



Three Rivers

DEVELOPMENT
BY-LAW



Development Bylaw #2024-05

January 13, 2025

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1. Scope

1.1. Title

- 1) This Bylaw is known as the “Development Bylaw” of the Town of Three Rivers.

1.2. Purpose

- 1) The purpose of the Development Bylaw is to establish:
 - a) Regulations with respect to planning and land use matters affecting the general welfare, health, safety and convenience of persons in the Town of Three Rivers;
 - b) Regulations with respect to the subdividing or consolidating of land parcels; and
 - c) Regulations and procedures with respect to administration of planning permits.

1.3. Area Defined

- 1) The provisions of this Bylaw shall apply to all lands within the physical boundaries of the Town of Three Rivers.

1.4. Authority from the Province of Prince Edward Island

- 1) This Zoning Bylaw is enacted under the authority of the Planning Act, R.S.P.E.I. 1988, Cap. P-8, referred to here as the “Planning Act” and the Municipal Government Act, 2016 c.44 R.S.P.E.I. 1988, Cap. M- 12.1.

2. Definitions

In this Bylaw,

“**Accessory**” means a use, building or structure customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

“**Accessory apartment**” means a secondary dwelling accessory to a Single-Unit Dwelling within the same building that is equipped as an independent living facility and accessed by a private entrance from outside of the building or from a common hallway or stairway inside the building.

“**Accessory building**” means a separate subordinate building, not used for human habitation, that is used or intended for the better or more convenient enjoyment of the main building to which it is accessory and located upon the lot upon which such main building is.

“**Accessory dwelling unit**” means an independent dwelling unit, located on the same lot or parcel of land as an existing single-unit dwelling, that is

- i. an accessory apartment,
- ii. a secondary suite

“Accessory use” means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

“Agricultural use” means a use of land and buildings for farming, dairying, pasturage, agriculture, aquaculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing, treating or selling the produce.

“Alter” means

- a) with reference to a building or part thereof, to change any one or more of the external dimensions of the building.
- b) with reference to a lot, to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise, and “altered” and “alteration” shall have corresponding meanings.

“Animal hospital” means a building or part of a building used by a veterinary surgeon where companion domestic animals (household pets) and birds are kept for treatment including surgery, and where veterinary drugs and other related products, including pet food, may be sold.

“Auction establishment” means the offering for sale of new and used goods by means of request or invitation for bids, includes a livestock auction sales barn and vehicle or liquidation auction.

“Automobile body shop” means an establishment where motor vehicle bodies, exteriors or undercarriages are painted or repaired. Accessory uses may include a towing service and

the rental of motor vehicles to customers whose motor vehicles are being repaired. This definition shall not include a salvage yard as defined herein.

“Automobile dealership” means a place where new or used passenger or family vehicles such as cars, vans, motorcycles and trucks, are leased, rented, sold or auctioned at retail. Accessory uses may include enclosed and/or exterior showroom and areas for display; car wash; automobile service; automotive parts sales/distribution; automobile body and structural work and painting; storage and parking areas for vehicles which are for lease, rent, sale or auction and for those being serviced by the dealership; office space; and restricted eating establishment.

“Automobile service station” means a building where gasoline, propane, diesel fuel or oil is kept for sale including alternative sources of fuel or electrical charging stations, where only minor or emergency repairs essential to the actual operation of motor vehicles may also be performed, where grease, anti-freeze, tires, spark plugs and other automobile

accessories may be sold incidentally, and where motor vehicles may also be oiled, greased, or washed, but where no other activities of a commercial garage are carried on.

“Automotive store” means an establishment primarily engaged in the retail sale of vehicle parts, accessories and tools. Accessory uses may include service bays for performing maintenance and repair operations on motor vehicles. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this Bylaw.

"Bed and breakfast" means a dwelling occupied by the owner and used incidentally to provide accommodation and meals to transient travellers but does not include a boarding house, rooming house, hostel, group home, hotel, motel, restaurant or lounge.

“Boat house” means an accessory building or structure intended for use to house, shelter, or protect a boat or other form of water transportation. When constructed in association with a dwelling, a boat house shall be deemed to be an accessory building.

"Building" means any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel.

“Building height” means the highest allowable distance from the ground level next to the main entrance of the building to the highest point of the building, exclusive of any accessory roof construction.

"Business or professional office" means a premises where professional services are offered, but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.

“Campground” means a tract of land, managed as a unit, providing short-term accommodation for tents, tent trailers, travel trailers, recreational vehicles, campers and cabins.

“Cemetery” means a property used for interring dead persons or in which human bodies have been buried. A cemetery may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments but shall not include crematoriums. Cemeteries may also be provided for domestic pets exclusive to human burial places.”

“Club” means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where

the context requires, premises owned or occupied by members of such association within which the activities of the club are conducted.

“Commercial Use” means the use of a building or lot for the storage, display or sale of goods or services, and includes hotels, motels, inns, or rental cottages.

“Community care facility” – see “Residential Care Facility.”

“Community centre” means a multi-purpose facility that offers a variety of programs of a recreational, cultural, day care, social, community service, informational or instructional nature, and may include, as a portion of it, a medical facility.

“Community garden” means a garden for plants, including vegetables, fruits, grains, flowers, or herbs, maintained for the benefit of the community.

“Conservation related uses” means the use of land for a comprehensive management and maintenance program whose goal is the preservation, protection and improvement of the components of the natural environment.

“Contractor's shop or yard” means a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working and carpentry, or truck, bulldozer, loader and backhoe operating and such place of business may be used for the storage of equipment, materials and vehicles which are used on construction sites and may include such related uses as office space, or maintenance facilities, and may also include a retail business, sales counter or a wholesale business as an accessory use.

“Convenience store” means a retail store where a range of day-to-day items such as newspapers, confections, food, and other such household items are sold in small quantities.

“Council” means the Council for the Town of Three Rivers.

“Day care facility” means any institution, agency or place that receives individuals, including children, for temporary care, with or without stated educational purposes, for a period not exceeding 24 hours, and includes a day nursery, nursery school, kindergarten, or play school.

“Demolition” means to remove, pull down or destroy a building and/or structure.

“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) site alteration, including but not limited to altering the grade of the land, removing vegetation from the land, excavating the land, depositing or stockpiling soil or other material on the land, and establishing a parking lot;
- b) locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing structures or buildings in, under, on or over the land;
- c) placing temporary or permanent mobile uses or structures in, under, on or over the land; or

- d) 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 an agreement between a developer and a council, or between a developer and a Minister of the Government of Prince Edward Island, or a tripartite agreement between a developer, a council and a Minister, respecting the terms and conditions under which a development may be carried out.

"Development Officer" means the person(s) appointed by Council with the duty of administering the provisions of this Bylaw.

"Development Permit" means a permit issued for a development pursuant to this Bylaw, but does not include a Building Permit issued under the Building Codes Act 2017 c.61 R.S.P.E.I. 1988, B-5.1.

“Drive-through facility” means a premises operating without internal customer service areas/internal retailing, used to provide or dispense products or services through an attendant window or an automated machine, to persons remaining in vehicles that are in a designated queuing space.

"Dwelling" means a building or portion thereof designated or used for residential occupancy, but does not include hotels and motels.

- a) **"Duplex dwelling"** means a building divided into two dwelling units.
- b) **"Dwelling unit"** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided
- c) **“Grouped dwellings”** means two or more residential use buildings containing dwellings of any type, except accessory dwellings, located on a single lot.
- d) **“Micro dwelling”** means a dwelling designed or used for occupancy as one dwelling unit and that has a floor area of 37 sq.m (398.3 sq.ft) or less.
- e) **“Mobile home”** means a residence that is designed and manufactured to be transported on its own chassis and is equipped for year-round occupancy.
- f) **“Modular dwelling”** means any dwelling that is designed and built in more than one unit and is designed to be mobile on a temporary basis and constructed or manufactured off-site to provide a permanent residence for one or more persons.
- g) **"Multi-unit dwelling"** means a building containing three or more dwelling units.
- h) **"Row dwelling"** means a dwelling that is divided vertically into three or more dwelling units.
- i) **"Single-unit dwelling"** means a dwelling designed or used for occupancy as one dwelling unit and includes Micro Dwellings and Modular Dwellings, but does not include a summer cottage.

“Entertainment Facility” means a facility where the primary function is the provision of entertainment to the public, either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a movie theatre, live theatre, night club, cocktail lounge, arena or sports complex.

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

“Equestrian establishment” means a commercial establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.

“Excavation pit” means any excavation in the ground opened for the purpose of searching for or removing clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a highway.

“Farm market” means a building in which farm produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.

“Farmer's market” means an establishment or premises where the farm products of a local farming community are sold at retail.

“Fishing vessel” means any watercraft, engaged on a part-time or full-time basis for use in a commercial fishery.

"Floor area" means:

- a) With reference to a residential building or dwelling, the area contained within the outside walls, excluding any private garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year.
- b) With reference to a commercial building or use, the total usable floor area within a building used for commercial purposes excluding washrooms, utility rooms and common halls between stores.
- c) With reference to an Accessory Building, the area contained within the outside walls.

“Food truck park” means more than three mobile food businesses that congregate at an established private property location to offer food or beverages for sale to the public.

“Forestry use” means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, shingle mills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

“Garden centre” means land, building, structure or part thereof or an outdoor area primarily used for the retail sale of gardening equipment, landscaping products and planting materials.

“Grade” means the lowest elevation of the finished surface of the ground, paving or sidewalks between the building and a line 1.5 metres (4.9 feet) from the building.

“Greenhouse” means a premises, or any land used primarily to raise and store trees, shrubs, flowers, and other plants for sale or for transplanting.

“Gross floor area” – see “Floor Area.”

“Group home” means a residence for the accommodation of persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.

“Heavy industrial use” means a use that, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, and any objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

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

“Hobby farm” means the keeping, breeding, raising and grazing of livestock, and/or poultry, other than domestic pets, for the personal use of the household operating the hobby farm and excludes an agricultural use as defined herein which is operated for commercial purposes.

“Home-based business” (as an ancillary use) means the accessory use of a dwelling unit for gainful employment involving the production, sale, or provision of goods and services.

“Hotel” means a building other than a motel occupied or intended to be occupied as the temporary lodging place for any individual for a fee.

“Inn establishment” means a tourist establishment where the tourism operator provides personal service to guests, the majority of guests have access to rental units from within the establishment, each rental unit has at least a three-piece private bathroom, the main entrance and common areas of the establishment used by guests are separate from the entrances and areas used exclusively by the tourism operator, and breakfast and dinner are served in the establishment.

“Institutional Use” means any educational or religious use (with or without dormitory accommodation), museum, public library, fire or police station, public works, hospital, community buildings, recreational, cultural or open space use.

“Kennel” means a building or structure where more than four domestic animals, excluding livestock, are kept, bred or raised for profit or gain.

"Landscaping" means any combination of trees, shrubs, flowers, grass, other horticultural elements, paving, or other architectural elements, all of which are designed to enhance the visual amenity of a property.

“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.

“Livestock” means horses, cattle, sheep, swine, goats, poultry, fox, mink, chinchilla and rabbits.

"Loading space" means an unencumbered area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded

"Lot" means any discrete portion of land described in a deed or as shown in a registered subdivision or survey plan.

- a) **"Corner lot"** means a lot situated at an intersection of and abutting on two or more streets.
- b) **"Interior lot"** means a lot other than a corner lot.
- c) **"Through lot"** means a lot bounded on two opposite sides by streets.

“Lot area” means the total area included within the lot lines.

“Lot depth” means the shortest depth from the front lot line to the rear lot line.

“Lot coverage” means the percentage of lot area covered by the ground floor area of all buildings located thereon.

“Lot Frontage” means the straight distance between the points where the side lot lines of a lot intersect the front lot line of that lot. If the side lot lines are not parallel, Frontage means the straight distance between the two points on the side lot lines located a distance of 6 metres (19.7 ft.) from where the side lot lines intersect the front lot line. Lot width shall be measured as the lot frontage.

"Lot line" means any boundary of a lot.

- a) **“Common Lot Line”** means a development wherein a semi-detached building may be located on two lots with the common side lot line coincident with the party wall between the two units.

- b) **"Flankage lot line"** means the lot line, other than the front lot line, that abuts the street or private right-of-way on a corner lot.
- c) **"Front lot line"** means the line dividing the lot from the street or private right-of-way. In the case of a corner lot or a lot with more than one line abutting a single street or private right-of-way the shorter boundary line abutting the street private right-of-way shall be deemed the front lot line. In the case of a through lot, either lot line may be considered the front lot line.
- d) **"Rear lot line"** means the lot line furthest from and opposite to the front lot line.
- e) **"Side lot line"** means a lot line other than a front, rear or flankage lot line.

