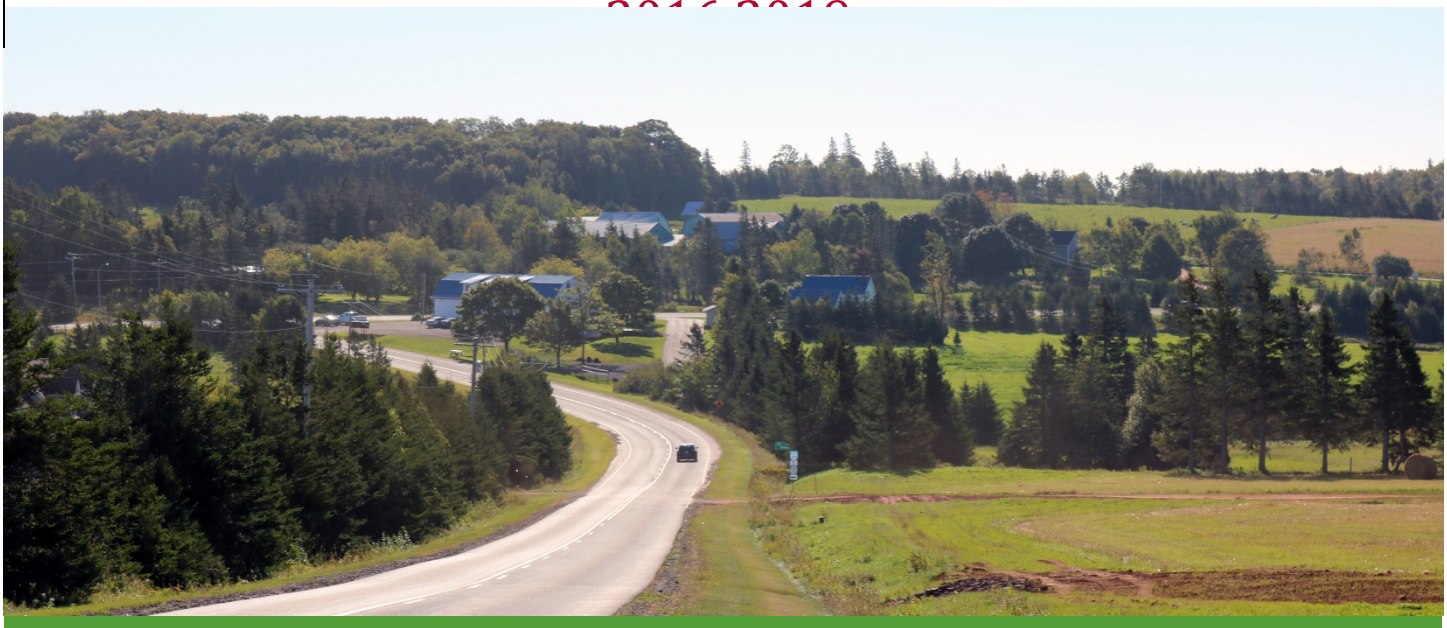
~~COMMUNITY OF~~

RURAL MUNICIPALITY OF MILTONVALE PARK

ZONING AND SUBDIVISION CONTROL (DEVELOPMENT) BYLAW

~~2016-2019~~



Prepared by DV8 Consulting

~~MAY 31, 2016~~JUNE XX, 2019

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This bylaw is made under the authority of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

BE IT ENACTED by the Council of the ~~Community of~~ Rural Municipality of Miltonvale Park as follows:

1. SCOPE

1.1. TITLE

This bylaw shall be known and may be cited as the ~~*Community of*~~ *Rural Municipality of Miltonvale Park Zoning and Subdivision Control Bylaw* or the *Development Bylaw*.

1.2. AREA DEFINED

This bylaw applies to the geographical area within which the *Council* of the *Community* has jurisdiction.

1.3. SCOPE

No dwelling, business, trade or other operation shall be located and no *building* or *structure* shall be erected, altered, used or have its *use* changed, and no land shall be subdivided, consolidated or used in the *Community*, except in conformity with this bylaw and subject to the provisions contained herein.

1.4. AUTHORITY OF DEVELOPMENT OFFICER

1. *Council* may appoint a *Development Officer* who shall have the authority to administer this bylaw.

2. Notwithstanding the foregoing, the *Development Officer* shall have the authority to approve or deny *Development Permit*s and subdivision applications ~~of up to four (4) lots~~ in accordance with this bylaw ~~in all areas~~ except for those applications that require Council's approval, as per this bylaw.~~:~~

   ~~i. Commercial, industrial, or institutional *developments* with a *building footprint* greater than 100 m² (1,076.4 ft²);~~

   ~~ii. *Multi-unit residential dwelling;*~~

   ~~iii. *Variance* of more than five percent (5%);~~

   ~~iv. Bylaw amendment; and~~

   ~~v. *Change of use*.~~

3. Where the *Development Officer* is unable to determine whether the proposed *development* conforms to this bylaw, the *Development Officer* ~~shall~~ may forward the application to *Planning Board*, and *Planning Board* shall make a recommendation ~~for review and~~ to *Council* ~~for a decision~~ on the disposition of the application.

1.5. AUTHORITY FROM THE PROVINCE OF PRINCE EDWARD ISLAND

This bylaw is enacted under the authority of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

1.6. PURPOSE

The purpose of this bylaw is to implement the policies of the *Official Plan* and to establish a transparent, fair and systematic means of *Development* control for the *Community*.

1.7. INTERPRETATION

In this bylaw:

1. words used in the present tense include the future tense;
2. words in the singular include the plural;
3. words in the plural include the singular;
4. the word “may” is permissive and not mandatory; and
5. the word "shall" is mandatory and not permissive.

1.8. UNITS OF MEASURE

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

2. DEVELOPMENT ZONES

2.1. DEVELOPMENT ZONES

For the purpose of this bylaw, the *Community* is divided into the following *zone*s, the boundaries of which are subject to Section 2.2 and are shown on the ~~*Official*~~ *Zoning Map* (*See* Appendix 1). These *zone*s may be referred to by the following symbols.

ZONE	**SYMBOL**
Residential Manufactured Housing Park	MHP
Serviced Residential	RS1
Residential	R1
General Commercial	C1
Light Industrial	M1~~2~~
Public Service and Institutional	PSI
Recreation and Open Space	01
Environmental Reserve (Overlay)	02
Agricultural	A1

2.2. INTERPRETATION OF ZONE BOUNDARIES

1. Boundaries between *zone*s shall be determined as follows:

    i. Where a *zone* boundary is indicated as following a *street* or *highway*, the boundary shall be the centerline of such *street* or *highway*;

    ii. Where a *zone* boundary is indicated as following *lot lines*, the boundary shall be such *lot lines*;

    iii. Where a *zone* boundary is indicated as following the limits of the *municipality*, the limits shall be the boundary; and

    iv. Where none of the above provisions apply, the *zone* boundary shall be scaled from the original ~~*Official*~~ *Zoning Map* lodged with the *municipality*.

2.3. OFFICIAL ZONING MAP

Appendix 1 may be cited as the ~~*Official*~~ *Zoning Map* and shall form a part of this bylaw.

3. ADMINISTRATION

3.1. DEVELOPMENT APPROVAL

1. No person shall:

    i. Change the *use* of a *parcel*, *structure* or *building*;

    ii. Commence *development*;

    iii. Construct or place a *structure* or *building*;

    iv. Make structural alterations to a *structure* or *building*;

    v. Make a connection to a central or municipal water supply or *sewerage disposal system*;

    vi. Make an underground installation such as a fuel tank, foundation wall or other installation;

    vii. Move or undertake the *demolition* of a *structure* or *building* that is:

        a. Greater than 20 m^2 (215.3 ft^2);

        b. Affixed to a foundation; or

        c. Connected to a water supply and/or *sewerage disposal system*.

    viii. Establish or operate an *excavation pit*;

    ix. Construct a *highway*;

    x. Place or dump any fill or other material; or

    xi. Subdivide a *parcel* or *parcel*s.

    without first applying for, and receiving a *Development Permit*.

2. For the purpose of this bylaw:

    i. Laying paving material for a patio or sidewalk;

    ii. Constructing a *fence* 1.22 m (4 ft.) in height or less;

    iii. Installing clotheslines, poles, and radio or television antennae, except satellite dishes over 0.61 m (2 ft.) in diameter;

    iv. Growing a crop or preparing land for a crop;

    ~~iv.~~v. Removal of vegetation for agricultural and/or forestry practices;

~~v.~~vi. Making *landscaping* improvements;

~~vi.~~vii. Constructing an *ornamental structure*~~; s smaller than 6 m² (64.6 ft²) in surface area;~~

~~vii.~~viii. Replacing a *deck* with a new *deck* of the same area, height and location;

~~viii.~~ix. Conducting routine *maintenance*; ~~or~~

x. Erecting a tent under 11.15 m^2 (120 ft^2) for temporary, personal use; or

~~ix.~~xi. Placing or erecting a *temporary structure* in accordance with this bylaw~~.~~

shall not be interpreted as a *change of use*, or constructing or placing a *structure* or *building*, and shall not require a *Development Permit.*

3.2. PERMIT APPLICATION

1. A person making application for a permit shall do so on a form prescribed by *Council* and shall submit the application to the *Development Officer*.

2. Every application form shall be signed by the *owner* of the property, or the authorized agent of the *owner*, and shall be accompanied by the application fee in accordance with the fee schedule (*See* Appendix 4).

3.3. DEVELOPMENT PERMIT

1. A *Development Permit* shall be valid for a twelve (12) month period;

2. ~~A~~Upon application a *Development Permit* may be renewed once for a period up to twelve (12) months in duration~~, upon application to the *Development Officer,* and any renewal shall be valid only for the time period specified by *Council*~~.

3.4. PAYMENT OF FEES

1. Notwithstanding any other section of this bylaw, a *Development Permit* is not valid until the application fee and any other required fees are paid in full and the permit is acquired by the *owner*.

2. *Council* shall adopt a Schedule of Fees (*See* Appendix 4) by resolution and may amend the Schedule of Fees from time to time to reflect the costs related to processing applications under this bylaw.

3.5. SITE PLAN ~~AND DRAINAGE PLAN~~

1. Every application for a *Development Permit* shall be accompanied by a site plan, drawn to scale and showing:

    i. The shape, dimensions and area of the *lot*;

ii. The distance from the *lot lines* and dimensions of the proposed *building* or *structure* ~~being proposed~~;

iii. The general location ~~distance from the *lot lines* and dimensions~~ of every *building* or *structure* already erected on the *lot* and ~~the general location~~ of *building*s on abutting *lots*;

iv. The proposed location and dimensions of any well, *sewerage disposal system*, parking space, *parking lot*, *loading space*, *entrance way*, and *landscaping* on the *lot*;

v. The proposed *use* of the *lot* and each *building* or *structure* to be developed; and

vi. Other information the *Development Officer* deems necessary to determine whether or not the proposed *development* conforms to the requirements of this bylaw.

2. Where the location of an existing *building* or *structure* with respect to a boundary is necessary to determine the compliance of an application with this bylaw, a *survey plan* may be requested by the Development Officer, in accordance with the *Land Surveyors Act,* R.S.P.E.I. 1988, c. L.-3.1.

3.6. SURFACE DRAINAGE PLAN

1. A *surface drainage plan*, signed and sealed by a licensed engineer or landscape architect, shall be submitted with a *development* application for:

   i. A change to the *grade*, when no *building* or *structure* is proposed, that involves:

      a. Placing or dumping fill or other material on a *lot;*

      b. Excavating and removing soil from a *lot;* or

      c. Any alteration or change to the existing *grade* within the minimum setbacks of the *lot*.

   ii. A *building* or *structure*:

      a. With a *building footprint* greater than 65 m^2 (700 ft^2) and a proposed *setback* of 15.3 m (50 ft) or more from any *lot line* or existing *building* or *structure* excluding *accessory buildings*, and where the development requires no alteration or change to the existing *grade* within the minimum setbacks of the *lot*;

      b. With a *lot coverage* greater than 10%; or

      c. With a *building footprint* greater than 20 m^2 (215 ft^2) on a *lot* with less than 30 m (100 ft.) of *lot frontage* or less than 1,858 m^2 (20,000 ft^2) in *lot area*.

2. A *surface drainage plan* is not required for:

   i. A *development* that conforms with a preapproved *storm water management plan* as prepared for subdivision approval of the *lot;*

   ~~i.~~ii. A *building* or *structure* that is built on raised sono-tubes or piles and will not affect the natural and existing flow for drainage on a *lot*; or

   ~~ii.~~iii. The replacement of a *building* or *structure* with a *building* or *structure* of the same size and in the same general location, provided no changes are being made to the *grade* of the *lot*.

3. A *surface drainage plan* shall include the following information:

   i. The existing and proposed *grade* elevations relative to any adjoining *lot* and *highway*;

   ii. The surface water management strategies to be used (i.e., swales, berms, ditches, etc.) when applicable, and the proposed surface drainage flow as designed to prevent ~~aimed at preventing~~ surface water run-off from the *lot* in question onto any adjoining *lot* or *highway*.

   iii. The finished floor or foundation elevation of any existing *building*(s) on the *lot* and on any adjacent *lot* located within 15 m (49 ft.) of the adjoining *lot line*; and

   iv. The proposed surface, finished floor or foundation elevation of the proposed *building* or *structure*.

4. For properties with, or located adjacent to, a *watercourse* or *wetland*, the site plan and/or *surface drainage plan* shall also include the location of any buffer zone as defined in the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, R.S.P.E.I. 1988, c. E-9.

5. A site plan and *surface drainage plan* may be submitted together as a single plan of the proposed *development*.

3.7. BUILDING DESIGN DRAWINGS

1. Stamped construction plans and elevation drawings shall be required for all applicable *development* in accordance with the *Architects Act* R.S.P.E.I. 1988 c. A-18.1. and the *Engineering Profession Act,* R.S.P.E.I. 1988 c. E-8.1.

3.8. CONSTRUCTION PLANS

~~*Council*~~ *The Development Officer* may require the *owner* to submit a construction plan for the *development* addressing matters related to construction, including but not limited to: construction phasing, stockpiling of fill, temporary screening or fencing, erosion or run-off

control measures, heavy truck access, hours of construction, remediation measures and any other matter that could present a nuisance or hazard during construction of the *development.*

~~3.7.~~3.9. OTHER INFORMATION

The *Development Officer* ~~*Council*~~ may require an *owner* to submit additional information related to the *development*, which it deems pertinent to an application, including but not limited to the following:

1. *Parking lot* layout and internal circulation patterns;
2. Location of garbage containers and description of screening or fencing;
3. Storm water management plan for any *development* other than that which requires a *surface drainage plan* under Section ~~3.5~~ 3.6 of this bylaw;
4. Location of *open space* and amenity areas;
5. *Landscaping* plan;
6. Existing vegetation;
7. Easements;
8. Proposed storage areas and description of screening or fencing;
9. Traffic impact study, the requirements of which are site specific and will be provided on a case-by-case basis through consultation with the *provincial government* department responsible for the *Roads Act,* R.S.P.E.I. 1988, c. R-15*;*
10. *Survey plans*.

~~3.8.~~3.10. CONDITIONS ON PERMITS

The Development Officer ~~*Council*~~ may impose conditions on a permit that are directly related to bylaws of the *Community*, the *Official Plan*, or statutes, regulations or other enactments adopted by the *provincial government*.

3.11. DENYING PERMITS AND DEVELOPMENT RESTRICTIONS

1. No *Development Permit* shall be issued if the proposed *development:*

    i. Could create a hazard to the general public or any resident of the *municipality* or could injure or damage neighbouring lot or other property in the *municipality,* including but not be limited to, hazards, injuries or damages arising from water drainage run-off;

ii. Could create a health, fire or accident hazard or increase the likelihood of the existence of rodents, vermin or other pests;

iii. Does not conform to this bylaw;

iv. Does not have a water supply that meets minimum provincial standards;

v. Does not have a sewerage disposal *system that* meets minimum provincial standards;

vi. Does not have safe and efficient access to the *highway*;

vii. Would be *detrimental* to the environment;

viii. Would be *detrimental* to the convenience, health, or safety of residents in the vicinity of the *development* or the general public.~~;~~

3.12. AUTHORIZATION FOR INSPECTION

An application for a *Development Permit* shall constitute authorization for inspection of the subject *building* or *lot* during *development* by an officer or agent of the *Community* for the purpose of ensuring compliance with the provisions of this bylaw.

