

Rural Municipality of West River

2022 Land Use Bylaw

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Note: this is an initial draft for discussion purposes only and may include incorrect or missing cross-references. Certain questions have been identified in the text and some text has been included as placeholders.

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1. SCOPE

1.1 TITLE

- 1) This Bylaw shall be known and may be cited as the Rural Municipality of West River Land Use Bylaw.

1.2 AUTHORITY

- 1) This Bylaw is enacted under the authority of the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8, referred to here as the *Planning Act*, and Section 14 (b) of the *Municipal Government Act*, R.S.P.E.I. 1988, c M-12.1.

1.3 AREA DEFINED

- 1) This Bylaw applies to the geographical area within which the *Council* of the Rural Municipality of West River, hereafter referred to as the Municipality, has jurisdiction.

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 *subdivision* and *development* control for the Municipality.

1.5 SCOPE

- 1) No *dwelling, business, trade, or industry* shall be located, nor shall any *building or structure* be *erected, altered, used* or have its *use* changed, nor shall any land be divided, consolidated or *used* in the Municipality, except in conformity with this Bylaw and subject to the provisions contained herein.

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. Notwithstanding the foregoing and except where otherwise specified in 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. *institutional uses*;
 - b. *developments* associated with a site-specific amendments;
 - c. *variances* of more than 5%; and
 - d. *subdivisions or developments* where *streets, shared services, or parkland dedications* are required.

1.7 PERMITTED USES

- 1) In this Bylaw, any *use* not listed as a *permitted use* in a *zone* is prohibited in that *zone* unless otherwise indicated.

1.8 CERTAIN WORDS

- 1) In this Bylaw, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular, the word ‘shall’ is mandatory and not permissive; and the word ‘may’ is permissive and not mandatory.

1.9 UNITS OF MEASURE

- 1) All official measurements are in metric. Where imperial measurements are provided, they are for information purposes only.

1.10 SCHEDULES

- 1) All schedules attached to this Bylaw form part of this Bylaw.
- 2) Notwithstanding subsection (1), certain matters in the Bylaw may be established or altered by resolution of *Council*, in accordance with section 135 of the *Municipal Government Act*.
- 3) The matters referred to in subsection (2) shall be limited to:
 - a. schedule of fees and charges for activities authorized by the Bylaw;
 - b. forms required for the purposes of the Bylaw; and
 - c. other matters related to the administration of the Bylaw.

2. DEVELOPMENT ZONES

2.1 DEVELOPMENT ZONES

- 1) For the purpose of this Bylaw, the *Municipality* is divided into the following *development zones*, the boundaries of which are subject to section 2.2 and are shown on the Zoning Map in Schedule A. Such *zones* may be referred to by the appropriate symbols.

Zone	Symbol
Rural Residential	RR
Rural Area	RA
Commercial Industrial	CI
Parks & Recreation Parks & Open Space	PR OS
Environmental Risk	ER

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*, the boundary shall be the centre line of such *street*;
 - b. where a *zone* boundary is indicated as following *lot* or *property* lines, the boundary shall be such *lot* or *property* lines;
 - c. where a *zone* boundary is indicated as following the limits of the Municipality, the limits shall be the boundary of the Municipality; or
 - 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) Schedule A shall be cited as the Zoning Map and forms a part of this Bylaw.
- 2) Where the *Zone* boundary delineates the Environmental Risk Zone, the Zoning Map shall indicate the approximate boundaries of the following:
 - a. *watercourses*, *coastal areas* and *wetland*, the exact boundaries of which shall be the boundaries of all *wetlands*, *coastal areas*, and *watercourses*, as determined by the provincial government department responsible for the Watercourse and Wetland Protection Regulations prescribed under the *Environmental Protection Act*, or as determined on site, and any *Buffer Zones* required under those Regulations or by this Bylaw. In the event of a conflict, the more stringent standard shall apply;
 - b. all designated contaminated properties in the provincial contaminated sites registry;
 - c. all designated wellfields; and
 - d. flood risk areas.

- 3) The specific location of the ER Zone boundary may change over time as:
- a. the *coastal area*, *wetland*, and *watercourse* boundaries change due to natural processes, including sea level rise and coastal erosion;
 - b. wellfields are designated or modified; or
 - c. contaminated sites are designated or have their designation removed.
- 4) In the event of discrepancies between the ER Zone as indicated on the Zoning Map and a site-level analysis, the *development officer* may consult qualified professionals or the provincial department responsible for the *Environmental Protection Act* or both and a determination will be made as to the actual boundary of the ER Zone. If the property or portion of a property is found to not contain the development constraint associated with the ER Zone, the adjacent *zone* shall be considered to apply.

3. ADMINISTRATION

3.1 DEVELOPMENT PERMIT REQUIRED

1) No Person shall:

- a. *change the use* of a parcel of land, a *structure* or part of a *structure*;
- b. commence any *development*;
- c. construct any *structure* on a *property*;
- d. make structural alterations to any *structure*;
- e. establish or start a *home-based business*;
- f. make any underground installation such as a foundation wall or the like;
- g. move or *demolish* any *structure* greater than 20 sq. m. (215.28 sq. ft.);
- h. construct a new driveway or altered driveway access;
- i. place, dump any fill or other material;
- j. *subdivide* or consolidate a parcel or parcels of land;
- k. ~~construct a fence more than 1.22 m. (4 ft.) high;~~
- l. ~~establish or place a swimming pool;~~
- m. *erect* or replace a *solar array*; or
- n. construct or replace a *deck* or *patio*.

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.

3.2 NO DEVELOPMENT PERMIT REQUIRED

1) Unless otherwise specified, no *development permit* shall be required for:

- a. constructing or replacing a fence ~~1.22 m. (4 ft.) or less in height;~~
- b. installing clotheslines, poles, and radio or television antennae;
- c. making a *garden*;
- d. growing a crop or preparing land for a crop;
- e. making *landscaping* improvements or constructing or installing *ornamental structures*, play *structures*, or *accessory structures* of 6 sq. m. (64.5 sq. ft.) or less in area;
- f. conducting routine maintenance which has the effect of maintaining or restoring a *structure* or any of its elements to its original state or condition;

- g. a *development* that involves the interior or exterior renovation of a *building* that will not change the shape of the *building* or increase its volume, will not add more *dwelling units*, or will not involve a change in the *use* of the *building*;
- h. establishing or placing a swimming pool; and
- i. *public utilities* located within the *street* right-of-way,

although the applicable requirements of this Bylaw shall still be met.

3.3 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS

- 1) Nothing in this Bylaw shall exempt any *person* from complying with the requirements of any other Bylaw of the Rural Municipality of West River or from obtaining any license, permission, authority, or approval required by any other Bylaw of the Rural Municipality of West River or any legislation or regulation of the Province of Prince Edward Island or the Government of Canada.
- 2) Where the provisions of this Bylaw conflict with those of any other bylaw of the Rural Municipality of West River, the more stringent provision shall prevail.
- 3) When a *development* does not require a *development permit*, the requirements of the Bylaw and any other applicable bylaws of the Rural Municipality of West River 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*, R.S.P.E.I 1988, c B-5.1, and applicable regulations.
- 5) A building permit issued under the Provincial *Building Codes Act* and applicable regulations, does not substitute for or supersede the requirement for a *development permit* under the Bylaw.

3.4 PERMIT APPLICATIONS

- 1) Any *person* applying for a permit shall do so on a form prescribed by *Council* and shall submit the application to the Rural Municipality of West River.
- 2) 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 in accordance with the schedule of fees established by *Council* and annexed hereto as schedule C;

- c. *site plans*, drawings, and other representations of the proposed *development*, as required;
 - d. approval(s) from other governments or agencies, as required; and
 - e. additional information, as required by the *development officer*.
- 3) 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.
 - 4) Notwithstanding any section of this Bylaw, *development permits* are not valid and will not be recognized until the application fee and any other required fees are paid in full, and the said permit is signed by the *applicant*.

3.5 SITE PLAN

- 1) Every application for a *development permit* shall be accompanied by a *site plan*, drawn to scale, and showing:
 - a. the proposed use of the *lot* and each *building* or *structure* to be developed;
 - b. the boundaries of the subject *lot*, including dimensions and *area*;
 - c. the general location and *use* of every *building* or *structure* already *erected* on the *lot* and of *buildings* on abutting *lots* within 15.2 m. (50 ft.) of the location of the proposed *building* or *structure*;
 - d. the location of the *sewerage disposal system*, if required;
 - e. the location of the well or water service, if required;
 - f. the distance between any existing or proposed well and *sewerage disposal system*;
 - g. the location of any well, sewerage disposal system, and driveways within 30 m (98.43 ft) on adjacent *lots*;
 - h. the proposed and existing location and dimensions of any *entrance way*, *parking space*, and *parking lot* on the *lot*;
 - i. all existing *streets*, rights-of-way, and easements on and adjacent to the *lot*;
 - j. the location of existing and proposed driveways, including the distance from the centre of the driveway to the nearest *property* boundary;
 - k. the location and exterior dimensions of the proposed *building* or *structure*, including any *deck*, *porch* or veranda *attached* thereto;
 - l. the distance from the proposed *building* or *structure* to all *property* boundaries;
 - m. the distance from the proposed *building* or *structure* to any existing *buildings* or *structures*;
 - n. elevation plan(s) of each exterior wall of the proposed *building* or *structure*;

- o. slope and direction of surface drainage;
 - p. 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;
 - q. north arrow and scale; and
 - r. any other information the *development officer* deems necessary to determine whether the proposed *development* conforms to the requirement of this *Bylaw*.
- 2) Notwithstanding subsection 1), the *development officer* may receive applications for *accessory buildings* or *structures*, requiring only the information which they deem applicable to each individual application.

3.6 OTHER INFORMATION

- 1) The *development officer* or *Council* may require an *applicant* to submit any additional information related to the proposed *development*, which they deem pertinent, including but not limited to the following:
- a. existing and proposed contours;
 - b. adjacent surface water features and steep slopes;
 - c. the stormwater management plan for the *subdivision*;
 - d. the location of *open space* and *amenity areas*;
 - e. existing and proposed vegetation including trees and landscaping, with proposed and existing differentiated;
 - f. the proposed storage areas and description of any *screening* or fencing;
 - g. the location and size of underground shared sewer and water utilities;
 - h. an indication that consideration has been given to accommodating the appropriate future *development* of the balance of the site; and
 - i. traffic impact studies.
- 2) In the event of an application in relation to a *lot* located within or within 30 m. (98.43 ft) of the ER 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.

3.7 SURVEYS REQUIRED

- 1) 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 and other bylaws, policies and regulations in force which affect the proposed *development*, 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.
- 2) A footing certificate or survey shall be prepared by a licensed surveyor and submitted to the Municipality for all proposed *development* 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.
- 3) 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.

3.8 STORMWATER MANAGEMENT PLAN

- 1) Except for the reasons provided by subsection (2) below, a *development permit* application shall be accompanied by a stormwater management plan, prepared by a licensed engineer or qualified landscape architect, drawn to scale and showing the following information:
 - a. existing and proposed grade elevations relative to the adjoining *lot(s)* and the *public street* or right-of-way;
 - b. stormwater management design features (i.e., swale, berm etc.) and the proposed direction of flow for the surface water runoff, which shall not result in direct water runoff onto adjacent *lots*, including existing *private roads* and rights-of-way.
 - c. the finished floor elevation or foundation elevation of existing *buildings* or *structures* on the *lot* and of existing *buildings* or *structures* on adjacent *lots* located within 15 m (49.2 ft) of the adjoining *lot line*; and
 - d. the proposed surface, finished floor elevation or foundation elevation of the proposed *building* or *structure*.
- 2) A stormwater management plan is not required for the following types of *development*, where the *development* does not involve an alteration or change to the existing grade of the land within the minimum *yard setbacks* of the *lot*:

- a. a *development* that conforms with a preapproved stormwater management plan as prepared for the subdivision approval of the *lot*;
 - b. a *development* of a *structure* with a footprint less than 65 sq. m. (699.7 sq. ft.) and a proposed setback of more than 15 m (49.2 ft) from any *lot line* or existing *building* or *structure*;
 - c. a *development* that will result in a total *lot coverage* of less than 10%;
 - d. a *development* of a *building* or *structure* with a footprint less than 20 sq. m.(215.3 sq. ft.);
 - e. a *development* of a *building* or *structure* that will be built on raised sono-tubes, posts or piles and will not affect the natural and existing flow for drainage; or
 - f. the replacement of a *building* or *structure* with one of the same size and in the same general location, provided no changes are being made to the grade of the *lot* under or around the *building* or *structure*.
- 3) For existing approved but undeveloped *subdivisions*, no *development permit* shall be issued until such time as a stormwater management plan has been prepared for the *subdivision* as a whole.
 - 4) For *properties* with, or located adjacent to, a *watercourse* or *wetland*, the stormwater management 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 stormwater management plan may be submitted together as a single plan of the proposed *development*.

3.9 BUILDING DESIGN DRAWINGS

- 1) Stamped construction plans and elevation drawings shall be required for all applicable *developments* 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. (*question for lawyer in relation to Building Code*)

3.10 CONDITIONS AND CAVEATS ON PERMITS

- 1) The *development officer* or *Council*, as appropriate, shall have the authority to impose conditions on a *development permit* subject to such conditions being directly related to and consistent with the bylaws and *Official Plan* of the Rural Municipality of West River.
- 2) All *development permits* shall contain a caveat informing the *applicant* that the Municipality is 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; noises; and slow-moving equipment on roadways.

3.11 FIRE MARSHAL APPROVAL

- 1) The *development officer* shall refer applications involving the following *uses* to the provincial fire marshal's office for comment prior to the *development permit* being issued:
 - a. twelve or more *dwelling units* on a single parcel;
 - b. *campgrounds* and *RV parks* or expansions to them;
 - c. commercial *uses*;
 - d. public service and *institutional uses*; and
 - e. outdoor sporting event or concerts.
- 2) The *development officer* may refer any other applications for a *development permit* as required to the provincial fire marshal's office for comment prior to the *development permit* being issued.

3.12 DEVELOPMENT AGREEMENT

- 1) Council may require any *applicant* to enter into a *development agreement*. This *agreement* shall be a contract binding on both parties, containing all conditions which were attached to the *development permit*, as well as any other matters identified pursuant to subsection 3). Failure to comply with a *development agreement* shall constitute an offence under this Bylaw.
- 2) A *development agreement* shall be required for all *industrial* and *light industrial uses*.
- 3) A *development agreement* may address but shall not be limited to the following matters:
 - a. *site plan* design;
 - b. the design and construction of pathways, trails and other pedestrian circulation facilities, where required;
 - c. *landscaping* and *screening*, including the specification of the number and type of trees to be maintained or planted or both;
 - d. *vehicular* access and exits;
 - e. the design and allocation of parking lots and *parking spaces*;
 - f. security and safety lighting;
 - g. methods of waste storage and disposal; and
 - h. ~~fencing; and~~
 - i. any other matters that the *development officer* or *Council*, as appropriate, deems necessary to ensure the health, safety and convenience of the Municipality's residents and the travelling public.

- 4) The *development agreement* shall be registered in accordance with the *Registry Act*, R.S.P.E.I. 1988, c. R-10.
- 5) A permit issued subject to a *development agreement* shall reference the signed *agreement* as a condition of the permit.
- 6) Fees associated with the preparation, registration, and enforcement of a *development agreement* shall be paid by the *applicant*.

3.13 AUTHORIZATION FOR INSPECTION

- 1) 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 this Bylaw in accordance with Part IV of the *Planning Act* and Part 9 Division 1 of the *Municipal Government Act*.

3.14 PERMITS POSTED

- 1) The *owner* of the *property* shall be responsible for displaying a copy of all permits where it may be visible upon entering the *property*.

3.15 EXPIRY OF APPROVALS

- 1) A *development permit* shall be valid for a ~~12~~ 24-month period from the date of issue, or such additional time as may be authorized by the *development officer* if the *applicant* applies before the expiry of the *development permit*. If work has not commenced during this period, the permit holder shall apply for and receive a new *development permit* before work commences and the application shall be assessed against the requirements of this Bylaw and the Official Plan at the time of re-application.
- 2) If, after ~~12~~ 24 months ~~or such additional time as has been approved pursuant to subsection 1)~~, work has not been completed, an application shall be made to the *development officer*, the appropriate fee shall again be paid, and a new *development permit* shall be obtained before any further work is undertaken, and the application shall be assessed against the requirements of this Bylaw and the Official Plan at the time of re-application.
- 3) Preliminary approvals of subdivision shall be effective for a period of ~~12~~ 24-months, or such additional time as may be authorized by Council.

3.16 DEMOLITION OR MOVING PERMITS

- 1) No *building* shall be moved out of or within the Municipality without a *development permit* and such other permits as may be required by law.

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

3.17 CONSTRUCT IN ACCORDANCE WITH APPLICATION

- 1) Any *person* who has been granted a *development permit* shall agree to develop in accordance with the information given on the prescribed application form and the conditions laid down by the *development permit* or *development agreement*.
- 2) The *development officer* may revoke a *development permit* where information provided on the application is found to be inaccurate.
- 3) No *building* shall be *erected* or placed except in conformance with the approved finished *grade* for its site, or the *street* after its construction.

3.18 DENYING PERMITS

- 1) No *development permit* shall be issued if:
 - a. the proposed *development* could create a hazard to the general public or any resident of the municipality or could injure or damage a neighbouring *lot* or other *property* in the Rural Municipality of West River, including but not be limited to, hazards, injuries or damages arising from excessive slope, water drainage run-off, and flooding;
 - b. the proposed *development* could create a health, fire or accident hazard or increase the likelihood of the existence of rodents, vermin or other pests;
 - c. the proposed *development* does not conform to this Bylaw or other bylaws of the Municipality or any applicable enactments of the Provincial Government or of the Government of Canada;
 - d. the method of water supply is not appropriate;
 - e. the method of sanitary waste disposal is not appropriate;
 - f. there is not a safe and efficient access to the *street*;
 - g. the proposed *development* would create unsafe traffic conditions;
 - h. the proposed *development* involves a proposed access that requires the use of an existing *private road* or access over an adjacent *property* for which a legal right-of-way has not been properly granted;
 - i. the proposed *development* would be *detrimental* to the environment, including by reason of noise, dust, drainage, infilling, or excavation which affects environmentally sensitive or residential areas; or

- j. the proposed *development* would be *detrimental* to the convenience, health, or safety of residents in the vicinity of the *development* or of the general public.

3.19 CONSTRUCTION PLAN

- 1) Prior to any construction being carried out, the *development officer* may require the *applicant* to submit a construction plan(s) for the *development* addressing such details as:
 - a. construction phasing;
 - b. hours of operation;
 - c. stockpiling of soil including the location and the date of removal;
 - d. temporary *screening* or fencing;
 - e. erosion or run-off control measures, including type, location and maintenance procedures;
 - f. heavy truck access; and
 - g. any other item which could in the opinion of the *development officer* present a nuisance or hazard during construction.

3.20 NOTICE OF DECISIONS

- 1) The *development officer* shall ensure that all decisions relating to applications are posted in accordance with section 23.1 of the *Planning Act*.

3.21 APPEALS

- 1) Any *person* who is dissatisfied by a decision enumerated in section 28 of the *Planning Act* in respect to the administration of this Bylaw may, within twenty-one (21) days of the decision, appeal to the Island Regulatory and Appeals Commission in accordance with the *Act*.
- 2) Notwithstanding subsection (1) above, no appeals may be filed regarding a decision of the *development officer* or Council respecting the final approval of a *subdivision* where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the *subdivision*.

