



# RURAL MUNICIPALITY OF MILTONVALE PARK

---

## ZONING AND SUBDIVISION CONTROL (DEVELOPMENT) BYLAW (2021)



Prepared by SJ Murphy Planning & Consulting

Bylaw 2021-14 | Effective April 7, 2022

Amended: July 31, 2024

<b>Original date of approval by Minister</b>	April 7, 2022
<b>Amended:</b>	
<b>Amendment Number</b>	<b>Effective Date</b>
Bylaw 2024-14-A01	July 31, 2024

This document is an office consolidation of the Rural Municipality of Miltonvale Park Development Bylaw, current to July 31, 2024. It is intended for information and reference purposes only.

This document is not the official version of the Development Bylaw. The Development Bylaw and the amendments prepared under the authority of the Rural Municipality of Miltonvale Park should be consulted to determine the authoritative documents. Please contact the municipal office for more details.

Prepared by SJ Murphy Planning & Consulting,  
in association with Greg Morrison, RPP, MCIP,  
and Mitch Underhay

**Zoning and Subdivision (Development) Bylaw, Bylaw #2021-14**  
**RURAL MUNICIPALITY OF MILTONVALE PARK**

To adopt the Rural Municipality of Miltonvale Park Zoning, Development, Subdivision Control Bylaw

**Effective Date**

The effective date of the **Miltonvale Park Zoning and Subdivision (Development) Bylaw, Bylaw #2021-14** is the date as signed below by the Minister of Agriculture and Land.

**Authority – Bylaw**

The Council for the Rural Municipality of Miltonvale Park under authority vested in it by sections 11, 15, 16, 18 - 20 of the Planning Act R.S.P.E.I. 1988 Cap P-8 hereby enacts as follows:

**First Reading:**

The Zoning and Subdivision (Development) Bylaw was **read a first time** at the Council meeting held on the 15<sup>th</sup> day of September, 2021.

This Zoning and Subdivision (Development) Bylaw was **approved** by a majority of Councillors present at the Council meeting held on the 15<sup>th</sup> day of September, 2021.

**Second Reading:**

This Zoning and Subdivision (Development) Bylaw was **read a second time** at the Council meeting held on the 20<sup>th</sup> day of October, 2021.

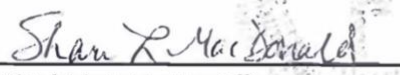
This Zoning and Subdivision (Development) Bylaw was **approved** by a majority of Councillors present at the Council meeting held on the 20<sup>th</sup> day of October, 2021.

**Adoption and Approval by Council:**

This Zoning and Subdivision (Development) Bylaw was adopted by a majority of Councillors present at the Council meeting held on the 20<sup>th</sup> day of October, 2021.

This Zoning and Subdivision (Development) Bylaw is declared to be passed on the 20<sup>th</sup> day of October, 2021.

  
\_\_\_\_\_  
Mayor  
(signature sealed)

  
\_\_\_\_\_  
Chief Administrative Officer  
(signature sealed)

**Ministerial Approval**

This Zoning Bylaw “**Zoning and Subdivision (Development) Bylaw, Bylaw #2021-14**” is hereby approved.

Dated on this 7<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
Hon. Bryce Thompson  
Minister of Agriculture and Land

# TABLE OF CONTENTS

<b>1. SCOPE.....</b>	<b>1</b>
1.1. TITLE.....	1
1.2. AREA DEFINED .....	1
1.3. AUTHORITY FROM THE PROVINCE OF PRINCE EDWARD ISLAND .....	1
1.4. PURPOSE.....	1
1.5. SCOPE .....	1
1.6. AUTHORITY OF DEVELOPMENT OFFICER.....	1
1.7. INTERPRETATION .....	2
1.8. UNITS OF MEASURE .....	2
<b>2. DEVELOPMENT ZONES .....</b>	<b>3</b>
2.1. DEVELOPMENT ZONES.....	3
2.2. INTERPRETATION OF ZONE BOUNDARIES .....	3
2.3. ZONING MAP .....	3
<b>3. ADMINISTRATION.....</b>	<b>5</b>
3.1. DEVELOPMENT APPROVAL.....	5
3.2. PERMIT APPLICATION .....	6
3.3. DEVELOPMENT PERMIT.....	6
3.4. PAYMENT OF FEES .....	7
3.5. INFORMATION REQUIRED FOR A DEVELOPMENT PERMIT.....	7
3.6. SURFACE DRAINAGE PLAN .....	8
3.7. BUILDING DESIGN DRAWINGS.....	9
3.8. CONSTRUCTION PLANS.....	9
3.9. OTHER INFORMATION .....	10
3.10. CONDITIONS ON PERMITS .....	10
3.11. DENYING PERMITS AND DEVELOPMENT RESTRICTIONS .....	10
3.12. PERMITS POSTED .....	11
3.13. DEVELOPMENT AGREEMENT.....	11
3.14. VARIANCES.....	12
3.15. BYLAW AMENDMENTS .....	13
3.16. PUBLIC MEETINGS .....	15
3.17. APPEALS.....	16
3.18. OFFENCES AND PENALTIES .....	16
<b>4. GENERAL PROVISIONS FOR ALL ZONES .....</b>	<b>17</b>
4.1. ACCESS.....	17
4.2. ACCESSORY APARTMENTS.....	17
4.3. ACCESSORY BUILDINGS AND STRUCTURES.....	19

4.4.	<i>REPEALED</i> .....	20
4.5.	BUILDING SEPARATION DISTANCES.....	20
4.6.	HOME OCCUPATIONS.....	20
4.7.	ENCROACHMENTS PERMITTED .....	22
4.8.	DEMOLITION OR MOVING PERMITS.....	22
4.9.	ENVIRONMENTAL BUFFER.....	22
4.10.	<i>REPEALED</i> .....	23
4.11.	EXISTING NON-CONFORMING BUILDINGS .....	23
4.12.	EXISTING NON-CONFORMING LOTS .....	23
4.13.	EXISTING NON-CONFORMING USES.....	24
4.14.	FENCES.....	24
4.15.	FRONT YARD SETBACKS BETWEEN EXISTING BUILDINGS .....	24
4.16.	HEIGHT RESTRICTION EXEMPTION .....	25
4.17.	LAND USE EDGES .....	25
4.18.	LICENSES, PERMITS, AND COMPLIANCE WITH OTHER BYLAWS .....	25
4.19.	LIVESTOCK OPERATIONS.....	26
4.20.	LIVESTOCK IN RESIDENTIAL ZONES.....	26
4.21.	MAIN BUILDING .....	27
4.22.	MIXED USE .....	27
4.23.	PARKING .....	27
4.24.	PERMITTED USES IN ALL ZONES.....	27
4.25.	PROHIBITED USES .....	27
4.26.	RECREATIONAL TRAILER OR VEHICLES.....	28
4.27.	SERVICING.....	28
4.28.	SOLAR ARRAYS .....	28
4.29.	SIDE YARD WAIVER .....	29
4.30.	REQUIREMENTS FOR SEMI-DETACHED DWELLINGS.....	29
4.31.	SWIMMING POOLS .....	29
4.32.	TEMPORARY STRUCTURES.....	29
4.33.	TOURIST ESTABLISHMENT .....	30
4.34.	WIND ENERGY.....	31
4.35.	DEVELOPMENT ADJACENT TO WETLANDS AND WATERCOURSES .....	33
<b>5.</b>	<b>RESIDENTIAL MANUFACTURED HOUSING PARK ZONE (MHP) .....</b>	<b>35</b>
5.1.	GENERAL.....	35
5.2.	PERMITTED USE .....	35
5.3.	REGULATIONS FOR PERMITTED USES.....	35
<b>6.</b>	<b>SERVICED RESIDENTIAL ZONE (RS1) .....</b>	<b>37</b>
6.1.	GENERAL.....	37
6.2.	PERMITTED USES .....	37
6.3.	REGULATIONS FOR PERMITTED USES.....	37

<b>7. RESIDENTIAL ZONE (R1)</b> .....	<b>39</b>
7.1. GENERAL.....	39
7.2. PERMITTED USES .....	39
7.3. REGULATIONS FOR PERMITTED USES.....	39
<b>8. PLANNED UNIT RESIDENTIAL DEVELOPMENT ZONE (PURD)</b> .....	<b>40</b>
8.1. GENERAL.....	40
8.2. PERMITTED USES .....	40
8.3. REGULATIONS FOR PERMITTED USES.....	40
8.4. DENSITY .....	41
8.5. NEW PURD DEVELOPMENTS .....	41
<b>9. AGRICULTURAL ZONE (A1) .....</b>	<b>43</b>
9.1. GENERAL.....	43
9.2. PERMITTED USES .....	43
9.3. REGULATIONS FOR PERMITTED USES.....	43
<b>10. GENERAL COMMERCIAL ZONE (C1) .....</b>	<b>45</b>
10.1. GENERAL.....	45
10.2. PERMITTED USES .....	45
10.3. REGULATIONS FOR PERMITTED USES.....	45
10.4. DWELLINGS IN COMMERCIAL BUILDINGS .....	46
10.5. TRANSIENT OR TEMPORARY COMMERCIAL PERMITS.....	46
<b>11. LIGHT INDUSTRIAL ZONE (M1).....</b>	<b>47</b>
11.1. GENERAL.....	47
11.2. PERMITTED USES .....	47
11.3. REGULATIONS FOR PERMITTED USES.....	47
11.4. EXCEPTIONS TO MAXIMUM BUILDING HEIGHT.....	48
11.5. ENVIRONMENTAL IMPACT ASSESSMENT .....	48
<b>12. PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI) .....</b>	<b>49</b>
12.1. GENERAL.....	49
12.2. PERMITTED USES .....	49
12.3. LOT REQUIREMENTS.....	49
<b>13. RECREATION AND OPEN SPACE ZONE (O1) .....</b>	<b>50</b>
13.1. GENERAL.....	50
13.2. PERMITTED USES .....	50
13.3. LOT REQUIREMENTS.....	50

<b>14. ENVIRONMENTAL RESERVE ZONE (O2) - OVERLAY .....</b>	<b>51</b>
14.1. GENERAL.....	51
14.2. PERMITTED USES .....	51
14.3. DEVELOPMENT PERMIT APPLICATIONS .....	51
14.4. ZONE BOUNDARIES.....	51
14.5. ZONE REQUIREMENTS.....	52
<b>15. GENERAL PROVISIONS FOR SUBDIVIDING LAND.....</b>	<b>53</b>
15.1. SUBDIVISION APPROVAL .....	53
15.2. CONVEYING INTEREST IN A LOT .....	53
15.3. SPECIAL PLANNING AREA.....	53
15.4. PERMISSION TO SUBDIVIDE.....	53
15.5. ROAD STANDARDS.....	54
15.6. SPECIAL REQUIREMENTS: EXISTING RESIDENTIAL LOTS .....	55
15.7. PARKLAND DEDICATION AND/OR PARK DEDICATION FEE.....	55
15.8. SPECIAL REQUIREMENTS: SUBDIVIDING ATTACHED DWELLINGS .....	56
15.9. SPECIAL REQUIREMENTS: REDUCED LOT FRONTAGE .....	57
15.10. SPECIAL REQUIREMENTS: SUBDIVISIONS ADJACENT TO WETLANDS AND WATERCOURSES .....	57
15.11. SUBDIVISION AGREEMENT .....	57
15.12. APPLICATION AND PRELIMINARY APPROVAL PROCESS .....	58
15.13. FINAL APPROVAL .....	60
15.14. SEVERANCES/CONSOLIDATION .....	61
15.15. DEVELOPMENT PERMITS .....	61
<b>16. EFFECTIVE DATE AND REPEAL.....</b>	<b>62</b>
16.1. EFFECTIVE DATE.....	62
16.2. REPEAL.....	62
<b>SCHEDULE 1: ZONING MAP.....</b>	<b>63</b>
<b>SCHEDULE 2: DEFINITIONS.....</b>	<b>64</b>
<b>SCHEDULE 3: PARKING STANDARDS.....</b>	<b>78</b>
<b>SCHEDULE 4: SCHEDULE OF FEES.....</b>	<b>79</b>
<b>SCHEDULE 5: PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS .....</b>	<b>80</b>
<b>SCHEDULE 6: SPECIAL PLANNING AREA REGULATIONS .....</b>	<b>89</b>

## 1. SCOPE

### 1.1. TITLE

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

### 1.2. AREA DEFINED

1. This bylaw applies to the geographical area within which the Council of the Municipality has jurisdiction.

### 1.3. AUTHORITY FROM THE PROVINCE OF PRINCE EDWARD ISLAND

1. This bylaw is enacted pursuant to the *Planning Act, R.S.P.E.I. 1988, c. P-8*.

### 1.4. PURPOSE

1. 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 Municipality.

### 1.5. SCOPE

1. 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 Municipality, except in conformity with this bylaw.

### 1.6. AUTHORITY OF DEVELOPMENT OFFICER

1. Council shall appoint a Development Officer(s) whose duties shall be as provided in this bylaw. A Development Officer shall have the authority to administer this bylaw. A Development Officer shall have the authority to approve or deny severances, Lot Consolidations and Development Permits in accordance with this bylaw in all areas except for:
  - a) Commercial Developments with a Building having an area greater than 600 m<sup>2</sup> (6,458.35 f<sup>2</sup>);
  - b) Institutional Developments with a Building having an area greater than 600 m<sup>2</sup> (6,458.35 f<sup>2</sup>);
  - c) Industrial Developments with a Building having an area greater than 600 m<sup>2</sup> (6,458.35 f<sup>2</sup>);
  - d) Multi-Unit Dwellings of greater than two (2) units;
  - e) Subdivisions of three (3) or more Lots;
  - f) Variances of more than ten percent (10%); and
  - g) Discretionary approvals as identified in this bylaw.

## **1.7. INTERPRETATION**

1. In this bylaw:
  - a) words used in the present tense include the future tense;
  - b) words in the singular include the plural;
  - c) words in the plural include the singular;
  - d) the word “may” is permissive and not mandatory;
  - e) the word "shall" is mandatory and not permissive; and
  - f) any Use not listed as a permitted Use in a Zone is prohibited in that Zone unless otherwise indicated.

## **1.8. UNITS OF MEASURE**

1. 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

1. For the purpose of this bylaw, the Municipality is divided into the following Zones, the boundaries of which are subject to Section 2.2 and are shown on the zoning map, which shall be attached hereto as Schedule A and which forms part of the bylaw. These Zones may be referred to by the following symbols.

<u>ZONE</u>	<u>SYMBOL</u>
Residential Manufactured Housing Park	MHP
Serviced Residential	RS1
Residential	R1
Planned Unit Residential Development	PURD
Agricultural	A1
General Commercial	C1
Light Industrial	M1
Public Service and Institutional	PSI
Recreation and Open Space	O1
Environmental Reserve (Overlay)	O2

### 2.2. INTERPRETATION OF ZONE BOUNDARIES

1. Boundaries between Zones shall be determined as follows:
  - a) Where a Zone boundary is indicated as following a Street or Highway, the boundary shall be the centerline of such Street or Highway;
  - b) Where a Zone boundary is indicated as following Lot Lines, the boundary shall be such Lot Lines;
  - c) Where a Zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary; and
  - d) Where none of the above provisions apply, the Zone boundary shall be scaled from the original zoning map lodged with the Municipality.

### 2.3. ZONING MAP

1. Revisions or amendments to the zoning map through a bylaw amendment shall be recorded by the Municipality, and the zoning map shall be updated accordingly.
2. Where the Zone boundary delineates the Environmental Reserve (Overlay) Zone:

- a) The zoning map reflects the location of Wetlands, Watercourses and the environmental Buffer as defined in the Watercourse and Wetland Protection Regulations prescribed under the *Environmental Protection Act, R.S.P.E.I. 1988, c. E-9*;
- b) The zoning map has been drawn based on the 2010 provincial delineation of the coastline, Wetland and Watercourse land Use boundaries;
- c) The location of the Environmental Reserve (Overlay) Zone boundary may change over time as the coastline and Wetland and Watercourse boundaries change due to natural processes including sea level rise and coastal erosion; and
- d) In the event of an application in relation to a Lot located within or within 30m (98.43 ft) of the Environmental Reserve (Overlay) Zone, the boundary shall be identified on a plan of survey, delineated by a professional authorized to do so by the Province, which shall be dated no more than 12 months from the date of the application.

