

SECTION 3 DEFINITIONS

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

- 3.1 “Abattoir and Meat Processing Establishment” means an Establishment or part thereof in which animals are slaughtered and May include the packing, treating, storing, and sale of the product on the premises.
- 3.2 “Accessory Building” means a subordinate Building or Structure located on the same Lot as the Main Building, and the Use of which is incidental to the Main Building. For the purposes of this By-law, where a home is situated on a Lot or a parcel of land it Shall be considered the Main Building and all other associated Buildings Shall be considered Accessory Buildings. A private Garage, a tool shed, a Greenhouse, a storage Building, a Farm Structure, above or below ground storage tanks with a capacity less than 2,000 litres (439.9 gallons), or a combination of these Uses Shall be considered Accessory Buildings.
- 3.3 “Accessory Use” means a Use or Structure on the same Lot with, and of a nature customarily incidental and subordinate to, the Principal Use or Structure.
- 3.4 “Addition” means an Alteration or Renovation resulting in an increase in the gross floor area of a Building.
- 3.5 “Affected Property Owner” means a property listed in the Assessment Roll compiled by the Provincial Department of Finance under the *Real Property Assessment Act*, Cap. R-4, R.S.P.E.I. 1988, and as provided to the City at the beginning of each year (with printed and/or electronic updates throughout the year). The City is responsible for only those names on the latest electronic files for the Assessment Roll to the City when sending Notices for variances.
- 3.6 “Agricultural Use” means the Use of land and Buildings for the production of food, fibre, or flora, sod Farming, or the breeding and handling of animals, and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals but for the purposes of this By-law Agricultural Use does not include intensive fowl, livestock, Kennel, or fox Farm operations.
- 3.7 “Airport Zoning Regulations” means the Regulations Respecting Zoning at Charlottetown Airport as passed pursuant to Section 5.4 of the *Aeronautics Act* and all amendments thereto.
- 3.8 “Alter” means to change in any manner, structurally or otherwise, in whole or in part, the exterior or interior of a Building or Structure, and includes to Restore, renovate, repair, or change in any manner the design of such Building or Structure.
- 3.9 “Alteration” means any change in a structural component, or any increase or decrease in the volume of a Building or Structure. This Shall also cover windows, doors and/or Structure thereto in Heritage Resources.
- 3.10 “Amenity Area” means an area of land set aside for the purposes of visual improvement or relaxation except where an Amenity Area is required for any multiple Unit Dwelling, in which case the area May also include that portion of the Building which is devoted to relaxation such as games rooms and balconies.
- 3.11 “Animal Shelter” means an Establishment Used for the care of lost, abandoned, or neglected animals and operated by a public or semi-public authority, or by a non-profit private organization.
- 3.12 “Appurtenances” means, but is not limited to, walls, fences, light fixtures and Standards, Signage, steps, and Street and sidewalk paving.
- 3.13 “Architectural Details” means, but is not limited to, any original or period decorative work which includes large boards, brackets, chimneys, columns, cornices, door handles, friezes, etc.
- 3.14 “Assessed Property” means the Assessed Property listed in the Assessment Roll compiled by the Provincial Treasurer under the *Real Property Assessment Act* R.S.P.E.I. 1988, Cap. R-4 and amendments thereto, which printed Assessment Roll is issued to the City at the beginning of each year (with printed updates throughout the year). The City is responsible for only those names on the latest printed Assessment Roll issued to the City when sending Notices under this By-law.

- 3.15** “Auction Establishment” means an Establishment for the auctioning and related temporary storage of goods and equipment, except livestock and motor vehicles.
- 3.16** “Automobile Sales and Services” means an Establishment for the sale and/or rental of passenger vehicles, trucks, vans, motorcycles, snowmobiles, tent and holiday trailers, boats or other recreational vehicles or craft, and includes supplementary vehicle Maintenance, sale of vehicle parts and accessories, and dispensing of motor fuel to vehicles owned or rented by the vehicle sales and rental service. Has the same meaning as “Vehicle Sales or Rentals” but “Equipment Sales, Rental Service” is a separate Use.
- 3.17** “Automobile Body Shop” means a Building or a clearly defined space on a Lot Used for the storage, repair, and servicing of motor vehicles including body repair, painting, and engine rebuilding, but does not include an Automobile Service Station or an automobile sales Establishment; this definition includes compound lots for automobile towing establishments.
- 3.18** “Automobile Sales and Services” has the same meaning as “Vehicle Sales or Rentals”.
- 3.19** “Automobile Service Station” means an Establishment where gasoline, oil, grease, anti-freeze, tires, and accessories for motor vehicles are stored and kept for sale, and where repairs to motor vehicles are performed. This definition May include washing Establishments and a Convenience Store. “Automobile Body Shop” and “Automobile Shop” are separate Uses.
- 3.20** “Automobile Shop” means an Establishment for the repair of automobiles, trucks not exceeding one and one-half ton capacity, motorcycles, snowmobiles, and other vehicles; the retail sale, installation, servicing, or machining of automotive parts and accessories; and drive-thru vehicle repair, servicing, and cleaning facilities. This term refers to Uses such as alignment, muffler, automotive glass, transmission repair, vehicle upholstery shops, tire stores, and Car Washes. “Automobile Body Shop” and “Automobile Service Station” are separate Uses.
- 3.21** “Automotive Drive-in Business” means an Establishment providing rapid cleaning, lubrication, Maintenance or repair services to motor vehicles where the customer typically remains within his vehicle or waits on the premises. Typical Uses include automatic or coin operated Car Washes, rapid lubrication shops, appraisal, or specialty repair Establishments.
- 3.22** “Balcony” means a railed elevated platform projecting from the wall of a building, and which is not connected to the ground by a staircase and does not include Patio/Decks which are above grade.
- 3.23** “Bank or Financial Institution” means an institution where money is deposited, kept, lent, or exchanged.
- 3.24** “Basement” means a Storey or stories of a Building or Structure located below the First Storey.
- 3.25** “Bed & Breakfast or Tourist Home” means a Dwelling occupied by a Family and Used incidentally to provide visitor accommodation and breakfast to transient travelers for remuneration, but “Boarding or Rooming House”, “Group Home”, “Hostel”, “Hotel or Motel”, and “Inn” are separate Uses and are separately defined.
- 3.26** “Block” means the smaller unit of land and boundaries of which consist entirely of public Streets, rivers, railroads, Public Parks, zone boundary, or any combination thereof, or as May be defined by a zone boundary which May exist in the by-law or as May be set by by-law.
- 3.27** “Boarding or Rooming House” means a Dwelling in which the proprietor supplies, for monetary gain, a room or room and board to more than three but not more than six Persons, exclusive of the Owner of the Building or members of his Family, and which Building is not open to the general public but does not include an Emergency/Transition Facility.
- 3.28** “Buffer” means a portion of any Lot or parcel of land that is set aside to serve as a visual and spatial separation between the land Use or activity that is carried out on the Lot and the land Use or activity that is carried out on the Lot adjacent to the Buffer.
- 3.29** “Building” means any permanent Structure Used or built for the shelter, accommodation, or enclosure of Persons, animals, materials vehicles, or equipment, and Used for any of the foregoing purposes;
- 3.30** “Building, Attached” means a Building or Accessory Building attached to the Main Building by means of a common wall, which depends for structural support or complete enclosure upon this division wall or walls shared in common with, or roof and enclosed walkway to allow access without a Person going outside.
- 3.31** “Building Line” means any line defining the position of a Building or Structure on a Lot.