4. GENERAL PROVISIONS

4.1 ACCESSORY BUILDINGS & STRUCTURES

- 1) *Accessory buildings and structures* may be permitted on any *lot* but shall not:
 - a. be *used* for human habitation except where a *dwelling* is a permitted *accessory use*;
 - b. be built closer than ~~1.5 m. (5 ft.)~~ 1.2 m. (4 ft.) to any *lot line*;
 - c. be located in the *front yard* or the *flankage yard*; or
 - d. exceed the square footage of the *main building* on the *property*.
- 2) No *accessory building* or *structure* shall be:
 - a. considered an *accessory building* if it is an *attached building*; or
 - b. considered an *accessory building* or *structure* if it located completely underground.
- 3) No *accessory buildings* 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.
- 4) ~~Except where otherwise provided for in this Bylaw, the standards for accessory buildings and structures in the RR Zone shall be as follows:~~

Lot Size	Maximum size— individual accessory building or structure	Maximum combined floor area of all accessory buildings or structures	Maximum Height
up to 0.202 ha (0.5 acres)	93 sq. m. (1,001 sq. ft.)	10% of lot area	4.60 m (15.1 ft)
over 0.202 ha (0.5 acres) to 0.405 ha (1 acre)	112 sq. m. (1,205.6 sq. ft.)	the greater of 10% or 112 sq. m. (1,205.6 sq. ft.)	4.60 m (15.1 ft)

- 5) Notwithstanding the *setbacks* in subsection 1), common garages for *semi-detached dwellings* may be centered on a mutual *side lot line*;
- 6) A shipping container, trailer, or similar *structure* may be *used* as an *accessory building* provided the following conditions are met:
 - a. the shipping container, trailer or similar *structure* is not located on a *property* in the Rural Residential Zone
 - b. the shipping container, trailer, or similar *structure* is located in the *rear yard*;

4.2 BED AND BREAKFAST AND SHORT-TERM RENTALS

- 1) A *bed and breakfast* shall be permitted to operate in any *single-detached dwelling* subject to the following:
 - a. the *dwelling* shall be occupied as a residence by the operator and the external residential appearance of the *dwelling* shall not be changed by the *bed and breakfast* operation;
 - b. not more than six (6) rooms shall be offered for overnight accommodation;
 - c. adequate off-*street* parking, in accordance with this bylaw, separate from that required for the *dwelling*, shall be provided;
 - d. there shall be no *open storage* or *display* area; and
 - e. there shall be no *signs* permitted except in accordance with the *Highway Signage Act*.
- 2) A *short-term rental* shall be permitted to operate in any *single-detached dwelling* subject to the following:
 - a. the external residential appearance of the *dwelling* shall not be changed by the *short-term rental* operation;
 - b. not more than six (6) rooms shall be offered for overnight accommodation;
 - c. adequate off-*street* parking, in accordance with this bylaw, separate from that required for the *dwelling*, shall be provided;
 - d. there shall be no *open storage* or *display* area; and
 - e. there shall be no *signs* permitted except in accordance with the *Highway Signage Act*.
- 3) *Bed and breakfasts* and *short-term rentals* shall be licensed in accordance with the *Tourism Industry Act* and upon receiving approval of the license from the Province, the license number shall be included in all public and online advertisements of the *bed and breakfast* or *short-term rental*.
- 4) *Bed and breakfasts* and *short-term rentals* operating within the CI Zone shall be considered commercial *tourism establishments* and will be subject to the *development* regulations of a *commercial use*, unless otherwise specified.

4.3 BUFFERING

- 1) The provision and maintenance of adequate landscape buffering or appropriate fencing or both shall be required to the satisfaction of the *development officer* or *Council*, as appropriate, between residential *uses* and new *commercial, industrial* or other land *uses* characterized by significant traffic generation, the heavy *use* of trucks, noise, outdoor storage, congregations of people or other factors that may adversely affect adjacent residential amenities.

- 2) Where a CI Zone *property* abuts *residential uses* along a *side* or *rear lot line* or both, a landscape buffer of not less than 7.6 m. (25 ft.) in width shall be established along that *side* or *rear lot line* to the satisfaction of the *development officer* or *council*, as appropriate, as part of the *development* for which a *development permit* has been granted.
- 3) An adequate landscape buffer may consist of, among other things, the following or a combination of the following:
 - a. a grassed berm;
 - b. planted vegetation;
 - c. mature trees; or
 - d. appropriate fencing.

4.4 BUSINESS USES IN A DWELLING

- 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 no *signage* is posted. No *development permit* shall be required.
- 2) Where a *residential property* is *used* for a *business use*, the following shall apply:
 - a. the *dwelling* shall be occupied as a residence by the principal operator and the external residential appearance of the *building* or *property* shall not be changed by the *home-based business*;
 - b. there shall be no more than two non-resident assistants or employees for the *home-based business*;
 - c. not more than 25% of the total *floor area* of the *dwelling* or up to 100% of the total *floor area* of an *accessory building* shall be occupied by the *home-based business*;
 - d. *adequate street* access and off-*street* parking, in accordance with this bylaw, separate from that required for the *dwelling*, shall be provided;
 - e. there shall be no *open storage* or *display* area; and
 - f. there shall be no *signs* permitted except in accordance with the *Highway Signage Act*.
- 3) The *home-based business* shall be limited to activities which in the opinion of the *development officer* would not create a residential nuisance due to issues such as traffic generation, noise or hours of operation.
- 4) *Automobile sales or service, car washes, or autobody shops* shall be prohibited in the *Rural Residential zone*.

- 5) After having followed the process in clause 11.42) of this Bylaw, Council may approve a small-scale *autobody shop* or *industrial use* as a home-based business in the RA Zone, provided Council is satisfied the 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.

4.5 BUILDING TO BE ERECTED ON A LOT

- 1) No *building* shall be *erected* or *used* unless it is *erected* on and contained within a single *lot*.

4.6 COASTAL HAZARD ASSESSMENT

- 1) A copy of a provincial Coastal Hazard Assessment shall be included with a *development* or *subdivision* application for a *lot* that is:
 - a. ~~4.13 m. (13.55 ft.)~~ 4.22 m. (13.85 ft.) CGVD2013 ~~(or 4.47m (14.67 ft.))~~ (or 4.61m (15.12 ft.) CGVD28) or less in elevation and is adjacent to a *coastal area, wetland, watercourse, or shoreline*; or
 - b. located within 23 m. (75.5 ft.) of a *coastal area, wetland, watercourse, or shoreline*.

4.7 EXISTING NON-CONFORMING BUILDINGS

- 1) Where a *building* has been *erected* on or before the effective date of this Bylaw on a *lot* having less than the minimum *frontage* or area, or having less than the minimum *setback* or *side yard* or *rear yard* required by this Bylaw or is subject to the Environmental Risk *zone*, the *building* may be enlarged, reconstructed, repaired or renovated provided that:
 - a. the repair or renovation does not further reduce the *front yard* or *side yard* or *rear yard* which does not conform to this Bylaw; and
 - b. all other applicable provisions of this Bylaw are satisfied.
- 2) If a *building* which does not conform to provisions of this Bylaw is destroyed by a fire or otherwise to an extent of fifty percent (50%) or more of the assessed value of the *building* above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this Bylaw, except if the building or repair work would not be detrimental, in the opinion of the Council, to the health or safety of residents in the vicinity or the general public.

4.8 EXISTING NON-CONFORMING LOTS

- 1) Notwithstanding any other provisions of this Bylaw:

- a. a vacant *lot* held in separate *ownership* from adjoining parcels on the effective date of this Bylaw, having less than the minimum width, depth or *area* required, may be *used* for a purpose 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; and
 - b. a *lot* containing a *structure* and held in separate *ownership* from adjoining parcels on the effective date of this Bylaw, having less than the minimum *frontage*, depth or area required by this Bylaw, may be Used for a purpose permitted in the *zone* in which the *lot* is located, and a *development permit* may be issued provided that all other applicable provisions in this Bylaw are satisfied.
- 2) Where a lot held in separate ownership is unsuitable for development as a result of the requirements of the ER zone, subject to all requirements for on-site systems, the lot may be used seasonally with a *recreational vehicle*.
- 3) 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*.

4.9 EXISTING NON-CONFORMING USES

- 1) Subject to the provisions of this Bylaw, a *building* or *structure*, or use of land, *building* or *structures* lawfully in existence on the effective date of approval of this Bylaw may continue to exist.
- 2) A *building* or *structure* shall be deemed to exist on the effective date of approval of this Bylaw if:
 - a. it was lawfully under construction; or
 - b. the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within 12 months after the date of the issue of the permit and is completed in conformity with the permit within a reasonable time.
- 3) 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* thereof is continued.
- 4) Any change of tenants or occupants of any premises or *building* shall not of itself be deemed to affect the *use* of the premises or *building* for the purposes of this Bylaw.

- 5) A non-conforming *use* of land, *building* or *structure* shall not be permitted to resume if it has been discontinued for a period of twelve (12) consecutive months without a bona fide intention to resume the non-conforming *use*, and in such event the land, *building* or *structure* shall not thereafter be *used* except in conformity with this Bylaw.
- 6) no *intensification* of *use* or increase in *business* volumes or activity levels shall be made while a non-conforming *use* of land, *building* or *structures* is being continued to the extent that the *intensification* or increase would have the impact of changing the type of *use*, modifying or adding activities or creating undue additional or aggravated problems for the Municipality or adjacent *properties*.
- 7) No increase in the area occupied by the non-conforming *use* shall occur while a non-conforming *use* is being continued to the extent that the increase in the area would have the impact of changing the type of *use*, modifying or adding activities or creating undue impact for the Municipality or adjacent *properties*.

4.10 FRONTAGE ON A STREET

- 1) No *development permit* shall be issued unless the *lot* or parcel of land intended to be *used* or upon which the *building* or *structure* is to be *erected* abuts and fronts upon a *street*.
- 2) Notwithstanding subsection (1)) above, the Council may approve a *development permit* for a residential or commercial *structure* which fronts on an existing *private right-of-way*, provided that the following criteria are met:
 - a. the parcel was approved prior to the effective date of this Bylaw;
 - b. no acceptable provision can be made to provide access to a *public street*;
 - c. safe ingress and egress from the *lot* can be provided from the *lot* or *private right-of-way* to a *street*;
 - d. the name of the *private road* has been approved by the Minister of Justice & Public Safety, in accordance with the *Emergency 911 Act* where the development results in three (3) or more civic addressed *dwellings*, *buildings*, or units sharing the same *private road* or driveway;
 - e. the *private right-of-way* has been in use as a right-of-way prior to the enactment of this bylaw or has been designed and constructed under the supervision of a licensed professional engineer in accordance with the standards for *private roads* as set out in Schedule D;
 - f. the *applicant* can establish legal entitlement to use the *private right-of-way* for access to the *property* in question and any such legal entitlement that has been established through an agreement with the *owner* of the *private right-of-way* shall be registered in accordance with the provisions of the *Registry Act*; and

- g. The *applicant* shall be required to enter into a *development agreement* with the Municipality, registered in accordance with the provisions of the *Registry Act* at the Applicant's expense, acknowledging the following: "The *Private Right-of-Way* serving PID _____ is not owned or maintained by either the Province of Prince Edward Island or the Rural Municipality of West River and therefore neither the Rural Municipality of West River nor the Province shall have any liability for that Private Right-of-Way and, without limiting the generality of the foregoing, that neither the Rural Municipality of West River nor the Province is responsible for providing any provincial or municipal services including grading, ditching, snowplowing, gravelling, school busing, solid waste collection, or emergency Vehicle access to the Private Right-of-Way."
- 3) 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.
- 4) Where an *entrance way permit* or other approval is required under the Highway Access Regulations prescribed under the *Roads Act*, a *development permit* shall not be granted until that *entrance way permit* or other approval or permit has been granted.

~~4.11 HEIGHT RESTRICTION EXEMPTION~~

- 1) ~~Any maximum *height* restriction set out in this Bylaw shall not apply to [roof-mounted solar arrays], lightning rods, water tanks, flag poles, ventilators, skylights, chimneys, roof-top cupolas, or communications towers.~~
- 2) ~~Notwithstanding any maximum *height* restriction set out in this Bylaw, Council may approve an application for a *structure* exceeding the maximum *building height* for the zone, to a maximum of 18 m. (60 ft.), provided:~~
- a. ~~the *applicant* is willing to enter into a *development agreement* with Council and~~
 - b. ~~the *structure* conforms to all relevant sections of this Bylaw and other applicable fire and building codes.~~

4.12 KENNELS

- 1) *Kennels* shall not be permitted within 305 m. (1000 ft.) of any existing *dwelling*.
- 2) No shelter, *building* or *structure* used to accommodate animals shall be located in the required *front yard*.

4.13 MAIN BUILDING

- 1) Except in the RR Zone or on a lot in the RA Zone where the primary use is residential, more than one (1) non-residential *main building* may be placed on a lot in any zone, provided all other provisions of this Bylaw are met.
- 2) More than one (1) *residential main building* may be permitted where *clustered housing* is a permitted use.
- 3) Where more than one *main building* is located on the same lot and are serviced by an *internal drive* providing access to the *public street* or right-of-way:
 - a. the *development officer* may refer the proposed access and the site plan and *internal drive* design, to the provincial Fire Marshal's Office and the provincial department responsible for the *Roads Act* for review and comment;
 - b. the name of the *internal drive* shall be submitted for approval by the Minister of Justice & Public Safety, in accordance with the *Emergency 911 Act*, where the development results in three (3) or more civic addressed *dwellings, buildings*, or units sharing the same *internal drive* or driveway, prior to the issuance of any permits; and
 - c. in the case of a *clustered housing* development, the *internal drive* shall be designed and built to the standard set out in Schedule D.
- 4) The following *site design standards* shall apply for commercial or residential lots containing more than one (1) *main building* on a lot, including *clustered housing* and *tourism establishments*:
 - a. proposed *structures* shall be related harmoniously to the terrain and to existing *buildings* in the vicinity that have a visual relationship to the proposed *buildings*, including through the enclosure of space in conjunction with other existing *buildings* or other proposed *buildings* and the creation of focal points with respect to avenues of approach, terrain features, and other *buildings*;
 - b. with respect to vehicular and pedestrian circulation, including walkways, *interior drives*, and parking, special attention shall be given to the location and number of access points to the *public streets*, width of *interior drives* and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of *parking areas* that are safe and convenient;
 - c. at least one wall of each *main building* shall be oriented to face the *internal drive*;
 - d. off-street *parking areas* shall not open directly onto a *public street* but shall be provided with access drives or other controlled access. *access drives* shall not serve as part of a specified *parking area* and shall be kept clear of parked *vehicles*;
 - e. pedestrian walks shall be not less than 1.25 m (4.1 ft) in width and shall be provided wherever normal pedestrian traffic will occur; and

- f. exposed storage areas, exposed machinery installation, solid waste storage and pickup areas, service areas, truck loading areas, *utility buildings* and *structures* and similar *accessory* areas and *structures* shall be subject to such *setbacks*, screen planting or other *screening* methods as shall reasonably be required to prevent their being incongruous with existing or contemplated environment and the surrounding *properties*.
- 5) Where *clustered housing* is being proposed:
- a. the minimum *lot area* shall apply to the entire property where multiple *buildings* are being proposed;
 - b. the minimum *lot frontage* shall be calculated as if one *building* is being located on the lot; and
 - c. the minimum standards of the *zone* including *setbacks*, *building height*, and *building separation* shall apply to each individual *building*; and
 - d. ~~the maximum *lot coverage* shall be calculated using the combined coverage of all *buildings* on the property.~~

~~4.14 MAXIMUM LOT COVERAGE~~

- 1) ~~Maximum *lot coverage* shall be determined as the percentage of the *lot* covered by the *main building*, *accessory buildings*, *swimming pools*, *decks*, *patios*, and *gazebos*.~~

4.15 MIXED USES

- 1) Where any land or *building* is used for more than one (1) *use*, all provisions of this Bylaw relating to each *use* shall be satisfied. Where there is a conflict, such as in the case of *lot area* or *frontage*, the most stringent standards shall prevail.

4.16 ON-SITE WELLS AND SEPTIC SYSTEMS

- 1) Notwithstanding the minimum *lot size* standards of this Bylaw, all applications involving an on-site sewerage disposal system or on-site water supply must meet the requirements of the *Planning Act* Province-Wide Minimum Development Standards Regulations for on-site servicing based on soil category, as included as Schedule B of the Bylaw, and the *Environmental Protection Act* Sewage Disposal Systems Regulations and Water Well Regulations.
- 2) Every application for a *development permit* involving an on-site sewerage disposal system or on-site water supply, or both, shall include a *site plan* showing the location of the on-site *sewage disposal system* and all proposed *buildings* and *structures*, a copy of the Sewage Disposal System Registration Form, and a site assessment for any *lot* for which a site assessment pursuant to the *Environmental Protection Act* has not been conducted within 75 feet of the *lot* since December 31, 2006.

- 3) Every on-site *sewage disposal system* with a capacity of more than 1500 gallons shall be designed and certified by a licensed professional engineer.
- 4) Any application for a *development* or *subdivision* where daily groundwater extraction rates are expected to be higher than 25 cubic meters per day or in areas with existing intensive *development* or where, in the opinion of *Council*, there are concerns about the supply or quality of groundwater shall be referred to the provincial department responsible for the *Environmental Protection Act*.
- 5) Where *Council* has approved a *variance* to the minimum *lot frontage*, *lot area* and/or circle diameter requirements of the *Planning Act* Province-Wide Minimum Development Standards Regulations in accordance with sections 4, 5, or 9 of those Regulations, or where the minimum *lot* size standards do not apply pursuant to section 8 of those Regulations, an application for a *development permit* shall also include the following:
 - a. an on-site sewerage disposal system proposal appropriate for the soil type, *lot area* and proximity to adjacent *lots*, designed and certified by a licensed professional engineer; and
 - b. confirmation from a licensed well driller that the proposed well location meets all applicable requirements for separation distance from adjacent existing wells and/or sewerage disposal systems within the *lot*, or to wells or sewerage disposal systems on adjacent *lots*.

4.17 OUTDOOR AREA LIGHTING

- 1) Exterior lighting and illuminated *signs* shall be arranged in any *zone* so as to deflect light away from any *dwelling*.
- 2) No *person* shall install any outdoor light or lighted *sign* in such a way as would cause a nuisance to adjacent *property owners* or a safety hazard to the motoring public.

~~4.18 OUTDOOR SWIMMING POOLS~~

- 1) ~~The installation of a *swimming pool* shall be permitted in any *zone* in accordance with the following provisions:~~
 - a. ~~a 1.8 m. (6 ft.) *fence* shall be constructed in such a manner as to impede unauthorized *persons* from entering over or under said *fence*;~~
 - b. ~~any gate on such *fence* shall be capable of being locked;~~
 - c. ~~the *swimming pool* shall be placed not less than 4.57 m. (15 ft.) from the nearest *side yard* line and 6.10 m. (20 ft.) from the rear *property* line; and~~
 - d. ~~disposal of *swimming pool* water shall only be to either a dry ditch remote from any water course or be carried off by trucks.~~

4.19 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*;
 - b. *public* or private *park* or playground, *open space*, or conservation activity;
 - c. *farm gate outlets*; and
 - d. *institutional uses*.
- 2) Except where otherwise specifically provided in this Bylaw, *public* and *private utilities* and *utility*-related *structures* and service facilities including, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, *utility* services, and stormwater management facilities:
 - a. may be located in any *zone*; and
 - b. no *zone* standards related to *setbacks*, *lot size*, and siting in *yards* shall apply.