"Marina" means a building, structure or place containing docking facilities and located on or abutting a waterbody, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels and lubricants may be provided.

"Marine facility" shall mean a non-commercial accessory building or structure having a maximum height of 5.0 metres (16.4 ft.) which is used to moor, berth or store a boat. This definition may include a boat launching ramp, boat lift, dock or boathouse but does not include any building used for human habitation or any boat service, repair or sales facility.

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

"Municipality" means the Town of Three Rivers or the Corporation of the Town of Three Rivers.

"Museum" means a building in which objects of historical, scientific, artistic or cultural interest are stored and exhibited.

"Non-complying" means a lot, building, or structure that does not meet the regulations of the Zone in which it is located as of the date of passage of this Bylaw.

"Non-conforming" means an existing use or activity on any land, building, or structure that is not a permitted use for the Zone in which it is located as of the date of passage of this Bylaw.

"Nursing home" – see "Residential care facility."

"Open space" means that portion of a lot which may be used for landscaping, recreational space or leisure activities normally carried on outdoors; but does not include space used for service driveways or off-street parking.

"Ornamental Structure" means pergolas, arbors, trellis, planting boxes or other similar structures, intended to specifically enhance the appearance of a garden or which has a

function relating to the use of outdoor space, but not including dwellings, garages, carports, sheds or other accessory structures.

“Outdoor display” means an area of land where goods are displayed and are available for sale to the general public from a retail outlet located on the same lot.

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

“Park” means land owned or leased by the Town or some other level of government used or intended for use by members of the public.

“Parking lot” means an area or structure other than a street, used or intended to be used for the temporary storage of motor vehicles and includes drive aisles, driveways, and parking spaces.

“Parking space” means an area of land that is suitable for the parking of a vehicle and accessible to vehicles without the need to move other vehicles on adjacent areas.

“Passive recreational use” means enjoyment of the natural environment through non-intensive activities that are passive in nature and cause minimal impact on the natural features and functions of an area. Passive recreational uses include but are not limited to access trails, nature study, bird watching, outdoor education, hiking, biking, picnicking, horseback riding and associated facilities, but do not include recreational buildings, sport fields or golf courses.

“Personal service shop” means a building or part of a building in which services are provided for the individual and personal needs of persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlors, automatic laundry shops, hairdressing shops, tanning salons, tattoo parlours, shoe repair and shoe shining, tailoring, and dry-cleaning collection depots, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.

“Place of assembly” means land, buildings or structures, where people gather for a variety of activities, such as civic, cultural, educational or social events.

“Place of worship” means a place or building that is used for the regular assembly of persons for the practice of religious worship, services or rites, which may accommodate the assembly of persons for community events and may include a cemetery.

“Planning Board” means a Board appointed by Council, as established in the Planning Act R.S.P.E.I. 1988, P-8, which provides recommendations on matters related to land use planning.

“Plant nursery” means the use of land, buildings or structures, or portions thereof, where trees, shrubs or other plants are grown for the purpose of retail or wholesale trade. A

Plant Nursery may include the accessory sale of soil, planting materials, fertilizers, garden equipment, ornaments and similar material.

“Private road” means a private right-of-way over private property which affords access to at least two abutting lots and which is not maintained by the Province of Prince Edward Island or the Town of Three Rivers.

“Property” – see “Lot.”

“Recreational use” means use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, campgrounds, recreational vehicle park, but does not include a tract for the racing of animals or any form of motorized vehicles.

“Recycling facility” means a facility or place where recyclable material is: (i) accepted and stored; and (ii) handled, collected, sorted or prepared for transport for the purposes of the use, reuse or incorporation of the material in the manufacture of secondary products.

“Renewable energy generation facility” means a facility for generating electric energy from any renewable energy source, and includes structures, ancillary equipment or other things used for that purpose, and includes a Solar Collector System and a Wind Energy System.

“Residential care facility” means a building or premises licensed by the Province of Prince Edward Island, where accommodation and supervisory and/or personal care is provided or made available for three or more persons.

“Resource use” means the use of land or buildings for the production and harvesting or extraction of any agricultural, forestry, or fisheries product.

“Restaurant” means buildings or structures or part thereof where food and drink is prepared and offered for sale to the public within or off the premises.

“Restaurant, Drive-through” – see “Drive-through facility”

“Retail store” means a building or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.

“Retirement home” means premises where lodging is provided primarily for retired persons and may include common facilities for eating, recreation and other such activities and may also include limited medical care and other services.

“Road” – see “Highway.”

“Salvage yard” means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include wastepaper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or recycling depot.

“Secondary suite” means a detached dwelling accessory to, and subordinate to, a principal dwelling unit.

“Setback” means the horizontal distance between the specified lot line or feature and the nearest main wall of any building or structure.

“School” means both the educational institution and, building designed to provide learning spaces, in learning environments, for the teaching of students. May or may not include dormitories.

“Shopping centre” means a group of commercial uses that have been designed and developed as a continuous unit and characterized by shared parking facilities and may or may not have enclosed common walkways.

“Sight triangle” means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

“Sign” means any structure or device used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or wayfinding purpose and that is intended to be seen from off the premises or from a parking lot.

- a) **“Ground sign”** means a sign supported by one or more posts, poles or braces placed in or upon the ground.
- b) **“Mobile sign”** means a sign designed and intended to be moved from one site to another and is not permanently affixed to the ground or a building, but shall not include the side, body, trailer of a commercial motor vehicle.
- c) **“Projecting sign”** means a sign that projects from and is supported by the wall of a building.
- d) **“Sandwich board sign”** means a sign consisting of two surfaces attached to each other at the top and designed so as to stand temporarily without foundation or other support on a lot or sidewalk without electrical or other service connection.

“Solar collector system” means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building integrated photovoltaic materials but does not include windows or greenhouses.

“Special permit use” means those proposed uses of land, buildings, and structures which are deemed compatible amongst existing land uses and sympathetic to the overall character of a specific zone. A Special Exception Development will not already be

permissible in any other zone, and it shall be subject to the approval of Council and any conditions imposed.”

"Storey" means that portion of a building between any floor and ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres (5.9 ft.) above grade and provided also that any portion of a building between any floor and ceiling or roof next above exceeding 4.2 metres (13.8 ft.) in height shall be deemed an additional storey.

"Street" – see "Highway."

"Structure" means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.

"Subdivision" means:

- a) the division of a parcel of land to create two or more new parcels of land;
- b) the consolidation of two or more contiguous parcels of land to create a new parcel of land; or
- c) the attachment of a part of a parcel of land to another parcel of land contiguous to that part to create a new parcel of land; by means of a plan of subdivision, a plan of survey, an agreement, a deed or any other instrument, including a caveat, that transfers or creates an estate or interest in the new parcels of land created by the division, or in the new parcel of land created by the consolidation or the attachment, as the case may be.

"Subdivision agreement" means an agreement between a council and a developer whereby the developer undertakes to provide basic services in order to develop a plan of subdivision.

"Subdivision plan" means an appropriately scaled and detailed drawing of a subdivision, certified by a Prince Edward Island Land Surveyor.

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

"Town" – see "Municipality."

"Use" means any purpose for which a building or other structure or parcel of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel.

"Utility" means any public or private system, works, plant, building, equipment, or services that are provided to or for the use of the general public, including but not limited to telephone, electric power, public water supply or sewage services, and includes a Utility Building.

“Variance” (including Minor Variance (up to 10%) and Major Variance (over 10%)) means an authorized relaxation from the standards imposed by regulations made under this by-law within the limits specified with respect to lot size or dimensions, setbacks, area or the height or size of a structure.

“Warehouse” means a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet.

“Watercourse” means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body, any water therein, and any part thereof, up to and including the watercourse boundary, but does not include an irrigation channel.

“Water lot” means land, including land covered by water.

“Wetland” means:

- a) an area which contains hydric soil, aquatic or water-tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the wetland boundary; and
- b) without limiting the generality of the foregoing, includes any area identified in the Prince Edward Island Wetland Inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or a meadow.

“Wind energy system” means a structure that converts the kinetic energy in wind to electrical energy.

“Yard” means an open, uncovered space on a lot pertinent to a building and unoccupied by buildings or structures except as specifically permitted in this bylaw, and:

- a) **"Flankage yard"** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building or structure on the lot.
- b) **"Front yard"** means a yard extending across the width of a lot between the front lot line and nearest wall of any building or structure on the lot.
- c) **"Rear yard"** means a yard extending across the width of a lot between the rear lot line and the nearest wall of any building or structure on the lot.
- d) **"Side yard"** means a yard extending from the front yard to the rear yard of a lot between a side lot line and nearest wall of any building or structure on the lot.

“Zone” means a designated area of land shown on the zoning map of the Bylaw within which land uses are restricted to those specified by this Bylaw, in the below table.

Zone	Symbol
Agricultural	AG
Rural	RU
Rural Residential	RR
Low Density Residential	R1
Medium Density Residential	R2
High Density Residential	R3
Residential Mobile Home Park	RM
Mixed Use	MU
Highway Commercial	HC
Community	C
Heavy Industrial	HI
Light Industrial	LI
Parks and Open Space	OS
Institutional	I

3. Administration

3.1. Administration

- 1) The Development Officer shall administer this Bylaw. The Development Officer shall have authority to approve or deny development permits in accordance with this Bylaw, except for the following classes of development, which shall be determined by Council:
 - a) New buildings or structures for commercial uses over 371.6 sq.m in floor area (4000 sq.ft.);
 - b) New buildings or structures, or expansions to existing buildings or structures, for industrial uses over 2000 sq.ft;
 - c) New residential development containing seven or more units;**
 - d) New buildings or structures, or expansions to existing buildings or structures, for institutional uses and institutional zones with the exception of development listed under section 3.2.2, where such development does not require a permit, but must comply with applicable provisions of this Bylaw;
 - e) Subdivision of six or more lots, not including the original parcel.
- 2) The authority to approve or deny development permits by the Development Officer shall be extended to applications for severance, consolidation and a change of use within an existing building, which may require minor structural alterations, provided that the new use is permitted within this bylaw.

3.2. Development Permits

3.2.1. General Requirements

- 1) Unless otherwise stated in this Bylaw, no person shall undertake development or subdivision of land on a lot within the Town of Three Rivers without first obtaining a Development Permit from the Development Officer.
- 2) The Development Officer shall only issue a Development Permit for developments in compliance with the provisions of this Bylaw.
- 3) Development Permit applications proposing development that does not comply with the provisions of this Bylaw will be refused.
- 4) Notwithstanding provisions (2) and (3) above, a Development Permit may be issued where a variance or rezoning is granted.
- 5) The Development Officer may revoke a Development Permit in cases where information provided on the application is found to be inaccurate.
- 6) The Development Officer may waive decision making authority for any proposal and refer it to Town Council for a decision.

3.2.2. Development Permit Not Required

- 1) Unless otherwise specified, no Development Permit is required for:
 - a) A fence or wall that does not exceed 1.83 metres (6.0 feet) in height or where the relevant boundary is adjacent to a commercial lot, not exceeding 2.44 metres (8ft.)
 - b) A sign less than 0.4 sq.m (4.3 sq.ft) in area;
 - c) A temporary use subject to Section 5.20;
 - d) Public and private utilities located within a street right-of-way;
 - e) Roofing;
 - f) Siding;
 - g) Repainting;
 - h) Chimney maintenance or rebuilding;
 - i) Replacement of windows and doors;
 - j) Other routine maintenance that has the effect of maintaining or restoring a structure or any of its elements to its original state or condition;
 - k) Installing clotheslines, poles and radio and television antennae or satellite dishes less than 0.6 sq.m (2 feet in diameter);

- l) Making a garden and landscaping improvements;
 - m) Constructing ornamental structures less than 9.3 sq.m (100.1 sq.ft);
 - n) Laying paving material for patios, sidewalks and driveways;
 - o) Accessory buildings up to 20 sq.m in floor area (215.3 sq.ft.), where the eaves height of that building shall be no higher than 3.0 metres (11.2 ft.).
 - p) Ground mounted solar arrays, where located in a rear yard.
 - q) Roof mounted solar arrays subject to the following:
 - (a) the solar PV or solar thermal equipment would not protrude more than 0.2 (0.66 ft) metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the roof slope.
 - (b) it would not result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney).
 - r) A deck of up to 55 sq.m (592 sq.ft) and 0.6m (2 ft.) high shall be permitted in all zones. The deck shall be subject to a setback of 1.2m (4ft.).
- 2) All classes of development listed in provision (1) above must comply with the applicable provisions of this Bylaw.

