

Rural Municipality of West River

2022 Land Use Bylaw

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

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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* and clause 14 (b) of the *Municipal Government Act*.

1.3 AREA DEFINED

- 1) This *Bylaw* applies to the geographical area within which the *Municipality's Council* 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 *subdivided*, *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 *subdivisions*, *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 amendment*;
 - c. *variances* of more than 5%; and
 - d. *subdivisions* or *developments* where *streets*, central on-site 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.
- 2) In this *Bylaw*, italicized words carry the defined meaning set forth in section 18. Words that are defined in section 18 but are not italicized when used in the *Bylaw* carry their ordinary meaning.

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 *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	PR
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 lines*, the boundary shall be such *lot lines*;
 - c. where a *zone* boundary is indicated as following the limits of the *Municipality*, the limits shall be the boundary of the *Municipality*; or
 - d. where none of the above provisions apply, the *zone* boundary shall be scaled from the original *Zoning Map* on file at the *Municipality's* office.

2.3 ZONING MAP

- 1) Schedule A shall be cited as the *Zoning Map* and forms 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 *Province's* department responsible for the *Watercourse and Wetland Protection Regulations*, 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 *Province's* contaminated sites registry;
 - c. all *designated wellfields*; and
 - d. *coastal floodplains*.
- 3) The specific location of the Environmental Risk *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 Environmental Risk *Zone* as indicated on the *Zoning Map* and a site-level analysis, the *development officer* may consult qualified professionals or the *Province's* department responsible for the *Environmental Protection Act* or both and a determination will be made as to the actual boundary of the Environmental Risk *Zone*. If the *property* or portion of a *property* is found to not contain the *development* constraint associated with the Environmental Risk *Zone*, the adjacent *zone* shall be considered to apply.

3. ADMINISTRATION

3.1 DEVELOPMENT PERMIT REQUIRED

1) No *person* shall:

- a. make a *change of use* on a *parcel* of land, or of 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;
- g. move or *demolish* any *structure* greater than 20 sq. m. (215.28 sq. ft.);
- h. construct a new driveway or alter a driveway access;
- i. place or dump any fill or any other material;
- j. *subdivide* or *consolidate* a *parcel* or *parcels* of land;
- k. *erect* or replace a *solar array*; or
- l. 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*;
- 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 result in a *change of use* of the *building*;
- h. 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;
- i. establishing or placing a *swimming pool*; and

- j. *public utilities* located within the *street*,

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 *Municipality* or from obtaining any license, permission, authority, or approval required by any other bylaw of the *Municipality* or any legislation or regulation of the *Province* or the Government of Canada.
- 2) Where the provisions of this *Bylaw* conflict with those of any other bylaw of the *Municipality*, 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 *Municipality* or any statute, regulation, or other enactment of the *Province* 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* and applicable regulations.
- 5) A building permit issued under the *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 *development permit* or *subdivision* approval shall do so on a form prescribed by *Council* and shall submit the application to the *Municipality*. Where the *applicant* is not the *owner* of the subject *property*, the *applicant* must provide the *Municipality* with written authorization from the *property owner* confirming that the *applicant* is allowed to apply for the *development permit* or *subdivision* approval on the *owner's* behalf as the *owner's* authorized agent.
- 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. 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 *development 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 *lot 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 *sewage 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 *sewage disposal system*;
 - g. the location of any well, *sewage 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 *buffer zone* as defined in the *Watercourse and Wetland Protection Regulations*;
 - 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 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 is deemed necessary in order to determine whether or not the *development* conforms to the requirements of the *Bylaw*, *Official Plan*, and applicable laws of the *Province*, 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 or central 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 Environmental Risk *Zone*, the boundary of the *watercourse* or *wetland* shall be determined by a qualified professional authorized to do so by the *Province* and delineated on a *survey plan*, which shall be dated no more than 12 months from the date of the application.

3.7 SURVEYS REQUIRED

- 1) Where it is necessary to confirm the location of an existing *building* or *structure* in relation to a boundary in order to determine the compliance of an application with this *Bylaw* or other bylaws, policies or regulations in force which apply to the proposed *development*, the *development officer* may require the *developer* to provide a *survey plan*.
- 2) Following the issuance of a *development permit* for any proposed *development* within 0.30 m. (1.0 ft.) or less of the minimum *setback* permitted in the *zone*, a footing certificate or *survey plan* shall be prepared by a *professional land surveyor* and submitted to the *Municipality* to confirm the location of the *building's* footing prior to the foundation walls being poured.
- 3) The *site plan* shall be based on a *survey plan* when:
 - a. the *lot* subject to a *development* does not meet the minimum *lot area* or *lot frontage* requirements of this *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*, in order to determine whether the application complies with the *Bylaw*.

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 *professional engineer* or *landscape architect*, drawn to scale and showing the following information:
 - a. existing and proposed *grade* elevations relative to the adjoining *lot(s)* and the *street* or right-of-way;
 - b. stormwater management design features, including but not limited to swales and berms, 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 *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*.
- 4) 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) In cases where signed and stamped drawings are required under the *Building Codes Act*, the *Architects Act* and/or the *Engineering Profession Act*, no *development* shall be approved until such signed and stamped drawings are received by the *Municipality*.

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 *Municipality*.
- 2) All *development permits* shall contain a caveat informing the *developer* 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 *Province's* fire marshal's office for comment prior to the *development permit* being issued:
 - a. twelve or more *dwelling units* on a *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 *Province's* fire marshal's office for comment prior to the *development permit* being issued.

3.12 DEVELOPMENT AGREEMENT

- 1) The *development officer* or *Council*, as appropriate, may require any *owner* of a *property* that is the subject of an application for a *development permit* 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 (4).

- 2) Failure to comply with a *development agreement* shall constitute an offence under this *Bylaw*.
- 3) A *development agreement* shall be required for all *non-resource industrial uses*.
- 4) 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. any other matters that the *development officer* or *Council*, as appropriate, deems necessary to ensure compliance with this *Bylaw*.
- 5) The *development agreement* shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *development agreement* shall be paid by the *developer*.
- 6) A *development permit* that is subject to a *development agreement* shall not take effect until the *development agreement* has been signed.

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* and 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 *property owner* shall be responsible for displaying a copy of all permits in a visible location on the *property*.

3.15 EXPIRY OF APPROVALS

- 1) A *development permit* shall be valid for a 24-month period from the date of issue.

- 2) If, after 24 months, 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 a *subdivision* shall be effective for a period of 24 months.
- 4) If the *applicant* applies before the expiry of the preliminary approval, *Council* may authorize an extension of an additional 12 months.

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 *applicant* shall be responsible for ensuring that the well and *sewage disposal system*, where they exist, are decommissioned or temporarily capped in accordance with any applicable statute, regulation or other enactment.

3.17 DEVELOP IN ACCORDANCE WITH APPLICATION

- 1) Any *person* who has been granted a *development permit* shall develop in accordance with the information given on the prescribed application form and the conditions included in the *development permit* and/or the *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* does not conform to this *Bylaw* or other bylaws of the *Municipality* or any applicable enactments of the *Province* or of the Government of Canada;
 - b. the proposed *development* could create a hazard to the general public, including but not be limited to, hazards, injuries or damages arising from excessive slope, water drainage run-off, and flooding;
 - c. the method of water supply is not appropriate;
 - d. the method of sanitary waste disposal is not appropriate;
 - e. there is not a safe and efficient access to a *street*;
 - f. the proposed *development* would create unsafe traffic conditions;

- g. 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; or
- h. 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.

3.19 CONSTRUCTION PLAN

- 1) Prior to any construction being carried out, the *development officer* may require the *applicant* to submit a construction plan 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.

4. GENERAL PROVISIONS

4.1 ACCESSORY STRUCTURES

- 1) *Accessory 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 1.2 m. (4 ft.) to any *lot line*; or
 - c. be located within the required *front yard setback* or the *flankage yard setback*.
- 2) No *accessory structure* shall be:
 - a. considered an *accessory structure* if it is *attached* to the *main building*; or
 - b. considered an *accessory structure* or *structure* if it located completely underground.
- 3) No *accessory structure* shall be constructed prior to the establishment of the *main use* to which it is accessory.
- 4) Notwithstanding the *setbacks* in clause (1)(b), common garages for *semi-detached dwellings* and *townhouse dwellings* may be centered on a mutual *side lot line*;
- 5) A shipping container, trailer, or similar *structure* may be *used* as an *accessory structure* provided 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 spaces* shall be provided in accordance with Part 5 of this *Bylaw* and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
 - 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 spaces* shall be provided in accordance with Part 5 of this *Bylaw* and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
 - 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*.

4.3 BUFFERING

- 1) The provision and maintenance of adequate *landscaping* 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 Commercial Industrial *Zone property* abuts *residential uses* along a *side* or *rear lot line* or both, the provision of a *landscaping* buffer of not less than 7.6 m. (25 ft.) in width along that *side* or *rear lot line* to the satisfaction of the *development officer* or *Council*, as appropriate, shall be included as a condition on the *development permit* where a *development permit* has been granted.
- 3) An adequate *landscaping* 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; and/or
 - d. appropriate *fencing*.

4.4 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*.

4.5 COASTAL HAZARD ASSESSMENT

- 1) A *coastal hazard assessment* shall be included with a *development* or *subdivision* application for a *lot* that is:
 - a. 4.22 m. (13.85 ft.) *CGVD2013* (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*.

4.6 EXISTING NON-CONFORMING STRUCTURES

- 1) Where a *structure* 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 *structure* 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 *structure* 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 *structure* above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this *Bylaw*.

4.7 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, *lot depth* or *lot area* required, may be *used* for a purpose permitted in the *zone* in which the *lot* is located, and a *structure* may be *erected* on the *lot* 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) An existing non-conforming *lot* which is increased in *lot area* or *lot frontage* or both, but remains undersized, is still considered an existing non-conforming *lot*.

4.8 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 *development permit* and is completed in conformity with the *development permit* prior to its expiry.
- 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) A non-conforming *use* may be enlarged or expanded provided that the enlargement or expansion does not increase the level of non-compliance.
- 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 creating a *change of use*.

4.9 FRONTAGE ON A STREET

- 1) No *development permit* shall be issued unless the *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 *street*;
 - c. safe ingress and egress from the *parcel* can be provided from the *parcel* 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 *applicant* can establish legal entitlement to use the *private right-of-way* for access to the *parcel* 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
 - f. The *property owner* shall be required to enter into a *development agreement* with the *Municipality* 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) The *development agreement* required under clause (2)(f) shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *development agreement* shall be paid by the *developer*.
 - 4) 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 enactments.
 - 5) Where an entrance way permit or other approval is required under the *Highway Access Regulations*, a *development permit* shall not be granted until that entrance way permit or other approval or permit has been granted.

4.10 HOME-BASED BUSINESSES

- 1) Where a *residential property* is used for a *home-based 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. a maximum of either
 - i. 25% of the *total floor area* of the *dwelling*; or
 - ii. up to 100% of the *total floor area* of an *accessory structure*shall be occupied by the *home-based business*;

- d. *adequate street* access and *off-street parking spaces* shall be provided in accordance with Part 5 of this *Bylaw* and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
 - 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*.
- 2) The *home-based business* shall not create a nuisance to residents in the surrounding neighbourhood by:
 - a. traffic generation,
 - b. noise,
 - c. hours of operation,
 - d. the creation of any vibration, heat, glare, odour or electrical interference, which is detectable from outside the *dwelling*; or
 - e. the discharge of any smoke, fumes, toxic substances or other noxious matter into the atmosphere.
- 3) The use of a *residential property* for *automobile sales* and *service establishments*, *car washes*, or *auto body shops* as *home-based businesses* shall be prohibited in the Rural Residential Zone.
- 4) After having followed the process in subsection 12.41) of this *Bylaw*, *Council* may approve a small-scale *auto body shop* or *industrial use* as a *home-based business* in the Rural Area 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.

4.11 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 setback*.