- 3.32** Bulk Fuel Station” means an Establishment for the storage and distribution of petroleum products in bulk quantities, and may include retail sales or processing. Accessory Uses May include tanker vehicle storage and key-lock pumps. Storage tanks under 4000 USWG fall under the installation regulations of the Province (and CSA Standards B-149.2) and over that size tank used for storage, the City of Charlottetown under the Fire Prevention Bylaw which adopts NFPA 1 and thereby, NFPA 58 may be applied for new or expansion of Bulk Fuel Stations and distribution sites in the City.
- 3.33** “Campground” means a facility intended for seasonal occupancy by holiday trailers, recreation vehicles, tents, and similar equipment and includes a Recreational Vehicle (RV) Park, and May include supplementary bathroom, laundry, recreation, and convenience retail facilities.
- 3.34** “Carport” means a Building or Structure which is not wholly enclosed and is Used for the Parking or storage of private passenger vehicles.
- 3.35** “Car Wash” means a Building or Structure containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed. The Car Wash May operate on its own or in conjunction with an Automobile Service Station or an Automobile Shop.
- 3.36** “Cash-in-lieu of Parking Spaces” means an arrangement whereby an Owner, Developer or Subdivider, as the case may be, pays money to the City in substitution of the provision of Parking Spaces required under this Bylaw, as a condition of approval of an application made under this Bylaw.
- 3.37** “Cemetery” means the Use of land primarily as Landscaped Open Space in the placement of grave sites.
- 3.38** “Central Sewage System” means a municipal or private waste treatment system installed and approved according to municipal Standards and meeting the requirements of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9 and amendments thereto.
- 3.39** “City” means the City of Charlottetown established pursuant to the *Charlottetown Area Municipalities Act*, R.S.P.E.I. 1988, Cap. C-4.1.
- 3.40** “Club” means the premises of a social Club where there May or May not be alcoholic beverages served.
- 3.41** “Commercial Recreation Establishment” means a recreation Establishment operated as a business and open to the public for a fee.
- 3.42** “Commercial Vehicle” means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles.
- 3.43** “Community Building” means a Building or Structure Used mainly for non-commercial recreational and cultural purposes.
- 3.44** “Community Care Facility” means a facility licensed as such pursuant to the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13 and amendments thereto.
- 3.45** “Community Institutional” means a charitable or non-profit organization or government service which provides a neighbourhood or community service in a residential area, and which occupies no more than 50 percent of the Building in a residential zone.
- 3.46** “Contemporary Materials” means, but is not limited to, angelstone, aluminum, asbestos siding, vinyl siding, pre-cast concrete, mirrored or tinted glass, and any other materials not available for Buildings constructed prior to 1900.
- 3.47** “Convenience Store” means a small Retail Store, located in a convenient site in a neighbourhood, that serves the daily or occasional needs of residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, delicatessen products, sundries, tobacco, incidental hardware, newspapers, magazines, and videos.
- 3.48** “Council” means the Mayor and Councillors of the City.
- 3.49** “Cultural Establishment” means an Establishment Used for display, storage, restoration, or events related to art, literature, music, history, or science. This term refers to Uses such as art galleries, Theatres, libraries, auditoria, archives, interpretive centres, and museums.
- 3.50** “Curb Cut” means the cutting or lowering of a curb, sidewalk, or boulevard to provide for vehicular and pedestrian access to a site.

3.51 “Day Care Centre”

- .1 Commercial Daycare Centre means an Establishment for the provision of care and supervision of children, as regulated in the *Child Care Facilities Act* R.S.P.E.I. 1988, Cap. C-5 and amendments thereto.
- .2 Neighbourhood Daycare Centre means an Establishment for the provision of care and supervision of up to seven (7) children operating in a residential area in a home or Dwelling Unit, and the proprietor(s) of which resides in that dwelling.

3.52 “Daylighting Triangle” means the triangular shaped land which is that part of, and within a Corner Lot adjacent to the intersection of the Front Lot Line and the flankage Lot Line, and which is measured from such intersection and along each Street Line the distance required by this By-law and along a straight line joining the points of the required distance along each Street Line. In the case of a through Lot, a Daylighting Triangle Shall also be adjacent to the intersection of the Rear Lot Line and the flankage Lot Line, and Shall be measured from such intersection the distance required by this By-law and along a straight line joining the points of such distance.

3.53 “Deck” means an open, unroofed porch or platform extending from a building, and serving as an outdoor living area. “At Grade” for a deck is 0.3m (1.0 ft) or less above grade. This definition includes patios.

3.54 “Defacto Building Line” means where there are Buildings on adjoining Lots and a Streetscape has been established, the average Front Yard Setback of the adjoining Buildings on the same side of the Block Shall be Used when establishing the location of a new or moved Building.

3.55 “Design” means the general appearance of the exterior of a Building or Structure including size, shape, proportion and size of door and window openings, type and quality of exterior materials, decorative features, colours, relationship of Building or Structure to its site, Landscaping, and other matters relating to the nature of the exterior appearance.

3.56 “Designation” means a record of Heritage Resources recognized for their heritage value in which the criteria have been applied and evaluated, researched, and validated pursuant to this By-law and includes resources that are already designated.

3.57 “Developer” means a Person who applies to the City for approval of a Development, and May include the Owner of the land for which Development approval is sought, or an agent representing the said Owner, or a Subdivider.

3.58 “Development” means a change in the Use of land, Building, Sign or Structure for any purpose, and Shall include the carrying out of any Building, engineering, construction, or other operation in, on, over, or under land or water; or the construction, addition, Erection or Alteration of any Building, Sign or Structure.

3.59 “Development Concept Plan” means a detailed plan showing the location, land Use and form of all Development of any land in a defined area.