3.2.3. Applications for Development Permit

- 1) All applications for a Development Permit must include a completed Development Permit Form signed by the registered owner of the lot or by the owner's agent, duly authorized in writing to act for the owner.
- 2) Every application for a Development Permit shall be accompanied by a plan, drawn to an appropriate scale and showing:
 - a) The shape and dimension of the lot to be used;
 - b) The distance from the lot boundaries, dimension and height of the building or structure proposed to be erected;
 - c) The distance from the lot boundaries and size of every building or structure already erected on the lot and the general location of the buildings on abutting lots;
 - d) The proposed location and dimension of any parking space, loading space, driveway, drive aisles and landscaped area;
 - e) The proposed use of the lot and building or structure; and
 - f) Any other supporting information the Development Officer deems necessary to determine whether the proposed development complies with the requirements of this Bylaw, including but not limited to, measured surveys, drainage and erosion

control, detailed written descriptions, reports and assessments. The stormwater drainage pattern and stormwater management plan.

- g) The measures undertaken to demonstrate flood resilient design when the Development Officer deems necessary, or where residential development is located within the Rising Sea Level Impact Overlay (RSLIO).
- 3) Where a Development Permit application is submitted for a building or structure, the application must be accompanied by a floor plan of the proposed building and exterior elevation drawings of all four sides.
- 4) Provision (3) applies to applications for new construction and to applications for additions exceeding 30 percent of the floor area of the existing building.
- 5) A Survey certified and stamped by a Prince Edward Island Land Surveyor shall be required where:
 - a) In the opinion of the Development Officer, a Survey Plan is required to evaluate the development proposal to ensure compliance with the provisions of this Bylaw.
- 6) An application for Development Permit shall remain active for 12 months from the date of successful payment of the application fee.

3.2.4. Timelines for Development Permit Applications

- 1) Where all required submission materials and required payment has been received, the Development Officer shall provide a Notice of Application Deemed Complete within seven business days of receipt of the materials by the Town.
- 2) Where authority to approve a Development Permit is vested in the Council of Three Rivers, the Development Officer shall, within 15 business days of issuing the Notice of Application Deemed Complete, inform the applicant:
 - a) If the Development Permit is proceeding to a meeting of the Planning Board for consideration; or
 - b) If additional information is required from the applicant.

3.2.5. Conditions

- 1) Approved Development Permits may be issued subject to conditions.
- 2) Receipt by the developer of permits from the Province of Prince Edward Island may be required as conditions of approval.

3.2.6. Timelines for Approved Development Permits

- 1) A Development Permit shall expire within 12 months from the date issued.

- 2) If the development has not commenced a permit extension may be granted by the development officer, for an additional 12 months, subject to receipt of a written request from the developer.
- 3) For the purpose of provision (2), the following activities shall be deemed to represent commencement of development:
 - a) Excavation of the proposed foundation area; or
 - b) Installation of water or sanitary servicing infrastructure; or
 - c) Installation of utility infrastructure; or
 - d) Application of surfacing materials for the purpose of a driveway or parking lot; or
 - e) Erection of a building or structure.
- 4) Where a Development Permit has expired, a developer may submit a written request to the Town to reinstate the original approval within 12 months of the expiration of the Development Permit.

3.3. Development Agreement

- 1) As a condition of granting a Development Permit, a developer may be required to enter into a Development Agreement with the Town of Three Rivers.
- 2) The following classes of development may require a Development Agreement as a condition of Development Permit:
 - a) Residential developments containing seven or more dwelling units;
 - b) Residential developments on properties that do not have frontage on a public road;
 - c) Commercial uses;
 - d) Institutional uses; and
 - e) Industrial uses.
- 3) Development Agreements may govern matters including, but not limited to:
 - a) Streets or roads;
 - b) Central or private water or sanitary services;
 - c) Open space and/or recreational areas;
 - d) Refuse collection and refuse storage facilities;
 - e) Sidewalks;

- f) Storm sewers;
 - g) Curbs and gutters;
 - h) Phasing of the development; and
 - i) Any other services that Council deems appropriate and required.
- 4) Development Agreements may contain conditions or schedules requiring a developer to post a performance bond, cash bond, or other financial guarantee satisfactory to the Town of Three Rivers, to ensure the development proceeds in accordance with the conditions established in the Development Agreement.
 - 5) All Development Agreements shall be registered in the office of the Registrar of Deeds.

3.4. Demolition Permits

- 1) A Demolition Permit may be issued by the Development Officer for a building or structure or parts thereof.
- 2) A Demolition Permit shall be valid for 60 days.

3.5. Rezoning and Bylaw Amendments

- 1) A developer or owner seeking to rezone a parcel of land or to request site-specific amendments to provisions of this Bylaw shall complete and submit a completed development permit application form authorized by the Development Officer.
- 2) All applications for a zoning amendment or bylaw amendment shall be submitted to the Planning Board for review and recommendation to Council.
- 3) An application for a zoning amendment or bylaw amendment shall include such information as may be required by the Development Officer and Planning Board for the purpose of evaluating the application, including:
 - a) The names and addresses of the owner(s) of the property and, if the applicant is not the owner, a statement as to the applicant's interest in the property.
 - b) One of the following:
 - i. A plot plan showing the location of the property to be rezoned, accompanied by a legal description of the property; or
 - ii. A Survey Plan prepared by a Prince Edward Island Land Surveyor.

3.6. Variances

- 1) Where a development proposal detailed in a Development Permit application does not meet the minimum standards of this Bylaw, the Development Officer may approve a minor variance, provided:
 - a) The degree of variance is within 10 percent of the zoning requirement.
 - b) The need for the variance is due to particular site conditions or unique attributes of the property or development that generate undue hardship in meeting the zoning requirement;
 - c) The proposed variance is consistent with the intent of the Official Plan.
 - d) The proposed variance is consistent with the intent of this Bylaw; and
 - e) The proposed variance will result in a desirable condition.
- 2) Where an objection to a zoning variance is received as a result of the public notification requirements of this Bylaw, the Development Officer shall refer the request for variance to the Planning Board to make a recommendation to Council.
- 3) Notwithstanding any other section of this Bylaw, Council in its discretion may authorize variances in excess of ten percent (10%) from the provisions of this Bylaw. A proposal will be considered against the criteria of 3.6.1 (b)(c)(d) & (e) and where Council deems such a variance appropriate, and if such variance is in keeping with the general intent and purpose of this Bylaw and the Official Plan for the Town of three Rivers, a variance may be granted.
- 4) No variance shall be permitted for building storey heights or amount of storeys as set out in the Performance Standards Tables of the following Zones where they are centrally serviced: R3, MU and HC.

3.7. Application Fee & Payment

- 1) Every application for a Development Permit, Demolition Permit, Rezoning, Variance, or Amendment to Development Agreement shall be accompanied by payment for the required fee in accordance with the Town of Three Rivers Municipal Fees Bylaw.
- 2) Development which has been commenced without the relevant permit shall be subject to double the scheduled fee.
- 3) Any development scheme that has not been constructed in accordance with approved plans shall be subject to double the scheduled application fee, where a new application is deemed required.

3.8. Public Notification

- 1) In accordance with the Planning Act R.S.P.E.I. 1988, P-8, where a Zoning Amendment application is received, the Town shall:
 - a) Give an opportunity to residents and other interested persons to make representations; and
 - b) At least seven clear days prior to the meeting, publish a notice in a newspaper circulating in the area.
- 2) In addition to the notification requirements in provision (1), the Town of Three Rivers will provide notice of development applications as follows:
 - a) Where an application for a Zoning Amendment is received, the Town shall provide notice of the application to property owners within 150 metres (492.1 ft.) of the property subject to the application.
 - b) Where an application for major Zoning Variance is received, the Town shall provide notice of the application to property owners within 100 metres (328.1 ft.) of the property subject to the application.
 - c) Where an application for minor Zoning Variance is received, the Town shall provide notice of the application to property owners within 30.5 metres (100 ft.) of the property subject to the application.
 - d) Where an application to amend a Development Agreement is received, the Town shall provide notice of the application to property owners within 100 metres (328.1 ft.) of the property subject to the application.
 - e) No public meeting is held, where the development officer has not received written objections for minor variances submitted under part 3.8.2(c)
- 3) The notices described in provisions (1) and (2) shall contain:
 - a) A description of the property, including address and location;
 - b) Details of the proposed development, variance or amendment;
 - c) The date, time and place of the meeting at which the application will be considered;
 - d) Details of where more information can be obtained during normal business hours; and
 - e) Details on how the Town will receive public comments.
- 4) A general “Public Notice” of all decisions respecting all applications received under the requirements of this Bylaw shall be given by posting the decisions in a conspicuous place in the Town of Three Rivers Town Hall or Administrative Office. The date of posting shall be displayed along with a statement advising the public of its right to

appeal the decision, in accordance with the Planning Act R.S.P.E.I. 1988, P-8, within 21 days from the date of posting.

3.9. Bylaw Appeal

- 1) Any person who is dissatisfied by a decision of the Town of Three Rivers in respect of the following may appeal the decision to the Island Regulatory and Appeals Commission:
 - a) An application by the person, or any other person, under this Bylaw for:
 - i. A Development Permit;
 - ii. A preliminary approval of a subdivision;
 - iii. A final approval of a subdivision; or
 - b) The adoption of an amendment to this Bylaw, including:
 - i. An amendment to a Zoning map established in this Bylaw; or
 - ii. An amendment to the text of this Bylaw.
- 2) The appellant shall file a Notice of Appeal with the Commission within 21 days after the date of the decision being appealed.
- 3) For the purposes of provision (2), where an appeal is filed in respect of an amendment to this Bylaw, the 21-day period for filing a notice of appeal commences on the date that the Council of Three Rivers gave final reading to the amendment to the Bylaw.
- 4) The Notice of Appeal under provision (2) shall be made in writing and shall state the grounds for the appeal and the relief sought.
- 5) A person filing an appeal under provision (2) shall, within seven days of filing an appeal with the Commission, serve a copy of the Notice of Appeal to the Council of the Town of Three Rivers.
- 6) Despite the provisions of this section, no appeal may be filed respecting a decision of the Development Officer respecting:
 - a) The final approval of a subdivision or Development Permit within a resort development, where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of that subdivision or development.

3.10. Licenses, Permits and Compliance with Other Bylaws

- 1) Nothing in this Bylaw shall exempt any person from complying with the requirements of any other Bylaw in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other Bylaw of the Town, or statute or regulation of the Province of Prince Edward Island or the Government of Canada.
- 2) Where the provisions of this Bylaw conflict with those of any other Town of Three Rivers Bylaw or any regulations or codes of the Province of Prince Edward Island, the higher or more stringent requirement shall prevail.

3.11. Enforcement

- 1) The Development Officer, or Designate, is authorized, with cause, to enter any land, building, or structure in the Town, provided that:
 - a) Such entry is not excessive or by force;
 - b) The entry occurs at a reasonable time; and
 - c) The entry is for the purpose of making an inspection or examination relating to this Bylaw.
- 2) The Development Officer may issue a Stop Work Order to a developer or contractor in instances where a development has commenced without a valid Development Permit.
- 3) The Town may enforce the provisions of this Bylaw in accordance with the procedures established in Part IV of the Planning Act R.S.P.E.I. 1988.
- 4) In addition to, or instead of, the penalties referred to in this Bylaw, the Supreme Court of Prince Edward Island may, upon application by the Town, cease or prohibit by injunction any development which does not comply with the provisions of this Bylaw.
- 5) The Town, its Officers or employees shall not be liable for any damage caused to any property when acting under the authority of this section.

3.12. Offences

- 1) Any person who, being the owner or occupant of any land, building, or structure to which this Bylaw applies, fails to perform any of the following actions in contravention of this Bylaw is guilty of an offence and liable under conviction to a fine and, in default of payment, to a term of imprisonment:
 - a) Remove any sign;
 - b) Comply with provisions;

- c) Obtain a permit; or
 - d) Cease work on, and restore to its original condition, any property on which a development has been undertaken.
- 2) Any person who impedes, attempts to impede, refuses or does not permit inspection of a property pursuant to this Bylaw shall be guilty of an offence.
 - 3) Where a person convicted under this section fails to commence the restoration ordered within 60 days after the order has been made, the Town may take such steps as it deems necessary to restore or remove the subject matter of the offence at the expense of the owner or occupier.
 - 4) When an offence under this Bylaw is committed or continued for more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

3.13. Penalties

- 1) A person, contractor or owner who violates this Bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00) in each case, together with the cost of prosecution.
- 2) Where the offence is a continuing offence in addition to the penalties provided in this section, such person shall be liable for all costs in immediate removal of such an offence, and the Provincial Judge may impose a penalty not exceeding four hundred dollars (\$400.00) for every day the said offence continues.
- 3) Where there is default of payment, any person or corporate officer is liable to be imprisoned in accordance with the Summary Convictions Act.

3.14. Effective Date

- 1) This Bylaw shall take effect upon the date of approval by the Minister.