~~3.9.~~3.13. PERMITS POSTED

The *owner* shall post the permit at a location on the *parcel* that is visible to the public.

~~3.10.~~3.14. DEVELOPMENT AGREEMENT

1. ~~*Council*~~ *The Development Officer* may require an *owner* to enter into a *development agreement with Council*. This agreement is a contract and shall be binding on both parties.

2. The *development agreement* shall include the conditions under which a *development* ~~it~~ is to be carried out by the *owner*.

3. Failure to comply with a *development agreement* shall constitute an offence under this bylaw.

4. A *development agreement* may address but shall not be limited to the following matters:

   i. Site design;

   ii. The design and construction cost of sidewalks, pathways and other pedestrian access matters;

   iii. *Landscaping* and screening;

iv. Vehicular accesses and exits;

v. *Signage*;

vi. Security and safety lighting;

vii. Architectural design;

viii. Methods of waste disposal;

ix. Remediation measures;

x. Security;

xi. Hours of operations;

xii. Fencing; and

xiii. Other matters ~~that *Council* deems necessary~~ to ensure the health, safety and convenience of *Community* residents or any other person.

5. The *development agreement* shall be registered in accordance with the *Registry Act*, R.S.P.E.I. 1988, c. R-11.

6. A permit issued subject to a *development agreement* shall reference the signed agreement as a condition of the permit.

7. Fees associated with the preparation, registration and enforcement of the *development agreement* shall be paid by the *owner*.

~~3.11.~~3.15. VARIANCES

1. Upon receiving a recommendation from Planning Board, *Council* may grant a *variance* for a *development* application, not exceeding 10% of the minimum setback, lot area, frontage, lot coverage and/or building height as required in the zone, ~~from the provisions of this bylaw~~ if the *variance* is consistent with the general intent and purpose of this bylaw, provided that:

   i. The *lot* has peculiar physical conditions, such as small lot size, irregular lot shape, exceptional topographical conditions, or other feature, which make it impractical to develop in strict conformity with the bylaw standards;

   ii. Strict application of the bylaw standards would impose undue hardship on the *owner* by excluding them from the rights and privileges for reasonable *use* of the *lot* as enjoyed by other *owners* in the same *zone*;

   iii. The *variance* is of the least magnitude required to enable reasonable *use* of the *lot*; and

iv. The proposed *variance* would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.

2. Authorization of a *variance* shall be documented and recorded in writing.

3. No *variance* shall be granted where the matter is the result of intentional or negligent conduct of the *owner*, including ignorance on the part of the *owner*, or where the difficulty can be remedied in some other reasonable manner.

4. Notwithstanding any other section of this bylaw, *Council* may grant a *variance* for a *development* application, in excess of 10% of the minimum setback, lot area, frontage, lot coverage and/or building height as required in the zone, ~~from the provisions of this bylaw~~ if *Council* deems such a *variance* desirable and appropriate and if such *variance* is consistent with the general intent and purpose of this bylaw.

5. Before *Council* considers a *variance* in excess of 10%, the *Development Officer* shall:

   i. Receive from the *owner* sufficient funds to cover the costs associated with a mail-out and the application fee;

   ii. Provide written notice by ordinary mail or hand delivery, explaining the details of the proposed application, to all *owners* within 152 m (500 ft.) of the boundaries of the subject *lot*;

   iii. Ensure that the notice identifies the subject *lot* and describes the application and the date by which written comments must be received;

   iv. Accept comments within fourteen (14) calendar days from the date of the notice. *Planning Board* shall consider the application having regard for the criteria in Sections 3.10.1 and shall make a recommendation to *Council*.

6. Where *Council* decides a *variance* application could have a significant effect on adjacent *parcels* or *parcels* in the general vicinity of the *lot,* or when Council decides insufficient input has been received, *Council* may require that a public meeting be held pursuant to the provisions of Section 3.12 of this bylaw.

7. When an application for a *variance* has been decided, the same or a similar *variance* application for the *lot* shall not be heard by *Council* within one (1) year of its rendering a decision unless *Council* is of the opinion that there is new information.

8. If, after one (1) year of a *variance* approval, no *Development Permit* is issued for the *lot* or the *development* has not been commenced, the *variance* and any related *Development Permit* shall be deemed null and void.

~~3.12.~~3.16. BYLAW AMENDMENTS

1. A person may apply in writing for an amendment to the provisions of this bylaw. The applicant shall describe in detail the reasons for the desired amendment and request *Council* consider the proposed amendment. Any request for an amendment shall be signed by the person seeking the amendment.

2. An application for rezoning shall:

    i. Be deemed to be an application to amend this bylaw;

    ii. Include a legal description of the location of the *lot* to be rezoned, the name and address of the *owner* and, if the applicant is not the *owner*, a statement as to the applicant's interest in the *lot*;

    iii. Include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to:

        a. General development concept showing proposed *use*, subdivision, *building*, means of servicing, traffic access and parking;

        b. Assessment of potentially impacts of the *development* on municipal infrastructure and the natural environment; and

        c. Verification that the proposed *development* is in conformance with any applicable provincial statute, regulation or other enactment.

    iv. Be submitted with a non-refundable application fee in accordance with a fee schedule (*See* Appendix 4). If the amount paid by the *owner* is not sufficient to cover the costs related to the application, the *owner* shall pay the additional amount required before *Council* gives final approval to the amendment or, if the amount paid is more than sufficient, the excess amount shall be refunded to the *owner* minus the processing fee.

3. Prior to amending this bylaw, *Council* shall provide public notice and hold a public meeting pursuant to the provisions of Section 3.12 in this bylaw.

4. *Council* shall determine whether to pursue an amendment and before making a decision shall consider whether:

    i. the proposed amendment is in conformity with the *Official Plan*; *or*

    ii. to amend the *Official Plan* in accordance with the provisions of the *Planning Act*.

5. Related *Official Plan* and bylaw amendments may be considered concurrently by *Council*, provided that both amendments are posted on the same notice and the *Official Plan* amendment precedes the bylaw amendment.

6. *Official Plan* and bylaw amendments approved by *Council* also require approval by the

Minister responsible for administering the *Planning Act*.

7. Following the public meeting, *Council* shall determine whether an amendment request is approved, requires modification, or denied. The *Development Officer* will notify the *owner* that the proposed amendment has been approved or denied. Where a proposed amendment has been denied by *Council*, the reasons for the denial shall be stated in writing to the *owner*.

8. When an application for an amendment has been decided, the same or a similar application shall not be heard by *Council* within one (1) year of its rendering a decision unless *Council* is of the opinion that there is new information.

9. Nothing in this bylaw restricts the right of *Planning Board* or *Council* to initiate its own amendment to the *Official Plan* or this bylaw.

~~3.13.~~3.17. PUBLIC MEETINGS

1. The *Development Officer* shall review an application and will provide a recommendation to *Council* on whether to hold a public meeting.

2. *Planning Board* and *Council* shall consider the following criteria when reviewing an application for a *variance* in excess of 10%, or a bylaw amendment, as applicable:

    i. Conformity with all requirements of this bylaw;

    ii. Conformity with the *Official Plan*;

    iii. Suitability of the site for the proposed *development*;

    iv. Compatibility of the proposed *development* with surrounding land uses, including both existing and other permitted uses;

    v. Comments from residents or other interested persons;

    vi. Adequacy of existing or proposed water supply system, *sewerage disposal system*, road access, storm water management, electrical services, *parkland* for accommodating the *development*, and any projected infrastructure requirements;

    vii. Impacts of the *development* on pedestrian and vehicular access and safety, including public safety generally;

    viii. Compatibility of the *development* with agricultural, environmental, scenic and heritage resources;

    ix. Impact on municipal finances and budgets;

    x. Other related provisions in this bylaw; and

xi. Other matters considered relevant by *Planning Board* or Council.

3. *Council* retains the right to deny a request without holding a public meeting, if such request is deemed to be inconsistent with land *use* planning principles or the *Official Plan*. Should *Council* not proceed with a public meeting, the application fee shall be returned to the *owner* minus the processing fee.

4. At least seven (7) clear days prior to holding a public meeting the *Development Officer* shall advertise the date, time and place of the public meeting, together with the general terms of the application, by:

   i. Public notice in a newspaper circulating in the area;

   ii. Written notice to all property *owner(s)* within 152 m (500 ft.) of the boundaries of the subject *lot*; and

   iii. Placing a *sign* on the subject lot.

5. At a public meeting called in respect of a proposed amendment to this bylaw, *Council* shall preside at the meeting, the *owner* or their authorized agent shall describe the proposed amendment at the meeting, and the opinions of any person shall be heard by *Council*.

~~3.14.~~3.18. RECONSIDERATION AND APPEALS

1. A person who is dissatisfied with a permit or application approval under this bylaw that has been approved, not approved or approved subject to conditions, and feels that the decision is unjustified may seek a reconsideration of the application by Council, and Council may review, rescind, change or vary any order or decision provided that:

   i. New material facts or evidence not available at the time of the initial decision has been presented;

   ii. A material change in circumstances has occurred since the initial decision; or

   iii. There is clear doubt as to the correctness of the initial decision.

~~1.~~2. A person who is dissatisfied with the administration of this bylaw by Council may appeal certain decisions to the Island Regulatory and Appeals Commission in accordance with the *Planning Act.*

~~3.15.~~3.19. OFFENCES AND PENALTIES

1. A person who violates any provision of this bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in the *Planning Act*.

2. The *Community* is also entitled to enforce this bylaw and restrain any breach of this bylaw in accordance with the *Planning Act*.

4. GENERAL PROVISIONS FOR ALL ZONES

4.1. ACCESS

1. No *Development Permit* shall be issued unless the *lot* or *parcel* intended to be used or upon which the *building* or *structure* is to be erected has *frontage* on a *highway*, or is an existing *lot* with legal access to a *private road*.

2. No person shall construct or use an *entrance way* except where that *entrance way* meets the minimum requirements as established under the *Planning Act* or the *Roads Act.*

3. Where an entrance way permit is required under the *Highway Access Regulations* prescribed under the *Roads Act*, its issuance shall be a condition precedent for approval of a *subdivision* or a *Development Permit*.

4. ~~*Council* may approve a~~ A *Development Permit* for a *structure* that fronts on a *private road* may be approved, provided that the following criteria are met:

    i. The *parcel* was approved prior to the effective date of this bylaw;

    ii. No reasonable provision can be made to provide direct access to a *highway*;

    iii. There is a safe ingress and egress from the *lot* or *private road* to a *highway*; and

    iv. An agreement is registered in accordance with the provisions of the *Registry Act*, binding on all *owners* abutting or fronting on the *private road,* providing for the long-term ownership and maintenance of the *private road*, and such agreement shall be binding on all heirs, successors, and assigns of the *owners*.

4.2. ACCESSIBILITY/BARRIER FREE DESIGN

No *Development Permit* shall be issued for a new *structure* or *building* until ~~*Council* receives~~ the applicant submits written confirmation from a qualified professional or the *provincial government* department responsible for the *Barrier-Free Design Regulations* prescribed under the *Provincial Building Code Act*, R.S.P.E.I. 1988, c. P-24, that the proposed *development* complies with such regulations.

4.3. ACCESSORY APARTMENTS

1. One (1) *accessory apartment* may be constructed in or as an addition to an existing *single detached dwelling* under the following conditions:

    i. The *owner* shall submit a site plan indicating the proposed location of at least one (1) additional *parking space* in addition to the *parking space*(s) required for the *main building*;

    ii. The design of the *accessory apartment* meets the requirements of the provincial Fire Marshal's Office;

iii. The exterior of the *single detached dwelling* shall retain the appearance of a *single detached dwelling*;

iv. Where the property is serviced by an on-site water supply and *sewerage disposal system*, the *intensification* of *use* and necessary upgrades to the system(s) must be approved by the responsible *provincial government* department;

v. The *accessory apartment* shall~~-~~ be less than:

a. 80% of the Gross Floor Area of the main Dwelling, excluding the garage; and

~~a.~~b. 80 m^2 (861 ft^2) in Floor Area ~~not be larger than 25% of the *floor area* devoted to the *use* of the *main building*.;~~

~~v.~~vi. The *accessory apartment* shall not contain more than two bedrooms; ~~and~~

vii. The subject property does not contain an *accessory apartment* within an *accessory building* on the *lot*.

~~vi.~~viii. All other provisions of the bylaw remain applicable to the *dwelling* and ~~*Council* may require such~~ changes may be required to the exterior of the *dwelling* ~~as may be necessary~~ to ensure compliance with this bylaw.

2. One (1) *accessory apartment* may be permitted in a detached *building* or in an *accessory building* on a *lot* with a *single detached dwelling* if the application meets the following requirements:

i. The *accessory apartment* shall be accessory to the *main building* on the lot and must be connected to the water supply and *sewerage disposal system* of the *main building;*

ii. In the case of connection with an on-site water supply and *sewerage disposal system*, the *intensification* of *use* and necessary upgrades to the system(s) must be approved by the responsible *provincial government* department; and

iii. The *accessory apartment* meets the requirements of the provincial Fire Marshal's Office;

iv. The following site standards for an *accessory apartment* in a detached *building* or *accessory building*, shall apply:

Lot Area (minimum)	4,047 m^2 (1.0 acre)
Building height (maximum)	4.6 m (15 ft.) or less than the height of the principle dwelling
Floor area (maximum)	65 m^2 (700 ft^2)

Permitted location	*rear yard* or *side yard* when the *side yard* setback is at least as wide as the minimum required setback for the *main building*.
Setback from lot line (minimum)	5 m (16.4 ft.)

v. The *accessory apartment* shall use the existing *entrance way* on the *lot* unless the said *entrance way* leads to a garage, in which case provision must be made for access to the *rear yard* for emergency vehicles;

vi. The *owner* shall submit a site plan indicating the proposed location of at least one (1) additional *parking space* in addition to the *parking space*s required for the *main building*;

vii. A *mini home* is not permitted to be used as an *accessory apartment* unless otherwise permitted in this bylaw.

viii. The *accessory apartment* shall not be situated over an existing underground services or utilities and shall not encroach upon a permanent easements registered on the *lot*. ~~*Council* may require the~~ The *owner* may be required to submit a *survey plan* certified by a licensed Prince Edward Island Land Surveyor or licensed engineer;

ix. The installation of the *accessory apartment* shall not interfere with, nor disrupt, the existing storm water drainage pattern on adjacent properties, and shall not cause ponding of storm water; and

x. The *main building* shall not contain an *accessory apartment*.

4.4. ACCESSORY BUILDINGS

1. An *accessory building* shall be permitted on a *parcel* but shall not be used for human habitation except where an *accessory apartment* is a permitted use.

~~1.~~2. An *accessory building* on a *parcel* with a *residential use* shall not:

i. Be located in the *front yard*;

ii. Be closer than 1.5 m (4.9 ft.) to a *lot line*, except that common garages for *semi-detached dwellings* may be centered on a mutual *side lot line*;

iii. Exceed 4.6 m (15.1 ft.) in *building height*; and

~~iii.~~iv. The following regulations shall apply with regards to the maximum number and size of *accessory buildings* permitted on a *lot*:

	Lot area is less than 1 acre	Lot area is between 1-3 acres	Lot area is greater than 3 acres
Number of Accessory Buildings permitted (maximum)	2	2	3
Number of Accessory Buildings permitted on a property with an approved Accessory Apartment (maximum)	2	3	3
Floor Area (maximum) for individual Accessory Buildings	700 ft^2	1,000 ft^2	1,000 ft^2
Combined Floor Area (maximum)	1,000 ft^2	1,200 ft^2	1,500 ft^2

~~iv. Exceed 65 m^2 (700 ft^2) of *floor area* per *building*, unless the lot is more than 4,047 m^2 (1 acre) in size, in which case the maximum *floor area* of a *building* may be up to 93 m^2 (1,000 ft^2); and~~

~~v. Exceed a maximum of two (2) *buildings* per *lot* with a maximum combined *floor area* of 93 m^2 (1,000 ft^2), unless the *lot* is over 12,141 m^2 (3 acres) in size, in which case the maximum combined *floor area* of the *accessory buildings* may be up to 111.5 m^2 (1200 ft^2).~~

~~2.~~3. ~~An *accessory building* shall meet the requirements in Section 4.4.2 for an *accessory building* on a *lot* with a *residential use*.~~ An *accessory building* on a *parcel* ~~If an *accessory building* is proposed for a *lot*~~ with any other use other than residential, ~~the *accessory building*~~ shall meet the *lot* requirements for *development* of a *main building* within the applicable *zone*.

