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CHAPTER P-8

PLANNING ACT

PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

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

1. (1) In these regulations “authority having jurisdiction” means the Minister of Community and Cultural Affairs, or in the case of a municipality with an official plan and bylaws, the municipal council. “authority having jurisdiction”, defined

(2) Words and expressions defined in section 3 of the Planning Act Regulations (EC601/77) have the same meaning when used in these regulations. (EC703/95) *Idem*, existing definitions

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

3. Revoked by EC41/96. Lot size

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

(2) With respect to the minimum circle diameter requirement set out in column (e) of Table 1 and column (d) of Table 2, where applicable, the space encompassed by the circle shall be in a location on the lot which will accommodate an on-site sewerage system. Location

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

- (a) it is serviced by an on-site water supply system and a central sewerage system;
- (b) only one additional lot from the existing parcel is created by any proposed subdivision; and
- (c) no practical alternative to reducing the lot area exists.

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

- (a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewerage disposal systems;
- (b) the lot meets Category I standards in accordance with clause 6(a) and the minimum lot area requirements set out in column (d) of Table 1 and column (c) of Table 2 respectively;
- (c) a circle with a minimum diameter of 125 ft./38.1 m. will fit within the boundaries of the lot; and
- (d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement. (EC703/95; 41/96; 694/00)

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

Exception (2) Notwithstanding subsection (1),

- (a) the minimum lot size standards set out in Table 2 shall not apply to any lot or parcel of land severed, after the effective date of these regulations, for any non-residential purpose for which a sewerage system is not required;
- (b) where an approval or permit has been granted by an authority having jurisdiction pursuant to subsection (1), a subsequent approval or permit requiring or proposing a sewerage system shall only be granted in accordance with the standards set out in Table 2. (EC703/95; 41/96)

Categories of lots **6.** Lots shall be categorized according to the following:

- (a) Category I, where the lot has a depth of permeable natural soil of 2 ft./0.61 m or more, and where the depth to bedrock and the depth to the maximum water table elevation is greater than 4 ft./1.22 m;
- (b) Category II, where the lot has a depth of permeable natural soil of 1 ft./0.3 m or more, but less than 2 ft./0.61 m, and where the depth to bedrock and the depth to the maximum water table elevation is 4 ft./ 1.22 m or greater;
- (c) Category III, where the lot has a depth of permeable natural soil of 1 ft./0.3 m. or greater, and where either or both of the following conditions exist:
 - (i) the depth to bedrock is 2 ft./0.61 m. or greater, but less than 4 ft./1.22 m.;
 - (ii) the depth to the maximum ground water elevation is 2 ft./0.61 m. or greater, but less than 4 ft./1.22 m. (EC703/95; 694/00)

Upgrade **7.** Revoked by (EC694/00).

8. The minimum lot size standards set in Tables 1 and 2 do not apply to subdivisions approved prior to the date on which these regulations come into force. (EC703/95) Application

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

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

MINIMUM HIGHWAY ACCESS

10. (1) The Roads Act Highway Access Regulations (EC580/95) shall constitute the Minimum Highway Access Standards. Minimum highway access standards

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

TABLE 1
MINIMUM LOT SIZE STANDARDS
RESIDENTIAL DEVELOPMENTS

a) servicing	b) lot category	c) number of dwelling units	d) minimum lot area sq.ft. / sq.m.	e) minimum circle diameter to be contained within the boundaries of the lot feet / metres
on-site water and on-site sewerage system	I	1	25,000 sq.ft. / 2,322.5 sq.m.	150 ft. / 45.7 m.
		2	30,000 sq.ft. / 2,787 sq.m.	160 ft. / 48.8 m.
		3	35,000 sq.ft. / 3,251.5 sq.m.	175 ft. / 53.3 m.
		4	40,000 sq.ft. / 3,717 sq.m.	200 ft. / 61 m.
		more than 4	40,000 sq.ft. / 3,717 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	200 ft. / 61 m.
on-site water and on-site sewerage system	II	1	35,000 sq.ft. / 3,251.5 sq.m.	175 ft. / 53.3 m.
		2	40,000 sq.ft. / 3,717 sq.m.	200 ft. / 61 m.
		3	45,000 sq.ft. / 4,180.5 sq.m.	225 ft. / 68.6 m.
		4	50,000 sq.ft. / 4,645 sq. m.	250 ft. / 76.2 m.
		more than 4	50,000 sq.ft. / 4,645 sq.m., plus 1,500 sq.ft. / 457 sq. m. for each additional unit	250 ft. / 76.2 m.
on-site water and on-site sewerage system	III	1	51,000 sq. ft. / 4,738 sq.m.	225 ft. / 68.6 m.
		2	56,000 sq. ft. / 5,202 sq.m.	250 ft. / 76.2 m.
		3	61,000 sq. ft. / 5,667 sq.m.	275 ft. / 83.8 m.
		4	66,000 sq. ft. / 6,131 sq.m.	300 ft. / 91.4 m.
		more than 4	66,000 sq. ft. / 6,131 sq.m. plus 1,500 sq. ft. / 457 sq.m. for each additional unit	300 ft. / 91.4 m.
central water supply and on-site sewerage system	I	1	20,000 sq.ft. / 1,858 sq.m.	125 ft. / 38.1 m.
		2	25,000 sq.ft. / 2,322.5 sq.m.	150 ft. / 45.7 m.
		3	30,000 sq.ft. / 2,787 sq.m.	160 ft. / 48.8 m.
		4	35,000 sq.ft. / 3,251.5 sq.m.	175 ft. / 53.3 m.
		more than 4	35,000 sq.ft. / 3,251.5 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	175 ft. / 53.3 m.

