



## **PLEASE NOTE**

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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## CHAPTER P-8

### PLANNING ACT

#### SUBDIVISION AND DEVELOPMENT REGULATIONS

Pursuant to sections 8 and 8.1 of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, Council made the following regulations:

#### PART I INTERPRETATION

##### 1. In these regulations

- |   | Definitions                |
|---|----------------------------|
| (a) “accessory building” means a building whose use is incidental and subordinate to, and consistent with, the main or approved use of the lot upon which the building is located;  | accessory building         |
| (a.1) “Act” means the <i>Planning Act</i> R.S.P.E.I. 1988, Cap. P-8;  | Act                        |
| (a.2) “alter” means to make a change in the size, shape, bulk, or structure, whether interior or exterior, of a building or any part thereof, but does not include repairs carried out for the purposes of maintenance or non-structural renovation or improvement;   | alter                      |
| (a.3) “amusement type attraction” means a commercial or recreational establishment where buildings or structures have been erected or are proposed for the purpose of amusement in the form of a circus, carnival, midway show, sideshow, or similar exhibition where one of the following classes of recreation are provided:<br>(i) any mechanically or electrically operated amusement ride,<br>(ii) any mechanical or electronic machine or device intended for use as a game, entertainment or amusement, or<br>(iii) any petting zoo or farm; | amusement type attraction  |
| (a.4) “approved subdivision” means a lot or lots for which final approval has been granted pursuant to section 27;  | approved subdivision       |
| (b) “arterial highway” means any highway that has been designated as an arterial highway under the provisions of the Roads Act Highway Access Regulations;  | arterial highway           |
| (b.1) “baymouth barrier sand dune” means a sand dune or sand spit formation situated along the perimeter coastline which is connected to the coast at one end and partially encloses a coastal bay or estuary;  | baymouth barrier sand dune |

beach	(b.2) “beach” means that portion of land between the ordinary or mean high water mark and the water’s edge and includes a distance of three miles seaward of the mean high water mark, and may contain sand, gravel, rock, clay or other earthen material;
buffer	(b.3) “buffer” means an area of land which serves to protect another area from the encroachment or effects of development;
building	(c) “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 mobile home;
building height	(c.1) “building height” (in storeys) means the number of storeys contained between the roof and the floor of the first storey;
campground or RV park	(c.2) “campground or RV park” means a tract or parcel of land used or permitted to be used by the travelling public that provides sites for tents, trailers, or motor homes and may also be called an RV park but shall not include industrial, work or construction camps or permanent mobile home parks;
central waste treatment system	(c.3) “central waste treatment system” means a waste treatment system as defined in the <i>Environmental Protection Act</i> R.S.P.E.I. 1988, Cap. E-9 and controlled by a public or private utility;
central water supply system	(c.4) “central water supply system” means a water works for the collection, treatment, purification, storage, supply or distribution of water to <ul style="list-style-type: none"> <li>(i) five or more households, or</li> <li>(ii) a public building or place of assembly;</li> </ul>
change of use	(d) “change of use” means <ul style="list-style-type: none"> <li>(i) the change of use of a parcel of land from one class of use to another, recognizing as standard classes residential, commercial, industrial, resource (including agriculture, forestry and fisheries), recreational, and institutional uses,</li> <li>(ii) a change of use that materially increases the intensity of the use of a building, within a specific class of use as described in subclause (i), including a change that will increase the number of dwelling units in the building,</li> <li>(iii) in relation to a road, it has the meaning set out in the <i>Roads Act</i> Highway Access Regulations;</li> </ul>
child	(d.1) “child” includes a person to whom a parent has demonstrated a settled intention to treat as a child of his or her family;
cluster subdivision	(d.2) “cluster subdivision” means a grouping of lots, including road systems and utilities systems, surrounded by open space areas;

- (d.3) “coastal area” means all the lands, including surface water bodies, streams, rivers, and off-shore islands in the province, lying within 1640 feet (500 metres) inland and seaward of the mean high water mark of all coastal and tidal waters; coastal area
- (e) “collector highway” means any highway that has been designated as a collector highway under the provisions of the Roads Act Highway Access Regulations; collector highway
- (e.1) “commercial” means the use of a building or lot for the storage, display or sale of goods or services, and includes hotels, motels, inns, or rental cottages; commercial
- (e.2) “commercial eco-tourism use” means the use of any land or building for any retail or service use, except any amusement type attraction, associated with the development of the Greenwich, Prince Edward Island National Park that is intended to commercial eco-tourism use
- (i) promote the cultural and natural history of the area without altering the integrity of the area’s ecosystem, and
- (ii) create economic opportunities that make the conservation of natural resources beneficial to residents of the area;
- (e.3) “commercial tourist use” includes the use of any land, building, or structure for the storage, display, or sale of goods or services and includes hotels, motels, country inns, Bed & Breakfast establishments and rental cottages, but does not include campgrounds or RV parks, or amusement type attractions; commercial tourist use
- (f) revoked by EC352/01; common elements
- (f.1) revoked by EC352/01; condominium
- (f.2) “deck” means a structure intended as outdoor living space, either attached or adjacent to a building; deck
- (f.3) “detrimental impact” means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regard to detrimental impact
- (i) real property value;
- (ii) competition with existing businesses;
- (iii) viewscales; or
- (iv) development approved pursuant to subsection 9(1) of the *Environmental Protection Act*;
- (g) “development” means the carrying out of any construction operation, including excavation in preparation for building, on, over or under land, or the making of material change in the use, or the development

intensity of the use, of any land, buildings or premises, and includes the placing of structures on, over or under land;

dwelling	<p>(g.1) “dwelling” means a building or portion thereof designed, arranged or intended for residential occupancy, and</p> <p style="padding-left: 20px;">(i) “dwelling unit” means one or more rooms used or intended for domestic use of one or more individuals living as a single housekeeping unit with cooking and toilet facilities,</p> <p style="padding-left: 20px;">(ii) “single unit dwelling” means a building containing one dwelling unit and does not include mobile homes, but does include mini homes,</p> <p style="padding-left: 20px;">(iii) “duplex dwelling” means a building that is divided into two dwelling units,</p> <p style="padding-left: 20px;">(iv) “multiple unit dwelling” means a building containing three or more dwelling units,</p> <p style="padding-left: 20px;">(v) “semi-detached dwelling” means a semi-detached building used for residential purposes;</p>
entrance way	<p>(g.2) “entrance way” means a driveway providing access to and from a parcel of land to a road;</p>
estuary	<p>(g.3) “estuary” means that portion of a surface water system where salt water mixes with, and is measurably diluted by fresh water, and extends from the area where the system meets the Northumberland Strait or the Gulf of St. Lawrence to the most inland extent of tidal water;</p>
existing parcel of land	<p>(h) “existing parcel of land” means any parcel of land or lot in existence prior to February 3, 1979;</p>
farm parcel	<p>(h.1) “farm parcel” means land comprising an area of 50 acres (20.2 hectares) or more including any complementary buildings, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of livestock or production of raw dairy products, and may comprise a lesser area when operated as a farm enterprise by a <i>bona fide</i> farmer as defined in the <i>Real Property Assessment Act</i> R.S.P.E.I. 1988, Cap. R-4;</p>
farm dwelling	<p>(h.2) “farm dwelling” means a single year-round residential dwelling that is located on a farm parcel, and is owned and occupied by the principal owner of the farm parcel, a person whose primary occupation is to work on the farm parcel, or the son or daughter of the principal owner of the farm parcel;</p>
first storey	<p>(h.3) “first storey” means the uppermost storey having its floor level not more than 6.5 feet (2 metres) above grade;</p>

- (i) “floor area” means the area provided on each of one or more levels, measured from the outside walls of the building; floor area
- (i.1) “forested riparian zone” means a strip of forested land area on the upland side of, and immediately adjacent to, a watercourse boundary or the edge of a wetland; forested riparian zone
- (i.2) “frontage” means all land abutting on one side of a highway measured along the common or actual property line; frontage
- (i.3) “garden suite” means a temporary development consisting of a detached dwelling unit which garden suite
- (i) has a width no greater than 24 feet (7.31 metres),
  - (ii) is no greater than one storey in height,
  - (iii) has a roof pitch no greater than 4/12,
  - (iv) is constructed and erected in such a manner as to be capable of being readily removed from the site,
  - (v) does not exceed 800 square feet (92.9 square metres) in area, or is a mobile home, and
  - (vi) is for the sole and exclusive use as an accessory dwelling to a single unit dwelling or mobile home on the same lot or parcel of land by
    - (A) the parents or grandparents of the owner or spouse of the owner of the single unit dwelling on the same lot or parcel of land,
    - (B) any person who is physically or intellectually challenged or experiences a chronic disability or who, due to illness, frailty or age, requires home care, and is under the care of the owner or spouse of the owner of the single unit dwelling on the same lot or parcel of land, or
    - (C) a caregiver for a family member of the owner or spouse of the owner of the single unit dwelling on the same lot or parcel of land who qualifies under paragraph (A) or (B) and who also resides in the garden suite;
- (i.4) “grade” (as it applies 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; grade
- (i.5) “habitable building” means habitable building
- (i) a dwelling, or
  - (ii) a building designed, arranged, intended or used
    - (A) for a commercial tourist use, or
    - (B) for an institutional use;

Highway Access Regulations	(j) “Highway Access Regulations” means the Highway Access Regulations (EC580/95) made under the <i>Roads Act</i> R.S.P.E.I. 1988, Cap. R-15;
industrial use	(j.1) “industrial use” means the use of a building or lot for the storage, distribution, processing, assembly or recycling of wholesale products, goods or materials, or for activities relating to transportation, extraction, manufacturing, construction, warehousing, assembly or general repair;
institutional use	(j.2) “institutional use” means the use of land or buildings for non-profit or public purposes including but not limited to, hospitals, government buildings, religious institutions, churches, public schools, colleges, cultural centres, libraries and public recreational and park buildings;
light industrial use	(j.3) “light industrial use” means use of land or buildings for fabrication, manufacturing, assembly, treatment or warehousing of goods, but does not include industrial processing or other process which may result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluent;
loading space	(k) “loading space” means an off-street space designed for the purpose of loading or unloading produce or materials;
local highway	(k.1) “local highway” means any highway that has been designated as a local highway under the provisions of the Highway Access Regulations;
lot	(k.2) “lot” means a parcel of land which is held in separate ownership from the adjoining land, and <ul style="list-style-type: none"> <li>(i) “lot area” means the total area included within the lot lines,</li> <li>(ii) “corner lot” means a lot situated at the junction of two or more roads where the interior angle of intersection does not exceed 135 degrees,</li> <li>(iii) “lot line” means any boundary of a lot,</li> <li>(iv) “flankage lot line” means, on a corner lot, the lot line that divides a lot from the road other than the road toward which the front of the main building is facing,</li> <li>(v) “front lot line” means the lot line that divides a lot from the road, and in the case of a corner lot means the lot line that divides a lot from the road which the front of the main building is facing,</li> <li>(vi) “rear lot line” means the lot line opposite the front lot line,</li> <li>(vii) “side lot line” means a lot line other than a front, flankage, or rear lot line;</li> </ul>

- (l) “mini home” means a transportable dwelling suitable for long term occupancy, designed to be transported on wheels and axles attached temporarily for moving purposes; mini home
- (l.1) “mobile home” means a transportable dwelling suitable for long term occupancy, designed to be transported on permanently fixed wheels, axles and chassis; mobile home
- (l.2) “mobile home park” means a lot of land planned and developed for the placement of mobile homes and mini homes; mobile home park
- (l.3) “nacelle” means the housing unit for electrical components of a wind turbine that is installed at the top of a wind turbine tower; nacelle
- (m) “non-essential highway” means any highway that has been designated as a non-essential highway pursuant to the Highway Access Regulations; non-essential highway
- (m.1) “off-shore island” means any of the following islands: off-shore island
- (i) Glenfinnan Island
  - (ii) Governor’s Island
  - (iii) St. Peter’s Island
  - (iv) Holman Island
  - (v) Murray Islands:
    - (A) Reynolds Island
    - (B) Herring Island
    - (C) Cherry Island
    - (D) Thomas Island
    - (E) Gordon’s Island
  - (vi) Boughton Island
  - (vii) Grover (Ram) Island
  - (viii) Little Courtin Island
  - (ix) Bunbury Island
  - (x) Bird Island
  - (xi) Oulton’s Island
  - (xii) Cascumpeque Sand Hills
  - (xiii) Conway Sand Hills
  - (xiv) Hog Island Sand Hills
  - (xv) George Island
- (m.2) “open space” means that portion of a lot at ground level, unoccupied by any building or structures, that is available to all the occupants of buildings or structures on the lot, but does not include space used for service driveways, off-street parking space, or loading space; open space
- (n) “panhandle lot” means a lot that does not have the minimum frontage on a road required by these regulations, but has a driveway panhandle lot



	or right-of way connection providing access to a public road or privately owned subdivision road;
parcel	(n.1) “parcel” means a lot, block or other division of land or property which is recognized as a separate unit of land for the purposes of these regulations;
parking lot	(n.2) “parking lot” means an area of land other than a highway or access driveway, or an area within a structure, used for the parking of vehicles;
parking space	(o) “parking space” means a space on a parking lot for the parking or storage of a vehicle;
party wall	(o.01) “party wall” means a wall extending from the foundation to the roof of a building, that separates two units of the building;
perimeter coastline	(o.1) “perimeter coastline” means the coastal area of the Prince Edward Island landmass that borders directly on waters of the Northumberland Strait, the Gulf of St. Lawrence, Egmont Bay, Bedeque Bay, Hillsborough Bay, Cardigan Bay, Boughton Bay, Howe Bay, Rollo Bay, and Colville Bay, as outlined in black on the map attached as Appendix 2 to the <i>Environmental Protection Act</i> ;
primary sand dune	(p) “primary sand dune” means that portion of a sand dune which lies immediately inland of the beach, and extends from the landward limit of the beach to the foot of the landward slope of the first sand dune ridge or mound of sand bordering the beach, and may be unvegetated, or may support marram grass, and associated plant species as the dominant plant type;
private road	(p.1) “private road” means a road, street or right-of-way which is not a public road;
professional engineer	(p.2) “professional engineer” means an engineer who is a member in good standing of the Association of Professional Engineers of Prince Edward Island and holds a license to practise issued by the Association;
public road	(q) “public road” means all parts of the townships of the province reserved in the grants of patents thereof for public roads, all roads laid out by virtue of any statute and all roads whereon public money has been expended for common and public highways except where the roads have been altered or closed, or shall be altered or closed according to law; but farm lanes shall in no circumstances be deemed common and public highways;
public utility	(q.01) “public utility” means any person or corporation and the lessees, trustees, liquidators or receivers of any person or

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

(i) for the conveyance or transmission of telephone messages,

(ii) for the production, transmission, distribution or furnishing of electric energy, or

(iii) for the provision of water or sewerage service,

either directly or indirectly, to or for the public.