~~3.~~4. No *accessory building* or *structure* over 12 m^2 (129.2 ft^2) shall be constructed:

i. Prior to the construction of the *main building* to which it is accessory; or

ii. Prior to the establishment of the *use* of the *lot* where no *main building* is to be built.

~~4.1. Satellite dishes greater than 0.6 m (2 ft.) in diameter are not permitted.~~

5. Notwithstanding the above provisions, but after having followed the process in Section ~~3.10~~ 3.12.5 of this bylaw, *Council* may approve an *accessory building* that:

i. Is located within the *front yard* or flankage *yard* of a *lot*;

ii. ~~Has a *floor area* greater than 111.5 m^2 (1,200 ft^2) on a *lot* exceeding 12,140 m^2 (3 acres) in *lot area*;~~ or

iii. Exceeds 4.6 m (15.1 ft.) in *building height*.

provided *Council* is satisfied the ~~need for the additional size is warranted, the~~ proposed *structure* will be architecturally compatible with adjacent *structure*s and no permanent injury will be caused to the existing and permitted uses of adjoining properties.

~~4.5.1.1.~~ ~~**AUTHORIZATION FOR INSPECTION**~~

~~An application for a *Development Permit* shall constitute authorization for inspection of the subject *building* or *lot* during *development* by an officer or agent of the *Community* for the purpose of ensuring compliance with the provisions of this bylaw.~~

~~4.6. BED AND BREAKFAST~~

~~1. A *bed and breakfast* with not more than three (3) rooms offered for overnight accommodation may be permitted to operate in a *single detached dwelling* subject to the following:~~

~~i. The *dwelling* shall be occupied as a residence by the principal operator and the external appearance of the dwelling shall not be changed by the operation of the *bed and breakfast*;~~

~~ii. Adequate off-*highway* parking shall be provided on the *lot* according to the provisions of Appendix 3, where each room shall be considered a sleeping unit;~~

~~iii. *Premise signs* shall be restricted to a maximum of 0.56 m² (6 ft²);~~

~~iv. There shall be no other *signage*, open storage or visible *display* area;~~

~~v. Where the *parcel* is serviced by an on-site water supply and *sewerage disposal system*, the *intensification* of *use* and necessary upgrades to the system(s) shall be approved by the responsible *provincial government* department;~~

~~vi. The *bed and breakfast* is licensed under any applicable statute, regulation or other enactment.~~

~~2. A *bed and breakfast* with more than three (3) rooms offered for overnight accommodation, may be permitted subject to the following additional requirements:~~

~~i. The *lot* is located in the A1 Zone;~~

~~ii. The *lot* satisfies the minimum *lot area* and *lot frontage* requirements for the zone;~~

~~iii. Adequate parking to service the *dwelling* and sleeping units is provided on the *lot* according to the provisions of Appendix 3; and~~

~~There shall be not more than eight (8) rooms offered for overnight accommodation.~~

~~4.7.~~4.5. BUILDING SETBACK FROM HIGHWAYS

1. The minimum *building setback* from a *highway* shall be:

   i. 15.2 m (50 ft.) from arterial, collector, and local *highways*; and

   ii. 5.2 m (17 ft.) from interior subdivision *highways* or seasonal subdivision *highways*.

2. The minimum *building setback* from a *private road* shall be 15.2 m (50 ft.) from the centre line of the *private road.*

~~4.8.~~4.6. BUILDING ~~SETBACK BETWEEN EXISTING BUILDINGS~~ SEPARATION DISTANCES

~~Notwithstanding the minimum *front yard* requirements in this bylaw, when a *building* is erected adjacent to an existing *building* or between two existing *buildings*, located within 15.2 m (50 ft.) of the proposed *building*, the minimum *front yard* requirement shall be no less than that of the adjacent *building*(s) that is closest to the *highway*.~~

1. Where more than one main building is permitted on a *lot*, the minimum separation distance between *buildings* shall be 6.0 m (19.7 ft), unless the subject *buildings* have been designed by a licensed architect and/or engineer and the separation distance has been certified accordingly.

2. The minimum separation distance between a *main building* and an *accessory building* or *temporary structure*, shall be 1.2 m (3.9 ft).

~~4.9.~~4.7. COMMERCIAL USE ~~IN A DWELLING~~ ON A RESIDENTIAL PROPERTY

1. A *commercial use* may operate in a *dwelling* or in an *accessory building* to a *dwelling* on a *residential lot* provided:

   i. The *owner* of the business ordinarily resides in the *dwelling*;

   ii. Not more than two (2) employees live outside the *dwelling*;

   iii. Not more than twenty five percent (25%) of the *floor area* of the *dwelling* is used for the *commercial use*;

   iv. Adequate off-*highway* parking is provided on the *lot* for both the *dwelling* and the *commercial use* in accordance with Appendix 3;

   v. No *outdoor storage* of materials or outdoor product *display* is used in conjunction with the *commercial use*, and where the commercial use involves services for vehicles, no more than 3 vehicles, in addition to those registered to the property owner may be parked or stored on the *lot* at any time, additional vehicles may be parked or stored on the *lot* within a wholly enclosed *building*~~;~~

   ~~v.~~vi. A maximum of two (2) commercial vehicles may be parked or stored on the *lot*, and

additional vehicles may be parked or stored on the *lot* within a wholly enclosed *building*.

~~vi.~~vii. *Premise sign*s shall be restricted to a maximum of 0.56 m^2 (6 ft^2);

~~vii.~~viii. No mechanical equipment shall be used on the *lot* except what is reasonably consistent with the *use* of the *dwelling;*

~~viii.~~ix. The external appearance of the *dwelling* is not altered; and

~~ix.~~ x. Where the property is serviced by an on-site water supply and *sewerage disposal system*, the *intensification* of *use* and any necessary upgrades to the system(s) must be approved by the responsible *provincial government* department.~~;~~

2. The following commercial uses are permitted on a residential property:

i. Home daycare, subject to provincial regulations;

ii. Tourist establishment, subject to Section 4.6 of this bylaw;

iii. A personal service shop;

iv. Home office, providing clerical, computer and/or telephone based services;

v. Custom sewing, crafts or production of visual arts;

vi. Multi-level marketing retail sales;

vii. Catering, for off-premise delivery of products;

viii. Private lessons, tutoring or training sessions;

ix. Health and wellness services; and

x. Craft Studio

3. Notwithstanding the above provisions, but after having followed the process in Section 3.12.5 of this bylaw, *Council* may approve an alternative commercial use provided *Council* is satisfied the commercial use will be compatible with adjacent land uses, and that no permanent injury will be caused to the existing and permitted uses of adjoining properties.

3. ~~The following *commercial uses* are not permitted in a *dwelling,* or in an *accessory building* to a *dwelling*:~~

~~i. An *automobile shop*, body shop, *service station* or repair shop;~~

~~ii. An entertainment facility;~~

~~iii. A *restaurant*; and~~

~~iv. A *convenience store*.~~

~~2. 3. A *craft studio* within a *dwelling* with a gallery or retail area shall not exceed 40% of the *floor area* of the *building* and at least 50% of the items for sale must be produced by the resident *Craftsperson*.~~

~~4.10.~~1.1. ~~CONSTRUCTION PLANS~~

~~*Council* may require the *owner* to submit a construction plan for the *development* addressing matters related to construction, including but not limited to: construction phasing, stockpiling of fill, temporary screening or fencing, erosion or run-off control measures, heavy truck access, hours of construction, remediation measures and any other matter that could present a nuisance or hazard during construction of the *development*.~~

~~4.11.~~4.8. DECKS

1. A *deck* up to 0.6 m (2 ft.) in *height* above the surrounding *grade* may project into the *side yard* and *rear yard* required by this *Bylaw* by 1 m (3.3 ft.).

2. A *deck* that exceeds 0.6 m (2 ft.) in *height* above the surrounding *grade* shall be subject to the *building setback* requirements for *development* of a *main building* within the applicable *zone*.

~~4.12.~~4.9. DEMOLITION OR MOVING PERMITS

1. No one may undertake a *demolition* or move a *structure* that is greater than 20 m^2 (215.3 ft^2), that has a foundation, or that is connected to water supply and/or *sewerage disposal system* without first obtaining a *Development Permit*.

2. When a *structure* is demolished or moved, the well and *sewerage disposal system* must be decommissioned or temporarily capped in accordance with any applicable statute, regulation or other enactment.

3. When a *structure* is to be moved, the *owner* must arrange for a *highway* escort as required by any applicable statute, regulation or other enactment.

4. When a *structure* has been moved or demolished, the *lot* must be leveled to *grade*.

~~4.13.~~1.1. ~~DENYING PERMITs and Development restrictions~~

~~1. No *Development Permit* shall be issued if the proposed *development*:~~

~~i. Could create a hazard to the general public or any resident of the *municipality* or could injure or damage neighbouring lot or other property in the *municipality*, including but not be limited to, hazards, injuries or damages arising from water drainage run-off;~~

~~ii.i. Could create a health, fire or accident hazard or increase the likelihood of the~~

~~existence of rodents, vermin or other pests;~~

~~iii.~~i. ~~Does not conform to this bylaw;~~

~~iv.~~i. ~~Does not have a water supply that meets minimum provincial standards;~~

~~v.~~i. ~~Does not have a sewerage disposal *system that* meets minimum provincial standards;~~

~~vi.~~i. ~~Does not have safe and efficient access to the *highway;*~~

~~vii.~~i. ~~Would be *detrimental* to the environment;~~

~~viii.~~i. ~~Would be *detrimental* to the convenience, health, or safety of residents in the vicinity of the *development* or the general public;~~

~~4.14.~~4.10. ENVIRONMENTAL BUFFER

1. A buffer zone shall be in place for any *watercourse* or *wetland* in accordance with the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*.

2. The Environmental Reserve (Overlay) *zone* applies to any *wetland, watercourse*, and buffer zone identified on a *lot* by the *provincial government* department responsible for the *Environmental Protection Act*, and the boundary of any *wetland, watercourse*, and buffer zone shall be shown on any site plan submitted to the *Community* as part of a *development* applications.

~~4.15.~~4.11. EXCAVATION PITS

1. An *excavation pit* shall not be permitted within the MHP, RS1 or R1 Zones.

2. *Excavation pits* shall comply with all applicable provincial statutes, regulations and other enactments, and confirmation that the proposed *development* is in compliance with such enactments shall be submitted with a *development* applications.

3. The following minimum separation distances shall apply to all new excavation pits:

Minimum setback from a residential, institutional or recreation and *open space use*, other than a property owned by the *owner*	300 m (984 ft.)
Minimum setback from lot line	8 m (26.2 ft.)
Minimum setback from a *watercourse* or *wetland*	50 m (164 ft.)
Minimum setback from a *highway*	60m (197ft.)

~~4.16.~~4.12. EXISTING NON-CONFORMING BUILDINGS

1. A *building* shall be deemed to exist on the effective date of approval of this bylaw if:

    i. It was lawfully under construction; or

    ii. The permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within six (6) months after the date of the issue of the permit and is completed in conformity with the permit within twelve (12) months of commencing construction.

2. Where on the effective date of this bylaw, a *building* exists on a *lot* having less than the minimum *frontage* or *lot area*, or having less than the minimum front yard, *side yard* or *rear yard* required by this bylaw, the *building* may be enlarged, reconstructed, repaired or renovated provided that:

    i. The enlargement, reconstruction, repair or renovation does not further reduce the *front yard*, *side yard* or *rear yard* that does not conform to this bylaw; and

    ii. All other provisions of this bylaw and any applicable provincial statute, regulation or other enactment are satisfied.

3. Notwithstanding any other provisions of this bylaw, the *use* of a *building* existing on the effective date of this bylaw may be changed to a *use* permitted on the lot where the *lot area* or *frontage,* or both, is less than that required by this bylaw, provided that all other applicable provisions of this bylaw are satisfied.

4. If a *building* that does not conform to provisions of this bylaw is destroyed by a fire, or otherwise to an extent of seventy-five percent (75%) or more of the assessed value of the *building* above its foundation, the *building* shall only be rebuilt or repaired in conformity with the provisions of this bylaw.

~~4.17.~~4.13. EXISTING NON-CONFORMING LOTS

1. Notwithstanding any other provisions of this bylaw, a vacant *lot* having less than the minimum *frontage* or *lot area* may be used for a *use* permitted in the *zone* in which the *lot* is located and a *building* may be erected on the *lot* provided that all other applicable provisions in this bylaw are satisfied.

~~4.18.~~4.14. EXISTING NON-CONFORMING USES

1. Subject to the provisions of this bylaw, the *use* a *parcel*, a *building* or *structure* lawfully in existence on the effective date of this bylaw may continue to exist.

2. No structural alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a *building* or *structure* while a non-conforming *use* is being continued.

3. A change of tenants or occupants of a *parcel* or *building* shall not be deemed to affect the *use* of the *parcel* or *building* for the purposes of this bylaw.

4. A non-conforming *use* of a *parcel*, *building* or *structure* shall not be permitted if it has been discontinued for a period of twelve (12) months consecutively and, in such event, the *parcel*, *building* or *structure* shall not thereafter be used except in conformity with this bylaw.

5. No *intensification* of *use* shall be made while a non-conforming *use* of *the lot*, *building* or *structure* is being continued.

~~6.~~ 6. No increase in the *lot area* or *floor area* occupied by the non-conforming *use* shall occur while a non-conforming *use* is being continued.

4.15. FENCES

1. A fence may be erected or placed on a *lot* subject to the following regulations:

   i. The maximum height for a fence in any zone is 2.5 m (8.2 ft);

   ii. No fence may be electrified or incorporate barbed wire or other dangerous materials, except for an active farm.

4.16. FRONT YARD SETBACKS BETWEEN EXISTING BUILDINGS

Notwithstanding the minimum *front yard* requirements in this bylaw, when a *building* is erected adjacent to an existing *building* or between two existing *buildings*, located within 15.2 m (50 ft.) of the proposed *building*, the minimum *front yard* setback requirement shall be no less than that of the adjacent *building*(s) that is closest to the *highway*.

~~4.19.~~4.17. HEIGHT RESTRICTION EXEMPTION

The maximum *building height* requirement set out in this bylaw shall not apply to *church* spires, lightning rods, water tanks, monuments, elevator enclosures, silos, flag poles, lighting standards, television or radio antennae, telecommunications towers, ventilators, skylights, fire towers, drive-in theatre screens, chimneys, clock towers, solar collectors, power transmission towers, roof top cupola, wind turbines, or utility poles.

~~4.20.~~4.18. LAND USE EDGES

1. ~~*Council* shall require a~~Between adjacent *land uses, a* minimum 4.6 m (15 ft.) wide *landscape~~d~~ buffer* shall be maintained, or in the absence of a landscape buffer a *fence* of a type that forms a visual barrier shall be erected, on the *side lot line* and/or *rear lot line* of a *lot,* to be developed where:

   i. A resource or non-resource *commercia*l or~~,~~ *industrial* ~~*or agricultural*~~ *use* abuts a *residential use* along the *side lot line* or *rear lot line*;

   ~~ii. Land in *agricultural use* or that has potential for *agricultural use* abuts another use along~~

~~the *side lot line or rear lot line*; and~~

ii. A resource or non-resource *commercial* or~~,~~ *industrial* ~~*or agricultural use*~~ abuts the O1 Zone (including the Confederation Trail) along the *side lot line or rear lot line*;

iii. An *agricultural use*, excluding crops or forestry uses, and includes development that has a setback less than 22.8 m (75 ft) from a *side lot line* or *rear lot line* that abuts a *residential use*.

2. Where a resource or non-resource *commercial* ~~*use,*~~*or industrial use* ~~*or agricultural use*~~ abuts a *residential use* *the* ~~*or agricultural use, Council*~~ ~~shall require that~~:

   i. Exterior lighting or illuminated *signage* shall be arranged so as to deflect light away from the adjacent *residential use* ~~*or agricultural use*~~; and

   ii. *Outdoor storage* shall ~~adjacent to a *residential use or agricultural use*~~ be prohibited unless it is ~~hidden~~ screened from view by means of a *landscape*~~d~~ *buffer* of adequate size or architectural screening such as a wall, *fence* or other appropriate *structure*.

3. The site plan for the *development* shall identify the boundary of the land *use* edge and the location, width and material of the landscaped buffer, or *fence* to be constructed.

~~4.21.~~4.19. LICENSES, PERMITS, AND COMPLIANCE WITH OTHER BYLAWS

1. Nothing in this bylaw shall exempt a person from complying with the requirements of any other bylaw of the *municipality* or from obtaining any license, permission, permit, authority, or other approval required by any other bylaw of the *municipality* or any statute, regulation, or other enactment of the *provincial government* or the Government of Canada.