4. Interpretation

4.1. Symbols

- 1) The symbols used on the zoning maps refer to the corresponding zones established in the Bylaw:
 - Schedule A - Land Use and Road Network (Key Map)

- Schedule A1 – Montague Settlement Area
- Schedule A2 – Georgetown Settlement Area
- Schedule A3 – Cardigan Settlement Area
- Schedule A4 – Poole’s Corner Settlement Area

4.2. Units of Measure

- 1) This Bylaw generally uses metric units of measurement, unless otherwise specified. Imperial measurements are shown.
- 2) In the event of a conflict between figures using different units of measurements, the metric figure shall prevail.

4.3. Interpretation of Zone Boundaries

- 1) The extent and boundaries of zones are shown on the Zoning map and the applicable provisions of this Bylaw shall apply to all zones.
- 2) Boundaries between zones shall be determined as follows:
 - a) Where a zone boundary is indicated as following a street, the boundary shall be the centre line of the street, unless otherwise indicated;
 - b) Where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
 - c) Where a right-of-way or a watercourse shown on a Zoning map serves as a zone boundary, the centre line of the right-of-way or watercourse shall be considered the boundary between the zones, unless otherwise indicated;
 - d) Where a zone boundary is indicated as following the edge of a watercourse, the zone shall follow any change in the boundary of that watercourse;
 - e) Where none of the above applies, the zone boundary shall be scaled from the Zoning map and if there is disagreement as to where the boundary line rests on the Zoning map, the decision shall rest with the Town.

4.4. Interpretation of Certain Words

- 1) In this Bylaw,
 - a) Words used in the present tense include future;
 - b) Words in the singular number include the plural;

- c) Words in the plural include the singular;
- d) The word “used” includes “arranged to be used,” “designed to be used,” or “intended to be used”; and
- e) The word “shall” indicates a compulsory requirement.
- f) The word “may” indicates a discretionary requirement.

4.5. All Land to be Zoned

- 1) All lands within the Town shall be zoned.

4.6. Permitted Uses

- 1) In this Bylaw, any use not listed as a permitted use in a zone is prohibited in that zone unless otherwise indicated.
- 2) Where a permitted use within any zone is defined in this Bylaw, the uses permitted in the zone include any similar uses that satisfy such definition, except where a definition specifically excludes any similar use.

4.7. Conflict

- 1) In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall prevail.
- 2) In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall prevail.

4.8. Severability

- 1) If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Bylaw.

4.9. Schedules

- 1) All schedules, figures and appendices attached to this Bylaw are deemed to form part of this Bylaw.

5. General Provisions for All Zones

5.1. Permitted Uses in All Zones

- 1) The following uses are permitted in all zones:
 - a) Temporary construction facilities such as sheds, scaffolds and equipment incidental to building on the premises for so long as work is in progress or for a maximum period of six months, whichever is the shorter period.
 - b) Buildings and structures intended for public uses and owned by the Town of Three Rivers, the Province of Prince Edward Island, or the Government of Canada.

5.2. Accessory Buildings and Structures

- 1) An accessory building or structure is permitted in any zone.
- 2) For greater certainty, an electric vehicle charging station is permitted in any zone.
- 3) An accessory building or structure may be used only as accessory to the main building or use.
- 4) An accessory building or structure shall not:
 - a) Be used for human habitation, except where an accessory dwelling unit is permitted;
 - b) Be located closer than 1.2 metres (3.94 ft.) to any lot line.
 - i. Common garages for semi-detached dwellings may be centred on a mutual side lot line; and
 - ii. Boat houses and docks may be located on a lot line, where the lot line corresponds with the water's edge; and
 - c) Be located within 1.8 metres (5.9 ft.) of a main building.
- 5) The following elements shall be exempt from the provisions of this section:
 - a) Awnings;
 - b) Clothesline poles;
 - c) Flag poles;
 - d) Garden trellises;

- e) Retaining walls
 - f) Signs; and
 - g) Fences.
- 6) Accessory Buildings and Structures shall comply with the following performance standards:

Performance Standard	Requirement
Maximum Floor Area	Zone R1, R2 & R3: aggregate total of up to 80 sq.m (861.1 sq.ft.) or 50% of the total floor area of the dwelling, whichever is the greater
Maximum Floor Area for all other zones	No maximum
Maximum Building Height	6.7 metres (22ft.)
Maximum number of accessory buildings	Zone R1, R2 & R3: Two (2)
	All other zones: no maximum
Minimum Lot Line Setback	1.2 metre (3.94ft.)

- 7) No accessory building or structure shall be constructed:
- a) Prior to the time of construction of the principal building to which it is accessory; or
 - b) Prior to the establishment of the main use of the land, where no principal building is proposed in the development.
- 8) A Development Permit may be issued by the Development Officer for an accessory building located within the front yard or flanking yard or prior to the construction of the main building, where the building will have the general standard, use and appearance compatible with main buildings or structures subject to any conditions imposed.

9) Any maximum height restriction set out in this Bylaw shall not apply to steeples, spires, lightning rods, water tanks, monuments, elevator enclosures, mechanical enclosures, silos, barns, grain elevators, flag poles, lighting standards, television or radio antennas,

telecommunications towers, ventilators, skylights, chimneys, clock towers, power transmission towers, cupolas, wind turbines or utility poles.

- 10) Ground Mounted Solar Arrays shall be permitted in all Zones, subject to the following:
 - a) The minimum setback to adjacent lot lines for ground mounted solar arrays shall be 4.57 m (15 ft.) or the height of the ground mounted solar array, measured from grade, whichever is greater. The setback shall be measured across grade from highest point of the solar array to the nearest lot lines.
 - b) Ground Mounted Solar Arrays may be placed in the front, rear, or side yards.
 - c) The owner of the ground mounted solar array shall remove the ground mounted solar array and associated equipment sufficient to return the land to its previous use within two years of ground mounted solar array inactivity.
- 11) The installation of a swimming pool, of permanent construction, shall follow the setback requirements for accessory buildings & structures and be permitted in any zone in accordance with the following provisions:
 - a) A 1.8 metre (5.9 ft.) fence shall be constructed in such a manner as to impede unauthorized persons from entering over or under said fence;
 - b) A self-closing and self-latching gate shall be installed.

5.3. Buildings to be Erected on a Lot

- 1) No building shall be erected or used unless it is erected upon a single lot of record.

5.4 Buildings to be Moved

- 1) No building shall be moved to a lot within the Town without the owner first obtaining a Development Permit to relocate the building.

5.5. Calculation of Lot Frontage

- 1) Lot frontage for a lot with a regular shape shall be measured as a distance between the side lot lines where they meet the front lot line.
- 2) Lot frontage for a lot with an irregular shape shall be measured as the straight distance between the two points on the side lot lines located a distance of 6 metres (19.7 ft.) from where the side lot lines intersect the front lot line.

5.6. Conforming with Existing Front Yards

- 1) Notwithstanding the minimum front yard requirements established in this Bylaw, in any zone where a building is erected between two existing buildings within 60 metres (196.9 ft.) of the proposed building, the minimum front yard requirement shall be no

less than that of the adjacent building that is closest to the street, but in no case shall the front yard requirement be less than 3 metres (9.8 ft.) and need be no greater than the front yard requirement prescribed for that zone.

5.7. Driveway Access

- 1) Where an Entranceway Permit is required under the Regulations of the Roads Act R.S.P.E.I. 1988, R-15, its issuance shall be a precondition of the approval of a Subdivision or Development Permit.

5.8. Drive-Through Facilities

- 1) Where a drive-through is a permitted use, and is provided on a lot, off-street motor vehicle queuing space must be provided for that drive-through leading both to and from each service bay, window, kiosk or booth.
- 2) All queuing spaces shall be a minimum 3 metres (9.8 ft.) in width and 5.7 metres (18.7 ft.) in length.
- 3) No queuing line, drive-through window or order board may be located within 5 metres (16.4 ft.) from a residential or mixed use building and may require screening from view from that use by an opaque screen with a minimum height of 1.5 metres (4.9 ft.).

5.9. Frontage on a Street

- 1) All development must be located on a lot that abuts an approved public or private highway or Street.
- 2) Notwithstanding provision (1), a lot that fronts onto a private road shall be deemed to have frontage on a street, provided the private road is legally established.

5.10. Existing Undersized Lots

- 1) A lot held in separate ownership from adjoining parcels on the effective date of this Bylaw that has less than the area or frontage required may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected on the lot.
- 2) Notwithstanding provision (1), an existing lot that has less than the area or frontage required shall continue to be classified as an existing undersized lot for the purpose of this section if, after enlargement, it remains undersized.
- 3) In addition to other provisions of the zone applicable to an existing undersized lot, a maximum permitted lot coverage of 30 percent shall apply to development.

5.11. Landscaping

- 1) New non-residential developments within the Industrial (LI, HI), Institutional (I), Mixed Use (MU), and Highway Commercial (HC) Zones shall require a minimum 4.5 metre

(14.8 ft.) landscaped buffer in the interior side and rear yard when the property abuts a residential use or residential zone.

- 2) Landscaped buffers shall consist of hard and soft landscaping materials including, grass, trees, shrubs and flowers, or a combination thereof.

5.12. Illumination

- 1) No person shall erect any illuminated sign or illuminate any area outside any building which impacts upon adjoining properties or streets.

5.13. Multiple Uses

- 1) In any zone, where any land or building is used for more than one purpose, all provisions of this Bylaw relating to each use shall be satisfied. Where there is a conflict, the more restrictive zoning provisions shall apply.

5.14. One Main Building on a Lot

- 1) No person shall erect more than one main building on any lot except:
 - a) Within the Highway Commercial (HC) Zone;
 - b) Within the Heavy Industrial (HI) Zone;
 - c) To permit a grouped dwelling within a Residential Zone;
 - d) Within the Agricultural (AG) Zone for uses other than residential uses,
 - e) Within an Environmental Protection (EP) Zone and;
 - f) Mixed Use (MU), Light Industrial (LI) and Highway Commercial (HC) Zones.
 - g) Recreational uses where related to tourism within Agricultural (AG), Rural Residential (RR) and Rural (RU) Zones.

5.15. Accessory Dwelling Units

5.15.1. Accessory Apartments

- 1) An accessory apartment shall be permitted attached to a single-unit dwelling, a semi-detached dwelling, or a row dwelling.
- 2) Accessory apartments shall not exceed 40 percent of the floor area of the dwelling unit.
- 3) An accessory apartment shall share the same water and sanitary services as the dwelling.

5.15.2. Secondary Suites

- 1) One secondary suite shall be permitted on a lot accommodating a single-unit dwelling.

- 2) Ingress and egress to the secondary suite shall be provided by the driveway serving the dwelling unit.
- 3) The secondary suite is encouraged to share the same water and sanitary services as the dwelling unit where feasible.
- 4) The secondary suite shall not be greater than 60 sq.m (645.8 sq.ft) in floor area.
- 5) One parking space shall be required for a secondary suite, in addition to the parking requirements for the dwelling unit.

5.16. Municipal Government Service Facilities

- 1) Notwithstanding the provisions of this Bylaw, services and facilities provided by the municipality, including but not limited to; sewage treatment plants, pumping stations, water storage reservoirs and stormwater management facilities, and those temporary buildings and/or temporary structures associated with social, recreational and cultural events may be located in any zone and no development permit shall be required and no zone provisions shall apply.

5.17. Non-Conforming Structure or Use

- 1) Where a building or structure has been erected prior to adoption of this Bylaw on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this Bylaw, the building may be enlarged, reconstructed, repaired or renovated provided that:
 - a) the enlargement, reconstruction, repair or renovation does not further reduce the non-complying yard(s); and
 - b) all other applicable provisions of this Bylaw are satisfied.
- 2) Subject to the provisions of this Bylaw, a building or structure, or use of land, lawfully in existence prior to adoption of this Bylaw may continue to exist.
- 3) A Building or Structure shall be deemed to exist on the effective date of approval of this Bylaw if:
 - a) it was lawfully under construction, or
 - b) the permit for its construction was subject to the provisions of this Bylaw.
- 4) Structural alterations that would increase the exterior dimensions of a building or structure containing a non-conforming use may be permitted by Council subject to the following criteria:
 - a) the enlargement or expansion does not increase the level of non-compliance.
 - b) the development and the conditions placed upon it are consistent with the criteria for the applicable use.

- c) The development is consistent with all applicable requirements of this Bylaw necessary for the issuance of a development permit,
 - d) In the opinion of Council, the development does not cause any hardship to surrounding property owners due to excessive noise, visual impacts, traffic congestion or any other potential nuisance.
 - e) That property owners within 150m (492.1ft) of the subject property are notified in writing with the details of the proposed development and asked to provide their comments.
 - f) A public meeting is held to allow the developer to present the development proposal to residents to obtain their input; and
 - g) At least seven clear days prior to the meeting, publish a notice in the newspaper circulating in the area, the time, date, location, and details of the meeting.
- 5) If a building that does not conform to provisions of this Bylaw is destroyed by a fire, natural weather event, flood, or similar event, it shall only be rebuilt or repaired in a manner that does not exceed the original non-conforming character of the building in question.
 - 6) Any change of tenants or occupants of any premises or Building shall not of itself be deemed to affect the use of the premises or building for the purposes of this Bylaw;

5.18. Public and Private Utilities

- 1) Notwithstanding the provisions of this Bylaw, public and private utilities located within the street right-of-way or underground may be placed in any zone, and no Development Permit shall be required and no zone provisions shall apply.