4.12 MAIN BUILDING

- 1) Except in the Rural Residential Zone, 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 on a *parcel* where *clustered housing* is a *permitted use* or a *site-specific amendment use*.
- 3) Where more than one *main building* is located on the same *lot* and is serviced by an *internal drive* providing access to the *street* or right-of-way:

- a. the *development officer* may refer the proposed access and the *site plan* and *internal drive* design, to the *Province's* Fire Marshal's Office and the *Province's* department responsible for the *Roads Act* for review and comment;
 - b. the name of the *internal drive* shall be submitted for approval by the *Province's* Minister of Justice & Public Safety, in accordance with the *Emergency 911 Act*, where the *development* results in three (3) or more civic addressed *dwelling*s, *building*s, 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 by, constructed under the supervision of, and certified by, a *professional engineer*.
- 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. 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 *streets*, width of *interior drives* and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of *parking lots* that are safe and convenient;
 - b. off-street *parking lots* shall not open directly onto a *street* but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified *parking lot* and shall be kept clear of parked *vehicles*;
 - c. 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
 - d. 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* shall apply to each individual *building*.

4.13 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.

4.14 ON-SITE WELLS AND SEPTIC SYSTEMS

- 1) Notwithstanding the minimum *lot* size standards of this *Bylaw*, all applications involving an on-site *sewage disposal system* or on-site water supply must meet the requirements of the *Province-Wide Minimum Development Standards Regulations* for on-site servicing based on soil category, as included as Schedule B of the *Bylaw*, and the *Sewage Disposal Systems Regulations*, *Water Withdrawal Regulations*, and *Well Construction Regulations*.
- 2) Every application for a *development permit* involving an on-site *sewage 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 6810 litres shall be designed and certified by a *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 *Province's* department responsible for the *Environmental Protection Act* or the *Water Act*.
- 5) Where *Council* has approved a *variance* to the minimum *lot frontage*, *lot area* and/or circle diameter requirements of the *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 *sewage disposal system* proposal appropriate for the soil type, *lot area* and proximity to adjacent *lots*, designed and certified by a *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 *sewage disposal systems* within the *lot*, or to wells or *sewage disposal systems* on adjacent *lots*.

4.15 OUTDOOR AREA LIGHTING

- 1) No *person* shall install any outdoor light in such a way as would cause a nuisance to adjacent *property owners* or a safety hazard to the motoring public.

4.16 PERMITTED USES IN ALL ZONES

- 1) The following *uses* are permitted in all *zones*:

- a. temporary construction of facilities such as sheds, scaffolds and equipment incidental to the *development* for a maximum period of six months or for so long as construction is in progress, whichever is earlier, and for a maximum of 30 days following the completion of the *development*;
 - b. *parks, public parks, playgrounds, open space*, or conservation activities;
 - c. *farm gate outlets*; and
 - d. *institutional uses*.
- 2) Except where otherwise specifically provided in this *Bylaw*, *public utilities* and *private utilities* and *utility buildings* 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.

4.17 PETROLEUM STORAGE

- 1) Underground petroleum storage tanks shall require a *permit* from the *Province* before installation may proceed. In processing such application, the *Municipality* shall refer the application initially to the *Province's* 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) Propane storage tanks shall be installed and stored in accordance with the recommendations of the *Province's* fire marshal's office.

4.18 SECONDARY SUITES

- 1) A *secondary suite* shall be permitted within any *single-detached dwelling* or *accessory structure* 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. 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. 80 sq. m. (861 sq. ft.);
- 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*; and
- c. the *secondary suite* meets the requirements of the National Building Code and all requirements under the *Municipality's* bylaws;
- d. 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*; and
- e. the *development agreement* required under clause (1)(b) shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *development agreement* shall be paid by the *applicant*.

4.19 SIDE YARD WAIVER

- 1) Notwithstanding any other provisions of this *Bylaw*, where *buildings* on adjacent *lots* share a common wall, the applicable *side yard setbacks* shall be zero (0) along the common *lot line*.

4.20 SOLAR ENERGY SYSTEMS

- 1) *Roof-mounted solar arrays* shall be permitted in all *zones*, subject to the following:
 - a. *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 yard* 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.

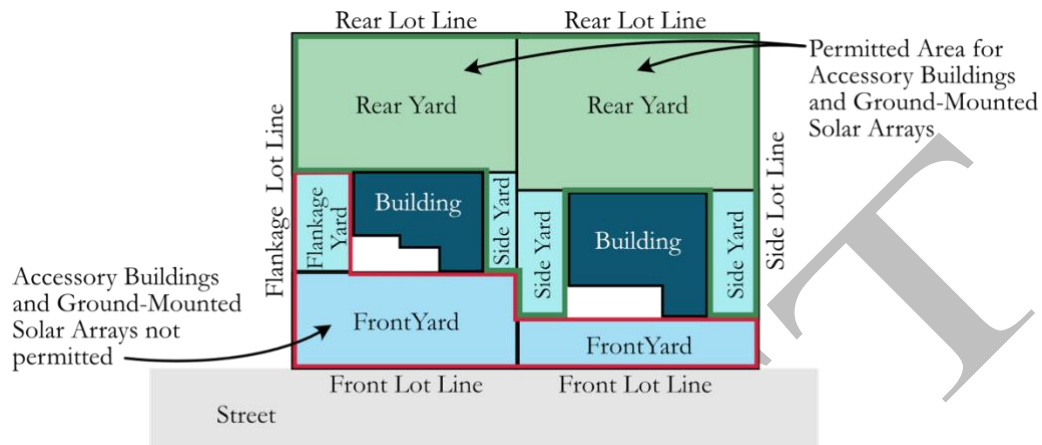


Figure 1 Permissible Areas for Accessory structures and Ground-mounted Solar Arrays in the RR Zone (permitted in rear and interior side yards only)

4.21 TEMPORARY USES, BUILDINGS AND STRUCTURES PERMITTED

- 1) *Temporary structures* shall conform to the *setback* requirements for an *accessory structure* in the *zone*.
- 2) The *development officer* may issue a *temporary 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, including but not limited to water supply, wastewater disposal and emergency management.
- 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, including but not limited to water supply, wastewater disposal and emergency management.
- 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, except where the *temporary use* involves an RV for personal *use*.
- 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*.

4.22 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*.

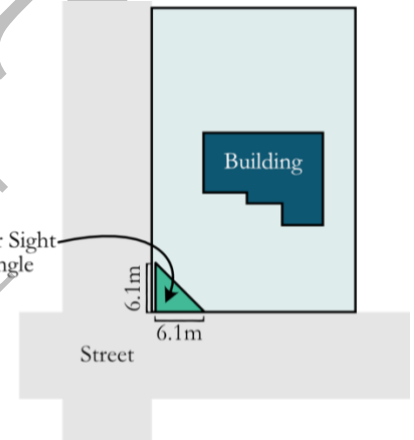


Figure 2 - Corner Sight Triangle

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 <i>Building</i>	Minimum Requirement
<i>Dwellings</i>	1 <i>parking space</i> per <i>dwelling unit</i>
<i>Tourism establishments</i>	1 <i>parking space</i> per guest room or rental unit and 1 <i>parking space</i> for each 14 sq. m. (150 sq. ft.) of <i>floor area</i> devoted for <i>public use</i> (e.g. banquet rooms, <i>lounge</i>)
<i>Campgrounds</i> and <i>RV Parks</i> or <i>Campground Sites</i> or <i>RV Sites</i>	1 <i>parking space</i> designated for registration and visitor parking for every 10 <i>campground sites</i> or <i>RV sites</i> , or fraction thereof, registration and visitor parking
<i>Senior Citizens Homes</i> and <i>Community Care Facilities</i>	1.25 <i>parking spaces</i> per <i>dwelling unit</i>
<i>Tourist Attractions</i>	1 <i>parking space</i> per four (4) <i>persons</i> to maximum capacity of attraction
<i>Restaurant / Lounge / Take-Out</i>	1 <i>parking space</i> per four seats of seating capacity or 1 <i>parking space</i> per 14 sq. m. (150 sq. ft.) of <i>floor area</i> , whichever is greater.
All other <i>Commercial Uses</i> (non-resource)	1 <i>parking space</i> per 9.3 sq. m. (100 sq. ft.) of <i>floor area</i>
All other <i>uses</i> not listed	1 <i>parking space</i> per 20 sq. m. (215 sq. ft.) of <i>floor area</i> or 1 <i>parking space</i> 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 *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 lot* 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; and
 - the lights used for illumination of the *parking lot* shall be so arranged as to divert the light away from the *streets*, adjacent *lots* and *buildings*.

- 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 lot* 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 lot* shall be:
 - a. a minimum width of 3.05 m. (10 ft.)
 - b. a maximum entrance and exit width of 9.14 m. (30 ft.) 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 lots* are located in front of any *building*, a 5 ft. landscaped buffer shall be provided between the *parking lot* and the *street* boundary.

5.3 ACCESSIBLE PARKING

- 1) In addition to the parking requirements found in section 5.1, where a *parking lot* is required, two (2) spaces dedicated to people with disabilities shall be provided for every 30 spaces provided, or minimum of one (1) space for part thereof. Dedicated *parking spaces* shall be a minimum of 3.7 metres (12 feet) in width. Access from the dedicated *parking spaces* to the *building* shall consist of a smooth asphalt or concrete surface in order to allow easy ingress and egress for wheelchairs and persons with walking disabilities.

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 Rural Area 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 Rural Area Zone:
 - a. *agricultural uses*;
 - b. *fishery uses*;
 - c. *forestry uses*;
 - d. *resource-related commercial uses*;
 - e. *animal sanctuaries*;
 - f. *single-detached dwellings*;
 - g. *duplex dwellings* and *semi-detached dwellings*; and
 - h. *commercial uses*.
- 2) The following are *permitted* as *accessory uses* in the Rural Area Zone:
 - a. *accessory structures*;
 - b. *bed and breakfasts* and *short-term rentals*;
 - c. *dormitories*;
 - d. *home-based businesses*;
 - e. *secondary suites*; and
 - f. *wind energy facilities* 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 agricultural uses*, *intensive livestock operations*, *cannabis operations*, water bottling plants, *excavation pits*, intensive fishery-related operations;

- c. *kennels*; and
- d. *solar arrays* and *wind energy facilities* 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 Rural Area Zone;
 - b. a statement documenting the compatibility of the *development* with *agricultural uses* and other predominant features of the Rural Area Zone, including adjacent land *uses*;
 - c. an overview of measures to protect *agricultural uses* and significant natural features;
 - d. in the case of clauses 6.4(1)(a), (b), and (d),
 - i. 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 *professional engineer*; and
 - ii. long term plans for those portions of the *property* which are not proposed to be developed; and
 - e. in the case of clause 6.4(1)(c), an overview of the proposed intensity of use of measures to minimize impacts on adjoining properties.

6.6 LOT REQUIREMENTS

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

	Requirement
Minimum <i>lot area</i>	0.4 ha (1 acre)
Maximum <i>lot area</i>	<i>Non-Resource Commercial Uses</i> 0.8 ha (2 acres)
Minimum <i>frontage</i> or <i>lot width</i>	45.7 m. (150 ft.)
Minimum <i>front yard</i>	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft) – subdivision roads as classified under the <i>Highway Access Regulations</i>
Minimum <i>rear yard</i>	4.6 m. (15.1 ft.)
Minimum <i>side yard</i>	4.6 m. (15.1 ft.)
Minimum <i>flankage yard</i>	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*, as amended from time to time, and where there is a conflict, the more stringent shall apply. (See **Error! Reference source not found..**)

- 3) New *dwellings* shall be set back a minimum of 15 m. (49 ft.) from the *lot 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*:

	Requirement
Min. distance from any existing <i>dwelling</i> on an adjacent property	305 m. (1000 ft.)
Min. distance from a <i>street</i>	45.72 m. (150 ft.)
Min. distance from any domestic well	152.4 m. (500 ft.)
Min. distance from any <i>lot line</i>	45.72 m. (150 ft.)
Min. distance from any <i>watercourse</i> or <i>wetland boundary</i>	90 m. (295.3 ft.), except where permitted under the <i>Watercourse and Wetland Protection Regulations</i>

- 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(1).
- 3) All *intensive livestock operations* shall have a manure storage facility with a capacity for retention of manure.
- 4) The *development officer* may consult the *Province's* Department of Agriculture and Land or its successor for manure storage capabilities and design standards, and the livestock operator shall be required to follow those capacity and design requirements.
- 5) All new *subdivisions* for *residential uses* shall be designed such that a 305 m. (1000 ft.) setback can be maintained between any new *dwellings* and an existing *intensive livestock operation*.