- 3.60** “Development Officer” means the Development Officer, or such other designate as May from time to time be appointed by the Council charged by the City with the duty of administering the provisions of this and other planning-related By-laws.
- 3.61** “Discretionary Use” means those Uses of land, Buildings, and Structures which May only be permitted subject to Planning Board approval, and upon such terms and conditions as May be determined by the Planning Board.
- 3.62** “Domestic Animals” includes dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs, and fish.
- 3.63** “Dormitory” means a residence for students of a university or college or school.
- 3.64** “Downtown Growth Area” means the area of the City designated as the Downtown Growth Area in Schedule A of the Official Plan and in Appendix I of the Bylaw.
- 3.65** “Drive-thru Business” means an Establishment which is Designed to provide either wholly or in part, service to customers while in their motor vehicles. “Automotive Drive-in Business”, “Automobile Service Station”, and “Gas Bar” are separate Uses.
- 3.66** “Dwelling” means a Building or portion thereof Used for residential occupancy, including one unit, two-unit, and multi-unit Buildings, but Shall not include hotels, Motels, or Hostels.
- .1 Dwelling Unit means a room or suite of two or more rooms for Use, or intended for Use, by one or more individuals in which culinary and bath and/or shower conveniences are provided for the exclusive Use of such individual(s), and with a private entrance from outside the Building or from a common hallway or stairway inside, but does not include hotel, Motel, boarding and/or rooming house, recreational vehicle, or Modular Home.
 - .2 Apartment Dwelling means a Building comprising three or more Dwelling units which generally has a shared outside access; or Dwellings attached to a Building which is principally commercial. An “Apartment Dwelling” does not include a “townhouse Dwelling”.
 - .3 Artist Live-Work Dwelling means a suite consisting of a combined living area containing no more than one habitable room and a studio area Used for the production of art.
 - .4 Bachelor Dwelling means a Dwelling in which the sleeping and living areas are combined into one habitable room with kitchen and sanitary facilities.
 - .5 Block Townhouse Dwelling means a townhouse Dwelling that is part of a condominium co-operative or rental project with a private internal traffic circulation system or direct access from a public Street.
 - .6 Converted Dwelling means an Existing Building originally constructed as a detached Dwelling unit, which is Used for more than one Dwelling unit.
 - .7 Duplex Dwelling means a separate Building divided horizontally into an upper and lower separate Dwelling unit each of which has an independent entrance, either directly or through a common vestibule.
 - .8 Mini-Home Dwelling means a Dwelling having a maximum width of 5 m (16.4 ft.) that is substantially assembled in a manufactured plant, and Designed to be transported (either on its own chassis or on a truck or trailer) as one integral unit and placed on a Lot for year round living.
 - .9 Modular Dwelling or Modular Home means a Dwelling unit of at least 7.0 m (23.0 ft.) in width constructed in accordance with the Standards set forth in the Charlottetown Building Code By-law and composed of components substantially assembled in a manufacturing plant and transported to the Building Lot for final assembly and installation on the Lot. A Modular Home May also consist of two sections transported to the site in a manner similar to a mini-home home or a series of panels or room sections transported on a truck and Erected or joined together on a Lot.

- .10 Townhouse Dwelling means a Building that is divided vertically into three or more Dwelling units, each of which has independent entrances.
 - .11 Semi-Detached Dwelling means a Building divided vertically into two side-by-side separate Dwelling units each of which has independent entrances and independent Parking facilities.
 - .12 Single-Detached Dwelling means a Building or portion thereof, which is a completely detached Dwelling unit, and whose Main Walls have a Minimum Width of not less than 5.5 m (18 ft.).
 - .13 Stacked Townhouse Dwelling means a Building consisting of row housing, except that Dwellings May be arranged two deep, either vertically so that Dwellings May be over others, or horizontally so that Dwellings May be attached at the rear as well as at the side. Each Dwelling Shall have separate and individual access, not necessarily directly at Grade.
- 3.67** “Easement” means a right to Use land, most commonly for access to other property or as a right-of-way for a Utility Service.
- 3.68** “Eating and Drinking Establishment” means an Establishment where food is prepared and served, and includes alcoholic and non-alcoholic beverage service. “Drive-thru Business” and “Entertainment Establishment” are separate Uses.
- 3.69** “Educational Institution” means an Establishment providing academic and/or technical instruction, and May include supplementary school cafeterias, book stores, amusement activities, recreation facilities, instruction function, and community assembly Use. This term refers to Uses such as public and private schools, colleges, and universities.
- 3.70** “Emergency/Transition Facility” means a facility for the temporary placement of people until they can be placed in a more permanent residence and/or the temporary placement of people to be re-established into society after receiving supervised care/rehabilitation at a previous facility, and this does not include a Group Home, Nursing Home, Community Care Facility, jail, reformatory, Hotel, Motel or a Hostel.
- 3.71** “Entertainment Establishment” means an Establishment providing musical, dramatic, dancing, or cabaret entertainment and/or facilities for alcoholic beverage consumption and includes supplementary food service. This term refers to Uses such as Theatres, cinemas, auditoria, beverage rooms, cocktail lounges, cabarets, nightclubs, and Theatre restaurants. “Eating and Drinking Establishment” is a separate Use.
- 3.72** “Equipment Sales, Rental Service” means an Establishment for the retail sale, wholesale distribution, rental and/or service of equipment. This term excludes “Automobile Shop”, “Heavy Equipment Repair”, and “Automobile Sales and Services”.
- 3.73** “Erect” means to build, construct, re-construct, Alter, or re-locate, and without limiting the generality of the foregoing, Shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally Altering any Existing Building or Structure by an addition, deletion, enlargement, or extension and placing, painting or installing a Sign(s).
- 3.74** “Establishment” means a Building, Structure, Lot, or part of any of the foregoing where an activity or Use is occurring for a business or other Use.
- 3.75** “Excessive Traffic” means exceeding the normal levels of vehicular and/or pedestrian traffic experienced in a low density residential area or neighborhood to a degree which materially detracts from the normal residential Use and character of the area or neighborhood. The Institute of Transportation Engineers Trip Generation Manual Shall be used as the guideline in making this determination.
- 3.76** “Existing” means legally in existence on the effective date of this By-law.
- 3.77** “Extractive Facilities” means all Buildings, aggregate plants material storage areas, and weigh scales associated with extractive Uses, but does not include Structures or storage areas which are fundamental to the activities of mining.
- 3.78** “Façade” means the front or principal side of a Building, but also includes those sides of the Building which face a public Street.
- 3.79** “Family” means:
- .1 One or two Persons occupying a Dwelling unit who are living together with offspring or Persons who are otherwise related by marriage, consanguinity or adoption.

