



# Zoning & Subdivision Control Bylaw



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This document is approved by the Minister of Housing, Land and Communities, Honorable Rob Lantz



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# 1 Scope

## 1.1 Title

1.1.1 This Bylaw shall be known and may be cited as the Rural Municipality of Eastern Kings 2023 Subdivision and Development Control Bylaw, or the Development Bylaw.

## 1.2 Purpose

1.2.1 The purpose of this Bylaw is to carry out the land use development policies found in the Official Plan and to establish a fair and systematic means of development control for the municipality.

## 1.3 Authority

1.3.1 This Bylaw is enacted under the authority of the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8, referred to here as the “Planning Act” and the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M- 13.

## 1.4 Area Defined

1.4.1 This Bylaw applies to the geographical area within which the Rural Municipality of Eastern Kings Council has jurisdiction.

## 1.5 Scope

1.5.1 No dwelling, business, trade, or industry shall be located; nor shall any building or structure be erected, altered, used, or have its use changed; nor shall any land be divided, consolidated, or used in the Rural Municipality of Eastern Kings, except in conformity with this Bylaw and subject to the provisions contained herein.

## 1.6 Authority of Development Officer

1.6.1 A Development Officer or Development Officers shall be appointed by Council, and the Development Officer’s duties shall be as provided in this Bylaw.

1.6.2 The Development Officer(s) shall have the authority to administer this Bylaw.

1.6.3 Notwithstanding the foregoing, a Development Officer shall have the authority to approve or deny severances, lot consolidations and development permits in accordance with this Bylaw in all areas except for Special Permitted uses.

### Chapter 1 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change



## 2 Administration

### 2.1 Administration

2.1.1 The Development Officer shall administer this Bylaw.

### 2.2 All Land to be Zoned

2.2.1 All lands within the municipality shall be zoned.

### 2.3 Uses Not Permitted

2.3.1 Uses that do not fall within the Permitted Uses or Special Permitted Uses set out in the corresponding zone shall not be permitted in that zone unless otherwise indicated.

### 2.4 Compliance with Other Legislation

2.4.1 Nothing in this Bylaw shall exempt any person from complying with the requirements of any other bylaw in force within the Municipality, or from obtaining any license, permission, permit, authority, or approval required by any other bylaw of the Municipality or statute or regulation of the Province of Prince Edward Island or the Government of Canada.

2.4.2 Where provisions in this Bylaw conflict with those of any other bylaw of the Municipality or regulation of the Province of Prince Edward Island or the Government of Canada, the higher or more stringent provision shall prevail.

### 2.5 Development Permit

2.5.1 No person shall conduct any of the following activities without first applying for and receiving a permit from the Municipality:

- (a) change the use of a parcel of land or a structure;
- (b) commence any development;
- (c) construct or replace any structure;
- (d) make structural alterations to any structure;
- (e) make any water or sewer connection;
- (f) make any underground installation such as a septic tank, a fuel tank, a foundation wall, or the like;
- (g) move or demolish any structure;
- (h) construct a driveway;
- (i) locate a travel trailer on any lot as the main or accessory use, other than in a travel trailer park where utility services are provided; or
- (j) subdivide or consolidate a parcel or parcels of land.

2.5.2 A development permit shall be valid for a 24-month period, or such additional time as may be authorized by Council.

2.5.3 The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or where the permit was issued in error.

## 2.6 No Development Permit Required

2.6.1 Unless otherwise specified, no development permit shall be required for:

- (a) laying paving materials for patios or sidewalks or constructing a deck up to or less than 0.61 metres above ground;
- (b) constructing fences up to or less than 1.22 metres in height;
- (c) installing clotheslines, poles, satellite dishes, and radio or television antennae;
- (d) making a garden;
- (e) constructing dog houses or dog runs;
- (f) constructing ornamental or play structures;
- (g) growing a crop or preparing land for a crop;
- (h) making landscaping improvements;
- (i) accessory buildings of less than 18.5 square metres (200 ft<sup>2</sup>) in floor area;
- (j) conducting routine maintenance which has the effect of maintaining or restoring a structure or any of its elements to its original state or condition;
- (k) a development that involves the interior or exterior renovation of a building that will not change the shape of the building or increase its volume, will not add more dwelling units, or will not involve a change in use of the building; and
- (l) public and private utilities located within the public right-of-way.

2.6.2 For greater clarity, the following activities shall be considered an exterior renovation for the purposes of Clause 2.6.1(k) and shall not require a development permit:

- (a) routine maintenance;
- (b) painting, including painting that changes the colour;
- (c) driveway repaving;
- (d) replacement of roofing; and
- (e) replacement of cladding.

2.6.3 For greater clarity, developments that do not require a development permit shall still comply with the regulations of this Development Bylaw.

## 2.7 Permit Application

- 2.7.1 Any person applying for a permit shall do so on a form prescribed by Council and shall submit the application to the Development Officer.
- 2.7.2 Every application form shall be signed by the property owner or the property owner's authorized agent and shall be accompanied by an application fee in accordance with the fee schedule established by Council.
- 2.7.3 An application for a development permit shall constitute authorization for inspection of the building or land in question by the Development Officer or agent of the Municipality for the purpose of ensuring compliance with the provisions of this Bylaw.

## 2.8 Inspection

- 2.8.1 The Municipality's Development Officer, as authorized by Council, may, with reasonable prior notice, enter a building or a premise at a reasonable hour in the performance of duties with respect to the administration and enforcement of this Bylaw.

## 2.9 Payment of Fees

- 2.9.1 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 developer acquires the said permit.

## 2.10 Conditions on Permits

- 2.10.1 The Development Officer shall have the authority to impose conditions on a permit subject to such conditions being directly related to or consistent with bylaws of the Municipality or the Official Plan.

## 2.11 Special Permitted Uses

- 2.11.1 This Bylaw provides for special permitted uses.
- 2.11.2 Special permitted uses represent exceptions to the "permitted uses" in each zone and shall be subject to the approval of Council.
- 2.11.3 Prior to the issuance of a development permit for a special permitted use, Council shall ensure that:
  - (a) the development and the conditions placed upon it are consistent with the criteria for the applicable use as outlined in Chapter 9;
  - (b) the development is consistent with all applicable requirements of this Bylaw necessary for the issuance of a development permit, except where those requirements are modified by the criteria of Chapter 9; and
  - (c) property owners within 30 metres (98.4 feet) of the subject property are notified in writing with the details of the proposed development and asked to provide their comments in relation to the criteria of Chapter 9 within 21 days, following which Council will determine whether a public review is necessary.
- 2.11.4 A public review may be required for any special permitted use, as determined by Council.

- 2.11.5 Where Council has determined that a public review is necessary for a special permitted use, the following provisions shall apply:
- (a) a public meeting shall be held to allow the developer to present the development proposal to residents to obtain their input;
  - (b) the time, date, location, and details of the meeting shall be posted in a newspaper circulating the area, at the cost of the developer, not less than seven days in advance of the meeting date;
  - (c) Council shall appoint a Chair for the meeting;
  - (d) written comments respecting the proposed development may be forwarded to the Chief Administrative Officer, or designate, prior to the meeting for those unable to attend; and
  - (e) the developer or their agent shall attend the meeting in order to present and defend the proposed development.
- 2.11.6 The agenda for the public meeting shall include the following:
- (a) introduction and opening remarks by the Chair;
  - (b) presentation of the proposed development including visual materials by the developer or their agent;
  - (c) question period opened to Planning Committee members:
    - i. questions on the proposed development shall be addressed by the developer or their agent.
    - ii. questions on Municipal procedure and policy shall be handled by the Chair or by a staff member directed by the Chair.
  - (d) comments, questions, and opinions by interested persons wishing to be heard; and
  - (e) a summary of previously submitted written comments, presented by the Chair.
- 2.11.7 A written summary of the oral comments received at the public meeting shall be prepared by the Chief Administrative Officer, or designate, a copy of which shall be filed in the Municipal Office and made available to any interested person during the Municipal Office's usual hours of operation.
- 2.11.8 In formulating their decision, Council may consult with Provincial officials and private consultants.

## 2.12 Development Agreement

- 2.12.1 The Development Officer may require any applicant to enter into a development agreement with the Municipality as a condition of permitting. This agreement shall be a contract binding on both parties, containing all conditions which were attached to the development permit.
- 2.12.2 Failure to comply with a development agreement shall constitute an offense under this Bylaw.
- 2.12.3 The development agreement shall be registered in accordance with the *Registry Act*, and recorded or filed by the Development Officer in such public offices as the Development Officer deems appropriate.
- 2.12.4 The owner shall pay all legal costs and expenses which the Municipality may incur in connection with the preparation, registration, and enforcement of the development agreement.
- 2.12.5 A development agreement may address but shall not be limited to the following matters:
- (a) Site Plan design;
  - (b) the design and construction of sidewalks, pathways, trails, and other pedestrian or bicycle circulation facilities;
  - (c) the location and number of bicycle and vehicular parking and loading spaces;
  - (d) connections to existing or planned pedestrian, bicycle, and vehicular networks;
  - (e) connections to existing access points to watercourses or coastline;
  - (f) landscaping and screening;
  - (g) types of materials stored and/or sold on site;
  - (h) open space and amenity areas;
  - (i) vehicular access and exits;
  - (j) security and safety lighting;
  - (k) fencing;
  - (l) the emission of noise, odour, light, liquids, gasses, and dust;
  - (m) storm water management and drainage;
  - (n) methods and location of waste storage and disposal;
  - (o) time limits for the initiation and/or completion of the development; and
  - (p) any other matters that the Development Officer deems necessary to ensure the health, safety, and convenience of residents and the public.

## 2.13 Site Plan

2.13.1 Every application for a development permit shall be accompanied by a sketch or Site Plan, drawn to scale and showing:

- (a) the shape and dimensions of the lot to be used;
- (b) the existing and proposed grade elevations relative to the adjoining property or properties and to the public right-of-way;
- (c) the distance from the lot boundaries, dimension, and height of the building or structure proposed to be erected;
- (d) the distance from the lot boundaries and size of every building or structure already erected on the lot and the general location of the buildings on abutting lots;
- (e) the proposed location and dimension of any well, sewer systems, parking space, loading space, driveway, and landscaped area on the subject lot;
- (f) the proposed use of the lot and any building or structure; and
- (g) any other information the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

2.13.2 Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, the Development Officer may require that the plans submitted under Subsection 2.13.1 be based upon a survey certified and stamped by a Licensed Land Surveyor.

## 2.14 Other information

2.14.1 The Development Officer may require an applicant to submit any additional information, prepared by the appropriate professional, necessary to confirm compliance with this Bylaw, including but not limited to the following:

- (a) proposed parking lot layout and internal circulation patterns;
- (b) location of proposed solid waste containers and description of any screening or fencing;
- (c) location of proposed outdoor storage areas and description of any screening or fencing;
- (d) location of existing and proposed open space and amenity areas;
- (e) buffer zones adjacent to wetlands or watercourses;
- (f) description of existing vegetation;
- (g) existing heritage registered or designated properties;
- (h) easements;
- (i) description and location of any proposed ventilation systems and other equipment that could create excessive noise and odour;
- (j) Storm Water Management Plan;
- (k) Traffic Study;
- (l) Environmental Study; or
- (m) Landscaping Plan.

## 2.15 Construction in Accordance with Application

2.15.1 Any person who has been granted a development permit shall develop in accordance with the information given on the prescribed application form, any supporting documentation, and the conditions and requirements of said development permit or development agreement.

## 2.16 Permits Posted

2.16.1 All permits shall be posted by the developer on the subject property and be visible from the exterior. A list of approved development permits and zoning map amendment approvals (including the date on which it was approved) shall be posted in the Municipal Office as well as on the municipal website within 7 working days of approval.

## 2.17 Building Code Compliance

2.17.1 Council shall co-operate with the Province in the implementation of the Prince Edward Island *Building Code Act*.

2.17.2 A building permit may be withheld upon failure to obtain a development permit where a development permit is required.

## 2.18 Temporary Uses, Buildings, and Structures

- 2.18.1 The Development Officer may issue a temporary permit for the temporary use of land or the temporary use of a building or structure incidental to a construction project provided that a development permit has been issued for the main construction project, subject to such conditions as the Development Officer may deem appropriate to protect the interests of adjacent property owners or the general public. The permit shall require that the temporary use shall be removed from the site within 30 days of completion of the main construction project, unless otherwise approved by the Development Officer.
- 2.18.2 The Development Officer may at their sole discretion issue a permit for the temporary erection of a structure or the temporary use of land in any zone in order to accommodate a special event or occasion, as long as the temporary use does not exceed 14 consecutive days and is discontinued and removed afterwards. The Development Officer may attach such conditions as it deems appropriate to ensure public safety and to mitigate any negative impacts on surrounding properties.

## 2.19 Specialized Fire Services

- 2.19.1 Developers shall be required to cover all costs of specialized fire services or facilities, as required, for industrial development.

## 2.20 Denying Permits

- 2.20.1 No development permit shall be issued if the proposed development could, in the opinion of the Development Officer, create a hazard to the public or any resident or could injure or damage other property within the municipality, such injury or damage could include but is not limited to, water, drainage, or other water run-off damage.
- 2.20.2 No development permit shall be issued if the proposed development could create a health or fire hazard.

## 2.21 Appeals

- 2.21.1 Any person who is dissatisfied by a decision of the Development Officer in respect to the administration of regulations or bylaws made pursuant to the powers conferred by the *Planning Act* may, within 21 consecutive days of the decision, appeal to the Island Regulatory and Appeals Commission.
- 2.21.2 Notwithstanding Subsection 2.21.1 above, no appeals may be filed regarding a decision of the Development Officer 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.
- 2.21.3 A notice of appeal to the Commission under Subsection 2.21.1 shall be in writing and shall state the grounds for the appeal and the relief sought.
- 2.21.4 The appellant shall, within 7 working days of filing an appeal with the Commission, serve a copy of the notice of appeal on the Development Officer.



Chapter 2 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 3 Zones

## 3.1 Zones

3.1.1 For the purpose of this Bylaw, the municipality is divided into the following development zones, the boundaries of which are shown on the attached Schedule "A"; the Zoning Map. Such zones may be referred to by the appropriate symbols.

Zone	Symbol
Agricultural	AZ
Residential	RZ
Mixed-use	MZ
Parks and Conservation	PZ
General Commercial	CZ
Industrial	IZ

3.1.2 In addition to 3.1.1, this Bylaw contains the following overlay zones, shown on the attached Schedule 'A', which implement additional requirements beyond those created by the underlying zoning:

Environmental Overlay	EZ
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## 3.2 Zoning Map

3.2.1 Schedule 'A' is the Zoning Map and forms part of the Bylaw.

## 3.3 Zoning Not on the Map

3.3.1 The Zoning Map may be amended in conformance with the Official Plan to use any zone in this Bylaw, regardless of whether such a zone has previously appeared on the Zoning Map.