2. Where the provisions of this bylaw conflict with those of any other bylaw of the *municipality* the highest, strictest or most stringent provision shall prevail.

~~4.22.~~4.20. LIVESTOCK OPERATIONS

1. L*ivestock* operations shall comply with all applicable provincial statutes, regulations and other enactments, and confirmation that the proposed *development* is in compliance with such enactments shall be submitted with a *development* applications.

2. New *livestock* operations shall not be located within 152.4 m (500 ft.) from the MHP Zone, R1 Zone and RS1 Zones.

~~4.23.~~4.21. MAIN BUILDING

No person shall *erect* more than one (1) *main building* on a *lot* except in the:

1. C1 Zone;

2. MHP Zone;
3. A1 Zone;
4. PSI Zone; and
5. M1~~2~~ Zone.

~~4.24.~~4.22. MIXED USE

1. Where any *lot* or *building* is used for more than one (1) purpose, all provisions of this bylaw relating to each *use* shall be satisfied by the *owner*.

~~4.25.~~4.23. PARKING

1. Parking standards in the *Community* shall be consistent with the provisions of the *Planning Act* (*See* Appendix 3: Parking Standards)
2. Where the parking requirement is calculated to be greater than 0.5 of a space and less than 1.0 of a space, it shall be deemed to be a requirement for one (1) additional space.
3. A *Development Permit* application shall include a copy of a parking plan showing the provision of adequate off-street parking for residents, employees, visitors and other traffic.
4. Where parking is provided in the *front yard* of a non-residential *building*, a minimum 3 m (9.8 ft.) wide area of *landscaping* shall be provided between the parking and the *highway* boundary.

~~4.26.~~4.24. PERMITTED USES IN ALL ZONES

The following uses are permitted in all *zones*:

1. Temporary construction facilities such as sheds, scaffolds and equipment incidental to *development* for so long as construction is in progress or for a maximum period of six (6) months, whichever is the shorter period, and for a maximum of thirty (30) days after the completion of the *development.*
2. Public and private utilities and utility-related *building*s or *structure*s may be located in any *zone* and no *zone* standards shall apply.
3. *Public* or *private park*, *open space*, or *conservation activity*.

~~4.27.~~4.25. PROHIBITED USES

1. Uses that are not specified as permitted uses in the *zone* shall not be permitted in the *zone*.

~~1.~~ 2. Satellite dishes greater than 0.6 m (2 ft.) in diameter are not permitted.

3. Trailer truck bodies and *storage containers* are not permitted to be used as accessory buildings, and the temporary placement of trailer truck bodies or storage containers shall not exceed 60 days, without prior written approval from Council.

~~4.28.~~4.26. RECREATIONAL TRAILER OR VEHICLES

1. No person shall *use* or occupy a *recreational trailer or vehicle*, unless ~~*Council* has issued~~ a *Development Permit* has been issued in accordance with the following:

    i. A *Development Permit* shall be valid for a period of not more than 120 days and shall not be renewed; and

    ii. The *recreational trailer or vehicle* shall be removed from the *lot*, or stored and discontinued from use, immediately following expiry of the *Development Permit*.

~~4.29.~~4.27. SERVICING

1. ~~*Council* may withhold approval of a~~ A *Development Permit* may be withheld until such time as the water supply and sewerage disposal system is shown by the *owner* to be sufficient for the whole *development*.

2. As part of the application for a *Development Permit*, the *owner* shall provide written confirmation that:

    i. The on-site water supply system and water quality meets minimum provincial requirements; and

    ii. The *sewerage disposal system* meets minimum provincial requirements.

3. ~~*Council* may approve a~~ A shared or common *sewerage disposal system* may be approved if it meets the requirements of the *provincial government* department responsible for approving such systems and subject to the approval of Council's consulting engineer. All costs related to the design and approval of a shared or common system shall be borne by the *owner*.

4. Where central sewerage disposal and/or water supply services are available, all *development* shall be connected to these services.

~~4.30.~~4.28. SIDE YARD WAIVER

Notwithstanding any other provisions of this bylaw, where *building*s on adjacent *lots* share a *common wall*, the applicable *side yard* requirement shall be zero (0) along the common *lot line*.

~~4.31.~~4.29. SWIMMING POOLS

A *swimming pool* shall be permitted in the MHP, RS1, R1, A1 and O1 Zones subject to the following conditions:

1. A 1.8 m (5.9 ft.) *fence* shall be constructed in such a manner so as to impede unauthorized

persons from entering the *swimming pool* ~~and the *fence* shall be aesthetically presentable to Council, which shall give preference to fences constructed of wood~~;

2. The gate in the *fence* shall be capable of being locked;

3. Water from the swimming pool shall be de-chlorinated and disposal shall be either through the *sewerage disposal system* or carried off the *lot* by truck unless otherwise authorized by *Council*;

4. The *owner* shall satisfy any other conditions related to the maintenance and safety of the *swimming pool* ~~*required by Council*~~; and

5. The *swimming pool* shall not ~~to~~ be located in a *yard* that abuts a *highway*.

4.30. TEMPORARY STRUCTURES

Temporary structures may be permitted on a *lot* subject to the following:

1. A *temporary structure* may be placed or erected on the *lot* but not affixed to the ground by a foundation or piles;

2. The maximum floor area of the *structure* shall be 22.3m^2 (240 ft^2);

3. A *temporary structure* must conform to the setback and building separation regulations of this bylaw;

4. The placement or erection of the structure does not result in an alteration to the natural surface drainage pattern on the *lot;*

5. The maximum time period permitted for a temporary structure is 150 days and only one temporary structure may be permitted on a property in a single annual cycle;

~~1.~~6. A *temporary structure* permitted under this section is not considered an *accessory building,* unless the use of a *temporary structure* is intended to be longer than 150 days, and in such cases the *temporary structure* shall be treated as an *accessory building*.

4.31. TOURIST ESTABLISHMENT

1. A *bed and breakfast* or *short term rental* with not more than three (3) individual rooms offered for overnight accommodation may be permitted to operate in a *single detached dwelling* subject to the following:

   i. The *dwelling* shall be occupied as a residence by the principal operator and the external appearance of the dwelling shall not be changed;

   ii. Adequate off-*highway* parking shall be provided on the *lot* according to the provisions of Appendix 3, where each room shall be considered a sleeping unit;

iii. *Premise sign*s shall be restricted to a maximum of 0.56 m^2 (6 ft^2);

iv. There shall be no other *signage*, open storage or visible *display* area;

v. Where the *parcel* is serviced by an on-site water supply and *sewerage disposal system*, the *intensification* of *use* and necessary upgrades to the system(s) shall be approved by the responsible *provincial government* department;

vi. The *bed and breakfast or short term rental* is licensed in accordance with the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3. A copy of the license shall be submitted and the license number shall be included in all public and online advertisements of the Tourist Establishment.

2. A *bed and breakfast* or short term rental with more than three (3) individual rooms offered for overnight accommodation, may be permitted subject to the following additional requirements:

i. The *lot* is located in the A1 Zone;

ii. The *lot* satisfies the minimum *lot area* and *lot frontage* requirements for the zone;

iii. Adequate parking to service the *dwelling* and sleeping units is provided on the *lot* according to the provisions of Appendix 3; and

iv. There shall be not more than eight (8) rooms offered for overnight accommodation.

3. A *short term rental* of an entire dwelling, which is not rented to more than one group at a time on a per room basis, may be permitted subject to the following requirements:

i. The *short term rental* shall be licensed in accordance with the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3. A copy of the license shall be submitted and the license number shall be included in all public and online advertisements of the Tourist Establishment; and

ii. *Premise sign*s shall be restricted to a maximum of 0.56 m^2 (6 ft^2).

4.32. WIND ENERGY CONVERSION SYSTEMS

1. The *owner* of a *wind* turbine shall comply with, ~~and Council shall be guided by,~~ all applicable provincial statutes, regulations and other enactments related to *wind turbine*s.

2. A *wind turbine* with a name plate capacity of 100 kilowatts or less shall not be located within the distance equal to three (3) times the total height of the *wind turbine* from any existing *residential use* or *highway*.

3. A *wind turbine* with a name plate capacity in excess of 100 kilowatts shall:

i. Only be permitted in the A1 Zone;

ii. Not be permitted on a *lot* with a *residential use*; and

iii. Not be permitted within 1 km of the RS1 Zone or the R1 Zone.

4. A *wind turbine* with a name plate capacity in excess of 100 kilowatts shall be subject to the following conditions:

i. The blade clearance shall be a minimum of 7.6 m (25 ft.) from the ground or any structure;

ii. The minimum separation distance between *wind turbine*s shall be equal to or exceed the total height of the tallest *wind turbine*;

iii. The *wind turbine* shall be setback a minimum of one (1) times the total height of the *wind turbine* from all *lot lines* and *highway*s;

iv. The *wind turbine* shall be setback from a *dwelling* a minimum of four (4) times the total height of the *wind turbine* and, where adjacent *parcels* are part of the same application, the setback requirement from a common *lot line* shall be zero;

v. The *wind turbine* shall be located a minimum of 1 km from any *dwelling* on a neighbouring *parcel*. This separation distance does not apply to a *dwelling* on the same *lot* on which the *wind turbine* is installed or a *dwelling* on an adjacent *parcel* containing a *wind turbine* that is part of the same application; and

vi. The required separation distance for any additional *wind turbine* shall be equal to or greater than the separation distance between the initial *wind turbine* development and the *dwelling*;

5. A *Development Permit* may be issued for one or more *wind turbine*s to be located on a *lot* that does not have *frontage* on a *highway*, provided proof of access to a *highway* is submitted.~~filed with *Council*.~~

6. The *wind turbine* shall be finished in a non-reflective matte and unobtrusive colour.

7. The only artificial lighting permitted on the *wind turbine* is lighting that is required by a federal or provincial statute, regulation, or other enactment.

8. No *signage* shall be permitted on the *wind turbine* except for the identification of the manufacturer, provided such identification is part of the manufacturing process for the *wind turbine*.

9. The *owner* of the *parcel* on which the *wind turbine* is located ~~shall notify the *Council* within one (1) year of *wind turbine* inactivity and~~ shall remove the *wind turbine* and associated *structure*s within two (2) years of *wind turbine* inactivity.

10. The *owner* of the *lot* on which the *wind turbine* is located shall enter into a *development agreement* with *Council*, and the agreement shall be registered in accordance with the provisions of the *Registry Act*.

11. An application for a *Development Permit* for a *wind turbine* shall include:

    i. A project definition including the capacity of the *wind turbine*, long-term production levels, scale elevations or photos of the *wind turbine* showing total height, tower height, rotor diameter, and colour;

    ii. A site plan showing all *building*s, private access roads, *lot lines*, natural features, and alterations of the *lot*;

    iii. Manufacturer's specifications for the *wind turbine* and design and approval of the turbine base from a licensed professional engineer;

    iv. Copies of all documentation submitted pursuant to any federal or provincial statute, regulation, or other enactment;

    v. Copies of all licenses, permits, or other approvals required under any federal or provincial statute, regulation, or other enactment;

    vi. An emergency response plan;

    vii. A decommissioning and reclamation plan for the *lot*; and

    viii. Any other information the *Development Officer* or *Council* deems necessary to determine whether the *development* conforms to this bylaw.

12. No permits shall be issued for a *commercial wind energy system* without an amendment to this bylaw.

5. RESIDENTIAL MANUFACTURED HOUSING PARK ZONE (MHP)

5.1. GENERAL

Except as provided in this bylaw, all *building*s and *structure*s or parts thereof erected, placed or altered on any *parcel* in the MHP Zone shall conform to the provisions of Section 5.

Any *dwelling* in the *zone* shall be located in a *manufactured housing park*.

No person shall establish or make an extension to a *manufactured housing park* without first submitting an application and detailed plan to *Council* and receiving a written approval ~~from *Council*~~.

5.2. PERMITTED USE

In the MHP Zone no person shall *use* any *lot* or *building* except for a:

1. *Manufactured housing park*
2. *Mini home*
3. *Modular home*
4. *Single detached dwelling*
5. *Accessory building*

5.3. REGULATIONS FOR PERMITTED USES

No person shall establish a *manufactured housing park* that does not comply with the following standards:

1. The *manufactured housing park* and each site within the park shall be serviced by a central or municipal *sewerage disposal* and water supply system;

2. A paved *private road* not less than 7.5 m (24.6 ft.) wide shall be provided to serve each *dwelling unit* and shall connect with the *highway* and the travelled portion *private road* shall be surfaced with a minimum width of 6 m (19.7 ft.) of pavement;

3. Each *dwelling unit* shall have an allocated site that meets the following minimum requirements:

    i. Area of 278.9 m^2 (3,000 ft^2);

    ii. Distance of 7.6 m (25 ft.) that fronts on the *private road*;

    iii. Distance of 9.1 m (30 ft.) between *dwelling units*;

    iv. Distance of 4.6 m (15 ft.) between *dwelling units* and the park boundary line or the *highway*; and

    v. *Parking space*s in accordance with the residential standards set out in this bylaw.

4. *Manufactured housing park* grounds, facilities, outdoor furnishings, and equipment shall be maintained in good repair and sanitary condition.

5. A *manufactured housing park* shall have an operator providing daily supervision.

6. Sufficient covered receptacles shall be provided for garbage, refuse, and liquid wastes in the *manufactured housing park*.

7. All areas in the *manufactured housing park* shall be kept free of litter, rubbish and flammable material.

8. All lands in the *manufactured housing park* shall be landscaped to provide a suitable residential environment for residents of the *Community* and the general public.

9. The maximum allowable size for an *accessory building* in a *manufactured housing park* is ~~8.9 m^2 (96 ft^2)~~ 11.2 m^2 (120 ft^2)and it shall be located no closer than 1.5 m (5 ft.) from any *lot line*. *Accessory building*s shall not be located in a *front yard* or *flankage yard*, and shall not be located closer to the *highway* or *private road* than the permitted setback of the *dwelling unit*(s).

6. SERVICED RESIDENTIAL ZONE (RS1)

6.1. GENERAL

Except as provided in this bylaw, all *building*s and *structure*s or parts thereof erected, placed or altered on any *parcel* in the RS1 Zone shall conform to the provisions of Section 6.

6.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. *Single detached dwellings*
2. *Modular home*
3. *Accessory building*
4. *Accessory apartment*
5. *Private garage*
6. ~~*Bed and breakfast*~~ *Tourist Establishment*
7. *Duplex dwelling*
8. *Semi-detached dwelling*

6.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to centrally serviced *development* in the RS1 Zone:

i.	*Lot area* (minimum)	~~185.8 m^2 (20,000 ft^2)~~ 1,394 m^2 (15,000 ft^2)
ii.	Lot *frontage* (minimum)	30.5 m (100 ft.)
iii.	*Front yard* setback (minimum)	15.3 m (50 ft.)
iv.	*Rear yard* setback (minimum)	7.6 m (25 ft.)
v.	*Side yard* setback (minimum)	4.6 m (15 ft.)
vi.	*Flankage yard* setback (minimum)	15.3 m (50 ft.)
vii.	Height of any *building* (maximum)	10.7 m (35 ft.) or 2.5 *stories*
viii.	Lot coverage (maximum)	25%

2. The following requirements shall apply to *development*s serviced by on-site sewage treatment systems and on-site water supply in the RS1 Zone:

i.	*Lot area* (minimum)	*See* Appendix 5
ii.	Lot *frontage* (minimum)	45.7 m (150 ft.)
iii.	*Front yard* setback (minimum)	15.3 m (50 ft.)
iv.	*Rear yard* setback (minimum)	15.3 m (50 ft.)
v.	*Side yard* setback (minimum)	4.6 m (15 ft.)
vi.	*Flankage yard* setback (minimum)	15.3 m (50 ft.)
vii.	Height of any *building* (maximum)	10.7 m (35 ft.) or 2.5 *stories*
viii.	Lot coverage (maximum)	15%

3. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act,* as may be amended

(*See* Appendix 5).

7. RESIDENTIAL ZONE (R1)

7.1. GENERAL

Except as provided in this bylaw, all *building*s and *structure*s or parts thereof erected, placed or altered on any *parcel* in the R1 Zone shall conform to the provisions of Section 7.

