner or the Property Owner's authorized agent, and shall be accompanied by an application fee in accordance with the schedule of fees established by Council and annexed hereto as Appendix B.

(d) The Authority Having Jurisdiction shall notify the Applicant, in writing, if the application is incomplete or lacking in plan details, and shall indicate any additional information or documentation required.

4.5 Payment of Fees

Notwithstanding any section of this Development Bylaw, Development Permits are not valid and will not be recognized until the application fee and any other required fees are paid in full and the said permit is signed by the Development Officer and Applicant.

4.6 Development Permit

(a) A Development Permit shall be issued once the Authority Having Jurisdiction is satisfied that the proposed Development conforms with all relevant provisions of this Development Bylaw, any other relevant bylaws and is not considered an Obnoxious Use. The Authority Having Jurisdiction shall issue a Development Permit upon receipt of the appropriate fee(s), as set out in Appendix B.

(b) Where an application is not entirely clear in its intent, or where an application does not appear to conform with the provisions of this Development Bylaw or any other bylaws which may be in force, the Development Officer shall submit the application to Council for its interpretation and instruction.

(c) A Development Permit shall be valid for a twelve-month period, or such additional time as may be authorized by the Authority Having Jurisdiction.

(d) The Authority Having Jurisdiction may revoke a Development Permit where information provided on the application is found to be inaccurate.

4.7

Site Plan

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

4.8 **Conditions on Permits**

The Authority Having Jurisdiction shall have the authority to impose conditions on a Development Permit subject to such conditions being directly related to or consistent with the Development Bylaw and/or the Official Plan of the Community.

4.9 Development Agreement

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

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

- (a) Site Plan design;
- (b) the design and construction of sidewalks, pathways, trails and other pedestrian circulation facilities;
- (c) Landscaping and Screening;
- (d) vehicular access and exits;
- (e) security and safety lighting;
- (f) methods of waste storage and disposal;
- (g) fencing; and
- (h) any other matters that the Authority Having Jurisdiction deems necessary to ensure the health, safety and convenience of the Community residents and the travelling public.

4.10 Other Information

The Authority Having Jurisdiction may require an Applicant to submit any additional information related to the proposed Development, which it deems pertinent, including but not limited to the following:

- (a) parking, Parking Lot layout and internal circulation patterns;
- (b) location of garbage containers and description of any Screening or fencing;
- (c) storm water management plan or a drainage plan;
- (d) location of Open Space and Amenity Areas;
- (e) Landscaping plan;
- (f) Buffer Zones adjacent to Wetland areas or Watercourses;
- (g) existing vegetation;
- (h) easements; and
- (i) proposed storage areas and description of any Screening or fencing.

4.11 Authorization for Inspection

An application for a Development Permit shall constitute authorization for inspection of the Building or land in question by an officer or agent of the Community for the purpose of ensuring compliance with the provisions of this Development Bylaw.

4.12 Permits Posted

All permits shall be posted by the Developer on the subject Property and be visible from the Street.

A list of approved Development Permits and Rezoning approvals (including the date on which it was approved) shall be posted in the Community office, 26998 Highway No. 2, Sherbrooke, within 5 working days of approval. This information shall also be posted on the PEI Planning Decisions website.

4.13 Fire Marshal's Approval

Applications must be approved by the provincial fire marshal's office prior to the Development Permit being issued for the following types of Developments:

- (a) Residential;
- (b) Commercial; and
- (c) Public Service and Institutional Buildings.

4.14 Surveys Required

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

4.15 Development Restrictions

The Authority Having Jurisdiction shall not issue a Development Permit for a Development if, in its opinion:

- (1) the proposed Development does not conform to the provisions of this Development Bylaw;
- (2) the method of water supply is not appropriate;

- (3) the method of sanitary waste disposal is not appropriate;
- (4) there is no safe or efficient access to a Street;
- (5) the proposed Development would create unsafe traffic conditions;
- (6) the impact of the proposed Development would be detrimental to the natural environment of the Community; or
- (7) the proposed Development would be detrimental to the convenience, health or safety of the residents in the immediate vicinity or general public.

4.16 Construct in Accordance with Application

Any Person who has been granted a Development Permit shall agree to develop in accordance with the information given on the prescribed application form and the conditions laid down by the Development Permit or Development Agreement and shall comply therewith.

4.17 Denying Permits

- (1) No Development Permit shall be issued if the proposed Development could in the opinion of the Authority Having Jurisdiction create a hazard to the general Public or any resident of the Municipality or could injure or damage neighbouring Property or other Property in the Municipality, such injury or damage to include but not be limited to water, drainage or other water run-off damage; or
- (2) No Development Permit shall be issued if the proposed Development could create a health or fire hazard.

4.18 Appeals

- (1) Any Person who is dissatisfied by a decision of the Authority Having Jurisdiction in respect to the administration of regulations or Development Bylaws made pursuant to the powers conferred by the *Planning Act* may, within twenty-one (21) consecutive days of the decision, appeal to the Island Regulatory and Appeals Commission.
- (2) Notwithstanding subsection (1) above, no appeals may be filed regarding a decision of the Authority Having Jurisdiction respecting the final approval of a

Subdivision where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the Subdivision.

- (3) A notice of appeal to the Commission under subsection (1) shall be in writing and shall state the grounds for the appeal and the relief sought.
- (4) The appellant shall, within seven (7) consecutive days of filing an appeal with the Commission, serve a copy of the notice of appeal on the Authority Having Jurisdiction.

5.0 GENERAL PREVISIONS FOR ALL ZONES

5.1 Accessory Buildings and Structures

- 1) An Accessory Building or Structure shall be permitted in any Zone, but it shall not:
 - a. be used for human habitation except where a Dwelling is a specifically permitted Accessory Use;
 - b. be built closer to a Street on which the Main Building fronts than the Main Building is to that Street;
 - c. be built within the Front Yard or Flankage Yard of a Lot;
 - d. be built closer than 1.52 m. (5.0 ft.) to any Lot line except for:
 - i) common garages for semi-detached Dwelling units may be centred on the mutual side Lot line;
 - ii) boat houses and boat docks may be built to the Lot Line when the Lot Line corresponds to the water's edge;
 - e. be built within 3.05 m. (10 ft.) of the Main Building;
 - f. exceed 4.57 m. (15 ft.) in height, excluding where it is an Accessory Use on a Farm Property;
 - g. be permitted if two Accessory Buildings already exist, except where it is an Accessory Use on a Farm Property, in which case, there is no limit;
 - h. be constructed larger than the sizes outlined in the following table:

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

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

5.2 Building to be Erected on a Lot

No Building shall be Erected or Used unless it is Erected on a single Lot.

5.3 Building to be Moved

No Building shall be moved within or into the area covered by this Development Bylaw without first obtaining a Development Permit and such other permits as may be required by law.

5.4 Existing Non-conforming Buildings

Where a Building has been Erected on or before the effective date of this Development Bylaw on a Lot having less than the minimum Frontage or area, or both required by this Development Bylaw, or having less than the minimum front Yard or side Yard or rear Yard or separation distance required by this Development Bylaw, the Building may be enlarged, reconstructed, repaired or renovated provided that:

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

5.5 Existing Non-conforming Lots

Notwithstanding anything else in this Development Bylaw;

- (1) the Use of a Building existing in a Lot on the effective date of this Development Bylaw may be changed to a Use permitted on the Lot where the Lot area or Frontage or both is less than that required by this Bylaw provided that all other applicable provisions of this Development Bylaw are satisfied.
- (2) a vacant Lot having less than the minimum Frontage or area or both required by this Development Bylaw, may be Used for a purpose permitted in the Zone in which the Lot is located, and a Building may be Erected on the Lot, provided that all other provision on this Development Bylaw are satisfied.

- (3) an existing undersized Lot may be increased in area or Frontage, or both, and still remain an existing undersized Lot if after the increase the Lot still remains undersized.