### Chapter 3 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 4 Interpretation

## 4.1 Certain Words

### 4.1.1 In this Bylaw:

- (a) words used in the present tense include future;
- (b) words in the singular number include the plural;
- (c) the word "shall" is mandatory and not permissive; and
- (d) gendered words shall be interpreted to mean any gender.

## 4.2 Conflict

4.2.1 In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall take priority.

4.2.2 In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall take priority.

## 4.3 Rounding

4.3.1 Unless otherwise specified, if the physical nature of a regulation requires rounding, rounding shall:

- (a) be to the nearest whole number; and
- (b) if the number to be rounded ends in exactly one half, shall be to the nearest even number.

4.3.2 Rounding shall only occur after all applicable regulations have been combined. For example, the number of parking spaces required on a lot shall be summed in decimal form for all uses prior to rounding the final sum.

## 4.4 Units of Measurement

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

## 4.5 Symbols

4.5.1 The symbols used on the Zoning Map refer to the corresponding zones established in the Bylaw. See Schedule 'A' the Zoning Map.

## 4.6 Definitions

4.6.1 The definitions used in this Bylaw are provided in Chapter 13, Definitions. Where a word is not defined, the word shall have the meaning or meanings assigned by accepted English dictionaries.

#### 4.7 Interpretation of Zone Boundaries

4.7.1 Boundaries between zones as indicated in Schedule 'A' shall be determined as follows:

- (a) where a zone boundary is indicated as following a street, road or highway, the boundary shall be the centre line of such street, road, or highway;
- (b) where a zone boundary is indicated as following lot or property lines, the boundary shall be such lot or property lines;
- (c) where a zone boundary is indicated as approximately following the limits of the Municipality, the limits shall be the boundary;
- (d) where a zone boundary is indicated as following a survey line as recorded at the Registry of Deeds, the boundary shall follow that line;
- (e) where a zone boundary is indicated as following a utility right-of-way, the centreline of the right-of-way shall be the boundary unless otherwise indicated;
- (f) where the zone boundary is indicated as following the shoreline of a river, watercourse, lake, or saltwater body, the mean high-water mark shall be the boundary;
- (g) where the zone boundary buffers a wetland or watercourse, the 15-metre buffer shall be the boundary; and
- (h) where none of the above provisions apply, the zone boundary shall be scaled from the original zoning map lodged with the Municipality; and
- (i) where a zone boundary is indicated as following the edge of a watercourse the zone shall follow any change in the boundary of that watercourse.

#### 4.8 Schedules and Appendices

4.8.1 All schedules and figures attached to this Bylaw form an official part of the Bylaw.

4.8.2 Any appendices that may be attached to this Bylaw are for informative purposes and may be changed by resolution of Council without formally amending this Bylaw.

#### 4.9 Severability

4.9.1 If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Bylaw.

### Chapter 4 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 5 General Provisions for All Zones

## 5.1 Accessory Buildings and Structures

- 5.1.1 Accessory buildings and structures, including detached garages, shall be permitted on any lot but shall not:
- (a) be used for human habitation except where a dwelling is a permitted accessory use; and
  - (b) be built closer than 3 metres (9.84 feet) to any lot line, except that common garages for semi-detached dwellings may be centred on a mutual side lot line.

## 5.2 Setbacks and Buffers

- 5.2.1 Notwithstanding anything contained in this Bylaw, no person shall erect any building or structure in the Municipality:
- (a) within 15 metres (50 ft) of the ordinary high water mark of any river, stream, watercourse, or wetland located within or bordering on the legal boundaries of the Municipality;
  - (b) within 30 metres (100 ft) of the ordinary high water mark of North Lake and South Lake;
  - (c) within 60 metres (200 ft) of the watercourse in North Lake Creek, Priest Pond Creek south of Route 16, the Basin Head Area, or East Lake Creek;
  - (d) within 30 metres (100 ft) of the ordinary high water mark of the marine shoreline;
  - (e) on slopes of 20% or higher;
  - (f) within 23 metres (75 feet) of any embankment, excluding highway embankments, the slope of which is greater than 33%; or
  - (g) within 50 metres (164 feet) of the inland boundary of any sand dune.
- 5.2.2 This Section does not apply to buildings or structures used for fishing or bait sheds, aqua-culture operations, boat sheds, boat launches, structures or buildings on a wharf, or wharf structures, but The Development Officer, in issuing a development permit, may stipulate that the building or structure be located some fixed distance from the watercourse or wetland.
- 5.2.3 Development shall be subject, where applicable, to the provisions of the Coastal Area regulations under the Province's *Planning Act*, R.S.P.E.I. 1988, Cap. P-8.

## 5.3 Building to be Erected on a Lot

- 5.3.1 No building shall be erected unless it is erected on a single lot.

#### 5.4 Calculation of Lot Frontage on Curves

- 5.4.1 In any zone, lots designed with a reduced frontage along a bend in a street or facing a cul-de-sac may be approved by the Development Officer if, in the opinion of the Development Officer, adequate and safe access is provided and if the lot width at the front building lot line measures at least as much as the minimum lot frontage for the zone.

#### 5.5 Conformity with Existing Front Yards

- 5.5.1 Notwithstanding the minimum front yard requirements found elsewhere in this Bylaw, in any zone, when a building is erected between two existing buildings within 15 metres of the proposed building, the minimum front yard requirement may be reduced to that of the adjacent building which is closest to the street or road but at no time shall be less than 1.0 metre.

#### 5.6 Height Exemptions

- 5.6.1 The height regulations of this Bylaw shall not apply to church spires or steeples, mosque minarets, water tanks or reservoirs, elevator enclosures, stairwells, commercial communications towers, television or radio antennae, tree houses, silos, flag poles, ventilators, barns, chimneys, skylights, public art, solar collector systems, beehives, or clock towers.

#### 5.7 Driveway Access

- 5.7.1 Where an entranceway permit is required under the *Roads Act's* Highway Access Regulations, its issuance shall be a precondition of the approval of a subdivision or development permit.

#### 5.8 Frontage on a Road

- 5.8.1 Unless otherwise provided for in this Bylaw, no development permit shall be issued unless the lot intended to be used, or upon which a building or structure is to be erected, abuts and fronts upon a public road or a private road.
- 5.8.2 Notwithstanding Subsection 5.8.1, a development permit may be issued for forestry uses, agricultural uses, storage, warehousing, or wind turbines to be located on a lot which does not front on a public road provided proof of access can be demonstrated.

#### 5.9 Landscaping

- 5.9.1 The provision and maintenance of adequate landscaping shall be required on the Site Plan for new development to the satisfaction of the Development Officer.
- 5.9.2 Where a non-residential use abuts a residential use along a side and/or rear lot line, or where potentially conflicting land uses abut each other, a strip of not less than 4.5 metres (15 feet) in width along the said side and/or rear lot shall be landscaped to the satisfaction of the Development Officer.

#### 5.10 Multiple Uses

- 5.10.1 In any zone, where any land or building is used for more than one purpose, all provisions of this Bylaw relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot size or frontage, the more stringent standard shall prevail.

## 5.11 Existing Nonconforming Buildings and Structures

- 5.11.1 Subject to the provisions of this Bylaw, a building or structure lawfully in existence on the effective date of approval of this Bylaw that does not comply with one or more requirements of this Bylaw may continue to exist and may be enlarged, reconstructed, repaired, renovated, or demolished provided that:
- (a) the enlargement, reconstruction, repair, relocation, or renovation does not increase the nonconformance(s) with this Bylaw;
  - (b) the applicant has provided a complete site plan along with the application; and
  - (c) all other provisions of this Bylaw are satisfied.
- 5.11.2 A building or structure shall be deemed to exist on the effective date of approval of this Bylaw if:
- (a) it has lawfully been constructed; or
  - (b) the permit for its construction was in force and effect, construction is commenced within six months after the date of the issue of the permit, and construction is completed in conformity with the permit within one year.
- 5.11.3 If 50% or more of a nonconforming structure is destroyed, by a fire or otherwise, the structure shall only be rebuilt or repaired in conformity with the provisions of this Bylaw.
- 5.11.4 For the purposes of Subsection 5.11.3 calculation of the percentage of the structure destroyed shall be based on the assessed value of the building above its foundation.
- 5.11.5 Notwithstanding, Subsection 5.11.3, the Development Officer may permit the rebuilding or repair of a nonconforming structure if, in the Development Officer's opinion, such work would not be detrimental to the health or safety of residents in the vicinity or the general public.

## 5.12 Existing Nonconforming Land Uses

- 5.12.1 Subject to the provisions of this Bylaw, a use of land lawfully in existence on the effective date of approval of this Bylaw may continue to exist.
- 5.12.2 No structural alterations that would increase the exterior dimensions in a manner that would increase the nonconformity, except as required by statute or bylaw, shall be made to a building or structure while a nonconforming land use thereof is continued.
- 5.12.3 Notwithstanding Subsection 5.12.2 above, nothing in this Bylaw shall prevent the alteration and/or extension of a single-unit dwelling in existence on the effective date of approval of this Bylaw in any zone which does not permit single-unit dwellings, provided that the number of dwelling units is not increased and provided further that such alteration does not contravene any of the provisions of this Bylaw for such use in the Residential Zone.
- 5.12.4 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.
- 5.12.5 A nonconforming use of land, buildings, or structures shall not be permitted if it has been discontinued for a period of 12 months consecutively, and in such event, the land, building, or structure shall not thereafter be used except in conformity with this Bylaw. In the case of seasonal businesses, the use shall be considered discontinued starting on December 31<sup>st</sup> if the business has not operated in that calendar year.
- 5.12.6 A nonconforming use shall not be expanded in area or intensity of use.

### 5.13 Undersized Lots

5.13.1 Any lot which existed on or before the effective date of this Bylaw which had less than the minimum frontage or area required by this Bylaw is considered undersized and may be used for a purpose permitted in the zone, and a building may be erected on the lot, provided that all other applicable provisions of this Bylaw are satisfied, and, subject to the following:

- (a) the lot shall have frontage on either a public right-of-way or a private right-of-way, provided that frontage on a private right-of-way meets the requirements set forth in Section 5.8 of this Bylaw;
- (b) the consolidation of several lots may be permitted as a means of acquiring the minimum standard lot area;
- (c) the lot shall be serviced by an on-site sewage system designed and construction certified by a professional engineer or by a Municipally-owned or approved sewer system; and
- (d) for residential uses, the owner enters into a development agreement with the Municipality, stipulating that:
  - i. the development shall conform to the lot standards of the zone;
  - ii. the owner shall be responsible for the provision of any roads, sewer services or water supply;
  - iii. the owner shall agree to pay all future costs related to the extension of services;
  - iv. the owner shall submit a Landscaping and Grading Plan to minimize the visual effect of any engineered on-site sewage system;
  - v. the owner shall submit a Site Plan prepared by a licensed professional engineer;
  - vi. the maximum lot coverage shall not be greater than 10% of the lot;
  - vii. the dwelling shall not have a gross floor area greater than 111.5 square metres (1,200 ft<sup>2</sup>); and
  - viii. in cases where the lot is accessed by a private right-of-way, the owner shall acknowledge and agree that neither the Municipality nor the Province maintains the private right-of-way, that neither the Municipality nor the Province shall have any liability for that private right-of-way and, without limiting the generality of the foregoing, that neither the Municipality nor the Province is responsible for providing snow removal, bus service, or emergency vehicle access to the private right-of-way.



#### 5.14 Parking

- 5.14.1 Unless otherwise specified, automobile parking spaces shall be provided in conformance with Schedule B, Parking Standards.
- 5.14.2 A parking space constructed for the purposes of Subsection 5.14.1 shall have a minimum size of 2.4 metres (8 feet) by 6.1 metres (20 feet).
- 5.14.3 Every effort shall be made to ensure accessible parking spaces comply with the most recent CSA B651 Accessible Design for the Built Environment standards.
- 5.14.4 Unless otherwise permitted in this Bylaw, each automobile parking space shall be independently accessible and shall have clear access to a maneuvering lane.
- 5.14.5 Any parking lot for 4 or more automobile parking spaces shall meet the following requirements:
- (a) the parking area shall be maintained with a stable surface;
  - (b) any lights used for illumination of the parking area shall be designed and installed in a manner that does not project onto adjacent properties;
  - (c) a structure, not more than 4.5 metres (14.8 feet) in height and not more than 5 square metres (53.8 square feet) in area may be erected in the parking area for the use of attendants;
  - (d) when the parking area is of a permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
  - (e) gasoline pumps or other service station equipment shall not be located or maintained on the required parking area;
  - (f) traffic aisles leading to and within parking areas shall be a minimum width of 3.0 metres for one-way traffic and a minimum width of 6.0 metres (19.7 feet) for two-way traffic;
  - (g) individual parking spaces shall be located such that they do not interfere with the functioning of any entrance or exit to a building or structure; and
  - (h) if the parking area is located adjacent to residential uses, an opaque fence with a minimum height of 1.8 metres (6 feet) shall be constructed on the lot line.
- 5.14.6 Where the parking area is located between a main building and a street, any parking lot for 4 or more automobile parking spaces shall provide a marked pedestrian pathway between the street and the main entrance of the main building. The pedestrian pathway shall be a minimum 1.5 metres (4.9 feet) wide and surfaced with asphalt, concrete, wood, or interlocking paving stones.
- 5.14.7 The Development Officer may waive the automobile parking space requirement in whole or in part where, due to high lot coverage and/or the lack of front and side yards, it is impossible to site an automobile parking space without the removal of existing buildings.

## 5.15 Bicycle Parking

5.15.1 Excluding home-based businesses, the following commercial and institutional uses shall be encouraged to provide bicycle parking spaces:

- (a) Education facilities
- (b) Business or professional offices
- (c) Restaurants
- (d) Retail stores
- (e) Tourism operators
- (f) Parks

5.15.2 Where bicycle parking spaces are provided, they shall be encouraged to abide by these guidelines:

- (a) be located in the front, flankage, or side yard;
- (b) be visible from the street; and
- (c) have minimum dimensions of 0.6 metres by 2.0 metres (2.0 feet by 6.6 feet).

## 5.16 Servicing

5.16.1 The Development Officer may require that developments in any zone shall be serviced by central sewer systems and/or central water systems designed and construction certified by a qualified professional engineer.