(q.1) “recreational use” means the use of land or buildings, or land integrated with development, for passive or active recreational entertainment, pursuit or sport, including but not limited to golf courses, marinas, ski parks, hiking and cycling trails, parks, playgrounds and their amenities; recreational use

(r) “residential unit” means a building or portion of a building designed, arranged and intended for residential occupancy, which may or may not include cooking facilities; residential unit

(r.1) “resort development” means resort development

(i) a development for recreational use of land having an area of not less than 20 acres or 8.1 hectares, together with buildings intended for recreational use having a total floor area of not less than 2,500 square feet or 232.2 square metres, and

(ii) a resort development may include a residential subdivision containing not less than 20 lots or a residential development containing not less than 20 residential units;

(r.2) “resource use” means the use of land or buildings for the production and harvesting or extraction of any agricultural, forestry, or fisheries product; resource use

(r.3) “resource industrial use” means the use of land or buildings for any industrial development directly associated with agriculture, fisheries or forestry industries; resource industrial use

(r.04) “rotor blades’ arc” means the largest circumferential path travelled by the rotor blades connected to a wind turbine; rotor blades’ arc

(r.4) “Rural Development Zone” means the area of land indicated as such on Map No. 3 in Appendix A; Rural Development Zone

(s) “rural tourism use” means the use of a building or land for non-recreational commercial uses related to tourism, including rental accommodations and campgrounds; rural tourism use

(s.1) “sand dune” means a wind or wave deposited formation of vegetated or drifting wind-blown sand that lies generally parallel to, sand dune

	and landward of the beach, and between the upland limit of the beach and the most inland extent of sand deposits;
scenic heritage road	(s.2) revoked by EC208/07;
semi-detached commercial development	(s.3) revoked by EC593/05;
semi-detached building	(s.4) “semi-detached building” means a single building designed and built to contain two side-by-side units <ul style="list-style-type: none"> <li>(i) that are separated by a party wall, and</li> <li>(ii) each of which is capable of being conveyed to separate owners;</li> </ul>
seasonal highway	(t) “seasonal highway” means any highway that has been designated as a seasonal highway under the provisions of the Highway Access Regulations;
secondary sand dune	(t.1) “secondary sand dune” means that portion of a sand dune which lies adjacent to and inland of a primary sand dune and which may support such vegetation types as marram grass, bayberry, hudsonia, lichen, and occasionally scattered white spruce and does not include that portion of a sand dune where white spruce and bayberry are the dominant species;
sewage disposal system	(t.2) “sewage disposal system” means any system or part thereof for disposing of sewage or waste by means of one or more settling or septic tanks and one or more disposal fields, and any other system or part thereof for sewage or waste disposal not directly connected to a municipal or approved central waste treatment system;
standpipe system	(u) “standpipe system” means a pipe and attendant hose valves and hose used for conveying water to various parts of a building for fire fighting purposes;
storey	(u.1) “storey” means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and ceiling above it;
St. Peters Village Zone	(u.2) “St. Peters Village Zone” means the area of land indicated as such on Map No. 3 in Appendix A;
structure	(v) “structure” means any construction fixed to, or sunk into land or water, but excludes: concrete and asphalt paving or similar surfacing, sewage disposal systems, water wells, fences, utility poles, clothes line poles, or flag poles or recreational equipment accessory to a dwelling unit;

- (v.1) “subdivide” means to divide 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; subdivide
- (v.2) “summer cottage” means a single unit dwelling that is occupied primarily during the summer months, and located on a lot or parcel served by a private road or a public road; summer cottage
- (v.3) “total height” means, in respect of a wind turbine tower, the height from grade to the highest vertical extension of the wind turbine tower, and includes the distance from grade to the top of the wind turbine tower plus the distance from the top of the wind tower to the highest point of its rotor blades’ arc; total height
- (w) “travel trailer” means a vehicle designed to be used as temporary accommodation for travel, recreation and vacation purposes; travel trailer
- (w.1) “variance” means a minor variance from the provisions of these regulations; variance
- (w.2) “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; watercourse
- (x) “wetland” means lands commonly referred to as marshes, saltmarshes, swamps, bogs, flats and shallow water areas 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. wetland
- (y) “wildlife” has the same meaning as in the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1; wildlife
- (y.1) “wind turbine” means a turbine that converts wind energy into mechanical or electrical energy by means of one or more rotor blades that rotate around a hub connected to a gearbox and generator inside a nacelle; wind turbine
- (y.2) “wind turbine tower” means a structure that supports a wind turbine and the rotor blades which turn the wind turbine; wind turbine tower
- (y.3) “wind energy conversion system development” means a development that is designed, intended or developed for the production of mechanical or electrical energy from wind energy by means of one or more wind turbines and includes wind energy  
conversion  
systemdevelopment
- (i) any associated wind turbine towers,

- (ii) any associated buildings or structures that are required for the transmission of that mechanical or electrical energy or for the maintenance of the development, and
- (iii) any access road to the development.

yard

- (z) “yard” means an open space adjoining a building, and
  - (i) “flankage yard” means the side yard of a corner lot facing a street other than the street towards which the front of the main building is facing;
  - (ii) “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;
  - (iii) “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
  - (iv) “side yard” means a yard extending from the front yard to the rear yard between a side lot line of the lot and the nearest main wall of the main building, exclusive of any chimney breast. (EC693/00; 191/01; 352/01; 176/03; 349/04; 593/05; 208/07)

## PART II APPLICATION OF REGULATIONS

Application

**2.** (1) These regulations apply to all areas of the province except, subject to subsection (2), those municipalities with official plans and bylaws.

Special planning areas within municipalities

(2) Where a special planning area established pursuant to section 8.1 of the Act includes a municipality or part thereof with an official plan and bylaws, no council shall issue a permit unless the proposed development complies with the regulations established for that special planning area. (EC693/00)

## PART III STANDARDS

### A - GENERAL

General requirements - subdivisions

**3.** (1) No person shall be permitted to subdivide land where the proposed subdivision would

- (a) not conform to these regulations or any other regulations made pursuant to the Act;
- (b) precipitate premature development or unnecessary public expenditure;
- (c) in the opinion of the Minister, place pressure on a municipality or the province to provide services; or
- (d) have a detrimental impact.

- (2) No development permit shall be issued where a proposed building, structure, or its alteration, repair, location, or use or change of use would *Idem, development permits*
- (a) not conform to these regulations or any other regulations made pursuant to the Act;
  - (b) precipitate premature development or unnecessary public expenditure;
  - (c) in the opinion of the Minister, place pressure on a municipality or the province to provide services;
  - (d) have a detrimental impact; or
  - (e) result in a fire hazard to the occupants or to neighbouring buildings or structures.
- (3) Where a parcel of land includes a forested area immediately adjacent to a watercourse or the edge of a wetland, no subdivision or development permit shall be approved until a forested riparian zone has been established pursuant to the *Environmental Protection Act*. *Forested area adjacent to watercourse or wetland*
- (4) Notwithstanding any other provisions of these regulations, no development permit shall be issued in respect of a development involving the change of use of an entrance way or the creation of an entrance way to any highway where an entrance way permit is required unless an entrance way permit has first been granted by the Minister of Transportation and Public Works. (EC693/00) *Entrance ways*
- 4.** (1) An approved subdivision or development permit may be made subject to any conditions necessary to ensure compliance with these regulations, other regulations made pursuant to the Act, or any relevant sections of the *Environmental Protection Act*, *Roads Act*, *Provincial Building Code Act* R.S.P.E.I. 1988, Cap. P-24 , or the *Fire Prevention Act* R.S.P.E.I. 1988, Cap. F-11. *Approval with conditions*
- (2) Where an approved subdivision or development permit is granted subject to conditions in accordance with subsection (1), the owner shall ensure that the subdivision or development complies with the conditions. *Owner ensures compliance*
- (3) The conditions of approval may include a requirement that the owner enter into a development agreement specifying any special measures that must be carried out in order to ensure compliance with the regulations referred to in subsection (1). (EC693/00) *Development agreement*
- 5.** No approval shall be given pursuant to these regulations until the following permits or approvals have been obtained as appropriate: *Other approvals required*
- (a) where an environmental assessment or an environmental impact statement is required under the *Environmental Protection Act*, approval has been given pursuant to that Act;

- (b) where the Fire Marshal's approval is required pursuant to the *Fire Prevention Act*, approval has been given pursuant to that Act;
- (c) where approval is required pursuant to the *Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 or regulations made pursuant to that Act, approval has been given pursuant to that Act and any applicable regulations made pursuant to that Act;
- (d) where, pursuant to the *Roads Act*, an entrance way permit or approval is required, the required permit or approval has been obtained; and
- (e) where a Quality Control Plan is required under the Barrier-Free Design Regulations (EC139/95) made under the *Provincial Building Code Act*, until the Quality Control Plan has been submitted and accepted in accordance with the regulations. (EC693/00)

Development,  
private road

**6.** (1) No development for any year round use shall be permitted on a lot or parcel served by a private road.

Permitted  
development uses

(2) Notwithstanding subsection (1), the following types of development may be permitted on a lot or parcel served by a private road:

- (a) commercial rental cottages;
- (b) farm buildings;
- (c) seasonal commercial uses related to tourism;
- (d) seasonal resort developments or portions of a resort development not intended for year-round use;
- (e) summer cottages;
- (f) a wind energy conversion system development;
- (g) industrial, commercial office or retail, institutional, public service or residential within the approximately 600 acres of the Slemon Park future development area, as described in Appendix B.

Exemption

(3) Subsection (1) does not apply in respect of any development of or on the following:

- (a) the building and property located at 5 and 7 Ashwood Avenue, Slemon Park, being approximately 0.83 acres, and bounded by Ashwood Avenue, Fifth Street and Cherrywood Avenue;
- (b) the buildings and property located at 66 Argus Avenue, Slemon Park, being approximately 6.01 acres, and bounded by Argus Avenue, Fifth Street and Redwood Avenue. (EC693/00; 352/01; 176/03; 612/03; 349/04; 386/04)

Inspection

**7.** An application for a subdivision approval or development permit shall constitute authorization for inspection of the land, building, structure or premises in question. (EC693/00)

**8.** (1) Subject to subsections (2) and (3), any legal use of a building or structure existing prior to the enactment of these regulations that contravenes the provisions of these regulations may continue as a non-conforming use. Non-conforming use

(2) A non-conforming use may be enlarged or expanded provided that the enlargement or expansion does not increase the level of non-compliance. Expansion

(3) If, in the opinion of the Minister, a non-conforming use has been discontinued or abandoned, the building or structure shall not be used except in conformance with the requirements of these regulations. (EC693/00) Abandonment

**9.** Where a subdivision or development has occurred contrary to sections 12 or 31, but which otherwise conforms with the requirements of these regulations, a subdivision approval or a development permit may be granted by the Minister following application by the owner. (EC693/00) Non-compliance

**10.** (1) A variance from the provisions of these regulations may be granted where Variance

- (a) the variance does not violate the intent and purpose of the regulations;
- (b) the variance is for a unique circumstance and is not a difficulty common to properties in the area; and
- (c) the circumstance for which the variance is requested is not the result of an intentional disregard for the requirements of the regulations.

(2) A variance of up to 10% from the provisions of these regulations may be granted where Variance of up to 10%

- (a) the variance meets the provisions of subsection (1); and
- (b) there is, in the opinion of the Minister, no reasonable alternative available.

(3) A variance of more than 10% from the provisions of these regulations may be granted where Variance of more than 10%

- (a) the variance meets the provisions of subsection (1);
- (b) there is, in the opinion of the Minister, no reasonable alternative available.

(4) Notwithstanding subsections (1), (2) and (3), no variance from the sight distance standards set out in the Highway Access Regulations shall be granted. (EC693/00; 386/04) No variance for sight distance

**11.** (1) The Minister may hold a public meeting regarding any subdivision or development proposed under these regulations. Public meeting



- Requirements
- (2) Where a public meeting is called in accordance with subsection (1):
- (a) the Minister shall appoint a person to chair the meeting;
  - (b) the meeting shall be advertised at least twice in a newspaper circulating in the area of the proposed subdivision or development, giving the date, time, and location of the meeting;
  - (c) the first advertisement required by clause (b) shall be placed not less than 7 clear days prior to the meeting;
  - (d) written notice of the meeting shall be provided to the owner and, where applicable, to the council of the municipality in which the proposed subdivision or development is located;
  - (e) the owner shall make available for public examination the information required by these regulations or by the Act to be included with the application, at least 7 clear days prior to the public meeting, at a location chosen by the Minister; and
  - (f) the owner or a representative of the owner shall attend the meeting to answer questions from the public respecting the proposed subdivision or development. (EC693/00)

### B - SUBDIVISIONS

- Subdivision approval
- 12.** (1) No person shall, without first obtaining final approval from the Minister, subdivide land for development purposes.
- Naturally subdivided
- (2) Notwithstanding subsection (1), where a parcel is naturally subdivided into two or more units by a public road, a watercourse, or other body of water, each of the units shall be treated as a separate parcel.
- Independent sale
- (3) Where one or more of the parcels described in subsection (2) is to be conveyed independently of any of the other parcels under the same ownership, an approved subdivision shall not be required. (EC693/00;575/01)
- Principles
- 13.** Subdivision designs shall be based on sound planning, engineering, and environmental principles, and shall demonstrate that the proposed subdivision is suited to the intended use, having due regard for
- (a) compatibility with surrounding uses;
  - (b) the topography of the site;
  - (c) surface drainage on the site and its impact on adjacent parcels of land;
  - (d) traffic generation onto adjacent highways;
  - (e) availability, adequacy and the economical provision of utilities and services;
  - (f) the ability to further subdivide the land or adjoining land;
  - (g) the provision of lots suitable for the intended use;
  - (h) waste water management;

- (i) water supply; and
- (j) natural features. (EC693/00)

**14.** (1) Application for an approved subdivision shall be made on a form prescribed by the Minister, and shall include the following: Application for approved subdivision

- (a) name, address, and telephone number of the applicant;
- (b) property number;
- (c) existing use of the land being subdivided;
- (d) number of lots proposed, and proposed uses;
- (e) signature of the owner of the land being subdivided; and
- (f) all required fees.

(2) An application for an approved subdivision of five lots or fewer shall be accompanied by Five or fewer lots

- (a) a copy of a property map showing the true shape and dimensions of the property being subdivided, the proposed lots, and all roads or rights-of-way proposed for access to the lots; and
- (b) any additional information the Minister considers necessary.

(3) An application for an approved subdivision of more than five lots shall be accompanied by More than five lots

- (a) a plan or plans showing
  - (i) the true shape and dimensions of the property being subdivided, the proposed lots, and all roads or rights-of-way proposed for access to the lots,
  - (ii) a key plan indicating the general location of the proposed subdivision,
  - (iii) the north point,
  - (iv) the scale,
  - (v) the location of all existing buildings or structures on the lots being proposed or within 100 feet (30.4 metres) of the proposed subdivision,
  - (vi) existing and proposed services including central or municipal waste treatment systems, and central or municipal water supply systems,
  - (vii) existing or proposed accesses to a highway,
  - (viii) land proposed as open space, recreation, park or other public use,
  - (ix) watercourses, wetlands, beaches, sand dunes, forested areas, designated natural areas or conservation zones on, or adjacent to the proposed subdivision,
  - (x) proposed or existing private rights-of-way or easements,
  - (xi) elevation contours and the drainage pattern within the proposed lots and within 300 feet (91.4 metres) of the boundaries of the proposed subdivision,

- (xii) the proposed use of the lots,
- (xiii) a description of the land use of adjoining lands; and
- (b) any additional information the Minister considers necessary.