4.20 PETROLEUM STORAGE

- 1) Underground petroleum storage tanks shall require a *development permit* from the Province before installation may proceed. In processing such application, the Municipality shall refer the application initially to the provincial department having jurisdiction for these facilities whereupon such application will be processed in accordance with applicable regulations. The Municipality shall not issue a permit to the *developer* until it has received written approval from the appropriate government authority.
- 2) Notwithstanding subsection 1), underground petroleum storage tanks shall not be permitted in any RR, OS, or ER Zone.
- 3) Propane storage tanks shall be installed and stored in accordance with the recommendations of the provincial fire marshal's office.

~~4.21 REQUIREMENTS FOR SEMI-DETACHED OR TOWNHOUSE DWELLINGS~~

- 1) ~~No semi-detached or townhouse dwelling shall be erected or placed in a manner which will not permit subdivision into individual lots pursuant to section 13.10.~~

4.22 SOLAR ENERGY SYSTEMS

- 1) *Roof-mounted solar arrays* shall be installed in conformity with Chapter 11 of the National Fire Prevention Association (NFPA) 1 Fire Code.

- 2) *Ground mounted solar arrays* shall be permitted in all *zones*, subject to the following:
 - a. the minimum *setback* to adjacent *side* or *rear lot lines* for *ground mounted solar arrays* shall be 4.6 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. the maximum *height* of a *ground mounted solar array*, as measured from *grade* to the highest point of the *solar array*, shall be 4.3 m. (14 ft).
 - c. in a *Rural Residential Zone*, *ground mounted solar arrays* may only be placed in the rear or side yard; and
 - d. 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.
- 3) The application for a *development permit* for a *ground mounted solar array* must include, in addition to the requirements of sections 3.5 and 3.6, the design of the solar collectors including racking and footings.
- 4) ~~*Ground mounted solar arrays* shall be subject to the *lot coverage* standards for the *zone* in which they are located.~~

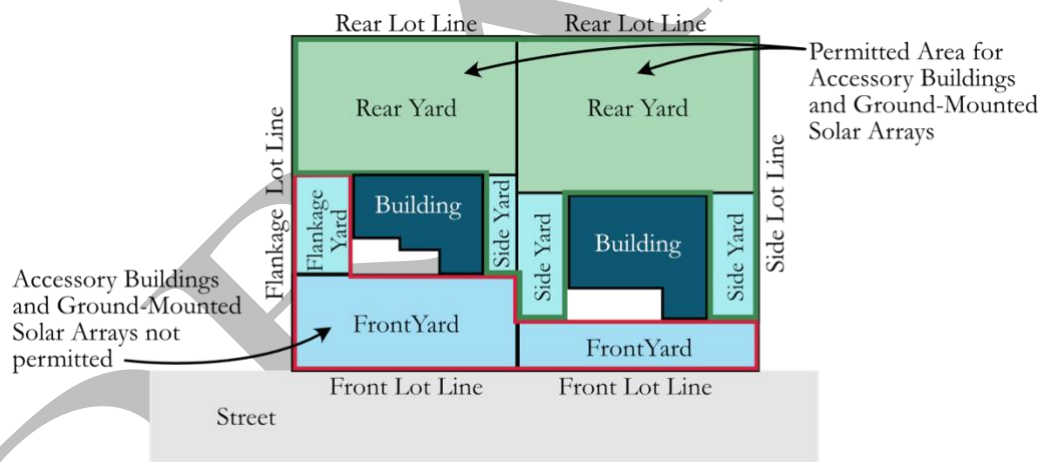


Figure 1 Permissible Areas for Accessory Structures and Ground Mounted Solar Arrays in the RR Zone (permitted in rear and interior side yards only)

4.23 SECONDARY SUITES

- 1) A *secondary suite* may be constructed within any *single-detached dwelling* or *structure accessory* to a *single-detached dwelling* provided the following conditions are met:
 - a. the *property owner* submits a written application to the Municipality on the prescribed form;
 - b. the *property owner* and the Municipality have first entered into a written *development agreement* that includes, but is not limited to, the conditions below:

- i. the *property owner* shall advise any prospective purchaser, or other *person* to whom the *owner* intends to transfer or otherwise dispose of the *single-detached dwelling*, that the *secondary suite* cannot be *used* except in accordance with a *development agreement* with the Municipality;
- ii. the total *floor area* of all *storeys* of a *secondary suite* shall not exceed the lesser of:
 - A. eighty percent (80%) of the total *floor area* of all *storeys* of the entirety of the *main single-detached dwelling unit* (excluding the garage *floor area*, and common spaces serving both *dwelling* units); or
 - B. eighty square metres (80 sq. m.);
- iii. one additional *parking space* is provided for the *secondary suite*, as required under section 5.1 of this Bylaw; and
- iv. the *development officer* may require such changes to the exterior of the *single-detached dwelling* as may be necessary to ensure compliance with this Bylaw, whether in connection with the construction or removal of the *secondary suite*;
- c. the *development agreement* shall be registered, recorded, or filed by the *development officer* in such *public* offices as the *development officer* deems appropriate;
- d. the *property owner* shall pay all legal costs and expenses which the Municipality may incur in connection with the preparation, registration, and enforcement at the *development agreement*;
- e. the *secondary suite* meets the requirements of the National Building Code and all requirements under the Municipality's Bylaw; and
- f. water and wastewater treatment services for the *secondary suite* shall be provided through the *single-detached dwelling* and the capacity of the systems shall be upgraded as needed to accommodate the increased intensity of *use*.

4.24 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*.

4.25 TEMPORARY USES, BUILDINGS AND STRUCTURES PERMITTED

- 1) *Temporary structures* shall conform to the *setback* requirements for an *accessory building* in the *zone*.
- 2) The *development officer* may at their sole discretion issue a permit for the *temporary* erection of a *structure* or the *temporary use* of land in any *zone* in order to accommodate a special event, *use*, or occasion. The *development officer* may attach such conditions as they deem appropriate to ensure public safety and to mitigate any negative impacts on surrounding properties.

- 3) Council may grant a seasonal *temporary use* permit for a period not exceeding 5 months where, in the opinion of Council, the *temporary use* is compatible with an established or proposed permanent facility on the *parcel of land* and does not represent a conflict or nuisance to *property owners* in the vicinity or the general public. Council may attach such conditions it deems appropriate to ensure public safety and to mitigate any negative impacts on surrounding properties.
- 4) No more than four (4) *temporary use* permits shall be issued for any *parcel* of land in any calendar year.
- 5) The hours of the *temporary use* shall be limited from 8:00 a.m. - 11:00 p.m. daily.
- 6) No *temporary use* permits shall be granted where:
 - a. parking facilities are not adequate;
 - b. ingress or egress or both to the site would create excessive congestion or a traffic hazard;
 - c. washroom facilities are not adequate;
 - d. garbage collection and storage facilities are not adequate; or
 - e. the *use* would create a conflict due to excessive noise, hours of operation, lighting or another nuisance.
- 7) No *temporary use* shall be permitted to encroach within the *front yard*, *rear yard* or *side yards* as required under this Bylaw.

4.26 VISIBILITY AT STREET INTERSECTIONS

- 1) On a *corner lot*, within a triangular area 6.1 m. (20 ft.) back from the intersecting *corner lot line*, no *fence*, *sign*, hedge, shrub, bush or tree or any other *structure* or vegetation shall be *erected* or permitted to grow to a *height* greater than two feet above *grade* of the abutting *streets*.

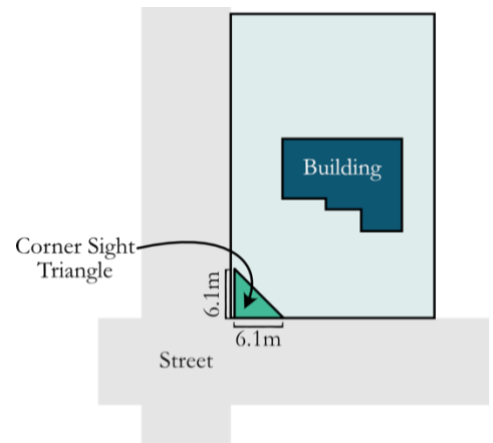


Figure 2 - Corner Sight Triangle

5. PARKING REQUIREMENTS

5.1 PARKING REQUIREMENTS

- 1) For every *building* to be *erected*, placed, *used* or enlarged, there shall be provided and maintained off-*street* parking on the same *lot* to the extent, prescribed in the following chart:

Primary Type of Building	Minimum Requirement
Residential Dwellings	1 Parking Spaces per dwelling unit
Tourism establishment including Bed & Breakfast, Hostels and Yurts, etc.	1 Parking Space per guest room or rental unit and 1 Parking Space for each 14 sq. m. (150 sq. ft.) of Floor Area devoted for Public Use (e.g. banquet rooms, Lounge)
Campgrounds and RV Parks or Sites	1 Parking Space for every 10 Campgrounds sites, or fraction thereof, registration and visitor parking
Senior Citizens Homes, Group Homes and Community Care Facilities	1.25 Parking Spaces per Dwelling Unit
Tourist Attractions	1 Parking Space per four (4) Persons to maximum capacity of attraction
Restaurant / Lounge / Take-Out	1 Parking Space per four seats of seating capacity or 1 Parking Space per 14 sq. m. (150 sq. ft.) of Floor Area, whichever is greater.
All other Commercial Uses	1 Parking Space per 9.3 sq. m. (100 sq. ft.) of Floor Area
All Other Uses not listed	1 space per 20 sq. m. (215 sq. ft.) of Floor Area or 1 space per 10 seats, whichever is greater.

- 2) Individual *parking* spaces shall have minimum dimensions of 2.7 metres (9 feet) by 5.5 (18 feet) metres and shall be readily accessible from a *public street*.

5.2 PARKING LOT STANDARDS

- 1) Where four (4) or more *parking spaces* are required for a *commercial, industrial* or *institutional use* on a *lot*, the following minimum requirements shall apply:
- the *parking area* shall be maintained with a stable surface sufficient to support a *vehicle* without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as driveable grass or grass grid;
 - the lights used for illumination of the parking lot or *parking area* shall be so arranged as to divert the light away from the *streets*, adjacent *lots* and *buildings*; and

- c. the *parking area* shall be within 60.96 m. (200 ft.) of the location which it is intended to serve.
- 2) Where parking is provided within the *front yard* of a *commercial* or *industrial* establishment, a landscaped strip of not less than 3.05 m. (10 ft.) in width between the *front lot line* and the *parking area* shall be maintained in a properly landscaped condition, free of parking or maneuvering lanes, other than a driveway.
- 3) The width of a driveway leading to a parking area shall be:
 - a. a minimum width of 3.05 m. (10 ft.)
 - b. a maximum entrance and exit width of 9.14 m. (30ft.) at the *street* line and edge of pavement.
- 4) The parking lot shall allow for surface water drainage to a stormwater retention area or to street drainage, designed so that at no time shall water drain onto adjoining lots, and the Municipality may require an engineering assessment of the elevations and drainage to be provided.
- 5) Where off-Street *parking areas* are located in front of any *building*, a 5 ft. landscaped buffer shall be provided between the *parking area* and the *street* boundary.

5.3 ACCESSIBLE PARKING

- 1) In addition to the parking requirements found in Section 5.1, where off *Street* parking is to be provided on the same *Lot* as the *Building*, accessible *parking spaces* shall be provided in accordance with the National Standard of Canada, CSA B651-18 Accessible design for the built environment.

6. RURAL AREA (RA) ZONE

6.1 GENERAL

- 1) Except as otherwise provided in this Bylaw, the following standards shall apply to all *buildings* and *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of land *used* in a RA Zone.

6.2 PURPOSE

- 1) The Rural Area Zone is established principally to support the primary resource sectors, retain the natural beauty and rural character of the area, and to retain the low-density *uses* of land.

6.3 PERMITTED USES

- 1) The following are *permitted uses* in the RA Zone:
 - a. *agricultural uses*, general;
 - b. *fishery uses*;
 - c. *forestry uses*;
 - d. *resource-related commercial uses*;
 - e. *animal sanctuaries*;
 - f. *single-detached dwellings*;
 - g. *duplex and semi-detached dwellings*; and
 - h. *non-resource-related commercial*.
- 2) The following are permitted as *accessory* or *secondary uses* in the RA Zone:
 - a. *accessory buildings*;
 - b. *dormitories*;
 - c. *home-based businesses*;
 - d. *secondary suites*; and
 - e. *wind energy system of a maximum capacity of up to 100 kw*;

6.4 SITE SPECIFIC AMENDMENT USES

- 1) Notwithstanding Section 6.3 above, the following may be permitted through the site-specific amendment process, subject to such conditions as Council deems necessary:
 - a. *resource-related industrial uses*

- b. *intensive resource uses*, including *intensive livestock operations*, *cannabis operations*, water bottling plants, *excavation pits*, intensive fishery-related operations;
- c. *kennels*; and
- d. *solar arrays* and *wind energy systems* of more than 100 kw.

6.5 SUPPORTING INFORMATION

- 1) Any application for a site-specific amendment pursuant to Section 6.4 shall be accompanied by the following supporting information, in a form acceptable to Council:
 - a. a statement documenting the precise means by which the *Development* will maintain or enhance the rural character and *agricultural* activities of the RA Zone;
 - b. a statement documenting the compatibility of the *development* with *general agriculture uses* and other predominant features of the RA Zone including adjacent land *uses*;
 - c. An overview of measures to protect *agricultural* activities and significant natural features;
 - d. environmental engineering designs and plans detailing environmentally acceptable permanent, long term water supply and sewage disposal systems and methods for protecting the natural environment, prepared by a licensed engineer; and
 - e. long term plans for those portions of the *property* which are not proposed to be developed.

6.6 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply to any *development* in an RA Zone:

	Requirement
Minimum Lot Area	2 ha (4.95 acre) 0.4 ha (1 acre)
Maximum Lot Area	Non-Resource Commercial Uses 0.8 ha (2 acres)
Minimum Frontage or Lot Width	45.7 m. (150 ft.)
Minimum Front Yard	15.2 m. (50 ft.) 15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads
Minimum Rear Yard	7.6 m. (25 ft.) 4.6 m. (15.1 ft.)
Minimum Side Yard	7.6 m. (25 ft.) 4.6 m. (15.1 ft.)
Maximum Building Height	10.8 m. (35 ft.)
Minimum Flankage Yard	15.24 m. (50 ft.) 15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads

- 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 amended from time to time, and where there is a conflict, the more stringent shall apply. See SCHEDULE B | PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS.
- 3) New *dwellings* shall be set back a minimum of 15 m. (49 ft.) from the *property line* of an adjacent existing *intensive resource use*.

6.7 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.

6.8 INTENSIVE LIVESTOCK OPERATIONS

- 1) The following shall apply to all new *intensive livestock operations* or extensions:

	Requirement
Min. distance from any Dwelling on an Adjacent Property	305 m. (1000 ft.)
Min. distance from a Public Street	45.72 m. (150 ft.)
Min. distance from Any Domestic Well	152.4 m. (500 ft.)
Min. distance from Any Lot Line	45.72 m. (150 ft.)
Min. distance from Any Watercourse or Wetland Boundary	90 m. (295.3 ft.)

- 2) Where a new *intensive livestock operation* is proposed, the *development officer* shall provide written notice to adjacent *property owners* in accordance with section 12.4.
- 3) 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.
- 4) The *development officer* may consult the Department of Agriculture for manure storage capacities and design standards and shall require the *livestock* operator to follow those capacity and design requirements.
- 5) The separation distances in subsection 1) shall apply to all new *intensive livestock operations* or extensions. The separation distances shall also apply to a new *residential subdivision development* in the vicinity of an *intensive livestock operation*.

6.9 EXCAVATION PITS

- 1) Where an *excavation pit* is permitted through a site-specific amendment, the following shall apply:

- a. no contractor or a *property owner* shall open or operate an *excavation* pit without first applying for and receiving a permit from the *development officer*; and
- b. applications shall be pursuant to the *Environmental Protection Act*, Excavation Pits Regulations, R.S.P.E.I. 1988, Cap. E-9, the standards of which shall apply.

6.10 WIND FACILITIES

- 1) Where a wind facility is permitted, the standards of Schedule E shall apply.

7. RURAL RESIDENTIAL (RR) ZONE

7.1 GENERAL

- 1) Except as otherwise provided in this Bylaw, the following standards shall apply to all *buildings* and *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of *land used* in an RR Zone.

7.2 PURPOSE

- 1) The Rural Residential Zone is established principally to permit residential *developments* featuring multiple lots, as well as limited *accessory* or *secondary uses*. Council may consider slightly higher density residential *uses*, *clustered housing*, or *conservation subdivisions*, particularly where shared water and wastewater treatment will be provided, as well as other potentially compatible *uses*, subject to the *site-specific amendment* process.

7.3 PERMITTED USES

- 1) The following are *permitted uses* in the RR Zone:
 - a. *single-detached dwellings*;
 - b. *duplex* and *semi-detached dwellings*;
 - c. *apartment dwellings*; and
 - d. *townhouse dwellings*.
- 2) The following are permitted as *Accessory* or *Secondary Uses* in the RR Zone:
 - a. *Accessory Buildings*;
 - b. *Home-Based Businesses*; and
 - c. *Secondary suites*.

7.4 SITE-SPECIFIC AMENDMENT USES

- 1) Notwithstanding Section 7.3 above, the following may be permitted through the site-specific amendment process, subject to such conditions as Council deems necessary:
 - a. *Clustered Housing*; and
 - b. *Conservation subdivisions*.

7.5 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply in a RR Zone:

	(On-Site Serviced)	Shared Water and Shared Sewer
Minimum Lot Area		
<i>single-detached, duplex and semi-detached dwellings</i>	0.2 ha (1 acre)	0.2 ha (0.5 acre)
<i>Townhouse and apartment dwellings</i>	0.8 ha (2 acres)	0.2 ha (1 acres)
Minimum Frontage	see Schedule B	23 m. (75 ft.)
	All lots	
Minimum Front Yard	7.6 m. (25 ft.) 15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads	
Minimum Rear Yard	6.1 m. (20 ft.) 4.6 m. (15.1 ft.)	
Minimum Side Yard	4.6 m. (15.1 ft.)	
Maximum Building Height	10.8 m. (35 ft.)	
Minimum Flankage Yard	7.6 m. (25 ft.) 15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads	
Maximum Lot Coverage	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 amended from time to time, and where there is a conflict, the more stringent shall apply. See SCHEDULE B | PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS.

7.6 LIVESTOCK IN RESIDENTIAL ZONES

- 1) In the *Rural 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:

Livestock	Maximum number of livestock
Hens (roosters prohibited)	Maximum 3 per 0.1 ha (0.25 acre)
Pigs (Potbelly & Domestic), Sheep, or Goats	Maximum 1 per 0.1 ha (0.25 acre)
Other	At the discretion of Council

- 2) 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.
- 3) Such *livestock* must be appropriately fenced, penned, or housed to prevent trespass onto *public roads* and adjacent properties. Any ground-level *structure* intended for the keeping of animals shall be considered an *accessory structure*.
- 4) The *livestock structure* referred to in subsection 1) must be situated in the side or rear yard, but not closer to a lot line than 5 m. (16.4 ft.).
- 5) Apiaries are permitted but limited to no more than twelve (12) hives which must be located in the rear yard.

