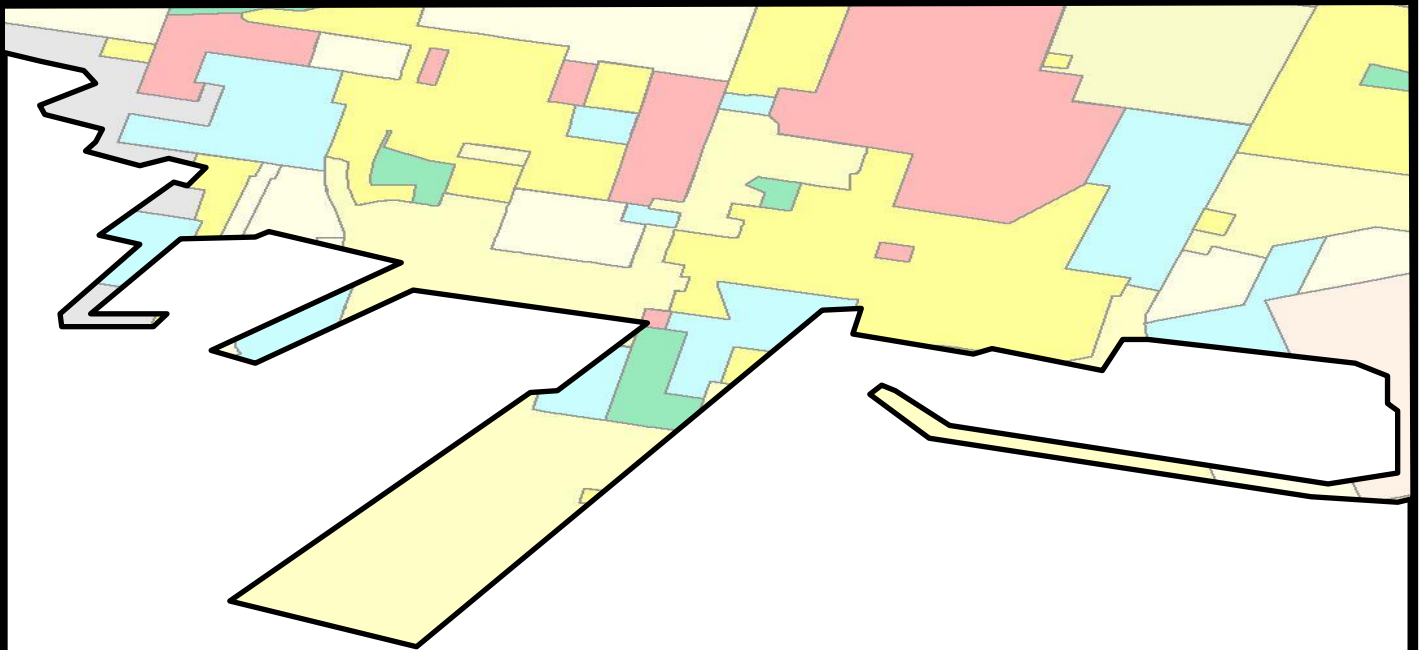


City of
Summerside

Prince Edward Island



ZONING BYLAW SS-15



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This document, is an office consolidation of this Bylaw

It is intended for information and reference purposes only.

This document is *not* the official version of the Bylaw.

We have tried to ensure these versions of the bylaws are as accurate as possible;

however, where accuracy is critical, please consult official sources.

**If you find any errors or omissions in this consolidation, please contact,
Department of Human Resources and Legal Affairs**

Phone: 902-432-1262

Email: sandra.corkum@city.summerside.pe.ca

Council Approved July 16 2018

Approved by the Province November 6 2019

Amended October 1, 2019

Amended September 13, 2021

This Zoning Bylaw is effective as of the date signed by the Minister

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SCHEDULE 'A'
General Provisions

Part 1

Section 1 Introduction

1.1 Title

This Bylaw may be referred to as the 'Summerside Zoning Bylaw SS-15 (Rev 2018)'. It applies to all lands within the City of Summerside. This represents a consolidation of all previous amendments and modifications as a result of the *Summerside Official Plan 2018*.

1.2 Authority

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

1.3 Effective Date

The effective date of this Bylaw shall be the date of its approval by the Minister responsible for administering the Planning Act.

1.4 Consolidation

The following bylaw is hereby revised: *City of Summerside Bylaw SS-15 (Rev. 2018)*.

1.5 Scope

All development and, where applicable, all existing uses, buildings and structures within the City shall be in compliance with this Bylaw.

1.6 Validity

- a. The intent of provisions of this Bylaw are not invalidated by any errors in its drafting.
- b. Should any provision of this Bylaw be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the Bylaw shall not be affected.
- c. A change of owner, tenant or occupant of any building or land does not, by itself, affect the rights or obligations attached to such building or land through any provision of this Bylaw, except as specifically limited by any provision.

1.7 Schedules

- a. The written body of this Bylaw constitutes its Schedule 'A' and may be referred to as the 'text.' The main body of this Bylaw can be amended in accordance with the *Planning Act*.
- b. Schedule 'B' is referred to as the Zoning map. It can be amended in accordance with the *Planning Act*.
- c. The following regulations in Schedule 'C' can be amended by Council resolution:
 - *Signage Regulations;*
 - *The City of Summerside Wind Energy Conversion System Regulations;*
 - *Development Application Fees;*
 - *Procedure:* Building deconstruction to allow for reuse of an existing foundation, building reconstruction within the same footprint of the existing building or building reconstruction within the same footprint on a legacy lot.

Section 2 Zoning Definitions

For the purposes of this Bylaw, all words shall carry their customary meaning except those defined here. Cross-references between definitions are shown by use of *italics*. Definitions relating specifically to signage are in *Schedule C - Signage Regulations*. Definitions used in this bylaw that conflict with the National Building Code as adopted by the City, the Code definitions shall have precedence.

A

ACCESSORY APARTMENT, see *dwelling unit*.

ACCESSORY BUILDING means a building whose use is incidental and subordinate to, and consistent with, the main building or approved use of the lot upon which the building is located.

ACCESSORY UTILITY BUILDING/STRUCTURE means a building or structure that serves the immediate surrounding area with utility services, such as a lift station or a well and may include a generator building.

ACCESSORY USE means a use customarily subordinate and incidental to the main use of buildings or land on the same lot.

ACCOMMODATIONS means a *Tourism Establishment* as defined in this bylaw, but not a *boarding house*.

AGRICULTURAL USE includes:

General Agricultural Use means an agricultural use of a building or land, such as animal husbandry, dairying, field cropping, horticulture, market gardening, pasturage, and any associated packing and storage of agricultural products, but excluding any *intensive agricultural use*, or any agricultural processing (see *heavy industrial*).

Intensive Agricultural Use means an agricultural use of a building or land which is an *obnoxious use*, such as abattoirs, piggeries, year-round feed lots, and commercial poultry-keeping based on confinement rather than free-range operations.

ALCOHOL MANUFACTURER means the production and sale of alcohol as licensed by the *PEI Liquor Control Act*, including:

Brew Pub means a small capacity brewery which produces less than 2,000

hectolitres of beer per year and can sell only draft or bulk beer by the glass for consumption in its adjacent, totally segregated, *licensed premises* and at one other location which is owned and operated by the holder of the brew-pub license.

Ferment on Premises means a building where the equipment for the making of beer or wine on the premises is provided to individuals.

Micro-Brewery means a brewery that produces less than 15,000 hectolitres of beer per year.

ALLOWABLE USE means a use identified as allowable in a *zone*, including:

Permitted Use means a use which does not require a development permit and is allowable by right, subject to meeting applicable Bylaw requirements.

Discretionary Use means a use which may be allowed only with Council's discretionary approval.

Conditional Use means a use which may be allowed subject to the Development Officer approving a permit with attached conditions on performing the use, which can be revoked by Council for unsatisfactory performance. Some *allowable uses* may be both conditional and discretionary.

Restricted Use Designation means restricting land use to a single purpose with Council's approval. The underlying or current zoning of the property does not change.

AMENDMENT means a change in the 'text' of Schedules 'A' and 'C' of this bylaw and Schedule 'A' of the *Summerside Official Plan 2018*, either by deletion, addition, or substitution of words, sentences, paragraphs or sections with new or different language. Amendments may be minor to the extent the changes in language do not alter the intent of original text, but merely clarify or correct the original text. Amendments may be material to the extent that the intent, purpose, or meaning of the original text results in a new intent, purpose or meaning. An amendment to Schedule 'B' is the Zoning Map of this Bylaw and Future Land Use Plan (map) of the *Summerside Official Plan 2018*.

ANCILLARY RESIDENCE, see *dwelling unit*.

ANIMAL CARE FACILITY includes:

Animal Hospital means a building or part thereof where animals are given veterinarian care and which may be used for boarding animals on a short-term basis incidental to the main hospital use, but which may be combined with an *animal kennel* when both such uses are allowed in the same zone.

Animal Kennel means a building or part thereof used for the commercial breeding, sale, training, or boarding of pets, but not farm animals, and not counting limited commercial breeding of pets as a *home based business*.

Animal Shelter means a building used for the care of lost, abandoned, neglected or dangerous animals, which may be combined with an *animal kennel* when both such uses are allowed in the same zone.

APARTMENT BUILDING see *dwelling unit*.

APPLICANT means any *person* responsible for completing an application for a *development permit* and for fulfilling any required preconditions or conditions of permit approval under this Bylaw. In the case of an application for a *conditional use*, the applicant must also be the property owner of the *lot* in question.

APPROVED LOT see *Lot*.

ASSISTED LIVING means a *single-family dwelling unit* occupied by a *family* which also provides homelike conditions for *persons* with intellectual disabilities, children in foster care or minors and is not a *secondary suite*.

AUTOMOBILE ESTABLISHMENT includes:

Automobile Body Shop means a *building* or part thereof used primarily for collision services, body repair, decal application, painting, or undercoating of *vehicles*, as well as for storage, mechanical repair and servicing of vehicles incidental to the primary use.

Automobile Repair Shop means a *building* or part thereof used for mechanical repair of *vehicles*, such as brake, engine, muffler and transmission work, tire and glass replacement, or wheel alignment, but excluding an *automobile body shop* and not including the sale of fuel and lubrication oils (see *automobile service station*).

Automobile Sales Establishment means a *building*, or a clearly defined space on a lot used for the sale of 3 or more, new or used *vehicles*, which may also include an *automobile body shop*, *repair shop*, or *washing establishment*.

Automobile Service Station means a *building* used for the sale of fuel, lubricating oils and automobile accessories, and may include minor repairing of vehicles, as well as an *automobile washing establishment*, *small food store*, or *restaurant*. An automobile service station may be combined with an *automobile repair shop* when both are allowed in the same zone. A gas bar for the sale primarily of fuel and lubricating oils is deemed to be a service station for purposes of this Bylaw.

Automobile Storage Facility see *storage facility*.

Automobile Towing Facility see *storage facility*.

Automobile Washing Establishment means a *building*, or a clearly defined space on a lot used for washing vehicles.

B

BAKERY means an establishment that produces and sells flour-based food baked in an oven such as bread, cookies, cakes, pastries, and pies. Some *bakeries* may serve cooked meals for take-out.

BANK or **FINANCIAL INSTITUTION** means a *building* or part thereof used for banks, credit unions, or other lending institutions, which may be partly or wholly a drive-through facility, but not counting separate banking machines located in other premises.

BED & BREAKFAST see *tourism establishment*.

BOARDING HOUSE means a *single-family dwelling* which may provide up to 3 private rented rooms.

BUILDING means as defined by the *Building Code Act/National Building Code* as adopted by the City.

BUILDING AREA means as defined by the *Building Code Act/National Building Code* as adopted by the City.

BUILDING CODE means that edition of the National Building Code adopted with or without amendments by *Council* under the *Summerside Building Bylaw SS-09*.

BUILDING CODE ACT means legislation as adopted by the Province of PEI.

BUILDING HEIGHT means the number of storeys contained between the roof and the floor of the first storey at *grade*, excluding such projections as antennae, chimneys, church spires, clock towers, elevator enclosures, and flagpoles.

BUILDING SUPPLY OUTLET means a *building* or part thereof used for retailing or wholesaling building or home improvement materials, which may also include fabrication of garden buildings and certain home improvement items (such as kitchen cabinets), but not fabrication of large buildings or their components (such as *manufactured homes*).

BULK FUEL DEPOT see *storage facility*.

BULK STORAGE FACILITY *see storage facility.*

BUSINESS or **PROFESSIONAL OFFICE** *see office.*

BYLAW means any bylaw passed by the City of Summerside Council.

C

CANNABIS PRODUCTION FACILITY means a secure facility used for the cultivation, processing, testing, packaging and shipping of legalized Cannabis products regulated under Federal Government and Province of PEI *Cannabis Management Corporation Act, R.S.P.E.I. 1988.*

CANNABIS RETAIL STORE means an agency that is permitted to sell cannabis under the *PEI Cannabis Management Corporation Act, R.S.P.E.I. 1988.*

CAMPGROUND or **RV PARK** means a parcel of land permitted to be used for temporary accommodation of the travelling public that provides sites for tents, trailers, or motor homes, but does not include industrial, work or construction camps or permanent manufactured home parks.

CARPORT means a *building* for accommodating a *vehicle* with at least 40% of its perimeter being open-sided. An 'attached carport' is part of the *main building* to which its roof is attached, including if attached by a breezeway, whereas a 'detached carport' is an *accessory building*.

CEMETERY means land that is set apart or used as a place for the interment of deceased within the meaning of the *PEI Cemeteries Act.*

CHIEF ADMINISTRATION OFFICER means the Chief Administration Officer appointed by *City Council.*

CHILD CARE FACILITY means any facility where childcare is licensed by the Province of PEI under the *Child Care Facilities Act.*

Small Child Care Facility means a *home based business* use in a residential dwelling for care and supervision of 3-7 children for compensation, but shall not include overnight accommodation.

Medium Child Care Facility means up to 50% of the floor area of a residential dwelling for care and supervision of 8-15 children for compensation, but shall not include overnight accommodation.

Large Child Care Facility means a *building* used for the care and supervision of 16 or more children for compensation, but shall not include overnight accommodation and shall not be a public or private grade school.

CITY means the City of Summerside as established by the *PEI Municipal Government Act*.

CITY ARTERIAL see *Street*.

CITY COLLECTOR see *Street*.

CITY LOCAL see *Street*.

CLEAR DAY means any day other than weekend days or statutory holidays, as defined in the *PEI Planning Act*.

COLLEGE or **UNIVERSITY** means a *building* or part thereof and land used for a post-secondary institution as per the *PEI Holland College Act* and *University of Prince Edward Island Act*.

COMMERCIAL/RESIDENTIAL BUILDING means a *building* containing both residential and commercial uses. Commercial *floor area* is at least half or greater of the major use of the building and the commercial space at street level *frontage*, is utilized as *retail* space.

COMMERCIAL SCHOOL means a *building* or part thereof used for a school/ college conducted for profit, such as a business or language school, but does not include a truck driving school or a private grade school.

COMMUNITY CENTRE means a *building* or part thereof used for community activities of an essentially non-profit nature and controlled by the City, a City appointed board, or a non-profit organization.

COMMUNITY CARE FACILITY see *nursing care facility*.

CONSTRUCTION COMPANY means a business enterprise concerned with the construction and maintenance of municipal services, buildings, roadways, bridges and may include landscaping services and snow removal services and may include office space.

Light Construction Company a construction company with equipment related to construction and maintenance of buildings, sidewalks, driveways, landscaping services and may include private property snow removal.

Heavy Construction Company a construction company with equipment related to construction and maintenance of municipal services, buildings, roadways, bridges, etc. and may include public roadway snow removal.

CONVENTION FACILITY means a *building* containing space for multiple gatherings, either for meeting, exhibition or entertainment purposes. These facilities can be located in a standalone building or part of a multi-purpose community centre or as part of a motel/hotel. It may also include a *restaurant, tavern/bar/ lounge*.

CONDITIONAL USE, see *allowed use*.

CONDOMINIUM, means a *building* or group of buildings in which each individual unit is held in separate private ownership and all property except for the units are held in common as defined by the *Condominium Act R.S.P.E.I. 1988 Cap C-16*. A condominium is permitted in any zone with the exception of Conservation or Parkland zones.

CONVENIENCE STORE see *food store*.

CORRECTIONAL CENTRE means a facility that is used to detain juvenile or adult offenders who are awaiting trial or are serving a sentence after being found guilty of a criminal offense. It may also provide training and support services to help individuals transition from a facility to public life.

COUNCIL means the duly elected Council of the *City of Summerside*.

CREMATORIUM means a *building* fitted with the proper equipment for the purposes of the cremation of human or animal remains.

CULTURAL/INTERPRETATIVE CENTRE means a *building* for the collection, documentation, preservation and may display artefacts that characterize a society, including an archive, museum, gallery, theatre, studio, or community gardens of an artistic, educational, historical, natural heritage or cultural interest.

D

DAY CARE see *Child Care Facility*

DEVELOPER means a person, who directly or indirectly, is authorized to apply for approval of a development or subdivision or to enter into an agreement regarding a development or subdivision.

DEVELOPMENT means a City approved permit for any or all of the following:

1. site alteration, including but not limited to:
 - (a) altering the grade of the land;
 - (b) removing vegetation from the land;

- (c) excavating the land;
 - (d) depositing or stockpiling soil or other material on the land; and
 - (e) establishing a parking lot.
2. locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing structures or buildings in, under, on or over the land.
 3. placing temporary or permanent mobile uses or structures in, under, on or over the land.
 4. changing the use or intensity of use of a parcel of land or the use, intensity of use or size of a structure or building.

DEVELOPMENT AGREEMENT means a legally enforceable agreement between a *developer* and a *council*, or other third party respecting the terms and conditions to a development approval, permit or amendment under this Bylaw, the *Summerside Building Bylaw SS-09*, the *Summerside Subdivision and Site Development Bylaw SS-19*, or the *Summerside Heritage Conservation Bylaw SS-20*.

DEVELOPMENT OFFICER means any person designated by the *Chief Administrative Officer* to administer this Bylaw or any part thereof.

DEVELOPMENT PERMIT means an approval for *development* granted under the authority of this Bylaw by *Council* or the *Development Officer*, as applicable.

DEVELOPMENT STANDARD means a technical measure used in a *zone*, related to a building, lot or land use, such as setbacks, areas, frontage, height, floor area, lot coverage, etc.

DISCRETIONARY USE, see *allowable use*.

DRAINAGE GREENWAY means a multi-tier drainage channel conveyed to the City which includes a lower channel for normal water flow and an upper channel for overflow, which also allows for a walking path.

DRIVE-THROUGH RESTAURANT, see *restaurant*.

DRY CLEANER includes:

Dry Cleaner Outlet means any *building* or part thereof used only for the purposes of receiving and returning fabric and other articles for their processing at another location.

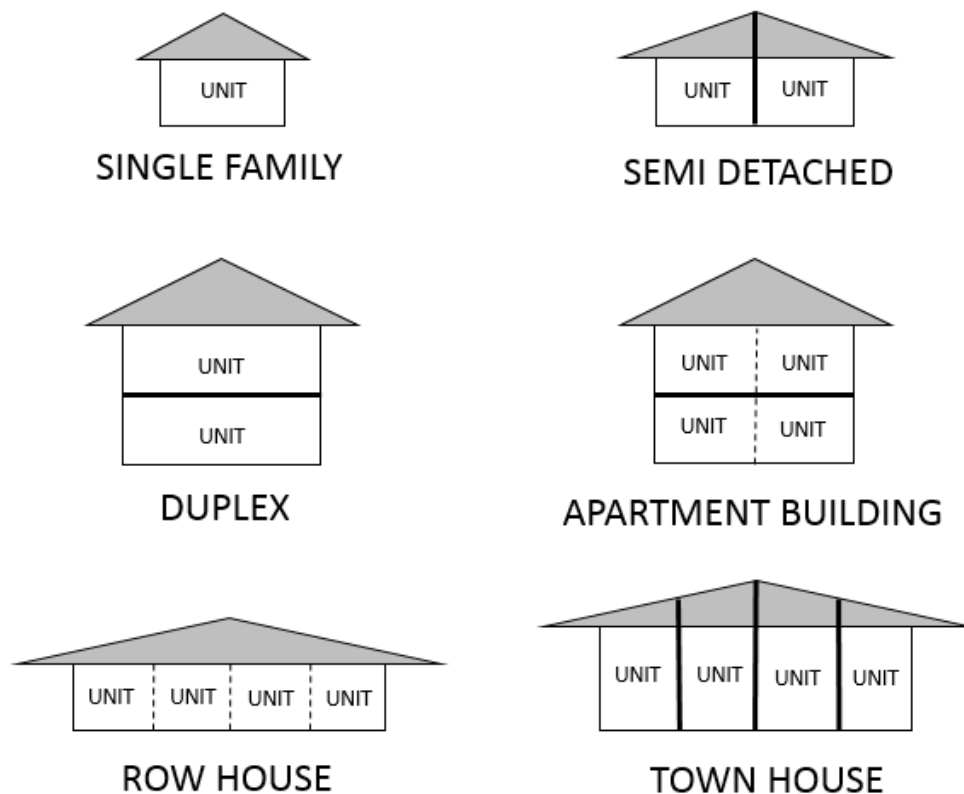
Dry Cleaner Processor means any *building* used for dry cleaning or dyeing of fabrics and other articles, which may also be used for receiving and returning of those articles.

DUPLEX, see *dwelling unit*.

DWELLING means a *building*, or portion thereof designed, arranged or intended for residential occupancy and may include a *hotel* and *motel* rented for occasional periods during the year but shall not be equipped with cooking equipment.

DWELLING UNIT means a self-contained set of habitable rooms located in a *building*, which consists of cooking, sleeping and sanitary facilities. A *recreation vehicle* or *travel trailer* is not considered residential dwelling units.

Examples of types of dwelling units: (see graphic)



Ancillary Residence means one or two dwelling units within a commercial building in which the units are accessory to the main commercial use of the building.

Apartment Building means a *building* containing more than two dwelling units except a *Row House* and *Town House* as defined in this *Bylaw*.

Duplex means a *building* that is divided either horizontally or vertically into two dwelling units, with one or both of the units constructed directly on grade or the other unit constructed directly above the grade-level unit. The units may share common municipal services and shall not be subdivided into individual ownership.

Row House means a *building* that is divided into three or more vertically adjacent, joined dwelling units, separated by a vertical wall with each unit being constructed directly on grade. Row houses do not require individual public utilities for each unit, street frontage and cannot be subdivided.

Semi-Detached means a building that is divided vertically into two side-by-side dwelling units. Both units are constructed directly on grade and separated from each other by a vertical wall of concrete or masonry firewall. Semi-detached dwellings require individual public utilities and street frontage for each dwelling unit and can be subdivided as per Section 8.15.

Secondary Suite means a dwelling unit with a prescribed floor area located within a *single-family dwelling* and where both dwelling units constitute a single real estate entity.

Single-Family Dwelling means a building dedicated to one dwelling unit, except where other accessory uses may be allowed.

Town House means a building that is divided into three or more vertically adjacent dwelling units, separated by a vertical concrete or masonry fire-wall, with each unit being constructed directly on grade. Town houses require individual public utilities and street frontage for each dwelling unit and can be further subdivided as per Section 8.15.

E

EMERGENCY SERVICES FACILITY means a *building* or part thereof used for a fire, police, or ambulance station.

ENTERTAINMENT FACILITY means a publicly or privately operated *building* used for entertainment activities, such as an arena, auditorium, bingo hall, or theatre, but excluding an *video arcade, exotic entertainment establishment, pool hall, or tavern/bar/lounge*.

EXOTIC ENTERTAINMENT ESTABLISHMENT means a business which features topless and/or bottomless dancers or strippers, or which provides services of which a principal feature is the nudity or partial nudity of any person. It is not an *allowable use* in any *zone*.

F

FACTORY CONSTRUCTED BUILDING means a non-residential prefabricated building, building module or building panel component that is partially or fully constructed in an off-site facility that is certified under CSA-A277.

FAMILY means an individual or a group of individuals living in a dwelling unit.

FARM GATE OUTLET means land or a building where produce is harvested and sold by the grower, and is an accessory use to a general or intensive agricultural use, excluding sale of farm products not grown on the premises or any non-farm products, or a *plant nursery*.

FARMERS/FISHERS MARKET means a building or part thereof, or land used primarily for selling farmers' or fishers' products directly to the general public without any intermediary wholesaling, but excluding a *farm gate outlet*.

FENCE means a *structure* that defines or encloses an area, typically outdoors, and is usually constructed by a combination of posts, boards, wire, rails or netting and includes:



Agricultural Fence is a fence designed in such a manner to retain livestock.

Industrial Fence is a fence constructed of chain link fencing or similar materials. Main purpose is to provide safety or security of an area.

Ornamental Fence is a fence designed in such a manner, and of such material, that the main purpose is to decorate or enhance the appearance of the property. This may include a corner fence, trellis, or landscape panel.

Privacy Fence is a fence designed to enclose an area to limit viewing from neighboring properties or public right-of-ways.

Partition Fence is a fence that is located between abutting properties, intended to establish a property boundary.

Transparent Fence is a fence designed to enclose an area but allow viewing from neighboring properties or public right-of-ways.

FITNESS CENTRE means a building intended for physical fitness, which may include, game courts, exercise equipment, locker rooms, fitness classes, or hot tub or sauna.

FLEA MARKET means a building or part thereof, or land used for a continuing, periodic or occasional market where participants purchase, sell, or exchange goods, but excluding scrap materials such as metals, tires and vehicles (see *salvage yard*), and not counting occasional flea markets in a *shopping centre*.

FLOOR AREA means the area provided on each of one or more levels, including a finished basement and measured from the outside walls of the building; but excluding any enclosed parking.

FLOOR AREA RATIO means the proportional result obtained from dividing the *floor area* of all main buildings on a lot by the area of the entire lot.

FOOD STORE means:

Convenience Store means a building or part thereof with 150 m² (1, 615 sq ft) or less floor area, for carrying a limited range of food items and other consumer convenience goods, or a specialty food store. A *take-out restaurant* may be permitted as an accessory use to the convenience store.

Grocery Store means a building or part thereof with more than 150 m² (1, 615 sq ft) floor area, for carrying an extended range of food items, and may also include house ware, clothing and a pharmacy. A *restaurant* may be permitted as an accessory use to the grocery store.

FORESTRY means use of land for the growing, conservation, or harvesting of trees, but shall not include the processing or manufacturing of wood products.

FUNERAL HOME means a building designed for the purpose of furnishing supplies, funerals, viewing and related services to the public and includes facilities intended for the preparation of the deceased human body for interment and does not include a *crematorium*, unless allowed by *Restricted Use* approval.

G

GAMING ESTABLISHMENT means premises used primarily for the purpose of operating or wagering on games of chance, except on a temporary basis for charitable purposes under applicable Provincial legislation. It may also include a *restaurant, tavern/bar/lounge*.