Number of lots	(4) For the purpose of determining the number of lots, all parcels to be subdivided from the original parcel shall be counted.
Incremental subdivision	(5) Where a parcel has been subdivided incrementally so as to bring the number of lots to more than five lots created since February 3, 1979, all provisions of these regulations for subdivisions of more than five lots shall apply. (EC693/00)
Open space	<b>15.</b> (1) Except for a residential subdivision having five or fewer lots, or a subdivision intended for commercial, industrial or other non-residential uses, the owner of lots being subdivided shall set aside open space in the subdivision for recreation or park use equal to a minimum of 10% of the total area of the lots being subdivided.
<i>Idem</i> , held in common	(2) Open space set aside in accordance with subsection (1) shall be held in common by the owners of lots in the subdivision.
Common ownership	(3) Where a buffer held in common ownership is required in accordance with subsection 16(6), the buffer may be counted as part of the open space required by this section. (EC693/00; 176/03)
Buffer inside coastal area	<b>16.</b> (1) Where a subdivision is located in a coastal area, the subdivision shall include the following: <ul style="list-style-type: none"> <li>(a) a buffer adjacent to a beach, having a minimum width of 60 feet (18.3 metres) or 60 times the annual erosion rate in the area, whichever is greater, measured from the top of the bank adjacent to the beach;</li> <li>(b) a buffer adjacent to a watercourse or wetland, having a minimum width of 60 feet (18.3 metres) measured from the mean high water mark of the watercourse or from the edge of the wetland;</li> <li>(c) a buffer adjacent to a primary or secondary sand dune, having a minimum width of 60 feet (18.3 metres) measured from the inland boundary of the dune;</li> <li>(d) access to the beach or watercourse for the use of the owners of the lots if the property being subdivided includes frontage on a beach or watercourse.</li> </ul>
Exception	(2) Notwithstanding subsection (1), where the lots are to be serviced by a central waste treatment system and a central water supply system, the Minister may permit the reduction of the width of the buffers mentioned in clauses (1)(a) and (1)(b) to 35 feet (10.7 metres).

(3) Where a subdivision is located outside the coastal area, the subdivision shall include the following:

Buffer outside coastal area

- (a) a buffer adjacent to a watercourse or wetland having a minimum width of 32.8 feet (10.0 metres) measured from the mean high water mark of the watercourse or from the edge of the wetland;
- (b) access to the watercourse for the use of the owners of the lots if the property being subdivided includes frontage on a watercourse.

(4) No person shall undertake any development, including a sewage disposal system, in a buffer.

Development prohibited in buffer

(5) In subdivisions having five or fewer lots, buffers may be included and deeded as part of each lot, where each lot

Ownership of buffer

- (a) meets the minimum lot size standards exclusive of the area required for the buffer; and
- (b) has dimensions sufficient to permit the building setbacks required by these regulations.

(6) In subdivisions having more than five lots, buffers shall be separate from the lots, and designated for the common use of the lot owners.

*Idem*

(7) Notwithstanding subsection (1), if after consultation with the Minister responsible for the *Environmental Protection Act*, it is determined that the buffer widths required by subsection (1) are not sufficient to protect a beach, wetland, or watercourse from the adverse impacts of contaminants discharged from the proposed buildings or structures, the Minister may require, as a condition of approval, that the buffers have such greater width as the Minister considers necessary. (EC693/00)

Increased buffer

**17.** (1) Roads within subdivisions, other than existing roads within Slemon Park, shall have a minimum width of 66 feet (20.1 metres), and shall be designed to meet the following requirements:

Subdivision roads

- (a) wherever practical, be joined to existing roads in adjacent approved subdivisions, or make provision for joining to future subdivisions on adjacent properties;
- (b) where a subdivision is approved in phases, and the first phase results in a dead-end street, or a subdivision road joins to another property on which the road has not yet been completed, a temporary turning area with a minimum turning radius of 40 feet (12.2 metres), shall be provided until such time as an approved cul-de-sac has been constructed or the road is joined to another road.

(2) All subdivision roads shall be public roads.

Public roads

Privately owned subdivision road	<p>(3) Notwithstanding subsection (2), a subdivision road may be privately owned if it serves a subdivision approved for the following types of development:</p> <ul style="list-style-type: none"> <li>(a) commercial rental cottages;</li> <li>(b) seasonal commercial uses related to tourism;</li> <li>(c) seasonal resort developments or portions of a resort development not intended for year-round use;</li> <li>(d) summer cottages;</li> <li>(e) industrial, commercial office or retail, institutional, public service or residential within the approximately 600 acres of the Slemon Park future development area, as described in Appendix B.</li> </ul>
Exemption	<p>(4) Subsections (1) and (2) do not apply in respect of any development of or on the following:</p> <ul style="list-style-type: none"> <li>(a) the building and property located at 5 and 7 Ashwood Avenue, Slemon Park, being approximately 0.83 acres, and bounded by Ashwood Avenue, Fifth Street and Cherrywood Avenue;</li> <li>(b) the buildings and property located at 66 Argus Avenue, Slemon Park, being approximately 6.01 acres, and bounded by Argus Avenue, Fifth Street and Redwood Avenue. (EC693/00; 352/01; 176/03; 612/03; 386/04)</li> </ul>
Phasing	<p><b>18.</b> (1) Subdivisions having preliminary approval for more than 20 lots shall be granted final approval in phases.</p>
Number of lots	<p>(2) The total number of lots approved in any one phase of a subdivision shall not exceed 20.</p>
50% of lots must be sold before next phase approved	<p>(3) Final approval shall not be granted for the second or a subsequent phase of a subdivision until 50% of the lots in the immediately preceding phase of the subdivision have been sold by the developer.</p>
Application	<p>(4) Subsections (1) to (3) do not apply to subdivisions within a resort development. (EC693/00; 176/03; 422/03)</p>
Minimum lot standards	<p><b>19.</b> (1) No approval shall be granted for a lot in a subdivision unless the lot has been categorized in accordance with section 23, and conforms with the requirements set out in Table 1 and Table 2 respectively.</p>
Soil testing	<p>(1.1) The Minister may require that lot categorization in accordance with section 23 be determined by means of soil testing carried out either by an engineering consultant or in such other manner as the Minister considers appropriate.</p>
<i>Idem</i>	<p>(2) A lot that does not meet the category standards set out in section 23 shall not be approved.</p>

(3) With respect to the minimum circle diameter requirement set out in column (f) of Table 1 and column (e) 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 sewage disposal system.

Sewage disposal system

(4) Notwithstanding the minimum lot size requirements set out in Table 1 and Table 2, for infilling purposes a lot may be reduced to a minimum area of 10,000 square feet (929 square metres) provided that

Smaller lot permitted as infilling

- (a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by an on-site water supply system and a central waste treatment system;
- (b) only one additional lot from the existing parcel is created by any proposed subdivision; and
- (c) there is no practical alternative to reducing the lot area.

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

Reduced circle requirement

- (a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewage disposal systems;
- (b) the lot meets Category I standards in accordance with clause 23(1)(a), and the minimum lot area requirements set out in column (e) of Table 1 or column (d) of Table 2 respectively;
- (c) a circle with a minimum diameter of 125 feet (38 metres) 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.

(6) The minimum lot size standards set out in Tables 1 and 2 do not apply to lots approved prior to June 12, 1993.

Previously approved lots

(7) Revisions to increase the size of lots approved prior to June 12, 1993 or existing parcels of land may be approved, but the minimum lot size standards set out in Tables 1 and 2 shall not apply to such revisions.

Revision of previously approved lots

(8) Where an increase in the existing number of dwelling units is proposed for a lot approved prior to June 12, 1993, or for an existing parcel of land, the Minister shall require, as a condition of approval, that the lot or parcel be increased in area to the extent the Minister considers necessary if, after consultation with the Minister responsible for the *Environmental Protection Act*, it is determined that such increase is necessary to ensure safe operation of water supply and sewage disposal systems on the lot or parcel in question and all adjacent lots or parcels. (EC693/00; 176/03)

Increase in area of previously approved lots

Panhandle lots	<p><b>20.</b> (1) A lot that does not have frontage on a public road or privately owned subdivision road in accordance with column (c) in either Table 1 or Table 2 may be approved where</p> <ul style="list-style-type: none"> <li>(a) the lot has access to a public road or privately owned subdivision road by way of either a driveway that is part of the lot, or a right-of-way;</li> <li>(b) the access driveway or right-of-way has a minimum width of 24 feet (7.3 metres);</li> <li>(c) no other panhandle lot has been subdivided from the existing parcel of land; and</li> <li>(d) the lot size in all other respects meets the requirements of these regulations.</li> </ul>
Driveway area discounted	<p>(2) Where the boundaries of a panhandle lot include an access driveway, the area of the driveway shall not be counted for the purpose of determining whether the lot meets the minimum lot size standards required by these regulations.</p>
Additional panhandle lots	<p>(3) Where a lot has been subdivided from an existing parcel of land pursuant to subsection (1), up to two additional panhandle lots for non-residential use may be subdivided from the existing parcel of land if</p> <ul style="list-style-type: none"> <li>(a) no more than one of the additional lots is intended solely for the cultivation of a natural resource and will have an area greater than 10 acres (4.05 hectares); and</li> <li>(b) no more than one of the additional lots is intended to contain a commercial or industrial development already in existence on the property being subdivided, and the establishment of a separate lot is essential for financial reasons. (EC693/00; 176/03)</li> </ul>
Public utility lots and lots not requiring water and sewage servicing	<p><b>21.</b> (1) Where a lot is intended for use by a public utility, or any non-residential use where water and sewage servicing is not required for the proposed development of the lot, an exemption from the requirements of these regulations in relation to lot category, minimum lot area, frontage, and diameter of circle to be contained within the lot boundaries may be approved by the Minister.</p>
Change of use of excepted lot	<p>(2) Where an exemption has been approved pursuant to subsection (1), a change of use to permit a development requiring water and sewage servicing shall be approved only if the lot meets the minimum standards set out in Table 1 or Table 2. (EC693/00)</p>
Diminishing lot below standards	<p><b>22.</b> Except as provided for in sections 19, 20, and 21, no person shall, by the sale of a part of any lot, diminish a lot below the standards set out in Table 1 or Table 2. (EC693/00)</p>
Lot categories	<p><b>23.</b> (1) Lots shall be categorized according to the following standards:</p>

- (a) Category I, where the lot has a depth of permeable natural soil of 2 feet (0.61 metre) or greater, and where the depth to bedrock and the depth to the maximum groundwater elevation is 4 feet (1.22 metres) or greater;
- (b) Category II, where the lot has a depth of permeable natural soil greater than 1 foot (0.3 metre), but less than 2 feet (0.61 metre), and where the depth to bedrock and the depth to the maximum groundwater elevation is 4 feet (1.22 metre) or greater;
- (c) Category III, where the lot has a depth of permeable natural soil of 1 foot (0.3 metre) or greater, and where either or both of the following conditions exist:
  - (i) the depth to bedrock is 2 feet (0.61 metre) or greater, but less than 4 feet (1.22 metre),
  - (ii) the depth to the maximum groundwater elevation is 2 feet (0.61 metre) or greater, but less than 4 feet (1.22 metre). (EC693/00)

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

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Number of Dwelling Units	(e) Minimum Lot Area sq. ft. / sq. m.	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
on-site water and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on a curved interior subdivision street)	1	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			2	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			3	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			4	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			more than 4	40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m.
on-site water and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on a curved interior subdivision street)	1	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			2	40,000 sq. ft. / 3,717 sq. m.	200 ft. / 61 m.
			3	45,000 sq. ft. / 4,180.5 sq. m.	225 ft. / 68.6 m.
			4	50,000 sq. ft. / 4,645 sq. m.	250 ft. / 76.2 m.
			more than 4	50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	250 ft. / 76.2 m.



on-site water and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on a curved interior subdivision street)	1 2 3 4 more than 4 4	51,000 sq. ft. / 4,738 sq. m. 56,000 sq. ft. / 5,202 sq. m. 61,000 sq. ft. / 5,667 sq. m. 66,000 sq. ft. / 6,131 sq. m. 66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 300 ft. / 91.4 m. 300 ft. / 91.4 m.
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	1 2 3 4 more than 4 4	20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	1 2 3 4 more than 4 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	1 2 3 4 more than 4 4	40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 55,000 sq. ft. / 5,110 sq. m. 55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 275 ft. / 83.8 m.
on-site water supply and central waste treatment system	I or II	50 feet / 15.25 metres	1 2 3 4 more than 4 4	15,000 sq. ft. / 1,393.5 sq. m. 20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	100 ft. / 30.5 m. 125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 160 ft. / 48.8 m.
on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1 2 3 4 more than 4 4	20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m.

central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister
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**TABLE 2 - MINIMUM LOT SIZE STANDARDS:  
NON-RESIDENTIAL LOTS**

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

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

Access

**24.** No person shall create a lot which prevents access from an adjacent lot or parcel of land to a public road. (EC693/00)

Subdivide along highways; minimum sight distance

**25.** (1) Along any arterial, collector, local, or seasonal highway, no person shall subdivide a parcel of land unless all proposed entrance ways, including the entrance way for any remaining portion of the parcel being subdivided, meet the minimum sight distance standards set out in the Highway Access Regulations.

Arterial highways

(2) Along any arterial highway, no person shall subdivide a parcel of land

(a) unless an entrance way permit, where required, has been issued by the Minister of Transportation and Public Works; and

(b) either

(i) the parcel of land is being subdivided to create a new farm parcel or to permit cultivation of a natural resource, or

(ii) only one lot is to be subdivided from an existing farm parcel, and is intended for the establishment of either

(A) one new single family dwelling, where there is no more than one existing farm dwelling on the parcel of land, or

(B) a separate parcel that includes an existing farm dwelling and the existing farm dwelling access, to allow the owner of the farm parcel to retain the farm dwelling, and sell the remainder of the farm parcel.

Collector highways

(3) Along any collector highway

(a) no person shall subdivide a parcel of land unless it is an existing parcel of land, and has a frontage of less than 1,320 feet (402.3 metres), in which case only one lot only may be subdivided;

(b) no person shall subdivide two or more lots from a parcel of land unless

(i) it is an existing parcel of land, and has a frontage of 1,320 feet (402.3 metres) or more, in which case one lot may be severed in respect of each interval of 660 feet (219.8 metres), or

(ii) a subdivision road is prepared to serve the lots;

- (c) one lot in addition to those permitted in accordance with clauses (a) and (b) may be subdivided from an existing parcel of land
  - (i) to accommodate an existing farm dwelling, or
  - (ii) to accommodate an existing dwelling where the principle owner of the parcel is deceased and subdivision of the lot is required to settle the estate of the principle owner;
- (d) where a lot is subdivided pursuant to subclause (c)(i) or (ii), the dwelling on the lot shall be served by the existing dwelling access, and no development permit shall be issued for a dwelling on the remainder of the subdivided parcel.

(3.1) Subsection (3) does not apply to parcels of land along a portion of a collector highway that is designated for infilling under regulations made under the *Roads Act*. Exception

(4) Along any seasonal highway, no person shall subdivide a parcel of land unless an entrance way permit, where required, has been issued by the Minister of Transportation and Public Works. Seasonal highways

(5) Along any non-essential highway, no person shall subdivide a parcel of land unless access to an arterial, collector, local, or seasonal highway is provided in accordance with the requirements of these regulations. (EC693/00; 176/03; 372/05) Non-essential highways

**26.** (1) In the case of a one lot subdivision, preliminary approval shall not be granted until the soil has been tested and found to be acceptable for on-site sewage disposal, where appropriate. Preliminary approval

(2) Preliminary approval for a subdivision or portion thereof may be granted, and the approval shall state any conditions that must be met in relation to Conditions

- (a) soil and water testing, and the provision of sewage disposal and water services;
- (b) setting aside land for any of the following purposes:
  - (i) provision of shore access, where a subdivision is adjacent to any beach or watercourse in the coastal area, for the use of residents in the subdivision,
  - (ii) preservation of a natural area or historically significant artifact, structure, or land area that is, in the opinion of the Minister, of provincial significance,
  - (iii) provision of open space and buffers,
  - (iv) construction of roads,
  - (v) provision of easements for servicing, and for management of surface water runoff;
- (c) posting a performance bond, cash bond, or other financial guarantee for the purpose of ensuring that the subdivision is

developed in accordance with any conditions attached to preliminary approval;  
(d) any other measures the Minister considers necessary to bring the proposal into compliance with the regulations.