7.2. PERMITTED USES

No *building* or part thereof and no *lot s*hall be used for purposes other than:

1. *Single detached dwellings*
2. *Modular home*
3. *Accessory building*
4. *Accessory apartment*
5. *Private garage*
6. ~~*Bed and breakfast*~~ *Tourist Establishment*
7. *Duplex dwelling*
8. *Semi-detached dwelling*

7.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to all *development* in the R1 Zone:

i.	*Lot area* (minimum)	*See* Appendix 5
ii.	Lot *frontage* (minimum)	~~45.7 m (150 ft.)~~ 53.3 (175 ft)
iii.	*Front yard* setback (minimum)	15.3 m (50 ft.)
iv.	*Rear yard* setback (minimum)	7.6 m (25 ft.)
v.	*Side yard* setback (minimum)	4.6 m (15 ft.)
vi.	*Flankage yard* setback (minimum)	15.3 m (50 ft.)
vii.	Height of any *building* (maximum)	10.7 m (35 ft.) or 2.5 *stories*
viii.	Lot coverage (maximum)	15%

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (*See* Appendix 5).

8. AGRICULTURAL ZONE (A1)

8.1. GENERAL

Except as provided in this bylaw, all *building*s and *structure*s or parts thereof erected, placed or altered on any *parcel* in the A1 Zone shall conform to the provisions of Section 8.

8.2. PERMITTED USES

1. No *building* or part thereof and no *lot* with a *lot area* of 12,140 m^2 (3 acre) or less shall be used for purposes other than.

   i. Single detached dwelling

   ii. Mini home

   iii. Modular home

   iv. Accessory building

   v. Accessory apartment

   vi. *Private garage*

   vii. Tourist Establishment

   viii. Duplex dwelling; and

   ~~v.~~ix. Craft studio

~~1.~~2. No *building* or part thereof and no *lot* with *lot area* greater than 3 acres shall be used for purposes other than those stated above for smaller *lots, and the* following:~~purposes other than~~:

1. *Resource use* including a barn, stable, other *accessory building* and *residential use* directly related to a *farm*
2. *Forestry use*

~~3. *Bed and breakfast*~~

~~4.~~3. *Resource commercial use*

~~5.~~4. *Resource industrial use*

~~6. *Craft studio*~~

~~7.~~ *Wind turbine*

8.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to all *development* in the A1 Zone:

i.	*Lot area* (minimum)	4,046 m^2 (1 acre)
ii.	Lot *frontage* (minimum)	53.3 m (175 ft.)
iii.	*Front yard* setback (minimum)	15.3 m (50 ft.)
iv.	*Rear yard* setback (minimum)	15.3 m (50 ft.)

v.	*Side yard* setback (minimum)	4.6 m (15 ft.)
vi.	*Flankage yard* setback (minimum)	15.3 m (50 ft.)
vii.	Height of any *building* (maximum)	10.7 m (35 ft.) or 2.5 *stories*
viii.	Lot coverage (maximum)	10%

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (*See* Appendix 5).

9. GENERAL COMMERCIAL ZONE (C1)

9.1. GENERAL

Except as provided in this bylaw, all *building*s and *structure*s or parts thereof erected, placed or altered on any *parcel* used in a C1 Zone shall conform to the provisions of Section 9.

9.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. *Retail store*
2. *Business* or *professional office*
3. *Personal service shop*
4. Funeral home
5. *Resource commercial use*
6. *Accessory building*
7. Public *parking lot*
8. *Child care facility*
9. *Dwelling unit* in a commercial *building*
10. R*estaurant*
11. *Hotel* or *motel*

9.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to *development* in the C1 Zone:

i.	***Lot area* (minimum)**	***See Appendix 5***
ii.	Lot *frontage* (minimum)	53.3 m (175 ft.)
iii.	*Front yard* setback (minimum)	15.3 m (50 ft.)
iv.	*Rear yard* setback (minimum)	15.3 m (50 ft.)
v.	*Side yard* setback (minimum)	4.6 m (15 ft.)
vi.	*Flankage yard* setback (minimum)	15.3 m (50 ft.)
vii.	Height of any *building* (maximum)	10.7 m (35 ft.) or 2.5 *stories*
viii.	Lot coverage (maximum)	15%

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (*See* Appendix 5).

9.4. DWELLINGS IN COMMERCIAL *BUILDINGS*

Where a *dwelling unit* is located in a *building* with a *commercial use*, the following minimum standards shall apply:

1. The *dwelling unit* shall not be above a *restaurant*, *lounge*, *automobile service station*, *automobile shop, d*ry cleaning establishment or other *commercial use* storing hazardous

materials;

2. A separate entrance shall serve the *dwelling unit*;

3. For each *dwelling unit*, *landscaping* having an area of 37 m^2 (398 ft^2) and one (1) additional *parking space* shall be provided;

4. Each *dwelling unit* shall meet the requirements of the provincial Fire Marshal's Office; and

5. The *floor area* of the *dwelling unit* shall be a minimum of 37 m^2 (398 ft^2) and shall not exceed the *floor area* of the *commercial use*.

9.5. TRANSIENT OR TEMPORARY COMMERCIAL PERMITS

Notwithstanding any other provisions of this bylaw, temporary permits may be issued ~~by *Council*~~ for a transient-type *commercial use* subject to compliance with the following conditions:

1. The *development* shall comply with all applicable provincial statutes, regulations and other enactments, including the *Roads Act*, and written confirmation that the *development* is in compliance with all such enactments shall be submitted with a *development* application.

2. The *development* shall not interfere with the parking requirements of permanent users of the *lot* in which the *development* will be located;

3. The expiry date(s) of the temporary permit shall ~~be fixed by *Council* and~~ not exceed twelve (12) consecutive weeks;

4. A letter of approval from the *owner* of the *lot* on which the temporary *development* will be situated shall be submitted ~~to *Council*~~; and

5. Where required, the *owner* shall confirm ~~satisfy *Council*~~ that such *development* complies with all provincial statutes, regulations and other enactments related to public health and safety.

10. LIGHT INDUSTRIAL ZONE (M1~~2~~)

10.1. GENERAL

Except as provided in this bylaw, all *building*s and *structure*s or parts thereof erected, placed or altered on any *parcel* in the M1~~2~~ Zone shall conform to the provisions of Section 10.

10.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. Permitted uses in the C1 Zone
2. Manufacturing and assembly
3. Warehousing
4. Transport operations, including trailer storage
5. Wholesale operation
6. *Restaurant* or cafeteria
7. Farm machinery and *heavy equipment depot*, dealerships and repair shop
8. *Contractor's yard*
9. Storage of sand and aggregate
10. Concrete plant
11. Food processing
12. Activities connected with an *automobile shop*, a*utomobile service station* or repair shop

10.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to *development* in the M1~~2~~ Zone:

i.	*Lot area* (minimum)	*See Appendix 5*
ii.	Lot *frontage* (minimum)	53.3 m (175 ft.)
iii.	*Front yard* setback (minimum)	15.3 m (50 ft.)
iv.	*Rear yard* setback (minimum)	15.3 m (50 ft.)
v.	*Side yard* setback (minimum)	4.6 m (15 ft.)
vi.	*Flankage yard* setback (minimum)	15.3 m (50 ft.)
vii.	Height of any *building* (maximum)	10.7 m (35 ft.) or 2.5 *stories*
viii.	Lot coverage (maximum)	15%

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (*See* Appendix 5).

10.4. EXCEPTIONS TO MAXIMUM BUILDING HEIGHT

Notwithstanding any other provisions in this bylaw, ~~*Council* may approve~~ an application for a *structure* exceeding the maximum *building height* in the M1~~2~~ Zone may be approved provided that:

1. The application meets the requirements of the provincial Fire Marshal's Office;
2. The *structure* conforms to all other provisions of this bylaw and all provincial statutes, regulations and other enactments, including the *Provincial Building Code Act*;
3. The proposed height of the *structure* is physically necessary for the processes that will be carried out in the *structure*; and
4. The proposed height of the *structure* would not exceed 30 m (98.4 ft.) or would not exceed 20 m (65.6 ft.) where the *structure* is within 100 m (328 ft.) of an existing *dwelling* or *lot* in the MHP, RS1 or R1 *zone*.

10.5. ENVIRONMENTAL IMPACT ASSESSMENT

Where a proposed *industrial use* may have a significant impact on *highways*, *sewerage disposal systems* or water supply systems or may have a significant environmental impact, ~~*Council* may prepare terms of reference for and require~~ the *owner* may be required to undertake an environment impact assessment, in conjunction with staff at the responsible *provincial government* department prior to consideration of an application for a *Development Permit*.

11. PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI)

11.1. GENERAL

Except as provided in this bylaw, all *building*s and *structure*s or parts thereof erected, placed or altered on any *parcel* in the PSI Zone shall conform to the provisions of Section 11.

11.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. *Institutional use*
2. Civic centre
3. *Accessory building*
4. *Public* or *private park*
5. *Recreational use*
6. *Club*
7. Government *building* (federal, provincial or municipal)
8. Fire training school

11.3. LOT REQUIREMENTS

1. The following requirements shall apply to *development* in the PS1 Zone:

i.	*Lot area* (minimum)	4,047 m^2 (1 acre)
ii.	Lot *frontage* (minimum)	53.3 m (175 ft.)
iii.	*Front yard* setback (minimum)	15.3 m (50 ft.)
iv.	*Rear yard* setback (minimum)	7.5 m (24.6 ft.)
v.	*Side yard* setback (minimum)	6 m (19.7 ft.)
vi.	*Flankage yard* setback (minimum)	15.3 m (50 ft.)
vii.	Height of any *building* (maximum)	10.7 m (35 ft.) or 2.5 *stories*

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (*See* Appendix 5).

12. RECREATION AND OPEN SPACE ZONE (O1)

12.1. GENERAL

Except as provided in this bylaw, all *building*s and *structure*s or parts thereof erected, placed or altered on any *parcel* in the O1 Zone shall conform to the provisions of Section 12.

12.2. PERMITTED USES

No *building* or part thereof and no *parcel* shall be used for purposes other than:

1. *Public* or *private park*
2. *Open space* or *conservation activity*
3. Golf course
4. *Recreational use*
5. *Pavilion or band shell*
6. Administrative office related to the above *permitted uses*
7. *Parking lot* related to the above *permitted uses*
8. *Accessory building*

12.3. LOT REQUIREMENTS

1. The following requirements shall apply to *development* in the O1 Zone:

i.	*Lot area* (minimum)	4,047 m^2 (1 acre)
ii.	Lot *frontage* (minimum)	53.3 m (175 ft.)
iii.	*Front yard* setback (minimum)	15.3 m (50 ft.)
iv.	*Rear yard* setback (minimum)	15.3 m (50 ft.)
v.	*Side yard* setback (minimum)	7.5 m (24.6 ft.)
vi.	*Flankage yard* setback (minimum)	15.3 m (50 ft.)
vii.	Height of any *building* (maximum)	10.7 m (35 ft.) or 2.5 *stories*

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (*See* Appendix 5).

13. ENVIRONMENTAL RESERVE ZONE (O2) - OVERLAY

13.1. GENERAL

1. Except as provided in this bylaw, all *building*s and *structure*s or parts thereof erected, placed or altered on any *parcel* in the O2 Zone shall conform to the provisions of Section 13.

2. The O2 Zone is an overlay zone intended to enhance the protection of surface and ground water quality, sensitive landscapes, and wildlife habitat. Passive agricultural activities, together with tree, shrub and plant cover is intended to be predominant *use* in this *zone*.

3. For the avoidance of doubt, the requirements in this bylaw for the O2 Zone are in addition to all requirements in the *Watercourse and Wetland Protection Regulations* made pursuant to the *Environmental Protection Act*, and any other federal or provincial statute, regulation, or other enactment.

13.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. Passive *recreational use*
2. *Conservation activity*
3. *Open space*
4. All other uses permitted within the *zone* underlying the O2 Zone

13.3. DEVELOPMENT PERMIT APPLICATIONS

1. Prior to the issuance of a *development permit* for any *use* other than passive *recreational use, conservation activity* or *open space*, the *owner* shall submit ~~*Council* shall receive~~ written confirmation from all responsible federal and *provincial government* departments that the application complies with applicable federal and provincial statutes, regulations, or other enactments.

2. Prior to issuance of a *development permit* within the O2 Zone and in the vicinity of the Charlottetown Well Field, ~~*Council*~~ the *Development Officer* may:

   a. Notify the City of Charlottetown of the proposed *development* and land *use*; and,

   b. Consult with *provincial government* officials and/or private consultants to ensure that necessary measures are taken to protect the Charlottetown Well Field from potential direct, indirect and long term impacts of the proposed *development* and land *use*.

13.4. ZONE BOUNDARIES

The *Zoning Map* shall indicate the approximate boundaries of the O2 Zone; however, the exact boundaries of the O2 Zone shall be the boundaries of all *wetlands, watercourses*, and buffer zones as determined by the *provincial government* department responsible for the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, and also includes the area defined by the boundary of the 25–year zone of influence on the City of

Charlottetown's Well Field.

The boundary of any *wetland, watercourse*, and buffer zone shall be shown on any site plan submitted to the *Community* as part of a *development* application.

13.5. ZONE REQUIREMENTS

In the 02 Zone, no *development* shall occur and no disturbance to the ground, soil or vegetation shall occur except in conformance with the *Watercourse and Wetland Protection Regulations* made pursuant to the *Environmental Protection Act*.

14. GENERAL PROVISIONS FOR SUBDIVIDING LAND

14.1. SUBDIVISION APPROVAL

No person shall subdivide one or more *lots* or any portion of a *lot* until the requirements of this bylaw have been complied with and the *owner* has received final approval ~~from the *Council*.~~

14.2. CONVEYING INTEREST IN A LOT

No person shall sell or convey any interest in a *lot* in a subdivision before ~~*Council* has granted~~ final approval of the subdivision in which the *lot* is situated has been granted.

14.3. SPECIAL PLANNING AREA

1. Part IV of the *Subdivision and Development Regulations* prescribed under the *Planning Act*, as may be amended (*See* Appendix 6), being the *Special Planning Area Regulations*, apply to subdivision, land *use*, and *development* in the *Community*.

2. Applications to subdivide land must be consistent with the *Special Planning Area Regulations*.

14.4. PERMISSION TO SUBDIVIDE

No person shall subdivide a *parcel* unless the subdivision:

1. ~~Is an *existing parcel* that~~ can be subdivided according to the provisions of this bylaw and any applicable provincial statute, regulation, or other enactment;

2. Is suitable to the topography, physical conditions, soil characteristics, and natural surface drainage of the land;

3. Has safe and convenient *highway* access;

4. Has adequate utilities and services available or can be conveniently provided with such utilities and services;

5. Will reasonably conform with existing land *use* in the immediate vicinity;

6. Will allow and provide for the safe and convenient flow of traffic;

7. Is designed so that *lots* will have suitable dimensions, shapes, orientation and accessibility;

8. Is suitable to the *use* for which it is intended;

9. Is designed so that all *lots* will have *frontage* on a *highway*;

10. Will not precipitate premature *development*, necessitate unnecessary public expenditure, or would place undue pressure on the *Community* or provincial government to provide services;

11. Will not result in flooding or erosion; and

12. Will not result in damage to the natural environment, including any *wetland* or *watercourse.*

14.5. ROAD STANDARDS

1. No subdivision shall be permitted on a *lot* served by a *private road*.

2. All new roads or streets shall be a *highway*.

14.6. SPECIAL REQUIREMENTS: EXISTING RESIDENTIAL LOTS

1. No person shall reduce the dimensions of a *lot* in the MHP Zone, RS1 Zone and R1 Zone where ~~*Council* deems~~ this would have a *detrimental* effect upon neighbouring property *owner(s)*.

14.7. PARKLAND DEDICATION AND/OR PARK DEDICATION FEE

1. A person seeking subdivision of a *lot* into two (2) or more *lots* shall be required to dedicate and convey to the *Community* 10% of the *lot area* for recreation and public *open space* purposes; as per the following:

    i. The location of the *lot t*o be conveyed shall be in the discretion of, and shall be subject to approval by, *Council*; and

    ii. The *lot* shall be free of all encumbrances.

2. In lieu of *parkland*, *Council* may require a payment equivalent to ten percent (10%) of the assessed value of the *lot* to be subdivided. Any monies so collected shall be designated for the purpose recreational and public *open space* lands and/or activities.

3. Subdivision of one *lot* from a *parcel* for the purpose of a *single detached dwelling* is exempt from any requirement of providing a *parkland* dedication or cash-in-lieu fee.