GARAGE means a totally enclosed building for accommodating a vehicle, including:

Attached garage is part of the *main building* to which its roof, walls and foundation is attached to the main building.

Detached garage means an *accessory building*.

GENERAL AGRICULTURAL USE, see *agricultural use*.

GOVERNMENT OFFICE, see *office*.

GRADE means the lowest among the average, finished ground levels around each *main wall* of a building, excluding local depressions on the ground, such as for vehicle or pedestrian entrances or as defined in the *National Building Code* as adopted by the City.

GROUP HOME means a *building* for accommodating individuals who are not a *family*, but live under supervision in a single housekeeping unit because of their special physical, social, or mental needs, and may also include a caretaker family.

H

HEAVY INDUSTRY, see *industrial*.

HOSPITAL means the Provincial Prince County Hospital (PCH) as defined in the *PEI Hospitals Act*.

HOME BASED BUSINESS means a business or service use located in a *dwelling unit* that is used or occupied as a single housekeeping unit or, when allowed, in its *accessory building*, subject to specific limitations in this Bylaw.

HERITAGE PLANNING BOARD means the Heritage Planning Board (HPB) as defined by the *Summerside Heritage Conservation Bylaw SS-20*.

I

INDUSTRIAL means:

Light Industrial means use of land or *buildings* for fabrication, manufacturing, assembly, treatment or warehousing of goods, but does not include industrial processing or other process which may result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluent.

Food Processor means a *building* used for the processing of products from raw materials into food, dairy or bakery products and may include storage facilities and wholesaling, but shall not be an *obnoxious use*.

Heavy Industrial means a *building* or land used for the processing of products predominantly derived from extracted or raw materials, such as feed, fertilizer, asphalt and gravel plants, potato processors, including industries which for application purposes under this Bylaw may be considered an *obnoxious use*.

INN see *tourism Establishment*

INSTITUTIONAL USE means a *building* or land by an incorporated body or society for promoting a particular purpose or for providing a service, including but not limited to hospitals, schools, nursing care facilities, community centres, government buildings, and private not-for-profit clubs.

INTENSIVE AGRICULTURAL USE, see *agricultural use*.

J

K

L

LAND USE see *allowable use*

LICENSED means a premise that is licensed, to serve alcohol, by the P.E.I. Liquor Control Commission under the *PEI Liquor Control Act*.

LIGHT INDUSTRY, see *industrial*.

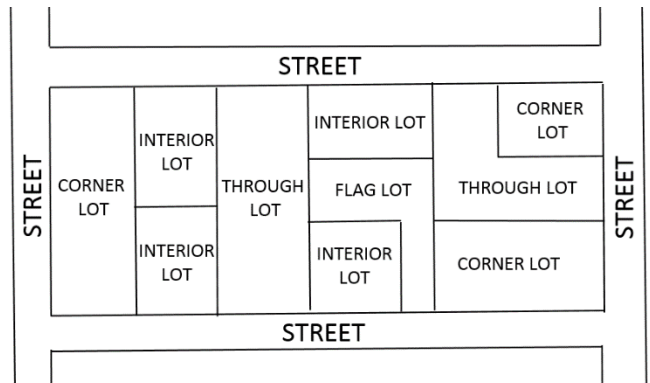
LIQUOR STORE means an agency that is permitted to sell liquor under the *PEI Liquor Control Act*.

LOT means any parcel of land shown on a registered plan of subdivision, or described in a deed or other document legally capable of conveying an interest in land approved under the *Summerside Subdivision Bylaw SS-19* or previous development control bylaws adopted by the *City*. Types of lots include:

Interior Lot means a lot which fronts on one *street*.

Corner Lot means a lot which fronts, or is intended to front on two connecting *streets*.

Through Lot means a lot which is not a corner lot that fronts on more than one *street*.

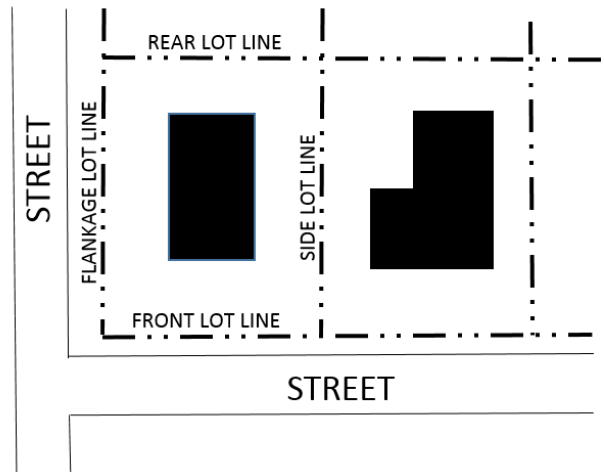


Flag Lot means a lot of which the ‘larger part’ is located behind another lot(s) that fronts onto a *street*, but also includes a ‘smaller part’ with its own street frontage.

LOT LINE means a boundary of a lot, including:

Front Lot Line generally means the lot line abutting a *street*, but:

1. in the case of a corner lot or through lot, means the lot abutting the street providing vehicle access to the property. In hardship or other special circumstances, the Development Officer may determine the front lot line as the other street frontage, if it eliminates or reduces variances.



2. in the case of a semi-detached building, means the lot line abutting the street providing primary access to the property. On a corner lot, each unit may abut different streets, and the lot lines are determined from the primary street access.

Rear Lot Line means the lot line opposite the front lot line, in the case of a lot with more than 4 lot lines, it will be the furthest lot line from the *front lot line*. In the case of a triangular lot with 3 lot lines, there shall be deemed to be no rear lot line. In the case of a semi-detached dwelling, it means the lot line opposite the front lot line and may have a zero lot line in the case of a corner lot.

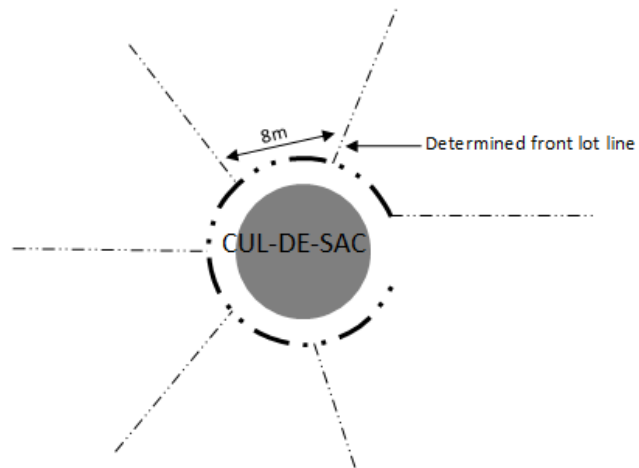
Flankage Lot Line means the lot line of a corner lot abutting a street which is not the *front lot line*.

Side Lot Line means any lot line other than the *front, rear or flanking lot lines*.

Zero Lot Line means that a wall of a *building* is located on a lot line.

In the case of a corner lot, which is intended to be occupied by a semi-detached building with front lot lines on different streets, a zero lot line is allowed on the common wall between the two units.

Cul-de-Sac Lot Line, see graphic.



LOT AREA means the total horizontal area within all lot lines.

LOT COVERAGE means the percentage of the *lot area* covered by a building as measured at the outside of its *main walls*.

LOT DEPTH means the horizontal distance between *front* and *rear lot lines*. Where these lines are not parallel, it means the horizontal distance between the mid-point of the front lot line to the mid-point of the rear lot line or, in the case of triangular lot, to the apex of the angle formed by the intersection of the *side lot lines*.

LOT FRONTAGE/FRONTAGE both mean the horizontal distance between *side* and/or *flankage lot lines*. Where these lines are not parallel, the Development Officer will determine the front lot line, in any case, the frontage will be a minimum of 8 m (26.2 ft).

M

MAIN BUILDING means a *building*, or group of buildings where allowed under this Bylaw, for accommodating the *main use* on a *lot*.

MAIN USE normally means the use for which the *zone* has been created.

MAIN WALL means the exterior wall of a building, but excluding projections such as balconies, bay windows, chimneys, decks, exterior stairs, fire escapes, projecting roofs, and wheel chair ramps.

MANUFACTURED HOME means a transportable, single or multiple section(s) dwelling ready for occupancy on completion of setup in accordance with the manufacturer's instructions. Manufactured homes include:

Modular Home is a manufactured home built to Canadian Standards Association A-277. Modular homes are typically designed to be placed on a permanent foundation.

Mini Home is a manufactured home built to Canadian Standards Association Z-240. Mini homes are typically designed to be placed on a concrete blocking or concrete pylons.

Mobile Home is a manufactured home built to Canadian Standards Association Z-240. Mobile homes are typically designed with a steel chassis to be placed on a concrete blocking or concrete pylons. Mobile homes are not to exceed twenty (20) years of age at the time of building permit application.

MANUFACTURED HOME PARK means a site on which a number of *manufactured home spaces* are provided, and which may include other directly related uses.

MANUFACTURED HOME SPACE means a lot allocated for accommodating a *manufactured home* in a *manufactured home park*.

MARINA means a building or a clearly defined space on a lot associated with the nearby docking of boats, including for use of boat sales, rentals, storage, and servicing.

MAYOR means the Mayor of the City of Summerside.

MEDICAL OFFICE see *office*.

MEETING FACILITY means space reserved for accommodating groups for community or private functions.

MIXED USE means the use of land or *building* with a range of uses that can be mixed horizontally and vertically, including commercial and residential.

MUSEUM see *cultural centre/ interpretative centre*.

N

NON-COMPLYING means a *building* erected prior to the adoption of this Bylaw which does not comply with the development standards of the *zone* in which it is situated, and may include a building for which a valid development permit had been issued prior to the

adoption of this Bylaw.

NON-CONFORMING USE means the use of a *building* or *land* which was already established prior to the adoption of this Bylaw but which does not conform to the permitted uses in the *zone* in which it is situated.

NURSING CARE FACILITY means:

Community Care Facility means an establishment licensed by the Province of Prince Edward Island under the *Community Care Facilities and Nursing Homes Act, R.S.P.E.I. 1988, Cap. C-1*, and which is not a public hospital. A community care facility provides services for compensation and generally includes housekeeping, assistance, no cooking in rooms, meals provided in a cafeteria style room. It may be combined with a nursing home facility.

Nursing Home Facility means an establishment licensed by the Province of Prince Edward Island under the *Community Care Facilities and Nursing Homes Act, R.S.P.E.I. 1988, Cap. C-1*, and which is not a public hospital. A nursing home facility provides residential care, nursing care to individuals incapacitated for medical reasons. A nursing home facility may be combined with a *community care facility*.

O

OBNOXIOUS USE means any use of a building or land which, because of its nature, may potentially:

1. create a serious nuisance;
2. be offensive by reason of creating noise or vibration, or by emitting gas, fumes, dust, oil or objectionable odour, or by the unsightly storage of goods, salvage, refuse matter, waste or other materials; or
3. constitutes a significant environmental hazard to public health or to the natural environment.

OFFICE means a building or part thereof, including:

Business or Professional office means a *building* or part thereof used for transacting business, or for providing professional services to clients, such as by accountants, architects, engineers, insurance agents, financial advisers, lawyers, and realtors, but shall not include retail selling of any products on the premises and does not include a *medical office*.

Government Office means a *building* or part thereof used for providing services to the public such as administration, consultation, or business transactions. It may include Federal, Provincial or Municipal government buildings such as City Hall and

local community centres.

Medical Office means a *building* or part thereof used by qualified medical practitioners for the provision of medical and health care for outpatients, such as by chiropractors, acupuncture, massage, medical doctors, dentists, optometrists, nutritionist, physio, and paramedical services, naturopaths, but excluding veterinarians.

OFFICIAL PLAN means the *City of Summerside Official Plan 2018* and all amendments as approved by *Council*.

OFFICIAL PLAN AMENDMENT, see *amendment*.

OFFICIAL PLAN POLICY means a *Council* policy in the *Official Plan*, including policies in the text (Schedule 'A') and designation of land use in the future land use plan– FLUP (Schedule 'B') of the Official Plan. Amendments can be to the text and future land use plan in accordance with the *PEI Planning Act*.

OUTDOOR STORAGE AREA, see *storage facility*.

P

PARK means an area open for extended periods to the general public for active or passive recreational purposes, including:

Private Park means a park owned by a private person or entity.

Public Park means a park owned by the City of Summerside, or by any other authority established by City bylaw or Provincial Act, or other public lands reserved for park purposes.

PARKING SPACE means an area of land which is suitable for the parking of a *vehicle*.

PARKING AREA means any site set aside on a lot with parking spaces which forms the *accessory use* of the lot.

Parking Area [Indoor] means any site set aside intended for use in the interior of a building and the area may be completely enclosed. An indoor parking area may be underground, or at grade.

PARKING LOT means any site set aside on a lot with parking spaces which form the *main use* of the lot.

Parking Lot [Indoor] A parking lot situated or intended for use in the interior of a building and the area may be completely enclosed. An indoor parking lot may be underground, at grade or within a multi-story parkade style *building*.

Bicycle Parking means a bicycle stall located in an unsecured or uncontrolled area, intended for short-term parking needs.

PERMITTED USE, see *allowable use*.

PERSON means an individual, association, corporation, contractor, commission, public utility, firm, partnership, or organization of any kind, including both principal and agent in an agency situation.

PERSONAL SERVICE SHOP means a building or part thereof in which personal services are provided, such as a barber shop, beauty shop, dress-maker, shoe repair shop, or tailor, but not a *dry cleaning outlet*.

PLACE OF WORSHIP means a church, temple, synagogue, or other place for performing religious ceremonies of any religious organization, and may include accessory uses such as administration office, convent, large daycare, hall, monastery, religious school, parsonage, or rectory.

PLANNING ACT means the *PEI Planning Act*, R.S.P.E.I. 1988, Cap. P-8.

PLANNING BOARD means the Committee of Council performing the roles and responsibilities of a 'Planning Board' defined in the *PEI Planning Act*.

PLANT NURSERY means a building or land used for the growing of young trees and/ or other plants which are 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*.

POOL HALL means a building or part thereof which provides for the game of pool or billiards and which may also include a *video arcade*.

PRIVATE CLUB means a building used as an establishment which: (a) has a clearly defined basis of membership and reason for existence other than a *licensed establishment*; (b) is non-proprietary and is not operated for personal gain or personal profit of any member, officer or shareholder thereof; and (c) may have regular hours of operation.

PROPERTY OWNER means for purposes of sending notices under this Bylaw, the *person* listed as the owner of a property in the latest Assessment Role made available to the City as compiled by the Provincial Treasurer under the Real Property Assessment Act, R.S.P.E.I. 1988, Cap. R-4.

PROVINCE means Province of Prince Edward Island.

PROVINCIAL ARTERIAL see *Street*

PUBLIC UTILITIES means an organization supplying the City with electricity, storm drainage, water or sewerage services or other telecommunication services.

Q

R

READING means a City of Summerside Council resolution/amendment to this bylaw and in accordance with the *PEI Planning Act*.

RECREATION FACILITY means a building or part thereof, or land used for sports and leisure activities, such as a bowling alley, ice surface, arena, fitness gym, or swimming pool and may include a restaurant and/or meeting space and hotel.

RECYCLING FACILITY means the use of land and *buildings* as a collection facility and distribution point for materials regulated under the *PEI Environmental Protection Act*, but specifically excludes tires. All materials must be collected and stored within a *building*. A recycling facility does not include processing, except packaging for shipping, and does not include *outdoor storage* or a *salvage yard*.

RESTAURANT means a building or part thereof where food and beverage is served to the public, including:

Dining Room is a restaurant where seating and/or tables are provided and the product is consumed on site. Take out service may be permitted as an *accessory use* to the dining room.

Drive Through is a restaurant where a customer can be served while remaining in their vehicle and the product is consumed somewhere other than in the restaurant.

Take Out is a restaurant where no seating and/or tables are provided and the product is wholly consumed off-site.

RESTRICTED USE, see *allowable use*.

RETAIL STORE means a building in which merchandise is offered for sale to the consumer, including:

Small Retail Store with 230 m² (2, 475 ft²) or less floor area.

Large Retail Store with more than 230 m² (2, 475 ft²) floor area.

ROW HOUSE, see *dwelling unit*.

ROOMING HOUSE means a *building* that provides more than 3 private rented rooms, with shared common areas.

S

SALVAGE YARD means a building or land used for the storage, handling, processing, or sale of scrap materials, such as metals, tires, and vehicles.

SCHEDULE in this Bylaw means Schedules: “A” (text); “B” (Zoning map) “C” (Regulations).

SCHOOL PREMISES means a building or property under the management or operation of an education authority that is used in whole or in part for the instruction of students under the *PEI Education Act*.

SECONDARY SUITE see *dwelling unit*.

SECONDARY PLAN means a secondary plan to the *Summerside Official Plan 2018* prepared in detail taking into consideration the physical, social and economic benefits for a specific area and outlining a development plan to achieve the long-term objectives and policies for this area. This plan should guide all future types of development and outline any anticipated expenditures of the City of Summerside for the area.

SEMI-DETACHED see *dwelling unit*.

SERVICE ROAD means a subsidiary road from a *street* for providing general traffic circulation within a lot, typically to a parking lot or area, loading space, or *mobile home space*, but not counting a private driveway directly accessing a *dwelling* from a *street*.

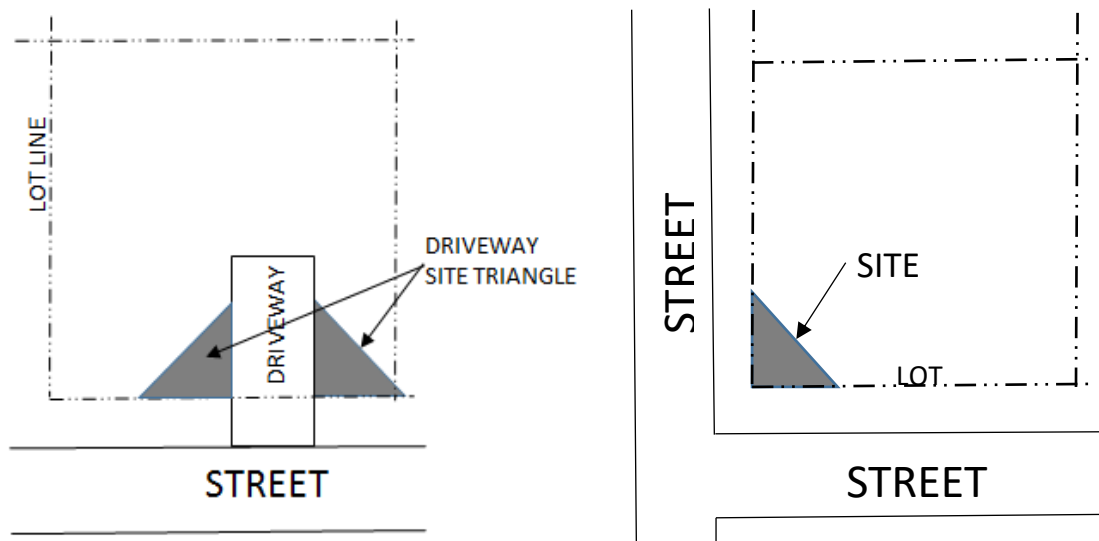
SERVICE CENTRE means a building used for the repair, as well as possible sale of household articles, appliances, and/or of electronic equipment, but does not include an *industry*, *automobile body or repair shop*, or *retail store*.

SETBACK means the minimum, horizontal separation distance between two objects as identified in this Bylaw, such as a *main building, street R.O.W., watercourse, or zone boundary*.

SHOPPING CENTRE means a main building or group of related main buildings containing a number of *retail stores* allowed in the same zone in which the shopping centre is located, typically planned, developed, owned and managed as a unit and having shared parking.

SINGLE-FAMILY DWELLING, see *dwelling unit*.

SITE TRIANGLE means a triangular area at an intersection, formed by two streets or a street and a driveway, which must be kept clear of obstructions such as fencing and hedges so that persons in one street or driveway can see cars approaching on the other. See graphic.



SOCIAL SERVICES AGENCY means use of a building sponsored by a government or a non-profit organization for providing neighbourhood counselling and training support services to individuals and families, such as addiction services, support for persons with mental disabilities, support for single parents and their children, or crisis intervention, and which may also include occasional overnight accommodation for individual clients needing care, but excluding an *apartment* and not counting use of part of an institutional facility for any such support services.

SOLAR ENERGY COLLECTOR SYSTEM means devices designed to collect, store and distribute solar energy collector system.

SPECIAL USE means the special use zone of this bylaw and use of land, or building which because of its particular nature, cannot be easily accommodated within another zone.

STAFF means employees of the *City of Summerside*.

STORAGE FACILITY means:

Automobile Storage Facility means a building or land where *vehicles*, including seasonal vehicles such as RV's, boats, snow mobiles, are temporarily stored for the off-season and is not a garage.

Automobile Towing Facility means a building or lands where vehicles that have been towed, damaged or impounded are stored in an enclosed fenced area for up to 90 days, but is not a *salvage yard*.

Bulk Fuel Depot means a building used for storage, distribution and wholesaling of fuel and oils, but shall not include retail sales.

Bulk Storage Facility means a building or land used for the storage and distribution of pipes, gravel, sand, salt, fertilizers, grain, wood and wood products but not including building supply outlets.

Outdoor Storage Area means a site set aside on a lot for the outdoor storage of equipment, goods, materials, vehicles and other items, which forms either the *main* or *accessory use* of the lot, but excluding an *automobile sales establishment*, *bulk storage facility* and *building supply outlet*.

Self -Storage means a building that is open to the public for the sole purpose of providing individual self-service storage units.

Warehouse means a building used primarily for the storage and distribution of goods and materials, excluding a *building supply outlet*.

STOREY as defined by the National Building Code, means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

STREETSCAPE means the overall visual appearance of the street including its subcomponents such as street r-o-w, sidewalks, landscaping, as well as the facades and established setback of the adjacent buildings that forms the streets character.

STREET WALL means the boundary of street, formed by buildings, hedges, etc.

STREET/STREET R.O.W. both mean the rights-of-ways of highways or roads vested in the City or the Province for the passage of persons and vehicles and which may contain roadways, services and other utility infrastructure.

City Arterial means Water Street East, South Drive/Water Street (from South Drive to Queen Street), North Drive (from West Drive to Hwy #2) and Heather Moyse Drive.

City Collector means Water Street (Downtown), Bayview Drive, Pope Road, Ryan Street, Notre Dame Street, Harvard Street, Central Street, Granville Street, MacEwen Road and Walker Avenue.

City Local means all other streets are considered local streets.

Provincial Arterial means Provincial Highways No. #1A and #2 within, or abutting the *City* boundaries.

STRUCTURE means anything that is constructed or erected that is not a *building*, such as a *fence, sign, wind turbine, solar energy collector system and communication tower*.

SUBDIVISION means the division, consolidation, or other reconfiguration of a *lot*.

SUMMERSIDE BUILDING BYLAW means the *City of Summerside Building Bylaw SS-09*.

SUMMERSIDE HERITAGE CONSERVATION BYLAW means the *City of Summerside Heritage Conservation Bylaw SS-20*.

SUMMERSIDE SUBDIVISION & SITE DEVELOPMENT BYLAW means the *City of Summerside Subdivision and Site Development Bylaw SS-19*.

SWIMMING POOL/SPA/HOT TUB means a water filled enclosure used for the purposes of swimming or wading and having a depth greater than 0.61 metres (24 inches).

T

TAVERN/BAR/LOUNGE means a *building* where the main use is the sale of alcohol licensed under the *PEI Liquor Act*. It may also provide *accessory* live entertainment and dancing.

TOURISM ESTABLISHMENT includes a Bed & Breakfast, Inn, Motel/Hotel, Tourist Home and Vacation Rental Property means an establishment that is used as an accommodation of paying guests for a continuous period of less than one month and in which breakfast and meals may also be served to those guests, as licensed for such use by the Province under the *Tourism Industry Act, R.S.P.E.I. 1998, and Cap.T-33*. A *tourism establishment* includes:

Bed & Breakfast means a *single-family dwelling* offering individual overnight sleeping units or suites (3 maximum) where breakfast may be provided by the proprietor. Commercial cooking equipment is not permitted.

Inn means a *building* offering individual overnight sleeping units or suites (in excess of 3), where meals may be provided by the proprietor.

Motel/ Hotel means a *building* with rooms for accommodating travelers and which may be rented out as dwelling units for periods of the year. A motel/ hotel may also include a *restaurant, tavern/bar/lounge, meeting or convention facilities*.

Tourist Home means a *single-family dwelling* offering individual overnight sleeping units or suites (in excess of 3) where meals may be provided by the proprietor. Commercial cooking equipment is not permitted.

Vacation Rental Property means a *dwelling unit* offering overnight stays less than one-month.

TRUCKING DEPOT means a building or land used for the transshipment of goods between commercial vehicles and/or the fuelling and maintenance, servicing, or storage of commercial vehicles.

TOWNHOUSE *see dwelling unit.*

U

U-STORAGE, *see storage facility.*

UNIVERSITY *see college/ university*

UTILITY FACILITY means any publicly or privately operated *building* or *structure* used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals, but not counting accessory utility buildings or structures that are specifically designed to serve the immediate surrounding area.

V

VACATION RENTAL PROPERTY *see Tourism Establishment*

VARIANCE means partial relief of up to 50% from the *development standards* as regulated in Section 7 of this Bylaw. It cannot be used to create a land use or to eliminate development standards.

VEGETATION means a living ground cover, but not limited to plants, grass, hedges, shrubs or trees.

VEHICLE means a motorized conveyance or such piece of equipment which is normally licensed by the *Province* for road use.

VIDEO ARCADE means a *building* or part thereof in which three or more amusement games are operated by depositing coins or tokens.

W

WAREHOUSE see *storage facility*.

WATER COURSE means a watercourse as defined in the *PEI Environmental Protection Act - Watercourse and Wetland Protection Regulations*.

WIND ENERGY CONSERVATION SYSTEM means a *structure* in accordance with the City of Summerside Wind Energy Conservation System Regulations, as contained in *Schedule C* of this Bylaw.