5.6 Non-conforming Uses

- (1) Subject to the provisions of this Development Bylaw, a Building or Structure, or Use of land, Buildings or Structures lawfully in existence on the effective date of approval of this Development Bylaw may continue to exist.
- (2) A Building or Structure shall be deemed to exist on the effective date of approval of this Development Bylaw if:
 - (a) it was lawfully under construction; or
 - (b) the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within twelve (12) months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time;
- (3) No Structural Alterations that would increase the exterior dimensions, except as required by statute or Development Bylaw, shall be made to a Building or Structure while a non-conforming Use thereof is continued.
- (4) If a Building which does not conform to provisions of this Development Bylaw is destroyed by a fire or otherwise to an extent of seventy-five percent (75%) or more of the assessed value of the Building above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Development Bylaw, except if the Building or repair work would not be detrimental, in the opinion of the Authority Having Jurisdiction, to the health or safety of residents in the vicinity or the general public.
- (5) Any change of tenants or occupants of any Premises or Building shall not of itself be deemed to affect the Use of the Premises or Building for the purposes of this Development Bylaw.
- (6) A non-conforming Use of land, Building or Structure shall not be permitted to resume if it has been discontinued for a period of twelve (12) consecutive months, and in such event the land, Building or Structure shall not thereafter be Used except in conformity with this Development Bylaw.
- (7) No intensification of Use or increase in business volumes or activity levels shall

be made while a non-conforming Use of land, Buildings or Structures is being continued.

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

5.7 Lot Frontage

- (1) No Development Permit shall be issued unless the Lot or parcel of land intended to be Used or upon which the Building or Structure is to be Erected abuts and fronts upon a Street.
- (2) If a Parcel of land in any Zone is of such configuration that it cannot reasonably be Subdivided in such a way as to provide the required minimum Lot Frontage on a Street, Council may approve a reduced Road Frontage, provided that the Lot width at the Building Line measures at least as much as the minimum Lot Frontage requirement.
- (3) In any Zone, Lots designed with a reduced Road Frontage along a bend in a Street or facing a cul-de-sac may be approved by Council, if, in the opinion of Council, adequate and safe access to the Lot is provided, and the following criteria are met:
 - (a) the Lot width at the Building Line measures at least as much as the minimum Lot Frontage requirement; and
 - (b) the minimum acceptable Frontage for a residential Development shall be 7.32 m. (24 ft.).

5.8 Mixed Use

Where any land or Building is Used for more than one (1) Use, all provisions of this Development Bylaw relating to each Use shall be satisfied. Where there is a conflict, such as in the case of Lot size or Frontage, the most stringent standards shall prevail.

5.9 Public Utilities

- (1) Notwithstanding anything else in this Development Bylaw, public Utility Buildings and Structures and service facilities provided by the Municipality including, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, public parks and playgrounds, utility services, water storage

reservoirs, and storm water management facilities, may be located in any Zone and no Development Permit shall be required and no Zone standards shall apply.

- (2) Private Utility Buildings and Structures which are considered by the Authority Having Jurisdiction to be necessary and appropriate to the Municipality shall be permitted in all Zones.
- (3) Notwithstanding anything else in this Development Bylaw, public utilities located within the Street right-of-way or underground may be placed in any Zone, and no Development Permit shall be required and no Zone standards shall apply.

5.10 Petroleum Storage

- (1) Underground petroleum storage facilities shall not be permitted in any Zone.
- (2) The storage of petroleum shall be limited to 50 litres (11 imperial gallons), except for Farm Property.

5.11 Entrance Way Permit

- (1) No Person shall construct or Use any access driveway prior to obtaining an Entrance Way Permit from the Authority Having Jurisdiction.
- (2) No Person shall change the Use of any access driveway to a more intensive Use without the evaluation and approval of the Authority Having Jurisdiction.

5.12 Temporary Uses, Buildings and Structures

- (1) The Authority Having Jurisdiction may issue a Temporary Permit for the temporary Use of land or the temporary Use of a Building or Structure incidental to a construction project provided that a Development Permit has been issued for the main construction project, subject to such conditions as the Authority Having Jurisdiction may deem appropriate to protect the interests of adjacent Property Owners or the general Public. The permit shall require that the temporary Use shall be removed from the site within 30 days of completion of the main construction project, unless otherwise approved by the Authority Having Jurisdiction.
- (2) The Authority Having Jurisdiction may at its sole discretion issue a permit for the temporary Erection of a Structure or the temporary Use of land in any Zone in

order to accommodate a special event or occasion. The Authority Having Jurisdiction may attach such conditions as it deems appropriate to ensure Public safety and to mitigate any negative impacts on surrounding properties.

5.13 Accessibility

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

5.14 Height Regulation Exemptions

- (1) A maximum height requirement set out in this Development Bylaw shall not apply to a:
 - a. Church spire;
 - b. lightning rod;
 - c. water tank;
 - d. monument;
 - e. elevator enclosure;
 - f. silo;
 - g. flagpole;
 - h. television or radio antenna, up to 9.14 m. (30 ft.);
 - i. ventilator;
 - j. skylight;
 - k. barns;
 - l. fire tower;
 - m. chimney;
 - n. clock tower; or
 - o. solar collector.

5.15 Licenses, Permits and Compliance With Other Bylaws

- (1) Nothing in the Development Bylaw shall exempt any Person from complying with the requirements of this Development Bylaw or any other bylaws in force

within the Community of Sherbrooke or from obtaining any license, permission, permit, authority or approval required by any other bylaws of the Community of Sherbrooke or statute and regulation of the Province of Prince Edward Island.

- (2) Where regulations pursuant to clause 7. (1) (c) of the Planning Act (Minimum Development standards) have been enacted by the province; those regulations shall supercede the relevant provisions of this Development Bylaw where the provincial regulations are more stringent. All Lots shall conform to the Province-Wide Minimum Development Standards Regulations as noted in Appendix C.

5.16 Side Yard Waiver

Notwithstanding anything else in the Development Bylaw, where a Building on adjacent Lots share a common wall, the applicable size Yard requirements shall be zero.

5.17 Outdoor Swimming Pools

- (1) The installation of a Swimming Pool shall be permitted in any Zone in accordance with the following provisions:
 - (a) The owner shall first secure a Development Permit from the Authority Having Jurisdiction;
 - (b) A 1.8 m. (6 ft.) Fence shall be constructed in such a manner so as to impede unauthorized Persons from entering over or under said Fence.
 - (c) Any gate on such Fence shall be capable of being locked;
 - (d) The property owner shall have a safety cover for the pool, which shall be Used when the Property owners' Property is unattended for over 24 consecutive hours;
 - (e) The Property owner shall take reasonable cautions and measures to ensure the safe Use of the pool; and
 - (f) The pool is not to be located within a required Yard that abuts a Street.
 - (g) The water from the pool shall be permitted to be disposed of onto the ground, provided:

- h) The water does not enter a Watercourse;
- i) the water has been de-chlorinated through the Use of hydrogen peroxide, or allowed to stand unused for a period of time, until the residual chlorine in the water has been reduced to an acceptable level; and
- ii) the Owner shall agree that other initiatives regarding maintenance and safety which are reasonable and prudent shall be carried out either at the initiative of the Owner or at Council's request.

5.18 Through Lots

Where a Lot which is not a corner Lot has Frontage on more than one Street, the front Yard requirements contained in this Development Bylaw shall apply on each Street in accordance with the provisions of the Zone or Zones in which such Lot is located.

5.19 Visibility at Street Intersections

On a Corner Lot, within a triangular area 6.1 m. (20 ft.) back from the intersecting Corner Lot Line, no Fence, Sign, hedge, shrub, bush or tree or any other Structure or vegetation shall be Erected or permitted to grow to a height greater than 0.61 m. (2 ft.) above Grade of the abutting Streets.

5.20 Wind Energy System

Wind Energy System, "Wind Mill", of any size is not permitted within the Community.