6.9 EXCAVATION PITS

- 1) Where an *excavation pit* is permitted through a site-specific amendment, the following shall apply:
- no *person* shall open or operate an *excavation pit* without first applying for and receiving a *development permit*; and
 - where an *excavation pit* is permitted, the standards of Schedule G shall apply.

6.10 WIND ENERGY FACILITIES

- 1) Where a *wind energy facility* is permitted, the following shall apply:
 - a. no *person* shall erect or place a *wind energy facility* without first applying for and receiving a *development permit*; and
 - b. the standards of Schedule D shall apply.

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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 a Rural Residential Zone.

7.2 PURPOSE

- 1) The Rural Residential Zone is established principally to permit residential *developments* featuring multiple *lots*, as well as limited *accessory uses*. *Council* may consider slightly higher density *residential uses*, *clustered housing*, or *conservation subdivisions*, particularly where central 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 Rural Residential Zone:
 - a. *single-detached dwellings*;
 - b. *duplex dwellings* and *semi-detached dwellings*;
 - c. *apartment dwellings*; and
 - d. *townhouse dwellings*.
- 2) The following are permitted as *accessory uses* in the Rural Residential Zone:
 - a. *accessory structures*;
 - b. *bed and breakfasts* and *short-term rentals*;
 - c. *home-based businesses*; and
 - d. *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 Rural Residential Zone:

	(On-Site Serviced)	Central Water and Central Sewer
Minimum <i>lot area</i>		
<i>Single-detached, duplex dwellings and semi-detached dwellings</i>	0.2 ha (1 acre)	0.2 ha (0.5 acre)
<i>Townhouse dwellings and apartment dwellings</i>	0.8 ha (2 acres)	0.2 ha (1 acres)
Minimum <i>frontage</i>	see Schedule B	23 m. (75 ft.)
	<i>All lots</i>	
Minimum <i>front yard</i>	15.2 m. (50 ft.) – arterial, <i>collector</i> , local, and seasonal roads 5.2 m. (17 ft) – subdivision roads as classified under the <i>Highway Access Regulations</i>	
Minimum <i>rear yard</i>	4.6 m. (15.1 ft.)	
Minimum <i>side yard</i>	4.6 m. (15.1 ft.)	
Minimum <i>flankage yard</i>	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*, as amended from time to time, and where there is a conflict, the more stringent shall apply. (See **Error! Reference source not found.**).

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:

Type of Livestock	Maximum Number of Livestock
Fowl	Maximum 3 per 0.1 ha (0.25 acre)
Pigs (Potbelly & Domestic), Sheep, or Goats	Maximum 1 per 0.1 ha (0.25 acre)
Horses	Maximum 1 per 0.2 ha (0.5 acre)
Other	At the discretion of <i>Council</i>

- 2) Where the approval to keep *livestock* is at the discretion of *Council*, consideration will be given to the anticipated impact on adjoining *properties* based on the size of *parcel*, anticipated odours and sound, and ability to appropriately fence, pen, or house the proposed *livestock* in such a way as to limit the impact on adjoining *properties*.
- 3) The keeping of *livestock* must adhere to all local, provincial and federal health and agriculture regulations in addition to the standards in this *Bylaw*.
- 4) Such *livestock* must be appropriately fenced, penned, or housed to prevent trespass onto *streets* and adjacent properties. Any ground-level *structure* intended for the keeping of animals shall be considered an *accessory structure*.
- 5) The *livestock structure* referred to in subsection 4) shall be situated at least 5 m. (16.4 ft.) to a *lot line*.

- 6) Apiaries are permitted but limited to no more than twelve (12) hives, which must be located in the *rear yard*.

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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 Commercial Industrial Zone.

8.2 PURPOSE

- 1) The Commercial Industrial Zone is established principally to permit a range of commercial and industrial *uses*, including those that might not be permitted in other *zones*, while still enabling a mix of commercial and non-commercial uses typical of a rural area.

8.3 PERMITTED USES

- 1) The following are *permitted uses* in the Commercial Industrial Zone:
 - a. *resource-related commercial uses*;
 - b. *commercial uses*;
 - c. *auto body shops*;
 - d. *service stations*;
 - e. *car washes*;
 - f. *kennels*;
 - g. *tourism establishments*;
 - h. *tourist attractions*;
 - i. *light industrial uses*;
 - j. *mixed residential / commercial building*; and
 - k. *residential dwellings* of all types.
- 2) The following are permitted as *accessory uses* in the Commercial Industrial Zone:
 - a. *accessory structures*;
 - b. *home-based businesses*;
 - c. *secondary suites*; and
 - d. *wind energy facilities* of a maximum capacity of up to 100 kw.

8.4 SITE-SPECIFIC AMENDMENT USES

- 1) Notwithstanding section 8.3 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*;
- c. *solar arrays* and *wind energy facilities* of more than 100 kw; and
- d. *non-resource industrial uses* other than *light industrial uses*.

8.5 SUPPORTING INFORMATION

- 1) Any application for a site-specific amendment pursuant to section 8.4 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 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 *professional engineer*; and
 - e. long term plans for those portions of the *property* which are not proposed to be developed.

8.6 LOT REQUIREMENTS

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

	(On-Site Served)	Central Sewer	Central Water and Central Sewer
Minimum <i>lot area</i>	see Schedule B	see Schedule B	1,394 sq. m. (15,000 sq. ft.)
Maximum <i>lot area</i>		0.4 ha (2 acres)	
Minimum <i>frontage</i>	see Schedule B	see Schedule B	30.5 m. (100 ft.)
All lots			
Minimum <i>front yard</i>	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft) – subdivision roads as classified under the <i>Highway Access Regulations</i>		
Minimum <i>rear yard</i>	4.6 m. (15.1 ft.)		
Minimum <i>side yard</i>	4.6 m. (15.1 ft.)		
Minimum <i>flankage yard</i>	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*, as amended from time to time, and where there is a conflict, the more stringent shall apply. (See **Error! Reference source not found..**)

8.7 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 *open storage*, and shall be located on the same lands as the *commercial* or *industrial* establishment.

8.8 DWELLINGS IN A COMMERCIAL BUILDING

- 1) A mixed commercial/residential *building* may have a combination of *commercial uses* and *residential uses* 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, auto body shop*, or a dry-cleaning establishment;
 - 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.

8.9 AUTOMOBILE SERVICE STATION

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

	Requirement
Minimum <i>lot frontage</i>	45.72 m. (150 ft.)
Minimum <i>pump setback</i>	6.10 m. (20 ft.)
Minimum <i>pump distance from access or egress</i>	9.14 m. (30 ft.)
Minimum <i>width of driveway</i>	7.62 m. (25 ft.)

- 2) Where the *service station* includes a *car wash*, all washing operations shall be carried on inside the *building*.

8.10 CAMPGROUNDS AND RV PARKS OR SITES

- 1) All *campgrounds* and *RV parks* or *campground sites* or *RV sites* shall conform to the minimum provisions of the *Tourism Industry Act Regulations*.
- 2) All applications to *develop* or *expand* a *campground* or *RV park* or *campground sites* or *RV sites* shall include a *site plan* showing the following information:
 - a. boundaries of the *parcel* 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; and
- 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 lots*, 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*, differentiated and shown;
 - iv. locations of all existing (to remain) and proposed *buildings* on the site and all *buildings* within 15.2 m. (50 ft.) 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.

8.11 BED AND BREAKFAST AND SHORT-TERM RENTALS

- 1) *Bed and breakfasts* and *short-term rentals* operating within the Commercial Industrial Zone shall be considered commercial *tourism establishments* and shall be subject to the *development* regulations of a *commercial use*, unless otherwise specified.

8.12 WIND ENERGY FACILITIES

- 1) Where a *wind energy facility* is permitted, the following shall apply:
 - a. No *person* shall erect or place a *wind energy facility* without first applying for and receiving a *development permit*; and
 - b. the standards of Schedule D shall apply.

9. PARKS 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 a Parks and Recreation *Zone*.

9.2 PURPOSE

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

9.3 PERMITTED USES

- 1) The following are *permitted uses* in the PR *Zone*:
 - a. *historic sites*;
 - b. *trails*;
 - c. *parks* and playgrounds;
 - d. *pavilions* and *bandstands*;
 - e. *recreational facilities*; and
 - f. *sports fields*.
- 2) The following are permitted as *accessory uses* in the PR *Zone*:
 - a. *accessory structures*, 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	Central Water and Central Sewer
Minimum <i>lot area</i>	see Schedule B	see Schedule B	1,394 sq. m. (15,000 sq. ft.)
Minimum <i>frontage</i>	see Schedule B	see Schedule B	30.5 m. (100 ft.)
	All lots		
Minimum <i>front yard</i>	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads as classified under the <i>Highway Access Regulations</i>		
Minimum <i>rear yard</i>	4.6 m. (15.1 ft.)		
Minimum <i>side yard</i>	4.6 m. (15.1 ft.)		

Minimum <i>flankage</i> <i>yard</i>	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* as amended from time to time (see **Error! Reference source not found.**).

9.5 PARKS CANADA NATIONAL HISTORIC SITE

- 1) Land use decisions related to the Parks Canada Historic Site are vested in the Government of Canada and no *development permits* are required from the *Municipality*.

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 Environmental Risk Zone.
- 2) *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.

10.2 PURPOSE

- 1) The Environmental Risk 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 Environmental Risk Zone is subject to one or more *development* constraints, the more stringent requirements shall apply.

10.3 BUFFER ZONE

- 1) 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*.
- 2) 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* and the *Watercourse and Wetland Protection Regulations*.
- 3) That portion of any *property* having a *wetland*, *watercourse*, or *buffer zone*, or any combination thereof, shall be included in the Environmental Risk Zone and applications for *subdivision* and *development permits* on that portion of those properties will be referred to the Province's department responsible for the *Environmental Protection Act*.
- 4) For the avoidance of doubt, the requirements in this *Bylaw* for the Environmental Risk Zone are in addition to all requirements in the *Watercourse and Wetland Protection Regulations* and any other federal or provincial statute, regulation, or other enactment.

10.4 WELLFIELD

- 1) The following are *permitted uses* in the Environmental Risk Zone for properties located within a *designated wellfield*:
 - a. *agricultural uses*;

- b. *fishery uses*;
 - c. *forestry uses*;
 - d. *resource-related commercial uses*;
 - e. *single-detached dwellings*; and
 - f. *duplex dwellings and semi-detached dwellings*.
- 2) Prior to issuance of a *development permit* for a *property* located within a *designated wellfield* in the Environmental Risk Zone, the *development officer* shall:
- a. notify the municipality that has designated the wellfield or the *Province*, as the case may be, of the proposed *development* and land *use*; and
 - b. consult with officials with the *Province* and/or private consultants to ensure that necessary measures are taken to protect the *designated wellfield* from potential direct, indirect and long-term impacts of the proposed *development* and land *use*.

10.5 CONTAMINATED SITES

- 1) The following are *permitted uses* in the Environmental Risk Zone for properties that have been registered with the *Province* as a contaminated site:
- a. *agricultural uses*;
 - 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 of the *Province's* 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 *structure 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 *structure* for the applicable *zone* adjacent to the Environmental Risk *Zone*; or
 - ii. 60 times the annual rate of erosion, where applicable, as determined by the Province's department responsible for such calculations; or
- b. *non-coastal area*: 15 m. (49.21 ft.) plus the minimum *setbacks* for the proposed *structure* for the applicable *zone* adjacent to the Environmental Risk *Zone*.