14.8. SPECIAL REQUIREMENTS: AGRICULTURAL (A1) ZONE

1. An application for subdivision within the A1 Zone shall be reviewed by the *provincial government* department responsible for the *Roads Act,* and where an entrance way permit shall be required it shall be approved a prior to subdivision approval ~~by *Council*~~.

2. In the A1 Zone, no person shall be permitted to subdivide more than four (4) lots from an *existing parcel*.

3. Notwithstanding the above, ~~*Council* may authorize~~ the subdivision of farmland for agricultural purposes may be authorized, provided that any resulting *lots* for residential *use* comply with the provisions of this bylaw.

14.9. SPECIAL REQUIREMENTS: SUBDIVIDING ATTACHED DWELLINGS

1. Units in a *semi-detached dwelling* may be subdivided provided that:

    i. A s*ubdivision* of the *parcel* has been approved ~~by *Council*~~ (such *subdivision* shall provide for appropriate easements or common area to allow entry by an owner of any portion of the *building* to the *rear yard*);

    ii. The *owner* shall submit documentation verifying that the units are separated from the basement floor to the underside of the roof by a vertical fire wall built in accordance with the National Building Code and applicable Fire Code Regulations;

    iii. A separate water supply and *sewerage disposal system* is provided for each unit in accordance with provincial government regulations pertaining to water supply and *sewerage disposal*;

    iv. A separate electrical service shall be provided for each unit;

    v. A separate heating device shall be provided for each unit;

    vi. Separate parking shall be provided for each unit, unless *Council* waives such requirement on the basis of an easement or other agreement binding upon the heirs, successors, and assigns of the units;

    vii. A copy of the agreement made between the *owner(s)* covering the following terms shall be ~~approved by *Council* and~~ registered at the land registry against each unit:

        b. *common walls*;

        c. maintenance;

        d. fire insurance;

        e. easements;

        f. parking;

        g. snow removal;

        h. any other items jointly owned or used; and

        i. any other terms and conditions shall be imposed by *Council*

14.10. SPECIAL REQUIREMENTS: REDUCED LOT FRONTAGE

1. If a *parcel* is of such configuration that it cannot reasonably be subdivided in such a way to provide the required minimum *frontage* on a *highway*, ~~*Council* may approve~~ a reduced lot *frontage* may be approved, provided:

i. The *lot* width at the *building line* measures at least as long as the minimum lot *frontage* for the zone;

ii. The *lot* has access on a *highway,* approved by the *provincial government* department responsible for administering the *Roads Act*;

iii. The *entrance way* has a minimum width of 7.3 m (24 ft.); and

iv. The lot size in all other respects meets the requirements of this bylaw.

2. Not more than one *panhandle lot* shall be subdivided from an *existing parcel*.

14.11. SUBDIVISION AGREEMENT

1. ~~*Council* may require an~~An *owner* may be required to enter into a subdivision agreement as a condition of *subdivision* approval. The subdivision agreement may cover, but is not limited to, the following matters:

i. Design, construction and costs of water supply services, *sewerage disposal systems*, storm water management infrastructure, roads, and street lighting;

ii. Dedication of land for recreation and public *open space* purposes, or payment of a fee in lieu of land;

iii. Deeding of *highways* to the *provincial government*;

iv. Deeding of utility systems to the *Community* or public utility;

v. Posting of a financial guarantee, bond or other security satisfactory to *Council*;

vi. The provision of a storm water management plan to guard against flooding in the subdivision and adjacent properties;

vii. Phasing for the *subdivision* of *lots*;

viii. Assignment of costs associated with the drafting, signing and enforcing of the agreement;

ix. Any other matter(s) that is ~~*Council* deems~~ deemed necessary to conform to this bylaw or to ensure the health, safety and convenience of the C*ommunity* and its residents.

2. All subdivision agreements shall be registered in accordance with the provisions of the *Registry Act*.

14.12. APPLICATION AND PRELIMINARY APPROVAL PROCESS

1. Any person seeking ~~*Council*'s~~ approval of a *subdivision* shall first make application for preliminary approval, and shall be required to submit the following:

i. An application in the form approved by *Council*;

ii. An orthophoto showing the location of the *parcel* and all adjoining properties;

iii. A description of *uses* on the surrounding *parcels*;

iv. A preliminary subdivision plan, prepared by a licensed Prince Edward Island Land Surveyor and/or licensed engineer, drawn to scale showing:

a. contours showing topography of the *parcel* with at least 2 m (6.5 ft.) contour lines;

b. the true shape and dimensions of the proposed *lots*;

c. the location of every existing *building* or *structure* on the *parcel* and adjacent *parcels*;

d. existing and proposed services and utilities;

e. proposed widths and locations of all streets;

f. location of land proposed for *open space* and parks *use*;

~~f.~~g. proposed surface water drainage patterns and designed drainage features, when applicable; and

~~g.~~h. other existing features, including *building*s, watercourses, wetlands, buffer zones, wooded areas, and areas subject to flooding or erosion.

~~2. A storm water management plan prepared by a licensed engineer shall be submitted with an application for preliminary approval for a subdivision of:~~

~~a. a *lot* for any land use other than agricultural uses;~~

~~b. a *lot* into two (2) or more *lots*; or~~

~~c. a *subdivision* involving the construction of a new road.~~

~~3.~~2. ~~*Council* may also require the~~ The *owner* may be required to provide additional information as required to assist in evaluating a proposed *subdivision*, including, but not limited to:

i. A soil test and water test;

ii. An assessment on any potential environmental impacts, including any requirements imposed by provincial statutes, regulations or other enactments

~~ii.~~iii. Storm water management plan; and/or

~~iii.~~iv. A traffic survey or traffic study.

~~4.~~3. In formulating its decision, the Development Officer and *Council* may:

i. Consult with *provincial government* officials and/or private consultants; and

ii. Conduct a public hearing to consider public opinion in accordance with the procedures established in this bylaw.

~~5.~~4. ~~*Council*, in~~ In consultation with the *provincial government*, ~~may~~ and in review of water supply and sewerage disposal needs ~~and may withhold~~ subdivision approval may be withheld until such time as adequate servicing has been designed for the subdivision. Central water supply and/or *sewerage disposal* may be required ~~by *Council*~~ as a condition of subdivision approval.

5. ~~*Council* shall evaluate any~~A proposed subdivision shall use ~~to determine whether~~ appropriate *highway* design standards and *lot* configurations have been used by the owner to promote the *development* of safe, convenient, and pleasant neighbourhoods.

6. Highway design drawings and a storm water management plan prepared by a licensed engineer shall be submitted with an application for preliminary approval for any subdivision involving the construction of a new road.

~~6.~~7. Preliminary approval for any proposed subdivision shall not be construed as final approval of the subdivision for the purpose of describing or conveying lots. Preliminary approval shall be effective for a period of twelve (12) months.

~~7.~~8. Approval in principle may be renewed once for a period not exceeding twelve (12) months upon application to the *Development Officer* and shall be valid only for the time period specified at the time of renewal by the *Development Officer.*

~~8.~~9. The total number of *lots* approved in any one *phase* of a subdivision shall not exceed twenty (20).

~~9.~~10. The *Development Officer* may require such other information as may reasonably be required to assess the impact of any *subdivision*, including but not limited to the following:

i. A written assessment by the *provincial government* on potential environmental impacts, including requirements imposed by provincial statutes, regulations or other enactments;

ii. A written assessment by the *provincial government* on access, transportation or pedestrian issues related to the design; and

iii. Any other studies or documentation necessary to adequately assess the impact of the proposed subdivision.

~~10. After reviewing all information required by the *Development Officer*, *Planning Board* may make a~~

~~recommendation to *Council* for approval or rejection of the subdivision application.~~

11. ~~*Council*~~ *The Development Officer* shall reject a *subdivision* that does not satisfy the provisions of this bylaw.

12. Where ~~*Council*~~ the Development Officer generally accepts the details of a subdivision application, ~~*Council*~~ they may issue a preliminary approval, which shall include all conditions to be satisfied for the *subdivision* to proceed to final approval.

13. If preliminary approval is granted, ~~the *Development Officer* shall execute~~ a subdivision agreement with the *owner* that addresses all the above-noted conditions and all other related matters in this bylaw shall be executed.

14.13. FINAL APPROVAL

1. A storm water management plan prepared by a licensed engineer shall be submitted with an application for final approval for any subdivision of a *lot* into 2 or more *lots.* The Storm water management plan shall include an overall surface water management strategy for the proposed subdivision, and shall include the proposed general location and top of foundation elevation for the main buildings to be erected on each lot.

2. Final subdivision approval shall be granted by the *Development Officer* ~~*Council*~~ only after the *owner* has complied with all applicable requirements of this section and has submitted at least seven (7) copies of a final subdivision plan showing all lots pinned and certified by a licensed Prince Edward Island Land Surveyor.

3. Notwithstanding section 14.13.1, ~~*Council* may waive~~ the requirement for a *survey plan* where *lots* are in excess of 4 ha (10 acres) may be waived.

4. Final approval of a *subdivision* plan shall not be given ~~by *Council*~~ until:

   i. All agreements and other documents required under this bylaw have been prepared and concluded to the satisfaction of ~~*Council*~~ *the Development Officer*;

   ii. All transactions involving the transfer of land, money or security in conjunction with the subdivision have been concluded to the satisfaction of ~~*Council*~~ *the Development Officer*.

~~4.~~5. ~~*Council* may require a~~*A* digital file containing the (real earth) geographic co-ordinates of the plan of subdivision may be required~~.~~

~~4.~~6. ~~*Council* shall place its~~ An approval stamp shall be placed on the *survey plans* and ~~shall return~~ at least one (1) copy shall be returned to the *owner*.

14.14. SEVERANCES/CONSOLIDATION

1. Notwithstanding the above provisions, ~~*Council* may approve~~ applications for *lot consolidations* may be approved, having regard to the provisions in this bylaw for the approval of subdivisions, as may be applicable, and provided the application otherwise conforms to this bylaw.

14.15. *DEVELOPMENT PERMITS*

A *Development Permit* shall not be issued for a *lot* until all the requirements for subdivision approval have been satisfied and approval granted ~~by *Council*~~.

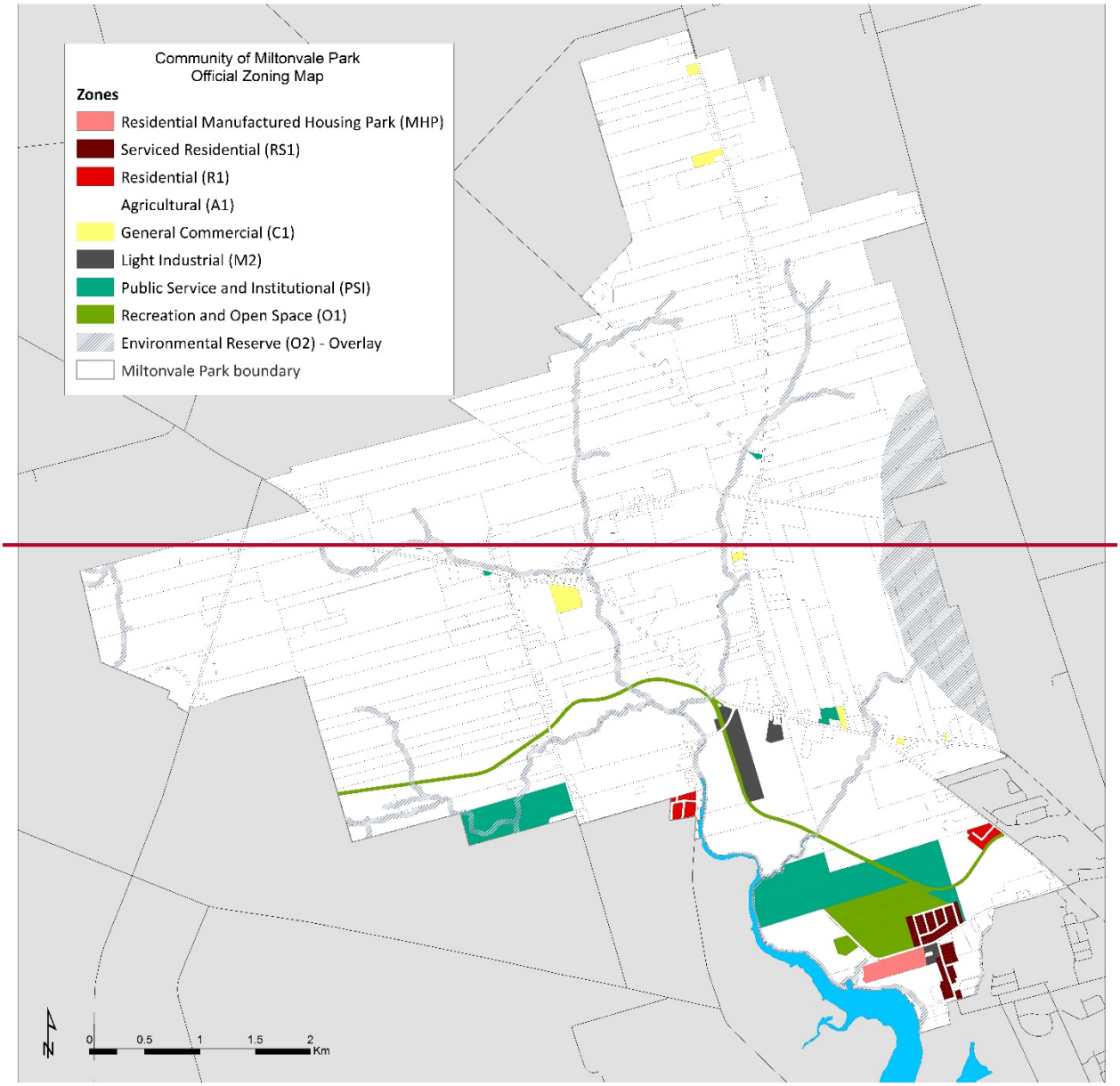
15. REPEAL

15.1. REPEAL

1. This Bylaw shall come into force effective ~~May 31, 2016~~ XXXXXX xx, 2019.

2. The ~~Community of~~ Rural Municipality of Miltonvale Park Zoning and Subdivision Control Bylaw ~~2013~~ 2016 is hereby repealed.

APPENDIX 1: ~~*OFFICIAL*~~ *ZONING MAP*



Replace map as necessary to change name of community and to address rezonings

APPENDIX 2: DEFINITIONS

For the purpose of this bylaw, all words shall carry their ordinary meaning except for those defined hereafter. In this bylaw:

1. ***Accessory building*** means a *building* whose *use* is incidental and subordinate to, and consistent with, the main or approved *use* of the *lot* on which the *building* is located.

2. ***Accessory apartment,*** *see dwelling unit* definition.

3. ***Agricultural use*** means a *use* of a *parcel* or *building*s for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce.

4. ***Alter*** or ***Alteration*** means to make a change in the size, shape, bulk or *structure*, whether interior or exterior, of a *building* or any part thereof, but does not include repairs carried out for the purposes of maintenance or non-structural renovation or improvement.

5. ***Attached*** means a *building* or *structure* which has a *common wall* and/or common roof line and the *building* or *structure* may be considered common as long as a minimum of twenty (20) percent of the length of the wall or roof line is common with the *main building* or *structure* wall or roof.

6. ***Automobile shop*** or ***body shop*** means a *building* or part of a *building* or a clearly defined space on a *lot* used for the sale, maintenance or repair of used or new automobiles.

7. ***Automobile service station*** or ***service station*** means a *building* or part of a *building* or a clearly defined space on a *lot* used for the sale of lubricating oils and/or gasoline and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor vehicles.

8. ***Bed and breakfast*** means a *dwelling* used incidentally to provide accommodation and limited meals to transient travelers and includes a tourist home but does not include a boarding house, rooming house, domiciliary hostel, *hotel*, *motel*, *restaurant* or *lounge*.

9. ***Buffer*** means a portion of any *lot* or *parcel* 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*.

10. ***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, and for greater certainty includes, but is not limited to, any tent, awning, bin, bunk, or platform vessel or vehicle used for any of the said purposes.

11. ***Building footprint*** means the area that falls directly beneath and shares the same perimeter as a *building* or *structure*.

12. ***Building height*** means the vertical distance measured from the averaged finished *grade* to the highest point of roof surface.

13. ***Building line*** means any line regulating the position of a *building* or *structure* on a lot.

14. ***Building setback*** means the distance between the *street line* and the nearest main wall of any *building* or *structure*, except fences, and extending the full width of the *lot*.

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

16. ***Campground*** means a *parcel* used or permitted to be used by the travelling public that provides sites for tents, trailers, or motor homes and may also be called a *RV* park but shall not include industrial, work or construction camps or permanent *manufactured housing park*s.