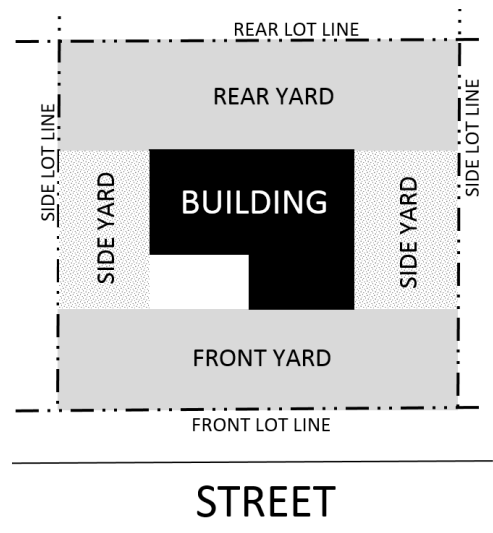
X

Y

YARD means part of the lot that is not occupied by the *main building* and includes:

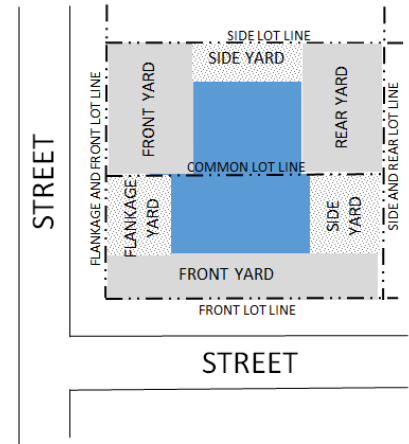
Front Yard means a yard extending fully across a lot between the *front lot line* and the nearest point of the *main wall* of any *main building* on the lot. The 'minimum front yard' is measured at the minimum yard depth as required under this Bylaw.

Rear Yard means a yard extending fully across a lot between the *rear lot line* and the nearest point of the *main wall* of any *main building* on the lot. The 'minimum rear yard' is measured at the minimum yard depth as required under this Bylaw.



Side Yard means a yard extending between the *front* and *rear yards* and between a *side lot line* and the nearest point of the *main wall* of any *main building* on the lot. The ‘minimum side yard’ is measured at the minimum yard depth as required under this Bylaw.

Flankage Yard means the side yard of a *corner lot* where the driveway is located.



Z

ZONE means a designated area of land on the zoning map Schedule B of this Bylaw.

ZONING BYLAW means the *City of Summerside Zoning Bylaw SS-15 (Rev. 2018)* as amended.

ZONING BYLAW AMENDMENT see *amendment*.

Section 3 Zoning Map – Schedule ‘B’

3.1 Zoning Map

The zoning of all lands within the City is shown on the attached Schedule ‘B,’ which forms part of this Bylaw and may be referred to as the ‘City of Summerside Zoning Map.’

3.2 Zones

For purposes of this Bylaw the City of Summerside is divided into the following zones, the boundaries of which are shown on the zoning map. Each zone may be referred to by its particular symbol and color.

Zones	Symbol
Residential Zones	
Single-Family Residential	R1
Low-Density Mixed Residential	R2
Medium-Density Residential	R3
Medium-Density Narrow Lot Residential	R3r
High-Density Residential	R4
Manufactured Home Park	R5
Comprehensive Development Area	CDA
Commercial Zones	
Downtown	D
Service Commercial	C2
Neighbourhood Commercial	C3
Industrial Zones	
Light Industrial	M1
Heavy Industrial	M2
Institutional Zone	I
Parkland Zone	P
Special Use Zone	SU
Agricultural Zone	A
Conservation Zone	CO

Section 4 Interpretation

4.1 Zoning Boundaries

Boundaries between zones on the zoning map shall be determined as follows:

- a. Where a zone boundary is indicated as following a street, the boundary shall be the centre line of such street.
- b. Where a zone boundary is indicated as following a lot line, the boundary shall be such lot line.
- c. Where a zone boundary is indicated as following the limits of the City of Summerside, the boundary shall be such limits.
- d. Where a zone boundary is indicated as following the shoreline of the ocean or harbour, the boundary shall be the high water mark.
- e. Where none of the above provisions apply, the zone boundary shall be scaled from the zoning map.

4.2 Use of Headings

The headings of parts, sections, subsections, and tables of this Bylaw have been inserted for convenient reference and in no way define, limit or enlarge the scope of any provisions of the Bylaw.

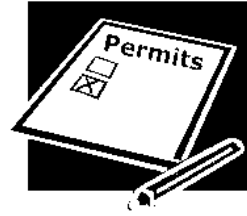
4.3 Development Standards and Standards of Measurement

All development standards and standards of measurement are minimum standards, unless specifically identified otherwise. The metric system is used throughout this Bylaw and in all cases represents the required standard. Imperial measurements are approximate and for convenience only.

Section 5 Administration

5.1 Bylaw Administration

This Bylaw shall be administered by the Development Officer for the City of Summerside.



5.2 Application for Development Approval

- a. All development permits approved by the City shall conform with this Bylaw.
- b. Application shall be made for the following:
 - i. official plan amendment;
 - ii. secondary plan amendment;
 - iii. zoning bylaw amendment;
 - iv. discretionary use;
 - v. conditional use;
 - vi. variance;
 - vii. restricted use;
- c. Each application shall be completed when:
 - i. submitted in a format required by the City;
 - ii. signed and dated by the applicant;
 - iii. also signed by the property owner if they are not the applicant, duly authorizing the applicant to act as their agent (applications for conditional use permits have to be made by the property owner);
 - iv. accompanied with all payable fees as required under this Bylaw, and
 - v. accompanied with all supporting information and documentation as required under this Bylaw.

5.3 Fees

All applications under this Bylaw are subject to payment of fees as laid out in Schedule 'C,' Regulations which forms part of this Bylaw and may be amended by simple resolution of Council. The Development Officer may assess a higher fee in cases where development has proceeded before issuance of the permit for the amounts also laid out in Schedule 'C' Regulations.

5.4 No Exemption from Requirements

Every development shall be subject to the requirements of this Bylaw, whether or not development approval is required.

5.5 City as Initiator

The City may initiate an official plan or zoning amendment for any lands, but all in accordance with this Bylaw.

5.6 Compliance with Other Regulations

Nothing in this Bylaw shall exempt any person from complying with the requirements of other City Bylaws or regulations and Provincial Acts or regulations as applicable. Where requirements of this Bylaw may conflict with any other requirements, the more stringent requirements shall prevail.

5.7 Review of Amendments

Council, Planning Board and the Development Officer shall consider the following general criteria when reviewing applications, as applicable:

- a. Conformity with all requirements of this Bylaw.
- b. Conformity with the Official Plan (2018) and any approved Secondary Plans.
- c. Suitability of the site for the proposed development.
- d. Compatibility of the proposed development with surrounding land uses, including both existing and projected uses.
- e. Any comments from residents or other interested persons.
- f. Adequacy of existing water, sewer, road, storm water and electrical services, city parking and parklands 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 heritage resources.
- i. Impacts on City finances and budgets.
- j. Other matters as specified in this Bylaw, as well as other applicable City policies and bylaws.
- k. Other matters as considered relevant.

5.8 Time Limitation of Applications

- a. A development application which is not completed within 12 months of the original submission in accordance with section 5.2 (c) shall be considered null and void.
- b. A development application shall be considered with respect to the provisions of this Bylaw existing at the date the application is completed in accordance with section 5.2 (c), regardless of any subsequent amendments to the Bylaw.
- c. Should a development application be denied, a similar application shall not be considered within 12 months of the initial application being denied, except when the Development Officer considers it justified because of valid new evidence or a change in conditions, or as the result of an appeal or review procedure allowed under this Bylaw.

5.9 Official Plan (OP), Secondary Plans (SP) and Zoning Bylaw (ZBL) Amendments

- a. A change to either the text or the zoning map of this Bylaw shall be considered a zoning amendment and shall be consistent with Official Plan and Secondary Plan policies.
- b. Council may amend its official plan to enable a zoning amendment including policy statements in Schedule 'A' (text) and/ or the future land use plan (FLUP) in Schedule 'B', but any such official plan amendment shall precede the zoning amendment.
- c. Council may amend any secondary plan in conjunction with an official plan and/ or zoning bylaw amendment in accordance with Section 5.9 (b).
- d. The Development Officer may require additional supporting information from applicants necessary for the City to adequately review their proposed zoning or official plan amendments against the general criteria listed in section 5.7, such as:
 - i. general development concept showing proposed land uses, any subdivisions, buildings, means of servicing, traffic access and parking;
 - ii. substantiation of marketing and financial feasibility; and
 - iii. assessment of any potentially significant development impacts on City infrastructure and the natural environment.

5.10 Procedures for Official Plan, Secondary Plan, Zoning, Discretionary Uses, and Restricted Uses

Council may approve or deny applications for an official plan amendment, secondary plan amendment, zoning amendment, discretionary use and restricted use, subject to the following procedures:

- a. Council shall call a public meeting to provide residents and other interested persons the opportunity of making representations on the application. A minimum of 7 clear days prior to the public meeting, the Development Officer shall post the date, time and place of the public meeting, together with the general terms of the application, by:
 - i. Zoning bylaw amendments, discretionary and restricted use applications shall require a minimum of one public notice in a local newspaper.
 - ii. Amendments to the Official Plan and/ or Secondary Plan shall require a minimum of two public notices in a local newspaper; and
 - iii. Written notice in all applications shall be mailed to all property owners within 60 m (196.8 ft) of the boundaries of the subject property.
- b. Applications for zoning amendments shall accord with the following procedures:
 - i. Council holds a public meeting and by resolution provides first reading approval of the amendment(s);
 - ii. Staff report is prepared to Planning Board;
 - iii. Planning Board makes recommendations to Council;
 - iv. At a separate Council meeting held on a different day, second reading approval of the amendment(s) and a resolution to pass the amendment(s); and
 - v. If passed, zoning amendments go to the Minister responsible for the *PEI Planning Act* for final approval.
- c. Applications for official plan and secondary plan amendments shall accord with the following procedures:
 - i. Council holds a public meeting;
 - ii. Staff report is prepared to Planning Board;
 - iii. Planning Board makes recommendations to Council;
 - iv. At a separate Council meeting held on a different day, a resolution to pass the amendment(s); and
 - v. If passed, official plan and secondary plan amendments go to the Minister responsible for the *PEI Planning Act* for final approval.

- d. Applications for discretionary and restricted use approvals shall accord with the following procedures:
 - i. Council holds a public meeting;
 - ii. Staff report is prepared to Planning Board;
 - iii. Planning Board makes recommendations to Council;
 - iv. At a separate Council meeting held on a different day, a resolution to pass the amendment(s) is passed.
- e. Related official plan, secondary plan and zoning amendments may be considered concurrently by Council, provided that applications for the amendments are posted on the same public and written notices, and that the official plan and/or secondary plan amendment precedes the zoning amendment in accordance with section 5.9 (b).

5.11 Official Plan, Secondary Plan and Zoning Boundary Revisions

- a. Provided that there is no inconsistency with Official plan and/or Secondary plan policies, the Development Officer may make technical revisions to the zoning map and/or the future land use plan map (FLUP) for purposes of:
 - i. approving 'minor subdivisions' for lot consolidations as defined by the *Summerside Subdivision & Site Development Bylaw SS-19*;
 - ii. reflecting detailed topographical or legal conditions.
- b. The Development Officer shall advise Council of all technical revisions made and, at his/her discretion, may refer a proposed technical revision to Council to determine its consistency with Official Plan and/or Secondary Plan policies.

5.12 Discretionary Use Approval

Council may approve or deny discretionary use approval to allow certain uses as identified in this Bylaw. Council approval shall lapse for a discretionary use which has not been commenced within 12 months of approval being granted, or which has been discontinued for more than 12 consecutive months. The onus of proof that a discretionary use has been commenced or not discontinued shall rest with the property owner.

5.13 Restricted Use Approval

Council may approve or deny restricted use approval to allow certain uses in this bylaw in accordance with the standards in Section 8.5. Council approval shall lapse

for a restricted use which has not been commenced within 12 months of approval being granted, or which has been discontinued for more than 12 consecutive months. The onus of proof that a restricted use has been commenced or not discontinued shall rest with the property owner.

5.14 Conditional Use Approval

- a. The Development Officer may approve or deny an application by a property owner for a five-year conditional use permit to allow certain uses identified in this Bylaw, subject to attached conditions. In reviewing the application, the Development Officer shall consider all applicable conditional use standards in Section 9.
- b. The Development Officer may approve or deny an application to renew, reassign or amend any existing conditional use permit, taking into consideration any complaints raised by neighbours during the previous tenure of the permit.
- c. An applicant, who is denied a conditional use permit by the Development Officer, either in respect of a new permit for a home based business, or renewal, reassignment or amendment of any existing permit, may request in writing within 21 days of the decision for their application to be reviewed by Council. Council, after hearing the recommendation of the Planning Board, may approve or deny the permit.
- d. For certain uses in particular zones identified in this Bylaw, issuance of a conditional use permit must be preceded by Council's discretionary use approval for the proposed use in question. Council approval does not guarantee subsequent issuance of the permit.
- e. Application for a conditional use permit must be made by the property owner.
- f. Council, after hearing the recommendation of the Planning Board, may revoke a conditional use permit for violation of any condition attached to the permit.

5.15 Development Agreement

- a. Council may require a property owner to enter into a development agreement with the City and any third party as applicable to fulfill any special conditions attached to a development approval, permit or amendment under this Bylaw, the *Summerside Building Bylaw SS-09*, the *Summerside Subdivision and Site Development Bylaw SS-19*, or the *Summerside Heritage Conservation Bylaw SS-20*.

- b. Should an agreement be entered, the development agreement must be signed by the property owner and by the Mayor and the Chief Administration Officer for the City, and by an authorized person for any third party. Council may stipulate that the property owner sign a development agreement within a specified period of time.
- c. Should Council stipulate the agreement be signed within a specific period of time, the property owner must register a signed development agreement against the subject property in the Prince County Registry Office within 30 days of signing. A registered copy shall be provided to the City for filing.
- d. A development agreement shall only come into effect after:
 - i. signing and registering of the agreement in accordance with sections (b) and (c) above; and
 - ii. lapsing of any operable appeal or review period without commencement of any appeal or review, or abandonment or disposal of any appeal or review which is initiated.
- e. A development agreement shall be legally binding upon all signatory property owners and upon any, and all future owners of the property to which it applies.
- f. Council may discharge all or part of a development agreement when its conditions are fulfilled to the City's satisfaction, or amend an agreement with concurrence of the applicant.
- g. If a development approval or permit lapses, any attached development agreement will lapse concurrently.
- h. No development shall occur without a required development agreement being in effect, or except in compliance with any agreement in effect.

5.16 Pre-Conditional Approval

Council or the Development Officer, as applicable, may approve a development application contingent on the applicant satisfying required preconditions of approval, but approval is not finalized until these preconditions are completely met to the City's satisfaction.

5.17 Similar Allowable Use

The Development Officer may deem that a proposed use not identified as an allowable use in a zone, is of sufficiently similar nature to an allowable use in the same zone as to be considered the same for application purposes. However, in no event shall a use be allowed in a zone that is not identified as an allowable use in that zone, but is identified as an allowable use in another zone.

5.18 Enforcement

- a. For purposes of making an inspection to determine conformity with this Bylaw, the Development Officer is authorized to enter into any building or land during normal business hours after giving 24 hour notice to the property owner.
- b. If a development or land use does not comply with requirements of this Bylaw, the Development Officer may issue a written notice to the applicant, property owner, or both, to:
 - i. stop the development or land use in whole or in part within a specified time; and/or, at the City's option:
 - ii. take measures so that the development or land use complies with requirements of this Bylaw within a specified time.
- c. Any person who fails to comply with a notice under section (b) is guilty of an offence.

5.19 Offences

- a. Every person is responsible for meeting all requirements of this Bylaw.
- b. Every person, who violates any provision of this Bylaw or Regulations is guilty of an offence and liable on summary conviction to payment of a fine not exceeding \$2000 for a first offence and on a subsequent conviction, to a fine not more than \$400 for each day upon which the contravention has continued after the day on which he was first convicted.
- c. Every person is liable for any offence under this Bylaw.

5.20 Right of Appeal

- a. Any person who is dissatisfied by a decision by Council or the Development Officer made under this bylaw, may appeal to the Island Regulatory and Appeals

Commission (IRAC) within 21 days of the said decision in accordance with the Planning Act.

- b. The City is not liable for damage suffered by any person resulting from development undertaken during an appeal period, or while a decision is under appeal.

Section 6 Non-Conforming Uses and Non-Complying Buildings

6.1 Continuation of Non-Conforming Uses

Any use of a building or land existing at the effective date of this Bylaw that does not conform with permitted uses in the zone where it is located, shall be deemed to be a 'non-conforming use' and may continue to exist, subject to provisions of this Bylaw and any other applicable regulations. For purposes of interpretation, the foregoing applies to intended uses of buildings under construction, or of proposed buildings with valid permits at the effective date of this Bylaw.

6.2 Non-Conforming Buildings and Land Uses

- a. Any building containing a non-conforming use shall be deemed a 'non-conforming building.'
- b. A non-conforming building shall not be extended in size, except that Council may approve an application for a one-time extension of up to 10% of the total building floor space existing prior to 1999, subject to:
 - i. the Development Officer providing written notice to all assessed property owners within 60 m (196.8 ft) of the boundaries of the subject lot, describing the change sought and inviting written comments within 7 clear days; and
- c. Unless exempted by a provision of this Bylaw or allowed by an approved variance, a non-conforming building may only be replaced with another building that fully complies with this Bylaw.

6.3 Non-Conforming Buildings Damaged by Fire

A non-conforming building which is damaged by fire, may be rebuilt on the same site within its previous building envelope and/or occupied by the same use as it was before, provided that application is made for a building permit under the Summerside Building Bylaw within 12 months of the damage occurring.

6.4 Non-Conforming Manufactured Home Park

Mobile homes in a non-conforming manufactured home park may be replaced at any time subject to provisions of this Bylaw, but no increase shall be made to the number of mobile homes existing in the park prior to 1999 onwards subject to:

- i. Mobile Homes are built to Canadian Standards Association Z-240.
- ii. Mobile homes are not to exceed twenty (20) years of age at the time of permit application.

6.5 Extensions and Changes to Non-Conforming Uses

- a. A non-conforming use in part of a building may be extended throughout part, or all the remainder of the building existing prior to 1999, except in the case of a non-conforming dwelling unit(s), where no additional dwelling unit may be added other than as allowed by an approved conditional use permit.
- b. A non-conforming use of land may be extended through a lot up to the limits of the zone in which the use is located.
- c. Council may approve a change in a building or lot from one non-conforming use to another similar non-conforming use, subject to Planning Board review, and shall consider the following criteria:
 - i. is of a similar nature to the present/previous use respecting the activities undertaken in the building or on the lot;
 - ii. will not create more traffic, noise or other nuisances for neighbours than the existing/previous use;
 - iii. will not inhibit development of the surrounding area for uses allowed under this Bylaw.

6.6 Discontinued Non-Conforming Use

A non-conforming use of a building or land which has been discontinued for more than 12 consecutive months shall not be allowed to re-continue and, in such cases, allowances for similar uses under section 6.5 (c) shall not apply. The onus of proof that the non-conforming use has not been discontinued shall rest with the property owner.

6.7 Non-Complying Building

- a. Any building existing prior to 1999 which does not comply with its provisions respecting height, floor area ratio, floor area, lot coverage or yard standards shall be deemed to be a 'non-complying' building.
- b. Unless exempted by Section 6.7e. of this Bylaw or allowed by an approved variance, a non-complying building may only be replaced with another building that fully complies with this Bylaw.
- c. No extension shall be made to a building which would make it non-complying or more non-complying, including over part of a main wall, except:
 - i. as allowed by an approved variance; or

- ii. if the building extension cannot be accommodated by a variance, as allowed by Council subject to the Development Officer providing written notice to all assessed property owners within 60 m (196.8 ft) of the boundaries of the subject lot, describing the change sought and inviting written comments within 7 clear days.

- d. A non-complying building which is damaged by fire, may be rebuilt on the same site within its previous building envelope and/or occupied by the same use as it was before, provided that application is made for a building permit under the Summerside Building Bylaw within 12 months of the damage occurring.

- e. A non-complying building with respect to yard standards, may be replaced in accordance with Council's Regulations in Schedule 'C' of this bylaw.

6.8 Reduction in Lot Size

No new subdivided lot shall be created which would cause a deviation from any applicable Provincial regulations regarding minimum lot sizes in the *PEI Planning Act Province-Wide Minimum Development Standards Regulations*.

Section 7 Variances

7.1 Eligible Variances

Application may be made for variances up to 50% from the following standards in this Bylaw, except minor variances up to 10% shall apply in the Downtown (D) zone.

Main building: <i>height, lot coverage, floor area ratio, or yard depth.</i>
<i>Lot area, depth, or frontage standards</i> for lots created through minor subdivisions under the <i>Summerside Subdivision & Site Development Bylaw SS-19.</i>
<i>Accessory building standards.</i> In addition, in no case should less than 1.2 m (4 ft) setback be allowed from any property line to an accessory building as it will create a hardship for the neighboring property.
<i>Development standards for setbacks.</i> In no case should less than 1.2 m (4 ft) setback be allowed from any property line to a building as it will create a hardship for the neighboring property.
<i>Fence height standards</i> as allowed in Section 11
<i>Minimum separation distance (MSD)</i> from intensive agricultural uses only.
<i>Parking space numbers and sizes,</i> except where a parking variance is not allowed under a specific provision of this Bylaw.
<i>Yard encroachments as allowed in Section 12</i>

7.2 Justifications for Variances

Variance applications shall be considered by Council, Planning Board, or the Development Officer, as applicable, against the following tests for justifying a variance. All applicable criteria must be met:

- a. That the hardship is due to unique physical conditions of the lot or property, including small lot size, irregular lot shape, existing building location on the property, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards. Exceptional topographical conditions may include, but are not limited to: trees, slope of the land, etc.
- b. That the proposed variance meets the general intent of the official plan.
- c. That the proposed variance meets the general intent of the zone.
- d. That the proposed variance would not impact negatively on adjacent properties, or on the essential character of the surrounding neighborhood, including taking into consideration any comments from neighbors.

7.3 Administration of Variances

Upon receiving a written application for an eligible variance(s) within the scope of section 7.1, the Development Officer will determine the type of variance(s).

- Minor: 10% or less

Minor Variance – The Development Officer will approve or deny the variance. An applicant who is denied a minor variance by the Development Officer may apply in writing within 21 days of the decision for their application to be reviewed by Planning Board. The Planning Board may approve or deny the variance.

- Major: over 10% up to 50%

Major Variance – The Development Officer shall provide written notice to all assessed property owners within a radius of 30 m (98.4 ft) from the subject lot, describing the variance sought and inviting written comments within 7 clear days. The application is reviewed by the Planning Board. The Planning Board makes a recommendation to Council, and Council may approve, deny, or approve a variance(s) less than requested.

For proposed variances of the minimum separation distance (MSD) from an intensive agricultural use, the Development Officer shall consult with the Province on all such variances respecting new livestock and poultry facilities as well as consulting with the Province on any other MSD variances.

A variance will lapse 12 months after its approval if not acted upon during that period by means of a completed building permit application or application for preliminary subdivision approval.

Section 8 Additional Use Standards

8.1 General

The following standards apply to certain specified uses in addition to applicable zone standards, restricted uses and other requirements under this Bylaw.

8.2 Permitted Uses in All Zones

Subject to Bylaw requirements, accessory buildings and small utility facility buildings and utility structures or uses, and street R.O.W.'s are permitted uses in any zone.

8.3 Ancillary Residence

Up to two ancillary residences are allowed within a Neighbourhood Commercial C3 building, subject to a permit and the following standards:

- a. The residential use does not take up a larger amount of floor area in the building than does its active commercial use.
- b. No residence is located at grade facing the front lot line.
- c. The residential use has its own outside entrance, which may be shared between residences, as well as individual internal accesses for each residence separate from the commercial operations of the building.
- d. The residential use shall comply with parking regulations under this Bylaw.

8.4 Accessory Building

- a. One or more accessory buildings on a lot are a permitted use in all zones, except a CO zone.
- b. Except as allowed under a specific provision of this Bylaw, no accessory building shall:
 - i. be used for human habitation;
 - ii. be sited within the required minimum front yard of a main building;
 - iii. be sited closer than 1.2 meters (4 ft) to any lot line, main building, or other accessory building (subject to any limiting distance requirements under the Summerside Building Bylaw);
 - iv. exceed a maximum height of 4.5 m (14.7 ft) for residential accessory buildings, or the general height restrictions in any zone for other uses.Residential zoned lots greater than 0.4 ha (0.98 acre) in size may be

- allowed a larger accessory building height at the discretion of staff.
 - v. exceed a maximum building area of 55 m² (600 sq ft) for each residential accessory building and 10% lot coverage for all such buildings on a lot. Residential zoned lots greater than 0.4 ha (0.98 acre) in size may be allowed a larger accessory building area at the discretion of staff.
 - vi. contravene the setback requirements under section 11.6.
- c. Accessory utility buildings or structures are permitted uses in all zones.

8.5 Restricted Use Designation

- a. The purpose of a Restricted Use designation is to manage requests for land uses that have unique characteristics, special requirements, and innovative ideas or because of unusual site constraints, require specific regulations.
- b. The Restricted Use designation is a "custom made" or "fine-tuned" designed for one specific area or project only. It is still a legally by-lawed land use and the underlying current zoning does not change. Any changes to the uses or rules require the full public hearing re-designation or zoning process.
- c. The purpose of this Designation is to accommodate single special uses which, because of their particular nature, cannot be easily accommodated within another Zone or where rezoning would result in undesirable future land uses due to the "as of" rights in that zone.
- d. The '[x]' designates the specific map reference for the site designated "Ru" and references the type of development approved for that site and recorded on a special schedule for that purpose.
- e. Council may attach terms and conditions to the approval of a restricted use. After hearing the recommendation of the Planning Board, Council may revoke a restricted use approval for violation of any condition attached to an approval.
- f. The Ru[x] Designation is for a single use only, and restricts land use to a single purpose. All land use applications shall be evaluated on their merits by the Development Officer who will establish the appropriate development standards on an individual basis and reviewed by Council for their determination.

8.6 Automobile Service Station

- a. An automobile service station is a permitted use in the C2 zone.
- b. Each automobile service station shall have:

- i. minimum lot frontage of 40 m (131.2 ft); and
 - ii. minimum lot depth of 30 m (98.4 ft).
- c. The pump island in any automobile service station shall not be located closer than 6 m (19.6 ft) from the street ROW.

8.7 Boarding House

- a. A boarding house is a permitted use in R4 and D zones, and is allowed with Council's discretionary use approval in an R3 zone. A boarding house shall meet the provisions of the *PEI Rental Properties Act*.
- b. No boarding house shall have:
- i. more than 6 paying guests, including where one guest pays for another;
 - ii. more than two adult guests in each sleeping room; or
 - iii. cooking equipment in any sleeping room;
 - iv. no boarding house shall have more than three (3) sleeping rooms for paying boarders.

8.8 Existing Agricultural Uses

Existing general agricultural uses may continue in any zone as a conforming use and may be changed to another general agricultural use, and/or be extended up to the limits of the property. Changes to, or between intensive agricultural uses can only be made in an A zone and subject to all requirements of this Bylaw.