5.21 Recreational Trailer or Vehicle

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

5.22 Summer Cottages

Summer Cottages shall not be permitted within the Community. Existing Summer Cottage Lots will be considered existing non-conforming Lots (see Sections 5.4 and 5.5).

5.23 Mobile and Mini Homes

Mini Homes shall be permitted in a designated Mini Home Park. Mobile Homes shall not be permitted within the Community.

5.24 Accessory Apartment

- (1) One (1) Accessory Apartment unit may be constructed within or as an addition to an existing Single Family Dwelling in the Agricultural (A1) Zone, upon written application to the Authority Having Jurisdiction, and if the Owner and the Authority Having Jurisdiction have first entered into a written Development Agreement pursuant to which the Owner has agreed with the Authority Having Jurisdiction as follows:
 - (a) the Accessory Apartment area does not exceed 92.9 sq.m. (1,000 sq.ft.) in floor area;
 - (b) the exterior of the residence shall retain a Single Family Dwelling appearance;
 - (c) the Owner shall submit a Site Plan indicating the proposed location of at least one (1) additional parking space in addition to the parking spaces required, in accordance with this Development Bylaw, separate from that required for the Dwelling, shall be provided.
 - (d) the Accessory Apartment shall be reviewed and approved by the Fire Marshal's Office;
 - (e) the existing or new septic system is to be reviewed and approved by a professional engineer or a sewage disposal contractor licensed to practice in the Province certifying that the design of the sewer system shall meet all applicable provincial and federal regulations. Including, but not limited to, the Occupational Health & Safety Act for the Province of Prince Edward Island and shall conform to good engineering practice using the following guidelines:

- i. "Atlantic Canada Wastewater Guidelines Manual for Collection, Treatment and Disposal of Sanitary Sewage" prepared by Atlantic Environment Departments;
 - ii. Environmental Protection Act; &
 - iii. Sewage Disposal Systems Regulations.
- (f) all other provisions of this Development Bylaw remain applicable to the Dwelling.

5.25 Conformity with Existing Setbacks

Notwithstanding anything else in this Development Bylaw, where a Lot is located between existing Buildings within 61.0 m. (200 ft.) on the same Block and side of the Street:

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

5.26 Special Requirements for Bed and Breakfast Operations

Bed and Breakfast Operations shall be permitted to operate in any Single Family Residence in the Agricultural (A1) Zone subject to the following:

- (1) the Dwelling shall be occupied as a residence by the principal operator and the external appearance of the Dwelling shall not be changed by the Bed and Breakfast Operation;
- (2) not more than three (3) rooms shall be offered for overnight accommodation;
- (3) adequate off-Street parking, in accordance with this Development Bylaw, separate from that required for the Dwelling, shall be provided at the side and/or rear of the Lot, but not within the required Yard Setbacks;
- (4) No Alterations are made to the Dwelling which change the roof line or increase the height of the Dwelling except for the addition of dormers;

- (5) No additions are made which extend into the front of the Lot; and
- (6) No Alterations are made to increase the number of entrances in the front of the Dwelling;

5.27 Signs

No Person shall Erect, Alter or enlarge a Sign within the boundaries of the Community of Sherbrooke except in conformance with the provisions of the Authority Having Jurisdiction and without first applying for and receiving a permit from the Authority Having Jurisdiction. A copy of the permit shall be provided to the Development Officer prior to any construction or installation.

5.28 Summerside Region Special Planning Area Regulations

In addition to this Development Bylaw all other relevant conditions and requirements contained in the Planning Act, Summerside Region Special Planning Area Regulations shall apply. See Appendix E.

- c. A Structure not more than 4.57 m. (15 ft.) in height and not more than 4.3 sq.m. (46 sq.ft.) in area may be Erected in the Parking Lot for the Use of attendants;
- d. A Parking Lot shall be within 91.4 m. (300 ft.) of the location which it is intended to serve, and shall be situated in the same Zone;
- e. When the Parking Lot is a Stable Surface, each parking space shall be clearly demarcated and maintained as such;
- f. The width of a driveway(s) leading to a Parking Lot, or a driveway or aisle in a parking area, shall be provided by means of unobstructed access of a minimum width of 3.05 m. (10 ft.) for one-way traffic or a minimum width of 6.1 m. (20 ft.) for two-way traffic;
- g. There shall be parking at side and rear of Property only;
- h. Every Building which the general public have cause to access shall be required to provide one (1) handicapped parking space for every ten (10) regular parking spaces.

6.3 Loading Space

- (1) In any Zone, no Person shall Erect or Use any Building or Structure for commercial or agricultural purposes involving the frequent shipping, loading, or unloading of Persons, animals or goods, unless there is maintained on the same Premises with every such Building, Structure, or Use one off-Street space for standing, loading and unloading for every 2,601.3 sq.m. (28,000 sq. ft.) or fraction thereof of Building Floor Area Used for any such purpose to a maximum of six (6) Loading Spaces.
- (2) Each Loading Space shall be a minimum of 3.66 m. (12 ft.) by 12.19 m. (40 ft.) with a minimum of 4.27 m. (14 ft.) in height clearance.
- (3) A Loading Space is not required for any Building less than 130.1 sq.m. (1400 sq.ft.) in area.
- (4) No Loading Space shall be located within any required front Yard or be located within any Yard which abuts a Residential, Environmental Reserve, Public Service and Institutional, or Recreation/Public Open Space Zone.
- (5) A Loading Space area, including driveways leading to the loading area, shall be constructed with a Stable Surface.
- (6) Ingress and egress, to the required Loading Space area shall be provided by means of unobstructed driveways of a minimum width of 3.05 m. (10 ft.) for one-way traffic or a minimum width of 6.1 m. (20 ft.) for two-way traffic.

7.0 AGRICULTURAL (A1) ZONE

7.1 General

Except as provided in this Development Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an A1 Zone shall conform with the provisions of this section.

7.2 Permitted Uses

- (1) No Building or part thereof and no land shall be Used for purposes other than:
 - (a) Single Family Dwellings;
 - (b) One Accessory Single Family Dwelling in connection with a Farm;
 - (c) Agricultural Uses;
 - (d) Resource Uses;
 - (e) Recreation / Public Open Space facilities; and
 - (f) Accessory Buildings (See Section 5.1).

7.3 Special Permit Uses

- (1) Notwithstanding section 7.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Development Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:
 - (a) Semi-detached Dwelling;
 - (b) Accessory Apartment;
 - (c) Boarding or Rooming House;
 - (d) Residential-Commercial Operation;
 - (e) Bed and Breakfast Operation;
 - (f) Group Homes;
 - (g) Child Care Facilities;
 - (h) Animal Kennels;
 - (i) Animal Kennel Runs;
 - (j) Intensive Livestock Operations; and
 - (k) Mini Home Park.

7.4 Lot Requirements

- (1) The following regulations shall apply to all Development in the A1 Zone:

Requirement (per Dwelling Unit)	
Minimum Lot Area	4,046.8 sq. m. (43,560 sq. ft.) (1 acre)
Minimum Frontage	45.72 m. (150 ft.)
Minimum Front Yard	6.10 m. (20 ft.)
Minimum Rear Yard	4.57 m. (15 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Minimum Flankage Yard	6.10 m. (20 ft.)
Maximum Height of any Building	10.67 m. (35 ft.)

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

7.5 Residential-Commercial Operation

A Residential-Commercial Operation may be located in a Single Family Dwelling in the Agricultural (A1) Zone provided:

- (a) the external appearance of the Dwelling is not Altered;
- (b) the Owner of the Business lives in the Dwelling;
- (c) not more than one (1) employee lives outside the Dwelling;
- (d) not more than twenty five percent (25%) of the total Floor Area of the Dwelling to a maximum of 34.8 sq.m. (375 sq.ft.) ;
- (e) adequate off-Street parking is provided for both the Dwelling and the Business;
- (f) no Outdoor Storage of materials or product display is Used in conjunction with the Business;
- (g) one off-Street parking space in addition to that required for the Dwelling, is provided for every 17.2 sq.m. (185 sq.ft.) of Floor Area occupied by the Residential-Commercial Operation;
- (h) no mechanical equipment is Used except that reasonably consistent with the Use of a Dwelling; and
- (i) the proposed Residential-Commercial Operation be reviewed and approved by the Fire Marshal's Office.