### 3. ADMINISTRATION

#### 3.1. DEVELOPMENT APPROVAL

1. No person shall:

- a) Change the Use or intensity of Use of a Parcel, Structure or Building;
- b) Locate, place, erect, Construct, or replace a Structure or Building;
- c) Make structural Alterations, repairs, or additions to a Structure or Building;
- d) Make a connection to a central or municipal water supply or Sewerage Disposal System;
- e) Make an underground installation such as a fuel tank, foundation wall or other installation;
- f) Move or undertake the Demolition of a Structure or Building that is greater than 20 m<sup>2</sup> (215.28 ft<sup>2</sup>);
- g) Construct a Highway;
- h) Place or dump any fill or other material or otherwise Altering the grade of the land; or
- i) Subdivide or consolidate a Parcel or Parcels

without first applying for, and receiving, a Development Permit or Subdivision approval, as the case may be, except where otherwise specifically provided in this bylaw.

2. For the purpose of this bylaw:

- a) Laying paving material for a patio or sidewalk;
- b) Constructing a Fence 1.22 m (4 ft) in height or less;
- c) Installing clotheslines, poles, and radio or television antennae, except satellite dishes over 0.61 m (2 ft) in diameter;
- d) Installing a roof-mounted Solar Array or a meteorological test tower;
- e) Making a Garden or growing a crop, or preparing land for a Garden or crop;
- f) Removal of vegetation for agricultural and/or forestry practices;
- g) Making Landscaping improvements;
- h) Constructing an Ornamental Structure or Accessory Building of less than 20 m<sup>2</sup> (215.28 ft<sup>2</sup>);
- i) Replacing a Deck with a new Deck of the same area, height and location;
- j) Conducting routine Maintenance;
- k) Erecting a tent under 20 m<sup>2</sup> (215.28 ft<sup>2</sup>) for temporary, personal Use; or
- l) Placing or Erecting a Temporary Structure that is incidental to a Development that has an approved Development Permit

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. When a Development does not require a Development Permit, the requirements of the bylaw and any other applicable bylaws of the Municipality or any statute, regulation, or other enactment of the Provincial Government or the Government of Canada, shall still apply.
4. A Development Permit issued under the bylaw does not substitute or supersede the requirement for a Building permit for the construction, Demolition, occupancy or Use of a Building under the *Building Codes Act*, RSPEI 1988, c B-5.1, and applicable regulations. Furthermore, a Building permit issued under the *Building Codes Act* and applicable regulations, does not substitute or supersede the requirement for a Development Permit under the bylaw.

### **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 and dated 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 Schedule 4).
3. An application is considered incomplete, and a decision shall not be rendered on such an application, until such time as all required information is submitted, including the:
  - a) Application form, signed and dated by the Owner or Owner’s authorized agent;
  - b) Non-refundable administrative fee, the application fee, and any other required fees;
  - c) Site plans, drawings, and other representations of the proposed Development, as required;
  - d) Approval(s) from other governments and/or agencies, as required; and
  - e) Additional information, as required by the Development Officer.
4. An incomplete application shall be considered null and void if the applicant does not submit the required information and does not make payment in full on the application, within six (6) months of submitting the initial application form.
5. An application submitted in accordance with the bylaw shall constitute authorization for inspection of the Structure or land in question by the Development Officer, or an officer or agent of the Municipality, for the purpose of ensuring compliance with the provisions of the bylaw.

### **3.3. DEVELOPMENT PERMIT**

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

2. The Development Officer may grant an extension on an approved Development Permit for up to twelve (12) months from the date of expiry, if the applicant requests the extension prior to the date of expiry. After such time, an application for a new Development Permit must be submitted.
3. Council may revoke a Development Permit where information provided for the application is found to be inaccurate.
4. The Development Officer shall post all decisions relating to applications in accordance with Section 23.1 of the *Planning Act*.

### **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 set fees for applications and related services in a Fee Schedule, which shall be attached hereto as Schedule 4 and forms part of the bylaw. Council may amend the Fee Schedule from time to time by resolution in accordance with Section 135 of the *Municipal Government Act*.

### **3.5. INFORMATION REQUIRED FOR A DEVELOPMENT PERMIT**

1. Every application for a Development Permit shall be accompanied by a site plan, drawn to scale and showing:
  - a) The boundaries of the subject Lot, including dimensions and area;
  - b) The general location and Use of every Building or Structure already Erected on the Lot and of Buildings on abutting Lots;
  - c) The proposed location and dimensions of any well, Sewerage Disposal System, Parking Space, Parking Lot, Loading Space, Entrance Way, and Landscaping on the Lot;
  - d) The proposed Use of the Lot and each Building or Structure to be developed;
  - e) All existing Highways, rights-of-way and/or easements on and adjacent to the Lot;
  - f) The location of existing and proposed driveways, including the distance from the centre of the driveway to the nearest property boundary;
  - g) The distance from the proposed Building or Structure to all property boundaries;
  - h) The location and exterior dimensions of the proposed Building or Structure;
  - i) The distance from the proposed Building or Structure to any existing Buildings or Structures;
  - j) The distance from the proposed Structure to the boundary of any Wetland, Watercourse, sand dune, or the top of the bank adjacent to a Wetland or Watercourse and the location of the environmental 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.;

- k) The distance between any existing or proposed well and Sewerage Disposal System;
  - l) The location of any well, Sewerage Disposal System, Parking Spaces and driveways within 30 m (98.43 ft) on adjacent Lots;
  - m) Land Uses adjacent to each Lot Line and the existing or proposed location, width and type of Landscape Buffer or Fence to be maintained, if a Landscape Buffer is required under section 4.17; and
  - n) 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. A footing certificate or survey shall be prepared by a licensed surveyor and submitted to the Municipality for all proposed Developments within 0.30 m (1.0 ft) or less of the minimum Setback permitted in the Zone to confirm the location of the Building’s footing prior to the Development Permit being issued.
4. The site plan shall be based on a Survey Plan prepared by a licensed surveyor when:
- a) The Lot subject to a Development does not meet the minimum Lot Area or Lot Frontage requirements of the bylaw; or
  - b) The location of an existing Building or Structure with respect to the Lot boundary or with respect to the proposed Building or Structure is necessary in the opinion of the Development Officer to determine the compliance of the application.

### **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 Permit application for:
- a) A change to the Grade, when no Building or Structure is proposed, that involves:
    - i. Placing or dumping fill or other material on a Lot;
    - ii. Excavating and removing soil from a Lot; or
    - iii. Any Alteration or change to the existing Grade within the minimum Setbacks of the Lot.
  - b) A Building or Structure:
    - i. With a Building Footprint greater than 65.03 m<sup>2</sup> (700 ft<sup>2</sup>) and a proposed Setback of less than 15.24 m (50 ft) from any Lot Line, 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;

- ii. With a Lot Coverage greater than 10%; or
  - iii. With a Building Footprint greater than 20 m<sup>2</sup> (215.28 ft<sup>2</sup>) on a Lot with less than 30.48 m (100 ft) of Lot Frontage or less than 1,858.06 m<sup>2</sup> (20,000 ft<sup>2</sup>) in Lot Area.
2. A Surface Drainage Plan is not required for:
- a) A Development that conforms with a preapproved storm water management plan as prepared for Subdivision approval of the Lot;
  - b) 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
  - c) 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:
- a) The existing and proposed Grade elevations relative to any adjoining Lot and Highway;
  - b) 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 surface water run-off from the Lot in question onto any adjoining Lot or Highway;
  - c) The finished floor or foundation elevation of any existing Building(s) on the Lot and on any adjacent Lot located within 15 m (49.21 ft) of the adjoining Lot Line; and
  - d) 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**

1. The Development Officer may require the Owner 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.

### **3.9. OTHER INFORMATION**

1. The Development Officer 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:
  - a) Parking Lot layout and internal circulation patterns;
  - b) Location of garbage containers and description of screening or fencing;
  - c) Storm water management plan for any Development other than that which requires a Surface Drainage Plan under Section 3.6 of this bylaw;
  - d) Location of Open Space and amenity areas;
  - e) Landscaping plan;
  - f) Existing vegetation;
  - g) Easements;
  - h) Proposed storage areas and description of screening or fencing;
  - i) 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*;
  - j) Survey Plans;
  - k) Energy efficiency features; and
  - l) Accessibility features.

### **3.10. CONDITIONS ON PERMITS**

1. The Development Officer may impose conditions on a permit that are directly related to bylaws of the Municipality, 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:
  - a) 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;
  - b) Could create a health, fire or accident hazard or increase the likelihood of the existence of rodents, vermin or other pests;
  - c) Does not conform to the bylaw or other bylaws of the Municipality or any applicable enactments of the Provincial Government or of the Government of Canada;

- d) Does not have a water supply that meets minimum provincial standards;
- e) Does not have a Sewerage Disposal System that meets minimum provincial standards;
- f) Involves a proposed access not permitted by the *Roads Act*, RSPEI 1988, c R-15;
- g) Involves a proposed access that requires the Use of a Private Road or access over an adjacent property for which a legal right-of-way has not been properly granted;
- h) Would be Detrimental to the environment by reason of noise, dust, drainage, infilling or excavation which affects environmentally sensitive or residential areas; or
- i) Would be Detrimental to the convenience, health, or safety of residents in the vicinity of the Development or of the general public.

### **3.12. PERMITS POSTED**

1. The Owner shall post the permit at a location on the Parcel that is visible to the public.

### **3.13. DEVELOPMENT AGREEMENT**

1. 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 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:
  - a) Site design;
  - b) The design and construction cost of sidewalks, pathways and other pedestrian access matters;
  - c) Landscaping and screening;
  - d) Vehicular accesses and exits;
  - e) Signage;
  - f) Security and safety lighting;
  - g) Architectural design;
  - h) Methods of waste disposal;
  - i) Remediation measures;
  - j) Security;
  - k) Hours of operations;
  - l) Fencing; and
  - m) Other matters to ensure the health, safety and convenience of 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-10*.
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.

### **3.14. VARIANCES**

1. The Development Officer may grant a variance for a Development Permit application, not exceeding 10% of the minimum Setback, Lot Area, Frontage, Lot Coverage and/or Building Height as required in the Zone, if the variance is consistent with the general intent and purpose of this bylaw, provided that:
  - a) 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;
  - b) 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;
  - c) The variance is of the least magnitude required to enable reasonable Use of the Lot; and
  - d) 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 and upon receiving a recommendation from Planning Board, Council may grant a variance for a Development Permit application, in excess of 10% but not exceeding 50% of the minimum Setback, Lot Area, Frontage, Lot Coverage and/or Building Height as required in the Zone, 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:
  - a) Receive from the Owner sufficient funds to cover the costs associated with a mail-out and the application fee;
  - b) Provide written notice by ordinary mail or hand delivery, explaining the details of the proposed application, to all Owners within 152.40 m (500 ft) of the boundaries of the subject Lot;

- c) Ensure that the notice identifies the subject Lot and describes the application and the date by which written comments must be received; and
  - d) Accept all comments submitted within fourteen (14) calendar days from the date of the notice.
- 6. Planning Board shall consider the application having regard for the criteria in subsection 1, the input received from the public, the policies and objectives of the Official Plan and shall make a recommendation to Council.
- 7. 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 3.16 of this bylaw.
- 8. 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.
- 9. 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.

### **3.15. BYLAW AMENDMENTS**

- 1. A person making application for an amendment to the provisions of this bylaw shall do so on a form prescribed by Council and shall submit the application to the Development Officer. 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:
  - a) Be deemed to be an application to amend this bylaw;
  - b) 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, approval from the Owner granting permission to the applicant to apply for such application;
  - c) Include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to:
    - i. General Development Concept showing proposed Use, Subdivision, Building, means of servicing, traffic access and Parking;
    - ii. Assessment of potentially impacts of the Development on municipal infrastructure and the natural environment; and
    - iii. Verification that the proposed Development is in conformance with any applicable provincial statute, regulation or other enactment.

- d) Be submitted with a non-refundable application fee in accordance with the fee schedule (See Schedule 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. Council shall determine whether or not to consider an amendment and before making a decision shall consider whether:
  - a) the proposed amendment is in conformity with the Official Plan; or
  - b) to amend the Official Plan in accordance with the provisions of the *Planning Act*.
4. 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.
5. Prior to amending this bylaw, Council shall provide public notice and hold a public meeting pursuant to the provisions of section 3.16 in this bylaw and the requirements of the *Planning Act*.
6. Following the public meeting, Planning Board shall consider the feedback received from the public by way of written responses and comments made at the public meeting. The applicant may be provided another opportunity to present to Planning Board to answer any further questions that may have arisen at or following the public meeting. Planning Board shall make a recommendation to Council on the application.
7. Council shall consider the recommendation of Planning Board and shall determine whether to proceed with an amendment to the bylaw in accordance with the *Planning Act*, as requested or with modification, or to deny the application.
8. The Development Officer will notify the applicant 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.
9. No Development Permits or Subdivision applications related to a proposed amendment(s) shall be approved by the Municipality until any necessary amendments approved by Council have taken effect.
10. 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.
11. Nothing in this bylaw restricts the right of Planning Board or Council to initiate its own amendment to the Official Plan or this bylaw.

### **3.16. PUBLIC MEETINGS**

1. The Development Officer shall review an application for a variance or an amendment to the Official Plan or this bylaw and will provide a recommendation to Planning Board and 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:
  - a) Conformity with all requirements of this bylaw;
  - b) Conformity with the Official Plan;
  - c) Suitability of the site for the proposed Development;
  - d) Compatibility of the proposed Development with surrounding land Uses, including both existing and other permitted Uses;
  - e) Comments from residents or other interested persons;
  - f) 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;
  - g) Impacts of the Development on pedestrian and vehicular access and safety, including public safety generally;
  - h) Compatibility of the Development with agricultural, environmental, scenic and heritage resources;
  - i) Impact on municipal finances and budgets;
  - j) Other related provisions in this bylaw; and
  - k) Other matters considered relevant by Planning Board or Council.
3. Council retains the right to deny a request without holding a public meeting, if Council has determined that such request is inconsistent with sound 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 proposed bylaw amendment, and, where applicable, the official plan amendment, by:
  - a) Public notice in a newspaper circulating in the area;
  - b) Written notice to all property Owner(s) within 152.40 m (500 ft) of the boundaries of the subject Lot; and
  - c) 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.

### **3.17. APPEALS**

1. Any appeal of a decision in respect to the administration of this Bylaw shall be undertaken in accordance with Part V of the *Planning Act*.