8.9 Grouped Main Buildings

- a. Only one main building shall be located on a lot, except that grouped main buildings may be located on one lot in the case of building supply outlets, farm buildings, manufactured home parks, motel/hotels, row housing, apartments, shopping centres, institutional and industrial buildings.
- b. All grouped main buildings on a lot shall meet the following standards:
- i. a minimum separation distance of 6 m (19.6 ft) between all main buildings and subject to any limiting distance requirements under the Building Code Act and/or Summerside Building Bylaw;
 - ii. applicable zone standards (yard depth requirements shall be measured from each lot line to the nearest main building; lot coverage and floor area ratio requirements shall apply to the total of all main buildings on a lot); and
 - iii. applicable parking requirements for all uses on the lot.

8.10 Manufactured Home and Factory Constructed Buildings

Modular Home

- a. Modular home construction may be used for single-family, semi-detached, or town house buildings that are allowable uses in any zone. Single-family modular homes may also be used to replace any mobile home lawfully existing in an R-3 zone prior to 1999.



See map figure.

- b. Each modular home shall be:
 - i. constructed and placed in compliance with requirements of the Summerside Building Bylaw;
 - ii. certified under the A277 provisions of the Canadian Standards Association (CSA) for manufacturing modular housing or panelized component housing; and
 - iii. installed on a concrete wall foundation.
 - iv. width of the unit on the narrowest side shall be a minimum of 7.3 meters (24 ft).

Factory Constructed Buildings

- a. Each factory constructed building shall be:
 - i. constructed and placed in compliance with requirements of the Summerside Building Bylaw;
 - ii. certified under the A277 provisions of the Canadian Standards Association (CSA) for manufacturing modular housing or panelized component housing;

8.11 Mobile Home (pre-1999)

Additional or replacement mobile home units are allowed in manufactured home parks within an R5 zone. Also, replacement units are allowed in place of any existing mobile home in a non-conforming park in conformity with Section 6.4.

8.12 Occasional Commercial Uses

Buildings or lands used for commercial or institutional purposes may be used for other occasional purposes, such as a craft fair, festival, flea market, sidewalk sale or trade show, provided that such use does not extend more than 15 continuous days, adequate parking is available and no building is erected (for seasonal buildings, see section 8.14)

8.13 Telecommunication Towers, Wind Energy Conversion Systems and Solar Energy Collector Systems

Telecommunication Towers

- a. A telecommunication tower is a permitted use in M1, M2 and Agricultural zones. It is a Council discretionary use in Conservation and Special Use zones.
- b. Telecommunication towers shall not be sited in front yards.
- c. The co-location of telecommunications infrastructure on existing or new towers shall be strongly encouraged.
- d. The construction and operation of all telecommunications towers shall be designed to the health and safety guidelines established by Health Canada.

Wind Energy Conversion Systems

- e. A Wind Energy Conversion System (WECS) is a Council discretionary use in M1, M2, Agricultural, Conservation and Special Use zones.
- f. Wind Energy Conversion Systems (WECS) are subject to the *City of Summerside Wind Energy Conversion Systems Regulations* in Schedule 'C' of this bylaw.

Solar Energy Collector Systems

- g. A Solar energy collector system is a Council discretionary use in Institutional, M1, M2, Agricultural, Conservation and Special Use zones.
- h. In an Institutional zone, solar energy collector systems may be mounted on the main building, without a discretionary use approval.

- i. Solar energy collector systems shall not be located on the ground in a front yard or side yards. They may be located on the ground in a rear yard, in non-residential zones.
- j. Solar energy collector systems are a stand-alone structure subject to the siting requirements for main building and accessory buildings.
- k. In any residential zone, solar energy collector systems shall be attached to a main building or accessory building and shall not extend beyond the outermost edge of the roof or extend higher than the vertical building envelope.

8.14 Seasonal Building

- a. A seasonal building is permitted in any Commercial and Institutional zone.
- b. No seasonal building shall be:
 - i. in place for more than 120 days in any calendar year; or
 - ii. sited in such a way as to reduce the number of parking spaces below that required for the main building use, or interfere unduly with traffic flows.
 - iii. used as a dwelling.

8.15 Semi-Detached Dwellings, Townhouses

- a. A semi-detached building is a permitted use in R2, R3 and R4 zones and townhouse buildings are a Council discretionary use in R3 zone and a permitted use in R4 zone.
- b. All dwellings in new semi-detached and townhouse buildings shall be:
 - i. equipped with separate water, sewer and electrical services, heating devices and parking;
 - ii. subdivision approval may be granted in accordance with the *Summerside Subdivision & Site Development Bylaw SS-19*.
- c. New or existing semi-detached and townhouse buildings may be subdivided into individually-owned dwelling units, provided that:
 - i. all dwellings are built and equipped in accordance with the requirements described in section (b);
 - ii. an acceptable agreement is put in place to the City's satisfaction between individual owners and the City for access to electric and/ or water meters and any other matters deemed necessary by the City, and which is

- registered on the title of each subdivided lot;
- iii. the subdivided lots comply with the development standards for the zone in which the building is located; and
- iv. subdivision approval is granted in accordance with the *Summerside Subdivision and Site Development Bylaw SS-19*.
- v. Individually owned units shall be constructed to meet the requirements of the *Building Code Act* and/ or *Summerside Building Bylaw SS-09*.

8.16 Special Setbacks for Street Widening

A special setback is required for new buildings, building additions, and parking lots or areas on properties abutting any arterial and collector street ROW which the City plans to widen, to be calculated by the Development Officer as the sum of:

- a. the minimum front yard/setback required for the zone in which the property is located; plus:
- b. the additional street ROW width required.

8.17 Street Frontage and Servicing

- a. No new lot shall be created without street frontage, except as specifically allowed for in this Bylaw.
- b. No development is allowed on a lot without street frontage, except if the lot is located in the A zone, or otherwise if the lot is accessed by a private right-of-way deeded prior to 1999. The width of such rights-of-ways shall be suited to the nature of the proposed development, following the minimum width requirements for flag lots in section 10.4 (b).
- c. No development shall be approved without connection to City water and sewer services, except in the Agricultural (A) zone where City services are not available closer than 100 metres (328 ft).
- d. Un-serviced lots without City water and/or sewer services shall comply with any Provincial minimum lot size requirements for un-serviced or partly un-serviced lots in accordance with the *PEI Planning Act Province-Wide Minimum Development Standards Regulations*, as included in Schedule 'C' of this Bylaw.
- e. In the case of a *flag lot*, the frontage shall be measured along the width of its 'larger part' closest to the street from which it is accessed.

8.18 Subdivision of Commercial and Industrial Buildings

A commercial or industrial use building and its lot may be subdivided into parts with zero lot lines, subject to:

- a. Party walls are provided at all interior lot lines and constructed in accordance with the *Building Code Act* and/or *Summerside Building Bylaw SS-09*;
- b. All subdivided lots comply with all other zone standards; and
- c. Subdivision approval is granted in accordance with the *Summerside Subdivision and Site Development Bylaw SS-19*.

8.19 Swimming Pool, Spas and Hot Tubs

- a. A swimming pool, spa and hot tub is a permitted accessory use to a main building in any residential zone, A, D, C2, P or I zone;
- b. All outdoor swimming pools, or the yard in which a swimming pool is located, shall be completely enclosed by fencing not less than 1.2m (4 ft) high so as to prevent uncontrolled access;
- c. No person shall permit any structures or material to be placed or to remain adjacent to any swimming pool enclosure which would provide a means of access over the top of the enclosure;
- d. No pool shall be sited in the required minimum front yard of the main building;
- e. Any pool, spa or hot tub shall be setback a minimum of 1.5m (5 feet), from property lines;
- f. Above ground pools structures may have a maximum height of 2.5m (8.2 ft). This includes the height of the deck and the height of the fence combined. All in-ground swimming pools shall be enclosed by a fence that is a minimum of 1.2m (4 ft) high. Grade elevation changes may be determined by staff on a case-by-case basis.

8.20 Temporary Building

A temporary building is a permitted use in any zone that is accessory to construction in progress with a valid building permit, such as an accessory building, construction site office, washroom facility, and sales or rental office, but shall not remain after construction is completed.

8.21 Yard Sale

A yard sale (including a 'garden' or 'garage' sale) is a permitted use for sale of

personal household items by an occupant of a residential building on the same lot, but shall not include merchandising of any other items that could be carried by a retail, rental, lease or wholesale business. Yard sales may only be carried out on a lot for up to 2 days duration on each of 3 occasions during a calendar year.

8.22 Special Standards for City Well Fields

Notwithstanding any other provisions in this Bylaw, no intensive agricultural use or development with on-site sewer or water services shall be permitted within 800 m (2, 624.6 ft) of the property boundaries of the City well fields off Provincial Highway No. 1A and Bayview Drive.

Section 9 Conditional Uses

9.1 General

The Development Officer may issue a conditional use permit for uses of a mixed nature, including secondary suites home based business and tourism establishments, all in accordance with section 5.14. The conditional use standards identified below are additional to other applicable zone standards and other requirements under this Bylaw.

9.2 Secondary Suite

A secondary suite is a conditional use within a single family dwelling in an R1, R2, R3, R4, C2 and A zones with the following conditions:

- i. The secondary suite must be wholly contained within the dwelling and may not be connected to the dwelling by way of a breezeway or enclosed hallway;
- ii. No more than one (1) secondary suite per lot, per single family dwelling;
- iii. Either the single family dwelling or the secondary suite must be property owner occupied in any zone, and a signed affidavit is required;
- iv. The suite is limited to the total floor area of all *storeys* of the single family dwelling. A secondary suite shall not be more than the lesser of:
 - i. 40% of the total floor area of all *storeys* of the single family dwelling, excluding the garage floor area and common spaces serving both *dwelling units*; or
 - ii. 80 m² (861 sq. ft) of finished living space.
- v. One parking space is required for the suite, in addition to the spaces required for the single family dwelling. Tandem parking on the driveway is permitted in an R1 zone.
- vi. A secondary suite is not permitted in a single-family dwelling that is operated as a tourism establishment, boarding house, home based business or group home.
- vii. In an R1 zone, where the secondary suite has a separate outside entrance from the main dwelling, the entrance must be located on the side or rear wall of the single family dwelling.
- viii. A secondary suite existing prior to September 2018 that cannot meet the provisions of Section 9.2 may be allowed to continue, provided a conditional use

approval and building permit are issued. The conditional use approval will also identify the non-compliance that cannot be met.

9.3 Commercial/Residential Building

Commercial/Residential buildings are allowed within D and C2 zones. The following conditional use standards apply to commercial uses in C2 zones:

- a. At any one time, the commercial uses do not make up more than 50% of the floor area of the building.
- b. The commercial uses are located on the ground floor.
- c. The following commercial uses are allowed in the C2 zone:

Business or professional office
Child Care facility: large
Dry cleaning: outlet
Food store: convenience store
Laundromat
Medical office
Personal service shop
Restaurant: dining room and take out
Retail store: small retail store
Service centre

- d. The commercial uses shall comply with parking and signage regulations under this Bylaw.

9.4 Home Based Business

A home based business may be allowed as an accessory use to single-family residential dwellings in any zone, subject to a conditional use permit and the following standards:

- a. The business is an eligible home based business as identified in the table below:

Eligible Home Based Business
business or professional office and medical office
desk top publisher, computer repair, website design, software developer, mail order catalogue seller, telephone solicitor, writer
barber/ beauty shop

day care: small
animal grooming, commercial pet breeding involving no more than two breeding's per year
caterer (but no retail sales on premises)
furniture repair, shoe repair, bicycle repair, car detailing, tool sharpening, but not small engine repairs, automobile body or repair shop
production and sales of arts and crafts, clothing articles, garden sheds, furniture, or toys
tutoring of up to 6 students at any one time

- b. Notwithstanding the generality of (a), no residential property shall be used for:
- i. any commercial purpose which would generate electrical interference, or undue dust, noise, smell, smoke or traffic which would be detrimental to enjoyment of properties in the surrounding neighbourhood; or
 - ii. the sale or lease of any articles directly from the premises, other than those produced on site, sold through a mail order catalogue, or which are incidental to the Home Based Business.
- c. One home based business may be allowed in a single family dwelling and/ or its accessory building(s).
- d. A home based business is not allowed in conjunction with a *secondary suite*, if located within the single-family dwelling, unless in an *accessory building*.
- e. A home based business must not occupy more of a dwelling's *floor area*, or its equivalent *floor area* in an *accessory building(s)*, than:
- i. the home-based business uses an aggregate floor area of less than 50m² (538.2 sq ft), and;
 - ii. the home-based business uses less than 25% of the floor area of the dwelling unit.
- f. May be subject to conditions under the *Summerside Building Bylaw SS-09*.
- g. The business owner of the home-based business must reside in the dwelling to which the home based business is an accessory use.
- h. One person may be employed in addition to the business owner.
- i. No materials, goods, equipment, or outdoor storage associated with the business shall be stored on the lot with the home based business, or on any other lot in a residential zone, except for one business vehicle not exceeding an unloaded weight of 2,750 kg (6, 062.6 lbs).

- j. The home based business shall comply with parking and signage regulations under this Bylaw.
- k. In cases where the applicant is not the property owner, permission from the property owner, in writing, is required.
- l. The business or service use is not a Group F1 – High-hazard occupancy, or a Group F2-Medium-hazard industrial occupancy as defined in the *PEI Building Code Act* or *National Building Code*.

9.5 Tourism Establishments

All Tourism Establishments are subject to the following standards:

- a. A Bed & Breakfast is a discretionary use in an R2 zone and may be allowed in an R3, R4, C2, and A zones, subject to a conditional use permit and a building permit.
- b. A Bed & Breakfast, must be occupied as a residence by the operator of the business.
- c. An Inn and Tourist Home are discretionary uses in R3, R4, and C2 zones and a conditional use in the D zone, subject to a conditional use approval and a building permit.
- d. A Vacation Rental Property may be allowed in an R1, R2, R3, R4, C2, and Agr zones, subject to a conditional use permit and a building permit.
- e. A Tourism Establishment is not allowed in conjunction with a Secondary Suite.
- f. Tourism Establishments licensed under the *Tourism Industry Act*, R.S.P.E.I. 1988, Cap. T-3.3 shall be maintained for the period in which the business is operated. A copy of such license shall be provided to the Development Officer within 12 months of a new permit being issued under section 9.6, or together with an application to renew, reassign, or amend a permit under section 9.8.
- g. A Tourism Establishment shall comply with parking and signage regulations under this Bylaw.

9.6 Procedures for Conditional Use Approvals

- a. Application for a conditional use approval and any prior required discretionary use approval shall be made to the Development Officer with the following information, as applicable:

- i. the size and location of buildings on the lot;
 - ii. existing and proposed uses in each building;
 - iii. floor areas and arrangements, including numbers of rooms/units;
 - iv. proposed parking and signage; and
 - v. any other information required by the Development Officer.
- b. The Development Officer may approve or deny a conditional use approval for residential uses, in accordance with section 5.14(a).
- c. Any application denied by the Development Officer may be reviewed by Council, in accordance with section 5.14(c).

9.7 Conditions for Conditional Uses Approvals

An approved conditional use approval shall be issued to the property owner, with the following attached conditions:

- a. The approval is valid for five years following issuance, but application may be made to renew the permit.
- b. The approval is granted to the property owner as applicant, but application may be made to reassign the permit to a subsequent owner.
- c. The approval is granted for a specified size of operation, but application may be made to amend the permit, subject to any Bylaw limitations.
- d. No change may be made between conditional uses without a new approval.
- e. All permitted uses shall conform with their respective conditional use standards and to all other applicable requirements of this Bylaw, and of other City and Provincial regulations.
- f. Property owners have the obligation to ensure compliance with the approval by other occupants/business operators of their properties.
- g. The approval automatically lapses if the conditional use has not been commenced within twelve months of approval being granted, or has been discontinued for more than 12 months. The onus of proof that the use has been commenced or not discontinued shall rest with the property owner.
- h. Other conditions may be attached to the approval which the Development Officer deems are necessary to fulfill the purposes of this Bylaw.

- i. Council may revoke the approval for violation of any attached condition, in accordance with section 5.14(f).

9.8 Renewal/Re-Assignment/Amendment

- a. The Development Officer may approve or deny renewal, reassignment or amendment of any conditional use approval, in accordance with section 5.14(b).
- b. Any application denied by the Development Officer to renew, reassign or amend a conditional use approval may be reviewed by Council, in accordance with section 5.14(c).

Section 10 Parking and Traffic Standards

10.1 General

All developments and existing uses shall comply with the requirements of this section of the Bylaw, as applicable.



10.2 Road Access Restrictions

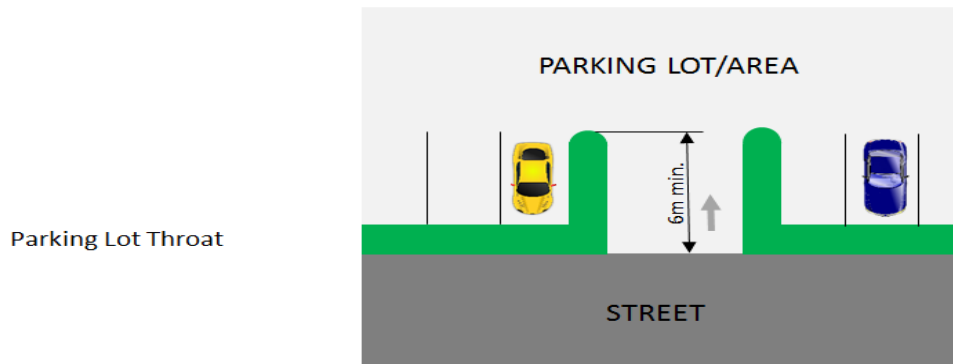
The following road access restrictions are required to promote traffic safety and smooth traffic flows

- a. New flag lots may be allowed accessing onto Water Street or Water Street East, with the approval of staff, but are otherwise prohibited.
- b. No parking spaces within a parking lot shall access directly onto any City arterial or urban collector street.
- c. All developments shall be laid out to the City's satisfaction so as to minimize the number of road accesses and locate accesses as safely as possible.
- d. For developments on City arterial and collector streets, the City may require that adjoining property owners share street accesses by means of registered
- e. For developments on Provincial Highways, access approval must be obtained from the Province.
- f. All other Official Plan policies regarding street access shall apply.

10.3 Access Design

- a. Vehicle accesses into residential corner lots shall be sited a minimum of 15 m (49.2 ft) from the intersection of street surfaces.
- b. Notwithstanding section (a), vehicle accesses into residential lots shall be sited a minimum of 1 m (3.2 ft) from any side property line, unless both adjoining property owners agree to join their driveways.
- c. The maximum surfaced widths of service roads or private driveways into residential properties shall be 5 m (16.4 ft) for one-lane access and 8 m (26.2 ft) for two-lane access. The maximum width of vehicle accesses for other uses shall be determined by the City according to the volume and type of traffic.
- d. The minimum surfaced widths of service roads shall be 3 m (9.8 ft) for one-way traffic and 6 m (19.6 ft) for two-way traffic.

- e. Access to a parking lot is a minimum of 6 m (19.6 ft) throat length.



10.4 Flag Lots

- a. Subject to section 10.2 (a), new flag lots may be permitted in a CDA zone, or in an existing subdivision if the lot in question could not otherwise front entirely onto an existing, intended or potential street R.O.W.
- b. For purposes of accommodating vehicle accesses and services, and promoting efficient development patterns over the long term, the minimum width of the 'smaller part' of a flag lot, referred to as the access portion, shall be as follows:
 - i. 8 m (26.2 ft) minimum, the 8 m access portion allows for two – 3 m (9.8 ft) travel lanes, in addition to, a required 1m (3.2 ft) min. grass buffer, from the edge of the travel lane to the property line on each side of the travel area (see figure 10.4b below);
 - ii. Should the developer require the travel lanes to be wider the 3 m (9.8 ft), the access portion would have to be increased to accommodate proposed travel lane widths, in addition to the 1m (3.2 ft) grass buffers required. Travel lanes are restricted to a width of 15 m (49.2 ft) in total.

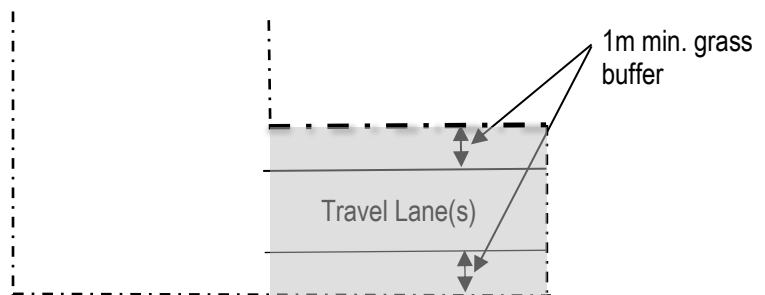


Figure 10.4b

Area in gray represents Access Portion of flag lot.

10.5 Off-Street Parking Standards

Subject to sections 10.6 and 10.7, off-street parking spaces shall be provided for developments to at least the minimum standards laid out in the Table below and in accordance with the following interpretative rules:

- a. In cases of multi-use developments, the required numbers of parking spaces for all uses shall be added together.
- b. Where a change of use occurs in more than 50% of the floor area of an existing building, parking standards shall apply for the new uses.
- c. In the case of any building addition, parking standards shall apply for the addition.
- d. Where parking calculations result in a fraction above 0.5, the number of required parking spaces shall be rounded up to the nearest whole number.

RESIDENTIAL	
single-family, duplex or semi-detached dwelling	2 spaces/dwelling unit and maximum of 6 spaces per unit
secondary suite, ancillary residence, apartment dwelling (including in residential commercial building), mobile home, modular home, mini home or row house	1 space/dwelling unit
boarding house, tourism establishment: B&B, inn	2 spaces/building + 1 space/guest room
group home	2 spaces + 1 space for each staff
nursing care home	1 space/employee + 1 space/3 beds
permanent parking of recreational vehicles or trailers in shared residential parking lots	small unit 1 space large unit equivalent of 2 spaces
COMMERCIAL	
Automobile establishment: automobile repair shop, service station	3 spaces/bay
bowling alley, curling rink	1 space/employee + 2 spaces/bowling alley or curling sheet + 1 space/10 seats for spectators.
animal hospital, business or professional office	1 space/30 m ² (323 sq ft) of floor area
child care facility: medium and large	1 space/employee + 1 drop-off space
entertainment or recreation facility (except where more specific use standards are	1 space/20 m ² (215.2 sq ft) of public use area

identified)	
flea market	1 space/20 m ² (215.2 sq ft) of public use area
funeral home	1 space/4.5 m ² (48.4 sq ft) of assembly area
home based business (in addition to residents)	1 space/outside employee + 1 visitor space at Development Officer's discretion
laundromat	0.5 space/washing machine
medical office	1 space per employee and 2 spaces per treatment room
marina	1 space/3 boat moorings
motel/ hotel	1 space/guest room +1 space/5 m ² (53.8 sq ft) for convention areas
restaurant, tavern/ bar/ lounge	2 spaces/4 seats
shopping centre, supermarket	1 space/30 m ² (323 sq ft)of retail space, excluding temporary retail uses in public areas
other commercial uses (including in residential/ commercial buildings)	1 space/25 m ² (269.1 sq ft)of retail space
INDUSTRIAL	
all uses	1 space/40 m ² (430.5 sq ft)floor area or 1 space/employee, whichever is greater
INSTITUTIONAL	
college/ university, commercial school	1 space/employee + 0.5 spaces/student at maximum period of enrolment
child care facility: medium and large	1 space/employee + 1 drop-off space
government office	1 space/30 m ² (323 sq ft)of floor area
hospital	1 space/2 beds
place of worship	1 space/10 m ² (107.6 sq ft)of assembly area
public library, museum, cultural centre, gallery	1 space/employee + 1 space /45 m ² (484.4 sq ft)of floor area
entertainment or recreation facility (except where more specific use standards are identified)	1 space/20 m ² (215.2 sq ft)of public use area
schools (public and private)	1 space/employee + 1 drop-off space + elementary school 1 space/8 classrooms junior secondary school 1 space/4 classrooms senior secondary school 2 spaces/classroom
OTHER USES	to be computed by the Development Officer

10.6 Optional Off-Street Parking Requirements

- a. For any development requiring 6 or more off-street parking spaces according to the 'normal standards' under section 10.5, other than in the Downtown (D) zone, an applicant may elect the 'voluntary option' of making a submission to Council for less spaces compared with that normally required.
- b. Applicants under the voluntary option shall present appropriate justifications for reduced parking requirements, such as references to corporate practices, actual needs estimates, or comparisons with existing businesses.
- c. Council may allow all, some, or none of the applicant's requested reductions for off-street parking spaces compared with normal standards, subject to application of all other Bylaw requirements.
- d. Any applicant under the voluntary option cannot subsequently apply for a variance on parking for the same development.

10.7 Parking Requirements in Downtown (D) Zone

All residential uses require 0.5 spaces per dwelling unit. All other uses, do not require off-street parking.

10.8 Shared and Off-Site Parking

- a. A shared parking lot is permitted in the following circumstances, provided that the total number of spaces is not less than that required for all uses:
 - i. to provide parking for different users of a building, including an apartment building and excluding semi-detached and town housing in accordance with section 8.15; or
 - ii. to provide parking for grouped main buildings allowed on one lot under section 8.9.
- b. An off-site parking lot is permitted in zones where a parking lot is allowable as a main use, including for purposes of shared parking, provided that the parking lot is located no further than 60 m (200 ft) away from the nearest building or lands which it is intended to serve.
- c. All shared and off-site parking arrangements shall be secured in manner acceptable to the City.

10.9 Parking Lot/Area Layout and Construction

Outdoor Parking Lot/Area Standards

All parking lots/areas associated with developments shall meet the following standards, as applicable:

- a. Each and every provided parking space shall be a minimum of 3 m (9.8 ft) wide and 6 m (19.6 ft) deep, subject to higher standards for mobility displaced persons in section 10.10.
- b. All commercial and residential parking lots/areas and connecting service roads shall be paved. All other parking lots/areas and service roads shall at least be maintained with a stable surface that prevents the raising of dust or loose particles.
- c. A parking lot/ area shall be constructed and maintained as follows:
 - i. each parking lot/area shall not be sited within 1 m (3.2 ft) of any lot line, or as required to accommodate any landscaping strip;
 - ii. the parking lot/ area for an apartment building shall not be sited within 3 m (9.8 ft) of any door or window serving a habitable room;
 - iii. each parking lot/area shall have adequate provisions to control storm water drainage and to avoid storm water draining onto adjacent lots;
 - iv. where a parking lot/ area is paved, painted lines shall be maintained to demarcate all parking spaces;
 - v. any lights used for illuminating a parking lot shall be arranged to divert light away from adjacent lots and nearby streets; and
 - vi. a structure may be erected in a parking lot/area for use of parking attendants.
- d. A parking lot/area with painted lines and cross aisles shall be laid out in accordance with the following standards:

CROSS AISLE WIDTH

ANGLE OF PARKING SPACE TO CROSS AISLE	One-way		Two-way	
	m	ft	m	ft
0 DEGREE (PARALLEL PARKING)	4	13.1	7	23.0
30 DEGREE	4	13.1	7	23.0
45 DEGREE	4	13.1	7	23.0
60 DEGREE	6	19.7	7	23.0
90 DEGREE	7	23.0	7	23.0

Indoor Parking Lot/Area Standards

All indoor parking lots/areas associated with developments shall meet the following standards, as applicable:

- a. Each and every provided parking space shall be a minimum of 2.6 m (8.5 ft) wide and 5.5 m (18 ft) deep, subject to higher standards for mobility displaced

persons which shall be 4.5m (14.7 ft) wide x 6 m (19.6 ft) deep. A parking stall with a physical barrier shall be 0.25 m (10 inches) wider than the minimum space size, in a case where there are more than one physical barriers, the space shall be 0.5m (1.6 ft) wider.