8. COMMERCIAL INDUSTRIAL (CI) ZONE

8.1 GENERAL

- 1) Except as otherwise provided in this Bylaw, the following standards shall apply to all *buildings* and *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of *land used* in a CI Zone.

8.2 PERMITTED USES

- 1) The following are *permitted uses* in the CI Zone:
 - a. *resource-related commercial;*
 - b. *non-resource-related commercial uses;*
 - c. *auto body repair shops;*
 - d. *service stations;*
 - e. *car washes;*
 - f. *kennels;*
 - g. *tourism establishments;*
 - h. *tourist attractions;*
 - i. *light industrial uses;*
 - j. *mixed residential / commercial building;*
 - k. *residential dwellings of all types;*
- 2) The following are permitted as *accessory* or *secondary uses* in the CI Zone:
 - a. *accessory buildings;*
 - b. *home-based businesses*
 - c. *secondary suites.*

8.3 SITE SPECIFIC AMENDMENT USES

- 1) Notwithstanding section 8.2 above, the following may be permitted through the site-specific amendment process, subject to such conditions as *Council* deems necessary:
 - a. *cannabis operations;*
 - b. *resource-related industrial uses;* and
 - c. *non-resource industrial uses* other than *light industrial uses.*

8.4 SUPPORTING INFORMATION

- 1) Any application for a site-specific amendment pursuant to section 8.3 shall be accompanied by the following supporting information, in a form acceptable to Council:
 - a. a statement documenting the precise means by which the *development* will maintain or enhance the rural character of the community;
 - b. a statement documenting the compatibility of the *development* with adjacent land *uses*;
 - c. an overview of measures to protect significant natural features;
 - d. environmental engineering designs and plans detailing environmentally acceptable permanent, long term water supply and sewage disposal systems and methods for protecting the natural environment, prepared by a licensed engineer; and
 - e. long term plans for those portions of the *property* which are not proposed to be developed.

8.5 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply to any *development* in a CI Zone:

	(On-Site Serviced)	Shared Sewer	Shared Water and Shared Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,394 sq. m. (15,000 sq. ft.)
Maximum Lot Area		0.4 ha (2 acres)	
Minimum Frontage	see Schedule B	see Schedule B	30.5 m. (100 ft.)
	All Lots		
Minimum Front Yard	7.6 m. (25 ft.)	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads	
Minimum Rear Yard		6.1 m. (20 ft.)	4.6 m. (15.1 ft.)
Minimum Side Yard		4.6 m. (15.1 ft.)	
Maximum Building Height		10.8 m. (35 ft.)	
Minimum Flankage Yard	7.6 m. (25 ft.)	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads	
Maximum Lot Coverage		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 amended from time to time, and where there is a conflict, the more stringent shall apply. See SCHEDULE B | PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS.

8.6 LANDSCAPED AREAS

- 1) Where a *commercial* or *industrial* establishment is adjacent to a *residential use*, a landscaped strip of not less than 7.62 m. (25 ft.) in width shall be maintained in a properly landscaped condition, free of parking or *buildings* or outside storage, and shall be located on the same lands as the *commercial* or *industrial* establishment.

8.7 DWELLINGS IN A COMMERCIAL BUILDING

- 1) A mixed-use *commercial/residential building* may have a combination of *commercial use* and *residential use* provided they meet the following requirements:
 - a. *dwelling units* may be permitted on the same floor as *commercial uses*, provided they are completely segregated from the *commercial use* and have a separate entrance which serves the *dwelling unit(s)*.
 - b. the *dwelling unit* shall not be above a *restaurant, lounge, automobile service station*, dry-cleaning establishment, or repair shop storing explosive materials;
 - c. for each *dwelling unit*, 400 sq. ft. (47 sq. m.) of landscaped *open space* and *parking spaces* in accordance with part 5 are provided; and
 - d. each *dwelling unit* meets the requirements of the provincial fire marshal.

8.8 AUTOMOBILE SERVICE STATION

- 1) Notwithstanding any other provision of this Bylaw, the following special provisions shall apply to an *automobile service station*:

	Requirement
Minimum Lot Frontage	45.72 m. (150 ft.)
Minimum Pump Setback	6.10 m. (20 ft.)
Minimum Pump Distance from access or egress	9.14 m. (30 ft.)
Minimum Width of Driveway	7.62 m. (25 ft.)

- 2) Where the *service station* includes an *automobile washing establishment*, all washing operations shall be carried on inside the *building*.

8.9 CAMPGROUNDS AND RV PARKS OR SITES

- 1) all *campgrounds* and *RV parks* or sites shall conform to the minimum provisions of the Summer Trailer Court, Tenting and Camp Areas Regulations made pursuant to the *Public Health Act* (PEI), as amended from time to time.
- 2) All applications to *develop* or expand a *campground* or *recreational vehicle park* or sites shall include a *site plan* showing the following information:
 - a. boundaries of the *property* to be developed;

- b. outline of trees or vegetative cover and a general indication of maturity and type;
- c. indication of adjacent *property uses* and abutting features which require consideration;
- d. location and size of built features
- e. an accurate and complete overlay of all features of the proposed *development*, including, but not necessarily limited to:
 - i. proposed ingress and egress to the site, including *parking areas*, stalls, and adjacent *streets*, and delineation of traffic flow with directional arrows, and indication of the location of directions *signs* or other motorists' aids;
 - ii. designation of required buffer screens (if any);
 - iii. existing *landscaping* that will be retained and proposed *landscaping* shall be differentiated and shown;
 - iv. locations of all existing (to remain) and proposed *buildings* on the site and all *buildings* within 50 feet of the site's boundaries; and
 - v. location of all existing (to remain) and proposed lighting standards and *utility* poles, complete with routing of electrical supply;

9. ~~PARKS AND OPEN SPACE (OS)~~ AND RECREATION (PR) ZONE

9.1 GENERAL

- 1) Except as otherwise provided in this Bylaw, the following standards shall apply to all *buildings* and *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of *land* used in an **PR** Zone.

9.2 PURPOSE

- 1) The **PR** Zone is established principally to support public and private recreational, parks and open space uses.

9.3 PERMITTED USES

- 1) The following are *permitted uses* in the **PR** Zone:
 - a. *historic* and *heritage sites*;
 - b. *trails*;
 - c. *pavilions* and *bandstands*
 - d. *recreational facilities*; and
 - e. sports fields.
- 2) The following are permitted as *accessory* or *secondary uses* in the **PR** Zone:
 - a. *accessory buildings*, including washrooms and concession stands;
 - b. administrative offices; and
 - c. parking lots.

9.4 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply to any *development* involving a *building* in a **PR** Zone:

	(On-Site Serviced)	Central Sewer	Shared Water and Central Sewer
Minimum Lot Area	see Schedule B	see Schedule B	1,394 sq. m. (15,000 sq. ft.)
Minimum Frontage	see Schedule B	see Schedule B	30.5 m. (100 ft.)
	All lots		
Minimum Front Yard	7.6 m. (25 ft.)	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads	
Minimum Rear Yard		6.1 m. (20 ft.)	4.6 m. (15.1 ft.)
Minimum Side Yard		4.6 m. (15.1 ft.)	

Minimum Flankage Yard	7.6 m. (25 ft.) 15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft) – subdivision roads
Maximum Building Height	10.8 m. (35 ft)

- 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 amended from time to time SCHEDULE B | PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS.

9.5 PARKS CANADA NATIONAL HISTORIC SITE

- 1) Land *use* decisions related to the National Historic Site shall be vested in the federal government and no *development permits* shall be required.

10. ENVIRONMENTAL RISK (ER) ZONE

10.1 GENERAL

- 1) Except as otherwise provided in this Bylaw, the following standards shall apply to all *buildings* and *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of *land* used in the ER Zone.

10.2 PURPOSE

- 1) The ER Zone is intended to enhance the protection of surface and ground water quality, sensitive natural systems, and wildlife habitat and to protect persons and properties from risk or harm in areas subject to other development constraints.
- 2) Where a property in the ER Zone is subject to one or more development constraint, the more stringent requirements shall apply.

10.3 BUFFER ZONE

- 1) Except where otherwise permitted in this part, no *building* or part thereof and no land subject to a *buffer zone* shall be *used* for purposes other than:
 - a. conservation activities;
 - b. *open space*;
 - c. *public works* associated with flood control;
 - d. intake and conveyance associated with commercial aquaculture; and
 - e. *passive recreational uses*.
- 2) Subsection 1) does not apply to buildings or structures used for fishing or bait sheds, aquaculture operations, boat launches, structures or buildings on a wharf, or wharf structures, but Council, in issuing a *development permit*, may stipulate that the building or structure be located some fixed distance from the watercourse or wetland.
- 3) Structures that involve minimal disturbances such as gazebos, flagpoles, and fences, may be permitted within the *zone*, provided all other bylaw standards and provincial requirements for permits are met.
- 4) Passive agricultural activities, together with tree, shrub and plant cover is intended to be predominant *use* for those areas in this *zone* that are subject to a buffer zone requirement.
- 5) In a *buffer 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*.

- 6) No *person* shall, without a license or a provincial Watercourse, Wetland and Buffer Zone Activity Permit, alter or disturb the ground or soil within the *buffer zone* as defined in the *Environmental Protection Act*, Watercourse and Wetland Protection Regulations.
- 7) All properties or portions of properties having a *wetland*, *watercourse*, or *buffer zone* shall be included in the ER Zone and applications for subdivision and development permits on these properties will be referred to the provincial department responsible for the *Environmental Protection Act*.
- 8) For the avoidance of doubt, the requirements in this Bylaw for the ER 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.

10.4 WELLFIELD

- 1) The following are *permitted uses* in the ER Zone for properties located within a Wellfield designated by the Town of Cornwall:
 - a. *agricultural uses*, general;
 - b. *fishery uses*;
 - c. *forestry uses*;
 - d. *resource-related commercial uses*; and
 - e. *single-detached dwellings*; and
 - f. *duplex and semi-detached dwellings*.
- 2) Prior to issuance of a *development permit* for a property located within a designated Cornwall Wellfield in the ER Zone, the *Development Officer* may:
 - a. notify the Town of Cornwall 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 Cornwall Wellfield from potential direct, indirect and long-term impacts of the proposed *development* and *land use*.
- 3) Structures that involve minimal disturbances such as gazebos, flagpoles, and fences, may be permitted within the *zone*, provided all other bylaw standards and provincial requirements for permits are met.

10.5 CONTAMINATED SITES

- 1) The following are *permitted uses* in the ER Zone for properties that have been registered *provincially* as a contaminated site:
 - a. *agricultural uses*, general;

- b. *fishery uses*;
 - c. *forestry uses*;
 - d. non-residential *institutional uses*; and
 - e. *resource-related commercial uses*.
- 2) For an application for a *development permit* on a lot that has been registered as a contaminated site, the application shall include confirmation from the *Province* that the proposed *use* meets all provincial environmental regulations.

10.6 SETBACKS FROM WATERCOURSES, EMBANKMENTS AND WETLANDS

- 1) 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.
- 2) Notwithstanding anything contained in this Bylaw, the minimum horizontal setbacks for watercourse and wetland *buffer zones* shall be determined as follows:

- a. *coastal area*: the greater of:
 - i. 15 m. (49.21 ft.) plus the minimum Setbacks for the proposed *Building* or *Structure* for the Zone adjacent to the ER Zone; or
 - ii. 60 times the annual rate of erosion, where applicable, as determined by the provincial department responsible for such calculations; **or**

- b. *non-coastal area*: within 15 metres (50 feet) of the any river, stream or watercourse located within or bordering on the legal boundaries of the Municipality; **or**

- c. ~~the West River north of the Trans Canada Highway as indicated in Schedule F: 60 metres (200 feet).~~

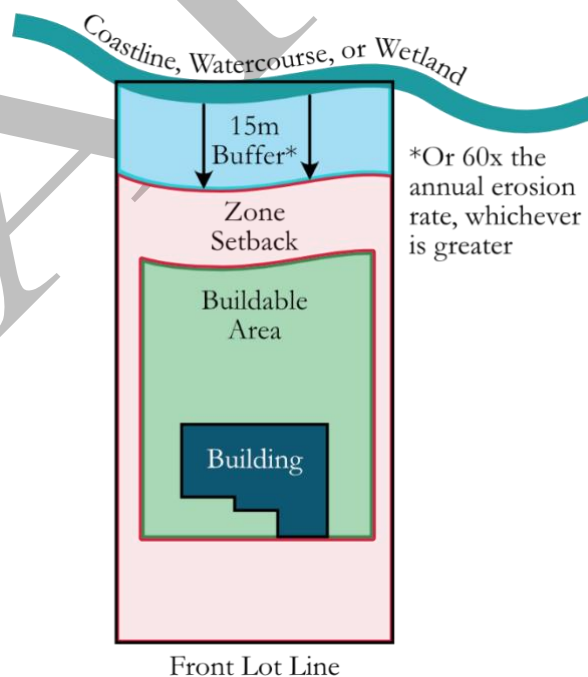


Figure 2 – horizontal setback – coastal areas, watercourses or wetlands

- 3) 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 ~~3.01 m. (9.88 ft.) CGVD2013~~ ~~(3.35 m. (11 ft.) CGVD28)~~ 3.13 m. (10.27 ft.) CGVD2013 (3.52 m. (11.55 ft.) CGVD28) 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.

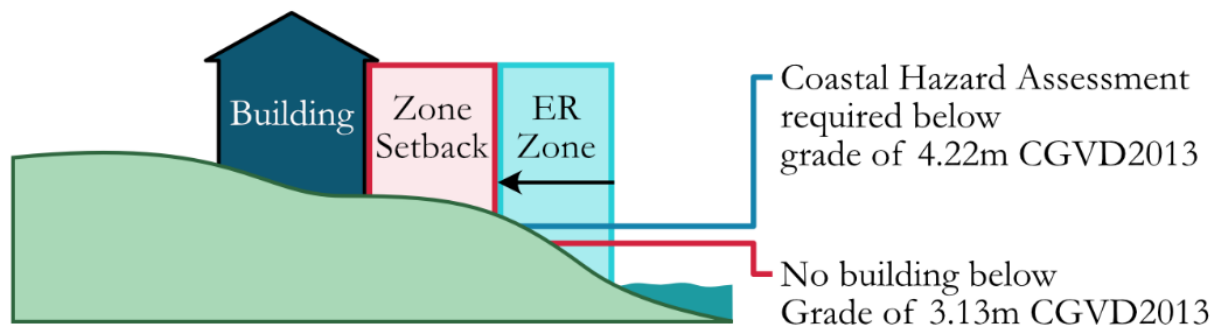


Figure 5 – Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, Example A

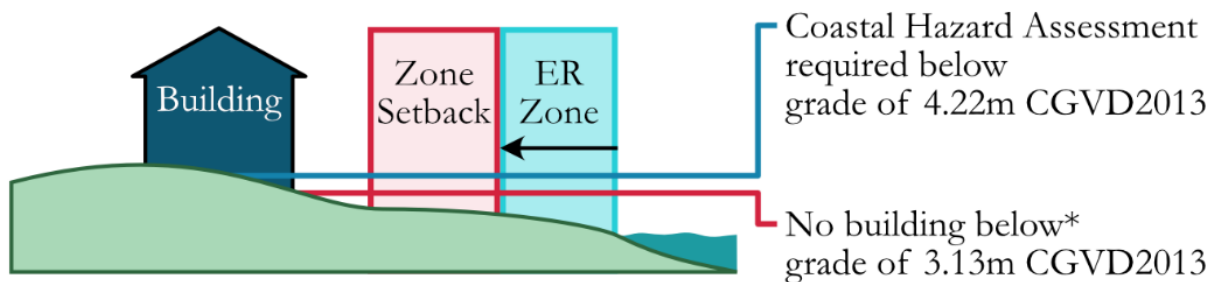


Figure 5 Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, Example B

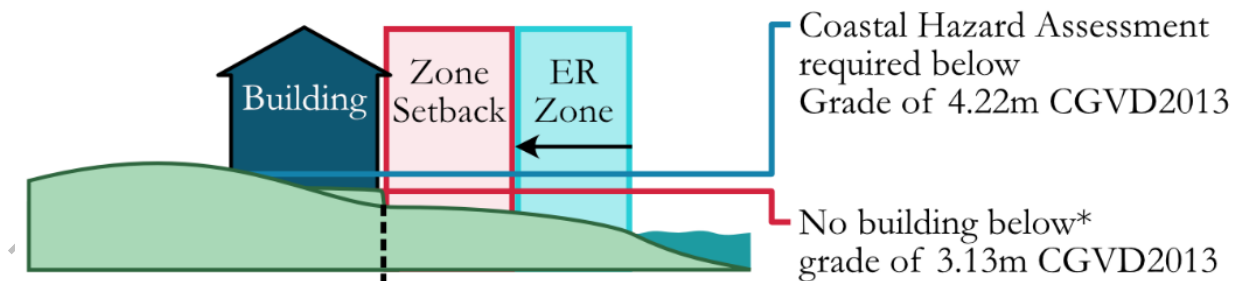


Figure 5 Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, with raised grade

* Except where grade can be raised in area outside of the wetland and watercourse buffer

- 4) 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, except where a Watercourse, Wetland and Buffer Zone Activity Permit has been issued by the Province.
- 5) where a *property* is at risk of coastal flooding or erosion, the *development officer* or *Council*, as appropriate, may require *property owners* to engage a qualified professional regarding
- 6) the design and location of any coastal *development* to ensure that the projected lifespan of the *development*, value of a *structure*, and individual risk tolerances are considered when making decisions about the development of a coastal *property*.
- 7) An erosion management plan may be required to address siltation and overland erosion during construction that may impact an adjacent *wetland* or *watercourse*
- 8) *Development* will be in accordance with provincial policies and regulations to address coastal flood risk, erosion, and environmentally sensitive areas.
- 9) For the avoidance of any doubt, *setbacks* for *buildings* and *structures* on properties containing or bordering on an ER Zone shall be calculated from the boundary of the *zone*, not the *property* line.

11. VARIANCES

11.1 VARIANCE APPLICATIONS

- 1) When a *development permit* application cannot be approved because the proposed *development* does not meet the minimum requirements of the bylaw, the *applicant* may apply for a *variance*.
- 2) A *variance* from the minimum requirements of this Bylaw may be granted for any of the following requirements provided they meet the intent of the *Official Plan*:
 - a. *lot area* or dimensions or both;
 - b. *setbacks*; or
 - c. the area, *height*, or size of a *structure*;
- 3) *Variance* applications shall be considered against the following tests for justifying a *variance*:
 - a. that the *lot* in question has peculiar physical conditions, including small *lot* size, irregular *lot* shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with Bylaw standards;
 - b. that strict application of all Bylaw standards would impose undue hardship on the *applicant* by excluding them from the same rights and privileges for reasonable *use* of their *lot* as enjoyed by other *persons* in the same *zone*;
 - c. that the *variance* is of the least magnitude required to enable reasonable *use* of the *lot*; and
 - d. that the proposed *variance* would not impact unduly on the enjoyment of adjacent *properties*, or on the essential character of the surrounding neighbourhood.
- 4) Authorization for a *variance* shall be documented and recorded in writing.
- 5) 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.
- 6) When an application for a *variance* has been decided, Council may refuse to hear an application for the same or a similar *variance* for the *lot* for one (1) year after its rendering a decision unless Council is of the opinion that there is new information.
- 7) 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.