central water supply and on-site sewerage system	II	1	25,000 sq.ft. / 2,322.5 sq.m.	150 ft. / 45.7 m.
		2	30,000 sq.ft. / 2,787 sq.m.	160 ft. / 48.8 m.
		3	35,000 sq.ft. / 3,251.5 sq.m.	175 ft. / 53.3 m.
		4	40,000 sq.ft. / 3,717 sq.m.	200 ft. / 61 m.
		more than 4	40,000 sq.ft. / 3,717 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	200 ft. / 61 m.
central water supply and on-site sewerage system	III	1	40,000 sq. ft. / 3,717 sq.m.	200 ft. / 61 m.
		2	45,000 sq.ft. / 4,180.5 sq.m.	225 ft. / 68.6 m.
		3	50,000 sq.ft. / 4,645 sq.m.	250 ft. / 76.2 m.
		4	55,000 sq.ft. / 5,110 sq.m.	275 ft. / 83.8 m.
		more than 4	55,000 sq.ft. / 5,110 sq.m., plus 1,500 sq. ft. / 457 sq.m. for each additional unit	275 ft. / 83.8 m.
on-site water supply and central waste treatment system	I or II	1	15,000 sq.ft. / 1,393.5 sq.m.	100 ft. / 30.5 m.
		2	20,000 sq.ft. / 1,858 sq.m.	125 ft. / 38.1 m.
		3	25,000 sq.ft. / 2,322.5 sq.m.	150 ft. / 45.7 m.
		4	30,000 sq.ft./ 2,787 sq. m.	160 ft. / 48.8 m.
		more than 4	30,000 sq.ft. / 2,787 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	160 ft. / 48.8 m.
on-site water supply and central waste treatment system	III	1	20,000 sq.ft. / 1,858 sq.m.	125 feet / 38.1 m.
		2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
		3	30,000 sq.ft. / 2,787 sq.m.	160 ft. / 48.8 m.
		4	35,000 sq.ft. / 3,251.5 sq.m.	175 ft. / 53.3 m.
		more than 4	35,000 sq.ft. / 3,251.5 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	175 ft. / 53.3 m.
central water supply and waste treatment systems	I, II, or III	any number	as determined by the authority having jurisdiction	as determined by the authority having jurisdiction

TABLE 2
MINIMUM LOT SIZE STANDARDS
NON-RESIDENTIAL DEVELOPMENTS

a) servicing	b) lot category	c) minimum lot area sq. ft. / sq. m.	d) minimum circle diameter to be contained within the boundaries of the lot feet / metres
on-site water and on-site sewerage disposal system	I	25,000 sq. ft. / 2,322.5 sq. m. (1)	150 ft. / 45.7 m.
on-site water and on-site sewerage disposal system	II	35,000 sq. ft. / 3,251.5 sq. m. (1)	175 ft. / 53.3 m.
on-site water and on-site sewerage disposal system	III	51,000 sq.ft. / 4,738 sq. m.	225 ft. / 68.6m.
central water supply and on-site sewerage disposal system	I	20,000 sq. ft. / 1,858 sq. m. (1)	125 ft. / 38.1 m.
central water supply and on-site sewerage disposal system	II	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
central water supply and on-site sewerage disposal system	III	35,000 sq.ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and central waste treatment system	I, II or III	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and waste treatment systems	I, II or III	as determined by the authority having jurisdiction	as determined by the authority having jurisdiction

(1) Notwithstanding the minimum lot areas set out in this column, the development of a non-residential lot which is serviced by an on-site sewerage system shall be subject to the minimum requirements of the Environmental Protection Act Sewage Disposal Regulations (EC542/87; 703/95; 694/00)