### **3.18. 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 Municipality is also entitled to enforce this bylaw and restrain any breach of this bylaw in accordance with the *Planning Act* and the *Municipal Government 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*, the *Roads Act*, or any successor enactment.
3. Where an Entrance Way permit or other approval 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. A Development Permit for a Structure that fronts on a Private Road may be approved, provided that the following criteria are met:
  - a) The Parcel was approved prior to the effective date of this bylaw;
  - b) No reasonable provision can be made to provide direct access to a Highway;
  - c) There is a safe ingress and egress from the Lot or Private Road to a Highway; and
  - d) 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. ACCESSORY APARTMENTS

1. One (1) Accessory Apartment may be constructed in or as an addition to an existing Single Unit Dwelling subject to the following conditions:
  - a) 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;
  - b) The Accessory Apartment meets the requirements of the provincial Fire Marshal's Office and applicable National Building Code requirements;
  - c) The exterior of the Single Unit Dwelling shall retain the appearance of a Single Unit Dwelling;
  - d) 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;
  - e) The Accessory Apartment shall be less than:
    - i. 80% of the Gross Floor Area of the main Dwelling, excluding the garage; and

- ii. 80 m<sup>2</sup> (861.11 ft<sup>2</sup>) in Floor Area.
  - f) The Accessory Apartment shall not contain more than two bedrooms;
  - g) The subject property does not contain an Accessory Apartment within an Accessory Building on the Lot; and
  - h) All other provisions of the bylaw remain applicable to the Dwelling and changes may be required to the exterior of the Dwelling 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 Unit Dwelling if the application meets the following requirements:
- a) 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;
  - b) 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;
  - c) The Accessory Apartment meets the requirements of the provincial Fire Marshal’s Office and applicable National Building Code requirements;
  - d) The Accessory Apartment shall not contain more than two bedrooms;
  - e) The following site standards for an Accessory Apartment in a detached Building or Accessory Building, shall apply:

<b>Lot Area (minimum)</b>	4,046.86 m <sup>2</sup> (1.0 acre)
<b>Building Height (maximum)</b>	4.57 m (15 ft) or less than the height of the principal Dwelling
<b>Floor Area (maximum)</b>	65.03 m <sup>2</sup> (700 ft <sup>2</sup> )
<b>Permitted location</b>	Rear Yard or Side Yard
<b>Setback from Lot Line (minimum)</b>	5 m (16.40 ft) or the minimum Yard Setback for the applicable Zone, whichever is greater

- f) 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;
- g) The Owner shall submit a site plan indicating the proposed location of at least one (1) additional Parking Space in addition to the Parking Spaces required for the Main Building;
- h) A Mini Home is not permitted to be used as an Accessory Apartment unless otherwise permitted in this bylaw;
- i) The Accessory Apartment shall not be situated over an existing underground services or utilities and shall not encroach upon a permanent easement registered on the Lot. The

Owner may be required to submit a Survey Plan certified by a licensed Prince Edward Island Land Surveyor or licensed engineer;

- j) 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
- k) The Main Building shall not contain an Accessory Apartment.

### 4.3. ACCESSORY BUILDINGS AND STRUCTURES

1. The standards for Accessory Buildings shall be as follows:

	All zones				
<b>Used for human habitation</b>	Only where a dwelling is a permitted accessory use				
<b>More than one Accessory Building permitted</b>	All zones except the O2 Zone				
	<b>Farm or Resource Use property, Commercial Zone, Industrial Zone</b>	<b>All other parcels</b>			
<b>Located in front yard or flankage yard</b>	No restriction	Not permitted			
<b>Setback from Lot Line</b>	No restriction, Zone setbacks apply	1.5 m (4.92 ft) except common garages for semi-detached dwellings			
<b>Minimum distance from Main Building on the Lot</b>	No standard (NBC would apply)	The greater of 1.5 m (4.92 ft) or any applicable National Building Code standard			
<b>Maximum height</b>	Zone standards apply	4.60 m (15.1 ft) where Lot is less than 0.405 ha (1 acre) or is located in RS1 Zone			
		7.62 m (25 ft) where Lot is equal to or greater than 0.405 ha (1 acre)			
	<b>Farm or Resource Use property, Commercial Zone, Industrial Zone</b>	<b>Lot is less than 0.202 Ha (0.5 acre)</b>	<b>Lot is equal to or greater than 0.202 ha (0.5 acre) but less than 0.405 ha (1 acre) or is located in the RS1 Zone and is equal to or greater than 0.202 ha (0.5 acre)</b>	<b>Lot is between 0.405 ha (1 acre) and 1.22 ha (3 acres)</b>	<b>Lot is greater than 1.22 ha (3 acres)</b>
<b>Maximum combined gross Floor Area of all Accessory Buildings on Parcel</b>	No restriction	10% of the Lot Area	the greater of 10% or 112 sq m (1,205.6 sq ft)	10% of the Lot Area	10% of the Lot Area

<b>Maximum gross Floor Area of an individual Accessory Building</b>	No standard	93 sq m (1,001 sq ft)	112 sq m (1,205 sq ft)	140 sq m (1,507 sq ft)	186 sq m (2,002 sq ft)
	<b>Residential Lot (including commercial uses on a Residential Lot)</b>	<b>All other parcels</b>			
<b>Zone Standards</b>	Standards of this section apply	Zone Standards for the Main Building apply			
<b>Reduced setback in rear yard</b>	Not permitted	Minimum Setback of 4.57 m (15 ft) if the Accessory Building is less than 600 sq m (6,458.35 sq ft) and is smaller than the footprint of the Main Building			

2. No Accessory Building or Structure shall be constructed:
  - a) Prior to the construction of the Main Building to which it is accessory; or
  - b) Prior to the establishment of the Use of the Lot where no Main Building is to be built.
3. Notwithstanding the above provisions of section 4.3, but after having followed the process in Section 3.14.5 of this bylaw, Council may approve an Accessory Building that is located within the Front Yard or Flankage Yard of a Lot provided Council is satisfied the proposed Structure will be architecturally compatible with adjacent Structures and no permanent injury will be caused to the existing and permitted Uses of adjoining properties.

#### **4.4. *Repealed***

#### **4.5. BUILDING SEPARATION DISTANCES**

1. Where more than one Main Building is permitted on a Lot, the minimum separation distance between Buildings shall be 6.0 m (19.69 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 (3.94 ft).

#### **4.6. HOME OCCUPATIONS**

1. Nothing in this bylaw shall prevent the Use of a portion of any Dwelling Unit or Building accessory to a Dwelling Unit as a personal office for residents of the Dwelling Unit provided the personal office is not intended to be visited by members of the public and no Signage is posted. No Development Permit is required.
2. Nothing in this bylaw shall prevent the Use of a portion of any Dwelling Unit or Building accessory to a Dwelling Unit for the instruction of up to two students at a time provided no Signage is posted. No Development Permit is required.

3. Any Dwelling or Accessory Building to a Dwelling may be used for a Home Occupation provided:
  - a) The Owner of the business ordinarily resides in the Dwelling;
  - b) Not more than two (2) employees live outside the Dwelling;
  - c) Not more than twenty five percent (25%) of the gross Floor Area of the Dwelling is used for the Commercial Use; or when the Home Occupation operates from an Accessory Building, the Accessory Building shall meet the regulations for maximum gross Floor Area permitted on the property.
  - d) Adequate off-highway Parking is provided on the Lot for both the Dwelling and the Home Occupation Use in accordance with Schedule 3;
  - e) No Outdoor Storage of materials or outdoor product Display used in conjunction with the Home Occupation is permitted on the property.
  - f) A maximum of two (2) commercial vehicles, operated in conjunction with the Home Occupation, may be Parked or stored on the Lot. Notwithstanding the foregoing, additional vehicles may be Parked or stored on the Lot within a wholly enclosed Building;
  - g) Signs advertising the Home Occupation shall be restricted to a maximum of 0.56 m<sup>2</sup> (6 ft<sup>2</sup>);
  - h) No mechanical equipment shall be used on the Lot except what is reasonably consistent with the Use of the Dwelling;
  - i) The external appearance of the Dwelling is not Altered; and
  - j) 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.
  
4. The following Uses are permitted on a Residential Lot as a Home Occupation:
  - a) Business or Professional Offices;
  - b) Child Care Facilities;
  - c) Occupations and businesses that create and/or offer for sale arts and crafts, weavings, paintings, and sculptures;
  - d) Occupations and businesses that repair Garden or household furniture or ornaments, personal effects, clothing, or toys;
  - e) Hairdressing salon, barbershop or personal services shop;
  - f) Catering, for off-premise delivery of products;
  - g) Tourist Establishment, subject to Section 4.5 of this bylaw;
  - h) Private lessons, tutoring or training sessions of between 3 and 6 students at any one time;
  - i) Online Retailing;

- j) Photography studio; and
- k) Animal grooming.

5. The following Uses are prohibited on a Residential Lot:

- a) Automobile Shop
- b) Automobile Service Station
- c) Retail Store; and
- d) Industrial Uses permitted in the M1 Zone.

6. Notwithstanding subsection (4), but after having followed the process in subsection 3.14.5 of this bylaw, Council may approve an alternative Commercial Use as a Home Occupation 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.

7. After following the process in Section 3.14.5, Council may approve exemptions to Section 4.6.3 (e) and/or (f) in the A1 Zone provided that the Outdoor Storage, outdoor product Display and/or commercial vehicles are located in the Rear Yard and are screened from view by means of a landscaped Buffer of at least 1 m (3.3 ft) in height. In addition to or instead of a landscaped Buffer, the Development Officer may require an opaque Fence not less than 1.83 m (6.0 ft).

#### **4.7. ENCROACHMENTS PERMITTED**

1. The following portions of Structures may project into a required Setback as outlined in this bylaw to the limit of the specified distance:

<b>Structure or Feature</b>	<b>Distance</b>
Patio / Deck Not Exceeding 0.6 m (2 ft) from Surrounding Grade	1 m (3.3 ft)
Wheelchair Ramp	1.4 m (4.6 ft)

#### **4.8. DEMOLITION OR MOVING PERMITS**

1. 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.
2. 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.
3. When a Structure has been moved or demolished, the Lot must be leveled to Grade.

#### **4.9. 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 the Buffer Zone shall be shown on any site plan submitted to the Municipality as part of a Development Permit application.

#### **4.10. *Repealed***

#### **4.11. EXISTING NON-CONFORMING BUILDINGS**

1. A Building shall be deemed to exist on the effective date of approval of this bylaw if:
  - a) It was lawfully under construction; or
  - b) The permit for its construction was 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:
  - a) 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
  - b) 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.

#### **4.12. 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.

2. A non-conforming Lot which is increased in area or Lot Frontage or both, but remains undersized, is still considered an existing non-conforming Lot.
3. Accessory Apartments shall only be permitted in a Single Unit Dwelling on a non-conforming Lot if the on-site Sewerage Disposal System is certified by a licensed professional engineer or licensed septic contractor who carries a minimum of two (2) million dollars in professional liability, and errors and omissions insurance, and is confirmed to be suitable for the soil type, Lot size and proximity to adjacent Lots.

#### **4.13. EXISTING NON-CONFORMING USES**

1. Subject to the provisions of this bylaw, the Use of 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. 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.

#### **4.14. FENCES**

1. A Fence may be Erected or placed on a Lot subject to the following regulations:
  - a) The maximum height for a Fence in any Zone is 2.5 m (8.20 ft); and
  - b) No Fence may be electrified or incorporate barbed wire or other dangerous materials, except for an active Farm.

#### **4.15. FRONT YARD SETBACKS BETWEEN EXISTING BUILDINGS**

1. 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 15.24 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.

#### **4.16. HEIGHT RESTRICTION EXEMPTION**

1. 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, meteorological test towers, ventilators, skylights, fire towers, drive-in theatre screens, chimneys, clock towers, Roof Mounted Solar Arrays, power transmission towers, roof top cupola, Wind Turbines, or Utility poles.

#### **4.17. LAND USE EDGES**

1. Between adjacent land Uses, a minimum 4.5 m (14.76 ft) wide Landscape 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:
  - a) A resource or non-resource commercial or Industrial Use abuts a residential, tourism establishment, or public service and Institutional Use along the Side Lot Line or Rear Lot Line;
  - b) A resource or non-resource commercial or Industrial Use abuts the O1 Zone (including the Confederation Trail) along the Side Lot Line or Rear Lot Line; and
  - c) An Agricultural Use, excluding crops or Forestry Uses, and includes Development that has a Setback less than 22.86 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 or Industrial Use abuts a Residential Use the:
  - a) Exterior lighting or illuminated Signage shall be arranged so as to deflect light away from the adjacent Residential Use; and
  - b) Outdoor Storage shall be prohibited unless it is screened from view by means of a Landscape Buffer of adequate size or architectural screening such as a wall, Fence or other appropriate Structure.
3. The site plan for a Development shall identify the land Uses adjacent to each Lot Line and the existing or proposed location, width and type of Landscape Buffer or Fence to be constructed and maintained.

#### **4.18. 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.

#### 4.19. LIVESTOCK OPERATIONS

1. Livestock operations shall comply with all applicable provincial statutes, regulations and other enactments, and confirmation that the proposed Development complies with such enactments shall be submitted with a Development Permit application.
2. The following separation distances shall apply to all new Intensive Livestock Operations or extensions. The following separation distances shall also apply to a new residential Development in the vicinity of an Intensive Livestock Operation:

	<b>Requirement</b>
<b>Distance from any existing Dwelling on an adjacent property</b>	152.4 m (500 ft)
<b>Distance from a public Road</b>	45.72 m (150 ft)
<b>Distance from any domestic well</b>	152.4 m (500 ft)
<b>Distance from any Lot Line</b>	45.72 m (150 ft)
<b>Distance from any Watercourse or Wetland boundary</b>	90.0 m (295.28 ft)

3. Where a new Intensive Livestock Operation is proposed within 300 m (984.2 ft) of an existing residential Subdivision, the Development Officer shall notify the property Owners within 300 m (984.2 ft) of the proposed operation and invite their comments.
4. All intensive Livestock Buildings shall have a manure storage facility with a capacity for retention of manure for a period of time for which conditions do not permit spreading.
5. The Development Officer may consult the Department of Agriculture for manure storage capacities and design standards and shall require the Livestock operator to follow these capacity and design requirements.

#### 4.20. LIVESTOCK IN RESIDENTIAL ZONES

1. In a residential Zone, the keeping of Livestock shall be permitted, up to a maximum of 3 animals per 0.1 hectare (0.25 acre) in accordance with the following:

<b>Hens (roosters prohibited)</b>	<b>Maximum 3 per 0.1 ha (0.25 acre)</b>
<b>Pigs (Potbelly &amp; Domestic), Sheep, or Goats</b>	<b>Maximum 1 per 0.1 ha (0.25 acre)</b>
<b>Other</b>	<b>At the discretion of Council</b>

- a) The keeping of Livestock must adhere to all local, provincial and federal health and agriculture regulations in addition to the standards in this by-law; and

- b) Any ground-level Structure intended for the keeping of animals shall be considered an accessory Structure.

#### **4.21. MAIN BUILDING**

- 1. No person shall Erect more than one (1) Main Building on a Lot in the RS1 and R1 Zones.

#### **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.

#### **4.23. PARKING**

- 1. Parking standards in the Municipality shall be as established in Schedule 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 but shall not prevent the provision of an access driveway across the strip of land.

#### **4.24. PERMITTED USES IN ALL ZONES**

- 1. The following Uses are permitted in all Zones:
  - a) Temporary construction facilities such as sheds, scaffolds and equipment incidental to 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; and
  - b) Public or Private Park, Open Space, or Conservation Activity.
- 2. Except where otherwise specifically provided in this bylaw, Public and Private Utilities and Utility-related Structures:
  - a) may be located in any Zone; and
  - b) no Zone standards shall apply.

#### **4.25. PROHIBITED USES**

- 1. Uses that are not specified as permitted Uses in the Zone shall not be permitted in the Zone unless otherwise indicated.
- 2. Without limiting the foregoing, the following uses are not permitted in any zone:
  - a) satellite dishes greater than 0.61 m (2 ft) in diameter; and

- b) Salvage Yards.

#### **4.26. RECREATIONAL TRAILER OR VEHICLES**

1. No person shall use or occupy a Recreational Trailer or Vehicle, unless a Development Permit has been issued in accordance with the following:
  - a) A Development Permit shall be valid for a period of not more than 120 days and shall not be renewed; and
  - b) The Recreational Trailer or Vehicle shall be removed from the Lot, or stored and discontinued from Use, immediately following expiry of the Development Permit.

#### **4.27. SERVICING**

1. 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:
  - a) The on-site water supply system and water quality meets minimum provincial requirements; and
  - b) The Sewerage Disposal System meets minimum provincial requirements.
3. 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.