5.16.2 The Development Officer may require on-site sewage treatment systems in any zone to be designed and construction certified by a qualified professional engineer. The Development Officer may also consider shared or common sewage treatment systems based on the recommendations of staff at the Provincial Department of Environment, Energy and Climate Action, or its successor, and subject to the approval of a qualified professional consulting engineer. All costs related to the design and approval of a shared or common sewage treatment system shall be borne by the developer(s).

5.16.3 Council may establish individual lot levies in order to offset potential future Municipal servicing costs made necessary as a result of the specific development.

## 5.17 Side Yard Waiver

5.17.1 Notwithstanding anything else in this Bylaw, where buildings on adjacent lots share a common wall, the applicable side yard requirement will be zero along the common lot line.

### 5.18 Swimming Pools

5.18.1 The installation of a swimming pool shall be permitted in any zone in accordance with the following provisions:

- (a) the owner shall first secure a Development Permit from The Development Officer;
- (b) a fence a minimum of 1.8 metre (6 feet) high shall be constructed in such a manner as to impede unauthorized persons from entering over or under said fence;
- (c) such fence shall be aesthetically presentable and preference will be given to wood type fence;
- (d) a self-closing and self-latching gate shall be installed; and
- (e) the water from the pool shall be permitted to be disposed of onto the ground, provided:
  - i. the water does not enter a watercourse or trespass onto neighbouring properties; and
  - ii. the water has been de-chlorinated.

### 5.19 Watercourse Retention of Natural Vegetation

No person shall, without a license or a Watercourse, Wetland and Buffer Zone Activity Permit issued by the Province, alter or disturb the ground or soil within 15 metres (49.2 feet) of a watercourse boundary or wetland boundary, or cause or permit the alteration or disturbance of the ground or soil, therein, in any manner.

### 5.20 Yard Requirements Concerning Natural Areas

5.20.1 The required front, rear or side yard as set out in this Bylaw shall not include any portion of the lot covered by a natural area or natural hazard such as, but not limited to, a marsh, the bank of a watercourse, or a slope greater than 15%.

## Chapter 5 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 6 Use Specific Regulations

## 6.1 Wind Turbines

6.1.1 All wind turbine development, where permitted, shall be subject to the following:

- (a) the wind turbine shall be set back a minimum of 2 kilometres from the ordinary high water mark of the marine shoreline;
- (b) wind turbine development shall not be permitted on lands covered by the Environmental Overlay Zone;
- (c) notwithstanding Section 5.8, a development permit may be issued for wind turbine developments a lot that does not front on a public or private road provided proof of access can be demonstrated;
- (d) the wind turbine shall be finished in a non-reflective matte and in an unobtrusive colour;
- (e) the only artificial lighting permitted on the wind turbine is lighting that is required by Federal or Provincial regulation;
- (f) no signage shall be permitted on the wind turbine except that of the manufacturer's identification; and
- (g) the owner(s) of the land on which the wind turbines are located shall notify the Municipality of Eastern Kings within 1 year of wind turbine inactivity and shall remove the wind turbines and associated infrastructure within 2 years of wind turbine inactivity.

6.1.2 Where permitted, wind turbines with a nameplate capacity equal to or less than 100 kilowatts shall be subject to the following:

- (a) notwithstanding zone provisions for maximum height, the maximum height of the turbine shall be 20 metres;
- (b) the blade clearance shall be a minimum of 4.5 metres (14.76 feet) from grade; and
- (c) the wind turbine shall be set back a minimum of 3 times the total height of the wind turbine from rear, front, and side lot lines, except where adjacent properties are part of the same proposal, the setback requirement from a shared property line shall be zero.

6.1.3 Where permitted, wind turbines with a nameplate capacity greater than 100 kilowatts shall be subject to the following:

- (a) notwithstanding zone provisions for maximum height, the maximum height of the turbine shall be 150 metres;
- (b) the blade clearance shall be a minimum of 7.6 metres (25 feet) from grade;
- (c) the minimum separation distance between wind turbines shall be equal to or exceed the height of the tallest turbine;
- (d) the wind turbine(s) shall be set back a minimum of 1 times the turbine height from rear, front, and side lot lines;
- (e) where adjacent properties are part of the same proposal, the setback requirement from a shared property line shall be zero; and

- (f) the wind turbine(s) shall be separated from dwellings by a minimum of 1 kilometre except this separation distance does not apply to a dwelling on the same lot on which the wind turbine is installed or a dwelling on any other lot that is part of the same proposal.
- 6.1.4 The total height of a wind turbine shall be measured from grade to the highest point of the rotor arc.
- 6.1.5 Upon application for a development permit for a wind turbine with a name plate capacity greater than 100 kilowatts, the applicant shall submit the following documentation:
- (a) the project description, including:
    - i. proposed turbine(s) capacity;
    - ii. targeted long-term production levels; and
    - iii. scale elevations or photos of wind turbines showing total height, tower height, rotor diameter and colour;
  - (b) a Site Plan showing all existing and proposed:
    - i. buildings;
    - ii. roads;
    - iii. boundaries;
    - iv. natural features; and
    - v. alterations of site;
  - (c) wind turbine manufacturer's specifications and professional engineer's design and approval of turbine base(s);
  - (d) copies of all approvals required by the *Impact Assessment Act*, *Environment Act*, the *Renewable Energy Act*, any other applicable Federal legislation or successor legislation, and any regulations for the Province of Prince Edward Island, or clear evidence that any such approvals are not required;
  - (e) evidence of notification to and approval from Department of National Defence, Nav Canada, Transport Canada or other applicable agencies regarding potential radio, telecommunications, and radar interference, if applicable;
  - (f) an Emergency Response Plan for site safety;
  - (g) a Decommissioning and Reclamation Plan; and
  - (h) any other information the Development Officer or the Municipality of Eastern Kings deems necessary to determine whether the development conforms to this Bylaw.
- 6.1.6 The property owner of a proposed wind turbine with a name plate capacity greater than 100 kilowatts shall enter into a development agreement with the Municipality, the terms and conditions of which shall include the detailed project description, site plan, emergency response plan, and decommissioning and reclamation plan.

## 6.2 Solar Collectors

6.2.1 Solar collector systems, including ground-mounted and roof-mounted systems, shall be permitted as an accessory use in all zones.

## 6.3 Electric Vehicle Charging

6.3.1 Electric vehicle charging stations shall be permitted as an accessory use in all zones.

## 6.4 Farm, Fish, and Forest Stalls

6.4.1 Nothing in this Bylaw shall prevent the direct sale of fish or other seafood; farm products such as but not limited to, flowers, fruit, and vegetables; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products, by individuals or companies engaged in the harvesting of such, subject to the following provisions:

- (a) any associated structures shall be limited to a maximum total footprint of 10 square metres (107.6 square feet) on a lot;
- (b) associated structures shall meet zone requirements for side and rear setbacks, but shall not be required to meet minimum front setbacks; and
- (c) no development permit shall be required.

## 6.5 Household Livestock Operations

6.5.1 Household livestock operations, where permitted, shall be subject to the following requirements:

- (a) the minimum lot size shall be 4,000 square metres (43,055.6 square feet) for every 1 animal unit or part thereof;
- (b) all animal housing and manure storage facilities shall have setbacks from lot lines double that of the applicable zone's requirements for main buildings and shall otherwise meet the applicable zone's requirements for main buildings;
- (c) all animal housing and manure storage facilities shall be set back a minimum of 50 metres from any off-site dwelling; and
- (d) all animal housing and manure storage facilities shall be set back a minimum of 90 metres from any watercourse, wetland, or off-site well.

6.5.2 Multiple adjacent lots held in common ownership may be considered as one lot for the purpose of calculating lot area in Clause 6.5.1(a).

6.5.3 The proposed operations shall meet standards set out by the Prince Edward Island Department of Agriculture's Manure Management and Separation Guidelines and the *Environmental Protection Act*.

## 6.6 Intensive Livestock Operations

6.6.1 Intensive livestock operations, where permitted, shall be subject to the following requirements:

- (a) the minimum lot size shall be 40,000 square metres (430,556 square feet);
- (b) intensive livestock buildings shall be set back a minimum of 45 metres (147.6 feet) from lot lines;
- (c) intensive livestock buildings shall be set back a minimum of 150 metres (492.1 feet) from any existing dwelling on an adjacent property outside the Agricultural Zone;
- (d) intensive livestock buildings shall be set back a minimum of 45 metres (147.6 feet) from any public road;
- (e) intensive livestock buildings shall be set back a minimum of 150 metres (492.1 feet) from any off-site well; and
- (f) intensive livestock buildings shall be set back a minimum of 90 metres (295.3 feet) from any watercourse or wetland.

6.6.2 All intensive livestock buildings shall have a manure storage facility for retention of manure for a period of time for which conditions do not permit spreading.

6.6.3 The proposed operations shall meet standards set out by the Prince Edward Island Department of Agriculture's Manure Management and Separation Guidelines and the *Environmental Protection Act*.

## 6.7 Beekeeping

6.7.1 The keeping of bees shall be permitted as an accessory use in the Agricultural, Residential, and Mixed-use Zones, subject to the following requirements:

- (a) hives shall be set back 1.8 metres (6 feet) from any property lines unless:
  - i. the property line is fenced with a solid, opaque fence a minimum of 1.8 metres (6 feet) in height;
  - ii. the property line includes a hedge or other vegetative obstruction at least 1.8 metres (6 feet) in height that covers the entire length of the property line; or
  - iii. the hive is located on a structure at least 1.8 metres (6 feet) in height;
- (b) a constant source of water shall be provided on-site.

## 6.8 Community Gardens

6.8.1 A community garden may be permitted as a main use on a lot in any zone provided it:

- (a) conforms with the applicable zone requirements for accessory structures or greenhouses;
- (b) has an accessible constant on-site water source, such as piped water or a refillable cistern; and
- (c) provides an on-site location for odour-free organic waste disposal or transport organic waste to a suitable disposal facility.

## 6.9 Vending

- 6.9.1 Commercial food trucks occupying an automobile, truck, bus, coach, streetcar, recreational vehicle, trailer, camper, or other motor vehicle may be permitted within any zone, subject to Section 6.10.

## 6.10 Vehicle Bodies

- 6.10.1 Trucks, buses, boats, automobiles, streetcar bodies, and structures of any kind other than a dwelling unit erected and used in accordance with this Bylaw shall not be used for human habitation whether or not the same is mounted on wheels.
- 6.10.2 Notwithstanding Subsection 6.10.1, recreational trailers or vehicles shall be permitted to be used as a temporary dwelling in preparation for construction of a permanent dwelling, subject to the Development Officer issuing a temporary permit under Section 2.18.

## 6.11 Outdoor Storage and Display

- 6.11.1 Outdoor storage shall not be located in any required side or rear setback or between a main building and a front lot line.
- 6.11.2 Outdoor display shall not be located within 3.0 metres (9.8 feet) of the front lot line.

## 6.12 Public and Private Utilities

- 6.12.1 Public utilities of any size and private utilities under 18.5 square metres (199.1 square feet) in area located within or under the public right-of-way may be placed in any zone, and no development permit shall be required and no zone standards shall apply.
- 6.12.2 Private utility structures over 18.5 square metres in area, and excluding telecommunication towers, may be considered as a special permitted use in any zone.

## 6.13 Parks and Open Space

- 6.13.1 Accessory structures for parks and open space uses shall have a maximum height of 6.0 metres (19.7 feet) and shall have a minimum setback of 3.0 metres (9.8 feet) from all lot lines. Where a parks and open space use spans multiple lots, no setback shall be required from the lot lines internal to the use.

## 6.14 Accessory Suites

- 6.14.1 An accessory suite shall be permitted within the Agricultural, Residential, and Mixed-use Zones within a single-detached dwelling, duplex, or as all or part of an accessory building, subject to the following:
- (a) the accessory suite is accessory to the single-detached or duplex dwelling on the property with respect to its services and utilities and must be connected to the services and utilities of the permanent detached dwelling;
  - (b) the owner shall provide confirmation from the Provincial Department of Environment, Energy and Climate Change, or its successor, that the additional unit can be accommodated by on-site water and septic services;
  - (c) a development permit is required for accessory suites; and
  - (d) the accessory suite shall require approval by the Fire Marshal.



6.14.2 Accessory suites forming all or part of an accessory building shall meet the following requirements:

- (a) the accessory suite shall only be permitted on a lot where the main dwelling is a primary residence;
- (b) only one accessory suite shall be permitted on a lot;
- (c) accessory suites shall not be permitted on lots less than 4,047 square metres (43,560 square feet) in area;
- (d) the accessory suite shall be subject to zone requirements for main buildings;
- (e) lot coverage shall not exceed 35%;
- (f) the gross floor area of the accessory suite shall not exceed 100 square metres (1,076.4 square feet);
- (g) the gross floor area of any additional accessory buildings shall not exceed 100 square metres (1,076.4 square feet);
- (h) the accessory suite shall use the existing access to the lot unless said access leads to a garage, in which case provisions must be made for access to the rear yard for emergency vehicles;
- (i) the unit shall not be situated over any existing underground services or utilities and shall not encroach upon any permanent easements registered on the property;
- (j) the Development Officer shall require the owner to submit a Survey Plan certified by a duly licensed Prince Edward Island land surveyor or licensed engineer;
- (k) septic capacity is confirmed by a registered qualified septic contractor with liability insurance; and
- (l) the installation of the accessory suite shall not interfere with, nor disrupt, the existing storm water drainage pattern on adjacent properties, nor cause any ponding of storm water.

### 6.15 Residential Facilities

6.15.1 Residential facilities shall be permitted as dwellings and subject to the applicable zone requirements for dwellings based on the following equivalencies:

- (a) a residential facility with fewer than five beds shall be treated as a single-unit dwelling.
- (b) a residential facility with five to eight beds shall be treated as a duplex dwelling.

6.15.2 A single bedroom for a staff member shall be permitted without being counted for the purpose of the equivalencies in Subsection 6.15.1. All other staff bedrooms shall be counted for the purpose of equivalencies in Subsection 6.15.1.

## 6.16 Bed and Breakfast

6.16.1 Bed and breakfast establishments shall be permitted to operate in any single-unit dwelling, subject to the following:

- (a) the use is carried out by a resident of the dwelling;
- (b) not more than 6 rooms shall be offered for overnight accommodation;
- (c) adequate off-street parking, separate from that required for the dwelling, shall be provided; and
- (d) the establishment is licensed under Provincial Regulations.