17. ***Change of use*** means the change of *use* of a *parcel* or a *building* from one type of permitted *use* to another type of permitted *use* or an increase in the *intensification* of *use*, including an increase in the number of *dwelling unit*s.

18. ***Child care facility*** means any institution, agency, or place, whether known as a day nursery, nursery school, kindergarten or play school, which receives children for temporary care apart from the parents on a daily or hourly basis, with or without stated educational purposes and during or all of the day.

19. ***Church*** means a *building* dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, rectory, manse and day nursery operated by the church.

20. ***Club*** means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for co-operation 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.

21. ***Commercial use*** means the *use* of a *building* or *parcel* for the purpose of buying and selling goods and supplying services.

22. ***Commercial wind energy system*** means a system, which is intended to produce electricity for resale or distribution purposes and may consist of a single freestanding *wind turbine* or a cluster of *wind turbine*s situated in the same location and commonly referred to as a wind farm.

23. ***Common wall*** means a vertical wall separating two *dwelling* units between the top of the footings to the underside of the roof deck, and shall be mutually common to both *dwelling* units.

24. ***Community*** means the ~~Community of~~ Rural Municipality of Miltonvale Park.

25. ***Conservation activity*** means an activity in which people make efforts to protect, preserve or restore the environment and its biological diversity.

26. ***Contractor's yard*** means a yard of any general contractor or builder where equipment and materials are stored and where shop or assembly work is performed.

27. ***Convenience store*** means a retail commercial establishment, not exceeding 150 m^2 (1,614.6 ft^2) of *floor area*, supplying daily household necessities for the immediate surrounding area in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to compliment such items which may include the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, and tobacco products.

28. ***Council*** means the Council for the ~~Community of~~ Rural Municipality of Miltonvale Park.

29. ***Craft studio*** means a space occupied by a *craftsperson* and used solely for the production and sale of craft items such as pottery, weaving, sewing, jewelry, painting and print making, sculpture and fine woodworking, and such other similar handcrafted items.

30. ***Craftsperson*** means a person who produces various handcrafted products in relatively limited quantities and may include an artist, a sculpture, a potter, a weaver, a seamstress, a knitter or a similar artisan.

31. ***Deck*** means a *structure* intended as outdoor living space, either *attached* or adjacent to a *building*.

32. ***Demolition*** means to demolish, remove, pull down or destroy a *structure*.

33. ***Detrimental*** means an impact suffered in person or property pursuant to the *Subdivision and Development Regulations* prescribed under the *Planning Act* R.S.P.E.I. 1988, c. P-8.

34. ***Development*** means

    i. *Site alteration, including but not limited to*

        i. *Altering the grade of the land;*

        ii. *removing vegetation from the land;*

        iii. excavating the land;

iv. depositing or stockpiling soil or other material on the land, and

v. establishing a parking lot,

ii. Locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing *structure* or *buildings* in, under, on or over the land,

iii. Placing temporary or permanent mobile use or structures in, under, on or over the land, or

iv. Changing the use or intensity of use of a *lot* or the *use*, intensity of *use* or size of a *structure* or *building*.

~~the carrying out of any construction operation, including excavation, in preparation for *building*, on, over or under land, or the making of any material change in the *use*, or the intensity of *use* of any *parcel*, *buildings*, or premises and includes the placing of *structures* on, over or under land.~~

~~34.~~35. ***Development agreement*** means a binding contract between an *owner* and the *Community* to ensure a *development* is carried out in a particular manner.

~~35.~~36. ***Development Officer*** means the person appointed by the *Council* with the duty of administering the provisions of this bylaw.

~~36.~~37. ***Development Permit*** means the formal and written authorization for a person to carry out any *development.*

~~37.~~38. ***Display*** includes any item, group of items, *sign*, or billboard visible to the general public, indicating that items or services are offered for sale or trade.

~~38.~~39. ***Domestic animals*** means dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs and fish.

~~39.~~40. ***Dwelling*** means a *building* or portion thereof designed, arranged or intended for residential occupancy, and

i. ***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;

ii. ***Accessory apartment*** means a self-contained *dwelling unit* with a prescribed *floor area* located in a building or portion of a building of only residential occupancy that contains only one other *dwelling unit* and common spaces, and where both *dwelling units* constitute a single real estate entity. ~~*dwelling unit* located within and subordinate to an existing *dwelling*~~;

iii. ***Single detached dwelling*** means a *building* containing one *dwelling unit*;

iv. ***Duplex dwelling*** means a *building* that is divided into two *dwelling unit*s;

v. ***Semi-detached dwelling*** means a *building* divided vertically into two (2) separate units, each of which has at least two independent entrances;

vi. ***Multi-unit residential dwelling*** means a *building* containing three or more *dwelling unit*s;

~~40.~~41. ***Edge*** means the boundary between different *zones,* or the boundary between different *uses* within the same *zone.*

~~41.~~42. **Entertainment facility** means a space for the gathering of people to watch or listen to the performance of an act, play, music, dance, theatre, or other performance; or a digital production of the same.

~~42.~~43. ***Entrance way*** means a driveway providing access to and from a *parcel* to a *road*.

~~43.~~44. ***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.

~~44.~~45. ***Excavation pit*** means any excavation in the ground 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, or a snow-trap constructed to protect a roadway from snow accumulation;

~~45.~~46. ***Existing parcel*** means a *parcel* that existed on July 9, 1994.

~~46.~~47. ***Farm*** means arable land, dwelling and complementary *building*s containing at least ten (10) acres, operated as a farm enterprise and includes land leased from the Crown, but does not include land leased or rented from *owner(s)* who are not bona fide farmers.

~~47.~~48. ***Fence*** means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

~~48.~~49. ***Floor area*** means:

i. With reference to *a dwelling*, the area contained within the outside walls excluding any *private garage*, porch, veranda, sunroom, *greenhouse*, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year**;**

ii. With reference to a *non-residential building*, the total usable *floor area* within a *building* excluding washrooms, furnace rooms and common halls between stores;

and

iii. With reference to an *accessory building*, the area contained within the outside walls.

~~49.~~50. ***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 *building*s and yards and retail and wholesale outlets for wood and wood products.

~~50.~~51. ***Frontage*** means all land abutting on one side of a *highway* measured along the common or actual *lot line*.

~~51.~~52. ***Grade*** means

i. as it applies to the determination of *building height*, the lowest of the average levels of finished ground adjoining each exterior wall of a *building*, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground; and

ii. as it applies to ground level, the average of the mean elevations of all the natural levels or finished ground adjoining existing walls of *buildings*, and the degree of rise or descent of the sloping surface.

~~52.~~53. ***Greenhouse*** means a *building* or *parcel* used primarily to raise and store trees, shrubs, flowers, and other plants for sale or for transplanting.

~~53.~~54. ***Heavy equipment depot*** means a parcel and/or *building* where heavy machinery is stored and serviced.

~~54.~~55. ***Highway, road or street*** means all the area within the boundary lines of a *road*, *street* or right-of-way which is vested in the Province of Prince Edward Island or the *municipality* 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.

~~55.~~56. ***Hotel*** means a *building* other than a *motel* or *bed and breakfast,* occupied or intended to be occupied as the temporary lodging place for any individual for a fee.

~~56.~~57. ***Industrial use*** means *use* of a *parcel* or *building*s in or from which goods or materials are manufactured, processed, assembled or extracted, or premises from which wholesale trade is carried on, including warehousing.

~~57.~~58. ***Institutional use*** means the *use* of a *parcel* or *building*s for non-profit or public purposes including but not limited to, hospitals, government *building*s, religious institutions, cemeteries, churches, public schools, colleges, cultural centres, libraries and public recreational and park *building*s.

~~58.~~59. ***Intensification*** means the *development* of a *parcel* at a higher density than previously existed and includes redevelopment or *development* within existing communities, infill *development*, or *development* on vacant lots or underdeveloped lots within a built-up area, conversion or the *change of use* of an existing *structure* or *use*, and the creation of apartments or other accommodation in dwellings.

60. ***Kennel*** means a *building* or *structure* where more than four (4) domestic animals excluding *livestock* are kept, bred and raised for profit or gain.

61. **Landscape buffer** means a visual barrier formed by a row of shrubs or trees that is maintained to form a screen between one *lot* or land *use* and another.

~~59.~~62. ***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.

~~60.~~63. ***Livestock*** means farm animals kept for use, for propagation, or for intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkeys, goats, geese, mink, llamas and rabbits.

~~61.~~64. ***Loading space*** means an unencumbered area of a *parcel* 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 (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded, and such *parking space* shall not be for the purpose of sale or *display*.

~~62.~~65. ***Lot*** or ***parcel*** means any division of land or property which is recognized as a separate unit of land for the purposes of this bylaw, and

i. ***Lot area*** means the total area included within the *lot line*s of a parcel;

ii. ***Corner lot*** means a lot situated at an intersection of and abutting on two or more *street*s;

iii. ***Flankage lot line*** means the *side lot line* which abuts the *street* on a *corner lot*;

iv. ***Front lot line*** means the *lot line* abutting the *street* upon which the *building* or *structure* erected or to be erected has its principal entrance;

v. ***Interior lot*** means a lot other than a *corner lot*;

vi. ***Lot depth*** means the depth from the *front lot line* to the *rear lot line*;

vii. ***Lot line*** means any boundary of a lot;

viii. ***Panhandle lot*** means a lot that does not have the minimum *frontage* on a *road* required by these regulations, but has an *entrance way* providing access to a *highway;*

ix. ***Rear lot line*** means the *lot line* further from and opposite to the *front lot line*; and

x. ***Side Lot Line*** means a *lot line* other than a *front, rear* or *flankage lot line*.

~~63.~~66. ***Lot consolidation*** means the legal incorporation of two or more *existing parcel*s to form a single, larger *parcel*.

~~64.~~67. ***Lot coverage*** means the percentage of the lot covered by the *main building*, *attached* or detached garage, and any a*ccessory building*s or in-ground *swimming pool*s. Hard surfacing such as paved areas shall be included in the calculation of lot coverage.

~~65.~~68. ***Lounge*** means a commercial facility or *structure* licensed to sell alcoholic beverages to the public.

~~66.~~69. ***Main building*** means that *building*, the nature of the *use* of which determines the status of the lot upon which it is authorized to be constructed or upon which it is constructed.

~~67.~~70. ***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.

~~68.~~71. ***Manufactured housing park*** means a *parcel* planned and developed for the placement of *single family dwellings*, *modular homes* and *mini homes*.

~~69.~~72. ***Mini home*** means a pre-manufactured *dwelling unit* having a maximum width of 5.0 m (16.4 ft.) and that which is not on a foundation. Mini homes are ~~and is~~ substantially assembled in a manufactured plant, designed to be transported as one integral unit and placed on a lot for year round occupation, not including appurtenances such as porches, entries, etc.

~~70.~~73. ***Modular home*** means a *dwelling unit* ~~of at least 5.0 m (16.4 ft.) in width~~ composed of components substantially assembled in a manufacturing plant and transported to the *building* lot for final assembly and installation on a foundation~~the lot~~. ~~A *modular home* may consist of two sections transported to the site in a manner similar to a *mini home* or a series of panels or room sections transported on a truck and erected or joined together on a lot.~~

~~71.~~74. ***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.

~~72.~~75. ***Municipality*** means the ~~Community of~~ Rural Municipality of Miltonvale Park

~~73.~~76. ***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 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.

~~74.~~77. ***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 drive-ways or off-*street* parking.

78. ***Ornamental structure*** means a structure of less than 20 m^2 (215.8 ft^2), erected with no foundation or footings and no connection to utility services, and which serves no purpose other than for the aesthetic value and/or delight of its user, such as a gazebo or a play structure. This definition excludes any *structures* used for storage.

~~75.~~79. ***Outdoor display*** means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same *parcel*.

~~76.~~80. ***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.

~~77.~~81. ***Owner*** means a part owner, a joint owner, tenant in common or joint tenant of the whole or any part of a *parcel* or *building* and includes a trustee, and executor, and executrix, a guardian, and agent, or mortgagee in possession or other person having the care or control of any *parcel* or *building* in the event of the absence or disability of the person having the title thereof.

~~78.~~82. ***Parcel*** (see *Lot)*

~~79.~~83. ***Park*** means an area of land set aside for *recreational use* and areas designed for passive enjoyment and other similar uses, and includes the *buildings* and *structures* in connection therewith.

~~80.~~84. ***Parking lot*** means an open area of a *parcel*, other than a *street* or an area within a *structure* for the parking of vehicles.

~~81.~~85. ***Parking space*** means an area which is suitable for the parking of a vehicle, and is not less than 2.7 m (9 ft.) wide and 5.5 m (18 ft.) long and accessible to vehicles without the need to move other vehicles on adjacent areas.

~~82.~~86. ***Pavilion*** or ***band shell*** means a raised structure, with or without a roof or other enclosure that is intended for outdoor performances.

~~83.~~87. ***Personal service shop*** means a business in which services are administered to an individual

for their personal needs and may include barber shops, hairdressing shops, beauty parlours, shoe repair and shoe shining, tailoring, and other similar services**.**

~~84.~~88. ***Phase*** means to develop a *parcel* over time in a series of prescribed stages; or one of such stages.

~~85.~~89. ***Planning Board*** means the Planning Board of the Community appointed by *Council* pursuant to the *Planning Act*, R.S.P.E.I. 1988, c. P-8

~~86.~~90. ***Private garage*** means a *building* or part thereof which is used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or *commercial use*.

~~87.~~91. ***Private park*** means a *park* owned by individuals or businesses and are used at the discretion of the owner.

~~88.~~92. ***Premise sign*** means a *sign* that directs attention to a business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the *parcel* upon which such *sign* is located, or to which it is affixed.

~~89.~~93. ***Private road*** means a road, *street* or right-of-way which is not a *highway*.

~~90.~~94. ***Provincial government*** means the Province of Prince Edward Island.

~~91.~~95. ***Public park*** or ***parkland*** means a *park* owned by the *community* or other level of government used or intended for *use* by members of the public.

~~92.~~96. ***Recreational trailer or vehicle (RV)*** means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes, recreation vehicles or other similar vehicles.

~~93.~~97. ***Recreational use*** means the *use* of a parcel for a *park*, playground, tennis court, lawn bowling green, athletic field, golf course, picnic area, *swimming pool*, day camp, and similar uses but does not include a track for the racing of animals or any form of motorized vehicles.

~~94.~~98. ***Recycling depot*** means a building or *parcel* on which recoverable materials such as newspaper, glassware, and metal cans are separated prior to shipment but does not include any processing of the material or a *salvage yard*.

~~95.~~99. ***Residential use*** means the *use* of a *parcel*, *building* or *structure* or parts thereof as a

dwelling.

~~96.~~100. ***Resource use*** means the *use* a *parcel* or *building* for production and harvesting or extraction of any agricultural, forestry or fisheries product.

~~97.~~101. ***Resource commercial use*** means the *use* of a *parcel or building* for the storage, *display* or sale of goods directly and primarily related to *resource uses*.

~~98.~~102. ***Resource industrial use*** means the *use* of a *parcel* or *building* for any *industrial use* directly associated with agriculture, fisheries or forestry industries.

~~99.~~103. ***Restaurant*** means a *building* or *structure* or part thereof where food and drink is prepared and offered for sale to the public.

~~100.~~104. ***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.

~~101.~~105. ***Rural tourism use*** means the *use* of a *building* or building for non-recreational *commercial uses* related to tourism, including rental accommodations and *campgrounds*.

~~102.~~106. ***Salvage yard*** means an area of a *parcel* used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, 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*.

~~103.~~ ***Sewerage disposal system*** means any system or part thereof for disposing of sewage or waste by means of one or more settling or septic tanks and one or more disposal fields, and any other system or part thereof for sewage or waste disposal not directly connected to a municipal or central waste treatment system.

107. ***Short-term Rental*** means the use of a residential dwelling, or one or more sleeping unit or room within a dwelling for temporary overnight accommodation for a period of 29 days or less. This use does not include bed and breakfasts, hotels or motels.

108. ***Sign*** or ***signage*** means a *structure*, device, light or natural object including the ground itself, or any part, or any device *attached*, painted or represented on which shall be used to advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which *display* or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the *parcel* or from a *parking lot*.

109. ***Storage container*** means a container with strength suitable to withstand shipment, storage, and handling, and may range in size from a large reusable steel cargo container typically used for intermodal shipments to smaller corrugated boxes.