5.19. Temporary Uses, Buildings and Structures

- 1) Nothing in this Bylaw shall prevent the temporary use of land or the temporary use of a building or structure incidental to a construction project provided that a Development Permit has been issued for the main construction project and the temporary use is discontinued and removed within 30 days following completion of the main construction project.
- 2) A building or structure may be erected, or an area of land used for a special occasion or holiday, provided that no such building or structure shall remain in place for more than 20 consecutive days.

5.20. Through Lots

- 1) Notwithstanding the provisions of this Bylaw, a building on a through lot may be erected facing either abutting street. For the purposes of determining yard setbacks, the front yard setback provision shall apply to both streets.

5.21. Watercourse Separation Distance

- 1) Where a development is proposed adjacent to a waterbody, watercourse, or wetland, the development shall obtain all necessary permits under the Environmental Protection Act R.S.P.E.I. 1988, E-9.

5.22. Water and Sewage Systems

- 1) No land shall be used or the intensity of any use of land expanded or any building placed, erected, altered, enlarged, or used within the Town of Three Rivers unless the development can be adequately serviced by central or private water and central or private sanitary services or;
- 2) Where special circumstances are demonstrated that the above provision is not required to service a development due to the unique nature of that proposal, or alternative means of provision have been demonstrated to the satisfaction of the Council, a development permit may be granted subject to conditions the Council may impose.

5.23. Multi-Unit Servicing Requirements

- 1) No person shall construct or structurally alter a building for use as a multi-unit dwelling containing more than four units unless the lot or existing parcel of land is serviced by a municipal (or private engineered) waste treatment system and meets the minimum standards set out in Table A1 for either lots with on-site water supply and central waste treatment system, or for fully serviced lots.

5.24. Permitted Encroachments in Yards

- 1) Except for accessory buildings, every part of any yard required by the Bylaw shall be open and unobstructed by any structure from the ground to the sky, provided however, that those structures listed in the following table shall be permitted to project for the specific distances as indicated:

Structure	Permitted Yard	Maximum Projection from Main Wall
Sills, belt courses, cornices, eaves, gutters or chimneys	Any yard	0.6 m (2 ft.)
Bay windows	Any yard	1.0 m (3.3 ft.)
Fire escape and exterior staircase	Rear and side yards only	1.22 m (4 ft.)
Balconies	Any yard for all residential of mixed use buildings	1.22 m (4 ft.)

Open, roofed porches not exceeding one storey in height, uncovered terraces	Any yard	1.22 m (4 ft.); including eaves
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5.25. Corner Sight Triangle

- 1) On a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 0.6 metres (2 ft.) above the grade of the streets which abut the lot within the triangular area indicated by the street boundary lines for a distance of 6 metres (19.7 ft.) from their point of intersection.

5.26. Recreational Trailers or Vehicles

- 1) No person shall use or occupy a Recreational Trailer or Vehicle other than in an approved Campground, unless a Development Permit has been issued for such use.
- 2) A permit issued in accordance with provision (1) shall be valid for a period of not more than 120 days, but may be renewed by Council.
- 3) A Recreational Trailer or Vehicle placed in accordance with these Regulations shall be removed from the lot immediately following expiry of the Development Permit.

5.27. Bed and Breakfast

- 1) Bed and breakfast establishments shall be permitted to operate in any Single-Unit Dwelling, Semi-Detached Dwelling, or Row Dwelling in any Agricultural, Rural, or Residential Zone subject to the following:
 - a) the dwelling shall be occupied as a residence by the principal operator;
 - b) not more than three (3) rooms shall be offered for overnight accommodation;
 - c) adequate off-street parking, in accordance with this Bylaw, separate from that required for the dwelling, shall be provided; and
 - d) there shall be no other signage, open storage or visible display area.

5.28. Day Care Facilities

- 1) A Day Care Facility may be established as a Home-Based Business, subject to the provisions of this Bylaw.

5.29. Kennels

- 1) Notwithstanding the provisions of this Bylaw, no kennel shall be erected or established, after the day of the passing of this Bylaw, within 300 metres (984.3 ft.) of a dwelling located on another lot.

- 2) Notwithstanding provision (1), a dwelling may be constructed within 300 metres (984.3 ft.) of an existing kennel if the dwelling complies with all other provisions of this Bylaw.

5.30. Petroleum Storage

- 1) Petroleum storage shall comply with the Petroleum Storage Tank Regulations under the Environmental Protection Act R.S.P.E.I. 1988, E-9, or successor legislation.
- 2) Underground storage tanks may be permitted in any zone and subject to Wellfield Protection Zone regulations.
- 3) The installation of any underground storage tanks shall require a Development Permit.

5.31. Storage of Commercial Fishing Vessel and Related Equipment

- 1) The storage of fishing vessels and related equipment shall be permitted in any zone, subject to the following:
 - a) Related fishing equipment shall be stored in an organized manner including, but not limited to, the orderly stacking and harvesting of traps and other related paraphernalia.

5.32. Home-Based Business as an Ancillary Use

- 1) A home-based business may be located in a residential dwelling or its accessory building as an ancillary use in any zone, subject to specific provisions within zones R1, R2 & R3:
 - a) The owner of the business lives in the dwelling.
 - b) Not more than two (2) employees live outside the dwelling.
 - c) Not more than 25% of the total floor area of the dwelling or less than 100 sq.m (1076.4 sq.ft) floor area of an accessory building may be used in conjunction with the business.
 - d) Adequate off-street parking is provided for both the dwelling and the business.
 - e) No outdoor storage of materials or product display is used in conjunction with the business.
 - f) No mechanical equipment shall be used except for what is reasonably consistent with the use of the dwelling.
- 2) Within all other zones:
 - a) The owner of the business lives in the dwelling.
 - b) Not more than four (4) employees live outside the dwelling.

- c) Not more than 25% of the total floor area of the dwelling or less than 100 sq.m (1076.4 sq.ft) floor area of an accessory building may be used in conjunction with the business.
 - d) No mechanical or electrical equipment shall be used except that reasonably consistent with the use of a dwelling.
 - e) One parking space per 20 sq.m (215.3 sq.ft) of floor area used for the Home-Based Business or Occupation and one parking space for an employee shall be provided in addition to the required parking for the residential use.
 - f) An accessory structure not more than 20 sq.m (215.3 sq.ft) in floor area may be used as storage.
- 2) General provisions for all zones:
- a) Premises signs shall follow the requirements of Section 9 of this bylaw.
 - b) Retail sales shall be limited to products produced on site.
 - c) Outdoor storage required in conjunction with the business shall not be located closer than 15 metres (49.2 ft.) from any lot line and not within any front yard area of the dwelling and or accessory building.
 - d) The home-based business shall not operate to the detriment of neighbouring properties by reason of noise, odour, vibration, traffic or parking impacts.
 - e) The external appearance of the dwelling is not altered.
 - f) Any sewage requirements deemed necessary are satisfied.

6. Zoning Provisions

6.1. Agricultural Zone (AG)

6.1.1. General

- 1) Except as provided in this Bylaw, all development and land used in the AG Zone shall comply with the provisions of this section.
- 2) The Agricultural Zone is intended to:
 - a) Recognize and permit agricultural uses and agriculture-related uses in the Agricultural Official Plan designation;
 - b) Regulate uses in a manner that respects the character of the area and minimizes land use conflicts.

6.1.2. Permitted Uses

- 1) Accessory apartment;
- 2) Agricultural use;
- 3) Auction establishment;
- 4) Bed and breakfast;
- 5) Boat house;
- 6) Cemetery;
- 7) Day care facility;
- 8) Duplex dwellings
- 9) Farm market;
- 10) Farmer's market;
- 11) Forestry use;
- 12) Greenhouse;
- 13) Group home;
- 14) Hobby farm;
- 15) Home-based business;
- 16) Kennel;
- 17) Park;
- 18) Plant nursery;

- 19) Recreational Use
- 20) Resource use;
- 21) Secondary suite;
- 22) Single-unit dwelling;
- 23) Solar collection system;
- 24) Wind energy system;

6.1.3. Provisions (AG Zone)

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	
Maximum Building Height	12.8 metres (42ft)
Minimum Front Yard Setback	Livestock building: 45 metres (147.6 ft.) All other buildings: 15 metres (49.2 ft.)
Minimum Flankage Yard Setback	Livestock building: 45 metres (147.6 ft.) All other buildings: 15 metres (49.21 ft.)
Minimum Interior Side Yard Setback	Livestock building: 15 metres (49.2 ft.) All other buildings: 4.5 metres (14.8 ft.)
Minimum Rear Yard Setback	Livestock building: 15 metres (49.2 ft.) All other buildings: 7.5 metres (24.6 ft.)

6.1.4. Special Permit Use

- 1) The following special permit uses have been identified as compatible with the Agricultural Zone (AG). Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed:
 - a) Warehouse
 - b) Club
 - c) Multi-unit dwellings .
 - d) Row dwellings

6.2.Rural (RU)

6.2.1. General

- 1) Except as provided in this Bylaw, all development and land used in the Rural (RU) Zone shall comply with the provisions of this section.
- 2) The Rural Zone (RU) is intended to:
 - a) Recognize and permit agricultural uses and agriculture-related uses in the Rural Official Plan designation;
 - b) Recognize and permit a range of land uses appropriate for a rural context; and
 - c) Regulate uses in a manner that respects the rural character of the area and minimizes land use conflicts.

6.2.2. Permitted Uses

- 1) Accessory apartment;
- 2) Agricultural use;
- 3) Animal hospital;
- 4) Auction establishment;
- 5) Boat house;
- 6) Bed and breakfast;
- 7) Cemetery;
- 8) Day care facility;
- 9) Equestrian establishment;
- 10) Excavation pit;
- 11) Farm market;
- 12) Farmer's market;
- 13) Forestry use;
- 14) Greenhouse;
- 15) Group Home;
- 16) Home-based business;
- 17) Hobby farm;
- 18) Kennel;

- 19) Recreational use;
- 20) Park;
- 21) Plant nursery;
- 22) Resource use;
- 23) Secondary suite;
- 24) Single-unit dwelling;
- 25) Solar collection system;
- 26) Wind energy system;
- 27) Duplex dwelling;

6.2.3. Provisions (RU Zone)

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	
Maximum Building Height	12.8 metres (42ft)
Minimum Front Yard Setback	Livestock building: 45 metres (147.6 ft.) All other buildings: 15 metres (49.2 ft.)
Minimum Flankage Yard Setback	Livestock building: 45 metres (147.6 ft.) All other buildings: 15 metres (49.2 ft.)
Minimum Interior Side Yard Setback	Livestock building: 15 metres (49.2 ft.) All other buildings: 4.5 metres (14.8 ft.)
Minimum Rear Yard Setback	Livestock building: 15 metres (49.2 ft.) All other buildings: 7.5 metres (24.6 ft.)

6.2.4. Special Permit Use

- 1) The following special permit uses have been identified as compatible with the Rural Zone (RU). Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.
 - a) Warehouse
 - b) Club

- c) Offices
- d) Multi-unit dwelling

6.3. Rural Residential (RR)

6.3.1. General

- 1) Except as provided in this Bylaw, all development and land used in the Rural Residential (RR) Zone shall comply with the provisions of this section.
- 2) The Rural Residential (RR) Zone is intended to:
 - a) Recognize and permit large-lot residential development in the Rural Official Plan designation; and
 - b) Regulate uses in a manner that respects the rural character of the area and minimizes land use conflicts.

6.3.2. Permitted Uses

- 1) Accessory apartment;
- 2) Bed and breakfast;
- 3) Boat house;
- 4) Day care facility;
- 5) Duplex dwelling
- 6) Group home;
- 7) Home-based business;
- 8) Park;
- 9) Recreational Use
- 10) Secondary suite;
- 11) Single-unit dwelling;
- 12) Solar collection system;

6.3.3. Provisions (RR Zone)

Performance Standard	Requirement
Minimum Lot Width	As per Appendix A
Minimum Lot Area	
Maximum Building Height	12.8 metres (42ft)
Minimum Front Yard Setback	15 metres (49.2 ft.)
Minimum Flankage Yard Setback	15 metres (49.2 ft.)
Minimum Interior Side Yard Setback	4.5 metres (14.8 ft.)
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)

6.3.4. Special Permit Use

- 1) The following special permit uses have been identified as compatible with the Rural Residential (RR) Zone. Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed:
 - a) Club
 - b) Warehouse
 - c) Multi-unit dwelling

6.4. Low-Density Residential Zone (R1)

6.4.1. General

- 1) Except as provided in this Bylaw, all development and land use in the Low-density Residential (R1) Zone shall comply with the provisions of this section.
- 2) The Low-Density Residential Zone (R1) is intended to:
 - a) Restrict the building form to single-unit dwellings; and
 - b) Regulate development in a manner that is compatible with low-density residential land use patterns.