- b. All indoor parking lot/area surfaces shall be concrete or paved.
- c. An indoor parking lot/area shall be constructed and maintained as follows:
 - i. each parking lot/area shall have adequate provisions to control storm water drainage and to avoid storm water draining onto adjacent properties;
 - ii. painted lines shall be maintained to demarcate all parking spaces;
 - iii. any lights used for illuminating an indoor parking lot/area shall be arranged to divert light away from adjacent properties and nearby streets;
- d. Painted lines and cross aisles in an indoor parking lot/area with shall be laid out in accordance with the following standards:

INDOOR PARKING LOTS

ANGLE OF PARKING	Aisle Width One-Way		Aisle Width Two-Way	
	m	ft	m	ft
0 DEGREE (PARALLEL PARKING)	4	13.1	7	23.0
30 DEGREE	4	13.1	7	23.0
45 DEGREE	4	13.1	7	23.0
60 DEGREE	6	19.7	7	23.0
90 DEGREE	7	23.0	7	23.0

10.10 Mobility Disabled Spaces

- a. Spaces for mobility disabled persons shall be reserved in parking lots according to the following schedule:
 - i. 1 reserved space per total 11-20 spaces;
 - ii. 2 reserved spaces per total 21-50 spaces; and
 - iii. 1 reserved space for every additional 50 spaces.
- b. Each mobility disabled parking space shall be:
 - i. a minimum of 4.5 m (14.7 ft) wide and 6 m (19.6 ft) deep;
 - ii. located as closely as possible to the location it is intended to serve; and;
 - iii. clearly identified for its intended use.

10.11 Queuing Spaces

Queuing spaces shall be provided for each drive-through development on the following basis:

- a. For a drive-through restaurant, a minimum of 5 in-bound queuing spaces shall be provided before a service position and a minimum of one out-bound space shall be provided after each position. For other drive-through establishments, a minimum of 4 in-bound spaces are required and an out-bound space is optional.
- b. Where there is more than one service position, queuing spaces may be combined into one lane but with adequate allowances for manoeuvring.
- c. All queuing spaces shall be a minimum of 3 m (9.8 ft) wide and 6.5 m (21.3 ft) long.

10.12 Loading Spaces

A minimum of one off-street loading space shall be provided for each 1,800 m² (19,375.6 sq ft) of floor area in commercial or industrial developments involving large trucks for transshipping goods or materials, and each such space shall be a minimum of 3 m (9.8 ft) wide and 9 m (29.5 ft) deep.

10.13 Commercial and Recreational Vehicles

- a. In any residential zone, no vehicles or equipment may be parked on a lot, except if a non-conforming commercial or industrial use exists on the lot. Permitted vehicles or equipment include those intended for commuting on public highways or roadways such as a motorcycle/moped, car, SUV, crossover, van (up to 1 ton towing capacity and accommodating 15 persons or less) and trucks (up to 1 ton towing capacity), recreational vehicles such as an RV, camping trailer, watercraft, snow mobile or ATV, personal use vehicles such as ride on lawn mower, utility trailer (open or enclosed).
- b. In any residential lot, a dwelling occupant's commercial service vehicle, recreation vehicle or camping trailer may be parked permanently provided that the unit does not protrude into the minimum required front yard. A commercial service vehicle shall be parked in the driveway. A visitor's recreation vehicle or camping trailer may be parked temporarily within a residential lot for up to 30 days provided that the unit does not protrude into the street R.O.W. Shared residential parking lots shall include provisions for permanent parking of recreational vehicles and trailers in accordance with section 10.5.

- c. No recreational vehicle or camping trailer shall be used as a permanent dwelling in the City.

10.14 Non-Operative Vehicles

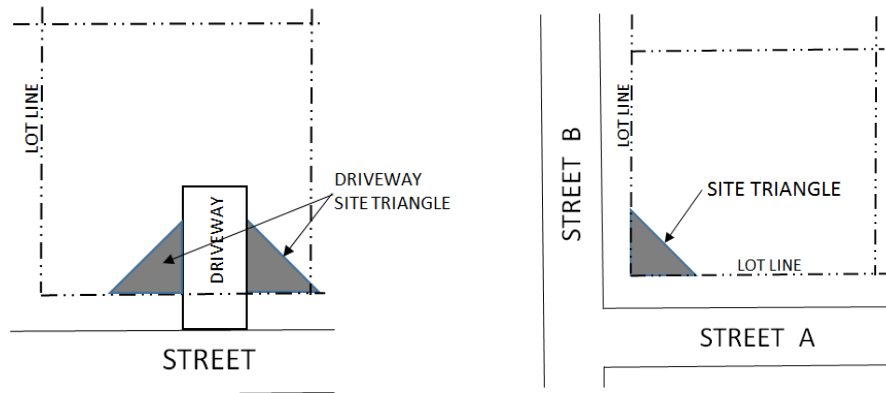
No vehicle shall be supported by other than its mounted wheels in any residential zone for a period exceeding 6 months.

Section 11 Fencing and Landscaping Landscape Buffer Standards

11.1 Site Triangle Restrictions

No building, or fence or vegetation or any other structure over 0.75 m (2.4 ft) in height shall be located on a corner lot within a site triangle measured 6 m (19.6 ft) from the intersection of the lot line, excepting special allowances for buildings in a D zone and a transparent fence. In cases where lot lines are not evident, the Development Officer will calculate the lot line locations. The height of a fence or vegetation shall be measured from the nearest road grade.

Measuring on a Site Triangle



11.2 Partition Fence

A partition fence in a residential zone shall not exceed 2 m (6.5 ft) in height. A partition fence shall not exceed 0.75 m (2.4 ft) in height along a front lot line, or along a side lot line within the minimum required front yard, with the exception of a transparent fence.

11.3 Privacy Fence

A privacy fence in a residential zone shall not exceed 4 m (13.1ft.) in height, providing it meets the same yard development standards as the main building.

11.4 Ornamental Fence

An ornamental fence in a residential zone shall not exceed 2 m (6.5 ft) in height or 3m (9.8 ft) in length, providing it does not impede the site triangle of the property driveway or the driveway of a neighbouring property.

11.5 Other Fence and Vegetation Screening Restrictions

- a. In residential zones, in addition to the limitations under section 11.1, no fence or any vegetation shall exceed 0.75 m (2.4 ft) in height along a front lot line, or along a side lot line within the minimum required front yard with the exception of a transparent fence. Vegetation may be planted subject to the restrictions in Section 11.2.e.
- b. No fence or vegetation shall be located within a street R.O.W.
- c. Barbed wire fencing is prohibited, except for agricultural and industrial uses.
- d. A 0.6 m (1.96 ft) buffer zone between a fence, sign or planting vegetation and a road curb or sidewalk must be maintained free and clear to facilitate snow removal.
- e. All existing and future vegetation located in a site triangle are to be maintained so that there are no branches up to 2 m (6.5 ft) measured from road grade.
- f. Any fence or vegetation or planting less than .75 m (2.4 ft) in height shall be in conformance with Section 11.5.d.
- g. Any sign in the site triangle must not exceed .75 m (2.4 ft) in height. A sign less than .75 m (2.4 ft) must be in conformance with Section 11.5.d.
- h. Other than in a site triangle, the height of a fence or hedge shall be measure from the lot grade.

11.6 Landscape Buffer Standards

Landscaping standards for developments shall accord with the standards laid out in Table 11-1 below and the following interpretative rules:

- a. A 'tree buffer' shall retain existing forest cover and/or be planted with a sufficient density of vegetation to provide a minimum height of 3 m (9.8 ft) screening within 3 years.
- b. A 'landscaped strip' 'ground cover buffer' shall be planted with vegetation which will fill in the area within 3 years.
- c. A 'landscaped and treed strip' 'tree buffer' and 'ground cover buffer' shall be a combination of a 'treed strip' 'tree buffer' and a 'ground cover buffer' landscaped strip'.

Screening, Landscaping and Setback Standards		
DEVELOPMENT	LOCATION	REQUIREMENTS
Any commercial use in D and C2 zones	portion of use abutting residential R1, R2 or R3 zones, or a P zone	solid perimeter fence 1.85 m (6 ft) ±
Any commercial use in a C3 zone	portion of use abutting residential R1, R2 or R3 zones	solid perimeter fence 1.85 m (6 ft) ±, unless waived by abutting residential property owners
Any use in M1 and M3 zones	portion of use abutting any residential zone	treed strip min. 10 m (32.8 ft)
Any commercial use in C2, and C3 zones, and shopping centre in a D zone	abutting any street	landscaped strip min. 2 m (6.5 ft), with wider landscaped and treed strip, unless waived by City
Any outdoor storage/garbage station in a commercial zone	abutting any street	solid perimeter fence min. 1.85m (6 ft), unless waived by City
Any outdoor storage in a M3 zone, except salvage yard	all property boundaries	perimeter fence min. 1.85 m (6 ft)
Any salvage yard	all property boundaries	solid perimeter fence min. 1.85 m (6 ft)
Any use in any zone	abutting street R.O.W. planned for widening	see section 7.15 for special setbacks

Section 12 Yard Encroachments

12.1 Allowable Yard Encroachments

Projections from the main walls of main buildings are allowed to encroach into minimum required yards by the amounts shown in the Table below, less the amounts of any existing encroachments in the case of non-complying buildings. Special provisions apply in the Downtown zone. Encroachments are subject to any requirements of the Summerside Building Bylaw.

Allowable Encroachments into Minimum Required Yards		
BUILDING OR STRUCTURAL PROJECTION	YARD INTO WHICH PROJECTION IS ALLOWED	MAX. ALLOWED ENCROACHMENT INTO YARD
Canopy	front and rear yard	1.5 m (5 ft)
Balcony not supported at grade (covered or uncovered)	front and rear yard	1.5 m (5 ft)
Bay window	front and rear yard	1 m (3.2 ft) over a width of 3.5 m (11.5 ft)
Chimney, cornice, eaves, gutter, pilaster and footing	any yard	0.6 m (2 ft)
Fire escape and exterior staircase	rear, side and flankage yards	1.2 m (4 ft) from lot line
Patio/deck (area greater than 2.2 m ² (23.6 sq ft) not exceeding 0.83 m (2.7 ft) from surrounding grade)	rear, side and flankage yards	1.2 m. (4 ft) from lot line
	front yard	2 m. (6.5 ft) from lot line
Deck - area greater than 2.2 m ² (23.6 sq ft) higher than 0.83 m (2.7 ft) from grade. Refer to Section 8.19 –swimming pools	Rear, side and flankage yards	1.5 m. (5 ft) from lot line
Step - area less than 2.2 m ² (23.6 sq ft) and wheelchair ramp (covered or uncovered)	any yard	1.2 m (4 ft) from lot line

Section 13 Special Setback Standards

Special Setback Standards		
Any use or street R.O.W. in any zone	abutting wetland and watercourse	setbacks: 15 m (49.2 ft) for any buildings; 5 m (16.4 ft) for a street
Any use or street R.O.W. in any zone	abutting CO zone	setbacks: 15 m (49.2 ft) for any buildings; 15 m (49.2 ft) for a street
Any use in any zone	abutting street R.O.W. planned for widening	see section 8.16 for special setbacks

**LAND USE ZONES
AND DEVELOPMENT
STANDARDS**

Part 2



Residential Zones

Single-Family Residential (R1) Zone

15.1 The purpose of this zone is to provide for low-density, single-family housing and other compatible uses.

Permitted Uses

15.2 Subject to Bylaw requirements:

R1 Zone - Permitted Uses

single family dwelling	accessory building	assisted living
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Discretionary Uses

15.3 Subject to Council approval:

R1 Zone - Discretionary Uses

child care facility: medium

* Also requires Conditional Use approval

Conditional Uses

15.4 Subject to a Development Officer approval:

R1 Zone - Conditional Uses		
home based business	secondary suite	tourism establishment: vacation rental property

Development Standards

15.5

- a. For single-family dwellings the following standards shall apply;
- b. For modular homes, see additional standards in Section 8.10

R1 zone		Lot area	Lot depth	Frontage	Front yard	Side yards	Rear yard	Max. height	Flankage yard
Single-family dwellings	m	690	30	23	6	2.5	5	10.5	4
	ft	7,427.2	98.4	75.4	19.7	8.2	16.4	34.4	13.1

Low-Density Mixed Residential (R2) Zone

16.1 The purpose of this zone is to provide for low-density housing in the form of single-family, semi-detached, and duplex dwellings, and other compatible uses.

Permitted Uses

16.2 Subject to Bylaw requirements:

R2 Zone - Permitted Uses		
single family dwelling	duplex dwellings	assisted living
semi-detached dwellings	accessory building	

Discretionary Uses

16.3 Subject to Council approval:

R2 Zone - Discretionary Uses		
child care facility: medium	boarding house	
social services agency	tourism establishment: B&B*	

* Also requires Conditional Use approval

Conditional Uses

16.4 Subject to a Development Officer approval:

R2 Zone - Conditional Uses		
home based business	secondary suite	tourism establishment: vacation rental property

Development Standards

16.5

- a. For single-family, semi-detached and duplex dwellings, the standards in the Table below shall apply;
- b. For boarding house, social service agencies and tourism establishment the single-family dwelling standards shall apply.
- c. For modular homes, see additional standards in Section 8.10

R2 zone		Lot area	Lot depth	Frontage	Front yard	Side yards	Rear yard	Max. height	Flankage yard
Single-family dwelling	m	630	30	21	6	2	5	10.5	4
	ft	6,781.3	98.4	69.8	19.7	6.5	16.4	34.4	13.1
Individual semi-detached dwellings	m	390	30	13	6	2	5	10.5	4
	ft	4,198	98.4	42.6	19.7	6.5 (end of building)	16.4	34.4	13.1 (end of building)
Duplex dwelling	m	750	30	25	6	3	5	10.5	4
	ft	8,073	98.4	82	19.7	9.8	16.4	34.4	13.1

Medium-Density Residential (R3) Zone

17.1 The purpose of this zone is to provide for medium-density housing in the form of single-family, semi-detached, duplex dwellings, townhouses, row houses and other compatible uses.

Permitted Uses

17.2 Subject to Bylaw requirements:

R3 Zone - Permitted Uses		
single family dwelling	duplex dwellings	assisted living
semi-detached dwellings	accessory building	manufactured home: mobile home lawfully existing prior to 1999

Discretionary Uses

17.3 Subject to Council approval:

R3 Zone - Discretionary Uses		
child care facility: medium group home	boarding house	social services agency
	nursing care facility: community care and nursing home	tourism establishment*: tourist home and inn
townhouse - 8 units per building maximum	row house – 8 units per building maximum	apartments: 4 units maximum
rooming house		

* Also requires Conditional Use approval

Conditional Uses

17.4 Subject to a Development Officer approval:

R3 Zone - Conditional Uses		
home based business	secondary suite	tourism establishment: B&B and vacation rental property

Development Standards

17.5

- a. For single-family, semi-detached, duplex, row house and townhouse dwellings the standards in the Table below shall apply.
- b. For group homes, boarding houses, social services agencies and tourism establishments, the standards of the R1 zone shall apply.
- c. For apartment buildings and nursing care facilities, the standards for apartment buildings in Section 19.5 b. shall apply.

- d. For modular homes, see additional standards in Section 8.10
 e. For Townhouses, see additional standards in Section 8.15

R3 zone		Lot area	Lot depth	Frontage	Front yard	Side yards	Rear yard	Max. height	
Interior Lot									
Single-family dwelling	m	480	30	16	6	1.5	5	10.5	
	ft	5,166.7	98.4	52.5	19.7	4.9	16.4	34.4	
Individual semi-detached dwelling	m	390	30	13	6	1.5	5	10.5	
	ft	4,198	98.4	42.6	19.7	4.9 (end of building)	16.4	34.4	
Duplex dwelling	m	750	30	25	6	2.5	5	10.5	
	ft	8,073.4	98.4	82.0	19.7	8.2	16.4	34.4	
Townhouse/Row house (interior zero lot line)	m	180	30	6	6	0	5	10.5	
	ft	1,937.5	98.4	19.7	19.7	0	16.4	34.4	
Townhouse/Row house (end lot of building)	m	255	30	9	6	3	5	10.5	
	ft	2,744.8	98.4	29.5	19.7	9.8	16.4	34.4	
Corner Lot									Flankage Yard
Single-family dwelling	m	525	30	17.5	6	1.5	5	10.5	3
	ft	5,651.1	98.4	59.0	19.7	4.9	16.4	34.4	9.8
Individual semi-detached dwelling	m	450	30	15	6	1.5	5	10.5	3
	ft	4,844	98.4	49.2	19.7	4.9 (end of building)	16.4	34.4	9.8
Duplex dwelling	m	705.0	30	23.5	6	1.5	5	10.5	3
	ft	7,588.6	98.4	77.1	19.7	4.9 (end of building)	16.4	34.4	9.8
Townhouse/Row house	m	285	30	9.5	6	3	5	10.5	4
	ft	3,068	98.4	31.1	19.7	9.8	16.4	34.4	13.1
Cul-de-sac Lot									
Row house	For row houses, the standards of the R4 zone Section 19.5 b. for apartment buildings shall apply.								

Medium-Density Narrow Lot Residential (R3r) Zone

18.1 The purpose of this zone is to provide for medium-density housing in the form of single-family dwellings on narrow lot frontages.

Permitted Uses

18.2 Subject to Bylaw requirements:

R3r Zone - Permitted Uses		
single family dwelling	accessory building	

Conditional Uses

18.3 Subject to Development Officer approval:

R3r Zone - Conditional Uses		
home based business		

Development Standards

- a. For single-family dwellings the standards in the Table below shall apply.
- b. Any property zoned R3r shall be required to install underground utility services
- c. For modular homes, see additional standards in Section 8.10

R3r zone		Lot area	Lot depth	Frontage	Front yard	Side yards	Rear yard	Max. height	Lot Coverage	Flankage Yard
Interior Lot										
Single-family dwelling	m	318	30	10.6	6	1.5	5	10.5	35% max	--
	ft	3,423	98.4	34.8	19.7	4.9	16.4	34.4	--	--
Corner Lot										
	m	450	30	15	6	1.5	5	10.5	35% max	3
	ft	4,844	98.4	49.2	19.7	4.9	16.4	34.4	--	9.8

High-Density Residential (R4) Zone

19.1 The purpose of this zone is to provide for high-density housing in the form of apartments, as well as housing in the form of single-family, semi-detached, duplex dwellings, row house, townhouse and other compatible uses.

Permitted Uses

19.2 Subject to Bylaw requirements:

R4 Zone - Permitted Uses		
single family dwelling	assisted living	row house
semi-detached dwelling	duplex dwelling	townhouse
apartment building	group home	nursing care facility: community care and nursing home
boarding house	child care facility: medium	social services agency
accessory building	rooming house	

Discretionary Uses

19.3 Subject to Council approval:

R4 Zone - Discretionary Uses		
tourism establishment*: tourist home and inn		

* Also requires Conditional Use approval

Conditional Uses

19.4 Subject to a Development Officer approval:

R4 Zone - Conditional Uses		
home based business	tourism establishment: B&B and vacation rental property	secondary suite

Development Standards

- 19.5
- a. For each row house and/townhouse dwelling unit the standards in Section 17.5 shall apply.
 - b. For apartment buildings and nursing care facilities, the following standards shall apply:

R4 zone	Lot area	Lot Depth	Floor Area Ratio – FAR %	Lot Coverage - LC	Frontage	Front Yard	Side Yards	Rear Yard	Max Height	Flankage Yard
m	930	30	--	--	30	6	4	5	14	5
ft	10,010.5	98.4	--	--	98.4	19.7	13.1	16.4	45.9	16.4
Floor Area Ratio	Maximum of 0.80 Main buildings									
Lot Coverage	Maximum of 35% Main buildings, not counting any attached garage as long as its top surface is landscaped and is accessible to building residents									
Maximum building height	May be higher than 14m (46 ft) at Council’s discretion									
Density Bonus	Bonus of 20% on total number of units, provided a minimum of 75% of the required parking is located underground or at grade within the main building footprint.									

- c. For single-family, semi-detached, and duplex dwellings, the standards of the R-3 zone shall apply.
- d. For group homes, boarding houses, social service agencies and tourism establishments, the standards of the R1 zone shall apply.
- e. For modular homes, see additional standards in Section 8.10
- f. For Townhouses, see additional standards in Section 8.15

Manufactured Home Park Residential (R5) zone

20.1 The purpose of this zone is to provide for manufactured home parks.

Permitted Uses

20.2 Subject to Bylaw requirements:

R5 Zone - Permitted Uses		
manufactured home: mobile home/mini-home/modular home	accessory building	park (private)

Conditional Uses

20.3 Subject to a Development Officer approval:

R5 Zone - Conditional Uses		
home based business		

Site Plan Requirements

20.4 New and expanded manufactured home park developments shall be developed in accordance with a site plan approved by the Development Officer, showing mobile home spaces, other park uses, and internal road layouts, all in conformity with applicable development standards.

Development Standards

- 20.5 a. The minimum lot size for a manufactured home park is 1 ha (2.47 ac).
b. Each individual mobile home space shall conform with the following standards:

R5 zone		Lot area	Lot depth	Frontage	Front yard	Side Yards	Rear yard	Max. height	Flankage Yard
Single-Wide (less than 4m unit width)	m	360	30	12	4.5	3	4.5	4.5	4.5
	ft	3,875.0	98.4	39.4	14.8	9.8	14.8	14.8	14.8
Double-Wide (more than 4m unit width)	m	450	30	15	4.5	3	4.5	4.5	4.5
	ft	4843.8	98.4	49.2	14.8	9.8	14.8	14.8	14.8

- c. The layout of a manufactured home park shall conform with the following standards:
- i. each mobile home space shall front onto a paved service road connecting to a street R.O.W., or in exceptional circumstances, directly onto a street R.O.W.;
 - ii. all service roads shall be a minimum of 11 m (36 ft) wide with a minimum paved portion of 6 m (19.6 ft);
 - iii. each mobile home space shall have a stable hard surface for parking and connection to the service road pavement;
 - iv. all mobile homes shall have service connections to water and sewer laterals serving the park, but no home shall be sited over such a lateral; and
 - v. a private park shall be set aside in each manufactured home park, computed on the basis of 18 m² (193.7 sq ft) for each mobile home space or parkland cash in-lieu calculated as per the Summerside *Subdivision & Site Development Bylaw SS-19*.
- d. Each mobile home shall be installed in conformity with the following standards:
- i. wheels shall be removed;
 - ii. placement of the unit shall comply with Z-240 provisions of the Canadian Standards Association (CSA);
 - iii. the entire undercarriage of each unit shall be skirted with opaque material; and
 - iv. steps and/or landings shall be provided to all entrances.

Comprehensive Development Area (CDA) zone

21.1 The purpose of this zone is to facilitate innovative developments for realizing the best use or mix of compatible uses of particular sites.

CDA Zone

21.2 Subject to Council's approval of a comprehensive development plan for uses appropriate to the development site and surrounding area:

- mixes of residential, commercial, institutional, parkland, special or conservation uses;
- mixes of housing types and densities;
- innovative development concepts such as cluster, zero lot line, flag lot and integrated residential/recreational layouts.

21.3 Development Standards

Council may tailor development standards in each CDA zone to meet the needs of innovative development concepts and particular site conditions. Council may also allow some flexibility respecting alternative servicing methods, provided their performance meets or exceeds that which would be achieved by engineering standards normally applied under the Summerside *Subdivision Bylaw & Site Development Bylaw SS-19*.

Minimum CDA Zoning Requirements

Council may approve a CDA zoning application provided that the following requirements are met:

- a. The proposed development cannot be accommodated readily in another zone or zones.
- b. The proposed development of the site is consistent with Official Plan policies and if necessary amends the Official Plan (Future Land Use Plan) map.

21.4 The procedures for a CDA zoning application are set out in Section 5.10 of this bylaw. In addition, the following information is required to process a CDA application:

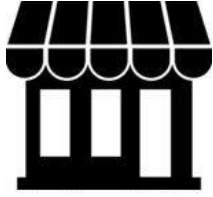
- a. The applicant shall submit a comprehensive development plan for Council's consideration in a form acceptable to the Development Officer, including the

following information:

- i. boundaries of the site;
 - ii. proposed land uses, including any parkland dedications;
 - iii. proposed subdivision and road layouts;
 - iv. proposed building sites and massing;
 - v. proposed types, densities and numbers of buildings;
 - vi. proposed development standards;
 - vii. proposed servicing concepts; and
 - viii. any other information required by the Development Officer.
- b. Council shall normally only approve a CDA official plan and zoning amendment based on the approved comprehensive development plan for the entire site. In special circumstances where development will be phased over a period of time, Council may initially approve a general concept plan for the entire site and, then, may approve a more detailed comprehensive development plan and a zoning amendment for each separate phase of development.
- c. All development within a CDA site shall comply with the approved comprehensive development plan for the site, as well as with any applicable requirements of this Bylaw and of other City and Provincial regulations.
- d. The Development Officer may approve technical revisions to a Council approved comprehensive development plan respecting minor changes to the siting of buildings or lot lines which do not impact on the plan's overall integrity. All proposed plan revisions other than those approved by the Development Officer shall be referred to Council for their approval or denial.

Park Levies

- 21.5** In the case of a residential subdivision within a CDA, park levies shall normally apply as under the Summerside Subdivision Bylaw.



Commercial Zones

Downtown - (D) Zone

22.1 Purpose

The purpose of this zone is to accommodate a mix of downtown uses of a commercial, residential, institutional, and a waterfront nature, which mutually benefit from their proximity to each other in a central City location and, together, promote a cohesive community focus.

22.2 Downtown Design Guidelines and Standards (DDG)

Urban design is the comprehensive and cohesive combination of buildings, streets, and open spaces, and has as its objective the creation of memorable public spaces. The essence of good urbanism is determined by the relationship between the public and private realm—between buildings and public open spaces—at street level. Buildings, streets, and other public open spaces scaled for human comfort and use are essential to the creation of a functional, aesthetically rich and vibrant downtown. As such, building frontages are among the strongest determinants of the character and quality of the downtown.

The Summerside Urban Core Plan (UCP) establishes a clear long-range vision for the next 30 years+ with the downtown as a highly sustainable, livable, and unique urban place that is the cultural, civic and social heart of Summerside. The overall intent of the Downtown Urban Design Guidelines should help implement parts of this vision over the next five years.