7.6 Group Homes

In addition to all other requirements of the A1 Zone, the following special provisions shall apply to a Group Home and a Boarding or Rooming House:

- (a) No addition or Alteration shall be undertaken which changes the roof line or increases the height (except for the addition of dormers) or extends into the front or side Yard of the Lot (except for Structures necessary for public safety purposes such as fire escapes);
- (b) Parking areas shall be provided in the side or rear Yard of the Lot but not in the required minimum side or rear Yard (See also Section 6); and
- (c) The existing or new septic system is to be reviewed and approved by a professional engineer or a sewage disposal contractor licensed to practice in the Province certifying that the design of the sewer system shall meet all applicable provincial and federal regulations. Including, but not limited to, the Occupational Health & Safety Act for the Province of Prince Edward Island and shall conform to good engineering practice using the following guidelines:
 - i. "Atlantic Canada Wastewater Guidelines Manual for Collection, Treatment and Disposal of Sanitary Sewage" prepared by Atlantic Environment Departments;
 - ii. Environmental Protection Act; &
 - iii. Sewage Disposal Systems Regulations.
- (d) the proposed Group Home or a Boarding or Rooming House be reviewed and approved by the Fire Marshal's Office.

7.7 Intensive Livestock Operations

- (1) The following separation distances shall apply to all new Intensive Livestock Operations or extensions. The following separation distances shall also apply to a new residential Development in the vicinity of an Intensive Livestock Operation:

Distance from any Dwelling on an adjacent Property	152.4 m. (500 ft.)
Distance from Public Road	45.72 m. (150 ft.)
Distance from any Domestic Well	152.4 m. (500 ft.)
Distance from any Lot Line	45.72 m. (150 ft.)

Distance from any Watercourse or Wetland boundary	90.00 m. (295.3 ft.)
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- (2) Where a new Intensive Livestock Operation or an existing Intensive Livestock Operation wishing to expand are proposed within 300 m. (984.2 ft.) of an existing residence, the Authority Having Jurisdiction shall notify the Property owners within 300 m. (984.2 ft.) of the proposed operation and invite their comments.
- (3) All intensive Livestock Buildings shall have a manure storage facility with a capacity for retention of manure for a period of time for which conditions do not permit spreading.
- (4) All Intensive Livestock Operations shall meet the Province's manure storage capacities and design standards.

8.0 GENERAL COMMERCIAL (C1) ZONE

8.1 General

Except as provided in this Development Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an C1 Zone shall conform with the provisions of this section.

8.2 Permitted Uses

- (1) No Building or part thereof (exceeding a Floor Area of 185.8 sq.m. (2,000 sq.ft.)) and no land shall be Used for purposes other than:
 - (a) bakery shop;
 - (b) Business or Professional Office;
 - (c) Convenience Store;
 - (d) Pharmacy;
 - (e) Farm Market;
 - (f) Personal Service Shop;
 - (g) rental shop;
 - (e) recreation / Public Open Space facilities; and
 - (f) Accessory Buildings (See Section 5.1).

8.3 Special Permitted Uses

- (1) Notwithstanding section 8.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Development Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:

- (a) Accessory Apartment;
- (b) Child Care Facilities; and
- (c) Buildings over 185.8 sq. m. (2,000 sq.ft.).

Distance from any Lot Line	52.4 m. (500 ft.)
Distance from Public Road	45.72 m. (150 ft.)
Distance from any Domestic Well	152.4 m. (500 ft.)
Distance from any Lot Line	45.72 m. (150 ft.)

8.4

Lot Requirements

(1) The following regulations shall apply to all Development in the A1 Zone:

Requirement (per Dwelling Unit)	
Minimum Lot Area	4,046.8 sq. m. (43,560 sq. ft.) (1 acre)
Minimum Frontage	45.72 m. (150 ft.)
Minimum Front Yard	3.05 m. (10 ft.)
Minimum Rear Yard	9.14 m. (30 ft.)
Minimum Side Yard	3.05 m. (10 ft.)
Minimum Flankage Yard	3.05 m. (10 ft.)
Maximum Height of any Building	10.67 m. (35 ft.)

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

8.5

Special Requirements General Commercial (C1) Zone

Where a Lot or Parcel of land Zoned as General Commercial (C1) is developed which directly abuts a Lot or Parcel of land in the adjacent Zone:

- (a) a strip of land not less than 9.14 m. (30 ft.) in width along the Lot Line within the General Commercial (C1) Zone and adjacent to any other Zone shall be maintained clear of any Structure, driveway or parking area, and shall be adequately landscaped to provide a visual buffer;
- (b) any exterior lighting or Illuminated Sign shall be so arranged as to deflect light away from the adjacent residence to eliminate Light Pollution; and
- (c) Outdoor Storage shall be prohibited adjacent to a residence, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural Screening, such as a wall, visibility restrictive Fence or other appropriate Structure.

9.0 PRIMARY RESOURCE COMMERCIAL (C2) ZONE

9.1 General

Except as provided in this Development Bylaw, all Buildings and parts thereof Erected, placed or Altered or any land Used in an C2 Zone shall conform with the provisions of this section.

9.2 Permitted Uses

- (1) No Building or part thereof (exceeding a Floor Area of 4,180.6 sq.m. (45,000 sq.ft.)) and no land shall be Used for purposes other than:
 - (a) Resource Uses;
 - (b) Business or Professional Office with respect to Resource Uses;
 - (c) Farm equipment sales and services;
 - (d) Livestock feed sales and service (excluding Feed Mills);
 - (e) Veterinary Clinic;
 - (f) bag manufacturing;
 - (g) Farm Markets;
 - (e) recreation / Public Open Space facilities; and
 - (f) Accessory Buildings (See Section 5.1).

9.3 Special Permit Uses

- (1) Notwithstanding section 9.2 above, the Authority Having Jurisdiction may issue a special Development Permit for the following Uses where it deems the Development is appropriate, all other relevant provisions of this Development Bylaw are met, and subject to such conditions as the Authority Having Jurisdiction may impose:
 - (a) egg grading plant;
 - (b) Plant Nursery and or greenhouses; and
 - (c) riding stables and academies.

9.4 Lot Requirements

(1) The following regulations shall apply to all Development in the C2 Zone:

Requirement	
Minimum Lot Area	4,046.8 sq. m. (43,560 sq. ft.) (1 acre)
Minimum Frontage	60.96 m. (200 ft.)
Minimum Front Yard	9.14 m. (30 ft.)
Minimum Rear Yard	9.14 m. (30 ft.)
Minimum Side Yard	6.10 m. (20 ft.)
Minimum Flankage Yard	6.10 m. (20 ft.)
Maximum Height of Main Building	10.67 m. (35 ft.)
Maximum Height of an Accessory Building	6.71 m. (22 ft.)
Maximum Floor Area of an Accessory Building not to exceed 50% of the Floor Area of the Main Building	

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

9.5 Special Requirements Primary Resource Commercial (C2) Zone

Where a Lot or Parcel of land zoned as Primary Resource Commercial (C2) is developed which directly abuts a Lot or Parcel of land in the adjacent Zone:

(a) a strip of land not less than 45.72 m., (150 ft.) in width along the Lot Line within the Primary Resource Commercial (C2) Zone and adjacent to any other Zone shall be maintained clear of any Structure, driveway or parking area, and shall be adequately landscaped to provide a visual buffer;

(b) any exterior lighting or Illuminated Sign shall be so arranged as to deflect light away from the adjacent residence to eliminate Light Pollution; and

10.0

ENVIRONMENTAL RESERVE (O2) ZONE

10.1

General

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

10.2

Permitted Uses

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

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

10.3

Zone Requirements

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

Requirement (per Dwelling Unit)	
Minimum Lot Area	4,046.8 sq. m. (43,500 sq. ft.) (1 acre)
Minimum Frontage	45.72 m. (150 ft.)
Minimum Front Yard	3.05 m. (10 ft.)
Minimum Rear Yard	9.14 m. (30 ft.)