## 6.17 Short-term Rentals

6.17.1 Short-term rentals shall be allowed in the Agricultural, Residential, Mixed-use, and General Commercial Zones, subject to the following:

- (a) no more than one short-term rental listing shall be established per lot; and
- (b) where relevant, the establishment is licensed under Provincial Regulations, and follows any applicable regulations.

## 6.18 Home-based Businesses

6.18.1 A commercial operation listed in Subsection 6.18.2 may be located in a residential dwelling or an accessory building in any zone permitting dwellings, subject to the following:

- (a) not more than 2 on-site, non-resident employees;
- (b) the floor area of the commercial operation shall not exceed the equivalent of 25% of the dwelling floor area;
- (c) adequate off-street parking is provided for both the dwelling and the business;
- (d) no outdoor storage of materials or product display is used in conjunction with the business;
- (e) premise signs shall be restricted to a maximum of 0.3 square metres (3.2 square feet);
- (f) no mechanical equipment shall be used except what is reasonably consistent with the use of the dwelling;
- (g) the external appearance of the dwelling is not altered; and
- (h) sewage requirements are satisfied.

6.18.2 A home-based business within a residence may include the following types of uses:

- (a) professional or business offices;
- (b) animal care
- (c) art gallery sales;
- (d) artisan or craft workshops with or without a retail sales component;
- (e) photographic studio;
- (f) teaching of students;
- (g) catering establishments;
- (h) hairdressing salon, barbershop, and esthetics;
- (i) dressmaking and tailoring;
- (j) childcare facility;
- (k) retail store;
- (l) auto body repair shop/ small engine repair shop; or
- (m) agricultural/forestry or fishing gear manufacturing, servicing and repair.

Chapter 6 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 7 Variances

## 7.1 Variances

- 7.1.1 The Development Officer may grant a variance in one or more of the following Land Use Bylaw requirements to the minimum degree necessary to alleviate site-specific hardships:
- (a) size or other requirements relating to setbacks, except setbacks for wind turbines and watercourse buffers;
  - (b) lot frontage or lot area, or both, if
    - i. the lot existed on the effective date of the Bylaw, or
    - ii. a variance was granted for the lot at the time of subdivision approval;
  - (c) footprint and height of a structure;
  - (d) floor area occupied by a home-based business;
  - (e) number of required parking spaces;
  - (f) height and area of a sign.
- 7.1.2 A variance must not be granted where:
- (a) the variance violates the intent of this Bylaw;
  - (b) the difficulty experienced is general to properties in the area; or
  - (c) the difficulty experienced results from an intentional disregard for the requirements of this Bylaw.
- 7.1.3 Authorization for a variance shall be documented and recorded in writing.
- 7.1.4 Where the Development Officer deems that a proposed variance application could have a significant effect on adjacent properties or properties in the general vicinity, the Development Officer may require that a public meeting be held pursuant to the provisions in this Bylaw.
- 7.1.5 All variance applications are subject to applicable fees as outlined in Appendix B, Fee Schedule.

### Chapter 7 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 8 Land Use Zones

## 8.1 Agricultural Zone

### General Requirements

8.1.1 All buildings and parts thereof erected, placed or altered or any land used in an Agricultural Zone shall conform with the provisions of this Section as well as the General Provisions in Chapter 5 of this Bylaw.

### Permitted Uses in the Agriculture Zone

#### 8.1.2

Accessory Suite
Agriculture, Forestry Use and Conservation
Animal Shelter
Bed and Breakfast Operation
Duplex Dwelling
Education Facility
Electric Vehicle Charging Station as an accessory use
Existing Mobile Home
Farm, Fish, and Forest Stall
Fish, Forestry, Processing or Distribution Facility
Home-based Business
Hotel, Motel, Inn, and Tourist Cottage
Household Livestock Operation
Intensive Livestock Operation
Keeping of Bees as an accessory use
Recreation Facility
Single-unit Dwelling
Short-term Rental
Solar Collector as an accessory use
Solar Collector as a main use
Wind Turbine with a name plate capacity equal to or less than 100 kilowatts
Wind Turbine with a name plate capacity in excess of 100 kilowatts

### Special Permitted Uses in the Agriculture Zone

#### 8.1.3

Grouped Dwellings
Industrial and Commercial uses directly related to agriculture, forestry and the like
Multi-unit Dwelling
Private Utility Structure over 18.5 m <sup>2</sup> (199.1 ft <sup>2</sup> ) in area
Telecommunication Tower

## Standards for the Agriculture Zone

### 8.1.4

Lot Area (min)	The greater of 0.4 ha (1 acre) or as per Provincial Standards noted in Section 23.(2) and (3) of the <i>Planning Act Subdivision and Development Regulations</i> See Appendix A
Lot Coverage (max) Residential	10%
Frontage (min)	46 m (150 ft)
Setback from Arterial, Collector, Local, and Seasonal Roads	10 m (32.8 ft)
Setback from Interior Subdivision Roads or Seasonal Subdivision Roads	4 m (13.1 ft)
Building Line Set Back (min)	15.0 m (50 ft)
Side Yard width (min)	9 m (30 ft)
Rear Yard (min)	9 m (30 ft)
Height (max) Multi-unit Residential	17 m (56 ft) or 4 storeys
Height (max) All Other Uses	10.5 m (35 ft) or 2.5 storeys
Flanking Yard (min)	15.0 m (50 ft)
Provincial Minimum Lot Standards	See Appendix A

## 8.2 Residential Zone (RZ)

### General Requirements

8.2.1 All buildings and parts thereof erected, placed or altered or any land used in a Residential Zone shall conform with the provisions of this Section as well as the General Provisions in Chapter 5 of this Bylaw.

### Permitted Uses in the Residential Zone

#### 8.2.2

---

Accessory Suite

---

Arts and Cultural Use

---

Bed and Breakfast Operation

---

Childcare Facility

---

Duplex Dwelling

---

Education Facility

---

Electric Vehicle Charging Station as an accessory use

---

Existing Mobile Home

---

Farm, Fish, and Forest Stall

---

Home-based Business

---

Keeping of Bees as an accessory use

---

Park and Playground

---

Private Garage or Auto Shop, excluding Auto Paint Shop

---

Public Service Use

---

Recreation Facility

---

Short-term Rental

---

Single-unit Dwelling

---

Solar Collector as an accessory use

---

Wind Turbine with a name plate capacity equal to or less than 100 kilowatts

---

### Special Permitted Uses in the Residential Zone

#### 8.2.3

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Grouped Dwellings

---

Private Utility Structure over 18.5 m<sup>2</sup> (199.1 ft<sup>2</sup>) in area

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## Standards for the Residential Zone

### 8.2.4

Lot Area (min)	The greater of 0.4 ha (1 acre) or as per Provincial Standards noted in Section 23.(2) and (3) of the <i>Planning Act Subdivision and Development Regulations</i> See Appendix A
Lot Coverage (max) Residential	10%
Frontage (min)	30.5 m (100 ft)
Setback from Arterial, Collector, Local, and Seasonal Roads	10 m (32.8 ft)
Setback from Interior Subdivision Roads or Seasonal Subdivision Roads	4 m (13.1 ft)
Building Line Set Back (min)	6 m (20 ft)
Side Yard width (min)	4.5 m (15 ft)
Rear Yard (min)	9 m (30 ft)
Flanking Yard	9 m (30 ft)
Height (max)	10.5 m (35 ft) or 2.5 storeys

### Special Requirements for Lots Abutting Residential Zones

8.2.5 Where the yard of a lot located for an institutional use abuts a Residential Zone the following standards apply:

- (a) The institutional use shall be set back from the abutting lot line a minimum of 25 metres (82.0 feet); and
- (b) A landscaped buffer shall be provided along the abutting lot line with vegetation sufficient to provide a screen at least 2 metres (6.6 feet) in height.

### Special Requirements for Water and Sewer Servicing

8.2.6 Developments within the Residential Zone for institutional uses shall have water and sewer services designed by a professional engineer to the standards deemed by the Municipality, in consultation with the staff from the Provincial Department of Environment, Energy and Climate Change, or its successor.



### 8.3 Mixed-use Zone (MZ)

#### General Requirements

8.3.1 All buildings and parts thereof erected, placed or altered or any land used in a Mixed-use Zone shall conform with the provisions of this Section as well as the General Provisions in Chapter 5 of this Bylaw.

#### Permitted Uses in the Mixed-use Zone

##### 8.3.2

Accessory Suite
Animal Care
Arts and Cultural Use
Bed and Breakfast Operation
Business or Professional Office
Childcare Facility
Duplex Dwelling
Education Facility
Electric Vehicle Charging Station as an accessory use
Existing Mobile Home
Farm, Fish, and Forest Stall
Home-based Business
Hotel, Motel, Inn, and Tourist Cottage
Keeping of Bees as an accessory use
Licensed Establishment
Park and Playground
Personal Service Shop
Places of Worship
Private Garage or Auto Shop, excluding Auto Paint Shop
Public Service Use
Recreation Facility
Retail Store excluding Shopping Malls
Restaurant, Takeout Establishment, and Delicatessen
Short-term Rental
Single-unit Dwelling
Solar Collector as an accessory use
Tour Operator
Wind Turbine with a name plate capacity equal to or less than 100 kilowatts

## Special Permitted Uses in the Mixed-use Zone

### 8.3.3

Cemetery
Multi-unit Dwelling
Private Utility Structure over 18.5 m <sup>2</sup> (199.1 ft <sup>2</sup> ) in area

## Standards for the Mixed-use Zone

### 8.3.4

Lot Area (min)	As per Provincial Standards noted in Section 23.(2) and (3) of the <i>Planning Act Subdivision and Development Regulations</i> See Appendix A
Lot Coverage (max) Residential	10%
Frontage (min)	30.5 m (100 ft)
Setback from Arterial, Collector, Local, and Seasonal Roads (min)	10 m (32.8 ft)
Setback from Interior Subdivision Roads or Seasonal Subdivision Roads (min)	4 m (13.1 ft)
Building Line Set Back (min)	6 m (20 ft)
Side Yard width (min)	4.5 m (15 ft)
Rear Yard (min)	9 m (30 ft)
Flanking Yard (min)	9 m (30 ft)
Height (max)	10.5 m (35 ft) 2.5 stories

## Special Requirements for Lots Abutting Residential Zones

8.3.5 Where the yard of a lot located for an institutional use abuts a Residential Zone the following standards apply:

- (a) The institutional use shall be setback from the abutting lot line a minimum of 25 metres (82.0 feet); and
- (b) A landscaped buffer shall be provided along the abutting lot line with vegetation sufficient to provide a screen at least 2 metres (6.6 feet) in height.

## Special Requirements for Water and Sewer Servicing

8.3.6 Developments within the Mixed-use Zone for institutional uses shall have water and sewer services designed by a professional engineer to the standards deemed by the Municipality, in consultation with the staff from the Provincial Department of Transportation and Infrastructure, or its successor.

## 8.4 Parks and Conservation Zone (PZ)

### General

8.4.1 All buildings and parts thereof erected, placed or altered or any land used in a Parks and Conservation Zone shall conform with the provisions of this Section as well as the General Provisions in Chapter 5 of this Bylaw.

### Permitted Uses in the Parks and Conservation Zone

#### 8.4.2

Conservation Area
Cropping and Pasturing or similar activities
Electric Vehicle Charging Station as an accessory use
Existing Mobile Home
Farm, Fish, and Forest Stall
Natural Area
Park or Playground
Recreation Facility
Solar Collector as an accessory use
Sport Field
Tour Operator

### Special Permitted Uses in the Parks and Conservation Zone

#### 8.4.3

Campgrounds
Golf Courses
Private Utility Structure over 18.5 m <sup>2</sup> (199.1 ft <sup>2</sup> ) in area
Service Buildings or Convenience Shops

### Special Requirements for Accessory Buildings or Structures

8.4.4 Any building or structure not for residential purposes erected in the Parks and Conservation Zone shall be deemed to be an accessory building or structure and in addition to the requirements above such building or structure shall occupy an area no greater than 10% of the total lot area of the use.

## 8.5 General Commercial Zone (CZ)

### General Requirements

8.5.1 All buildings and parts thereof erected, placed or altered or any land used in a General Commercial Zone shall conform with the provisions of this Section as well as the General Provisions in Chapter 5 of this Bylaw.

### Permitted Uses in the General Commercial Zone

#### 8.5.2

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Animal Care

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Animal Shelter

---

Arts and Cultural Uses

---

Banking and Financial Institution

---

Bed and Breakfast

---

Business or Professional Office

---

Childcare Facility

---

Electric Vehicle Charging Station as an accessory use

---

Existing Mobile Home

---

Farmer's Market

---

Farm, Fish, and Forest Stall

---

Funeral Home

---

Hotel, Motel, Inn, and Tourist Cottage

---

Licensed Establishment

---

Personal Service Shop

---

Private Garage or Auto Shop, excluding Auto Paint Shop

---

Recreation Facility

---

Retail Store excluding Shopping Malls

---

Restaurant, Takeout Establishment, and Delicatessen

---

Short-term Rental

---

Solar Collector as an accessory use

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Solar Collector as a main use

---

Tour Operator

---

Wind Turbine with a name plate capacity equal to or less than 100 kilowatts

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### Special Permitted Uses in the General Commercial Zone

#### 8.5.3

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Campgrounds

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Private Utility Structure over 18.5 m<sup>2</sup> (199.1 ft<sup>2</sup>) in area

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## Standards for the General Commercial Zone

### 8.5.4

Minimum Open Space	20% of total area of lot
Minimum Driveway Width	6.0 m (20 ft)
Frontage (min)	30.5 m (100 ft)
Setback from Arterial, Collector, Local, and Seasonal Roads (min)	10 m (32.8 ft)
Setback from Interior Subdivision Roads or Seasonal Subdivision Roads (min)	4 m (13.1 ft)
Building Line Set Back (min)	15.2 m (50 ft)
Side Yard width (min)	9.0 m (30 ft)
Rear Yard (min)	9.0 m (30 ft)
Lot Coverage (max)	30%
Height (max)	10.5 m (35 ft) or 2.5 storeys
Lot Area (min)	As per Provincial Standards noted in Section 23.(2) and (3) of the <i>Planning Act Subdivision and Development Regulations</i> See Appendix A

## 8.6 Industrial Zone (IZ)

### General Requirements

8.6.1 All buildings and parts thereof erected, placed or altered or any land used in an Industrial Zone shall conform with the provisions of this Section as well as the General Provisions in Chapter 5 of this Bylaw.