The overall intent of the Urban Design guidelines and standards can be boiled down into the following three key approaches:

- **STREETSCAPE PUBLIC REALM**: Build to (or close to) the front property line. Do not locate off-street surface parking between the front face of a building and the fronting public street or between a building and the waterfront.
- **VITALITY**: Ensure a public realm that is active, attractive and transparent street frontages. Incorporate continuous frontages, a significant amount of glazing and avoid blank walls along streets to create vitality and “eyes on the street”. Orient entrances and building facades towards sidewalks and other pedestrian areas along streets.
- **HUMAN-SCALE**: Incorporate architectural features, details, and site design elements that are humanly proportioned and support pedestrian activity for buildings. This also includes attractive view corridors that connect with our waterfront creating an active pedestrian network of streets and waterfront boardwalk.

22.3 Connectivity: Enhancing the Pedestrian Network

Overview

The City of Summerside has a distinct but intact foundation of good urban design due to its grid street layout.

Guidelines

- i. New development or redevelopment on large sites, incorporate pedestrian linkages that support existing streets and open space network, including a portion of the Confederation Trail downtown.
- ii. Where large blocks are unavoidable, provide publicly accessible mid-block pedestrian and bike pathways.
- iii. Increase pedestrian connections to the waterfront and residential neighbourhoods to create more route options and direct connections for pedestrians and cyclists.

22.4 Streetscape: Public Realm

Overview

Public streets require visual and structural definition. They should have clear boundaries or “street walls” that create the feeling of an outdoor room. Therefore, new buildings should be sited and designed to positively frame and define streets and public view corridors to the waterfront.

Guidelines

- i. Minimize the distance buildings are set back from the sidewalk or street r-o-w to create good street definition and a sense of enclosure.
- ii. Parking should not be located between the front of a building and the public sidewalk or street r-o-w. Locate parking behind, underneath or where necessary, the side yard of the building.
- iii. Build ground floor commercial uses up to the front property line so that a continuous commercial street frontage and positive street definition are maintained. A setback may be considered where there are features that benefit the pedestrian experience, or to align with the building setback from an adjacent building.
- iv. Residential apartment buildings entrances should front towards public streets.
- v. Establish a minimum street-wall for new buildings at public streets.
- vi. New developments with tall buildings (over 4 storeys in height) should step back at a 45 degree angle at the base of the fifth storey in Historic Water Street Downtown Core District #1.

- vii. Site and design buildings to respond to specific site conditions and opportunities, including: prominent intersections, corner lots, sites framing important waterfront view corridors.

22.5 Street Vitality: Creating Active Building Frontage

Overview

Street vitality is achieved by ensuring active and transparent building frontages along public streets. Active frontages can be achieved by locating building entrances frequently along and at or near the sidewalk edge. Transparency is when interior uses are visible from— and can even spill out onto—the (public) sidewalk, such as sidewalk dining patios and when the use of public space is visible from inside buildings to allow for casual surveillance. Therefore, windows and entrances for residential and commercial uses should be designed and located to be inviting, engaging, sociable, and to provide “eyes on the street.”

Guidelines— COMMERCIAL AND MIXED-USE BUILDINGS

- i. Provide pedestrian access to storefronts and businesses from the public street.
- ii. On corner sites, develop street-facing façades for both streets. Design front elevations with pronounced entrances oriented to the corner and/or primary streets.
- iii. Ensure that storefronts are transparent. Clear site lines from inside buildings to open public spaces should allow for casual surveillance of the street and sidewalk, and store interiors should be visible from the street.
- iv. Continuous commercial uses shall be provided at street level along Water Street.
- v. Commercial entries tend to be public, and residential entries tend to be private. Accordingly, residential entrances should be architecturally differentiated from business entrances in mixed-use buildings.
- vi. Avoid expansive blank walls (over 5 m/16.4 ft in length) adjacent to public streets. When blank walls are unavoidable, use of an appropriate design treatment is encouraged. Incorporate walls into a patio or sidewalk café space.
- vii. New developments regardless of the district are not to exceed four stories in height where the property is adjacent residential land use.

Guidelines— RESIDENTIAL BUILDINGS

- i. Site and orient apartments to overlook public streets, greenspaces, walkways, and communal spaces, while ensuring the security and privacy of residents.
- ii. Residential entries should be clearly visible and identifiable from the fronting public street to make the building more approachable and create a sense of association amongst neighbors.
- iii. Set back residential apartment buildings from streets by a minimum of 2 m (6.5 ft).

- iv. A landscaped transition zone and greater setbacks in between the entryway and public sidewalk should be considered with high traffic volumes for developments north of Heather Moyse Drive.

22.6 Parking and Access

Overview

A welcoming pedestrian environment is critical to the quality and character of the downtown streets and open spaces, particularly along retail frontages. Therefore, it is important that parking, access and other service functions remain primarily in/off of the street so as not to conflict with pedestrian-oriented street activity.

Guidelines

- i. Locate off-street surface parking behind or underneath buildings at grade. Off-street surface parking located between the front of the building and the public street is not allowed.
- ii. Off-street surface parking it should be located to the rear of the building with parking access from Central Street, Spring Street or Granville Street.
- iii. Off-street parking located between a building and the waterfront should be avoided.
- iv. If unavoidable, off-street surface parking located in the front yard of a building and adjacent to a public sidewalk in the Port District #2 may be acceptable provided these areas are properly screened from sidewalks and other active open spaces. This includes using materials that provide a visual buffer while still allowing clear visibility into the parking areas to promote personal safety and security.
- v. Locate public on-street parking at the curb to provide convenient and easy access to commercial and residential entrances.
- vi. No off-street parking is required for commercial, industrial and institutional land uses.
- vii. Residential apartment units will require on-site parking at a ratio of 0.5 (half) space per unit.

22.7 Height and Massing

Overview

The intent of the following guidelines is to reduce the visual mass of large buildings, and to ensure sensitive transition from new development or redevelopment to adjacent buildings, open spaces view corridors to the waterfront.

Guidelines

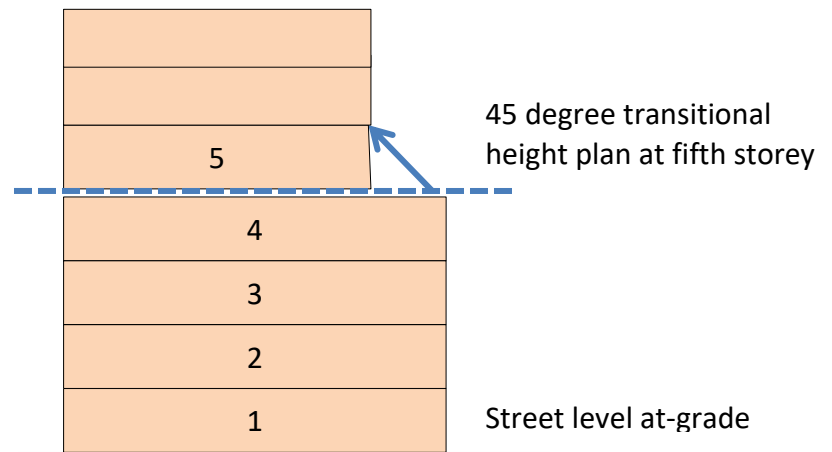
- i. Break up the mass of large buildings to reduce their visual impact at the pedestrian realm and to create variation along the street. This can be achieved by incorporating minor visual breaks in building façades using vertical setbacks and upper-storey step-backs for buildings higher than 4 stories.
- ii. Limit the visual mass of building façades to lengths of 75 m (246 ft) or less, parallel to public street frontages.
- iii. A minimum and maximum building height will be maintained for buildings in all districts.
- iv. Maximum building heights may be up to 10 stories, except where buildings are adjacent to residential land uses, where a maximum height of 4 stories is allowed to be compatible with existing residential homes.
- v. Encourage appropriate spacing of tall buildings to ensure adequate daylight, skyline, and views for residents.
- vi. An interesting and varied roof form is encouraged.
- vii. Special height requirements may apply in District #1- *Historic Water Street Downtown Core* for buildings higher than four stories in the following cases:

Transitional Height Plan - Buildings 4 storeys or higher in height should step back at the fifth storey by a 45 degree transitional height plane as shown on the drawing.

Bonus Heights – A bonus height may be permitted in exchange for providing specific public benefits. A public benefit may be provided in another Downtown zone district from the development. Developments that propose a demolition of a designated and/or non-designated heritage resource will not be eligible for a bonus height. All bonus height proposals shall be reviewed by Heritage Planning Board and approved by Council.

Proposals for height bonus may be permitted if the developer provides one or more of the following public benefits:

- Adaptive reuse, maintenance, preservation, or enhancement of a heritage resource



whether designated or non-designated.

- The provision of public art, urban greenspace, plaza, boardwalk, or other facility where a deficiency exists or as indicated by the City. This may be provided in other districts.
- Substantial façade improvements along Water Street that significantly enhance the vitality of the heritage district.

22.8 View Corridors to Waterfront

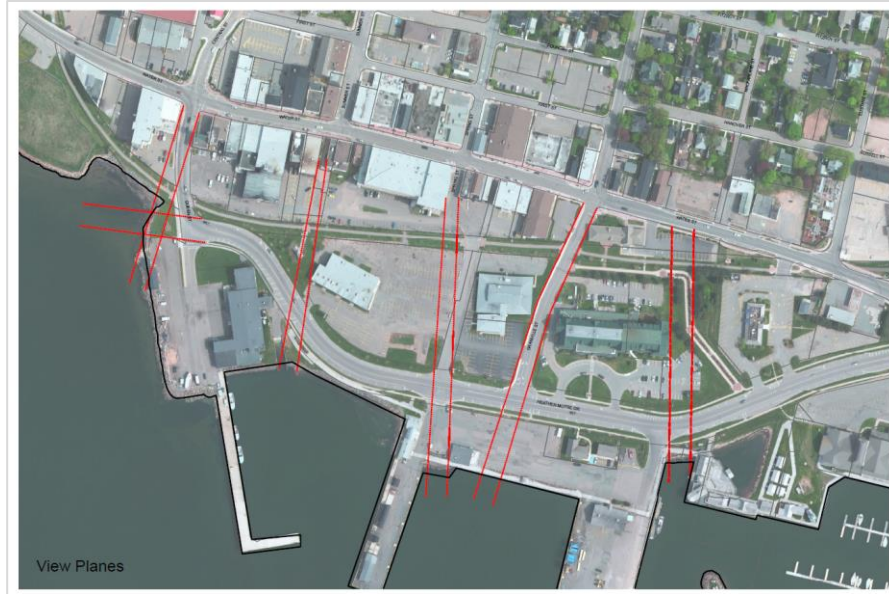
Overview

The intent of the following guidelines is to ensure attractive view corridors and open spaces to the waterfront.

Guidelines

- i. An attractive skyline shall be maintained as viewed from the waterfront.
- ii. Development shall frame key view corridors from Water Street to the waterfront rather than block them.
- iii. To preserve key view corridors at Granville Street (Water Street to the waterfront boardwalk) all new buildings shall not be located in the 12m (39.3 ft) view corridor.
- iv. View corridors shall be maintained at the terminus of public streets to the waterfront, other than parking lots, an access lane or archway.
- v. Providing connections to the boardwalk and greenspace, to enhance public access to the waterfront, should be conditions of new development.
- vi. A Visual Impact Assessment may be required from a qualified professional to the satisfaction of the Development Officer to assess a proposed development impacts on view corridors to the waterfront.

MAP 2: VIEW
CORRIDORS



22.9 Exterior Cladding Materials

Overview

The intent of the following guidelines is to ensure building materials used in new construction is of very good quality, so they will one day become heritage buildings of the future.

Guidelines

- i. Materials use for the front façade facing the public street should be carried around the building where any facades are exposed to public view at the side or rear.
- ii. Changes in materials should not generally occur at building corners, except flankage lot at intersection of streets;
- iii. Building materials recommended for new construction include brick, stone, glass, in-situ concrete and pre-cast concrete.
- iv. In general, the appearance of building materials should be true to their nature and should not mimic other materials.

The following external cladding materials are not permitted on all sides of a building visible from public streets:

- v. Unpainted or unstained bare wood, including pressure-treated wood, is prohibited as a building material for permanent decks, balconies, patios, verandas, porches, railings and other similar façade treatments, except these guidelines shall not apply to seasonal sidewalk cafes.
- vi. Vinyl siding, plastic, plywood, plain concrete block, stucco, metal siding with exposed fasteners.

- vii. Tinted or mirrored glass is prohibited at street level to allow transparency from outside and inside a building, but is allowed at second and higher stories.

22.10 Permit Review process

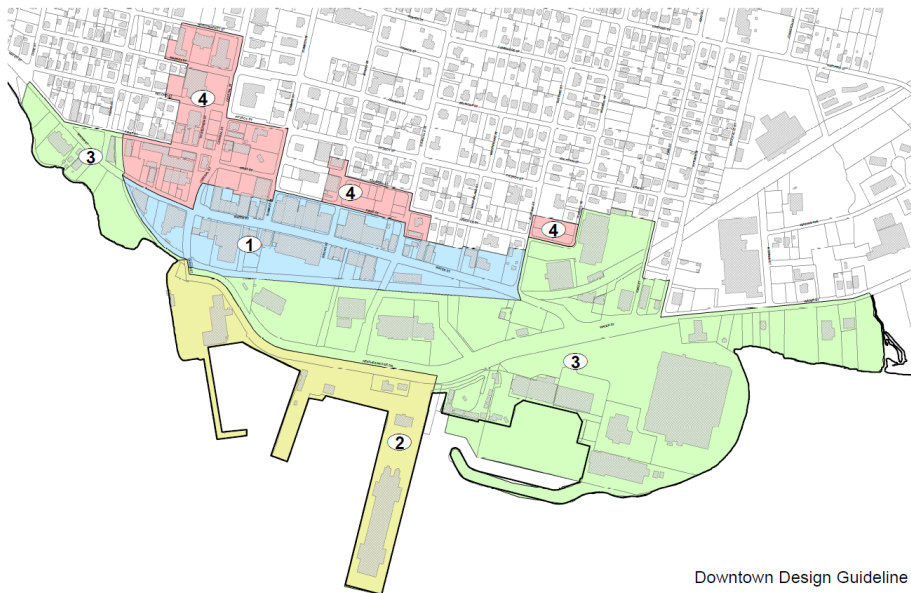
Application for all developments in the Downtown Zone shall be reviewed in accordance with the guidelines and standards in Section 22 of this Bylaw and *Summerside Official Plan 2018; Building Bylaw SS-09; Zoning Bylaw SS-15; Subdivision & Site Development Bylaw SS-19; and Heritage Bylaw SS-20.*

Minor variances of up to 10% may be approved by the Development Officer in accordance with Section 6 of the zoning bylaw. Variances of more than 10% will not be allowed, except in cases where the Building Code Act or safety requirements apply. Applications shall be consistent with Transportation Association of Canada (TAC) standards.

22.11 Urban Core Districts

The Area shall be divided into four Downtown Cores Districts identified on Map 1: Urban Core Districts

- Historic Water Street Downtown Core District #1;
- Port Core District #2;
- Downtown Mixed Use Core District #3;
- Neighbourhood Core District #4.



Downtown Design Guideline

22.12 Land Uses by Districts

Permitted Uses – Districts #1, #3, #4		
COMMERCIAL		
bakery	food store: convenience and grocery	alcohol manufacturer: brew pub; ferment on premises and micro-brewery
bank/financial institution	accessory building	private club
bus terminal	liquor store	restaurant: dining room, take-out
office: business/professional and medical	marina	retail store: small and large
commercial school	tourism establishment: tourist home, inn, motel/hotel, and vacation rental property	service centre
child care facility: small, medium and large	personal service shop	shopping centre
dry cleaner: outlet	fitness centre	taxi station
farmers/fishers market	flea market	pool hall
video arcade	cannabis retail store	tavern/bar/lounge
RESIDENTIAL		
ancillary residence	nursing care facility: community care and nursing home	social services agency
boarding house	apartment building	commercial/residential building
group home		

INSTITUTIONAL		
community centre	office: government	public library, museum and gallery
emergency services facility	college/university	recreation facility
entertainment facility	place of worship	cultural/interpretative centre
utility facility		
INDUSTRIAL		
industry: light industrial	wharf or pier	boat loading/unloading facility
OTHER		
park		
Permitted Uses – District #2		
COMMERCIAL		
restaurant: dining room, take-out	farmers/fishers market	retail store: small and large
marina	parking area and parking indoor	tavern/bar/lounge

INDUSTRIAL		
boat loading/unloading facility	marine sales/repairs	wharf or pier
navigational aides	fish processing facility	outdoor storage area
storage facility: warehouse	industry: light industrial	
Discretionary Uses – District #4		
COMMERCIAL		
tavern/bar/lounge		

22.13 Lot Standards

Staff may allow exception(s) to the development standards, where City of Provincial regulations/acts require otherwise.

D zone	Lot area	Lot depth	Frontage	Front yard	Side Yards	Rear yard	Max. height	Flankage Yard
				Street r-o-w				
Downtown Design Area	m	465	n/a	15	•	•	•	•
	ft	5005.3	n/a	49.2	•	•	•	•
• See special standards and maximum height provisions in the Table below								

22.14 Factory Constructed Buildings

For factory constructed buildings, see additional use standards in Section 8.10

22.15 Development Standards Table

Standards	District #1 Historic Water Street -Downtown Core)	District #2 Port Core	District #3 Mixed Use Core	District #4 Neighborhood Core	
Administration					
1	Heritage Planning Board review	All developments in Heritage District overlay zone. All permit types.	n/a	n/a	Within Heritage District overlay zone. Demolitions reviewed only.
2	Planning Board review	All developments in Heritage District overlay zone. All permit types.	n/a	Building less than three storeys	Discretionary uses

Standards		District #1 Historic Water Street -Downtown Core)	District #2 Port Core	District #3 Mixed Use Core	District #4 Neighborhood Core
3	Council review	All developments in Heritage District overlay zone. All permit types.	n/a	Building less than three storeys	Discretionary uses
4	Staff review	All developments	All developments	All developments	Staff + Heritage Planning Board for demolition
Building Form					
5	Building Materials (See prohibited list all districts)	Keeping with heritage character of Water Str. True to form & not mimic other materials	Complimentary with the type of land use and overall general area	High quality building materials compatible with the area.	High quality buildings materials compatible with the area.
6	Blank walls at street level	Maximum of 5m (16.4 ft) linear	Maximum of 5m (16.4 ft) linear	Maximum of 5m (16.4 ft) linear	Maximum of 5m (16.4 ft) linear
7	First floor height	Commercial uses 4.5m (14.7 ft)	n/a	Commercial uses 4.5m (14.7 ft)	Commercial uses 4.5m (14.7 ft)
8	Building height	Minimum of two storeys or height of abutting buildings	Minimum of one storey	Minimum of three storeys. May be less than three storeys at Council's discretion.	Minimum of two storeys
9	Building height	Maximum of four storeys, except 5 to 10 storeys may be permitted. See Section 21.7 vii. transitional height plane & density bonus	Maximum of ten storeys	Maximum of ten storeys	Maximum of ten storeys, after fourth storey, step back each storey 1:1 ratio for storeys 5-10 abutting residential zone.
11	Street wall height	Four storeys	n/a	n/a	n/a
Land Uses					
12	Street level land uses	Retail, office, restaurants, commercial. No residential units at street level.	Where possible keep industrial to waterside away from Heather Moyse Drive.	Encourage mixed uses. Can be residential only such as apartments.	Mixed land uses including commercial, retail, offices and residential.

Standards		District #1 Historic Water Street -Downtown Core)	District #2 Port Core	District #3 Mixed Use Core	District #4 Neighborhood Core
	Development Standards				
14	Building placement	Zero lot line, with some exceptions at staff discretion, eg sidewalk patios, steps, etc.	Port uses are encouraged to be setback more than 2m (6.5 ft) from Heather Moyses Drive r-o-w	Maximum 2m (6.5 ft)	Maximum 2m (6.5 ft)
15	Building placement from high water mark or seawall	n/a	Minimum of 5.5m (18 ft) or Dept of Env't standard if larger	Minimum of 5.5m (18 ft) or Dept of Env't standards if larger	n/a
16	Lot frontage and area	See Section 22.13	See Section 22.13	See Section 22.13	See Section 22.13
17	Parking	<ul style="list-style-type: none"> • Parking not allowed between the building and the street. • No requirements for off-street parking. • Residential 0.5 spaces per unit. 	Parking can be between a building and street and waterfront for industrial uses	<ul style="list-style-type: none"> • Parking not allowed between the building and the street. • Not required for commercial-uses. • Residential 0.5 spaces per unit. 	<ul style="list-style-type: none"> • Parking not allowed between the building and the street. • Not required for commercial uses. • Residential apartments 0.5 spaces per unit.
18	Waterfront – Minimum Finished Floor Elevation - FFE	n/a	3.018m (10 ft) CGVD28 recommended	3.018m (10 ft) CGVD28 recommended	n/a
19	Greenspaces	Confederation Trail as linear greenspace	n/a	Refer to City Parks & Green Spaces Secondary Plan	Subdivision & Site Development Bylaw SS-19
20	Waterfront boardwalk along water's edge	n/a	Provide a continuous public waterfront boardwalk through Districts #2 & #3	Provide a continuous public waterfront boardwalk through Districts #2 & #3	n/a

Standards		District #1 Historic Water Street -Downtown Core)	District #2 Port Core	District #3 Mixed Use Core	District #4 Neighborhood Core
21	View corridors	12m (40 ft)wide- see map	12m (39.3 ft)wide- see map	12m (39.3 ft)wide- see map	n/a
22	Density bonus	See Section (5) Height & Massing	n/a	n/a	n/a

Service Commercial (C2) Zone

23.1 The purpose of this zone is to provide for large and medium-sized commercial uses which need road frontage for ready vehicular access and advertising exposure.

Permitted Uses

23.2 Subject to Bylaw requirements:

C2 Zone - Permitted Uses		
COMMERCIAL		
animal care facility: hospital and kennel	food store: convenience and grocery	private club
automobile establishment: body shop, repair shop, sales establishment, service station and washing establishment	funeral home	restaurant: dining room, take-out and drive-through
bakery	industry: office-style	retail store: small and large
bank/financial institution	liquor store	service centre
building supply outlet	tourism establishment: motel/hotel	shopping centre
bus terminal	accessory building	storage facility: automobile storage facility, outdoor storage area, self-storage and warehouse
office: business/professional and medical	parking lot	alcohol manufacturer: brew pub, ferment on premises and micro-brewery
commercial school	personal service shop	taxi station
child care facility: small, medium and large	plant nursery	fitness centre
dry cleaner: outlet	printing/publishing establishment	video arcade
farmers/fishers market	cannabis retail store	
RESIDENTIAL		
rowhouse	townhouse	residential dwellings lawfully existing prior to 1999
social services agency	commercial/residential building	ancillary residence
INSTITUTIONAL		
community centre	entertainment facility	public library, museum and gallery
emergency services facility college/university	place of worship	office: government

Discretionary Uses

23.3 Subject to Council approval:

C2 Zone - Discretionary Uses		
COMMERCIAL		
tavern/bar/lounge	flea market	tourism establishment: tourist home and inn,
crematorium - accessory use to a funeral home	pool hall	
INSTITUTIONAL		
utility facility		

Conditional Uses

23.4 Subject to a Development Officer approval:

C2 Zone - Conditional Uses		
RESIDENTIAL		
home based business	tourism establishment: B&B and vacation rental property	secondary suite

Development Standards

23.5

- a. For commercial use buildings, the following standards shall apply in the Table below.
- b. For existing residential buildings the standards of the R3 zone shall apply.
- c. For existing residential buildings, a Secondary Suite may be permitted.
- d. For Tourism Establishments the standards of the R3 zone shall apply.
- e. For commercial/residential buildings, both the residential and commercial space shall accord with the standards of the R4 zone for apartment buildings.
- f. For institutional uses, the standards of the I zone shall apply.
- g. For factory constructed buildings, see additional standards in Section 8.10

C2 zone		Lot area	Lot depth	Frontage	Front yard	Side Yards	Rear yard	Max. height	Flankage Yard
Commercial use buildings	m	690	0	23	7.5	3	6	14	5
	ft	7,427.2	0	75.4	24.6	9.8	19.7	45.9	16.4

Neighbourhood Commercial (C3) Zone

24.1 The purpose of this zone is to provide for small-sized commercial uses that serve the convenience needs of nearby residents and are compatible with residential neighbourhoods.

Permitted Uses

24.2

C3 Zone - Permitted Uses

COMMERCIAL

child care facility: small, medium and large	food store: convenience store	personal service shop
accessory building		

RESIDENTIAL

ancillary residence, two maximum (see additional standards in Section 8)		
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Discretionary Uses

24.3 Subject to Council approval:

C3 Zone - Discretionary Uses

COMMERCIAL

medical office	restaurant: dining room and take-out	
fitness centre	business/professional office	

INSTITUTIONAL

utility facility		
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Development Standards

24.4

- a. For commercial uses, the standards of the C2 zone shall apply.
- b. For factory constructed buildings, see additional standards in Section 8.10
- c. For Ancillary Uses, see additional standards in Section 8.2



Industrial Zones

Light Industrial (M1) Zone

25.1 The purpose of this zone is to accommodate light industrial and other compatible non-noxious industrial uses, together with some supporting and complementary commercial uses.

Permitted Uses

25.2 Subject to Bylaw requirements:

M1 Zone - Permitted Uses		
INDUSTRIAL		
heavy machinery sales/repairs	marine sales/repairs	truck driving school
industrial: light	manufactured home construction	trucking depot
food processor	accessory building	cannabis production facility
alcohol manufacturer: brew-pub and micro-brewery	storage facility: automobile towing facility	construction company: light
COMMERCIAL		
animal care facility: shelter and kennel	bakery	building supply outlet
automobile: body shop/repair shop/sales establishment	child care facility: small, medium and large	printing/publishing establishment
dry cleaner: processor and outlet	storage facility: automobile storage facility, outdoor storage area, self-storage and warehouse	parking lot
OTHER		
telecommunication tower		

Discretionary Uses

25.3 Subject to Council approval:

M1 Zone - Discretionary Uses		
INDUSTRIAL		
recycling facility	wind energy conversion system	solar energy collector system
COMMERCIAL		
business/professional office		

Development Standards

25.4

- a. For industrial uses, the standards in the Table below shall apply.

- b. For commercial uses, the standards of the C2 zone shall apply.
- c. For institutional uses, the standards of the I zone shall apply.
- d. For factory constructed buildings, see additional standards in Section 8.10

M1 zone		Lot area	Lot depth	Frontage	Front yard	Side Yards	Rear Yard	Max. height	Flankage Yard
	m	1,400	0	30	7.5	5	6	18.5	5
	ft	15,069.6	0	98.4	24.6	16.4	19.7	60.7	16.4

Heavy Industrial (M2) Zone

26.1 The purpose of this zone is to accommodate both heavy and light industrial, together with other compatible style industries and some supporting commercial uses.