- .2 A group of not more than four unrelated Persons occupying a Dwelling Unit.
- .3 For the purposes of this By-law “Family” May include: one or more full-time domestic servants; not more than four foster children; not more than three related or unrelated Persons whose status is not that of paying boarders. A “Family” does not include a group of children or adults living together under the direct supervision of a government or private agency. Such a group Shall be classified as living in a “Group Home” or “Boarding or Rooming House”.
- 3.80** “Farm” means a Lot, Buildings, and Structures where the primary Use is for raising dairy herds or livestock, producing field or forestry crops, or undeveloped land. As Accessory Uses, a Farm May incorporate one single-detached or a mini-home or mobile-home Dwelling, and Structures such as a barn or silo.
- 3.81** “Farmer or Bona Fide Farmer” means a bona fide Farmer as defined by the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5.
- 3.82** “Feedmill” means a mill for the processing, blending, grinding, and mixing of grains, seeds, and concentrates.
- 3.83** “First Storey” means the uppermost Storey having its floor level not more than 2 m (6.6 ft.) above Grade.
- 3.84** “Fitness Centre” means an indoor facility which includes Uses such as game courts, exercise equipment, locker rooms, aerobics studios, hot tubs and/or sauna, and pro shop.
- 3.85** “Floor Area” means the aggregate of the horizontal areas of each floor in a Building or Structure measured from the exterior of outside walls or outside finished partitions. For Parking calculations, the inside measurements May be Used but excluding, in the case of a Dwelling, any unfinished areas, and, in the cases of all other Buildings, furnaces, mechanical rooms, washrooms and ancillary facilities, common corridors and exits.
- 3.86** “Forestry Use” means commercial silviculture and the production of timber or pulp and any Uses associated with a Forestry Use including sawmills, related vehicle and equipment storage, Maintenance Buildings and Yards, as well as retail and wholesale outlets for wood and wood products.
- 3.86.1** “Funeral Establishment” means an Establishment for the preparation of the deceased for burial and for holding funeral services.
- 3.87** “Garage” means an Accessory Building or part of a principal Building Designed and intended to be Used for the storage of motor vehicles.
- 3.88** “Garden Centre” means an Establishment for the growing, storage, and/or sale of garden, household, and ornamental plants and trees, and includes supplementary retail sale of fertilizers, garden chemicals, garden implements, and associated products.
- 3.89** “Gasoline Bar” means an Establishment where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the general public, and May include the sale of items that are typical to a neighbourhood convenience, and Gas Bar Shall have a corresponding meaning. “Automobile Service Station” and “Drive-thru Business” are separate Uses.
- 3.90** “Golf Course” means a public or private area operated for the purpose of playing golf and related activities including a Club house and administration Buildings. The foregoing is specifically limited by excluding permanent residential accommodation of any type except a Dwelling unit or Dwelling units provided for Maintenance or security Personnel.
- 3.91** “Grade” means the average levels of finished ground adjoining the exterior walls of the Building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.
- .1 Established Grade means the elevation, as fixed by the municipality, of the centre line of the Street at the mid-point of the Front Lot Line.
- 3.92** “Greenhouse” means a permanent or temporary Structure Used for the growing, storage and sale, or any one of the foregoing, of trees as well as garden, household, and ornamental plants.
- 3.93** “Grocery Store” means a retail Establishment which primarily sells food as well as other convenience and household goods.

- 3.94** “Gross Floor Area” means the aggregate of the Floor Areas of a Building above and below Grade, measured between the exterior faces of the exterior walls of the Building as each floor level but excluding car Parking areas, electrical and mechanical rooms, storage racking areas, washrooms, and common corridors within the Building. For the purpose of this definition, the walls of an Inner court Shall be deemed to be exterior walls.
- 3.95** “Gross Leasable Area” means the total Gross Floor Area in a commercial zone Designed for tenant occupancy and exclusive Use, measured from the centre lines of joint partitions.
- 3.96** “Group Home” means an Establishment or part thereof of a Building where accommodations are provided and supervisory and/or personal care is provided or is made available for more than three (3) persons to a maximum of six (6) persons with social health, legal, emotional, mental or physical challenged individuals/disabilities, Family care and/or rehabilitation, or individuals who for various reasons cannot reside in their own homes or on their own, and includes an appropriately supervised Establishment sponsored or under the auspices of a government agency or charitable organization registered under the *Federal Income Tax Act*, and an Establishment licensed or approved by an appropriate government agency, but does not include a correctional centre, a Hospital, Community Care Facility or Nursing Home, jail, reformatory, Hotel or Motel or a Hostel, or an Emergency/Transition Facility.
- 3.97** “Habitable Space” means the space within a Dwelling unit in which living functions are normally carried on, and includes living rooms, dining rooms, kitchens, bathrooms, dens and recreation rooms, storage rooms, as well as workshops and recreation rooms located in a Basement.
- 3.99** “Heavy Equipment Repair” means an Establishment for the repair of vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.
- 3.100** “Height” means the vertical distance measured from average finished Grade to the highest point of the roof surface in the case of flat roofs, or the ridge of a gable, hip, or gambrel roof, and excluding such Structures as antennas, municipal water storage tanks, skylights, cupolas, elevator penthouses, mechanical penthouses, solar panels, chimneys, silos, smoke stacks, steeples and spires.
- 3.101** “Heritage Board” means the Heritage Board of the City.
- 3.102** “Heritage Advisor” means the Heritage Advisor or the Development Officer charged by the City with the duty of administering the Heritage Section of this By-law.
- 3.103** “Heritage Inn” means an Owner-occupied Heritage style Inn within a Building Designated as a Heritage Resource, and providing services similar to a Bed and Breakfast or Tourist Home, but with special provision for requisite Parking, employment of outside assistance, and other pertinent matters.
- 3.104** “Heritage Resource” means any individual Building, group of Buildings, special historic places, sites, or Streetscapes Designated under the provisions of this by-law, or any Building, Structure, special historic places or sites that are situated within the Heritage Preservation Area.
- 3.105** “Home Occupation” means an Accessory Use conducted in a portion of a Dwelling unit, or part of an Accessory Building, for pursuits which are compatible with a domestic household, and which are carried on by at least one member of the Family residing in that Dwelling. For the purposes of this By-law, a “Home Occupation” Shall be clearly incidental and secondary to the residential Use of the Dwelling unit.
- 3.106** “Hospital” means any institution, Building, or other premises or place established for the Maintenance, observation, medical and dental care and supervision, and skilled nursing care of Persons afflicted with or suffering from sickness, disease, injury, or for convalescing or chronically ill Persons. “Medical and Health Office” are separate Uses.
- 3.107** “Hostel” means a supervised lodging Establishment for travelers.
- 3.108** “Hotel or Motel” means a commercial Building in a commercial zone providing temporary accommodations for travelers or transients on a year-round basis, and May have one or more public dining rooms and convention meeting rooms.
- 3.109** “Industrial Premises” means premises in or from which goods or materials are manufactured, processed, assembled or extracted or premises from which wholesale trade is carried on including warehousing.