11.0 PUBLIC SERVICE and INSTITUTIONAL (PSI) ZONE

11.1 General

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

11.2 Permitted Uses

- (1) No Building or part thereof and no land shall be Used for purposes other than:
 - (a) Institutional Buildings; and
 - (b) Accessory Structures to the above, (See Section 5.1).

11.3 Special Permit Uses

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

11.4 Lot Requirements

- (1) The following regulations shall apply to all Development in an PSI Zone:

Requirement (per Dwelling Unit)	
Minimum Lot Area	4,046.8 sq. m. (43,560 sq. ft.) (1 acre)
Minimum Frontage	45.72 m. (150 ft.)
Minimum Front Yard	3.05 m. (10 ft.)
Minimum Rear Yard	9.14 m. (30 ft.)

Minimum Side Yard	3.05 m. (10 ft.)
Minimum Flankage Yard	3.05 m. (10 ft.)
Maximum Height of any Building	10.67 m. (35 ft.)

- (2) In addition to the above requirements, all Lots shall conform to the Province-Wide Minimum Development Standards Regulations as noted in Appendix C.

11.5 Special Requirements Public Service and Institutional (PSI) Zone

Where a Lot or Parcel of land Zoned as Public Service and Institutional (PSI) is developed which directly abuts a Lot or Parcel of land in the adjacent Zone:

- (a) a strip of land not less than 4.57 m. (15 ft.) in width along the Lot Line within the Public Service and Institutional (PSI) Zone and adjacent to any other Zone shall be maintained clear of any Structure, driveway or parking area, and shall be adequately landscaped to provide a visual buffer;
- (b) any exterior lighting or Illuminated Sign shall be so arranged as to deflect light away from the adjacent residence to eliminate Light Pollution; and
- (c) outdoor storage shall be prohibited adjacent to a residence, unless it is hidden from view by means of a landscaped buffer, hedge of adequate size, or architectural Screening, such as a wall, visibility restrictive Fence or other appropriate Structure.

12.0 VARIANCE

Where Authority Having Jurisdiction is presented with an application which does not conform to the provisions of this Development Bylaw, the Authority Having Jurisdiction shall determine whether to grant a variance.

- (1) All variance applications require the Authority Having Jurisdiction to give written notification to all Property Owners within 300 m. (984 ft.) of the subject Property.
- (2) The Authority Having Jurisdiction may authorize a variance not exceeding 10% from the provisions of this Development Bylaw if the variance is appropriate, and if the general intent and purpose of this Development Bylaw is maintained.
- (3) Variance applications shall be considered against the following tests for justifying a variance:
 - (a) That the Lot in question has peculiar physical conditions, including small Lot size, irregular Lot shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Development Bylaw standards;
 - (b) That strict application of all Development Bylaw standards would impose undue hardship on the Applicant by excluding them from the same rights and privileges for reasonable Use of their Lot as enjoyed by other Persons in the same Zone;
 - (c) That the variance is of the least magnitude required to enable reasonable Use of the Lot; and
 - (d) That the proposed variance would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.
- (4) Authorization for a variance shall be documented and recorded in writing.
- (5) All variance applications are subject to applicable fees, see Appendix B, (Fee Schedule).

Minimum Frontage	45.72 m. (150 ft.)
Minimum Front Yard	3.05 m. (10 ft.)
Minimum Rear Yard	9.14 m. (30 ft.)

13.0 GENERAL PROVISIONS FOR SUBDIVIDING LAND

13.1 Subdivision Approval

No Person shall subdivide one or more Lots or any portion or interest in a Lot and no Person shall consolidate two or more parcels of land until the conditions of this Development Bylaw have been complied with and the Applicant has received final approval from the Authority Having Jurisdiction, as applicable.

13.2 Conveying Interest in a Lot

No Person shall sell or convey any interest in a Lot in a Subdivision before the Authority Having Jurisdiction has issued a stamp of final approval for the Subdivision in which the Lot is situated.

13.3 Permission to Subdivide

- (1) No land shall be subdivided within the Community unless the Subdivision:
 - (a) conforms with the requirements of this Development Bylaw;
 - (b) is suitable to the topography, physical conditions, soil characteristics, and the natural surface drainage of the land;
 - (c) will not cause or contribute to undue flooding or erosion or other undue damage to the natural environment;
 - (d) has Frontage on a Street;
 - (e) has adequate utilities and services available or can be conveniently provided with such utilities and services;
 - (f) will reasonably conform to or is compatible with existing land Use in the immediate vicinity;
 - (g) will provide for safe traffic flow;
 - (h) is designed so that Lots will have suitable dimensions, shapes, orientation and accessibility;

- (i) is suitable to the Use for which it is intended, and the future Use of adjacent lands; and
- (j) would not precipitate premature Development, cause unnecessary public expenditure, or place undue pressures on the Community to provide services.

13.4 Changes to Existing Lots

- (1) No Person shall reduce the dimensions or change the Use of any existing Lot where the Authority Having Jurisdiction deems there would be a detrimental effect on neighbouring Property Owners.
- (2) Where an application to subdivide land would change the dimensions or the Use of a Lot in an existing approved Subdivision Development, the Authority Having Jurisdiction shall notify all Property Owners within 150 m. (492.1 ft.) of the boundaries of the Lot in writing, informing them of the details of the application and soliciting their comments.

13.5 Procedure

- (1) Any Person seeking approval of a Subdivision shall first make application for preliminary approval, and shall be required to submit to the Authority Having Jurisdiction, along with the application in the form approved by the Authority Having Jurisdiction, the application fee as set forth in Appendix B and four (4) copies of a preliminary Subdivision plan drawn to scale showing:
 - (a) the true shape and dimensions of every Lot;
 - (b) the location of every existing Building or Structure on the parcel;
 - (c) existing and proposed services and utilities;
 - (d) proposed widths and locations of all Streets; and
 - (e) the existing Use of the land and all immediately adjacent properties, showing Buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.

(2) The Authority Having Jurisdiction may also require the Applicant to provide additional information required to assist in evaluating a proposed Subdivision, including, but not limited to:

- (a) On-Site Sewage Disposal System, Site Suitability Assessment;
- (b) Entrance Way Permit;
- (c) contours and spot elevations;
- (d) traffic surveys; and
- (e) drainage plan; and
- (f) storm water management plan.

(3) The Authority Having Jurisdiction shall notify the Applicant, in writing, if the application is incomplete or lacking in plan details, and shall indicate any additional information or documentation required.

(4) The Authority Having Jurisdiction may refuse to approve a Subdivision which is unsuitable under the provisions of this Development Bylaw. In formulating its decision, the Authority Having Jurisdiction may consult with Government officials and private consultants and may conduct a public meeting to consider public opinion, in accordance with the procedures established in Appendix D.

(5) The Authority Having Jurisdiction shall evaluate any proposed Subdivision to determine whether appropriate Street design standards and Lot configurations have been Used to promote the Development of safe, convenient and pleasant neighbourhoods.

(6) The Authority Having Jurisdiction shall within twenty (20) working days of the date of receiving the application and appropriate fees, advise the Applicant in writing that the Subdivision has obtained preliminary approval with certain specific conditions, or that the Subdivision cannot be preliminary approved, and shall state the reasons for the decision.

(7) Preliminary approval for any proposed Subdivision shall not be construed as final approval of such Subdivision for legal conveyance or for land registration purposes.

- (8) Preliminary approval shall be effective for a period of 12 months, or such additional time as may be authorized by Authority Having Jurisdiction.