Permitted Uses

26.2 Subject to Bylaw requirements:

M2 Zone - Permitted Uses		
INDUSTRIAL		
heavy machinery sales/repairs	accessory building	salvage yard
industrial: light	recycling facility	cannabis production facility
storage facility: automobile storage facility; automobile towing facility, bulk fuel depot; bulk storage facility, outdoor storage area, self-storage and warehouse	food processor	construction company: light and heavy
COMMERCIAL		
storage facility: automobile storage facility	parking lot	
OTHER		
solar energy collector system	telecommunication tower	wind energy conversion system

Discretionary Uses

26.3 Subject to Council approval:

M2 Zone - Discretionary Uses		
INDUSTRIAL		
industrial: heavy		

Special Requirements for Heavy Industries

26.4

- a. Council may require applicants for heavy industries to prepare impact assessments identifying:
 - i. potential impacts of their proposed development on environmental quality, public health and community infrastructure; and
 - ii. measures for adequately mitigating any harmful impacts, including options where appropriate.

- b. Impact assessments shall be undertaken at cost to the applicant and to Council's satisfaction, in accordance with terms of reference (TOR) agreed to in advance by Council.
- c. Council may approve heavy industries subject to incorporation of specific measures for mitigating harmful impacts.

Development Standards

26.5

- a. For heavy industry uses, development standards shall be determined on an individual basis by the Development Officer, but on the applicant's request they may be reviewed by Council for their determination. Any mitigating measures required by Council must be incorporated in the standards.
- b. For all other industrial uses, the standards of the M1 zone shall apply.
- c. For commercial uses, the standards of the C2 zone shall apply.
- d. For institutional uses, the standards of the I zone shall apply.
- e. For factory constructed buildings, see additional standards in Section 8.10



Institutional (I) Zone

27.1 The purpose of this zone is to accommodate institutional buildings for education, health, government, public safety, recreation, culture, and religion.

Permitted Uses

26.2 Subject to Bylaw requirements:

I Zone - Permitted Uses

INSTITUTIONAL		
cemetery	place of worship	child care facility: small, medium and large
office: government	hospital	public library, museum and gallery
college/university	cultural/interpretative centre	community centre
school premises	accessory building	
RESIDENTIAL		
nursing care facility: community care and nursing home	social services agency	
OTHER		

Discretionary Uses

27.3 Subject to Council approval:

I Zone - Discretionary Uses

INSTITUTIONAL		
jail/correctional centre	utility facility	research/laboratory facility
emergency services facility	solar energy collector system	

Development Standards

27.4

- a. For social services agencies, the standards of the R1 zone shall apply.
- b. For nursing care facilities, the standards for apartment buildings in Section 19.5 b. shall apply.
- c. For institutional uses, standards shall be determined on an individual basis by the Development Officer, but on the applicant's request they may be reviewed by Council for their determination.
- d. For factory constructed buildings, see additional standards in Section 8.10



Parkland (P) Zone

28.1 The purpose of this zone is to accommodate parks and other parkland uses.

Permitted Uses

28.2 Subject to Bylaw requirements

P Zone - Permitted Uses		
drainage greenway	public park	trail/linear parkway
greenbelt	swimming/wading pool	accessory building

Discretionary Uses

28.3 Subject to Council approval

P Zone - Discretionary Uses		

Development Standards

28.4 Standards shall be determined on an individual basis by the Development Officer, but on the applicant’s request they may be reviewed by Council for their determination.

Special Use (SU) Zone

29.1 The purpose of this zone is to accommodate special uses which, because of their particular nature, cannot be easily accommodated within another zone.

Discretionary Uses

29.2 Subject to Council's discretionary approval:

S Zone - Discretionary Uses		
airfield	private park	meeting facilities/hotel/convention facilities in conjunction with a golf course
campground	harness racing track and associated horse pasture	recreation facility
golf course	gaming establishment	solar energy collector system
wind energy conversion system	telecommunication tower	other special uses as deemed by Council, that are not allowable uses in other zones
accessory building	cultural/interpretative centre	

Development Standards

29.3

- a. Standards shall be determined on an individual basis by the Development Officer, but on the applicant's request they may be reviewed by Council for their determination.
- b. For factory constructed buildings, see additional standards in Section 8.10



Agricultural (A) Zone

30.1 The purpose of this zone is for agriculture and directly supporting uses.

Permitted Uses

30.2 Subject to Bylaw requirements:

Agr Zone - Permitted Uses		
agricultural use: general and intensive	plant nursery	single-family dwelling
farm gate outlet	private park	
residential: small family lot severance	telecommunication tower	
accessory building	animal care facility: hospital, kennel and shelter	

Discretionary Uses

30.3 Subject to Council approval:

Agr Zone - Discretionary Uses		
wind energy conversion system	solar energy collector system	cannabis production facility

Conditional Uses

30.4 Subject to Development Officer approval:

Agr Zone - Conditional Uses		
home based business	tourism establishment: B&B	secondary suite

Development Standards

Agr zone	Lot area	Lot depth		Frontage	Front yard	Side Yards	Rear Yard	Flankage Yard	Max. Height	
hectares	12	0	m	60	6	5	5	0		
acres	29.7	0	ft	196.8	19.7	16.4	16.4	0		
									Residential	10.5m 34.4 ft
									Other	18.5 m 60.7 ft

30.5 Subject to section 29.5, the following standards shall apply:

The Development Officer may require at his/her discretion that new buildings be sited in manner consistent with the efficient laying out of street ROW's sometime in the future, as if the area was to be developed eventually for urban uses.

Additional Standards for Intensive Agricultural Uses

30.6 The following additional standards shall apply to all new or expanded intensive agricultural uses of buildings or lands:

- a. The Development Officer shall consult the responsible Provincial department regarding manure storage standards and require the applicant to follow such standards.

Standards for Family Lot Subdivision

30.7 The following standards apply to property owners who wish to accommodate a family need for another single-family dwelling in addition to the existing single-family dwelling on the property, than would be allowable under normal zone standards:

- a. Property owners may apply to the Development Officer to subdivide/ sever one lot, needed to construct a single-family dwelling for a relative of the owner of the property from which the severance will be made.
- b. The area of the newly created family subdivided lot shall not be more than 2 ha. in size, and not less than:
 - i. 690 m² (7,427.3 sq ft) for lots connected to City water and sewer services in conformity with section 8.17(c); or
 - ii. Applicable Provincial minimum requirements for lots with complete, or partial on-site services, in accordance with section 8.17(c)
- c. The newly created family subdivided lot shall front on a street ROW, or have access to a private right-of-way in accordance with section 8.17(b).
- d. Applications shall be submitted in a format acceptable to the Development Officer with the following information:
 - i. description of family needs for an additional residential building;
 - ii. boundaries of the existing lot proposed for the zoning exception;
 - iii. proposed changes to property boundary lines;
 - iv. locations of all existing and proposed buildings, private ROW's, driveways, street accesses and lot services; and

- v. any other information required by the Development Officer.
- e. The Development Officer shall review an application and may approve or deny the application, all with consideration of the following performance criteria:
 - i. demonstrated family need for an additional residential building;
 - ii. minimum loss of lands from current, or potential productive agricultural use;
 - iii. minimization of potential residential-agricultural conflicts;
 - iv. protection of quality well water supplies;
 - v. minimization of number of vehicular accesses onto existing streets;
 - vi. sufficient allowances for future streets as may be needed, and
 - vii. any other matters as considered relevant.
- f. Any subdivision under this section shall be processed by the Development Officer as a 'minor subdivision' according to the *Summerside Subdivision and Site Development Bylaw*.
- g. Any approved subdivision under this section which does not lead to subdivision approval within twelve (12) months of Council approval shall be considered null and void and removed from the 'register.'

Special Standards for City Well Field

30.8 See Section 8.22 of this bylaw.



Conservation (CO) Zone

31.1 The purpose of this zone is to conserve areas for limited uses where local environmental conditions are such that they could be hazardous to development and/or vulnerable to damage from development. Development shall comply with the PEI *Environmental Protection Act*.

Discretionary Uses

31.2 Subject to Council approval:

CO Zone - Discretionary Uses		
General uses with buildings which do not damage the local environment	Recreational uses without buildings or roads which do not damage the local environment.	Telecommunication tower
Accessory building	Wind Energy Conservation System (WECS)	Solar Energy System

Development Standards

31.3

- a. Any development shall comply with the PEI *Environmental Protection Act* and any regulations issued under it.

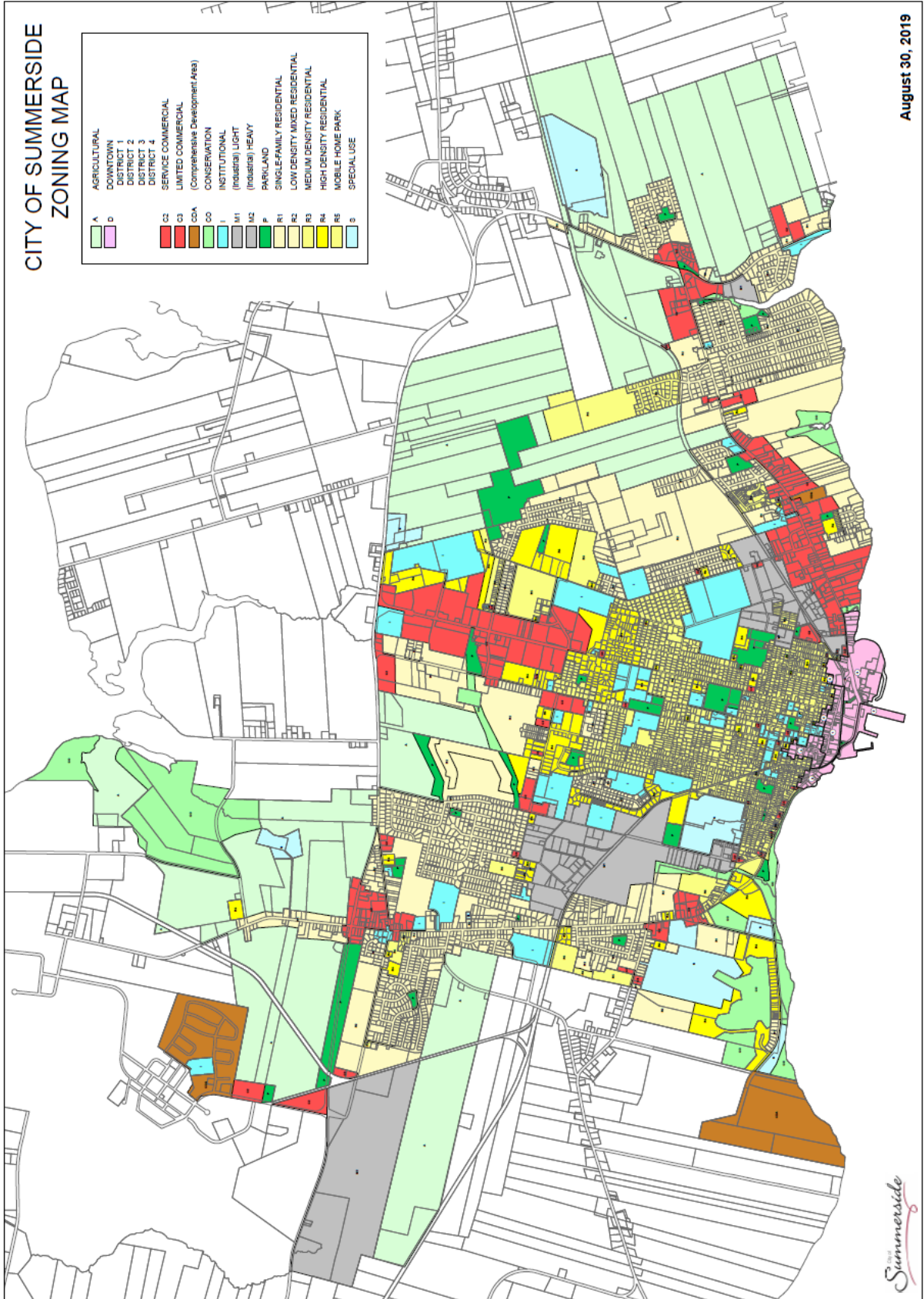
SCHEDULE 'B'

Zoning Map

(Zoning map is updated as map amendments are approved).

Schedule

B



SCHEDULE 'C'

Regulations

- **Sign Regulations;**
- **Wind Energy Conversion System Regulations;**
- **Planning Act Province-Wide Minimum Development Standards Regulations;**
- **Development Permit Application Fees**
- **Building deconstruction to allow for reuse of an existing foundation, building reconstruction within the same footprint of the existing building or building reconstruction within the same footprint on a legacy lot.**

Schedule

C

Sign Regulations

1.0 General

The signage regulations under this Bylaw shall apply to all new signs and, as applicable, to existing signs. They may be referred to as the 'sign regulations.'

- a. Where these sign regulations are inconsistent with applicable provincial sign regulations, the more stringent regulations shall apply.
- b. No variances or exceptions shall be allowed on any sign regulations.
- c. No person shall erect, place, alter, expand, relocate, replace or continue any sign except in conformity with these sign regulations.

2.0 Purpose

The purposes of the sign regulations are to:

- a. Promote effective signage for our community which informs visitors and residents, and manages visual competition between signs.
- b. Promote traffic safety by limiting distractions to drivers and pedestrians.
- c. Minimize signs in residential neighbourhoods.
- d. Enhance the City's amenity values as a place to live and to attract tourists and other business development.

3.0 Sign Definitions

For the purposes of these regulations, all words carry their customary meaning except those defined here. More important cross-references between definitions are shown by use of italics, including to general definitions in the City of Summerside Zoning Bylaw SS-15 (Rev. 2018).

ABANDONED SIGN means a sign that is no longer active, either on a continuing or seasonal basis, or which carries no advertisement or has missing parts.

ADVERTISING DEVICE means any device or object, including a *sign* and *sign structure*, *erected* or *displayed* so as to attract public attention to any premise, good, service, facility or event, excluding any prohibited sign.

ANIMATED SIGN means any sign that moves, swings or rotates. An animated sign cannot exceed 2 m² (21.5 sq ft) in sign area.

AWNING means a space-frame system covered with non-rigid materials designed to retract when not in use, which is attached to, and projecting from a *building* or *structure*, but not forming an integral part. This definition does not include a *canopy*.

AWNING SIGN means a *sign* painted on, or otherwise affixed to, the surface of an *awning* and such *sign* does not project out from the *awning* in any direction.

BANNER means a sign made of light weight fabric or similar material which may be supported by a permanent frame, or by rope, wire, or string, but is not a national, provincial, or municipal flag, or official flag of any institution, or a *canopy sign* or an *awning sign* or a *window sign*.

BUILDING SIGN means a *canopy sign*, *building wall sign*, *roof sign* or *integral roof sign*.

BUILDING WALL means one of the sides of a building connecting floor/foundation and ceiling/roof.

BUILDING WALL SIGN means a *sign* attached to, and parallel with a *main wall* of a building, such that no part of the *sign* is separated from the main wall by a space of more than 10 cm (4") and does not protrude more than 30 cm (11.8") in total from the main wall, but excluding a *banner*. (see Figure 1)

CANOPY means a roof-like structure, unenclosed by *building walls* and designed to provide shelter for goods, materials, equipment, people or vehicles. It may either project outward from a *building wall* or be freestanding. This definition does not include an *awning*.

CANOPY SIGN means a *sign* with a commercial message affixed flat on the surface of a *canopy* or hanging from the underside of a *canopy* and does not extend beyond the limits of such *canopy*. (see Figure 1)

CITY means The Corporation of the City of Summerside

COMMERCIAL MESSAGE means any communication message on a sign that directly or indirectly names, advertises, or calls attention to a business, product, commercial service, sale, sales event, or other commercial activity, offered through either a private business or a publicly-owned/supported entity.

COMMUNITY EVENT SIGN means an *advertising device*, *directional* or *information sign* promoting events conducted and/or sponsored by charitable organizations or community associations.

CONSTRUCTION SITE SIGN means a *sign* that provides information about the builder and trades and/or the *building* or *structure* currently under construction or proposed to be constructed.

CIVIC ADDRESS SIGN means a sign indicating a civic house number and/or the resident's name. A civic address sign may include the residents' name.

DEVELOPMENT PROJECT SIGN means a *sign* that advertises a proposed development, including a subdivision under construction and may include the name of the project, the name of the contractors, architects, engineers, information and personnel related to the project and shall be removed upon completion of the project.

DIGITAL SIGN means a variable message sign that utilizes static digital computer generated messages involving letters, word and graphics that remain static for a specified time frame and then regenerate to a new image. These signs include digital displays using incandescent lamps, LED's, LCD's, plasma or related technology whereby the message can be altered by electric or electronic means.

DIRECTIONAL SIGN indicates directions to be followed to reach a destination. It may include a logo identifying the place of destination, instructions or warnings for the control of vehicular or pedestrian traffic, and entry and exit signage.

DIRECTORY SIGN means a *sign* that identifies the *occupants* of a *multi-occupancy building*.

ELECTION SIGN means a *sign* that promotes the election of a political party or a candidate for public office in a federal, provincial or municipal election.

EXISTING SIGN means a *sign* existing on the effective date of these regulations, unless otherwise provided by these regulations.

GROUND SIGN means a sign of which the entire bottom is directly supported on the ground or, in the case of a 'raised' ground sign, is elevated no more than 0.5 m (1.6 ft) above grade. (see Figure 1)

ILLUMINATED SIGNAGE means direct illumination through any transparent or translucent material from a source of light within a sign, and/or indirect illumination by focusing outside light on a sign.

INTEGRAL ROOF SIGN means a sign attached to, and parallel with a roof; such that no part of the sign is separated from the roof by a space of more than 10 cm (4"). (see Figure 1)

JOINT IDENTIFICATION SIGNAGE means a sign shared by a number of businesses for their individual advertising and/or for collective identification, such as for *shopping centres*, an entrance sign to an industrial park, or an *automobile service station/food store*, but excluding an entrance sign to a residential subdivision.

MENU BOARD SIGN means a *sign erected* as part of a drive-thru facility and used to list products, services and prices in association with a fast food restaurant/retailer business.

MOVABLE SIGN means a sign that is mounted on a frame or a wheeled structure that is designed to be moveable, including any such structure where the wheels have been subsequently removed, but excluding a *sandwich sign*.

MURAL means an artistic painting, illustration or decoration, which is applied to the exterior wall of a *building* and which is not, or not intended to be, graffiti or a *sign* or *advertising device* as defined in these regulations.

NEW SIGN means an additional sign, or the enlargement, relocation or replacement of any existing sign.

OFF-SITE SIGN means a *sign* which identifies or directs attention to a business, profession, commodity, service, event or other activity not being conducted, sold or offered on the *property* on which the *sign* is located.

PARAPET (including PARAPET WALL) means that portion of a *building wall*, which rises above the roof level of the *structure*.

POLE SIGN means a sign supported by one or more uprights, poles, or braces anchored to the ground, but excluding a 'raised' *ground sign*. A pole sign may be covered by metal or fiberglass cladding to give a solid appearance, but for purposes of this Bylaw will be classified as a 'pole sign' if it exceeds the maximum height allowed for a ground sign in the zone in which it is located. (see Figure 1)

POSTER SIGN means a *sign*, constructed of a lightweight flexible material, which is secured on an existing support *structure*, such as a lamp standard, fence, or some other foundation, other than a *building*.

PROGRESSIVE SIGN means a combination of individual *signs*, which when acting together convey a complete message.

PROHIBITED SIGN means a sign which is not *allowed* in any *zone*.

PROJECTING SIGN means a sign which projects horizontally from the wall of a building to which it is attached, or is suspended from the underside of a building, but excluding a *canopy sign* or *awning sign*. (see Figure 1)

PUBLIC SERVICE INFORMATION SIGN means a *sign* that electronically displays only the local weather, time, temperature and/or date.

READER BOARD means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged. A sign on which the message changes more than 8 times per day shall be considered an *animated sign* for purposes of this Bylaw.

REAL ESTATE SIGN means a sign that advertises the sale, rent or lease of the property on which it is located and may include a directional *sign*, which is intended to direct a *person* to a *building* or *property* offered for sale, rental or lease.

RESIDENTIAL SIGN means a sign used for *home based business* and *tourism establishments*.

RESIDENTIAL COMMUNITY SIGN means a *sign* advertising a subdivision, or residential building such as an apartment building, community care facility or government building, without any other commercial message.

ROOF SIGN means a sign erected on or located wholly above the roof of a *building*. (see Figure 1)

ROTATING SIGN means a *sign* which mechanically rotates or revolves.

SANDWICH SIGN means a portable sign of 'A' or 'T' frame construction, not permanently anchored to the ground and constructed in a manner, and of such materials, which permit it to be repositioned by an individual without mechanical aid.

SIGN/SIGNAGE both mean any device, fixture, structure, or surface visible to the public that includes any communication message made up from any colour, form, graphic, illumination, symbol or writing, for purposes of announcing the purpose of, or identifying any person or entity, or communicating a commercial message or any other information to the public.

SIGN AREA means:

1. in the case of any pole sign, the portion of the sign, excluding the supporting structure, borders and frames, upon which, against, or through where the commercial message is displayed or is capable of being displayed.
2. in the case of a sign which is not self-supporting, such as is affixed or painted on a canopy or a wall: the area of the commercial message and any logo.
3. or as otherwise specifically defined in this Bylaw.

SIGNAGE PROPERTY means an area of land used as the basis for computing allowable signs, including any of the following as determined appropriate to the circumstances by the Development Officer:

1. a lot containing one or more buildings;
2. multiple lots containing a building that spans across the lots;
3. multiple lots containing multiple related buildings;
4. two adjoining lots, one of which accommodates a main building and the other which is undeveloped for any purpose other than a parking lot; or
5. any combination of the above.

TEMPORARY SIGN means a sign that is placed for a limited period of time; not permanent.

UNSAFE SIGN means a sign which because of its structural nature or siting is hazardous to public safety.

VEHICLE SIGN means any sign on a *vehicle* or trailer used primarily as a static advertising display.

WINDOW SIGN means any sign, picture, image, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service located on that *lot* which is placed inside a window or door window, upon the windowpane or glass and is intended to be visible from the exterior of the window.

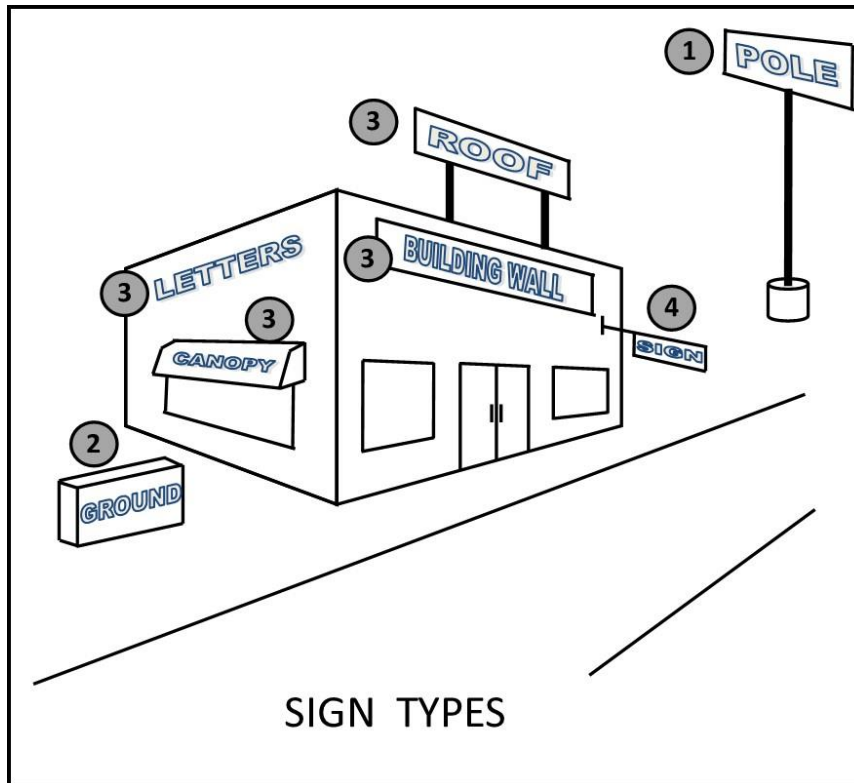


Figure 1

4.0 Prohibited Signs

The following signs are prohibited in the City:

Unsafe Sign	Progressive Sign
Poster Sign	Abandoned Sign
Vehicle Sign	Movable Sign (Except permitted Temporary Sign)
Animated Sign *	Off-site Sign **

* except such non-conforming signs lawfully in place prior to 1999, or such signs specifically allowed under this Bylaw.

** except signs provided under an approved City program for that purpose.

5.0 Exempt Signs and Standards

The following signs are allowed without a sign permit, providing they meet the standards in Table 5-1.

TABLE 5-1

Sign Type	Standards
Community Event Sign	None
Real Estate Sign	Sign area 0.5 m ² (5.3 sq ft) max. in any residential zone, or 3 m ² (32.2 sq ft) in any other zone, sign to be removed within 30 days of the property being taken off the market.
Sandwich Sign	Sign area 0.75 m ² (8 sq ft) max.
Construction Site Sign	Sign area 0.5 m ² (5.3 sq ft) max. in any residential zone, or 3 m ² (32.2 sq ft) in any other zone, sign to be allowed during construction process and removed upon completion of construction.
Directional Sign	Street entrances and exits not exceeding 0.5 m ² (5.3 sq ft) in sign area
Residential Sign	Home Based Business and tourism establishments, not exceeding one per lot and 0.5 m ² (5.3 sq ft) in sign area, and constructed to professional standards. Tourism establishment signs may be illuminated. For professional or business Home Based Business, not exceeding 0.2 m ² (2.1 sq ft) in sign area for each individual or business named, which may be illuminated.
Window Sign	None
Flags	None
Election Sign	not exceeding 5 m ² (53.8 sq ft) in sign area, which shall not be erected prior to the date on which the writ of election is issued and shall be removed within 5 days after the election.
Yard Sale Sign	for days of the sale, not exceeding 0.4 m ² (4.3 sq ft) in sign area
Digital sign	not exceeding 2 m ² (21.5 sq ft) in sign area.
Projecting Sign	in commercial or industrial zones, not exceeding 0.4 m ² (4.3 sq ft) of sign area and which shall not project more than 1 m (3.2 ft) from the building wall, or project over any public sidewalk
Building Wall Sign	in commercial or industrial zones, not exceeding one per lot or 0.75 m ² (8 sq ft) in sign area, which may be illuminated
Civic Address Sign	Not exceeding 0.4 m ² (4.3 sq ft) square meters
Agricultural Sign	In an agricultural zone with a commercial message, not exceeding 3 m ² (32.2 sq ft) in sign area
Other Signs	Other signs, as deemed by the Development Officer, which do not contain a commercial message or are not prohibited signs

6.0 Permitted Sign Standards

The following signs in Section 6 are allowed with a sign permit, providing they meet the standards as noted.