- 3.110** “In-law Suite” means a subordinate Dwelling unit containing no more than two bedrooms located in a main Dwelling, capable of being occupied by no more than two Persons who are members of the immediate Family of the Owner of the main Dwelling. Immediate Family members include:
- .1 Parents of the Owner and their spouse.
 - .2 Sons and/or daughters of the Owner and their spouse.
 - .3 Grandparents of the Owner and their spouse.
 - .4 Brothers and/or sisters of the Owner and their spouse.
 - .5 Aunts and/or uncles of the Owner and their spouse.
- 3.111** “Inn” means a Building occupied by the Owner which is Used to provide overnight accommodations for the traveling public or transients and which is Used by the traveling public or transients for remuneration, and May only include the serving of breakfast meals.
- 3.112** “JunkYard” means land, Buildings, or Structures where Used metal, rags, paper, or other material are kept, sorted, purchased, or sold, but not a place where Used materials are re-cycled or re-processed into other products or prepared for Use as other products.
- 3.113** “Kennel” means a Building or Structure where more than two Domestic Animals are kept for commercial breeding or showing, or for commercial boarding with or without veterinary care.
- 3.114** “Landing” means a platform between flights of stairs or the platform at the head of a flight of stairs.
- 3.115** “Landscaped Open Space” means a portion of a Lot Area which is not Used for Buildings or Structures, Parking Spaces and driveways, and which consists of grass, flower beds, shrubbery, other forms of natural Landscaping, or a combination thereof, and “Open Space” is a separate definition.
- 3.116** “Landscaping” means all the elements of a Lot or site Development other than the Building or Buildings, and May include vehicle and pedestrian facilities, grass and other ground cover, flower beds, shrubbery, trees, hedges, berms, fences and retaining Structures, off-Street lighting devices, forms of natural Landscaping, and various combinations thereof.
- 3.117** “Laundromat” means an Establishment where individual automatic washing machines and clothes dryers are operated by the customer or by an attendant, but does not include a pressure steam boiler, flat work ironing equipment, garment pressing, or shirt finishing equipment.
- 3.118** “Less Intensive” means a Use of land or a Building that generates less traffic (vehicular and/or pedestrian) to a Lot and/or reduced hours of operation and/or falls in the classification of a lesser zone than the previous Use would have been allowed.
- 3.119** “Licensed Premises” means any lounge, club, military canteen, micro brewery, distillery as defined in the *Liquor Control Act* Regulations R.S.P.E.I. 1988, Cap.L-14 and any subsequent changes to those Regulations;
- 3.120** “Loading Space” means an area of land provided and maintained upon the same Lot or Lots upon which the main Use is located and which has adequate access to permit access and egress by means of driveways, aisles, or maneuvering areas, and which is Used for the temporary Parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.
- 3.121** “Lot” means a parcel of land, whether or not it is shown as a Lot on a filed Plan of Subdivision, which is occupied or to be occupied by one or more Main Buildings, Structures, or Uses, and including all Yards and Landscaped Open Spaces required by this By-law, and is registered in the Prince Edward Island Registry of Deeds for Queens County.
- .1 Lot Area means the total area within the Lot Lines of a Lot, excluding the horizontal area of such Lot usually covered by water or marsh, or beyond the rim of a river bank or Watercourse, or between the top and toe of the cliffs or embankment having a slope of thirty degrees or more from the horizontal.
 - .2 Lot Coverage means the percentage of Lot Area covered by Buildings and Structures above established Grade, but does not include uncovered Swimming Pools, unenclosed Porches, patios, Sundecks, and above-ground pool decks.

- .3 Lot Depth means the horizontal distance between the front and Rear Lot Lines.
- .4 Lot Frontage means the horizontal distance between the Side Lot Lines measured at the minimum Front Yard Setback for the zone as measured parallel to the Street,
 (a) in the case of a lot with frontage on a curved Street boundary or a cul-de-sac, the Lot Frontage means a line measured along the arc of the curve of the Street for the Lot and established by the minimum Front Yard Setback required for the zone in which said Lot is located,
 (b) the minimum actual frontage of a Lot as measured at the Street shall not be less than 7.5 m (25 ft.), and
 (c) where a lot abuts two streets, frontage means the lesser distance of the two frontages.
- .5 Lot Line means any boundary of a Lot or the vertical projection thereof.
- .6 Corner Lot means a Lot situated at the corner or intersection of two Streets, of which two adjacent sides abut the intersecting Streets, and contain an angle of not more than one hundred and thirty-five (135) degrees.
- .7 Interior Lot means a Lot other than a Corner Lot.
- .8 Through Lot means a Lot bounded on two opposite sides by Streets.
- .9 Front Lot Line means in the case of an interior Lot, the line dividing the Lot from the Street. In the case of a Corner Lot, the shorter Lot Line abutting a Street Shall be deemed the Front Lot Line. Where a Corner Lot has the same dimensions on the two Streets upon which it abuts, the Lot Line abutting the Street where the principal entrance of the Building or Structure is located Shall be deemed the Front Lot Line.
- .10 Rear Lot Line means the Lot Line farthest from, or opposite to, the Front Lot Line.
- .11 Side Lot Line means a Lot Line other than a front or Rear Lot Line.
- 3.122** “Main Building” means the Building in which is carried on the principal purpose or purposes for which the Building Lot is Used, and in the case of Farm Buildings, the Dwelling Shall be the Main Building.
- 3.123** “Main Wall” means the exterior front, side, or rear wall of a Building and includes the exterior cladding on the Building, and all structural members essential to the support of a fully or partially enclosed space or roof.
- 3.124** “Maintenance” means those actions undertaken to prevent the deterioration of a Building or Structure, but does not include any Alteration, Design change, and/or replacement where such replacement involves a change in Design.
- 3.125** “Manufacturing, Heavy” means the production, compounding, processing, crating, bottling, packing, or assembly of raw or pre-processed materials including refining, smelting, forging, stamping, blanking, punch-pressing, or the manufacturing of chemical products.
- 3.126** “Manufacturing, Light” means the production, compounding, processing, packaging, crating, bottling, packing, or assembly of raw or pre-processed materials, but excluding refining, smelting, forging, stamping, blanking, punch-pressing, or the manufacturing of chemical products.
- 3.127** “Marina” means a public, private, or commercial dockage which provides repair facilities, boating supplies, and provisions for small pleasure craft.
- 3.128** “Maximum Lot Coverage” means that percentage of the Lot Area covered by all Buildings above ground level, and Shall not include that portion of such Lot Area which is occupied by a Building or portion thereof which is completely below ground level. For the purpose of this definition, the Maximum Lot Coverage in each zone Shall be deemed to apply only to that portion of such Lot which is located within said zone.
- 3.129** “Medical and Health Office” means an Establishment Used by qualified medical practitioners and staff for the provision of medical and health care on an outpatient basis. This term refers to such Uses as medical and dental Offices, physiotherapy services, chiropractic services, counseling services, and ancillary Clinic counseling services, but does not include Veterinary Services. Medical and Health Office “Hospital” are separate Uses.
- 3.130** “Minimum Width” means the Minimum Width or length required by this By-law of any Main Wall.