#### **4.28. SOLAR ARRAYS**

1. Ground Mounted Solar Arrays shall be permitted in all Zones, subject to the following:
  - a) The minimum Setback to adjacent Lot Lines for Ground Mounted Solar Arrays shall be 4.57 m (15 ft) or the height of the Ground Mounted Solar Array as measured from Grade to the highest point of the Solar Array, whichever is greater;
  - b) Ground Mounted Solar Arrays may be placed in any Yard; and
  - c) The Owner of the Ground Mounted Solar Array shall remove the Ground Mounted Solar Array and associated equipment sufficient to return the land to its previous Use within two (2) years of Ground Mounted Solar Array inactivity.
2. The application for a Development Permit for a Ground Mounted Solar Array must include, in addition to the requirements of section 3.5, the design of the Solar Collectors including racking and footings.

#### **4.29. SIDE YARD WAIVER**

1. Notwithstanding any other provisions of this bylaw, where Buildings on adjacent Lots share a Common Wall, the applicable Side Yard requirement shall be zero (0) along the common Lot Line.

#### **4.30. REQUIREMENTS FOR SEMI-DETACHED DWELLINGS**

1. No Semi-detached Dwelling shall be Erected in a manner which will not permit Subdivision into individual Lots pursuant to section 15.8.

#### **4.31. SWIMMING POOLS**

1. A Swimming Pool shall be permitted in the MHP, RS1, R1, A1 and O1 Zones subject to the following conditions:
  - a) a Development Permit has been issued for the Swimming Pool;
  - b) a 1.8 m. (6 ft.) high Fence fully encloses the Swimming Pool and is constructed in such a manner so as to impede unauthorized Persons from entering over or under said Fence;
  - c) any gate on such Fence is self-closing and self-latching to prevent its opening from outside the fenced area;
  - d) notwithstanding clause 4.31(1)(b), the Development Officer may allow one or more Buildings to take the place of a portion of the Fence so long as the Swimming Pool is fully enclosed by the Fence and Building(s);
  - e) The Owner shall satisfy any other conditions related to the Maintenance and safety of the Swimming Pool; and
  - f) The Swimming Pool shall not be located in a Yard that abuts a Highway.

#### **4.32. TEMPORARY STRUCTURES**

1. No one may Erect or place a Temporary Structure without first obtaining a Temporary Structure permit, unless the Temporary Structure is incidental to a Development that has an approved Development Permit;
2. Temporary Structures must conform to the Setback and Lot Coverage regulations for an Accessory Building in the Zone;
3. The placement or Erection of a Temporary Structure shall not involve an Alteration to the existing Grade of the Lot and shall not result in an Alteration to the natural surface drainage pattern on the Lot;
4. Temporary Structures with a footprint of 37.16 m<sup>2</sup> (400 ft<sup>2</sup>) or less, may be permitted on any Lot with a Main Building for up to 6 months, and only one Temporary Structure shall be permitted on a Residential Lot in a single annual cycle, unless the Temporary Structure is incidental to an approved Development.

5. Temporary Structures with a footprint larger than 37.16 m<sup>2</sup> (400 ft<sup>2</sup>) may be permitted for a Lot subject to the following:
  - a) The Lot is a Residential Use and the Temporary Structure is incidental to an approved Development;
  - b) The Lot is a commercial, industrial, institutional, agricultural, resource commercial or resource industrial land Use, and the Temporary Structure is incidental to that use or to an approved Development; and
  - c) The Temporary Structure may be permitted for up to 6 months, and a maximum of two (2) consecutive Temporary Structure permits may be approved for the same Structure, unless otherwise approved by Council after following the process in Section 3.14.5 of this bylaw, and Council is satisfied that the Temporary Structure is compatible with adjacent land Uses and that no permanent injury or nuisance will result from an extension to the maximum time period permitted.

#### **4.33. 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 Unit Dwelling subject to the following:
  - a) The Dwelling shall be occupied as the primary residence by the principal operator and the external appearance of the Dwelling shall not be changed;
  - b) Adequate off-highway parking shall be provided on the Lot according to the provisions of Schedule 3, where each room shall be considered a sleeping unit;
  - c) Premise Signs shall be restricted to a maximum of 1.83 m<sup>2</sup> (6 ft<sup>2</sup>);
  - d) There shall be no other Signage, open storage or visible Display area;
  - e) 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; and
  - f) 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 to the Municipality 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:
  - a) The Lot is located in the A1 Zone;
  - b) The Lot satisfies the minimum Lot Area and Lot Frontage requirements for the Zone;
  - c) Adequate parking to service the Dwelling and sleeping units is provided on the Lot according to the provisions of Schedule 3;

- d) There shall be not more than eight (8) rooms offered for overnight accommodation; and
  - e) 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 to the Municipality and the license number shall be included in all public and online advertisements of the Tourist Establishment.
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:
- a) The Dwelling shall be occupied as the primary residence by the principal operator and the external appearance of the Dwelling shall not be changed;
  - b) Premise Signs shall be restricted to a maximum of 1.83 m<sup>2</sup> (6 ft<sup>2</sup>);
  - c) There shall be no other Signage, open storage or visible Display area;
  - d) 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;
  - e) There shall be not more than eight (8) rooms offered for overnight accommodation; and
  - f) 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 to the Municipality and the license number shall be included in all public and online advertisements of the Tourist Establishment.

#### **4.34. WIND ENERGY**

1. The Owner of a Wind Energy Facility shall comply with all applicable provincial statutes, regulations and other enactments related to Wind Turbines.
2. A Development Permit may be issued for a Wind Energy Facility on one or more Lots that do not have Frontage on a Highway, provided proof of access to a Highway is submitted.
3. All Wind Turbines shall be finished in a non-reflective matte and unobtrusive colour.
4. The only artificial lighting permitted on Wind Turbines is lighting that is required by a federal or provincial statute, regulation, or other enactment.
5. No Signage shall be permitted on a Wind Turbine except for the identification of the manufacturer or Owner, provided such identification is part of the manufacturing or installation process for the Wind Turbine(s).
6. The Owner of the Wind Energy Facility shall remove the Wind Turbine(s) and associated Structures above Grade within two (2) years of Wind Energy Facility inactivity.
7. A Wind Energy Facility with a name plate capacity equal to or less than 100 kilowatts shall:
  - a) Only be permitted in the A1, C1, M1, or PSI Zones;

- b) Not be located within three (3) times the total height of the Wind Turbine from any existing Residential Use or Highway; and
  - c) Not be located within three (3) times the total height of the Wind Turbine from non-participating Lot Lines.
8. A Wind Energy Facility with a name plate capacity in excess of 100 kilowatts shall:
- a) Only be permitted in the A1, C1, or M1 Zones;
  - b) Not be permitted within 1 km of an RS1, R1, or PURD Zone; and
  - c) Be subject to the following conditions:
    - i. The blade clearance of all Wind Turbines shall be a minimum of 7.62 m (25 ft) from the ground or any Structure;
    - ii. The minimum separation distance between Wind Turbines shall be equal to or exceed the total height of the taller Wind Turbine;
    - iii. All Wind Turbines shall be set back a minimum of three (3) times the total height of the Wind Turbine from all Highways and Lot Lines, except where Parcels are participating in the same application, in which case the Setback requirement from a common Lot Line shall be zero; and
    - iv. All Wind Turbines shall be set back a minimum of 1 km from any existing Residential Use; except where Parcels are participating in the same application, in which case the Setback between a Wind Turbine and a Dwelling shall be three (3) times the total height of the Wind Turbine.
9. The Owner of the Wind Energy Facility with a name plate capacity in excess of 100 kilowatts shall enter into a Development Agreement with Council, and the agreement shall be registered in accordance with the provisions of the *Registry Act*.
10. A Development Permit application for a Wind Energy Facility in excess of 100 kilowatts shall include:
- a) A project description including the Owner of the Wind Energy Facility, total capacity of the Wind Energy Facility, total height, tower height, rotor diameter, proposed Signage on the Wind Turbines, and the manufacturer’s specification of all Wind Turbines and energy storage systems;
  - b) Copies of all documentation submitted pursuant to any federal or provincial statute, regulation, or other enactment;
  - c) Signatures of all Lot Owners party to the application, acknowledging their intent to host physical components or waive Lot Line Setback requirements and thereby participating in the Wind Energy Facility;
  - d) An emergency response plan;
  - e) An operations and Maintenance plan;

- f) A decommissioning and reclamation plan;
  - g) A site plan showing:
    - i. Existing and proposed Buildings;
    - ii. Existing and proposed Wind Energy Facilities;
    - iii. Meteorological test towers;
    - iv. Lot Lines;
    - v. Participating Lots;
    - vi. Wetlands and Watercourses;
    - vii. Access Roads; and
  - h) Any other information the Development Officer or Council deems necessary to determine whether the Development conforms to this bylaw.
11. The total height of a Wind Turbine shall be measured from Grade to the highest point of the rotor arc.
12. Section 4.34 does not apply to Wind Energy Facilities with a nameplate capacity equal to or greater than 1 megawatt.

#### **4.35. DEVELOPMENT ADJACENT TO WETLANDS AND WATERCOURSES**

1. No person shall, without a license or a Buffer Zone Activity Permit issued by the Province, Alter or disturb the ground or soil within the Buffer Zone as defined in the *Environmental Protection Act*, Watercourse and Wetland Protection Regulations.
2. The minimum Setback of any Building or Structure from a coastal area, Wetland, Watercourse or shoreline shall be 15 m (49.21 ft) plus the minimum Setback for the proposed Building or Structure as required by this bylaw.
3. A Coastal Erosion and Flood Risk Assessment is required prior to the review of a Development or Subdivision application on a Lot adjacent to a Wetland or Watercourse, or within the flood risk area identified on the Future Land Use Map.
4. No Building or Structure on a Lot near a coastal area, Wetland, Watercourse or shoreline shall be Erected or placed where the elevation of the Grade of the Lot is 3.0 m CGVD2013 (3.846 chart datum) or less, to avoid potential coastal flood risk, except where the Structure will be used for fishing or bait sheds, aqua-culture operations, boat launches, wharfs, or Structures or Buildings on a property in which a wharf is located.
5. Where a property is at risk of coastal flooding and the finished Grade of the Lot can be raised to accommodate the projected risk, the grading plan shall be designed and stamped by a qualified engineer and any Alteration to the Grade shall not encroach within the Buffer Zone, as defined in the *Environmental Protection Act*, Watercourse and Wetland Protection Regulations.

6. An erosion management plan may be required to address siltation and overland erosion during construction that may impact an adjacent Wetland or Watercourse.
7. Development will be in accordance with provincial policies and regulations to address coastal flood risk, erosion, and environmentally sensitive areas.

## 5. RESIDENTIAL MANUFACTURED HOUSING PARK ZONE (MHP)

### 5.1. GENERAL

1. Except as provided in this bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered on any Parcel in the MHP Zone shall conform to the provisions of Section 5.
2. Any Dwelling in the Zone shall be located in a Manufactured Housing Park.
3. 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.

### 5.2. PERMITTED USE

1. In the MHP Zone no person shall use any Lot or Building except for a:
  - a) Single Unit Dwelling
  - b) Mini Home
  - c) Accessory Building

### 5.3. REGULATIONS FOR PERMITTED USES

1. No person shall establish a Manufactured Housing Park that does not comply with the following standards:
  - a) The Manufactured Housing Park and each site within the Park shall be serviced by a central or municipal sewerage disposal and water supply system;
  - b) A paved Private Road not less than 7.5 m (24.61 ft) wide shall be provided within the Manufactured Housing Park to serve each Dwelling Unit and shall connect with the Highway, and the travelled portion of the Private Road shall be surfaced with a minimum width of 6 m (19.69 ft) of pavement;
  - c) Each Dwelling Unit shall have an allocated site that meets the following minimum requirements:
    - i. Area of 278.71 m<sup>2</sup> (3,000 ft<sup>2</sup>);
    - ii. Distance of 7.62 m (25 ft) that fronts on the Private Road;
    - iii. Distance of 9.14 m (30 ft) between Dwelling Units;
    - iv. Distance of 4.57 m (15 ft) between Dwelling Units and the Park boundary line or the Highway; and
    - v. Parking Spaces in accordance with the residential standards set out in this bylaw.
  - d) Manufactured Housing Park grounds, facilities, outdoor furnishings, and equipment shall be maintained in good repair and sanitary condition;
  - e) A Manufactured Housing Park shall have an operator providing daily supervision.

- f) Sufficient covered receptacles shall be provided for garbage, refuse, and liquid wastes in the Manufactured Housing Park;
  - g) All areas in the Manufactured Housing Park shall be kept free of litter, rubbish and flammable material;
  - h) All lands in the Manufactured Housing Park shall be landscaped to provide a suitable residential environment for residents of the Municipality and the general public; and
  - i) The maximum allowable size for an Accessory Building in a Manufactured Housing Park is 11.15 m<sup>2</sup> (120 ft<sup>2</sup>) and it shall be located no closer than 1.52 m (5 ft) from any Lot Line. Accessory Buildings 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).
2. The Development Officer may refer the site plan and proposed access and Private Road design to the provincial Fire Marshal's Office and the provincial department responsible for the *Roads Act* for review and comment.
3. All permits for Residential Uses in an MHP Zone shall contain a caveat informing the applicant that they are choosing to construct a home in an established agricultural area and they should expect to be exposed to normal agricultural activities such as: manure spreading; chemical spraying; planting, cultivating and harvesting activities; and slow-moving equipment on roadways.

## 6. SERVICED RESIDENTIAL ZONE (RS1)

### 6.1. GENERAL

1. Except as provided in this bylaw, all Buildings and Structures 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

1. No Building or part thereof and no Lot shall be used for purposes other than:
  - a) Single Unit Dwelling
  - b) Mini-home
  - c) Duplex Dwelling
  - d) Semi-Detached Dwelling
  - e) Accessory Apartment
  - f) Tourist Establishment
  - g) Accessory Building

### 6.3. REGULATIONS FOR PERMITTED USES

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

	<b>Single Unit Dwellings (with or without an Accessory Apartment)</b>	<b>Duplex or Semi-Detached Dwellings</b>
i. <b>Lot Area (minimum)</b>	1021.93 m <sup>2</sup> (11,000 ft <sup>2</sup> )	1,393.55 m <sup>2</sup> (15,000 ft <sup>2</sup> )
ii. <b>Lot Frontage (minimum)</b>	22.86 m (75 ft)	24.38 m (80 ft)
iii. <b>Front Yard Setback (minimum)</b>	7.62 m (25 ft)	7.62 m (25 ft)
iv. <b>Rear Yard Setback (minimum)</b>	7.62 m (25 ft)	7.62 m (25 ft)
v. <b>Side Yard Setback (minimum)</b>	2.99 m (9.8 ft)	3.66 m (12 ft)
vi. <b>Flankage Yard Setback (minimum)</b>	7.62 m (25 ft)	7.62 m (25 ft)
vii. <b>Height of any Building (maximum)</b>	10.67 m (35 ft) or 2.5 Stories	10.67 m (35 ft) or 2.5 Stories
viii. <b>Lot Coverage (maximum)</b>	25%	25%

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

i. <b>Lot Area (minimum)</b>	See Schedule 5
ii. <b>Lot Frontage (minimum)</b>	45.72 m (150 ft)
iii. <b>Front Yard Setback (minimum)</b>	15.24 m (50 ft)
iv. <b>Rear Yard Setback (minimum)</b>	15.24 m (50 ft)
v. <b>Side Yard Setback (minimum)</b>	4.57 m (15 ft)
vi. <b>Flankage Yard Setback (minimum)</b>	15.24 m (50 ft)
vii. <b>Height of any Building (maximum)</b>	10.67 m (35 ft) or 2.5 Stories
viii. <b>Lot Coverage (maximum)</b>	25%

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 Schedule 5). Where the provisions of this bylaw conflict with those of the Province-Wide Minimum Development Standards Regulations, the more stringent requirement shall prevail.
4. All permits for Residential Uses in an RS1 Zone shall contain a caveat informing the applicant that they are choosing to construct a home in an established agricultural area and they should expect to be exposed to normal agricultural activities such as: manure spreading; chemical spraying; planting, cultivating and harvesting activities; and slow-moving equipment on roadways.