Expiry	(3) Preliminary approval shall expire 24 months from the date of issue if the applicant fails to meet the conditions of preliminary approval established in accordance with subsection (2). (EC693/00)
Final Approval	<p><b>27.</b> (1) Final approval shall be granted for a subdivision or portion thereof when the owner has</p> <ul style="list-style-type: none"> <li>(a) met all the conditions of preliminary approval established in accordance with subsection 26(2);</li> <li>(b) completed an agreement with the Department of Transportation and Public Works respecting road construction if the subdivision includes a road that is to be a public road;</li> <li>(c) submitted a stormwater management plan acceptable to the Department of Fisheries, Aquaculture and Environment, for the construction and post construction phases of the subdivision; and</li> <li>(d) submitted a survey plan showing the location of survey pins, and certified as accurate by an accredited member of the Association of Prince Edward Island Land Surveyors.</li> </ul>
Where survey not required	(2) Notwithstanding clause (1)(d), where a subdivision creates a lot or lots greater than 10 acres in size, a certified survey plan shall not be required where a plan drawn accurately to scale on a provincial property map is submitted.
<i>Idem</i>	(3) Notwithstanding clause (1)(d), a certified survey plan shall not be required for the remaining portion of the original parcel from which a subdivision is created.
Preliminary approval prior to these regulations	(4) Where a subdivision was granted preliminary approval prior to the coming into force of these regulations but was not granted final approval, final approval shall be granted only if the lots meet the minimum standards set out in Tables 1 and 2. (EC693/00)
Designation of permitted uses	<b>28.</b> (1) Final approval shall specify the permitted uses of the lots and parcels within the subdivision.
Offence	(2) No person shall use a lot or parcel for any use other than that which is specified on the approved subdivision. (EC693/00)
Change of use	<b>29.</b> (1) No person shall deviate from an approved subdivision, including changing the use from the approved use, until a revised plan and application for a change of use has been submitted and approved.

(2) Where a subdivision has received final approval, whether in a single phase or in two or more phases, no change of use from the designated use of any lot shall be permitted unless the owners of the adjoining lots and a majority of the owners of lots conveyed in the approved subdivision have consented in writing.

Consent of majority of lot owners required

(3) For the purpose of determining the opinion of the majority referred to in subsection (2), only one objection or favourable response per lot will be counted. (EC693/00)

Voting

**29.1** (1) Notwithstanding section 29, the Minister may, on the request of an owner of a lot in a subdivision, approve a change of use respecting the lots in an approved plan of subdivision, where

Subdivision approved before 1974

- (a) the plan of subdivision was approved prior to 1974;
- (b) the public roads shown on the approved plan have not been constructed or conveyed to the government; and
- (c) at least 60% of the owners of the lots have indicated support for the requested change of use.

(2) Subject to subsection (3), section 14 applies, with such changes as are necessary, to a request made under subsection (1).

S. 14 applies with necessary changes

(3) The Minister may waive any of the requirements of section 14 in respect of a request made under subsection (1).

Waiver of s. 14 requirements

(4) If the Minister approves the request under subsection (1), the Minister shall give notice of the approval to the owners of the lots in the subdivision. (EC151/06)

Notice of approval

(5) For the purposes of this section, “support for the requested change of use” includes support for the requested change of use that was communicated to the Minister or an employee of the Department in the time period between January 1, 2000 and the date this section comes into force.

“support for the requested change of use”, defined

**30.** An existing approved subdivision or portion thereof may be rescinded or altered by the Minister if

Rescind or alter approval

- (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. (EC693/00; 176/03)

### C - DEVELOPMENT PERMITS

**31.** (1) No person shall, without first obtaining a development permit from the Minister,

Where development permit required

- (a) commence the construction of any building or structure;
- (b) locate any building or structure, or change the location of any building or structure on a lot;
- (c) make any structural alterations that will change the exterior dimensions of any building or structure;
- (d) change the use of any building or structure or land, or part thereof;
- (e) intensify any non-conforming use;
- (f) 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;
- (g) create a mobile home park.

Prefabricated buildings	(2) Notwithstanding subsection (1), a development permit shall not be required for prefabricated buildings manufactured in-plant, or the location of the units at the place of manufacture for either storage or display purposes. (EC693/00; 575/01)
Application for a development permit	<b>32.</b> An application for a development permit shall be made on a form prescribed by the Minister, and shall be accompanied by <ul style="list-style-type: none"> <li>(a) a copy of a property map;</li> <li>(b) an application fee; and</li> <li>(c) any additional information the Minister considers necessary. (EC693/00)</li> </ul>
Duration	<b>33.</b> (1) A development permit shall be valid for a period of 24 months from the date of issue.
Revocation or alteration	(2) Notwithstanding subsection (1), a development permit may be revoked or altered within 24 months of the date of issuance or extension if construction has commenced in a location or manner contrary to the application or these regulations. (EC693/00)
Proposed use contrary to plan	<b>34.</b> No development permit shall be issued where the proposed use of the building or structure is contrary to the use specified on an approved subdivision plan. (EC693/00)
Entrance way; sight distance	<b>35.</b> Subject to section 8, no development permit shall be issued for any parcel of land where the entrance way does not conform to the sight distance standards for entrance ways set out in the Roads Act Highway Access Regulations. (EC693/00)
Minimum building standards	<b>36.</b> No person shall construct or alter a building without meeting the following minimum building standards: <ul style="list-style-type: none"> <li>(a) all side walls and end walls shall be covered with a standard building siding;</li> <li>(b) tar paper or rolled roofing shall not be used as a permanent exterior siding ; and</li> </ul>

(c) roofs shall be covered with standard roofing materials.  
(EC693/00)

**37.** The minimum frontage and area provisions of these regulations do not apply to any lot existing on June 12, 1993, and a development permit may be issued for an existing lot that does not meet these standards provided that the lot meets the minimum requirements for sewage disposal in accordance with the Environmental Protection Act Sewage Disposal Regulations (EC298/97). (EC693/00)

Application of regulations to existing lots

**38.** (1) No person shall locate a building or development closer than 15 feet (4.6 metres) to a side or rear lot line except as follows: Side and rear yards

- (a) an accessory building, if located in a rear yard, may be located no closer than 3 feet (0.9 metre) to a side or rear lot line;
- (b) a building or development may be located no closer than 8 feet (2.4 metres) to a side or rear lot line, provided the lot or parcel of land is located within the boundaries of one of the following municipalities:

Cardigan	Miminegash	Morell
Mount Stewart	Murray River	Murray Harbour
Tyne Valley	Victoria	St. Peters Bay

(c) a semi-detached building may be located on two lots with the common side lot line coincident with the party wall between the two units, if

- (i) the party wall is constructed in compliance with the *Fire Prevention Act*,
- (ii) the dimensions of each lot comply with
  - (A) the minimum sight distance requirements of section 25, and
  - (B) the minimum lot size standards of section 23, Table 1,
- (iii) all other provisions of these regulations are met, and
- (iv) in the case of a semi-detached dwelling, the dwelling is
  - (A) located within the boundaries of an incorporated municipality, and
  - (B) serviced by a municipal sewer system and, if available, a municipal water system.

(2) Notwithstanding subsection (1), where there are extraordinary circumstances associated with the use of the building or development, larger side or rear yards may be required if considered necessary by the Provincial Fire Marshal.

Exception

(3) Notwithstanding subsection (1), the Minister may approve the erection of a building or structure, other than a dwelling, adjacent to a side or rear lot line, if the buildings or structure incorporates on the

Fire wall



property line side a fire wall that is constructed in accordance with the requirements of the *Fire Prevention Act*. (EC693/00; 191/01; 176/03; 593/05)

Building setbacks;  
highways

**39.** (1) No person shall locate a building or development closer than the following distances to a highway or public road:

- (a) along any arterial highway, collector highway, local highway, or seasonal highway, 83 feet (25.3 metres) to the centre line of the highway or 50 feet (15.2 metres) to the highway boundary, whichever is greater;
- (b) along any public road which is an interior subdivision road, 50 feet (12.5 metres) to the centre line of the road or 17 feet (5.2 metres) to the road boundary, whichever is greater.

Reduced setback in  
selected  
municipalities

(2) Notwithstanding subsection (1), no person shall locate a building or development closer than 50 feet (12.5 metres) to the centre line of a highway or 17 feet (5.2 metres) to a highway boundary, where

- (a) the highway speed limit where the lot or parcel of land is located is 50 kilometres per hour or less; and
- (b) the lot or parcel of land is located within one of the following municipalities:

Abrams Village	Hunter River	St. Peters Bay
Bedeque	Miminegash	Tyne Valley
Cardigan	Morell	Victoria
Central Bedeque	Mount Stewart	York
Crapaud	Murray Harbour	Ellerslie-Bideford
Murray River		

Private road or  
right-of-way

(3) Along any private road or right-of-way in an approved subdivision for summer cottage use, no person shall locate a building or development closer than

- (a) 50 feet (12.5 metres) to the centre line of a private road or right-of-way having a width of 66 feet (20.1 metres); or
- (b) 17 feet (5.2 metres) to the boundary of a private road or right-of-way having a width of less than 66 feet (20.1 metres).

Where loading  
space proposed

(4) Where a loading space is proposed in the front yard of a repair shop, store, warehouse or any other commercial or institutional building, the building shall have a minimum setback of 150 feet (45.7 metres) from the edge of the right-of-way.

Setback from beach,  
sand dune, wetland  
or watercourse

(5) The nearest exterior portion of a building or structure shall be located no closer than

- (a) 75 feet (22.9 metres), or 60 times the annual rate of erosion, whichever is greater, to a beach, measured from the top of the bank;

- (b) 100 feet (30.5 metres) to a migrating primary or secondary sand dune, measured from the inland boundary of the dune;
- (c) 75 feet (22.9 metres) to the inland boundary of a wetland or watercourse.

(6) Notwithstanding subsection (5), if after consultation with the Department of Fisheries, Aquaculture and Environment, it is determined that the setbacks listed therein are not sufficient to protect the beach, wetland or watercourse from the adverse impacts of contaminants discharged from the proposed buildings or structures, it may be required as a condition of approval that the development be located at a greater distance from the beach, wetland or watercourse.

Where greater setback required

(7) Subsection (5) shall not apply to buildings or structures used for fishing or bait sheds, aquaculture operations, boat launches, walkways, bridges, or wharves and piers and any associated buildings or structures, except where the Minister requires that these buildings or structures be located at some fixed distance from the top of the bank.

Miscellaneous structures

(8) For the purposes of this section, the words “top of the bank” mean, where there is no embankment, the landward boundary of the beach. (EC693/00)

“top of the bank”, defined

**40.** (1) No person shall develop or construct a road on any primary, secondary, or baymouth barrier sand dunes.

Development, primary and secondary dunes

(2) A development permit may be issued for a building or structure on sand dunes other than primary, secondary and baymouth barrier dunes where

Other dunes

- (a) the development is unlikely to disturb more than 10% of the sand dune located on the parcel;
- (b) the lot exceeds the minimum lot size requirements in Table 1 by 15,000 square feet (1393.5 square metres), except where the sand dune is naturally vegetated with spruce, fir, pine, cedar or larch tree species, and the coverage of those species exceeds 75% of the dune area; and
- (c) the development is unlikely to adversely alter the natural, topographical and biological features of the sand dune. (EC693/00)

Grouped buildings

**41.** Other than farm buildings, no person shall build or place more than one building on a parcel of land for commercial, industrial, recreational or institutional use, unless a site plan for such buildings has been approved by the Provincial Fire Marshal. (EC693/00)

**42.** (1) No person shall locate more than one building or structure for use as a part-time or year-round dwelling on a lot or existing parcel of land except

More than one dwelling on a lot - exception

	<p>(a) in conjunction with a farm parcel, and where the use of the dwelling is clearly incidental to the use of the main building; or</p> <p>(b) as a garden suite in conjunction with a single unit dwelling in accordance with subsection (2); or</p> <p>(c) in the case of a tourist operation, where rental accommodations are grouped on a lot or existing parcel of land in accordance with all other requirements of these regulations; or</p> <p>(d) as part of a resort development.</p>
Requirements	<p>(2) Notwithstanding subsection (1), one garden suite may be located as a second dwelling unit on a lot or parcel of land subject to the following requirements:</p> <p>(a) a single unit dwelling unit already exists on the lot or existing parcel of land;</p> <p>(b) the garden suite meets all the requirements of any applicable sections of these regulations;</p> <p>(c) the garden suite utilizes the existing access to the lot or existing parcel of land;</p> <p>(d) where the garden suite is to be located on a lot in a multiple lot approved subdivision, the owners of the adjoining lots and a majority of the owners of lots conveyed in the subdivision have consented in writing;</p> <p>(e) the owner of the single unit dwelling applies for and receives a development permit for the garden suite;</p> <p>(f) the garden suite and the single unit dwelling are connected to a common water supply system and a common sewage disposal system, where feasible, and where these systems are considered capable of handling the increase;</p> <p>(g) the garden suite is approved by the Provincial Fire Marshal.</p>
Time period	<p>(3) The development permit for a garden suite referred to in clause (2)(e) shall be valid for two years, but may be extended provided that the garden suite continues to meet all applicable requirements of these regulations.</p>
Removal	<p>(4) When the garden suite no longer complies with any requirements under subsections (2) and (3), the owner of the single unit dwelling shall, within 90 days, remove the garden suite from the site.</p>
Extension	<p>(5) Upon written request by the owner or spouse of the owner of the single unit dwelling, the 90 day removal period stated in subsection (4) may be extended by an additional 90 days. (EC693/00; 352/01)</p>
Multiple unit dwellings	<p><b>43.</b> No person shall construct or structurally alter a building for use as a multiple unit dwelling containing more than four units unless the proposal meets one of the following sets of criteria:</p>

- (a) the lot or existing parcel of land is serviced by a municipal waste treatment system and meets the minimum standards set out in Table 1 for either lots with on-site water supply and central waste treatment system, or for fully serviced lots;
- (b) the lot or existing parcel of land is located in a resort development, and meets all other requirements of sections 48 to 54; or
- (c) the dwelling units are in a single storey building intended for senior citizens housing, and the proposal is appropriate for a rural area. (EC693/00; 352/01)

**44. Off-street parking and loading areas shall be in accordance with the following requirements:** Parking

- (a) the minimum number of parking spaces shall be provided for the proposed use, as listed in Table 3;
- (b) every parking space shall have access to a clear manoeuvring lane;
- (c) every parking space shall have minimum dimensions of 9 feet (2.7 metres) by 18 feet (5.5 metres);
- (d) every loading space shall have minimum dimensions of 70 feet (21.3 metres) by 12 feet (3.7 metres);
- (e) notwithstanding clause (a), for any use other than residential, when an applicant submits a parking generation analysis based on the standards of the Institute of Transportation Engineers, and after consultation with the Minister of Transportation and Public Works, an alternative parking plan may be approved by the Minister. (EC693/00)

**TABLE 3  
 PARKING STANDARDS**

(a) Type of Use	(b) Number of Parking Spaces	(c) Loading Area
Residential	1.5 per dwelling unit (minimum of 2)	n/a
Auditorium, theatre, church or hall	1 per 4 seats	n/a
Hotel, motel, or tourist home	1 per guest room	n/a
Restaurants (including take outs)	1 per 100 square feet (9.3 square metres) minimum of 10	n/a
Business and professional offices	1 per 300 square feet (27.9 square metres) of floor area	n/a
Warehouse and storage facilities and other industrial uses	1 per employee	1 per loading bay

Other Commercial Uses	1 per 300 square feet (27.9 square metres) of floor area	
Other Institutional or Recreation Uses	1 per 400 square feet (37.2 square metres) of floor area	n/a
Other industrial uses	1 per employee	1 per loading bay

- Travel trailer **45.** (1) No person shall place a travel trailer as the main or accessory use on any lot or parcel of land without first obtaining a development permit, other than in a travel trailer park where utility services are provided.
- Permit (2) A permit issued in accordance with subsection (1) shall be valid for a period of not more than 120 days, and shall not be renewed.
- Removal (3) A travel trailer placed in accordance with this section shall be removed from the lot or parcel of land immediately following expiry of the development permit. (EC693/00)
- Mobile Homes **46.** (1) No person shall place a mobile home on a lot unless the structure is certified by a Standards Council of Canada accredited testing agency in accordance with CSA Standard CAN-Z-240.
- Permit (2) Other than in an approved mobile home park, no person shall place a mobile home without first obtaining a development permit.
- Mobile home on single family dwelling or cottage lot (3) Where a subdivision has been approved for single family dwelling or summer cottage use, either in a single phase or two or more phases, no person shall place a mobile home on a lot in the subdivision unless the owners of all adjoining approved lots and at least 75% of the owners of all other lots or parcels within 300 feet (91.4 metres) of the centre of the proposed location of the mobile home, including any lots or parcels outside the approved subdivision but within the specified distance, have consented in writing.
- Voting (4) For the purpose of determining the opinion of the majority referred to in subsection (3), only one objection or favourable response per lot or parcel will be counted. (EC693/00)
- Mobile home park **47.** (1) An application for a mobile home park shall be made on a form prescribed by the Minister, and shall be accompanied by a detailed site plan, drawn to scale, that includes the following information:
- (a) the location and size of all mobile home sites;
  - (b) the location and width of all roads provided within the park for access to the mobile home sites;
  - (c) the proposed location of mobile homes;
  - (d) the proposed location and size of any buildings or other structures to be located within the park; and

(e) any additional information the Minister considers necessary.