- 3.131** “Municipal Services” means piped water supply and sewerage services provided by the municipality and May include piped storm drainage.
- 3.132** “Neighbourhood Convenience Store” means a small Retail Store located in a convenient site in a neighbourhood, that May contain a residential suite, and that serves the daily or occasional needs of residents in the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, delicatessen products, sundries, tobacco, incidental hardware, newspapers, magazines, and videos.
- 3.133** “Neighbouring Buildings or Structures” means the Existing Buildings or Structures fronting upon the same side of the Street or Streets and adjacent or most proximate to a proposed Development within the Heritage Area.
- 3.134** “Notice” means the procedures under the “Minor Variance” section of this By-law unless otherwise stated in this By-law.
- 3.135** “Nursing Home” means a facility licensed as such pursuant to the *Community Care Facilities and Nursing Homes Act* R.S.P.E.I. 1988, Cap. C-13 and amendments thereto for four (4) or more Persons who are:
- .1 not related by blood or marriage to the operator of the home; and
 - .2 who by reason of age, infirmity, physical or mental disability, are not fully able to care for themselves.
“Hospital” is a separate Use.
- 3.136** “Obnoxious Use” means a Use which from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste, or other materials.
- 3.137** “Office” means an Establishment to accommodate professional, managerial, clerical services, consulting services, the administrative needs of business, government, and other organizations, or the sale of services such as travel agents and insurance brokers.
- .1 Government Office means a parcel of land or a Building or a portion thereof Used by the public (federal, Provincial or municipal) sector government(s) including crown corporations and government agencies to conduct public administration or a Person funded by a government to conduct programs or projects on behalf of the government(s).
- 3.138** “Open Space” means land which is inappropriate for Development by reason of distinctive natural or anthropological characteristics, or because of inherent or natural hazards such as susceptibility to flood or erosion which, if developed, May cause property damage or loss of life, and “Landscaped Open Space” is a separate definition.
- 3.139** “Outdoor Display Court” means an area of land where goods are displayed which are, or which are similar to, other goods which are available for sale to the general public from a retail outlet located on the same Lot or on another Lot. Without limiting the generality of the foregoing, outdoor display includes the display of cars, trucks, vans, motor homes, trailers, boats, snowmobiles, motorcycles, Swimming Pools, decorative fountains, as well as prefabricated mini or Modular Homes and cottages.
- 3.140** “Outdoor Storage” means the storage of merchandise, goods, inventory, materials, equipment, or other items by locating them on a Lot exterior to a Building.
- 3.142** “Owner” means:
- .1 a Person who legally owns a Lot and is a registered land Owner;
 - .2 a tenant, lessee, or other Person in possession or occupancy of the subject Lot or Building; or
 - .3 an executor, administrator, trustee, agent, or other Person managing the subject Lot or Building for the registered land Owner.
- 3.143** “Park” means an area of land set aside for public recreational purposes and May include playgrounds, walkways, tennis courts, lawn bowling areas, athletic fields, Swimming Pools, areas Designed for passive enjoyment and similar Uses, and includes the Buildings and Structures in connection therewith.

- 3.144** “Parking Garage” means a covered or enclosed Establishment containing communal Parking Spaces Used for the Parking of vehicles.
- 3.145** “Parking Lot” means an open area, other than a Street, containing Parking Spaces for two or more motor vehicles which is available for public Use or as an accommodation for clients, customers, or residents, and which has adjacent access to permit access or egress of motor vehicles to a Street or highway by means of driveways, aisles, or maneuvering areas where no Parking or storage of motor vehicles is permitted.
- 3.146** “Parking Space” means a space Designed for the temporary Parking or storage of an automobile, and which has adequate space to permit access and egress to and from a Street or highway by means of a driveway, aisle, or maneuvering area, and a Parking Space Designed for the Parking of a trailer truck, bus, motor home or other large vehicle Shall, except for its necessary larger dimension, have a corresponding meaning.
- 3.147** “Party Wall” means a wall Erected at or upon a line separating two units, each of which is, or is capable of being, held in separate legal Ownership.
- 3.148** “Pedway” means an elevated, enclosed pedestrian walkway between Buildings, and a Pedway May, in some instances, cross a public Street or right-of-way.
- 3.149** “Permitted Use” means those Uses of land, Building, and Structures which are permitted as a matter or right subject only to the requirements of this and other City By-laws.
- 3.150** “Person” means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee, or agent, as well as the heirs, executors, or other legal representatives of a Person to whom the context can apply according to law.
- 3.151** “Personal Service Shop” means a Building or part of a Building in which Persons are employed in furnishing direct services and otherwise directly administering to the individual and personal needs of individuals. Without limiting the generality of the foregoing, this definition May include such Establishments as barber shops, hairdressing shops, beauty parlours, shoe repair and shoe shining, Laundromats, as well as tailoring, laundry, and dry cleaning depots and shops, but excludes the manufacturing or fabrication of goods for retail or wholesale distribution.
- 3.152** “Phase” means one of two or more components of a Development project that represents work undertaken or proposed to be undertaken in a specified period of time.
- 3.153** “Place of Amusement” means a Building, room, or area which offers facilities for playing any game of chance or any game of mixed chance and skill for the amusement of the public.
- 3.154** “Place of Worship” means lands or Buildings Used for worship by an association of Persons and May include such Accessory Uses as an assembly hall, a residence for the head of congregation and/or caretaker, a nursery school, and a school or religious education.
- 3.155** “Plan of Subdivision” means a plan or survey prepared by a registered land surveyor licensed to practice on PEI for the purpose of effecting the Subdivision of a parcel or parcels of land.
- 3.156** “Planning Act” means the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 of the Province of Prince Edward Island.
- 3.157** “Planning Board” means the standing committee of Councillors and lay people as created in Section 2 of this By-law and appointed by the Mayor and Council pursuant to the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 and the *Charlottetown Area Municipalities Act* 1994, Cap. C-4.1.
- 3.158** “Porch” means a roofed open Structure attached to the exterior of a Building with walls that are open and unenclosed to the extent of at least 50 percent, except by insect Screening between floor and ceiling. This definition includes verandahs.
- 3.159** “Portable Garage” means a collapsible Structure covered with plastic or fabric, Used for the purpose of temporarily storing vehicles and/or covering of driveways.
- 3.160** “Principal Use” means the primary purpose for which a Lot, Building, Structure, or Dwelling Unit is Used.
- 3.161** “Printing Establishment” means an Establishment Used for blueprinting, engraving, stereotyping, electro-typing, printing, or typesetting, and May include a duplicating shop or letter shop.