## 7. RESIDENTIAL ZONE (R1)

### 7.1. GENERAL

1. Except as provided in this bylaw, all Buildings and Structures 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

1. No Building or part thereof and no Lot shall be used for purposes other than:
  - a) Single Unit Dwelling
  - b) Mini-home
  - c) Duplex Dwelling
  - d) Semi-Detached Dwelling
  - e) Accessory Apartment
  - f) Tourist Establishment
  - g) Accessory Building

### 7.3. REGULATIONS FOR PERMITTED USES

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

i. <b>Lot Area (minimum)</b>	See Schedule 5
ii. <b>Lot Frontage (minimum)</b>	53.34 (175 ft)
iii. <b>Front Yard Setback (minimum)</b>	15.24 m (50 ft)
iv. <b>Rear Yard Setback (minimum)</b>	7.62 m (25 ft)
v. <b>Side Yard Setback (minimum)</b>	4.57 m (15 ft)
vi. <b>Flankage Yard Setback (minimum)</b>	15.24 m (50 ft)
vii. <b>Height of any Building (maximum)</b>	10.67 m (35 ft) or 2.5 Stories
viii. <b>Lot Coverage (maximum)</b>	25%

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 from time to time (See Schedule 5). Where the provisions of this bylaw conflict with those of the Province-Wide Minimum Development Standards Regulations, the more stringent requirement shall prevail.
3. All permits for Residential Uses in an R1 Zone shall contain a caveat informing the applicant that they are choosing to construct a home in an established agricultural area and they should expect to be exposed to normal agricultural activities such as: manure spreading; chemical spraying; planting, cultivating and harvesting activities; and slow-moving equipment on roadways.

## 8. PLANNED UNIT RESIDENTIAL DEVELOPMENT ZONE (PURD)

### 8.1. GENERAL

1. Except as provided in this bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered on any Parcel in the PURD Zone shall conform to the provisions of Section 8.

### 8.2. PERMITTED USES

1. No Building or part thereof and no Lot shall be used for purposes other than:
  - a) Single Unit Dwelling
  - b) Mini-home
  - c) Duplex Dwelling
  - d) Semi-Detached Dwelling
  - e) Multi-Unit Residential Dwelling up to six (6) units
  - f) Accessory Apartment
  - g) Tourist Establishment
  - h) Accessory Building

### 8.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to single-unit residential & Mini Home Developments in the PURD Zone:

	Interior Lot	Corner Lot
<b>i. Lot Area (minimum)</b>	<b>465 m<sup>2</sup> (5,005.42 ft<sup>2</sup>)</b>	<b>540 m<sup>2</sup> (5,812.5 ft<sup>2</sup>)</b>
<b>ii. Lot Frontage (minimum)</b>		
<b>End-on Sites</b>	<b>12 m (39.4 ft)</b>	<b>15 m (49.2 ft)</b>
<b>Front on Sites</b>	<b>29 m (95.1 ft)</b>	<b>29 m (95.1 ft)</b>
<b>iii. Front Yard Setback (minimum)</b>	<b>6.0 m (19.7 ft)</b>	<b>6.0 m (19.7 ft)</b>
<b>iv. Rear Yard Setback (minimum)</b>	<b>4.5 m (14.8 ft)</b>	<b>4.5 m (14.8 ft)</b>
<b>v. Side Yard Setback (minimum)</b>	<b>1.83 m (6 ft)</b>	<b>1.83 m (6 ft)</b>
<b>vi. Flankage Yard Setback (minimum)</b>	<b>6.0 m (19.7 ft)</b>	<b>6.0 m (19.7 ft)</b>
<b>vii. Height of any Building (maximum)</b>	<b>10.67 m (35 ft)</b> <b>or 2.5 Stories</b>	<b>10.67 m (35 ft)</b> <b>or 2.5 Stories</b>
<b>viii. Lot Coverage (maximum)</b>	<b>25%</b>	<b>25%</b>

2. The following requirements shall apply to Duplex Dwelling / Semi-Detached Dwelling Developments in the PURD Zone:

i.	<b>Lot Area (minimum)</b>	<b>1,393.55 m<sup>2</sup> (15,000 ft<sup>2</sup>)</b>
ii.	<b>Lot Frontage (minimum)</b>	<b>24.38 m (80 ft)</b>
iii.	<b>Front Yard Setback (minimum)</b>	<b>7.62 m (25 ft)</b>
iv.	<b>Rear Yard Setback (minimum)</b>	<b>7.62 m (25 ft)</b>
v.	<b>Side Yard Setback (minimum)</b>	<b>3.66 m (12 ft)</b>
vi.	<b>Flankage Yard Setback (minimum)</b>	<b>7.62 m (25 ft)</b>
vii.	<b>Height of any Building (maximum)</b>	<b>10.67 m (35 ft) or 2.5 Stories</b>
viii.	<b>Lot Coverage (maximum)</b>	<b>25%</b>

3. The following requirements shall apply to multi-unit residential Developments in the PURD Zone:

i.	<b>Lot Area (minimum)</b>	<b>See Schedule 5</b>
ii.	<b>Lot Frontage (minimum)</b>	<b>53.34 m (175 ft)</b>
iii.	<b>Front Yard Setback (minimum)</b>	<b>15.24 m (50 ft)</b>
iv.	<b>Rear Yard Setback (minimum)</b>	<b>7.62 m (25 ft)</b>
v.	<b>Side Yard Setback (minimum)</b>	<b>4.57 m (15 ft)</b>
vi.	<b>Flankage Yard Setback (minimum)</b>	<b>15.24 m (50 ft)</b>
vii.	<b>Height of any Building (maximum)</b>	<b>10.67 m (35 ft) or 2.5 Stories</b>
viii.	<b>Lot Coverage (maximum)</b>	<b>25%</b>

#### **8.4. DENSITY**

1. The maximum density in a PURD Zone shall be no greater than ten (10) Dwelling Units per acre, (based on the total area zoned PURD that is subject to Development), provided however that where the Developer is required to retain environmentally sensitive areas in their natural state, the Council may permit the balance of a Parcel of land to be developed at a proportionately higher density per acre.

#### **8.5. NEW PURD DEVELOPMENTS**

1. PURD Developments shall only be permitted where serviced by municipal water and sewer services.
2. Applications for new PURD Subdivisions or Developments shall include a Development Concept and shall be submitted to the Development Officer.
3. All new PURD Subdivisions or Developments shall be reviewed at a public meeting held pursuant to the provisions of Section 3.16.
4. Where a PURD Development involves a Parcel containing more than one Main Building connected by Private Road, the Development Officer may refer the site plan and proposed

access and Private Road design to the provincial Fire Marshal’s Office and the provincial department responsible for the *Roads Act* for review and comment.

5. All new PURD Subdivisions or Developments shall be subject to a Development Agreement approved by the Council that may include, but not be limited to, the following:
  - a) Subdivision requirements pursuant to this bylaw;
  - b) Building types within the Development;
  - c) A landscape plan signed and sealed by a land surveyor or a professional engineer licensed to practice in the Province and prepared in accordance with the Landscaping requirements of this bylaw; and
  - d) Schedule of Building styles and design.
6. All new PURD Developments shall be developed in accordance with the Development Concept and the provisions of the Development Agreement.
7. The Development Agreement may require the establishment of an incorporated Homeowners’ Association or a Condominium Corporation to own and maintain any lands or facilities held in common.
8. All permits for Residential Uses in a PURD Zone shall contain a caveat informing the applicant that they are choosing to construct a home in an established agricultural area and they should expect to be exposed to normal agricultural activities such as: manure spreading; chemical spraying; planting, cultivating and harvesting activities; and slow-moving equipment on roadways.

## 9. AGRICULTURAL ZONE (A1)

### 9.1. GENERAL

1. Except as provided in this bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered on any Parcel in the A1 Zone shall conform to the provisions of Section 9.

### 9.2. PERMITTED USES

1. No Building or part thereof shall be used for purposes other than.
  - a) Agricultural and Resource Uses, including a Barn, stable, or other agricultural Structure, Accessory Building, and Residential Use directly related to a Farm
  - b) Forestry Use
  - c) Resource Commercial Use, including a Farm Gate Outlet
  - d) Resource Industrial Use
  - e) Single-Unit Dwelling
  - f) Mini Home
  - g) Duplex Dwelling
  - h) Semi-Detached Dwelling
  - i) Accessory Apartment
  - j) Tourist Establishment
  - k) Accessory Building
  - l) Craft Studio
  - m) Wind Energy Facility

### 9.3. REGULATIONS FOR PERMITTED USES

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

i. <b>Lot Area (minimum)</b>	4,046.57 m <sup>2</sup> (1 acre)
ii. <b>Lot Frontage (minimum)</b>	53.34 m (175 ft)
iii. <b>Front Yard Setback (minimum)</b>	15.24 m (50 ft)
iv. <b>Rear Yard Setback (minimum)</b>	15.24 m (50 ft)
v. <b>Side Yard Setback (minimum)</b>	4.57 m (15 ft)
vi. <b>Flankage Yard Setback (minimum)</b>	15.24 m (50 ft)
vii. <b>Height of any Building (maximum)</b>	10.67 m (35 ft) or 2.5 Stories
viii. <b>Lot Coverage (maximum)</b>	25%

2. The keeping of Livestock shall be permitted in the Agricultural (A1) Zone, subject to all other requirements of this bylaw.

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 Schedule 5). Where the provisions of this bylaw conflict with those of the Province-Wide Minimum Development Standards Regulations, the more stringent requirement shall prevail.
4. All permits for Residential Uses in an Agricultural (A1) Zone shall contain a caveat informing the applicant that they are choosing to construct a home in an established agricultural area and they should expect to be exposed to normal agricultural activities such as: manure spreading; chemical spraying; planting, cultivating and harvesting activities; and slow-moving equipment on roadways.

## 10. GENERAL COMMERCIAL ZONE (C1)

### 10.1. GENERAL

1. Except as provided in this bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered on any Parcel used in a C1 Zone shall conform to the provisions of Section 10.

### 10.2. PERMITTED USES

1. No Building or part thereof and no Lot shall be used for purposes other than:
  - a) Business or Professional Office
  - b) Child Care Facility
  - c) Dwelling Unit in a Commercial Building
  - d) Funeral Home
  - e) Hotel or Motel
  - f) Medical, Health and Dental Office
  - g) Personal Service Shop
  - h) Public Parking Lot
  - i) Resource Commercial Use
  - j) Restaurant
  - k) Retail Store
  - l) Wind Energy Facility
  - m) Accessory Buildings

### 10.3. REGULATIONS FOR PERMITTED USES

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

i. <b>Lot Area (minimum)</b>	See Schedule 5
ii. <b>Lot Frontage (minimum)</b>	53.34 m (175 ft)
iii. <b>Front Yard Setback (minimum)</b>	15.24 m (50 ft)
iv. <b>Rear Yard Setback (minimum)</b>	15.24 m (50 ft)
v. <b>Side Yard Setback (minimum)</b>	4.57 m (15 ft)
vi. <b>Flankage Yard Setback (minimum)</b>	15.24 m (50 ft)
vii. <b>Height of any Building (maximum)</b>	10.67 m (35 ft) or 2.5 Stories
viii. <b>Lot Coverage (maximum)</b>	50%

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 Schedule 5). Where the provisions of this bylaw conflict with those of the Province-Wide Minimum Development Standards Regulations, the more stringent requirement shall prevail.

#### **10.4. DWELLINGS IN COMMERCIAL BUILDINGS**

1. Where a Dwelling Unit is located in a Building with a Commercial Use, the following minimum standards shall apply:
  - a) The Dwelling Unit shall not be above a Restaurant, Lounge, Automobile Service Station, Automobile Shop, dry cleaning establishment or other Commercial Use storing hazardous materials;
  - b) A separate entrance shall serve the Dwelling Unit;
  - c) For each Dwelling Unit, Landscaping having an area of 36.96 m<sup>2</sup> (398 ft<sup>2</sup>) and one (1) additional Parking Space shall be provided;
  - d) Each Dwelling Unit shall meet the requirements of the provincial Fire Marshal's Office; and
  - e) The Floor Area of the Dwelling Unit shall be a minimum of 36.96 m<sup>2</sup> (398 ft<sup>2</sup>) and shall not exceed the Floor Area of the Commercial Use.

#### **10.5. TRANSIENT OR TEMPORARY COMMERCIAL PERMITS**

1. Notwithstanding any other provisions of this bylaw, temporary permits may be issued for a transient-type Commercial Use subject to compliance with the following conditions:
  - a) 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 Permit application;
  - b) The Development shall not interfere with the parking requirements of permanent Users of the Lot in which the Development will be located;
  - c) The expiry date(s) of the temporary permit shall not exceed twelve (12) consecutive weeks;
  - d) A letter of approval from the Owner of the Lot on which the temporary Development will be situated shall be submitted; and
  - e) Where required, the Owner shall confirm that such Development complies with all provincial statutes, regulations and other enactments related to public health and safety.

## 11. LIGHT INDUSTRIAL ZONE (M1)

### 11.1. GENERAL

1. Except as provided in this bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered on any Parcel in the M1 Zone shall conform to the provisions of Section 11.

### 11.2. PERMITTED USES

1. No Building or part thereof and no Lot shall be used for purposes other than:
  - a) Permitted Uses in the C1 Zone
  - b) Activities connected with an Automobile Shop, Automobile Service Station or repair shop
  - c) Concrete Plant
  - d) Contractor’s Yard
  - e) Farm Machinery and Heavy Equipment Depot, Dealerships and Repair Shop
  - f) Food Processing
  - g) Manufacturing and assembly
  - h) Restaurant or Cafeteria
  - i) Storage of Sand and Aggregate
  - j) Transport Operations, including trailer storage
  - k) Warehousing
  - l) Wholesale Operation
  - m) Wind Energy Facility
  - n) Accessory Buildings

### 11.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to Development in the M1 Zone:

i. <b>Lot Area (minimum)</b>	See Schedule 5
ii. <b>Lot Frontage (minimum)</b>	53.34 m (175 ft)
iii. <b>Front Yard Setback (minimum)</b>	15.24 m (50 ft)
iv. <b>Rear Yard Setback (minimum)</b>	15.24 m (50 ft)
v. <b>Side Yard Setback (minimum)</b>	4.57 m (15 ft)
vi. <b>Flankage Yard Setback (minimum)</b>	15.24 m (50 ft)
vii. <b>Height of any Building (maximum)</b>	10.67 m (35 ft) or 2.5 Stories
viii. <b>Lot Coverage (maximum)</b>	50%

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 Schedule 5). Where the provisions of this bylaw conflict with those of the Province-Wide Minimum Development Standards Regulations, the more stringent requirement shall prevail.

#### **11.4. EXCEPTIONS TO MAXIMUM BUILDING HEIGHT**

1. Notwithstanding any other provisions in this bylaw, an application for a Structure exceeding the maximum Building Height in the M1 Zone may be approved provided that:
  - a) The application meets the requirements of the provincial Fire Marshal’s Office;
  - b) The Structure conforms to all other provisions of this bylaw and all provincial statutes, regulations and other enactments, including the *Building Codes Act*;
  - c) The proposed height of the Structure is physically necessary for the processes that will be carried out in the Structure; and
  - d) The proposed height of the Structure would not exceed 30 m (98.43 ft) or would not exceed 20 m (65.62 ft) where the Structure is within 100 m (328.08 ft) of an existing Dwelling or Lot in the MHP, RS1 or R1 Zone.

#### **11.5. ENVIRONMENTAL IMPACT ASSESSMENT**

1. 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, 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.

## 12. PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI)

### 12.1. GENERAL

1. Except as provided in this bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered on any Parcel in the PSI Zone shall conform to the provisions of Section 12.