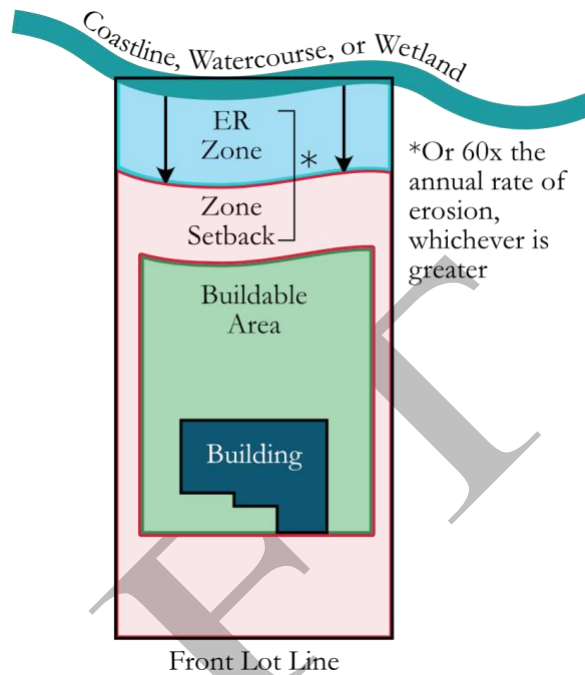


Figure 2 – horizontal setback – coastal areas, watercourses or wetlands

- 3) On a *lot* located within or adjacent to a *coastal floodplain*, no *structure* shall be *erected* or placed where the elevation of the *grade* of the *lot* is 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* used in connection with a wharf.
- 4) Notwithstanding subsection (3), where a *property* that is the subject of an application for a *subdivision* approval or *development permit* has been identified as having a risk of coastal flooding through a *coastal hazard assessment* and the finished *grade* of the *lot* can be raised to accommodate the projected risk, the proposed *subdivision* or *development* may be permitted, subject to the following:
 - a. the submission of a grading plan, designed and stamped by a *professional engineer*,
 - b. any alteration to the *grade* does not encroach into the *buffer zone*, as defined in the *Environmental Protection Act* and the *Watercourse and Wetland Protection Regulations*, except where a watercourse, wetland and buffer zone activity permit has been issued by the *Province*; and
 - c. compliance with all other applicable requirements of this *Bylaw*.

- 5) Where a *property* that is the subject of an application for a *subdivision* approval or *development* permit has been identified as having a risk of coastal flooding through a *coastal hazard assessment*, the *development officer* or *Council*, as appropriate, may require the *property owner* to engage a *professional engineer*, *professional architect* or *landscape architect* to design all or part of the *development* to ensure the provisions of this *Bylaw* are met.

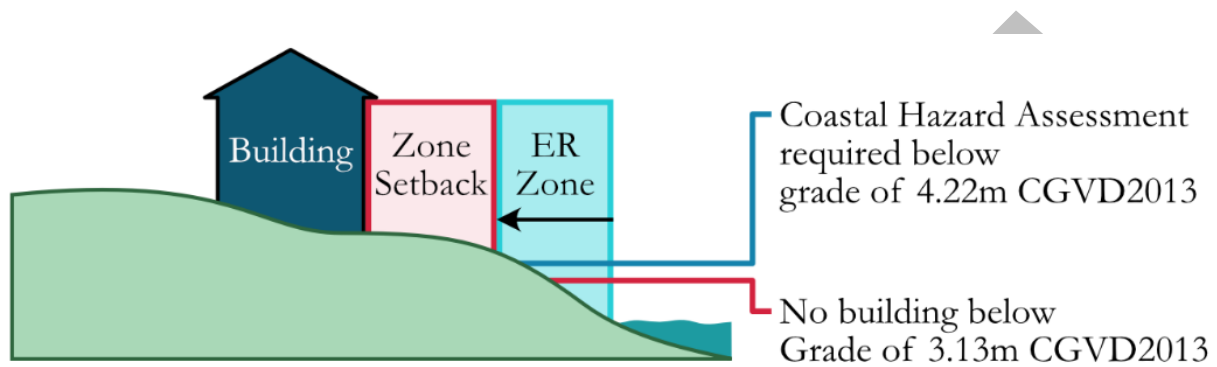


Figure 5 – Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, Example A

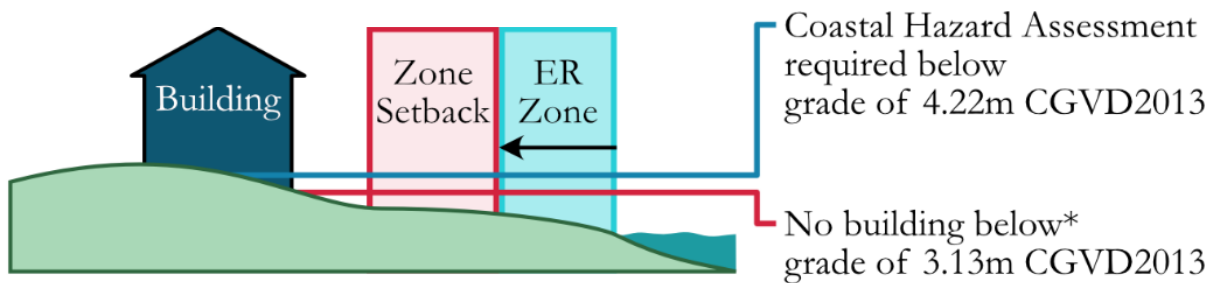


Figure 5 Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, Example B

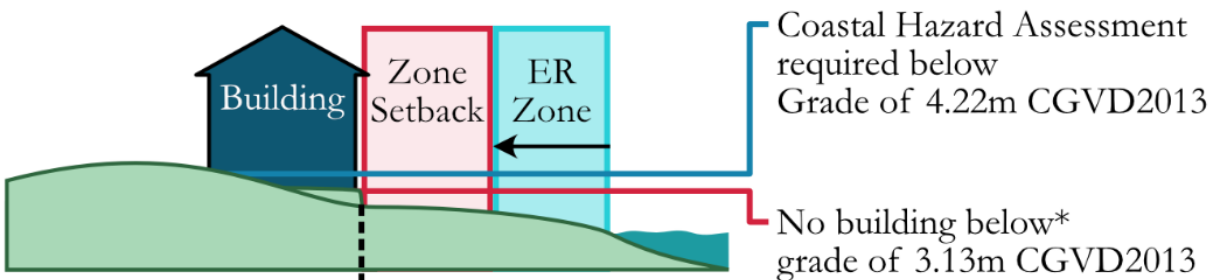


Figure 5 Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, with raised grade

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

- 6) Notwithstanding subsection (3), where a *property* that is the subject of an application for a *development permit* has been identified as *legacy lands* by the *Council* pursuant to its *legacy lands assessment policy*, *development* may be permitted subject to the following:

- a. the submission of a grading plan, designed and stamped by a *professional engineer*,
 - b. any alteration to the grade does not encroach into the *buffer zone*, as defined in the *Environmental Protection Act* and the *Watercourse and Wetland Protection Regulations*, except where a watercourse, wetland and buffer zone activity permit has been issued by the *Province*;
 - c. the development of the *legacy lands* is in compliance with all other applicable requirements of this *Bylaw* to the greatest extent possible and is only inconsistent with the *Bylaw* insofar as is necessary to recognize the vested right of the *owner* of the *legacy lands*;
 - d. the *owner* of the *legacy lands* provides a signed waiver, in the form prescribed by *Council*, waiving all claims against the *municipality*, its *Council* members, employees, agents, successors and assigns; and
 - e. the *owner* of the *legacy lands* enters into a *development agreement* with the *municipality* which includes the obligation for the *owner* of the *legacy lands* to obtain a written assignment of the waiver referenced in (d) from subsequent *owner(s)* before the *legacy lands*, or any part thereof, are conveyed.
- 7) Where an *existing lot* held in separate ownership is unsuitable for *development* as a result of the requirements of the Environmental Risk Zone and is not identified as *legacy lands* by the *Council* pursuant to its *legacy lands assessment policy*, the *lot* may be used seasonally with a *recreational vehicle*, subject to meeting all requirements for on-site systems.
- 8) The *development officer* or *Council*, as appropriate, may require the *applicant* to provide an erosion management plan to address siltation and overland erosion during construction that may impact an adjacent *wetland* or *watercourse*.
- 9) For the avoidance of any doubt, *setbacks* for *buildings* and *structures* on *properties* containing or bordering on an Environmental Risk Zone shall be calculated from the boundary of the *zone*, not the *lot 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 in writing for a *variance* in the form approved by *Council*.
- 2) Subject to the *Province-wide Minimum Development Standards*, a *variance* from the minimum requirements of this *Bylaw* may be granted for any of the following requirements provided it meets 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 *parcels*, 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.

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 a *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*.
- 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 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, and
 - 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 12.4 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 of this *Bylaw* or the *Zoning Map* is an amendment and any amendment shall be consistent with the policies of the *Official Plan*.
- 3) An application for an amendment 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 for an amendment, 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 to amend the *Bylaw*;
 - 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 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 sound planning principles.
- 2) Prior to making a decision with regards to an application for a site-specific amendment, the *Municipality* 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 to receive comments on the proposed *site-specific amendment 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 *Bylaw*, *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 *parks* and parkland 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 planning 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 notice of the decision shall be posted 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 *Province's* 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.

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 in the *Official Plan* 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 *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 *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 such as ensuring there is adequate land above the flood risk elevation to establish legal access, accommodate the proposed *development*, and adequately support on-site services; and
 - i. is suitable to the *use* for which it is intended, and the future *use* of adjacent lands.

- 2) Notwithstanding clause 1)(d), a *parcel* may be *subdivided* that does not have *frontage* on a *street* where a binding agreement with the *Municipality* or a recognized land trust or conservancy has been put in place to permanently conserve the proposed *lot* as a natural area, and provided legal entitlement to a *private right-of-way* for access to the *property* in question has been established through an agreement with the *owner* of the *private right-of-way* and registered in accordance with the provisions of the *Registry Act*.

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 *building line* measures at least as much as the minimum *lot frontage* for the *zone*; and
- c. the proposed *lot* has a minimum *frontage* of 7.32 m (24 ft)

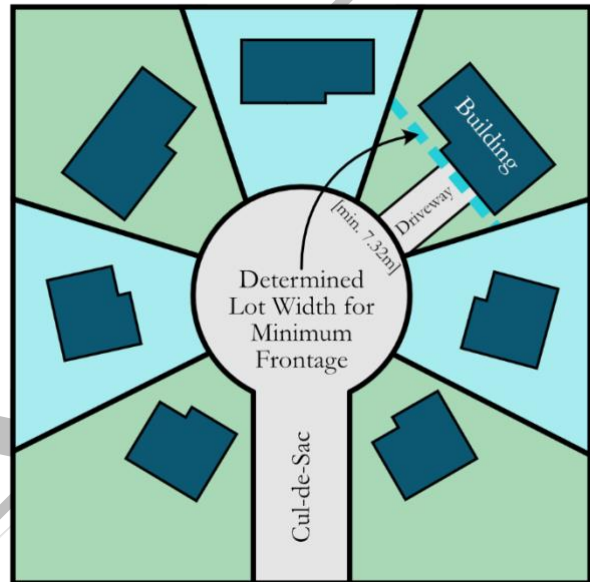


Figure 6 Cul-de-Sac Lot Frontage

- 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 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* or *consolidation*, where the *subdivision* or *consolidation* would otherwise be permitted under this *Bylaw*.