13.6 Parkland Dedication and/or Park Dedication Fee

Any Person applying to subdivide four (4) or more Lots within the Community shall be subject to the following:

- (1) The Authority Having Jurisdiction shall require, for the purpose of developing Parkland, that up to ten percent (10%) of the lands being developed be conveyed to the Community in the form of dedication of land, fee or a combination of both. The physical condition and location of parkland shall be determined by the Authority Having Jurisdiction.
- (2) The Authority Having Jurisdiction retains the right not to accept a dedication of land but rather may impose a minimum park dedication fee of ten percent (10%) of the land assessment of the developed lands, which sum shall be specifically designated for the purchase, Development or maintenance of public parklands in the Community. It is understood that the park dedication fee shall be calculated on the projected value of the lands being developed including all infrastructure costs upon final approval of the Development and shall not take into account value of Structures on such lands. The Authority Having Jurisdiction retains the right to Use the Province's Land Valuation and Assessment Division in determining the assessed value of the land.

13.7 Subdivision Agreement

- (1) The Authority Having Jurisdiction may require an Applicant to enter into a Subdivision Agreement as a condition of Subdivision approval. The Subdivision Agreement shall cover any matters as required by the Authority Having Jurisdiction and may include, but not be limited to the following:
 - (a) the design and construction costs of sidewalks, water supply, sanitary and storm sewers, Roads, and Street lighting;
 - (b) the dedication of land for parkland, recreation and Public Open Space purposes, or payment of a fee in lieu of land;

- (c) the Building of Roads to provincial standards and deeding of Roads to the Department of Transportation and Infrastructure Renewal or its successor;
- (d) the posting of a financial guarantee satisfactory to the Authority Having Jurisdiction;
- (e) the provision of a controlled landscape plan and storm water management plan to facilitate the drainage of water and to guard against flooding of Lots within the Subdivision and adjacent properties;
- (f) the provision of such services, facilities or actions as are necessary to ensure the satisfactory Development of the Subdivision;
- (g) the provision for the phasing of the Subdivision; and
- (h) the preservation and enhancement of surface water drainage systems.

13.8 Final Approval

- (1) Final Subdivision approval shall be granted by the Authority Having Jurisdiction only after the Applicant has:
 - (a) complied fully with all applicable requirements of this section and any Subdivision Agreement between the Applicant and the Community;
 - (b) submitted six (6) copies of a final Survey Plan showing all Lots pinned and certified by a surveyor registered to practice in the Province; and
 - (c) completed, when necessary, an agreement with the provincial Department of Transportation and Infrastructure Renewal or successor respecting Road construction and the Roads have been accepted as public.
- (2) The Authority Having Jurisdiction may grant final approval to part of a Subdivision which is proposed to be developed in Phases.
- (3) The Authority Having Jurisdiction shall give notice of final approval of a Subdivision in writing, and shall place its approval stamp on the six (6) copies of the Survey Plan and shall return at least one (1) copy to the Subdivider.

- (4) The Authority Having Jurisdiction shall file copies of the final Survey Plan with:
 - (a) the Registrar of Deeds;
 - (b) the Department of Transportation and Infrastructure Renewal or its successor;
 - (c) the Authority Having Jurisdiction files; and
 - (d) the local utilities, as required.

13.9 Severances / Consolidation

Notwithstanding the above provisions, the Authority Having Jurisdiction may approve applications for single Lot Subdivisions, partial Lots or easements and Lot Consolidations or Subdivisions which do not require the extension of municipal services or public Roads at its discretion, having regard for only those provisions which it deems applicable to each individual application, provided the application conforms with all other sections of this Development Bylaw.

13.10 Development Permits

Development Permits shall not be issued for any Lot in a proposed Subdivision until all the requirements of the Subdivision Agreement, when necessary, and of this Development Bylaw have been fulfilled and final Subdivision approval has been granted.

13.11 Rescinding or Altering Approval

- (1) An existing approved Subdivision or portion thereof may be rescinded or Altered by the Authority Having Jurisdiction if:
 - (a) The Subdivision has been carried out contrary to the application, the conditions of approval, or these regulations; or
 - (b) The Subdivision Owner has confirmed in writing that the sale of Lots is no longer intended, and has requested that approval be rescinded.

14.0 ZONING and OFFICIAL PLAN AMENDMENTS

14.1 Amendment Applications

- (1) All amendments shall be adopted in accordance with the procedures set out in the *Planning Act*.
- (2) A change to either the text or the Zoning Map of this Development Bylaw shall be considered an amendment and must be consistent with Official Plan policies.
- (3) Authority Having Jurisdiction may amend an Official Plan policy to enable a zoning amendment, including policy statements. Such Official Plan amendment shall proceed concurrently with the zoning amendment.
- (4) A Person who seeks an amendment to this Development Bylaw or the Official Plan shall address a written and signed application to the Authority Having Jurisdiction.
- (5) An application under this section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to:
 - (a) general Development Concept showing proposed land Uses, any Subdivisions, Buildings, means of servicing, traffic access and parking; and
 - (b) assessment of any potentially significant Development impacts on Community infrastructure and the natural environment.
- (6) The Applicant shall at the time of submitting the application, deposit with the Community the application fee and any other required fees in accordance with the schedule of fees established by Council and annexed hereto as Appendix B.

14.2 Amendment Procedures

- (1) Authority Having Jurisdiction shall review each amendment request and provide recommendations to Council.
- (2) Planning Board and Council shall consider the following general criteria when reviewing applications for zoning amendments, as applicable:

Community of Sherbrooke Zoning & Subdivision Control (Development) Bylaw

- (a) Conformity with all requirements of this Development Bylaw;
 - (b) Conformity with the Official Plan;
 - (c) Suitability of the site for the proposed Development;
 - (d) Compatibility of the proposed Development with surrounding land Uses, including both existing and future Uses as per the Zoning Map;
 - (e) Any comments from residents or other interested Persons;
 - (f) Adequacy of existing water, sewer, Road, storm water, and Public Open Space for accommodating the Development, and any projected infrastructure requirements;
 - (g) Impacts from the Development on pedestrian/vehicular access and safety, and on Public safety generally;
 - (h) Compatibility of the Development with environmental, scenic and historic resources;
 - (i) Impact on the Community finances and budgets; and
 - (j) Other matters as considered relevant by the Authority Having Jurisdiction.
- (3) The Authority Having Jurisdiction retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land Use planning standards or the Official Plan.
- (4) Subject to section 14.2 (3) above, the Authority Having Jurisdiction shall hold a public meeting as pursuant to Appendix D, to solicit input from public on the proposed amendment request. At least seven (7) Business days prior to the public meeting, the Authority Having Jurisdiction shall post the date, time and place of the public meeting, together with the general terms of the application, by:
- (a) public notice at least twice in a newspaper circulating in the area; and
 - (b) written notice to all Property Owners wholly or partly within 300 m. (984 ft.) of the boundaries of the subject Property.
- (5) Following the public meeting, the Authority Having Jurisdiction shall formulate a decision on the proposed amendment. The Authority Having

Jurisdiction shall have the authority to determine whether an amendment request is approved, modified, or denied and applications shall be approved or denied by resolution of Council. The Applicant shall be notified in writing of the decision.

- (6) Nothing in this Development Bylaw restricts the right of Planning Board or Council to initiate its own amendment requests.
- (7) Related Official Plan and Zoning amendments may be considered concurrently by the Authority Having Jurisdiction, provided that applications for both amendments are posted on the same public and written notices, and that the Official Plan amendment precedes the Zoning amendment.
- (8) Official Plan and Zoning amendments approved by Council also require approval by the Minister responsible for administering the Planning Act or any successive legislation.

15.0 PENALTIES

- (1) Every Person who contravenes any provision of this Development Bylaw is guilty of an offence and liable on summary conviction.
 - (a) on a first conviction, to a fine not exceeding \$2,000;
 - (b) on a subsequent conviction, to a fine of not more than \$400 for each day upon which the contravention has continued after the day on which he was first convicted.
- (2) Any prosecution for an offence under subsection (1) may be instituted within one year after the time when the contravention occurred.