### 12.2. PERMITTED USES

1. No Building or part thereof and no Lot shall be used for purposes other than:
  - a) Child Care Facility
  - b) Civic Centre
  - c) Community Care Facility
  - d) Club
  - e) Fire Training School
  - f) Government Building (federal, provincial or municipal)
  - g) Institutional Use
  - h) Medical, Health and Dental Office
  - i) Nursing Home
  - j) Public or Private Park
  - k) Recreational Use
  - l) Accessory Building

### 12.3. LOT REQUIREMENTS

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

i. <b>Lot Area (minimum)</b>	4,046.86 m <sup>2</sup> (1 acre)
ii. <b>Lot Frontage (minimum)</b>	53.34 m (175 ft)
iii. <b>Front Yard Setback (minimum)</b>	15.24 m (50 ft)
iv. <b>Rear Yard Setback (minimum)</b>	7.5 m (24.61 ft)
v. <b>Side Yard Setback (minimum)</b>	6 m (19.69 ft)
vi. <b>Flankage Yard Setback (minimum)</b>	15.24 m (50 ft)
vii. <b>Height of any Building (maximum)</b>	10.67 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 Schedule 5). Where the provisions of this bylaw conflict with those of the Province-Wide Minimum Development Standards Regulations, the more stringent requirement shall prevail.

## 13. RECREATION AND OPEN SPACE ZONE (O1)

### 13.1. GENERAL

1. Except as provided in this bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered on any Parcel in the O1 Zone shall conform to the provisions of Section 13.

### 13.2. PERMITTED USES

1. No Building or part thereof and no Parcel shall be used for purposes other than:
  - a) Public or Private Park
  - b) Open Space or Conservation Activity
  - c) Golf Course
  - d) Recreational Use
  - e) Pavilion or Band Shell
  - f) Uses accessory to recreation such as concession stand and supporting retail
  - g) Administrative Office related to the above permitted Uses
  - h) Parking Lot related to the above permitted Uses
  - i) Accessory Building

### 13.3. LOT REQUIREMENTS

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

i.	<b>Lot Area (minimum)</b>	4,046.86 m <sup>2</sup> (1 acre)
ii.	<b>Lot Frontage (minimum)</b>	53.34 m (175 ft)
iii.	<b>Front Yard Setback (minimum)</b>	15.24 m (50 ft)
iv.	<b>Rear Yard Setback (minimum)</b>	15.24 m (50 ft)
v.	<b>Side Yard Setback (minimum)</b>	7.5 m (24.61 ft)
vi.	<b>Flankage Yard Setback (minimum)</b>	15.24 m (50 ft)
vii.	<b>Height of any Building (maximum)</b>	10.67 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 Schedule 5). Where the provisions of this bylaw conflict with those of the Province-Wide Minimum Development Standards Regulations, the more stringent requirement shall prevail.

## 14. ENVIRONMENTAL RESERVE ZONE (O2) - OVERLAY

### 14.1. GENERAL

1. Except as provided in this bylaw, all Buildings and Structures or parts thereof Erected, placed or Altered on any Parcel in the O2 Zone shall conform to the provisions of Section 14.
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.

### 14.2. PERMITTED USES

1. No Building or part thereof and no Lot shall be used for purposes other than:
  - a) Conservation Activity
  - b) Open Space
  - c) Passive Recreational Use
  - d) All Other Uses permitted within the Zone underlying the O2 Zone

### 14.3. 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 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, 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.

### 14.4. ZONE BOUNDARIES

1. 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.

2. The boundary of any Wetland, Watercourse, and Buffer Zone shall be shown on any site plan submitted to the Development Officer as part of a Development Permit application.

#### **14.5. ZONE REQUIREMENTS**

1. In the O2 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*.

## 15. GENERAL PROVISIONS FOR SUBDIVIDING LAND

### 15.1. SUBDIVISION APPROVAL

1. 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 application has received final approval.

### 15.2. CONVEYING INTEREST IN A LOT

1. No person shall sell or convey any interest in a Lot in a Subdivision before final approval of the Subdivision in which the Lot is situated has been granted.

### 15.3. SPECIAL PLANNING AREA

1. Section 63 of the Subdivision and Development Regulations prescribed under the *Planning Act*, as may be amended (See Schedule 6), being the Special Planning Area Regulations, apply to Subdivision, land Use, and Development in the Municipality.
2. Applications to subdivide land must be consistent with subsection 63(3) and subsection 63(10) the Special Planning Area Regulations and the standards below:

<b>Zone</b>	<b>Maximum number of Lots to be subdivided from an Existing Parcel as defined under the Special Planning Area (July 9, 1994).</b>
<b>Agricultural (A1) Zone</b>	Four (4)
<b>Residential (R1) Zone</b>	Five (5)
<b>General Commercial (C1) Zone</b>	Two (2)
<b>Light Industrial (M1) Zone</b>	One (1)
<b>Manufactured Housing Park (MHP) Zone, Serviced Residential (RS1) Zone, Planned Unit Residential Development (PURD) Zone</b>	No maximum number where fully serviced

3. Notwithstanding subsection 2, the Subdivision of Farmland for agricultural purposes may be authorized in the A1 Zone, provided that any resulting Lots for Residential Use comply with the provisions of this bylaw.
4. Notwithstanding subsection 2, Lots approved after July 9, 1994 in the MHP, RS1, or PURD zones may be further subdivided provided they are serviced by both municipal water and wastewater services and all other requirements of this bylaw can be met.

### 15.4. PERMISSION TO SUBDIVIDE

1. No person shall subdivide a Parcel unless the Subdivision:
  - a) can be subdivided according to the provisions of this bylaw and any applicable provincial statute, regulation, or other enactment;

- b) Is suitable to the topography, physical conditions, soil characteristics, and natural surface drainage of the land;
- c) Has safe and convenient Highway access and will provide for safe and convenient traffic flow as determined and approved by the government department responsible for the administration of *the Roads Act*;
- d) Has adequate utilities and services available or can be conveniently provided with such utilities and services;
- e) Will reasonably conform with existing land Use in the immediate vicinity;
- f) Is designed so that Lots will have suitable dimensions, shapes, orientation and accessibility;
- g) Is suitable to the Use for which it is intended;
- h) Is designed so that all Lots will have Frontage on a Highway;
- i) Will not precipitate premature Development, necessitate unnecessary public expenditure, or place undue pressure on the Municipality or Provincial Government to provide services;
- j) Will not result in flooding or erosion; and
- k) Will not result in damage to the natural environment, including any Wetland or Watercourse.

### 15.5. ROAD STANDARDS

1. No Subdivision shall be permitted of a Lot served by a Private Road.
2. All new roads or streets shall be a Highway.
3. All applications for Subdivision shall be reviewed by the Provincial Government department responsible for the *Roads Act*, and where an entrance way permit or other approval or permit is required pursuant to the *Roads Act*, a final approval of Subdivision shall not be granted until that entrance way permit or other approval or permit has been granted.
4. Subject to section 15.3, subsection 15.5.2, and all other requirements of this Bylaw, the Subdivision of lots that abut, and require access to, a Collector Highway shall be subject to the following standards:

<b>Frontage of parcel being subdivided:</b>	<b>Maximum number of lots that may be approved abutting, and requiring access to, the collector highway:</b>
a. Less than 402.3 m. (1,320 ft.), parcel existing prior to February 3, 1979	One lot, where no lot has previously been approved for subdivision from the parent parcel as it existed on February 2, 1979.

- |   |   |
|---|---|
| b. 402.3 m. (1,320 ft.) or more, parcel existing prior to February 3, 1979      | One lot for every 201 m. (660 ft.) of frontage of the parent parcel on February 2, 1979.                          |
| c. Less than 402.3 m. (1,320 ft.), parcel approved on or after February 3, 1979 | No lot may be approved for subdivision.   |
| d. 402.3 m. (1,320 ft.) or more, parcel approved on or after February 3, 1979   | One lot for every 201 m. (660 ft.) of frontage, and each lot must have a minimum of frontage of 201 m. (660 ft.). |
5. Subject to section 15.3, subsection 15.5.2, and all other requirements of this Bylaw, one Lot, in addition to those permitted in clauses 15.5.4(a) or (b), may be approved provided that:
    - a) the proposed Lot contains an existing farm Dwelling served by an existing Highway access;
    - b) the dwelling on the Lot shall be served by the existing Dwelling access; and
    - c) no Development Permit shall be issued for a Dwelling on the remainder of the parent Parcel.
  6. Subsection 4 does not apply to a Parcel of land along a portion of a collector Highway that is designated for infilling under the regulations made under the *Roads Act*.
  7. Notwithstanding the restrictions on subdivisions specified in subsection 15.5.4, and subject to section 15.3 and subsection 15.5.2, a person may subdivide Lots from a Parcel of land that abuts, or requires access to, a Collector Highway, provided:
    - a) the person has applied for and obtained approval of a plan of Subdivision that includes approval for a Road connecting to and within the Subdivision to serve the Lots; and
    - b) all other requirements of this Bylaw can be met.

**15.6. 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 this would have a Detrimental effect upon neighbouring property Owner(s).

**15.7. PARKLAND DEDICATION AND/OR PARK DEDICATION FEE**

1. A person seeking to subdivide three (3) or more Lots, exclusive of the parent Parcel, shall be required to dedicate and convey to the Municipality up to 10% of the area of the Lots being subdivided from the parent Parcel for recreation and public Open Space purposes, subject to the following:
  - a) The location of the Lot to be conveyed shall be at the discretion of, and shall be subject to approval by, Council;
  - b) The Lot shall be free of all encumbrances; and

- c) Council may apply the dedication and conveyance of up to 10% of the Lot Area to active transportation routes and/or trail systems where such can be provided within or between Subdivisions, or to ensure that valued natural assets such as forest cover can be protected.
2. In lieu of a Parkland conveyance, where land is deemed to be inappropriate by Council, Council shall require a payment of ten percent (10%) of the assessed value of the Lots to be subdivided. The value shall be calculated on the appraised value of the subdivided land and shall not consider the value of Structures on such lands. Council retains the right to use the services of qualified property appraiser(s) to determine the appraised value of land.
3. Council may, where Council determines that a combination of Parkland and cash-in-lieu payments is in the best interests of the Municipality, require that Parkland dedication be in the form of a combination of land and cash of an equivalent value.
4. Any monies collected pursuant to subsections 2 or 3 shall be designated for the purpose of recreational and public Open Space lands and/or activities.
5. Subdivisions of up to two Lots from a Parcel for the purpose of a Single Unit Dwelling is exempt from any requirement of providing a Parkland dedication or cash-in-lieu fee.

#### **15.8. SPECIAL REQUIREMENTS: SUBDIVIDING ATTACHED DWELLINGS**

1. Units in a Semi-Detached Dwelling may be subdivided provided that:
  - a) A Subdivision of the Parcel has been approved, and 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;
  - b) 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;
  - c) 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;
  - d) A separate electrical service shall be provided for each unit;
  - e) A separate heating device shall be provided for each unit;
  - f) 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;
  - g) A copy of the agreement made between the Owner(s) covering the following terms shall be registered at the land registry against each unit:
    - i. Common Walls;
    - ii. Maintenance;

- iii. fire insurance;
- iv. easements;
- v. parking;
- vi. snow removal;
- vii. any other items jointly owned or used; and
- viii. any other terms and conditions shall be imposed by Council

### **15.9. SPECIAL REQUIREMENTS: REDUCED LOT FRONTAGE**

1. If a Parcel is of such configuration, or is located along a bend in a Street or facing a cul-de-sac in such a manner, that it cannot reasonably be subdivided in such a way to provide the required minimum Frontage on a Highway, a reduced Lot Frontage may be approved, provided:
  - a) The Lot width at the Building Line measures at least as long as the minimum Lot Frontage for the Zone;
  - b) The Lot has access on a Highway, approved by the Provincial Government department responsible for administering the *Roads Act*;
  - c) The Lot Frontage and Entrance Way has a minimum width of 7.32 m (24 ft); and
  - d) 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.
3. The Subdivision of an existing nonconforming Lot may be permitted if the Subdivision would bring the Lot into closer conformance, even if the Lot will remain undersized following the Subdivision, where that Subdivision would otherwise be permitted under this bylaw.

### **15.10. SPECIAL REQUIREMENTS: SUBDIVISIONS ADJACENT TO WETLANDS AND WATERCOURSES**

1. The area of a Lot identified as the Environmental Buffer as required under section 4.9, may be included as part of one or more Lots in a Subdivision of a Lot adjacent to a Wetland or Watercourse, where the Lot has sufficient area exclusive of the area of the Buffer to permit the Setbacks and on site services, including the minimum circle diameter for the services, as required by this bylaw; and
2. Where a Lot or a portion of a Lot contains a Wetland or Watercourse, the boundary of which is defined by the Watercourse and Wetland Protection Regulations prescribed under the *Environmental Protection Act*, the Lot(s) shall meet the minimum Lot Area for the Zone exclusive of the area of the Wetland or Watercourse.

### **15.11. SUBDIVISION AGREEMENT**

1. 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:

- a) Design, construction and costs of water supply services, Sewerage Disposal Systems, storm water management infrastructure, Roads, multi-Use active transportation lanes, and Street lighting;
  - b) Dedication of land for recreation and public Open Space purposes, or payment of a fee in lieu of land;
  - c) Building of Highways to provincial standards and deeding of Highways to the Provincial Government;
  - d) Deeding of utility systems to the Municipality or Public Utility;
  - e) Posting of a financial guarantee, bond or other security satisfactory to Council;
  - f) The provision of a storm water management plan to guard against flooding in the Subdivision and adjacent properties;
  - g) Phasing for the Subdivision of Lots;
  - h) Assignment of costs associated with the drafting, Signing and enforcing of the agreement;
  - i) Preservation and enhancement of surface water drainage systems and other environmental features within or adjacent to the Subdivision; and
  - j) Any other matter(s) that is deemed necessary to conform to this bylaw or to ensure the health, safety and convenience of the Municipality and its residents.
2. All Subdivision agreements shall be registered in accordance with the provisions of the *Registry Act*.

### **15.12. APPLICATION AND PRELIMINARY APPROVAL PROCESS**

1. Any person seeking approval of a Subdivision shall first submit an application to subdivide land to the Municipality for preliminary approval, and shall be required to submit the following:
  - a) An application in the form approved by Council;
  - b) An orthophoto showing the location of the Parcel and all adjoining properties;
  - c) A description of Uses on the surrounding Parcels;
  - d) A preliminary Subdivision plan, prepared by a licensed Prince Edward Island Land Surveyor and/or licensed engineer, drawn to scale showing:
    - i. contours showing topography of the Parcel with at least 2 m (6.56 ft) contour lines;
    - ii. a soil assessment;
    - iii. the true shape and dimensions of the proposed Lots;
    - iv. the location of every existing Building or Structure on the Parcel and adjacent Parcels;
    - v. existing and proposed services and utilities;

- vi. proposed widths and locations of all Streets;
  - vii. location of land proposed for Open Space and Parks Use;
  - viii. proposed surface water drainage patterns and designed drainage features, when applicable; and
  - ix. other existing features, including Buildings, Watercourses, Wetlands, Buffer Zones, wooded areas, and areas subject to flooding or erosion.
2. The Owner may be required to provide additional information as required to assist in evaluating a proposed Subdivision, including, but not limited to:
  - a) A water test;
  - b) An assessment on any potential environmental impacts, including any requirements imposed by provincial statutes, regulations or other enactments;
  - c) A storm water management plan; and
  - d) A traffic survey or a traffic study.
3. In formulating their decision, the Development Officer and Council may:
  - a) Consult with Provincial Government officials and/or private consultants; and
  - b) Conduct a public hearing to consider public opinion in accordance with the procedures established in this bylaw.
4. In consultation with the Provincial Government, and in review of water supply and sewerage disposal needs, 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 as a condition of Subdivision approval.
5. A proposed Subdivision shall use appropriate Highway design standards and Lot configurations 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.
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 or for land registration purposes.
8. Preliminary approval shall be effective for a period of twelve (12) months, and 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.
9. The total number of Lots approved in any one Phase of a Subdivision shall not exceed twenty (20).