6.1 Residential Community Sign Standards

A Residential Community Sign cannot exceed 2 m² (21.5 sq ft) in sign area, it may include a company logo up to 15% of the sign area. Such signs shall not be higher than 1 m (3.2 ft) above grade, except when affixed to a building or a fence. The sign may be illuminated.

6.2 Commercial Sign Standards

- a. New commercial signs may be allowed subject to a commercial sign permit and the following standards:
 - i. pole, ground, building and projecting types of commercial signs may be allowed in certain zones and in accordance with maximum sign area and height standards, as shown on Table 6-2 below;
 - ii. within one signage property, a maximum may be allowed of one each of commercial pole, ground, building, or projecting signs, up to a total of two signs, except as allowed under section (b) below;
 - iii. for purpose of computing allowable numbers of commercial signs, multiple building signs on the same signage property shall be counted as one sign, including any mix of canopy, building wall sign, roof or integral roof signs;
 - iv. a reader board is allowed as part, or all of the 'sign area of pole, ground, building wall sign or projecting signs, subject to all standards respecting these types of signs;
 - v. one ground or pole sign may be placed at each entrance to an industrial park in addition to individual property signs, subject to all standards respecting these types of signs;
 - vi. the maximum sign area standards shown on Table 6-2 may be increased by 25% to accommodate joint identification signage on a pole or ground sign in a C2 zone or industrial zone;
 - vii. in any signage property within a commercial or industrial zone where ground and pole signs are both permitted, an additional 25% allowance of sign area is allowable for a ground sign if no pole sign is included in the same signage property; and
 - viii. any commercial sign may be illuminated, but signs in a C3 zone may only be illuminated during hours of operation.

TABLE 6-2

Commercial Sign Standards					
Sign types		Commercial Zones			Industrial & Institutional zones
		D	C2	C3	
Pole sign	allowed	Yes	Yes	No	Yes
	sign area	5 m ² (53.8 sq ft)	10 m ² (107.6 sq ft)		7 m ² (75.3 sq ft)
	height	6 m (19.6 ft)	8 m (26.2 ft)		7m (23 ft)
Ground Sign	allowed	Yes	Yes	Yes	Yes
	sign area	3 m ² (32.2 sq ft)	4 m ² (43 sq ft)	2 m ² (21.5 sq ft)	3 m ² (32.2 sq ft)
	height	2 m (6.5 ft)	2 m (6.5 ft)	1.5 m (5 ft)	2 m (6.5 ft)
Building Sign	allowed	Yes	Yes	Yes	Yes
	sign area	% coverage of building elevation (or equivalent in case of roof signs)			
		7.5%	10%	7.5% or max of 3 m ² (32.2 sq ft)	7.5%
	height	See Section 10 further below			
Projecting Sign	allowed	Yes	Yes	Yes	Yes
	sign area	3 m ² (32.2 sq ft)	6 m ² (64.5 sq ft)	2m ² (21.5 sq ft)	6 m ² (64.5 sq ft)
	height	See Section 10 further below			

- b. The Development Officer may allow additional pole or ground signs over and above that allowed in section (a) ii as follows:
 - i. two or three pole or ground signs on a large commercially-zoned property, or
 - ii. one pole or ground sign at each street end of any through-lot or on each street side of any corner lot on any commercially-zoned property, excluding in a C3 zone.
- c. In computing allowable new commercial signs, the Development Officer will include deductions for any existing commercial signs on the signage property which remain on the signage property.

7.0 Sign Permit Procedures

- a. Applications for sign permits shall be made to the City by means of a building permit. The Development Officer in conjunction with the Building Officer will review the application. Applications shall be made in a format acceptable and accompanied with the following:
 - i. scaled drawings showing the type, number, siting, structural dimensions, sign areas, and general appearance of all proposed signs;
 - ii. dimensions and siting of any existing commercial signs within the same signage property, and identification of those which remain on the signage property;

- iii. any other information and documentation required by the Development Officer or Building Officer; and
 - iv. payable fees as set out in Schedule 'C' of this Bylaw or the Summerside Building Bylaw.
- b. City staff may approve or deny a sign permit and shall specify the details of allowed signs in approved permits.
 - c. Sign Permit approval shall lapse for any sign not in place within 12 months of a sign permit being approved or, in the case of a sign which may be enlarged over time, not substantially in place.
 - d. Property owners are responsible for the safe construction and maintenance of all signs on their lots.

8.0 Temporary Sign Permit

- a. Subject to a temporary sign permit from the Development Officer, up to two temporary signs may be allowed on a signage property in any commercial or industrial zone for either of the following purposes:
 - i. to substitute for permanent signage up to 30 days on one occasion in any 12-month period; or
 - ii. to advertise a business opening or closing up to 15 days on one occasion in any 12-month period.
- b. Application for a temporary sign permit shall be made to the Development Officer in a format, required by the City, describing the proposed signs and the period they will be in place.
- c. The Development Officer may approve or deny a temporary sign permit, and shall specify the details of allowed temporary signs and time periods in approved permits.

9.0 Computation of Sign Sizes

Sign sizes are computed as follows:

Sign Area – The height of the sign area times the width of the sign area.

Building Wall – The height of the building wall times the length of the units building wall. In the case of a strip mall, the building wall is height of the unit front by length of the unit.

Grade – the vertical distance from grade, exclusive of any berming or mounding added around the sign as compared with surrounding grade levels.

Sign Height – The distance from grade to the top of the sign area or sign structure, whichever is greater.

The Development Officer may approve sign area exceeding the allowable sign area in cases of demonstrated hardship associated with differences due to non-metric sizing, franchise sign standards, utilizing existing sign structure or use of recycled signs.

10.0 Additional Sign Standards

All new signs shall comply with the following dimensional standards, as appropriate:

- a. A canopy, including with a sign, or a projecting sign must not extend lower than 2.25 m (7.3 ft) from grade, or outwards more than 2 m (6.5 ft) from a main wall 1 m (3.2 ft) in the case of a permitted projecting sign). Also, a building wall sign protruding from a main wall shall not extend lower than 2.25 m (7.3 ft) from grade.
- b. No sign shall extend above a roof line of the building on which it is attached, except in the case of a building sign mounted on a parapet wall or a roof sign up to 2 m (6.5 ft) in height.
- c. No sign shall contain visible angle irons or other supports which the Development Officer deems to be unnecessarily unsightly.
- d. The total area of cladding on any side of a pole sign shall not be more than 3 times larger than the approved sign area of the sign.
- e. A digital sign display shall remain static for a minimum of 8 seconds and require "instantaneous" change of the display; i.e. no "fading" in/ out of the message.
- f. All digital sign displays shall come with automatic dimming technology which automatically adjusts the sign's brightness level of 0.3 foot candles (3 Lux) above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, determined using the following formula: The square root of the product of the sign area, times one-hundred. Example using a 2 m² (21.5 sq ft) sign: Measurement Distance = $\sqrt{(2 \text{ m}^2 \times 100)} = 14 \text{ m}$ (46 ft) measuring distance.
- g. The display shall go to dark if there is a malfunction. Video functionality or sound shall not be permitted. The display shall not be used in a manner that would mimic a traffic control device in any way; i.e. shall not contain the words "STOP" or "YIELD" or depict a symbol that resembles a traffic control sign or device.
- h. Digital signage operation, in Neighborhood Commercial and Institutional zoned land, is prohibited.

- i. Advertising devices may remain for up to 14 days on no more than two occasions in each 12-month period, such as for grand openings and fairs, and which may be illuminated.

11.0 Sign Placement Standards

The following placement standards shall apply to all signs, as appropriate:

- a. No sign shall:
 - i. be placed on a public sidewalk;
 - ii. without limiting the generality of (i), be placed on a street R.O.W, except for City welcoming signage, off-site signs provided under an approved City program for that purpose, public street signs, traffic control signage and signals, approved temporary signs, or ornamental entrance arches as agreed to by Council with any such conditions as may apply.
 - iii. extend into an adjoining property;
 - iv. obstruct the vision of drivers when turning into streets or around street corners, or detract from the visibility of any traffic signs or signals, or of any other prior-placed City signage;
 - v. obstruct an entrance or exit from a door, window or fire escape, or obstruct light or ventilation to a building; and
 - vi. obstruct access to any public utility pole, wire, support or attached appurtenance.
 - vii. no sign shall be placed within a site triangle.
- b. No privately-owned sign shall extend into a street R.O.W., except that a canopy, projecting or building wall sign may project over a public sidewalk, subject to Section 10.a.
- c. No illuminated pole sign shall be sited within 10m (32.8 ft) of a lot in a residential zone.

12.0 Unsafe and Abandoned Signs

- a. Property owners are responsible for the safe construction and maintenance of all signs on their lots.
- b. Without prejudice to section (a), the Development Officer may identify a sign which may be unsafe to the public, either as an adjunct to pursuing his/her normal duties or in response to a concern from a member of the public, and may consequently order the property owner to have such sign repaired to a safe condition or be removed.
- c. The Development or Building Officer may order a property owner to immediately remove any abandoned sign.

- d. Where any property owner does not comply with an order issued under sections (b) or (c), the Development Officer or Building Officer may remove the sign cited in the order at cost to the property owner and the City may take such judicial proceedings as necessary to enforce such a payment.

13.0 Non-Conforming Sign

No non-conforming sign shall be altered, expanded, relocated or replaced except in complete conformity with these sign regulations.

14.0 Non-Conforming Land Use Sign

The Development Officer may approve or deny commercial sign permits for signs relating to non-conforming land uses, considering impacts on surrounding land uses and comparable sign standards in a zone where the use is allowable.

15.0 Fees, Enforcement and Offences

- a. Applications for sign permits are subject to fees in accordance with the Fees as set out on the Regulations.
- b. Sign regulations shall be enforced in accordance with section 5.19.
- c. Any failure to comply with these sign regulations shall be considered an offence under section 5.20.

16.0 Off-Site Signage Program

The purpose of the Off-Site Signage Program is to provide a means of promoting local businesses and events, subject to the following objectives, criteria, and conditions.

a. Objectives:

- i. The City recognizes the need to be able to allow placement of off-site signage, in order to easily identify local facilities, businesses, products and services for residents and tourists.
- ii. Off-signs should be designed and located in a manner that does not create distractions or safety hazards for pedestrians or motorists, or a danger to the public.
- iii. Off-signs should not adversely affect the use and enjoyment of adjacent public or private property.
- iv. Off-signs should not create unnecessary visual clutter due to their size, number or location.

b. Criteria:

- i. Whether the sign is compatible with the surroundings in which it is located.

- ii. Whether the sign depicts to the satisfaction of the City appropriate language, messages or graphics. No profanity or offensive messages or graphics shall be permitted.
- iii. Whether the sign is designed, installed, and maintained to meet the sign user needs, while at the same time promoting general public needs and convenience.
- iv. Whether the sign is designed, constructed, installed or maintained in such a manner that it does not endanger public safety or traffic safety.
- v. Whether the sign is readable, and visible in the circumstances in which it is to be used.
- vi. Whether the sign, including its size, height, illumination and location is respectful of other signs already displayed in the area.
- vii. Whether the sign is in compliance with all provisions of city bylaws, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.

c. Conditions:

- i. Digital off-site signs shall only be permitted with an approved signage permit.
- ii. Digital off-site signs are not permitted within a site triangle.
- iii. Permitted sign types: Pole sign and building wall sign.
- iv. 1 km (0.62 miles) minimum distance between signs on the same street, up to a maximum of four (4) signs in the City, with electronic messages.
- v. Maximum sign area of 5 m² (53.8 sq ft).
- vi. All digital off-site advertising shall be maintained in accordance with the Signage Regulations of the Zoning Bylaw SS-15.
- vii. Allow off-site advertising for business name identification and location only.
- viii. No digital off-site sign shall be located in any residential zone or be placed within 100 meters (328 ft) of any residential use.
- ix. Digital off-site signs shall be permitted within Downtown (D), Service Commercial (C2) ~~and~~ Industrial (M1 and M2), and may be allowed in Institutional zones, at the discretion of the Development Officer.
- x. Digital display and operation shall be in accordance with Section 10 f. of the Signage Regulations of the City Zoning Bylaw SS-15.
- xi. Enforcement is subject to Section 15 of the Signage Regulations of the Zoning Bylaw SS-15.



Examples of Do's and Don'ts of advertising off-site digital signage display messages

Real Estate

- Advertising of local real estate business name & office location
- No advertising of real estate listings

Fast Food Restaurants

- Advertising of restaurant name and location
- No advertising limited time specials, promotions or menu items

Automobile Sales lots


- Advertising of dealership name and location
- No advertising of promotional sales, tent sales, special events, or vehicle listings

Commercial retail stores


- Advertising of business name and location
- No advertising of limited time specials, promotions or products

City of Summerside Signage Regulations - Zoning Bylaw SS-15 - Section 40

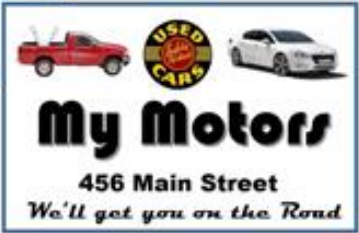
Allowed




Not Allowed




Allowed




Not Allowed



Allowed



Not Allowed



Wind Energy Conversion System Regulations

1.0 Regulations

Wind Energy Conversion Systems (WECS) are subject to the following regulations:

- *PEI Electric Power Act*, R.S.P.E.I. 1988, Cap.E-4;
- *PEI Renewable Energy Act*, R.S.P.E.I. 1988 Cap. R-12.1;
- *PEI Planning Act Subdivision and Development Regulations*, R.S.P.E.I.1988, Cap P-8
- *PEI Environmental Protection Act*, R.S.P.E.I.1988, Cap. E-9 and,
- *PEI Electrical Inspection Act*, R.S.P.E.I. 1988, Cap.E-3;
- *City of Summerside Zoning Bylaw SS-15*;
- *City of Summerside Subdivision & Site Development Bylaw SS-19*.
- *City of Summerside Building Bylaw SS-09*

2.0 Permit Required

All wind driven conversion or power generating facility, windmills and wind turbines, consisting of wind turbine generators, transmission lines and accessory buildings and structures, whether to be connected to any public utility power grid or not, shall require a permit from the City.

3.0 Information Requirements

Applications shall contain the following information:

- a. The applicants and property owners name, address and phone number.
- b. Plot plan showing property lines, easements, setback lines and layout of all structures on the lot.
- c. Standard drawings, designed and stamped by a professional, of the structural components of the WECS, including structures, pole or tower, base, footings, guy lines where required, and guy line anchor bases.
- d. The drawing shall include the distance of these components from all property lines.
- e. Wind Energy Conversion Systems (Over 15 Kilowatts); the height of any structure over 10.7 m (35 ft) within a 153 metre (502 ft) radius on-site or off-site of the proposed WECS.

- f. Wind Energy Conversion Systems (Under 15 Kilowatts); the height of any structure 6 m (19.6 ft) or more within a 30 (98.4 ft) radius on-site or off-site of the proposed WECS.

4.0 Additional Permits or Certifications

- a. It is the responsibility of the property owner or applicant to contact Transport Canada regarding additional permits.
- b. Environmental Impact Assessment (EIA) may be required by the Province.

5.0 Measurements

The following methodology will be used for establishing measurements:

- a. Height will be determined by measuring from grade to the height of the nacelle/hub, plus the length of the blade of the wind turbine.
- b. Distance is measured from the footing at the base of the support tower, or in the case of a single pole structure, from the centre of the base support to the subject dwelling, demarcation, or property line.

6.0 Setbacks

6.1 Wind Energy Conversion Systems (Over 15 Kilowatts)

- a. Any part of the WECS is prohibited in any required front, flankage, side, or rear setback area.
- b. The WECS shall be located at a distance of at least 4.0 times the height from habitable buildings.
- c. The WECS shall be located no closer than 1.0 times the height from a private/public road, lot line, or ROW. Except for an access road to the site.
- d. The setback from the property lines is required, unless waived by abutting property owners.

6.2 Wind Energy Conversion Systems (Under 15 Kilowatts)

These systems are defined as not exceeding 15 Kilowatts and shall be mounted on a roof, wall, or pole. Pole mounted systems are defined as freestanding systems not requiring guy wires for support.

- a. The pole mounted system shall be located no less than 1.2 times the height from any habitable building on the subject property and 1.2 times the height from any property line.

- b. The pole mounted system shall be located no less than 1.5 times the height from any habitable building on an adjacent property.
- c. Any roof or wall mounted system, requiring guy wire anchors, the guy wires must be a minimum of 1.5 metres (5 feet) from a habitable building or a lot line.
- d. The setback from the property lines can be waived if the abutting property owners of those affected properties grant their permission in writing.

7.0 Design Requirements

7.1 Aesthetics

The WECS shall be designed and placed in such a manner to consider all adverse visual impacts on neighbouring areas, including impacts on the skyline. The colours and surface treatment of the WECS and supporting structures shall minimize disruption of the natural characteristics of the site.

7.2 Height

Over 15 kilowatts

- a. The minimum height from the tip of the blade when in its lowest position for a WECS blade shall be at least 9 metres (29.5 feet) above the ground and 12 metres (39.3 feet) above the highest structure or tree.

Under 15 kilowatts

- b. For a pole mounted system, the proposed height cannot exceed the height recommended by the manufacturer or distributor of the system and must receive the consent of a majority of the adjacent landowners based on a circulation as defined in the City's notification procedures.
- c. The minimum height of the lowest position of the blade on a Pole mounted system shall be 6 m (19.6 ft) above the ground.
- d. Wall or roof mounted systems cannot be more than 1.5 m (5 ft) above the building height.

7.3 Fencing, Safety, and Lighting

All WECS structures must be unclimbable by design or protected by anti-climbing devices.

7.4 Operational Nuisances

- a. Operational noise, as measured by the latest standards of the American Standards Institute, shall not exceed forty-five (45) decibels (dBA), measured at the habitable building, except for temporary construction or maintenance and in no event shall the WECS create a nuisance.

- b. The WECS shall be located avoiding negative impacts of flicker on habitable buildings. Where flicker is unavoidable, the operator shall mitigate negative impacts to the satisfaction of property owners of habitable buildings.

7.5 Interference with Telecommunications Signals

- a. The WECS shall be operated such that no disrupting interference is caused. If it is determined that a WECS is causing interference, the operator shall take necessary corrective action to eliminate this interference.

8.0 Inoperative WECS Facility

If any WECS remains non-functional or inoperative for a continuous period of one year, the permit holder shall remove said system at their expense within two (2) years of cessation of operations or use, or when the tower structure becomes structurally unsound. Removal of the system includes the entire structure including foundations, transmission equipment, and fencing from the property.

Planning Act Province-Wide Minimum Development Standards Regulations



PLANNING ACT Chapter P-8

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

Pursuant to clause 7(1)(c) of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, Council made the following regulations:

1. “authority having jurisdiction”, defined

- (1) In these regulations “**authority having jurisdiction**” means the Minister responsible for the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, or in the case of a municipality with an official plan and bylaws, the municipal council.

Idem, existing definitions

- (2) Words and expressions defined in section 1 of the *Planning Act* Subdivision and Development Regulations have the same meaning when used in these regulations. (EC703/95; 552/11)

2. Application

These regulations apply to all areas of the province. (EC703/95)

3. Lot size

Revoked by EC41/96.

4. Residential

- (1) No approval or permit shall be granted for the subdivision of a lot for residential use unless the lot conforms with the minimum lot size standards set out in Table 1.

Location

- (2) The area encompassed by the required minimum circle diameter as set out in Table 1 and Table 2 shall be located on the lot such that it will accommodate an on-site sewage disposal system.

Reduced size

- (3) Notwithstanding the minimum lot size standards set out in Table 1 and Table 2, for infilling purposes, a lot may be reduced to a minimum of 10,000 sq. ft. / 929 sq. m. provided that
- (a) it is serviced by an on-site water supply system and a central sewerage system; and
 - (b) only one additional lot from the existing parcel is created by any proposed subdivision.

Reduced circle requirement

- (4) Notwithstanding the minimum circle diameter requirements set out in column (f) of Table 1 and column (e) of Table 2, a lot that does not meet those requirements may be subdivided from a lot or parcel that existed prior to June 12, 1993 where
- (a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewerage disposal systems;
 - (b) the lot meets Category I standards in accordance with clause 5(a) and the minimum lot area requirements set out in column (e) of Table 1 and column (d) of Table 2 respectively;
 - (c) a circle with a minimum diameter of 125 ft./38. 1 m. will fit within the boundaries of the lot; and
 - (d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement. (*EC703/95; 41/96; 694/00; 552/11*)

5. Non-residential

- (1) No approval or permit shall be issued to subdivide a lot for non-residential use unless in conformity with the minimum lot size standards set out in Table 2.

Exception

- (2) Notwithstanding subsection (1),
- (a) where a lot is intended for any non-residential use where water and sewage services are not required for the proposed development, the Minister may approve an exemption from the requirement of subsection (1);
 - (b) where an approval or permit has been granted by an authority having jurisdiction pursuant to subsection (1), a subsequent approval or permit requiring or proposing a sewerage system shall only be granted in accordance with the standards set out in Table 2. (*EC703/95; 41/96; 552/11*)

6. Categories of lots

Every lot on a plan of subdivision shall be categorized in accordance with the following site suitability standards:

- (a) Category I, where
 - (i) the depth of permeable natural soil is 2 ft. (0.61 m.) or greater,
 - (ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
 - (iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;

- (b) Category II, where
 - (i) the depth of permeable natural soil is greater than 1 ft. (0.3 m.), but less than 2 ft. (0.61 m.),
 - (ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
 - (iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
- (c) Category III, where
 - (i) the depth of permeable natural soil is 1 ft. (0.3 m.) or greater,
 - (ii) the depth to bedrock is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.), or
 - (iii) the depth to the maximum groundwater elevation is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.);
- (d) Category IV, where
 - (i) the lot has a depth of permeable natural soil of less than 1 ft. (0.3 m.),
 - (ii) the depth to bedrock is greater than 1 ft. (0.3 m.), and
 - (iii) the depth of the maximum groundwater elevation is greater than 2 ft. (0.61 m.);
- (e) Category V, where
 - (i) the depth to bedrock is less than 1 ft. (0.3 m.), and
 - (ii) the depth to the maximum ground water elevation is greater than 2 ft. (0.61 m.). (*EC703/95; 694/00; 552/11*)

7. Upgrade

Revoked by (*EC694/00*).

8. Application

The minimum lot size standards set in Tables 1 and 2 do not apply to subdivisions approved prior to October 14, 1995. (*EC703/95; 552/11*)

9. Minor variance

- (1) The authority having jurisdiction may, for special cause, authorize such minor variance from the provisions of these regulations as, in its opinion, is desirable and not inconsistent with the general intent and purpose of these regulations.

Variance, public utility use

- (2) Notwithstanding any other provisions of these regulations, where a lot is designed for use by a public or a private utility, the authority having jurisdiction may authorize a variance from the provisions of these regulations as, in its opinion, is desirable. (*EC703/95; 552/11*)

MINIMUM HIGHWAY ACCESS

10. Minimum highway access standards

- (1) The *Roads Act* Highway Access Regulations shall constitute the Minimum Highway Access Standards.

Entrance way permit

- (2) An authority having jurisdiction shall not grant an approval or issue a permit for development unless an entrance way permit has been obtained for the applicable lot or development when so required. (EC703/95; 2/96; 552/11)

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

(a) Servicing	(b) Lot Category	(c) Minimu m 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
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.
on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1 2 3 4 more than 4	20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m.

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

TABLE 2

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

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

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

Procedure: Building deconstruction to allow for reuse of an existing foundation, building reconstruction within the same footprint of the existing building or building reconstruction within the same footprint on a legacy lot.

Existing buildings on lots that don't meet setbacks (non-complying) or the owner requests to reuse an existing foundation. Examples would be a building deemed unsafe or has suffered fire damage and it is required to be demolished or a building that the owner wishes to reconstruct.

Not applicable to accessory buildings.

1. Reuse of existing foundation:

- A demolition permit application submitted
- The owner requests that they be able to maintain existing foundation
- The existing foundation is reviewed by the inspector
- If foundation is sound or if the owner presents a course of action to remediate the existing foundation the foundation may be reused
- The Development Officer determines there are no egregious issues (ex, sight lines, building is unreasonably encroaching or is over the property line)
- A demolition permit is issued
- Building is deconstructed and the owner secures the foundation in accordance to Bylaw CS-11

Demolition Permit Conditions:

- The existing floor system is maintained or a new floor system is installed to secure the foundation
- A Building Permit shall be obtained within 6 months of the date of commencement of deconstruction
- The project (new construction) shall be started within 12 months of the date of commencement of deconstruction

In the event that either deadline is not met, the City reserves the right, by Council Resolution, to immediately deem the remaining structure dangerous, hazardous, or unsightly as per Bylaw CS-11 "Dangerous, Hazardous & Unsightly Bylaw" and take the necessary actions as outlined in the Bylaw.

2. New foundation matching existing building footprint

When a building requires demolition but the site would not allow a new structure to meet current setbacks, the owner may replace the building within the footprint of the existing foundation with a new one in the same location.

- The Development Officer determines there are no egregious issues (ex, sight lines, building is unreasonably encroaching or is over the property line)

- Owner is required to provide a location certificate showing the perimeter of the existing foundation and how it relates to the property boundaries.
- Building is completely demolished, foundation removed and the hole is filled if the building is not immediately being reconstructed
- A Location certificate stays with the property even if sold
- Building additions are subject to approval by the Development Officer on a case-by-case basis
- No time limit on reconstruction if the foundation hole is filled

3. Legacy Lots where building demolition has already occurred

Redevelopment of the vacant lot utilizing the previous footprint of the building that was demolished prior to the implementation of these regulations.

- Each property will be reviewed on a case-by-case basis
- Previous location of the building may be determined by City records or using legal/survey documentation provided by the property owner
- Adjoining landowners would be notified of the intent to reconstruct on the previous footprint

Potential Building Permit conditions in all cases:

- Limiting Distance Issues
 - Limits to size and quantity of windows
 - Exterior walls may need to be fire-rated
 - Exterior finish (siding) may need to be non-combustible

Development Permit Fees

Pursuant to section 5.3 of the Summerside Zoning Bylaw (SS-15), effective, July 16 2018 the following fees shall apply for development permit applications:

Development Permit Fees		
	Permit Fee	where development proceeds before issuance of permit
Official Plan and/ or Secondary Plan amendment (including more than one amendment for the same application)	\$300	---
Zoning Amendment (including more than one amendment for the same application)	\$300	\$500
Discretionary Use Approval	\$300	\$500
Restricted Use Approval	\$300	\$500
Conditional Use Permit	\$50	\$250
Variance (including more than one variance for the same application)	\$25 (minor) \$50 (major)	---
Commercial Sign Permit	\$50	\$250
Temporary Sign Permit	\$50	\$250