### Permitted Uses in the Industrial Zone

#### 8.6.2

Abattoir
Aggregate Related Industries
Agricultural Industries
Animal Care
Boat Building Operations
Boat and Marine Sales
Building Materials and Equipment Depots
Business and Professional Office
Commercial Uses accessory to a Main Industrial Use
Construction Facility
Electric Vehicle Charging Station as an accessory use
Existing Mobile Home
Farm, fish, and Forest Stall
Forestry-related Industries
Heavy Equipment Sales and Rentals
Kennel
Maintenance Building
Manufacturing, Assembling, Storage, or Processing Plant except those listed below in Section 8.6.3
Marina
Marine-related Industries
Recycling Facility
Research Facility
Solar Collector as an accessory use
Trucking Depot
Utilities
Wholesale and Warehouse Facility
Wind Turbine with a name plate capacity equal to or less than 100 kilowatts

## Industrial Uses Not Permitted in the Industrial Zone

### 8.6.3

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All facilities for the Manufacture, Processing, Reprocessing, or Storage of Chemicals or other dangerous goods

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Facility Engaged in the Production of Fish Meal

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Facility for the Chemical Treatment of Timber Resources

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## Standards for the Industrial Zone

### 8.6.4

Maximum building height	10.5 m (35 ft)
Minimum open space	20% of total area of lot
Minimum driveway width	6.1 m (20 ft)
Minimum frontage	30.5 m (100 ft)
Minimum front yard	15.2 m (50 ft)
Minimum side yard	9 m (30 ft)
Minimum rear yard	9 m (30 ft)
Minimum lot area	As per Provincial Standards noted in Section 23.(2) and (3) of the <i>Planning Act Subdivision and Development Regulations</i> See Appendix A

## Special Requirements for Accessory Uses

8.6.5 Accessory uses are permitted within the main building or in an accessory building in the Industrial Zone but shall not be larger than 25% of the gross floor area devoted to the main use.

## 8.7 Environmental Overlay Zone (EZ)

### General Requirements

- 8.7.1 All buildings and parts thereof erected, placed, or altered or any land used in an Environmental Overlay Zone shall conform with the provisions of this Section in addition to the general provisions of this Bylaw and the specific provisions of underlying zoning.
- 8.7.2 Any landscaping within an Environmental Overlay Zone shall require a permit, and no person shall cut down any trees or disturb the natural ground cover without first submitting a landscape plan to The Development Officer, and to Provincial staff as required, documenting all proposed changes to the topography and vegetation and measures to control erosion and siltation.

### Permitted Uses in the Environmental Overlay Zone

- 8.7.3 Where permitted by the underlying zoning, the following uses shall be permitted within lands subject to the Environmental Overlay Zone:

Conservation activities and landscaping or planting to facilitate effective erosion control
Electric Vehicle Charging Station as an accessory use
Existing Mobile Home
Farm, Fish, and Forest Stall
Open Space
Passive recreational uses, such as skiing or hiking
Solar Collector as an accessory use

## Chapter 8 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change



# 9 Special Permitted Uses

This chapter provides guidelines for Council's decision making in considering special permitted uses. To gain Council's approval, special permitted uses must meet the following criteria, as categorized by use.

## 9.1 Multi-unit Residential

9.1.1 In considering a multi-unit residential development as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the development shall preserve natural areas where possible;
- (b) all utility equipment shall be enclosed within the building or screened from the street. Utility equipment includes, but is not limited to, utility boxes, meters, and air compressors;
- (c) facilities for solid waste shall be provided within the building for the use of residents. These facilities shall accommodate the number of waste stream collection (e.g. garbage, compost, recycling) provided in the municipality at the time of permitting;
- (d) areas not used for structures, solid waste handling, automobile parking and circulation, or pedestrian walkways shall be landscaped. Such landscaping shall consist, at a minimum, of sod but may also include decorative grasses, trees, shrubs, flowers, mulch, fountains, ponds, and/or decorative pavers; and
- (e) the primary entrance(s) of the building shall be connected to the nearest street right-of-way and to any adjacent active transportation route identified in a Municipal Active Transportation Plan by means of a barrier-free (accessible) pedestrian walkway at least 1.5 m (4.9 ft) in width and paved with asphalt, concrete, wood, bricks, or interlocking pavers.

## 9.2 Grouped Dwellings

9.2.1 In considering grouped dwellings as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the density of the development shall not exceed one dwelling unit per 750 square metres (8,072.9 square feet) of lot area;
- (b) the development shall preserve natural areas where possible;
- (c) all utility equipment shall be enclosed within a building or screened from the street. Utility equipment includes, but is not limited to, utility boxes, meters, and air compressors;
- (d) enclosed facilities for solid waste shall be provided for the use of residents. These facilities shall accommodate the number of waste stream collection (e.g. garbage, compost, recycling) provided in the municipality at the time of permitting. These may be provided as a central collection point or, where appropriate, individual facilities for each dwelling unit. Adequate access shall be provided to the solid waste collection facilities;
- (e) areas not used for structures, solid waste handling, automobile parking and circulation, or pedestrian walkways shall be landscaped. Such landscaping shall consist, at a minimum, of sod but may also include decorative grasses, trees, shrubs, flowers, mulch, fountains, ponds, and/or decorative pavers; and
- (f) the primary entrance(s) of all dwelling units shall be connected to the nearest street right-of-way and to any adjacent active transportation route identified in a Municipal Active Transportation Plan by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (4.9 feet) in width and paved with asphalt, concrete, bricks, or interlocking pavers.

## 9.3 Industrial and Commercial Uses Related to Resource Uses

9.3.1 In considering industrial and commercial uses related to resource uses outside the General Commercial or Industrial Zones as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed use shall not create significant impacts on the odour, noise, or traffic of the surrounding area;
- (b) the proposed use shall not present significant environmental concerns on the contamination of water, soil, and air;
- (c) ventilation and outdoor lighting shall not be directed towards abutting residential uses;
- (d) outdoor components of the use located in a yard within the Agricultural Zone abutting a residential use outside the Agricultural Zone shall be screened from view of the abutting residential uses; and
- (e) all businesses shall be responsible for establishing structures which conceal waste disposal bins.

#### 9.4 Service Buildings or Convenience Shops

9.4.1 In considering service buildings or convenience shops as a special permitted use in the Parks and Conservation Zone, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed use shall not create significant impacts on the noise, or traffic of the surrounding area;
- (b) the proposed use shall not present significant environmental concerns on the contamination of water, soil, and air; and
- (c) the proposed use shall preserve key viewplanes where possible.

#### 9.5 Golf Courses

9.5.1 In considering golf courses as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the development shall incorporate sustainable storm water management and preserve natural ground cover where possible;
- (b) the proposed use shall not create significant environmental concerns on the contamination of water, soil and air; and
- (c) the proposed use shall not create significant impacts on the noise, or traffic of the surrounding area.

#### 9.6 Campgrounds

9.6.1 In considering campgrounds as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed use shall not create significant impacts on the noise, or traffic of the surrounding area; and
- (b) all utility equipment shall be enclosed within a building or screened from the street. Utility equipment includes, but is not limited to, utility boxes, meters, and air compressors;
- (c) enclosed facilities for solid waste shall be provided for the use of visitors. These facilities shall accommodate the number of waste stream collection (e.g. garbage, compost, recycling) provided in the municipality at the time of permitting. These shall be provided as a central collection point with adequate access;
- (d) the development shall preserve natural areas and access to watercourses where possible; and
- (e) the entrance(s) to the development shall be connected to the nearest street right-of-way and to any adjacent active transportation route identified in a Municipal Active Transportation Plan by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (4.9 feet) in width and paved with asphalt, concrete, bricks, or interlocking pavers.

## 9.7 Utility Structure

9.7.1 In considering utility structures over 18.5 square metres (199.1 square feet) in area as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed use shall not create significant impacts on the odour or noise of the surrounding area;
- (b) the proposed structure shall not present significant environmental concerns on the contamination of water, soil, and air;
- (c) outdoor lighting shall not be directed towards abutting residential uses; and
- (d) the proposed structure shall preserve coastal viewplanes where possible.

## 9.8 Telecommunications Towers

9.8.1 In considering telecommunications towers as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed structure shall not present significant environmental concerns on the contamination of water, soil, and air;
- (b) outdoor lighting shall not be directed towards abutting residential uses; and
- (c) the proposed structure shall preserve coastal viewplanes where possible.

## 9.9 Solar Collectors as a Main use

9.9.1 Where solar collectors as a main use are allowed as a special permitted use, and in considering applications, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed use shall be screened from view of the abutting residential and commercial uses; and
- (b) outdoor lighting shall not be directed towards abutting residential uses.

## 9.10 Cemeteries

9.10.1 In considering cemeteries as a special permitted use, Council shall ensure the development and the conditions placed upon it are consistent with the following criteria:

- (a) the proposed use shall not create significant impacts on the traffic of the surrounding area;
- (b) outdoor lighting shall not be directed towards abutting residential uses; and
- (c) the proposed structure shall not present significant environmental concerns on the contamination of water, soil, and air.

Chapter 9 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 10 General Provisions for Subdividing Land

## 10.1 Subdivision Approval

10.1.1 The conditions of this Bylaw shall be met and final approval received from the Development Officer or Council, as applicable, before an Applicant undertakes any of the following:

- (a) subdivision of 1 or more lots or any portion of a lot;
- (b) consolidation of 2 or more parcels of land;
- (c) revision of existing lot boundaries;
- (d) appending of 1 or more lots or any portion of a lot to a lot; or
- (e) changing the use of a lot in a subdivision.

## 10.2 Conveying Interest in a Lot

10.2.1 No person shall sell or convey any interest in a lot in a subdivision before the Development Officer has issued a stamp of approval for the subdivision in which the lot is situated.

## 10.3 Special Requirements

10.3.1 Special Requirements for road standards:

- (a) The Development Officer may permit subdivision fronting on a private road only if the private road existed prior to the effective date of this bylaw;
- (b) all roads shall conform to Provincial regulations and standards;
- (c) property owners shall be responsible for the full cost of design and construction of local roads; and
- (d) property owners shall contribute to the capital cost of any road improvements required as a direct result of development.

10.3.2 Special Requirements for the Agricultural Zone:

- (a) for the purposes of this Section “existing parcel” shall mean a parcel of land which was held in separate ownership as of January 25, 1989;
- (b) any lots subdivided pursuant to this Section shall conform to the lot requirements for the Agricultural Zone, the driveway access requirements of the Province of Prince Edward Island, and all other relevant provisions of this Bylaw; and
- (c) no residential subdivision shall be permitted within 150 metres (492.1 feet) of an existing intensive livestock operation.

### 10.3.3 Special Requirements for Watercourse Areas and Coastal Areas:

- (a) where a subdivision includes a coastal area or watercourse area, the subdivision shall include, where feasible and appropriate, public access to the shoreline or watercourse with at least one access, a minimum of 5 metres in width, to be located approximately every 200 metres (656 feet) of watercourse frontage;

### 10.3.4 Special Requirements for Conservation Subdivisions:

- (a) Notwithstanding the provisions of this Bylaw, within any Residential Zone, The Development Officer may grant approval of conservation subdivisions with reduced minimum lot standards where the following criteria have been met:
  - i. The property to be subdivided is at least 60,000 m<sup>2</sup> (645,834.6 ft<sup>2</sup>) in size.
  - ii. 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, an incorporated homeowners association or a recognized land trust or conservancy, and a maintenance fund is established to protect this conservation area.
  - iii. 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 Development Officer, and duly recorded with the Provincial Registry Office.
  - iv. At least 25% of the minimum required open space shall be suitable for active recreation purposes, but no more than 50% shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site.
  - v. A portion of the conservation zone shall be designated for general public access.
  - vi. The subdivision is serviced by shared on-site water and septic systems that meet current Provincial standards and are designed and certified by a licensed professional engineer.
  - vii. The required open space may be used, without restriction, for underground drainage fields for individual or Municipal septic systems, subject to approval by the Provincial Department of Environment, Energy and Climate Change, or its successor. However, “mound” systems protruding above grade and aerated sewer treatment ponds shall be limited to no more than 10% of the required minimum open space of the total lot area.
  - viii. Council may conduct a public hearing to consider public opinion on the design of the subdivision.

#### 10.4 Permission to Subdivide

10.4.1 No land shall be subdivided within the Municipality unless the subdivision:

- (a) conforms with the requirements of this Bylaw and any applicable Provincial statute, regulation, or other enactment;
- (b) is suitable to the topography, physical conditions, soil characteristics, and natural and surface drainage of the land;
- (c) will not cause undue flooding or erosion;
- (d) will not result in significant damage to the natural environment, including any wetland or watercourse;
- (e) has frontage on a street;
- (f) has adequate utilities and services available or can be conveniently provided with such utilities and services;
- (g) will reasonably conform to or is compatible with existing land use in the immediate vicinity;
- (h) will provide for safe and convenient traffic flow as determined and approved by the Provincial Department of Transportation and Infrastructure, or its successor;
- (i) is designed so that lots will have suitable dimensions, shapes, orientation and accessibility; and
- (j) is suitable to the use for which it is intended, and the future use of adjacent lands.

#### 10.5 Changes to Existing Lots

10.5.1 No person shall reduce the dimensions or change the use of any lot in an approved subdivision where the Development Officer deems there would be a detrimental effect on neighbouring property owners.

#### 10.6 Parkland Dedication and/or Park Dedication Fee

10.6.1 Any person applying to subdivide 3 or more lots within the municipality, from an area of land as it existed on the effective date of this Bylaw, shall convey to the Municipality, for the purpose of developing parkland, an area of useable land equivalent to 10% of the lands being developed.

10.6.2 Where parkland is conveyed it shall be exclusive of:

- (a) existing public streets or highways;
- (b) existing private roads;
- (c) proposed streets, highways, and private roads; and
- (d) the remainder land, if any.