(2) No person shall establish a mobile home park that does not comply with the following standards: Standards

- (a) the mobile home park shall be
  - (i) either serviced by a central waste treatment system and a central water supply system, or
  - (ii) where a water supply system or a waste treatment system of a municipality is available, the mobile home park shall be connected to the available municipal systems;
- (b) a paved road shall be provided to serve each mobile home space, and shall connect to a public highway at a location which meets the sight distance standards for entrance ways set out in the Roads Act Highway Access Regulations;
- (c) each mobile home space shall meet the following requirements:
  - (i) minimum area of 5,000 square feet (464.5 square metres),
  - (ii) minimum frontage of 25 feet (7.6 metres),
  - (iii) minimum distance of 30 feet (9.1 metres) between mobile home units,
  - (iv) minimum distance of 15 feet (4.5 metres) between mobile home units and mobile home park boundary line,
  - (v) minimum parking space in accordance with the residential standard set out in section 44 and Table 3;
- (d) a minimum area of 500 square feet (46.4 square metres) per mobile home space shall be set aside as an open space and recreation area, and in parks with more than 50 units, two such areas must be provided.

(3) No person shall locate a mobile home in a mobile home park other in accordance with the conditions of approval of the plan. (EC693/00) Location of mobile homes in park

### D - RESORT DEVELOPMENTS

**48.** (1) No person shall develop land as a resort development without applying for preliminary approval under these regulations. (EC352/01) Approval required

- (2) An applicant under subsection (1) Design brief, where required
  - (a) shall include a design brief with the application, where approval is required pursuant to the *Environmental Protection Act R.S.P.E.I.* 1988, Cap. E-9; and
  - (b) may include a design brief with the application, where clause (a) does not apply.

- (3) The Minister may Idem
  - (a) grant preliminary resort development approval; or

(b) require additional information on the application. (EC693/00; 352/01)

Design brief

**49.** (1) A design brief shall be based on sound planning, engineering and environmental principles and it shall indicate how the proposed development is suited to the intended location by means of a detailed written presentation and plans, including a site plan drawn to scale that shall include the following information:

- (a) the topography and total area of the proposed site, property boundaries and the location of all existing and proposed buildings on the property;
- (b) existing and proposed land uses, and the location of any archaeological sites, wildlife habitat areas and natural features, including beaches, sand dunes, wetlands and watercourses;
- (c) proposed street and block design, including considerations of pedestrian circulation, parking, safety of access, emergency access, trip generation and impact on existing roads and intersections;
- (d) proposed water supply, waste collection, sewage disposal and treatment, and storm water management;
- (e) proposed placement of utilities and services;
- (f) proposed population, number of dwelling units, commercial and other uses, recreational infrastructure and provision of open space;
- (g) percentage of the site to be occupied by buildings;
- (h) the method of fire protection and other emergency services; and
- (i) additional information as the Minister considers necessary.

Waiver of requirements

(2) Notwithstanding subsection (1), the Minister may waive the requirement to provide any information required by subsection (1) that is not applicable to the application. (EC693/00; 352/01)

Preliminary approval conditions

**50.** (1) Preliminary development approval shall state conditions that are required to be met as follows:

- (a) environmental requirements;
- (b) development of roads;
- (c) phasing, including a condition that no succeeding phase can be developed until specified conditions for preceding phases have been met; and
- (d) other requirements as the Minister considers necessary.

Expiry

(2) Preliminary development approval shall expire 36 months from the date it was granted if the applicant has failed to meet the conditions of it. (EC693/00; 352/01)

Central water supply system

**51.** (1) A resort development shall be serviced by a central water supply system that complies with the *Environmental Protection Act*.

- (2) A resort development shall be serviced by
- (a) a central waste treatment system; or
  - (b) a combination of a central waste treatment system and on-site sewage disposal systems,
- that complies with the *Environmental Protection Act*. (EC693/00;352/01) Waste services
- 52.** (1) A resort development may be serviced by a private road, where the road Private road
- (a) has a right-of-way with a minimum width of 66 feet or 20 metres;
  - (b) is connected to a public road maintained by the province on a year-round basis; and
  - (c) is constructed under the supervision and certification of a professional engineer, in accordance with the applicable laws and standards for the intended use of the private road.
- (2) Where a resort development is served by a private road pursuant to subsection (1), that road shall not be maintained by a department or agency of government at public expense. Road maintenance
- (3) Responsibility for ensuring access to a lot in a resort development is a matter for determination between the owner of the road connecting the resort development to a public road, and the purchaser of a lot therein. Access responsibility
- (4) Notwithstanding any other provision of this section, the roads serving any portion of a resort development that is approved for year-round residential use shall be public roads, including any roads required to provide access from the subdivision to an existing public road maintained by the province on a year-round basis. (EC693/00; 352/01) Year-round roads
- 53.** The Minister may grant preliminary subdivision approval for any portion of a subdivision within a resort development to permit the survey and pinning of lots, construction of roads, construction of buildings, and installation of a central water supply system and central waste treatment system, provided that the developer has Preliminary approval for portion
- (a) met all conditions of a preliminary resort development approval granted in accordance with subsection 50(1);
  - (b) applied for subdivision approval and, where necessary, development permits, and paid the prescribed fees;
  - (c) where required as a condition of approval of a development permit, entered into a comprehensive site development agreement respecting any or all of the following:
    - (i) parking;
    - (ii) building form, including height, bulk, and exterior materials;
    - (iii) vehicular movement;



- (iv) pedestrian circulation;
- (v) signs;
- (vi) utilities, including sewerage, water and storm water management;
- (vii) on-site landscaping, including measures to buffer adjacent properties;
- (viii) setback distances from road and property lines; and
- (ix) other conditions as the Minister considers necessary. (EC693/00; 352/01)

More than 4 units,  
year-round use

**54.** (1) The erection of a building for year-round residential use containing more than four dwelling units may be approved for a resort development, where the building

- (a) is equipped with an automatic fire extinguishing system installed in accordance with the National Fire Protection Association Standard NFPA13;
- (b) does not exceed three storeys in building height, or has a maximum height not more than fifteen metres above grade,
- (c) does not have a building height exceeding the capability of the serving fire department to gain direct access to each storey from the exterior of the building; and
- (d) is easily and readily accessible for fire-fighting vehicles and equipment on a year-round basis from a road adjoining the boundary of the building lot.

Exception

(2) Clause (1)(b) does not apply where a building that exceeds the limits in clause (1)(b) is equipped with a standpipe system designed and installed in accordance with the National Fire Protection Association Standard NFPA14. (EC693/00; 352/01)

Definitions

**54.1** (1) In this section

permit holder

(a) “permit holder” means the person who holds a development permit for a wind energy conversion system development;

sign

(b) “sign” means any visual communication device, notice or medium created or manufactured for the purpose of providing information of any kind and includes any electric sign, flag or notice.

Setback from  
habitable buildings

(2) No permit holder shall locate a wind turbine tower closer than the distance equal to three times the total height of the wind turbine tower from any existing habitable building.

Exception

(2.1) Notwithstanding subsection (2), a permit holder may, on a lot, locate a wind turbine tower closer than the distance equal to three times

the height of the wind turbine tower from any existing habitable building, if

- (a) the permit holder is the owner of the lot;
- (b) the wind turbine tower is not located closer than the distance equal to the total height of the wind turbine tower from any habitable building on the same lot; and
- (c) the wind turbine tower is not located closer than a distance equal to three times the total height of the wind turbine tower from any habitable building on another lot.

(3) Subject to subsection (4), no permit holder shall locate a wind turbine tower closer than the distance equal to the total height of the wind turbine tower from

Set back from lot lines and roads

- (a) any part of a lot line of a lot that is not owned by the permit holder; or
- (b) the nearest boundary of a public road, private road or right-of-way, except for any access road to the wind energy conversion system development.

(4) A permit holder may locate a wind turbine tower closer than the distance equal to the total height of the wind turbine tower from any part of a lot line of a lot that is not owned by the permit holder if the permit holder first obtains the written consent of the owner of that lot.

Exception - consent of owner of lot within the setback

(5) No person shall locate a habitable building closer to an existing wind turbine tower than the distance equal to the total tower height of the wind turbine tower.

Set back for new habitable buildings

(6) Sections 12 to 30 do not apply in respect of the subdivision of a parcel of land for the purposes of a wind energy conversion system development.

Application of subdivision provisions

(7) Subject to subsections (8) and (9), no permit holder shall cause, or permit, a sign to be displayed on any part of a wind turbine tower that is owned, constructed or located by the permit holder.

Signs

(8) A permit holder may cause, or permit, a single sign to be displayed on the side of a wind turbine tower if the sign

Sign of side of tower

- (a) sets out the name, or contains the logo, of the permit holder or the manufacturer of the wind turbine tower;
- (b) is located within 10 feet of the grade or base of the wind turbine tower; and
- (c) is less than 1.5 square metres (16.15 square feet) in area.

(9) A permit holder may cause, or permit, a single sign to be displayed on the nacelle of a wind turbine tower if the sign sets out the name, or

Sign on nacelle of tower

contains the logo, of the permit holder or the manufacturer of the nacelle.(EC349/04; 180/05)

## PART IV SPECIAL REGULATIONS

### A - PRINCETOWN POINT - STANLEY BRIDGE SPECIAL PLANNING AREA

Princetown Point- Stanley Bridge Special Planning Area	<b>55.</b> The Princetown Point - Stanley Bridge area as shown in Appendix A, Map No. 1 is designated as a special planning area, and in addition to any other provisions of these regulations, sections 56 to 58 inclusive apply. (EC693/00)
Subdivision within 1,000 feet of the shore	<b>56.</b> (1) Within the Princetown Point - Stanley Bridge Special Planning Area residential subdivisions of more than three lots shall be permitted only within 1,000 feet (304.8 metres) of the shore.
Exception	(2) Where topographical or environmental conditions are unsuitable within the 1,000 foot (304.8 metre) development area, a subdivision may be permitted outside the development area provided that the subdivision is located as near as possible to the development area.
Area not subdivided	(3) Within any area that may be subdivided in accordance with subsection (1) or (2), a portion shall remain unsubdivided.
Dimensions	(4) The unsubdivided area referred to in subsection (3) shall include (a) a length equal to the full depth of the area being subdivided, measured from the perimeter coastline to the point of the parcel farthest from the shore; and (b) a width equal to 34% of the width of the shoreline, measured as a straight line between the two points where the side boundaries of the property meet the perimeter coastline.
Lots more than 1,000 feet from the shore	(5) No more than three lots shall be subdivided from any property, or a portion of any property, outside the 1,000 foot (304.8 metre) development area specified in subsection (1). (EC693/00)
Exception	<b>56.1</b> (1) Notwithstanding anything to the contrary in section 56, a subdivision of three or more lots may be permitted outside the 1,000 foot (304.8 metre) development area specified in subsection 56(1) if (a) the parcel of land being subdivided is 10 or more acres in size; and (b) the subdivision is for a resource use.

(2) Where a subdivision permitted under subsection (1) is for an agricultural resource use, a dwelling unit may be permitted to support that use. (EC617/04) Dwelling unit

**57.** (1) Development for a commercial operation shall not be permitted within the following areas: Commercial operation, development restrictions

- (a) within 30 feet (9.1 metres) of the highway, where access is directly from that portion of Route 6 and Route 20 known as the Blue Heron Drive;
- (b) within 15 feet (4.6 metres) of the highway, where access is directly from a local highway.

(2) "Development" as referred to in subsection (1) shall include a parking area, but shall not include an access driveway or a sewage disposal system. (EC693/00) "Development", defined

**58.** In the scenic viewscape zone, as indicated in Appendix A, Map No. 2, approved subdivisions and development permits shall be subject to the following conditions: Scenic viewscape zone

- (a) all new electrical and telephone utility lines shall be placed underground, or where this is not possible, the poles and lines shall be placed on the side of the highway opposite to that along which the scenic viewscape is located;
- (b) no structure shall be constructed, erected, or placed closer than 200 feet (61 metres) to the highway along which the scenic viewscape is located. (EC693/00)

**B - GREENWICH SPECIAL PLANNING AREA**

**59.** The September 26, 1996 designation of the Greenwich Special Planning Area as shown in Appendix A, Map No. 3, is continued, and in addition to any other provisions of these regulations, section 60 applies. (EC693/00) Greenwich Special Planning Area

**60.** (1) Land uses and subdivision within the Greenwich Special Planning Area shall conform to the following Tables: Permitted land uses and subdivision

**TABLE 4  
Greenwich Special Planning Area Permitted Land Uses**

Rural Development Zone					
<b>residential use</b>	single family unit	single unit summer cottage	rental summer cottage	garden suite	duplex dwelling
	accessory buildings				

<b>commercial use</b>	commercial eco-tourism use	retail	food service	resort development	
<b>industrial use</b>	resource industrial use	accessory buildings			
<b>institutional use</b>	not permitted				
<b>recreational use</b>	permitted				
<b>St. Peters Village Zone</b>					
<b>residential use</b>	single family unit	single unit summer cottage	2 to 4 unit apartment	rental summer cottage	garden suite
	accessory buildings				
<b>commercial use</b>	commercial eco-tourism use	resort development	retail	food service	campground or RV park
	commercial tourist use	offices	accessory buildings		
<b>industrial use</b>	light industrial use	accessory buildings			
<b>institutional use</b>	interpretation facility	institutional use	accessory buildings		
<b>recreational use</b>	permitted				

**TABLE 5  
GREENWICH SPECIAL PLANNING AREA SUBDIVISION OF LAND**

Proposed Use	Number of Lots per Existing Parcel of Land	
	St. Peters Village Zone	Rural Development Zone
<b>residential use</b>	no limit	1 lot per existing parcel
<b>commercial tourist use</b>	no limit	1 lot per existing parcel
<b>light industrial use</b>	no limit	not permitted
<b>resource industrial use</b>	no limit	no limit
<b>institutional use</b>	by development agreement	not permitted

Provisions for  
subdivision for  
family members

(2) Notwithstanding subsection (1), residential subdivision in the Rural Development Zone of more than one lot per existing parcel of land, for residential use only, may be approved in the following situations:

- (a) where

- (i) the requirement of one lot per existing parcel of land is insufficient to permit an owner of the parcel to provide lots for the owner’s children,
  - (ii) each lot to be subdivided is to be conveyed to a person who is a child of the owner of the parcel,
  - (iii) a statutory declaration declaring that the lots to be subdivided will be conveyed to and built upon by children of the owner of the parcel has been submitted by the owner of the parcel with the application to subdivide,
  - (iv) no more than one lot is to be subdivided for each child of the owner, and
  - (v) a lot intended for a child of the owner of an existing parcel of land shall not be given final approval and shall not be conveyed until the child has received a building permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child’s own use;
- (b) where
- (i) central sewage service provided by a municipal sewage utility or central water service provided by a municipal water utility is available or both are available, and
  - (ii) an irrevocable agreement has been signed between the developer and the municipal sewage or water utility to provide central sewage service or central water service or both is available to all lots prior to the conveyance of any lot from the subdivision; and
- (c) where the proposed lots are part of a subdivision within a resort development.