11.2 VARIANCES OF UP TO 5%

- 1) The *development officer* may authorize a *variance* not exceeding 5% from the provisions of this Bylaw if, in the opinion of the *development officer*, the *variance* is appropriate and justified pursuant to subsection 11.1(3) and if the general intent and purpose of this Bylaw is maintained.

11.3 VARIANCES OF UP TO 10%

- 1) Council may authorize a *variance* not exceeding 10% from the provisions of this Bylaw if, in the opinion of Council, the *variance* is appropriate and justified pursuant to subsection 11.1(3) and if the general intent and purpose of this Bylaw is maintained.

11.4 VARIANCES IN EXCESS OF 10%

- 1) Notwithstanding any other section of this Bylaw, Council in its discretion may authorize *variance* in excess of ten percent (10%) but no greater than 50% from the provisions of this Bylaw, where warranted, if Council deems such a *variance* appropriate and if such *variance* meets the criteria of subsection 11.1(3) and is in keeping with the general intent and purpose of this Bylaw and the *Official Plan* for the Municipality.
- 2) Before Council considers a *variance* in excess of 10%,
 - a. the *development officer* shall:
 - i. receive from the *owner* sufficient funds to cover the costs of the application fee, and the advertising and mailing of written notices required for a public meeting under section 12.4; and
 - ii. provide written notice in accordance with the requirements of clause 12.41)b) explaining the details of the proposed application and the date by which written comments must be received,
 - b. Council shall:
 - i. hold a public meeting to receive comments on the proposed *variance*, notice of which shall be provided in accordance with the provisions of section 12.33) indicating in general terms the nature of the *variance* application and the date, time, and place of the meeting; and
 - ii. request and consider the recommendation of Planning Board.
- 3) In making its recommendation, Planning Board shall consider the application having regard for the criteria in subsection 11.1(3), the input received from the public, and the policies and objectives of the *Official Plan* and shall make a recommendation to Council.

12. OFFICIAL PLAN AND BYLAW AMENDMENTS

12.1 AMENDMENT APPLICATIONS

- 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 that Council consider the proposed amendment. Any request for an amendment shall be signed by the *person* seeking the amendment or the *person's* authorized agent.
- 2) A change to either the text or the Zoning Map of this Bylaw is an amendment and any amendment shall be consistent with the policies of the Official Plan.
- 3) An application under this section shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal or other potential permitted uses, including but not limited to:
 - a. general development concept showing proposed land *uses*, any *subdivisions*, *buildings*, means of servicing, traffic access and parking; and
 - b. assessment of any potentially significant *development* impacts on the Municipality's infrastructure and the natural environment.
- 4) The *applicant* shall, at the time of submitting the application, deposit with the Municipality the application fee and any other required fees in accordance with the schedule of fees established by Council and annexed hereto as Schedule C.
- 5) 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*.
- 6) Related Official Plan and Bylaw amendments may be considered concurrently, provided that the public and written notices required under section 12.4 indicate in general terms the nature of both the proposed Official Plan amendment and proposed bylaw amendment, and consideration and a decision regarding the Official Plan amendment precedes the Bylaw amendment.

12.2 SITE-SPECIFIC AMENDMENTS

- 1) Council may approve a site-specific amendment to the permitted uses and standards in any *zone* through a bylaw amendment process, where the following criteria are satisfied:
 - a. the proposed site-specific amendment is not contrary to the *official plan*. If an application is contrary to the policies in the *official plan*, an application to amend the *official plan* must be filed in conjunction with the application;
 - b. the proposed use of land or a *building* that is otherwise not permitted in a *zone* is sufficiently similar to or compatible with the permitted uses in a that *zone*; and
 - c. the proposed *use* does not undermine the overall integrity of the *zone*, is in the public interest, and is consistent overall with good planning principles.
- 2) Prior to making a decision with regards to an application for a site-specific amendment, *Council* shall ensure that:
 - a. written notice to adjacent *property owners* is provided in accordance with section 12.4, including details of the proposed *development* and inviting written comments;
 - b. a public meeting is held, where required for the proposed site-specific amendment, to receive comments on the proposed *use* in accordance with the requirements of section 12.4; and
 - c. all other relevant provisions of this Bylaw can be met.
- 3) Notwithstanding any other provision of this by-law, Council may approve a site-specific amendment to the permitted uses or regulations within any *zone*, after:
 - a. receiving a recommendation from the *development officer* and *planning board*; and,
 - b. following the process as prescribed for an amendment to this bylaw.

12.3 AMENDMENT PROCEDURES

- 1) Planning Board shall review each amendment request and provide recommendations to Council.
- 2) Prior to making a final recommendation with regards to a proposed amendment to the Official Plan or this Bylaw, Planning Board shall provide public notice and hold a public meeting pursuant to the provisions of section 12.4 in this Bylaw and the requirements of the *Planning Act*.

- 3) 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.
- 4) Planning Board and Council shall consider the following general criteria when reviewing applications for amendments to the Bylaw, as applicable:
 - a. conformity with the Official Plan;
 - b. conformity with all requirements of this Bylaw;
 - c. suitability of the site for the proposed *development*;
 - d. compatibility of the proposed *development* with surrounding land *uses*, including both existing and future *uses* as per the Zoning Map;
 - e. any comments from residents or other interested *persons*;
 - f. adequacy of existing water supply, wastewater treatment and disposal systems, *streets*, stormwater management, and *parklands* for accommodating the *development*, and any projected infrastructure requirements;
 - g. impacts from the *development* on pedestrian and vehicular access and safety, and on public safety generally;
 - h. compatibility of the *development* with environmental systems;
 - i. impact on the Municipality's finances and budgets; and
 - j. other matters as considered relevant by the Planning Board or Council.
- 5) Following the public meeting and after having considered the recommendation of Planning Board, Council shall formulate a decision on the proposed amendment. Council shall have the authority to determine whether an amendment request is approved, modified, or denied in accordance with the procedures established under the *Planning Act*.
- 6) All amendments to the Official Plan or this Bylaw shall be made in accordance with the procedures set out in the *Planning Act*.
- 7) The *development officer* shall notify the *applicant* in writing of the decision and the decision shall be posted on the Municipality's website in accordance with section 23.1 of the *Planning Act*. Where a proposed amendment has been denied by Council, the reasons for the denial shall be stated in writing to the *applicant*.
- 8) Amendments to the Official Plan or this bylaw approved by Council also require approval by the Minister responsible for administering the *Planning Act* or any successive legislation.

- 9) No *development permits* or *subdivisions* related to a proposed amendment shall be approved until the approval from the Minister responsible for administering the *Planning Act* or any successor legislation has been granted for the necessary amendments.
- 10) When an application for an amendment has been decided, Council may refuse to hear the same or a similar application for one (1) year after rendering a decision unless Council is of the opinion that there is new information.
- 11) The Council retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land use planning standards or the Official Plan. Should the Council not proceed with a public meeting, the application fee as per subsection 12.14)) shall be returned to the Applicant.
- 12) Nothing in this bylaw restricts the right of Planning Board or Council to initiate its own amendment to the Official Plan or this Bylaw.

12.4 PUBLIC MEETING REQUIREMENTS

- 1) Where a public meeting is required under this bylaw the *development officer* shall, at least seven (7) *clear days* prior to the public meeting;
 - a. ensure that a notice is placed in a newspaper circulation in the area and on the Municipality's website;
 - b. ensure that written notice is provided to all *property owners* wholly or partially within:
 - i. 153 m. (502 ft.) of all boundaries of the subject *property*, where the subject of the meeting is an application for a *variance* pursuant to subsection 11.42);
 - ii. 153 m. (502 ft.) of all boundaries of the subject *property*, where the *property* is the subject of the meeting for an amendment to the Official Plan or this Bylaw, including a change in zoning or a site-specific amendment; and
 - iii. 305 m. (1,000 ft.) of all boundaries of the subject *property*, where the subject of the meeting is an application for an *intensive livestock operation*; and
 - c. in the case of an application for a change in zoning or a site-specific amendment, ensure a sign a minimum of 1.22 m. by 1.22 m. (4 ft. by 4 ft.) is placed on the land being proposed for a rezoning or site-specific amendment indicating that an application has been received and directing people to contact the Municipality to get the specific details.
- 2) Where, in the opinion of Council, an application is related to a *property* of public interest, Council may establish a greater distance from the boundaries of the subject *property* requiring written notice.

12.5 ZONING AND GENERAL LAND USE MAP REVISIONS

- 1) The *development officer* may make technical revisions to the Zoning Map and the Future Land Use Map in the Official Plan for purposes of
 - a. better reflecting detailed or changing topographical or legal conditions such as new *streets* or approved *lots*; or
 - b. ensuring that the Zoning Map and the Future Land Use Map reflect approved amendments to the Official Plan and Bylaw.

13. GENERAL PROVISIONS FOR SUBDIVIDING LAND

13.1 SUBDIVISION APPROVAL

- 1) No *person* shall *subdivide* one or more *lots* or any portion or interest in a *lot* and no *person* shall *consolidate* two or more *parcels* of land until the conditions of this Bylaw have been complied with and the *applicant* has received final approval from the *development officer* or *Council*, as applicable.
- 2) Notwithstanding subsection (1), where a *parcel* is naturally *subdivided* into two or more units by a *public street*, a *watercourse*, or other body of water, each of the units shall be treated as a separate parcel.

13.2 CONVEYING INTEREST IN A LOT

- 1) No *person* shall sell or convey any interest in a *lot* before the *development officer* or *Council*, as the case may be, has issued a stamp of approval for the *lot* or the *subdivision* in which the *lot* is situated.

13.3 PERMISSION TO SUBDIVIDE

- 1) No land shall be subdivided within the *Municipality* unless the *subdivision*:
 - a. conforms with the requirements of this Bylaw;
 - b. is suitable to the topography, physical conditions, soil characteristics, and the natural surface drainage of the land;
 - c. will not cause undue flooding or erosion;
 - d. has *public street* access;
 - e. has adequate utilities and services available or can reasonably be provided with such utilities and services;
 - f. will provide for effective and efficient traffic flow and access that takes into consideration emergency access, natural hazards, and other safety risks;
 - g. is designed so that *lots* will have suitable dimensions, shapes, orientation and accessibility;
 - h. is designed to accommodate climate change mitigation and adaptation measures; and
 - i. is suitable to the *use* for which it is intended, and the future *use* of adjacent lands.

13.4 REDUCED LOT FRONTAGE OR AREA

- 1) If a *parcel* of land in any *zone* is of such configuration that the Council deems it cannot reasonably be subdivided in such a way to provide the required minimum *frontage* on a *street* or where *lots* are designed with a reduced *frontage* along a bend in a *street* or facing a cul-de-sac, the Council may approve a reduced *frontage*, if in the opinion of the Council:

- a. adequate and safe access is provided;
- b. the *lot* width at the front *building line* measures at least as much as the minimum *lot frontage* for the *zone*; and

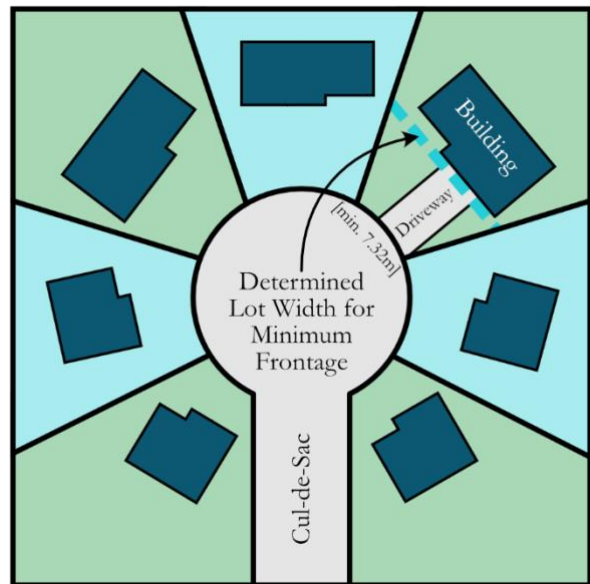


Figure 6 Cul-de-Sac Lot Frontage

- c. the access driveway has a minimum *frontage* of 7.32 m (24 ft)
- 2) The *subdivision* of *panhandle lots* shall be restricted to parcels existing in separate *ownership* as of the effective date of this Bylaw and not more than ~~one (1)~~ two (2) *panhandle lot* may be subdivided per existing parcel.
- 3) The minimum acceptable *frontage* for a *panhandle lot* shall be 7.32 m. (24 ft.) and the *lot width* at the front *building line* shall measure at least as much as the minimum *lot frontage* for the *zone*;
- 4) The area of the access driveway or right-of-way portion of a *panhandle lot* shall not be included in the minimum *lot area* requirements.
- 5) The *subdivision* or *consolidation* of an existing non-conforming *lot(s)* may be permitted if the *subdivision* or *consolidation* results in an increase to the *lot area* or *lot frontage* or both, even if the *lot* will remain undersized following the *subdivision*, where the *subdivision* would otherwise be permitted under this Bylaw.

13.5 SUBDIVISIONS IN RURAL AREA (RA) AND COMMERCIAL INDUSTRIAL (CI) ZONES

- 1) Within a Rural Area (RA) Zone *subdivisions* shall be restricted to existing *parcels* only and no *person* shall be permitted to *subdivide* more than four (4) *lots* from any existing *parcel* of land, no more than two (2) of which may be approved for uses other than *residential* or *resource-related* uses.

- 2) Within a Commercial Industrial (CI) Zone, *subdivisions* shall be restricted to existing *parcels* only and no *person* shall be permitted to *subdivide* more than two (2) *lots* from any existing *parcel* of land.
- 3) For the purposes of this section, existing parcel shall mean a *parcel* of land which was held in separate *ownership* as of the effective date of this Bylaw.
- 4) Within the Rural Area (RA) Zone:
 - a. A *residential subdivision* shall not be permitted within 305 m. (1000 ft.) of the *lot line* of an existing *intensive livestock operation*; and
 - b. where a *residential subdivision* is proposed, the *development officer* shall provide written notice to all operators of *intensive livestock operations* within 305 m. (1,000 ft.) of the boundaries of the *lot*, informing them of the details of the application and soliciting their comments.

13.6 SUBDIVISIONS IN THE SPECIAL PLANNING AREA

- 1) In the areas subject to the Cornwall Region Special Planning Area, ~~any applicant seeking approval of a subdivision that would bring the number of lots approved for subdivision from a parcel in existence as of the effective date of this Bylaw to more than four (4) lots shall be required to provide shared water and wastewater treatment to service all lots that have been severed from that parent parcel on or after the effective date of this Bylaw~~ any approval of a *subdivision* that would bring the number of lots approved for *subdivision* from a *parcel* of land that existed on July 9, 1994 to more than five (5) lots shall be conditional on all lots being connected to a central water service, central sewerage service, or both of them, by a municipal water utility, municipal sewerage utility, or both of them, or an irrevocable agreement having 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*. [Revised to reflect the actual wording of subsection 63(10) of the Subdivision and Development Regulations, which is mandatory.]

13.7 CONSERVATION SUBDIVISIONS

- 1) Notwithstanding the provisions of this Bylaw and in particular the minimum *lot* size standards in the RR Zone, within any Rural Residential Zone, Council may grant approval of *conservation subdivisions* with reduced standards for minimum *lot* size where the following criteria have been met:
 - a. a site-specific amendment has been approved for the property;
 - b. the *property* to be subdivided is at least 6 hectares in size;
 - c. all proposed *lots* comply with the minimum *lots* size standards established in the *Planning Act* Province-Wide Minimum Development Standards Regulations;

- d. at least 50% of the lands being *subdivided* is put aside in the form of an undivided permanent conservation zone to be deeded to the *Municipality* or a recognized land trust or conservancy, and a maintenance fund is established to protect this conservation area;
- e. all undivided *open space* capable of further *subdivision* shall be restricted from further *subdivision* through a permanent conservation easement, in a form acceptable to the Municipality, and duly recorded with the Provincial Registry Office;
- f. at least twenty-five percent (25%) of the minimum required *open space* shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site;
- g. a portion of the conservation zone shall be designated for general *public* access;
- h. the *subdivision* is serviced by shared on-site water and wastewater treatment systems that meet current provincial standards and are designed and certified by a licensed professional engineer;
- i. the required *open space* may be *used*, without restriction, for underground drainage fields for community septic systems, subject to approval by the provincial department responsible for the environment; and
- j. Council may conduct a public meeting to consider public opinion on the design of the *subdivision*.

13.8 REQUIREMENTS FOR COASTAL, WATERFRONT, AND WETLAND AREAS

- 1) Where a *subdivision* is located adjacent to a *coastal area*, *watercourse*, or *wetland*, the *subdivision* shall be subject to the following:
 - a. *public* access to the beach or *watercourse* shall be provided if the *property* being subdivided includes *frontage* on a beach or *watercourse*, with at least one access measuring at least 6.1 m. (20 ft.) to be located approximately every 200 m. (656.2 ft.) of *watercourse frontage*;
 - b. where appropriate, the area to be set aside as *parkland* dedication shall be located at least in part along the *watercourse*; and
 - c. compliance with the requirements of subsection 4.6.
- 2) The area of a *lot* that falls within the ER Zone may be included as part of the *lot* in a *subdivision* of a *lot* adjacent to a *wetland* or *watercourse*, where the *lot* has sufficient area exclusive of the area of the *wetland*, *watercourse* or *buffer zone* to permit the *setbacks* and on-site services, including the minimum circle diameter for on-site services, where required.

- 3) 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*.

13.9 ROAD STANDARDS

- 1) All new *streets* or extensions to existing *streets* or *private rights-of-way* shall be *public streets*.
- 2) 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.
- 3) Subject to sections 13.5 and 13.6, subsection (1) above, and all other requirements of this Bylaw, the *subdivision* of *lots* that abut, and require access to, a *collector highway* that has not been designated as infill under the *Roads Act* shall be subject to the following standards:

Frontage of parcel being subdivided:	Maximum number of <i>lots</i> that may be approved abutting, and requiring access to, the Collector Highway:
a. less than 402.3 m. (1,320 ft.), parcel existing prior to February 3, 1979	One <i>lot</i> , where no <i>lot</i> 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 <i>lot</i> 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 <i>lot</i> may be approved for Subdivision.
d. 402.3 m. (1,320 ft.) or more, parcel approved on or after February 3, 1979	One <i>lot</i> for every 201 m. (660 ft.) of Frontage, and each <i>lot</i> must have a minimum of Frontage of 201 m. (660 ft.).

- 4) Subject to sections 13.5 and 13.6, subsection (1) above, and all other requirements of this Bylaw, one *lot*, in addition to those permitted in clauses 13.9(3)(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*.
- 5) Subsection (3) 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*.

- 6) notwithstanding the restrictions on *subdivisions* specified in subsection (3), and subject to sections 13.5 and 13.6 and subsection (1), 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 *street* connecting to and within the *subdivision* to serve the *lots*; and
 - b. all other requirements of this Bylaw can be met.