13.5 SUBDIVISIONS IN RA AND CI ZONES

- 1) Within a Rural Area Zone, *subdivisions* shall be restricted to existing *parcels* only and no *person* shall be permitted to *subdivide* more than four (4) *lots*, no more than two (2) of which may be approved for uses other than *residential uses* or resource-related *uses*.
- 2) Within a Commercial Industrial Zone, *subdivisions* shall be restricted to existing *parcels* only and no *person* shall be permitted to *subdivide* more than two (2) *lots*.
- 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 Zone:
 - a. A *subdivision* for *residential uses* 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*, the requirements of clause 63(10)(d) of the *Subdivision and Development Regulations* shall apply. (See Schedule F)

13.7 SUBDIVISIONS IN 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 shall be provided if the *property* being subdivided includes *shore frontage* on a beach, with at least one access measuring at least 6.1 m. (20 ft.) to be located approximately every 200 m. (656.2 ft.) of *shore frontage*;
 - b. the area to be set aside as *parkland* dedication may include land located along the *watercourse*; and
 - c. compliance with the requirements of subsection 4.5.
- 2) The area of a *lot* that falls within the Environmental Risk Zone may be included as part of the *lot* in a *subdivision* where the *lot* has sufficient area exclusive of the Environmental Risk Zone area to permit the required *setbacks*, on-site services and the minimum circle diameter requirements under the *Province-wide Minimum Development Standards Regulations*.
- 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*, the *lot(s)* shall meet the minimum *lot area* for the *zone* exclusive of the area of the *wetland* or *watercourse*.

13.8 CONSERVATION SUBDIVISIONS

- 1) Notwithstanding the provisions of this *Bylaw* and in particular the minimum *lot* size standards in the Rural Residential *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 *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 registered in accordance with the *Registry Act*;
 - 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 is designated for general *public* access in accordance with the *parkland* dedication requirements in this *Bylaw*; and
 - h. the *subdivision* is serviced by central on-site water and wastewater treatment systems that meet current provincial standards and are designed and certified by a *professional engineer*.
- 2) The required *open space* may be *used*, without restriction, for underground drainage fields for the central wastewater treatment system, subject to approval by the *Province's* department responsible for the environment.
- 3) *Council* may conduct a public meeting to consider public opinion on the design of the *subdivision*.

13.9 ROAD STANDARDS

- 1) All new *streets* or extensions to existing *streets* or to *private rights-of-way* shall be *streets* and no *subdivision* shall be permitted of a *lot* served by a *private road*.

- 2) All applications for *subdivision* shall be reviewed by the *Province's* 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:

<i>Frontage of parcel being subdivided:</i>	<i>Maximum number of lots that may be approved abutting, and requiring access to, the Collector Highway:</i>
a. less than 402.3 m. (1,320 ft.), <i>parcel</i> existing prior to February 3, 1979	one <i>lot</i> , where no <i>lot</i> has previously been approved for <i>subdivision</i> from the parent <i>parcel</i> as it existed on February 2, 1979.
b. 402.3 m. (1,320 ft.) or more, <i>parcel</i> existing prior to February 3, 1979	One <i>lot</i> for every 201 m. (660 ft.) of <i>frontage</i> of the parent <i>parcel</i> on February 2, 1979.
c. less than 402.3 m. (1,320 ft.), <i>parcel</i> approved on or after February 3, 1979	No <i>lot</i> may be approved for <i>subdivision</i> .
d. 402.3 m. (1,320 ft.) or more, <i>parcel</i> approved on or after February 3, 1979	One <i>lot</i> for every 201 m. (660 ft.) of <i>frontage</i> , and each <i>lot</i> must have a minimum of <i>frontage</i> 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, and 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 dwellings* and *townhouse dwellings* may be *subdivided* 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* or *Council*, as the case may be, and such *subdivision* provides for appropriate easements or common area to allow entry by an *owner* of any portion of the *building* to their *rear yard* area;
- c. the *dwellings* shall be separated 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 *dwelling*;
- e. separate electrical services are provided for each *dwelling*;
- f. a separate heating device is provided for each *dwelling*;
- g. separate *parking* is provided for each *dwellings* 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 *dwelling*. 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 that the *development officer* or *Council*, as appropriate, deems necessary to ensure compliance with this *Bylaw*.

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. a soil assessment;
 - d. a description of *uses* on the surrounding *parcels*; and
 - e. five (5) copies of a preliminary *subdivision* plan, prepared by *professional land surveyor* or *professional 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 current or projected future 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 the *Province's* statutes or regulations or other enactments;
 - c. a stormwater management plan;
 - d. a traffic survey or a traffic study;
 - e. an assessment by the *Province* on potential environmental impacts, including requirements imposed by provincial statutes, regulations or other enactments;
 - f. an assessment by the *Province* on access, transportation or pedestrian issues related to the design; and
 - g. any other studies or documentation required in order to adequately determine whether the requirements of this *Bylaw* are met.
- 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 in accordance with section 13.14.
- 5) In consultation with the *Province*, and in review of water supply and sewage disposal needs, *subdivision* approval may be withheld until such time as adequate servicing has been designed for the *subdivision*. Central water supply or sewage disposal or both may be required as a condition of *subdivision* approval.

- 6) 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.
- 7) *Street* design drawings and a stormwater management plan prepared by a *professional engineer* shall be submitted with an application for preliminary approval for any *subdivision* involving the construction of a new *street*.
- 8) Where the *development officer* or *Council*, as the case may be, 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 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 *parkland* to be conveyed shall be at the discretion of, and shall be subject to approval by *Council*;
 - b. the *parkland* 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 projected 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 central 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 *development officer* or *Council*, as the case may be, may require an *applicant* to enter into a *subdivision agreement* prior to issuing preliminary approval. The *subdivision agreement* may cover such matters required in order to ensure compliance with this *Bylaw* 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 *parkland*, or payment of a fee in lieu of *parkland*;
 - c. the *building* of *streets* to provincial standards and deeding of *streets* to the *Province's* 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.
- 2) The *subdivision agreement* shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *subdivision agreement* shall be paid by the *developer*.

13.15 FINAL APPROVAL

- 1) Except where otherwise provided for in this *Bylaw*, a stormwater management plan prepared by a *professional engineer* shall be submitted with an application for final approval for any *subdivision* of a *lot* into three (3) 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 part, any *subdivision agreement* between the *applicant* and the *Municipality*, and any other conditions of preliminary approval;
 - b. submitted at least seven (7) copies of a final *survey plan* showing all *lots* pinned and certified by a *professional land surveyor*; 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 Province's 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 Province's Department of Transportation and Infrastructure or its successor 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* approval stamp on the seven 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 Province's Registrar of Deeds (2 copies);
 - b. the Province's 911 Administration Office;
 - c. the Province's 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 CONSOLIDATIONS

- 1) 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. The deed shall be registered in accordance with the *Registry Act* and all fees associated with the preparation and registration of the deed shall be paid by the *developer*.

- 2) 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* 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. 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*.

16. 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 *Planning 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*.

17. REPEAL

17.1 EFFECTIVE DATE

- 1) This *Bylaw* shall come into force on the date it is signed by the *Province's* minister responsible for the *Planning Act*.

17.2 REPEAL

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

18. DEFINITIONS

For the purpose of this *Bylaw*, italicized words carry the defined meaning set forth in this section. Words that are defined in this section but that are not italicized when used in the *Bylaw* carry their ordinary meaning.

In this *Bylaw*:

A

ACCESSORY STRUCTURE means a separate subordinate *structure* which is used or intended for the better or more convenient continued enjoyment of the *main building* to which it is accessory, and located upon the *parcel* upon which such *main building* is or is intended to be erected.

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

AGRICULTURAL USE means 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 an *agricultural use* of a *building* or land pursuant to the *Farm Practices Act*.

ALTER means any change in the structural component of a *building* or *structure* or any increase in the volume of a *building* or *structure*.

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*.

ARCHITECTS ACT means the *Architects Act*, R.S.P.E.I. 1988 Cap. A-18.1, as amended from time to time.

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.

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

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.

AUTOMOBILE SERVICE STATION means a *building* or part of a *building* or a clearly defined space on a *lot used* for the sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor *vehicles*.

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 for the travelling public but does not include a boarding house, rooming house, *apartment*, *hostel*, *short-term rental*, *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*.

BUILDING CODES ACT means the *Building Codes Act*, R.S.P.E.I 1988, Cap. B-5.1, as amended from time to time.

BUILDING LINE means any line set at the front of a *building* or *structure* on a *lot* that is parallel to the *street line* defining the position of a *building* or *structure* on a *lot*.

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.

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

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

BYLAW means the Rural Municipality of West River Land Use Bylaw.

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 *campground sites* or *RV sites* or both.

CAMPGROUND SITE 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.

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.

CGVD means Canadian Geodetic Vertical Datum. CGVD2013 is a *gravimetric* datum defined by the equipotential surface $W_0=62,636,856.0 \text{ m}^2\text{s}^{-2}$, representing by convention the coastal mean sea level for North America.

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 *Interpretation Act*.

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 buildings* on the same *lot* intended for rental, condominium, cooperative or other form of ownership.

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, as identified by the *Province*.

COASTAL HAZARD ASSESSMENT means a summary report issued by the *Province* describing the potential erosion and flood hazards associated with a coastal *property*.

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

COMMERCIAL USE 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* 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.

COMMUNITY CARE FACILITIES means facilities as defined in the *Province's Community Care Facilities and Nursing Homes Act*, R.S.P.E.I. 1988, Cap. C-13, as amended from time to time.

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 **LOT CONSOLIDATION**

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

CORNWALL REGION SPECIAL PLANNING AREA means the area designated as such under the *Subdivision and Development Regulations*.

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*.

DESIGNATED WELLFIELD means a wellfield area designated by a municipality or the *Province*.

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 *Municipality* 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**.

APARTMENT DWELLING means a *dwelling* in a *building* containing three or more such *dwelling units* that share common hallways and a common outdoor entrance, *dwelling units* attached to a *building* which is principally commercial, or a *dwelling* in a *building* that is divided vertically into three or more *attached dwelling units* that do not each have their own *street frontage*. An *apartment dwelling* does not include a *townhouse dwelling*.

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

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*.

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* and a *tiny 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.

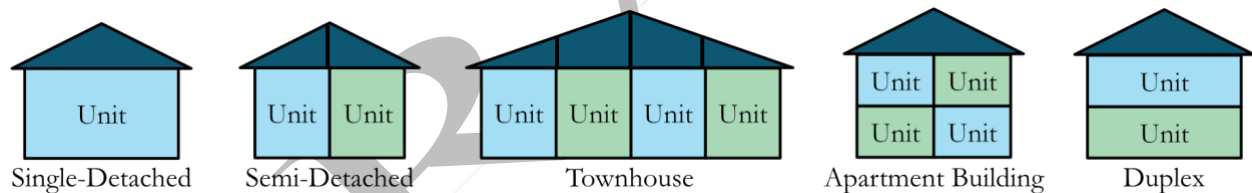


Figure 7 - Types of dwellings

E

EARLY LEARNING AND CHILD CARE ACT means the *Early Learning and Child Care Act*, R.S.P.E.I. 1988, Cap. E-.01, as amended from time to time.

EARLY LEARNING AND CHILD CARE CENTRE means a *building* where children are cared for as permitted under the *Early Learning and Child Care Act*.

EMERGENCY 911 ACT means the *Emergency 911 Act*, R.S.P.E.I. 1988, Cap. E-5.1, as amended from time to time.

ENGINEERING PROFESSION ACT means the *Engineering Profession Act*, R.S.P.E.I. 1988 Cap. E-8.1, as amended from time to time.

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 PROTECTION ACT means the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9, as amended from time to time.

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, an excavation in preparation for a structural foundation, or the removal of stored or stockpiled clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit that originated from another location, or an excavation designed for water retention and irrigation purposes.

EXCAVATION PITS REGULATIONS means the *Environmental Protection Act Excavation Pits Regulations* adopted pursuant to the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, as amended from time to time.

EXISTING LOT means a *lot* in existence on the effective date of this *Bylaw*, except where otherwise indicated in this *Bylaw*.

F

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 food products.

FARM DWELLING means a *single-unit dwelling* that is located on a *farm*, and is owned and occupied by the principal *owner* of the *farm* or a *person* whose primary occupation is to work on the *farm parcel*.

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.

FARM PRACTICES ACT means the *Farm Practices Act*, R.S.P.E.I. 1988, Cap. F-4.1, as amended from time to time.