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:
  - a) A written assessment by the Provincial Government on potential environmental impacts, including requirements imposed by provincial statutes, regulations or other enactments;
  - b) A written assessment by the Provincial Government on access, transportation or pedestrian issues related to the design; and
  - c) Any other studies or documentation necessary to adequately assess the impact of the proposed Subdivision.
11. A Subdivision application which does not meet the requirements of the bylaw shall be rejected.
12. Where the Development Officer generally accepts the details of a Subdivision application, 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, Council may require that a Subdivision agreement with the Owner be executed outlining the conditions to be satisfied for the Subdivision to proceed to final approval.
14. Where a Subdivision application is submitted concurrently with a rezoning application, the preliminary Subdivision approval shall not be granted until the rezoning application has been processed and has received approval.

### **15.13. 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 two (2) or more Lots. The stormwater 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 or 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 subsection 1 and clause 15.12(1)(d), where a Parcel that is being subdivided exceeds 4 ha (10 acres) in Lot Area, the pinned Survey Plan requirement may be waived for the remaining portion of the Parcel from which a Lot is being subdivided.
4. Final approval of a Subdivision plan shall not be given until:
  - a) All agreements and other documents required under this bylaw have been prepared and concluded to the satisfaction of the Development Officer;

- b) All transactions involving the transfer of land, money or security in conjunction with the Subdivision have been concluded to the satisfaction of the Development Officer; and
  - c) The applicant has completed any necessary conditions of agreements with the provincial department responsible for transportation respecting Highway construction and the Highway has been accepted as public.
5. A digital file containing the (real earth) geographic co-ordinates of the plan of Subdivision may be required
  6. An approval stamp shall be placed on the Survey Plans and at least one (1) copy shall be returned to the Owner.
  7. Final approval of a Subdivision shall be provided in writing, and the Development Officer shall place the Municipality’s seal on the seven (7) copies of the Survey Plan and shall return one (1) copy to the applicant;
  8. The Development Officer shall file copies of the final Survey Plan with the:
    - a) Registrar of Deeds;
    - b) provincial department responsible for Transportation;
    - c) Municipality’s records; and
    - d) local utilities, as required.

#### **15.14. SEVERANCES/CONSOLIDATION**

1. 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.
2. Notwithstanding section 15.12, final approval applications for Lot Consolidations or boundary line adjustments may be submitted without the preliminary approval stage of the application process, having regard to the provisions in the bylaw for the approval of Subdivisions, as may be applicable, and provided the application otherwise conforms to the bylaw.

#### **15.15. DEVELOPMENT PERMITS**

1. A Development Permit shall not be issued for a Lot until all the requirements for Subdivision approval have been satisfied and approval granted.

## 16. EFFECTIVE DATE AND REPEAL

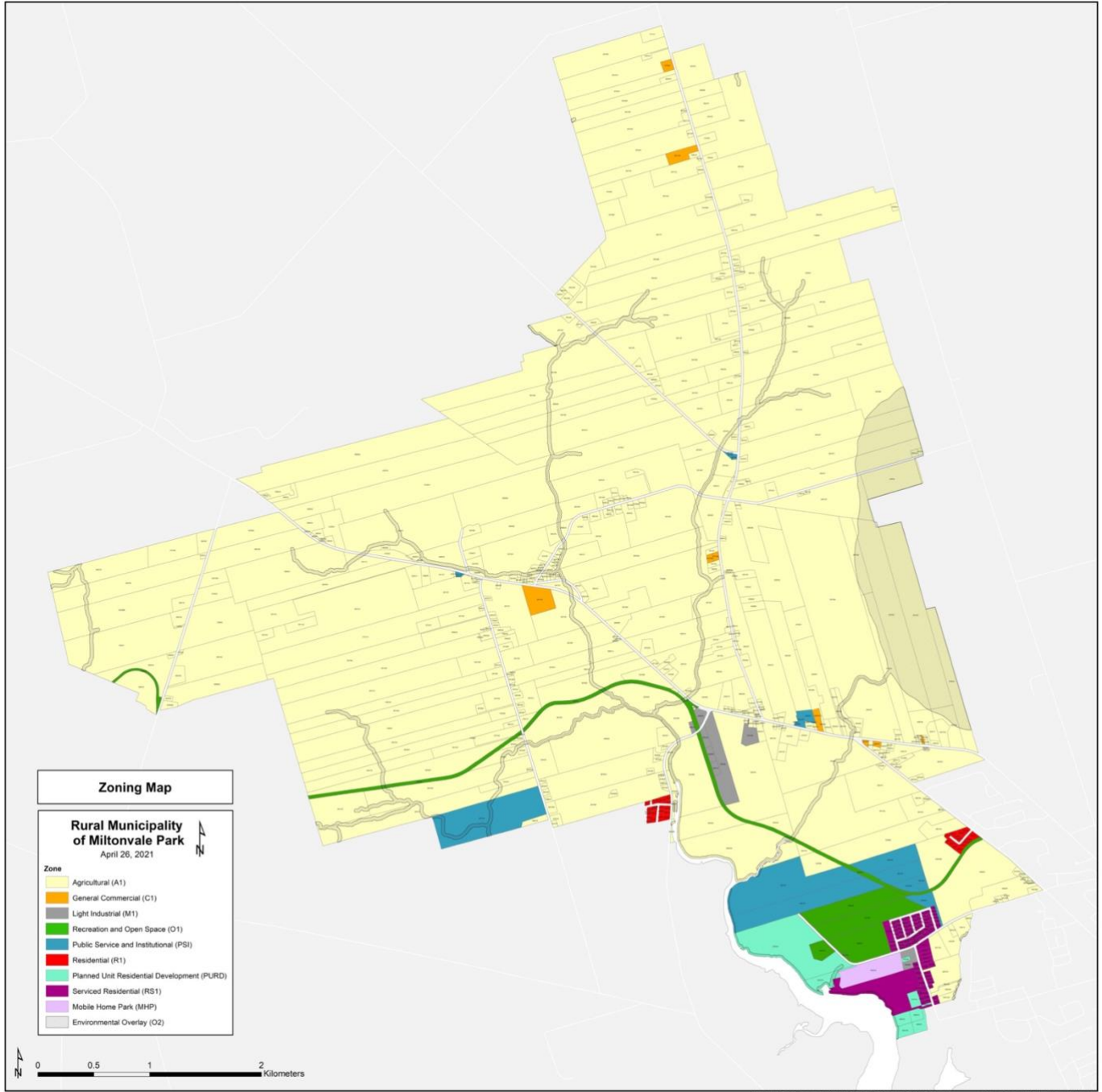
### 16.1. EFFECTIVE DATE

1. This bylaw shall come into force on the date of approval by the Minister responsible for administering the *Planning Act*.

### 16.2. REPEAL

1. Any prior bylaws enacted under the *Planning Act* within the current boundaries of the Rural Municipality of Miltonvale Park shall be repealed as of the effective date of this bylaw.

# SCHEDULE 1: ZONING MAP



## SCHEDULE 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 Apartment**, see Dwelling definition.
2. **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.
3. **Accessory Use** means a Use customarily subordinate and incidental to the main Use of Buildings or land on the same Lot.
4. **Agricultural Use** means a Use of a Parcel or Buildings 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.
5. **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.
6. **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.
7. **Automobile 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.
8. **Automobile 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.
9. **Barn** means a large Building used for the storage of Farm products or feed including, but not limited to, grain, hay or straw or for housing Livestock.
10. **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.
11. **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.
12. **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.

13. **Building Footprint** means the area that falls directly beneath and shares the same perimeter as a Building or Structure.
14. **Building Height** means the vertical distance measured from the averaged finished Grade to the highest point of roof surface.
15. **Building Line** means any line regulating the position of a Building or Structure on a Lot.
16. **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.
17. **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 Parks.
18. **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 Units.
19. **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.
20. **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.
21. **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.
22. **Collector Highway** means any highway that has been designated as a collector highway under the provisions of the *Roads Act* Highway Access Regulations.
23. **Commercial Use** means the Use of a Building or Parcel for the purpose of buying and selling goods and supplying services.
24. **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.

25. **Community Care Facility** means an establishment that provides care services for compensation to five or more residents who are not members of the operator’s immediate family.
26. **Conservation Activity** means an activity in which people make efforts to protect, preserve or restore the environment and its biological diversity.
27. **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 and does not include a Salvage Yard.
28. **Council** means the Council for the 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
    - a. Altering the Grade of the land;
    - b. removing vegetation from the land;
    - c. excavating the land;
    - d. depositing or stockpiling soil or other material on the land, and
    - e. establishing a Parking Lot,
  - ii. Locating, placing, Erecting, constructing, Altering, repairing, removing, relocating, replacing, adding to or demolishing Structures 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,

but does not include an excavation pit as defined in the *Excavation Pit Regulations*, EC146/17

35. **Development Agreement** means a binding contract between an Owner and the Municipality to ensure a Development is carried out in a particular manner.
36. **Development Concept** means a detailed plan representing a proposed Development showing all necessary information in order to confirm compliance with this bylaw.
37. **Development Officer** means the person appointed by the Council with the duty of administering the provisions of this bylaw.
38. **Development Permit** means the formal and written authorization for a person to carry out any Development.
39. **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.
40. **Domestic Animals** means dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs and fish.
41. **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 an **Accessory Building** or in a 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;
  - iii. **Single Unit Dwelling** means a Building containing one Dwelling Unit; either constructed on site or composed of components substantially assembled in a manufacturing plant and transported to the Building Lot for final assembly and installation on a foundation;
  - iv. **Duplex Dwelling** means a Building that is divided into two Dwelling Units;
  - 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 Units.
42. **Edge** means the boundary between different Zones, or the boundary between different Uses

within the same Zone.

43. **Entrance Way** means a driveway providing access to and from a Parcel to a Road.
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.
45. **Repealed**
46. **Existing Parcel** means a Parcel that existed on July 9, 1994 at the time of the establishment of the Special Planning Area.
47. **Farm** means arable land, Dwelling and complementary Buildings containing at least ten (10) acres, operated as a Farm enterprise and includes land leased from the Crown, and may comprise a lesser area when operated as a Farm enterprise by a *bona fide* Farmer as defined in the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4., but does not include land leased or rented from Owner(s) who are not bona fide Farmers.
48. **Farm Gate Outlet** means an Accessory Use located on a Farm for sale only of its own agricultural products and excluding sale of Farm products not grown on the premises or any non-Farm products and excluding a Plant Nursery
49. **Fence** means an artificially constructed barrier of any material or combination of materials Erected to enclose or screen areas of land.
50. **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.
51. **Forestry Use** means commercial silviculture and the production of timber or pulp and any Uses associated with a Forestry Use, including sawmills, shingle mills, vehicle and equipment storage and maintenance Buildings and Yards and retail and wholesale outlets for wood and wood products.
52. **Frontage** means all land abutting on one side of a Highway measured along the common or actual Lot Line.
53. **Garden** means a portion of land where herbs, fruit, flowers or vegetables are cultivated.

54. **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.
55. **Greenhouse** means a Building or Parcel used primarily to raise and store trees, shrubs, flowers, and other plants for sale, for transplanting, or for personal Use.
56. **Heavy Equipment Depot** means a Parcel and/or Building where heavy machinery is stored and serviced.
57. **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.
58. **Home Occupation** means the Accessory Use of a Dwelling for gainful employment involving the production, sale, or provision of goods and services, on a small scale.
59. **Hotel** means a Building other than a Motel, or Tourist Establishment occupied or intended to be occupied as the temporary lodging place for any individual for a fee.
60. **Industrial Use** means Use of a Parcel or Buildings in or from which goods or materials are manufactured, processed, assembled or extracted, or premises from which wholesale trade is carried on, including warehousing.
61. **Institutional Use** means the Use of a Parcel or Buildings for non-profit or public purposes including but not limited to, hospitals, government Buildings, religious institutions, cemeteries, Churches, public schools, colleges, cultural centres, libraries and public recreational and Park Buildings.
62. **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.
63. **Kenel** means a Building or Structure where more than four (4) Domestic Animals excluding Livestock are kept for boarding, breeding or raised for profit or gain.

64. **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.
65. **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.
66. **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.
- i. **Intensive Livestock Operation** means a place where Livestock are found in a density greater than seven animal units per acre in confined area to which the Livestock have access, with the calculation of animal units in accordance with the *Environmental Protection Act* Watercourse and Wetland Protection Regulations.
67. **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.
68. **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 Lines of a Parcel;
- ii. **Corner Lot** means a Lot situated at an intersection of and abutting on two or more Streets;
- iii. **Flankage Lot Line** means the Side Lot Line which abuts the Street on a Corner Lot;
- iv. **Front Lot Line** means the Lot Line abutting the Street upon which the Building or Structure Erected or to be Erected has its principal entrance;
- v. **Interior Lot** means a Lot other than a Corner Lot;
- vi. **Lot Depth** means the depth from the Front Lot Line to the Rear Lot Line;
- vii. **Lot Line** means any boundary of a Lot;
- viii. **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.
69. **Lot Consolidation** means the legal incorporation of two or more Parcels to form a single, larger Parcel.
70. **Lot Coverage** means the percentage of the Lot covered by the Main Building, Attached or

detached garage, and any Accessory Buildings or in-ground Swimming Pools.

71. **Lounge** means a commercial facility or Structure licensed to sell alcoholic beverages to the public.
72. **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.
73. **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.
74. **Manufactured Housing Park** means a Parcel planned and developed for the placement of single-unit Dwellings and Mini Homes.
75. **Medical, Health and Dental Office** means an establishment used by qualified medical practitioners and staff for the provision of medical, health and dental care on an outpatient basis. This term refers to such Uses as medical and dental offices, physiotherapy services, chiropractic services, counseling services, and ancillary clinic counseling services.
76. **Mini Home** means Dwelling Unit having a maximum width of 5 m (16.4 ft) and that may or may not be on a foundation and includes a tiny home.
77. **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.
78. **Municipality** means the Rural Municipality of Miltonvale Park.
79. **Nursing Home** means an establishment that for compensation provides continual residential accommodation with meals and housekeeping and nursing services, as required, to any five or more residents.
80. **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.
81. **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.
82. **Ornamental Structure** means a Structure of less than 20 m<sup>2</sup> (215.28 ft<sup>2</sup>), 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.

83. **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.
84. **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.
85. **Parcel** (see Lot)
86. **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.
87. **Parking Lot** means an open area of a Parcel, other than a Street or an area within a Structure for the parking of vehicles.
88. **Parking Space** means an area which is suitable for the parking of a vehicle, and is not less than 2.74 m (9 ft) wide and 5.49 m (18 ft) long and accessible to vehicles without the need to move other vehicles on adjacent areas.
89. **Pavilion** or **Band Shell** means a raised Structure, with or without a roof or other enclosure that is intended for outdoor performances.
90. **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.
91. **Phase** means to develop a Parcel over time in a series of prescribed stages; or one of such stages.
92. **Planning Board** means the Planning Board of the Municipality appointed by Council pursuant to the *Planning Act, R.S.P.E.I. 1988, c. P-8*.
93. **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.
94. **Private Park** means a Park owned by individuals or businesses and are used at the discretion of the Owner.

95. **Private Road** means a road, street or right-of-way which is not a Highway.
96. **Provincial Government** or **Province** means the Province of Prince Edward Island.
97. **Public Park** or **Parkland** means a Park owned by the Municipality or other level of government used or intended for Use by members of the public.
98. **Recreational Trailer or Vehicle** 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.
99. **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.
100. **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.
101. **Residential Lot** means a Lot where the primary Use is residential.
102. **Residential Use** means the Use of a Parcel, Building or Structure or parts thereof as a Dwelling.
103. **Resource Use** means the Use of a Parcel or Building for production and harvesting or extraction of any agricultural, forestry or fisheries product.
104. **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.
105. **Resource Industrial Use** means the Use of a Parcel or Building for any Industrial Use directly associated with agriculture, fisheries or forestry industries.
106. **Restaurant** means a Building or Structure or part thereof where food and drink is prepared and offered for sale to the public.
107. **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.
108. **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.