- 3.162** “Private Lane” means a right-of-way which has not been dedicated to the City, and which provides access to and from a Lot and/or Parking or Loading Space to and from a public Street.
- 3.163** “Professional Architect” means a member of the Association of Professional Architects of Prince Edward Island and/or licensed to practice in that Association.
- 3.164** “Professional Engineer” means a member of the Association of Professional Engineers of Prince Edward Island and/or licensed to practice in that Association.
- 3.165** “Professional Planner” means a Person eligible for full member or a provisional member of the Canadian Institute of Planners.
- 3.166** “Proprietor” means the individual or individuals who own and are carrying on the business being operated as a “Home Occupation.”
- 3.167** “Public Park” means a Park owned or controlled by the City, or a public authority, board, or commission established under any By-law of the City or statute of the Province of Prince Edward Island.
- 3.168** “Public Highway, Street, or Road” means the whole and entire right-of-way of every highway, Street, or Road allowance vested in the Government of Canada, Province of Prince Edward Island, or the City.
- 3.169** “Recycling Depot” means a Building, Structure, or land which is Used for the deposit, collection, and handling of waste paper, rags, tires, bottles, or other materials which are to be delivered wholesale to other operations for reclamation, processing, or salvage, but Shall not include any such salvage or processing on the same Lot or within any Building Used as a Recycling Depot. “Salvage or Waste Disposal Facility” is a separate Use.
- 3.170** “Redevelopment” means the removal of buildings or structures from land and/or the construction or erection of other buildings or Structures thereon.
- 3.171** “Renovation” means any change in a non-structural component of a Building or Structure and does not include an Alteration.
- 3.172** “Restore” means any actions undertaken which return a Building or Structure to its condition and appearance at a specific period of time
- 3.173** “Retail Store” means an Establishment for the retail sale or rental of merchandise, including hardware, from within an enclosed Building. This definition May include supplementary postal services, film processing, repair or merchandise sold or rented by the store, and food consumption areas not exceeding 20 percent of the gross leaseable area.
- 3.174** “Retail Warehouse” means a Building or Structure, or part thereof, where specific commodities are stored and sold. This definition includes home furnishings and products such as furniture and garden furniture, appliances, electrical fixtures, carpets, floor coverings, Building supplies, plumbing supplies, decorating supplies, catalogue sales, and sporting goods.
- 3.175** “Right-of-way Easement” means an Easement for right-of-way and access, extending to and having access to a public Street or highway, and where not totally located within the area of land proposed to be subdivided, the Right-of-way Easement Shall be clearly granted by deed registered in the Registry of Deeds of the Province of Prince Edward Island.
- 3.176** “Salvage or Waste Disposal Facility” means an Establishment for purchasing, receiving, re-sale, or transporting of spent materials or substances which May generate a detrimental impact or nuisance. This definition refers to Uses such as salvage and scrap Yards, garbage container services, and effluent tanker services. “Recycling Depot” is a separate Use.
- 3.177** “Satellite Dish Antenna” means an antenna and attendant processing equipment for the reception of electronic Signals from satellites.
- 3.178** “Secondary Plan” means a plan prepared in detail taking into consideration the physical, social and economic benefits of development for an area and outlining a development plan to achieve the long-term objectives and policies of the City for this area. This plan should guide all future types of development and outline any anticipated expenditures of the City of Charlottetown for this area.
- 3.179** “Screening” means the Use of Landscaping, fences, or berms to visually and/or audibly separate areas or Uses.

- 3.180** “Service Repair Establishment” means a Building, or part thereof, for the servicing or repairing of articles, goods, or materials, but Shall not include manufacturing or motor vehicle repair.
- 3.181** “Setback” means the minimum average horizontal distance between the Lot boundary and the nearest point of the exterior wall of the Building or a Structure, whichever is the lesser, or another part of the Building or Structure if specified elsewhere in this By-law. At no time Shall a measurement of less than 1 m (3.3 ft.) be used to calculate the average.
- 3.182** “Shopping Centre” means:
- .1 A commercial Development containing three (3) or more retail business Establishments conceived and Designed as a single Structure;
 - .2 A comprehensively planned commercial Development project of two or more Structures and multiple retail businesses with appropriate relationships between the Buildings, activities, Open Spaces, Parking areas, loading areas, driveways, other shared facilities, public areas, and adjoining Streets, and held in single or multiple Ownership; or
 - .3 A retail site that features the physical linking together of adjoining commercial parcels or Structures by suitable agreements, site amenities and the like.
- 3.183** “Shoreline” means, for the purposes of this By-law, the line that describes the ordinary high water mark of any coastline, shore, Watercourse or wetland area.
- 3.184** “Sign” means any Structure, device, light, painting, or other representation or natural object which is Used to identify, advertise, or attract attention to any object, place, activity, Person, institution, organization, firm, group, commodity, profession, enterprise, industry, or business; or which displays or includes any letter, work, model, banner, flag, pennant, insignia, device, or representation Used as an announcement, direction, or advertisement, and which is intended to be seen from on or off the premises or from a Parking Lot, excepting any Signs which are affixed to the inside of a window or glass door.
- .1 Abandoned Sign means a Sign or Signs Structure which has no advertisement and/or name or has missing parts or advertises a product or service which Use is no longer associated with the Lot or Building for a period of 90 days.
 - .2 Awning or Canopy Sign means a sign that may be fixed directly to the face of a permanent roof like structure or which projects from and is attached to an exterior wall of a Building and constructed from durable material such as wood, cloth, metal or plastic; such Structure May be retractable or Used for shelter. Such a sign May be back-lit.
 - .3 Banner Sign means a Sign which is made of non-rigid material, and not supported by a Structure or frame.
 - .4 Billboard Sign means a large ground Sign or fascia wall Sign which is not related to any business or Use located on the Lot or premises.
 - .5 Copy Area Sign means the total area permitted of any Sign(s) considered to be the area of the smallest rectangle, triangle, or circle which can totally circumscribe the Sign face or surface of any single or double faced-Sign(s) in the plane of its largest dimension. Each visible face of a Sign(s) or a multi-faceted Sign(s) over two faces Shall be calculated separately and then totaled in determining the Sign(s) area permitted.
 - .6 Directory Ground Sign means a free-standing Sign for more than two tenants, businesses, or group of Buildings on a Lot, and where all the Signs are grouped together as one copy area.
 - .7 Fascia Sign means a Sign attached, applied to or Erected horizontally parallel against the face of a Building for the purpose of identification of a business or occupancy.
 - .8 Freestanding Sign means any Sign supported independently of a Building and permanently fixed to the ground.
 - .9 Heritage Sign means a Sign that is placed in a Heritage Preservation Area or on a Heritage Resource outside the of the Heritage Preservation Area.
 - .10 Illuminated Sign means a Sign which provides artificial light directly or through any transparent or translucent material from a source of light connected with such Sign, or a Sign illuminated by a light focused upon or chiefly directed at the surface of the Sign.

- .11 Incidental Sign means a Sign or name plate relating to the Lot, or Use thereof, and Designating Accessory Uses, Parking, direction, identification, or information.
- .12 Marquee Sign means a Sign affixed to or beneath a permanent canopy or Awning and with its display surface situated at right angles to the face of the Building to which it pertains.
- .13 Mobile Sign means an outdoor advertising Structure placed for the purpose of promotion of a business or product and which May be fixed to wheeled Structure and Designed to be moveable either by towing or easily loaded to a vehicle for transport.
- .14 Projecting Sign means a Sign which projects from and extends beyond a wall and is usually hung at right angles to the face of a Building for the purpose of promotion of a business or product.
- .15 Read-a-board Sign means any Sign or Sign Structure Designed to support, carry or display an area of changeable copy.
- .16 Real Estate Sign means a Sign for the purpose of advertising the sale, rental, or leasing of a Building or Lot.
- .17 Residential Sign means a Sign indicating the name and/or address of a private residence, or indicating the historical or architectural Significance of a Building on which the Sign is located.
- .18 Roof Sign means any Sign Erected or painted upon, against, or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.
- .19 Sandwich Sign means a multi-sided (e.g. A-Frame style) self-supporting Sign which is not permanently affixed to the ground and is Designed to be movable.
- .20 Window Sign means painted, gold leaf, or otherwise affixed Signage on display windows or door windows for the purpose of identifying a business name or proprietor's name.