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 an *accessory structure* - 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 an establishment for six (6) or fewer residents who require special care or supervision, staffed 24 hours per day by trained care giver(s), and recognized as a group home by the Minister of the Province's Department of Health or Wellness or any successor department, or a women's shelter.

H

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

HIGHWAY – see **STREET**

HIGHWAY ACCESS REGULATIONS means the *Highway Access Regulations* made under the *Roads Act*, as amended from time to time.

HISTORIC 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 an *accessory structure* for an occupation or *business* conducted for profit involving the production, sale, or provision of goods and services.

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 an inexpensive lodging facility for travellers that typically has dormitory style sleeping arrangements.

HOTEL means a commercial *building* providing temporary accommodations for travellers or transients, and may have one or more *public* dining rooms and convention meeting rooms but does not include a *motel*.

HOUSING CORPORATION ACT means the *Housing Corporation Act*, R.S.P.E.I. 1988, Cap. H-11.1, as amended from time to time.

I

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

- (i.) *clinics* and *hospitals*;
- (ii.) *community care facilities*, *nursing homes*, and *senior citizens homes*;
- (iii.) *community centres*, libraries, museums, *cultural centres*;
- (iv.) education facilities and *early learning and child care centres*;
- (v.) government offices;
- (vi.) *historic sites*;
- (vii.) *places of worship*, manses, *cemeteries*, and crematoria;
- (viii.) *public* and private parks, including sports fields;

(ix.) recreation centres and facilities; and

(x.) *summer camps*.

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 to be determined by the *Province*.

INTENSIVE RESOURCE USE 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*.

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

INTERPRETATION ACT means the *Interpretation Act*, R.S.P.E.I. 1988, Cap. I-8.1, as amended from time to time.

K

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

L

LAND SURVEYORS ACT means the *Land Surveyors Act*, R.S.P.E.I. 1988, Cap. L-3.1, as amended from time to time.

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.

LANDSCAPE ARCHITECT means a person who is a member in good standing in the Canadian Society of Landscape Architects.

LEGACY LANDS means a property which:

- (i.) has a *subdivision* or *development* approval in effect for certain *uses*,
- (ii.) has not yet been fully developed,
- (iii.) meets the assessment criteria prescribed in the *legacy lands assessment policy*, and
- (iv.) currently does not comply with the *Bylaw*.

LEGACY LANDS ASSESSMENT POLICY means the *Legacy Lands Assessment Policy* adopted by Council, effective the date this Bylaw comes into force, as amended from time to time.

LIGHT INDUSTRIAL USE means the *non-resource 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.

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.

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

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

PANHANDLE 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*.

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

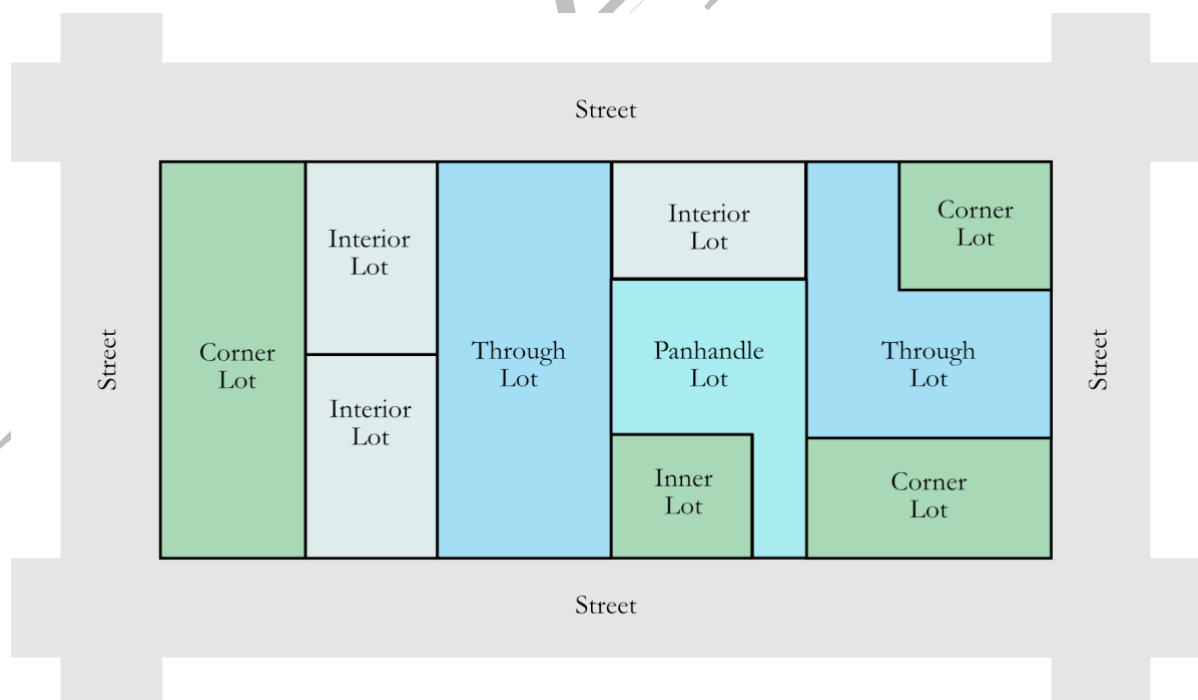


Figure 8 - Lot Types

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

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 structures*, *decks*, *patios* and *gazebos*.

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

LOT LINE means any boundary of a *lot*.

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.

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*.

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 purpose or purposes for which the *lot* is *used*.

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.

MUNICIPAL GOVERNMENT ACT means the *Municipal Government Act*, R.S.P.E.I. 1988, Cap M-12.1, as amended from time to time.

MUNICIPALITY means the Rural Municipality of West River.

N

NON-RESOURCE INDUSTRIAL USE 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.

NURSING HOME means a nursing home as defined in the Community Care Facilities and Nursing Homes Act R.S.P.E.I. 1988, Cap C-13, as amended from time to time.

O

OFFICIAL PLAN means the *Municipality'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.

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

OWNER or **PROPERTY OWNER** means a registered owner of a *lot* or *property* in accordance with the records on file at the *Province's* Land Registry Office.

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 *recreational uses* or conservation *uses* and may include ornamental *gardens* and lawns, botanical *gardens*, outdoor furniture, *accessory structures*, playgrounds, and on-site *parking lots* which support park *uses*.

PARKING LOT 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.

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

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, or dry-cleaning.

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

PLANNING ACT means the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8, as amended from time to time.

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

PLACES OF WORSHIP – means a *building* used for religious workshop, study, and instruction, including but not limited to churches, monasteries, mosques, synagogues, and temples, 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* or the *Municipality*, but does not include an *Internal Drive*.

PRIVATE UTILITY 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 sewage service,

to or for that *person* or corporation and not to or for the public.

PROFESSIONAL ARCHITECT means an architect licensed to practice in the *Province*.

PROFESSIONAL ENGINEER means an engineer licensed to practice in the *Province*.

PROFESSIONAL LAND SURVEYOR means a land surveyor licensed to practice in the *Province*.

PROVINCE means the Province of Prince Edward Island.

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS mean the *Province-Wide Minimum Development Standards Regulations* made under the *Planning Act*, as amended from time to time.

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

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

PUBLIC HEALTH ACT means the *Public Health Act*, R.S.P.E.I. 1988, Cap. P-30.1, as amended from time to time.

PUBLIC UTILITY 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 sewage service,
- either directly or indirectly, to or for the public.

R

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

RECREATIONAL VEHICLE means a *vehicle* which provides sleeping and other facilities, 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*. *Recreational vehicles* may often be referred to as RVs.

REGISTRY ACT means the *Registry Act*, R.S.P.E.I. 1988, Cap. R-10, as amended from time to time.

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

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

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

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 but not limited to *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.

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.

ROAD – see **STREET**

ROADS ACT means the *Roads Act*, R.S.P.E.I. 1988, Cap. R-15, as amended from time to time.

S

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 a *single-detached dwelling* or in an *accessory structure* on a *residential lot*.

SENIOR CITIZEN HOME means *residential building* featuring multiple *dwelling units* 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 *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 separation distance between any *building* or *structure*, except *fences*, and a *lot line* or *buffer zone* as identified in this Bylaw.

SEWAGE 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.

SEWAGE DISPOSAL SYSTEMS REGULATIONS means the *Water Act Sewage Disposal Systems Regulations* made under the *Water Act* R.S.P.E.I. 1988, Cap. W-1.1, as amended from time to time.

SHORE FRONTAGE means, with respect to a *parcel* of land, the side or sides of the *parcel* of land that abut the waters of the Northumberland Strait, or any body of water that is connected to tidal waters and has a tidal flow.

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 but this use does not include *bed and breakfasts*.

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.

SITE-SPECIFIC AMENDMENT USE means a use that is not allowable by right and is only permitted where a site-specific amendment has been enacted.

SOLAR ARRAY means a system of any number of *solar 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* 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 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.

SUBDIVISION AGREEMENT means an agreement executed between the *property owner* and the *Municipality* respecting the terms under which a *subdivision* may be carried out.

SUBDIVISION AND DEVELOPMENT REGULATIONS means the *Planning Act Subdivision and Development Regulations* adopted pursuant to the *Planning Act*, R.S.P.E.I. 1988 Cap P-8, as amended from time to time.

SUMMER CAMP 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, and sports.

SURVEY PLAN means an appropriately scaled drawing of survey details, certified by a *professional 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.

TINY HOME means a single-detached dwelling not more than 55.7 sq. m. (600 sq. ft.) in floor area including loft floor area that is site built or prefabricated, permanently anchored to a foundation, and provided with permanent on-site services.

TOURISM ESTABLISHMENT means an establishment that provides temporary accommodation for a guest, 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, rental cottage, housekeeping unit, *hotel*, lodge, *motel*, inn, *hostel*, *bed and breakfast*, 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*.

TOURISM INDUSTRY ACT means the *Tourism Industry Act*, R.S.P.E.I 1988, T-3.3, as amended from time to time.

TOURISM INDUSTRY ACT REGULATIONS means the *Tourism Industry Act Regulations* adopted pursuant to the *Tourism Industry Act*, R.S.P.E.I 1988, T-3.3, as amended from time to time.

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*.

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

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

WATER WITHDRAWAL REGULATIONS means the *Water Act Water Withdrawal Regulations* made under the *Water Act*, as amended from time to time.

WATERCOURSE AND WETLAND PROTECTION REGULATIONS means the Environmental Protection Act *Watercourse and Wetland Protection Regulations* made under the *Environmental Protection Act*, as amended from time to time.

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 of the *watercourse* and where there is no discernable bank, means the mean highwater mark of the *watercourse*.

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*.

WATER ACT means the *Water Act* R.S.P.E.I. 1988, Cap. W-1.1, as amended from time to time.

WELL CONSTRUCTION REGULATIONS means the *Water Act Well Construction Regulations* adopted pursuant to the *Water Act*, as amended from time to time.

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 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*.

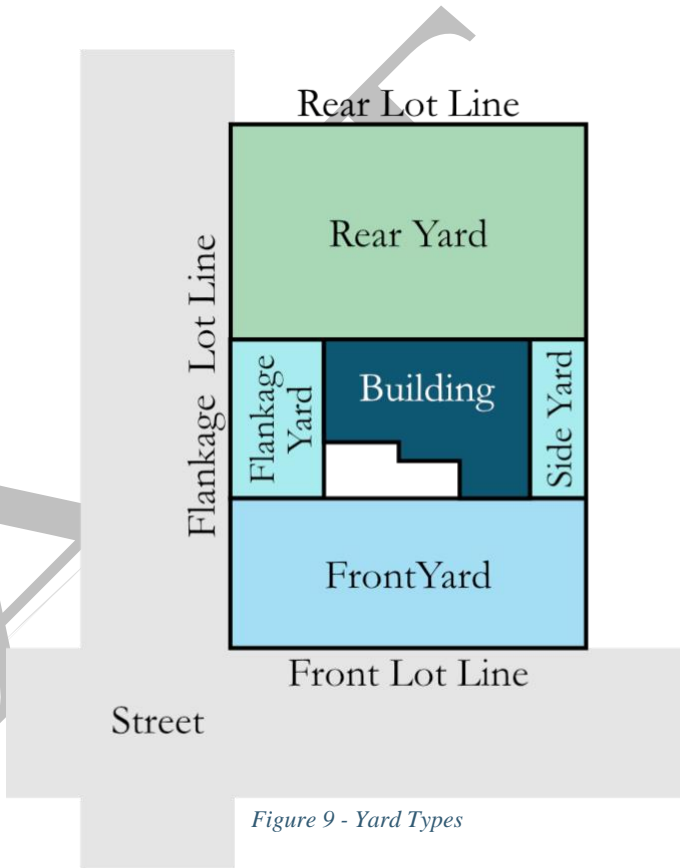


Figure 9 - Yard Types

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.