13.10 SUBDIVISIONS OF SEMI-DETACHED AND TOWNHOUSE DWELLINGS

- 1) *Semi-detached* and *townhouse dwellings* may be divided independently for individual sale and *ownership* provided that:
 - a. the *subdivision* would not result in a total number of *lots* exceeding the maximum number of lots which may be severed from an existing *parcel* under this Bylaw;
 - b. a *subdivision* of the *parcel* of land has been approved by the *development officer* and such *subdivision* provides for appropriate easements or common area to allow entry by an *owner* of any portion of the *building* to their backyard area;
 - c. the *units* shall be separated from the *basement* floor to the underside of the roof sheathing by a vertical fire wall built in accordance with the National Building Code;
 - d. a separate well and sewage disposal system is provided for each *unit*;
 - e. separate electrical services are provided for each *unit*;
 - f. a separate heating device is provided for each *unit*;
 - g. separate *parking* is provided for each *unit* unless the council waives the requirement; and
 - h. a copy of the agreement made between the *owners* covering the following terms is approved by the Council and registered on the title of each Unit. The agreement shall address the following:
 - 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 as shall be imposed by the *development officer* or Council, as appropriate.

13.11 APPLICATION AND PRELIMINARY APPROVAL PROCESS

- 1) Any *Person* seeking approval of a *Subdivision* shall first make application for preliminary approval, and shall be required to submit to the *development officer* the following:
 - a. an application in the form prescribed by the Council;
 - b. the application fee as set forth in Schedule C;
 - c. An orthophoto showing the location of the *parcel* and all adjoining *properties*;
 - d. A soil assessment;
 - e. A description of *uses* on the surrounding *parcels*; and
 - f. five (5) copies of a preliminary *Subdivision* plan, prepared by a licensed Prince Edward Island land surveyor or engineer, showing:
 - i. contours showing topography of the *Parcel* with at least 2 m (6.56 ft) contour lines;
 - ii. the true shape and dimensions of the proposed *lots*;
 - iii. the location of every existing *Building* or *Structure* on the *Parcel* and adjacent *Parcels*;
 - iv. existing and proposed services and utilities;
 - v. proposed widths and locations of all *Streets*;
 - vi. location of land proposed for *open space* and *parks use*, if applicable;
 - vii. proposed surface water drainage patterns and designed drainage features, when applicable; and
 - viii. other existing features, including *buildings*, *watercourses*, *wetlands*, *buffer zones*, wooded areas, and areas subject to flooding or erosion.
- 2) The *development officer* may also require the *applicant* to provide additional information 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 stormwater management plan;
 - d. a traffic survey or a traffic study;
 - e. a written assessment by the Provincial Government on potential environmental impacts, including requirements imposed by provincial statutes, regulations or other enactments;
 - f. a written assessment by the Provincial Government on access, transportation or pedestrian issues related to the design; and

- g. any other studies or documentation necessary to adequately assess the impact of the proposed *subdivision*.
- 3) The *development officer* or *Council*, as the case may be, may refuse to approve a *subdivision* which is unsuitable under the provisions of this Bylaw.
- 4) The *development officer* or *Council*, as appropriate, shall evaluate any proposed *subdivision* to determine whether:
 - a. the proposed *subdivision* meets the intent of the *official plan* and the requirements of Part 13 of this Bylaw;
 - b. appropriate *street* design standards and *lot* configurations have been used to promote the *development* of safe, convenient, and pleasant neighbourhoods; and
 - c. a *subdivision* agreement shall be required pursuant to section 13.14.
- 5) 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 or sewerage disposal or both may be required as a condition of *subdivision* approval.
- 6) *Street* design drawings and a stormwater 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 *street*.
- 7) 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.
- 8) Where the *development officer* or Council 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.
- 9) Preliminary approval for any proposed *subdivision* shall not be construed as final approval of such *subdivision* for legal conveyance or for land registration purposes.

13.12 PARKLAND DEDICATION AND / OR PARKLAND DEDICATION FEE

- 1) A *person* seeking to subdivide ~~three (3)~~ five (5) or more *lots*, exclusive of the parent *parcel*, shall be required to dedicate and convey to the Municipality 10% of the lands being subdivided from the parent *parcel* for recreation and *public open space* purposes, subject to the following:
 - a. the location of the *parcel* of land to be conveyed shall be at the discretion of, and shall be subject to approval by *Council*;
 - b. the *parcel* of land shall be free of all encumbrances; and

- c. *Council* may apply some or all of the dedication and conveyance of the *lot area* to active transportation routes or trail systems or both 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, calculated on the projected value of the lands being subdivided, including all infrastructure costs upon final approval of the *subdivision*, and shall not take into account the value of *structures* on such lands. *Council* retains the right to use the province's land valuation and assessment division or a qualified property appraiser in determining the assessed value of the 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 or *uses*.
- 5) A further *subdivision* of land that has already been subject to a *parkland* dedication or conveyance shall be exempt from the requirements of this section.

13.13 SERVICING

- 1) The Council may require that new *subdivisions* be provided with shared water and wastewater treatment systems as a condition of *subdivision* approval.
- 2) All costs related to the design, approval, and construction of a shared or central water or wastewater treatment system shall be borne by the *developer(s)*.

13.14 SUBDIVISION AGREEMENT

- 1) The *Council* may require an *applicant* to enter into a *subdivision* agreement prior to issuing preliminary approval. the *subdivision* agreement may cover any matters as required by the *Council* and may include, but not be limited to the following:
 - a. the design and construction costs of sidewalks, water supply, wastewater treatment and disposal, *streets*, and *street* lighting;
 - b. the dedication of land for recreation and *public open space* purposes, or payment of a fee in lieu of land;
 - c. the building of *streets* to provincial standards and deeding of *streets* to the Department of Transportation and Infrastructure or its successor;
 - d. the posting of a financial guarantee satisfactory to the *Council*;

- e. the provision of a controlled landscape plan and stormwater management plan to facilitate the drainage of water and to guard against flooding of *lots* within the *subdivision* and adjacent *properties*;
- f. the provision of such services, facilities or actions as are necessary to ensure the satisfactory *development* of the *subdivision*;
- g. the provision for the *phasing* of the *subdivision*; and
- h. the preservation and enhancement of surface water drainage systems.

13.15 FINAL APPROVAL

- 1) A stormwater 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 the foundation elevation for the *main buildings* to be *erected* on each *lot*.
- 2) Final *subdivision* approval shall be granted by the *Municipality* only after the *applicant* has:
 - a. complied fully with all applicable requirements of this section, any *subdivision* agreement between the *applicant* and the *Municipality*, and any other conditions of preliminary approval;
 - b. submitted at least eight (8) copies of a final *survey plan* showing all *lots* pinned and certified by a surveyor registered to practice in the *province*; and
 - c. all agreements and other documents required under this bylaw have been prepared and concluded to the satisfaction of the *development officer*;
 - d. 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*;
 - e. the *applicant* has completed any necessary conditions of agreements with the provincial department responsible for transportation respecting *street* construction and the *street* has been accepted as public; and
 - f. the *applicant* has completed any necessary conditions of agreements with the provincial department responsible for transportation respecting *street* construction and the *street* has been accepted as public.
- 3) The *development officer* may require the *applicant* to provide a digital file containing the (real earth) geographic co-ordinates of the plan of *subdivision*.
- 4) The *development officer* shall give notice of final approval of a *subdivision* in writing and shall place the /municipality's seal and an approval stamp on the eight copies of the *survey plan* and shall return one copy to the *applicant*.
- 5) The *Municipality* shall file a copy of the final *survey plan* with:

- a. the provincial Registrar of Deeds (2 copies);
 - b. the provincial 911 Administration Office;
 - c. the Department of Transportation and Infrastructure or any successor department of transportation, as required; and
 - d. the Municipality's files.
- 6) The *Municipality* may grant final approval to part of a *subdivision* which is proposed to be developed in *phases*.

13.16 SEVERANCES & CONSOLIDATIONS

- 1) Notwithstanding the above provisions, the *development officer* may approve applications for single *lot subdivisions*, partial *lots* or easements and *lot consolidations* or *subdivisions* which do not require the extension of municipal services or *public streets* at their discretion, having regard for only those provisions which they deem applicable to each individual application, provided the application conforms with all other sections of this bylaw.
- 2) Any approval for a *lot consolidation* shall be conditional on the *applicant* combining the *lots* by deed expressing the perimeter boundary of the new parcel, and the *applicant* shall be responsible for registering the deed at the *Province's* land registry office at the *applicant's* cost.
- 3) Notwithstanding subsection 13.11 applications for final approval 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.

13.17 DEVELOPMENT PERMITS

- 1) No *development permit* shall be issued for any *lot* in a proposed *subdivision* until all the requirements of the *subdivision* agreement and of this Bylaw have been fulfilled and final *subdivision* approval has been granted.

13.18 RESCINDING OR ALTERING APPROVAL

- 1) An existing approved *subdivision* or portion thereof may be rescinded or *altered* by the *development officer* or *Council*, as the case may be, if:
 - a. the *subdivision* has been carried out contrary to the application, the conditions of approval, or the requirements of this Bylaw; or
 - b. the *subdivision owner* has confirmed in writing that the sale of *lots* is no longer intended and has requested that approval be rescinded.

14. PENALTIES

14.1 FINES

- 1) Any *person* who violates any provision of this Bylaw or who fails to perform any act hereunder or does any prohibited act, shall be guilty of an offence and liable on summary conviction
 - a. on a first conviction, to payment of a fine not exceeding \$2,000;
 - b. on a subsequent conviction, to a fine of not more than \$400 for each day upon which the contravention has continued after the day on which the *person* was first convicted;as well as payment of any outstanding fees. The judge presiding on any prosecution under this Bylaw may fix the costs of prosecution to be paid by the *person* found guilty.
- 2) Any prosecution for an offence under subsection (1) may be instituted within one year after the time when the contravention occurred.
- 3) The *applicant* and the *property owner* are liable for any offence under this Bylaw.
- 4) The Municipality is entitled to all of the enforcement remedies as set forth in Section 24 of the *Planning Act* and in Part 9 of the *Municipal Government Act*.

15. REPEAL

15.1 EFFECTIVE DATE

- 1) This Bylaw shall come into force effective the date of the signature of the minister responsible for the *Planning Act*.

15.2 REPEAL

- 1) The Rural Municipality of New Haven-Riverdale Zoning and Subdivision Control (Development) Bylaw, Bylaw # (enacted DATE, last amendment DATE) is hereby repealed.

16. DEFINITIONS

For the purpose of this Bylaw, all words shall carry their customary meaning except for those defined hereinafter.

In this Bylaw:

A

ACCESSORY BUILDING means a separate subordinate *building*, not *used* for human habitation which is *used* or intended for the personal use of the occupants of the *main building* to which it is accessory and located upon the parcel of land upon which such *building* is to be *erected*, and includes a detached garage.

ACCESSORY USE or **SECONDARY USE** means a *use* subordinate and naturally, customarily and normally incidental to and exclusively devoted to a *main use* of land or *building* and located on the same *lot*.

AGRICULTURAL USE means the utilizing of land, a *building*, or *structures* to raise crops or animals or fowl and including the harbouring or keeping of *livestock*, and includes:

GENERAL AGRICULTURAL USE means an *agricultural use* of a *building* or land pursuant to the *Farm Practices Act*, 1988 Cap. F-4.1.

INTENSIVE AGRICULTURAL USE means an *agricultural use* of a *building* or land for potato production, tobacco production, and *cannabis operations* and *intensive livestock operations* such as *abattoirs*, *piggeries*, year-round feed *lots*, and commercial poultry-keeping based on confinement rather than free-range operations.

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.

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

PERMITTED USE means a *use* which is allowable by right, subject to meeting applicable Bylaw requirements.

SPECIAL PERMIT USE means a *use* that may be problematic within a *zone* and whose intensity, impacts or other characteristics require review by council to ensure that the *development* meets certain restrictive performance standards for the *use* at the designated location.

ALTER means to make a change in the site, 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.

ANCILLARY USE or **ANCILLARY** means a listed, permitted land *use* that is additional, secondary, and complementary to a permitted principal or main *use*.

ANIMAL SANCTUARY means a place where animals are brought to live and be protected or rehabilitated.

AMENITY AREA means an area of land set aside for the purpose of visual improvement or relaxation.

APPLICANT means any *person* responsible for and authorized to complete an application for a *subdivision, development permit* or Bylaw or Official Plan amendment and for fulfilling any required preconditions or conditions of permit approval under this Bylaw.

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 percent (20%) of the length of the wall or roof line is common with the *main building* or *structure* wall or roof.

AUTOMOBILE SALES AND SERVICE ESTABLISHMENT means a *building* or part of a *building* or a clearly defined space on a *lot* used for the sale and maintenance of used or new automobiles.

AUTO BODY REPAIR SHOP or **AUTO BODY SHOP** means a *building* used for the storage, repair, and servicing of motor *vehicles* including body repair, detailing, painting and engine rebuilding.

AWNING means a roof-like shelter of canvas or other material extending over a doorway, from the top of a window, over a *deck*, etc., in order to provide protection, as from the sun.

B

BANDSTAND means a raised platform, with or without a roof or enclosed sites, intended for outdoor performances.

BASEMENT means a *storey* or *storeys* of a *building* located below the *ground floor*.

BED AND BREAKFAST means a *dwelling* in which there is a resident *owner* or manager who provides accommodation and meals (usually breakfast) for the travelling public and includes tourist home but does not include boarding house, rooming house, domiciliary *hostel*, *group home*, *hotel*, *motel*, *restaurant*, or *lounge*. *bed and breakfasts* may include *accessory* activities that are complimentary thereof.

BUFFER ZONE means the land within 15 m (49.2 ft) of a watercourse boundary or a wetland boundary as defined in the Watercourse and Wetland Protection Regulations, of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9.

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

BUILDING HEIGHT means the vertical distance *measured from the average finished Grade to the highest point of the roof surface.*

BUILDING LINE means any line defining the position of a *building* or *structure* on a *lot*.

BUSINESS means premises or activities where goods and/or services are offered, including but not limited to premises *Used* for the retail, wholesaling, manufacture or conversion of goods.

C

CAMPGROUND OR RV PARK means an area of land, managed as a unit, providing short term accommodation for tents, tent trailers, *recreational vehicles* and campers, featuring more than 3 sites.

CAMPGROUND OR RV SITE means an individual outdoor space, within a *campground* or RV Park or the premises of a *tourism establishment*, providing short term accommodation for tents, tent trailers, *recreational vehicles* and campers and allocated to one *person* or group.

CAMP, SUMMER means a camp, generally but not exclusively used during the summer, primarily used by children, providing facilities for sleeping and eating, and usually for handicrafts, sports, etc.

CANNABIS means cannabis as defined by the Government of Canada, pursuant to the *Cannabis Act*

CANNABIS OPERATION means a facility or premises authorized by a license issued by the Government of Canada, pursuant to the *Cannabis Act* for growing, producing, testing, destroying, storing, or distribution of cannabis but does not include the retail sale of cannabis-related products.

CAR WASH means a *building* or part thereof *used* for the operation of manual, automatic or semi-automatic automobile washing equipment.

CEMETERY means a spatially defined area where the intact or cremated remains of deceased people are buried or are otherwise interred.

CHANGE OF USE means the change of purpose for which land, *buildings*, or *structures*, or any combination thereof, is designed, arranged, *erected*, occupied, or maintained.

CLEAR DAYS means ‘clear days’ as defined in the PEI *Interpretations Act*, R.S.P.E.I. 1988, I-8

CLINIC means a *public* or private *building used* for medical, surgical, dental, physiotherapeutic, chiropractic, or other human health treatment by one or more licensed practitioners, but does not include *hospitals*.

CLUSTERED HOUSING means a land *development* project for more than two residential *use building* on the same *lot*.

CLUB means an association of *persons*, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. Club shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the *club* are conducted.

COASTAL AREA means all the lands, including surface water bodies, streams, rivers, and off-shore islands in the Municipality, lying within 500 m. (1640.42 ft.) inland and seaward of the mean high-water mark of all coastal and tidal waters.

COASTAL FLOODPLAIN means the area of land adjacent to the shoreline that will be affected by a coastal flooding event (i.e. storm surge) with a 1% chance of happening annually, often referred to as the 1-in-100 year flood level.

COMMERCIAL USE (NON-RESOURCE) means the sale or distribution of materials or provision of services including, but not limited:

- (i.) Art Galleries and Studios;
- (ii.) Bakeries;
- (iii.) Banks and Financial Institutions;
- (iv.) Business Offices and Professional Offices;
- (v.) Craft Breweries;
- (vi.) Craft Workshop and Studios;
- (vii.) Entertainment Establishments;
- (viii.) Event venues;
- (ix.) Golf courses;
- (x.) Lounges and Restaurants;
- (xi.) Retail Stores, Service Shops and Personal Service Shops;
- (xii.) Tourism establishments and attractions;
- (xiii.) Vehicle sales.

COMMUNICATIONS TOWER means a tower, pole, or similar *structure* of any size that supports wireless telecommunication equipment, transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users, above ground in a fixed location, free-standing, guyed, or on a *structure*.

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 and may include *ancillary institutional uses* but does not, unless otherwise ordered by the Lieutenant Governor in Council, include:

- (i.) a group home recognized as such by the Minister;
- (ii.) a residential school;
- (iii.) an establishment providing accommodation only;
- (iv.) a *Hospital*;
- (v.) a women's shelter;
- (vi.) a correctional institution;
- (vii.) a facility in which treatment services are provided under the *Addiction Services Act*

- R.S.P.E.I. 1988, Cap. A-3;
- (viii.) a Nursing Home; or
 - (ix.) a residential institution as defined in Part II of the regulations made under the *Welfare Assistance Act* R.S.P.E.I. 1988, Cap. W-3 which is operated or funded by the Minister.

COMMUNITY CENTRE means a *building, structure* or *public* place where members of a community gather for recreational, educational, artistic, social or cultural activities.

CONSERVATION SUBDIVISION means a *subdivision* designed to leave 50% of the land area in open space and place developed areas away from important water or natural resources, yet still allow a similar or greater lot yield as a traditional *residential subdivision development*.

CONSOLIDATE – see *Subdivide*

CONVENIENCE STORE means a *retail store* or establishment supplying daily household necessities including food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, and meat, as well as the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, tobacco products and similar items.

COUNCIL means the Council for the Rural Municipality of West River.

CRAFT BREWERY means a place where craft beer, cider, and spirits are produced and may include a microbrewery, microdistillery, or nanobrewery.

CRAFT WORKSHOP means a *building* or part of a *building* where craft products are produced and offered for sale, and where craft instruction on may be offered.

CULTURAL CENTRE means a site *used* for display, storage, restoration, or events related to art, literature, music, history, or science. This term refers to *uses* such as art galleries, theatres, libraries, auditoria, archives, interpretive centres and museums.

D

DECK means a *structure* abutting a *dwelling* with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-*grade* for *use* as an outdoor living area.

DEMOLISH means to remove, pull down or destroy a *Structure*.

DETRIMENTAL – means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regards to:

- (i.) real property value;
- (ii.) competition with existing businesses;
- (iii.) viewscales; or
- (iv.) development approved pursuant to subsection 9(1) of the *Environmental Protection Act*.

DEVELOPER – means any *person* who is responsible for any undertaking that requires a *development permit*, subdivision *approval* or consolidation approval.

DEVELOPMENT means the carrying out of any building, engineering, excavation, dumping, filling or other operations in, on, over or under land, or the making of any material change in the *use*, or the intensity of *use* of any land, *structure*, *buildings*, or premises.

DEVELOPMENT AGREEMENT means an agreement executed between the *developer* and the Rural Municipality of West River respecting the terms under which a *development* may be carried out.

DEVELOPMENT OFFICER means any *person* charged by the Council with the duty of administering the provisions of this Bylaw.