- 3.185** “South of Euston Street” means land located within the City lying south of: the southern boundary of Brighton Road and its prolongation to the North River, the southern boundary Euston Street to Esher Street and to Kent Street and along the western boundary Kent Street and Edward Street and then Edward Street and its prolongation to Charlottetown Harbour and then following the City boundary
- 3.186** “Special Event” means an event such as a festival or large sporting event which is organized to promote tourism within the City of Charlottetown and does not include such events as sport tournaments, charitable functions, rallies, promotional advertising for private functions or lotteries.
- 3.187** “Special Event Sign” means a sign not exceeding 32 square feet and erected for a period not to exceed 21 days and is placed for the purpose of promoting Special Events and Festivals within the City of Charlottetown.
- 3.188** “Square Block” means the geographic land mass contained by the street configuration which comprises an entire City block. Typically, a Square Block would be encompassed by four (4) City streets and contain a number of separate properties. In some instances, the Square Block may be elongated or distorted due to the particular City street configurations. This definition is distinct from the definition of “Block”.
- 3.189** “Standards” means the Standards of Development defined in this By-law.
- 3.190** “Storey” means that portion of a Building which is situated between the top of any floor and the top of the next above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it provided that any portion of a Building partly below Grade level Shall not be deemed a Storey unless its ceiling is at least six feet above Grade and provided that any portion of a Storey exceeding fourteen feet in Height Shall be deemed an additional Storey for each fourteen feet or fraction thereof.

- 3.191** “Street Line” means the division line between a Street, Road, highway, avenue, lane or court providing the primary access to any Lot and abutting along its length the required Lot Frontage.
- 3.192** “Streetscape” means the Buildings, Street furniture, Open Space, Parks, Street surface, Signs, trees, water bodies or streams, and other features that add to or make up the physical features of a City Street Block or portion thereof, and Streetscape also means, when applied to an individual property, the overall visual appearance of that individual property from the Street.
- 3.193** “Structure” means anything that is Erected, built, or constructed of parts joined together, or any such Erection fixed to or supported by the soil or by any other Structure. This term includes fences exceeding 1.8 m (5.9 ft.) in Height and wall Signs.
- 3.194** “Subdivider” means the Owner or an agent of the Owner of a parcel of land who makes application to the City for approval to subdivide the parcel of land.
- 3.195** “Subdivision” means the division of a parcel of land into two or more Lots or parcels for the purpose of Building Development or transfer of Ownership or, if a new Street is involved, any division of a parcel of land provided that the division of land or a boundary line agreement which May be ordered or approved by a court, or effected by testamentary or intestate provisions, Shall not be deemed a Subdivision. This term includes re-Subdivision and, when appropriate to the context, Shall relate to the process of subdividing or to the land which is subdivided.
- 3.196** “Sundeck” means a roofless, unenclosed Structure which May or May not have fencing or handrails.
- 3.197** “Supermarket” means a store in which various kinds of foodstuffs are offered or kept for retail sale including fresh, frozen, prepared, and preserved groceries, meats, poultry, seafood, fruit, beverages, garden produce, dairy produce, and bakery products; and as an Accessory Use, goods or merchandise May be kept for retail sale including hardware, patent medicines, toilet preparations, Personal hygiene products, household supplies, and magazines.
- 3.198** “Swimming Pool” means an artificial body of water intended to be a permanent Structure or is surrounded by a permanent structure or deck/patio, which is Used for swimming or wading purposes and which has a possible water depth greater than 0.6 m.
- 3.199** “Taxi Stand” means a Building, Structure, or land which is Used for dispatching taxis and/or loading and unloading passengers and freight on and off of taxis.
- 3.200** “Temporary Use” means a Use and/or Structure permitted to exist for a limited amount of time in accordance with the provisions of this By-law.
- 3.201** “Theatre” means a Building, or part of a Building, devoted to showing motion pictures, or for dramatic, musical, or live performances.
- 3.202** “Traditional Materials” means, but is not limited to, brick, slate, stone, wood, but excludes those materials not commonly Used prior to 1900.
- 3.203** “Transport Terminal” means the Use of land, Buildings, or Structures for the purpose of storing, servicing, repairing, or loading of aircraft, trucks, transport trailers and/or buses.

- 3.204** “Transportation Service” means an Establishment for aircraft and/or vehicles to transport people, documents, and packages. This term refers to Uses such as aircraft carriers, bus lines, transit services, taxicab, limousine services, and courier services. “Retail Warehouse”, “Warehouse and Distribution Centre” and “Wholesale Establishment” are separate Uses.
- 3.205** “Underground Parking” means on site parking contained within or under the footprint of a main Building or Structure on a Lot.
- 3.206** “Use” means the purpose for which land, Buildings, or Structures, or any combination thereof, is Designed, arranged, Erected, occupied, or maintained.
- 3.207** “Utility Service” means the component of a water, sewage, storm water or solid waste disposal, cable television, electrical power, or telecommunication system.
- 3.208** “Veterinary Services” means the provision of services by veterinarians for the purposes of consultation, diagnosis, and treatment of animals and the necessary boarding thereof, and May also include the retailing of pet supplies.
- 3.209** “Video Store” means a business for the rental or sale of video programs and video cassette or disc players as well as related accessories.
- 3.210** “Viewscope” means the line of sight from one or more vantage points that will permit a viewer to obtain a reasonably unobstructed view of a specific scene or location.
- 3.211** “Warehouse and/or Distribution Centre” means an Establishment Used primarily for the storage, wholesaling, and distribution of goods and materials. This definition also includes self-storage units.
- 3.212** “Watercourse” means any lake, river, stream, ocean, or other body of natural water.
- 3.213** “Wholesale Establishment” means a Building in which commodities in quantity are offered for sale chiefly to industrial, institutional, and commercial Users or to retailers or other merchants mainly for resale or business Use.
- 3.214** “Windmill” means a device which converts energy to mechanical or electrical energy.
- 3.215** “Windmill Height” means the height of a windmill which Shall be measured from the base of the tower to the top of the rotor blade when it is positioned vertically.
- 3.216** “Windmill Rotor” means that portion of a windmill, i.e. blades, associated hub and shaft, intended to be moved or activated by the wind.
- 3.217** “Windmill Tower” means the supporting structure on which the rotor and accessory equipment are mounted.
- 3.218** “Yard” means an open, uncovered space on a Lot appurtenant to a Building, except a court bounded on two or more sides by Buildings. If the Lots are irregular shape or the Building is irregular, the average distance May be used.
- .1 Flankage Yard means the Side Yard of a Corner Lot, which Side Yard abuts a Street or proposed Street shown on an approved survey plan. Required Flankage Yard or minimum Flankage Yard means the minimum Side Yard required by this By-law where such Yard abuts a Street.
 - .2 Front Yard means a Yard extending across the full width of a Lot and between the Front Lot Line and the Main Wall of any Main Building or Structure on the Lot. Required Front Yard or minimum Front Yard means the minimum depth required by this By-law of a Front Yard extending across the full width of a Lot and between the Front Lot Line and the Main Wall of any Building or Structure on the Lot.
 - .3 Rear Yard means a Yard extending across the full width of a Lot and between the Rear Lot Line and Main Wall of any Main Building or Structure on the Lot. Required Rear Yard or minimum Rear Yard means the minimum depth required by this By-law of a Rear Yard on a Lot between a Rear Lot Line and the Main Wall of any Building or Structure on the Lot.

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