10.6.3 The conveyed parkland shall have access to a street, road, or active transportation corridor.



- 10.6.4 Notwithstanding Subsection 10.6.1, where there is no useable land free of all encumbrances; where the subdivider so desires; or where, in the opinion of the Development Officer, sufficient parkland is available, the Municipality shall accept, in accordance with the *Planning Act*, for parkland, open space, recreation facility, or similar public purposes, a sum of money equal to 10% of the land assessment of the subdivided lands, exclusive of:
- (a) existing public streets or highways;
  - (b) existing private roads;
  - (c) proposed streets, highways, and private roads; and
  - (d) the remainder land, if any.
- 10.6.5 The park dedication fee shall be 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 value of structures on such lands. The Municipality retains the right to use the Province's Land Valuation and Assessment Division in determining the assessed value of the land. The value of the land will be determined by:
- i. an appraisal by a qualified appraiser, conducted to the satisfaction of the Municipality, with all costs associated with the appraisal to be borne by the owner of the lot; or
  - ii. the actual sale price of the lot, if accompanied by a letter from a qualified realtor expressing the opinion that the sale price represents the projected value of the lands being developed including all infrastructure costs upon final approval of the development.
- 10.6.6 Where the Municipality determines that a combination of parkland dedication and cash-in-lieu payments is in the best interests of the Municipality, they may require that Parkland dedication be in the form of a combination of land and cash of an equivalent value.
- 10.6.7 Any land to be conveyed to the Municipality under Subsection 10.6.1 shall:
- (a) consist of a parcel having an area of 2,000 square metres (21,527.8 square feet) or more, not including portions of the lands with dimensions less than 6 metres (19.7 feet) in any direction;
  - (b) have a maximum slope of 5%;
  - (c) not be subject to flooding and not contain wet or swampy areas, unless intended for water based activities;
  - (d) consider viewplanes;
  - (e) be capable of use for one or more of:
    - i. purposes such as linear walking trails, scenic vistas, or passive park areas;
    - ii. active purposes such as sports fields or playgrounds;
    - iii. protection of an environmentally sensitive area or as a significant natural feature;
  - (f) not be subject to any known environmental contamination;
  - (g) not be required as part of a storm water treatment pond; and
  - (h) not be an electrical or gas transmission corridor.

## 10.7 Public Accesses

10.7.1 All new developments shall, wherever practical, be integrated, at no cost to the Municipality, into the Municipality's existing or planned pedestrian accesses, parking, and recreation and public open space network.

## 10.8 Subdivision Process

10.8.1 Any applicant seeking subdivision approval from the Development Officer shall first apply for preliminary approval, and then, upon the granting of preliminary approval shall make application for final approval of the subdivision, and receive final approval of the subdivision before selling, deeding, or transferring title to any lot or parcel of land in the subdivision.

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

## 10.9 Phasing for Subdivisions

10.9.1 Subdivisions having more than 5 lots shall be approved in phases.

10.9.2 The number of lots approved in any one phase of a subdivision shall not exceed 10.

10.9.3 For an approved subdivision, no succeeding phase shall be approved until 60% of the lots in each preceding phase have buildings constructed upon them.

## 10.10 Application and Preliminary Approval Process

10.10.1 Any person seeking approval of a subdivision shall first make application for preliminary approval, and shall be required to submit the following:

- (a) the application in the form approved by the Development Officer;
- (b) the application fee as set forth in Schedule 'D';
- (c) an orthophoto or GeoLinc map showing the location of the parcel and all adjoining properties;
- (d) a soil test conducted in a manner acceptable to the staff of the Minister responsible for Environment;
- (e) 7 copies of a preliminary Subdivision Plan drawn to scale prepared by a surveyor registered to practice in the province and showing:
  - i. the true shape and dimensions of the proposed lots;
  - ii. contours with at least 2 m (6.56 ft) lines and spot elevations;
  - 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/roads;
  - vi. location of land proposed for recreation and public open space use;
  - vii. proposed surface water drainage patterns and designed drainage features, where applicable; and
  - viii. the existing use of the land and all immediately adjacent properties, showing buildings, fields, streams, rivers, swamps, wooded areas and areas subject to flooding or erosion.

- 10.10.2 The Development Officer may also require the applicant to provide additional information required to assist in evaluating a proposed subdivision, including, but not limited to:
- (a) a water test;
  - (b) an assessment on any potential environmental impacts, including any requirements imposed by Provincial statutes, regulations or other enactments;
  - (c) a Storm Water Management Plan;
  - (d) traffic surveys or a Traffic Study; and
  - (e) a written assessment by the Provincial government on potential impacts on access, transportation, pedestrian issues, or the environment.
- 10.10.3 In formulating their decision, the Development Officer may:
- (a) consult with Government officials and private consultants; and
  - (b) conduct a public hearing to consider public opinion, pursuant to the provisions in this Bylaw
- 10.10.4 The Development Officer shall evaluate any proposed subdivision to determine whether appropriate street design standards and lot configurations have been used to promote the development of safe, convenient and pleasant neighbourhoods.
- 10.10.5 The Development Officer shall notify the applicant, in writing, if the application is incomplete or lacking in plan details, and shall indicate any additional information or documentation required.
- 10.10.6 The Development Officer shall refuse to approve a subdivision which is unsuitable under the provisions of this Bylaw.
- 10.10.7 The Development Officer shall within 6 weeks of the date of receiving the completed and accurate application and appropriate fees, advise the applicant in writing that the subdivision has obtained preliminary approval with certain specific conditions, or that the subdivision cannot be preliminary approved, and shall state the reasons for the decision.
- 10.10.8 If preliminary approval is granted, the Development Officer may require that a subdivision agreement be executed between the owner and Council, outlining the conditions to be satisfied for the Subdivision to proceed to final approval.
- 10.10.9 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.
- 10.10.10 Preliminary approval for any proposed subdivision shall not be construed as final approval of such subdivision for legal conveyance or for land registration purposes.
- 10.10.11 Preliminary approval shall be effective for a period of 24 months, or such additional time as may be authorized by Development Officer.

## 10.11 Subdivision Agreement

10.11.1 The Development Officer may require an applicant to enter into a subdivision agreement as a condition of subdivision approval. The subdivision agreement shall cover any matters as required by the Development Officer and may include, but not be limited to the following:

- (a) the design, construction, and costs of sidewalks or other active transportation connections, water supply, sanitary and storm sewers, roads, and street lighting;
- (b) the dedication of land for recreation and public open space purposes, or payment of a fee in lieu of land;
- (c) the building of roads to Provincial standards and deeding of roads to the Department of Transportation and Infrastructure or its successor;
- (d) the posting of a financial guarantee satisfactory to Council;
- (e) the provision of a controlled Landscape Plan and Storm Water 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.

## 10.12 Final Approval

10.12.1 Final subdivision approval shall be granted by the Development Officer only after the applicant has:

- (a) complied fully with all applicable requirements of this Section and any subdivision agreement between the applicant and Council;
- (b) submitted 7 copies of a final Subdivision Plan showing all lots pinned and certified by a surveyor registered to practice in the province; and
- (c) completed an agreement with the Provincial Department of Transportation and Infrastructure, or its successor, respecting road construction and the roads have been accepted as public.

10.12.2 Subdivision of any lot into 2 or more lots may require a Storm Water Management Plan prepared by a licensed engineer including an overall Surface Water Management Strategy for the proposed subdivision, with the proposed general location and top of foundation elevation for the main buildings to be erected on each lot.

10.12.3 A digital file containing the (real earth) geographic coordinates of the Subdivision Plan may be required.

10.12.4 The Development Officer may grant final approval to part of a subdivision which is proposed to be developed in phases.

10.12.5 The Development Officer shall give notice of final approval of a subdivision in writing, and shall place its seal on the seven copies of the Subdivision Plan and shall return one copy to the subdivider.

10.12.6 The Development Officer shall file copies of the final Subdivision Plan with:

- (a) the Registrar of Deeds;
- (b) the Provincial Department of Transportation and Infrastructure, or its successor;
- (c) Council files; and
- (d) local utilities, as required.

#### 10.13 Severances and Consolidations

10.13.1 Notwithstanding the above provisions, the Development Officer or Council may approve applications for single lot subdivisions, partial lots or easements and lot consolidations at its discretion, having regard for only those provisions which it deems applicable to each individual application, provided the application conforms with all other Sections of this Bylaw.

10.13.2 Notwithstanding Section 10.10, final approval applications for lot consolidations or boundary line adjustments may be submitted without the preliminary approval stage of the application process, having regard to the provisions in the bylaw for the approval of Subdivisions, as may be applicable, and provided the application otherwise conforms to the bylaw.

#### 10.14 Development Permits

10.14.1 A development permit shall not be issued for any lot in a subdivision until all the requirements of the subdivision approval and of this Bylaw have been fulfilled and final subdivision approval has been granted.

#### 10.15 Rescinding or Altering Approval

10.15.1 An existing approved subdivision or portion thereof may be rescinded or altered by the Development Officer if:

- (a) The subdivision has been carried out contrary to the application, the conditions of approval, or these regulations; 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.

### Chapter 10 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 11 Penalties

## 11.1 Penalties

11.1.1 Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction:

- (a) on a first conviction, to a fine not exceeding \$2,000; or
- (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 they were first convicted.

11.1.2 Any prosecution for an offence under Subsection 11.1.1 may be instituted within one year after the time when the contravention occurred. 1988, c.4, s.26; 1994, c.46, s.5 {eff.} July 14/94.

11.1.3 The Judge presiding on any prosecution under this Bylaw may fix the costs of prosecution to be paid by the person found guilty hereunder.

11.1.4 The Municipality is entitled to all of the enforcement remedies set forth in Section 24 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8

## Chapter 11 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 12 Repeal

## 12.1 Effective Date

12.1.1 This Bylaw shall come into force effective on the date that it is approved by the Minister.

## 12.2 Repeal

12.2.1 Any prior Subdivision and Development Control Bylaws covering the lands contained within the current boundaries of the Rural Municipality of Eastern Kings are hereby repealed.

### Chapter 12 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

# 13 Definitions

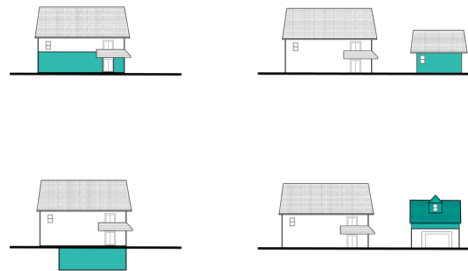
For the purpose of this Bylaw:

“abattoir” means the use of a building, structure, or part thereof, for slaughtering animals but does not include the slaughtering of game animals for personal use.

“accessory building” means a building on the same parcel of land as the main building, the use of which is clearly incidental to that of the main building.

“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.

“accessory suite” means a subsidiary dwelling unit that is located within or on a lot with a single-unit dwelling or duplex, and for the purposes of defining dwelling types an accessory suite is not counted in the total number of dwelling units within the dwelling.



“aggregate related industries” means buildings, structures, land, or part thereof, used for aggregate processing, storage, and related uses including, but not limited to, asphalt processing, concrete batching and component manufacturing, sand pit operations, and mineral bulk storage.

“agriculture use” means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce.

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

“animal care” means the use of land, buildings, or structures for the care of domestic animals and includes veterinary care, grooming, and day care but does not include the breeding of animals or overnight boarding.

“animal shelter” means a facility that holds or boards seized, surrendered, abandoned, or lost domestic pets (e.g. dogs, cats, birds), but does not include livestock.

“barrier free” means the design of buildings, structures, products or the environment which make them accessible to all users, regardless of age, ability, or other factors.



“bed and breakfast operation” means a single-detached dwelling where the proprietor lives on-site and where up to six (6) rooms are rented or hired out to provide overnight accommodation with breakfast or meals to the travelling public for monetary gain and does not include facilities open to the general public such as meeting rooms, restaurants or entertainment facilities. This definition shall exclude hotels, motels, inns, tourist cottages, and short-term rentals.

“building” means any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel, and includes a mini-home or existing mobile dwelling.

“building height” means the vertical distance measured from the averaged finished grade to the highest point of roof surface.

“building line” means any line regulating the position of a building or structure on a lot.

“business or professional office” means premises where services are offered for a fee but do not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.

“built environment” means structures, features, and facilities which collectively form the environment in which people live and work.

“campground” means a parcel used or permitted to be used by the travelling public that provides sites for tents, recreational vehicles or trailers, and may also be called a RV park but shall not include industrial, work or construction camps or existing mobile dwelling parks.

“cemetery” means the land used for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.

“change of use” means the change of use of a parcel of land or a building from one class of use to another or an increase in the intensity of use, including an increase in the number of dwelling units.

“childcare facility” means a place where children are cared for without overnight accommodation, but does not include a school.

“community garden” means a portion of land where herbs, fruit, flowers or vegetables are cultivated by a group of people individually or collectively.

“conservation area” means an area reserved for efforts to protect, preserve or restore the environment and its biological diversity.

“consolidation” means the legal incorporation of two or more existing Parcels of land to form a single, larger parcel.

“Council” means the Municipal Council of the Rural Municipality of Eastern Kings.

“deck” means a structure intended as outdoor living space, either attached or adjacent to a building.

“demolition” means the removal, pulling down or destruction of a structure.

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

“development agreement” means a legally binding written agreement between the Municipality and a developer, covering such matters deemed by council to be pertinent and necessary to the final approval of any development or subdivision of property within the Municipality.

“development officer” means an individual appointed by the Council to administer, on its behalf, the Municipality’s Zoning & Subdivision Control Bylaw.

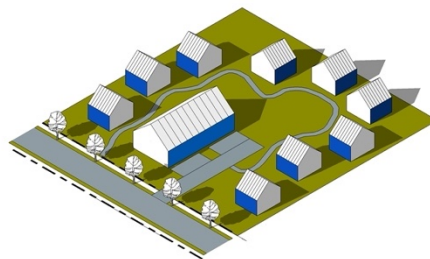
“development permit” means the formal and written authorization for a person to carry out any development.

“dog house” means any building or structure where dogs are kept by residents as pets and not for breeding, boarding, commercial, or animal welfare purposes.

“dog run” means a fenced area provided for the use of dogs which are kept by residents as pets and not for breeding, boarding, commercial or animal welfare purposes.

“dwelling” means a building or portion thereof which is designed, arranged, or intended for residential occupancy, and may be built on-site or built off-site and transported to the site where it is to be occupied as a dwelling, including mini homes but not including mobile homes and:

- (a) “duplex dwelling” means a building that is divided horizontally or vertically into two dwelling units, each of which has an independent entrance either directly from outside or through a common vestibule;
- (b) “grouped dwelling” means three or more dwellings of any type, except accessory suites, located on a lot;



- (c)
- (d) “multi-unit dwelling” means a building containing three or more dwelling units; and
- (e) “single-unit dwelling” means a building containing one dwelling unit.

“dwelling unit” means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.

“electric vehicle charging” means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles.

“embankment” means a wall or bank of earth or stone, with a slope of greater than 30 degrees from horizontal.

“existing parcel of land” means a parcel of land held under a separate deed, and having a Provincial property identification number (PID), existing on the effective date of this Bylaw.

“farmer’s market” means the use of land, buildings, structures, or part thereof for the purpose of selling seasonal fresh produce, meat, fish, craft products, and ready-to-eat food by independent vendors.