6.4.2. Permitted Uses

- 1) Accessory apartment;
- 2) Bed and breakfast;
- 3) Day care facility, as a home-based business;
- 4) Group home;

- 5) Home-based business;
- 6) Park;
- 7) Secondary suite;
- 8) Single-unit dwelling.

6.4.3. Provisions (R1 Zone)

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area	550 sq.m (5920.2 sq.ft)	As per Appendix A
Minimum Lot Width	18 metres (59.1 ft.)	
Maximum Building Height	12.8 metres (42ft)	12.8 metres (42ft)
Minimum Front Yard Setback	1.2 metres (3.9 ft.)	7.5 metres (24.6 ft.)
Minimum Flankage Yard Setback	1.2 metres (3.9 ft.)	7.5 metres (24.6 ft.)
Minimum Interior Side Yard Setback	1.2 metres (3.9 ft.)	4.5 metres (3.9 ft.)
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)

6.4.4. Special Permit Use

- 1) The following special permit use have been identified as compatible with the Low-density Residential Zone (R1). Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed:
 - a). Boathouse

6.5. Medium-Density Residential (R2)

6.5.1. General

- 1) Except as provided in this Bylaw, all development and land use in the Medium-Density Residential (R2) Zone shall comply with the provisions of this section.
- 2) The Medium-Density Residential Zone (R2) is intended to:
 - a) Restrict the building form to ground-oriented residential dwellings; and
 - b) Regulate development in a manner that is compatible with medium-density residential land use patterns.

6.5.2. Permitted Uses

- 1) Accessory apartment;
- 2) Bed and breakfast;
- 3) Day care facility;
- 4) Duplex dwelling;
- 5) Group home;
- 6) Home-based business;
- 7) Park;
- 8) Row dwelling;
- 9) Secondary suite;
- 10) Semi-detached dwelling;
- 11) Single-unit dwelling.

6.5.3. Provisions (R2 Zone)

- 1) For single-unit dwellings in the R2 zone, the provisions of the R1 zone shall apply.
- 2) For other permitted residential uses in the R2 zone, the following provisions shall apply:

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area (Per Dwelling Unit)	275 sq.m (2960.1 sq.ft)	As per Appendix A
Minimum Lot Width (Per Dwelling Unit)	9 metres (29.5 ft.)	
Maximum Building Height	12.8 metres (42ft)	12.8 metres (42ft)
Minimum Front Yard Setback	1.2 metres (3.9 ft.)	7.5 metres (24.6 ft.)
Minimum Flankage Yard Setback	1.2 metres (3.9 ft.)	7.5 metres (24.6 ft.)
Minimum Interior Side Yard Setback	1.2 metres (3.9 ft.)	4.5 metres (14.8 ft.)
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)

6.5.4. Special Permit Use

- 1) The following special permit use have been identified as compatible with the Medium-Density Residential Zone (R2). Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed:
 - a) Boathouse

6.6. High-Density Residential (R3)

6.6.1. General

- 1) Except as provided in this Bylaw, all development and land use in the High-Density Residential Zone (R3) shall comply with the provisions of this section.
- 2) The High-Density Residential Zone (R3) is intended to:
 - a) Permit a full range of residential dwellings; and
 - b) Regulate development in a manner that is compatible with higher-density land uses.

6.6.2. Permitted Uses

- 1) Accessory apartment;
- 2) Bed and breakfast;
- 3) Day care facility;
- 4) Group home;
- 5) Grouped dwellings;
- 6) Home-based business;
- 7) Multi-unit dwelling;
- 8) Park;
- 9) Residential care facility;
- 10) Retirement home;
- 11) Row dwelling;
- 12) Secondary suite;

6.6.3. Provisions (R3 Zone)

- 1) For single-unit dwellings in the R3 zone, the provisions of the R1 zone shall apply.

- 2) For semi-detached, duplex, and row dwellings in the R3 zone, the provisions of the R2 zone shall apply.
- 3) For other permitted residential uses in the R3 zone, the following provisions shall apply:

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area (Per Dwelling Unit)	275 sq.m (2960.1 sq.ft)	Not permitted
Minimum Lot Width (Per Dwelling)	9 metres (29.5 ft.)	
Maximum Building Height	6 Storeys	
Minimum Front Yard Setback	1.2 metres (3.9 ft.)	
Minimum Flankage Side Yard Setback	1.2 metres (3.9 ft.)	
Minimum Interior Side Yard Setback	1.2 metres (3.9 ft.)	
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)	

6.6.4. Special Permit Use

- 1) The following special permit uses have been identified as compatible with the High-Density Residential Zone (R3). Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed:
 - a) Duplex dwelling;
 - b) Semi-detached dwelling;
 - c) Single unit dwelling

6.7. Residential Mobile Home Zone (RM)

6.7.1. General

- 1) Except as provided in this Bylaw, all development and land use in the RM Zone shall comply with the provisions of this section.
- 2) The Residential Mobile Home (RM) Zone is intended to:
 - a) Limit permitted land uses to mobile homes; and

- b) Regulate development in a manner that ensures the orderly placement of mobile homes and service buildings within the mobile home park.

6.7.2. Permitted Uses

- 1) Mobile home park;
- 2) Mobile home park offices, maintenance equipment storage and resident accessory structures;
- 3) Neighbourhood parks and playgrounds.

6.7.3. Provisions (RM Zone)

- 1) When a mobile home park abuts an R1, R2, R3, MU or I Zone, opaque fencing or a landscaped buffer strip a minimum of 1.8 metres (5.9 ft.) in height shall be provided along the side and rear lot lines, excluding access driveways.
- 2) All required yards shall be landscaped with soft landscaping, such as lawn, shrubs and trees.
- 3) All mobile home dwellings shall be fully skirted with a durable, opaque material.
- 4) All mobile home dwellings shall be permanently connected to electric, sewer and water facilities.

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area (Per Mobile Home Park)	0.4 hectares (1 acre)	Not permitted
Minimum Lot Area (Per Mobile Home)	464 sq.m (4994.5 sq.ft)	
Minimum Distance Between Mobile Homes	9 metres (29.5 ft.)	
Minimum Setback to a Lot Line	7.5 metres (24.6 ft.)	

6.7.4. Special Permit Use

- 1) Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.

6.8. Mixed Use Zone (MU)

6.8.1. General

- 1) Except as provided in this Bylaw, all development and land use in the Mixed Use (MU) (MU) Zone shall comply with the provisions of this section.
- 2) The Mixed Use (MU) Zone is intended to:

- a) Permit a range of residential, commercial and institutional uses suitable for the Settlement Area designations in the Official Plan; and
- b) Regulate development in a manner that is compatible with surrounding land uses.

6.8.2. Permitted Uses

- 1) Animal hospital;
- 2) Auction establishment;
- 3) Business or professional office;
- 4) Club;
- 5) Community care facility;
- 6) Community centre;
- 7) Convenience store;
- 8) Day care facility;
- 9) Farmer's Market;
- 10) Home-based business;
- 11) Hotel;
- 12) Marina;
- 13) Medical clinic;
- 14) Motel;
- 15) Personal service shop;
- 16) Place of worship;
- 17) Park;
- 18) Recreational use;
- 19) Residential care facility;
- 20) Restaurant;
- 21) Retail store;
- 22) Retirement home;
- 23) School;
- 24) Single-unit dwelling;

- 25) Duplex dwelling;
- 26) Entertainment facility;
- 27) Multi-unit dwelling;
- 28) Group home;
- 29) Secondary suite;
- 30) Accessory apartment;

6.8.3. Provisions (MU Zone)

1) For all development within the Mixed Use (MU) Zone the following provisions shall apply:

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area	450 sq.m (4843.8 sq.ft)	As per Appendix A
Minimum Lot Width	15 metres (49.2 ft.)	
Maximum Building Height	6 Storeys	12.8 metres (42ft)
Minimum Front Yard Setback	1.2 metres (3.9 ft.)	7.5 metres (24.6 ft.)
Minimum Flankage Yard Setback	1.2 metres (3.9 ft.)	7.5 metres (24.6 ft.)
Minimum Interior Side Yard Setback	2.5 metres (8.2 ft.)	4.5 metres (14.8 ft.)
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)

6.8.4. Special Permit Use

- 1) The following special permit use has been identified as compatible with the Mixed Use Zone (MU). Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.
 - a) Warehouse

6.9. Highway Commercial (HC)

6.9.1. General

- 1) Except as provided in this Bylaw, all development and land use in the HC Zone shall comply with the provisions of this section.
- 2) The Highway Commercial (HC) Zone is intended to:

- a) Permit a range of commercial uses suitable for well-travelled roads; and
- b) Regulate development in a manner that is compatible with surrounding land uses.

6.9.2. Permitted Uses

- 1) Animal hospital;
- 2) Auction establishment;
- 3) Automobile body shop;
- 4) Automobile dealership;
- 5) Automobile service station;
- 6) Automotive store;
- 7) Business or professional office;
- 8) Club;
- 9) Community centre;
- 10) Contractor's Shop or Yard;
- 11) Convenience store;
- 12) Day care facility;
- 13) Drive-through facility;
- 14) Entertainment Facility.
- 15) Farmer's market;
- 16) Garden centre;
- 17) Hotel;
- 18) Kennel;
- 19) Motel;
- 20) Personal service shop;
- 21) Place of worship;
- 22) Restaurant;
- 23) Retail store;
- 24) Salvage yard;

- 25) Shopping centre;
- 26) Warehouse;

6.9.3. Provisions (HC Zone)

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area	1115 sq.m (12001.8 sq.ft)	As per Appendix A
Minimum Lot Width	46 metres (150.9 ft.)	
Maximum Building Height	6 Storeys	12.8 metres (42ft)
Minimum Front Yard Setback	15 metres (49.2 ft.)	15 metres (49.2 ft.)
Minimum Flankage Yard Setback	15 metres (49.2 ft.)	15 metres (49.2 ft.)
Minimum Interior Side Yard Setback	4.5 metres (14.8 ft.)	4.5 metres (14.8 ft.)
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)

6.9.4. Special Permit Use

- 1) Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.

6.10. Community Zone (C)

6.10.1. General

- 1) Except as provided in this Bylaw, all development and land use in the Community Zone (C) shall comply with the provisions of this section.
- 2) The Community Zone (C) is intended to:
 - a) Permit a range of community uses to create and support communities; and
 - b) Regulate development in a manner that is compatible with surrounding land uses.

6.10.2. Permitted Uses

- 1) Business or professional office;
- 2) Club;
- 3) Community centre;

- 4) Community garden;
- 5) Day care facility;
- 6) Farmer’s market;
- 7) Hospital;
- 8) Library;
- 9) Museum.
- 10) Park;
- 11) Personal service shop;
- 12) Place of worship;
- 13) Post office;
- 14) Recreational use
- 15) Restaurant;
- 16) Retail store;
- 17) Single-unit dwelling

6.10.3. Provisions (C Zone)

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area	690 sq.m (7427.1 sq.ft)	As per Appendix A
Minimum Lot Width	22 metres (72.2 ft.)	
Maximum Building Height	12.8 metres (42ft)	12.8 metres (42ft)
Minimum Front Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Minimum Flankage Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Minimum Interior Side Yard Setback	3 metres (9.8 ft.)	3 metres (9.8 ft.)
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)

6.10.4. Special Permit Use

- 1) Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.

6.11. Institutional Zone (I)

6.11.1. General

- 1) Except as provided in this Bylaw, all development and land use in the Institutional Zone (I) shall comply with the provisions of this section.
- 2) The Institutional Zone (I) is intended to:
 - a) Permit a range of institutional uses to create and support communities; and
 - b) Regulate development in a manner that is compatible with surrounding land uses.

6.11.2. Permitted Uses

- 1) Business or professional office;
- 2) Community centre;
- 3) Day care facility;
- 4) Library;
- 5) Museum;
- 6) Park
- 7) Place of assembly;
- 8) Place of worship;
- 9) Park;
- 10) School.

6.11.3. Provisions (I Zone)

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area	1,000 sq.m (10763.9 sq.ft)	As per Appendix A
Minimum Lot Width	30 metres (98.4 ft.)	
Maximum Building Height	12.8 metres (42ft)	12.8 metres (42ft)
Minimum Front Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Minimum Flankage Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Minimum Interior Side Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)

6.11.4. Special Permit Use

- 1) Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.