~~104.~~110. ***Storey* (pl. *stories*)** 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 m (approximately 6 feet) above *grade* and provided also that any portion of a *building* between any floor and ceiling or roof next above exceeding 4.2 m (approximately 14 feet) in height shall be deemed an additional *storey.*

~~105.~~111. ***Street* or *road*** (see *Highway*)

~~106.~~112. ***Street line*** means the boundary of a *street*.

~~107.~~113. ***Structure*** means any construction including a *building* fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a *swimming pool*.

~~108.~~114. ***Subdivision*** means a division of a *parcel* to create two or more new *parcel*s; the consolidation of two or more contiguous *parcel*s to create a new *parcel*; or the attachment of a part of a *parcel* to another *parcel* contiguous to that part to create a new *parcel*, 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 *parcel*s created by the division, or in the new *parcel* created by the consolidation or the attachment, as the case may be.

~~109.~~115. ***Surface drainage plan*** means a plan that complies with the surface drainage requirements set out in this bylaw and is duly sealed and signed by a qualified landscape architect or a licensed engineer.

~~110.~~116. ***Survey plan*** means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island Land Surveyor.

117. ***Swimming pool*** means any outdoor *structure*, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 60 cm (1.96 ft.) or more at any point or with a surface area exceeding 10 m^2 (107.6 ft^2).

118. ***Temporary structure*** *means a structure without any foundation or footings, with a short-term or seasonal purpose, and which will be removed when the designated time period, activity or use for which the temporary structure was erected has ceased.*

~~111.~~119. ***Tourist Establishment*** means an establishment that provides temporary

accommodation for a guest for a continuous period of less than one month, and includes a building, structure or place in which accommodation or lodging, with or without food, is furnished for a price to travellers;

~~112.~~120. ***Use*** means any purpose for which a *building* or other *structure* or *parcel* 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*.

~~113.~~121. ***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, but shall not include facilities for a truck or transport terminal or yard.

~~114.~~122. ***Watercourse*** shall have the same meaning as defined in the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, as may be amended, and, in the case of any dispute, the final determination shall be made by the *provincial government* department having responsibility for enforcement of such regulations.

~~115.~~123. ***Wetland*** shall have the same meaning as defined in the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, as may be amended, and, in the case of any dispute, the final determination shall be made by the *provincial government* department having responsibility for enforcement of such regulations.

~~116.~~124. ***Wind turbine*** means a wind energy generating system (turbine and accessory facilities) intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) and not used to produce power for resale.

~~117.~~125. ***Yard*** means an open space on a *parcel* appurtenant to a *building* and unoccupied by *building*s or *structure*s except as specifically permitted in this bylaw and

i. ***Front yard*** means a yard extending across the width of a *parcel* between the *front lot line* and nearest wall of any *building* or *structure* on the *parcel* and "minimum *front yard*" means the minimum depth of a *front yard* on a *parcel* between the *front lot line* and the nearest main wall of any *building* or *structure* on the *parcel*;

ii. ***Rear yard*** means a yard extending across the width of a *parcel* between the *rear lot line* and the nearest wall of any *main building* or *structure* on the *parcel* and "minimum *rear yard*" means the minimum depth of a *rear yard* on a *parcel* between the *rear lot line* and the nearest main wall of any *main building* or *structure* on the *parcel*;

iii. ***Side yard*** means a yard extending from the *front yard* to the *rear yard* of a *parcel* between a *side lot line* and nearest wall of any *building* or *structure* on the *parcel*, and "minimum *side yard*" means the minimum width of a *side yard* on a *parcel* between a *side lot line* and the nearest main wall of any *main building* or *structure* on the *parcel*; and

iv. ***Flankage yard*** means the *side yard* of a *corner parcel* 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 *parcel*.

~~118.~~126. **Zone** means a designated area of land shown on the *Official Zoning Map* of the Bylaw within which land uses are restricted to those specified by this bylaw.

APPENDIX 3: PARKING STANDARDS

Off-*street* parking and *loading spaces* shall be in accordance with the following requirements:

1. The minimum number of parking spaces shall be provided for the proposed use, as listed in the following table;
2. Every parking space shall have access to a clear maneuvering lane;
3. Every parking space shall have minimum dimensions of 2.7 m (9 ft.) by 5.5 m (18 ft.); and
4. Every loading space shall have minimum dimensions of 21.3 m (70 ft.) by 3.7 m (12 ft.).

Use	Parking Spaces Required
Dwelling	1.5 for each dwelling or sleeping unit; minimum of 2 spaces
Auditorium, theatre, *church* or hall	1 per 4 seats
***Hotel*, *motel*, or tourist establishment ~~home~~**	1 per guest room
***Restaurants* (including take out)**	1 per 9.3 m^2 (100 ft^2); minimum of 10
Business or professional offices	1 per 27.9 m^2 (300 ft^2) of *floor area*
Warehouse* and storage facilities and other *industrial uses	1 per employee; 1 per loading bay
Other *commercial uses*	1 per 27.9 m^2 (300 ft^2) of *floor area*
Other *Institutional or recreational uses*	1 per 37.2 m^2 (400 ft^2) of *floor area*
Other *industrial uses*	1 per employee; 1 per loading bay
Other	As required by *Council*

APPENDIX 4: SCHEDULE OF FEES

***Development Permits* Application**	**Fee**
Residential	$0.15/sq. ft. (Min $25 - Max $1,000)
Commercial	$0.20/sq. ft. (Min $50 - Max $1,000)
Agricultural/Forestry	$0.10/sq. ft. (Min $25 - Max $200)
Institutional	$0.20/sq. ft. (Min $25 - Max $1,000)
Wind Turbine	$2.00/$1,000.00 construction costs (Min $25 - Max $1,000)
Accessory building	$0.10/sq. ft. (Min $25 - Max $1,000)
Deck, pool, *fence*, tent or awning	$25
Change of *use*	$50
Demolition/Moving	$25
Excavation Pit	$200
Temporary Permits	$50
Other	$50
***Variance*, Amendment, Rezoning**	
Variance	$50 (no public meeting) + associated costs* $200 (public meeting required) + associated costs*
Official Plan Amendment	$300 + associated costs*
Bylaw Amendment/Rezoning	$300 + associated costs*
Subdivision Application Fees	
Subdivision—up to 4 lots per subdivision	$250 (1 lot) + $100/additional lot
Subdivision—5 or more lots per subdivision	$600 (5 lots) + $20/additional lot
Lot Consolidation	$100
Agreement Fees	
Development or Subdivision Agreement	$150
Other Agreements	$75
General Fees	
Permit Extension (prior to expiration of permit)	$20
Permit Renewal (after expiration of permit)	Full Fees after 12 months
Copy of the *Official Plan*	$5
Copy of the *Zoning and Subdivision Control Bylaw*	$10
Permits obtained after work has started	Double the regular fee

*Associated costs shall be actual, quantifiable costs incurred by the *Community* in order to process the application (e.g. hall rental, rental of public address system, and advertisement costs).

Policy for Refunds for Applications

A processing fee shall be retained for permits or approvals where staff, *Planning Board* or *Council* have carried out work on the application. The minimum processing fee of $25 and with a maximum refund to be 25% of the fee paid where staff, *Planning Board*, or *Council* have acted on an application and the application was withdrawn, abandoned or otherwise discontinued. The amount of any processing fee shall be determined by *Council.*

APPENDIX 5: PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

Notwithstanding any provisions of this bylaw, the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act* R.S.P.E.I. 1988, c. P-8, as may be amended, apply in the ~~Community of~~ Rural Municipality of Miltonvale Park. The *Province-Wide Minimum Development Standards Regulations* are included for information and reference purposes only.

NOTE: This Appendix is not the official version of these regulations and these regulations may be amended after the enactment of this bylaw.

PLEASE NOTE

This document, prepared by the **Legislative Counsel Office**, is an office consolidation of this regulation, current to November 19, 2011. It is intended for information and reference purposes only.

This document is ***not*** the official version of these regulations. The regulations and the amendments printed in the ***Royal Gazette*** should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the ***Table of Regulations***.

If you find any errors or omissions in this consolidation, please contact:

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CHAPTER P-8

PLANNING ACT

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

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

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

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

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

3. Revoked by EC41/96. Lot size

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

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

(3) Notwithstanding the minimum lot size standards set out in Table 1 and Table 2, for infilling purposes, a lot may be reduced to a minimum of 10,000 sq. ft. / 929 sq. m. provided that Reduced size

(a) it is serviced by an on-site water supply system and a central sewerage system; and

(b) only one additional lot from the existing parcel is created by any proposed subdivision.

(4) Notwithstanding the minimum circle diameter requirements set out in column (f) of Table 1 and column (e) of Table 2, a lot that does not meet those requirements may be subdivided from a lot or parcel that existed prior to June 12, 1993 where Reduced circle requirement

(a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewerage disposal systems;
(b) the lot meets Category I standards in accordance with clause 5(a) and the minimum lot area requirements set out in column (e) of Table 1 and column (d) of Table 2 respectively;
(c) a circle with a minimum diameter of 125 ft./38.1 m. will fit within the boundaries of the lot; and
(d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement. (EC703/95; 41/96; 694/00; 552/11)

Non-residential

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

Exception

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

Categories of lots

6. Every lot on a plan of subdivision shall be categorized in accordance with the following site suitability standards:
(a) Category I, where
(i) the depth of permeable natural soil is 2 ft. (0.61 m.) or greater,
(ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
(iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
(b) Category II, where
(i) the depth of permeable natural soil is greater than 1 ft. (0.3 m.), but less than 2 ft. (0.61 m.),
(ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
(iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
(c) Category III, where
(i) the depth of permeable natural soil is 1 ft. (0.3 m.) or greater,
(ii) the depth to bedrock is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.), or

(iii) the depth to the maximum groundwater elevation is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.);

(d) Category IV, where

(i) the lot has a depth of permeable natural soil of less than 1 ft. (0.3 m.),

(ii) the depth to bedrock is greater than 1 ft. (0.3 m.), and

(iii) the depth of the maximum groundwater elevation is greater than 2 ft. (0.61 m.);

(e) Category V, where

(i) the depth to bedrock is less than 1 ft. (0.3 m.), and

(ii) the depth to the maximum ground water elevation is greater than 2 ft. (0.61 m.). (EC703/95; 694/00; 552/11)

7. Revoked by (EC694/00). Upgrade

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

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

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

MINIMUM HIGHWAY ACCESS

10. (1) The *Roads Act* Highway Access Regulations shall constitute the Minimum Highway Access Standards. Minimum highway access standards

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

TABLE 1 - MINIMUM LOT SIZE STANDARDS: RESIDENTIAL LOTS

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Number of Dwelling Units	(e) Minimum Lot Area sq. ft. / sq. m.	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m. 200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 250 ft. / 76.2 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	51,000 sq. ft. / 4,738 sq. m. 56,000 sq. ft. / 5,202 sq. m. 61,000 sq. ft. / 5,667 sq. m. 66,000 sq. ft. / 6,131 sq. m. 66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	225 ft. 68.6 m. 250 ft. /76.2 m. 275 ft. / 83.8 m. 300 ft. / 91.4 m. 300 ft. / 91.4 m.
on-site water supply and on-site sewage 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

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

TABLE 2

TABLE 2 - MINIMUM LOT SIZE STANDARDS: NON-RESIDENTIAL LOTS

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

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

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

APPENDIX 6: SPECIAL PLANNING AREA REGULATIONS

Part IV of the ~~-~~ *Subdivision and Development Regulations* prescribed under the *Planning Act* R.S.P.E.I. 1988, c. P-8, as may be amended, apply in the ~~Community of~~ Rural Municipality of Miltonvale Park. Part IV of the ~~-~~*Subdivision and Development Regulations* is included for information and reference purposes only.

NOTE: This Appendix is not the official version of these regulations and these regulations may be amended after the enactment of this bylaw.

PART IV SPECIAL REGULATIONS
D - STRATFORD REGION, CHARLOTTETOWN REGION, CORNWALL REGION AND SUMMERSIDE REGION SPECIAL PLANNING AREAS

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

(a) the area adjacent to the Town of Stratford as shown in Appendix A, Map No. 8;
(b) the area adjacent to the City of Charlottetown as shown in Appendix A, Map No. 9;
(c) the area adjacent to the Town of Cornwall as shown in Appendix A, Map No. 10;
(d) the area adjacent to the City of Summerside as shown in Appendix A, Map No. 11.

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

(3) The specific objectives for development within the Stratford Region Special Planning Area, the Charlottetown Region Special Planning Area, the Cornwall Region Special Planning Area, and the Summerside Region Special Planning Area are

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

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

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

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

(i) single family dwelling use,

(ii) duplex dwelling use,
(iii) summer cottage use, or
(iv) multiple unit dwelling use or mobile home park where

(A) central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available; and
(B) an irrevocable agreement has been signed between the applicant and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to the lot or mobile home park;

(b) recreational use;
(c) resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;
(d) non-resource-commercial or non-resource-industrial use, where the lot is intended for other than agricultural, forestry or fisheries purposes, where the lot has an area no greater than one acre;
(e) institutional use, where the lot has an area no greater than three acres; (e.1) for use as a cemetery;
(f) rural tourism use, where the lot has an area no greater than three acres.

(5) Notwithstanding clause (4)(a), where the intended residential use is single family dwelling use, subdivisions of more than one lot per existing parcel of land, may be approved in the following situations:

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

(i) the owner files, with an application to subdivide the existing parcel, a statutory declaration that he or she will convey the lots only to his or her children and only for the use as a single family dwelling,
(ii) no child of the owner will receive more than one lot,
(iii) the total number of lots that may be subdivided from all of the existing parcels owned by an owner pursuant to this subsection is equal to or less than the number of children of that owner at the time of the application, and
(iv) revoked by EC166/08)
(v) a lot intended for a child of the owner of an existing parcel of land shall not be given final approval and shall not be conveyed until the child has received a development permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child's own use;

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

(c) where central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available, and an irrevocable agreement has been signed between the applicant and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to all lots prior to the conveyance of any lot from the approved subdivision.

(5.01) In subsection (5.02), "remnant parcel" means, in respect of an existing parcel, the portion of the existing parcel that has not been approved for subdivision into one or more lots under subsection (4), (5) or (5.1).

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

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

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

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

(6) Notwithstanding clause (4)(d), in the case of a Slemon Park subdivision which has more than one lot, and whose lots have areas greater than one acre, the subdivision may be approved for industrial use for those lands owned by the Slemon Park Corporation on July 9, 1994, where an irrevocable agreement has been signed between the Slemon Park Corporation and the applicant to provide central sewerage and water service to all lots prior to conveyance of any lot and commencement of the development.

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

(a) existing parcels of land;
(b) subdivisions approved prior to July 9, 1994;

(c) subdivisions approved pursuant to subsections (4), (5) and (5.1) and remnant parcels resulting from such subdivisions;
(d) subdivisions approved pursuant to clause (5)(c) and subsection (5.1), where an irrevocable agreement has been signed between the applicant and the municipal sewerage utility, municipal water utility or both of them to provide central sewerage service, central water service, or both of them, to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots;
(e) subdivisions approved for lands owned by the Slemon Park Corporation pursuant to subsection (6), where an irrevocable agreement has been signed between the Slemon Park Corporation and the applicant to provide central sewerage and water service to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots.

(8) Where a lot has been approved pursuant to clause (5)(b) to accommodate an existing farm dwelling, no development permit shall be issued for a dwelling on the remainder of the subdivided parcel.

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

(10) A municipality with an official plan may, as an alternative to amending its official plan and bylaws to conform with subsections (2) to (9), otherwise amend its official plan and bylaws where the amendments comply with subsection 7(2) of the Act and

(a) are consistent with the objectives set out in subsection (3);
(b) satisfy the minimum requirements applicable to official plans pursuant to section 7 of the Act;
(c) revoked by EC421/09;
(d) with the exception of the community of Miscouche, limit the number of lots in a subdivision for residential use to no more than five lots per existing parcel of land, unless
(i) central water service, central sewerage service, or both of them, by a municipal water utility, municipal sewerage utility, or both of them, is available, and
(ii) an irrevocable agreement has been signed between the applicant and the municipal water utility, municipal sewerage utility, or both of them, to provide central water service, central sewerage service, or both of them, to all lots prior to the conveyance of any lot from the approved subdivision; and

(e) require the municipality to report to the Minister, on or before April 30 of each year, the number of lots approved and development permits issued in the previous fiscal year, by type of intended use. (EC693/00; 702/04; 116/05; 212/05; 166/08; 421/09; 670/13)