16.0 REPEAL

16.1 Effective Date

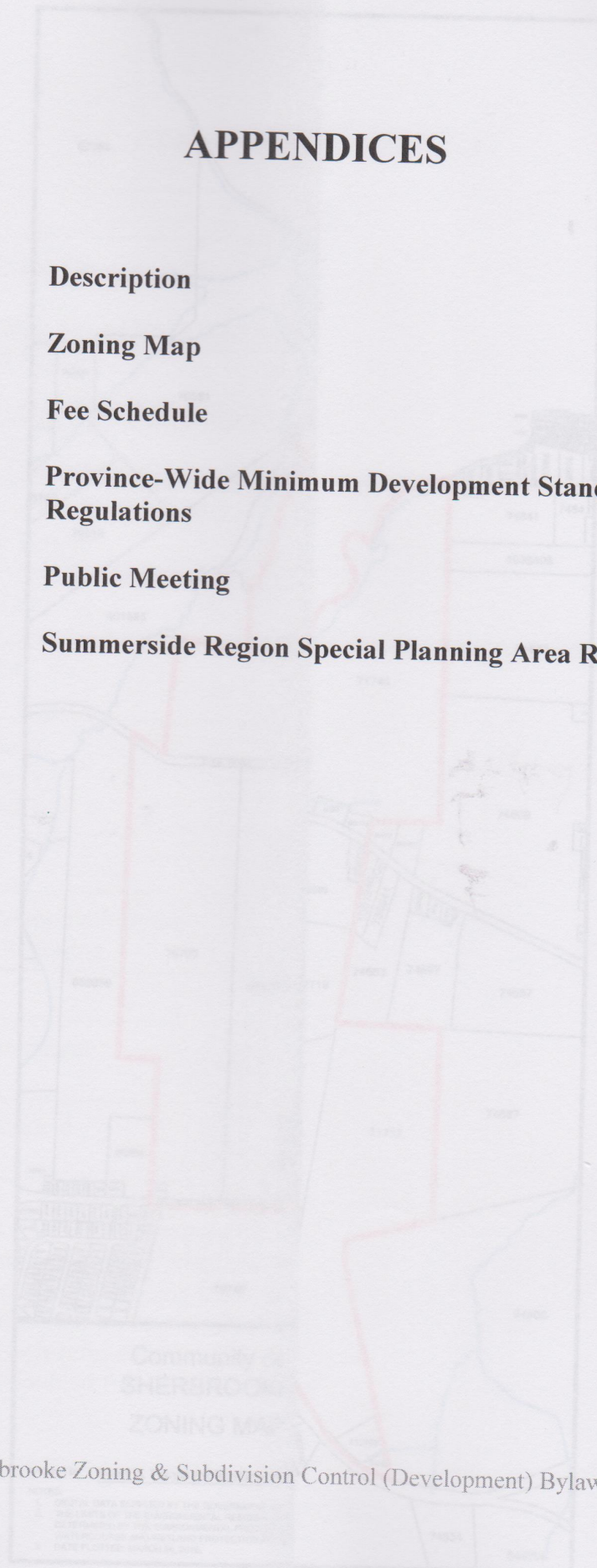
This Development Bylaw shall come into force effective _____.

16.2 Repeal

The Community of Sherbrooke 2005 Zoning & Subdivision Bylaw is hereby repealed.

APPENDICES

Appendix:	Description
A -	Zoning Map
B -	Fee Schedule
C-	Province-Wide Minimum Development Standards Regulations
D-	Public Meeting
E-	Summerside Region Special Planning Area Regulations



Appendix B (Fee Schedule)

Permit Type:	Fee:
Development Permits:	
- Dwellings or other Structures (excepting Accessory Building)	\$300.00
- Accessory Building/ Temporary Building	\$100.00
- Demolition / Moving / Change of Use	\$100.00
- Decks, pools & Fences	\$100.00
-Special Permit Use	\$200.00
-Permit Extension	No charge (when received prior to expiration)
Subdivision:	
- Lot Subdivision	\$200.00/Lot
- Lot Consolidation	
- Lot Revision	
- Change of Use	
Official Plan/Development Bylaw Amendments or Rezoning	\$500.00 plus notification fees for newspaper ads and/or postage (if applicable)
Variance	\$100.00
Development Agreement	\$200.00 plus applicable Provincial Registration fees
Subdivision Agreement	\$200.00 plus applicable Provincial Registration fees

***Notes:**

1. All fees are subject to associated costs which may include public meeting costs such as all advertising, printing and consulting/legal fees. Council shall have the final decision in determining the total fee of the applicable costs.
2. All initial fees shall be due with the application.
3. All fees are non-refundable.
4. All fees are doubled for an application after the fact.

Appendix C

Province-Wide Minimum Development Standards Regulations

Cap. P-9

Planning Act
Province-Wide Minimum Development Standards Regulations

Updated 2011

**TABLE 1 - MINIMUM LOT SIZE STANDARDS:
RESIDENTIAL LOTS**

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

Province-Wide Minimum Development Standards Regulations

central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	1 2 3 4 more than 4	20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	1 2 3 4 more than 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	1 2 3 4 more than 4	40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 55,000 sq. ft. / 5,110 sq. m. 55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 275 ft. / 83.8 m.
central water supply and on-site sewage disposal system	IV	50 feet / 15.25 metres	1 2 3 4 more than 4	60,000 sq. ft. / 5,580 sq. m. 65,000 sq. ft. / 6,450.5 sq. m. 70,000 sq. ft. / 6,510 sq. m. 75,000 sq. ft. / 6,975 sq. m. 75,000 sq. ft. / 6,975 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	275 ft. / 83.8 m.
central water supply and on-site sewage disposal system	V	N/A	N/A	not developable	N/A
on-site water supply and central waste treatment system	I or II	50 feet / 15.25 metres	1 2 3 4 more than 4	15,000 sq. ft. / 1,393.5 sq. m. 20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	100 ft. / 30.5 m. 125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 160 ft. / 48.8 m.

Province-Wide Minimum Development Standards Regulations

on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			more than 4	35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m.
			4		
central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister

Province-Wide Minimum Development Standards Regulations

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

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

Appendix D

Public Meeting

1. The Authority Having Jurisdiction retains the right to hold a public meeting for the following reasons:
 - (i) Where an application is not entirely clear in its intent, or where an application does not appear to conform with the provisions of the Development Bylaw or the policies of the Official Plan.
 - (ii) Where a Subdivision application is unsuitable under the provisions of this Development Bylaw, the Authority Having Jurisdiction may conduct a public meeting to consider public opinion.
 - (iii) The Authority Having Jurisdiction shall hold a public meeting to solicit input from the public on the proposed amendment to the Development Bylaw, Zoning Map or the Official Plan.
 - (iv) Proposal of a new or the expansion of an existing Accessory Apartment.
 - (v) Proposal of a multi-Lot (more than two Lots) residential Development.
 - (vi) Proposal of a new or the expansion of an existing Residential-Commercial Operation.
 - (vii) Proposal of a new or the expansion of an existing Public Service and Institutional Building or Lot.
 - (viii) Proposal of a new or the expansion of an existing General Commercial Building or Lot.
 - (ix) Proposal of a new or the expansion of an existing Primary Resource Commercial Building or Lot.
2. Where Authority Having Jurisdiction has determined that a public meeting is warranted, the following provisions shall apply:
 - (a) Council shall appoint a Council member to chair the meeting;
 - (b) the meeting shall be advertised at least twice in a newspaper circulating in the area, the cost of which shall be borne by the developer, stating the date, time, location and purpose of the proposed meeting, and that, for those unable to attend the public meeting, written comments respecting the proposed Development may be forwarded to the Administrator prior to the meeting;