109. **Setback** means the minimum horizontal separation distance between two objects as identified in this bylaw, such as a Building or Structure, Street Line, Watercourse, or Zone boundary, except Fences.
110. **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.
111. **Short-Term Rental** means the Use of a residential Dwelling, or one or more sleeping units or rooms 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.
112. **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.
113. **Solar Array** means a system of any number of solar energy collectors and associated mounting and electrical equipment. The capacity of a photovoltaic Solar Array is considered to be the aggregate nameplate capacity of all associated Solar Collectors.
114. **Solar Collector** means a device, Structure or a part of a device or Structure for which the primary purpose is to convert solar radiant energy into thermal, chemical, or electrical energy (photovoltaic).
115. **Solar Array, ground mounted, or Ground Mounted Solar Array** means a Solar Array that is structurally supported by the ground, rather than by a Building.
116. **Solar Array, roof mounted, or Roof Mounted Solar Array** means a Solar Array that is structurally supported by a Building, rather than by the ground.
117. **Special Planning Area** means the Charlottetown Region Special Planning Area (“SPA”), as established in the Subdivision and Development Regulations of the *Planning Act*, July 9, 1994 to protect the rural agricultural areas near urban centres from inappropriate Developments and unsustainable suburban sprawl.
118. **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 1.83 m (6 ft) above Grade and provided also that any portion of a Building between any floor and ceiling or roof next above exceeding 4.27 m (14 ft) in height

shall be deemed an additional Storey.

119. **Street or Road** (see Highway)
120. **Street Line** means the boundary of a street.
121. **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.
122. **Subdivision** means a division of a Parcel to create two or more new Parcels; the consolidation of two or more contiguous Parcels 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 Parcels created by the division, or in the new Parcel created by the consolidation or the attachment, as the case may be.
123. **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.
124. **Survey Plan** means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island Land Surveyor.
125. **Swimming Pool** means any outdoor Structure, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 0.60 m (1.96 ft) or more at any point or with a surface area exceeding 10 m<sup>2</sup> (107.64 ft<sup>2</sup>).
126. **Temporary Structure** means a Structure that is not affixed to the ground by foundation, footings or piles, and has 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, and for greater certainty includes but is not limited to any tent, awning, bin, bunk, platform vessel, trailer truck body or container.
127. **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;
128. **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.
129. **Utility, Private** means a person or corporation and the lessees, trustees, liquidators or receivers

of a person or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment

- i. for the conveyance or transmission of telephone messages or internet services,
- ii. for the production, transmission, distribution or furnishing of electric energy, or
- iii. for the provision of water or sewerage service,

to or for that person or corporation and not to or for the public; and

130. **Utility, Public** means a person or corporation and the lessees, trustees, liquidators or receivers of a person or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment

- i. for the conveyance or transmission of telephone messages or internet services,
- ii. for the production, transmission, distribution or furnishing of electric energy, or
- iii. for the provision of water or sewerage service

either directly or indirectly, to or for the public.

131. **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, Recycling Depot, or Salvage Yard.

132. **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.

133. **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.

134. **Wind Energy Facility** means a system intended to generate electricity from the wind and may consist of any number of Wind Turbines and associated equipment including but not limited to electrical equipment and energy storage systems commonly referred to as a wind Farm. The capacity of a Wind Energy Facility is considered to be the aggregate nameplate capacity of all associated Wind Turbines.

135. **Wind Turbine** means a wind energy generating system.

136. **Yard** means an Open Space on a Parcel appurtenant to a Building and unoccupied by Buildings or Structures 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.
137. **Zone** means a designated area of land shown on the zoning map of the bylaw within which land Uses are restricted to those specified by this bylaw.

## SCHEDULE 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 2.74 m (9 ft) by 5.49 m (18 ft); and
4. Every Loading Space shall have minimum dimensions of 21.34 m (70 ft) by 3.66 m (12 ft).

<b>Use</b>	<b>Parking Spaces Required</b>
<b>Dwelling</b>	1.5 for each Dwelling or sleeping unit; minimum of 2 spaces
<b>Auditorium, theatre, Church or hall</b>	1 per 4 seats
<b>Hotel, Motel, or Tourist Establishment</b>	1 per guest room
<b>Restaurants (including take out)</b>	1 per 9.29 m <sup>2</sup> (100 ft <sup>2</sup> ); minimum of 10
<b>Business or Professional Offices</b>	1 per 27.87 m <sup>2</sup> (300 ft <sup>2</sup> ) of Floor Area
<b>Warehouse and storage facilities and other Industrial Uses</b>	1 per employee; 1 per loading bay
<b>Medical, Health and Dental Offices</b>	6 spaces per practitioner
<b>Other Commercial Uses</b>	1 per 27.8 m <sup>2</sup> (300 ft <sup>2</sup> ) of Floor Area
<b>Other Institutional or Recreational Uses</b>	1 per 37.16 m <sup>2</sup> (400 ft <sup>2</sup> ) of Floor Area
<b>Other Industrial Uses</b>	1 per employee; 1 per loading bay
<b>Other</b>	As required by Council

## SCHEDULE 4: SCHEDULE OF FEES

<b>Development Permits Application</b>	<b>Fee</b>
Residential	- New Construction \$0.15/sq. ft. (Min \$250 - Max \$1,000)
	- Renovations/additions \$0.15/sq. ft. (Min \$100 – Max \$1,000)
Commercial/Industrial	- New Construction \$0.20/sq. ft. (Min \$300 - Max \$2,000)
	- Renovations/additions \$.20/sq ft (Min \$200 – Max \$2,000)
Agricultural/Forestry	\$0.10/sq. ft. (Min \$100 - Max \$200)
Institutional	\$0.20/sq. ft. (Min \$100 - Max \$2,000)
Wind Turbine	\$2.00/\$1,000.00 construction costs (Min \$100 - Max \$1,000)
Accessory Building	\$0.10/sq. ft. (Min \$50 - Max \$1,000)
Deck, pool, Fence, tent or awning	\$50
Change of Use	\$50
Demolition	\$50
Temporary Permits	\$50
Other	\$50
 <b>Variance, Amendment, Rezoning</b>	
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*
 <b>Subdivision Application Fees</b>	
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
 <b>Agreement Fees</b>	
Development or Subdivision Agreement	\$200
Other Agreements	\$100
 <b>General Fees</b>	
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 Municipality 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.

## SCHEDULE 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 Rural Municipality of Miltonvale Park. The Province-Wide Minimum Development Standards Regulations are included for information and reference purposes only.

**NOTE:** This Schedule 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:

Legislative Counsel Office  
Tel: (902) 368-4291  
Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)

## 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	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.
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	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			2	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			3	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			4	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			more than 4	50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	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	51,000 sq. ft. / 4,738 sq. m.	225 ft. 68.6 m.
			2	56,000 sq. ft. / 5,202 sq. m.	250 ft. /76.2 m.
			3	61,000 sq. ft. / 5,667 sq. m.	275 ft. / 83.8 m.
			4	66,000 sq. ft. / 6,131 sq. m.	300 ft. / 91.4 m.
			more than 4	66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	300 ft. / 91.4 m.
on-site water supply and on-site sewage disposal system	IV	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	75,000 sq.ft. / 6,975 sq.m.	300 ft. / 91.4 m.
			2	80,000 sq.ft. / 7,440 sq.m.	
			3	85,000 sq.ft. / 7,905 sq.m.	
			4	90,000 sq.ft. / 8,370 sq.m.	
			more than 4	90,000 sq.ft. / 8,370 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	
on-site water supply and on-site sewage disposal system	V	N/A	N/A	not developable	N/A

Province-Wide Minimum Development Standards Regulations

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

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

## SCHEDULE 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 Rural Municipality of Miltonvale Park. Part IV of the Subdivision and Development Regulations is included for information and reference purposes only.

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

*Planning Act Subdivision and Development Regulations*

PART IV - SPECIAL REGULATIONS  
Section 63

- (a) are designated for future residential, retail commercial and commercial service purposes; and
- (b) shall be within the exclusive jurisdiction of the Minister.

**PEI 3 properties**

- (13) Those properties, or portions of those properties, identified in Appendix A, Map No. 7 as PEI 3
  - (a) are designated for future commercial and light industrial purposes; and
  - (b) shall be within the exclusive jurisdiction of the Minister. (*EC693/00; 981/23*)

### D - STRATFORD REGION, CHARLOTTETOWN REGION, CORNWALL REGION AND SUMMERSIDE REGION

#### *SPECIAL PLANNING AREAS*

**63. Special Planning Areas**

- (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.

**Application of section**

- (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.

**Objectives**

- (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 unserved 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.

**Definition**

- (3.1) In this section,
  - (a) “existing parcel” means a parcel of land that existed on July 9, 1994;
  - (b) “golf course development” means a development comprising
    - (i) an area of land designed for the playing of the game of golf, with a series of 9 or 18 holes, each including tee, fairway and putting green and one or more

natural hazards, that may also include, but is not limited to, a main golf club building, ancillary buildings and structures, infrastructure and related services, equipment and signage used to assist with the operation and maintenance of the golf course, and

- (ii) a residential development component;
- (c) “residential development component” means a residential development comprising no more than five lots per parcel approved under subsection (5.03) exclusively for single-unit dwelling use in direct association with a golf course.

**Approval of one lot per parcel**

- (4) An existing parcel of land may, on approval, be subdivided into not more than one lot for one of the following purposes:
  - (a) recreational use;
  - (b) resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;
  - (c) institutional use, where the lot has an area no greater than three acres;
  - (d) use as a cemetery;
  - (e) rural tourism use, where the area of the lot does not exceed three acres;
  - (f) public utility use.

**Five lots per parcel - residential use**

- (4.01) An existing parcel of land may, on approval, be subdivided into not more than five lots for residential use, which may include
  - (a) single-unit dwelling use;
  - (b) duplex dwelling use; or
  - (c) multiple unit dwelling use or a mobile home park where
    - (i) central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility, or both, are available, and
    - (ii) an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service, or both, if available, to the lot or mobile home park.

**Clarification**

- (4.02) For greater certainty, the same parcel of land may be subdivided for the purposes of either subsection (4) or (4.01), but not both.

**Non-resource commercial or industrial**

- (4.1) A parcel may be subdivided for a non-resource related commercial or industrial use where
  - (a) the subdivided land is to encompass or contain an existing commercial use, or be appended to or consolidated with land that was approved for a non-resource related commercial or industrial use by the Minister prior to October 12, 2019;
  - (b) in the opinion of the Minister, that use has not been discontinued or abandoned; and
  - (c) the proposed expansion does not violate the intent and purpose of these regulations, with particular regard for sections 3 and 13.

**Exception**

- (5) Notwithstanding clause (4.01)(a), where the intended residential use is single-unit dwelling use, subdivisions of more than one lot per parcel of land, may be approved in the following situations:
- (a) where the requirements of clause (4.01)(a) are insufficient to permit the owner of a parcel to provide lots for the children of that owner, and
    - (i) the owner files, with an application to subdivide the parcel, a statutory declaration that the owner will convey the lots only to the owner’s children and only for the use as a single-unit 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 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 a parcel of land shall not be given final approval and shall not be conveyed until the child has received a development permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child’s own use;
  - (b) where one lot is required in addition to those permitted by clause (a) or (4)(a) in order to accommodate an existing farm dwelling, and the dwelling on the lot is to be served by the existing farm dwelling access;
  - (c) where central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available, and an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to all lots prior to the conveyance of any lot from the approved subdivision;
  - (d) where an owner of a golf course that exists on the date of the coming into force of this clause proposes to create a golf course development in accordance with the requirements of subsections (5.03) to (5.05).

**“remnant parcel”, defined**

- (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), (4.01), (4.1), (5) or (5.1).

**Subdivision of remnant**

- (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), (4.01), (4.1) or (5); or
  - (b) subsection (5.1),
- if no previous approval to subdivide has been granted under such a clause of subsection (4), (4.01), (4.1) or (5), or under subsection (5.1), as the case may be, in respect of any land forming part of the existing parcel.

**Residential development component, criteria**

- (5.03) A residential development component of a golf course development shall

- (a) be directly associated with the golf course by means of a membership agreement between the golf course owner and the prospective purchaser of each lot that provides that the agreement shall run in perpetuity with the lot for the life of the golf course development;
- (b) be consistent with the objectives set out in subsection (3); and
- (c) not interfere with the normal operation of the golf course.

**Conditions for application**

- (5.04) The owner of a golf course that exists on the date of the coming into force of clause (5)(d) may apply in accordance with subsection (5.05) for approval for subdivision of the golf course, or the adjoining land, if that land is also owned by the owner of the golf course, or both, into no more than 5 lots per parcel, exclusively for single-unit dwelling use as a residential development component in direct association with the golf course to form a golf course development.

**Requirements for application**

- (5.05) An application to establish a residential development component of a golf course development shall
- (a) indicate how the proposed development is suited to the intended location, by means of a detailed site plan, drawn to scale, and a design brief that includes information about
    - (i) the total area and topography of the proposed site, property boundaries, setbacks and location of all existing and proposed buildings on the property,
    - (ii) existing and proposed land uses and the location of any archaeological sites, wildlife habitat areas and natural features, including beaches, sand dunes, wetlands and watercourses,
    - (iii) proposed street design, including pedestrian circulation, safety of access and emergency access,
    - (iv) if municipal or central services are available, the location of the proposed water supply, waste water collection, sewage disposal and treatment,
    - (v) storm water management,
    - (vi) proposed placement of utilities, services and easements,
    - (vii) lot coverage ratio and building height allowance,
    - (viii) potential effects of the proposed development on existing viewscales, and
    - (ix) any additional information the Minister considers necessary; and
  - (b) be presented at a public meeting in accordance with the requirements of section 11.

**Idem**

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

**Idem**

- (6) 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 Slemmon Park Corporation and the developer to provide central sewerage and water service to all lots prior to conveyance of any lot and commencement of the development.

**Development permits**

- (7) Pursuant to the uses and limitations contained in subsection (4), (4.01), (4.1), 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), (4.1), (4.01), (5) and (5.1) and remnant parcels resulting from such subdivisions;
  - (d) subdivisions approved pursuant to clause (5)(c) and subsection (5.1), where an irrevocable agreement has been signed between the developer and the municipal sewerage utility, municipal water utility or both of them to provide central sewerage service, central water service, or both of them, to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots;
  - (e) subdivisions approved for lands owned by the Slemmon Park Corporation pursuant to subsection (6), where an irrevocable agreement has been signed between the Slemmon Park Corporation and the developer 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.

**Existing farm dwelling**

- (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.

**Municipal official plan**

- (9) Subdivisions or development permits approved under subsections (4), (4.1), (4.01), (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.

**Municipality with 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 developer 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; 842/16; 319/17; 674/19; 222/22; 451/22; 981/23)

## E - OFF-SHORE ISLANDS

### 64. Subdivide land or construct building

- (1) Upon and within any off-shore island, no person shall
- (a) subdivide a parcel of land;
- (b) construct or locate a building or development on a sand dune or wildlife habitat; or
- (c) construct or locate on a parcel of land a building or development intended for any use other than a summer cottage having its own water supply and sewage disposal system constructed in accordance with the requirements of the *Environmental Protection Act*.

#### Off-shore islands

- (2) Subsection (1) shall apply to the following off-shore islands:

- (a) Glenfinnan Island;
- (b) Governor's Island;
- (c) St. Peter's Island;
- (d) Holman Island;
- (e) Murray Islands:
- (i) Reynolds Island,
- (ii) Herring Island,
- (iii) Cherry Island,
- (iv) Thomas Island,
- (v) Gordon's Island;
- (f) Boughton Island;
- (g) Grover (Ram) Island;
- (h) Little Courtin Island;
- (i) Bunbury Island;
- (j) Bird Island;
- (k) Oulton's Island;
- (l) Cascumpeque Sand Hills;
- (m) Conway Sand Hills;
- (n) Hog Island Sand Hills;
- (o) George Island.

#### Conservation officer may enforce

- (3) A conservation officer appointed under the *Wildlife Conservation Act* has the power and authority to enforce subsection (1). (EC693/00; 137/09; 138/10)