DEVELOPMENT PERMIT means the formal and written authorization for a *person* to carry out any *development*.

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, but does not include premises signs.

DORMITORY means a *building* or *structure* where residents have exclusive *use* of a bedroom but common washroom and/or kitchen facilities, and where each resident individually compensates the *owner* for providing the accommodation.

DWELLING means a *building* or portion thereof designated or *used* for residential occupancy, but does not include *hotels* and *motels*. Also see *Secondary Suite*.

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 for the exclusive *use* of such individuals, with a private entrance from outside of the *building* or from a common hallway or stairway inside the *building*.

APARTMENT DWELLING means a *dwelling* in a *building* containing three or more such *dwelling units* that share common hallways and a common outdoor entrance; or *dwelling units* attached to a *building* which is principally commercial. an *apartment dwelling* does not include a *townhouse dwelling*.

DUPLEX DWELLING means a *building* that is divided horizontally into two *dwelling units*.

MULTIPLE UNIT DWELLING means a *building* containing three or more *dwelling units*.

SEMI-DETACHED DWELLING means a *building* divided vertically into two (2) separate *dwelling units*, each with its own *street frontage* and outdoor entrance.

SINGLE-DETACHED DWELLING means a *building* designed or *used* for occupancy as one *dwelling unit* and includes a mini home.

TOWNHOUSE DWELLING means a *Building* that is divided vertically into three or more *Attached Dwelling Units*, each with its own *Street Frontage* and outdoor entrance.

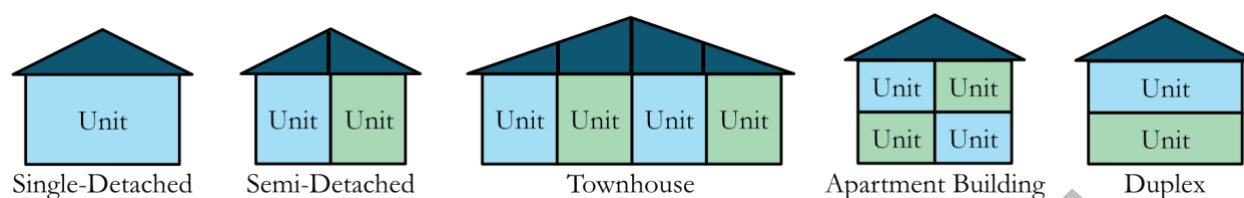


Figure 7 - Types of dwellings

E

EARLY LEARNING AND CHILD CARE CENTRE means a *Building* where children are cared for as permitted under the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01.

ENTERTAINMENT ESTABLISHMENT means an establishment providing musical, dramatic, dancing or cabaret entertainment and/or facilities for alcoholic beverage consumption and includes supplementary food service. this term refers to *uses* such as theatres, cinemas, auditoria, beverage rooms, cocktail *lounges*, cabarets, nightclubs and theatre *restaurants*.

ENVIRONMENTAL IMPACT ASSESSMENT means an assessment that considers and predicts the physical and biological impacts of a proposed *development* on the environment.

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.

EVENT VENUE means a commercial use of a structure or part of a structure or land as a place of assembly by the public for special events such as weddings, performances, and cultural gatherings but does not include sporting events.

EXCAVATION PIT means any excavation in the ground for the purpose of searching for or removing clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a *street*, or a snow-trap constructed to protect a *street* from snow accumulation.

F

FAMILY HOME CENTRE means an *early learning* and *child care centre* located in a private residence as regulated under the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01.

FARM or **FARM PROPERTY** means land, including any complementary *buildings*, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of *livestock* or production of raw dairy products, 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.

FARM GATE OUTLET means an *accessory use* located on a *property* for sale only of its own *agricultural* products or *garden* and excluding sale of products not grown on the premises or any non-*farm* or *garden* products and excluding a *plant nursery*.

FARM MARKET means a *building* or part of a *building* in which *farm* produce; crafts and baked goods make up the major portion of items offered for sale.

FENCE means an artificially constructed barrier of any material or combination of materials Erected to enclose or screen areas of land.

FISHERY USE means a use of land, wharves and buildings for uses specific to the fishery including industrial fish plants, vessel construction and major repair, and storage of materials (boats, traps, nets and equipment) in the off-season.

FLOOR AREA means:

- (i.) with reference to a dwelling - the area contained within the outside walls including any attached garage, porch, veranda, sunroom, greenhouse, basement, but excluding any unfinished attic;
- (ii.) with reference to a commercial building - the total usable floor area within a building used for commercial purposes excluding washrooms, furnace rooms and common halls between stores; and
- (iii.) with reference to Accessory Building - the area contained within the outside walls.

FORESTRY USE means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the growing and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products. *Forestry* use includes a sawmill and woodworking shop.

FRONTAGE means the horizontal distance between the *side lot lines* bordering on a *street* and according to the direction of the front of the *dwelling* or *structure*.

G

GARDEN means a plot of land for growing flowers, vegetables, or fruit.

GAZEBO means a freestanding, roofed *accessory structure* which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential *dwelling unit* but shall not include any other Use or activity otherwise defined or classified in this Bylaw.

GRADE means the highest among the average, finished ground levels around each respective *main wall* of a *building*, excluding consideration of local depressions on the ground, such as for vehicle or pedestrian entrances.

GROUND FLOOR means the uppermost *storey* having its floor level not more than 2 m. (6.6 ft.) above *grade*.

GROUP HOME means a facility licensed or funded by the Province of Prince Edward Island that provides accommodation for six (6) or fewer residents who require special care or supervision, staffed 24 hours a day by trained care giver(s).

H

HEIGHT means the vertical distance measured from the average finished *Grade* to the highest point of a Structure.

HIGHWAY – see **STREET**

HIGHWAY, COLLECTOR – means any *highway* that has been designated as a collector highway under the provisions of the *Roads Act* Highway Access Regulations.

HISTORIC SITE or **HERITAGE SITE** means any site that has been designated as a historic site or a heritage place under provincial or federal legislation, as well as any Accessory Uses or Structures to support visitation.

HOME-BASED BUSINESS means the *accessory use* of a *dwelling* or of a *building accessory* to a *dwelling* for gainful employment involving the production, sale, or provision of goods and services, on a small scale.

hospital means any institution, *building*, or other premises or place established for the maintenance, observation, medical and dental care and supervision, and skilled nursing care of *persons* afflicted with or suffering from sickness, disease, injury, or for convalescing or chronically ill *persons*.

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

HOTEL means a commercial *building* other than a *motel* providing temporary accommodations for travellers for a fee and which may be rented out as *dwelling units* for periods of the year. a *hotel* may include *ancillary uses* such as one or more *public* dining rooms, meeting rooms, *lounges*, and convention facilities.

I

INDUSTRIAL USE (NON-RESOURCE) means the *use* of premises for the processing, manufacturing, assembly, or extraction of goods or materials, or premises from which wholesale trade is carried on, including salvage yards and construction and demolition sites.

INDUSTRIAL USE, LIGHT (NON-RESOURCE) means the *industrial use* of land or buildings that does not result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluents, including warehousing.

INSTITUTIONAL USE means the Use of premises, other than retail or industrial premises, for community services and includes:

- (i.) Clinics and Hospitals;
- (ii.) Education facilities and early learning and child care centres

- (iii.) Community Care Facilities, Nursing Homes, and Senior Citizens homes.
- (iv.) Community Centres, libraries, museums, cultural centres
- (v.) government offices;
- (vi.) Places of Worship, manses, cemeteries, and crematoria;
- (vii.) Public and private parks, including sports fields
- (viii.) Recreation centres and facilities
- (ix.) Historic and heritage sites

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*.

INTENSIVE AGRICULTURAL USE - see Agricultural Use

INTENSIVE LIVESTOCK OPERATION - see Agricultural Use

INTENSIVE RESOURCE-RELATED USE – see Resource-Related Use

INTERNAL DRIVE means a lane, access road, or right-of-way for providing general traffic circulation within a single *lot*.

K

KENNEL means any premises where four or more domestic animals are kept, boarded, or bred as a commercial service.

L

LANDSCAPING means all the elements of a *lot* or site *development* other than the *building* or *buildings*, and may include pedestrian facilities, grass and other ground cover, flower beds, shrubbery, trees, hedges, berms, *fences* and retaining *structures*, off- *street* lighting devices, forms of natural *landscaping*, and various combinations thereof.

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.

LOT or **PROPERTY** means any parcel of land described in a deed or as shown in a registered *subdivision* plan.

LOT AREA means the total area included within the *lot lines*.

CORNER LOT means a *lot* situated at an intersection of and abutting on two or more *streets*.

FLANKAGE LOT LINE means the *side lot line* which abuts the *street* on a *corner lot*.

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.

INTERIOR LOT means a *lot* other than a *corner lot*.

LOT DEPTH means the depth from the *front lot line* to the *rear lot line*.

LOT LINE means any boundary of a *lot*.

PANHANDLE or **FLAG LOT** means any *lot* which gains *street frontage* through the *use* of a narrow strip of land which is an integral part of the *lot*.

REAR LOT LINE means the *lot line* further from and opposite to the *front lot line*.

SIDE LOT LINE means a *lot line* other than a front, rear or *flankage lot line*.

THROUGH LOT means a *lot* bounded on two opposite sides by *streets*.

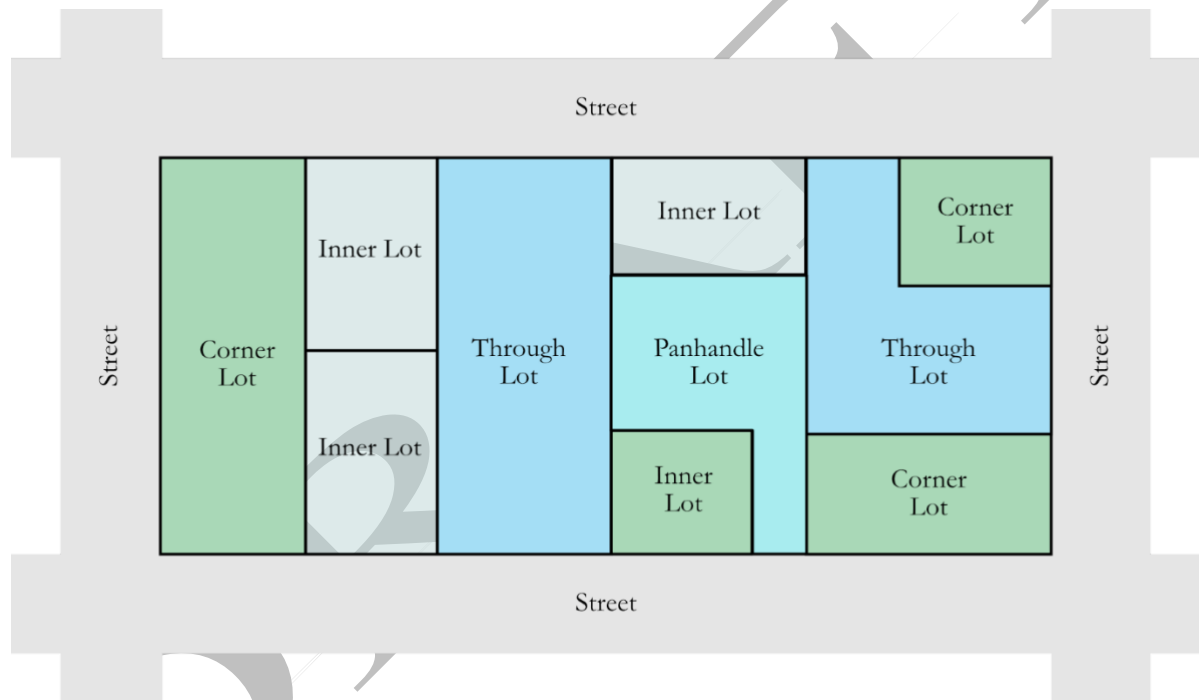


Figure 8 - Lot Types

LOT CONSOLIDATION means the legal incorporation of two or more existing *parcels* of land to form a single, larger parcel.

LOT COVERAGE means the percentage of *lot area* covered by *buildings* and *structures* above established *grade* and may include main *building*, *accessory buildings*, *swimming pools*, *decks*, *patios* and *gazebos*.

LOUNGE means a commercial facility or *structure* licensed to sell alcoholic beverages to the public.

M

MAIN BUILDING means that *building* in which is carried on the principal or main purpose or purposes for which the *lot* is *used*, 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.

MAIN USE means the principal purpose or purposes for which the *lot* is *used*, 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.

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

MINI HOME means a pre-manufactured *dwelling unit*, affixed to the ground, having an average width of 6.1 m. (20 ft.) or less, not including entries, *porches* or other appurtenances and certified under the Z240 provisions of the Canada Standards Association (CSA).

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

MUNICIPALITY means the Rural Municipality of West River.

N

NURSING HOME means a *building*, part of *building*, or group of *buildings* in which, for a fee, charge or reward, direct or indirect, there are housed patients requiring or receiving active treatment for, or convalescing from, or being rehabilitated after illness or injury, and may include *ancillary institutional uses* but does not include a *public hospital*, *mental hospital*, *tuberculosis hospital* or sanatorium.

O

OFFICE, BUSINESS OR PROFESSIONAL means premises where services are offered but does not include premises *used* for the retailing, wholesaling, manufacturing or conversion of goods.

OFFICIAL PLAN means the Rural Municipality of West River's Official Plan as adopted by Council.

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

OPEN STORAGE means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment, or other items not intended for immediate sale.

ORNAMENTAL STRUCTURES means *landscaping* or decorative architectural *structures* such as arbours, *pergolas*, fixed seating, sculptures, or similar improvements.

OWNER or PROPERTY OWNER means a *person* who legally owns a *lot* and is a registered land owner; or an executor, administrator, trustee, agent, or other person managing the subject *lot* or *building* for the registered land *owner* and for purposes of sending notices under this bylaw, the person listed as the owner of a *property* in the latest assessment role made available to the Rural Municipality of West River as compiled by the Provincial Treasurer under the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4.

P

PARCEL means a lot or other division of land which is recognized as a separate unit of land for the purposes of this Bylaw.

PARK means an open area devoted to *passive recreational uses* or *conservation uses* and may include ornamental *gardens* and lawns, botanical *gardens*, outdoor furniture, *accessory structures*, playgrounds, and on-site *parking areas* which support park *uses*.

PARK or PARKLAND, PUBLIC means land owned by the Municipality or some other level of government *used* or intended for *use* by members of the public.

PARKING AREA means an area reserved for parking more than one automobile, and includes lanes between *parking spaces*.

PARKING SPACE means an area of land which is suitable for the parking of a *vehicle*, accessible to vehicles without the need to move other *vehicles* on adjacent areas.

PASSIVE RECREATION refers to recreational activities that do not require prepared facilities like sports fields or *pavilions* and which place minimal stress on a site's resources.

PATIO means a platform without a roof, or surfaced area without a roof, at *grade*, adjacent to a residential *dwelling unit* used for leisure activities.

PAVILION means a *Structure Used* as a shelter that is either covered or uncovered and includes a *Gazebo* and a *Pergola*.

PERGOLA means a *garden* feature forming a walkway, passageway or sitting area of vertical posts or pillars that usually support crossbeams and a sturdy open lattice.

PERSON means an individual, association, corporation, contractor, commission, *public utility*, firm, partnership, trust, heirs, executors or other legal representatives of a *person*, or organization of any kind, including both principal and agent in an agency situation.

PERSONAL SERVICE SHOP means a *building* in which *persons* are employed in furnishing services and otherwise administering to the individual and personal needs of *persons* including but not limited to barbershops, hairdressing shops, beauty parlours, shoe repair, laundromats, tailoring, dry-cleaning, etc.

PHASE means to develop a parcel of land over time in a series of prescribed stages; or one of such stages.

PLANNING BOARD means the Planning Board of the *Municipality* appointed by *Council*.

PLACES OF ASSEMBLY – means a *building* or facility where people congregate for deliberation, entertainment, cultural, recreation or similar purposes, including but not limited to auditoriums, *places of worship*, *clubs*, halls, meeting halls, community facilities, *open spaces*, *restaurants*, galleries, and recreation fields, courts, or facilities.

PLACES OF WORSHIP – means a *building* used for religious workshop, study, and instruction, including but not limited to churches, monasteries, mosques, synagogues, temples, etc. and may include *ancillary uses* such as an auditorium, hall, daycare facility or nursery operated by the place of worship.

PLANT NURSERY means a *building* or land *used* for the growing of young trees and/or other plants which may be retailed at the same location and may also include retailing of *gardening* tools and other related supplies but does not include a *farm gate outlet*.

PORCH – means a covered shelter projecting in front of an entrance to a *building*.

PRIVATE ROAD or **PRIVATE RIGHT-OF-WAY** means a road, street, or right-of-way which is not vested in the Province of Prince Edward Island or the *Municipality*, but does not include an *Internal Drive*.

PROVINCE means the Province of Prince Edward Island.

PUBLIC means for the *use* of the general population.

PUBLIC UTILITY BUILDING means a *building* which houses stationary equipment for telephone, electric power, *public* water supply, or sewage services.

R

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*. recreation trailers or *recreational vehicles* may often be referred to as RVs.

RECREATIONAL USE means the *use* of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, picnic areas, *swimming pools*, day camps, and similar *uses* but does not include a tract for the racing of animals or any form of motorized *vehicles*

RESIDENTIAL LOT means a *lot* where the primary *use* is *residential*.

RESIDENTIAL USE means the *use* of a *parcel*, *building* or *structure* or parts thereof as a *dwelling*.

RESIDENTIAL SUBDIVISION DEVELOPMENT means a multi-*lot subdivision* comprised of *lots* for human habitation which is recognized by one designated name.

RESOURCE-RELATED COMMERCIAL USES means any *uses* of a *parcel* or *building* for the storage, *display* or sale of goods directly and primarily related to *resource uses*, including but not limited to:

- (i.) Veterinary Clinics;
- (ii.) Production and sale of beverages derived from local products including Craft Breweries, wineries, and cideries;
- (iii.) Farm Markets;
- (iv.) Farm machinery sales and service; and
- (v.) Farm-based tourism.

RESOURCE-RELATED INDUSTRIAL USES means any *uses* involving the harvesting, processing or storing of natural resource materials from agricultural, forestry, and fishing resources and shall include the production of agricultural products and the keeping of *farm* animals.

RESOURCE-RELATED USES, INTENSIVE - means resource-related commercial/industrial uses that involve activities which may create a land use conflict with neighbouring properties owners due to noise, odours, disturbance to the water table, or creation of waste products, such as food processing plants, water bottling operations, cannabis operations, or *excavation pits*.

RESTAURANT means *buildings* or *structures* or part thereof where food and drink is prepared and offered for sale to the public and may include alcoholic beverages.

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.

RETAIL STORE, ONLINE means the sale of foods, goods, wares, merchandise, substances, articles or things directly to the public through web or electronic device-based applications but does not include customers making purchases on-site.

ROAD – see **STREET**

S

SCRAP YARD or SALVAGE YARD means an area of land *used* for the storage, handling, processing, and sale of scrap materials including but not limited to scrap metal, *vehicles*, tires and batteries but shall not include hazardous waste materials.

SCREENING means to limit the view of objects through the *use* of *landscaping* and/or fencing.

SECONDARY SUITE means a second *dwelling unit*, located within the *structure* of an *owner* occupied *single-detached dwelling*.

SECONDARY USE – see **ACCESSORY USE**

SENIOR CITIZEN HOME means a multiple unit residential *building* designed for occupation by *senior citizens*, which may include *ancillary uses* such as *lounges* and *recreation facilities*.