(3) Notwithstanding this section, a subdivision approved prior to the coming into force of these regulations may be redesigned where the resulting redesigned subdivision meets the requirements of these regulations. Redesigned subdivisions

(4) The following Table sets out special requirements for buildings erected within the Greenwich Special Planning Area: Special requirements

**TABLE 6**  
**Greenwich Special Planning Area Special Requirements for St. Peters Village Zone and Rural Development Zone**  
**St. Peters Village Zone**

Requirements	Residential use	Commercial use	Industrial use
Highway set backs (from highway boundary)	17’ (5.2 m)	17’ (5.2 m)	17’ (5.2 m)
Side yard set backs (from property boundary)	15’ (4.6 m)	15’ (4.6 m)	15’ (4.6 m)

Lot coverage	one or more buildings not exceeding 50% of the area of the lot in total	one or more buildings not exceeding 75% of the area of the lot in total	one or more buildings not exceeding 75% of the area of the lot in total
<b>Architectural standards:</b>			
Height above grade	35' (10.7 m) (3 storeys)	35' (10.7 m) (3 storeys)	35' (10.7 m) (3 storeys)
Exterior materials	wood exterior finish, vinyl siding, brick or stone	wood exterior finish, vinyl siding, brick or stone	wood exterior finish, vinyl siding, brick or stone
Minimum roof slope (standard gabled)	4/12	4/12	4/12
Roof slope materials	shingles	shingles	unrestricted

**Rural Development Zone**

Requirements	Residential use	Commercial use	Industrial use
Highway set backs (from highway boundary)	150 ft. / 47.7 m.	250 ft. / 76.2 m.	250 ft. / 76.2 m.
Side yard set backs (from property boundary)	50 ft. / 15.2 m.	50 ft. / 15.2 m.	50 ft. / 15.2 m.
Lot coverage	one or more buildings not exceeding 10% of the area of the lot in total	one or more buildings not exceeding 10% of the area of the lot in total	one or more buildings not exceeding 10% of the area of the lot in total
<b>Architectural standards:</b>			
Height above grade	35 ft. / 10.7 m. (3 storeys)	35 ft. / 10.7 m. (3 storeys)	35 ft. / 10.7 m. (3 storeys)
Exterior materials	wood exterior finish, vinyl siding, brick or stone	wood exterior finish, vinyl siding, brick or stone	wood exterior finish, vinyl siding, brick or stone
Minimum roof slope (standard gabled)	4/12	4/12	4/12
Roof slope materials	shingles	shingles	unrestricted

Exception, previously approved lots and existing parcels of land

(5) Notwithstanding subsection (4), in the Rural Development Zone the setback requirements of sections 38 and 39 shall apply where

- (a) a lot approved prior to July 1, 2000 or an existing parcel of land has dimensions insufficient to permit the setback and lot coverage requirements of subsection (4); or
- (b) an accessory building is to be constructed on a lot or existing parcel of land containing existing buildings for residential or agricultural use that do not meet the setback requirements of subsection (4).

(5.1) Notwithstanding subsection (4), where a side property boundary in the Rural Development Zone is adjacent to a permanent open space, road right-of-way or other regulated set back that is 35 feet or more in width, the side yard set back for residential use for that property shall be 15 feet (4.6 metres). Set back adjacent to open space

(6) Notwithstanding subsection (4) outlining the requirements for minimum roof slopes (standard gabled) other roof types permitted are Exemptions from roof slope

- (a) mansard;
- (b) four square;
- (c) gambrel; and
- (d) any other roof type approved by the Minister.

(7) Notwithstanding subsection (6), flat roofs are permitted where the flat roof is for use on an industrial building. Exception, flat roofs

(8) Building permits for expansions or renovations to existing buildings shall be permitted subject to the following regulations: Expansions or renovations to existing buildings

- (a) siding material or roofing material for expansions or renovations shall be either the same type as the existing building being expanded or renovated or shall be applied to the whole of the structure; and
- (b) roof pitches and types for expansions or renovations shall be either the same pitch and type as the existing building being expanded or renovated or shall be applied to the whole of the structure.

(9) Before a building permit is issued for any institutional use, auto body shop, or salvage yard within the St. Peters Village Zone, the Minister shall require the developer to enter into a comprehensive site development agreement respecting any or all of the following parameters: Comprehensive site development agreement

- (a) parking;
- (b) building form, including height, bulk, and exterior materials;
- (c) vehicular movement;
- (d) pedestrian circulation;
- (e) signage;
- (f) utilities, including sewerage, water and storm water management;
- (g) on-site landscaping, including measures to buffer adjacent properties; and
- (h) set back distances from road and property lines. (EC693/00; 176/03; 202/06)

#### C - BORDEN REGION SPECIAL PLANNING AREA

**61.** The September 7, 1996 designation of the Borden Region as a special planning area, as shown in Appendix A, Map No. 4 is continued, and in Borden Region Special Planning Area



addition to any other provisions of these regulations, section 65 applies. (EC693/00)

## Definitions

**62.** (1) For the purposes of this section

Confederation  
Bridge development  
corridor, the  
corridor

(a) “Confederation Bridge development corridor” or “the corridor” means that area of land indicated as such in Appendix A, Map No. 5;

light industrial  
development

(b) “light industrial development” means the use of land for fabrication, manufacture, assembly, treatment or warehousing of goods, but does not include industrial processing or other processes which may result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluent;

recreational  
development

(c) “recreational development” means the use of land for passive or active recreational entertainment pursuit or sport, but does not include a recreational development or facilities used for commercial purposes;

resource  
development

(d) “resource development” means the use of land for production and harvesting or extraction of any agricultural, fisheries or forestry product;

resource-based  
development

(e) “resource-based development” means the use of land for agriculture, fisheries or forestry development; and includes the processing of agriculture, fisheries or forestry products and any accessory commercial operation for the sale of agriculture, fisheries or forestry products;

rural commercial

(f) “rural commercial” means any commercial retail or service operation directly associated with the agriculture, fisheries and forestry industries;

rural industrial

(g) “rural industrial” means any industrial development directly associated with the agriculture, fisheries and forestry industries.

Application of  
regulations

(2) Where the Minister is the authority having jurisdiction, the provisions of these regulations apply to all lands within the corridor.

Exception

(3) Notwithstanding subsection (2), where a development agreement is made pursuant to subsection (6), sections of these regulations relating to the parameters listed in subsection (6) do not apply.

Permitted land uses

(4) Land use within the corridor shall conform with the following table:

**TABLE 7  
PERMITTED LAND USES WITHIN THE CONFEDERATION BRIDGE  
DEVELOPMENT CORRIDOR**

(Excluding PEI 1, PEI 3, Scenic Viewscapes and Rural Development Areas)

Category	Exclusions
residential	- mobile home parks /courts; - residential developments greater than 4 units.
commercial	- motor vehicle storage or sales lots; - motor vehicle body repair operations; - motor vehicle salvage and recycling operations; - campgrounds; - amusement parks.
industrial (other than resource based)	- salvage and recycling operations.
public service / institutional	- highway maintenance facilities.
recreational	- none
resource-based development	- none

(5) Except as provided for in a comprehensive site development agreement made pursuant to subsection (6), new developments shall conform to the following maximum building height requirements:

single family residential	35 ft. / 11.5 m.
two family residential	35 ft. / 11.5 m.
multiple family residential	45 ft. / 14.8 m.
commercial	45 ft. / 14.8 m.
light industrial	45 ft. / 14.8 m.
public service/institutional	45 ft. / 14.8 m.
public utility structure	no limit
recreational development	45 ft. / 14.8 m.
resource-based	no limit

(6) The authority having jurisdiction shall require new developments, excepting single and two family residential developments, barns, livestock shelters and silos, to enter into a comprehensive site development agreement respecting the following parameters:

- (a) parking;
- (b) building form, including height, bulk, and exterior materials;
- (c) vehicular movement;
- (d) pedestrian circulation;
- (e) signage;
- (f) utilities, including sewerage, water and storm water management;

- (g) on-site landscaping, including measures to buffer conflicting uses; and
- (h) setback distances from road and property lines.

Site development  
guidelines

(7) In addition to the development standards contained in these regulations, and excepting single and two family residential and resource-based developments, the following site development guidelines for specific development locales (Tables 8 and 9) and specific development features (Table 10) shall, as is feasible, be incorporated into the site development concept plan of any new development:

**TABLE 8 - SITE DEVELOPMENT GUIDELINES FOR SPECIFIC DEVELOPMENT LOCALES WITHIN THE COMMUNITY OF BORDEN-CARLETON**

Locale	Guidelines
intersections	<ul style="list-style-type: none"> <li>- intersections should become major nodes and focal points for development;</li> <li>- landscaping and surface treatment (different paving materials and patterns, pedestrian facilities, etc.) should be used to enhance importance of these locations;</li> <li>- dominant feature of corner lots should be buildings;</li> <li>- corner lot setbacks should be designed to incorporate landscaping, pedestrian amenities or interesting architectural features, while still maintaining safe traffic sight lines.</li> </ul>

**TABLE 9 - SITE DEVELOPMENT GUIDELINES FOR SPECIFIC DEVELOPMENT LOCALES WITHIN THE CONFEDERATION BRIDGE DEVELOPMENT CORRIDOR**

Locale	Guidelines
Scenic Viewscapes	- developments occurring on lands within the Scenic Viewscapes (as indicated on Map No. 7) should take the visual quality of the panoramic view of the coastal area into consideration, and should, where practical and feasible, set any new structures on the land parcel in such a manner as to minimize any detrimental impact to the viewscape.

**TABLE 10 - SITE DEVELOPMENT GUIDELINES FOR SPECIFIC DEVELOPMENT FEATURES WITHIN THE CONFEDERATION BRIDGE DEVELOPMENT CORRIDOR**

Feature	Guidelines

parking	<ul style="list-style-type: none"> <li>- parking should be located at the sides or rear of buildings;</li> <li>- parking areas should be separated from adjacent roads;</li> <li>- loading and delivery areas should be unobtrusive;</li> <li>- landscaping should be used to define access points or divide large parking lots into smaller lots;</li> <li>- parking lots should be screened from street by placement of buildings or, where parking area is located in front of building, the use of berms and landscaping (visibility of entrance way locations and traffic sight-lines will have to be considered and respected);</li> <li>- linked parking areas serving several developments should be used in order to reduce the number of turns onto and off adjacent road;</li> <li>- parking layouts should facilitate safe movement of pedestrians by providing walkways separate from vehicle lanes;</li> <li>- pedestrian lanes should cross roads at the fewest possible points;</li> <li>- parking spaces adjacent to pedestrian lanes should be a minimum of 1.5 ft. / 0.5 m. longer to allow for car overhang;</li> <li>- disabled parking spaces should be provided at strategic locations;</li> <li>- parking for commercial developments should be provided at the rate of 5.5 spaces per 1000 ft. of gross leasable area;</li> <li>- parking lots should be hard surfaced and curbed.</li> </ul>
building form	<ul style="list-style-type: none"> <li>- building design should maintain and reinforce local character (e.g., building heights, roof shapes, colour schemes, and exterior finishes) rather than a corporate image;</li> <li>- all visible sides of building should be finished;</li> <li>- finishes of retaining walls should be compatible with those of nearby buildings;</li> <li>- building entrances should be well-defined and accessible to pedestrians, including the disabled.</li> </ul>
vehicular movement	<ul style="list-style-type: none"> <li>- driveways should be shared by adjacent developments;</li> <li>- the number of driveways serving a new development should be minimized;</li> <li>- the number of conflict points should be minimized;</li> <li>- driveways should be clearly visible and properly signed.</li> </ul>
pedestrian circulation	<ul style="list-style-type: none"> <li>- continuous access from property to property should be provided and be designed to accommodate the disabled;</li> <li>- crosswalks should be conveniently located at intersections and other appropriate crossing points, and should be safe, clearly marked and lit for night use;</li> <li>- where required (e.g., pedestrian walkways and vehicular access points), high level lighting should be complemented with lighting standards (9.8 - 13 ft. / 3 - 4 m above grade).</li> </ul>
signage	<ul style="list-style-type: none"> <li>- the number of signs per property should be limited to those absolutely necessary, generally one;</li> <li>- the number of messages per sign should be limited to those which can be read at normal driving speed without impairing safety;</li> <li>- the size of signs and lettering should be determined by the permitted driving speed and should be no greater than what is required for visibility;</li> <li>- signage should be consolidated;</li> <li>- free-standing signs should be installed on a landscaped or decorative base;</li> <li>- portable signs should not be used;</li> <li>- signs should complement the architectural design and materials of the adjacent building(s);</li> <li>- signs should be integrated into the on-site landscaping.</li> </ul>
public services	<ul style="list-style-type: none"> <li>- new electrical utility lines should be buried;</li> <li>- existing overhead wiring should be buried, relocated or improved;</li> <li>- where required, storm sewers should be installed.</li> </ul>

on-site landscaping	<ul style="list-style-type: none"> <li>- any area on a site not utilized for buildings, storage, parking, walkways or roads should be landscaped utilizing a combination of appropriate tree, shrub and grass species or other natural materials;</li> <li>- on-site landscaping utilized for screening purposes should be of a size and type as to provide the required screening on a year-round basis;</li> <li>- any existing on-site landscaping should be maintained;</li> <li>- landscaped berms should be utilized to separate developments from major thoroughfares, and between conflicting adjacent uses (e.g. residential and industrial);</li> <li>- where non-residential uses are located adjacent to a residential area, they should be screened using berms, fencing or landscaping;</li> <li>- fencing should be compatible with adjacent buildings in terms of colour and materials;</li> <li>- service areas should be incorporated into the building design or screened from view through use of berms, fencing or landscaping;</li> <li>- adequate site drainage, so as to minimize potential flooding of adjacent properties, should be incorporated into site development plans.</li> </ul>
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Scenic viewscape

(8) Pursuant to clause 8.1(d) of the Act, the following properties or portions thereof, identified by their Provincial Property Identification Number (PIN), are designated as Scenic Viewscape, as indicated in Appendix A, Map No. 7:

405548 and 814715

Uses permitted

(9) Within any Scenic Viewscape, the following uses and no others shall be permitted:

- (i) resource development;
- (ii) recreational development; and
- (iii) scientific studies and conservation-related activities.