“farm, fish, and forest stall” means the direct sale of fish or other seafood; farm products such as but not limited to, flowers, fruit, and vegetables; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products, by individuals or companies engaged in the harvesting of such.

“fence” means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

“floor area” means

- (a) with reference to “dwelling” the area contained within the outside walls excluding any private garage, porch, veranda, sunroom, greenhouse, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year;
- (b) with reference to “commercial building” the total usable floor area within a building used for commercial purposes excluding washrooms, furnace rooms and common halls between stores; or
- (c) with reference to “accessory building” the area contained within the outside walls.

“food truck” means a business occupying an automobile, truck, bus, coach, streetcar, recreational vehicle, trailer, camper, or other motor vehicle or part thereof where food and drink is prepared and offered for sale to the public.

“forestry use” means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, shingle mills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.

“footprint” means the outline of the total area of a lot or site that is surrounded by the exterior walls of a building or portion of a building, exclusive of courtyards.

“frontage” means all land abutting on one side of a street or road measured along the street or road line.

“funeral home” means a building used for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.

“grade” (as it applied to the determination of building height) means the lowest of the average levels of finished ground adjoining each exterior wall of a building, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground.

“home-based business” means an owner-occupied dwelling unit, a portion of which is used by the owner for commercial activities, including domestic arts. The commercial activities and the domestic arts shall be clearly incidental and secondary to the residential use of the dwelling unit.

“hotel / motel / inn / tourist cottage” means a building or group of buildings not intended for residential use where sleeping facilities are provided for persons and which may also contain recreational facilities, commercial use and additional facilities including but not limited to eating establishments, drinking establishments, room service, meeting rooms, public convention rooms, and laundry service, but does not include short-term rentals, bed and breakfast operations, or campgrounds.

“industrial use” means use of a lot or building in or from which goods or materials are manufactured, processed, assembled or extracted, or premises from which wholesale trade is carried on, including warehousing.

“institutional use” means premises, other than retail or industrial, used for community services and includes but is not limited to:

- (a) arts and culture facilities such as art galleries, commercial studios, culture centres, libraries, museums, lighthouses, and theatres;
- (b) cemeteries;
- (c) educational facilities including elementary, secondary, or post-secondary schools;
- (d) places of worship; and
- (e) public service uses such as community facilities, emergency services, government offices, post offices, and physical or mental healthcare.

“kennel” means a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised and sold or kept for sale or boarding.

“licensed establishment” means any lounge, brew-pub, micro-brewery, winery, or distillery as defined in the *Liquor Control Act Regulations R.S.P.E.I. 1988, Cap. L-14* and any subsequent changes to those regulations.

“landscaping” means any combination of trees, shrubs, flowers, grass, other horticultural elements, paving, or other architectural elements, all of which are designed to enhance the visual amenity of a property.

“livestock” means the use of land, buildings, or part thereof for keeping of livestock or poultry, and:

- (a) “household livestock operation” means a livestock operation equal to or less than 30 animal units.
- (b) “intensive livestock operation” means a livestock operation with more than 30 animal units or 7 animal units per acre, whichever is less. A household

livestock operation that does not meet the lot size requirements for household livestock may be considered as an intensive livestock operation.

- (c) “intensive livestock building” means any building or structure used in conjunction with an intensive livestock operation for the housing of livestock or poultry.

Calculation of the number of animal units shall be determined using the following chart. Agricultural animals not listed in the table shall be counted as the most similar type of animal in terms of size and characteristics:

Type of Livestock	Number of Livestock, or Part Thereof, Equal to One Animal Unit
Cow	1 with calf
Bull or Steer	1
Horse	1
Hogs	4
Sheep or Goats	4
Mink or Fox	25 females, plus associated male and kits
Rabbits	25, plus males
Fowl	50

“lot, parcel, or property” means any parcel of land described in a deed or as shown in a registered plan of subdivision.

“lot area” means the total area included within the lot lines.

“lot coverage” means the percentage of the lot that is covered by building footprints.

“lot line” means any boundary of a lot.

“main use” means the principle land use on that lot.

“manufacturing” means the production and/or assembly and/or packaging of goods and/or materials, including processed food and/or drink not intended for immediate consumption.

“marine-related industries” means any marine-related establishment or business based on the shoreline, including but not limited to the harvesting, processing, or storing of ocean products such as fish or seafood.

“mini home” means a single unit dwelling designed to be transported on wheels and axles attached temporarily for moving purposes.

“mobile home” means a single unit dwelling designed to be transported on permanently fixed wheels, axles and chassis.

“Municipality” means the Rural Municipality of Eastern Kings.

“ordinary high water mark” means for non-tidal waters, the limit or edge of the bed of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself; for tidal waters, the mark on the seashore reached by the average of the mean high tides of the sea between the spring and neap tides in each quarter of a lunar revolution during the year excluding only extraordinary catastrophes or overflows.

“outdoor storage” means storage exterior to a building of items such as merchandise, goods, inventory materials, or equipment and where such items are not intended for immediate sale; but does not include items ancillary to a residential use, such as, but not limited to, firewood for on-site consumption.

“owner” means a person who legally owns a lot and is a registered land owner; and may include or encompass, a tenant, lessee, or other person in possession or occupancy of the subject lot or building; or an executor, administrator, trustee, agent, or other person managing the subject lot or building for the registered owner.

“parking lot” means an open area of land other than a street or access driveway, or an area within a structure used for the parking of vehicles.

“parking space” means a space on a parking lot for the temporary parking or storage of a vehicle.

“park or parkland” means an area consisting largely of open space, which may include a recreational area, play ground or similar use but shall not include a mobile dwelling park, a campground or trailer park.

“personal service shop” means a shop in which personal services are performed (including but not limited to barbershops, hairdressing shops, beauty parlours, nail salons, spas, dry cleaning, laundromats, tutoring, tailoring, shoe repairs, and small appliance repairs).

“place of worship” means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

“private garage or auto shop” means business or shop offering the maintenance, servicing or repair of used or new automobiles.

“private road” means any road that is not owned by the PEI Department of Transportation and Infrastructure or its successor, and for the purposes of this Bylaw this definition shall also include deeded rights-of-way.

“processing” means the transformation of raw ingredients into food, or of food into other forms. This involves taking clean, harvested crops or butchered animal, fish or other aquatic products and using these to produce attractive, marketable and often long shelf-life food products.

“public open space” means land which may be used for recreational or other outdoor leisure activities by the general public.

“public road or street” means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of PEI, but does not include a controlled-access highway.

“recreation facility” means a premises, other than retail or industrial, used for recreational uses and includes but is not limited to:

- (a) trails;
- (b) parks;

- (c) playgrounds;
- (d) sports fields or facilities;
- (e) arenas; and
- (f) gymnasiums.

“recreational vehicle or trailer” means a vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, motorized campers, motorized homes, recreation vehicles or other similar vehicles.

“recycling facility” means the use of a building or land in which domestic recoverable resources such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled to be taken to another site for processing. This use excludes salvage yards.

“renovation” means any change in a non-structural component of a building or structure and does not include a change in a structural component, or any increase or decrease in the volume of a building or structure.

“research facility” means a premises used for the purpose of research, experimentation, analysis, investigation or testing.

“residential facility” means a building or part of a building operated as one integrated facility in which accommodation is provided to individuals and that includes additional care and services for residents, such as, but not limited to, medical care, supervisory or personal care, and counselling. This includes supportive housing, transitional housing, nursing homes, long-term care facilities, rooming homes, emergency shelters, and similar uses, but shall not include a facility that is licensed by or under contract to Corrections Canada or Prince Edward Island Correctional Services, or successor bodies.

“resource uses” means any uses involving the processing or storing of natural resource materials including but not limited to agricultural, forestry, fishing and mining resources and shall include the production of agricultural products and the keeping of farm animals, but shall not include related industrial uses such as processing plants.

“restaurant / takeout establishment / delicatessen” means buildings or structures or part thereof where food and drink is prepared and offered for sale to the public.

“retail store” means a building or part thereof in which foods, goods, wares, merchandise, substances, articles or items are offered or kept for sale or rental directly to the public.

“rezoning” means the changing of one land zone classification to another.

“roof” means the structure forming the upper covering of a building or structure.

“setback” means the horizontal distance between the specified lot line and the nearest main wall of any building or structure, except fences, and extending the full width or length of the lot.

“sewer system” means the infrastructure that collects, conveys, treats and/or disposes of sewage, encompassing but not limited to drains, sewers, manholes, pumping stations and sewage treatment.

“short-term rental” means the full or part-time rental of a dwelling unit for durations not exceeding 28 continuous days.

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

“site plan” means a plan drawn to a suitable engineering scale showing details of existing and proposed features on a parcel of land which is the subject of an application for development.

“slope” means the incline from a horizontal or vertical line, slanted up or down.

“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).

“street / road / highway” means all the area within the boundary lines of every road, street or right-of-way which is vested in the Province of Prince Edward Island 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.

“structure” means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes a building, but shall exclude fences less than 1.8 metres in height and swimming pools.

“subdivider” means the owner of a parcel of land which is being subdivided, or his authorized agent; “subdivide” shall have a corresponding meaning.

“subdivision” means a division of a parcel of land by means of a plan of subdivision, plan of survey, agreement, deed or any instrument, including a caveat, transferring or creating an estate or interest in part of the parcel.

“subdivision agreement” means a legal document describing a two-party agreement between a subdivider and the authority having jurisdiction, the subject of which pertains to actions to be taken in the subdividing of a parcel of land.

“survey plan” means an appropriately scaled drawing of survey details certified by a Prince Edward Island land surveyor.

“swimming pool” means any structure used for bathing or swimming purposes which is sunk into the ground, or is erected above the ground and which has a possible maximum depth of greater than 0.6m, but shall not include inflatable pools or pools erected on a seasonal basis.



“telecommunications tower” means a structure erected for the purpose of transmitting communication signals including but not limited to radio and TV broadcasting, emergency medical services, global positioning satellite, and cellular phone signals.

“tour operator” means any commercial establishment or business offering sightseeing tours or experiential tourism offerings including but not limited to cycling, walking, or watercraft tours, fishing excursions, and whale watching.

“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 structure” means a structure or building which houses stationary equipment for telephone, electric power, public water supply, or sewer services, and for greater clarity does not include wind turbines, solar panels, or other electrical generators.

“watercourse” means the full length and width, including the sediment bed, bank and shore, of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal water body or any part thereof, whether the same contains water or not.

“wetland” means lands commonly referred to as marshes, salt marshes, swamps, bogs, flats and shallow watercourses that are saturated with water long enough to promote wetland or aquatic biological processes which are indicated by poorly drained soil, water-tolerant vegetation, and biological activities adapted to a wet environment.

“wind turbine” means a wind energy conversion system including the rotor and associated control or conversion electronics to convert wind mechanical energy to electricity.

"yard" means an open, uncovered, unoccupied space appurtenant to a building, and

- (a) "flankage yard" means, on a corner lot, that yard extending across the full width of the lot and fronting on a roadway which is not the roadway along which the front yard extends;
- (b) "front yard" means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building on the lot;
- (c) "rear yard" means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on the lot; and
- (d) "side yard" means a yard extending across the full width of the lot between a side lot line and the nearest main wall of the main building on the lot, exclusive of any chimney breast.

"zone" means an area of land designated under this Bylaw within which specific land uses are permitted and others restricted or prohibited.

"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.