SENIOR CITIZEN means a *person* deemed to be eligible for accommodation in a *senior citizen home* under the terms of the *P.E.I. Housing Corporation Act* or comparable Provincial statute.

SERVICE SHOP means a *building* or part thereof *used* for the sale and repair of household articles and shall include computer, electronic, and appliance repair shops but shall not include industrial, manufacturing or motor *vehicle* body repair shops.

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 gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor *vehicles*.

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*.

SEVERANCE see **SUBDIVISION**.

SEWERAGE DISPOSAL SYSTEM means any wastewater treatment 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.

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*.

SIGN or **SIGNAGE** means a sign as defined in the *Highway Signage Act*.

SITE PLAN means an appropriately scaled drawing or drawings of the proposed *Development* of a site, showing the existing and proposed natural and built features of the site.

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*.

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).

SOLAR ARRAY, GROUND MOUNTED, or GROUND MOUNTED SOLAR ARRAY means a *solar array* of any size that is structurally supported by the ground, rather than by a *building*.

SOLAR ARRAY, ROOF MOUNTED, or ROOF MOUNTED SOLAR ARRAY means a *solar array* of any size that is structurally supported by a building, rather than by the ground.

STOREY means that portion of a *building* which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of

such floor and the ceiling above it provided that any portion of a *building* partly below *grade* 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 *storey* exceeding 4.27 m. (14 ft.) in *height* shall be deemed an additional *storey* for each 4.27 m. (14 ft.) or fraction thereof.

STREET, HIGHWAY or ROAD means all the area within the boundary lines of every 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.

STRUCTURAL ALTERATIONS means any change to the structural components or physical appearance of a *building* or *structure* or any increase in the volume of a *building* or *structure*.

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*.

STUDIO means a *building* or part thereof *used* for the study, or instruction on of any fine or commercial art including photography, music, visual arts, and commercial design or the sale of craft products.

SUBDIVISION (SUBDIVIDE) means a severance, division, consolidation, or other re-configuration of a *lot(s)* or *parcel(s)* for the purpose of *development* and/or transfer of ownership.

SURVEY PLAN means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island land surveyor.

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 0.91 m. (3 ft.) or more at any point and having a minimum surface area 10 sq. m. (108 sq. ft.).

T

TEMPORARY PERMIT means a permit for a fixed period of time with the intent to discontinue such *use* upon the expiration of the time period.

TEMPORARY USE means any *commercial* or non-commercial facility or *use* of a *parcel* of *land*, *building* or *structure* which by its nature is not permanently established or has a limited duration and shall include but not be limited to the following: *yard* sales, tents, *awnings*, lean-tos, kiosks, carts, prefabricated *structures*, sheds, moveable *vehicles* and moveable *structures* with or without chassis or wheels, and any other facility, *structure*, enclosure or device *used* or intended to be *used* for the temporary *display* or sale of retail goods, provision of services or sale of any food or beverage.

TOURISM 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, such as a cabin, cottage, housekeeping unit, *hotel*, lodge, *motel*, inn, *hostel*, *bed and breakfast* establishment, resort, travel trailer, travel trailer park, *recreational vehicle park*, *yurt*, geodesic dome, bunkie, houseboat, *short-term rental*, camping cabin, and *campground*, but does not include a *summer camp*.

TOURIST ATTRACTIONS means the operation of one or more commercial tourist attractions which includes indoor and/or outdoor activities, scenic attractions, and/or educational, scientific, natural, cultural, heritage or entertainment experiences. This *use* may include indoor and outdoor interpretive, *display*, and performance spaces.

U

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

UTILITY, PRIVATE means any *person* or corporation and the lessees, trustees, liquidators or receivers of any *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.

UTILITY, PUBLIC means any *person* or corporation and the lessees, trustees, liquidators or receivers of any *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.

V

VARIANCE means an authorized relaxation from the standards imposed by this Bylaw with respect to lot size or dimensions, setbacks, area or the height or size of a structure.

VEHICLE means any motor *vehicle*, trailer, boat, motorized snow *vehicle*, mechanical equipment and any *vehicle* drawn, propelled or driven by any kind of power, including muscular power.

W

WATERCOURSE means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any water therein, and any part thereof, up to and including the *watercourse boundary*.

WATERCOURSE BOUNDARY means:

- (i.) in a non-tidal *watercourse*, the edge of the sediment bed; and
- (ii.) in a tidal *watercourse*, the top of the bank, means the mean highwater mark of the *watercourse*.

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

WETLAND BOUNDARY means where the vegetation in a *wetland* changes from aquatic or water-tolerant vegetation to terrestrial vegetation or water-intolerant vegetation.

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*.

WIND TURBINE means a wind energy generating system.

Y

YARD means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as specifically permitted in this Bylaw and

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

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

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

FLANKAGE YARD or **FLANKAGE YARD** means the side *yard* of a *corner lot* extending from the *front yard* to the *rear yard* and between the *flankage lot line* and the nearest point on the *main wall* of any *main building* on the *lot*. The ‘minimum *flankage yard*’ is measured at the minimum *yard depth* as required under this Bylaw. Where a minimum *flankage yard* is not separately specified, the ‘minimum *side yard*’ shall also apply to a *flankage yard*.

YURT means a *structure used* for temporary human habitation, consisting of a frame covered by natural or synthetic materials, and approved pursuant to the *Tourism Industry Act* and Regulations, or any successor legislation.

Z

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.

ZONING MAP means the map included as Schedule A to this Bylaw or as amended from time to time, depicting the boundaries of all land *use zones*.

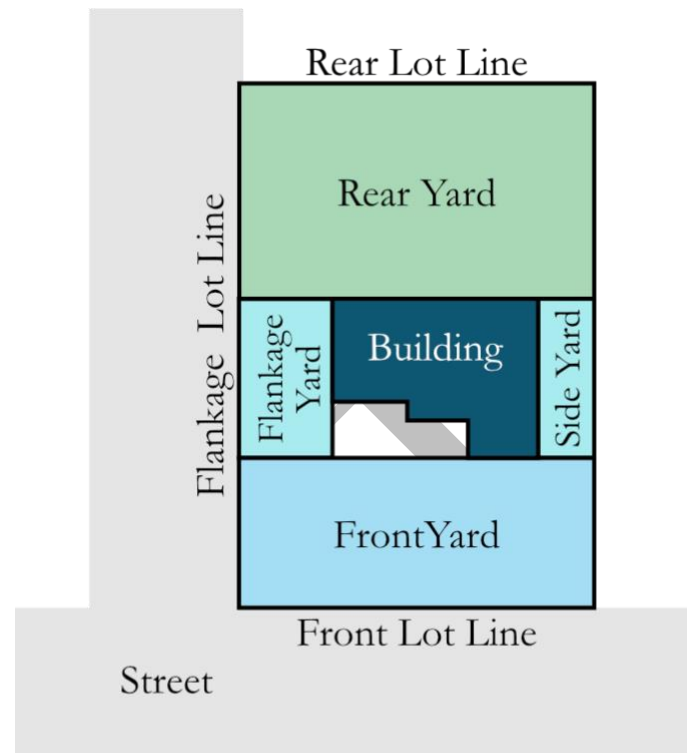


Figure 9 - Yard Types

SCHEDULE A | ZONING MAP

DRAFT

SCHEDULE B | PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS

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 amended from time to time, apply in the Rural Municipality of West River. 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

CHAPTER P-8

PLANNING ACT

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

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

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

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

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

3. Revoked by EC41/96. Lot size

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

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

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

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

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

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

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

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

Exception (2) Notwithstanding subsection (1),

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

Categories of lots **6.** Every lot on a plan of subdivision shall be categorized in accordance with the following site suitability standards:

- (a) Category I, where
 - (i) the depth of permeable natural soil is 2 ft. (0.61 m.) or greater,
 - (ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
 - (iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
- (b) Category II, where
 - (i) the depth of permeable natural soil is greater than 1 ft. (0.3 m.), but less than 2 ft. (0.61 m.),
 - (ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
 - (iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
- (c) Category III, where
 - (i) the depth of permeable natural soil is 1 ft. (0.3 m.) or greater,
 - (ii) the depth to bedrock is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.), or

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

7. Revoked by (EC694/00).

Upgrade

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

Application

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

Minor variance

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

Variance, public utility use

MINIMUM HIGHWAY ACCESS

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

Minimum highway access standards

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

Entrance way permit

**TABLE 1 - MINIMUM LOT SIZE STANDARDS:
RESIDENTIAL LOTS**

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Number of Dwelling Units	(e) Minimum Lot Area sq. ft. / sq. m.	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m. 200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 250 ft. / 76.2 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	51,000 sq. ft. / 4,738 sq. m. 56,000 sq. ft. / 5,202 sq. m. 61,000 sq. ft. / 5,667 sq. m. 66,000 sq. ft. / 6,131 sq. m. 66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	225 ft. 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 300 ft. / 91.4 m. 300 ft. / 91.4 m.
on-site water supply and on-site sewage system	IV	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	75,000 sq.ft. / 6,975 sq.m. 80,000 sq.ft. / 7,440 sq.m. 85,000 sq.ft. / 7,905 sq.m. 90,000 sq.ft. / 8,370 sq.m. 90,000 sq.ft. / 8,370 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	300 ft. / 91.4 m.
on-site water supply and on-site sewage system	V	N/A	N/A	not developable	N/A

Province-Wide Minimum Development Standards Regulations

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

Province-Wide Minimum Development Standards Regulations

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 C | SCHEDULE OF FEES

DRAFT

SCHEDULE D | PRIVATE ROAD STANDARDS

CONSTRUCTION AND DESIGN STANDARDS – PRIVATE ROADS

[TO BE REVIEWED BY ENGINEER and LAWYER]

- 1) Although neither the Municipality nor the Province of Prince Edward Island is under no obligation to assume ownership of Private Roads, all proposed Private Roads shall be:
 - a. designed by a licensed professional engineer, registered in the Province of Prince Edward Island;
 - i. in accordance with the Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads (latest edition);
 - ii. with a minimum design speed of 50 km/hr. In difficult circumstance (where obstacles such as Wetlands and other topographical obstacles hamper road Development) or roads less than 300m in length, 40 km/hr. may be approved; and
 - iii. provision shall be made for surface drainage of the Private Road through the use of culverts, ditches, and natural Watercourses of appropriate capacity, and the Developer shall be responsible for the effects of any downstream flow onto other Properties;
 - b. constructed under the supervision of a professional engineer in accordance with the following requirements:
 - i. roots, stumps, moss, sod and all other organic or deleterious material shall not be placed in roadway fills or allowed to remain under roadway fills; and
 - ii. road sub-base can be constructed out of local material capable of supporting local traffic loads;
 - iii. the minimum road surface top width shall be 8.0 meters (26 feet) and shall be contained entirely within the right-of-way;
 - iv. the minimum travel surface width shall be 6.0 meters (20 feet);
 - v. the travel surface shall have a base course of crushed, screened, or pit run gravel, meeting NSTPW Type 1 gravel specifications, compacted to a minimum thickness of 100 mm (4 inches) and meeting NSTPW Type 2 gravel specifications compacted to a minimum thickness of 150 mm (6 inches); and
 - vi. the maximum road grade shall be ten percent (10%), however, in difficult circumstances grades up to twelve percent (12%) may be approved except at intersections with existing Streets/roads, where grade and sight distances shall

conform to the Manual of Geometric Design Standards for Canadian Roads;
and

- vii. the minimum road grade shall be zero point five percent (0.5%);
- viii. ditches shall be a minimum of 1.0 m deep and have a maximum road slope and a maximum back slope of 50 percent (50%);
- ix. culverts shall be constructed of steel, reinforced concrete pipe, approved plastic or PVC having a minimum pipe stiffness strength of 320 kpa and shall have a minimum inside diameter of 450 mm (17. inches) or as required to handle the local conditions, shall be buried a minimum of 500 mm (20 inches) below the road surface, and shall be placed substantially at 90 degrees to the roadway centreline; and
- x. all bridges shall be certified as having been designed and constructed to Canadian Standards Association specifications S6 Design of Highway Bridges; and
- xi. all culvert ends shall have rip rap applied or equivalent end treatment.

SCHEDULE E | WIND TURBINE STANDARDS

- 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 *street*, provided proof of access to a *street* 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 RA or CI Zones;
 - b. not be located within three (3) times the total *height* of the *wind turbine* from any existing *residential use* or *street*; 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 RA or CI Zones;
 - b. not be permitted within 1 km of an RR 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 *streets* 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.

SCHEDULE F | SITE-SPECIFIC AMENDMENTS

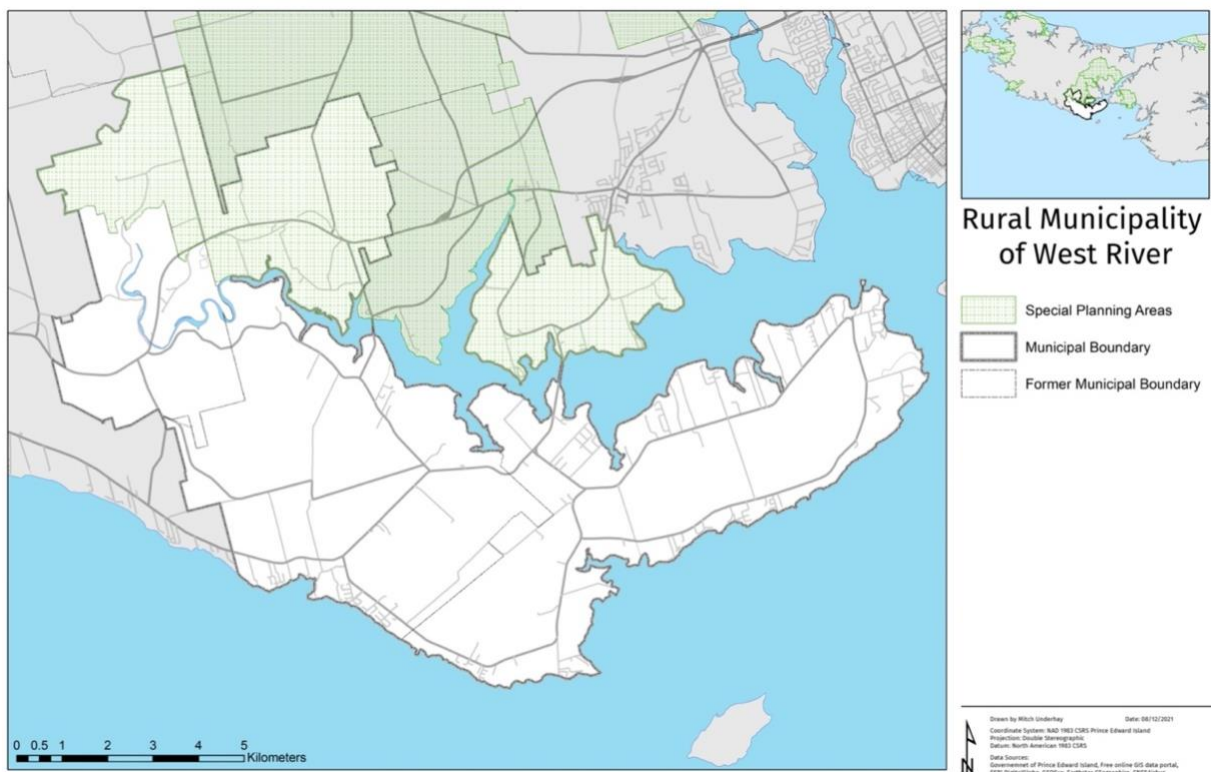
The following properties have been subject to a site-specific amendment to the permitted uses or standards by way of an amendment to a zone for a particular property or properties, including properties with identified uses permitted by site-specific amendment during the development of this Bylaw. The expansion or intensification of the below-noted uses or standards shall not be permitted except through a further site-specific amendment or where permitted through a *development agreement*.

Zone	PID	Civic Address	Use	Regulation	Effective Date
Rural Area (RA)	737163	TCH / MacKinnon Rd	Excavation Pit	Section 6.4	Effective date of this Bylaw
Rural Area (RA)	227165	Boyle Rd	Excavation Pit	Section 6.4	Effective date of this Bylaw
Rural Area (RA)	721621	Boyle Rd	Excavation Pit	Section 6.4	Effective date of this Bylaw
Rural Area (RA)	656447	TCH	Excavation Pit	Section 6.4	Effective date of this Bylaw
Rural Area (RA)	227744	Churchill Rd	Excavation Pit	Section 6.4	Effective date of this Bylaw

SCHEDULE G | SPECIAL PLANNING AREA

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 portions of the Rural Municipality of West River as established in Appendix A, Map 10 of those Regulations and as depicted below. 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.



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) residential use, which may include the following:
 - (i) single-unit dwelling use,
 - (ii) duplex dwelling use,
 - (iii) revoked by EC319/17;
 - (iv) multiple unit dwelling use or mobile home park where
 - (A) central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available; and
 - (B) an irrevocable agreement has been signed between the 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;
 - (b) recreational use;
 - (c) resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;
 - (d) revoked by EC674/19;
 - (e) institutional use, where the lot has an area no greater than three acres;
 - (e.1) for use as a cemetery;
 - (f) rural tourism use, where the lot has an area no greater than three acres.

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 be appended to or consolidated with land that was approved for a non-resource related commercial or industrial use by the Minister prior to July 9, 1994;
 - (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)(a), where the intended residential use is single-unit dwelling use, subdivisions of more than one lot per existing parcel of land, may be approved in the following situations:
 - (a) where the requirements of clause (4)(a) are insufficient to permit the owner of an existing parcel to provide lots for the children of that owner, and
 - (i) the owner files, with an application to subdivide the existing parcel, a statutory declaration that he or she will convey the lots only to his or her children and only for the use as a single-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 existing parcels owned by an owner pursuant to this subsection is equal to or less than the number of children of that owner at the time of the application, and
- (iv) revoked by EC166 08)
- (v) a lot intended for a child of the owner of an existing parcel of land shall not be given final approval and shall not be conveyed until the child has received a development permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child's own use;
- (b) where one lot is required in addition to those permitted by clause (a) or (4)(a) in order to accommodate an existing farm dwelling, and the dwelling on the lot is to be served by the existing farm dwelling access;
- (c) where central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available, and an irrevocable agreement has been signed between the 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), (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) or (5); or
 - (b) subsection (5.1),

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

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 views; 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(c), where the intended use is resource-commercial or resource-industrial within a municipality that has an official plan, subdivisions of more than one lot per parcel of land may be approved where an irrevocable agreement has been signed between the 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) Notwithstanding clause (4)(d), in the case of a Slemon Park subdivision which has more than one lot, and whose lots have areas greater than one acre, the subdivision may be approved for industrial use for those lands owned by the Slemon Park Corporation on July 9, 1994, where an irrevocable agreement has been signed between the Slemon Park Corporation and the 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) or (5.02), development permits may be approved for
- (a) existing parcels of land;
 - (b) subdivisions approved prior to July 9, 1994;
 - (c) subdivisions approved pursuant to subsections (4), (5) and (5.1) and remnant parcels resulting from such subdivisions;

- (d) subdivisions approved pursuant to clause (5)(c) and subsection (5.1), where an irrevocable agreement has been signed between the 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 Slemon Park Corporation pursuant to subsection (6), where an irrevocable agreement has been signed between the Slemon 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), (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; 166/05; 421/09; 670/13; 542/16; 319/17; 674/19)*