Rural Development Areas

(10) Pursuant to clause 8.1(d) of the Act, the following properties or portions thereof, identified by their Provincial Property Identification Number (PIN), are designated as Rural Development Areas, as indicated in Appendix A, Map No. 6:

209973	590331	210609	379354	210013	769471	209775
209973	590331	210609	379354	210013	769471	209775
601674	214114	546754	209726	536482	214965	214999
536482	209718	209700	405548	215301	215376	215293
215368	215257	215319	215269	212761	214906	215343
215327	215137	568733	215202	215160	215244	509331
215194	215186	620328	215178	591859	214890	620310
214940	789370	769026	215236	404459	214981	734194
215046	212746	214957	214973			

Subdivision, rural development area

(11) Within any Rural Development Area, a subdivision shall conform to the following table:

**TABLE 11 - PERMITTED LAND USES AND SUBDIVISION LIMITATIONS IN A  
RURAL DEVELOPMENT AREA**

Proposed use	No. of lots permitted per existing parcel of land
resource development	- no limit
residential: on-site sewerage system central water and sewerage system	- 1 lot per existing parcel of land; - no limit, provided an irrevocable agreement has been signed between the developer and the Community of Borden-Carleton to provide central waste treatment and water supply service to the approved subdivision from the municipal utility prior to the conveyance of any lot from the subdivision.
rural industrial: resource-based other	- no limit; - 1 lot per existing parcel of land.
rural commercial: resource-based other	- 1 lot per existing parcel of land; - 1 lot per existing parcel of land to a maximum of 1 acre in size.
public service and institutional	- 1 lot per existing parcel of land
recreational	- 1 lot per existing parcel of land
Notes: 1. Notwithstanding Table 11, the total number of lots for residential (on-site sewerage), rural industrial (other), rural commercial (resource-based), rural commercial (other), public service and institutional, and recreational shall not exceed one. 2. The requirements of Table 11 do not apply to approved subdivisions or development permits granted prior to September 7, 1996.	

(12) Those properties, or portions thereof, identified in Appendix A, PEI 1 properties Map No. 7 as PEI 1

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

(13) Those properties, or portions thereof, identified in Appendix A, PEI 3 properties Map No. 7 as PEI 3

- (a) are designated for future commercial and light industrial purposes; and
- (b) shall be within the exclusive jurisdiction of the Minister.  
(EC693/00)

**D - STRATFORD REGION, CHARLOTTETOWN REGION, CORNWALL  
REGION AND SUMMERSIDE REGION  
SPECIAL PLANNING AREAS**

**63.** (1) The July 9, 1994 designation of the following areas as special planning areas is continued: Special Planning Areas

- (a) the area adjacent to the Town of Stratford as shown in Appendix A, Map No. 8;
- (b) the area adjacent to the City of Charlottetown as shown in Appendix A, Map No. 9;
- (c) the area adjacent to the Town of Cornwall as shown in Appendix A, Map No. 10;
- (d) the area adjacent to the City of Summerside as shown in Appendix A, Map No. 11.

Application of section

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

Objectives

(3) The specific objectives for development within the Stratford Region Special Planning Area, the Charlottetown Region Special Planning Area, the Cornwall Region Special Planning Area, and the Summerside Region Special Planning Area are

- (a) to minimize the extent to which unserviced residential, commercial and industrial development may occur;
- (b) to sustain the rural community by limiting future urban or suburban residential development and non-resource commercial and industrial development in order to minimize the loss of primary industry lands to non-resource land uses; and
- (c) to minimize the potential for conflicts between resource uses and urban residential, commercial and industrial uses.

Approval of one lot per parcel

(4) An existing parcel of land may, on approval, be subdivided into not more than one lot for each of the following purposes:

- (a) residential use, which may include the following:
  - (i) single family dwelling use,
  - (ii) duplex dwelling use,
  - (iii) summer cottage use, or
  - (iv) multiple unit dwelling use or mobile home park where
    - (A) central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available; and
    - (B) an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to the lot or mobile home park;
- (b) recreational use;
- (c) resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;

- (d) non-resource-commercial or non-resource-industrial use, where the lot is intended for other than agricultural, forestry or fisheries purposes, where the lot has an area no greater than one acre;
- (e) institutional use, where the lot has an area no greater than three acres;
- (f) rural tourism use, where the lot has an area no greater than three acres.

(5) Notwithstanding clause (4)(a), where the intended residential use is single family dwelling use, subdivisions of more than one lot per existing parcel of land, may be approved in the following situations: Exception

- (a) where the requirements of clause (4)(a) are insufficient to permit an owner of the parcel to provide lots for the children of the owner, and
  - (i) each lot to be subdivided is to be conveyed to a person who is a child of the owner of the parcel,
  - (ii) a statutory declaration declaring that the lots to be subdivided will be conveyed to and built upon by children of the owner of the parcel has been submitted by the owner of the parcel with an application to subdivide,
  - (iii) no more than one lot is to be subdivided for each child,
  - (iv) where more than one parcel of land is owned by any person, the total number of lots which may be subdivided from all existing parcels pursuant to this subsection is equal to or less than the number of children of the person,
  - (v) a lot intended for a child of the owner of an existing parcel of land shall not be given final approval and shall not be conveyed until the child has received a development permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child's own use;
- (b) where one lot is required in addition to those permitted by clause (a) or (4)(a) in order to accommodate an existing farm dwelling, and the dwelling on the lot is to be served by the existing farm dwelling access;
- (c) where central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available, and an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to all lots prior to the conveyance of any lot from the approved subdivision.

(5.1) Notwithstanding clause 4(c), where the intended use is resource-commercial or resource-industrial within a municipality that has an *Idem*



official plan, subdivisions of more than one lot per parcel of land may be approved where an irrevocable agreement has been signed between the developer and a municipal sewerage or water utility to provide central sewerage or central water service, or both if available, to all lots prior to the conveyance of any lot from the approved subdivision.

*Idem*

(6) Notwithstanding clause (4)(d), in the case of a Slemon Park subdivision which has more than one lot, and whose lots have areas greater than one acre, the subdivision may be approved for industrial use for those lands owned by the Slemon Park Corporation on July 9, 1994, where an irrevocable agreement has been signed between the Slemon Park Corporation and the developer to provide central sewerage and water service to all lots prior to conveyance of any lot and commencement of the development.

Development permits

(7) Pursuant to the uses and limitations contained in subsection (4), development permits may be approved for

- (a) existing parcels of land on July 9, 1994;
- (b) subdivisions approved prior to July 9, 1994;
- (c) subdivisions approved pursuant to subsections (4), (5) and (5.1) and remnant parcels resulting from such subdivisions;
- (d) subdivisions approved pursuant to clause (5)(c) and subsection (5.1), where an irrevocable agreement has been signed between the developer and the municipal sewerage utility, municipal water utility or both of them to provide central sewerage service, central water service, or both of them, to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots;
- (e) subdivisions approved for lands owned by the Slemon Park Corporation pursuant to subsection (6), where an irrevocable agreement has been signed between the Slemon Park Corporation and the developer to provide central sewerage and water service to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots.

Existing farm dwelling

(8) Where a lot has been approved pursuant to clause (5)(b) to accommodate an existing farm dwelling, no development permit shall be issued for a dwelling on the remainder of the subdivided parcel.

Municipal official plan

(9) Subdivisions or development permits approved under subsections (4), (5), (5.1) and (7) shall, in areas where a municipal official plan is in place, also be subject to all applicable land use and development regulations made pursuant to the municipal official plan.

Municipality with official plan

(10) A municipality with an official plan may, as an alternative to amending its official plan and bylaws to conform with subsections (2) to

- (9), otherwise amend its official plan and bylaws where the amendments comply with subsection 7(2) of the Act and
- (a) are consistent with the objectives set out in subsection (3);
  - (b) satisfy the minimum requirements applicable to official plans pursuant to section 7 of the Act;
  - (c) zone land for new or additional residential use sufficient to allow a subdivision of residential lots to a maximum amount which shall be determined by multiplying the average annual number of residential development permits issued during the period from 1980 through 1997 by 30;
  - (d) with the exception of the community of Miscouche, limit the number of lots in a subdivision for residential use pursuant to clause (c) to no more than five lots per existing parcel of land, unless
    - (i) central water service, central sewerage service, or both of them, by a municipal water utility, municipal sewerage utility, or both of them, is available, and
    - (ii) an irrevocable agreement has been signed between the developer and the municipal water utility, municipal sewerage utility, or both of them, to provide central water service, central sewerage service, or both of them, to all lots prior to the conveyance of any lot from the approved subdivision; and
  - (e) require the municipality to report to the Minister, on or before April 30 of each year, the number of lots approved and development permits issued in the previous fiscal year, by type of intended use.  
(EC693/00; 702/04; 116/05; 212/05)

#### E - OFF-SHORE ISLANDS

- 64.** Upon and within any off-shore island no person shall
- (a) subdivide a parcel of land;
  - (b) construct or locate a building or development on a sand dune or wildlife habitat; or
  - (c) construct or locate on a parcel of land a building or development intended for any use other than a summer cottage having its own water supply and sewage disposal system constructed in accordance with the requirements of the *Environmental Protection Act*.  
(EC693/00)
- 65.** Revoked by 208/07. (EC693/00; 466/04; 208/07)
- 65.1** Revoked by 208/07. (EC466/04; 208/07)
- 66.** Revoked by 208/07. (EC693/00; 208/07)

Subdivide land or  
construct building

Designated roads

“scenic heritage  
road”, defined

Minister’s  
permission required  
for alterations

**G. MORELL RIVER CONSERVATION ZONE**

Morell River Conservation Zone	<b>67.</b> (1) The designation of the Morell River Conservation Zone as shown in Appendix A, Map No. 12 is continued, with the following objectives: <ul style="list-style-type: none"> <li>(a) to maintain the recreational value of the Morell River;</li> <li>(b) to retain its unspoiled state for the use and enjoyment of present and future generations; and</li> <li>(c) to protect it from encroachment of undesirable and incompatible land uses.</li> </ul>
Application	(2) This section applies only to the Morell River Conservation Zone and no other requirements of these regulations apply to the Morell River Conservation Zone.
Definitions	(3) For the purposes of this section
Conservation Zone	(a) “Conservation Zone” means the Morell River Conservation Zone established pursuant to this section;
development	(b) “development” means <ul style="list-style-type: none"> <li>(i) a change in the use of land or buildings,</li> <li>(ii) the erection or construction of any structure, including any building, mobile building, trailer or billboard, or</li> <li>(iii) any other act or work, including the cutting of trees, which affects, or may affect the environment or the landscape or the appearance of the same;</li> </ul>
established uses	(c) “established uses” means those uses of land or buildings lawfully existing on or before June 19, 1975;
permit	(d) “permit” means a permit issued pursuant to subsection (6).
Development requires a permit	(4) No person shall undertake development in the Conservation Zone without a permit.
Obligations of property owner	(5) No owner of property located within the Conservation Zone shall permit development to be undertaken on that property unless <ul style="list-style-type: none"> <li>(a) the development is authorized by permit; and</li> <li>(b) the owner of the property has inspected the permit.</li> </ul>
Minister may grant permit	(6) The Minister may grant a permit for development within the Conservation Zone where <ul style="list-style-type: none"> <li>(a) the proposed development <ul style="list-style-type: none"> <li>(i) is a scientific project with the object of improving the river, and</li> <li>(ii) has been approved in writing by <ul style="list-style-type: none"> <li>(A) the Morell River Land Use Steering Committee,</li> <li>(B) the Department of Fisheries and Oceans Canada,</li> </ul> </li> </ul> </li> </ul>

- (C) the Fish and Wildlife Division of the Department of Fisheries, Aquaculture and Environment, and
- (D) the Planning and Inspection Services Division of the Department of Community and Cultural Affairs; or
- (b) the proposed development
  - (i) is the selective cutting of trees aimed at improving a tree stand, and
  - (ii) the development has been approved in writing by
    - (A) the Forestry Division of the Department of Agriculture and Forestry, and
    - (B) the Morell River Land Use Steering Committee.

(7) Established uses shall be permitted to continue within the Conservation Zone, but no person shall expand, relocate, structurally alter or otherwise undertake development with respect to an existing use. (EC693/00)

**PART V  
FEES**

68. Fees for subdivision and development applications are prescribed in Table 12. (EC693/00; 176/03; 349/04; 617/04); 180/05

**TABLE 12 - FEES**

Application	Application type	Fee
for subdivision approval	one or more lots	\$100 for the first lot plus \$50 for each additional lot*
	change of use of a parcel of land or a lot or lots in an approved subdivision	\$100
for development permit	new building or structure, addition to or relocation of existing building or structure:	per building or structure**
	(a) less than 250 sq. ft. / 23.22 sq. m.	(a) \$25
	(b) 250 sq. ft. / 23.22 sq. m. or greater but less than 10,000 sq. ft. / 929 sq. m.	(b) \$0.10 per sq. ft./0.0929 sq. m.
	(c) 10,000 sq. ft. / 929 sq. m. or greater	(c) \$1,000
	travel trailer as a main or accessory use on a lot	\$100
	change of use of existing building or structure	\$100
	mobile home park or campground	\$200
	wind energy conversion system development with a name plate generating capacity of 100kw or less	\$250

	wind energy conversion system development with a name plate generating capacity of more than 100kw	\$1,000
for preliminary development approval	resort development	\$1,000 to be credited towards subsequent fees for subdivision approval or development permit

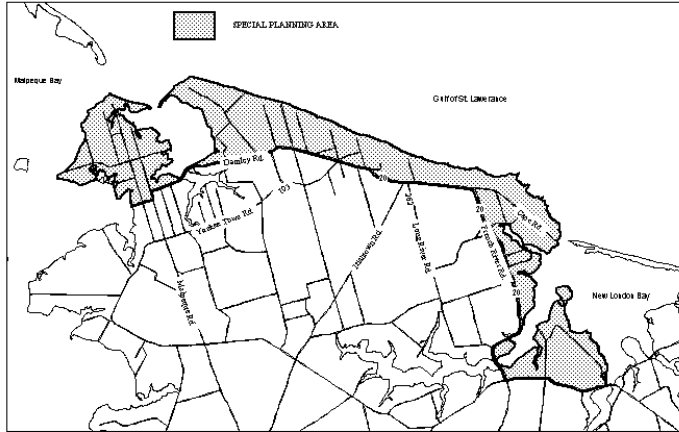
\* does not include \$50 site assessment fee for sewage capability

\*\* Where the structure has no floor area, the fee is based on the square footage of the footprint of the structure.