### Chapter 13 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

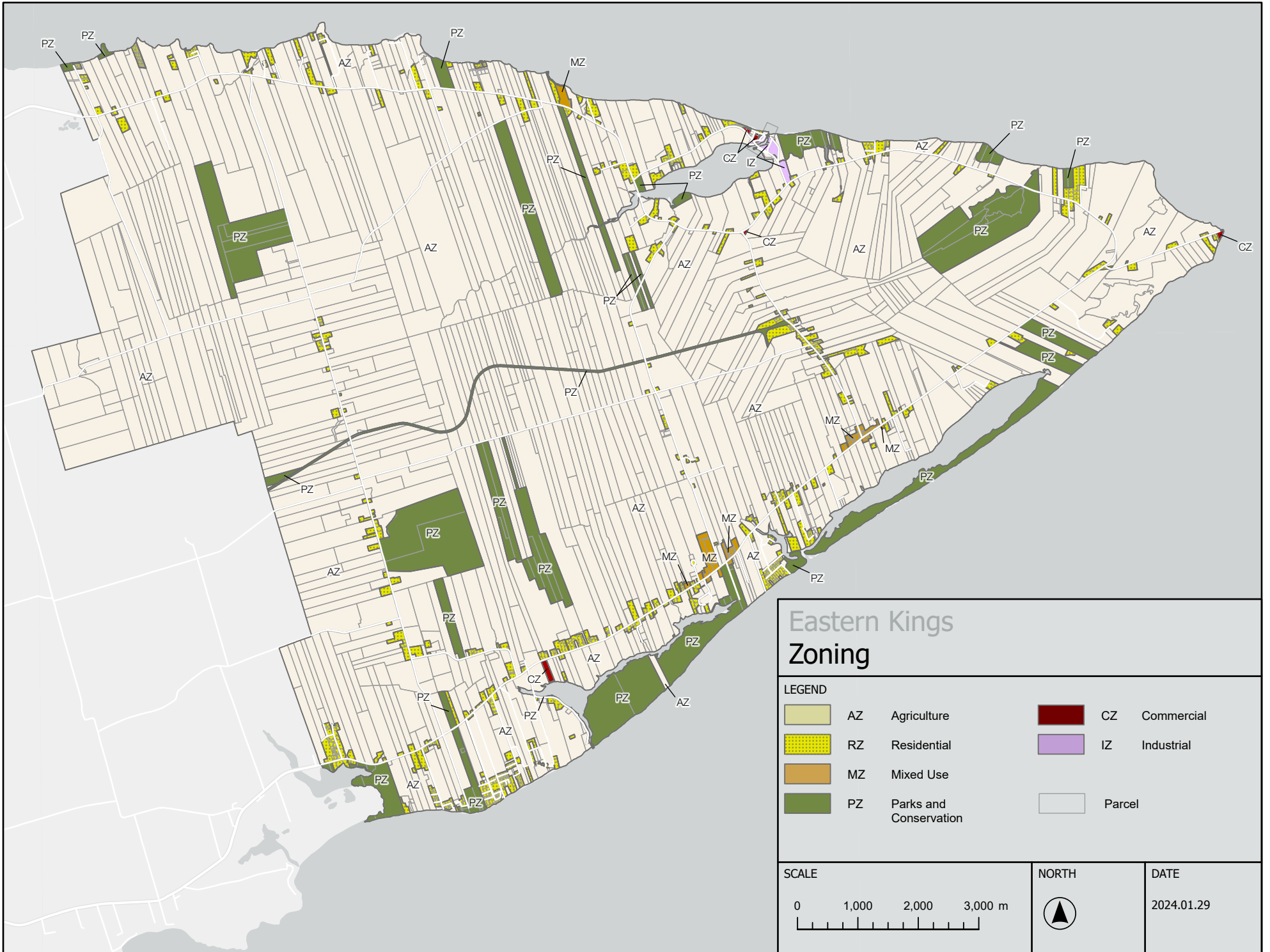
# 14 Schedules and Appendices

## 14.1 Schedule A: Zoning Maps

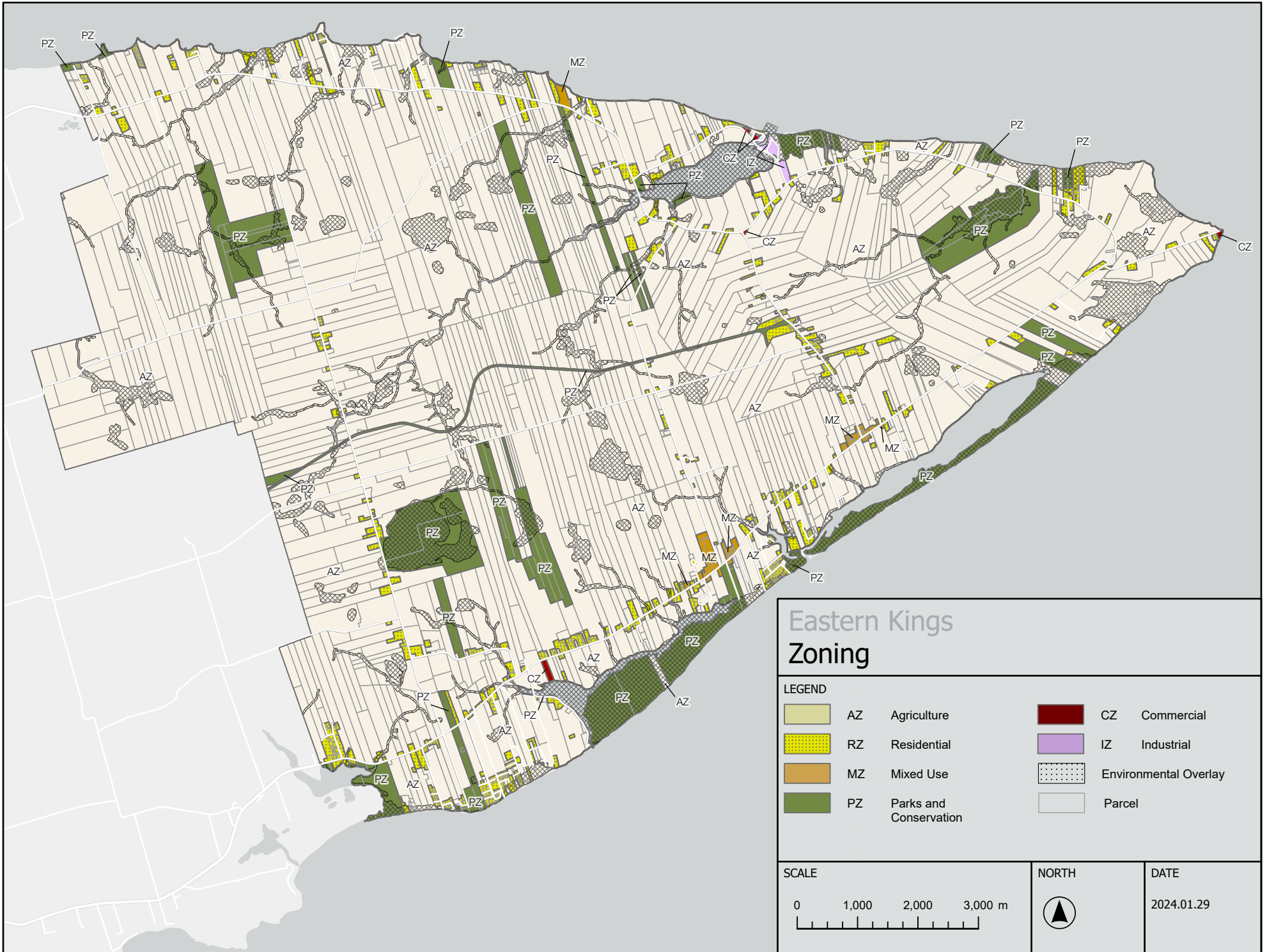
The Zoning Map shows the boundaries of all zones within the Municipality, corresponding with the regulations included in this Development Bylaw. Also included is a map which indicates the Environmental Overlay Zone, where land is subject to additional requirements beyond the base zone. The Zoning Map must conform to the Future Land Use Plan, and properties within the Municipality shall only be rezoned in accordance with the future land use identified on the Future Land Use Plan.

The third map included in this Section is a Zoning Map with the Red Triangle Area overlaid for reference. The Red Triangle Area, also referred to as the “Bird Exclusion Zone” is not a Municipally-regulated zone, but an approximate indication of the boundaries of sensitive migratory bird habitat which is commonly referred to in provincial conservation efforts.



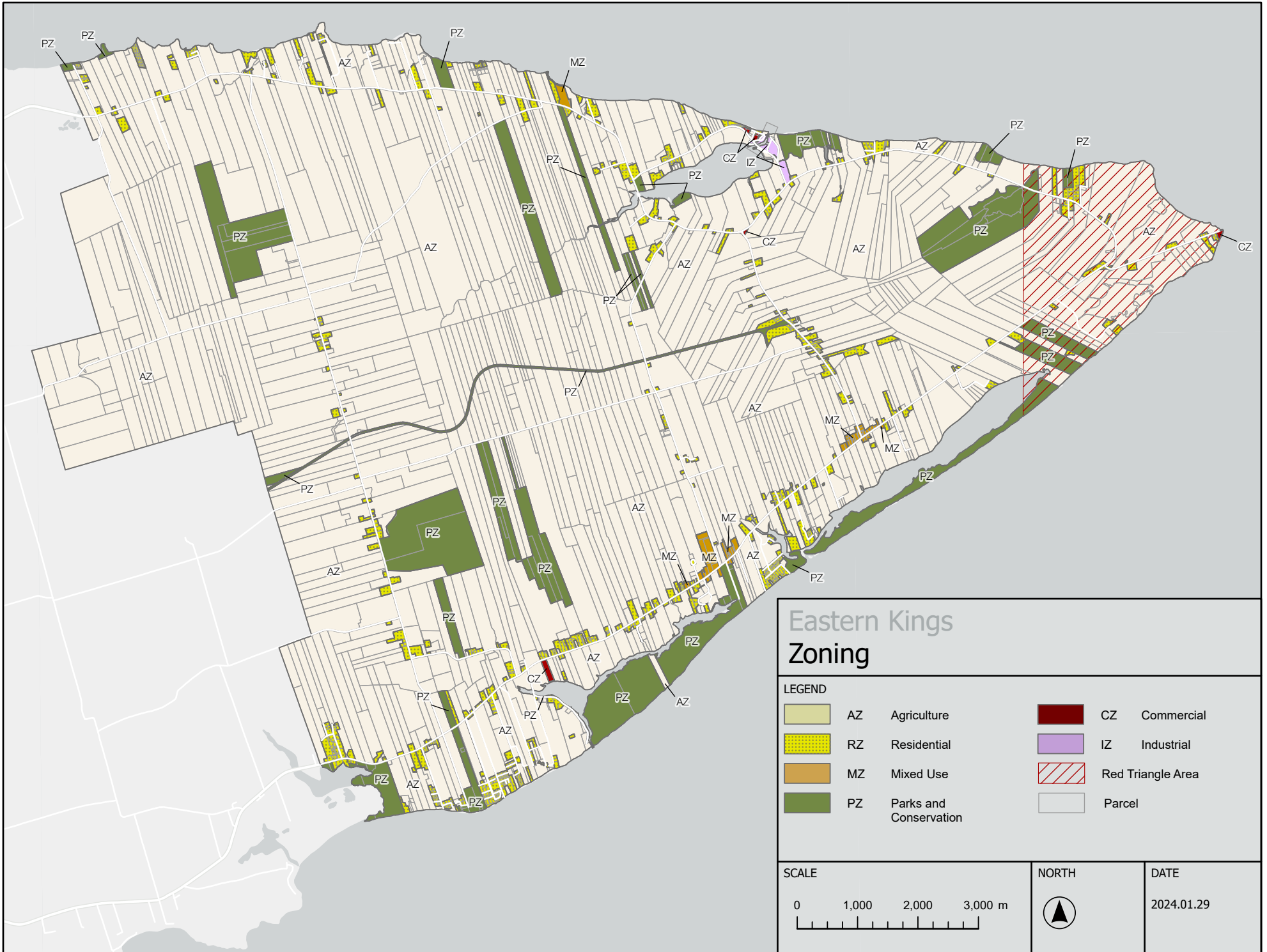














## 14.2 Schedule B: Parking Standards

Type of Use	Number of Parking Spaces Required	Loading Area Required
Dwellings	1 per dwelling unit	n/a
Accommodations	1 per guest room	n/a
Tourist Cottages and Campgrounds	1 per guest room or campsite	n/a
Restaurants (including take-out operations)	1 per 4.6 square metres (50 square feet)	n/a
Business or Professional Offices	1 per 27.9 square metres (300 square feet)	n/a
Warehouse and Storage Facilities, and other Industrial Uses	1 per employee	1 per loading bay
Other Commercial Uses	1 per 27.9 square metres (300 square feet)	1 per loading bay
Other Institutional Uses	1 per 37.2 square metres (400 square feet) of floor area	n/a

## 14.3 Appendix A: Province-wide Minimum Lot Size Standards

### Residential Lots

(a) Servicing	(b) Lot category	(c) Minimum lot frontage	(d) Number of dwelling units	(e) Minimum lot area	(f) Minimum circle diameter to be contained within the boundaries of the lot
on-site water supply and on-site sewage disposal system	I	100 feet 30.5 metres  (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	25,000 square feet / 2,322.5 square metre	150 feet / 45.7 metre
			2	30,000 square feet / 2,787 square metre	160 feet / 48.8 metre
			3	35,000 square feet / 3,251.5 square metre	175 feet / 53.3 metre
			4	40,000 square feet / 3,717 square metre	200 feet / 61 metre
			more than 4	40,000 square feet / 3,717 square metre,  plus 1,500 square feet / 457 square metre for each additional unit	200 feet / 61 metre
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres  (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	35,000 square feet / 3,251.5 square metre	175 feet / 53.3 metre
			2	40,000 square feet / 3,717 square metre	200 feet / 61 metre
			3	45,000 square feet / 4,180.5 square metre	225 feet / 68.6 metre
			4	50,000 square feet / 4,645 square metre	250 feet / 76.2 metre
			more than 4	50,000 square feet / 4,645 square metre,  plus 1,500 square feet / 457 square metre for each additional unit	250 feet / 76.2 metre
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres  (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1	51,000 square feet / 4,738 square metre	225 feet / 68.6 metre
			2	56,000 square feet / 5,202 square metre	250 feet / 76.2 metre
			3	61,000 square feet / 5,667 square metre	275 feet / 83.8 metre
			4	66,000 square feet / 6,131 square metre	300 feet / 91.4 metre

## Non-residential Lots

(a) Servicing	(b) Lot category	(c) Minimum lot frontage	(e) Minimum lot area	(f) Minimum circle diameter to be contained within the boundaries of the lot
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 square feet / 2,322.5 square metre	150 feet / 45.7 metre
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 square feet / 3,251.5 square metre	175 feet / 53.3 metre
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 square feet / 4,738 square metre	225 feet / 68.6 metre
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	20,000 square feet / 1,858 square metre	125 feet / 38.1 metre
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	25,000 square feet / 2,322.5 square metre	150 feet / 45.7 metre
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	35,000 square feet / 3,251.5 square metre	175 feet / 53.3 metre

## 14.4 Appendix B: Fee Schedule

<b>New Construction</b>	
Development Permit, Non - Commercial	\$0.20 per sq. ft.
Development Permit, Commercial	\$0.25 per sq. ft.
Development Permit, Minimum Fee	\$50.00
Development Permit, Institutional	\$0.20 per sq. ft. - minimum \$100.00 / maximum \$2,000.00
Development Permit, Accessory Building	\$0.20 per sq. ft. – minimum \$50.00 / maximum \$1,000.00
GeoLinc Usage Fee	\$10.00
Permit Approval After the Fact	\$ Double the Applicable Fee
Multiple Units in the same Building - Minimum	\$100.00 per unit
Multiple Units in the same Building – Maximum	\$2,000.00 per unit
Wind Turbines	\$10,000.00 each – minimum + associated costs
Communication Towers	\$1,000.00 each – minimum + associated costs
Deck - Pool - Fence	\$50.00
Change of Use	\$50.00
Demolition	\$50.00
Solar Panels (ground and roof mounted)	
Accessory Use	\$50.00 minimum - \$200.00 maximum
Main Use	\$50.00 minimum - \$200.00 maximum
Temporary Permits or Other	\$50.00
<b>Agreement Fees</b>	
Development or Subdivision Agreement Fee	\$200.00 + associated costs
Other Agreements	\$100.00 + associated costs

<b>Variance – Amendment - Rezoning</b>	
Variance	\$50.00 (no public meeting) + *associated costs
	\$200.00 (public meeting required) + *associated costs
Official Plan Amendment	\$300.00 plus *associated costs
Bylaw Amendment/Rezoning	\$300.00 plus *associated costs
<b>Subdivision/Consolidation Permits &amp; Preliminary Approvals</b>	
Application Fees	\$250.00 for (1 Lot), then \$100.00 for each additional lot
Lot Consolidation	\$150.00 + associated costs

### Associated Costs\*

- Associated costs shall be actual, quantifiable costs incurred by the municipality in order to process the application.
- (Examples: hall rental, rental of public address system and advertisement costs)

### Refunds of Application Fees

Where the Municipality has partially or fully processed an application which is subsequently withdrawn, abandoned or otherwise discontinued, a processing fee shall be retained.

- Minimum Processing Fee: \$50.00

### Schedule of Office Administration Fees

Item	Fee
Black and White copying per page	\$0.50 / per page
Colour copying per page	\$1.00 / per page
Paper file folders	\$1.25 each
Legal Envelopes	\$0.10 / per envelope
Black & White copy of Official Plan and Land Use Bylaws	\$25.00

Chapter 14 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change