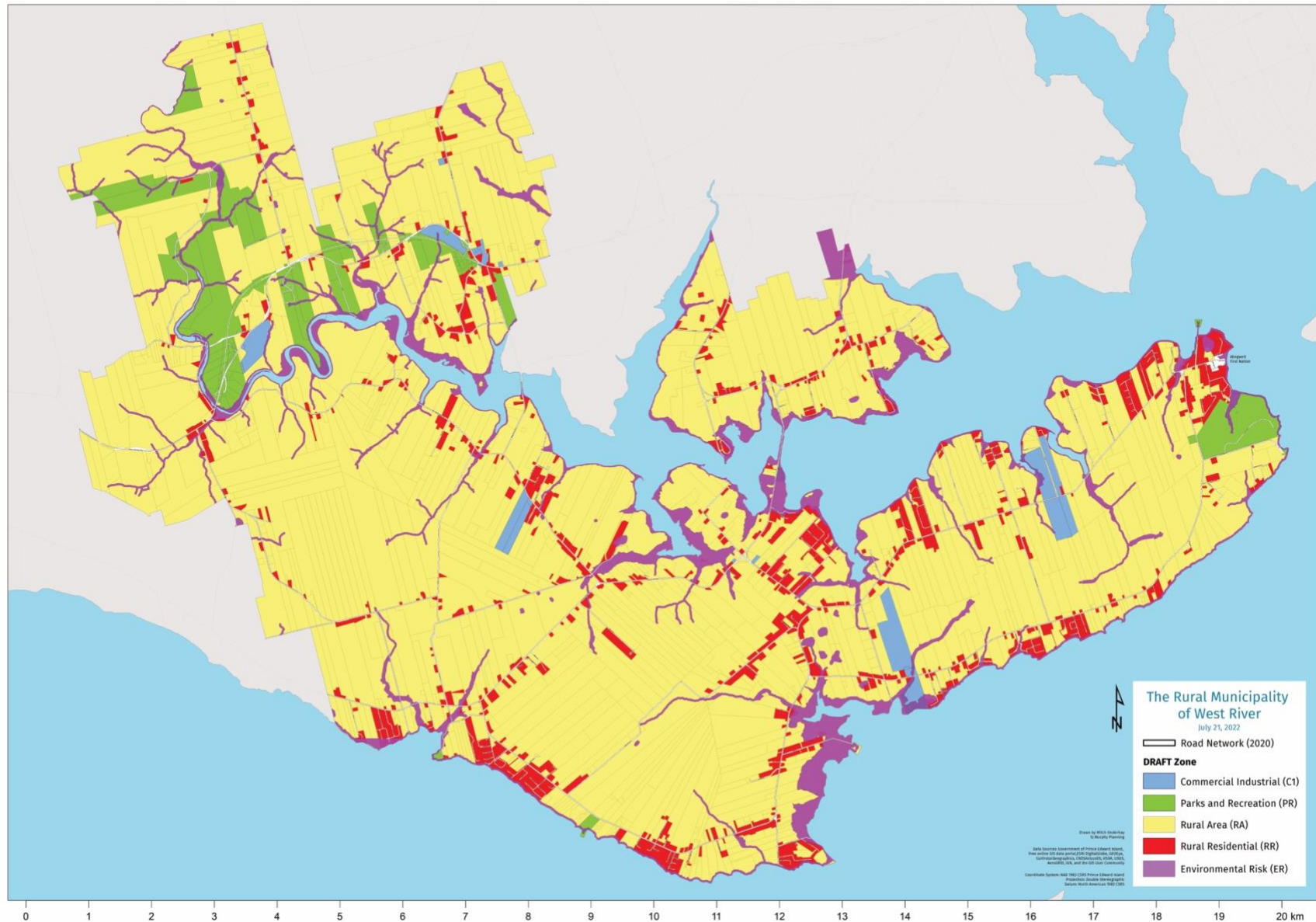
Z

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*.

SCHEDULE A | ZONING MAP

Rural Municipality of West River DRAFT Zoning Map



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

on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			more than 4	35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m.
central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister

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

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

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

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

SCHEDULE C | SCHEDULE OF FEES

Last revised: **DATE**

Application Type	Fee
Residential	
All residential (incl. additions, attached garages, basement floor area) (Commercial fees apply for residential buildings with 4+ dwelling units)	\$0.12/sq. ft New (min \$250-max \$1000) Renovation or addition (min \$100, max \$1000)
Accessory structures	\$0.12/sq. ft. (Min \$50 - Max \$1,000)
Agricultural	
Agricultural/Forestry building or structure	\$0.10/sq. ft. (Min \$100 - Max \$500)
Commercial / Industrial/Institutional/Recreational	
New construction, additions, and renovations, includes storage and accessory structures	\$0.20/sq. ft New (min \$300-max \$2000) Renovation or addition (min \$200, max \$1000)
Excavation Pit	\$900 new \$600 renewal
Wind Turbine	\$2.00/\$1,000.00 construction costs (Min \$100 - Max \$1,000)
Miscellaneous	
Change of use – existing building	\$50 + associated costs if applicable
Demolition	\$50
Solar array, ground or roof mounted	\$50
Other non-commercial (decks, temporary permits, etc.)	\$50
Variance, Amendment, Rezoning	
Variances	
No public meeting required	\$100 + associated costs*
Public meeting required	\$300 + associated costs. Deposit of \$2000 before final council consideration*
Official Plan Amendment	\$300 + associated costs. Deposit of \$2000 before final council consideration*
Bylaw Amendment/ Rezoning/ Site Specific Amendment	\$300 + associated costs. Deposit of \$2000 before final council consideration*
Concurrent Official Plan and Bylaw Amendment (including concurrent amendments to Future Land Use Map and Zoning Map)	\$300 + associated costs. Deposit of \$2000 before final council consideration*
Subdivision Applications	
Subdivision—up to 4 lots per subdivision	\$300 (1 lot) + \$100/additional lot
Subdivision—5 or more lots per subdivision	\$600 (5 lots) + \$50/additional lot
Lot Consolidation (includes boundary line adjustments through severance and consolidation)	\$150
Subdivision of attached building	\$250
Agreements	
Development or Subdivision Agreement	\$200 + cost of registration at Registry Office and costs incurred by the Municipality in the preparation of the agreement, including professional and legal fees.

Application Type	Fee
Other Agreements	\$200 + cost of registration at Registry Office and costs incurred by the Municipality in the preparation of the agreement, including professional and legal fees.
General Fees	
Permit Extension (prior to expiration of permit)	\$150, subject to council approval
Permit Renewal (after expiration of permit)	Full fees after expiry
Permits obtained after work has started	\$200 or double the permit fee, whichever is greater
Zoning Inquiry	\$50
<p>* Associated costs shall be actual, quantifiable costs incurred by the Municipality in order to process the application or amendment, including professional and legal fees, notification fees for newspaper ads, hall rental, rental of public address system, and advertisement costs, postage, signage and any other the cost associated with the public meeting. A \$2,000.00 deposit must be paid by the applicant prior to the holding of any public meetings required under the Bylaw or by Council. Any monies paid in excess of the applicable fees and associated costs shall be refunded to the applicant.</p>	
Policy for Refunds for Applications	
All fees are non-refundable.	

SCHEDULE D | 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. not be located within three (3) times the total *height* of the *wind turbine* from any existing *residential use* or *street*; and
 - b. 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. not be permitted within 1 km of a Rural Residential Zone; and
 - b. 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 E | 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	<i>excavation pit</i>	Section 6.4	Effective date of this <i>Bylaw</i>
Rural Area (RA)	227165	Boyle Rd	<i>excavation pit</i>	Section 6.4	Effective date of this <i>Bylaw</i>
Rural Area (RA)	721621	Boyle Rd	<i>excavation pit</i>	Section 6.4	Effective date of this <i>Bylaw</i>
Rural Area (RA)	656447	TCH	<i>excavation pit</i>	Section 6.4	Effective date of this <i>Bylaw</i>
Rural Area (RA)	227744	Churchill Rd	<i>excavation pit</i>	Section 6.4	Effective date of this <i>Bylaw</i>

SCHEDULE F | CORNWALL REGION 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 *Municipality* 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*.



- (b) shall be within the exclusive jurisdiction of the Minister.

PEI 3 properties

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

D - STRATFORD REGION, CHARLOTTETOWN REGION, CORNWALL REGION AND SUMMERSIDE REGION***SPECIAL PLANNING AREAS*****63. Special Planning Areas**

- (1) The July 9, 1994 designation of the following areas as special planning areas is continued:
 - (a) the area adjacent to the Town of Stratford as shown in Appendix A, Map No. 8;
 - (b) the area adjacent to the City of Charlottetown as shown in Appendix A, Map No. 9;
 - (c) the area adjacent to the Town of Cornwall as shown in Appendix A, Map No. 10;
 - (d) the area adjacent to the City of Summerside as shown in Appendix A, Map No. 11.

Application of section

- (2) In addition to all other relevant conditions and requirements contained in these regulations, the provisions of this section apply within the Stratford Region Special Planning Area, the Charlottetown Area Special Planning Area, the Cornwall Region Special Planning Area and the Summerside Region Special Planning Area.

Objectives

- (3) The specific objectives for development within the Stratford Region Special Planning Area, the Charlottetown Region Special Planning Area, the Cornwall Region Special Planning Area, and the Summerside Region Special Planning Area are
 - (a) to minimize the extent to which unserved residential, commercial and industrial development may occur;
 - (b) to sustain the rural community by limiting future urban or suburban residential development and non-resource commercial and industrial development in order to minimize the loss of primary industry lands to non-resource land uses; and
 - (c) to minimize the potential for conflicts between resource uses and urban residential, commercial and industrial uses.

Definition

- (3.1) In this section,
 - (a) “existing parcel” means a parcel of land that existed on July 9, 1994;
 - (b) “golf course development” means a development comprising
 - (i) an area of land designed for the playing of the game of golf, with a series of 9 or 18 holes, each including tee, fairway and putting green and one or more natural hazards, that may also include, but is not limited to, a main golf club building, ancillary buildings and structures, infrastructure and related services, equipment and signage used to assist with the operation and maintenance of the golf course, and



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

Approval of one lot per parcel

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

Five lots per parcel - residential use

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

Clarification

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

Non-resource commercial or industrial

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

Exception

- (5) Notwithstanding clause (4.01)(a), where the intended residential use is single-unit dwelling use, subdivisions of more than one lot per parcel of land, may be approved in the following situations:
 - (a) where the requirements of clause (4.01)(a) are insufficient to permit the owner of a parcel to provide lots for the children of that owner, and



- (i) the owner files, with an application to subdivide the parcel, a statutory declaration that 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 parcels owned by an owner pursuant to this subsection is equal to or less than the number of children of that owner at the time of the application, and
 - (iv) revoked by EC166/08)
 - (v) a lot intended for a child of the owner of a parcel of land shall not be given final approval and shall not be conveyed until the child has received a development permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child's own use;
- (b) where one lot is required in addition to those permitted by clause (a) or (4)(a) in order to accommodate an existing farm dwelling, and the dwelling on the lot is to be served by the existing farm dwelling access;
 - (c) where central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available, and an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to all lots prior to the conveyance of any lot from the approved subdivision;
 - (d) where an owner of a golf course that exists on the date of the coming into force of this clause proposes to create a golf course development in accordance with the requirements of subsections (5.03) to (5.05).