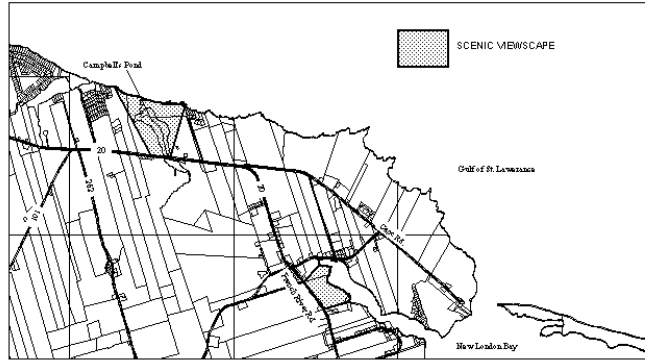
Withdrawal of application

**69.** Where an applicant withdraws an application before a decision is made on it, the Minister may authorize a refund of any fee paid pursuant to section 68 where, in the opinion of the Minister, the withdrawal of the application will avoid public expense. (EC693/00)

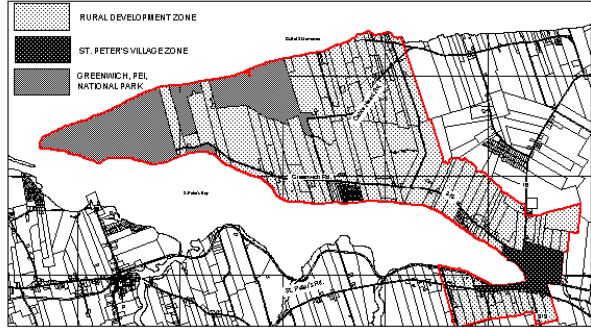
APPENDIX A  
MAP #1 - PRINCETOWN POINT - STANLEY BRIDGE SPECIAL PLANNING AREA



APPENDIX A  
MAP #2 - SCENIC VIEWSCAPE ZONE

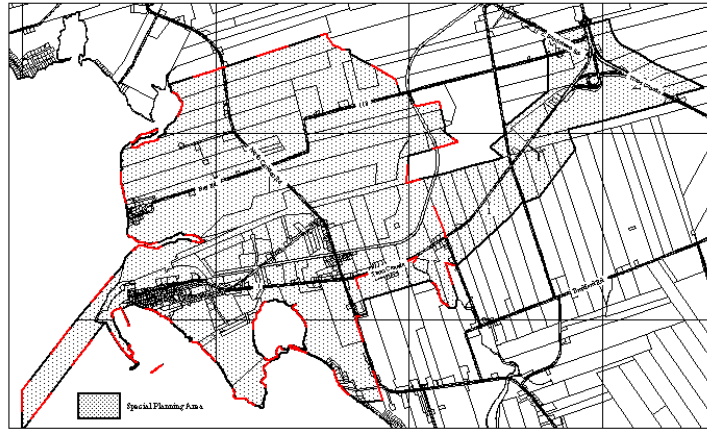


APPENDIX A  
MAP #8 - GREENWICH SPECIAL PLANNING AREA

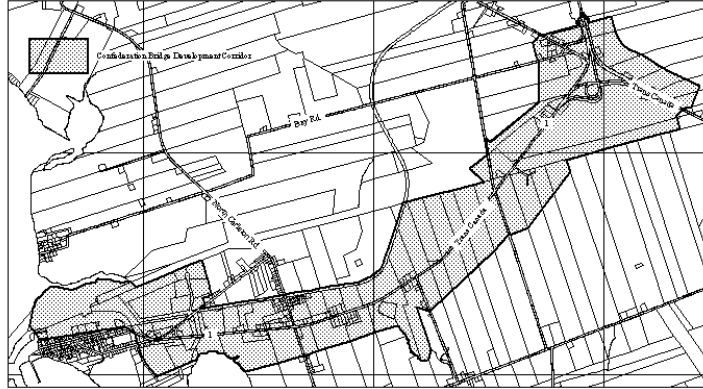




APPENDIX A  
Map #4 - BORDEN REGION SPECIAL PLANNING AREA



APPENDIX A  
MAP #5 - CONFEDERATION BRIDGE DEVELOPMENT CORRIDOR

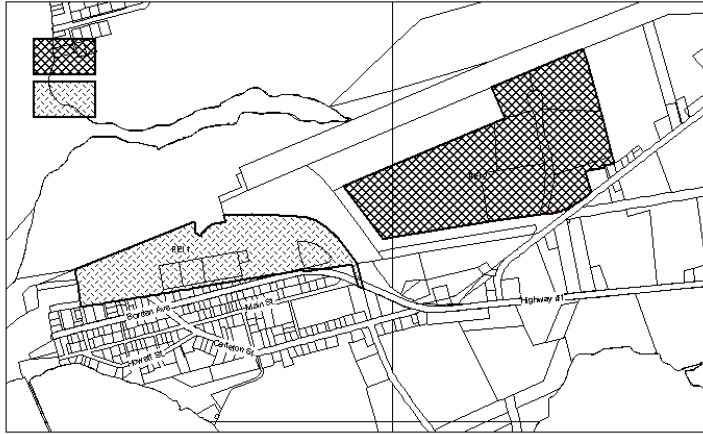


APPENDIX A  
MAP #6 - PROPERTIES DESIGNATED AS SCENIC VIEWSCAPES AND RURAL DEVELOPMENT AREAS

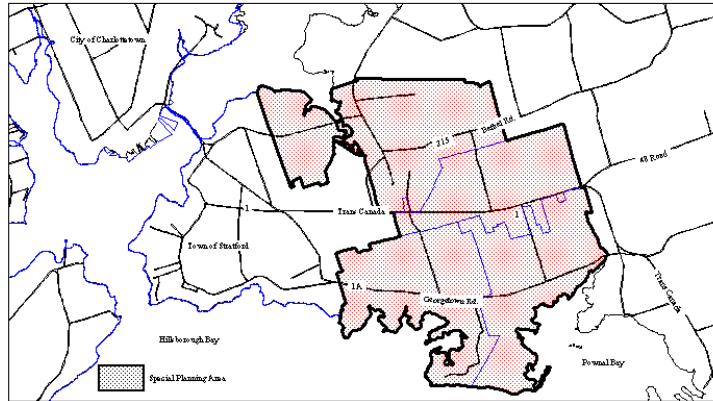


APPENDIX A

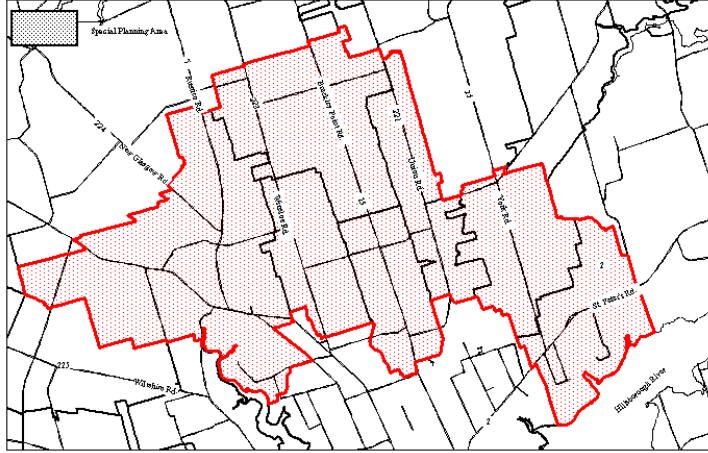
MAP #7 - PROPERTIES DESIGNATED FOR FUTURE RESIDENTIAL/RETAIL COMMERCIAL/  
COMMERCIAL SERVICE AND COMMERCIAL/LIGHT INDUSTRIAL PURPOSES



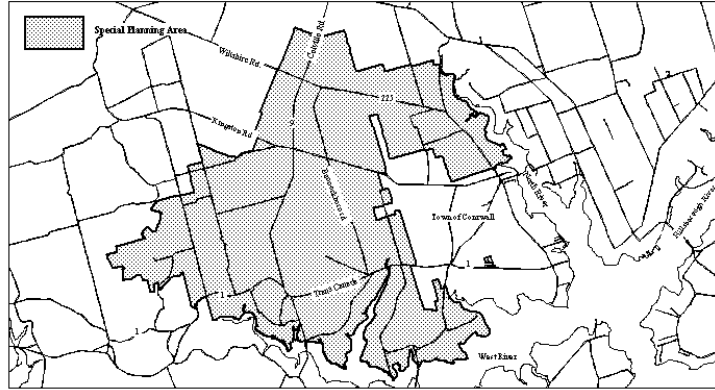
APPENDIX A  
MAP #8 - STRATFORD REGION SPECIAL PLANNING AREA



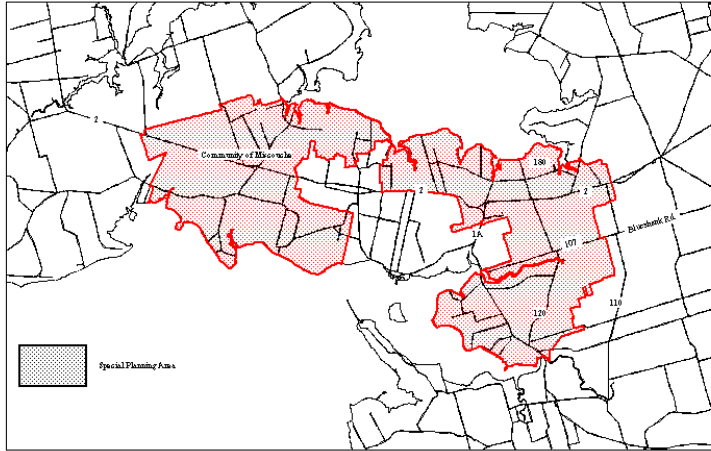
APPENDIX A  
MAP #9 - CHARLOTTETOWN REGION SPECIAL PLANNING AREA



APPENDIX A  
Map #10 - CORNWALL REGION SPECIAL PLANNING AREA

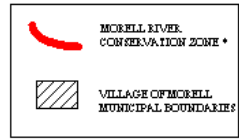
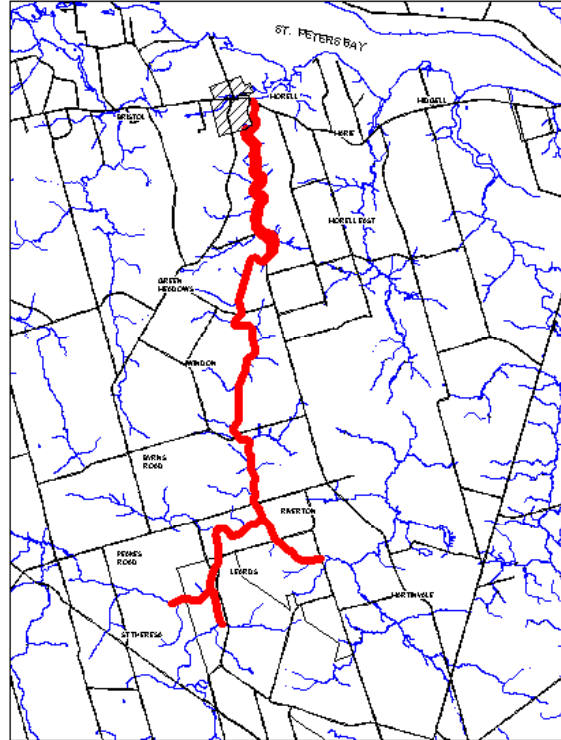


APPENDIX A  
MAP #11 - SUMMERSIDE REGION SPECIAL PLANNING AREA





APPENDIX A  
MAP #12 MORELL RIVER CONSERVATION ZONE



\* Conservation zone includes those chains on either side of the river

**APPENDIX B****SLEMON PARK FUTURE DEVELOPMENT AREA**

All that certain parcel of land situate, lying and being in Slemon Park, Township 17, in the County of Prince, Province of Prince Edward Island, shown on a plan of survey by Locus Surveys Ltd., dated December 1, 2003, drawing number 03644, being more particularly described as follows:

**Commencing** at a calculated point, designated as number 9453 on the above-mentioned survey plan, having coordinates E. 290878.455 and N. 402046.616;

**Thence** on an azimuth of 276° 00' 32" for a distance of 20.08 feet to a calculated point, designated as number 8780;

**Thence** on an azimuth of 281° 10' 33" for a distance of 1363.71 feet to a calculated point designated as number 8779;

**Thence** on an azimuth of 335° 50' 00" for a distance of 618.95 feet to a calculated point, said point designated as number 8761;

**Thence** on azimuth of 283° 03' 59" for a distance of 981.83 feet to a calculated point, said point designated as number 15263;

**Thence** on an azimuth of 35° 56' 49" for a distance of 1860.51 feet to a calculated point, said point designated as number 15264;

**Thence** on an azimuth of 65° 14' 51" for a distance of 161.66 feet to a calculated point, said point designated as number 15265;

**Thence** on an azimuth of 95° 51' 36" for a distance of 194.38 feet to a calculated point, said point designated as number 15266;

**Thence** on an azimuth of 35° 55' 10" for a distance of 1711.14 feet to a calculated point, said point designated as number 15267;

**Thence** on an azimuth of 335° 52' 32" for a distance of 46.15 feet to a calculated point, said point designated as number 15268;

**Thence** on an azimuth of 4° 52' 12" for a distance of 177.38 feet to a calculated point, said point designated as number 15269;

**Thence** on an azimuth of  $36^{\circ} 00' 06''$  for a distance of 6000.00 feet more or less to the ordinary high water mark of Malpeque Bay;

**Thence** southeasterly along the various courses of the ordinary high water mark of Malpeque Bay for a distance of 2215.00 feet more or less;

**Thence** on an azimuth of  $180^{\circ} 26' 00''$  for a distance of 2685.00 feet more or less to a calculated point, said point designated as number 15258;

**Thence** on an azimuth of  $282^{\circ} 26' 00''$  for a distance of 1083.19 feet to a calculated point, said point designated as number 15256;

**Thence** on an azimuth of  $191^{\circ} 53' 00''$  for a distance of 500.00 feet to a calculated point, said point designated as number 15255;

**Thence** on an azimuth of  $282^{\circ} 03' 00''$  for a distance of 786.80 feet to a calculated point, said point designated as number 15254;

**Thence** on an azimuth  $191^{\circ} 37' 00''$  for a distance of 546.38 feet to a calculated point, said point designated as number 15253;

**Thence** on an azimuth  $192^{\circ} 09' 16''$  for a distance of 599.90 feet to a calculated point, said point designated as number 15252;

**Thence** on an azimuth of  $191^{\circ} 40' 04''$  for a distance of 904.85 feet to a calculated point, said point designated as number 14530;

**Thence** on an azimuth of  $191^{\circ} 48' 25''$  for a distance of 1038.44 feet to a calculated point, said point designated as number 14529;

**Thence** on an azimuth  $290^{\circ} 13' 10''$  for a distance of 977.25 feet to a calculated point designated as number 14532;

**Thence** on an azimuth of  $290^{\circ} 04' 51''$  for a distance of 461.98 feet to a calculated point, said point designated as number 14533;

**Thence** on an azimuth of  $215^{\circ} 17' 58''$  for a distance of 187.33 feet to a calculated point, said point designated as number 14534;

**Thence** on an azimuth of  $216^{\circ} 30' 10''$  for a distance of 783.05 feet to a calculated point, said point designated as number 14535;

**Thence** on an azimuth of 255° 53' 13" for a distance of 386.82 feet to a calculated point, said point designated as number 14641;

**Thence** on an azimuth of 304° 56' 32" for a distance of 108.27 feet to a calculated point, said point designated as number 14642;

**Thence** on an azimuth of 301° 33' 12" for a distance of 139.18 feet to a calculated point, said point designated as number 14643;

**Thence** on an azimuth of 222° 20' 50" for a distance of 296.09 feet to a calculated point, said point designated as number 14644;

**Thence** on a curve to the right having an arc distance of 497.08 feet and a radius of 660.00 feet to a calculated point, said point designated as number 14645;

**Thence** on an azimuth of 191° 17' 06" for a distance of 1502.97 feet to the point of commencement;

Said parcel contains 600 acres of land, a little more or less, being an intended to be **Block B**, as shown on said plan of survey by Locus Surveys Ltd.

All azimuths are north grid azimuths. All grid azimuths and coordinates are referenced to the P.E.I. stereographic projection system, prior to July 1, 1979. All coordinates are expressed in feet.

(EC386/04)