6.12. Light Industrial Zone (LI)

6.12.1. General

- 1) Except as provided in this Bylaw, all development and land use in the LI Zone shall comply with the provisions of this section.
- 2) The Light Industrial Use Zone is intended to:
 - a) Permit light industrial uses to support economic activities in Three Rivers; and
 - b) Regulate development in a manner that is compatible with surrounding land uses.

6.12.2. Permitted Uses

- 1) Auction establishment;
- 2) Automobile body shop;
- 3) Contractor's shop or yard;
- 4) Kennel;
- 5) Light Industrial use
- 6) Recycling facility;
- 7) Warehouse.

6.12.3. Provisions (LI Zone)

- 1) Where an Industrial Zone abuts a non-Industrial Zone, one of the following shall be provided along the abutting property line:
 - a) A landscaped buffer strip with a minimum width of 3 metres (9.84 ft.).
- 2) Where outdoor display, outdoor storage, or garbage collection bins are permitted on a lot:
 - a) The outdoor display, outdoor storage, or garbage collection bins shall not be permitted within a required front yard of a lot;
 - b) The area devoted to outdoor display, outdoor storage, or garbage collection bins shall not exceed 50 percent of the lot area; and

- c) All garbage collection bins associated with the industrial use shall be screened by an opaque fence with a minimum height of 1.8 metres (5.9 ft.).

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area	1,115 sq.m (12001.8 sq.ft)	As per Appendix A
Minimum Lot Width	30 metres (98.4 ft)	
Maximum Building Height	12.8 metres (42ft)	12.8 metres (42ft)
Minimum Front Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Minimum Flankage Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Minimum Interior Side Yard Setback	Abutting an LI or HI zone: 4.5 metres (14.8ft) All other cases: 7.5 metres (14.8 ft)	4.5 metres (14.8 .ft)
Minimum Rear Yard Setback	7.5 metres (14.8 ft)	7.5 metres (14.8 ft)

6.12.4. Special Permit Use

- 1) Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.

6.13. Heavy Industrial Zone (HI)

6.13.1. General

- 1) Except as provided in this Bylaw, all development and land use in the Heavy Industrial (HI) Zone shall comply with the provisions of this section.
- 2) The Heavy Industrial Zone (HI) is intended to:
 - a) Permit heavy industrial uses to support economic activities in Three Rivers;
 - b) Restrict heavy industrial uses to the HI zone to protect public health and safety; and
 - c) Regulate development in a manner that is compatible with surrounding land uses.

6.13.2. Permitted Uses

- 1) Auction establishment;

- 2) Automobile body shop;
- 3) Contractor's shop or yard;
- 4) Heavy industrial use;
- 5) Kennel;
- 6) Recycling facility;
- 7) Warehouse.

6.13.3. Provisions (HI Zone)

- 1) Where a Heavy Industrial (HI) Zone abuts a non-Industrial Zone, one of the following shall be provided along the abutting property line:
 - a) An opaque fence with a minimum height of 1.8 metres (5.9 ft.); or
 - b) A landscaped buffer strip with a minimum height of 1.8 metres (5.9 ft.) and a minimum width of 3 metres (9.84 ft.).
- 2) Where outdoor display, outdoor storage, or garbage collection bins are permitted on a lot:
 - a) The outdoor display, outdoor storage, or garbage collection bins shall not be permitted within a required front yard of a lot;
 - b) The area devoted to outdoor display, outdoor storage, or garbage collection bins shall not exceed 50 percent of the lot area; and
 - c) The area devoted to garbage collection bins associated with the industrial use shall be screened by an opaque fence with a minimum height of 1.8 metres (5.9 ft.).
- 3) Parking spaces shall not be permitted within 6 metres of a side or rear lot line that abuts a non-industrial zone.

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area	1,115 sq.m (12001.8 sq.ft)	As per Appendix A
Minimum Lot Width	30 metres (98.4 ft.)	
Maximum Building Height	12.8 metres (42ft)	12.8 metres (42ft)
Minimum Front Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Minimum Flankage Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)

Minimum Interior Side Yard Setback	Abutting an LI or HI zone: 4.5 metres (14.8 ft.) All other cases: 7.5 metres (24.6 ft.)	4.5 metres (14.8 ft.)
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)

6.13.4. Special Permit Use

- 1) Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.

6.14. Resource Extraction Zone (RE)

6.14.1. General

- 1) Except as provided in this Bylaw, all development and land use in the RE Zone shall comply with the provisions of this section.
- 2) The Resource Extraction (RE) Zone is intended to:
 - a) Permit resource extraction uses to support economic activities in Three Rivers;
 - b) Restrict resource extraction uses to the Resource Extraction (RE) to protect public health and safety; and
 - c) Regulate development in a manner that is compatible with surrounding land uses.

6.14.2. Permitted Uses

- 1) Excavation pit.

6.14.3. Provisions (RE Zone)

Performance Standard	Requirement
Minimum Lot Area	As per Appendix A
Minimum Lot Width	
Maximum Building Height	12.8 metres (42ft)
Minimum Front Yard Setback	7.5 metres (24.6 ft.)
Minimum Flankage Yard Setback	7.5 metres (24.6 ft.)
Minimum Interior Side Yard Setback	7.5 metres (24.6 ft.)
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)

6.14.4. Special Permit Use

1) Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.

6.15. Parks and Open Space Zone (OS)

6.15.1. General

- 1) Except as provided in this Bylaw, all development and land use in the Parks and Open Space Zone (OS) shall comply with the provisions of this section.
- 2) The Parks and Open Space Zone (OS) is intended to:
 - a) Reserve land in Three Rivers for recreation and amenity purposes;
 - b) Identify lands for marinas and wharfs associated water-based recreation and economic activities;
 - c) Regulate development in a manner that is compatible with surrounding land uses.

6.15.2. Permitted Uses

- 1) Community garden;
- 2) Farmer's market;
- 3) Marina;
- 4) Marine facility;
- 5) Open space;
- 6) Park; and
- 7) Recreational use.

6.15.3. Provisions (OS Zone)

Performance Standard	Requirement	
	Central Services	Partial or Private Services
Minimum Lot Area	No minimum	As per Appendix A
Minimum Lot Width	No minimum	
Maximum Building Height	12.8 metres (42ft)	12.8 metres (42ft)
Minimum Front Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)

Minimum Flankage Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Minimum Interior Side Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Minimum Rear Yard Setback	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)

6.15.4. Special Permit Use

- 1) Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.

6.16. Environmental Protection Zone (EP)

6.16.1. General

- 1) Except as provided in this Bylaw, all development and land use in the Environmental Protection Zone (EP) shall comply with the provisions of this section.
- 2) The Environmental Protection Zone (EP) is intended to:
 - a) Reserve land in Three Rivers for the protection of sensitive environmental features;
 - b) Preserve visual amenity in the Town of Three Rivers.

6.16.2. Permitted Uses

- 1) Conservation-related uses; and
- 2) Passive recreational uses.

6.16.3. Provisions

Performance Standard	Requirement
	Partial or Private Services
Minimum Lot Area	As per Appendix A
Minimum Lot Width	

6.16.4. Special Permit Use

- 1) Where a special permit use is proposed it shall be subject to the approval of Council and any conditions imposed.

7. General Provisions for Subdividing Land

7.1. Subdivision Approval

- 1) No person shall engage in the subdivision of land unless the proposed development is compliant with the provisions of this Bylaw.

7.2. Conveying Interest in a Lot

- 1) No person shall sell or convey any interest in a lot in a subdivision before the Development Officer has issued approval for the subdivision in which the lot is situated.

7.3. Permission to Subdivide

- 1) No person shall subdivide land unless the subdivision:
 - a) Complies with the requirements of this Bylaw;
 - b) Is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
 - c) Will not cause undue flooding or erosion;
 - d) Has convenient access to a road;
 - e) Has adequate utilities and services available or can be conveniently provided with such utilities and services;
 - f) Is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;
 - g) Is suitable to the use for which it is intended for the future use of adjacent lands; and

7.4. Subdivision Procedure

- 1) Any person seeking approval of a subdivision shall first make application for preliminary approval to the Development Officer and shall be required to submit, along with the application, one copy of a preliminary subdivision plan, drawn to scale, showing:
 - a) The true shape and dimensions of every lot;
 - b) The location of every existing building or structure on the parcel;
 - c) Existing and proposed services and utilities;
 - d) Proposed widths and locations of all streets;
 - e) Location of land proposed for recreation and public open space use; and
 - f) The existing use of the land and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.

- 2) Applicants of approved subdivisions shall be required to register perimeter deeds with the Provincial Registrar of Deeds.
- 3) Where a subdivision would result in one or more lots of 10 acres or more, a plan of subdivision drawn accurately to scale on a provincial property map may be submitted in lieu of a certified survey plan for those lots that will be 10 acres or greater in area. A certified survey plan shall not be required for the remaining portion of the original parcel from which a parcel was created from, resulting in one or more lot(s) of 10 or more acres.

7.5. Servicing

- 1) All proposed lots to be subdivided shall have the capacity to be serviced by central or private water and sanitary services.
- 2) Notwithstanding provision (1), where a subdivision creates a lot on which development is prohibited, including by not limited to environmental preservation areas, setback buffers, and open spaces, the lot need not have the capacity to be serviced by central or private water and sanitary services.

7.6. Highways and Roads

7.6.1. General

- 1) All lots created through a subdivision shall have frontage on a public road.
- 2) Notwithstanding provision (1), a lot that fronts onto a private road shall be deemed to have frontage on a street, provided the private road was legally established and is governed in accordance with an agreement registered in the Provincial Registrar of Deeds.
- 3) New private roads shall be permitted where all lots serviced by the private road accommodate one of the following uses:
 - a) Commercial rental cottages;
 - b) Farm buildings;
 - c) Seasonal commercial and residential uses related to tourism;
 - d) Single family dwellings; and
 - e) Wind energy conversion system development.
- 4) Where a private road is proposed through a subdivision, the private road shall be designed to provincial standards, with the exception of finished pavement.
- 5) Notwithstanding provision (4), subdivisions containing 21 or more lots established after March 21, 2009 shall be serviced by public roads regardless of land use.

- 6) All development shall comply with the requirements of the Roads Act R.S.P.E.I. 1988, R-15, including the requirement of Entrance Permits, as applicable.

7.6.2. Subdivisions Along Collector Highways

1) Where an existing lot which abuts, and requires access to, a collector highway classified under the Roads Act R.S.P.E.I. 1988, R-15 is proposed to be subdivided:

- a) A lot with less than 402.3 metres (1319.9 ft) of frontage on the collector highway may only be subdivided to create one new lot in addition to the retained lot;
- b) A lot with more than 402.3 metres (1319.9 ft) of frontage on the collector highway may be subdivided to create a maximum of one new lot for every 201 metres of frontage along the collector highway.

2) Notwithstanding provision (1), where the proposed lot contains an existing farm dwelling served by an existing highway access, one additional lot may be created in addition to the allowances in provision (2).

3) Where an additional lot is created under provision (2), no dwelling unit may be developed on the remainder of the subdivided parcel.

7.7. Subdivisions Along Shorelines

1) Where a subdivision is proposed along a shoreline, the subdivision may include a right of-way easement to be dedicated to the Town of Three Rivers to provide public pedestrian access to the shoreline.

7.8. Residential Panhandle Lot

- 1) Where a lot is proposed to be subdivided from an existing parcel of land that is not a panhandle lot, and the proposed lot does not have the minimum required frontage on a public road, it may be approved as a panhandle lot where:
 - a. The lot will include vehicular access to a public road by way of a driveway that is part of the lot, or an exclusive right-of-way that is registered over an adjacent parcel.
 - b. The access driveway or right-of-way has a minimum width of 7.3 metres (24 feet);
 - c. No other panhandle lot has been subdivided from the existing parcel of land.
 - d. The lot and the remnant parcel meet all the requirements of this Bylaw.
 - e. The area of the access driveway or right-of-way portion of a panhandle lot shall not be included in the minimum lot area requirements as set out in Appendix A.
 - f. A lot that has been approved as a panhandle lot may not be further subdivided.

7.9. Park and Dedication

1) For subdivisions creating six or more lots, up to 10 percent of the lands being subdivided may be conveyed to the Town for the purposes of parkland. The parkland dedication

requirement may alternatively be established and therein maintained through the creation of a homeowner's association, which shall assume ownership at a point to be determined by the Council. The physical condition and location of the land shall, in the opinion of Council, be suitable for use as parkland and shall include at least 1.8 metres (5.9 ft.) of frontage on approved street.

- 2) Where Council deems a dedication of land is not appropriate or the exercising of the conveyance, or establishment through a homeowner's association is not appropriate, Council may impose a parkland dedication fee up to 10 percent of the fair market value of the lands being subdivided. The sum shall be specifically designated for the purchase, development, or maintenance of public parklands in the Town. The parkland dedication fee shall be calculated on the value of the lands being subdivided at the time of application and shall not account for the value of structures on the lands.