- (c) the first advertisement shall be placed not less than seven (7) Business days prior to the date of the meeting;
 - (d) adjacent land Owners within 300 m. (984 ft.) of the proposed Development shall receive a separate written notice pertaining to the proposed Development, and
 - (e) all interested Persons may attend and be heard;
 - (f) the Administrator, on Council's behalf, shall give separate notice in writing to the developer of the date, time and place at which Council shall hold a public meeting regarding the developer's proposed Development;
 - (g) the meeting shall be held at a location in the Community; if this is not practical, a meeting hall shall be rented for purposes of holding the public meeting, the cost of which rental shall be borne by the developer;
 - (h) the developer shall make visual materials pertaining to the proposed Development available for examination by the public at the municipal office at least one (1) week prior to the date of the public meeting; and
 - (i) the developer or his agent shall attend the meeting in order to present and defend the proposed Development.
3. The agenda for the public meeting shall include the following:
- (a) introduction and opening remarks by the chair;
 - (b) presentation of the proposed Development by the developer or his agent;
 - (c) question period:
 - (i) questions on the proposed Development shall be handled by the developer;
 - (ii) questions on procedure or municipal policy shall be handled by the Development Officer;
 - (d) comments and opinions by interested Persons wishing to be heard;
 - (e) summary by the chair of previously submitted written comments from Persons unable to attend the meeting.
4. A transcript of the oral comments received at the public meeting shall be prepared by the Administrator, a copy of which shall be filed in the municipal office and made available to any interested Person during the Administration Office's usual hours of operation.
5. The Applicant shall be responsible for all fees including associated costs which may include public meeting costs such as all advertising, printing and consulting/legal fees. Council shall have the final decision in determining the total fee of the applicable costs.

Appendix E

As per the Summerside Region Special Planning Area Regulations

Planning Act, R.S.P.E.I. 1988, Cap. P-8, Updated 2014, Subdivision and Development Regulations (Pertinent sections shown only, any discrepancies, please refer to the full document)

D - SUMMERSIDE REGION SPECIAL PLANNING AREA

63. (1) The July 9, 1994 designation of the following areas as special planning areas is continued:

(d) the area adjacent to the City of Summerside as shown in Appendix A, Map No. 11.

(2) In addition to all other relevant conditions and requirements contained in these regulations, the provisions of this section apply within the Summerside Region Special Planning Area.

(3) The specific objectives for Development within the Summerside Region Special Planning Area are

- (a) to minimize the extent to which unserviced residential, commercial and industrial Development may occur;
- (b) to sustain the rural Community by limiting future urban or suburban residential Development and non-resource commercial and industrial Development in order to minimize the loss of primary industry lands to non-resource land Uses; and
- (c) to minimize the potential for conflicts between Resource Uses and urban residential, commercial and industrial Uses.

(3.1) In this section, "existing parcel" means a parcel of land that existed on July 9, 1994.

(4) An existing parcel of land may, on approval, be subdivided into not more than one Lot for each of the following purposes:

(a) residential Use, which may include the following:

- (i) single Family Dwelling use,
- (ii) duplex Dwelling use,
- (iii) Summer Cottage use, or
- (iv) multiple unit Dwelling use or Mobile Home Park where
 - (A) central sewerage service provided by a municipal sewerage Utility or central water service provided by a municipal water Utility is available or both are available; and
 - (B) an irrevocable agreement has been signed between the developer and the municipal sewerage or water Utility to provide central sewerage service or central water service or both if available to the Lot or Mobile Home Park;

Community of Sherbrooke Zoning & Subdivision Control (Development) Bylaw

- (b) Recreational Use;
- (c) resource-commercial or resource-industrial use, where the Lot is intended for agricultural, forestry or fisheries purposes;
- (d) non-resource-commercial or non-resource-industrial use, where the Lot is intended for other than agricultural, forestry or fisheries purposes, where the Lot has an area no greater than one acre;
- (e) institutional use, where the Lot has an area no greater than three acres;

(e.1) for use as a cemetery;

- (f) rural tourism use, where the Lot has an area no greater than three acres.

(5) Notwithstanding clause (4)(a), where the intended residential use is single Family Dwelling use, Subdivisions of more than one Lot per existing parcel of land, may be approved in the following situations:

- (a) where the requirements of clause (4)(a) are insufficient to permit the owner of an existing parcel to provide Lots for the children of that owner, and

- (i) the owner files, with an application to subdivide the existing parcel, a statutory declaration that he or she will convey the Lots only to his or her children and only for the use as a single Family Dwelling,

- (ii) no child of the owner will receive more than one Lot,

- (iii) the total number of Lots that may be subdivided from all of the existing parcels owned by an owner pursuant to this subsection is equal to or less than the number of children of that owner at the time of the application, and

- (iv) revoked by EC166/08)

- (v) a Lot intended for a child of the owner of an existing parcel of land shall not be given final approval and shall not be conveyed until the child has received a Development permit approval for the Lot and has submitted a statutory declaration declaring that the child intends to build a residence on the Lot for the child's own use;

- (b) where one Lot is required in addition to those permitted by clause (a) or (4)(a) in order to accommodate an existing Farm Dwelling, and the Dwelling on the Lot is to be served by the existing Farm Dwelling access;

- (c) where central sewerage service provided by a municipal sewerage Utility or central water service provided by a municipal water Utility is available or both are available, and an irrevocable agreement has been signed between the developer and the municipal sewerage or water Utility to provide central sewerage service or central water service or both if available to all Lots prior to the conveyance of any Lot from the approved Subdivision.

(5.01) In subsection (5.02), "remnant parcel" means, in respect of an

existing parcel, the portion of the existing parcel that has not been approved for Subdivision into one or more Lots under subsection (4), (5) or (5.1).

(5.02) An approval to subdivide a remnant parcel may be granted, as if the remnant parcel were an existing parcel, under

- (a) any clause of subsection (4) or (5); or
- (b) subsection (5.1),

if no previous approval to subdivide has been granted under such a clause of subsection (4) or (5), or under subsection (5.1), as the case may be, in respect of any land forming part of the existing parcel.

(5.1) Notwithstanding clause 4(c), where the intended use is resource-commercial or resource-industrial within a Municipality that has an official plan, Subdivisions of more than one Lot per parcel of land may be approved where an irrevocable agreement has been signed between the developer and a municipal sewerage or water Utility to provide central sewerage or central water service, or both if available, to all Lots prior to the conveyance of any Lot from the approved Subdivision.

(7) Pursuant to the uses and limitations contained in subsection (4) or (5.02), Development permits may be approved for

- (a) existing parcels of land;
- (b) Subdivisions approved prior to July 9, 1994;
- (c) Subdivisions approved pursuant to subsections (4), (5) and (5.1) and remnant parcels resulting from such Subdivisions;
- (d) Subdivisions approved pursuant to clause (5)(c) and subsection (5.1), where an irrevocable agreement has been signed between the developer and the municipal sewerage Utility, municipal water Utility or both of them to provide central sewerage service, central water service, or both of them, to the approved Subdivision prior to commencement of construction or location of Dwellings or Buildings on any of the Lots;

(8) Where a Lot has been approved pursuant to clause (5)(b) to accommodate an existing Farm Dwelling, no Development permit shall be issued for a Dwelling on the remainder of the subdivided parcel.

(9) Subdivisions or Development permits approved under subsections (4), (5), (5.1) and (7) shall, in areas where a municipal official plan is in place, also be subject to all applicable land use and Development regulations made pursuant to the municipal official plan.

(10) A Municipality with an official plan may, as an Alternative to amending its official plan and bylaws to conform with subsections (2) to (9), otherwise amend its official plan and bylaws where the amendments

comply with subsection 7(2) of the Act and

- (a) are consistent with the objectives set out in subsection (3);
- (b) satisfy the minimum requirements applicable to official plans pursuant to section 7 of the Act;
- (c) require the Municipality to report to the Minister, on or before April 30 of each year, the number of Lots approved and Development permits issued in the previous fiscal year, by type of intended use.