“remnant parcel”, defined

- (5.01) In subsection (5.02), “**remnant parcel**” means, in respect of an existing parcel, the portion of the existing parcel that has not been approved for subdivision into one or more lots under subsection (4), (4.01), (4.1), (5) or (5.1).

Subdivision of remnant

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

Residential development component, criteria

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

Conditions for application

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

Requirements for application

- (5.05) An application to establish a residential development component of a golf course development shall
- (a) indicate how the proposed development is suited to the intended location, by means of a detailed site plan, drawn to scale, and a design brief that includes information about
 - (i) the total area and topography of the proposed site, property boundaries, setbacks and location of all existing and proposed buildings on the property,
 - (ii) existing and proposed land uses and the location of any archaeological sites, wildlife habitat areas and natural features, including beaches, sand dunes, wetlands and watercourses,
 - (iii) proposed street design, including pedestrian circulation, safety of access and emergency access,
 - (iv) if municipal or central services are available, the location of the proposed water supply, waste water collection, sewage disposal and treatment,
 - (v) storm water management,
 - (vi) proposed placement of utilities, services and easements,
 - (vii) lot coverage ratio and building height allowance,
 - (viii) potential effects of the proposed development on existing 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(b), where the intended use is resource-commercial or resource-industrial within a municipality that has an official plan, subdivisions of more than one lot per parcel of land may be approved where an irrevocable agreement has been signed between the developer and a municipal sewerage or water utility to provide central sewerage or central water service, or both if available, to all lots prior to the conveyance of any lot from the approved subdivision.

Idem

- (6) In the case of a Slemon Park subdivision which has more than one lot, and whose lots have areas greater than one acre, the subdivision may be approved for industrial use for those lands owned by the Slemon Park Corporation on July 9, 1994, where an irrevocable agreement has been signed between the 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), (4.01), (4.1), or (5.02), development permits may be approved for



- (a) existing parcels of land;
- (b) subdivisions approved prior to July 9, 1994;
- (c) subdivisions approved pursuant to subsections (4), (4.1), (4.01), (5) and (5.1) and remnant parcels resulting from such subdivisions;
- (d) subdivisions approved pursuant to clause (5)(c) and subsection (5.1), where an irrevocable agreement has been signed between the developer and the municipal sewerage utility, municipal water utility or both of them to provide central sewerage service, central water service, or both of them, to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots;
- (e) subdivisions approved for lands owned by the 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), (4.1), (4.01), (5), (5.1) and (7) shall, in areas where a municipal official plan is in place, also be subject to all applicable land use and development regulations made pursuant to the municipal official plan.

Municipality with official plan

- (10) A municipality with an official plan may, as an alternative to amending its official plan and bylaws to conform with subsections (2) to (9), otherwise amend its official plan and bylaws where the amendments comply with subsection 7(2) of the Act and
 - (a) are consistent with the objectives set out in subsection (3);
 - (b) satisfy the minimum requirements applicable to official plans pursuant to section 7 of the Act;
 - (c) revoked by EC421/09;
 - (d) with the exception of the community of Miscouche, limit the number of lots in a subdivision for residential use to no more than five lots per existing parcel of land, unless
 - (i) central water service, central sewerage service, or both of them, by a municipal water utility, municipal sewerage utility, or both of them, is available, and
 - (ii) an irrevocable agreement has been signed between the developer and the municipal water utility, municipal sewerage utility, or both of them, to provide central water service, central sewerage service, or both of them, to all lots prior to the conveyance of any lot from the approved subdivision; and
 - (e) require the municipality to report to the Minister, on or before April 30 of each year, the number of lots approved and development permits issued in the previous fiscal year, by type of intended use. (EC693/00; 702/04; 116/05; 212/05; 166/08; 421/09; 670/13; 842/16; 319/17; 674/19; 222/22; 451/22)

SCHEDULE G | EXCAVATION PITS

.1 PROCESS

- (1) For the purposes of this Schedule, ‘development permit’ means a development permit issued by the Council for an *excavation pit* on a specified *parcel*.
- (2) Subject to section .10, no *person* shall
 - (a) develop or operate an *excavation pit*;
 - (b) remove excavated material from an *excavation pit*; or
 - (c) institute reclamation procedures in an *excavation pit*,
except under the authority of a development permit issued in accordance with the requirements of this *Bylaw*.
- (3) A *property owner* or their authorized agent may apply for a development permit by submitting to the *Municipality*,
 - (a) a completed application, including the information required in the form approved by the *Council*; and
 - (b) the application fee set out in Schedule C.
- (4) The information and other documentation to be provided by an applicant for the purposes of an application under subsection (3) shall include
 - (a) if the applicant is not the *owner* of the parcel of land where the proposed *excavation pit* is to be operated, the written consent of the *owner* to the operation of the *excavation pit* on that *parcel* of land;
 - (b) the real property tax number and the name of the owner as shown on the tax notices under the *Real Property Tax Act* R.S.P.E.I. 1988, Cap. R-5, for the *parcel* of land where the proposed *excavation pit* is to be located;
 - (c) a map or plan showing the location, shape, dimensions, approximate area and description of the *property* on which the *excavation pit* is to be located and the location of the proposed *excavation pit*, together with the existing grades of the *property* on which the *excavation pit* is to be located;
 - (d) details of the existing land *use* of the location of the proposed *excavation pit*, including whether the *property* on which the proposed *excavation pit* is located is designated under the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5;
 - (e) details of the *use* of all land within 500 metres of the boundary of the proposed *excavation pit*;
 - (f) the location and extent of all *watercourses* and *wetlands* within the *property* boundaries or within 250 metres of the proposed *excavation pit*;
 - (g) the details of all drainage from the proposed *excavation pit*;

- (h) proposed measures to prevent soil eroded from the proposed *excavation pit* from entering any adjacent *watercourses* or *wetlands*;
 - (i) a description of all entrances to and exits from the proposed *excavation pit*;
 - (j) the proposed location and size of stockpiles of the matter to be excavated, overburden and waste;
 - (k) proposed measures to protect people and livestock from any hazards that may be created by the proposed *excavation pit*, including fencing and posting of signs that warn of its proximity; and
 - (l) other information respecting the proposed *excavation pit* and its operation that may be required by the *Council* in order to assess the application.
- (5) A plan referred to in clause (4)(c) may be in the form of an aerial photograph, a survey plan certified by a professional land surveyor or a line drawing made by an applicant, but the applicant shall ensure that any plan submitted for the purposes of this section contains sufficient detail and identifies the location and extent of the features referred to in subsection (4) with sufficient clarity to allow the *Council* to properly assess the application.
- (6) *Council* may grant a development permit to the applicant if, after reviewing an application submitted in accordance with subsection (3) and after following the procedures and considering the criteria set out in this *Bylaw* for a site-specific amendment use, *Council* is satisfied that
- (a) the application has been made in accordance with the requirements of this *Bylaw*; and
 - (b) the application includes the information and other requirements referred to in subsection (4) and is otherwise acceptable to *Council*, and
 - (c) adequately provides for the operation of the *excavation pit* in compliance with this *Bylaw* and the requirements of any other enactment.
- (7) In making its assessment under subsection (6), *Council* may consult with the *Province's* department responsible for the environment or other qualified professionals.
- (8) In determining whether or not to grant a development permit, *Council* may establish such terms and conditions as are necessary to ensure compliance with the *Bylaw* and any other enactment, including criteria for the renewal of the development permit.
- (9) Upon making a decision with regards to an application for a development permit, *Council* shall provide public notice in accordance with Part 15 of this *Bylaw*.

.2 DISPLAY REQUIRED

- (1) A holder of a development permit shall display the development permit for an *excavation pit* in clear view at the entrance to the *excavation pit* for which it was issued.

.3 REASONS FOR REFUSAL

- (1) Where the *Council* refuses to issue development permit to an applicant, the *Council* shall provide written reasons for the refusal to the applicant.

.4 COMPLIANCE REQUIRED

- (1) All activities associated with the operation of an *excavation pit* shall be carried out in compliance with this *Bylaw* and the requirements set out in paragraphs 1.0 to 2.6, inclusive, of the Design and Operational Criteria for Excavation Pits set out in the Schedule to the *Excavation Pits Regulations*.
- (2) The operator of an *excavation pit* shall ensure that the design and operation of the *excavation pit* comply with this *Bylaw* and the requirements set out in paragraphs 1.0 to 2.6, inclusive, of the Design and Operational Criteria for Excavation Pits set out in the Schedule to the *Excavation Pits Regulations*.
- (3) A development permit holder shall notify the *Council* in writing of any change in the circumstances of the development permit that relates to any information the development permit holder provided in the application for the development permit.

.5 SUSPENSION

- (1) *Council* may suspend or revoke a development permit if *Council* is satisfied that any one or more of the following conditions prevail:
 - (a) the *excavation pit* is not designed, located, constructed, or operated in accordance with the requirements set out in this *Bylaw* or and the requirements set out in paragraphs 1.0 to 2.6, inclusive, of the Design and Operational Criteria for Excavation Pits set out in the Schedule to the *Excavation Pits Regulations*;
 - (b) the development permit holder has obtained the development permit through misrepresentation or fraud.
- (2) A suspension under subsection (1) remains in force for the period of time specified by *Council*, which shall not exceed the remainder of the period during which the development permit is valid.
- (3) Where a development permit is suspended under subsection (1), the development permit holder may reapply to *Council* for reinstatement of the development permit on the expiry of the suspension period specified under subsection (2) by providing proof satisfactory to *Council* that the contravention that gave rise to the suspension has been corrected.

.6 EXPIRY

- (1) Notwithstanding section 3.15 of this *Bylaw*, unless otherwise specified by the *Council*, a development permit expires one year after the date on which it was issued.

.7 RENEWAL

- (1) A development permit holder may renew the development permit prior to its expiry by submitting a completed application in the form required by *Council* to *Council*, accompanied by the renewal fee set out in Schedule C.
- (2) An applicant under subsection (1) shall provide, in respect of the *excavation pit* to which the development permit relates,
 - (a) the information required under clauses .1(4)(a) and (b); and
 - (b) any information under clauses .1(4)(d) and (e) that has changed since the issuance of the development permit or the previous renewal, whichever last occurred.

.8 PROHIBITION

- (1) The holder of development permit for an *excavation pit* shall not transfer or use the development permit for the development or operation of an *excavation pit* other than the *excavation pit* for which it was granted.

.9 RECLAMATION PROCEDURES

- (1) The holder of a development permit shall, before the *excavation pit* is abandoned, conduct reclamation procedures and institute safety measures that are acceptable to the *Council*, including
 - (a) sloping of the working faces of the *excavation pit*;
 - (b) contouring of pit floors to limit ponding of surface water; and
 - (c) restricting public access to the *excavation pit* by appropriate means.
- (2) The *Council* may direct the *owner* of a property on which an abandoned *excavation pit* is located to perform activities relating to the closure and reclamation of the *excavation pit*, if the Council believes on reasonable grounds that
 - (a) the slope or grading of the *excavation pit* is contributing to the release of sediment, silt or surface water runoff that is detrimental to the environment;
 - (b) the closure and reclamation of the *excavation pit* would contribute to an improvement in the natural habitat of the area;
 - (c) the *excavation pit* may be injurious to the health or safety of a person; or

- (d) the *excavation pit* interferes with or is likely to interfere with the comfort, well-being, livelihood, or enjoyment of life of a person.
- (3) Clause 2(c) does not apply to an *owner* of a property referred to in subsection (2) who is acting under the authority of a directive issued by the *Council* under that subsection.

.10 EXEMPTION

- (1) The registered *owner* of a parcel is exempt from the requirement to obtain development permit for the operation of an *excavation pit* located on that parcel if the material to be excavated is for private use and is not sold commercially or supplied to any person for resale.