7.10. Subdivision Agreement

- 1) The Town may require applicants of a subdivision to enter into a Subdivision Agreement as a condition of subdivision approval. The Subdivision Agreement may cover any matters as required by the Development Officer and/or Council and may include, but not be limited to the following:
 - a) Design and construction costs of sidewalks, water supply, sanitary and storm sewers, roads, and street lighting;
 - b) Dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
 - c) Deeding of roads to the Department of Transportation and Public Works;
 - d) Posting of a financial guarantee satisfactory to Council;
 - e) Provision of a controlled landscape plan and stormwater management plan to facilitate the drainage of water and to guard against flooding of lots within the subdivision and adjacent properties;
 - f) Provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision;
 - g) Provision for the phasing of the subdivision; and
 - h) Preservation and enhancement of surface water drainage systems.

7.11. Final Approval

- 1) Final subdivision approval shall be granted by Development Officer only where the developer has complied with all applicable requirements of this Bylaw and has submitted five copies of a final subdivision plan showing all lots pinned and certified by a surveyor registered to practice in Prince Edward Island.

- 2) The Development Officer may grant final approval to part of a subdivision that is proposed to be developed in phases.
- 3) The Development Officer shall give notice of final approval of a subdivision in writing and shall place the Town’s seal on the five copies of the subdivision plan and shall return one copy to the applicant.
- 4) The Development Officer shall file a copy of the final subdivision plan with:
 - a) The Registrar of Deeds;
 - b) The Department of Transportation and Infrastructure; and
 - c) Council files.

8. Parking Requirements

8.1. Parking Requirements

- 1) For every building or structure to be erected or enlarged, off-street parking having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule:

Type of Use	Number of Parking Spaces
Residential	1.5 per dwelling unit (minimum of 2)
Auditorium, theatre, church or hall	1 per 4 seats
Hotel, motel, or tourist home	1 per guest room
Restaurants (including take outs)	1 per 100 sq.ft (9.3 sq.m) minimum of 10
Business and professional offices	1 per 300 sq.ft (27.9 sq.m) of floor area
Warehouse and storage facilities and other industrial uses	1 per employee
Other Commercial Uses	1 per 300 sq.ft (27.9 sq.m) of floor area
Other Institutional or Recreation Uses	1 per 400 sq.ft (37.2 sq.m) of floor area
Other industrial uses	1 per employee

8.2. Loading Zones

- 1) For development proposing 185.8 sq.m (2000 sq.ft.) (or above) of commercial floor space, including hotels, motels, restaurants, warehouse & storage facilities minimum of one loading bay may be required.
- 2) A loading space may be located wholly or partly within a building or structure.
- 3) A loading space shall be:

- a) A minimum of 3.6 metres (11.8 ft.) by 9.2 metres (30.2 ft.), with a vertical clearance of 4.6 metres (15.1 ft.).
- b) Constructed with a stable surface that is treated to prevent the raising of dust or loose particles; and
- c) Have access to a street by means of a driveway with a minimum width of 3.6 metres (11.8 ft.) for one-way traffic and 7.2 metres (23.6 ft.) for two-way traffic.

8.3. Parking Lot Standards

- 1) Where a parking lot for more than four spaces is to be constructed:
 - a) the parking lot shall be constructed with a stable surface that is treated to prevent the raising of dust or loose particles;
 - b) any lighting used to illuminate the parking lot shall be diverted away from streets, adjoining lots and buildings;
 - c) a building not more than 4.6 metres (15.1 ft.) in height and not larger than 4.6 sq.m (49.5 sq.ft) in area may be erected for use of permanent attendants;
 - d) where a permanent hard surface is used, each parking space shall be marked;
 - e) the number of driveways accessing a lot shall not exceed two from any one street;
 - f) a driveway accessing a parking lot shall have a minimum width of 7.6 metres (24.9 ft.); and
 - g) parking lots which abut residential uses shall be screened by landscape buffers, fences or a combination thereof.
- 2) In addition to the parking requirements in this Bylaw, where off-street parking is provided on the same lot as the associated building, accessible parking shall be provided at a rate of one accessible space per 100 parking spaces, or part thereof.
- 3) Where an accessible parking space is provided, the space shall be 3.6 metres (11.8 ft.) wide and shall be located a maximum distance of 45 metres (147.6 ft.) from the accessible building entrance.
- 4) A parking space shall measure 3 metres x 6.1 metres (10ft x 20ft) exclusive of driveways, and maneuvering aisles, except for parallel parking spaces, which shall be 2.4 metres x 6.1 metres (8ft x 20ft).
- 5) Where a property is required to provide off-street parking by this Bylaw, an owner or occupier of that property may request, in lieu of providing off-street parking spaces, pay to the Town the sum of \$1,500.00 per required off-street parking space. The money received as cash-in-lieu of parking will be included within a dedicated Town reserve fund to be used towards local transportation improvements by the Town that encourage non-

automotive transportation. No more that 10% of the required parking space may be submitted as cash-in

9. Signage

9.1. General

- 1) Except where otherwise exempted in this Bylaw, no person shall erect a sign without first obtaining a Development Permit from the Development Officer.
- 2) No Development Permit to erect a sign shall be issued unless all sign provisions of this Bylaw are satisfied.
- 3) An indoor sign shall not be considered a sign for the purpose of this Bylaw unless it is intended to be viewed from outside the building.

9.2. Maintenance

- 1) Every sign shall be kept clean, in good repair and working order.
- 2) If the business, service or other enterprise for which a sign is erected is no longer in operation, the sign shall be removed by the owner within 60 days of the date the operations cease. Removal of a sign includes the support structure or apparatus to which it is attached.
- 3) Provision (2) shall not apply to a seasonal enterprise that normally closes during part of the year.

9.3. Number of Signs

- 1) A sign with two or more faces, including a projecting sign or a ground sign, shall be classified as one sign.
- 2) No more than three signs, other than wall signs, may be erected on a lot unless otherwise approved by the development officer.
- 3) Where there are more than two businesses on a lot, there may be one directory sign per lot and independent signs shall be permitted for each business.
- 4) The maximum size of a directory sign shall not exceed 19 sq.m (204.5 sq.ft).

9.4. Signs Permitted in All Zones

- 1) The following signs shall be permitted in all zones and no Development Permit shall be required:
 - a) Signs identifying the name and address of a resident, provided the sign does not exceed 0.4 sq.m (4.3 sq.ft) in area;
 - b) Signs for regulating the use of a property, including “No Trespassing” signs, provided that the sign does not exceed 0.4 sq.m (4.3 sq.ft) in area;

- c) Real estate signs that advertise the sale, rental or lease of the premises for the duration of the marketing period;
- d) On-premises directional or traffic control signs, provided that the sign does not exceed 0.4 sq.m (4.3 sq.ft) in area;
- e) Signs erected by a government body or under the direction of a government body; f) Memorial signs or tablets;
- g) Community identification signs;
- h) The flag, pennant or insignia of any government, religious, charitable or fraternal organization;
- i) Temporary election signs;
- j) Temporary signs advertising a construction firm on the lot where the construction is occurring, provided the sign does not exceed 3 sq.m (32.3 sq.ft) in a residential zone or 6 sq.m (64.6 sq.ft) in all other zones.
- k) Identification signs for a place of worship; and
- l) Temporary signs that comprise part of a seasonal or holiday decorative display, provided the sign is not displayed for a period exceeding 60 days.
- m) Pesticide and insecticide spraying warning signage.
- n) A sign erected on a vehicle or trailer, parked on public or private property so as to be visible from a street, for the sole purpose of advertising products or directing people to a business or activity located on the same or nearby property.

9.5. Signs Prohibited in All Zones

- 1) The following signs are not permitted in any zone:
 - a) Signs that incorporate flashing illumination or moving parts;
 - b) Roof signs;
 - c) Any sign or sign structure that is or could be a safety hazard;
 - d) Any sign that obstructs or detracts from the visibility or effectiveness of any traffic sign or control device;
 - e) Any sign that obstructs the free egress from any fire exit door, window, or other required exit way;
 - f) Any sign not erected by a public authority that makes use of words such as “Stop,” “Look,” “One Way,” “Danger,” “Yield,” or any similar word, phrase, symbol, light or character in such manner as to mislead or confuse the traffic along a street;
 - g) Any sign erected upon a public property or a public right-of-way, unless erected by a public authority or authorized by a public authority;

- h) Signs painted on, attached to, or supported by a tree, stone cliff, or other natural object; with the exception of civic address;
- i) Balloon or gas-filled figure or signs;
- j) Signs not related to any business or use located on the lot or premises unless otherwise approved by the development officer.
- k) Signs displaying obscene content.

9.6. Wall Signs

- 1) No wall signs shall exceed above the top or beyond the sides of the wall to which it is affixed.

9.7. Projecting Signs

- 1) Projecting signs shall:
 - a) Not have a sign face larger than 1 square metre (10.8 sq.ft).
 - b) Not project further than 1 metre (10.8 sq.ft) from the wall to which it is affixed;
 - c) Not project above the wall to which it is affixed;
 - d) Not extend beyond the property line of the property on which it is erected;
 - e) Not swing freely on its support; and
 - f) Be erected not lower than 2 metres (6.6 ft.) and not higher than 5 metres (16.4 ft.) above the ground.

9.8. Ground Signs

- 1) Ground signs shall:
 - a) Not exceed 12 metres (39.4 ft.) in height;
 - b) Not have a sign face larger than 5 sq.m (53.8 sq.ft); and
 - c) Not extend beyond the property line of the property on which it is erected.

9.9. Mobile Signs

- 1) Mobile signs shall be permitted subject to the following:

- a) Sandwich board signs shall be limited to Mixed Use (MU), Highway Commercial (HC), or Rural Zones (RU);
- b) No more than one mobile sign is permitted on a lot;
- c) The mobile sign shall be removed after 30 consecutive days unless otherwise permitted by the development officer;
- d) The mobile sign has no moving parts or flashing or unshielded lights; and
- e) The sign does not exceed 6 sq.m (64.6 sq.ft) in size.

9.10. Canopies or Awnings

- 1) Signs incorporated in a canopy or awning shall be permitted.

9.11. Sandwich Board Signs

- 1) Sandwich board signs shall be permitted subject to the following:
 - a) Sandwich board signs shall be affixed securely in place.
 - b) Sign faces shall not exceed 1 square metre (10.8 sq.ft) in area;
 - c) One sandwich board sign shall be permitted per business on a lot; and
 - d) Sandwich board signs shall not obstruct pedestrian or vehicular traffic.

9.12. Menu Signs

- 1) For commercial operations that operate a drive-through facility, menu boards shall be permitted in addition to all other signage, provided:
 - a) The menu board does not exceed 2 sq.m (21.5 sq.ft) in area;
 - b) The menu board is positioned so that lighting does not project on neighbouring properties or street rights-of-way; and
 - c) The menu board complies with setback requirements in the applicable zone.

9.13. Signs in Sports Fields and Outdoor Arenas

- 1) Notwithstanding the provisions of this section, any number of signs may be erected in a sports field or outdoor arena, provided the signs are intended for view from within the sports field or outdoor arena.

10. Repeal

10.1. Repeal

- 1) The Town of Three Rivers Development Bylaw 2023-02, all previous versions, and all amendments thereto are hereby repealed.
- 2) The Brudenell Zoning Bylaw 2019-06, all previous versions, and all amendment thereto are hereby repealed.
- 3) The Town of Georgetown Zoning & Subdivision Control (Development) Bylaw, 2018, all previous versions, and all amendments thereto are hereby repealed.
- 4) The Community of Lower Montague Zoning and Subdivision Control Bylaw, all previous versions, and all amendments thereto are hereby repealed.
- 5) The Town of Montague Zoning Bylaw, 2017, all previous versions, and all amendments thereto are hereby repealed.
- 6) The Town of Montague Subdivision Bylaw, 2008, all previous versions, and all amendments thereto are hereby repealed.

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Zoning Schedules

- Schedule A - Land Use and Road Network (Key Map)
- Schedule A1 – Montague Settlement Area
- Schedule A2 – Georgetown Settlement Area
- Schedule A3 – Cardigan Settlement Area
- Schedule A4 – Poole’s Corner Settlement Area

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Appendix A: Minimum Lot Area and Lot Width Requirements for Lots on Partial or Private Services

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 4ft. (1.22 m) or greater, and
- c) 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).

Table A1 – 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 Lots – 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.

(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 Lots – feet / metres
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 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 system	V	N/A	N/A	Not developable	N/A

(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 Lots – 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.

(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 Lots – feet / metres
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

(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 Lots – feet / metres
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.

Table A2 – 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.

(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
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.

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